

Act 27/2006, of 18 July, regulating the rights of access to information, of public participation, and of access to justice with regard to the environment (incorporating Directives 2003/4/EC and 2003/35/EC).

TITLE I

General provisions

Article 1. Purpose of the Act

1. The purpose of this Act is to regulate the following rights:

a) To access environmental information held by public authorities or by other subjects on their behalf.

b) To participate in decision-making procedures on matters directly or indirectly affecting the environment, and which are to be drafted or approved by the public administrations.

c) To press for the administrative and judicial review of acts or omissions attributable to any of the public authorities, and which constitute infringements of environmental regulations.

2. This Act also ensures that environmental information is progressively made available and disseminated to the public with the maximum possible extent, standardization and technological options.

Article 2. Definitions

For the purposes of this Act:

1. "Public" shall mean any natural or legal person, their associations, organizations or groups, pursuant to applicable law.

2. "Interested parties" shall mean:

a) Any natural or legal person that is in any of the circumstances set forth in Article 31 of Act 30/1992, of 26 November, on the Legal System of the Public Administrations and Common Administrative Procedure.

b) Any non-profit-making legal person that meets the requirements set forth in Article 23 of the present Act.

3. "Environmental information" shall mean any information in written, visual, aural, electronic or any other material form on:

a) The state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites, including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements.



b) Factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in a).

c) Measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in a) and b), as well as measures or activities designed to protect those elements.

d) Reports on the implementation of environmental legislation.

e) Cost-benefit and other economic analyses and assumptions used for decision-making regarding the measures and activities referred to in c), and

f) The state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in a) or, through those elements, by any of the matters referred to in b) and c).

4. "Public authorities":

1. For the purposes of this Act, the following shall be considered public authorities:

a) The Government of the Nation and the governing bodies of the Autonomous Communities.

b) The General State Administration, the Administrations of the Autonomous Communities, the Local Administration Entities, and the public law Entities reporting or related to the State, to the Autonomous Communities, or to the Local Entities.

c) Public advisory bodies.

d) Public law corporations and any other natural or legal persons when, pursuant to prevailing legislation, they perform public functions, including notaries, property registrars, companies registrars and chattels registrars.

2. The following shall also be considered public authorities, solely for the purposes of Titles I and II of the present Act: natural or legal persons when they are taking on public responsibilities, performing public functions, or providing public services relating to the environment under the authority of any of the entities, bodies or institutions set forth in the preceding paragraph.

3. Entities, bodies or institutions acting in a legislative or judicial capacity are not considered to be public authorities. In all cases, when they are acting in a legislative or judicial capacity, the National Parliament, the Legislative Assemblies of the Autonomous Communities, the Constitutional Court, the courts and tribunals which form part of the Judiciary, the Court of Auditors and the external auditing bodies of the Autonomous Communities are all excluded from the scope of application of the present Act.

5. "Information held by public authorities" shall mean environmental information in the possession of said authorities and which has been produced or received by them.

6. "Information held on behalf of the public authorities" shall mean environmental information which is physically held by a natural or legal person on behalf of a public authority.

7. "Applicant" shall mean any natural or legal person, their associations, organizations or groups, requesting environmental information. This is a sufficient requirement for obtaining, pursuant to Title II, the status of interested party.



TITLE II

Right to access environmental information

CHAPTER I

Obligations of the public authorities with regard to environmental information

Article 5. General obligations with regard to environmental information

1. The public administrations shall carry out the following actions:
 - a) Inform the public properly of the rights granted to them by the present Act, as well as the channels for exercising said rights.
 - b) Facilitate information for their correct exercise, as well as give advice and guidance to the extent possible.
 - c) Produce publicly accessible lists of public authorities according to the environmental information they hold. To this end, there shall be at least one unified list of public authorities for each Autonomous Community.
 - d) Ensure that their staff assists the public when they seek to access environmental information.
 - e) Promote the use of information and telecommunications technologies to facilitate access to information.
 - f) Ensure the principle of streamlined processing and resolution of environmental information requests.
2. Public authorities shall, so far as is within their power, ensure that the information collected by them and the information compiled on their behalf is up-to-date, accurate and comparable.
3. Public authorities shall adopt any measures necessary to ensure that the right to access environmental information can be effectively exercised, and among such measures, at least one of the following:
 - a) Designation of units responsible for environmental information.
 - b) Establishment and maintenance of facilities for the examination of the information required.
 - c) Registers or lists of the environmental information held by public authorities or information points, with clear indications of where such information can be found.

CHAPTER III

Access to environmental information upon request



Article 10. Requests for environmental information

1. Requests for environmental information shall be addressed to the public authority competent to attend to them, and shall be processed in accordance with the procedures established for that purpose.

A public authority competent to attend to a request for environmental information shall mean the public authority holding the information requested, either directly or through other subjects holding said information on its behalf.

2. Said procedures must, at least, respect the following guarantees:

a) When a request for environmental information is formulated imprecisely, the public authority shall ask the applicant to make the request more specific, and shall provide assistance to this end as soon as possible, and no later than the deadline set forth in paragraph 2.c).i.

b) When the public authority does not hold the information requested, it shall send the request to the authority holding it, and shall inform the applicant accordingly.

If this were not possible, it shall directly provide the applicant with the name of the public authority to which it believes they should address their request for information.

c) The public authority competent to attend to a request shall facilitate the environmental information requested, or inform the applicant of the reason for refusing to facilitate it, bearing in mind the timeline specified by the applicant, as soon as possible and no later than the following deadlines:

i. As a general rule, within a maximum period of one month from receipt of the request at the registry of the public authority competent to attend to it.

ii. Within two months from receipt of the request at the registry of the public authority competent to attend to it, if the volume and complexity of the information are such that it is impossible to meet the preceding deadline. In this case, the applicant shall be informed within a maximum period of one month, of any extension to the deadline, as well as of the reasons for this.

A refusal to make available all or part of the information requested shall be notified to the applicant in writing or electronically, if the request was in writing or if the applicant so requests. The notification shall also provide details of the review procedure provided for in accordance with Article 20.

Article 11. Form or format of the information

1. When the request is for the environmental information to be provided in a specific form or format, the public authority competent to attend to it must satisfy this request, except under any of the following circumstances:

a) The information has already been disseminated, pursuant to Chapter I of this Title, in another form or format which the applicant can easily access. In this case, the competent public authority shall inform the applicant of where that information can be accessed, or shall send the information in the format available.

b) The public authority considers it reasonable to make the information available to the applicant in another form or format and duly justifies this.

2. For these purposes, public authorities shall seek to preserve the environmental information they hold, or which is held by other subjects on their behalf, in forms or formats that are easy to reproduce and access using information and communication technologies or other electronic means.



3. If the public authority decides not to facilitate the information—either in full or in part—in the requested form or format, it shall inform the applicant of the reasons for this refusal within a maximum period of one month from receipt of the request at the registry of the public authority competent to attend to it, and shall indicate the forms or formats in which, as the case may be, the requested information could be facilitated, and state the review procedures against said refusal provided for in Article 20.

Article 12. Method used for compiling the information

When responding to requests on environmental information with regard to the matters referred to in Article 2.3.b), public authorities shall indicate—if this is requested and providing that such information is available—the place where information can be found on the following:

- a) Measurement procedures, including methods of analysis, sampling and pre-treatment of samples, used in compiling the information, or
- b) Reference to the standardized procedure used.

TITLE IV

Access to justice and to due administrative process in environmental matters

Article 20. Review

Any member of the public who considers that an act, or as the case may be, an omission, attributable to a public authority has violated the rights recognized by this Act on information and public participation has access to the review procedures regulated in Title VII of Act 30/1992, of 26 November, on the Legal System of the Public Administrations and Common Administrative Procedure and other applicable regulations and, as the case may be, may lodge an administrative appeal pursuant to Act 29/1998, of 13 July, regulating the Administrative Court System.

Article 21. Complaints and enforcement

1. Any member of the public who considers that an act or omission attributable to any of the persons referred to in Article 2.4.2 has violated the rights recognized by this Act may directly lodge a complaint before the public administration under whose authority said persons undertake their duties. The competent administration shall issue the corresponding decision and notify the interested party thereof. This shall exhaust the administrative remedies and shall be directly enforceable, in the period determined by the legislation of the Autonomous Community, or by Additional Provision Ten, as appropriate.

2. If this decision were not complied with, the public administration shall demand, either at its own initiative or at the applicant's request, that the person against whom the complaint was made comply with the decision in the administration's own terms. If this demand were ignored, the public administration may decide to impose penalty payments in the amount determined by the legislation of the Autonomous Community, or by Additional Provision Ten, as appropriate.

3. The amount of the penalty payments referred to in the preceding paragraph shall be calculated taking into account the public interest of the claim made.



The Director of the Office of Interpretation of Languages hereby certifies that the above text is a true and accurate translation into the English language of the Spanish original text shown to me to that effect. Madrid, 24 August, 2018.

