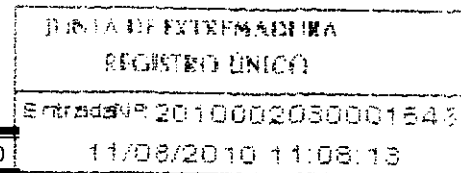




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11 de agosto de 2010

General Secretariat of the Local Ministry of Industry, Energy and Environment.  
Paseo de Roma, s/n. 06800 Mérida Badajoz

#### SUGGESTIONS TO THE PROPOSED DECREE FOR WHICH THE REGULATIONS OF ENVIRONMENTAL EVALUATION OF THE AUTONOMOUS REGION OF EXTREMADURA IS APPROVED

In regard to the public participation in the proposed Decree for which the Regulations of Environmental Evaluation of the Autonomous Region of Extremadura is approved, announced in the DOE N° 145, of July 29, 2010, We bring forward the following suggestions, that we will justify hereafter, in order that they are taken into account at the time of publishing the definite document.

1. **Particularising the criteria to decide the period of public information of the different projects.**
2. **Establishing as to standard the publication in digital format of all the projects that have the obligation of ruling for what is established in the Decree, in order to facilitate the participation of all.**
3. **Establishing quantifiable criteria in the suggestions, allegations and signatures of opposition or in support from the citizens to a determined project, to decide to deny or authorize it.**

These three suggestions have as objective, in our opinion, **facilitating the participation** of the citizens on the subject of environment, instituting a series of conditions and criteria to carry it out of a most objective and responsible way.

The own Decree attached a series of annexes in where it is established a series of criteria in order that technicians or the people of the competent organ can decide, for example, if a project should submit environmental evaluation and in what terms. It is sure that, the very technicians will have enough formation and necessary knowledge to decide if a project is viable and, in some cases, what corrective action should be applicable. If those same people are the ones who has to decide how much time a determined project should be to public exposition, it would be logical than also be regulated by a set of rules a criteria which enable deciding with the most objective possible way. And, besides, considering that it affects all citizens directly that, by virtue of what it establishes all the legislation with regard to this matter, they may and want to participate contributing suggestions or allegations, it is more necessary still that they appear those established criteria in order that they can demand, if need it be, an extension of the public information arguing it on the basis of what's established. In this way we would be keeping so that it is established on article 6.3 of the Aarhus Convention: " *The public participation procedures shall*

*include reasonable time-frames for the different phases, allowing sufficient time for informing the public in accordance with paragraph 2 above and for the public to prepare and participate effectively during the environmental decision-making. "*

Similarly, it will facilitate greatly the participation that the projects were available in digital format to the public, bearing in mind that, normally, all information is centralized in the regional capital and only at working hours. The vast territory of Extremadura and daily occupations of citizens thus become serious handicaps for the real and effective participation. The Aarhus Convention itself acknowledges the following: *"It is important to use the media as well as electronic communication modes and other modes of communication that appear in the future"* all designed to facilitate participation. Moreover, the conclusions and recommendations of the Aarhus Compliance Committee with regard to communication ACCC/C/2009/36 on Spain's compliance with its obligations under the convention, which presented a complaint by the difficulty involved in reference to the Balboa refinery project in Extremadura, not being in digital format, the Committee decided in point 61: *"The Committee believes that all documentation must be close to the place of residence or in electronic form in its entirety. If the applicant lives in another town or city,"* so the future decree is an excellent opportunity to endorse the suggestion of Aarhus Compliance Committee.

In addition, the reasonableness of this suggestion is supported by the same Ministry of Industry, Energy and Environment in the document entitled "Documentation to be submitted with the application of Integrated Environmental Authorization, which states:

*"To comply with the provisions of Article 12 of Law 16/2002 of 1 July, on Integrated Prevention and Pollution Control, and Article 4 of Regulation for the development and implementation of Law 16/2002 approved by Royal Decree 509/2007 of 20 April, the application of Integrated Environmental Authorisation (AAI), must be accompanied by the documents listed below.*

*Also, to comply with the provisions of Article 17 of Law 16/2002 and Article 9 of Royal Decree 1 / 2008 of 11 January, which approved the text of the Assessment Act Environmental impact of projects, the number of copies and format of the documentation is as follows:*

- ***Three hard copies of all documentation.***
- ***1 copy of all documentation in electronic format on CD.***
- ***4 copies of the Environmental Impact Assessment in electronic format, on CD, in case the project must undergo environmental impact assessment under the rules in force “***

Therefore, it t would not be only to a suggestion to facilitate real and effective participation of citizens, but it also would aim to comply with current legislation which on the document being referenced.

Having enough time and information available from any project would definitely help the public participation was of higher quality. However, knowing what we can do as citizens and how to take into account our views is even more important. As the first point, it is necessary for citizens to have understood the implications of our suggestions, contributions, claims or petitions to reject or support a particular project.

If the Decree establishes how many pigs heads are necessary, or how many minimal hectares of mountain is going to be to repopulate to decide how it should be done, how much more important it is that criteria were settle down as to how they will analyse the contributions of all, so citizens can make a contribution in the most objective possible way, and having clear as far as we can arrive with our participation. If the people that collaborate with our criterions do not know how they will have themselves in account, sooner than late we will lose the interest to participate, getting limping the Aarhus Convention, where he establishes in their article 6.4: *"... effective public participation can take place"*, and the own Spanish Constitution, whose article 45 remembers us: *"The duty of every citizen of keeping the environment.*

In conclusion, recalling the statement made in the Aarhus Convention, signed and ratified by our country, *"Better access to information and greater public participation in decision making can make better decisions and implement them more effectively, help to raise awareness public awareness of environmental issues, give them the opportunity to express their concerns and enable public authorities to take due account"*, we request that these suggestions be taken into account, and b part of the new Decree on Environmental Assessment Regulations Autonomous Community of Extremadura.

Almendralejo, 11 de Agosto de 2010

A handwritten signature in black ink, reading "Félix Lorenzo Donoso". The signature is written in a cursive style with a long horizontal stroke at the end.

Félix Lorenzo Donoso  
Presidente de la Plataforma Contra la Contaminación de Almendralejo

<sup>1</sup> <http://www.extremambiente.es/files/2008/AAI/CONTENIDO%20SOLICITUD%20AAI.pdf>