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ECONOMIC COMMISSION FOR EUROPE

MEETING OF THE PARTIES TO THE CONVENTION ON ACCESS TO
INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO
JUSTICE IN ENVIRONMENTAL MATTERS

REPORT OF THE COMPLIANCE COMMITTEE FOR SPAIN

Article 10, paragraph 2, of the Convention requires the Parties, at their meetings, to keep under continuous review the implementation of the Convention on the basis of regular reporting by the Parties. Through decision I/8, the Conference of the Parties (Lucca, Italy, October 2002) established a reporting mechanism whereby each Party is requested to submit a report to each meeting of the Parties on the legislative, regulatory and other measures taken to implement the Convention, and their practical implementation, according to a reporting format annexed to the decision. For each meeting, the secretariat is requested to prepare a synthesis report summarizing the progress made and identifying any significant trends, challenges and solutions. The reporting mechanism was further developed through decision II/10, which addressed, inter alia, the issue of how to prepare the second and subsequent reports.

**The following report is submitted on behalf of Spain, according to Decisions
I/8, II/10 and IV/4.**

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Javier Cachón de Mesa

Compliance Report

Report: **SPAIN**

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I. PROCESS BY WHICH THE REPORT HAS BEEN PREPARED

1. This report was prepared by the Ministry of Environmental Transition and the Demographic Challenge (MITRED), in collaboration with other national, regional and local public authorities (through the Spanish Federation of Municipalities and Provinces, FEMP). The Environmental Advisory Council (CAMA), which includes five of the most important Spanish NGOs, as well as with other representatives of civil society, have also collaborated. Following the recommendations of the Secretariat of the Convention, both the Ministry and the other public authorities have worked on the basis of the previous National Compliance Report (NCR) and have made appropriate comments, observations, updates directly in the previous text.

2. MITRED has shown the information about the NCR on its website and a process has carried out a process aimed at promoting the participation of the general public.

II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT

3. The Aarhus Convention is directly applicable in Spain, after its ratification, in December 2004, and entry in force, on 31 March 2005. However, the Parliament passed Law 27/2006, of 18 July, regulating the rights of access to information, on public participation and on access to justice in environmental matters, which also transposes Directives 2003/4/CE and 2003/35/CE. The purpose of this Law is to guarantee the effective application of the Aarhus

Convention throughout the State. It is a basic law, which means that, according to the distribution of competences in the Spanish state, the Autonomous Communities (regional governments) may adopt more taxing legislative decisions. In those in which where no complementary regional regulations have yet been implemented, it is the State regulation which, for all purposes, guarantees the application of the Convention throughout the country. This report is focused mainly on the implementation of the Convention at the national level, but it includes some generic references to the regional system

III. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE GENERAL PROVISIONS OF PARAGRAPHS 2, 3, 4, 7 AND 8 OF ARTICLE 3

4. Law 27/2006, of 18 July, regulating the rights of access to information, on public participation and on access to justice in environmental matters, implements the Convention in full.

5. On the other hand, in the Autonomous Communities various rules have been passed that implement the provisions of this article, such as the following: Law 7/2007, on Integrated Management of Environmental Quality, of the Regional Government of Andalusia and Decree 347/2011, of 22 November, regulating the structure and operation of the Andalusian Environmental Information Network and access to environmental information; Law 7/2006, on Environmental Protection of Aragon; Law 4/2006, on Nature Conservation of Cantabria; Decree 97/2010, of 11 June, of the Consell, regulating the exercise of the right of access to environmental information and public participation in environmental matters of the Autonomous Community of Valencia; Law 17/2006, on Integrated Environmental Control of Cantabria and its Regulation, passed by Decree 19/2010 of 18 March; Law 5/2002, of 8 October, on Environmental Protection in La Rioja; Law 11/2003 on Environmental Prevention of Castile and Leon, Law 3/1998, General Law on Environmental Protection of the Basque Country, Law 8/2007 of 15 March, amending Law 9/1999, on Conservation of Nature of Castile - La Mancha (subsequently amended by Law 11/2011, of 21 March, amending Law 9/1999), Law 7/2008, of 7 July, on protection of the landscape of Galicia, Law 5/2019, of 2 August, on natural heritage and biodiversity of Galicia and Law 5/2010, on Prevention and Environmental Quality of the Autonomous Community of Extremadura. Other Autonomous Communities are currently drafting similar regulations in their areas of responsibility, Law 4/2009, of 14 May, on integrated environmental protection of the Autonomous Community of Murcia.

At the regional level, the following rules have been passed, amending the previous ones, in the last two years: Decree-law 3/2015, of 3 March, amending Laws 7/2007, of 9 July, on integrated management of environmental quality of Andalusia and 9/2010, of 30 July, on water of Andalusia, Law 1/2014, of 24 June, on Public Transparency of Andalusia, among others; Law 11/2014, of 4 December, on Environmental Prevention and Protection of

Aragon; Canary Islands Law 14/2014, of 26 December, on Harmonization and Simplification in the field of Protection of Land and Natural Resources; Law 8/2014, of 14 October, amending Law 11/2003, of 8 April, on Environmental Prevention of Castile and Leon; Law 16/2015, of 23 April, on environmental protection of the Autonomous Community of Extremadura; Law 4/2014 on Tax and Administrative Measures of the Autonomous Community of Madrid, partially repealing Law 2/2002, of 19 June, on Environmental Assessment of the Autonomous Community of Madrid. Law 2/2016, of 10 February, on land of Galicia, partially amending Law 7/2008, of 7 July, on protection of the landscape of Galicia, and Law 7/2019 of 23 December, on tax and administrative measures, partially amending Law 5/2019, of 2 August, on the natural heritage and biodiversity of Galicia and Law 7/2008, of 7 July 2008, on protection of the landscape of Galicia. In the Principality of Asturias, the passing of Law 8/2018, of 14 September, on Transparency, Good Governance and Special Interest Groups must be highlighted; likewise, in the Autonomous Community of Castile-La Mancha, Law 4/2016 of 15 December, on Transparency and Good Governance, and Law 2/2020, of 7 February, on Environmental Assessment of Castile-La Mancha (13/02/2020).

Article 3, paragraph 2

6. Article 3.1 b) of Law 27/2006 recognizes the right of everyone, in their dealings with the public authorities, to be informed of the rights granted them by the same Law and to be advised to exercise them correctly. Article 5 of the Law sets out the general obligations of the public authorities as regards environmental information.

7. Ministerial Order AAA/1601/2012, of 26 June, sets out instructions about the application in the services of the ministerial department of Law 27/2006, of 18 July, to achieve greater effectiveness in customer service and homogeneity in the application of procedures.

8. On the other, complementary legislation in this field ought to be highlighted.

Firstly, Law 19/2013, of 9 December, on transparency, access to public information and good governance, provide that this Law shall be applied on a supplementary basis as regards access to environmental information and that which shall be re-used.

Moreover, Law 39/2015, of 1 October, on the Common Administrative Procedure of the Public Authorities, expressly sets out citizens' right to communicate with the Public Authorities through the Government's online General Access Point, to be assisted in the use of electronic means in their relations with the Public Authorities and to access to public information, files and records, according to Law 19/2013 and the rest of the legal provisions, among other rights. Law 39/2015 also sets out the hearing and public information processes that allow for participation by interested parties in the various administrative procedures.

The email address for accessing the General Electronic Register of the State Government Departments and Agencies (which includes links to the Websites of the various Ministries' administrative procedures), through which documents may also be submitted to be sent electronically to other Public Authorities (Autonomous Communities, Local Entities, etc.) that form part of the Register Interconnection System (RIS), is set out in the following link: https://sede.administracion.gob.es/PAG_Sede/ServiciosElectronicos/RegistroElectronicoComun.html

Within the framework of the aforementioned legislation, mention must also be given of Royal Decree 208/1996, of 9 February, regulating administrative information and citizen services, and Royal Decree 951/2005, of 29 July, setting out the general framework for the improvement of quality in the State Government Departments and Agencies, which provide, respectively, for the operation of information offices and the quality regulations concerning the operation of all the services of the State Government Departments and Agencies.

9. Environmental information systems have been implemented in both the national authorities and in regional and local authorities, which attend to the public by telephone, in person or by responding to whatever queries as they may be asked and telling them the quickest way to access environmental information, as well as informing them of the participation and access-to-justice instruments if it is believed that rights have been violated. The incorporation of social networks has become widespread in the various authorities.

10. In the National Authorities and in the Autonomous Communities, the structure of public authorities are published in the form of organigrams, directories, job descriptions, etc. In the case of MITERD, the structure is accessible at the following link:

<https://www.miteco.gob.es/es/ministerio/funciones-estructura/default.aspx>

11. In order to provide the necessary help to the public as effectively as possible, both the National Authorities and the Regional and Local Authorities periodically organize training courses and workshops aimed at their civil servants about environmental information and about the application of Law 27/2006. This training activity bears in mind the recommendations of the Aarhus Convention Compliance Committee.

12. Some documentation centers and administrative units or other entities within the Public Authorities offer courses on environmental information or information related to this theme. We may highlight the course on environmental information and documentation that has been organized practically every year since 1997 by CENEAM, the CEIDA courses in Galicia or CEDREAC's courses in the Autonomous Community of Cantabria (see "Environmental

Profile of Spain”, 2018).

During 2018, the Environmental Information Office worked with the Madrid City Council to give a course on the respective specifics of the regulations on transparency and access to public information and environmental information, at the aforementioned CEDREAC, and it gave a course on environmental information at the Asturian Institute of Public Administration Adolfo Esteban Posadas, in this case aimed at civil servants at the Regional Department of the Environment of the Principality of Asturias Autonomous Community.

13. Within the framework of Law 11/2007, of 22 June, on citizens' electronic access to Public Services (partially implemented by Royal Decree 1671/2009, of 6 November, in the sphere of State Government Departments and Agencies and public bodies linked to or subject to them, concerning data transfers, websites and a general access point, identification and authentication, electronic records, communications and notifications and electronic documents and copies), MITERD has successfully implemented a system for electronic access to information and to the administrative procedure; it is possible to access more than 80 procedures in the field of the environment (topics concerning water, biodiversity, quality and environmental assessment, climate change, coasts and the marine environment and National Parks), as well as to other environment-related energy procedures (topics concerning nuclear power, electrical power, the hydrocarbon sector, renewable energies, etc.). The Autonomous Communities have implemented similar processes in their respective areas.

14. Articles 20, 21, 22 and 23 of Law 27/2006 sets out a series of measures to guarantee access to justice and administrative oversight in environmental matters.

Article 3, paragraph 3

15. Article 19.2 e) of Law 27/2006 entrusts the Environmental Advisory Council (CAMA), the Government's most senior advisory body on environmental matters, with proposing environmental education measures aimed at informing, guiding and raising awareness in society regarding ecological and environmental matters, as well as measures to incentivize citizen participation in solving environmental problems.

16. MITERD, the Autonomous Communities and the Local Governments with the highest populations have been undertaking the following activities: periodic calls for aid, grants and subsidies aimed at promoting education and raising awareness regarding environmental problems; running campaigns, conferences and seminars on environmental education; organizing educational workshops and exhibitions; and publishing manuals of good practice and other information documents. They also run environmental education programs and

projects and there are bodies whose specific function is ecological education, as well as training the public to raise awareness related to environmental problems and participation in decision-making. Regrettably, budget constraints have sometimes led to a reduction in this type of initiatives.

17. The main purpose of MITERD's National Environmental Education Center (CENEAM) is to increase citizens' responsibility in relation to the environment, undertaking to that end various specialist environmental education workstreams: e-newsletter, environmental documentation center, environmental education and interpretation centers, training programs, etc., some aimed specifically at children, as published on the following web link:

<https://www.miteco.gob.es/es/ministerio/area-infantil/ninos-medio-ambiente/default.aspx>

Full information about this center <https://www.miteco.gob.es/es/ceneam/> can be found at.

18. The Ministry of Agricultura and Fisheries, Food and the Environment (MAPAMA) and the Ministry for the Environmental Transition (MITECO) have published the quarterly magazine *Ambienta*; since its last number came out in December 2018, publication has been suspended; the digital version can be read at the following link:

<https://www.miteco.gob.es/es/ministerio/servicios/publicaciones/Listado-de-revistas.aspx>. In most Autonomous Communities, editions of magazines on environmental issues are also made available to the public.

<http://www.revistaambienta.es/>, records more than 10,000 visits per month.

The Spanish Federation of Municipalities and Provinces (FEMP) publishes the monthly magazine *Carta Local*, in digital and paper format with a print run of 13,000 copies distributed to, among other recipients, Spanish Local Entities, with information of interest to municipalities.

Article 3, paragraph 4

19. The fundamental right of association is recognized in article 22 of the Spanish Constitution. The associations represent the interests of citizens before the public authorities and they perform an essential and indispensable function in, among other respects, sustainable development and environmental protection policies, for which the Law provides for the granting of aid and subsidies by the various Public authorities according to the general legal and regulatory framework providing for such. In this framework, both the national and the regional and local authorities, as well as various non-profit institutions, periodically call for grants aimed specifically at non-profit institutions and NGOs whose purpose is to protect

the environment.

20. On the other hand, subsidies are periodically granted to associations that are declared public interest associations and foundations subject to the supervision of the Minister for social interest purposes of an environmental nature. The Foundations supervisory body is currently a competence of the Ministry of Culture and Sport.

21. Moreover, NGOs carry out activities related to the conservation of the environment may register voluntarily in the database that the Ministry itself keeps.

22. Articles 2.2, 16.2 and 23 of Law 27/2006 recognize that organizations and groups concerned with protecting the environment have the legal ability to enjoy the rights of public participation and access to justice in environmental matters and the right to access the benefits of free justice as set out in law (however, see chapter XVIII of this report). Article 19 expressly provides for the participation of NGOs in the Environmental Advisory Council (CAMA). Moreover, the Autonomous Communities also perform this function through their various advisory councils and lists are published on their websites of the associations, organizations or groups that promote protection of them environment.

Article 3, paragraph 7

24. Article 19.2 f) of Law 27/2006 entrusts CAMA with proposing measures it considers appropriate to better comply with international agreements on environmental matters and sustainable development, assessing the effectiveness of the current rules and programs and proposing, where appropriate, appropriate amendments.

25. Prior to the Conferences of the Parties of the most relevant International Conventions, and *in situ* while such Conferences are being held, there is regular contact between the Ministry's authorities and the representatives of the NGOs attending the aforementioned COPs.

Article 3, paragraph 8

26. The Spanish Constitution of 1978 is directly applicable, as is the system of constitutional, judicial and administrative oversight that is implemented therein, to guarantee effective exercise of the rights recognized in the Constitution itself and in law.

IV. OBSTACLES FOUND IN THE IMPLEMENTATION OF ARTICLE 3

27. For its parts, great efforts continue to be made to make environmental information available to the public. In compliance with the Aarhus Convention and Law 27/2006 concerning environmental dissemination obligations, MITERD's website contains a great

volume of disseminated environmental information. Moreover, the relevant institutional, legal and economic information is available to any citizen through the Transparency Portal, an instrument provided for in the aforementioned Law 19/2013. In general, the Autonomous Communities disseminate environmental information through their websites, and they also have their own Transparency Portals.

The FEMP also has its own Transparency Portal on its website, as well as a Network for Local Entities for Transparency and Citizen Participation, the general purpose of which consists of promoting the advance of effective transparency, participation and citizen collaboration policies in all Spanish Local Entities.

As regards the “upon request” information, continual and exhaustive work is required, which requires technical means and staff with sufficient environmental training, hence, in some very specific cases, it is difficult to supply the environmental information with the desirable speed, due to its complexity. In large projects with voluminous documentation, problems are detected with facilitating the consultation of environmental documentation and with supplying copies of the required information; attempts are being made to remedy this. On occasion, the consultation refers to thematic areas the responsibility for which lies with different administrative units, which makes it impossible to reply quickly.

The greater institutional and media publicity given to Law 19/2013 over Law 27/2006 sometimes leads the public to seek to access environmental information using the first, and it has also been detected that in some cases the Public Authorities have erroneously applied the procedures in these cases; these causal factors may make it difficult to exercise the right citizens enjoy to obtain the environmental information required and, where appropriate, to be able to intervene with full knowledge of the circumstances in public matters in order to contribute to the protection of the environment, since the specific rule regulating this matter is more favorable for accessing the information than the general rule (positive silence per Law 27/2006 compared to the negative silence of Law 19/2013; the difference between the obligation to disseminate the information held by the public authorities to which the application is made and the need to have the permission of the authority that prepared it to have it disseminated; the concept of a public authority and non-identical grounds for refusal; a different regulatory framework of the appeal procedure; abundant *ad hoc* EU case law relating to environmental information, etc.).

As regards MITERD, in all applications for environmental information that are received through its Transparency Portal according to the Law on transparency, access to public information and good governance, a reasoned decision is issued by the Technical Secretariat-General according to which the application is included, *ex officio*, in the environmental information procedure and is refused in the framework of the regulations upon which the applicant sought to rely. This mistaken choice by the applicant entails a more complex and

longer process to finally access the environmental information, albeit it is appropriate in legal terms and efforts are being made to speed it up where possible.

28. Although there are democratic channels for political participation through the normal procedures and the option of direct intervention (organic, functional and cooperative) by citizens in the Authorities' environmental protection actions, however, it is lacking in certain ways, despite the significant effort made, primarily in the organizational scope of the various Authorities.

29. The expansion of contact through social networks will make it desirable for the Authorities to operate likewise, specifically regarding access to environmental matters. However, the human resources necessary for that purpose entail a significant difficulty, though in recent years there has been a general expansion of this medium of communication with citizens.

V. FURTHER INFORMATION ABOUT THE PRACTICAL APPLICATION OF THE GENERAL PROVISIONS OF ARTICLE 3

30. In the field of environmental assessment, it is essential to consolidate access to information and public participation. The basic tool within the scope of the competence of the national government is MITERD's website, which has been continually improved and updated to align it with regulatory changes, and above all as the basis for the end-to-end online processing of procedures for assessing plans, programs and projects. In that regard, documents are managed almost wholly digitally as the first step in the end-to-end online processing of procedures. Moreover, the current processing in the area of the State Government Departments and Agencies entails making environmental information available to the general public and publication of the environmental impact statements, and the environmental impact studies, once the decisions have been made, in order to comply with data protection. Moreover, the documentation for processing the prior consultations is available on the aforementioned website, to facilitate access to and knowledge of the information.

<http://www.miteco.gob.es/es/calidad-y-evalua>

31. In line with the foregoing, it works to facilitate the participation of stakeholders and citizens in general, to make more accessible, manageable and easy-to-use the information available about each plan, program or project subject to any of the environmental assessment procedures. Finally, the website is being modified to make it possible to send any consultations, comments or observations, notwithstanding the traditional communication channels that have been being used by the Ministry such as the register, or emails sent to the mailbox.

In the Autonomous Communities there are similar online public participation procedures.

VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3

32. They are available at the following addresses:

Ministry for the Environmental Transition and Demographic Challenge:

<http://www.miteco.gob.es>

<http://www.miteco.gob.es/es/ministerio/servicios/area-actividad>

<https://www.miteco.gob.es/es/ministerio/funciones-estructura/otros-organismos-organizaciones/cama/>

<https://www.mapa.gob.es/es/ministerio/servicios/informacion/plataforma-de-conocimiento-para-el-medio-rural-y-pesquer>

<https://www.miteco.gob.es/es/ministerio/servicios/analisis-y-prospectiva/default.aspx>

["http://www.miteco.gob.es/es/estadistica/temas/estadisticas-ambientales/"](http://www.miteco.gob.es/es/estadistica/temas/estadisticas-ambientales/)[temas/estadisticas-ambientales/](http://www.miteco.gob.es/es/estadistica/temas/estadisticas-ambientales/)

<http://www.prtr-> (con enlaces a EPER y PRTR en Comunidades Autónomas)
[_https://www.fundacion-biodiversidad.es/es](https://www.fundacion-biodiversidad.es/es)

<http://helpdesk.reach-pir.es/>

<http://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/productos-quimicos/portal-reach-clp/>

Other State Government Departments:

Ministry of the Economy and Competitiveness:

<http://www.ine.es> (statistics concerning waste generation, use of water and environment protection costs).

Ministry of Industry, Energy and Tourism:

www.minetur.es

Nuclear Security Council:

<http://www.csn.es>

Institute for Diversification and Energy Saving:

<http://www.idae.es>

Autonomous Communities:

Andalusia:

<http://www.juntadeandalucia.es/medioambiente>

<http://www.juntadeandalucia.es/medioambiente>

www.juntadeandalucia.es/medioambiente/site/portalweb/menuitem.d1a35641276b2bf2490a9d105510e1ca/?vgnextoid=fa99193566a68210VgnVCM10000055011eacRCRD

www.juntadeandalucia.es/medioambiente/site/rediam

<http://www.juntadeandalucia.es/transparencia.html>

Aragon:

<http://www.aragon.es/Temas/MedioAmbiente>

http://www.aragon.es/DepartamentosOrganismosPublicos/Departamentos/AgriculturaGanaderiaMedioAmbiente/AreasTematicas/MA_InformacionDATosAmbientales/ci.01_Derecho_acceso_informacion_ambiental.detalleDepartamento?channelSelected=de0890292fb3a210VgnVCM100000450a15acRCRD HYPERLINK

"http://www.aragon.es/DepartamentosOrganismosPublicos/Departamentos/AgriculturaGanaderiaMedioAmbiente/AreasTematicas/MA_InformacionDATosAmbientales/ci.01_Derecho_acceso_informacion_ambiental.detalleDepartamento?channelSelected=de0890292fb3a210VgnVCM100000450a15acRCRD"gnVCM100000450a15acRCRD

http://www.aragon.es/DepartamentosOrganismosPublicos/Departamentos/AgriculturaGanaderiaMedioAmbiente/AreasTematicas/ch.MA_InformacionDATosAmbientales.detalleDepartamento?channelSelected=de0890292fb3a210VgnVCM100000450a15acRCRD

Principality of Asturias:

<http://www.asturias.es>

<http://movil.asturias.es/>

<https://www.asturias.es/portal/site/medioambiente/>

<https://www.asturias.es/portal/site/medioambiente/menuitem.1340904a2df84e62fe47421ca6108a0c/?vgnextoid=f170f61c843e0710VgnVCM10000097030a0aRCRD&vgnnextchannel=eaddffae3867b210VgnVCM10000097030a0aRCRD&i18n.http.lang=es>

<https://www.asturias.es/portal/site/webasturias/menuitem.106b47ba9093bc443e2d6f77ec12b2a0/?vgnextoid=1b7b7cd61f918510VgnVCM100000ce212b0aRCRD&i18n.http.lang=es>

<https://www.asturiasparticipa.es>

<https://tematico.asturias.es/CecomaWeb/>

<http://www.redambientalasturias.es/>

<http://www.osasturias.es/>

Balearic Islands:

<http://pia.caib.es>

<http://tem.caib.es>

<http://www.caib.es/sites/transparencia>

Canary Islands:

<http://www.gobiernodecanarias.org/>

Cantabria:

<http://www.gobcantabria.es>

www.medioambientecantabria.com

Castile-La Mancha:

<https://www.castillalamancha.es/tema/medio-ambiente/calidad-ambiental>

<https://www.castillalamancha.es/node/171330> Difusión de información ambiental

<https://www.castillalamancha.es/node/289197> Estrategia Educación Ambiental

<https://www.castillalamancha.es/node/172343> Órganos de consulta y participación

<https://www.castillalamancha.es/node/172318> Participación en materia de medio ambiente

<https://www.castillalamancha.es/node/54442> Evaluación de impacto ambiental

<https://transparencia.castillalamancha.es/>

<https://www.castillalamancha.es/tema/medio-ambiente/medio-natural>

Castile and Leon:

www.jcyl.es/medioambiente

<http://rednatura.jcyl.es/natura2000/>

<http://www.patrimonionatural.org/>

Catalonia:

<http://www.mediambient.gencat.cat>

<http://www.gencat.cat/aca>

<http://www.residus.gencat.cat>

Extremadura:

["http://www.gobex.es/gobex/view/main/index/index.php"](http://www.gobex.es/gobex/view/main/index/index.php)

<http://extremambiente.gobex.es/>

Galicia:

<https://cmatv.xunta.gal/>

https://gaia.xunta.es/plataforma/?language=es_ES

<http://transparencia.xunta.gal>

<https://cmatv.xunta.gal/tema/c/CMAOT> Prevencion e control de actividades

<https://cmatv.xunta.gal/tema/c/CMAOT> Avaliacion ambiental

<http://cmati.xunta.es/>____
<http://transparencia.xunta.gal/>
<http://siam.cmati.xunta.es/>

Madrid:

www.comunidad.madrid

www.comunidad.madrid/transparencia

www.comunidad.madrid/participacion

<https://www.comunidad.madrid/gobierno/datos-abiertos>

www.comunidad.madrid/servicios/mapas

<http://gestiona.madrid.org/legislacionambiental>

<http://www.comunidad.madrid/servicios/urbanismo-medio-ambiente/informacion-educacion-ambiental>

http://gestiona.madrid.org/azul_internet/

<http://www.madrid.org/><http://www.madrid.org/><http://www.madrid.org/>
http://www.madrid.org/cartografia_ambiental
<http://www.madrid.org/legislacionambiental>
<http://www.madrid.org/calidaddelaire>
<http://www.madrid.org/transparencia>

Murcia:

<http://www.carm.es>
<http://transparencia.carm.es/consejeria-de-agricultura> <http://www.carm.es/web/pagina?IDCONTENIDO=64> HYPERLINK
<http://www.carm.es/> "& HYPERLINK <http://www.carm.es/> "IDTIPO=140 HYPERLINK
<http://www.carm.es/> "& HYPERLINK
<http://www.carm.es/> "RASTRO=c\$m <http://www.murcianatural.carm.es/web/guest>
<http://www.orcc.es>

Navarre:

<http://www.navarra.es>
<http://www.crana.org>
<http://www.nasursa.es>
<https://gobiernoabierto.navarra.es/es> HYPERLINK <https://gobiernoabierto.navarra.es/es> HYPERLINK
<http://www.nilsa.com/>

<http://www.intiasa.es/es/>

The Basque Country:

<http://www.euskadi.eus/gobierno-vasco/departamento-medio-ambiente-politica-territorial/inicio/> = <http://www.ingurumena.euskadi.eus/r49-home/es/>
[http://www.udalsar HYPERLINK "http://www.udalsarea21.net/"ea21.net](http://www.udalsar.net/ea21.net)
<http://www.irekia.euskadi.eus/>
<http://opendata.euskadi.eus/w79-home/es/>
[http://www HYPERLINK "http://www.geo.euskadi.net/s69-15375/es".geo.euskadi.net/s69-15375/es](http://www.geo.euskadi.net/s69-15375/es)

La Rioja:

<http://www.larioja.org>

Valencia:

<http://www.cma.gva.es>

Spanish Federation of Municipalities and Provinces

<http://www.femp.es>

VII. REGULATORY LEGISLATIVE MEASURES AND OTHER MEASURES FOR THE IMPLEMENTATION OF THE PROVISIONS REGARDING ENVIRONMENTAL INFORMATION IN ARTICLE 4

Article 4, paragraph 1

33. The National Authorities, in the Autonomous Communities and in the Local Authorities have, in most cases, systems to speed up the supply of environmental information to all the users, who may access an information request form through the relevant websites and even process the request online. By way of example, the MITERD website contains the following access:

<https://www.miteco.gob.es/es/ministerio/servicios/informacion/informacion-y-atencion-al-ciudadano/>

The Sub-directorate-General of Clean Air and Industrial Sustainability has a specific information portal for the European Regulations concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (1907/2006, REACH Regulation), and classification, labelling and packaging of substances and mixtures, (1272/2008, CLP

Regulation), in accordance with the provisions of Article 124 of the REACH Regulation and Article 44 of the CLP Regulation. This service is free and is aimed at the industry and other parties interested in these two regulations.

34. Law 37/2007, of 16 November, on re-use of public sector information, transposed into Spanish law Directive 2003/98/EC, of 17 November 2003, in order to set out the basic regulations of the legal regime applicable to the re-use of documents prepared or held by the Public sector authorities and bodies, notwithstanding the system applicable to the right to access the documents and the specifics set out in its regulatory rules.

Royal Decree 1495/2011, of 24 October, has brought considerable progress towards information transparency in the Public Authorities; this regulation implemented Law 37/2007, for the national public sector, as regards the legal regime for re-use, the national public sector's obligations, the ways in which to re-use re-usable documents and the system applicable to re-usable documents subject to intellectual property rights or which contain personal data.

For its part, Law 19/2013, on transparency, access to public information and good governance, includes various principles and obligations related to publication formats to promote the re-use of information.

Finally, Law 18/2015, of 9 July 2015, amends Law 37/2007 to transpose into Spanish law the changes introduced by Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 on the re-use of public sector documents.

35. In this regard, work is currently being done to approve MAPAMA's Plan for Measures to Promote the Re-use of Information, which tends to improve interoperability and environmental information presentation formats such that its re-use by citizens is facilitated.

In this regard, various units in the Ministry are making continual efforts to publish open and linked data on the portal datos.gob.es such as those developed by the Autonomous National Parks Body or in the framework of the Spanish Natural Heritage and Biodiversity Inventory.

Article 4, paragraph 2

36. Both the national and the regional Authorities have implemented or are in the process of implementing systems to monitor whether information is supplied within the deadlines, in order to correct the breaches that may arise. Moreover, Local Governments in large and medium-sized cities also have means to access information.

Specifically, as regards MITERD, at the Environmental Information Office carries out control and detailed follow-up of the requests for environmental information that may be submitted and which have been entrusted to the various bodies of the Department for a reply,

especially the response deadlines and the consequence of failing to decide within the deadline (positive administrative silence).

Article 4, paragraphs 3 and 4

37. Article 13 of Law 27/2006 exhaustively lists the only circumstances that may entail refusal of the request for environmental information and it is provided that these grounds for refusal must be construed restrictively, with the competing interests between dissemination and the refusal of the information being weighed up.

Article 4, paragraph 5

38. This right is recognized in article 10, section 2. b) of Law 27/2006; it is normal practice, in both state and regional authorities, to guide the public as to the department or agency they should approach or to pass their request to said department or agency.

Article 4, paragraph 6

39. This right is recognized in article 14 of Law 27/2006. If not all the information can be supplied, the applicant is sent that which he/she can access, and the grounds for the partial refusal are given to them.

Article 4, paragraph 7

40. This right is recognized in article 10, section 2, of Law 27/2006.

Article 4, paragraph 8

41-Order PRE/1597/2014, of 5 September, sets out the amounts and rules about the management and charging of the fee for supplying environmental information within the State Government Departments and their Public Bodies. The principles of the Aarhus Convention have been followed in setting this fee, which is limited to passing on the cost of the material and it exempts the provision of copies of fewer than 20 pages in DIN A4 format and sending information thematically.

Article 15 of Law 27/2006 sets out public authorities' obligation to prepare, publish and make available to the applicants for environmental information the list of public and private fees and prices that are applicable to such requests, as well as the circumstances in which no payment need be made. Moreover, Additional Provision One creates the fee for supplying environmental information for State Government Departments and their Public Bodies (national level). For these purposes, the Autonomous Communities set out the following specific provisions.

http://www.boe.es/diario_boe/txt.php?id=BOE-A-2014-9188 rules about the management and charging of the fee for supplying environmental information within the State Government Departments and their Public Bodies. (BOE 09-09-2014)
[http://www.boe.es/diario_boe/txt.php?id=BOE-A-2014-9188,](http://www.boe.es/diario_boe/txt.php?id=BOE-A-2014-9188)

For example, at the regional level, in Castile-La Mancha. Law 3/2016, of 5 May, on Administrative and Tax Measures of Castile-La Mancha, at point Twenty-nine. It expressly abolishes the fee for provision of environmental information, regulated in section 36 of chapter IV of title IV, of Law 9/2012, of 29 November, on Fees and Public Prices of Castile-La Mancha and other tax measures, leaving said section, as well as articles 237 to 241 inclusive, with no content.

The amount of the fees was not increased in 2016. Another example would be Law 6/2003, of 9 December, on fees, prices and regulatory levies of the Autonomous Community of Galicia which regulates, among other things, the fee for reports about specific meteorological phenomena (they are normally updated annually).

<http://www.atriga.gal/documents/16561/24448624/Tarifas-vigentes-2020-gl.pdf/755d2567-bc40-4355-adcb-7c88f3c5f947>

VIII. OBSTACLES FOUND TO THE APPLICATION OF ANY OF THE PARAGRAPHS OF ARTICLE 4

42. Besides those set out in section IV, it is also necessary to highlight the difficulty on certain occasions to make the intellectual property rights and rights of access to environmental information compatible, as well as some information which, though it refers to environmental elements, is commercial, and involves competition between companies.

43. In this regard, mention ought to be made of, for example, the obligation to inform the public about the exact location of the plots at which the voluntary releases of GMOs are made. (See paragraph 155)

44. Some difficulties have been detected in applicants for information accessing certain databases referred to on the website itself. With the implementation of the Re-use Plan, access to data generated by the Public Authorities in exercising its functions has been simplified.

IX. FURTHER INFORMATION ABOUT THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 4

45. In the Ministry's annual Report, which can be accessed through the Department's website, there are statistical data about the number of requests received, the number of refusals made and the grounds and, in general, about everything related to the processing, by

both the Ministry and, until 2014, by the rest of the national Public Authorities and of the regional Public Authorities, of the requests for environmental information. Since 2014, the Report has contained only statistical data from the Ministry collected by the Environmental Information Office. This publication makes it possible to consult and download for free from the following website:

<https://www.miteco.gob.es/es/ministerio/servicios/publicaciones/memorias.aspx>.

The full reports (National and Regional) up to 2018 have been published on the website on the information page about Aarhus:

<https://www.miteco.gob.es/es/ministerio/servicios/informacion/informacion-ambiental/informes-estadisticos/>.

<http://magrama.gob.es/es/estadisticas/temas/>

46. The Autonomous Communities also edit and publish their own statistics.

By way of example, in the following links you can look up statistics related to the environmental information files in Andalusia

www.juntadeandalucia.es/medioambiente/vem/?c=Menu/sel

<http://www.juntadeandalucia.es/medioambiente/site/portalweb/menuitem.220de8226575045b25f09a105510e1ca/?vgnextoid=b4d25d34e7a85310VgnVCM2000000624e50aRCRD>

<https://juntadeandalucia.es/servicios/estadistica-cartografia/buscador.html?orden=&organismo=organismos/agriculturaganaderiapescaydesarrollosostenible&tema=temas/medio-ambiente&tipoActividad=&categoriaActividad=&titulo=>

as well as the consultations received through Customer Service <http://www.juntadeandalucia.es/medioambiente/siac>

And the visits to the environment website:

www.juntadeandalucia.es/medioambiente/site/portalweb/menuitem.47a26b4de31e31b01daa5f105510e1ca/?vgnextoid=7d22eea34c87d410VgnVCM1000001325e50aRCRD&vgnnextchannel=3349193566a68210VgnVCM10000055011eacRCRD. The Autonomous

Community of Madrid publishes statistics related to the management of the requests for environmental information <https://www.comunidad.madrid/servicios/urbanismo-medio-ambiente/informacion-ambiental#estadisticas> and it has a Charter of Services with management indicators whose degree of fulfilment is published at

<https://www.comunidad.madrid/transparencia/area-informacion-y-documentacion-ambiental>

The Regional Government of Castile-La Mancha

https://www.castillalamancha.es/sites/default/files/documentos/zip/20190823/01_informacion_estadistica_ia_23.08.2019.zip

<https://datosabiertos.castillalamancha.es/>

47. Respecting the quality of the information, in 2019, the 3rd study was concluded of the quality of environmental information in the Autonomous Communities, prepared by an NGO (Association of Environmental Sciences) with funding from the Biodiversity Foundation, which is part of MAPAMA. The 2nd study, from 2012, is available through the following link: <https://www.cienciasambientales.org.es/index.php/comunicacion/noticias/205-2o-estudio-sobre-la-calidad-de-la-informacion-ambiental-autonomica-en-la-red>

X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4

48. Those set out in paragraph 32.

XI. REGULATORY, LEGISLATIVE AND OTHER MEASURES IMPLEMENTING THE PROVISIONS REGARDING COMPILATION AND DISSEMINATION OF ENVIRONMENTAL INFORMATION IN ARTICLE 5.

Article 5, paragraph 1

49. Article 5.2 of Law 27/2006 obliges the public authorities to ensure, as far as possible, that the information collected by them or on their behalf is up-to-date and accurate and capable of being compared. For its part, article 7 of the Law requires that the information that is disseminated is up-to-date, where appropriate, and that it includes certain minimum content.

50. In situations in which there is an imminent threat to human health or the environment, according to article 9 of the Law, the Public Authorities are obliged to disseminate immediate and without delay all the information held by the public authorities or by other parties on their behalf, such that it allows the public that may be affected to adopt the measures necessary to prevent or limit the harm that may arise from such threats.

51. The Directorate-General of Civil Protection and Emergencies, which is part of the Ministry of the Interior, is the management body in the area of Civil Protection, drives its planning and coordination among the various stakeholders, from both of the Autonomous Communities the Cities of Ceuta and Melilla, and from supranational and international bodies, providing where appropriate tools for managing major emergencies or when there is a high likelihood that they will occur. The applicable law is currently Law 17/2015, of 15 July, of the National Civil Protection System, which also created the National Civil Protection Council as the body for cooperation in this area between the national, regional and local public authorities, the latter of which are represented by the Spanish Federation of Municipalities and Provinces.

52. At both national and regional level, there is specific legislation concerns alerts, as well as

action protocols and conventions that make it possible to disseminate the appropriate information. By way of example [www.m "http://www.magrama.gob.es/"miteco](http://www.miteco.es) (alert search engine) or

<https://www.mscbs.gob.es/servCiudadanos/alertas/home.htm>

By way of a regional example, in Galicia, law 5/2007, of 7 May, on Emergencies of Galicia sets out a comprehensive risk management and emergency management system and for which it creates the Galician Emergencies Agency (AXEGA) <http://www.axega112.gal/es>

Regarding alerts, Andalusia has LAW 2/2002, of 11 November, on Emergency Management, <https://juntadeandalucia.es/organismos/presidenciaadministracionpublicaeinterior/areas/interior/emergencias-112.html> and Law 16/2011, of 23 December, on Public Health of Andalusia, which sets out the Integrated Alert System of the Andalusian Public Health System, operates 24 hours a day, 365 days a year, and serves to support the public health response plan for alerts due to extraordinary biological, chemical, food, radiological and nuclear risks. This system is configured through the Andalusian Public Health System's network of services, detects and intervenes urgently and effectively, in situations in which there are potential or real risks to public health or which generate social alarm.

<https://juntadeandalucia.es/organismos/saludyfamilias/areas/salud-vida/vigilancia/paginas/red-alerta.html>

Article 5, paragraph 2

53. Article 1.2 of Law 27/2006 guarantees that environmental information will be disseminated and made available to the public, gradually and as broadly, systematically and technologically as possible. Article 5 of this Law guarantees the practical measures set out in the Convention, such as: nomination of units responsible for environmental information, creation and maintenance of means for consulting it, creation of registers or lists of environmental information held by the public authorities or information points, promotion of telecommunications, etc. The obligations concerning dissemination of environmental information are included in article 6.2 of the Law. Since the publication of the aforementioned Law in 2006, the forecast of progressive improvement in making environmental information available to the public, and as regards promotion of telecommunications has undergone significant expansion.

To fulfil these tasks at the Ministry for the Environmental Transition and the Democratic Challenge, the Technical Secretariat-General is the department responsible for monitoring and coordination the actions of the various bodies and unit, in fulfilment of its obligations derived from Law 27/2006, of 18 July. Within the Technical Secretariat-General, the Environmental Information Office is the unit responsible for managing environmental information, according to the aforementioned Ministerial Order AAA/1601/2012, of 26 June.

54. From this page, the user can access the links for downloading the applications for mobile

devices created by the Ministry for the Environmental Transition (currently the Ministry for the Environmental Transition and the Demographic Challenge):

<https://www.miteco.gob.es/en/ministerio/servicios/aplicaciones-dispositivos-moviles/default.aspx>.

Currently, regarding the environment, and in summary, the following are available, among others:

<https://www.miteco.gob.es/es/ministerio/servicios/aplicaciones-dispositivos-moviles/default.aspx><https://www.miteco.gob.es/es/ministerio/servicios/aplicaciones-dispositivos-moviles/default.aspx>

Beach guide app

MITERD, through the Directorate-General of Sustainability of the Coast and the Sea, has driven a project to compile up-to-date information about our beaches, in order to make this valuable natural heritage known to citizens. The Beach Guide is now joined by an app for viewing it on mobile devices. Thus, it will be even easier for citizens to have access to up-to-date information about our beaches, using various search criteria.

Environmental Profile

https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/publicaciones/indice_perfil_ambiental.aspx Spain's "Environmental Plan. Report based on indicators is an annual publication that is within the workstream driven by the European Environment Agency. Beginning with the 2004 edition, it is the first report about the state of the environment based on national indicators to be prepared in our country.

Its purpose is focused on presenting the state of the environment in Spain with up-to-date information, building indicator time series, making it possible to observe the disaggregated development of areas and sectors of activity, as well as by Autonomous Community. It also includes references to sources of information and sets out priorities in the European Union's environmental policies and on the part of other EU and international bodies, thus complying with information obligations (derived from the Aarhus Convention).

Nature - MITERD

This application offers environmental information viewing, consultation and analysis services for individuals and professionals in the sector by publishing maps related to topic concerning nature, the natural environments, protected spaces, hills and mountains, the natura network, SCIs and SPAs, among others. They are services provided according to the INSPIRE Directive developed by the Ministry in the framework of the Spanish Natural Heritage Biodiversity Inventor (IEPNBI), a key tool for learning about and monitoring

nature in Spain. Created by Law 42/2007, of 13 December, on Natural Heritage and Biodiversity and implemented by Royal Decree 556/2011, of 20 April, the IEPNB offers objective and up-to-date information that is comparable throughout Spain, thanks to harmonization between the official sources.

Some Autonomous Communities have developed their own applications. For example, the following link contains the main applications on the web portal of the Regional Department of Agriculture, Livestock, Fisheries and Sustainable Development of the Regional Government of Andalusia. Periodic publications:

www.juntadeandalucia.es/medioambiente/site/portalweb/menuitem.6ffc7f4a4459b86a1daa5c105510e1ca/?vgnextoid=ccf46c0a3a217310VgnVCM2000000624e50aRCRD

Digital Publications:

www.juntadeandalucia.es/medioambiente/site/portalweb/menuitem.6ffc7f4a4459b86a1daa5c105510e1ca/?vgnextoid=087ab61c04217310VgnVCM1000001325e50aRCRD&vgnnextchannel=6f8ddfde043f4310VgnVCM1000001325e50aRCRD

Apps:

www.juntadeandalucia.es/medioambiente/site/portalweb/menuitem.47a26b4de31e31b01daa5f105510e1ca/?vgnextoid=5d1aa8e0c8c0e210VgnVCM10000055011eacRCRD&vgnnextchannel=aa89193566a68210VgnVCM10000055011eacRCRD

In Galicia, the Galicia map Viewer application:

<http://mapas.xunta.gal/visualizador-de-mapas>

Or mobile applications that give customized meteorological and  oceanographic information for routes and courses, both on land and at sea:

https://www.meteogalicia.gal/web/informacion/appMobil.action?request_locale=es

https://www.meteogalicia.gal/web/proxectos/meteoroute.action?request_locale=es

https://www.meteogalicia.gal/web/proxectos/meteosix.action?request_locale=es

Castile-La Mancha has the following geographic information and applications:

<https://castillalamancha.maps.arcgis.com/home/index.html>

<http://agricultura.jccm.es/inesint/> <http://agricultura.jccm.es/imovip/>

<http://agricultura.jccm.es/inap/>

Castile-La Mancha Citizen Warning System. Air Quality:

<https://www.castillalamancha.es/node/171952>

55. Law 37/2007, of 16 November, about re-use of public sector information, amended by Law 18/2015, sets out the basic legislation for the legal regime applicable to the re-use of all information held by the Public Authorities, regardless of the medium. In implementing this Law, the Ministry of Industry, Energy and Tourism and the Ministry of Finance and Public

Authorities are driving the project Datos.Gob, which promotes a culture of re-use of information by the Public Authorities.

Some Autonomous Communities have organized Environmental Information Networks or Systems and/or Catalogues of Sources of Environmental Data (for example, in the Regional Government of Andalusia the Environmental Information Network REDIAM www.juntadeandalucia.es/medioambiente/site/rediam) putting in place the process for preparing lists of environmental information and activities have been carried out to disseminate the precepts of the new regulations to stakeholders. The Autonomous Community of Madrid, in order to re-use public information has an Open Data Portal <https://www.comunidad.madrid/gobierno/datos-abiertos> where the Autonomous Community of Madrid's environmental indicator system and the environment map, among other things, are published.

Article 5, paragraphs 3 and 5

56. Article 6m sections 3 and 4 of Law 27/2006 obliges public authorities to adopt the measures necessary to guarantee that environmental information is made available gradually in electronic databases that are easy for the public to access through public telecommunications networks, whether directly or through links.

57. For those purposes, both ITERD MITERD and the Autonomous Communities have environmental information web portals, which where appropriate also allow access to information from various networks and to georeferenced information.

58. The minimum content the information subject to diffusion must cover is set out in article 7 of Law 27/2006. This content is broader than that set out in the Convention itself.

59. MITERD disseminates through its website information about the legislative measures adopted in relation to the Ministry's competences and about plans and programs by area of activity. On the other hand, relevant institutional, legal and economic information is also accessible through the Transparency portal, created by Law 19/2013, on Transparency and Good Governance
<http://transparencia.gob.es/>.

In general, Autonomous Communities have their own Transparency Portals on their websites.

For example, Autonomous Community of Murcia

<http://transparencia.carm.es/web/transparencia/avance-portal-de-datos-abiertos-carm>.

In Castile-La Mancha

<http://transparencia. HYPERLINK>

["http://transparencia.castillalamancha.es/"castillalamancha.es/](http://transparencia.castillalamancha.es/castillalamancha.es/)

In Andalusia

<https://juntadeandalucia.es/transpa> [HYPERLINK](#)

["https://juntadeandalucia.es/transparencia/publicidad-activa/organismos/agriculturaganaderiapescaydesarrollosostenible.html"](https://juntadeandalucia.es/transparencia/publicidad-activa/organismos/agriculturaganaderiapescaydesarrollosostenible.html) [r](#) [HYPERLINK](#)

["https://juntadeandalucia.es/transparencia/publicidad-activa/organismos/agriculturaganaderiapescaydesarrollosostenible.html"](https://juntadeandalucia.es/transparencia/publicidad-activa/organismos/agriculturaganaderiapescaydesarrollosostenible.html) [encia/publicidad-](#)

[activa/organismos/agriculturaganaderiapescaydesarrollosostenible.html](https://juntadeandalucia.es/transparencia/publicidad-activa/organismos/agriculturaganaderiapescaydesarrollosostenible.html) [HYPERLINK](#)

["https://juntadeandalucia.es/transparencia/publicidad-activa/organismos/agriculturaganaderiapescaydesarrollosostenible.html"](https://juntadeandalucia.es/transparencia/publicidad-activa/organismos/agriculturaganaderiapescaydesarrollosostenible.html) [a](#) [HYPERLINK](#)

["https://juntadeandalucia.es/transparencia/publicidad-activa/organismos/agriculturaganaderiapescaydesarrollosostenible.html"](https://juntadeandalucia.es/transparencia/publicidad-activa/organismos/agriculturaganaderiapescaydesarrollosostenible.html) [pescaydesarrolloso](#)
[stenible.html](#)

The FEMP also has its own Transparency Portal

http://femp.femp.es/Microsites/Front/PaginasLayout2/Layout2_Personalizables/MS_Maestra_2/_k6sjJ7QfK2Z5a0ypjGDF7hVCHy14AjbJBw0bPsMCI91AF5Q35sy0SLzLOH4R4Q

In Galicia: <https://transparencia.xunta.gal/portada>

The transparency portal of the Principality of Asturias

<https://www.asturias.es/portal/site/webasturias/menuitem.106b47ba9093bc443e2d6f77ec12b2a0/?vgnnextoid=1b7b7cd61f918510VgnVCM100000ce212b0aRCRD&i18n.http.lang=es> contains and published information covered by the Aarhus Convention.

In the Autonomous Community of Madrid

www.comunidad.madrid/transparencia

60. MITERD's website makes available to the public information related to the activities that are carried out in Spain with GMOs and reports are published setting out the results of the voluntary release notices, as well as the authorizations granted by the Interministerial Council on GMOs. It also gives information about current EU, national and regional legislation concerning GMOs. For example, in the Autonomous Community of Madrid, the information is available at <http://www.comunidad.madrid/servicios/medio-rural/organismos-modificados-geneticamente>

61. The Autonomous Communities has also made significant efforts to comply with paragraph 3, including monitoring into air quality control and surveillance networks, water

quality, waste management, etc.

For example, Autonomous Community of Murcia

<http://sinclair.carm.es/calidadaire/Default.aspx>

In Castile-La Mancha

Air quality monitoring:

<http://pagi.HYPERLINK>

["http://pagina.jccm.es/medioambiente/rvca/calidadaire.htm"](http://pagina.jccm.es/medioambiente/rvca/calidadaire.htm)na.jccm.es/medioambiente/rvca/calidadaire.htm

Water status:

<http://pagina.jccm.es/agenciadelagua/index.php?id=11> HYPERLINK

["http://pagina.jccm.es/agenciadelagua/index.php?id=11&p=11"](http://pagina.jccm.es/agenciadelagua/index.php?id=11&p=11) & HYPERLINK

["http://pagina.jccm.es/agenciadelagua/index.php?id=11&p=11"](http://pagina.jccm.es/agenciadelagua/index.php?id=11&p=11)p=11

Network of Recycling centers:

<http://www.castillalamancha.es/gobierno/agrimedambydesrur/estructura/vicmedamb/actuaciones/puntos-limpios>

Waste production and management register in Castile-La Mancha

<http://agricultura.jccm.es/ireno/forms/geref000.htm>

In Andalusia:

Andalusian Environmental Information Network

www.juntadeandalucia.es/medioambiente/site/rediam

Water Quality:

<http://www.juntadeandalucia.es/medioambiente/site/portalweb/menuitem.220de8226575045b25f09a105510e1ca/?vgnextoid=e86ff6e4db1bf410VgnVCM2000000624e50aRCRD&vgnnextchannel=dbe6fa43596d4310VgnVCM2000000624e50aRCRD>

Air Quality Surveillance and Control Network of Andalusia:

www.juntadeandalucia.es/medioambiente/site/portalweb/menuitem.7e1cf46ddf59bb227a9ebe205510e1ca/?vgnextoid=a6a92e62ea1a3210VgnVCM1000001325e50aRCRD&vgnnextchannel=e339a862d17d4310VgnVCM2000000624e50aRCRD&lr=lang_es

Recycling centers in Andalusia:

www.juntaandalucia.es/medioambiente/site/portalweb/menuitem.7e1cf46ddf59bb227a9ebe205510e1ca/?vgnextoid=736570d4f73aa510VgnVCM1000001325e50aRCRD&vgnnextchannel=1898e9e6e31ad310VgnVCM2000000624e50aRCRD&lr=lang_es

In Galicia:

Galician air quality monitoring network

http://www.meteogalicia.gal/Caire/index.action?request_locale=es

Recycling centers in Galicia:

<http://sirga.xunta.gal/listaxe-de-puntos-limpous>

Quality of bathing waters:

<https://www.sergas.es/Saude-publica/Praias?idioma=es>

In Asturias, real-time data about the network of states are also supplied through

<https://tematico.asturias.es/CecomaWeb/>

In the Autonomous Community of Madrid:

Air quality monitoring:

http://gestiona.madrid.org/azul_internet/

List in waste management facilities and authorized carriers in the Autonomous Community of Madrid

http://datos.comunidad.madrid/catalogo/dataset/residuos_gestores

http://datos.comunidad.madrid/catalogo/dataset/residuos_transportistas

Article 5, paragraph 4

62. MAPAMA also publishes and disseminates annual the Ministry action Report and publishes, in Spanish and English, the “Environmental profile of Spain” (based on selected indicators within the framework of the Spanish EIONET Network), as well as other unitary and periodical publications that include environmental information. They are all available on the Ministry’s website and in some cases with extensive editions in various languages free of charge.

63. Also, since 2006, the Ministry promotes the annual publication of the papers prepared by the Environmental Policy Observatory, which is made up of 47 lecturers from 30 university centers who carry out independent analyses of the environmental policies of Autonomous Communities in their national, comparative, EU and international context.

64. The Public Bank of Environmental Indicators (BPIA) is a project for preparing and disseminating environment information run by the Ministry of Agriculture, Food and the Environment, which is accessible through the website, which makes it possible to get the main environmental data very intuitively and quickly. Recently, all the indicators have been updated with the best information available to date. The indicators are presented in an illustrated format with graphs, which are accompanied by definitions and notes making them comprehensible to a very broad audience. The 68 environmental indicators are structured within a system divided into 14 areas, which offer a very broad range of topics related to the conservation of the environment and make it possible to observe their development over time:

Air, Water, Soil, Nature and Biodiversity, Waste, Agriculture, Energy, Industry, Fisheries, Tourism, Transport, Homes, the Urban Environment and Natural and Technological Disasters.

65. The Nature Data Bank, which is attached to the Directorate-General of Biodiversity, Forests and Desertification is the integrated information system of the Spanish Natural Heritage and Biodiversity Inventory, within the framework which a report shall be drawn up and published annually with the values, analysis and interpretation of the results of the Indicator System on the state of the elements of the environment related to natural heritage.

66. Apart from these general reports, there are numerous specific statistical sources provided by MAPAMA, EUROSTAT and numerous specialist bodies, such as the State Meteorological Agency (AEMET), the Spanish Institute of Oceanography (IEO), etc.

67. The statistical data on the various environmental parameters compiled annually from the different authorities by MAPAMA are sent to the European Environment Agency (EEA) and are sometimes later published jointly.

68. In general, the Autonomous Communities periodically prepare reports on the state of the environment and, where appropriate, their own regional environmental indicator systems. By way of example, in Galicia, a series of environmental indicators are updated and published annually that are available to the public on the website of the Galicia Environmental Information Platform (GaIA) <https://gaia.xunta.es/plataforma/>).

The Andalusian Environment Report has been published continually since it was established in 1987. A full analysis of the state of the environment is made available to citizens each year. This action ensures fulfilment of the requirements of current EU (Directive 2003/4/EC), national (Law 27/2006) and regional (Law 7/2007) legislation regulating the right of access to environmental information. The latest Environment Report (IMA), from 2018, can be read at the following link: <http://www.juntadeandalucia.es/medioambiente/site/portalweb/menuitem.220de8226575045b25f09a105510e1ca/?vgnextoid=01e42823cca05310VgnVCM1000001325e50aRCRD&vgnnextchannel=ccf46c0a3a217310VgnVCM2000000624e50aRCRD>

At the following link we may access the visits to the web portal of the Regional Department of Agriculture, Livestock, Fisheries and Sustainable Development in its environment area of the Regional Government of Andalusia that have been counted since 2007. www.juntadeandalucia.es/medioambiente/site/portalweb/menuitem.47a26b4de31e31b01daa5f105510e1ca/?vgnextoid=7d22eea34c87d410VgnVCM1000001325e50aRCRD&vgnnextchannel=3349193566a68210VgnVCM10000055011eacRCRD

In Andalusia, a series of environmental indicators are updated and published annually; they made available to the public on the website of the Andalusian Environmental Information Network

(REDIAM): www.juntadeandalucia.es/medioambiente/site/porta/web/menuitem.6ffc7f4a4459b86a1daa5c105510e1ca/?vgnextoid=ccf46c0a3a217310VgnVCM2000000624e50Arcrd

The Autonomous Community of Madrid published annual reports about the state of the environment.

<https://www.comunidad.madrid/servicios/urbanismo-medio-ambiente/informacion-ambiental#informes-estado-medio-ambiente>

Regional Environmental Indicator System

<https://www.comunidad.madrid/servicios/urbanismo-medio-ambiente/indicadores-ambientales>

In Asturias, the Environmental Information System, through a system of indicator-based data sheets, presents the monitoring of the state of the environment.

<https://www.asturias.es/porta/site/medioambiente/menuitem.1340904a2df84e62fe47421ca6108a0c/?vgnextoid=f170f61c843e0710VgnVCM10000097030a0aRCRD&vgnnextchannel=eaddffae3867b210VgnVCM10000097030a0aRCRD&i18n.http.lang=es>

Article 5, paragraph 6

69. Further provision twelve of Law 27/2006 obliges public authorities to help ensure that economic actors, when so obliged, periodically inform the public about their activities or products that have or might have significant effects on the environment.

In this area, the national PRTR register, with the information provided by the Autonomous Communities, include data about the emissions and transfers of waste from the industrial complex and facilities with the greatest polluting potential. For its part, Regulation (EC) 1221/2009 of the European Parliament and of the Council, of 25 November, makes it possible for public and private organizations, whether profit-making or non-profit, to voluntarily join the EU Eco-Management and Audit Scheme (EMAS). This EMAS environmental management system obliges the organizations implementing it to register on the EU EMAS Register, hence they make their environmental statement available to the public, which reflects the extent of compliance with the environmental objectives the organization has set for itself and also sets out the future actions the organization must undertake to enable continuous environmental improvement and minimization of its environmental impact. The EMAS Regulation of 2009 have been amended on two occasions, by *Regulation (EU) 2017/1505, amending Annexes I, II and III to Regulation (EC) No 1221/2009* and by

Regulation (EU) 2018/2026 of 19 December 2018 amending Annex IV to Regulation (EC) No 1221/2009.

Eco-labelling and organic agricultural production allow for similar mechanisms for disseminating information about private activities and products that may have a major effect on the environment.

Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel, which is currently in force, is an important part of the EU's policy of voluntary instruments to help businesses and consumers improve their environmental actions. The aim is to promote products that reduce adverse environmental impacts in comparison with other products in the same category, thus contributing to efficient use of resources and a high level of environmental protection. This aim is achieved by offering consumers accurate, non-deceptive and science-based guidance and information on such green products. In the EU Ecolabel Product Catalogue, also known as E-CAT, all the information about a product with this eco-label can be consulted, such as: the manufacturer's name, register number, countries where it is marketed, etc., hence it is quality information available to consumers.

70. At the regional level, initiatives have been adopted aimed at consumers and waste producers to promote a reduction at source and at urban users about good practice in energy and water consumption and waste separation, and in some cases financial support measures have been put in place for actions concerning implementation of environmental management systems.

71. Economic actors, especially major distributors, have reported on their contribution to reducing non-biodegradable single-use plastic bags through their own campaigns and those promoted by MITERD.

Article 5, paragraph 7

72. Besides the existing publications and the online dissemination and participation, in all public authorities there are information units, and units for receiving and processing complaints and suggestions, in relation to the environment, along with electronic means of accessing them.

Article 5, paragraph 8

73. General food labelling is regulated by Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, which is directly applicable in all European Union Member States. This regulation is applicable to labelling of packaged products intended for the end consumer, including those delivered by mass caterers and those intended for supplying mass caterers.

Furthermore, there are other European Union and Spanish regulations regulating various aspects of the labelling of specific foods.

An example of an EU standard for labelling specific foods is the labelling of food and beverages produced according to the ecological production method regulated by Regulation (EC) 834/2007, which shall be repealed from 1 January 2021 by Regulation (EU) 2018/84, and which provides for protection for terms such as ecological, biological, organic or their abbreviations, such that they can only be used in labelling, advertising or commercial documents, concerning the product itself, or its ingredients, that have been produced according to the organic production method set out in the aforementioned Regulation, unless they are not applied to agricultural products in food or feed or which are clearly unrelated to ecological production.

In Spain, the Autonomous Communities that are the competent authorities responsible for applying the regulations on production and labelling of ecological products, except in the case of importing from third countries where the competent authority is the SOIVRE inspection service of the Ministry of Industry, Commerce and Tourism.

This labelling is a different area to that of the E.U.'s Ecological Labelling known as "Eco-label".

74. Regarding the EU Eco-label (EEL), in 2013 a new Royal Decree was adopted, 234/2013, of 5 April, setting out rules for the application in Spain of the EEL according to the criteria of Regulation (EC) No 66/2010, replacing their theretofore applicable Royal Decree 598/1994.

75. Likewise, labelling of fishery products, of hazardous substances, of noise in domestic appliances, of energy consumption, etc., have their own national regulations encompassing the information about environmental aspects.

76. Some Autonomous Communities carry out control actions on the labelling of electrical and electronic devices and integrated waste management system labels. Both they and many local governments have also prepared green procurement catalogs, disseminating sustainability criteria in public procurement of goods and services.

77. Royal Decree 110/2015, of 20 February 2015, on electrical and electronic device waste was passed recently; it provides for the creation of an online platform that, by systematizing information about waste, will count it and guarantee its traceability, thus allowing the participation of agents related to waste electrical and electronic devices.

Article 5, paragraph 9

78. Since 1 January 2008, the National Emissions and Polluting Sources Register has been the PRTR-Spain Register, replacing the previous EPER-Spain Register (which had existed since 2001), which now included some of the new information requirements with criteria in the current PRTR, thus complying with Regulation (EC) 166/2006 E-PRTR and Royal Decree 508/2007, of 20 April, regulating the provision of information about emissions in the E-PRTR Regulation and integrated environmental authorizations, and their subsequent amendments. Said rules lie within the framework of the Aarhus Convention and the PRTR Protocol, to which Spain is a party. According to said Protocol, the industrial complexes in the scope of these regulations make annual reports according to the PRTR criteria.

79. All the information related to the PRTR-Spain register is available on the Internet and is easily accessible to all stakeholders and the general public at the address www.prtr-es.es. The information, which is disseminated in Spanish, in the other official languages of Spain and in English, includes links to similar registers in other countries and regions, as well as to international organizations of interest in PRTR matters. Links are also included to Autonomous Communities' equivalent information pages. PRTR-Spain has various channels, suggestion mailbox (<http://www.prtr-es.es/Sugerencias>), email (info@prtr-es.es) and a telephone line, where stakeholders, authorities and the general public can access consultations and requests for further information, and participate with their suggestions and observations in the construction and improvement of the register. The consultations/suggestions sent to the mailbox can be made in Spanish and English.

XII. OBSTACLES FOUND IN THE IMPLEMENTATION OF ARTICLE 5.

80. The cross-cutting nature of the subject brings with it certain organizational and administrative coordination problems that affect, to a greater or lesser extent, the various public authorities when applying article 5. As regards the PRTR Register, in the scope of application and implementation of article 5, paragraph 9, the platform of the National Emissions and Polluting Sources Register, PRTR-Spain, is designed as a comprehensive platform for the compilation, management and dissemination of information, on which all the agents involved may participate at different times with specific functions, respecting the distribution of competences of the Spanish state. In Spain, the Regions are the competent authorities in all matters pertaining to PRTR, and they can have their own procedures and registers. The Ministry's platform allows for the integration of all the information from the Regions at the national level, both for later dissemination and to fulfil international reporting requirements.

81. Among the difficulties with preparing aggregate specific information for the whole of Spain from data provided by the regional and local authorities, there are some problems of

homogeneity, which makes it recommendable to reinforce the coordination mechanisms. As regards the PRTR Register, within the scope of article 5, paragraph 9, there is a task force working on PRTR matters, coordinated by the Ministry and in which all the competent regional authorities participate, which seeks agreement about operational aspects that require homogeneous criteria, such as setting out the scopes or the methodological recommendations for determining the emission data and transfer data to be reported.

82. In some Autonomous Communities, and in the Ministry itself, the material and human resources available were insufficient properly to attend to all the environmental information access and dissemination obligations within the deadlines. Many Autonomous Communities have, however, witnessed a significant improvement in the quality of the information provided. At the local level, given the heterogeneity of the more than 8,000 Local Entities with their different sizes, populations, characteristics, resources, etc.) some difficulties are observed in statistical monitoring of the requests and their processing. As regards the PRTR-Spain Register, no especial difficulties have been reported in access to and dissemination of the information contained therein, beyond those that may be derived from supplying certain requests in specific formats through any of the channels provided. It is appropriate to highlight that, at the EU level, a major effort is being made to coordinate and improve access to and availability of environmental information, with the creation of the so-called EU Registry, which is currently being developed. This Register, which is fed PRTR data from the EU's Member States, will offer both administrative (environmental authorizations and their conditions) and thematic (main emissions and transfers of pollutants) information, about the main complexes and facilities that carry out any of the industrial activities within the framework of EU regulations related to PRTR and the Industrial emissions Directive (EU 75/2010). The PRTR-Spain Register has been adapted to these new requirements, and the public information page is currently being redesigned, in parallel to the EU-level developments of the aforementioned EU Registry.

XIII. FURTHER INFORMATION ABOUT THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 5.

83. The level of access to the PRTR-Spain page, from when it began recording the visits (2009) until now, the 15.5 million visits, with a monthly average close to 200,000, during the most recent year for which data exist, 2019, (www.prtr-es.es), come from all over the world, especially from the USA, Iberian American, European countries and also Asian countries. The most-requested information refers to the public data on emissions and off-site waste transfers by sector of industrial activity, the inventory of industrial complexes and facilities and the downloading of pdf documents, as well as graphical information and tables. They are mainly stakeholders such as organizations and representatives of the industrial sectors, NGOs, public authorities, universities and technology centers and other public and private

entities that consult and access the website the most, as well as requesting further information or information in other formats than those directly available on the page itself.

84. In 2014, more than 20 million consultations were made of environmental content through the MAGRAMA (currently MITERD) website.

XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5.

85. <http://www.prtr-es.es> besides those set out in paragraph 32.

XV. REGULATORY, LEGISLATIVE AND OTHER MEASURES IMPLEMENTING THE PROVISIONS REGARDING PUBLIC PARTICIPATING SPECIFIC ACTIVITIES IN ARTICLE 6.

86. Public participation in decision-making about specific activities in article 6 of the Convention is set out in the specific procedures regulated in the relevant sectoral legislation. Thus, article 3.2 e) of Law 27/2006 provides that everyone has the right to effective and real participation, according to applicable legislation, in the administrative procedures undertaken to grant authorizations regulated in legislation concerning prevention and integrated control of pollution, for the granting of administrative authorizations regulated in the legislation concerning genetically-modified organisms, and for the issuance of the environmental impact statements regulated in the legislation on environmental impact assessment.

87. It is important to highlight the fact that the final provisions one and two of Law 27/2006, amended the basic regulations on Environmental Impact Assessment and Integrated Pollution Prevention and Control were amended to adopted to adapt them to the rules on participation set out in the Aarhus Convention, primarily by redefining the concepts of “public” and “stakeholder” and the introduction of early participation. These regulations were amended in 2013, as set out below

Article 6, paragraph 1

88. Participation in authorization procedures for the activities set out in Annex I of the Convention is regulated, as we have seen, in the relevant basic sectoral legislation, primarily in Royal Legislative Decree 1/2016, of 16 December, passing the consolidated text of the Law on integrated pollution prevention and control (promulgated, as its name suggests, to consolidate into a single text all the amendments that had been being made to the original text of Law 16/2002), hereinafter RDL 1/2016, and in Royal Decree 815/2013, of 18 October, passing the Regulation on industrial emissions and implementing Law 16/2002, of 1 July, on pollution prevention and control; said legal text sets out the procedure for granting integrated

environments authorizations (IEAs)

89. RDL 1/2016 is applicable to publicly- or privately-owned facilities in which any of the industrial activities is carried out that are included in the categories listed in annex 1 and which, where appropriate, reach the capacity thresholds set out therein, with the exception of the facilities or parts thereof used to research, develop and experiment with new products and processes.”

90. For its part, Law 21/2013, on Environmental Assessment affects at all events the execution of works, facilities or any other activity included in annex I thereof, and only projects or activities set out in annex II, and those not included in annex I but which may directly or indirectly affect Natura 2000 Network sites, must be subject to an environmental impact assessment (EIA) when the environmental body so decides in each case. This new regulatory text includes the possibility that projects subject to simplified environmental impact assessment are subject to the ordinary procedure when the developer so requests.

91. The legislator, being aware of the importance of coordinating the environmental impact assessment procedures in Spain, introduces a novel mechanism for entry into force. In its Final Provision eleven it provides that Autonomous Communities that have their own legislation concerning environmental assessment, must adapt it to the national Law within one year from when it comes into force (before 12 December 2014), which is the point at which, at all event, the precepts of the national law, which are basic, shall be applicable to all the Regions. However, the Autonomous Communities may opt to refer en bloc to this law, which shall be applicable in its territory as basic and supplementary legislation.

Article 6, paragraph 2

92. Article 14 of the Consolidated Text of Law 16/2002 IPPC passed by RDL 1/2016 provides that the public authorities shall promote the real and effective participation of stakeholders in procedures to grant, substantially amend, and to review a facility’s integrated environmental authorization.

93. Thus, Annex 4 of the aforementioned Consolidated Text contains all the provisions set out in article 6, paragraph 2, of the Aarhus Convention, identifying deadlines and procedures in detail, as well as the obligations that the relevant authorities must assume to guarantee appropriate public participation in decision-making.

94. For its part, in the Environmental Impact Assessment (EIA) procedures, Law 21/2013, on Environmental Assessment, at article 36 also guarantee the “real and effective” participation from an early stage and regulates matters concerning the public information and consultation process for the public authorities concerned and the stakeholders, offering similar information to that described in the previous section: an application for authorization

of the project, identification of competent bodies, nature of the decisions, date and place where the information will be available, ways to participate, information contained in the environmental impact study and other relevant documentation.

95. Some Regions have opted to amend their regional legislation to adapt it to Law 21/2013, on Environmental assessment and have already concluded it (Aragon, Castile-La Mancha, Castile and Leon, Andalusia and Extremadura), Law 9/2013, on entrepreneurship and economic competitiveness of Galicia, at Title III, Chapter II, regulates the Assessment of the environmental effects of activities.

Other Regions have chosen to directly apply the national basic legislation (Madrid, Navarre, Balearic Islands) and others are in the process of passing laws to be compliant with Law 21/2013 (Asturias, Murcia, Cantabria, La Rioja), though they have not yet completed them.

96. Regarding the information to be provided, as regards the regulation of the Integrated Environmental Authorization procedures in RDL 1/2016 as well as the EIA procedures, see sections 92-94.

97. In some Autonomous Communities, regulations have been prepared on participation that regulate the processing of authorizations or of decision-making, among other things, of those not subject to a regulated public participation procedure.

98. In some cases, the Autonomous Communities have *ad hoc* participation bodies within their administrative organization.

99 Autonomous Communities and Local Governments have, in general adopted measures concerning participation, establishing new ways to do so or reinforcing the existing once, especially those derived from Agenda 21 Local in the case of Local Entities. To do so, both levels of government have promoted the use of new technologies. For example, the Autonomous Community of Madrid's Participation Portal:

www.comunidad.madrid/participacion

<http://www.juntadeandalucia.es/medioambiente/site/porta/web/menuitem.d1a35641276b2bf2490a9d105510e1ca/?vgnextoid=50d9193566a68210VgnVCM10000055011eacRCRD&vgnextchannel=d869193566a68210VgnVCM10000055011eacRCRD>

Andalusia has Law 7/2017, of 27 December, on Citizen Participation of Andalusia and on the web portal of the Regional Department of Agriculture, Livestock, Fisheries and Sustainable Development in its environment area of the Regional Government of Andalusia, it has a special area for public participation, which can be consulted at the following link:

<http://www.juntadeandalucia.es/medioambiente/site/porta/web/menuitem.d1a35641276b2bf2490a9d105510e1ca/?vgnextoid=50d9193566a68210VgnVCM10000055011eacRCRD&vgnextchannel=d869193566a68210VgnVCM10000055011eacRCRD>

[869193566a68210VgnVCM10000055011eacRCRD
http://www.juntadeandalucia.es/medioambiente/site/portalweb/menuitem.d1a35641276b2bf2490a9d105510e1ca/?vgnextoid=50d9193566a68210VgnVCM10000055011eacRCRD&vgnextchannel=d869193566a68210VgnVCM10000055011eacRCRD](http://www.juntadeandalucia.es/medioambiente/site/portalweb/menuitem.d1a35641276b2bf2490a9d105510e1ca/?vgnextoid=50d9193566a68210VgnVCM10000055011eacRCRD&vgnextchannel=d869193566a68210VgnVCM10000055011eacRCRD)

Article 6, paragraph 3

100. In the EIA procedure, the decision-making and control body shall inform the persons concerned and the affected public authorities of the right to participate in the corresponding procedure and of the point at which they can exercise that right; the notification shall set out the competent authority to which they must send the observations and comments specifying such participation and period in which they must be sent, which may not be less than 30 days (article 37 Law 21/2013).

101. As regards the IEA, article 5 of Annex 4 of the Consolidated Text of Law 16/2002 provides that, at all events, reasonable periods shall be established for the various phases that grant sufficient time to inform the public and so that persons concerned can prepare and participate effectively in the decision-making process.

For plans and projects related to the environment, there are other sufficient public participation periods, as set out in respective sectoral legislation. By way of example, the Hydrological Plans are put out for public consultation for a minimum of 6 months, according to EU regulations (Directive 2000/60/CE establishing a framework for Community action in the field of water policy, and in article 74 of the Water Planning Regulation.

In the Autonomous Community of Andalusia, the Documents subject to public information are published at:

<https://juntadeandalucia.es/servicios/participacion/todos-documentos.html> and the Regulations being prepared at:

<https://juntadeandalucia.es/servicios/normas-elaboracion.html>

102. On the other hand, the regulation of public information in processing regulatory provisions, contained in Law 50/1997, of 27 November, on the Government, in its draft given by Law 40/2015, provides, in article 27, for the possibility of undertaking an urgent procedure, in which case the deadlines are reduced by half, albeit it is necessary to justify it on grounds set out in the law (transposition of EU directives or extraordinary circumstances).

Article 6, paragraph 4

103. The RDL 1/2016 provides that the Public Authorities shall guarantee that the public participation takes place in the initial phases of the respective procedures according to article

24. To that end, the provisions concerning participation set out in annex 4 thereof shall be applicable so such procedures.

104. Law 21/2013 sets out this guarantee in article 36.1, upon opening the process for consulting the public authorities concerned and the natural or legal persons, whether public or private, linked to protection of the environment, when the EIA procedure is begun. Article 9 specifies that said process shall be undertaken at those stages of the procedure in which all options related to the determination of the content, the scope and the definition of the project are still open.

105 For plans and programs, the specific legislation adapts its procedures to the requirements of the Convention and national law. For example, Law 22/2011, of 28 July, on waste and polluted soils provides that the public authorities shall guarantee the rights of access to information and participation in waste-related matters in the terms set out in Law 27/2006, of 18 July, regulating the rights of access to information, on public participation and on access to justice in environmental matters.

In fact, in the State Government Departments and Agencies and in the Autonomous Communities, besides the participation of consultative collegiate bodies where such is provided for, early participation through the Internet is encouraged and, by sending the information to the associations, organizations and agents involved in the procedures, by means of prior public consultations.

Article 6, paragraph 5

106. According to articles 33.2 and 34 of Law 21/2013, on environmental assessment, the developer of the project may make prior consultations at the beginning of the project authorization procedures.

At the regional level, the dissemination of information encourages the possibility of there being a spontaneous prior debut, albeit it is not regulated in the regulations, either, and in some cases a Social Compact for the Environment has been signed that reinforces the communication mechanisms.

Article 6, paragraph 6

107. Law 27/2006 regulates access to environmental information in articles 5 to 12 and, in particular, in article 10, access to environmental information upon request. Moreover, the Environmental Assessment regulations - see hereinabove - guarantees that the information shall be made available that is referred to in article 6.6 of the Convention: a general

description of the project and foreseeable requirements over time, in relation to the use of the soil and other resources; estimation of the types and quantities of waste spilt and emissions; exposure of the main alternatives examined; assessment of the direct or indirect foreseeable effects of the project on the environment; measures set out to reduce, eliminate or offset the effects; a summary of the study and conclusions in easily-understandable terms.

108. Moreover, it is stated that the decision-making and control body shall make available to all interested persons all relevant documentation received before and after the public information process is undertaken.

Article 6, paragraph 7

109. General regulation of the processing of public information includes the option to make observations and submit the documents and explanations that the interested parties consider pertinent, according to Law 39/2015, of 1 October, on the Common Administrative Procedure of the Public Authorities.

110. In particular, Law 21/2013 provides that the decision-making and control body must inform the public regarding the authorities to which they may submit observations, comments and consultations, as well as the period available to submit them. For its part, the Consolidated Text of Law 16/2002, passed by RDL 1/2016 provides in its Annex 4 that the interested persons shall have the right to make to the decision-making and control body whatever relevant observations and opinions it deems appropriate before a decision is made on the request.

111. All means of sharing information, such as email, postal mail, fax, telephone, in-person, web form or online registration, are available to the public, in general, at all Departments and Agencies, to make it easier to participate and submit observations. In the Autonomous Community of Madrid, draft regulations and administrative files on EIA and IEA procedures are published to facilitate participation and the submission of comments at:

<https://www.comunidad.madrid/transparencia/> y <http://comunidad.madrid/participacion>.

In the Autonomous Community of Andalusia, the following link gives access to the documents subject to public information, as well as other open participation procedures of interest to citizens or for stakeholders.

www.juntadeandalucia.es/medioambiente/site/porta/web/menuitem.6ffc7f4a4459b86a1daa5c105510e1ca/?vgnextoid=177aa8e0c8c0e210VgnVCM10000055011eacRCRD&vgnnextchannel=50d9193566a68210VgnVCM10000055011eacRCRD

Moreover, MITERD has made available to affected sectors the “Website” application on

its website, in relation to various procedures for which it is responsible, which include those concerning EIA (“Sabia” Program).

<https://servicios.magrama.es/irj/portal/anonymous/consultaDestacados?NavMode=3>

Article 6, paragraph 8

112. In EIA and IEA procedures, the results of the consultations and of the public information must be taken into consideration by the developer in its project, as well as by the competent body in the authorization for it (article 37 Law 21/2013 and article 4 of Annex 4 of the Consolidated Text of Law 16/2002).

113. For plans and programs, Law 27/2006 provides in general that upon adopting the relevant decisions, the results of the public participation shall be duly taken into account by the Public Authorities.

In Andalusia, the plans and programs that are in one of the processing phases of the strategic environmental assessment procedure are published on the website.

They are plans on various subjects (sustainable development, mobility, water management, land use planning, etc.) that are located in Andalusia, regardless of the body developing them.

Each plan has a data sheet detailing the bodies participating, the type of environmental assessment procedure (ordinary or simplified), the phase they are in and the documents generated in said process, can be consulted at the following link: www.juntadeandalucia.es/medioambiente/tramitesEAE.

At this other link:

www.juntadeandalucia.es/medioambiente/site/portalweb/menuitem.7e1cf46ddf59bb227a9ebe205510e1ca/?vgnextoid=191c09a52ed5c510VgnVCM2000000624e50aRCRD&vgnnextchannel=3d9262cb5fa9d510VgnVCM2000000624e50aRCRD.

the completed environmental assessment procedure plans in the region of Andalusia are there.

Article 6, paragraph 9

114. Law 21/2013 determines that the strategic environmental Statement (Plans) and the environmental impact Statement (Projects) shall be published in all cases (Official Gazettes) and shall include the main reasons and considerations on which the decision is based, in relation to the observations and opinions expressed during the environmental assessment and a description, where necessary, of the main measures to prevent, reduce and, if possible, offset the main adverse effects. This provision is also applicable to simplified strategic environmental and impact assessment procedures for Plans, Programs

and Projects. The Autonomous Community of Madrid publishes all the decisions on the strategic environmental and impact assessment procedures at:

<http://gestiona.madrid.org/legislacionambiental>

In Andalusia they are published on the website and they can also be consulted at the following link:

www.juntadeandalucia.es/medioambiente/site/porta/web/menuitem.7e1cf46ddf59bb227a9ebe205510e1ca/?vgnextoid=191c09a52ed5c510VgnVCM2000000624e50aRCRD&vgnextchannel=3d9262cb5fa9d510VgnVCM2000000624e50aRCRD

115. RDL 1/2016, for its part, provides that the Autonomous Communities shall publish the administrative decisions according to which the integrated environmental authorizations had been granted or amended and shall make available to the public the content of the decision accompanied by a report setting out the main grounds and considerations on which the administrative decision is based, including information related to the public participation process. The Autonomous Community of Madrid publishes all the decisions on the Integrated Environmental Authorization

<http://gestiona.madrid.org/legislacionambiental>

In Andalusia, [Law 7/2007, of 9 July, on Integrated Management of Environmental Quality](#), a series of environmental prevention instruments are formulated that are applicable to actions that may affect the Andalusian environment. The Integrated Environmental Authorization (AAI), the Unified Environmental Authorization (UEA), Environmental Rating, the Strategic Environmental Assessment of plans and programs and the Strategic Environmental Assessment of urban planning instruments. Moreover, there is a series of national projects that must go through the Environmental Impact Assessment (EIA) process, with Andalusia participating in the consultation period the Ministry responsible for processing said EIA undertakes. It is all published at the following link:

<http://www.juntadeandalucia.es/medioambiente/site/porta/web/menuitem.6ffc7f4a4459b86a1daa5c105510e1ca/?vgnextoid=7d2df45cbbabb310VgnVCM2000000624e50aRCRD>

In Castile-La Mancha both processes that have been begun and authorizations that have already been granted by provinces and productive centers are published.

<http://agricultura.jccm.es/prai/consultarEntidades.action?model.id=4>

Article 6, paragraph 10

116. The amendments and changes in the characteristics and circumstances in which a project has been authorized within the scope of application of EIAs or IEAs, according to National basic regulations, is always subject to a screening examination, in order to determine the possible existence of significant impacts. For this procedure, the public participation channel has already been mentioned.

Article 6, paragraph 11

117. On GMO matters, reference is made to points XXXIII, XXXIV, XXXV and XXXVI.

XVI. OBSTACLES FOUND IN THE IMPLEMENTATION OF ARTICLE 6.

118. The main obstacles identified by Local Governments for the application of the Aarhus Convention have been lack of detailed knowledge of its provisions, lack of interest in it on the part of a considerable share of the citizens and lack of human and technical resources in some cases.

19. In the view of some citizens and social interlocutors, the regulation minimum period set out in sectoral legislation for submitting observations in procedures subject to environmental intervention is insufficient, given how voluminous the files are and their technical complexity. However, it would be possible to extend these period since in most cases they are minimum periods.

XVII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS ON PUBLIC PARTICIPATION IN DECISIONS ABOUT SPECIFIC ACTIVITIES IN ARTICLE 6.

120. National defense and financial and budgetary Plans and Programs are excluded from the EIA process. Moreover, it shall not be applied to projects related to National Defense objectives when such application could have negative repercussions for those objectives, nor to projects specifically approved by a National law.

121. Article 8 of Law 21/2013 also provides for the exclusion by the Cabinet in the sphere of the State Government Departments and Agencies and, where appropriate, the body determined by each region's legislation in its respective area of competence, of environmental impact assessments in the following projects:

- a) Construction of prisons, or in those projects declared to be of special interest for public safety by the relevant authorities.
- b) Repair works to critical infrastructure damaged by catastrophic events and emergency works.

122. To facilitate the application of these rights, databases are published on the Internet containing files subject to EIA of plans, programs and projects, by both MITERD and by the Regional Departments of the Environment of the Autonomous Communities. For example, in the Autonomous Community of Madrid:

<http://www.comunidad.madrid/servicios/urbanismo-medio-ambiente/evaluacion-impacto-ambiental>

XVIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6.

123. <https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/evaluacion-ambiental/> además de las indicadas en el apartado 32.

In the Autonomous Community of Andalusia we find:

<http://www.juntadeandalucia.es/medioambiente/site/portalweb/menuitem.6ffc7f4a4459b86a1daa5c105510e1ca/?vgnextoid=7d2df45cbbabb310VgnVCM2000000624e50aRCRD>

www.juntadeandalucia.es/medioambiente/tramitesEAE

In the Autonomous Community of Castile-La Mancha we find:

Right to participate in environmental affairs:

<https://www.castillalamancha.es/node/172318>

Environmental consultation and participation bodies:

<https://www.castillalamancha.es/node/172343>

Public Information in Integrated Environmental Authorization procedures:

<https://www.jccm.es/sede/tablon>

<http://agricultura.jccm.es/prai/consultarEntidades.action?model.id=4>

Public Information in Environmental Impact Assessment procedures:

<https://www.jccm.es/sede/tablon>

<https://neva.jccm.es/nevia/forms/nevif100.php>

XIX. PRACTICAL PROVISIONS AND/OR OTHER PROVISIONS THAT HAVE BEEN ADOPTED SO THAT THE PUBLIC WILL PARTICIPATE IN THE PREPARATION OF PLANS AND PROGRAMS RELATED TO THE ENVIRONMENT ACCORDING TO ARTICLE 7

124. Law 27/2006 sets out two ways for the public to participate in plans and programs: on the one hand, it sets out the areas in which the procedure regulated in the Law itself shall be

applied (Waste, Batteries and accumulators, Nitrates, Packaging, Air quality and those set out in regional regulations) and, on the other hand, it refers to specific sectoral legislation regulating participation in water-related matters and in plans and programs subject to legislation on assessment of the effects of plans and programs on the environment.

Law 21/2013 regulates strategic environmental assessment of plans and programs and includes as an innovation prior acceptance for processing, it continues with the consultations to the affected authorities and it concludes with a strategic environmental report, which can determine either that the plan or program has significant effects on the environment, and therefore must be subject to an ordinary strategic assessment, or that the plan or program does not have significant effects on the environment and can, therefore, be adopted or approved in the terms set out in the report itself.

125. Concerning water, public consultation of water planning documents is a mandatory formal process required by both the Water Framework Directive and by the consolidated text of the Water Law, and implemented in Article 74 of the Water Planning Regulation. As regards water planning projects, the general public can use the website to access the programs, calendars and consultation forms, the project, the general study of the district, the outline of the most important matters and the draft Water Plan. Moreover, they can then access the documents that have been incorporated into the Project after passing the consultation phase.

XX. OPPORTUNITIES FOR PUBLIC PARTICIPATION IN ENVIRONMENT-RELATED POLICY-MAKING ACCORDING TO ARTICLE 7

126. Besides the provisions of article 16 of Law 27/2006, article 19 also sets out the functions of the Environmental Advisory Council, as the collegiate body for participating in and monitoring environmental policies, which include advising on national plans and programs that the chair's office proposes to it on account of the importance of its effect on the environment. There are, moreover, other sectoral participation bodies, such as the National Water Council, the National Climate Council, the National Council for Natural Heritage and Biodiversity and the Council for the Rural Environment and the Committee of Rural Development Associations.

127. At the regional level and notwithstanding the application of Laws 27/2006 and 21/2013, tools have been added that are in accordance with the new approach to participation in preparing and approving plans and programs. That involves consulting the affected Authorities, including local authorities, and the public concerned. Provision is also made for participation through consultative collegiate bodies nature similar to those at national level.

XXI. OBSTACLES FOUND IN THE IMPLEMENTATION OF ARTICLE 7

128. The problems with low participation that may be found at the outset are being gradually resolved and it is expected that a higher level of citizen participation will be achieved. On occasions, the stakeholders comment that the periods allowed for participation are insufficient due to the volume or complexity of the information associated with the project or activity.

XXII. FURTHER INFORMATION ABOUT THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 7

129. In both the National Authorities and in regional and local authorities, citizen participation in the preparation and approval of plans and programs is facilitated by the implementation of new technologies that allow for interactive participation by citizens and whose purpose is to make it transparent and foster it. In the Local Authorities, new ways to participate are being established, or existing ones are being reinforced, especially those derived from the Agenda 21 Local.

130. The former MAPAMA and some Autonomous Communities and Local Authorities recently created profiles on Facebook and other social networks, for the massive dissemination of information and as a further means to participate in environmental procedures. This social tool has become one of the main means of communication in the world today.

131. All projects submitted by the Biodiversity Foundation of the Ministry for the Environmental Transition and the Demographic Challenge to the European Commission's LIFE funding tool are subject to a period of consultation, suggestions and prior enrichment. Moreover, supporting letters can be added to them. The projects INTEMARES (Integrated, innovative and participative management of the Natura 2000 Network in the Spanish marine environment), and CERCETA (Plan of coordinated actions for the recovery the marbled teal in Spain) have been submitted in this format. Hundreds of suggestions and letters of support were gathered in these processes before their final approval and implementation. The proposal "Lifestyle changes to recover nature", a major governance and communication project, is going to be done in the same way.

132. The page ["http://www.miteco.gob.es/es/ministerio/servicios/participacion-publica/"](http://www.miteco.gob.es/es/ministerio/servicios/participacion-publica/)

includes a list of all the projects subject to public participation. By way of example, as of the drafting of this report, the following are open to public participation:

Draft Ministerial Order amending Annex IV of Royal Decree 219/2013, of 22 March, on restrictions upon the use of certain hazardous substances in electrical and electronic devices. Draft Order AAA/ /2015, setting out the Import Requirements for Non-Harmonized Animals

according to EU regulations.

Draft Ministerial Order, amending Royal Decree 139/2011, of 4 February, for the implementation of the List of Protected **Wild Species**
["http://www.magrama.gob.es/es/_tcmLinkFilter.aspx?tcmUri=tcm:7-408920-16"](http://www.magrama.gob.es/es/_tcmLinkFilter.aspx?tcmUri=tcm:7-408920-16)rotección Especial y del Catálogo Español de Especies Amenazadas

http://www.magrama.gob.es/es/_tcmLinkFilter.aspx?tcmUri=tcm:7-406644-16

http://www.magrama.gob.es/es/_tcmLinkFilter.aspx?tcmUri=tcm:7-406644-16

XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7

133- ["http://www.miteco.gob.es/es/participacion-publica/"](http://www.miteco.gob.es/es/participacion-publica/)pacion-publica/, besides those set out in paragraph 32.

Also, in Andalusia, the following link gives access to the documents subject to public information, as well as other open participation procedures of interest to citizens or for stakeholders:

www.juntadeandalucia.es/medioambiente/site/portalweb/menuitem.6ffc7f4a4459b86a1daa5c105510e1ca/?vgnextoid=177aa8e0c8c0e210VgnVCM10000055011eacRCRD&vgnextchannel=50d9193566a68210VgnVCM10000055011eacRCRD

In Galicia, the documents found in public information procedures can be read at the following link:

<https://transparencia.xunta.gal/tema/informacion-de-relevancia-xuridica/procedementos-de-informacion-publica>

In Asturias, public participation includes sub-sections covering consultation and environment-related information procedures:

<https://www.asturias.es/portal/site/medioambiente/>

In Castile-La Mancha the following stand out:

Right to participate in environmental affairs:

<https://www.castillalamancha.es/node/172318>

Environmental consultation and participation bodies:

<https://www.castillalamancha.es/node/172343>

Public consultation about Castile-La Mancha's Circular Economy Strategy:

<https://www.castillalamancha.es/node/298071>

Transparency portal:

<https://www.castillalamancha.es/node/172343>

XXIV. EFFORTS MADE TO PROMOTE EFFECTIVE PUBLIC PARTICIPATION DURING THE PREPARATION, BY THE PUBLIC AUTHORITIES, OF REGULATORY PROVISIONS OR OTHER GENERALLY-APPLICABLE, LEGALLY-BINDING REGULATIONS, THAT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT ACCORDING TO ARTICLE 8

134. At the national level, the general legal framework is set out in article 264 of Law 50/97, of the Government in its version given by Law 40/2015 of 1 October, regulates the hearing and public information process in drafting regulations. This national provision is complemented by the obligation on the part of the public authorities, set out in article 18 of Law 27/2006, to ensure that the guarantees necessary to ensure participation in environmental matters are observed.

135. Article 19. 2 of Law 27/2006 provides that the CAMA must report all the regulatory projects about the aforementioned matters, prior to their approval. Likewise, there are certain collegiate bodies (National Water Council, National Climate Commission, National Council for Natural Heritage and Biodiversity), which enjoy the participation of social agents and the most representative environmental defense entities which are bound to know the regulatory projects in the aforementioned sectors.

136. The Regional Authorities' implementing rules provide for the promotion of social participation, guaranteeing the effectiveness of the public information processes. An example would be Law 10/2019, of 10 April, on Transparency and Participation of the Autonomous Community of Madrid, as well as Law 7/2017, of 27 December, on Citizen Participation of Andalusia, complementing Law 1/2014, of 24 June, on Public Transparency of Andalusia.

XXV. OBSTACLES FOUND IN THE IMPLEMENTATION OF ARTICLE 8

137 Though, as has been discussed, various campaigns to raise awareness of the environment have been run by the various Authorities and NGOs, it is considered appropriate to stress specifically the appropriateness of better knowledge of the rights of access to information, of public participation and of access to justice in environmental matters, especially at Local

Government level, given its proximity to citizens.

XXVI. FURTHER INFORMATION ABOUT THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 8

138. Bill and draft regulations with environmental consequences are put out for public consultation through MITERD's website so that citizens can assess and send comments and observations before they are passed. It is recommendable, however, to notify environmental ONGs promptly and on an individual basis about these publications, since they are especially interested in this participation. The Autonomous Community of Madrid puts all bills and draft regulations out for public consultation:

[https://www.comunidad.madrid/transparencia/ en el apartado “Normativa y Planificación”](https://www.comunidad.madrid/transparencia/en el apartado “Normativa y Planificación”)

In Andalusia, the draft regulations are also put out for public consultation; they can be access from the following link: <https://juntadeandalucia.es/servicios/normas-elaboracion.html>

XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 8

139. <https://www.miteco.gob.es/es/ministerio/servicios/participacio>
_, besides those set out in paragraph 32.

XXVIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE ACCESS TO JUSTICE PROVISIONS OF ARTICLE 9

Article 9, paragraphs 1 and 2

140. Article 20 of Law 27/2006 provides that the public that consider that an act or, where appropriate, an omission attributable to a public authority has infringed the rights recognized in this Law concerning information and public participation may file the administrative appeals regulated by Law 39/2015, of 1 October, on the Common Administrative Procedure of the Public Authorities. After a ruling is made on the administrative appeal, if the individual were not satisfied, he/she may file an application for judicial review per Law 29/1998, of 13 July, regulating Judicial Review Jurisdiction. The rulings that rule upon administrative appeals are binding upon on the Authority and the grounds for it shall be set out in writing.

Article 9, paragraph 3

141. Article 22 of Law 27/2006 sets out a legal authorization or *quasi actos popularis* according to which acts and, where appropriate, omissions attributable to public authorities that infringe the environment-related rules set out in article 18.1 of Law 27/2006 may be appealed through the administrative appeals regulated in the aforementioned Law 39/2015, as well as through a judicial review per the aforementioned Law 29/1998. Any non-profit

legal persons that prove they are in compliance with the requirements set out in article 23 of Law 27/2006 are entitled to take this action.

142. At national level, public action, without any condition precedent, is recognized in areas such as urban planning, coastal protection, cultural heritage or National Parks, while, at the regional level, some regions, such as the Basque Country and Navarre, have established public actions for the general defense of the environment. (REVIEW with regions)

Article 9, paragraph 4

143. The general regulations regulating the procedure for deciding upon administrative and judicial appeals apply. It sets out all the guarantees that ensure the effectiveness and publication of the decisions adopted when ruling upon the administrative and judicial appeals, including the possibility of adopting precautionary measures.

Article 9, paragraph 5

144. Article 40 of Law 39/2015, of 1 October, on the Common Administrative Procedure of the Public Authorities provides for the obligation to send the notifications with ten days, and that indication must be given therein of whether the act is final or not according to administrative procedures, the statement of the appropriate appeals, the body before which they must be stated and the deadline for filing them, notwithstanding the fact that the parties concerned may file, where applicable, any other that they deem appropriate.

Special mention ought to be made of the innovations in this area regarding electronic notifications, which shall be preferred and shall be made on the website or through the unique email address provided, as appropriate. Moreover, the legal certainty of the parties concerned is increased by establishing new measures that guarantee knowledge of the fact of the notifications being made available, such as: sending notification alerts, wherever possible, to electronic devices and/or to the email address the party concerned has given, as well as access to their notifications through the Government's Online General Access Point, which shall function as an entry point.

145. With respect to reducing financial obstacles, article 23.2 of Law 27/2006, in line with article 119 of the Constitution, provides that the non-profit legal persons referred to in section 1 of this article shall have the right to free legal aid in the terms set out in Law 1/1996, on free legal aid, and in its Regulation approved by Royal Decree 996/2003, of 25 July. However, and despite the recognition in Law 27/2006 on the benefit of legal aid for environmental NGOs meeting certain requirements, the exclusive application of the aforementioned Law 1/1996 generates difficulties for accessing legal aid, hence it would be recommendable to consider a legislative reform to reconcile both texts.

(We propose corroborating with CAMA). In the opinion of one member of the Environmental Advisory Council (CAMA) it is considered that an obstacle for environmental NGOs' access to justice is the cost of the process. The reason is that the costs of the legal fees and those of

the costs award are calculated according to the volume of the activity without considering the special work environmental NGOs do for the benefit of citizens.

XXIX. OBSTACLES FOUND IN THE IMPLEMENTATION OF ARTICLE 9

146 Despite the constitutional right to a trial “without undue delay” (art. 24.2 of the Spanish Constitution), the main obstacle to full implementation of article 9 lies in the excessive duration of court proceedings. Precisely to speed up proceedings, Law 18/2011, of 5 July, regulating the use of information technologies and communication in the Administration of Justice, was passed, though the situation of excessive duration persists.

XXX. FURTHER INFORMATION ABOUT THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 9

147. Through the Bar Associations or by presenting documents in the Courts, citizens submitted more than a million applications for legal aid in 2019. After appropriately analyzing these applications, the 83 Associations sent almost 822,000 files to the Legal Aid Commissions (bodies that are part of the regional authorities where they have competences in Justice and the Ministry of Justice in the rest of the country), of which an average of 82% were approved.

Within the Duty Solicitor scheme, the jurisdiction with the greatest investment is Criminal, with 108.8 million euros and almost 55% of the total expenditure on this service. This is followed by Civil, with 51 million euros (26%), Judicial Review, with 11.8 million (6%) and Labor, with 5.3 million and around 3% of the total investment goes to the Duty Solicitor scheme.

148. As regards the average duration of proceedings in the Judicial Review Court, where the vast majority of proceedings concerning environmental effects are brought, the General Council of the Judiciary offers in its study “Justice in Numbers: 2019” the following statistic (times are expressed in months):

Judicial Review Bodies

	2018	2017	2016	2015	2014
Jud. Rev. Courts	8,9	9,4	10,2	11,0	12,6
High Court of Justice – Judicial Review Division*	16,7	17,1	18,3	20,6	23,7
Jud. Rev. Jud. Rev. Court	6,6	7,0	6,8	7,4	8,0
National Ct. Judicial Review Division*	18,7	17,8	16,7	15,4	15,7
Supreme Ct. Court 3	13,8	17,1	16,4	13,8	14,7

* In a single proceeding without the right to appeal

XXXI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 9

149. Justice in numbers: 2019

<http://poderjudicial.es>

General Council of the Judiciary:

http://www.poderjudicial.es/cgpj/es/Poder_Judicial

Ministry of Justice:

<http://www.mjusticia.gob.es/cs/Satellite/es/1200666550194/DetalleInicio.htm>

XXXII. GENERAL COMMENTS ON THE AIMS OF THE CONVENTION

150. The Spanish Government, the Governments of the various Autonomous Communities and of the Local Entities consider that transparency and promoting citizen participation are the key instruments of a modern and democratic environmental policy. The reason for the reforms that have been made in Spain since the Constitution was approved to establish a modern Government is to offer a better service to citizens. Ensuring that people are fully informed as to their rights, so that they are able to demand compliance with environmental rules and take an active part in the process to conserve and improve the environment is key to effective monitoring and control of the Government's activities.

151. The role of the NGOs and of non-profit environmental associations has been especially decisive in raising general awareness of environmental problems and in strengthening the legal control and oversight instruments.

152. The implementation of the Aarhus Convention has, without a doubt, served not only to guarantee a series of rights concerning access to information, the participation of the public in decision-making and access to justice in environmental matters, but that, by having the participation of units with environmental competence from all the Public Authorities and with the social agents involved and disseminating the Convention and Law 27/2006 widely, it has also served to raise awareness of the importance of exercising these rights on the part of some and respect for and fostering of it on the part of others.

XXXIII. LEGISLATIVE, REGULATORY AND OTHER IMPLEMENTING MEASURES RELATING TO PUBLIC PARTICIPATION IN DECISION-MAKING ON THE VOLUNTARY RELEASE AND MARKETING OF GENETICALLY-

MODIFIED ORGANISMS (GMOS) OF ARTICLE 6 BIS AND ANNEX I BIS

153. The provisions approved in this area are as follows: Law 9/2003, of 25 April, setting out the legal regime for contained use, voluntary release and commercialization of genetically-modified organisms, Royal Decree 178/2004, of 30 January, passing the general Regulation for the implementation and execution of the aforementioned Law, amended by Royal Decree 191/2013, of 15 March, and by Royal Decree 452/2019, of 19 July, Royal Decree 367/2010, of 26 March, amending various regulations concerning the Environment to bring them in line with legislation on free access to service activities (Law 17/2009 and Law 25/2009) and Royal Decree 191/2013. These rules have been transposed into Spanish legislation various EU Directives and Regulations whose purpose is to protect human health and the environment from the possible effects derived from the use of these organisms.

Order ARM/2616/2010, of 5 October, setting out the composition and operation of the Participation Committee in the framework of the Interministerial Council on Genetically-Modified Organisms.

Order APA/1083/2018, of 8 October, setting out measures to prevent cross-border pollution derived from the cultivation of genetically-modified corn towards neighboring member states in which the cultivation of said genetically-modified organisms is prohibited.

154. In the aforementioned legislation, the Interministerial Council on GMOs and the National Biosafety Commission are described as the Competent Authority at the national level, and, at regional level, each of the Autonomous Communities is so described according to the competences they hold in GMO matters.

155. Regarding release of GMOs into the environment, information is not considered confidential where it is a description of genetically-modified organisms, the identification of the owners, the purpose, the location of the activity, the emergency and control measure systems, the assessment of the effects for human health and the environment, information about voluntary releases made, commercial authorizations granted, a list of the genetically-modified organisms whose commercialization has been authorized or rejected as products or product components, the assessment reports, the results of the controls on commercialization, the reports of the scientific committees consulted.

156. In this context, public means any natural or legal person, public concerned means non-governmental organizations that work on the conservation or protection of the environment, the seed industry, agricultural trades unions, workers' trades unions, consumer organizations, the human and veterinary pharmaceutical industry, and the agricultural and livestock production industry.

157. The sectors concerned, national professional agricultural organizations, agri-food cooperatives and consumer and user organizations are represented on the Participation Committee attached to the Interministerial Council on Genetically-Modified Organisms.

158. As regards the non-discrimination requirement set out in article 3, paragraph 9, the Spanish Constitution of 1978 is directly applicable, specifically article 14, which provides that Spaniards are equal before the law and that there may be no discrimination on account of birth, race, sex, religion, opinion or any other personal or social condition or circumstance.

Paragraph 1 of annex I bis

159. Article 25 of the aforementioned Royal Decree 178/2004 indicates at point 4 that the competent body shall subject the voluntary release project to public information for a period of 30 days. It also describes what information must be made available to the public.

Paragraph 2 of annex I bis

160. Article 28 of Royal Decree 178/2004 sets out the possibility of establishing differentiated procedures when sufficient experience has been acquired in specific ecosystems and when the criteria in annex VI of the aforementioned Royal Decree are met. Article 29 of the same Royal Decree sets out the option of a simplified procedure when several voluntary releases of vegetables that have been generated from the same cultivated recipient plants but which may differ in any of the sequences inserted or deleted or have the same sequence inserted or deleted, but differ in their phenotypes.

Paragraph 3 of annex I bis

161. In the event of voluntary release without the intention to commercialize, article 25.4 of Royal Decree 178/2004, on the procedure to follow once the request has been received, provides that the competent body shall subject the voluntary release project to public information for 30 days. The information given to the public must include a summary of the file, which shall include the environmental assessment report.

In the event of commercialization, Transitional Provision Two refers to the procedure for renewing previously-granted commercialization authorizations, which is implemented in article 41 of Royal Decree 178/2004.

Paragraph 4 of annex I bis

162. Article 20.2 of Law 9/2003 specifies what part of the information provided by those responsible for activities regulated by the law, is not confidential and therefore can be

supplied to citizen without any kind of restriction.

Paragraph 5 of annex I bis

163. MITERD has a website that is accessible to everyone. Within this website, there is a section dedicated to Genetically-Modified Organisms: <https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/biotecnologia/>.

On this website, the user can find information about the structure of the Administration in the context of GMOs, how decisions are made and who is responsible for making them, the channels for public participation and the contacts at the Ministry who can provide any information related to the releases of GMOs into the environment, besides links to other pages of interest.

Paragraph 6 of annex I bis

164. The website of the Directorate-General of Quality and Environmental Assessment includes the option to engage in public participation, for both voluntary release activities and contained activity.

<https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/biotecnologia/organismos-modificados-geneticamente-omg-/participacion-publica/>

This website describes the procedure that a citizen must follow to submit observations or objections or to request further information about either of the procedures.

Paragraph 7 of annex I bis

165. Article 16 of Law 27/2006, of 18 July, regulating the rights of access to information, of public participation and of access to justice in environmental matters, sets out the procedure to follow, once a contribution has been received from a citizen through the channels provided for doing so.

Paragraph 8 of annex I bis

166. Further Provision three of law 9/2003 provides that the competent authorities shall create public registers which shall record the location of the genetically-modified organisms released for purposes other than commercialization, as well as the location of those that are cultivated according to this law for commercialization.

167. Article 27 of the aforementioned Royal Decree 178/2004 concerns the obligation to give information about voluntary releases of GMOs into the environment without the party responsible for the releases having any intention of commercializing.

168. Article 49 of the same Royal Decree concerns information for the public and states that information must be made available to the public that related to contained use authorizations, voluntary release for purposes other than commercialization and the commercialization of genetically-modified organisms.

169. The GMO website within the aforementioned MITERD website, as well as the MAPA website contain all the data included in the public Register and it is freely accessible to all citizens.

Paragraph 2 of article 6 bis

170. All the foregoing legislative, regulatory and other measures lie within our national biosafety framework and are consistent with the aims of the Cartagena Protocol on Biosafety, specifically articles 23, on Public Awareness and Participation, and 21, on confidential information in said protocol.

XXXIV. OBSTACLES FOUND TO THE APPLICATION OF ARTICLE 6 BIS OF ANNEX I BIS

171. The main difficulty has been clearly differentiating between information that is not confidential and that which is protected by intellectual property rights. In this regard, providing certain data, specifically, the exact location of experimental plot, could put the tests themselves at risk, with the resultant financial losses for the company or the public institution responsible for them. Two reports from the Government legal services and a decision by the Interministerial Council on GMOs to clarify the level of detail in which the information must be supplied, always in the strictest compliance with the law.

172. Finally, some isolated cases of vandalism have been recorded on experimental plots once the location coordinates of the genetically-modified crop trials had been provided.

XXXV. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS ON PUBLIC PARTICIPATION IN DECISIONS ABOUT SPECIFIC ACTIVITIES IN ARTICLE 6.

173. To comply with the Aarhus Convention, statistics are prepared annually about the number of requests for information, related to GMOs, through the various channels (telephone, email, postal mail).

At the following address:

<https://www.miteco.gob.es/es/ministerio/servicios/informacion/informenacionaldecumplimi>

entoespanol2016_tcm30-378874.pdf

citizens are given information about the topics that most often concern the citizenry in this matter.

XXXVI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6.

174. MAPAMA's GMO website:

<https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/biotecnologia/> "https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/biotecnologia/"
Website of the Directorate-General of Quality and Environmental Assessment:

<https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/biotecnologia/organismos-modificados-geneticamente-omg/>

Public information about voluntary releases:

<https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/biotecnologia/organismos-modificados-geneticamente-omg-participacion-publica/liberacion-voluntaria/> "https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/biotecnologia/organismos-modificados-geneticamente-omg-participacion-publica/liberacion-voluntaria/"

Public information about contained use:

<https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/biotecnologia/organismos-modificados-geneticamente-omg-participacion-publica/uso-confinado/default.aspx> "https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/biotecnologia/organismos-modificados-geneticamente-omg-participacion-publica/uso-confinado/default.aspx"

A mailbox for sending comments about GMO activities:

<https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/biotecnologia/organismos-modificados-geneticamente-omg/>

Cartagena Protocol:

<https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/biotecnologia/organismos-modificados-geneticamente-omg-protocolo-cartagena/>

XXXVII. MONITORING OF COMPLIANCE CASES

175. At the 6th Meeting of the Parties to the Aarhus Convention, held at Buvda (Montenegro) in September 2017, Decision VI/8j was adopted, related to compliance by Spain of its obligations arising from the Convention.

The Decision first upheld the findings of the Compliance Committee in the sense that Spain had complied with the requirements of paragraph 5 of Decision V/9k regarding the specific points of non-compliance identified in paragraph 79 of the Committee's findings, in relation to communiqué ACCC/C/2008/24.

176. The Decision confirms the Committee's findings, stating that Spain had not yet complied with the requirements set out in paragraph 6 of the aforementioned Decision V/9K. Spain is therefore required urgently to adopt the measures to ensure that the remaining obstacles to full implementation of article 9, paragraphs 4 and 5 of the Convention, regarding legal aid for environmental NGOs, are overcome. The relevant Spanish ministries are also urged to work together to resolve this problem.

177. Spain, in its successive progress reports, which it must submit annually, giving an account of its actions, to attend to the indications in the aforementioned Decision VI/8j, and in our representations to the Convention Compliance Committee, we have detected a possible twofold approach to resolving the breach set out in the Decision.

A 1st approach was to fulfil the requirements of the environmental NGOs and to reform Law 27/2006, of 18 July, regulating the rights of access to information, of public participation and of access to justice in environmental matters, which in article 23 provides that any non-profit legal persons are entitled to bring a class action as regulated in article 22 where they prove they meet the following requirements.

That the purposes accredited in their articles of association include protection of the environment in general or that of one of its elements in particular.

That they had been legally founded at least two years before the action is taken and activities necessary to achieve the purposes set out in their articles of association have been being actively exercised.

That, according to their articles of association, they carry out their activity in a territory affected by the action or, where appropriate, administrative omission.

It ought to be added that these legal persons shall have the right to free legal aid in the terms set out in Law 1/1996, of 10 January, on free legal aid, which grants that right to the following legal persons, when they prove that they lack sufficient funds to litigate:

Public interest associations, as set out in article 32 of Organic Law 1/2002, of 22 March, regulating the Right of Association

Foundations registered in the relevant Public Register.

178. The proposed reform would consist of compliance merely with the requirements of Law 27/2006, of 18 July, would grant the right to legal aid without the need to also comply with the provisions of Law 1/1996, of 10 January.

This manner of legislative reform, as we have been repeating in our progress reports and in our successive representations before the Aarhus Compliance Committee, has been made difficult by the political situation in recent years in Spain, with provisional governments and without sufficient parliamentary majorities to undertake it.

179. The 2nd manner proposed to comply with the Decision was to monitor the judgments handed down by our Supreme Court, about matters of this nature and to examine how its case law was developing in this area, and thus we have been reporting on the existence of these judgements and their content.

In this regard, we must highlight the existence of 2 judgments handed down by the judicial review court of the Supreme Court, which both ruled, in cases brought by two NGOs, which had been refused the right of free legal aid, in another, lower, court, that, in compliance with the requirements set out in article 23 of Law 27/2006 of 18 July, they have that right to free legal aid, without the need to meet the further requirements set out in article 2 of Law 1/1996 on free legal aid. (Judgments of the Judicial Review Division of the Supreme Court of 16 January 2018 and of 13 March 2019)

180. Through the regional focal points in the Aarhus Convention, we have sought to disseminate the content of these judgments so that, in the applications for legal aid made by environmental NGOs meeting the requirements of Law 27/2006, of 18 July, the settled case

law of our Supreme Court to apply for the right to legal aid, regardless of whether our relevant ministries are continuing to consider the need and appropriateness of the legislative reform requested by the environmental NGOs.

181. Judgment VI/8j also sets out the following recommendation referring to communiqué ACCC/C/2009/99.

Also welcomes the willingness of the Party concerned to accept the Committee's recommendation, namely, that the Party concerned take the necessary legislative, regulatory or other measures and practical arrangements to ensure that the public is promptly informed of decisions taken under article 6, paragraph 9, of the Convention not only through the Internet, but also through other means, including but not necessarily limited to the method.

182. To comply with the provisions of the aforementioned Decision, the Directorate-General of Environmental Quality and Climate Change of the Department of Territory and Sustainability of the Regional Administration of Catalonia, issued an Instruction on 28 September 2018, indicating that the units that are subordinate to that Directorate-General, once the environmental authorizations have been granted or refused, when they notify the local councils as to where the activity shall be sited, the decision granting or refusing the environmental authorization, they have to indicate that this decision must be made available to the public on the corresponding municipal noticeboards and on its website.

This process has been shared throughout the country through the regional focus points of the Aarhus Convention, so that the affected actions are in accordance, in their respective territories, with the aforementioned Instruction.

183. At the time of writing this report, the Compliance Committee has 3 new cases since the previous NCR: ACCC/C/2014/122, ACC/C/2017/153 and ACC/C/2017/159.

XXXVIII. REPORT OF THE ENVIRONMENTAL ADVISORY COUNCIL

After this NCR was subject to the report of the Environmental Advisory Council, the representative body for the interests of environmental and socio-economic agents, comments

were made by the environmental NGOs (Ecologistas en Acción and Seo Birdlife) which we summarize below:

Concerning access to information, it is proposed that the Aarhus Convention should be implemented more effectively as regards “passive” access to the information and facilitating access to information and appearance at environmental sanctions proceedings.

In relation to the 2nd aspect of the Convention, Public Participation, it is noted that the sectoral boards have a very minor role in numerous local corporations.

It is adduced that the system of appeals and guarantees so that the environmental groups can exercise their right to access to environmental information, should be combined with greater urgency in obtaining environmental information.

It is stated that article 22 of Law 27/2006 is incomplete since it neglects actions or omissions against individuals that may be subject to civil and criminal appeal. It seems that Law 27/2006, of 18 July, seeks to limit the application of the Aarhus Convention to administrative proceedings and the purview of judicial review when the Convention does not set any such limitation.

In relation to the free legal aid to environmental NGOs, it is stated that despite the rulings of the Supreme Court referred to in the NCR draft, and raised by the National Focal Point before the Aarhus Convention Compliance Committee, many Free Legal Aid Commissions continue to refuse, throughout the country, free legal aid to the NGOs that meet the requirements set out in article 23 of Law 27/2006, of 18 July.

The delay in the appointment of the Lawyer is highlighted, as is their lack of environmental training; this has raised the question of whether a specialist Environmental Duty Solicitor might be desirable.

As regards access to justice in environmental matters, it is necessary to continue to implement changes so that the financial risks that environmental NGOs may bear when appearing in a case cannot put at risk their survival or make it difficult for them to appear.

XXXIX Public information process of the National Implementation Report

During the public information process to which the National Compliance Report was subjected, comments were received from eight NGOs, which are summarised below:

- The amount of the fee required for the provision of environmental information, in some Autonomous Communities, is considered excessive, based on the provisions of the Aarhus Convention, as well as of Directive 2003/4/EC.

- The establishment of legal mechanisms is suggested to prevent systematic administrative silence in the face of requests for access to environmental information or unjustified delays in providing it. Another suggestion is that exceptions should only rarely be made to the application of basic regulations on transparency, good governance, access to information, and public participation.
- Autonomous Communities are urged to comply with their obligations regarding the preparation and publication of their reports on the state of the environment within their respective territories.
- The majority of Public Administrations, it is noted, exclude environmental groups from active legitimization in environmental sanction proceedings.
- With regard to public participation in decision-making processes, the development of the participation mechanisms provided for in the Convention is urged, such as dialogue and prior hearings.
- It is stressed that environmental information is time-sensitive; therefore, the establishment of an appeal to an independent body, which would rule on measures involving the availability of environmental information within a reasonable period, is proposed measures are called for to speed up judicial proceedings, thus ensuring that their duration does not render the judgement ineffective.”
- It is noted that access to legal aid is attributed to environmental associations by a legal provision of Act 27/2006, without it being necessary to prove certain requirements as the Provincial Legal Aid Commissions are demanding, specifically to evidence the requirement of insufficiency of financial resources to litigate and the declaration of public utility. Thus, such Provincial Commissions are acting against the Case Law set out by the Supreme Court.
- Article 133.1 of Act 29/1998, on the contentious-administrative jurisdiction, provides for the possibility of requiring surety or a bond when granting precautionary measures, and in proceedings with a high financial value, the amount of the surety or bond imposed make it impossible for associations to meet the required amounts. An express exemption from this requirement ought to be expressly set out, either in a specific provision in Act 27/2006, or through amendments to Act 29/1998, on the contentious-administrative jurisdiction, or Act 1/1996, on legal aid.

