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ECONOMIC COMMISSION
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15 January 2010

Mr. Felix Lorenzo Donoso
President of the Platform against the Contamination of Almendralejo
C/Guadelupe 17
(Badajoz) Tino
Spain

Dear Mr. Donoso,

Communication to the Aarhus Convention Compliance Committee concerning compliance by Spain with provisions of the Convention in connection with access to information, public participation in decision-making and access to justice in the Extremaduran Community (Ref. ACCC/C/2009/36)

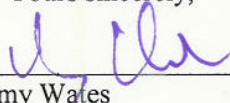
On behalf of the Aarhus Convention Compliance Committee, I would like to thank the participants in the discussion of the above referenced communication at the twenty-sixth Compliance Committee meeting (Geneva, 15-18 December 2009).

As agreed at the aforementioned meeting, in order to facilitate its consideration of the communication, the Compliance Committee has requested the secretariat to invite you to address a number of questions that are annexed to this letter. Please, respond to these questions at your earliest convenience, but no later than 31 January 2010.

Please also note that the Compliance Committee hopes to complete the preparation of its draft findings with regard to the above communication at its twenty-seventh meeting (Geneva, 16-19 March 2009), after which the draft findings will be circulated for comment to the parties concerned.

Please do not hesitate to contact the secretariat if you require any further information.

Yours sincerely,



Jeremy Wates

Secretary

Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

CC Mr. Juan Manuel García Bartolomé. Head of Information Service, Technical General Secretariat, Ministry of the Environment and Rural and Marine Affairs, Madrid

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11 January 2010

European Agency for Environment and Nature Management
Room 302
P.O. Box 1024
104-1011 Geneva 10
Switzerland

Mr. Juan Manuel García Bartolomé
Head of Information Service
Technical General Secretariat
Ministry of the Environment and Rural and Marine Affairs
Madrid

Dear Mr. García Bartolomé,

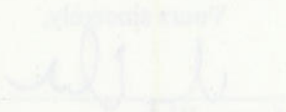
Commission for Europe (CEPE) is pleased to inform you that the
results of the first round of the competition for the position of
Information Service Head of the CEPE are available. The
Information Service Head of the CEPE (CEPE/09/001/01)

On behalf of the CEPE, I would like to thank the
participants in the first round of the competition for their
participation in the competition (15-18 December 2009).

As agreed in the administrative meeting, in order to facilitate the
evaluation of the CEPE, the CEPE is requesting you to provide
answers to a number of questions that are attached to this letter. Please
provide your answers by 11 January 2010.

Please also note that the CEPE is requesting you to complete the
preparation of the CEPE. The CEPE is requesting you to provide
answers to a number of questions that are attached to this letter. Please
provide your answers by 11 January 2010.

Please do not hesitate to contact the CEPE if you require any further information.

Yours sincerely,

Juan Manuel García Bartolomé
Secretary

Commission for Europe, P.O. Box 1024, 104-1011 Geneva 10, Switzerland
E-mail: info@cepra.es

Annex – Questions posed by the Committee

1. Since the Convention has been partially transposed by the EU Directive on EIA,¹ please respond to the following questions.

According to Article 6, paragraph 3, of the EIA Directive:

“Member States shall ensure that, within reasonable time-frames, the following is made available to the public concerned:

- (a) any information gathered pursuant to Article 5;
- (b) in accordance with national legislation, the main reports and advice issued to the competent authority or authorities at the time when the public concerned is informed in accordance with paragraph 2 of this Article;
- (c) in accordance with the provisions of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information, information other than that referred to in paragraph 2 of this Article which is relevant for the decision in accordance with Article 8 and which only becomes available after the time the public concerned was informed in accordance with paragraph 2 of this Article.”

Please explain which provisions of the applicable Spanish law transpose the provisions of this article of the EIA Directive that aims to ensure in the public participation procedure the possibility to consult the documentation relating to the decision-making, as required by article 6, paragraph 6, of the Aarhus Convention.

- 2. Does the Spanish law on EIA require an application for a permit (development consent) and EIA studies to be submitted by the developer in electronic form or only in paper copies?
- 3. Please explain which provisions of the applicable Spanish law relate to the form in which the requested information may be provided; in particular whether the law provides for the public to make copies themselves (like taking photos) and/or to request the provision of the information in digital form (such as DVD).
- 4. Please specify the public requirements for provision of legal aid (for NGOs and generally).
- 5. What is the time frame and what are the competences of the ombudsman under Spanish legislation?
- 6. Has the ombudsman been notified that the Compliance Committee is considering the communication? If yes, what is his or her reaction?
- 7. What is the time frame for the ombudsman to issue his or her recommendations on the Vinibasa case?

¹ Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment of 27 June 1985, as amended by Council Directive 97/11/EC of 3 March 1997; and Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control.

