

Ms Fiona Marshall
Secretary to the Aarhus Compliance Committee

Barcelona, 22 September 2016

COMMENTS FROM THE COMMUNICANT
ACCC/2014/99

The Catalanian comments dated on 25 July 2016 on the Committee's draft findings, referred to Catalonia's Publication Criteria adopted on 1 April 2014, also attached as annex 1 to the Party concerned comments.

In relation to the above criteria, we would like to remark that:

1. Catalonia's Publication Criteria adopted on 1 April 2014 was already attached as annex 4 to the Party response to the communication and we already examined and commented on it too during the hearing discussion at the Committee's 49th meeting last year.
2. Unfortunately, the *Publication Criteria* is neither a governmental regulation nor an internal administrative instruction as the Catalan Government pretends. It is only an internal administrative guideline and has no clear binding effects. Just the title is self-explanatory: simply "Criteria" and specifically "Criteria for the documentary homogenization" ("*criterios de homogenización documental*"). No references to any binding terminology at all. Not even the "rules" or "instruction" words are written in the Catalan Government Publication Criteria.
3. Moreover, there is no evidence of public disclosure of such Criteria at the official bulletin or at the official or any other web page.
4. On the other hand, the fact that that these Criteria, recommendations, were adopted just after the NGO Col·lectiu Bosc Verd and 16 neighbours complaints were submitted in front of the Catalan Ombudsman proves that by then and in this case the public information notice was inappropriately enacted .
5. Finally, it has to be stressed that this case it is not about minor irregularities during the public information notice. Ultimately, the main problem here is that the object of the environmental permit (substantial modification to use municipal waste and dried sewage sludge) was replaced by another one (cement productions and rock extraction) during the public information notice which had severe consequences on the participation process and also the fact that environmental impact assessment (EIA) was omitted. This was a clear infringement of the general international standards on participation and specifically of the Aarhus Convention and also the national norms that obviously require that the activity that is announced has to be the same as the one that will

take place at the end of the day and it goes without saying that when the activity requires an EIA it has to be announced too.