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GENERALDIREKTION

UMWELT

Direktion A - Kommunikation, Rechtsangelegenheiten und Bevölkerungsschutz  
ENV.A.2 - Vertragsverletzungen

Brüssel, den 28 AVR. 2008

ENV A.2 HM/amj D(2008) - 7078

Dr. Susanne Heeger  
Dr. Martin Ulrich Fischer  
Esslinggasse 17/9  
A-1010 Wien

**Ref.: Infringement proceedings 2006/4959**

Dear Dr. Heeger,  
Dear Dr. Fischer,

thank you for your letter of 9 April 2008 to Commissioner Dimas who asked me to reply directly to you.

As you are aware, in this infringement procedure the European Commission has taken the line that infrastructural projects constructed around Vienna airport since 1999 required an EIA including the Skylink terminal. Therefore a letter of formal notice was addressed to Austria on 23 March 2007.

In the course of the proceedings, Austria had agreed in negotiations with the Commission to elaborate a detailed concept for an ex-post EIA which, after detailed discussions, was finally delivered on 14 March 2008.

This approach had previously been discussed with the complainants as for instance in the meeting of 14 August 2007 and had found their principle agreement.

The concept of an ex-post EIA was produced by an external consultant and finally published on the internet in order to ensure a transparent procedure. The Commission was satisfied that this concept which will lead as closely as possible to a simulation of an ex-ante EIA to be carried out within the time frame of approximately one year as indicated in the published version of the concept, will finally allow to assess the effects the airport extensions since 1999 including the Skylink, might have on the environment. The EIA, as stipulated in Art. 4 of the Directive will be carried out following the criteria

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and the procedures laid down in Art. 5 to 10 of the EIA Directive as far as this is possible with respect to its nature of being an ex-post EIA.

The EIA will undergo public consultation as described in point 10.2. of the concept. The findings of the EIA will be effectively implemented as outlined in point 8.10 of the concept.

The Commission will keep the infringement procedure open and follow the EIA procedure whilst Austria will regularly report on progress. The Commission will only propose the closure of the infringement procedure after the ex post EIA has been carried out and possible compensation measures which may result from the EIA have been implemented.

Kind regards

  
Julio García Burgués