

WRITTEN QUESTION E-1965/99

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to the Council

Subject: EU project 'Natura 2000' - Repercussions on the situation of individuals under private law

The Federal State of Lower Austria has registered 31.63% of its total surface area under the EU project 'Natura 2000'. Under this project, the Member States are obliged to ensure compliance with the directive on the preservation of bird life and the 'flora-fauna-habitat directive' in the designated areas. In drawing up the corresponding lists of designated areas, most landowners were neither asked nor informed even though this entails major restrictions on property rights and use. In view of this, can the Council answer the following questions:

1. What department or agency in the EU is responsible for the implementation of this project?
2. Which areas have been registered for the 'Natura 2000' project in the various Austrian federal states and in Lower Austria in particular?
3. What are the consequences for landowners? Can the Council provide detailed information in this regard?
4. What legal provisions are there for owners of land in 'Natura 2000' registered areas to opt out of the project?
5. Can a local authority which has registered under the 'Natura 2000' project withdraw such a registration?
6. What are the consequences for landowners in such cases?
7. Were the 'Natura 2000' project and the associated problems relating to financing and compensation discussed in the Council of Ministers?
8. Are the actions of the Federal State of Lower Austria in registering certain areas under the 'Natura 2000' project without the prior consent of landowners compatible with current EU law?
9. If not, what does the Council intend to do about these illegal actions?
 - (a) To what extent are landowners, who are affected by the actions of their Federal State of Lower Austria which are incompatible with EU law, obliged to comply with the provisions restricting property rights contained in the abovementioned directives?
10. If so, is the Council of the opinion that these actions are at least questionable in the light of the provisions of the ECHR (restrictions on the rights of property owners, independence of authorities interfering with the rights of individuals under private law)?