

Article Summary and Score

Source: OKDiario (April 9, 2025)

Title: “El caso Aznalcóllar salpica a una figura clave de María Jesús Montero: 348 años de cárcel en juego”

Author: Borja Jiménez

Link: [Read Article](#)

Total Score: **+** +7 → **Courtroom Admission of Scoring Manipulation; Post-Award Violations Confirmed**

Summary

This article marks a judicial breakthrough by confirming formal courtroom testimony that Emerita was improperly scored during the Aznalcóllar tender process. Manuel Gil Calderón, a senior official in the Junta of Andalucía, testified that Emerita’s bid should have received 40% more technical points due to its inclusion of a water treatment plant (PTA)—a discrepancy that was not reflected in the final evaluation. Gil Calderón further confirmed that, had the correct score been applied, Emerita would have won the tender.

Though this 40% mis-scoring had been referenced in previous legal filings, today’s formal courtroom admission cements this issue as a matter of public record, providing official legal weight to Emerita’s claims.

The article also documents several post-award violations by Minera Los Frailes, a company formed by Grupo México after winning the tender. These violations include:

- The addition of a water treatment plant 10 years after the original bid.
- The introduction of tailings structures and mineral deposits that were never included in the original bid and did not undergo mandatory environmental procedures.
- Failure to secure the Urban Compatibility Report (ICU) and insufficient environmental impact studies.
- A lack of compliance with Natura 2000 regulations that are required for European ecological protection.

In addition, the 348-year prison sentence request by public prosecutors underscores the criminal severity of the case, with potential legal ramifications for all involved.

The article further ties Vicente Fernández Guerrero, one of the primary defendants, to María Jesús Montero, Spain's Minister of Finance, amplifying the political stakes of the case.

Scoring Breakdown (Investor Lens)

+3 | Courtroom Testimony Confirms Scoring Miscalculation Cost Emerita the Tender

- **Detail:** Manuel Gil Calderón confirmed that Emerita should have received 40% more technical points for including the water treatment plant (PTA), and that this mis-scoring directly resulted in Emerita losing the tender.
 - **Why it matters:** This is the strongest factual validation of Emerita's position to date. It confirms that the issue was not a matter of interpretation or subjective judgment but a clear procedural and mathematical error that altered the tender's outcome. The courtroom admission elevates the case from mere argument to verified legal fact.
 - **Score:** +3
-

+2 | Post-Award Modifications to Winning Bid Confirm Legal and Environmental Breaches

- **Detail:** The awarded company, Minera Los Frailes, made substantial changes to its technical proposal after the award, including adding a water treatment plant, unapproved tailings, and missing environmental documentation.
 - **Why it matters:** These post-award violations are illegal under Spanish concession law, which prohibits bidders from altering their projects after a tender has been awarded. The confirmation that the winning bid was non-compliant with key legal and environmental standards strengthens Emerita's legal claim that the process was compromised.
 - **Score:** +2
-

+1 | Prosecutors Seeking 348 Years of Combined Sentences


- **Detail:** The article notes that prosecutors are requesting a combined 348 years in prison for the defendants.
- **Why it matters:** This signals criminal severity in the case, suggesting that the judicial system is treating the process failures and alleged misconduct as systemic, not minor errors. For investors, this increases the likelihood of judicial and regulatory corrective

actions against the defendants, particularly if the case proceeds to conviction.

- **Score:** +1
-

+ +1 | Political Exposure with Montero Connection

- **Detail:** Vicente Fernández Guerrero is described as a close political ally of María Jesús Montero, the Minister of Finance.
 - **Why it matters:** The connection adds a layer of political exposure to the trial. The stakes are now not only judicial but institutional. The case, originally viewed through a purely legal lens, now carries political ramifications, raising the potential for national-level scrutiny and potential accountability for political figures.
 - **Score:** +1
-

 **Total Score:** + +7 → Highest-Impact Article to Date in Support of Emerita's Legal Position

Investor Interpretation: From Argument to Evidence—Legal and Procedural Shifts

This article represents a critical turning point in the Aznalcóllar case. For the first time, official testimony under oath confirms the exact mis-scoring that led to Emerita's exclusion from the tender. This moves the case from speculation about potential errors to documented legal fact.

The 40% mis-scoring admission serves as a cornerstone for Emerita's position and could have profound implications for the court's eventual ruling. Post-award violations by Minera Los Frailes further confirm that the original award was not only procedurally flawed but illegally granted in some respects.

For investors, this article represents an important watershed moment, significantly improving the likelihood that the case will result in a corrective judicial action. The legal landscape has shifted dramatically in Emerita's favor here.