

2018-12-03

***Case Summary posted by the Task Force on Access to Justice***

**Spain: SEO Birdlife, Judgement of Andalucia High Court of Justice 1050/2013**

1. Key issue	Access to justice in urban planning law
2. Country/Region	Spain
3. Court/body	Andalucia High Court of Justice, 3rd Chamber
4. Date of judgment /decision	2013-09-12
5. Internal reference	STSJ de Andalucía 1050/2013
6. Articles of the Aarhus Convention	Art. 9 (3)
7. Key words	Spatial Planning, Access to justice, ENGO Standing, Wildlife Protection

8. Case summary

Spanish Ornithological Society (SEO BirdLife) brought an action before the Andalucía High Court against the Executive Order 15/2011 regulating planning of nature parks. The ENGO invoked that the executive order lacked reasoning and mandatory reports, such as Environmental Sustainability Report, and, would therefore entail a decrease of environmental protection.

The defendant administrative body claimed that the action would be regarded as inadmissible, as there was not a link between the aim and purpose of the ENGO and the Executive order.

In contrast, the Andalucia High Court stated that SEO BirdLife came into existence in 1954 and it is a national association whose aim is the protection of wildlife and the environment. In addition, the ENGO has been active for more than two years in line with its environmental aims. Thus, as the organization meets the standing requirements in Articles 22 and 23 Royal Decree 27/2006, it shall be able to take legal action against administrative acts such as the Executive Order 15/2011.

9. Link address	<p><a href="http://www.poderjudicial.es/search/contenidos.action?action=contentpdf&amp;databasematch=AN&amp;reference=6976559&amp;links=&amp;optimize=20140228&amp;publicinterface=true">http://www.poderjudicial.es/search/contenidos.action?action=contentpdf&amp;databasematch=AN&amp;reference=6976559&amp;links=&amp;optimize=20140228&amp;publicinterface=true</a></p> <p><a href="http://www.unece.org/fileadmin/DAM/env/pp/a.to.j/Jurisprudence_prj/SPAIN/Spain_2013_SeoBirdlife_judgment.pdf">http://www.unece.org/fileadmin/DAM/env/pp/a.to.j/Jurisprudence_prj/SPAIN/Spain_2013_SeoBirdlife_judgment.pdf</a></p>
-----------------	---