



NATIONS UNIES
COMMISSION ÉCONOMIQUE
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ОБЪЕДИНЕННЫЕ НАЦИИ
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ДЛЯ ЕВРОПЫ

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7 August 2008

Mr. Eduardo ORTEU BARROCAL
Legal Advisor
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Ms. Susana DRAKE
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Dear Mr. Orteu Barrocal, Ms. Drake,

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)

With reference to our email of 6 June 2008, we would like to confirm that on 13 May 2008, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication submitted by the Spanish non-governmental organization Association for Environmental Justice and addressed to the Compliance Committee of the Convention regarding compliance by Spain with certain provisions of the Convention. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

Please find enclosed a copy of the communication, which is being forwarded to you at the request of the Committee in accordance with the provisions of paragraph 22 of the annex to decision I/7. The communication has been registered under the symbol ACCC/C/2008/24, which you are invited to cite in future correspondence on the matter.

On 6 June 2008, having consulted with the Chair of the Committee, we informed you, in your capacity of Spanish national focal point for the Convention, about the communication and that the discussion on preliminary admissibility was being scheduled for the twentieth meeting of the Committee. Such notification was done, on an exceptional basis, prior to the Committee having reached any preliminary determination on admissibility, taking into account the very public nature of that particular Committee

meeting, which was being held in parallel with the tenth meeting of the Working Group of the Parties and immediately before the third meeting of the Parties and for which many members of the public had registered as observers. In our correspondence we indicated that, in accordance with the Committee's procedures, the discussions on preliminary admissibility of the communications would be held in an open session, and that the parties concerned would be welcome to attend as observers and to participate in the discussion on the preliminary admissibility of the communication.

The Compliance Committee, having considered the admissibility of the communication at its twentieth meeting (8-10 June 2008), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

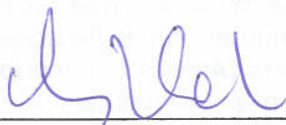
The communicant availed itself of the opportunity to participate in the discussion on preliminary admissibility. In the course of the discussion, the communicant provided several clarifications to the Committee with regard to facts related to the admissibility of the communication, including with regard to the timing of the events referred to in the communication and the issue of the use of domestic remedies.

To ensure due process in the review, the Committee requested the communicant to provide to it in writing a summary of the information it had provided at the meeting, so that this could be forwarded to the Party concerned. As soon as we receive such summary, it will be forwarded to you.

Having regard to paragraph 23 of the annex to decision I/7, you are kindly invited to submit to the Committee, as soon as possible but at the latest within five months of the date of this letter, any written explanations or statements clarifying the matter referred to in the communication and describing any response that may have been made in the mean time.

We look forward to hearing from you.

Yours sincerely,



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, Association for Environmental Justice

Encs. Communication ACCC/C/2008/24 including four addenda

Preliminary determination on admissibility

Copy of letter to Ms. Fe Sanchis Moreno, Association for Environmental Justice

Datasheet on the communication