PO 417/2020

TO THE ADMINISTRATIVE CONTENTIOUS CHAMBER OF THE SUPERIOR COURT OF JUSTICE OF MADRID

- SECTION SIX - SIXTH SECTION - SIXTH SECTION - SIXTH SECTION - SIXTH SECTION

Ms. MARTA SANZ AMARO, Procuradora de los Tribunales nº 670 of Madrid and of **GREENPEACE ESPAÑA**, as I have accredited in the referred proceedings, acting under the legal direction of Ms. Laura Díaz Román, ICAM Lawyer no. 27.094, before the Chamber I appear and as best proceeding in Law,

I SAY

On 17 November 2021, I was notified of judgement number 569 handed down by this Court on 30 September 2021, the operative part of which rejects the contentious administrative appeal in Ordinary Proceedings 417/2020, brought by me against the Resolution of 10 March 2020, of the Directorate General for Trade Policy of the Secretary of State for Trade of the Ministry of Industry, Trade and Tourism, which denied the right to public information requested on the previous 9th, and ratifies said resolution as being in accordance with the law.

Considering, with all due respect and in strict terms of defence, that the aforementioned Judgment is contrary to law and prejudicial to the legitimate rights and interests of my client, I hereby declare the intention of this party to lodge an **APPEAL IN CASE** and at this time file its **PREPARATION**, all of the above, in accordance with the provisions of Article 89 LJCA, the following:

ADMISSIBILITY REQUIREMENTS

FIRST.- *Accreditation of compliance with the regulated requirements of time limit, standing and appealability of the contested decision.*

GREENPEACE ESPAÑA has standing to bring, and thus to prepare, an appeal in cassation, as it was the plaintiff in the contentious administrative appeal whose judgment is being appealed, as required by Article 89(1) LJCA.

This application was lodged within 30 days of notification of the judgment under appeal, which took place on 17 November 2021 (*ex* Article 89.1 LJCA).

The judgment can be appealed in cassation in accordance with Article 86.1 LJCA, as it was handed down in sole instance by the Administrative Chamber of the High Court of Justice of Madrid, without being affected by any of the cases of exclusion in paragraph 2 of the same provision.

SECOND - *Brief reference to the subject matter of the debate resolved by the judgment under appeal.*

- The decision of the Directorate-General for Trade Policy of the Secretariat of State for Trade of the Ministry of Industry, Trade and Tourism of 10 March 2020 was challenged at first instance, by virtue of which access to the public information that my client had requested in order to obtain a copy of the file or files of each of the licences that had been granted for the export of artillery ammunition manufactured by the company EXPAL SYSTEMS to the United Arab Emirates and/or Saudi Arabia, between 2017 and 9 March when the information was requested, was denied. Specifically, a copy of the authorisations or licences granted was requested, as well as the minutes of the meetings of the Interministerial Board for the Regulation of Foreign Trade in Defence and Dual-Use Material -JIMDDU- in which the decision to authorise these exports was adopted.
- The contested decision denied the request, referring in a generic way to the impossibility of accessing the requested information because the limits to the right of access to information provided for in Article 14.1.a), b), j) and k) and 14.2, all of the Law, were applicable in this case.

19/2013, of 9 December, on transparency, access to public information and good governance -LTBG-.

- A contentious-administrative appeal was lodged against the decision in due time and in the legal form, and in the corresponding lawsuit, various grounds for challenging the decision were invoked, aimed at obtaining the nullity or annulment of the decision. In summary, on the grounds that the transparency regulations referred to in the refusal had been infringed - i.e. that the limit of Article 14.1.a) affecting national security was not applicable in our case; nor that of Article 14.1.b) affecting national defence; nor those of Article 14.1.j and k) affecting national defence; nor those of Article 14.1.c) affecting national security; nor those of Article 14.1.d) affecting national security; nor those of Article 14.1.d) affecting national defence; nor those of Article 14.1.e) affecting national security.1.j and k) affecting professional secrecy, intellectual or industrial property, the guarantee of confidentiality or the secrecy required in decision-making processes; in none of these cases had the balancing test provided for in Article 14.2 been carried out. Also considered to have been infringed were the regulations establishing the regulation of official secrets, foreign trade in defence and dual-use material, the Arms Trade Treaty, and the first additional provision of the LTBG itself, as my client considered that in our case there was no *"specific legal regime for access to information*". In the interpretation of all the infringements invoked, it was also necessary to assess the violation of the right contained in articles 20.1.d) and 105 b) EC and article 10 of the European Convention on Human Rights (ECHR), as my party considered that its right to freedom of expression in its aspect of "*freely receiving truthful information"* had been violated.
- The judgment under appeal here dismissed the claim in its entirety, on the grounds, citing the judgment of 15 September 2021 -RCA 509/2020- of the same Chamber and Section, that since the minutes of the JIMDDU -FJ4º- had been declared:

  <<"classified matter" - classified as secret - by Agreement of 13 March 1987 of the Council of Ministers, and given that the information on the export authorisations requested has been included in the same and its Annexes... it must be ruled that the denial of the requested information is in accordance with the law, as it fully integrates one of the most important limitations of the right to public information, as it is evident that the dissemination and publicity of the exports of artillery ammunition would be detrimental to national security, defence, industrial intellectual property, the guarantee of confidentiality and the secrecy required in decision-making processes - especially when data relating to the specific recipients of the exports is also required.

In view of the foregoing, it must be concluded that the decision refusing access to information which is not only not public, but which is expressly protected by national legislation on reserved matters is entirely in accordance with the law, and the appellant should be reminded that access to information is neither unlimited nor absolute, and that there are both legal and natural limits derived from the very essence of the information requested, in this case relating to the nature, quantity, manufacturer, exporter and recipients of the export of war material>>.

- In relation to the judgment of 15 September 2021 cited in support of the rejection, it is also relevant to the purpose of this appeal to point out that it was handed down in the administrative contentious appeal proceedings brought by Greenpeace España, followed by the procedure for the protection of fundamental rights -DDFF 509/2020-, against the decision of 15 September 2020 of the same Directorate General for Trade Policy rejecting the request for information relating to the licences granted for the export to Saudi Arabia of the arms material known as Alakran 120 mm mortar carrier belonging to the company New Technologies Global Systems S. L. (NTGS).L. (NTGS). This judgment dismissed the appeal lodged, and against which my client has also lodged an appeal in cassation.
- Both the request originating the DDFF 509/2020 procedure and the request originating this one were formulated after learning of the possible use of weapons manufactured by the companies NTGS and EXPAL SYSTEMS in the war currently being waged in Yemen. In relation to this war, the Group of Experts on Yemen of the UN Human Rights Council has expressed its concern about "*the fact that third States are transferring arms to the parties to the conflict"*, which they would be doing in breach of international humanitarian law and in violation of the obligations established in the Arms Trade Treaty -pages 2 et seq. of the complaint-. Greenpeace Spain made the request in compliance with the aim set out in article 2.2.1 of its statutes, which establishes that the association should "*promote all types of actions that favour peace and disarmament*".

THIRD - *Identification of the rules or case-law considered to have been infringed.*

In accordance with the provisions of Article 86.3 and in compliance with the provisions of Article 89.2(b), both of the LJCA, this party considers that the decision of the Court of Justice of the European Communities is in accordance with the provisions of Article 89.2(b) of the LJCA.

The contested decision infringes the following rules and case-law relating thereto, all of which were pleaded both in the application and in the application:

A).-The *contested judgment infringed the provisions of the Agreement of the Council of Ministers of 18 March 1987, Articles 2, 3 and 13 of Law 9/1968 of 5 April 1968 on Official Secrets, Articles 1, 8 and 14 of Law 53/2007 of 28 December 2007 on the control of foreign trade in defence and dual-use material and Articles 6 and 7 of the Arms Trade Treaty, as well as Article 346 of the Treaty on the Functioning of the European Union and the case-law interpreting it: SSTS 4 April 1997.*

The Judgment violates these regulations -FJ1 of the claim- by assuming, as stated in the decision of 10 March 2021, that these precepts prevent the delivery of the documentation requested by my client. In this way, the judgment understands that the mere invocation by the Administration of the existence of a classified matter means that the entire transparency regulation must be exempted. This creates an area of immunity within the administration that is absolutely incompatible with the social and democratic rule of law that is the basis of our constitutional system. In the case of the contested judgment, this has gone so far as to dismiss the appeal, without even going into what the Council of Ministers' Agreement of 18 March 1987 actually said. It should be recalled that this agreement classified as classified matter, with the category of secret, the minutes of the "Interministerial Board for the Regulation of Foreign Trade in Arms and Explosives". This body, in accordance with the regulations in force at the time, was responsible for granting authorisations to export arms.

Throughout the appeal, this party established two crucial facts. First, that the Agreement of the Council of Ministers was dated 18 March 1987 - and not 13 March 1987 as stated in the contested decision - and secondly, that the body responsible for verifying that arms export permits comply with the provisions of the Arms Trade Treaty and Law 53/2007 of 28 December 2007 on the control of foreign trade in defence and dual-use material is not the Board referred to in the contested decision.

Council of Ministers in 1987, but a new body: the Interministerial Board for the Regulation of Foreign Trade in Defence and Dual-Use Material - hereinafter referred to as the JIMDDU.

The judgment under appeal, ignoring these circumstances, uncritically assumed those of the decision of 10 March 2020, without even taking into account the clear errors in that decision. Thus, in FJ 3, when reiterating the grounds of the judgment of 15 September 2021 to our case, it merely stated:

> *"As for the minutes of the Interministerial Board for the Regulation of Foreign Trade in Defence and Dual-Use Material, it must be taken into account that by Agreement of the Council of Ministers of 13 March 1987, these minutes were declared classified as secret and as such constitute classified documentation in accordance with article 4 of Law 9/1968, of 5 April, on Official Secrets".*

This leads the Court of First Instance to conclude, a little further on in the same grounds:

> *"Therefore, in the present case, the Administration has not infringed the right invoked by the appellant (article 20.1.d) since it is information that contains data of third parties outside the Administration, in addition to being a reserved matter in accordance with Law 19/2013 and Law 9/1968 on official secrets, and therefore the appeal must be dismissed in this case".*

The judgement thus interpreted that the mere invocation of an Agreement of the Council of Ministers declaring confidential minutes to be classified as secret - of which neither the date nor the body whose minutes obtained such classification was known - can be sufficient, without further administrative or judicial controls, to deny access to the requested documentation. This has also been done in disregard of the new order established in the area of arms sales by virtue of the Arms Trade Treaty, to which Spain is a signatory. The automatism in this application of the regulations also extends to the requirement regulated in paragraph 1.b) of Article 346 TFEU - which is transcribed in the ruling - which links the possibility of circumventing the obligation to disclose information relating to the arms trade, when this may be necessary for the protection of interests essential to the security of the Member States.

This also infringes the case-law on the right of access to classified documents contained in the three judgments of 4 April 1997 - appeals 634/1996, 602/1996, 726/1996, as set out on pages 40 et seq. of the

In the so-called GAL case, and in particularly difficult circumstances for State security, they even admitted the need to take cognizance of classified matters in certain cases.

B) *Infringement of Articles 20(1)(d) and (4) EC, 96 EC, 10(2) EC, 10(1) and (2) of the European Convention on Human Rights (hereinafter ECHR) and of the case-law of the European Court of Human Rights and the European Court of Human Rights interpreting those provisions.*

Article 10.1 ECHR regulates the right to freedom of expression, taking into account its double aspect as freedom of opinion and freedom to receive or communicate information or ideas. From this dual perspective, my client invoked in his application that the case law of the ECtHR has evolved to the point of recognising that the right of access to information is part of the right to freedom of expression. Also that non-governmental organisations, such as GREENPEACE SPAIN, should be considered "watchdogs" of society - watchdogs in the words of the ECtHR - by channelling information that allows for the necessary debates in a democratic society, performing functions similar to those traditionally performed by the media.

This interpretation of Article 10.1 ECHR was invoked by my client in his application, considering that our courts, in accordance with the provisions of Article 96 EC and the hermeneutic rule of Article 10.2 EC, should incorporate this new doctrine of the ECtHR to define the content of the right to freedom to freely communicate and receive truthful information, recognised in Article 20.1.d) EC, which must guarantee the right of access to information in order to ensure its full exercise.

The Court of First Instance, in incorporating the paragraphs of the judgment of 15 September 2021, states that under Article 20(4) EC:

> *"These freedoms are limited by respect for the rights recognised in this Title, in the precepts of the laws that develop it and, especially, in the right to honour, to privacy, to one's own image and to the protection of youth and childhood*".

It adds that in our case, "*its limits lie precisely in the security and defence of the State and in the economic and commercial interests set out in article 14 of Law 19/2013 and Law 9/1968, on official secrets"*.

In so doing, it dismisses my client's appeal and declares that the contested decision was lawful.

This party considers that the aforementioned interpretation of the legislation invoked by the judgment *a quo* violates the provisions of Articles 96 EC, 10.2 EC, 20.1.d) and 20.4 EC, and Article 10.1 and 2 ECHR, as well as the case law interpreting them. Although the contested judgment only mentions Article 20(1)(d) and (4) EC, the other provisions were extensively invoked by my client in his application, on the grounds that, in accordance with the provisions of Article 96 EC and the hermeneutic rule of Article 10(2) EC, the Court *a quo* should have interpreted Article 20(1)(d) in accordance with the content of Article 10(1) and (2) ECHR, according to the most recent interpretation of the same by the ECtHR.

The judgement, by invoking the judgement of 15 September 2021, validates the interpretation given by the Administration, which claims that the delivery of the documentation could affect the security and defence of the State. However, neither the contested administrative resolution, nor the subsequent judgments, provide even an indicative justification that the effect on the security and defence of the State is real and proven. By simply mentioning that it contains classified material, they consider such an impact to be justified.

The judgment of 30 September also fails to carry out a proportionality test for the imposition of limits on the fundamental rights affected, as established by the ECtHR in its case law. According to the doctrine of the European High Court, it is necessary to weigh up the conflicting legal rights in order to determine which of them should be protected first, whether Greenpeace Spain's right to freedom of expression, and the right to life of the citizens whose lives are being annihilated with Spanish weapons in the war in Yemen, in clear violation of international law; or the alleged impact on the security and defence of the State (which has not been accredited in the judgement *a quo*), and other values and interests of the company EXPAL SYSTEMS, which are cited in the contested judgement. See

thus also violates the case law cited in the application - pp. 31 et seq.: STC 140/2018 and 6/2020, and the ECHR of 28 November 2013, ÖSTERREICHISCHE VEREINIGUNG case, and the Grand Chamber in its judgment of 8 November 2016, MAGYAR HELSINKI BIZOTTSÁG v. HUNGARY.

C) *Infringement of Articles 14.1.a), b), j) and k), Article 14.2 and 16, all of Law 19/2013, of 9 December, on transparency, access to public information and good governance (LTBG).*

Both in the application and in the written conclusions formulated in this appeal, this party showed how a correct interpretation of the provisions of the regulations governing transparency required the requested information to be provided to my client. To this end, individually for each of the exceptions established in article 14.1 as limits to access to information, it was justified in these pleadings that a correct interpretation of the regulations required the delivery of the requested documents.

In the second legal basis, and with reference to article 14.1.a) LTBG, which allows the provision of information to be limited when access may affect National Security, it was justified how the information requested could in no case affect it. To this end, the concept of National Security as defined in Article 3 of Law 36/2015 of 28 September on National Security was used as a starting point, according to which this concept refers to:

> *"The action of the State aimed at protecting the freedom, rights and well-being of citizens, guaranteeing the defence of Spain and its constitutional principles and values, as well as contributing, together with our partners and allies, to international security in compliance with the commitments undertaken*".

The same was done with regard to the indeterminate legal concept "National Defence", in relation to article 14.1.B LTBG -FJ 3º of the complaint-; as well as the concepts "professional secrecy", "intellectual and industrial property", and "guarantee of confidentiality and the secrecy required in decision-making processes", contemplated in sections j) and k) of the same article 14.1 of the transparency law -FJ 4º-.

To all these objections, the judgment applies the limits of this precept on the grounds that we find ourselves:

> *"The fact that this is one of the most important limitations to the right to public information, and it is clear that the dissemination and publicity of exports of artillery ammunition would be detrimental to national security, defence, intellectual and industrial property, the guarantee of confidentiality and the secrecy required in decision-making processes".*

As stated in previous sections, the evidence of the harm that could be caused to all these limits of article 14.1 LTBG was automatically declared by the Court of First Instance when the Administration simply mentioned that it was a classified matter. In other words, without even contrasting the regulations and case law that delimit these indeterminate legal concepts with the reality of the documentation for which access had been requested. Nor did it even attempt to consider how the provision of information on arms sales by Expal Systems to Saudi Arabia or the United Arab Emirates could involve Spain's "essential security interests" in the terms required by article 346.1.b) of the TFEU.

The same automatic nature of the judgment was used to reject the invocation of the provisions of Articles 14.2 and 16 LTBG. The first of these, insofar as it requires that the limits applied to the right of access to public information be justified and proportionate to its object and purpose of protection, and that they take into account the circumstances of the specific case, especially the existence of an overriding public or private interest that justifies access. And Article 16 LTBG, which imposes the obligation to grant partial access to information, after omitting the information affected by the limit applicable in each case.

The judgment, in understanding that the simple mention by the defendant administration of the existence of a classified matter, placed us before one of the "*most important limitations of the right to public information", did* not even consider the need to have in our case the mandatory "judgement of relevance", nor that a possible partial access to the information could be admitted here, as had been requested by my client in his letter of 9 March 2020.

D) *The judgment of 30 September 2021 also infringes the provisions of DA1ª of Law 19/2013 as it cannot be considered that the regime established in Law 53/2007 establishes a specific legal regime for access to information.*

In FJ5 of the complaint, the infringement of the provisions of this DA1ª of Law 19/2013 was invoked, insofar as the contested resolution stated that the regime established in article 16 of Law 53/2007 - which regulates the six-monthly information to be sent to the Congress of Deputies and the existing statistical information on the arms trade - implies a specific regime of access to information in the terms established by the aforementioned additional provision.

On this issue, the contested judgment - p. 5/8 - also refers to that of 15 September to validate this assertion of the administrative decision. In this case it is stated that *"as the contested decision states, the refusal of the requested documentation does not absolutely restrict access to it"*. Infringing with this affirmation the invoked regulation.

THIRD.- *Justification that the alleged infringements have been the determining factor in the decision adopted in the decision to be appealed (89.2 d).*

This party considers, with all due respect and in strict terms of defence, that the Court of First Instance has infringed the precepts invoked in the previous paragraph. The paragraphs of the judgment, which contain the Chamber's reasoning for its decision, bear this out.

- With regard to the grounds of the judgment of 15 September 2021, which is incorporated as an argumentative support in FJ3º of the judgment under appeal here, we are told - p.6/8-:

  In view of the above, it must be concluded that the right enshrined in Article 20.d) of the Spanish Constitution "To freely communicate or receive truthful information by any means of dissemination" is not unlimited but, as indicated in section 4 of the same precept, "These freedoms are limited by respect for the rights recognised in this Title, in the precepts of the laws that develop it and especially in the right to honour, privacy, self-image and the protection of youth and childhood". In this case, it finds its limits precisely in the security and defence of the State, and in the economic and commercial interests set out in article 14 of Law 19/2013 on Transparency, and Law 9/1968 on official secrets.

Therefore, in the present case, the Administration has not infringed the right invoked by the appellant (article 20.1.d) since it is information that contains data of third parties outside the Administration, in addition to being a reserved matter in accordance with Law 19/2013 and Law 9/1968, on official secrets...".

- And as for the contested judgment itself, both the fourth and fifth legal grounds - in the terms that have already been amply transcribed in the previous sections - expressly mention the Council of Ministers' Agreement, the regulations governing the arms trade, the legislation on official secrets and the legislation on transparency invoked here as grounds for the decision rejecting the appeal.

FOURTH - *Justification that the rules invoked as infringed form part of State law, since the judgment under appeal was handed down by the Administrative Chamber of the Madrid High Court of Justice (89.2.e).*

The rules invoked here as infringed are precepts which form part of the Spanish Constitution, the ECHR, the regulations governing official secrets, the sale of weapons and Law 19/2013 on transparency. They all form part of state law. The case law cited above also interprets these state regulations.

FIFTH - *The present appeal has an objective interest for the formation of case law.*

The present appeal has an objective interest for the formation of case law, as the circumstances set out in article 88.2.b) LJCA are present in our case. It is also presumed that there is an objective interest of appeal *under* article 88.3.a) LJCA, as rules on which there is no case law have been applied and the reason for the contested judgment is based on them.

The contested decision establishes a doctrine that may be seriously harmful to the general interest (art. 88.2 b) LJCA).

The contested decision puts forward an interpretation of the legislation invoked which is incompatible with the social and democratic rule of law which forms the basis of our constitutional system.

As has already been said, the mere mention by the Administration, author of the contested act, of the presence of classified material in the information requested by my client, has led to the automatic application of the entire regulatory block that allows access to information to be limited. This was done without even analysing whether or not the information requested could affect the values that it was claimed to protect: national security, defence, intellectual and industrial property.... One goes so far as to speak of a sort of natural right that prevents it -FJ4-:

> *"The appellant should be reminded that access to information is neither unlimited nor absolute,* ***finding both legal and natural limits*** *derived from the very essence of the information requested, in this case relating to the nature, quantity, manufacturer, exporter and recipients of the export of war material".*

This conception of the arms business as an area of immunity for the administration that is closed to the public is incompatible with the principles on which any democratic society is based. As the current law on transparency states in its preamble, only through the oversight of public activity will it be possible to contribute to the necessary democratic regeneration. The social reality of the time in which this regulation must be interpreted in the year 2021 prevents the interpretation put forward in the contested judgment: *"Access to truthful and diverse information is one of the pillars that support democratic societies*" says in its justification the order of 30 October 2020 that regulates the procedure against disinformation. If, as in our case, the right of a non-governmental organisation to obtain this information - in its role as society's watchdog in accordance with the ECtHR's doctrine on article 10 ECHR - is being debated, that is, Greenpeace Spain's right to freedom of expression being involved, it is possible to affirm that the damage that the contested judgment may cause to general interests will affect the deepest bases that should govern a democratic society.

2º.- *In the contested Judgment, the rules on which the reason for the decision is based have been applied and on which there is no case law (88.3 a) LJCA).*

Nor is there any case law interpreting the legislation underpinning the reasoning behind the judgment of 30 September 2021.

On the application of the limits established in Article 14.1 LTBG, in accordance with section 2 of the same provision, various Supreme Court judgments have been handed down, albeit referring to different issues to those raised here. The closest to the present case is the STS of 25 March 2021 -RC 2578/2020- which analysed how the limit provided for in article 14.1.d) LTBG referred to public security operated in relation to the data contained in the National Catalogue of Strategic Infrastructures classified as "secret". In the present case, unlike the previous one, the reason for the contested judgment is none other than the consideration that the limits regulated in 14.1.a), b), j) and k) LTBG-, as well as the economic and commercial interests of the co-defendant company Expal Systems -
14.1.h) LTBG - which led the Chamber *a quo* to dismiss my client's appeal. All of these are issues on which there is no case law in the terms in which the debate has been raised.

There is also an objective interest in the case law on which there is no case law on the need to know whether the mere generic invocation - by the administration in charge of controlling the arms trade - of the presence of classified material in the request for information formulated, allows for an exception to the obligation to justify the limits to access established in the regulations on transparency, in paragraph 4 of Article 20 C.E., in paragraph 2 of Article 10 ECHR, as well as in the case law of the ECtHR; and whether this invocation of the same exempts the administration from the obligation to carry out a proportionality judgement, Article 10(2) ECHR, as well as in the case law of the ECtHR; and whether this invocation of them exempts the administration from the obligation to carry out the proportionality assessment required by the LTBG and the doctrine of the ECtHR. Interests which, in accordance with article 14.2 LTAIBG, must be weighed up by means of a justified and proportionate interpretation o f their object and purpose of protection, and which in our case has not been carried out.

There is also no case law on the question of the possible specific legal regime of access to information *ex* DA1ª Law 19/2013, which could be contained in Article 16 of Law 53/2007, of 28 December, on the control of the arms trade. There are rulings such as those of 11 June 2020 - RC 577/2019, or 15 October 2020 -RC 3846/2019- that refer to this specific regime in other regulations, such as article
40.1 of RDLeg 5/2015, on the EBEP, or that of 29 December 2020 -TC 4501/2020- on whether RD Leg. 4/2015, of 23 October, which approves the TR of the law on the labour market, or RD Leg. 4/2015, of 23 October, which approves the TR of the law on the labour market, should be interpreted in the same way as RDLeg 5/2015, on the EBEP.

securities, establishes it. In no case on the scope of article 16 of Law 53/2007 in the terms that have been set out here.

In view of the foregoing, and in accordance with Articles 86 and concordant articles of the Law on Contentious-Administrative Jurisdiction,

THE COURT I REQUEST THE COURT OF FIRST INSTANCE, considering that this document and its copies have been filed in due time and form, to consider the APPEAL IN CASE AGAINST THE JUDGMENT 569/2021 of 30 September 2021, of this Chamber and Section, handed down in the proceedings of the contentious administrative appeal processed as ordinary proceedings 417/2020, dismissing the contentious administrative appeal lodged by this party against the Resolution of 10 March 2020, of the Directorate General for Trade Policy of the Ministry of Industry, Trade and Tourism denying access to the public information requested by me on 9 March 2020, and once the summons has been served, the case file and the administrative file should be submitted for the appropriate purposes.

OTHERWISE I SAY that this party expresses its manifest wish to have complied with the requirements of the LJCA in the present document, and therefore

I REMAND TO THE COURT that, in the event of any procedural defect, this party be granted the appropriate remedy, in accordance with the provisions of Article 231 of the Civil Procedure Act.

In Madrid, 29 December 2021

This letter is 34,562 characters long and spaced, which is hereby certified.

NAME DIAZ ROMAN LAURA - TIN 51340060N

Digitally signed by NOMBRE DIAZ ROMAN LAURA - NIF 51340060N
Date: 2021.12.29 10:39:10 +01'00'