

Questions for States

1. Please provide information on how the principle of accountability is defined and applied in the legal, policy and institutional frameworks, particularly to ensure the realization of the human rights to safe drinking water and sanitation.

The Republic of Austria (federal government, federal provinces and municipalities) is committed to the supply of water as an integral part of all services of general interest and to its responsibility to ensure their provision and quality. This is laid down in the “Federal Constitutional Act on sustainability, animal protection, comprehensive environmental protection, on water and food security as well as research”.

By defining those issues as responsibility of the state (at all levels), the intention of this provision is to counter the trend to extend deregulation of the market to public services.

2. Please describe **challenges or gaps** identified in the application and implementation of the principle of accountability to ensure the realization of the human rights to safe drinking water and sanitation. How have these challenges and gaps been addressed?

None.

3. Please describe how and where (law, policy, administrative documents) the **roles and responsibilities of the actors** involved in the provision of water and sanitation services are defined in accordance with the normative content of the human rights to safe drinking water and sanitation. In other words, how are defined the roles of the actors responsible for the accessibility, availability, affordability, acceptability and quality of water and sanitation services in an equal and non-discriminatory manner.

In Austria, the organisation/provision of water distribution and waste water disposal can be defined as local/decentralised. It is characterised by small scale structures and a big number of (mainly small) distribution and disposal plants.

In Austria, water distribution is provided by about 1.900 municipal plants, 165 water suppliers and about 3.400 (very) small water-cooperatives according to Federal Austrian Water Act. Waste water disposal systems are mostly publicly owned, run by publicly controlled companies or run by water-cooperatives governed by public law.

Water distribution and waste water disposal is regulated by laws of the **Federal Provinces**, mainly executed by the **municipalities**.

These municipalities are allowed by law to price the use of water distribution and waste water disposal plants with fees/charges. The fee/charge has to be appropriate for the benefit. For this reason, municipalities pass scales of fees/charges. The subject to fees/charges can request that the fee/charge is determined via administrative decision. Against this decision the subject of the fee/charges can start an administrative procedure as a remedy measure. In general applies, as soon as there are problems related to any legal aspects according to water supply and water disposal the person concerned has the right to start an administrative procedure. The municipal administration is the competent authority. Consequently, the person concerned also has the right to file a complaint at the Austrian Administrative Courts and later even at the Supreme Administrative Court.

In Austria, it is stated by the Federal Austrian Water Act a compulsory connection to main services regarding public water supply plants as far as it is necessary to protect interests of non-profit-making water distribution companies. More detailed provisions are to be set by the Federal Provinces. They also establish laws about compulsory connection to wastewater disposal plants and exemptions to it. On that basis, there is often the obligation to sponsor the construction, service and maintenance of waste water disposal plants.

The use of water is measured by calibrated water meters. The local council determines the rate.

The rate for water supply and waste water disposal is levied as fee/charge. Payments are organised into repeating fees/charges for use for covering the operating costs and one-time fees/charges for the connection and the making available of infrastructure.

With these provisions the obligation of full cost recovery demanded by the EU Water Framework Directive 2000/60/EC is implemented in Austria.

4. Please provide information on existing performance standards, and monitoring and assessment mechanisms to ensure accountability for actions of the State that affect the enjoyment of human rights to safe drinking water and sanitation of people both within and outside its borders.

In Austria, water management is based on the National Water Management Plan which demands a risk assessment that shows the direction for necessary state actions as well as the goals to achieve. The necessary measures taken are based on water quality standards concerning inter alia untreated water/raw water. As a consequence, there is a state monitoring system in place which also covers transboundary water bodies. The same applies for water for human consumption.

According to the Austrian Water Act all water installations have to meet specific standards, in the sense of best available techniques. These installations need an authorisation by the competent authority which only grants the authorisation when the plant meets the up-to-date best available techniques. As a consequence, the holder of the authorisation (operator) has to inspect the installation regularly and has to prepare a report. In addition, the competent authority has the possibility to inspect plants on its own terms (part of monitoring system).

5. In situations where non-State actors provide water and sanitation services, how does the State ensure accountability for the actions of those actors? What documents and mechanisms exist to define the responsibilities and performance

standards of non-State actors, and to **monitor and assess** their behaviour in a transparent and objective manner?

The above listed provisions are valid for state actors as well as for non-state actors.

Finally, the municipality stays in charge of the water pricing policy, also in these cases.

Answerability

6. Please provide specific examples of cases where the **State provided reasoned justifications for their actions and decisions** to those whose human rights to safe drinking water and sanitation were affected.

no cases known

7. Please provide specific examples of good practices on how individuals and groups – including those who are particularly hard to reach – are **informed of available accountability mechanisms**, and what measures exist to **support and empower** them to access and utilize those mechanisms.

Information is given by websites of municipalities, water suppliers, the Austrian Association of water suppliers and waste water disposal suppliers. Among other things, they give information about the Austrian water supply companies, about water quality, about the level of connection to water supply plants and to waste water treatment plants, they provide printed forms and so forth. (e.g. www.wasserwerk.at)

This issue is also essential for public relations of the Federal Ministry of sustainability and tourism. Alongside the Ministry's homepage, there is also an information platform called "generation blue" (www.generationblue.at) in order to inform especially the younger generation about water quality, water supply, waste water disposal and so forth.

The platform www.wasseraktiv.at provides up-to-date information about the precious resource, about new projects based on the Water Framework Directive and about related events. It is also the platform for active participation for interested parties according to EU Water Framework Directive.

8. Please provide examples of mechanisms in place that provide **a platform or forum for participation and discussion on remedy measures** specifically on the human rights to safe drinking water and sanitation. (These may include monitoring bodies, platforms for civil society to participate, consultations, public hearings, civil society monitoring.)

On the Federal Government's level, there are Round Tables in the field of water management on a regularly basis. NGOs and Stakeholders on the whole are given a platform to discuss water related issues.

Enforceability

9. Please provide **examples of effective mechanisms*** to ensure that State and non-

State actors at all levels are subject to **enforceable sanctions or remedial actions** in relation to the violation or abuse of the human rights to safe drinking water and sanitation. *Examples may include judicial, quasi-judicial, administrative, political and social mechanisms.

[See 3.\)](#)

10. Please provide examples of cases where **State and non-State actors were held accountable** for their obligations and responsibilities with regard to the human rights to water and sanitation in front of a judicial, quasi-judicial, administrative, political and other mechanisms.

[No case known.](#)

11. Please provide examples of cases where **State effectively monitored and held non-State actors accountable** for their actions that negatively affected the enjoyment of the human rights to water and sanitation **within and outside its borders.**

[No case known.](#)

12. Please provide information on how **outcomes** of accountability mechanisms are implemented and complied with.

[See 3\)](#)