

**From:** Alexandre Peñalver Cabre [REDACTED]  
**Sent:** lundi, 30 septembre 2024 15:12  
**To:** ECE-Aarhus-Compliance <[aarhus.compliance@un.org](mailto:aarhus.compliance@un.org)>; Eduardo Salazar [REDACTED]; 'IIDMA' [REDACTED]; [gopal.shilpakar@un.org](mailto:gopal.shilpakar@un.org) [REDACTED] Ana Barreira [IIDMA] [REDACTED]  
**Cc:** Fiona Marshall <[fiona.marshall@un.org](mailto:fiona.marshall@un.org)>  
**Subject:** Re: Decision VII/8p (Spain) - Party concerned's intervention during open session at Committee's 84th meeting

Dear Fiona,

I send some brief comments about the response of the Party in its document “First progress review of the implementation of decision VII/8p on compliance by Spain with its obligations under the Convention. COMPLIANCE COMMITTEE OPEN SESSION, September 19th, 2024. STATEMENT BY SPAIN”.

First of all, there are not any new argument and do not undermine that the Party remains not fully comply with paragraph 2 (b) of the Decision VII/8p concerning Spain. For this reason, we reiterate our considerations that we sent 23th August and 17th September.

So, it is clearly insufficient the amendment introduced by article 10 bis on Royal Decree 815/2013 which states: “(...) 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.”.

This document basically reproduces some articles of the General Administrative Procedure Act (Act 39/2015) which had already been discussed.

We only would like to provide some comments about this new declaration that the Party states: “Finally, all members of the public who submitted comments during the public participation procedure will also be personally notified because they fall under the definition of interested party in paragraph c) above and para a) of article 3.19 of Royal Legislative Decree 1/2016, on Integrated Pollution Prevention and Control.”

This is not true because the concept of interested party (having a right or a legitimate interest – art. 4 Act 39/2015 - or only NGO which meet certain legally established requirements, for instance, 2 years old, - art. 22 and 23 Act 27/2006-) is much more restrictive that public who submitted comments during the public participation procedure. Notification is only provided for interested party and not for public who submitted comments during the public participation procedure (art. 40.1 Act 39/2015). And art. 83.3 Act 39/2015 is clear about the difference between interested party and public who submitted comments during the public participation procedure: “La comparecencia en el trámite de información pública no otorga, por sí misma, la condición de interesado.”. It is curious the silence about this article by the Party.

Best regards,

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