



**NATIONS UNIES**  
**COMMISSION ÉCONOMIQUE**  
**POUR L'EUROPE**

**ОБЪЕДИНЕННЫЕ НАЦИИ**  
**ЭКОНОМИЧЕСКАЯ КОМИССИЯ**  
**ДЛЯ ЕВРОПЫ**

**UNITED NATIONS**  
**ECONOMIC COMMISSION**  
**FOR EUROPE**

Environment, Housing and Land Management Division  
Bureau 332  
Palais des Nations  
CH-1211 Geneva 10  
Switzerland

Phone: +41-22-917 2384  
Fax: +41-22-917 0634  
E-mail: [jeremy.wates@unece.org](mailto:jeremy.wates@unece.org)  
Website: [www.unece.org/env/pp](http://www.unece.org/env/pp)

16 June 2009

Mr. Juan Manuel García Bartolomé  
Head of Information Service  
Technical General Secretariat  
Ministry of the Environment and Rural and Marine Affairs  
Paseo de la Infanta Isabel  
E-28071 Madrid  
Spain

Dear Mr. García Bartolomé,

**Re: 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)**

We refer to our letter of 7 May 2009 enclosing the above communication and inviting your Government to provide any written explanations or statements clarifying the matter referred to in the communication and describing any measures taken in relation to the matter in accordance with the requirements of paragraph 23 of the annex to decision I/7 of the Meeting of the Parties to the Aarhus Convention.

In order to facilitate its consideration of the communication, the Compliance Committee has requested the secretariat to invite you to submit, as part of your response to the communication, further details related to some of the matters raised in the communication by addressing the following questions:

1. Is the physical presence of the requester required in order to receive information according to Spanish law? Does the public have the possibility to make photocopies of documents or a CD?
2. Can projects with a likely significant impact on the environment (e.g. sewage treatment plants) be carried out without license under Spanish law?
3. Why did the relevant authorities take no action in the case described in the communication?

4. What means are available to challenge a failure of a public authority to act in such a case?
5. What are the opportunities for the public to comment on the environmental impact assessment (EIA) report and how are their comments supposed to be taken into account?
6. Which effective means of injunctive relief are available in cases such as the one referred to in the communication in accordance with national legislation or case law?
7. Can activists or opponents of a project be penalized, persecuted or harassed for their activities? What kind of protection is available under Spanish law for such persons?
8. What are the eligibility conditions or requirements for free judicial assistance according to Spanish law (Law 1/1996 on Free Judicial Assistance and Law 27/2006)?
9. How is the Spanish Government securing implementation of the Aarhus Convention at the local level?

We look forward to hearing from you.

Yours sincerely,



---

Jeremy Wates

Secretary

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

Cc: Permanent Mission of Spain to the United Nations Office at Geneva and other International Organizations in Switzerland  
Mr. Felix Lorenzo Donoso, President of the Platform against the Contamination of Almendralejo