

FEDERAL LAW GAZETTE

FOR THE REPUBLIC OF AUSTRIA

Volume 2015

Published on 3 August 2015

Part I

95th Federal Law: **Amendment to the Austrian Environmental Information Act (“Umweltinformationsgesetz”)**
(No. GP XXV RV 696 AB 711 p. 85. BR: AB 9440 p. 844.)
[CELEX No. 32012L0018]

95th Federal Law amending the Environmental Information Act

The National Council has resolved:

The Environmental Information Act (“UIG”), Federal Law Gazette No. 495/1993, last amended by Federal Law Gazette I No. 97/2013, is amended as follows:

1. *In section 5 para. 1 the following sentence shall be added:*

“If this clarification order is complied with, the request is considered to have been submitted on the day of the more precisely worded application at the agency obligated to provide information.”

2. *Section 5 para. 7 shall be deleted.*

3. *Section 6 para. 2 (1) shall read as follows:*

“1. international relations, the maintenance of public security or comprehensive national defence;”

4. *Section 8, para. 1, first sentence, shall read as follows:*

“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.”

5. *In section 12 the word “incident” (“Störfall”) shall be replaced by the wording “event of a major accident” (“Fall eines schweren Unfalls”).*

6. *In the heading of section 14 as well as in section 14 para. 2 and section 15 para. 1 (3) the word “incident” shall in each case be replaced by the wording “major accidents”.*

7. *Section 14 para. 1 and 1a shall read as follows:*

“(1) The owner of an installation subject to the duty of providing information as referred to in paragraph 2, which is subject to permit requirements under federal-law regulations, shall inform the persons that may be affected by a major accident as well as the authorities having subject-matter jurisdiction – in particular also the competent local regional-planning and building authorities – at regular intervals not exceeding 5 years without request and in an appropriate manner about the dangers and effects of major accidents and about the behavioural measures required in the event of a major accident and shall make this information permanently accessible on the internet. This information shall be verified every three years, updated as appropriate, and renewed with respect to the persons that may be affected. Where major accidents may have transboundary effects, the owner of an installation subject to the duty of providing information shall provide information with special consideration of this situation to the agency in charge of disaster control or disaster relief and of danger-averting in general as well as the agency responsible for the coordination of the national crisis and disaster management of the Federal Ministry of the Interior.

(1a) For the purposes of this Federal Law a major accident shall be an event – for example a major emission, fire or explosion, the breaking of a dam or the release of hazardous organisms – which results from uncontrolled processes in an installation subject to this Federal Law

and which immediately or later in or outside the installation leads to a serious threat to human health or the environment.”

8. *In section 14, paragraphs 4 and 5 shall get the paragraph designations (5) and (6). Paragraphs 3 and 3a shall be replaced by the following paragraphs 3 and 4:*

- (3) The information according to para. 1 shall include the following items:
1. For all installations subject to the duty of providing information covered by paragraph 2:
 - a) Name and trade name of the owner and the full address of the installation concerned;
 - b) In the case of installations subject to the Industrial Code 1994, Federal Law Gazette No. 194/1994, confirmation that the installations are subject to the provisions of Section 8a of the Industrial Code and that the notification referred to in section 84d, para. 1, of the Industrial Code 1994 or the safety report referred to in section 84f of the Industrial Code 1994 has been submitted to the competent authority; this applies *mutatis mutandis* to installations subject to other federal-law regulations in the field of industrial plants law for the prevention of major accidents (section 59 of the Waste Management Act 2002, Federal Law Gazette I No. 102/2002, section 30a of the Railways Act 1957 (“Eisenbahngesetz 1957”), Federal Law Gazette No. 60/1957, section 39 of the Air Pollution Act for Boiler Facilities 2013 (“Emissionsschutzgesetz für Kesselanlagen 2013”), Federal Law Gazette I No. 127/2013, section 146 of the Gas Management Act 2011 (“Gaswirtschaftsgesetz 2011”), Federal Law I No. 107/2011, section 80a of the Aviation Act “Luftfahrtgesetz”), Federal Law Gazette I No. 253/1957, section 182 of the Mineral Resources Act (“Mineralrohstoffgesetz”), Federal Law Gazette I No. 38/1999, all of them as applicable);
 - c) Description of the installation, in particular of the parts of the establishment of relevance to safety, and of the activity or the activities undertaken at the site;
 - d) Information about the risks that make the installation an installation subject to the duty of providing information, in particular the elements that may give rise to a major accident; in the event of the presence of dangerous substances covered by Article 3 number 10, of Directive 2012/18/EU in a quantity referred to Annex I of Directive 2012/18/EU common names or – in the case of dangerous substances covered by Part I of Annex I of Directive 2012/18/EU – the generic names or the hazard classification of the dangerous substances involved at the installation which could give rise to a major accident, with an indication of their principal dangerous characteristics in simple terms;
 - e) Information about how the public concerned will be warned, if necessary, and adequate information about the appropriate behaviour in the event of a major accident;
 - f) Indication of the internet address where this information (para. 1) can be permanently accessed electronically;
 - g) Details of where further information can be retrieved.
 2. For upper-tier establishments as defined in Art. 3 (3) of Directive 2012/18/EU in addition:
 - a) General information relating to the nature of the major-accident hazards, including their potential effects on human health and the environment and summary details of the main types of major-accident scenarios - including their effects and scopes outside the installation - and the measures to address them;
 - b) Confirmation that the owner is obligated to make adequate arrangements on site - in particular in liaison with the emergency and rescue services - to deal with accidents and to minimise their effects;
 - c) Indication where the external emergency plan and the safety report can be inspected; the information according to para. 1 shall be adjusted to the corresponding external emergency plan;
 - d) Information whether, in the event of a major event, the installation will, with its area of effect, have a negative impact on the national territory of another Member State, with the possibility of a major accident with transboundary effects under the Convention of the United Nations Economic Commission for Europe on the Transboundary Effects of Industrial Accidents.

(4) In accordance with the principles of expedience the information of the persons that might be affected by a major accident can also comprise several installations subject to the duty of providing information of one owner or several installations subject to the duty of providing information with a geographical or technical connection that belong to several owners. In any case the owners concerned shall cooperate if because of the site and the proximity of adjacent installations the

likelihood or the consequences of a major accident may be increased (domino effects). In this context, also installations subject to the duty of providing information that are located in the area of effect and installations not governed by Directive 2012/18/EU shall be taken into account.”

9. *In section 14 the word “incidents” shall in paragraphs 5 and 6 be replaced by the wording “major accidents”; in paragraph 6 the wording “within six months following the entry-into-force of this Federal Law” shall be deleted.*

10. *In section 17 para. 1 the wording “section 14 para. 5” shall be replaced by the wording “section 14 para. 6”.*

11. *Section 19 and its heading shall read as follows:*

**Reference to the legislation of
the Union**

Section 19. “By means of this Federal Law, Directive 2003/4/EC on public access to environmental information and repealing Directive 90/313/EEC of the Council, OJ L 41 of 14 February 2003, p. 26, CELEX number 32003L0004, and Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Directive 96/82/EC, OJ L 197 of 24 July 2012, p. 1, CELEX number 32012L0018, are implemented in Austrian law.”

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