

11 October 2023

Association “Salvar La Tejita”
Tenerife
Spain

Mr. Jaime L. Fraile Jiménez de Muñana
Ministry for Ecological Transition and the Demographic Challenge
Spain

**Re: Determination of inadmissibility of communication to the Aarhus Convention
Compliance Committee concerning compliance by Spain in connection with the
proposed Tenerife motor circuit (ACCC/C/2023/206)**

On 7 August 2023, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication from the association “Salvar La Tejita” addressed to the Compliance Committee of the Convention. The communication concerns compliance by Spain with respect to access to information and public participation in decision-making on the proposed Tenerife motor circuit.

At its eightieth meeting (19-22 September 2023), the Compliance Committee considered the preliminary admissibility of the above communication. During the meeting the Committee heard the views of both the communicant and the Party concerned on the preliminary admissibility of the communication. After considering in closed session the information received, the Committee determined the communication to be inadmissible under paragraphs 20 (d) and 21 of the annex to decision I/7 of the Meeting of the Parties to the Convention, for failure to demonstrate that the available domestic remedies have been used and completed. With respect to the allegations within the scope of the communicant’s complaint to the Ombudsman, those allegations are inadmissible due to the Ombudsman’s procedure still being ongoing. Regarding any allegations outside the scope of the complaint to the Ombudsman, the communicant has not shown that any available remedies have been used and completed.

The text of decision I/7 of the Meeting of the Parties is available at:
<https://www.unece.org/fileadmin/DAM/env/pp/documents/mop1/ece.mp.pp.2.add.8.e.pdf>

If the communicant considers that the Committee’s determination that the communication is inadmissible was based on a manifest error, it may request a reconsideration of the Committee’s determination of admissibility. Any such request must be submitted to the secretariat, with a reasoning of no more than 1200 words (2 pages A4 size), no later than five weeks from today, i.e., Wednesday, 15 November 2023. Please note that a request for reconsideration is not an opportunity to provide information on either subsequent developments or evidence that could have been provided earlier.

Please do not hesitate to contact the secretariat if you require any further information.

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