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Date: 10/01/2012 13:53
Subject: New Case ACCC/C/2011/63

Dear Ms Marshall,

We acknowledge receipt of the new communication with the reference ACCC/C/2011/63 of „Vier Pfoten“ against Austria in relation to alleged non compliance with Articles 3 and 4 of the Aarhus Convention. You indicate in your letter of 22 December 2011 that the ACCC has preliminarily determined the communication to be admissible.

We would, however, like to draw the attention of the ACCC to the still pending case ACCC/C/2010/48 which basically touches upon the entire Austrian legal system in relation to the question of compliance or non compliance with the third pillar of the Aarhus Convention. We (like the communicant himself in his communication on page 5) consider this new communication to be rather an additional element to the issues covered by the ongoing horizontal case ACCC/48. As you know in this case both the communicant (Ökobüro) and the Party concerned repeatedly submitted additional and complementary elements/information in view to further clarifying and solving the matter. Due to the length and complexity of this case we would presently rather refrain from continuing or extending the issues in question with an additional communication on this matter. Furthermore we don't consider it correct to submit a new communication and base key elements of it on „draft findings“ in a pending case (case ACCC/48).

In the light of the above arguments, we would, therefore, like to ask the ACCC to reconsider allowing communication ACCC/C/2011/63 to be admissible bearing in mind that its main concerns might be covered by pending case ACCC/48.

With best regards,
Lieselotte Feldmann
AT Aarhus Focal Point

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Federal Ministry of Agriculture, Forestry, Environment and Water Management

Our vision: Sustainable for nature and mankind.

[attachment "Communication to the Aarhus Convention Compliance Committee.pdf" deleted by Maryna Yanush/UNECE/GVA/UNO] [attachment "toAT_C63_2011_fwdCommunication.pdf" deleted by Maryna Yanush/UNECE/GVA/UNO] [attachment "DatasheetC63_2011_Austria.pdf" deleted by Maryna Yanush/UNECE/GVA/UNO] [attachment "DeterminationOnAdmissibilityC63_2011.pdf" deleted by Maryna Yanush/UNECE/GVA/UNO]