

## **Austrian Statement concerning the findings and recommendations with regard to communication ACCC/C/2011/63**

With respect to the findings and recommendations regarding the communication ACCC/C/2011/63 concerning compliance by Austria, adopted by the Compliance Committee on 27 September 2013, the Party concerned wishes to express that

- 1) Paragraph 64 states that access to administrative or judicial procedures for members of the public “may be pursued through avenues within or beyond penal/criminal law”. We understand this statement in the sense that at national level this provision may be implemented in the appropriate (administrative) laws relating to the environment to comply with the Convention, thus pursuing “avenues beyond penal/criminal law”. Such approach would also reflect paragraph 29 of case ACCC/C/2005/11 stating that “whether the decision should be challengeable under article 9, paragraph 2 or 3, is determined by the legal functions and effects of a decision”, thus not requiring that any and all decisions in the environmental law system of a Party should be challengeable but only those with specific legal functions and effects.
  
- 2) When addressing the recommendations in ACCC/C/2010/48, the Party concerned will also strive to cover the findings/recommendations of the present communication.

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