

Statement of OEKOBUERO – Alliance of the Austrian Environmental Movement on the behalf of the European ECO Forum regarding item 7(b): Draft decision VII/8b concerning compliance by Austria

7th Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

OEKOBUERO welcomes the work of the Aarhus Convention Compliance Committee, its report and draft decision VII/8b with regard to compliance by Austria.

OEKOBUERO is convinced that the compliance mechanism is one of the most effective tools to achieve the improved implementation of international treaties. We appreciate the work of the Compliance Committee, the secretariat, the delegations of the Parties to the Convention, the delegation of Austria in particular, and the efforts of civil society, which works towards the implementation of the Convention.

Almost ten years after the Compliance Committee's findings and recommendations regarding access to justice in Austria, it is disappointing that Austria still fails to comply with the Convention.

OEKOBUERO acknowledges the progress made in the last intersessional period with amendments in different sectoral laws. However, access to justice is still the exception, not the rule in Austria.

1. There are many legal fields like climate change, spatial planning or road construction without any regulations providing for access to justice below the EIA threshold.
2. In areas such as water, waste or nature conservation access to justice is restricted to a small number of procedures, whereas the public is blocked from many other procedures.
3. Finally, new barriers on access to justice were implemented recently, such as new restrictive registration requirements for environmental organizations and recent jurisprudence of the Highest Administrative Court blocking NGOs from substantive review.

We are aware of the political challenges implementing the Convention in Austria due to the resistance of most political parties and stakeholder groups.

However, Austria ratified the Aarhus Convention and has an obligation to the other Parties and Austrian citizens to comply with this treaty. We therefore call upon Austria to seriously strengthen its efforts towards implementing effective access to justice in Austria. And as civil society organizations, we need support of this compliance mechanism now, and in the future.