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Unofficial translation from the Spanish original

September 13, 2010

**MINISTRY OF ENVIRONMENT AND RURAL AND MARINE
STATE DEPARTMENT OF CLIMATE CHANGE
DIRECTORATE GENERAL OF QUALITY AND ENVIRONMENTAL ASSESSMENT**
Plaza de San Juan de la Cruz s/n
28071 Madrid

N/REF: **SGEA/AH/20050263**
SUBJECT: **APPEAL FOR REVIEW**

D. Félix Lorenzo Donoso , legal aged , with domicile with the object of notifications in 17 Guadalupe Street , 06200 Almendralejo (Badajoz) , DNI 9154113K , telephone 675 043 835 , as a representative of the Plataforma Contra Contaminación de Almendralejo , registered in the record of Associations of the Local Ministry of Presidency of Autonomous Government of Extremadura with the number 3,829 , in front of You , is in attendance and , how best proceed in jure,

EXPOSES:

That this letter come to lodge an appeal against the decision of the Director General of Environmental Quality and Evaluation on file with reference number SGEA/AH/20050263, and this according to the following

GROUND

FIRST .- lodge an appeal against the decision referred to in the heading of this writing, for refusing the certificate of revocation required by this part, referring to the procedure of environmental impact assessment of the Project for the installation of an oil refinery in Extremadura, initiated by the company Balboa, SA

In the decision under appeal, states that the deadlines set by the Law on Environmental Impact Assessment have no preclusive character, but merely informants, especially for the environmental impact statement, governed by art. 12.2 of the said legal text.

Well, we believe that this not be so, and that termination of those periods, without compliance with them, have to produce the expiration of the proceedings and, therefore, the procedure itself, without the subsequent completion Obviously out of time, can be validated under the provisions of art. 63 of the Administrative Procedures Act since we are dealing with qualified procedures, formalities and not merely as the administration seems to understand. In the hypothetical case where the procedure could last forever, as there would be any time limit for completion of the procedure.

In this sense the Court is expressed as the Judgement of the Supreme Court of Castilla y León, dated February 1, 2009, which says: "So that request and subsequent obligation to submit the environmental impact assessment referred to are not mere acts of unskilled process, but that with regard to the Ministry of Environment, which can encourage an end to proceedings for revocation of it, but we always refer to the procedure of environmental impact assessment. "

SECOND .- In the environmental assessment procedure that point, there have been seven interruptions, which, on the other hand, are not under the Law of Environmental Impact Assessment, as the stage at

which it occurred, third phase, is only intended to adopt the final decision on the Environmental Impact Statement. Indeed, as we said in our application, the authority cannot obtain substantive information in the third phase from the developer, because the second phase is the conducive for it, proving that the new information requested in this third phase, is a modifications to the draft that was submitted for public display in clear detriment to the information rights of citizens and public authorities consulted.

As mentioned, the Law on Environmental Impact includes among its provisions do not interrupt the proceedings, should go to the Administrative Procedure Act to find, by integration of this shortcoming, the regulation of the interruption. This is established in the art. 42.5 of that statute, which, in paragraph a) provides, in conjunction with the person, the following:

"5. The course of the legal deadline to resolve a notice of the decision procedure and may be suspended in the following cases:

a. When any interested parties should be required to correct any deficiencies and to produce documents and other evidence necessary for the time between notification of the requirement and effective compliance by the recipient, or, failing that, over period granted without prejudice to the provisions of Article 71 of this Law "

Well, the regulation governing Environmental Impact Statement does not establish what time will be given to applicant to complete or correct the documentation, so we must turn to art. 71 of the Administrative Procedure Act, to know the exact time that the applicant has to fill the requirement. It expresses the art. 71, reads:

"1. If the request does not meet the conditions start pointing the previous Article and the requirements, where appropriate, by specific legislation that will require the person concerned so that, within ten days, to remedy the lack or attach the required documents , indicating that, if you do not, you will have withdrawn its request, upon resolution to be issued in the manner provided for in Article 42. "

Continue the above article, in its second paragraph, stating that this period may be extended up to 5 days, at the request of the applicant, which has not happened here, and that in any case, it would have also passed with flying colors.

THIRD. - Therefore, having become clear that the formalities have not been completed on time are not merely circumstantial, but preclusive, on which there is no validation, and that interrupts the promoter for documentation have been largely exceeded the regulated period in the art. 71 of the Administrative Procedure Act, should, without more, issue resolution certifying the expiration of the administrative procedure ordering, therefore, the case closed.

For these reasons,

REQUEST: be taken of this application and admits having been filed appeal against that decision, so that estimation can proceed, and consequently, the issuance of the certificate revocation request with our initial brief.

In Almendralejo September 13, 2010



Fdo. Félix Lorenzo Donoso

Plataforma Contra la Contaminación de Almendralejo