

# IPPC AND ENVIRONMENTAL ASSESSMENT

Division I/1



UNECE Aarhus Convention secretariat  
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## **UNECE Aarhus Convention, Decision V/9b concerning Austria, follow-up from the open session at the Compliance Committee's 56<sup>th</sup> meeting (2 March 2017)**

Dear Ms. Marshall,

At the 56<sup>th</sup> meeting of the Aarhus Convention Compliance Committee Austria had the possibility to take part during the open session reviewing the implementation of decision V/9b concerning the compliance of Austria. As requested by e-mail dated from 16 March 2017 Austria would like to provide the following information on the questions raised by the Committee:

Following the adoption of the amendment of the Environmental Information Act (*Umweltinformationsgesetz UIG*) at federal level, seven of the nine Provinces of Austria have amended their corresponding legislation accordingly. The recent amendment by the Province of Vienna (*Wiener Umweltinformationsgesetz-Novelle*, LGBl. Nr. 62/2016) entered into force on 23 December 2016. A copy of the English version of the amendment has already been annexed to Austria's third progress report dated from 21 December 2016. For the Province of the Tyrol the respective amendment (*Änderung des Tiroler Umweltinformationsgesetzes 2005*, LGBl. Nr. 12/2017) entered into force on 1 February this year. An english translation of that amendment is submitted with this report. With regard to the remaining implementation by the Province of Styria an amendment of the Environmental Information Act (*Steiermärkisches Umweltinformationsgesetz – StUIG*) will be adopted in May 2017 by its Provincial Parliament. The Province of Lower Austria will amend its provisions on environmental information by an amendment to the respective Act (*NÖ Auskunftssetzung*) by July this year.

With regard to the workshops organized in the context of the project „KOMM-Recht“ you will find attached the attendance lists of the four workshops which have taken place so far. However, we provide this information to the attention of the Committee solely and ask the Committee's Secretariat not to make the attendance lists public available on the Convention's Website.



On the Waste Management Act (*Abfallwirtschaftsgesetz*) at federal level we are for the time being not able to inform about any new developments since the discussion process is still ongoing at government level. A proposal by the Austrian Government initiating the legislative process within Parliament has not been tabled yet.

Since it was mentioned during the open session as well as in the communicant's comments of 10 January 2017 (Ökobüro) we would also like to inform the Committee on the administrative law reform package at federal level. The draft law has the purpose to reduce administrative burdens in various pieces of legislation on agriculture, forestry and the environment. However, the draft law is neither supposed to serve as a legal instrument providing access to justice nor have the alleged additional requirements for NGOs on received donations been included in the draft law. The draft law is currently passing the parliamentary process, it has been adopted by the National Council on 29 March 2017 and will be on the agenda of the Federal Council next week.

Finally, on the preliminary reference procedure with reference to the Austrian legal system (joint cases C-663/15 and C-664/15 regarding rights under the Aarhus Convention in respect to the EU Water Framework Directive) the oral hearing took place on 15 March before the Court of Justice of the European Union. The opinion of the Advocate General is expected before summer and the judgment by the Court will be awaited in autumn this year. The judgement is expected to give a verdict on how access to justice has to be granted for NGOs in Austria in matters falling under EU environmental law.

With kind regards,

On behalf of the Minister:  
Dr Waltraud Petek

Annexes

Electronically signed.