



**ADMINISTRATIVE CHAMBER OF THE HIGH COURT OF JUSTICE  
OF EXTREMADURA NOT.25.04.2013  
001 - CACERES**

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GON-PJG  
927.620.215

**GENERAL ID NUMBER:** 10037 33 3 2011 0106707

**Proceedings:** LEGAL AID CHALLENGE PROCEEDINGS 0001285 /2011 ORDINARY PROCEEDINGS  
0001285 /2011

**On:** ADMINISTRATIVE LAW

**By:** ORGANIZACIÓN CONFEDERACIÓN ECOLOGISTA EN ACCIÓN-CODA

**Attorney:**

**Party agent [procurador]:** MARIA CONCEPCION GONZALEZ RODRIGUEZ

**Against:** REGIONAL ADMINISTRATION OF EXTREMADURA, GENERAL STATE ADMINISTRATION

**Attorney:** STATE COUNSEL

**Party agent [procurador]:** ATTORNEY OF THE REGIONAL ADMINISTRATION OF EXTREMADURA

**ORDER**

**PRESIDENT:**

DANIEL RUIZ BALLESTEROS

**JUDGES:**

ELENA MENDEZ CANSECO  
MERCENARIO VILLALBA LAVA  
RAIMUNDO PRADO BERNABEU  
CASIANO ROJAS POZO  
JOSÉ MARÍA SEGURA GRAU

In CACERES, on the twenty-second of  
April of the year two thousand and thirteen

**FACTS AS FOUND**

**SOLE FACT.** Proceedings are underway in this Chamber of Justice regarding the legal aid challenge brought by ECOLOGISTAS EN ACCIÓN-CODA against the Decision of the Provincial Legal Aid Committee of Cáceres of 09/10/2012, with administrative dossier 3859/2012.

The challenge brought against the Decision of the Legal Aid Committee has been recorded under number 1285/11, corresponding to the administrative appeal filed by ECOLOGISTAS EN ACCIÓN-CODA regarding the approval of the Project of Regional Interest relating to a Health Tourism Complex on Marina Isla de Valdecañas.

## LEGAL GROUNDS

SOLE LEGAL GROUNDS. The Chamber is called upon to consider the challenge brought against the Decision of the Legal Aid Committee of Cáceres of 09/10/2012 (in dossier 3817/2012) and of 22/10/2012 (in dossier 3859/2012, resulting from



the orders of this Chamber relating to Ordinary Proceedings 1285/2011) setting forth the decision to "confirm the provisional decision adopted by the Bar Association of Cáceres and REFUSE recognition of the right to legal aid requested by the applicant, having verified that the financial resources or income are more than double the prevailing public revenue index [IPREM] for 2012 calculated annually (€14,910.28 - monthly €1065.02)".

The above notwithstanding, this Chamber accepts the argument made by the ecological association that lodged the challenge that sustains that it is entitled to legal aid by express legal provision, pursuant to article 23.2 of Act 27/2006, regulating the Rights of Access to Information, Public Participation and Access to Justice in Environmental Matters.

And, because there is no question that the association meets the criteria set forth in point 1 of the aforementioned article, we agree with the arguments on which their position is founded, especially the argument that no consideration may be given to any interpretation that makes a legal provision unnecessary or nugatory, a principle included in established case law, of which the Ruling of the Supreme Court (in a plenary session) of 5 November 2008, appeal 4755/2005, constitutes a good example.

### **RULING**

**TO ALLOW** the challenge brought against the Decision of the Legal Aid Committee of Cáceres referred to in the first paragraph of the sole legal grounds of this Decision, which must be revoked and, therefore, we declare the right to legal aid, under the terms requested in the respective applications. No appeal may be lodged against this decision.

The administrative dossier 3859/12 shall be returned to the Provincial Legal Aid Committee of Cáceres with an authoritative copy of this Decision.

Without any express imposition of court costs.

The Judges of the Administrative Chamber of the High Court of Justice of Extremadura so agree and sign this document to this effect. In witness whereof.



ABOGACÍA DEL ESTADO EN CACERES

**No. in the Chamber: 1285/2011**