

# GENERAL ENVIRONMENTAL POLICY

Department V

Ms.  
Aniko Radnai  
Department of International Environmental Policy  
Ministry for Environment and Waters  
Fo u. 44-50  
H-1011 Budapest  
Hungary

Vienna, 16.05.2007

Your Refence/Your File Number  
Your letter dtd.

Our File Number

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Official-in-charge/Ext.

Dr. Baumgartner / 2116  
[christian.baumgartner@lebensministerium.at](mailto:christian.baumgartner@lebensministerium.at)

Ref: Installation for thermal waste treatment in Heiligenkreuz; Notification according to Art. 3 of the Espoo Convention

Dear Ms Radnai,

1. The R1-H Projektentwicklungs GmbH is planning the construction of an installation for the thermal treatment of non hazardous waste in the Business Park Heiligenkreuz/Szentgotthard near the Hungarian border. For this project an Environmental Impact Assessment (EIA) has to be carried out.

The project applicant has submitted the request for a preliminary (scoping) procedure pursuant to Art. 4 of the Austrian EIA Act 2000, BGBl. Nr. 397/1993 as amended, to the Land Government of Burgenland, which is the EIA authority.

Since transboundary impacts on Hungarian territory are not impossible and the Hungarian side has requested so in earlier letters, Austria is notifying this project to Hungary pursuant to Art. 3 para 2 of the Espoo Convention and Art. 7 para 1 of the EIA Directive respectively.

2. The preliminary procedure aims at improving the level of information and specifying the main issues of the Environmental Impact Statement (EIS) which the project applicant has to submit together with the application for the project. In the outline of the EIS which you find enclosed in Hungarian and German language, the project applicant has to submit concrete information about the scope (local, temporal, methodical and the parameters examined) of the EIS. It is the plan for the EIS.

As we assume that Hungary will take part in the EIA procedure, we do not expect a formal declaration of participation pursuant to Art. 3 para 3 of the Convention.

The enclosed document (six fold) will be open for public inspection in Austria for the period of 3 weeks (beginning on 1 July 2007) at



- the Land Government of Burgenland,
- the administrative district authority and
- the municipality of Heiligenkreuz.

The document will **not** be open for comments by the public. The fact that a public inspection of the document is possible will be announced on the internet homepage of the Land Government of Burgenland [www.burgenland.gv.at](http://www.burgenland.gv.at), in a newspaper widespread in the Land of Burgenland (probably the Kurier) and in a local district newspaper.

As its core principle the Espoo Convention contains the prerequisite that the opportunity to participate in relevant environmental procedures for the public of the affected party is equivalent to that provided to the public of the party of origin.

We therefore ask you to provide such an opportunity to the public in the areas that may be affected by the project.

We invite you to provide **comments** on the EIS concept directly to the Austrian EIA authority **only by the Hungarian State** and not later than **27 June 2007**. The address of the EIA authority is:

Amt der Burgenländischen Landesregierung  
Abt. 5/III  
Europaplatz 1  
A - 7001 Eisenstadt  
Austria

Please, send our Ministry a copy of your statement.

The Austrian and Hungarian public will have the opportunity to comment on the project during public inspection of the Environmental Impact Statement which will be forwarded by the applicant later in the procedure.

**3.** For your information, please note that the Austrian EIA authority has to express its opinion on the outline of the EIS not later than three months of its receipt. In particular, this opinion shall point out obvious deficiencies in the project of the outline of the EIS and shall indicate any additional information that probably needs to be included in the EIS.

It is then up to the project applicant when he submits the application for the project together with the EIS. The application together with the EIS will then be available for public inspection for at least six weeks. The authority will then appoint experts to draw up an Environmental Impact Expertise which evaluates the EIS, the application and the other submitted documents in accordance with the state of the art in a comprehensive and overall review, discusses the comments received and makes proposal for additional measures. This expertise will be open for public inspection again.

The authority will hold a hearing of the parties covering all applicable administrative provisions which will be open for Hungarian parties and the representatives of the Hungarian state.

The following parties shall, inter alia, have locus standi:

1. neighbours: neighbours shall be persons (also from Hungary) who might be threatened or disturbed or whose rights *in rem* might be harmed at home or abroad by the construction,

operation or existence of the project as well as the owners of facilities in which persons stay temporarily on a regular basis with regard to the protection of such persons; neighbours shall not be persons who stay temporarily in the vicinity of the project and do not have rights *in rem*;

2. Hungarian environmental organisations, that are associations or foundations whose primary objective is the protection of the environment according to the association's statutes or the foundation's charter and that is non-profit oriented, if the effects impact that part of the environment in the foreign state whose protection is pursued by the environmental organisation and if the environmental organisation could participate in an environmental impact assessment procedure if the project was implemented in Hungary.

4. On the basis of the documents provided and the results of the Environmental Impact Expertise consultations shall be held, if necessary, on potential transboundary effects and any measures necessary to avoid or reduce adverse transboundary impacts on the environment. An appropriate time frame shall be agreed on for the duration of the consultation phase.

5. The decision taken by the EIA authority shall take into account the results of the environmental impact assessment (in particular, environmental impact statement, environmental impact expertise, comments, including the comments and the results of the consultations). The specification of suitable obligations, conditions, deadlines, project modifications, offsetting measures or other requirements (in particular, also with regard to monitoring, measuring and reporting duties and measures to ensure follow-up activities) shall contribute to a high protection level for the environment in its entirety.

We are looking forward to a fruitful collaboration.

With kind regards,

Dr Waltraud Petek