



To: Compliance Committee of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998)

Via: Mr. Jeremy Wates
Secretary to the Aarhus Convention
United Nations Economic Commission for Europe
Environment and Human Settlement Division
Room 332, Palais des Nations
CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 2384
Fax: +41 22 907 0107
E-mail: jeremy.wates@unece.org

From: Association for Environmental Justice (Asociación para la Justicia Ambiental, AJA), Spain

Contact Information:

Address: Pº Maria Agustin, 3, dcha. E-50004 Zaragoza, Spain
Tel. + 34 976 20 20 76
Fax + 34 968 22 71 91
Contact Person: Fe Sanchis Moreno, Coordinator and Lawyer
Tel. + 34 661 168 203
E-mail: sanchis.fe@sarenet.es

Re: Clarification requested by the Committee at the 23rd meeting with regard to the question of applicable national EIA legislation (Ref. ACCC/C/2008/24)

1.1 Modification no. 50 of the Murcia General Plan¹

-Regional Act 1/2001, of 24 April, of Land Use of the Murcia Region (in force until 9 January 2006).

Additional Disposition Second. 1.c

“The *Municipal General Land Use Plans* (Planes generales de Ordenación Urbana), as well as the *modifications* of the those plans that mean a *reclassification of non residential land* shall be subject to *environmental impact assessment*, except when, because of its small entity, the environmental organism considers that it is not necessary.”¹ (Emphasis added.)

¹ Disposición adicional segunda.1.c.

“Los Planes Generales Municipales de Ordenación, así como las modificaciones de los mismos que supongan la reclasificación de suelo no urbanizable estarán sometidos a la evaluación de impacto ambiental, salvo que por su escasa entidad no se considere necesario por el órgano competente medioambiental.”



1.2 Land Slot Plan ZAEEd3

-Regional Act 1/2001, of 24 April, of Land Use of the Murcia Region (In force until 9 January 2006)

Additional Disposition Second. 1.d.

The *Land Slot Plans*, of any use, when the *Municipal General Land Use Plan* specially require it, because they affect areas next to protected non-residential lands,... shall be *subject to environmental impact statement*.² (Emphasis added.)

-Murcia City General Land Use Plan. Environmental Monitoring Program.

The Environmental Monitoring Program of the Murcia General Plan³ requires that:

“The instruments that implement the City General Plan shall be subject to Environmental Impact Study.”

“It shall be watched with special attention the direct or indirect residential development in the *Huerta*...”

1.3 Urbanization project

-Royal Legislative Decree, 1302/1986, of 28 of June, of Environmental Impact Assessment. (According to the redaction given through Act 6/2001).⁴

Original version of the Act can be found in the Official Bulletin of the State of 10 October 2001. It can be accessed at:

<http://www.boe.es/boe/dias/2001/10/10/pdfs/A37192-37241.pdf>

² Disposición adicional segunda.1.d.

Los Planes Parciales, de cualquier uso, cuando así lo exigiera expresamente el Plan General Municipal de Ordenación por actuar sobre áreas próximas a suelos no urbanizables protegidos, ..., estarán sometidos a evaluación de impacto ambiental.

Original version of the Act can be found in the Official Bulletin of the State of 10 October 2001. It can be accessed at:

<http://www.boe.es/boe/dias/2001/10/10/pdfs/A37192-37241.pdf>

³ The Environmental Monitoring Program is not published in the official journal. It is an integral part of the Murcia City General Land Use Plan. The Association has original copies with the seal of the City Council Secretary that could be provided to the committee if requested.

⁴ Artículo 1.2

“Los proyectos, públicos y privados consistentes en la realización de las obras, instalaciones o de cualquier otra actividad comprendida en el anexo I deberán someterse a una evaluación de impacto ambiental en la forma prevista en este Real Decreto Legislativo.”

Anexo I. Grupo 7.c.

“Proyectos de urbanizaciones, incluida la construcción de centros comerciales y aparcamientos.”

Original version of the Legislative Decree can be found in the Official Bulletin of the State of 5 October 1988. It can be accessed at:

<http://www.boe.es/boe/dias/1986/06/30/pdfs/A23733-23735.pdf>



Article 1.2

“The projects, either public or private that consist on the building of public works, installations or any other kind of activity included in Annex I shall be subject to an Environmental Impact Statement in the form established in the Legislative Royal Decree.” (Emphasis added.)

Annex I. Group 7.c

“Projects of urbanizations included the construction of shopping centers and parking lots.”