



**CASE PRE/ACCC/C/2017/152
STATEMENT BY SPAIN¹**

We would like to thank you for giving us the opportunity to participate in this open session

Regarding case 152, we consider that this communication is not admissible for the following reasons:

1. Firstly, facilitated by the President of the European Commission, in February 2017, an amicable agreement was reached between the governments of the Kingdom of Spain and the Republic of Portugal, to carry out cross-border consultations on the environmental impact assessment, in relationship with the construction project of the temporary storage for radioactive waste in the Almaraz Nuclear Power Plant

Under this agreement, Spain has sent Portugal, in addition to the environmental impact assessment, all subsequent information related to the administrative procedure of environmental impact assessment and their potential impacts on the environment.

As a consequence, the Portuguese Government has carried out the corresponding period of public consultation of the environmental impact study and other complementary information of the project.

The observations coming from the Portuguese public participation process have been taken into consideration and have been incorporated into the subsequent phases of authorization of the project by Spain

In conclusion, we consider that the object of the complaint contained in point V of the Communication does not persist at this time and therefore there is no reason to continue with the procedure.

We are ready to submit all the support information regarding this agreement and to inform on the current situation, although is easily to verify because it was broadly published by the Media. Therefore, it is a bit surprising the repeated affirmations by the communicant on the lack of agreement.

2. Secondly, notwithstanding the first point, to date the communicant has not challenge for the facts included in the complaint

¹ 12/03/2018 Open session Discussion of preliminary admissibility of new communications. Aarhus Convention Compliance Committee 60th meeting.



Therefore, we consider that this communication is also not admissible in accordance with the provisions of paragraph 21 of Decision 1/7, since the domestic remedies available (administrative and judicial) to solve the problem have not been used.

Madrid, March 12th, 2018