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Answer given by Ms Roswall
on behalf of the European Commission
(19.2.2026)

While the Commission has no information on the results of a screening or an appropriate assessment under the Habitats Directive¹, the management plan of the site² requires measures to ensure that the ‘guaranteed areas’ do not negatively impact the adjacent protected habitats and species and concludes that the designation of ‘guaranteed areas’ does not adversely affect protected habitats and species.

The Commission has no competence to assess the compatibility of the Carinthian Spatial Planning Act or other related land planning acts with the Austrian Constitution. The Commission notes that the quoted laws do not seem to directly transpose the obligations of the Habitats and Birds³ Directives. Changes in the land planning acts cannot by themselves cause deteriorations in the sense of Article 6(2) of the Habitats Directive⁴. It is the obligation of the competent authorities to ensure that subsequent land development activity, based on these land planning acts, does not lead to such a deterioration.

According to Article 6(3) of the Habitats Directive, it is for the national authorities to assess, on a case-by-case basis, whether a project could cause significant negative effects on a Natura 2000 site in view of its conservation objectives, and to authorise it only after having ascertained that it will not adversely affect the integrity of the site. It is the primary responsibility of the competent Austrian administrative and judicial authorities to ensure full implementation of these provisions.

¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992.

² Natura 2000-Gebietsmanagementplan Projekt-Nr.: K8245296, Jänner 2025 EZ 01 GUT WALTERSKIRCHEN AT2119000, Bericht (Hauptteil): https://www.ktn.gv.at/DE/repos/files/ktn.gv.at/Abteilungen/Abt8/Dateien/Naturschutz/Managementplaene/AT2119000_Gut_Walterskirchen/MP_Gut_Walterskirchen_Hauptbericht_2025.pdf?exp=1692915&fps=1983b4760f9fcfd1b63c2929fca605e1eebea3d0.

³ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20/7, 26.1.2010) that codifies the Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds.

⁴ Article 6(2) requires Member States to take appropriate steps to ‘avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive’.