

Annex 1: Standing overview for the public concerned, Environmental Ombudsman and municipalities in Austria in selected procedures					
A) Procedures relating to Article 9 par 3 Aarhus Convention					
Law	Standing party	Standing?	Article	Scope of standing	Access to Highest Courts
<i>GewO- Industrial Code regular procedure</i>					
	Neighbours	Yes	Art 74 par 2, Art 75 par 2	Nuisance from smell, noise, smoke, dust, vibrations or in other ways	Yes, provided by B-VG (Federal Constitutional Law): Art 144 par 1: Access to Constitutional Court, Art 131 par 1: Access to Administrative Court
	NGOs	No			
	Env. Ombudsman	No			
	Citizens' Groups	No			
	Municipalities	No (only right to be heard)	Art 355 par 1	Nuisance from smell, noise, smoke, dust, vibrations or in other ways, protection of waterbodies, safety of public traffic, etc	
<i>GewO- Industrial Code simplified procedure</i>					
	Neighbours	No (only right to be heard)	Art 359 b par 1	Standing as to the question whether simplified procedure is applicable	
	NGO's	No			
	Env. Ombudsman	No			
	Citizens' Groups	No			
	Municipalities	No			
<i>GewO: Art 79 Update/changes of permits</i>					
	Neighbours	Yes	Art 79 par 1,2 Art 74 par 2 Art 75 par 2	Nuisance from smell, noise, smoke, dust, vibrations or in other ways	Yes, provided by B-VG (Federal Constitutional Law): Art 144 par 1: Access to Constitutional Court, Art 131 par 1: Access to Administrative Court
	NGO's	No			
	Env. Ombudsman	No			
	Citizen's Groups	No			
	Municipalities	No			

Law	Standing party	Standing?	Article	Scope of standing	Access to Highest Courts
<i>AWG - Waste Management Act</i>					
	Neighbours	Yes	Art 42 par 1	Nuisance from smell, noise, smoke, dust, vibrations or in other ways	Yes, provided by B-VG: Art 144 par 1: Access to Constitutional Court, Art 131 par 1: Access to Administrative Court
	NGO's	No			
	Env. Ombudsman	Yes	Art 42 par 1	With regard to nature protection	Yes, access to Administrative Court provided by Art 42 par 1 subpar 8 AWG
	Citizens' Groups	No			
	Municipalities	Yes	Art 42 par 1	varying: drinking water supply, etc	Yes, but only procedural rights concerning their individual interests
<i>MinRoG - Mining Act</i>					
	Neighbours	Yes	Art 116 par 3, Art 119 par 6	Nuisance from smell, noise, smoke, dust, vibrations or in other ways	Yes, provided by B-VG: Art 144 par 1: Access to Constitutional Court, Art 131 par 1: Access to Administrative Court
	NGO's	No			
	Env. Ombudsman	No			
	Citizens' Groups	No			
	Municipalities	Yes	Art 81 subpar 2, Art 116 par 3	State of the Art concerning environmental protection or scientific matters, etc	Yes, access to Constitutional/Administrative Court provided by Art 81 subpara 2, Art 116 par 3 subpara 4 MinRoG
<i>Forstgesetz: Forestry Act</i>					
	Neighbours	Possible	Art 19 par 4	General administrative principles apply: Art 8 Administrative Procedure Act and GewO if GewO applicable	Yes, provided by B-VG: Art 144 par 1: Access to Constitutional Court, Art 131 par 1: Access to Administrative Court
	NGO's	No			
	Env. Ombudsman	No			
	Citizens' Groups	No			
	Municipalities	No (only right to be heard)	Art 19 par 5	Assertion of local public interests	
<i>WRG – Water Act</i>					
	Neighbours	Possible	Art 102 par 1	As above ForstG and protected private water rights;	Yes, provided by B-VG: Art 144 par 1: Access to Constitutional Court, Art 131 par 1: Access to Higher Court
	NGO's	No			
	Env. Ombudsman	No			
	Citizens' Groups	No			
	Municipalities	Yes	Art 34 par 6, Art 102 par 1	Protection of water supplies, permission proceedings of projects of a certain size	Yes, but only procedural rights concerning their individual interests

Law	Standing party	Standing?	Article	Scope of standing	Access to Highest Courts
<i>WRG - Art 138 Prevention Procedure</i>					
	Neighbours	Possible	Art 138 par 1	Infringements of water use rights, property, etc	Yes, provided by B-VG: Art 144 par 1: Access to Constitutional Court, Art 131 par 1: Access to Administrative Court
	NGO's	No			
	Env. Ombudsman	No			
	Citizen's Groups	No			
	Municipalities	No			
<i>NSchG - nature protection laws of the provinces</i>					
	Neighbours	No			
	NGO's	No			
	Env. Ombudsman	Yes	varying	With regard to nature protection	Access to Administrative Court possible if explicitly designated in federal state environmental protection acts (not in Tyrol!)
	Citizens' Groups	No			
	Municipalities	Yes	varying	Assertion of rights of their own sphere	Access to Constitutional/Administrative Court possible if explicitly designated in federal state environmental protection acts
<i>B-UHG - Federal Environmental Liability Act</i>					
	Neighbours	Yes	Art 11 par 1, 2; Art 12	Infringements of rights concerning health and living, rights in terms of Art 12 par 2 WRG, property, etc	Yes, provided by B-VG: Art 144 par 1: Access to Constitutional Court, Art 131 par 1: Access to Administrative Court
	NGO's	Yes	Art 11 par 1, 2; Art 12, Art 13	Not specified	Yes, but only procedural laws; right to invoke environmental law would need to be explicitly designated to NGOs such as in Art 19 par 10 EIA-act;
	Env. Ombudsman	Yes	Art 11 par 1, 2; Art 12, Art 13	Not specified	Yes, but only procedural rights concerning their individual interests
	Citizens' Groups	No			
	Municipalities	No			

Law	Standing party	Standing?	Article	Scope of standing	Access to Highest Courts
<b>B) Procedures relating to Article 9 par 2 Aarhus Convention</b>					
<b>a) EIA procedures</b>					
<b>EIA regular procedures (Annex I column 1 EIA-act projects)</b>					
	Neighbours	Yes	Art 19 par 1	Nuisance from smell, noise, smoke, dust, vibrations or in other ways	Yes, provided by B-VG: Art 144 par 1: Access to Constitutional Court, Art 131 par 1: Access to Administrative Court
	NGO's	Yes	Art 19 par 1	With regard to environmental protection	Yes, explicitly designated in Article 19 par 10 EIA-act
	Env. Ombudsman	Yes	Art 19 par 1	With regard to environmental protection	Yes, explicitly designated in Article 19 par 3 EIA-act
	Citizens` Groups	Yes	Art 19 par 1	With regard to environmental protection	Yes, explicitly designated in Article 19 par 4 EIA-act
	Municipalities	Yes	Art 19 par 1	With regard to environmental protection	Yes, explicitly designated in Article 19 par 3 EIA-act
<b>EIA simplified procedures (all other projects, including changes and cumulation)</b>					
	Neighbours	Yes	Art 19 par 1	Nuisance from smell, noise, smoke, dust, vibrations or in other ways	Yes, provided by B-VG: Art 144 par 1: Access to Constitutional Court, Art 131 par 1: Access to Administrative Court
	NGO's	Yes	Art 19 par 1	With regard to environmental protection	Yes, explicitly designated in Article 19 par 10 EIA-act
	Env. Ombudsman	Yes	Art 19 par 1	With regard to environmental protection	Yes, explicitly designated in Article 19 par 3 EIA-act
	Citizens` Groups	No (only right to be heard)	Art 19 par 1		
	Municipalities	Yes	Art 19 par 1	With regard to environmental protection	Yes, explicitly designated in Article 19 par 3 EIA-act
<b>EIA screening procedures (Art 3 par 7 EIA-act)</b>					
	Neighbours	No			
	NGO's	No			
	Env. Ombudsman	Yes	Art 3 par 7	With regard to environmental protection	Yes, but only procedural rights concerning their individual interests
	Citizens` Groups	No			
	Municipalities	Yes	Art 3 par 7	With regard to environmental protection and other public interests	Yes, explicitly designated in Art 3 par 7

Law	Standing party	Standing?	Article	Scope of standing	Access to Highest Courts
<b>b) IPPC procedures</b>					
<b>Federal IPPC-procedures, regulated in GewO (Industrial Code), MinrOG (Mining Law), AWG (Waste Act), etc</b>					
	Neighbours	Yes ( AWG, GewO, MinRoG)		Nuisance from smell, noise, smoke, dust, vibrations or in other ways	Yes, provided by B-VG: Art 144 par 1: Access to Constitutional Court, Art 131 par 1: Access to Administrative Court
	NGOs	Yes ( AWG, GewO, MinRoG)		With regard to environmental protection	Yes, but only procedural laws; right to invoke environmental law would need to be explicitly designated to NGOs such as in Art 19 par 10 EIA-act;
	Citizens' Groups	No			
	Env. Ombudsman	Yes, but only in waste act		With regard to nature protection	Yes, but only procedural rights concerning their individual interests
	Municipalities	Yes ( AWG, GewO, MinRoG)		Varying: drinking water supply, state of the art concerning environmental protection standards, etc	Yes, but only in Mining Act
<b>Provincial IPPC-procedures: Province Salzburg (as example for eight other provinces with similar legislation)</b>					
	Neighbours	Yes	Art 5 par 1	Neighbour rights as above	Yes, provided by B-VG: Art 144 par 1: Access to Constitutional Court, Art 131 par 1: Access to Administrative Court
	NGO's	Yes	Art 5 par 1	With regard to environmental protection	Yes, explicitly designated in Art 5 par 1
	Citizens' Groups	No			
	Env. Ombudsman	Yes	Art 5 par 1	With regard to nature protection	Yes, explicitly designated in Art 5 par 1
	Municipalities	Yes	Art 5 par 1	Abidance by the laws concerning environmental protection and other public interests	Yes, explicitly designated in Art 5 par 1