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Unofficial translation from the Spanish original

ANNEX 40

January 07, 2010

LOCAL MINISTRY OF INDUSTRY, ENERGY AND ENVIRONMENT

Avda. de Portugal s/n
06800 Mérida
(Badajoz)

Most excellent **Madam: Mrs. Mary A. Pérez Fernández**, Director General of Evaluation and Environmental Quality

Subject: *Decision of not submitting the project of a wine-growing by-products promoted by Viñaoliva S. Coop, in Almendralejo to environmental evaluation*

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 Contamination de Almendralejo , registered in the record of Asociaciones 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 by this paper he comes to inform you on extremes than in it are exposed, based on Law 27/2006 of July 18's for which are regulated the rights of access to the information, public participation and access to the justice on the subject of environment (Directives 2003/4/CE and 2003/35/CE) , as well as the Aarhus Convention.

ANTECEDENTS

1. On Thursday November 17, 2009, it appears published in the DOE the announcement 2009084702, of November 25 the decision of not submitting the project of gestora of wine-growing by-products promoted by Viñaoliva S. Coop, in Almendralejo, in the foreseen way sets up in the legislative R. D. 1/2008, of evaluation of environmental impact.
2. On the Legislative R. D. 1/2008, in its article 17, relative to the projects collected in the Annex II, in its paragraph 2, determines the previous consultation to organizations, administrative bodies and people affected by the realization of the project.
3. The same Royal Decree, in his article 20, referred to the infractions on the subject of evaluation of environmental impact, establish in his paragraph 2b: They are infractions extremely severe "the start of the execution of a project contemplated in the annex II, which should submit to Evaluation of Environmental Impact, without having obtained the corresponding environmental impact statement or the decision of no previously submission to evaluation of environmental impact to that refers the article 17".

4. On April 6, 2009 appears published in the BOP n° 65 the request from urban grade to Almendralejo's City Council on behalf of Viñaoliva S. Coop, for the installation of a manager of wine-growing by-products.
5. On April 13, 2009, the Plataforma reports to the City Council of Almendralejo, by means of paper with record of entrance 5371, that the works for the construction of a manager of wine-growing by-products already have begun (Copy is Attached .
6. On August 10, 2009 the City Council of Almendralejo announces in the BOP n° 151 the sanction been imposed upon to the company promoter for the works denounced in the previous point.

For what it is exposed,

INFORM:

1. That the manager of wine-growing by-products promoted by Viñaoliva S. Coop already had initiated its execution when the announcement of not submitting the project to environmental evaluation appears, as it is confirmed for the previous sanction of the City Council of Almendralejo.
2. That the project at present is done and the industrial plant is in working order.
3. That, one more time, the supervisory provision to avoid these situations carries on being shows an important deficit in Extremadura, making nonviable the participation of the people or affected entities (by means of previous consultation in this case), leaving part of a Royal Decree without application.

AND REQUEST:

1. Inform to the Plataforma about any measures that is taken or that had been taken taking into account the information on the subject in this paper.
2. Take all the necessary measures to avoid similar situations in the future.

In Almendralejo on January 07, 2010

A handwritten signature in blue ink on a light yellow background. The signature is stylized and appears to read 'Félix Lorenzo Donoso'.

Fdo. Félix Lorenzo Donoso

Plataforma Contra la Contaminación de Almendralejo