

Questionnaire UN Special Rapporteur on Human Rights to Drinking Water and Sanitation

I. Input Austrian Federal Ministry of Agriculture, Regions and Tourism

TOP „Principle of accountability“

Austria has a high percentage of publicly owned providers (93%). In general, municipalities are responsible for water and sanitation provision.

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.

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 watercooperatives 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/fixed 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.

As far as accountability is concerned 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.

II. Input Austrian Federal Ministry of Finance

The Austrian Ministry of Finance (MoF) supports water-related development issues with its different types of Financing Instrument. This support provided by the MoF consist of export related projects, such as guarantees and soft loans at concessional terms which include a wide range of water supply and wastewater projects and the collaboration with International Financial Institutions (IFIs). All these instruments serve the goal to provide access to Water & Sanitation and therefore SDG 6.

The Strategic Guidelines of the MoF for IFIs define “water and sanitation” as one of four thematic priority areas in the programmatic co-operation with IFIs. In line with this priority, the MoF provides financial support to various water programmes. In the context of the World Bank, the MoF supports the Global Water Security and Sanitation Partnership (GWSP), which helps client governments to achieve the water-related SDGs through the generation of innovative global knowledge and country-level support, the Danube Water Program, which supports water utilities in the Danube region, the Global Facility of Disaster Reduction and Recovery (GFDRR), which supports countries in dealing with disaster risks such as floods, as well as the Energy Sector Management Assistance Program (ESMAP), where Austria particularly supports hydropower development. In the context of the African Development Bank, Austria has been supporting the African Water Facility since 2010. These IFI-led programmes all contribute to the Agenda 2030, which is explicitly anchored in human rights (UN Charter, the Universal Declaration of Human Rights, international human rights treaties).

To provide a concrete best-practice example, the GWSP is entirely focused on the achievement of SDG 6 and water-related issues outside of SDG 6:

- The GWSP focuses both on urban and rural areas as it works on all aspects of the water landscape.

- The WBG, in particular, the Global Water Security and Sanitation Program (GWSP) focuses on the poorest and most vulnerable people. One of the priority themes is „Inclusion“ focusing on the most disadvantaged members of society.
- GWSP is an international partnership with public and private development partners. The WBG’s Access to Information Policy applies to this program just like the grievance mechanisms apply, which ensure accountability of the WBG as implementer as well as the development partners of this program.