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Statement to the 52nd meeting of the Aarhus Convention Compliance Committee on 11 March 2016 regarding decision V/9b concerning Austria

Dear Ms. Marshall,

At the 52nd meeting of the Aarhus Convention Compliance Committee Austria had the possibility to take part in the session reviewing the implementation of decision V/9b concerning the compliance of Austria. As requested during the session on 11 March 2016 Austria would like to provide the following information on the questions raised by the Committee with regard to the ongoing legislative process on environmental information as well as on the implementation of the so called “third pillar” of the Aarhus Convention.

Following the adoption of the amendment of the Environmental Information Act (*Umweltinformationsgesetz UIG*) at federal level, the Provinces of Austria have started to amend their corresponding legislation accordingly. The Provinces of *Kärnten* and *Salzburg* have already published their amending acts of law in the law gazettes at provincial level. The amendment to the act on information and statistics in *Kärnten* (*Änderung des Kärntner Informations- und Statistikgesetzes*, LGBl. Nr. 22/2016) entered into force on 7 April 2016. The amendment to the act on environmental protection and information (*Änderung des Salzburger Umweltschutz- und Umweltinformationsgesetzes*, LGBl. Nr. 17/2016) entered into force on 1 January 2016. Several other provinces have already started the legislative process and have passed a draft law to the Provincial Parliaments. This is the case for *Wien*, *Oberösterreich* and *Burgenland*. In *Vorarlberg* a draft law will be sent out for consultation



shortly. For the remaining provinces it can be stated that relevant draft acts are already in preparation.

Notwithstanding the implementation at provincial level, the Environmental Information Act (*Umweltinformationsgesetz UIG*) in its amended version is applied also at provincial level since this is a matter of indirect federal administration (*mittelbare Bundesverwaltung*) where provincial authorities exercise the executive powers of the Federation. The federal Environmental Information Act covers the main areas of environmental protection such as waste, water, forestry and air quality while the Provinces are responsible for providing environmental information in the field of nature protection, hunting and fisheries.

On the implementation of the third pillar of the Aarhus Convention in Austria we would like to refer to the recent update which was given in the second progress report on behalf of Austria end of last year. In addition to that, we would like to inform the Committee about the discussion process which is ongoing at government level with regard to a draft amendment of the Waste Management Act (*Abfallwirtschaftsgesetz*) at federal level. The Act needs to be amended because of transposing relevant EU Directives and one issue of the discussions relates to the inclusion of an additional Aarhus element. For the time being, a proposal by the Austrian Government initiating the legislative process within Parliament has not been tabled yet. At the level of Provinces discussions are ongoing as well with regard to their legislation on nature protection.

Finally, we would like to reiterate again our commitment to continue the discussion processes that have been started to improve the implementation of the Aarhus Convention in Austria and we will inform the Committee on possible further evolvments accordingly.

With kind regards,

On behalf of the Minister:
Dr Waltraud Petek

Electronically signed.

