

22 December 2014

## **Decision V/9b on compliance by Austria with its obligations under the Aarhus Convention**

### **Information to the attention of the Compliance Committee on behalf of Austria**

By decision V/9b the Meeting of the Parties (MoP) endorsed the findings of the Aarhus Convention Compliance Committee with regard to communication ACCC/C/2010/48 and ACCC/C/2010/63 and thereby welcomed the Committee's recommendations in relation to Articles 4 (7) and 9 (4) as well as Article 9 (3) of the Convention.

The MoP also invited Austria as a Party to the Convention to inform the Committee on further progress in implementing its recommendations in a periodic manner, firstly by 31 December 2014.

Against this background we would like to take the opportunity to inform the Committee about the discussion process that has started in Austria since the findings of the Aarhus Compliance Committee have been released and the Meeting of the Parties to the Aarhus Convention has adopted the relevant decision at its 5th session (MoP-5).

With regard to the requirements of the third pillar of the Aarhus Convention, several studies on possible options for implementation to improve access to justice in the Austrian environmental legislation have been conducted (2004 and 2009). Also, there have been meetings and workshops taken place to discuss the implementation of Convention involving different stakeholders including environmental NGOs.

Mid June 2014 an expert hearing was held in the Environment Committee of the National Assembly in light of the findings and recommendations of the Compliance Committee on matters of access to justice. The Environment Minister at federal level, Mr. Andrä Rupprechter, has announced to seek for possibilities to improve access to justice in environmental matters for environmental NGOs in the areas of competence of the Environment Ministry.

Since Austria is a federal state the Provinces (*Bundesländer*) have legislative competences in the field of environment policy as well, especially in the area of nature protection. At the beginning of June 2014 the Conference of Government members of the Provinces responsible for environmental issues (*Landesumweltreferentenkonferenz*) decided to install a working group between the Austrian Environment Ministry (Federal Ministry of Agriculture, Forestry, Environment and Water Management) and the Provinces. Aim of that group is to explore in a cooperative manner possible ways and instruments to further implement the third pillar of the Aarhus Convention and to ensure a common approach. Meanwhile, the group, assembled by legal experts from both the Ministry as well as the nine Provinces, has met twice.

In this context, Austria is willing to inform the Compliance Committee on the following considerations that are given at the moment in order to implement the recommendations by decision V/9b:

At federal level an adaption of the Environmental Information Act (*Umweltinformationsgesetz UIG*) is in preparation in order to respond to the concerns of the Compliance Committee on timeliness of review procedures in that respect. Corresponding amendments of the relevant legislation at provincial level are considered as well. In the areas of water and waste management changes and adjustments to the corresponding environmental laws with regard to remedies especially for environmental NGOs are under consideration. At the level of the Provinces considerations are given regarding changes and adjustments to the material laws in the area of nature protection.

The discussions and coordination meetings in the expert working group mentioned above are already underway. During the course of next year it should be clear which steps will be taken to further implement the third pillar of the Aarhus Convention in respect of the relevant environmental laws.