

From: Carril Martinez  
Sent: Friday, February 12, 2021 11:46 AM  
To: ECE-Aarhus-Compliance; Eduardo Salazar; Alex Penalvercabre; Aarhus Punto Focal  
Cc: SG de Relaciones Internacionales MITECO; Nieto Magro, Antonio  
Subject: RE: Decision VI/8j (Spain) - communicant's comments on final progress report

Dear Colleagues,

As regards the latest comments made by the communicant concerning the arguments put forward by this party to underpin our position, we must assert the following:

As is the communicant's customary practice, in their latest comments they avoid refuting or contradicting the grounds for our submissions.

Instead, they merely provide the opinion expressed with regard to this matter by Spain's Ombudsman, a very respectable opinion, but one that under no circumstances shall be incorporated into Spanish law.

By contrast, the opinion of our Supreme Court, expressed in reiterated judgments, constitutes case-law and is incorporated into Spanish law, pursuant to our Civil Code, article 1.6 of which states that:

"Case-law shall supplement Spain's laws with the doctrine repeatedly upheld by the Supreme Court in interpreting and applying the law, custom and the general principles of law."

Moreover, we should question whether the Ombudsman, when issuing that opinion, was aware of the existing case-law on this matter.

Kind Regards

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