

Federal Province

Upper Austria

Short title

Upper Austrian Environmental Protection Act 1996 (Oö Umweltschutzgesetz 1996)

Official Gazette

Provincial Law Gazette No 84/1996 last amended by Provincial Law Gazette No 32/2016

Section/Article/Annex

Section 19

Date of entry into force

1 June 2016

Text

Section 19 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. (*Note: Provincial Law Gazette No 44/2006, 32/2016*).

Anyone who claims to have been violated in his rights by the communication of environmental information can request the adoption of a declaratory ruling on the existence of reasons for communication and rejections for the purposes of Section 17 paragraphs 2-7. (*Note: Provincial Law Gazette No 81/2013*).

(2) For the issuing of a decree according to para. 1 and para. 1a the General Administrative Procedures Act (AVG Allgemeines Verwaltungsverfahrensgesetz) shall be applied, provided that the matter on which the information is being refused is not subject to another procedural law (*Note: Provincial Law Gazette No 81/2013*).

(3) The competence for issuing a decree according to para. 1 and para. 1a 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 chairman 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 the 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,
- 4a the president of the provincial administrative court, if the authority competent for the communication is the provincial administrative court,
5. in all other cases the provincial government.

(*Note: Provincial Law Gazette No 83/2002, No 44/2006, No 81/2013*)

(3a) A body subject to the duty of providing information for the purposes of Section 14 para. 1 which is not entitled to issue decrees shall forward applications for the purposes of para.1 and para.1a

without undue delay to the competent authority according to para. 3, or shall refer those requesting information to it. (*Note: Provincial Law Gazette No 44/2006, 81/2013*)

(4) Against decrees which were issued according to para. 3 (1 and 2) within the own sphere of competence of the municipality or municipality association a complaint according to Article 130, para. 1 (1) Federal Constitutional Law (B-VG Bundesverfassungsgesetz) can be immediately lodged. (*Note: Provincial Law Gazette No 81/2013*).

