

From: Alexandre Peñalver Cabre
Sent: Monday, October 26, 2020 6:47 PM
To: ECE-Aarhus-Compliance
Subject: Re: Decision VI/8j (Spain) - Party's final progress report

Dear Ms. Fiona Marshall,

Comments to the progress report by the Party concerned on its implementation of decision VI/8j (Spain and Catalonia) ACCC/C/2014/99

We must insist that we don't consider as appropriate the measure adopted by the Government of Catalonia of issuing an instruction which orders that permits are available for access not only on the internet and in the Official Journal, but also on the corresponding municipal notice boards and on the municipal website

Firstly, as Compliance Committee states, the key point is that the measures taken must be genuinely effective to ensure that the public is, in practice, effectively informed. It is clear that municipal notice boards and the municipal website don't ensure that the public is effectively informed. In practice, more effective measures should be implemented, such as putting up posters announcing the authorization of the project in the area in which it is to be carried out and placing notices in the local press. In this sense, for instance, DIRECTIVE 2010/75/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 November 2010 on industrial emissions (integrated pollution prevention and control) states "detailed arrangements for informing the public (for example by bill posting within a certain radius or publication in local newspapers)" (point 5 of the annex IV Public participation in decision-making).

Secondly, we must remark that the Instruction of the Directorate-General of Environmental Quality and Climate Change of the Department of Territories and Sustainability of the Autonomous Administration of Catalonia of 28 September 2018 has binding effects only to the public workers of this Directorate-General. For this reason, the same Instruction says that is applied to the "the units under the aegis of this Directorate-General". So it is clear that this instruction can not be applied to municipalities because there are other different public administration (local governments). In order to have binding effects for municipalities a modification of Spanish or Catalan Act or Regulation on integrated pollution prevention control or environmental impact assessment is required,

And last, the comments to the progress confuse requirements of Aarhus Convention with EU Law.

Kind regards,

Alexandre Peñalver i Cabré