



Superior Court of Justice of Madrid

Contentious-Administrative Chamber

Sixth Section

C/ General Castaños, 1 . Ground Floor - 28004

33021110

NIG: 28.079.00.3-2020/0014778

Ordinary Procedure 417/2020

Plaintiff: GREENPEACE SPAIN

ATTORNEY Mr./Mrs. MARIA MARTA SANZ AMARO

Respondent: MINISTRY OF INDUSTRY, COMMERCE AND TOURISM

Mr. STATE ATTORNEY

EXPAL SYSTEMS, SA

ATTORNEY Mr./Mrs. ANA MARAVILLAS CAMPOS PEREZ-MANGLANO

AUTO

ILMO. MR. PRESIDENT: Mr./

Mrs. CRISTINA CURTAIN CHAINS

ILMOS. MR. MAGISTRATES:

D./Dña. MARÍA ELISA GÓMEZ ÁLVAREZ D./Dña.

LUIS FERNÁNDEZ ANTELO

In Madrid, on April twenty-eighth, two thousand and twenty-one.

FACTUAL BACKGROUND

FIRST.- Once this contentious-administrative appeal was admitted for processing and the file was received, the plaintiff's representation was summoned to formalize the claim, within a period of twenty days, the process of which has been evacuated, requesting, in addition, the receipt of proof of the resource, expressing the points of fact on which it has verse the same and proposing the following means of proof:

- 1. DOCUMENTARY**, so that they consider the documents in the administrative file as provided.
- 2. MORE DOCUMENTARY**, so that the documents that accompany the writ of filing of the appeal and the claim are deemed to have been provided.
- 3. MORE DOCUMENTARY**, so that in accordance with the provisions of article 328 LEC, the defendant is required to proceed to the DOCUMENTARY EXHIBITION referred to in the aforementioned precept, having to provide the administrative files whose request gave rise to this lawsuit. **AND IN A SUBSIDIARY WAY TO THE ABOVE**, and if the Chamber considers that such a claim could generate some type of damage to the general interests or to the individual parties, so that such files are contributed to the proceedings by the defendant, and the Chamber can take cognizance of them *in camera*, and thus learn of





directly if the circumstances that have been invoked in this lawsuit are given or not so that said documentation is finally delivered to the plaintiff entity.

TWO.- Given the transfer of said brief to the other parties, the State Attorney, on behalf of the respondent Administration, proceeded to answer the claim requesting receipt of proof of this appeal, indicating to that effect the points of fact on which should be the same and proposing as evidence

the Report of the Secretary of State for Commerce attached to the answering brief. The co-defendant was considered instructed without making any statement in this regard.

FOUNDATIONS OF LAW

FIRST.- As established in art. 60 LRJCA, it is appropriate to receive the procedure on trial, considering the proposal by the plaintiff in sections 1 and 2 of the application brief to be relevant, consisting of having the administrative file and the documentation attached to the filing of the appeal and to the application document reproduced. demand.

It is also appropriate to admit the documentary evidence proposed by the State Attorney, considering that the Report of the Secretary of State for Commerce attached to the answering brief has been provided.

It does not proceed, however, based on art. 283.2 of the LEC, admit the evidence proposed in section 3 of the application brief nor the one requested as a subsidiary to it, this Chamber understanding that its practice is unnecessary for the resolution of this resource.

SECOND.- It is appropriate to close the test practice period and in accordance with the provisions of art. 62 LRJCA, not considering it necessary to hold a public hearing, grant the process of written conclusions, as requested by the plaintiff.

Having seen the articles cited and others of pertinent application, being the rapporteur the Hon. Mr. D. LUIS FERNÁNDEZ ANTELO.

THE ROOM AGREES: TO RECEIVE THE PRESENT ON TRIAL PROCESS.

Admit the following means of proof:

- The documentary proposed by the plaintiff in sections 1 and 2 of the claim brief, considering the administrative file and the documentation attached to the appeal filing brief and the claim to be reproduced.

- The documentary evidence proposed by the State Attorney, taking for granted the Report of the Secretary of State for Commerce attached to the answering brief.

Inadmissible the evidence proposed in section 3 of the application document as well as the requested in the alternative to this





The trial practice period is closed and the appellant party is granted the term **TEN DAYS** to formulate written conclusions.

An **appeal for reversal** may be made against this resolution within a period of five days from the notification, **prior to the constitution of the deposit** provided for in the Fifteenth Additional Provision of the Organic Law of the Judiciary, under the warning of not admitting said appeal for processing.

Said deposit must be made by depositing the amount in the Deposits and Appropriations Account of this Section, account-file number 2420-0000-93-0417-20 (Banco de Santander, Branch c/ Barquillo nº 49), specifying in the concept field of the Income receipt document that it is an "Appeal" 20 Contentious-Reposition/Pleading (25 euros). If the payment is made by bank transfer, it will be made to the general account number 0049-3569-92-0005001274 (IBAN ES55-0049-3569 9200 0500 1274) and the file account number 2420-0000-93-0417- 20 in the "Observations" or "Concept of the transfer" field and then, separated by spaces, the other data of interest.

The Ilmos/as agree, send and sign it. Mr. noted in the heading of this resolution.
Attest.

The dissemination of the text of this resolution to parties not interested in the process in which it has been issued may only be carried out after dissociation of the personal data that they contained and with full respect for the right to privacy, the rights of the people who require a special duty of protection or the guarantee of anonymity of the victims or harmed, when appropriate.

The personal data included in this resolution may not be transferred or communicated for purposes contrary to the law.



This document is an authentic copy of the document Auto reception and admission refusal of evidence with transfer of conclusions electronically signed by LUIS FERNÁNDEZ

ANTELO (PON), CRISTINA CADENAS CORTINA, MARÍA ELISA GÓMEZ ÁLVAREZ, BEATRIZ
GOOSE OF ZAYAS