

UNECE Aarhus Convention, Decision VI/8b concerning Austria, statement on behalf of Austria in the follow-up of the open session of the Compliance Committee's 71st meeting (7 July 2021)

As referred to during the open session, Austria hereby informs the Committee on the infringement procedure launched by the European Commission (no. 2014/4111) on granting access to justice to the public in environmental matters with regard to Article 9 (3) of the Aarhus Convention. The procedure has started since 2014 when the Commission issued a letter of formal notice in relation to the areas of waste, water, air quality and nature protection. In June 2021 the Commission issued an additional letter of formal notice and Austria has been given the deadline at the beginning of October to deliver its reply to the Commission.

By the additional letter of formal notice, the Commission raises concerns in a detailed manner on the legislation at federal and provincial level which entered into force to encompass the shortcomings of granting access to justice mainly to environmental organisations in specific environmental procedures. These concerns relate to the Waste Management Act (Abfallwirtschaftsgesetz 2000), the Water Right Act (Wasserrechtsgesetz 1959), the Air Pollution Control Act (Immissionsschutzgesetz-Luft) as amended by the Aarhus Participation Act (Aarhus-Beteiligungsgesetz 2018) as well as the provincial laws amending the nature and species protection legislation. Furthermore, the Commission questions the lack of access to justice when it comes to regulations both at federal as well at provincial level and to specific plans and programmes by public authorities.

Over the summer period the different Ministries and the Provinces, within their competences, will evaluate the concerns raised by the Commission and will consider on how to respond in the reply that will be submitted to the Commission by the beginning of October. At the federal level this will include the Waste Management Act, the Air Pollution Control Act and the Forestry Act.