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10 November 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 environmental matters in general (ACCC/C/2010/48)

Please find enclosed the revised draft findings of the Aarhus Convention Compliance Committee regarding communication ACCC/C/2010/48 (Austria).

At its thirty-fourth meeting (Geneva, 20-23 September 2011), the Committee proceeded to finalize its draft findings in closed session, taking into account the comments received from the Party concerned and the communicant on 7 and 16 September 2011 respectively. It noted that the comments received by both parties shed light on several aspects of the facts, which had been insufficiently represented by the communicant in its communication and subsequently in its written and oral submissions, and were incorrectly reflected in the Committee's draft findings.

Due to the substantive changes introduced in the text of its findings, the Committee requested the secretariat to send the new draft findings to the Party concerned and the communicant for possible comment. In deciding to take the unprecedented step of circulating a new set of draft findings, the Committee stressed that that was an extraordinary event in light of the particular circumstances.

The draft findings are now forwarded at the request of the Committee for your consideration and possible comments pursuant to paragraph 34 of the annex to decision I/7. The Committee intends to finalize and adopt the findings at its thirty-fifth meeting (Geneva, 13-16 December 2011). Hence, we would be grateful if you would provide any comments by **10 December 2011**. In finalizing the findings, the Committee will take into account any comments you submit on the draft by the set deadline.

As with the original draft findings, the text has been drafted on the assumption that your Government agrees with the Committee making recommendations in accordance with paragraphs 36 (b) and 37 (b) of the annex to decision I/7. If this is not the case, please indicate this in your reply. The Committee considers that the making of recommendations directly to the Party concerned during the intersessional period, coupled with

timely action by the Party to implement such recommendations, would enable the matters to be resolved in the most expeditious way.

Should you have any questions with regard to the procedure, please do not hesitate to contact the secretariat.

Yours sincerely,



Fiona Marshall

Acting Secretary to the Aarhus Convention Compliance Committee

cc: Permanent Mission of Austria to the United Nations Office and specialized institutions in Geneva
Mr. Markus Piringer, Managing director, OEKOBUEO, Austria
Mr. Thomas Alge, Head Environmental Law, OEKOBUEO, Austria

Enc: Revised draft findings on communication ACCC/C/2010/48