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Ombudsman calls on Commission to rectify deficiencies in Vienna airport investigation

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The European Ombudsman investigates complaints about maladministration in the EU institutions and bodies. Any EU citizen, resident, or an enterprise or association in a Member State, can lodge a complaint with the Ombudsman. The Ombudsman offers a fast, flexible and free means of solving problems with the EU administration.

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The European Ombudsman, P. Nikiforos Diamandouros, has called on the European Commission to correct deficiencies in its investigation of complaints against Austria concerning Vienna airport. This follows complaints from 27 Austrian citizens' organisations concerning the absence of an environmental impact assessment (EIA) for several airport extensions. During his own investigation, the Ombudsman repeatedly pointed to problems with the EIA, which was eventually carried out retrospectively, including a potential conflict of interest involving the Austrian authorities. Since the Commission failed to act on the Ombudsman's findings, he decided to submit a Special Report to the European Parliament.

Missing environmental impact assessment for extension of Vienna airport

In recent years, Vienna airport has been extended through the construction of several building projects. Twenty seven Austrian citizens' organisations lodged an infringement complaint with the Commission, arguing that the Austrian authorities had not carried out an environmental impact assessment (EIA) as required by EU environmental law. Since most of the projects had already been completed, the Commission asked the Austrian authorities to carry out an EIA retrospectively, with a view to potential compensatory measures.

During his investigation of the case, the Ombudsman repeatedly identified problems with the retrospective EIA. Firstly, he pointed out that the Ministry entrusted with carrying it out had itself issued some of the permits for the project. The Ombudsman shared the complainants' view that this situation might involve a conflict of interest.

Secondly, the Ombudsman found that the citizens' organisations were justified in criticising the Commission for failing to deal properly with their claim for access to a review procedure.

The Ombudsman concluded that the Commission failed to take appropriate action, when faced with a clear infringement of EU law. He therefore sent a Special Report to the European Parliament, asking for its support in persuading the Commission to correct its approach in this case.

The Special Report is available at:
<http://www.ombudsman.europa.eu/cases/specialreport.faces/en/11558/html.bookmark>