



CASE PRE/ACCC/C/2022/195

STATEMENT BY SPAIN

At the 21/03/2022 Open session Discussion of preliminary admissibility of new communications.

**Aarhus Convention Compliance Committee
78th meeting.**

We would like to thank you for giving us the opportunity to participate in this open session.

Regarding case 195, we first would like to make two preliminary comments.

Firstly, as already pointed in the letter from the Secretary to the Aarhus Convention Compliance Committee, dated 10 March 2023, to have a full picture of the case, it would be fundamental to have the Order of the Provincial Court of A Coruña, dated 19 July 2019, as referred to in paragraph 6 of the communication, which, we believe may provide the legal reasoning behind the initial decision of the Court.

Secondly, regarding the complaint made about the requirement to make a deposit of € 3,000 in December 2022, we consider that this fact is not within the temporary period to which the initial appeal refers (2016-2022) and there is no documentary evidence that endorses it and upon which we can pronounce.

Having said that, taking into account that the available documentation is not complete, considering the case from the information provided by the communicant, and without going into assessing the merits of the case, it is the view of this focal point that the request is unreasonable and should therefore not be admissible in accordance to Decision I/7, for the following reasons:

1. With respect to article 9.3 of the Convention, it is to be considered that the complainant has had access to justice repeatedly, despite the fact that in all cases his demands have been dismissed by the different courts of justice.
2. Taking into account that in all cases the demands have been dismissed by the different courts of justice, there is not breach of article 9.4, since there has not been official to provide remedies or reparation.

We thank the Committee for taking these arguments into considerations when assessing the admissibility of the case. We will be pleased providing further considerations regarding the admissibility of this case, if needed.