

COMMISSION EUROPÉENNE

DIRECTION GÉNÉRALE

ENVIRONNEMENT

Direction A - Communication, affaires juridiques et protection civile

ENV.A.2 - Infractions



Bruxelles, le 30 -11- 2007
ENV A.2 HM/amj D(2007) - 21681

Heger & Partner
Dr. Susanne Heeger
Eslinggasse 17/9
A-1010 Wien

Ref.: complaint 2006/4959 – your letter of 12 November 2007 protesting against the conduct of proceedings

Dear Ms. Heeger,

Thank you for your letter of 12 November 2007 addressed to Commissioner Dimas and me. The Commissioner asked me to reply to you directly.

As you are aware, the Commission has opened infringement proceedings against the Republic of Austria concerning Vienna Airport. In the course of the proceedings, Austria has agreed to elaborate a detailed concept for an ex-post EIA which is now under analysis.

The complainants appeared in principle to have understood and accepted this approach, as for instance in the meeting of 14 August 2007. The Commission and the Austrian authorities are on the way to implement the correct solution in line with the objectives and requirements of the EIA Directive and to the benefit of the environment.

On the basis of the analysis of this concept the Commission will prepare the next procedural steps.

It is not correct that the Commission had granted Austria numerous time extensions. Only one deadline was extended one time but only by a fortnight from end of October to mid November. As outlined above, several consecutive steps in a process were followed, marked by several deadlines. All these deadlines made sense and were reasonably set. Each step built upon the previous one. The complainants were to some extent closely involved in this process.

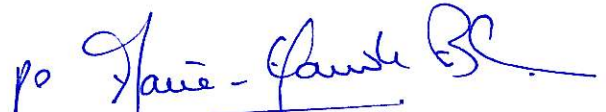
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\\S-env-004\17\A2\4.4 Legal Control\4.4.3 Cases\AT\2006\2006-4959\answer Heeger to 18739 and 18546 and CAB 3254 draft 07 D 21681.doc

The reasons why a reasoned opinion will not be addressed to Austria before Christmas have nothing to do with the specificities of this case but are based on a general decision taken by the Commission which affects all Commission infringement cases in the same way. In particular, the Commission has decided to reorganise its system of decision-making on infringements, with effect from January 2008. Quarterly meetings with a high volume of cases will be replaced with more frequent meetings handling lower volumes. In preparation of the new system, the usual end-of-year quarterly infringements meeting will not take place in 2007.

The next decision in the current Austrian case will be brought to the complainants' attention as soon as possible.

A handwritten signature in blue ink, appearing to read 'po Julio - García Burgués', with a long horizontal flourish extending to the right.

Julio GARCÍA BURGUÉS
Head of Unit