



Decision VII/8p of the Meeting of the Parties Aarhus Convention on compliance by the Kingdom of Spain with its obligations under the Convention

Point 2a)

How the public is informed of the preparation process for the Draft Action Plan

On the Ministry website.

Opportunities for the communicants observers and the general public to comment on the Draft Action Plan

Once the Action Plan has been published on the Ministry website, a public information process will be opened in which interested parties may submit the allegations they deem appropriate.

How the public is informed of where the Action Plan text can be found once it has been completed

On the Ministry website.

General nature of the measures necessary to implement the recommendations of the Decision.

Ministry of Justice communication to the Legal Aid Committees, informing them that their decisions must be in line with Supreme Court case law on the matter.

Monitoring of the Legal Aid Committees' decisions to verify that they are in line with the aforementioned case law.

Details of the Action Plan

Measures proposed to ensure that the recommendations are implemented:

- In response to complaints proceedings initiated by the Ombudsman concerning the possible failure to provide free legal assistance to environmental NGOs that meet the necessary legal requirements, the Ombudsman was informed of the Supreme Court rulings on this matter. The Ombudsman accepted the response and has suspended the proceedings initiated. The Ministry of Justice has been informed of this decision.
- The Ministry of Justice shall be informed of the Supreme Court rulings and asked to instruct the Legal Aid Committees to ensure that their decisions are in line with Supreme Court case law on the matter.
- The General Council of Spanish Lawyers shall also be informed of the aforementioned rulings so that it, in turn, duly informs the bar associations that participate in the Legal Aid Committees.
- Monitoring of the Legal Aid Committees' decisions relating to this matter.

Steps required to implement the proposed measures

Stakeholders

Ministry of Ecological Transition and the Demographic Challenge, Ministry of Justice, Legal Aid Committees, General Council of Spanish Lawyers

Deadline for fully implementing the recommendations.

December 2022



Point 2 b) Decision

How is the public informed about the process of preparing the draft Action Plan?

Through the website of the Ministry for Ecological Transition and the Demographic Challenge.

Opportunities for communicators, observers and the general public to comment on the draft Action Plan.

Following the publication of the Action Plan on the Ministry's website, a public information process was opened in which interested parties could make any allegations they deemed appropriate.

During this public information process, on 5 June, a query was received in the mailbox of the Sub-Directorate General for International Relations of the Ministry for Ecological Transition and the Demographic Challenge, from a representative of the University of Murcia, asking for clarification of the specific reforms to be introduced in order to comply with the obligations of Article 6.9 of the Aarhus Convention, specifically what means other than the Internet are going to be used to promote/direct the public affected. The response to the consultation was sent to the interested party by email on 22 June, providing the requested information and specifying the content of the literal wording of the draft Royal Decree 815/2013, which, as part of its approval procedure already underway, was submitted to a public hearing and information procedure from 28 January 2022 until 21 February 2022.

How the public has been informed about the availability of the finalised text of the Action Plan.

Through the website of the Ministry for Ecological Transition and the Demographic Challenge.

General nature of the measures that will be necessary to implement the recommendations of the Decision.

The Decision's recommendations will be implemented by amending Royal Decree 815/2013, of 18 October, approving the Regulation on industrial emissions and implementing Law 16/2002, of 1 July, on pollution prevention and control; however, these measures do not entail a substantial change in the basic legal framework on integrated pollution prevention and control.

Details of the Action Plan:

Proposed measures to comply with the recommendations:

Spain proposes to amend national legislation related to industrial emissions and integrated pollution prevention and control, namely Royal Decree 815/2013. The legal procedure has already been initiated.

Outline of the steps necessary to implement the proposed measures:

The steps for the approval of a Royal Decree in Spain are as follows:



- Information and consultation of the general public, competent authorities and interested public.
- Preparation of the first draft of the Royal Decree.
- Processing of the mandatory reports from the national authorities and the European Commission.
- Revision of the draft.
- Request for an opinion from the Council of State and new version of the text, if appropriate.
- General Commission of Secretaries of State and Deputy-Secretaries and new version of the text, if appropriate.
- Analysis and approval by the Council of Ministers.
- Publication in the official gazette (BOE).
- Information to the public on the decision adopted and the participation process; the Directorate General will disseminate it on the Ministry's website, publishing the Royal Decree, the opinions obtained and the report on the legal impact analysis.

Actors involved.

During the process of approval of the modification of RD 815/2013, the following actors will be consulted and therefore involved:

- General public.
- Interested public.
- Autonomous Communities (Regional Governments).
- General Technical Secretariat of the Ministry for Ecological Transition.
- Environmental Advisory Council (CAMA).
- Sectoral advisory bodies.
- Sectoral Conference on the Environment.
- National Commission for Local Administration.
- Spanish Federation of Municipalities and Provinces.
- Ministries involved.
- Ministry of Finance and Public Administration.
- European Commission.
- Council of State.
- General Commission of Secretaries of State and Under-Secretaries of State.
- Council of Ministers.

Final date when the implementation of the recommendations will be completed.

We estimate that the amendment to Royal Decree 815/2013 will be approved by mid-2023. This will fully comply with the Committee's recommendation.