

Energy Efficiency

In July 2014 the Federal „Energy-Efficiency-Package“ (*Energieeffizienzpaket des Bundes*) implementing the Energy Efficiency Directive 2012/27/EC was adopted.¹ The package most notably includes the Federal Energy Efficiency Act (*Energieeffizienzgesetz des Bundes*). The law introduces i.e. an energy saving obligation scheme and binding energy audits for enterprises: Large companies (more than 249 employees, turnover over 50 million €) are obliged to conduct an external energy audit every four years or will have to set up a certified energy management system. Energy suppliers have to undertake energy saving measures amounting to 0.6 per cent of their total energy supply to end consumers in Austria in the previous year; at least 40% of the saving has to be achieved at household level. Measures have to be documented and reported to a national monitoring body. Suppliers can choose to contract energy efficiency measures via tenders. Suppliers that delivered less than 25 GWh of energy to end consumers in Austria in the previous year are exempted from the obligation. The Energy Efficiency Act provides for administrative fines (fines ranging from EUR 10.000 to EUR 100.000) and compensation measures (20 cEUR per kWh) in case required energy efficiency measures have not been taken or reporting obligations are not met.

Access to Justice

In light of the findings and recommendations of the Aarhus Compliance Committee regarding Art 9(3) of the Aarhus Convention the Minister for the Environment has announced to seek for possibilities to improve access to justice in environmental matters for environmental NGOs in the areas of competence of the Environment Ministry (most notably EIA and water management). With regard to access to justice in the field of nature conservation the provinces will have to take measures.

A preliminary ruling of the CJEU regarding access to justice in EIA-screening decisions matter (C-; C-570/13, *Gruber*) promoted the debate on changes in the Austrian legal framework regarding access to justice. Most recently the Opinion of GA Whatelet in C-137/14 regarding provisions on preclusion has received widespread attention.

¹ BGBl. I Nr. 72/2014.