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4 July 2022

## Secretary to the Aarhus Convention Compliance Committee

Economic Commission for Europe Environment,  
Housing and Land Management Division

Bureau 348

Palais des Nations

CH-1211 Geneva 10

Switzerland

**Re: Decision VII/8p of the Meeting of the Parties Aarhus Convention on compliance by the Kingdom of Spain with its obligations under the Convention (plan action) (accc/c/2009/36)**

The Plataforma contra la contaminación de Almendralejo (hereinafter Plataforma), seeing that Spain does not take effective measures to comply with the Aarhus Convention's resolutions, decided to submit a complaint to the Spanish Ombudsman. The complaint was forwarded **on 7 July 2021**.

**On 10 October 2021**, the Ombudsman informed the Plataforma "Having studied your complaint, it is admitted, as it is understood that it meets the requirements established in Article 54 of the requirements established in article 54 of the Constitution, in relation to the provisions of the Organic Law of 6 April 1981, on the Ombudsman.

The appropriate actions have been initiated with the Ministry for Ecological Transition and the Demographic Challenge. Once the information to be sent by this body has been received, it will be brought to your attention". (See annex 1 attached).

**On 7 February 2022**, the Ombudsman informs the Plataforma: "For this reason, the Ministry of Ecological Transition and Demographic Challenge estimates that it corresponds to the Ministry of Justice to give the appropriate instructions to the aforementioned free legal aid commissions so that they adapt their resolutions to the jurisprudence of the Supreme Court, in the sense that they grant the right to free legal assistance to entities in which the requirements established in the aforementioned Law 27/2006 meet without the need to meet the requirements indicated in Law 1/1996, of free legal assistance.

Taking into account the content of the report submitted by the aforementioned department has deemed it appropriate to request a new report from the Ministry of Justice, the result of which will be kept informed." (See annex 2 attached).

**On 20 April 2022**, the Ombudsman informed us: "Reportedly, it is communicated that after the entry into force of Royal Decree 141/2021, of March 9, the State Council for Free Legal Assistance has been created, as a collegiate body, in order to promote adequate coordination in the provision of the free legal assistance service between all administrations authorities with powers in matters of Administration of Justice, for which reason it has seemed appropriate to transfer this action to the aforementioned council, in order to issue its opinion on the points made manifest in the complaint.

The action of this institution continues before the State Council for Free Legal Assistance, the result of which you will be kept informed." (See annex 3 attached).

**On 20 June 2022**, the Ombudsman informs us: “In relation to your complaint, processed with the number indicated above, due to the delay in receiving the information that this institution requested from the State Council for Free Legal Assistance, it is communicated that on this same date the urgent referral of the same has been requested.

Once the aforementioned body sends the requested information, its content and the actions that may be appropriate will be transferred.” (See annex 4 attached).

In view of what has been discussed for years in this case, we cannot understand Spain’s behaviour. Instead of quickly and efficiently solving the conflict raised by adding a point to article 2 of Law 1/1996, of January 10, on free legal assistance, in which it will be expressly determined that the associations referred to in article 23 of LAW 27/2006, of July 18, which regulates the rights of access to information, public participation and access to justice in environmental matters (incorporates Directives 2003/4/CE and 2003/35/CE), will have right to free legal aid, Spain has chosen to involve several Ministries and high State institutions in an international procedure, without any real objectives since it recognizes that the result of the two proposed options is the same.

We hope that Spain reconsiders and chooses the option of modifying Law 1/1996, of January 10, on free legal assistance, in the proposed sense, thus contributing to not overloading State institutions to solve a problem that has an easy solution.

Almendralejo, 04 July 2022

The President

A handwritten signature in blue ink on a light yellow background. The signature is stylized and appears to read 'Félix Lorenzo Donoso'.

Félix Lorenzo Donoso

*Plataforma Contra la Contaminación de Almendralejo*