

Brussels, October 3, 2019

Mr. Jonas Ebbesson, Chair
Aarhus Convention Compliance Committee
UN Economic Commission for Europe
Palais des Nations
CH-1211 Geneva 10
Switzerland
aarhus.compliance@un.org

Subject: **Appearance in ACCC/C/2017/153**

Dear Mr. Ebbesson,

We, the undersigned, in our capacity of Members of the European Parliament, wish to appear as external observers in the Aarhus Convention Compliance Committee procedure 2017/153 regarding systemic lack of compliance with EU directives protecting public participation and access to information on projects with environmental impacts as well as control and prevention of pollution associated to mining operations, with particular emphasis on the San Finx mine in Lousame.

This case has been brought to the attention of the Committee on Petitions of the European Parliament by Asociación Petón do Lobo and is subject of continuing parliamentary inquiry through Petition 59/2017. After a first hearing in July 2018 and in view of the evidence of systemic non-compliance put forward by the petitioners and fellow MEPs, the Committee on Petitions unanimously agreed to send a letter to the Galician Government requesting information on the situation of the mine and the steps taken to prevent or stop pollution associated to the site.

Unfortunately, the Galician Government has so-far failed to respond to the request made by this Parliament and also decided to ignore subsequent reminders issued by the Committee's Secretariat. This conduct regarding requests of information to Member State's Authorities is extremely rare if not unique and signals both lack of transparency and disrespect for the institutions of democratic oversight and control. This matter is taken seriously by the Parliament's Committee on Petitions and our own parliamentary groups that will request not only the continuation of inquiry but additional measures in the petition's second hearing scheduled for October 2, 2019.

The Committee is well aware that the San Finx case is not unique in Galicia but an example of wider and systemic non-compliance. This is illustrated by other open petitions (i.e., 386/2018, 174/2018 and 1194/2017 on the Touro copper project) as well as previous inquiries (i.e., 42/2018, 1466/2014, 1464/2014, 869/2014, 976/2013 and 932/2013), dozens of parliamentary written questions affecting various mines and claims or lawsuits by environmental and local NGOs from across Galicia. We thus welcome the ongoing proceedings of the Compliance Committee investigating systemic non-compliance in Galicia and make ourselves available to provide additional information on our findings and to better uphold the Aarhus Convention (in terms of Directives 2003/4/EC and 2003/35/EC) through our work at the European Parliament.

Yours faithfully,

Tatjana Ždanoka, MEP (Greens/EFA)
Vice-Chair of the Committee on Petitions

Diana Riba i Giner, MEP (Greens/EFA)

Pernando Barrena Arza, MEP (GUE-NGL)