



ANSWERS TO THE QUESTIONS RAISED BY MR. JENDROSKA IN THE TWENTY-FIFTH SESSION OF THE AARHUS CONVENTION COMPLIANCE COMMITTEE IN RELATION TO THE COMMUNICATION BY PLATAFORMA CONTRA LA CONTAMINACION DE ALMENDRALEJO AGAINST THE SPANISH GOVERNMENT FOR ALLEGED BREACH OF SAID CONVENTION

- 1. With regard to article 6, paragraph 6, of the Convention, and not in general about access to information: do Spanish laws on EIA provide the possibility to the public to consult relevant documentation?**

Answer:

The first additional provision of Law 27/2006 (18 July 2006) regulating the rights of access to information, public participation and access to justice in environmental matters amends Royal Legislative Decree 1302/1986 (28 June 1986) on Environmental Impact Assessment in order to adapt it to the requirements of the Aarhus Convention in the above matters.

In addition, Article 9 of Royal Legislative Decree 1/2008 (11 January 2008) approving the revised text of the Law on Environmental Impact Assessment (EIA) establishes that all projects requiring Environmental Impact Assessment must be made available to the public for a period of not less than 30 days.

- 2. Does the law on EIA require for an application for a permit and EIA studies to be submitted in electronic form or only in paper copies?**

Answer:

Article 9 of the aforementioned Royal Decree 1/2008 guarantees that the public shall be informed of the availability of the information relating to the EIA, and of the date and place or places where such information will be made available to the public, although it does not specify the format in which it should be supplied.

Moreover, Article 6 of Law 11/2007 (22 June 2007) on electronic access of citizens to public services recognises the right of citizens to communicate with government authorities in relation to administrative procedures by electronic means and to obtain digital copies of documents available in electronic format.

The third final provision of the above Law establishes that both in the National Government and in the public bodies dependent on or linked to it, these civil rights may be exercised in all procedures from 31 December 2009, although for those in the scope of the Autonomous Communities, this will depend on the budgetary possibilities of the latter.

- 3. Was the document available in electronic case in this instance? The communicant claims it was? Why was it not allowed to be submitted in electronic form?**

According to the report of the Director General of Environmental Assessment of the regional government of Extremadura, all documentation relating to the subject of the Communication available in digital form was supplied to the interested parties and made available for consultation.



4. What other possibility does the law provide for making copies for the public themselves (like making photos)?

The only restrictions on making copies (or taking photographs) of environmental information are those of the exceptions provided for in paragraph 3 of Article 4 of the Aarhus Convention and Article 13 of Law 27/2006.

There are no legal restrictions on this matter.

5. What are presently the local remedies for the quantities of alcohol that are still stored in the town and that put at risk the health of the population?

According to the information supplied by the Secretariat of Almendralejo Town Council, there is no alcohol left in the former VINIBASA plant, which is now closed. As a result, the health risk to the population is considered to be non-existent.

6. According to Spanish legislation financial aid is provided to NGOs, but there are specific requirements. What are the conditions for small NGOs to receive financial aid for access to justice?

Paragraph 2 of Article 23 of Law 27/2006 establishes that non-profit legal entities that meet the conditions set out in paragraph 1 of this Article shall be entitled to legal aid as provided in Law 1/1996 (10 January 1996) on legal aid.

Article 2 of Law 1/1996 also establishes that the only non-profit legal persons with the statutory right to legal aid, when they accredit insufficient means to enter litigation, are:

- The non-profit organisations regulated in Article 32 of Organic Law 1/2002 (22 March 2002) regulating the right of association.
- Foundations figuring in the relevant register, as established in Law 50/2002 (26 December 2002) on foundations.