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Economic Commission for Europe

Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Sixth session

Budva, Montenegro, 11–13 September 2017

Item 7 (b) of the provisional agenda

Procedures and mechanisms facilitating the implementation of the Convention: compliance mechanism

Draft decision VI/8j concerning compliance by Spain with its obligations under the Convention

Prepared by the Bureau

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance (ECE/MP.PP/2/Add.8),

Mindful of the conclusions and recommendations set out in its decision V/9k (see ECE/MP.PP/2014/Add.1) with regard to compliance by Spain,

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision V/9k concerning compliance by Spain with its obligations under the Convention (ECE/MP.PP/2017/43), and the findings of the Committee on communication ACCC/C/2014/99 (ECE/MP.PP/C.1/2017/17, forthcoming) concerning public participation in decision-making and access to justice regarding an environmental permit for a cement plant,

Encouraged by the willingness of Spain to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the finding of the Committee that the Party concerned has fulfilled the requirements of paragraph 5 of decision V/9k to the extent that the Party concerned is no longer in a state of non-compliance with article 4, paragraph 8, of the Convention with respect to the specific points of non-compliance identified in paragraph 79 of the Committee's findings on communication ACCC/C/2008/24 (ECE/MP.PP/C.1/2009/8/Add.1);

2. *Also endorses* the Committee's finding that the Party concerned has not yet met the requirements of paragraph 6 of decision V/9k;

GE.17-11531(E)



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3. *Requests* the Party concerned to take measures, as a matter of urgency, to ensure that the remaining obstacles to the full implementation of article 9, paragraphs 4 and 5, of the Convention with respect to legal aid for non-governmental organizations identified by the Committee in paragraph 66 of its findings on communication ACCC/C/2009/36 are overcome;

4. *Calls upon* all relevant ministries of the Party concerned, including the Ministry of Justice, to work together in that regard.

5. *Endorses* the following findings of the Committee with regard to communication ACCC/C/2014/99:

(a) By not properly informing the public concerned about the project by the company Uniland Cementera, SA, and in particular about:

(i) The proposed change to or extension of an activity subject to article 6 of the Convention or an update of its operating conditions;

(ii) The public authority responsible for making the decision;

(iii) What environmental information relevant for the proposed activity was available;

(iv) The fact that the activity was subject to an environmental impact assessment procedure;

the Party concerned failed to comply with article 6, paragraph 2 (a), (c), (d) (vi) and (e), of the Convention;

(b) By not informing the public about the decision to permit the activity subject to article 6 of the Convention by any other means than publishing the decision on the Internet, the Party concerned failed to comply with article 6, paragraph 9, of the Convention;

6. *Welcomes* the recommendation made by the Committee during the intersessional period with respect to its findings on communication ACCC/C/2014/99 in accordance with paragraph 36 (b) of the annex to decision I/7;

7. *Also welcomes* the willingness of the Party concerned to accept the Committee's recommendation, namely, that the Party concerned take the necessary legislative, regulatory or other measures and practical arrangements to ensure that the public is promptly informed of decisions taken under article 6, paragraph 9, of the Convention not only through the Internet, but also through other means, including but not necessarily limited to the methods used to inform the public concerned pursuant to article 6, paragraph 2, of the Convention;

8. *Requests* the Party concerned:

(a) To submit to the Committee detailed progress reports on 1 October 2018, 1 October 2019 and 1 October 2020 on the measures taken and the results achieved in the implementation of the above recommendations;

(b) To provide such further information as the Committee may request in order to assist it to review the progress of the Party concerned in implementing the above recommendations;

(c) To participate (either in person or by audio conference) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

9. *Undertakes* to review the situation at its seventh session.