



**CASE PRE/ACCC/C/2017/153  
STATEMENT BY SPAIN<sup>1</sup>**

First of all, we would like to thank once again to the Compliance Committee of the Aarhus Convention for giving us the opportunity to take part in this open session.

We would like to inform the Compliance Committee about some relevant points that we consider might be significant for the admissibility of the communication 153.

1. Firstly, on December 15, 2017 and February 20, 2018, the competent authority of the Autonomous Community of Galicia informed the interested parties their right to access the information requested and made it available.

Without prejudice of the delay in providing the information, the communicants have not used this right until now and consequently they have not come to the official buildings where the information is available.

2. Secondly, notwithstanding the foregoing, the claimant associations have not made use of all the national legal remedies available to demand the Spanish Administration for mismanagement.

At this regard, it is necessary to clarify that all the claims presented before the Transparency Commission of Galicia have followed the procedure established by the Law 19/2013 of Transparency, Access of the Information and Good Governance and not on the basis of the Law 27/2006 which transposed into Spanish Law the Aarhus Convention legal provisions.

Hence, the aforementioned Law 19/2013 of Transparency, Access of the Information and Good Governance establishes:

*“those matters that have been included in a specific legal system of information access will be governed by their specific rules and, for any matters not provided for herein, by this Law”.*

**As the domestic remedies, both administrative and judicial, available to claimants have not been exhausted, we consider that, according to the Decision I/7 paragraph 21, this complaint is not admissible.**

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



3. Having said that and not wanting to deepen the claim substance, we would like to underline some items related with the possible infringement of article 6 of the Aarhus Convention: “**public participation right in the decision-making process**” that could be useful to clarify the case nature:

- The mining concession files to which the communication refers were closed years ago and no appeal was presented during its processing. Moreover, the communicants have not requested the nullity of proceeding at any time.
- What is currently pending of resolution is an environmental administrative procedure regarding the impact on water status.

This procedure does envisages a public consultation process that was carried out in accordance with the legal provisions, in which the complainant associations participated in due time.

Madrid, March 12<sup>th</sup>, 2018