



**First Progress Report. Action Plan to address Decision VII/8p of the Meeting of the Parties. SPAIN**

The latest Meeting of the Parties to the Aarhus Convention, held in Geneva (Switzerland) in 2021, adopted Decision VII/8p regarding the Kingdom of Spain's compliance with its obligations under the Convention.

According to paragraph 2 (c) of decision VII/8p, Spain must submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations in paragraph 2 (a) and (b) of the decision. Paragraph (a) requested Spain to ensure that the remaining obstacles to the full implementation of article 9 (4) and (5) of the Convention with respect to legal aid for non-governmental organizations were removed, while paragraph (b) encouraged the implementation of measures to guarantee that the public is promptly informed of decisions on integrated environmental permits taken under article 6 (9) of the Convention via the internet and other means.

The Kingdom of Spain delivered the required Action Plan on July, 1st, 2022. The plan is available for the public at the following link:

[https://www.miteco.gob.es/content/dam/miteco/es/ministerio/servicios/participacion-publica/plandeacciondecisionvii8pconvenioaarhus\\_tcm30-539896.pdf](https://www.miteco.gob.es/content/dam/miteco/es/ministerio/servicios/participacion-publica/plandeacciondecisionvii8pconvenioaarhus_tcm30-539896.pdf)

Under paragraph (b) of decision VII/8p, Spain should provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendations.

This progress report has been drafted to meet the aforesaid obligation, and describes the actions taken so far to address points 2 (a) and 2 (b) of Decision VII 8p.

**Point 2a)**

The Action Plan foresees the following measures to enhance general knowledge of the right of environmental NGOs to free legal aid:

- The Ministry of Justice shall be informed of the Supreme Court rulings and asked to instruct the Legal Aid Committees to ensure that their decisions are in line with Supreme Court case law on the matter.
- The General Council of Spanish Lawyers shall also be informed of the aforementioned rulings so that it, in turn, duly informs the bar associations that participate in the Legal Aid Committees.
- Monitoring of the Legal Aid Committees' decisions relating to this matter

In accordance with the plan, the following actions have been carried out:

On July 18th, 2023, the Technical General Secretariat of the Ministry for Ecological Transition and the Demographic Challenge sent an email to the Under Directorate General for Institutional Cooperation in the Ministry of Justice, enclosing the report on the matter of free legal aid for environmental NGOs, and requesting the report to be forwarded to the Central Commission on Free Legal Aid and the Regional Commissions on Free Legal Aid, as well as to the General Council of Barristers and to the General Council of Solicitors.



On July, 28th, the Ministry for Ecological Transition and the Demographic Challenge received confirmation from the Ministry of Justice on the delivery of the report and relevant case-law to the aforementioned recipients.

Both emails are attached for reference.

In 2024, a follow-up report will be requested from regional commissions on free legal aid to assess the full implementation of the Plan.

### **Point 2 b)**

The Action Plan foresees the amendment of Royal Decree 815/2013, of 18 October, approving the Regulation on industrial emissions and implementing Law 16/2002, of 1 July, on pollution prevention and control. Specifically, one of the targets of the amendment is to promote information to the general public of all kinds of resolutions affecting Integrated Environmental Permits.

In accordance with the plan, the following actions have been carried out:

After following the legal procedure, the amendment was successfully passed, as Royal Decree 34/2023, on January 24<sup>th</sup>, 2023, and published in the official state bulletin on the 25<sup>th</sup>.

The amendment introduced article 10 bis on Royal Decree 815/2013, with the following provision:

*' (...) the Autonomous Communities and cities of Ceuta and Melilla will make available to the public on their website the text of the administrative resolutions by which the integrated environmental authorizations have been granted, substantially modified or revised, accompanied by the reasons and considerations on which said decision is based. Likewise, they will send to the municipalities the announcement of said resolutions, making available to the public for exhibition on the bulletin boards of the municipalities in which the facilities are located for a minimum period of twenty calendar days. Municipalities must provide citizens who request it with a printed copy of the text of these resolutions.'*

The following link leads to Royal Decree 34/2023:

<https://www.boe.es/buscar/doc.php?id=BOE-A-2023-2026>

and the following link leads to the amended version of Royal Decree 815/2013:

<https://www.boe.es/buscar/act.php?id=BOE-A-2013-10949&p=20230125&tn=1>

### **Conclusion**

The action plan of the Kingdom of Spain to comply with recommendations found on decision VII/8p of the meeting of the parties to the Aarhus Convention is being implemented according to agreed terms. Point 2 (b) of the decision has been fully implemented, while to ensure full implementation of point 2 (a) of the decision, we will continue to monitor the Regional Councils for Free Legal Aid to check that they are consistently ensuring that environmental NGOs exercise the right to free legal aid without any prerequisites being asked.



The 2024 report on the implementation of the Action Plan will follow up on this particular subject.