

From: Eduardo Salazar [REDACTED]
Sent: Friday, July 29, 2022 2:23 PM
To: Plataforma [REDACTED]; ECE-Aarhus-Compliance
<aarhus.compliance@un.org>; alexpenalvercabre [REDACTED]; fiona.marshall [REDACTED];
jcarri [REDACTED]
Subject: Fwd: Decision VII/8p (Spain) - plan of action

Dear Aarhus Convention Secretariat,

Thank you for your messages and for keep us informed about this follow-up process.

Regarding the plan of action submitted by the Party concerned (Spain) we have the following comments:

In relation with 2.a) of the Plan of Action:

1. We insist in the necessary ammendment of the current legislation (Law 27/2006) regarding legal aid for litigation in environmental matters for some NGOs. It is the effcient manner to overcome the obstacles to improve the siuation regadring legal aid for some environmental NGOs and finish the conflict between Law 27/2006 and Law 1/1996.
2. The Party concerned is trying to use "case law" as a way to force Ministry of Justice and Legal Aid Commissions to give legal aid for environmental NGOs. We think it is not enough to comply with the duties of the Convention, and specially with the obligation to "establish and maintain a clear, transparent and consistent framework" (article 3.1. Aarhus Convention). Case law is not a source of law in the Spanish legal system (not included in article 1.1. of the Spanish Civil Code) and for this reason it is not a consistent way to force any public body to act. In fact, theer are Legal Aid Commissions they are decidind against this judicial decisions.
3. In our opinion, to send letters to the Ministry of Justice and the General Council of Spanish Lawyers (CGAE) are not an effective measure as a matter of urgency (see Decision VII/8/p 2.a) to overcome the remaining obstacles. In any case, to know the content of this letters is needed to evaluate any possibility of the letters to promote some changes.
4. We are curious about who and how will monitore the Legal Aid Committees Decisions. Anyway, we propose the General Council of Spanish Lawyers to play a key role on this.
5. Anyway the question is not only to monitore the future decisions but to overcome the situation created 16 years ago through a defficient wirting of the article 23 of the Law 27/2006. The best way is to ammend this article.

In relation with 2.b) of the Plan of Action:

1. We agree with the legal amendments, that we knowed. It will be a good idea to share the specific legislation changes with Aarhus Convention Compliance Committee and include it in the plan of action.

2. We propose to include the municipalities web-sites as a way to inform about decisions regarding industrial installations.

3. We propose to include to communicate the local NGOs as a way to inform about decisions regarding industrial installations.

2. We propose to include the local media as a way to disseminate the decisions referred in article 6.9 Aarhus Convention.

We hope our comments will be taken in account for the further decision, in order to get compliance with the Convention in Spain.

Best Regards,

Dr. Eduardo Salazar Ortuño

Asociación para la Justicia Ambiental

El 29/07/2022 a las 11:12, Eduardo Salazar escribió: