

Federal Province

Burgenland

Short title

Law of the Federal Province of Burgenland on IPPC plants, SEVESO III enterprises and Environmental Information

Official Gazette

Provincial Law Gazette No 8/2007 last amended by Provincial Law Gazette No 25/2016

Section/Article/Annex

Section 22

Date of entry into force

23 April 2016

Text**Section 22****Legal
protection**

(1) If the environmental information requested is not at all or only to an insufficient extent provided, a decree shall be issued on this fact without undue delay, but two months after receipt of the request for information, at the latest. Decisions on parallel requests can be dealt with jointly. The competence for issuing a decree rests with

1. the mayor, if the authority competent for the communication is a municipal authority or a natural or legal person under private law, which is subject to the control of the municipality,
2. the chairperson of the municipality association, if the authority competent for the communication is a body of a municipal authority or a natural or legal person under private law, which is subject to the control of the municipality association,
3. the respective body in charge of external representation, if the authority competent for the communication is a body of another self-governing body or a natural or legal person under private law, which is subject to the control of the self-governing body,
4. The district administrative authority, if the authority competent for the communication is the district administrative authority.
5. In all other cases the provincial government.

(2) A body subject to the duty of providing information for the purposes of Section 17 para. 1 which is not entitled to issue decrees shall forward applications for the purposes of para. 1 a without unnecessary delay to the competent authority according to para. 1 (1-5) or refer the applicant to it.

(3) If someone concerned claims to have been violated in his/her rights by the communication, a decree shall be issued upon his/her request. Para. 1, third sentence shall apply mutatis mutandis