



**SPEECH BY THE SPANISH NATIONAL FOCAL POINT IN THE TWENTY-FIFTH SESSION OF
THE AARHUS CONVENTION COMPLIANCE COMMITTEE**

(Geneva, 16 December 2009)

Mr Secretary to the Aarhus Convention, Mr Chairman of the Compliance Committee, Mr Chairman of Plataforma contra la contaminación de Almendralejo, Ladies and Gentlemen,

First of all, as stated in the letter dated 17 June 2009 to Mr. Jeremy Wates from our Ambassador and Permanent Representative to the international organisations in this city, Mr. Javier Garrigues, I would like to reiterate the disposition of the Spanish Government, to collaborate with both the Secretariat and the Compliance Committee in the duties with which they are charged for implementation of the Aarhus Convention.

As you know, one of the priorities of the Spanish Government's policy is closely related to environmental sustainability and the concepts of participatory environmental democracy on which the Aarhus Convention is based.

From the outset, I wish to express our profound respect for the institutions and individuals exercising their civil rights in relation to environmental protection, as recognised by the Spanish Constitution and the Convention cited above, along with our rejection of any act, omission or attitude that could restrict these rights.

Moreover, before moving on to the topic of this session, I consider it relevant to draw attention to the fact that environmental awareness and concern in Spain has increased significantly over recent years. As evidence of the concern of our citizens for environmental issues, I would like to point out that in 2008 over half a million queries were made to Spain's General Administration of the State and autonomous authorities on these matters.

Clearly, as the National Implementation Report for Spain states, together with the policies developed by the various authorities that conform our State, the action of non-governmental organisations and civic associations and platforms has been of vital importance to the development of this environmental conscience and to furthering the effective implementation of the Aarhus Convention in Spain.

Following analysis of the documentation submitted by Plataforma contra la contaminación de Almendralejo and in view of the specific questions posed by the Compliance Committee to this focal point, the Subdirector General for Information to the Public, Documentation and Publications, to which this national focal point reports, based on the provisions of Article 4 of Law 27/2006 (18 July 2006) regulating the rights of access to information, public participation and access to justice in environmental matters, made a formal written request by registered fax asking the following institutions to issue a report:

- Confederación Hidrográfica del Guadiana and the Subdirector General for Quality and Environmental Assessment (Ministry of the Environment and Rural and Marine Affairs).
- Department for Industry, Energy and the Environment and the Department for Agriculture and Rural Development of the regional government of Extremadura.
- Almendralejo Town Council.



- Federación Española de Municipios y Provincias (FEMP, Spanish Federation of Municipalities and Provinces).

All of the above institutions acted in accordance with the principles of mutual information, cooperation and collaboration provided for in the aforementioned Article 4.

In view thereof and having consulted the Senior State Lawyer of this Ministry, the National Report was drafted and sent to the Secretariat in Spanish and English, together with the reports of the bodies consulted.

The focal point was subsequently asked for a series of clarifications regarding the Spanish Government's position with regard to the Report of Almendralejo Town Council. In the reply submitted on 27 November 2009 to the Secretariat of the Convention, it was made clear that "in accordance with the legal and constitutional configuration of Spain, the activities conducted by Almendralejo Council and the Autonomous Community of Extremadura in the sphere of their powers are the sole responsibility of those public authorities" and concluded by stating that "the position of the Government of Spain regarding this issue can be none other than that of expressing its wish to cooperate, as it routinely has so far, with the public authorities that are constitutionally competent in the area, and, where applicable, with the courts, in clarifying the facts giving rise to the proceedings opened by the Aarhus Convention Compliance Committee for alleged infringements and with the Secretariat regarding all that is necessary, subject to maintaining consistency with Spain's internal constitutional order".

In order to provide this Committee with all the relevant information, further reports have been requested by e-mail and registered fax from the Nature Conservation Department of the Ministry of the Interior, the regional Department for the Environment, the Confederación Hidrográfica del Guadiana and Almendralejo Town Council.

Given this background and the reply sent by Plataforma contra la contaminación de Almendralejo to the Secretariat on 15 November 2009, I reiterate my respect for the points raised by Plataforma contra la contaminación de Almendralejo – and specifically by its Chairman – and consider it opportune to clarify to the Compliance Committee the following aspects concerning the provision of environmental information, the action of the competent Administrations and access to justice in environmental matters in Spain.

1. The general statement made in the reply of Plataforma contra la contaminación de Almendralejo that "the Government refuses to allow photocopies to be made or to supply information in electronic form, 'CD or DVD'" is not considered an adequate reflection of the current situation of the development and dissemination of environmental information in Spain.

. Law 11/2007 (22 June 2007) on electronic access of citizens to public services and Law 37/2007 (16 November 2007) on reuse of public sector information are two important legal instruments for addressing the challenges posed by new information technologies to public authorities in the context of information transparency and increased democratic participation in today's information and knowledge society.

These laws are not without practical application. According to European Commission data, the percentage of basic public services available entirely online in Spain is 80%, compared to an average of 71% in the European Union.

In recent years, Spain's various public authorities and specifically the Ministry of the Environment and Rural and Marine Affairs (hereinafter, MARM) have made great efforts to adapt to the growing demand for citizen information on agriculture, fisheries, rural affairs and the environment using new information and communication technologies.