

## Synoptic Overview

### EIA procedures covering all EIA projects – except transport infrastructure projects

level of jurisdiction / type of proceeding	Parties at 1 <sup>st</sup> Instance	2 <sup>nd</sup> Instance (Environmental Senate)	Supreme Courts
EIA-regular procedure	neighbours (Art 19 para 1 subpara 1 EIA Act 2000)	→	Administrative / Constitutional Court
	parties stipulated by the applicable administrative provisions (Art 19 para 1 subpara 2 EIA Act 2000)	→	Administrative / Constitutional Court (dependent on the particular administrative procedure)
	ombudsman for the environment (Art 19 para 1 subpara 3 EIA Act 2000)	→	Administrative Court
	water management planning body (Art 19 para 1 subpara 4 EIA Act 2000)	→	Administrative / Constitutional Court (Art 55 para 4 Federal Water Management Act)
	host municipality / directly adjoining Austrian municipalities (Art 19 para 1 subpara 5 EIA Act 2000)	→	Administrative Court
	citizens' groups (Art 19 para 1 subpara 6 EIA Act 2000)	→	Administrative / Constitutional Court
	environmental organizations (Art 19 para 1 subpara 7 EIA Act 2000)	→	Administrative Court

level of jurisdiction / type of proceeding	Parties at 1 <sup>st</sup> Instance	2 <sup>nd</sup> Instance (Environmental Senate)	Supreme Courts
EIA-simplified procedure	neighbours (Art 19 para 1 subpara 1 EIA Act 2000)	→	Administrative / Constitutional Court
	parties stipulated by the applicable administrative provisions (Art 19 para 1 subpara 2 EIA Act 2000)	→	Administrative / Constitutional Court (dependent on the particular administrative procedure)
	ombudsman for the environment (Art 19 para 1 subpara 3 EIA Act 2000)	→	Administrative Court
	water management planning body (Art 19 para 1 subpara 4 EIA Act 2000)	→	Administrative Court / Constitutional Court (Art 55 para 4 Federal Water Management Act)
	host municipality / directly adjoining Austrian municipalities (Art 19 para 1 subpara 5 EIA Act 2000)	→	Administrative Court
	citizens' groups (right to inspect the files) (Art 19 para 1 subpara 6 EIA Act 2000)		
	environmental organizations (Art 19 para 1 subpara 7 EIA Act 2000)	→	Administrative Court

level of jurisdiction / type of proceeding	Parties at 1 <sup>st</sup> Instance	2 <sup>nd</sup> Instance (Environmental Senate)	Supreme Courts
EIA-screening procedure	project applicant (Art 3 para 7 EIA Act 2000)	→	Administrative / Constitutional Court
	co-operating authorities (Art 3 para 7 EIA Act 2000)	→ procedural rights	Administrative Court
	ombudsman for the environment (Art 3 para 7 EIA Act 2000)	→ procedural rights	Administrative Court
	water management planning body (right to be heard) (Art 3 para 7 EIA Act 2000)		
	host municipality (Art 3 para 7 EIA Act 2000)	→	Administrative Court

level of jurisdiction / type of proceeding	Parties at 1 <sup>st</sup> Instance	2 <sup>nd</sup> Instance (The appellate tribunal may vary from case to case, dependent on applicable administrative laws; in most cases, the independent administrative tribunal will act as 2 <sup>nd</sup> Instance)	Supreme Courts
"De facto"-EIA under new jurisdiction	neighbours (Art 19 para 1 subpara 1 EIA Act 2000)	→	Administrative / Constitutional Court
	parties stipulated by the applicable administrative provisions (Art 19 para 1 subpara 2 EIA Act 2000)	→	Administrative / Constitutional Court (dependent on the particular administrative procedure)
	ombudsman for the environment (Art 19 para 1 subpara 3 EIA Act 2000)	→	Administrative Court
	water management planning body (Art 19 para 1 subpara 4 EIA Act 2000)	→	Administrative Court / Constitutional Court (Art 55 para 4 Federal Water Management Act)
	host municipality / directly adjoining Austrian municipalities (Art 19 para 1 subpara 5 EIA Act 2000)	→	Administrative Court
	citizens' groups (right to inspect the files) (Art 19 para 1 subpara 6 EIA Act 2000)		
	environmental organizations (Art 19 para 1 subpara 7 EIA Act 2000)	→	Administrative Court

## Synoptic Overview

### EIA procedures for transport infrastructure projects

level of jurisdiction / type of proceeding	Parties at 1 <sup>st</sup> Instance	2 <sup>nd</sup> Instance (Environmental Senate)	Supreme Courts
EIA-regular procedure for transport infrastructure projects under new jurisdiction	neighbours	→	Administrative / Constitutional Court
	parties stipulated by the applicable administrative	→	Administrative / Constitutional Court (dependent on the particular administrative procedure)
	ombudsman for the environment	→	Administrative Court
	water management planning body	→	Administrative Court
	host municipality / directly adjoining Austrian municipalities	→	Administrative Court
	citizens' groups	→	Administrative / Constitutional Court
	environmental organizations	→	Administrative Court

level of jurisdiction / type of proceeding	Parties at 1 <sup>st</sup> Instance	2 <sup>nd</sup> Instance (Environmental Senate)	Supreme Courts
EIA-simplified procedure for transport infrastructure projects under new jurisdiction	neighbours	→	Administrative / Constitutional Court
	parties stipulated by the applicable administrative	→	Administrative / Constitutional Court (dependent on the particular administrative procedure)
	ombudsman for the environment	→	Administrative Court
	water management planning body	→	Administrative Court
	host municipality / directly adjoining Austrian municipalities	→	Administrative Court
	citizens' groups		
	environmental organizations	→	Administrative Court

level of jurisdiction / type of proceeding	Parties at 1 <sup>st</sup> Instance	2 <sup>nd</sup> Instance (The appellate tribunal may vary from case to case, dependent on applicable administrative laws; in most cases, the independent administrative tribunal will act as 2 <sup>nd</sup> Instance)	Supreme Courts
"De facto"-EIA for transport infrastructure projects under new jurisdiction	neighbours	→	Administrative / Constitutional Court
	parties stipulated by the applicable administrative	→	Administrative / Constitutional Court (dependent on the particular administrative procedure)
	ombudsman for the environment	→	Administrative Court
	water management planning body	→	Administrative Court
	host municipality / directly adjoining Austrian municipalities	→	Administrative Court
	citizens' groups		
	environmental organizations	→	Administrative Court