

25 May 2023

Ms. Sabela Iglesias Garrido
Asociación Verdegaia
Spain

Dear Ms. Iglesias Garrido,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Spain in connection with access to justice regarding the San Finx mine (PRE/ACCC/C/2022/195)

At its seventy-eighth meeting (Geneva, 21-24 March 2023), the Compliance Committee agreed to further defer its determination of preliminary admissibility to its seventy-ninth meeting (Geneva, 13-16 June 2023) and to send questions to the communicant for its written reply in advance of that meeting.

In that regard, the Committee has requested me to draw to your attention the following text from page 52 of the Guide to the Aarhus Convention Compliance Committee:

“For communications concerning a person’s rights under the Convention, it must be stressed that the compliance procedure is designed to improve compliance with the Convention and is not a redress procedure for violations of individual rights.

The compliance mechanism aims to facilitate compliance by Parties with their obligations under the Convention. It is not intended as a redress mechanism.”

In light of the above, please find enclosed a question from the Committee for your reply. Please send your reply to the enclosed question to aarhus.compliance@un.org by **Friday, 9 June 2023**.

Please do not hesitate to contact the secretariat if you have any questions regarding the above.

Yours sincerely,



Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of Spain to the United Nations Office and other international organizations in Geneva
Mr. Martín Fernández, Ministry for the Ecological Transition and Demographic Challenge

Enc: Question from the Committee to the communicant

Question to the communicant:

Recalling that the Compliance Committee is not a redress mechanism, please specify which of the points of non-compliance alleged in your communication are illustrative of a wider systemic failing regarding access under article 9 of the Convention to challenge contraventions of criminal law relating to the environment in Galicia or, more generally, in the Party concerned. For each such point that you allege to be due to a wider systemic failing, please provide evidence from the applicable legislation or relevant case-law to substantiate that the failing is indeed of a systemic character.
