



## Sociedade Galega de Historia Natural

*Dende 1973 estudiando, divulgando e defendendo o medio natural galego*

### Presidencia

Apartado de Correos nº 330 ; 15780 SANTIAGO DE COMPOSTELA  
<http://www.sghn.org> [e-mail:sghn@sghn.org](mailto:e-mail:sghn@sghn.org) CIF: G-15037211

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Ms. Fiona Marshal  
Secretary to the Aarhus Convention Compliance Committee  
United Nations Economic Commission for Europe  
Palais des Nations,  
1211 Geneva 10,  
Switzerland

**Subject:** ACCC/C/2017/153 Response by Observer Galician Society of Natural History

Dear Secretariat,

The Galician Society of Natural History (SGHN), as an Observer in proceedings ACCC/C/2017/153, wishes to make some brief comments in view of the hearing and the Party's request for its postponement made on 24 February 2023.

On the Party's request for postponement, we can only see this as further evidence that Spain does not take its obligations under the Aarhus Convention seriously. The grounds for postponement are weak given the circumstances (the facts of the case have been well established between 2017 and 2019, and are perfectly well known to both the Regional Government in Galicia and the Spanish central government) and should in any case have been submitted several weeks ago.

Regarding the facts at stake, we wish to indicate that the Party has to-date failed to subject the activity of both the San Finx and Santa Comba mines to an environmental impact assessment (EIA), although this was required by law when the projects were approved (2009 and 2011). It also failed to revise the restoration plan, that by law also had to be subjected to public participation. This effectively prevented any form of public participation regarding the mine projects, in clear breach of the Aarhus Convention.

Recently, on 1 February 2023, the San Finx mine was awarded a water discharge permit for 889.885 m<sup>3</sup> of mine drainage in spite of the lack of an EIA and of dozens of comments warning the administration about this fact, including by the Galician Society of Natural History. This situation further emphasizes the urgent need for the substance of this case to be considered by the Committee, as its findings can be key for the Party to reconsider its current path of action in these cases and multiple other mines under similar circumstances.

While in 2018 and 2019 the Party had repeatedly stated that the San Finx mine did not require an EIA to operate, recent reports by the mining administration have indicated it would be in breach of the law to allow the continuation of the mine's activities in absence of such an EIA, as both observers and communicants have pointed out in previous statements.

It should also be noted for the Varilongo (Santa Comba) mine, that a disciplinary procedure (DH.D15.74601) was initiated by the Galician government in 2021 because of illegal discharges of mine drainage with heavy metal concentrations, as the communicants had repeatedly claimed in 2017-2019. It should be noted how the Party has deliberately misguided the ACCC by stating that no pollution with heavy metals existed, with this having been proved false.



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The Galician Society of Natural History intends to be present at the hearing during the at the Committee's 78th meeting and wishes to designate Ms. Iolanda Mato to speak on our behalf. Travel arrangements have already been made for this purpose and, thus, the postponement of the hearing would involve an economic loss that should in any case be covered by the Party.

We wish to again make ourselves available to respond to any questions the Committee may ask or provide additional documental evidence of the aspects included in this response.

Yours sincerely,

Serafín González Prieto  
President, Galician Society of Natural History