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22 December 2009

Mr. Juan Manuel García Bartolomé
National Focal Point for the Aarhus Convention
Head of Information Service
Technical General Secretariat
Ministry of the Environment and Rural and Marine Affairs
Paseo de la Infanta Isabel
E-28071 Madrid
Spain

Dear Mr. García Bartolomé,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Spain with the provisions of the Convention in connection with decision-making on a residential development project in the city of Murcia, Spain (Ref. ACCC/C/2008/24)

At its twenty-sixth meeting (15-18 December 2009), the Aarhus Convention Compliance Committee concluded the preparation of its findings with regard to the above communication, taking into account comments on the draft findings received from you and the communicant. The findings are currently undergoing editing in preparation for circulation and will be sent to you in January 2010 as an advance copy. However, I can already inform you that the Committee did not reverse the overall conclusion in its draft findings to the effect that Spain is in certain respects not in full compliance with the Convention.

When the Committee finds a Party to be in non-compliance a significant amount of time before the next ordinary session of the Meeting of the Parties, it generally considers that it is useful to make recommendations directly to the Party concerned, and indeed, you have noted that in line with this approach, the draft findings included some draft recommendations. The Committee considers that making recommendations directly to the Party concerned during the intersessional period, coupled with timely action by the Party to implement such recommendations, can enable the matter to be resolved in the most expeditious way, allowing the Committee's report to the Meeting of the Parties to concentrate more on progress achieved than on outstanding problems. It should be noted that in all previous cases where the Committee found non-compliance during the intersessional period, the Party concerned agreed that the Committee could make recommendations.

Paragraph 36 (b) in conjunction with paragraph 37 (b) of the annex to decision I/7 requires that the Party concerned be in agreement with the Committee making recommendations during the intersessional period, if not their actual content. From your oral interventions at the meeting last week, the Committee

more or less assumes that you would welcome such guidance as the Committee is able to offer through the making of recommendations. Nonetheless, the Committee would be grateful if you could confirm that you have no objection to the Committee making recommendations in connection with its findings. If that is the case, the recommendations will form an integral part of the document containing the findings, as in the draft findings that were circulated in November 2009.

I would be grateful if you could respond to this letter at your earliest convenience and preferably no later than 15 January 2010.

Please do not hesitate to contact the secretariat if you require any further information or clarification of this request.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'J. Wates', written over a horizontal line.

Jeremy Wates

Secretary

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

CC. Ms. Fe Sanchis Moreno, Mr. Salazar Ortuño, Asociación para la Justicia Ambiental (AJA)