

**To:-**

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

Dear Fiona,

I would like to thank the Aarhus Convention Compliance Committee for allowing the participation of Salvar La Tejita in the pre-admission hearing regarding the Tenerife Motor Circuit.

Following the receipt of the Party Concerned Statement which I received on the 19<sup>th</sup> of September (the same day as the hearing), I would like to clarify that I had only a few minutes to analyse this document before the pre-admission hearing. As such, I have since had a little more time to read the statement in its entirety, and would like to submit the following information which I believe will explain why this case should be admitted for further investigation by the Committee.

But before addressing several key points below, it is perhaps helpful that the Committee understand some of the circumstances behind our initial report, and the general situation regarding transparency, public administrations, court delays and ecological associations within the Canary Islands which prompted Salvar La Tejita to seek assistance or intervention from the Aarhus Convention Compliance Committee.

**Relative Information and History:-**

Salvar La Tejita was registered as a regional ecologist association in 2017, and now has over 10,000 members. The association refuses to request any state funds or subventions, and the board members all work on a voluntary basis.

Within the past six years, the association has achieved what the majority of the public, the media, and many public administrations thought was impossible in the Canary Islands; paralyse the completion of two major works through legal action.

The first case, the "HOTEL LA TEJITA", was paralysed by the association's legal initiatives in 2020 for serious irregularities regarding the proposed sewage treatment system (or total lack of it), and is currently awaiting the court date for final sentencing, which is estimated to be in 2025. The court and technical reports costs, so far, have amounted to over 10,000€, which the association paid thanks to the support of its members, (this is a civil case against the license). The reports to the regular courts and fiscal which the association presented (2027 to 2019) have yet to be heard.

The second case, "CUNA DEL ALMA", was halted by the regional fiscal last year following the association revealing that the environmental impact plan (which was approved by the Island Council) had been manipulated to exclude several species of endemic, endangered and protected species of flora and fauna, amongst many other irregularities. The case has also been admitted by the European Parliament (Petition 0284/2023) for ongoing investigation.

The above cases, which between them have paralysed over 400 million € of construction work over sensitive territory, indicate that Salvar La Tejita is making rapid progress regarding the application of ecological justice within the Canary Islands.

However, the most difficult part of any case is always obtaining the full environment information in order to present allegations. For example, on another pending case, we have been awaiting the technical report for the sewage treatment of a current construction since June 2022; the version which we have has been manipulated by the local town hall so it is unreadable, and neither the regional fiscal, the Defensor del Pueblo, nor the Consejo de Transparencia, have been able (or willing) to retrieve this document for us. In addition, the aforementioned project was never published in any official notice as is required by law.

Also, we are in a constant battle against administrations and institutions regarding the receipt of notifications, certificates to accredit members of the association, alleged blocking of board member's computers (via suspected "fingerprint" software) from accessing some public administrations websites, making it impossible for us to receive pending notifications regarding allegations.

The above points demonstrate the panorama in which we operate, and can hopefully clarify to the Committee our insistence upon receiving the **full environmental documentation** regarding the Motor Circuit, and could also explain the Island Council's persistent refusal to allow us access to the full environmental information, and their refusal to allow us to receive future notifications regarding the project.

**Here are our brief responses to some of the points which the Island Council included within their written and verbal responses:-**

*(1) " ....This Administration (the Tenerife island Council), being at the public tender stage of this project, assumed that they were asking about the files approving the works project; so did the Ombudsman, in the communication addressed to the Island Council....."*

The information which we requested was very specific and relative to the environmental impact of the project (water, sewage treatment, noise and light contamination, etc.; all of these points are inarguably **relevant to the ecological balance of the area after the completion of the project**).

Also, it must be noted that an appeal against a project can be made, or a request to receive information or become an interested party must be fulfilled, within Spanish law, after 2 or 4 years of its initiation (depending upon the characteristics); it is not limited to just a 60 day notice when the project is published officially.

*(2) " .... At none of these public calls did the Association provide allegations. They only did so later on, when the projects had been finally approved, when they requested to be considered an interested party....."*

We have yet to make any allegations against the Motor Circuit project. We cannot make any such allegations because **we do not have the complete environmental information** which we would require to initiate them, if that were the case. The Island Council has refused this association access to specific documentation which has been methodically excluded from the revised project files (REV. 2022).

*(3) " ....In our view, the right to access environmental information has not been breached, for this Island Council made readily available for the Association all the links to relevant documents (environmental impact statement for the project, work plans, and environmental reports for each project) and other requested information (inventory of species of flora and fauna dwelling the area, which the Association downloaded), all of which encompass the environmental information regarding the works of the Motor Circuit...."*

We agree that the Island Council has made a limited amount of information available. However, this information is **incomplete**, and in order to examine the full legality and medicamental compliance of the project, we require **specific technical reports**. These technical reports are **not**

**included** within the documentation published by the Island Council. We are expected to just rely upon the "goodwill" of the Island Council that all of these technical reports exist, are favourable, and are within their legal expiry dates.

*(4) “ ...The Association **did not use this option** to state the legitimate interest that made them interested party, and instead they filed a complaint before the Commissioner for transparency and access to public information, an independent and impartial body, with members chosen among professionals of public prestige and competence, for a period of 5 years. The resolution of this body was not favourable to the Association, and they then appealed to the Ombudsman....”*

The 60 day period mentioned is just **an option**. An association may apply to be an interested party at any stage of a project, up to 2 or 4 years after its initiation. We often choose to wait until we have obtained the full documentation before making a decision whether to proceed with allegations or otherwise, as examining thousands of pages of documents, consulting urbanistic lawyers, specialist engineers or architects, and often subsequently having to contact the administration for further documentation, then presenting allegations, is rarely possible within a 60 day period. This is included within Spanish law\*. In addition, it is totally logical because projects can become radically amended as they progress. The project for the Motor Circuit is currently within its 5th revision.

*\*In a recent court ruling, the judge ruled in the favour of *Salvar La Tejita*, making it very clear that we have the right to present allegations after the initial 60 day "allegations window", especially in the case in which the association was not an interested party, or was an interested party but was not directly and officially notified of the project.*

*(5) “ ...The fact that the Association, up until February 9th, 2023, didn't get involved in this project and was not an interested party, does not mean that the general public was not called in to participate in the procedure. In fact, from the very beginning there were other associations that were actively involved in the initial steps of the Circuit. 'La Tejita' is not the only association in the island, so it is uncalled for to generalize that if they don't participate, the rest of the general public doesn't, either, since all the relevant environmental documents were publicly exposed in order to receive allegations, as in fact happened....”*

The above statement is totally misleading. One other association, ATAN (who we collaborate with on many initiatives), was mentioned by the Party within the pre-admission hearing, with the claim that they were involved within the process. Having discussed this claim with several members of ATAN today, and having sent them a transcript where they were mentioned, I can confirm that they were not only surprised, but also insulted. They are fully willing to provide a written declaration to the Committee, which I hope to have within the next few days, and will of course make available to the Committee.

But to summarize:-

- ATAN made allegations against the Island Council in 2011 regarding the Motor Circuit.
- The Island Council rejected 100% of ATAN's allegations, and ignored their appeals.
- When the Island Council re-published the 5<sup>th</sup> Revision of the project in 2022, ATAN requested the new information (which they have only received in an incomplete form), and also initiated court proceedings to oblige the Island Council to reinstate the entire process, because the 2011 and 2022 versions of the project are completely different.

In any case, the fact that one other association presented allegations does not exclude other associations from involvement, particularly as the 2011 and 2022 versions of the project potentially have different environmental criteria.

(6) “ .....*The fact that we were unable to gather documents regarding works already executed, given the fact that these are files that date back to 1990, as this would paralyse our service, doesn't mean that the environmental information needed today is not updated, as far as it is necessary for the duties of the Island Council, for at this point the only useful information is the one previously mentioned regarding the projects about to be carried out, which was made available to the Association.....*”

The specific environmental information which we requested (water, sewage treatment, noise and light contamination) obviously apply the the final phase of the project; not to the initial phase (“*works already executed*”), which is access roads, land clearing, etc. The details of this second phase was approved and published in 2022, not the 1990s.


We have been denied access to these "updated" documents, nor any which have not been updated, which the Island Council is unable (or unwilling) to find. Whether they originate from the 1990s (in which case they would now be obsolete), from 2022, or at any time in between, the Island Council must, by law, have these technical studies available, and include them within the information published and the project license.

**Summary:-**

We trust that the above points are useful for the Committee to establish the multiple breaches of the Aarhus convention by the Island Council regarding transparency of environmental information regarding their Motor Circuit, and that this can result in the admissibility of this case, so that it can be investigated further.

Finally, I would like to mention that I will shortly write a reply to the Defensor De Pueblo's response (which we received 4 months after making the initial report), and I will inform the committee of any final resolution from this institute, though I must point out that we have several ongoing cases with the Defensor Del Pueblo which have not been resolved within over a year of their admission.

Kind Regards,

 (General Secretary – Salvar La Tejita)

