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**Sent:** mardi, 2 avril 2024 18:18  
**To:** ECE-Aarhus-Compliance <aarhus.compliance@un.org>; Fraile Jiménez de Muñana, Jaime Loreto <[REDACTED]>; Aarhus Punto Focal <[REDACTED]>; <[REDACTED]>  
**Cc:** Ewa Dabrowska <[REDACTED]>; rep.ginebraoi [MAEC] <[REDACTED]>  
**Subject:** RE: ACCC/C/2017/159 (Spain) - letter to the Party concerned and the communicants

Dear Ms. Marshall,

Many thanks again for the letter received.

We would like to state that, seeing the content of the communication and the additional information sent to the ACCC in 2017, 2018 and February 2024, we agree with the Committee's opinion that a hearing is not necessary in this case.

However, seeing the letter sent by the Party concerned on 6 March, we would like to take this opportunity to reiterate that the TNP set the framework for exempting certain large combustion plants from the emission limit values for NO<sub>x</sub>, SO<sub>2</sub> and dust established in the Industrial Emissions Directive during the period from 1 January 2016 to 30 June 2020. It was not sufficient on its own to authorize an individual plant's activity in the absence of a separate individual permitting decision. Therefore, it qualified as a plan relating to the environment for the purposes of the Convention and had to be subject to the public participation requirements under Article 7.

Regarding the public participation procedure opened for the third version of the TNP which the Party concerned refers to it was opened for 14 working days, announced on the official website of the Ministry for Agriculture, Food and Environment. Members of the public and NGOs were not informed of this consultation and it was not advertised other than the place where one could submit comments. As a result, no members of the general public submitted them. Therefore, the procedure was not undertaken in compliance with Article 7 of the Convention, read in conjunction with Article 6(3), (4) and (8).

We consider that the ruling by the Spanish Supreme Court of 12 July 2018 disregarding this, did not respect the spirit or provisions of the Aarhus Convention, as explained in our previous communication.

Despite the TNP is no longer in force, the Committee's findings and recommendations, if issued, would set a precedent, applicable not only to Spain but to all parties of the Convention which would certainly contribute to a better application of Art. 7 in the future.

As always, do let us know if you have additional queries or comments.

Very best,

Carlota

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