Judge Tim Eicke

Vice-President, Fourth Section

European Court of Human Rights

Council of Europe

F-67075

FRANCE

[DATE]

**Re: *Müllner v Austria* (Application no. 18859/21)**

Dear Judge Eike,

Pursuant to Article 36 of the Convention and Rule 44(3) of the Rules of the Court, [*PROPOSED INTERVENER(S)*] respectfully requests leave to intervene in the above case.

**About the [*PROPOSED INTERVENER*]**

[Here it would be appropriate to outline the mission of the intervener organisation with a short summary of its relevant work and expertise]

**Scope of the proposed intervention**

In its “questions to the parties”[[1]](#footnote-1) in the above matter, the Court has asked:

1.  Is the application admissible? In particular:

a.  Has the applicant exhausted all effective domestic remedies, as required by Article 35 § 1 of the Convention in respect of each of his complaints lodged with the Court under Articles 6, 8 and 13 of the Convention (see *Duarte Agostinho and Others v. Portugal and Others* (dec.) [GC], no. [39371/20](about:blank), § 215, 9 April 2024, and *Communauté genevoise d’action syndicale (CGAS) v. Switzerland* [GC], no. 21881/20, §§ 138-145, 27 November 2023)?

b.  Can the applicant claim to be a victim of a violation of Article 8 of the Convention, within the meaning of Article 34 of the Convention (see *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* [GC], no. [53600/20](about:blank), §§ 460-472, 478-488, 527-535, 9 April 2024)?

c.  Was Article 6 § 1 of the Convention under its civil head applicable to the proceedings in the present case (see *Verein KlimaSeniorinnen Schweiz and Others*, cited above, §§ 594-625)?

2.  To the extent that the complaints are admissible, has there been a violation of Articles 6, 8 and 13 of the Convention? In particular:

a.  Has there been an interference with the applicant’s right to respect for his private and family life or home, within the meaning of Article 8 § 1 of the Convention?

Did the respondent State fail to comply with its positive obligations to effectively protect the applicant’s respect for his private and family life, including his home (see *Verein KlimaSeniorinnen Schweiz and Others*, cited above, §§ 538-574)?

b.  Did the applicant have access to a court for the determination of his civil rights and obligations, in accordance with Article 6 § 1 of the Convention (see *Verein KlimaSeniorinnen Schweiz and Others*, cited above, §§ 626-640)?

Did the manner in which the Constitutional Court applied Articles 139 and 140 of the Federal Constitution involve excessive formalism (see *Zubac v. Croatia* [GC], no. [40160/12](about:blank), §§ 80-86, 96-99, 5 April 2018, and *Dos Santos Calado and Others v. Portugal*, nos. [55997/14](about:blank) and 3 others, §§ 111-117, 31 March 2020)?

c.  Did the applicant have at his disposal an effective domestic remedy for his Convention complaints, as required by Article 13 of the Convention?

We therefore respectfully apply for permission to present to the Court by way of intervention, our independent and up-to-date assessments of:

– [INTERVENTION TOPIC]

We also respectfully request that we be granted permission to provide observations on those aspects of Austria’s response to the application which relate to these matters.

In view of [*the important legal questions of general interest*], we respectfully submit that the interests of the proper administration of justice would be served by those with expertise on [*climate change science/climate policy/\*\*\* law*] being permitted to furnish the court, by way of third-party intervention, with information relating to [*\*\**]. In this regard, we are of course mindful of the independent nature of the role of a third-party intervener and would not otherwise comment upon the facts or merits of the case.

We respectfully request leave to intervene in this case accordingly.

Yours sincerely,

\_Unterschrift\_\_\_\_\_\_\_\_\_\_\_\_

1. [↑](#footnote-ref-1)