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22 December 2011

Ms. Lieselotte Feldmann
Federal Ministry of Agriculture, Forests,
Environment and Water Management
General Environmental Policy Dept./
EU Affairs Environment
Stubenbastei 5
1010 Vienna, Austria

Dear Ms. Feldmann,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Austria with provisions of the Convention in connection with access to justice in administrative penal and judicial criminal proceedings regarding contraventions of national law relating to the environment (Ref. ACCC/C/2011/63)

On 1 December 2011, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication addressed to the Convention's Compliance Committee. The communication concerns compliance by Austria with provisions of the Convention in connection with access to justice in administrative penal and judicial criminal proceedings regarding contraventions of national law relating to the environment. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

Please find enclosed a copy of the communication, which is being forwarded to you at the request of the Committee in accordance with the provisions of paragraph 22 of the annex to decision I/7.

The communication has been registered under the symbol ACCC/C/2011/63, which you are invited to cite in future correspondence on the matter. The main documentation relating to the communication will be shortly available on the Committee's web site at: <http://www.unece.org/env/pp/pubcom.htm>.

The Compliance Committee, having considered the admissibility of the communication at its thirty-fifth meeting (13-16 December 2011), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

Having regard to paragraph 23 of the annex to decision I/7, you are kindly invited to submit to the Committee, as soon as possible but at the latest within five months of the date of this letter, namely **22 May 2012**, any written explanations or statements clarifying the matter referred to in the communication and describing any response that may have been made in the meantime.

Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,



Fiona Marshall
Acting Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of Austria to the United Nations Office and other International Organizations in Geneva
Mr. Josef Unterweger, legal representative of Vier Pfoten – Stiftung für Tierschutz gemeinnützige Privatstiftung, Austria

Encs. Communication ACCC/C/2011/63 (including annexes)
Preliminary determination on admissibility
Datasheet on the communication