

**To:-**

Secretary to the Aarhus Convention Compliance Committee  
United Nations Economic Commission for Europe  
Environment Division  
Palais des Nations

*6<sup>th</sup> of August, 2023*

**RE: Communication to the Aarhus Convention Compliance Committee regarding intentional and continued non-compliance of a member party.**

**I. Information on correspondent submitting the communication**

1. Association "Salvar La Tejita" (ANNEX SLT-000)  
**Permanent address:-** CALLE EL CANO 3, URB. SOTAVENTO 1, 3-1-F,  
Los Abrigos 38618, Tenerife, Spain

**Telephone** [REDACTED]  
**Email** [REDACTED]

**Name:** [REDACTED]  
**Title/Position** GENERAL SECRETARY  
**Telephone** [REDACTED]  
**Email** [REDACTED]

**II. Party concerned:- SPAIN**

**III. Facts of the communication**

(a) The TENERIFE CABILDO (Island Council) is in the process of initiating the construction of a Competitive Motor Circuit Racetrack in the municipality of Granadilla de Abona, Tenerife. The project involves public funding of approximately 44 million Euros, and is to be built on rustic ground, which is home to various protected and/or endangered species of flora and fauna, in addition to containing archaeological artifacts from the Guanche era.

(b) On February 9, 2023, we submitted a request for public information (ANNEX SLT-001), regarding this project which requires an environmental report . We also also requested that our association be granted the status of "Interested Party" to receive future notifications. The request was sent electronically to the responsible administration.

(c) On March 24th 2023 we received a notification (ANNEX SLT-002) from the CABILDO which stated that one of our requests was "approved", providing internet links (two of which do not work) to information which had already been published. This information is incomplete, which is why we initially submitted our request.

(d) Our request for specific technical reports was denied because, according to the

administration, *"many of these documents originate from the 1990s ..... this request for such extensive documentation would lead to the paralysis of the daily administrative management,"*.

(e) In addition our request to become an "Interested Party" was denied.

(f) As a result, on the 5<sup>th</sup> of April 2023, we placed an official complaint with the "COMISIONADO DE TRANSPARENCIA Y ACCESO A LA INFORMACIÓN PÚBLICA" (ANNEX SLT-003), the organization responsible for transparency and adherence to the Aarhus Convention and its principles within the territory of the Canary Islands.

(g) On the 12<sup>th</sup> of July 2023 (just a week after the regional government had been formed following the regional elections), we received a notification (ANNEX SLT-004) from the COMISIONADO DE TRANSPARENCIA denying our application, and upholding the CABILDO's decision to deny the association access to key environmental documentation regarding the project.

(h) It must also be noted that on the 13<sup>th</sup> of April 2023, the association presented a complaint (ANNEX 005) to the Defensor Del Pueblo (state agency responsible for ensuring that administrations act within Spanish and International laws). This agency accepted our petition on the 26<sup>th</sup> of April 2023, and sent a communication to the CABILDO on the same date. The CABILDO responded to the Defensor Del Pueblo on the 29<sup>th</sup> of May 2023, and we have not received any further form of notification regarding the case.

#### **IV. Provisions of the Convention with which non-compliance is alleged**

ARTICLE 4 (1), ARTICLE 5 (1,a), ARTICLE 6 (1,a) , (2,a – ii, iii, iv, v, vi), (3), (4), (5) (6, a, b, c, d, e), (7), (8), ARTICLE 7, ARTICLE 8 (a, b, c)

#### **V. Nature of alleged non-compliance**

(a) ARTICLE 4 (1) The administration, upon being requested to provide specific environmental information to the association (the public), refused.

(b) ARTICLE 5 (1,a) According to the CABILDO's response to our request, *" .... the specific environmental information and documentation which was requested could not be located because it originated in the 1990s ..."*.

(c) ARTICLE 6 (1,a) The project, according to Spanish regulations, requires an environmental impact assessment (annex 1.20) so public participation is required. The public has not only been "not invited to participate", but pro-actively blocked from all participation.

(d) The following clauses (2, a – ii, iii, iv, v, vi)(3) (4) (5) (6, a, b, c, d, e) (7) (8) have not been complied with:-

(i) The project could have a significant impact upon the environment, including the following aspects:-

- Contamination from internal combustion engines of Racing Vehicles
- Sonic Contamination
- Light Contamination
- Construction over rustic land populated by protected / endangered / endemic flora and fauna.
- Sewage Contamination.
- Usage of water supply.

(ii) The public were never invited in any decision making, either early on within the planning stages, or when the association directly requested specific environmental information and to be considered an "interested party" .

(e) ARTICLE 7

The CABILDO made no effort to involve the public regarding any environmental aspect of this project.

(f) ARTICLE 8 (a, b, c)

In addition to the above points, the CABILDO is pro-actively attempting to execute the project urgently to avoid scrutiny by the public regarding the environmental issues, so no time frame has been offered for the public participation, and a public opinion within the planning does not exist, so it cannot be taken into consideration.

(g) The administration responsible (TENERIFE CABILDO) is directly and purposely violating the rights of the public to access important environmental information regarding this project.

## **VI. Use of domestic remedies**

(a) On the 5<sup>th</sup> of April 2023, we placed an official complaint with the "COMISIONADO DE TRANSPARENCIA Y ACCESO A LA INFORMACIÓN PÚBLICA", the organization responsible for transparency and adhesion to the Aarhus Convention and its principles within the territory of the Canary Islands. On the 12<sup>th</sup> of July 2023 (just a week after the regional government had been formed following the regional elections), we received a notification from the COMISIONADO DE TRANSPARENCIA denying our application, and upholding the CABILDO's decision to deny the association access to key environmental documentation regarding the project.

(b) On the 13<sup>th</sup> of April 2023, the association presented a complaint to the Defensor Del Pueblo (state agency responsible for ensuring that administrations act within Spanish and International laws). This agency accepted our petition on the 26<sup>th</sup> of April 2023, and sent a communication to the CABILDO on the same date. The CABILDO responded to the Defensor Del Pueblo on the 29<sup>th</sup> of May 2023, and we have not received any further form of notification regarding the case.

(c) The next step for domestic remedy would be legal action through the Spanish judiciary

system, but this has not been initiated due to the excessive length of time for this type of case to be heard (approximately 2 to 3 years), and by which time the Motor Circuit project will have been completed.

#### **VII. Use of other international procedures**

No other international procedures have been initiated.

#### **VIII. Confidentiality**

We do not require any special confidentiality measures, with the exception of the publication of names and telephone numbers of members of the association Salvar La Tejita.

#### **IX. Supporting documentation**

**ANNEX SLT-000:-** Certificate to prove that the Association Salvar La Tejita is fully registered with the corresponding governmental administration, and was registered more than 2 years before the request for information was made.

**ANNEX SLT-001:-** Request for environmental information to the Cabildo Insular de Tenerife

**ANNEX SLT-002:-** Reply from the Cabildo Insular de Tenerife to the Association Salvar La Tejita, refusing the request for environmental information relative to the Motor Circuit Racetrack project.

**ANNEX SLT-003:-** Complaint to the Comisionado de Transparencia de Canarias that the CABILDO were refusing to allow the public access to environmental information.

**ANNEX SLT-004:-** Reply from the Comisionado de Transparencia de Canarias to the Association Salvar La Tejita, refusing to apply the conditions of the Aarhus Convention and it's application within Spanish Law to this case.

**ANNEX SLT-005:-** Complaint to the Defensor Del Pueblo (unresolved).

**Signed:-**

A large black rectangular redaction box covering the signature area, positioned below the 'Signed:-' label.

*6<sup>th</sup> of August, 2023*

Secretario General: Asociación Salvar La Tejita (Recuperando Espacios Naturales)  
CIF: G76729573 / Registro N° G1/S1/22743-17 - Santa Cruz de Tenerife