Ordinary Procedure 417/2020

CONCLUSIONS WRITTEN

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

SIXTH SECTION

Ms. MARTA SANZ AMARO, Solicitor of the Courts of Madrid (nº670), and of the entity **GREENPEACE ESPAÑA,** as I have accredited in the records of the resource of reference, before the Chamber I appear and, as best proceeds in Law, **I SAY:**

That I have been notified of the Order of April 28, 2021, by which the trial practice period and this party is granted a period of **TEN DAYS** to formulate the **BRIEF OF CONCLUSIONS** referred to in article 64 of the Law of this jurisdiction.

That within the granted term I formulate the following

CONCLUSIONS

PREVIOUS.- As will be explained, the development of this procedure has demonstrated the reason and the right that protects us, because both of the test practiced, as well as the adequate interpretation of the regulations applicable to the present case, endorse the approaches of this part, which evacuates this transfer by fully reiterating

How many facts and corresponding legal foundations were left
stated in our claim.

FIRST.- Violation of the provisions of the Agreement of the Council of Ministers of 18 March 1987 and the provisions of the Law on Official Secrets, Law 53/2007, of 28 December and the Arms Trade Treaty, on the control of foreign trade of defense and dual-use material.

The lawsuit began by invoking the defenselessness that had been generated for this partly as a consequence of the unmotivated manner in which the Resolution of March 10, 2020, the object of the appeal, which was limited to citing incoherently a whole series of norms that would supposedly protect the non-delivery of the requested documentation but without offering reasons of any kind that allowed to understand how the delivery of the requested documents could give result in the violation of the aforementioned precepts.

The answer to the demand formulated by the representative of the Administration of the State, not only does not oppose any argument that could try to justify such infraction, but, quite the contrary, it intends to "correct" the contested resolution, and introduces new precepts not mentioned in it, and that supposedly also would prevent the delivery of the information. In this sense, throughout the writing it is spoken of the concurrence also of the limit foreseen in section c) of article 14.1 of the Transparency Law, and even, on pages 39 et seq. of his writing, he cites the letter h) of article 14 LTAIBG, and considers that the information cannot be supplied for being able to suppose a detriment for *"The economic interests and commercial".* He also adds that the defenselessness produced in this part is only formal and non-material nature, having disposed of the 75 pages that occupied the lawsuit to counteract the contested resolution. Such a statement seems unaware that if this party has needed to formulate the claim with such breadth, is due precisely to the need to counter generic assertions of which its logical link with the present case is unknown, and that now, it seems that

must be increased with the new arguments of the brief answering the
demand "correcting" the contested resolution.
With this, the invocation of defenselessness is reiterated as it does not contain the contested resolution
a sufficient and coherent motivation in the terms required by article 14.2
LTAIBG, thus violating the provisions of Article 24 CE.

a) Regarding the consideration of the minutes of the JIMDDU as a classified matter classified as secret, by virtue of the provisions of the Council Agreement of Ministers of March 18, 1987.

The correlative submotive alleged the impossibility of applying to the present case the statement as a matter classified with the qualification of "secret" of the minutes of the JIMDDU requested by me, having been accredited, through the **DOC.6** of the demand, the crucial fact that the Agreement of the Council of Ministers of March 18 of 1987, it did not actually classify the minutes of the JIMDDU, but rather those of another organism existing at that time -1987-, before "a social reality" radically different from the current one. Let us remember that the Council of Ministers agreed there:

> *"Declare classified matter, in the category of secrecy,* ***the minutes of the Board Interministerial Regulation of Foreign Trade in Arms and Explosives"***

In the application, after referring to the historical moment in which such classification agreement, it was also invoked that Royal Decree 480/1988 repealed expressly Royal Decree 3150/1978, with which the previous one had been created, this is the Interministerial Regulatory Board for Foreign Trade in Arms and explosives; **and proceeded to the creation of the new body called to replace it,** "the Interministerial Regulatory Board for Foreign Trade in Defense Material and Dual Use Products and Technologies". Note that it was not yet the current JIMDDU. The preamble to the repealing rule that was also transcribed was sufficiently expressive of the reasons why the new historical moment, the new social reality of the time in which the new norm was produced, demanded a new organism adapted to those times.

And in addition, in demand they were also amply justified, the reasons why this part considered that it was not possible to carry out an extensive interpretation that would allow transferring the declaration of classified matter to the minutes of another body other than the one for which the Council of Ministers had made the declaration:

a) The interpretation of the regulations in accordance with the Constitution and the Treaties agreements signed by Spain, arts 20.1.d) and 105 b) CE, and 10 CEDH in how much they consider that access to information or to freely receive truthful information constitutes one of the basic pillars of a society democratic.

b) The interpretation of the norms according to the social reality of the time in which they must be interpreted –art.3.CC-.

Without being able to forget either that this exceptionality of the declaration of matters classified forms an inherent part of the official secrets legislation itself, which already from the date of original drafting of Law 9/1968 LSO, it already established in its article first that *"The State Organs will be subject in their activity to the principle of advertising"* and highlighting the exceptional nature of this regime added and adds even more today: *“except in cases in which, due to the nature of the matter, it is declared expressly “classified”,”;* which is reinforced in the third article of the regulation application of this law, approved by Decree 242/1969, which clearly establishes – also since pre-constitutional times - the need to avoid the accumulation excessive amount of qualified material and for this purpose it states in its section IV:

> *“In order to avoid the excessive accumulation of qualified material, the authority responsible for the qualification must indicate the procedures for determine, periodically, the advisability of reclassification or declassification of that material.*

This makes it impossible to transmit to a new organism, such as the JIMDDU, the declaration of its minutes as a classified matter, and much less than by this indirect way, its qualification can be transmitted to the minutes of another organism as "secret", as we also saw in demand, as these matters are those that

> *They require the highest degree of protection due to their exceptional importance and whose disclosure could give rise to risks or damage to the security of the State, or could compromise the fundamental interests of the Nation in matters relating to national defence, foreign peace or public order constitutional"* –art.3ºI-Dec.242/1969-.

Faced with what is alleged at this point in the lawsuit, the defendant limits itself in its brief to understand that the JIMDDU *"is the successor, without solution of continuity of the Board Interministerial Regulator for Foreign Trade in Arms and Explosives so that The Agreement of the Council of Ministers of March 13, 1987 is applicable to it"* –p.22-, however, beyond this purely voluntary affirmation, nothing opposes the fact true that Royal Decree 480/1988 expressly repealed Royal Decree 3150/1978, and that in its 3rd article it said:

> *"The Interministerial Regulatory Board for Foreign Trade of Material Defense and Dual Use Products and Technologies".*

And that it was not until the approval of Royal Decree 824/1993, of May 28, by the that the Regulation of Foreign Trade of Defense Material and of Dual Use Material, when the current JIMDDU was created, which replaced the one created in 1988, which was stated clearly and conclusively in the standard itself. To these Effects, article 18 of this Royal Decree, said:

> *"1. The Interministerial Regulatory Board of Foreign Trade of Defense and Dual Use Material (JIMDDU) functionally attached to the Ministry of Industry, Trade and Tourism, which replaces the one created by the Royal Decree 480/1988, of March 25…"*

The simple list of norms that have regulated these organisms from the year 1978 to the 2008, which is made on page 23 of the response to the complaint, does not justify no way the affirmation that is also made there that the RD of 1988 does not create materially a new organ, when what we have seen is that it is done like this, and that when the author of the norm, has wanted to maintain the previous organism, so has left said: ***"which replaces the one created by RD 480/1988...",*** all this, not

can more than lead to understand that the Agreement of the Council of Ministers of 18 March 1987 cannot have an effect on the minutes of the JIMDDU, and therefore The information requested at the origin of this lawsuit must be delivered to my principal.

b) Regulation of the Arms Trade in the Spanish legal system.

A second submotive dedicated to proving how the
The contested resolution also violated the regulations governing the arms trade by denying my sponsored access to the requested documentation, pretending cover such legislation.

This began with the citation of article 1 of Law 53/2007 - also cited in the Resolution of March 10, 2020--, which unequivocally states that the reason for being of this regulation is none other than to contribute to a better regulation of trade of weapons to *"avoid their diversion to the illicit market, and combat their proliferation, by time that the international commitments contracted by the Spain in this regard and the general interests of national defense and of the foreign policy of the State.*

This regulation aimed at establishing a genuine control of trade in armament, has as an unavoidable development the establishment of a rigorous procedure designed to meet such ends. Article 14 of the Law 53/2007 regulates in detail what those procedures and controls will be must carry out the JIMDDU to authorize that trade. And it is at this point that this party considers that the aforementioned regulations have been violated, since by denying the information requested under Law 53/2007, the defendant seems to claim the existence of a space of immunity from power in which only the aforementioned JIMDDU and companies with commercial interests in arms sales. and this is done furthermore, without justifying how the national defense, security or foreign policy of the State could be harmed as a result of the delivery of the documentation requested by me.

Through the **DOCS. 3, and 4** contributed to the lawsuit, this part revealed the inconsistency of the defendant's position denying access to the documentation requested by understanding applicable what is established in Law 53/2007, thus enabling the existence in our rule of law of a zone of opacity of which only can know the Administration itself and the companies dedicated to the trade of weapons. We saw how public funds finance the Industry Catalog of the Defense where advertising is made of the manufacturing companies and the products they offer, even with editions in Arabic in order to better reach this sector of the market, or how the co-defendant EXPAL SYSTEMS itself can offer wheels of press demanding legislative measures to make your business more profitable, or directly publicly criticizing the decisions of the JIMDDU for making him lose turnover, and explaining that this could lead to the closure of one of its factory armament located in Truvia (Oviedo), with the consequent loss of worked.

Also provided as **DOC. 7** the diary of sessions of the Congress of Deputies of June 29, 2020, where the last appearance was transcribed -in that moment- of the Secretary of State for Commerce held to account for statistical data on the arms trade. In that case it was the data referring to the year 2017. In the appearance, Ms. Méndez referred to the recommendations made by the parliamentary groups to the statistics report of 2017, and regarding the unfulfilled recommendations, it mentioned the request for *"Lifting of the secrecy of the minutes of the Interministerial Regulatory Board of the foreign trade of defense and dual-* use material"-page 4-, simply to say that this was not possible since such acts were classified as secret under of the agreement of the Council of Ministers of March 13, 1987. And it added that the information contained in the minutes *"logically affects national security, not only to that of Spain, but also to our allies and to that of the receiving countries the equipment, and the risk of a possible indiscriminate disclosure of the data, in addition against security, it can also compromise the award of important contracts by Spanish companies in operations that have not yet been adjudicated".*

With such phrases it was proven not only that the Secretary of State did not know the date of adoption of the Agreement of the Council of Ministers, and its content, -which as we have seen was not talking about the JIMDDU-, it is also that, in the same confusing way in which issued the contested resolution, concepts such as national security, with others such as the possible loss of contracts of which they may be awarded arms manufacturing companies.

For the rest, this submotive must now be completed with the facts of new news of which this part has recently become aware, and which have been revealed by elDiario.es in publications made on the 11th, 12th and may 13th. In them, the media gave news of various information related to the arms trade, and explained in detail how they are being produced constant deliveries of weapons to countries involved in the war in Yemen, to through opaque contracts that do not follow the channels of Law 53/2007, and that remain thus completely outside the legal system of arms control. facts that were verified by the aforementioned newspaper, contrasting the statistical information cargo of ships bound for Saudi Arabia and the information provided by the Mrs. Secretary of State in her last appearance in Congress to facilitate data corresponding to the year 2018.

In the first of the information published -on May 11, 2021 [1] - under the title **“Spanish mortars used by Saudi Arabia on the Yemeni border: proof of that Spain continues to fail to comply with arms export laws”,** explains how Spanish-made mortars exported to Saudi Arabia are being used in the border with Yemen, and also echo the statements of the Secretary of State in his last appearance in Congress when he said *"We do not know neither in the Secretary of State for Commerce, nor in the JIMDDU that there are signs of use of material from Spanish companies outside of Saudi Arabia”.*

[1] https://www.eldiario.es/politica/contrato-secreto-vender-armas-arabia-saudi-autorizo-gobierno-rajoy 250-morteros-175-000-projectiles_1_7916953.html

The second, published on May 12, 20212 . entitled **"Spanish companies trained soldiers from Saudi Arabia in Army facilities in Zaragoza",** explains how, within the framework of these contracts, at least 20 members of the Guard Saudi border police moved to Spain in 2018 and 2019 to learn how to use armament of the consulting firm Everis, as well as, that once trained *"were deployed on the Yemeni border.* These practices were done in the field of San Gregorio maneuvers, located in Zaragoza and owned by the Army.

And thirdly, on May 13, 20213 , under the title **"The Government hid the Congress and the UN the export of more than a hundred mortars to Saudi Saudi in 2018",** it is explained in detail that the Secretary of State for Trade ***"it did not include in its export statistics most of the weapons that Everis he sold to the Riyadh regime."***

These facts of new knowledge are revealed in this process of conclusions under the provisions of article 56.4 LJCA, in relation to the article 286.1 LEC. With them, it becomes clear how, thanks to the opaque system that favors the interpretation of the regulations on arms control carried out by the defendant, the realization of a whole series of arms transactions, outside the controls established in the Law 53/2007, and which may have the consequence, precisely, that this armament can be diverted to the illicit market, and its proliferation is being favored, by margin of the international commitments contracted by Spain, consequences contrary to the purposes for which the regulations that it is said to want to comply with have been dictated.

On this sub-motive, the defendant does not oppose anything in its answer to the lawsuit, beyond the negative rhetoric of what is alleged at this point in the lawsuit. It must also for this reason, and considering here as reiterated everything invoked at this point in demand, estimate the present resource.

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[2] https://www.eldiario.es/politica/empresas-espanolas-entrenan-militares-arabia-saudi-dependencias Ejército-zaragoza_1_7923167.html

[3] https://www.eldiario.es/politica/gobierno-oculto-congreso-onu-exportacion-centenar-morteros-arabia saudi_1_7929436.html

c) *Regulation of the arms trade at the international level. The Trade Agreement of Arms made in New York on April 2, 2013 -hereinafter TCA-.*

Enter the information requested by me and that was denied in the resolution challenged was also *"detailed information on the evaluation carried out based on the requirements of article 7 of the Arms Trade Treaty".* A In this regard, the Resolution of March 10, 2020 in what appears to be the explanation of the reason why it was not possible to access the information, it stated that *"the The whole of the file contains sensitive commercial information of an operator that the Administration has collected in the exercise of its powers and that must treat with due diligence and confidentiality."*

This argument was refuted in the lawsuit, showing how the purpose of the TCA is not other than contributing to the generation of a culture of peace that the treaty itself explicit in its first article when it says that its object is the establishment of strict common international standards to improve trade regulation international conventional weapons, its purpose is none other than ***"to contribute to peace, security and stability in the regional and international arena",*** **as well as also *"reduce human suffering".***

And it is at the service of these objectives and ends that in its article 7 establishes the procedure through which the signatory countries of the treaty must carry out control of the arms trade.

Faced with this reality, the defendant, as we have seen, limits herself to speaking generically of the obligations incumbent on said administration in order to deal with the due diligence and confidentiality the information that it considers sensitive from an operator private.

Nothing opposes on this matter the brief of answer to the demand of the defendant, and it is also noteworthy that the co-defendant, that is, the company EXPAL SYSTEMS, has not taken advantage of this procedure to claim that

proposed by the administration, which can only be interpreted as the verification of the unsustainability of the argument used in the contested resolution to oppose the delivery of this information.

It must thus be concluded by pointing out that the resolution of March 10, 2020 has violated also the TCA when considering that it could not deliver the documentation required by the reasons put forward, thus also having to proceed to declare its nullity.

d) ***Violation of the provisions of articles 20.1.d), 105 b)) CE and 10 Convention European Union of Human Rights -hereinafter ECHR-, as a consequence of the interpretation of state security and arms trade regulations carried out in the Resolution of March 10, 2020.***

In the correlative, the infraction of the aforementioned precepts was invoked as a consequence of the interpretation carried out by the General Directorate of Commercial Policy in the dictated agreement.

There, and after a complete exposition of the regulations involved and the jurisprudence that interprets it, it ended up concluding that the refusal to supply the information violated both article 20.1.d) and 105 b) CE, in which *"it is recognizes and protects the right to communicate or receive truthful information by any means of dissemination",* as well as *"citizens' access to archives and records administrative, except in what affects the security and defense of the State, the investigation of crimes and the privacy of individuals".*

In the interpretation that can be given to them in accordance with the provisions of article 10.1 ECHR:

> *"Everyone has the right to freedom of expression. This right includes freedom of opinion and freedom to receive or communicate information or ideas without the interference of public authorities and regardless of borders (...)"*

Article that has been interpreted by the European Court of Human Rights throughout throughout numerous sentences, which after a first phase contrary to considering that the right of access to information was integrated into the freedom of expression that regulates article 10 of the ECHR, has evolved to the present day until reaching its jurisprudential construction through the Judgment of the Grand Chamber de 8 de noviembre de 2016, en el caso HUNGARIAN HELSINKI COMMISSION C. HUNGARY[4] in which it concluded that in that case there had been a violation of Article 10 of the ECHR, leaving said:

> ***"The ECHR is convinced that the requesting NGO wanted to exercise the right to disseminate information on a matter of public interest and sought access to information for that purpose" (paragraph*** 172). And also about the need to determine in each specific case: *"if the denial of access to the information constitutes an interference with the rights of freedom of expression of the applicant. These criteria are, in the first place, the purpose of the requested information; Second, the nature of the information searched; third, the role of the information seeker; and in fourth place, the availability of the requested information" (paragraphs* 158 to 170).

The State Attorney, for its part, answers this question on the grounds second of his brief answering the claim, where after denying the violation of article 20.1.d) CE for the reasons that it raises extensively, also ends analyzing the same judgment of the ECHR of November 8, 2016 in light of the four criteria that had also been invoked by me, and in the analysis of the themselves in the case at hand, comes to say-p. fifteen-:

"The plaintiff has recounted in detail all the legitimate pressure work that it carries out in defense of the restriction of the traffic of warlike material for which advocates, which is why the lack of access to the requested documents cannot be reputed to have interfered with their freedom of expression."

[4] http://hudoc.echr.coe.int/eng?i=001-167828

To this it is possible to oppose that it is not a question here of a mere question of social pressure to restricting the traffic in war material, **it is much more precisely about know under what terms the JIMDDU has been able to authorize the company EXPAL SYSTEMS certain sales of artillery ammunition to the United Arab Emirates Saudi Arabia between 2017 and the current date, which, according to what has been known, could be employed in the war in Yemen.** War is in which according to the Group of Experts on Yemen of the UN Human Rights Council in their report September 2020, third countries may be violating their obligations in under the TCA. And that as indicated by the UN in the **DOC.1** of the application, there are countries that ***"have enjoyed a "widespread lack of responsibility" after multiple violations including indiscriminate bombing, arbitrary killings and detentions, torture, use of landmines and violence sex and gender".***

Thus, understanding that *"even in the absence of the information required from the Administration defendant, the plaintiff is developing the task that has been assigned, which evidence that the information claimed is not truly instrument for the effective exercise of the right to free information",* as it is said otherwise, it is to ignore that with the information requested my sponsored could become in a much more precise position to get them to stop arms sales to countries that may be using them to violate human rights in a current armed conflict such as the war in Yemen that has claimed, also according to UN figures, 233,000 fatalities, of which 5,660 have been children[5] .

And as for the statement contained in the response to the claim when it says also that *"the plaintiff possesses a large part of the information contained in the file that claims and the ECHR has declared (SETDH Center For Democracy and The Rule Of Law c. Ukraine (§ 92) that if the information can be obtained from sources alternatives admits that we are not by reason of its refusal before an interference in the right to obtain information of article 10 of the* Convention", suffice it to read that in the

[5] https://www.europapress.es/internacional/noticia-guerra-yemen-deja-233000-muertos-onu-mayoria-causes-indirectas-desnutricion-20201202074219.html

case tried there by the Court of Strasbourg and in the same paragraph quoted as *"the plaintiff organization itself stated that said information had been available from alternative sources",* which in no case has occurred here in which only statistical information is provided without any link with the company weapons manufacturer, and that when that information reaches Congress through the appearance of the Secretary of State for Commerce, not only have three years –as happened with the 2017 information known in 2019, or that of 2018 in 2020-, is that, as the investigations of Eldiario.es affirm, made public on the days May 11, 12 and 13, the opacity of this information is such that not even Secretary of State can provide truthful information in this regard.

For the rest, sections 99 to 102 of the same judgment cited to the contrary, of 26 de marzo de 2020, del TEDH Centre For Democracy and The Rule Of Law c. Ucrania[6] which, as confirmed by the State Attorney's Office, assumes in its entirety as consolidated doctrine that of the Grand Chamber of November 8, 2016, in the case *HUNGARIAN HELSINKI COMMISSION C. HUNGARY,* son suficiente expresivos de los reasons why the violation of Article 10 ECHR was concluded there:

> *"99 The Court of Justice also considers, for the same reasons, that the information requested by the requesting organization met the criteria of public interest. The affected individuals - leading politicians - were public figures of special prominence. The Court accepts that the public had an interest in its background and integrity in the immediate postelectoral context.*
>
> *100. The applicant organization's role as an NGO has not been challenged. performs an important "watchdog" function.*
>
> *101. It is also not in dispute that the information you requested was ready and available.*
>
> *102. Therefore, by refusing to disclose to the requesting organization the information on the history of education and the work of the main candidates contained in their official resumes submitted to the CEC in the framework of their position as candidates for Parliament, the national authorities*

[6] http://hudoc.echr.coe.int/eng?i=001-201896

undermined his exercise of his freedom to receive and impart information,

way that is attenuated to the very bottom of their rights in article 10".

And as for the considerations that are made to the contrary about whether they occur in our case the requirements of paragraph 2 of article 10 in the terms required by the jurisprudence of the ECHR, section 103 of the judgment that we are citing says to the regard:

"103. The Court reiterates that an interference with the rights of an applicant under Article 10 § 1 will violate the Convention if it does not meet the requirements of the Article 10, paragraph 2. Therefore, it must be determined whether it was "prescribed by law", if it pursued one or more of the legitimate objectives established in that paragraph, and whether it was "necessary in a democratic society" to achieve esos objetivos (véase, por ejemplo, Austrian Conservation Association, empowerment and creation v. Austria, number 39534/07, §37, 28 de Novembre de 2013)".

The considerations made in demand on pages 38 and following should be highlighted, where a precise exposition is made of why in the feeling of this part the The contested resolution also violated the provisions of this section 10.2 ECHR:

"None of these conditions have been fulfilled in our case, since the contested decision ***without any judgment of proportionality,*** *and* ***without analyzing whether the absolute denial of the requested information*** *–which even impregnates all the documents of the file where the minutes of the JIMDDU are included-,* ***whether or not it constitutes a necessary measure in a democratic society; proceeds to deny the requested information based*** *on a kind of carom of provisions that, based on* ***an Agreement of the Council of Ministers*** *--which in no case has a legal character, and that does not refer to the JIMDDU- considers expelled from the ordinary regime of transparency an entire sector of the national industry such as the arms industry.*

This result is clearly contrary to the provisions of Article 10 of the ECHR".

Faced with this, rhetorically, the response to the lawsuit claims only that yes that there is a judgment of proportionality, but it is not explained to us, and it is trusted to the limits of article 14 LTBG compliance with the rest of the requirements demanded by the jurisprudence of Strasbourg, when the truth and truth is that it is precisely this question which is reasonedly rejected throughout the 75 pages of the demand.

e) Jurisprudence issued in relation to the right of access to documents classified.

The first objectionable reason ends with the subsection destined to analyze the jurisprudence issued in relation to the right of access to classified documents, basically focused on the sentences that were handed down by the Supreme Court on April 4, 1997, in connection with the prosecution of the so-called GAL case. The cited sentences issued in a case in which the revelation of the content of the documents could endanger the security of the State, ends carrying out a proportionality trial in which, after assessing the different interests in conflict: State security and effective judicial protection, ended up ruling in favor of declassification of documents.

Next, the impugning submotive proceeds to justify how the

The contested resolution contravenes the aforementioned jurisprudential doctrine, which does:

> ***"without providing any justification as to what extent the provision of such information could harm the defense and security of the State, and ignoring, furthermore, the general interests themselves that should also protect such an administration and that are what justify the legislation of arms trade and that pursue the establishment of a culture of peace.*** *Thus ignoring such general interests and violating with this also the fundamental right to freedom of expression of my sponsored".*

No mention is made contrary to the impugning submotive, thus owing reiterate the same in its entirety in this process of conclusions.

SECOND- Violation of the provisions of article 14.1.a), in relation to the articles 14.2 , 16 and 20.2 of Law 19/2013, of articles 20.1.d) and 105.b) CE and 10 ECHR, by claiming that providing the required information could affect to National Security.

The lawsuit raises in the correlative reason (1) the impossibility of obtaining information requested may affect national security due to the sheer impossibility logic, (2) the lack of motivation that explains how this would be possible, (3) the need to apply with strict criteria ***"when not restrictive"*** any limitation of lit.

To do this, it carries out a rigorous definition of what should be understood by Security National according to the definition that article 3 of Law 36/2015 of National security:

> *"State action aimed at protecting the liberty, rights, and well-being of citizens, to guarantee the defense of Spain and its principles and values constitutional rights, as well as to contribute together with our partners and allies to the international security in the fulfillment of the commitments assumed".*

What leads to this part to understand, that precisely, obtaining the information requested, insofar as it seeks to eradicate possible violations of rights humans, it would be an action aimed at protecting in a much more coherent way the cited national security, that its denial:

> *"these are the actions like those of my sponsored person seeking the complaint and consequent eradication of war actions that could violate the human rights that are really in conflict with national security, understood is in a democratic state as one that seeks to guarantee constitutional principles and values and contribute to international security*

in the fulfillment of the commitments assumed by the Spanish State and its partners and allies".

And it is these values that should have prevailed in that judgment of proportionality that was not made in the contested resolution.

And after citing the jurisprudence and doctrine dictated on the need for the refusal of the information carry out the "damage test" required in the aforementioned regulations also left said

"In no case was it possible for the administration to deny the information through the simple generic quote of the letter a) of the section of article 14.1 – the same happens with the citation of section b), j) ok) to which we will refer below-, followed by a generic citation also to the regulations governing secrets officials or the arms trade. Quite the contrary, in the specific case of the alleged affectation to national security, the General Directorate author of the contested resolution should have made explicit with specific reference to the nature and content of the requested files, how to deliver them to my principal could have harmed that general interest "national security" – the concrete, defined and evaluable damage."

Even pointing out the possibility of partial access in the terms provided for in article 16 LTAIBG.

On the question referred to "National Security", the brief answering the lawsuit states:

In the case at hand, the commercial transaction that is the subject of the file that is claimed has a special impact on international relations because of how much it covers products qualified at international level as material of defense and military use by the governments of different countries. The military reserves of each nation are considered a State Secret, if Spain proceeded to facilitate the list of products acquired by Saudi Arabia and/ or the United Arab Emirates for this purpose, there would be an obvious risk of

provoke an international conflict, with a key operator in the Middle East, to which is added to the distrust that would be generated in the international community before the dissemination of sensitive information for internal security and transfer of third countries by Spain, officially."

Thus, and for the first time since the information was requested, a series of alleged reasons that actually try to justify the reasons why the defendant understands that national security could be affected, although it must reject from this moment that such reasons can be considered valid for prevent the release of information.

The first criticism that can be made of such an answer covers both the inconsistency of the affectation of the indeterminate legal concept "National Security" in the concrete terms that were exposed in the lawsuit, as well as the fact of pretending by this via the introduction of a new reason for denying the information, which is even reflected in the statement of the epigraph to which you are responding and that appears on page 38 of the brief answering the claim where we can read:

-a) National security and c) Foreign relations".

In other words, unexpectedly and at this procedural moment, the defendant intends to modify the terms in which the contested agreement was dictated and now also adds as alleged basis of the denial agreement information section 14.1.c LTAIBG, referring to "Foreign relations" that does not had been cited in the contested resolution. As we will see later also, this "correction" of the "defects or errors" contained in the contested agreement intends to extend to the incorporation by this channel of the cause of limitation of the information contemplated in letter h) of the same article 14.1 LTAIBG, trying to even provide jurisprudential justification there for such deviant action, as later we will see.

Thus posed the question, it can only be concluded that this supposed justification that Now they want to give us this way, it is not. First of all, it is not reached from

a dialectical and rational approach how it could affect relationships
international organizations that my representative was given the documentation
requested. Second, the fact that each nation's military reserves are
considered a State Secret, is nothing more than an affirmation devoid of all
factual support; and thirdly, my client never asked for *"the list of products
acquired by Saudi Arabia and/or the United Arab Emirates",* rather what he has asked for is the
copy of the file or files containing the authorizations granted to
the export of artillery ammunition manufactured by the company Expal Systems with
destination to Saudi Arabia and/or the United Arab Emirates, an issue that is very different from that stated in
the answer to the claim, since it is obvious that no international conflict
can cause knowledge of such a matter, obviously, provided that the
it has been produced in accordance with current legislation, and that it has not been infringed
no rule as a result of such transactions, or even, that such ammunition
artillery is being used against international law to provoke
damage to a country at war such as Yemen.

With the same documentation provided with the claim, it is easy to prove that the same
Secretary of State has no problem in providing the information that is stated in the
response to the demand with total normality in their annual appearances before
The congress. So in the session diary provided as DOC. 7 and no intention of
completeness can be read on page 5:

> *Regarding the breakdown by country of exported products, the*
> *Shipments to the countries of the European Union accounted for 57.7% of the total.*
> *In value, these sales accounted for 2,147 million euros. The trade is*
> *focused on transfers of products, equipment and technology within the*
> *existing cooperation programs in the field of defence, such as*
> *such as the EF2000 fighter jet, military transport aircraft*
> *A400M, the Tiger helicopter and the IrisT and Meteor missiles. It is noteworthy the*
> *delivery to Germany of nine transport aircraft, a*
> *aerial refueling, a transport aircraft to France and two*
> *shipping to UK. Expeditions on exports to countries*
> *NATO accounted for 68%, with 2,529 million euros, and the remaining sales,*

with 1,174.3 million euros and 31.6% —once discounted the exports to the European Union and NATO countries—were divided among fifty-seven countries, a number that is also within the norm. The main operations consisted of two transport planes to Saudi Saudi, two aircraft similar to Turkey and 291 transport vehicles not armored to Oman".

The session diary continues to expose the type of weapons delivered to the different countries, and it is even mentioned that the export was denied in a case of arms sales to the United Arab Emirates:

"Also a prior export agreement to the Emirates Air Force United Arabs of 16,000 tritonal-laden aviation bomb corps, amounting to 176 million euros, in application of criterion 4, which is that of regional situation".

In other words, weapons sold to different countries, and yet this has never generated an international conflict, neither does it seem that the activity of this type of business has decreased, nor has it generated some mistrust in the international community towards Spain as as a result of holding these appearances.

Thus, it can be stated that the effect on Security is not sustained at all. National, nor to foreign relations, although with respect to this last cause limitation of access, expressly denounces the procedural deviation produced by seek to rectify the disputed agreement through the writ of response to the claim.

THIRD.- Violation of the provisions of article 14.1.b) in relation to the articles 14.2, 16 and 20.2 of Law 19/2013, of articles 20.1.d) and 105 b) CE AND 10 ECHR, as it is intended in the contested resolution that in order to facilitate the information requested could affect the National Defense.

As in the previous case, it was justified in the lawsuit that they were not
In our case, the reason for denying information provided for in article 14.1.b) of
the LTAIBG, since the National Defense cannot be affected.
In this sense, the indeterminate legal concept “Defense
National”, this time by approaching the idea of the purpose of defense policy.
And so article 2 of LO 5/2005, of the National Defense, was cited, according to which the
The purpose of this defense policy is:

> *“The protection of the whole of Spanish society, of its Constitution, of the higher values, principles and institutions that are enshrined in it, of the Social and democratic state of law, full exercise of rights and freedoms, and the guarantee, independence and territorial integrity of Spain. It also aims to contribute to the preservation of peace and security international, within the framework of the commitments made by the Kingdom of Spain”,*

And emphasizing the idea of protection that arises from this purpose, and from the objective
in which this LO 5/2005 affects to ***"contribute to the preservation of peace and security international, within the framework of the commitments contracted by the Kingdom of Spain”,***
justified, precisely, that the establishment of a rigorous and
transparent control of the arms trade is the most appropriate way to promote
the objective of the Defense referred to in article 14.1.b) LTAIBG.

Reference was also made to the need for a proportionality judgment to have been made
required by the transparency law, which also did not contain, in this regard, the
challenged resolution, and it ended justifying how such shortcomings caused the
Violation of the regulations invoked in the heading of the reason.

In this case, the response to the lawsuit, as we have seen, does not even mention the
section b) of article 14.1, but rather decides to replace this section with section c) dedicated
to foreign relations, thus leaving the cited reason completely uncontested,
Therefore, the appeal must also be estimated in accordance with what is alleged in the lawsuit.

FOURTH.- Violation of the provisions of article 14.1.j) and k) in relation to the articles 14.2 , 16 and 20.2 of Law 19/2013, of articles 20.1.d) and 105 b) CE AND 10 ECHR, as it is intended in the contested resolution that in order to facilitate the information requested could affect professional secrecy and intellectual property and industry, the guarantee of confidentiality or secrecy required in processes of decision making.

The reason for the lawsuit began by invoking again the defenselessness that had provoked to this party the contested resolution that was limited to citing these letters j) and k) of article 14.1 LTAIBG, without explaining how it would be possible for the present case to affect such limits to the right of access, to continue making an exhibition casuistry of what the doctrine of the CTBG and the Courts had determined that could be affected by professional secrecy, such as happens with lawyers or banking entities, and that in our case did not occur. Regarding the property intellectual and industrial, a search was made of the documents that according to the Article 4 of Law 53/2007 had to be included in the requested files, and the It led to the conclusion *that "any data pertaining to an alleged property industry on the artillery ammunition referred to in the applications should not appear in the administrative records referred to in this lawsuit."*

No reference is made in the brief answering the claim filed by the defendant to the cases of denial of information provided for in article 14.1.j) LTAIBG. On the other hand, the co-defendant EXPAL SYSTEMS has not formulated In his brief of March 18, 2021, any allegation in this regard invoking any type of affectation to professional secrecy, or to some type of intellectual property or as a result of the delivery of the requested documentation, resulting in this especially significant position on the non-existence of this type of limitations, because if they exist, this party understands that said company should have prove such circumstances as they are within their sphere of interest personal.

As for the assumption provided for in article 14.1.k) LTAIBG *"the guarantee of the confidentiality or secrecy required in decision-making processes",* was collected in demands the doctrine of the CTBG on the issue as well as that contained in various sentences that came to indicate that in the cases of requesting the minutes of some collegiate body, it would not be possible to apply this limit because *"you cannot contaminate the secrecy of decision-making because said process has already ended".* In this case citing CTBG Resolution R-0482/2019, of November 12, 2018. AND also SJCCA No. 4 of July 22, 2019, which partially confirmed it, as to the possibility of delivering the documentation partially, in cases where any part of the file could be detrimental to the interests listed in article 14.1.

To this date, the jurisprudential doctrine contained, among others, in the STS of February 19, 2021 -RC 1866/2020-, which also in relation to this Article 14.1.k) confirms what is invoked in the lawsuit and establishes in its 5th FJ:

> *Jurisprudential doctrine that is established in response to questions raised in the order admitting the appeal.*
>
> *In response to the question on which appealing interest was appreciated, we must affirm that the minutes of the meetings of a collegiate body are not, in principle, excluded from public knowledge under art. 14.1.k of the Law 19/2013, of December 9, Transparency, since the data in it incorporated in a mandatory way do not affect the guarantee of confidentiality or the secrecy required in the formation of the will of the collegiate body, by not reflect, as the minimum necessary content, the totality of the deliberation nor the opinions and full statements of each of its members.*
>
> *Therefore, and in accordance with what has been explained so far, it is appropriate to estimate the appeal declaring that the right of access to information includes not only the agreements adopted but also the minutes of meetings of the board of directors of the port authority of A Coruña, annulling the contested judgment in the extreme referred to the refusal to provide said information and confirming it in the other extremes".*

Regarding this challenge, the answer given by the
State Attorney when trying to remedy the contested resolution and carry out
in the response phase to the claim, the weighting of interests that should have been
do that one And so he tells us -p. 36-:

> *Going further, the truth is that a weighting of conflicting interests*
> *Nor does it allow us to reach a different conclusion: in the interest of the*
> *appellant, based generically on his desire to know the*
> *requested information, either for the purpose of disseminating it, either with*
> *the purpose of supervising the activity of the Government, the public interest in the*
> *denial of access prevails.* ***The eventual delivery of the information***
> ***is requesting would disclose the procedures followed for the detection***
> ***of possible situations of violation of fundamental rights and***
> ***conflicts in international relations.*** The highlight is from this part.

Next, it examines what is established in article 7 of Royal Decree 679/2014, of 1
of August by which the Regulation of control of the foreign trade of
defense material, other material and dual-use products and technologies, which
as we also saw in demand is the one that determines the procedure that must be
carry out the JIMDDU to assess whether the requests made to its
consideration should or should not be granted or denied. In particular, Article 7
cited otherwise regulates the ***"denial of authorization requests and,***
suspension and revocation of authorizations", and in section 1 it says:

> *"1. The authorizations referred to in article 2 may be suspended,*
> *denied or revoked, by resolution issued by the head of the Ministry of*
> *State of Commerce in the following cases:"*

Regulating below from letter a) to letter f) the specific reasons that
should be considered to proceed with the denial of the export license.

Quite contrary to what is said by the defendant, **we are not faced with a**
secret procedure that requires the establishment of special security measures
confidentiality, it is a regulated procedure, established by the norm and

whose control cannot be delegated exclusively to good will or good
make a body no matter how professional it may be and no matter how good intentions it
this have.

The basic principles of the legal system in a democratic State of
Law, are based precisely on the need that any action of the
administration can be audited by the citizens, and ultimately by the
Courts. Thus, based on article 9.3 of the Spanish Constitution, which reflects the
guarantee of *"responsibility and the prohibition of the arbitrariness of the powers*
and of article 103 CE that establishes that the *Public* Administration serves with
objectivity the general interests with full submission to the law and the Right, and
the general principles of law, highlighting among them here, the principle of good
administration, inescapably impose that if the regulations establish a
certain procedure to verify compliance with basic obligations,
intimately linked to the concept of democratic rule of law, and the
establishment of what throughout the lawsuit has been called "culture of
peace", as is the case of the procedure provided for in article 7 of RD 679/2014, **does not**
it makes sense to understand that some type of confidentiality can be established in the
the way in which the *"procedures that are followed for the detection of*
possible situations of violation of fundamental rights and conflicts in the
***international relations",* since such procedures cannot be other than those**
established in the law.

On the other hand, it must be reiterated here, given the counterpart's insistence on distorting
the purposes for which this association has requested the information object of this
procedure, that the interest of my client is not exhausted in a generic will
to know the requested information *"whether for the purpose of disseminating it, or*
be with the purpose of supervising the activity of the Government" as it is said in this
pulled apart. The weighting of conflicting interests that should have been carried out in the
contested resolution, must consider that the interests of GREENPEACE ESPAÑA in
this case, are linked to compliance with its statutes insofar as they require the performance
of actions that make it possible to establish a culture of peace, and more specifically in

this case, that through the requirement of compliance with the regulations, prevent countries like Saudi Arabia and the United Arab Emirates -- which according to news from the United Nations is provoking with its intervention in the war of Yemen multiple human rights violations--, could receive weapons manufactured in Spain in violation of the regulations that regulate these transactions. Interests that should be considered in a better condition than those that seem defend itself in the contested administrative action, which over and over again, seem seek to safeguard the commercial interests of the companies that carry out the arms sales. And this, to the point of pretending here that the legal procedures that verify that these transactions cannot be used to perform actions that disturb the peace, or to cause serious violations of the right international human rights or international humanitarian law, may be "confidential".

For this reason, this appeal must also be upheld.

FIFTH.- Regarding the intended application of the limit provided for in letter h) of Article 14 of the Transparency Law "Economic and commercial interests".

Aware the representation of the defendant of the serious defects that it suffers the contested resolution, again and again, the written answer to the demand to try to remedy its deficiencies.

We have already seen how this has happened in various ways: by trying to introduce new reasons for regulatory violation, as has been the letter c) *"Foreign relations"* of article 14.1 Law 19/2013; or ignoring other reasons that were considered in the agreement of March 10, 2020 -letter b) "The defense"-; trying to introduce by this way *ex novo* the judgment of proportionality that was not made over there; and now we also see that already without cracks the foreseen limit is directly invoked in letter h) of article 14.1 of the Transparency Law *"The economic interests and commercial".*

In the latter case, the defendant tries to justify said possibility –p.39-:

> *"The lack of express mention of letter h) of article 14 of the Law of Transparency does not stand as an obstacle to its invocation at headquarters jurisdictional, in defense of the appealed resolution as soon as that the appeal is directed against the denial of access and not against the specific reasons justifying the refusal.*

And cites in this sense the STS of February 12, 2018 (rec. 2817/2015), which in its feeling would allow such a proceeding because, according to that sentence, *"the resources both administrative as contentious administrative are formulated against the party dispositive of judicial acts and resolutions, not against their justification" and also "but it is not possible to substantiate the motivation and challenge it by itself although the operative part has been favorable to the claims deduced in the resource".*

Such an approach cannot be accepted by this party, which has already repeated on several occasions the material defenselessness that the contested resolution has caused the having been exposed the infractions that would be caused by delivering the requested documentation, with such generality, that it has had to build its claim extracting from mere normative invocations, or from loose phrases, the reasons why that the denial decision could have been issued. And as we have seen, it is not has stopped there, but throughout this writing of conclusions this part has been seen in the need to respond to the new arguments put forward by the representation of the defendant to try to overcome the defects of the agreement of 10 March 2020.

To this allegation of defenselessness and procedural deviation, must also be added the referring to the impossibility of applying the alleged jurisprudential doctrine to our case, insofar as it refers to a case in which the object of the appeal was not the operative part itself, --which had satisfied what was requested there by the plaintiff--, but rather to the reasons that supported the decision, hence the affirmation made in the judgment that it is not possible to *"substantiate the motivation and*

challenge this by itself." Something that is totally consistent with the system
normative.

Very different is the case that occupies us in that before the deficiencies of the act
administrative challenged, the defendant's representative has to try his
improvement and its correction over and over again to try to make up for its deficiencies. Admit
this possibility would make the entire Title III of Law 39/2015 useless, which under the
The epigraph *"On administrative acts"* regulates their content, their form, the obligation to
motivation, its conditions of effectiveness, or even the causes of nullity or
cancellation of the same. We must thus deny the possibility of "healing" the acts
defective administrative by the expeditious method of correcting them through the
written response to the claim. We are faced with a clear case of deviation
procedure that should lead to outright rejection of everything stated in the writ of
answer to the demand that maintains that claim.

Even so, and even if it had been the contested decision that had raised
this cause of limitation of access, it should be noted that it would not have been possible either
admission.

In the first place, and as regards the approach to the issue in the brief of
response to the request:

> *"This being the case, in the case that concerns us there is a double reason for the application of the limit established in letter h) of article 14 of the Law on Transparency, since access to the documentation presented by the plaintiff would endanger both the economic and commercial interests of Spain, as those of the exporting entity".*

It should be noted that insofar as the economic and commercial interests of the entity
exporter, this company has had the opportunity to respond to the demand, as
as provided in the Ordination Diligence of February 18, 2021, when it was
He granted a period of twenty days for him to do so, and yet he did not do so.
This part understands that if there has been any type of impediment or possible

prejudice to these private interests of the aforementioned merchant, this would have had to be the right time to defend them, he did nothing in that regard, which should lead to understand that no harm could be caused as a result of the delivery to my principal of the requested documentation.

In any case, and as the regulations also allow and even this part highlighted manifest in the lawsuit, any possible damage of this type could have been avoided through partial access, in which, for example, it was avoided to provide the price supplies, a reference made because this is one of the points on which The answer to the lawsuit understands that such damages could be produced to the commercial or economic interests.

Regarding the possible affectation to the economic and commercial interests of Spain, is provided to the answer to the claim as document one -in support of this allegation-, a Report on Spain's relations with Saudi Arabia and the Emirates United Arab Emirates, issued by the General Directorate of International Trade and Investments, of the same Ministry of Industry, Commerce and Tourism. In said report An extensive explanation of the importance of the economic relations of Spain with the two countries referred to in the request for information.

Regarding economic relations with Saudi Arabia, it begins by noting that It is the economy with the greatest weight in the Middle East, with an estimated GDP of 812,000 M$ in 2019. It is emphasized that Saudi Arabia *“is the first commercial partner of Spain in the Middle East, the second Arab investor and Spain and the second destination of Spanish investments in the Arab world”.*

Below is a list of the level of Spanish exports to this country it seems that after two consecutive years of increase, something has been seen reduced between January and November 2020 as a result of the pandemic caused by COVID-19. It is also mentioned that Spanish imports in the years 2018 and 2019 did nothing but increase.

The extraordinary relations between the two countries seem to have led to obtain contracts for the execution of emblematic projects such as the AVE to Medina and to Mecca or 3 subway lines from Riyadh, projects to build the largest desalination plant with reverse osmosis technology, the supply of five corvettes to the Royal Saudi Naval Forces, or the support and maintenance contract for the fleet of 6 aircraft MRTT A330.

In its section II . on economic relations between Spain and the United Arab Emirates, we are told that this country is one of the most important economies in the region of the Arabian Gulf, with a GDP of $378,600 million, that Spanish exports to this country reached €1,887 million, making the UAE the first destination of our exports in the Middle East. And also as a result of the "extraordinary relations between the two countries" Spanish companies have achieved success important in the award of projects in recent years: two key projects in hand for the state company ABU DHABI NATIONAL OIL COMPANY, the expansion from the metro line to the Expo 2020 site, a hospital, the Museum of the Louvre in Abu Dhabi, or a luxury residential in Abu Dhabi, desalination plants, solar parks… and in the defense sector the report highlights the sale of 5 C-295 transport aircraft units manufactured in Seville . los Airbus Defense and Space and previously 3 Airbus A-330 MRTT aircraft.

Of this flourishing trade relationship between Spain and both countries, the letter from response to the claim seems to draw the conclusion that the advertising of the details of the commercial operations in the field of armament *"would suppose a loss of confidence in Spain as a trading partner, which will necessarily would suffer in the bilateral relations between both countries".*

Such an approach, this part understands, is totally contrary to our legal order, and it turns out also arbitrary, as the issue is elucidated here is a question of legality, whether or not the Ministry of Commerce should deliver the requested documentation under the transparency regulations and rest of the applicable legislation, in such a way that if it were to answer with the legality

Spanish, it would not be possible to address the reasons that are indicated otherwise as basis for the denial. Note that we are offered information on the sale of various corvettes, fighter planes and other weapons to these countries, and Curiously, we are denied the one related to the artillery ammunition manufactured by Expal Systems and destined for these countries, ammunition, which on the other hand, the mercantile advertises on its website as revealed in the lawsuit.

Finally, and on this issue, it only remains to point out that according to what is alleged in the application, the document provided by the defendant as document 2 of the brief of response to the demand, consisting of the form that must be filled out by the armament builders to apply for Material Transfer Licenses of Defense and Dual Use, allows to certify, also by this means, that the requested documentation must be delivered to this party, since the configuration of the printed allows you to select which data can be delivered and which data cannot be, and thereby proceed to the partial delivery of the documentation that also contemplates the regulations invoked in the lawsuit.

SIXTH.- Violation of the provisions of the First Additional Provision of the Law 19/2013, since in our case there is no “specific legal regime for access to at the information".

The contested resolution also mentioned the possibility of accessing the data statistics of arms sales through an internet link that also facilitated. In some points of the brief answering the claim, it is also endorsed this idea.

This approach is, however, rejected in the lawsuit, invoking the recent jurisprudence contained in the judgments of June 11, 2020 and December 15, October 2020 that have come to point out what requirements must be met to understood that there is a specific legal regime for access to information that could exclude access through the channels provided for in the transparency law.

conclusions, such jurisprudence has only confirmed itself and thus it is possible also now cite the STS of March 8, 2021 -RC 1975/2020- in which you can file:

> *"The doctrine established in the transcribed judgment, in the sense that certain sectoral regulations that partially affect the right to access to partial information do not constitute an alternative regime that displaces the Transparency Law, we have subsequently reiterated it in several occasions such as the judgments of October 10, 1020 (RC 3846/2019), November 19, 2020 (RC 4614/2019), December 29, 2020 (RC 7045/2019) and January 25, 2021 (RC 6387/2019)."*

The tendency of the aforementioned jurisprudence to rule out that certain systems partial access to information contemplated in the legislation prior to the law of transparency could replace the guarantees and principles of Law 19/2013, such as we see is clear and decisive, in the sense of considering that they ***"do not constitute an alternative regime that displaces the transparency law."***

In our specific case, the lawsuit made a detailed analysis of how the regime of access to this information established in Law 53/2007, could not be considered in no case as an "alternative regime", basically, by referring to such a law in exclusively to what the current transparency law calls "active advertising" that does not does not consider at all the "right of access to public information", regulated in the Chapter III, of Title I, of the much-cited Law 19/2013.

The most evident proof of the insufficiency of the information access system foreseen in law 53/2007, and that it is not at all in line with the current transparency requirements established after law 19/2013, we offer the information appearing in eldiario.es on May 11, 12 and 13, 2021, which was alluded to in the first conclusion, where it was even credited that neither Not even the statements of the Secretary of State for Commerce made in her appearance in Congress, were correct, as they had not been taken into account

certain arms transactions.

Therefore, the nullity of the contested agreement must also be declared and with it uphold the present contentious-administrative appeal.

SEVENTH.- On the motivation of the appealed decision.

The answer to the claim is addressed by a FOURTH section in which it claims that the Motivation vices of the appealed resolution can not be considered more than as a “non-invalidating irregularity”.

As has been invoked throughout the application brief and now in this conclusions, quite contrary to what was claimed to be adverse, we find ourselves in this assumption of a clear cause of radical nullity of the contested agreement, since as It has been said so many times, with such a defect, not only has this part been provoked clear defenselessness, but also rights and freedoms have been violated susceptible to constitutional protection, as has been the freedom of expression of my sponsored, a matter widely exposed throughout this writing.

Thus, the nullity of the contested decision must be declared and the conviction proceeded. of the Administration to deliver to GREENPEACE ESPAÑA the requested documentation, in the terms that were set in the request of the demand.

For all the above,

I REQUEST THE ROOM: that by means of this document and accompanying copies it has presented the **SHORT CONCLUSIONS referred** to in article 64 of the Law Jurisdictional Court, and issue a judgment in accordance with the appeal of the claim brief.

OTHERWISE I SAY, that this document is presented the business day following the expiration of the term.

AGAIN I REQUEST THE ROOM, consider the previous statement to be made to the effects of the provisions of article 135 of the LEC.

For being all of this justice that I ask in Madrid on May 24, 2021.