

**Law of 6 November 2019 amending the Salzburg Nature Conservation Act 1999, the Salzburg National Park Act 2014, the Hunting Act 1993, and the Fishing Act 2002 (Salzburg Aarhus Participation Act 2019)**

[...]

**Article I**

The Salzburg Nature Conservation Act 1999, Provincial Law Gazette No 73, last amended in the law Provincial Law Gazette No 33/2019, shall be amended as follows:

*1. The following changes shall be made to the table of contents:*

[...]

*1.2. The following shall be inserted after the line pertaining to Article 55:*

“Article 55a Participation of environmental organisations

Article 55b Electronic platform”

**“Participation of environmental organisations**

**Article 55a**

(1) Environmental organisations recognised pursuant to Article 19 para. 7 UVP-G 2000 and recognised in the Province of Salzburg shall be permitted to participate in official approval proceedings pursuant to

1. Article 22a and Article 22b, and
2. Article 34, provided that flora or fauna protected under a Directive are affected by the project.

(2) The authorities shall publish the application documents for proceedings pursuant to para. 1 on an electronic platform (Article 55b) that is only accessible to recognised environmental organisations (para. 1). Further documents can be published on the electronic platform depending on the status of the proceedings. Should it become apparent at a later stage of the proceedings that environmental organisations are entitled to participate, the application documents and any other relevant documents shall be published on the electronic platform from this point forward. If this publication is not possible due to a lack of electronic documents, the basic information about the proceedings shall be published on the electronic platform (Article 55b) with the notice that the complete documents have been made available for inspection by authorised parties at the offices of the authorities.

(3) Party status pursuant to para. 1 includes the right to inspect the relevant records and the right to submit a well argued opinion on the results of the investigation. Such a well argued opinion shall be submitted to the authorities by no later than two weeks after the publication of the investigation results on the electronic platform (Article 55b).

(4) Recognised environmental organisations pursuant to para. 1 shall have the right to file a complaint with the Provincial Administrative Court against official notices

1. pursuant to para. 1 number 1 and 2,
2. in cases where flora or fauna protected by a Directive are affected by any other official approval under this law or regulation based on this law, and
3. in determination proceedings pursuant to Article 49 para. 5, if flora or fauna protected by a Directive are affected.

The reasons of complaint shall be limited to the violation of environmental provisions of Union law.

(5) If reasons of complaint are presented for the first time in a complaint pursuant to para. 4 number 1, the recognised environmental organisation shall justify why the reasons of complaint could not be asserted during the approval proceedings and demonstrate why the fact that he failed to raise the objections during the objection period is not or only to a minor degree his fault. In cases where this cannot be demonstrated for any of the reasons of complaint, the complaint shall be rejected as being inadmissible in

its entirety. If this only applies to some of the reasons of complaint, the inadmissible issues of the complaint shall not be addressed.

(6) Official notices pursuant to para. 4 shall be published on the electronic platform (Article 55b) for a period of six weeks. The recognised environmental organisations shall be permitted to inspect the administrative act during this period. After this period, it shall only be permitted to inspect the administrative act if a complaint has been filed. After expiry of a period of two weeks following the day the official notice was published on the platform, it shall be deemed delivered vis-à-vis the recognised environmental organisations.

### **Electronic platform**

#### **Article 55b**

(1) The Provincial Government shall set up an electronic platform for the publication of applications and other documents relevant to the proceedings in which recognised environmental organisations (Article 55a para. 1) participate.

(2) This electronic platform shall only be open to the authorities and the recognised environmental organisations (Article 55a para. 1). The Provincial Government shall provide these environmental organisations with the information needed to access the platform upon request.

(3) If the recognition of an environmental organisation (Article 55a para. 1) is revoked by way of official notice pursuant to Article 19 para. 9 UVP-G 2000, this access authorisation shall be revoked.”

The following shall be appended to Article 67:

“(10) Articles 5, 24 para. 1 and 4, (Article) 24a, 25 para. 1 and 1a, 26 para. 1, 27 para. 2, 45 para. 2, 47 para. 6, 48 para. 1, 53 para. 1, 54 para. 1, 55 para. 1, (Article) 55a, 55b, 56 para. 2 and 3, and (Article) 62a as amended in the law Provincial Law Gazette No 67/2019 shall enter into force on 1 January 2020. Article 55 para. 2 number 2 shall be revoked at the same time.

(11) An environmental organisation (Article 55a para. 1) shall retain its party status in any proceedings that have not yet come to a legally effective conclusion when the law Provincial Law Gazette No 67/2019 enters into force. In the case of projects for which an official notice has been issued but has not yet become effective when Article 55a as amended in the law Provincial Law Gazette No 67/2019 enters into force, the period for appeal for environmental organisations (Article 55a para. 1) shall begin four weeks after the law Provincial Law Gazette No 67/2019 enters into force. Official notices pursuant to Article 55a that have become effective since 20 December 2017 can be requested by an environmental organisation (Article 55a para. 1) within four weeks after the day following the announcement of the law Provincial Law Gazette No 67/2019. The period for appeal of four weeks shall begin upon delivery of the requested official notices. Environmental organisations (Article 55a para. 1) shall be permitted to inspect the administrative act starting on the day of the delivery of the official notice. Complaints against such official notices shall have no suspensive effect. The authority shall be entitled to grant suspensive effect by way of official notice under its own power or upon request by the complainant within two weeks after the submission of the complaint if, after consideration of the affected public interests and interests of other parties, the suspension of the permission granted through the contested notice is deemed urgently necessary. The request for the granting of suspensive effect shall be submitted with the complaint.”

### **Article II**

The Salzburg National Park Act 2014, Provincial Law Gazette No 3/2015, last amended in the law Provincial Law Gazette No 82/2018, shall be amended as follows:

*1. The following changes shall be made to the table of contents:*

[...]

“Article 20a Participation of environmental organisations”

**“Participation of environmental organisations****Article 20a**

(1) Environmental organisations recognised pursuant to Article 19 para. 7 UVP-G 2000 and recognised in the Province of Salzburg shall be permitted to participate in official approval proceedings pursuant to this law.

(2) The authorities shall publish the application documents for proceedings pursuant to para. 1 on an electronic platform (Article 55b Nature Conservation Act) that is only accessible to recognised environmental organisations (para. 1). Further documents can be published on the electronic platform depending on the status of the proceedings. Should it become apparent at a later stage of the proceedings that environmental organisations are entitled to participate, the application documents and any other relevant documents shall be published on the electronic platform from this point forward. If this publication is not possible due to a lack of electronic documents, the basic information about the proceedings shall be published on the electronic platform (Article 55b Nature Conservation Act) with the notice that the complete documents have been made available for inspection by authorised parties at the offices of the authorities.

(3) Party status pursuant to para. 1 includes the right to inspect the relevant records and the right to submit a well argued opinion on the results of the investigation. Such a well argued opinion shall be submitted to the authorities by no later than two weeks after the publication of the investigation results on the electronic platform (Article 55b Nature Conservation Act).

(4) Recognised environmental organisations (para. 1) shall have the right to file a complaint with the Provincial Administrative Court against official notices from official approval proceedings conducted under this law. The reasons of complaint shall be limited to the violation of environmental provisions of Union law.

(5) If reasons of complaint are presented for the first time in a complaint pursuant to para. 4, the recognised environmental organisation shall justify why the reasons of complaint could not be asserted during the approval proceedings and demonstrate why the fact that he failed to raise the objections during the objection period is not or only to a minor degree his fault. In cases where this cannot be demonstrated for any of the reasons of complaint, the complaint shall be rejected as being inadmissible in its entirety. If this only applies to some of the reasons of complaint, the inadmissible issues of the complaint shall not be addressed.

(6) Official notices pursuant to para. 4 shall be published on the electronic platform (Article 55b Nature Conservation Act) for a period of six weeks. The recognised environmental organisations shall be permitted to inspect the administrative act during this period. After this period, it shall only be permitted to inspect the administrative act if a complaint has been filed. After expiry of a period of two weeks following the day the official notice was published on the platform, it shall be deemed delivered vis-à-vis the recognised environmental organisations.”

The following shall be appended to Article 47:

“(4) Articles 4, 14 para. 2, 19 para. 1, (Article) 20a, 41 para. 2 and (Article) 44 as amended in the law Provincial Law Gazette No 67/2019 shall enter into force on 1 January 2020.

(5) An environmental organisation (Article 20a para. 1) shall retain its party status in any proceedings that have not yet come to a legally effective conclusion when the law Provincial Law Gazette No 67/2019 enters into force. In the case of projects for which an official notice has been issued but has not yet become effective when Article 20a as amended in the law Provincial Law Gazette No 67/2019 enters into force, the period for appeal for environmental organisations (Article 20a para. 1) shall begin four weeks after the law Provincial Law Gazette No 67/2019 enters into force. Official notices pursuant to Article 20a that have become effective since 20 December 2017 can be requested by an environmental organisation (Article 20a para. 1) within four weeks after the day following the announcement of the law Provincial Law Gazette No 67/2019. The period for appeal of four weeks shall begin upon delivery of the requested official notices. Environmental organisations (Article 20a para. 1) shall be permitted to inspect the administrative act starting on the day of the delivery of the official notice. Complaints against such official notices shall have no suspensive effect. The authority shall be entitled to grant suspensive effect by way of official notice under its own power or upon request by the complainant within two weeks after

the submission of the complaint if, after consideration of the affected public interests and interests of other parties, the suspension of the permission granted through the contested notice is deemed urgently necessary. The request for the granting of suspensive effect shall be submitted with the complaint.”

### Article III

The Hunting Act 1993, Provincial Law Gazette No 100, last amended in the law Provincial Law Gazette No 62/2019, shall be amended as follows:

*1. In the table of contents, the following shall be inserted after the line pertaining to Article 150:*  
“Article 150a Participation of environmental organisations”

[...]

#### “Participation of environmental organisations

##### Article 150a

(1) Environmental organisations recognised pursuant to Article 19 para. 7 UVP-G 2000 and recognised in the Province of Salzburg shall be permitted to participate in official approval proceedings pursuant to

1. Article 108a and Article 108b,
2. Article 104b, if strictly protected species listed in Annex IV lit. a to the Habitats Directive or in Annex I to the Birds Directive are affected.

(2) The authorities shall publish the application documents for proceedings pursuant to para. 1 on an electronic platform (Article 55b Nature Conservation Act) that is only accessible to recognised environmental organisations (para. 1). Further documents can be published on the electronic platform depending on the status of the proceedings. Should it become apparent at a later stage of the proceedings that environmental organisations are entitled to participate, the application documents and any other relevant documents shall be published on the electronic platform from this point forward. If this publication is not possible due to a lack of electronic documents, the basic information about the proceedings shall be published on the electronic platform (Article 55b Nature Conservation Act) with the notice that the complete documents have been made available for inspection by authorised parties at the offices of the authorities.

(3) Party status pursuant to para. 1 includes the right to inspect the relevant records and the right to submit a well argued opinion on the results of the investigation. Such a well argued opinion shall be submitted to the authorities by no later than two weeks after the publication of the investigation results on the electronic platform (Article 55b Nature Conservation Act).

(4) Recognised environmental organisations (para. 1) shall have the right to file a complaint with the Provincial Administrative Court against official notices

1. pursuant to para. 1 number 1 and 2, and
2. in cases where strictly protected flora or fauna listed in Annex IV lit. a to the Habitats Directive or Annex I to the Birds Directive are affected by any other official approval under this law or regulation based on this law.

The reasons of complaint shall be limited to the violation of environmental provisions of Union law.

(5) If reasons of complaint are presented for the first time in a complaint pursuant to para. 4 number 1, the recognised environmental organisation shall justify why the reasons of complaint could not be asserted during the approval proceedings and demonstrate why the fact that he failed to raise the objections during the objection period is not or only to a minor degree his fault. In cases where this cannot be demonstrated for any of the reasons of complaint, the complaint shall be rejected as being inadmissible in its entirety. If this only applies to some of the reasons of complaint, the inadmissible issues of the complaint shall not be addressed.

(6) Official notices pursuant to para. 4 shall be published on the electronic platform (Article 55b Nature Conservation Act) for a period of six weeks. The recognised environmental organisations shall be permitted to inspect the administrative act during this period. After this period, it shall only be permitted to inspect the administrative act if a complaint has been filed. After expiry of a period of two weeks following the day the official notice was published on the platform, it shall be deemed delivered vis-à-vis the recognised environmental organisations.”

*3. The following shall be appended to Article 163:*

“(13) Article 150a as amended in the law Provincial Law Gazette No 67/2019 shall enter into force on 1 January 2020.

(14) An environmental organisation (Article 150a para. 1) shall retain its party status in any proceedings that have not yet come to a legally effective conclusion when the law Provincial Law Gazette No 67/2019 enters into force. In the case of projects for which an official notice has been issued but has not yet become effective when Article 150a as amended in the law Provincial Law Gazette No 67/2019 enters into force, the period for appeal for environmental organisations (Article 150a para. 1) shall begin four weeks after the law Provincial Law Gazette No 67/2019 enters into force. Official notices pursuant to Article 150a that have become effective since 20 December 2017 can be requested by an environmental organisation (Article 150a para. 1) within four weeks after the day following the announcement of the law Provincial Law Gazette No 67/2019. The period for appeal of four weeks shall begin upon delivery of the requested official notices. Environmental organisations (Article 150a para. 1) shall be permitted to inspect the administrative act starting on the day of the delivery of the official notice. Complaints against such official notices shall have no suspensive effect. The authority shall be entitled to grant suspensive effect by way of official notice under its own power or upon request by the complainant within two weeks after the submission of the complaint if, after consideration of the affected public interests and interests of other parties, the suspension of the permission granted through the contested notice is deemed urgently necessary. The request for the granting of suspensive effect shall be submitted with the complaint.”

#### **Article IV**

The Fishing Act 2002, Provincial Law Gazette No 81, last amended in the law Provincial Law Gazette No 35/2017, shall be amended as follows:

*1. The following changes shall be made to the table of contents:*

[...]

“Article 49a Participation of environmental organisations”

Article 49b Waiver of fees”

[...]

#### **“Participation of environmental organisations**

##### **Article 49a**

(1) Environmental organisations recognised pursuant to Article 19 para. 7 UVP-G 2000 and recognised in the Province of Salzburg shall be permitted to participate in official approval proceedings pursuant to Article 22 para. 3.

(2) The authorities shall publish the application documents for proceedings pursuant to para. 1 on an electronic platform (Article 55b of the Salzburg Nature Conservation Act 1999) that is only accessible to recognised environmental organisations (para. 1). Further documents can be published on the electronic platform depending on the status of the proceedings. Should it become apparent at a later stage of the proceedings that environmental organisations are entitled to participate, the application documents and any other relevant documents shall be published on the electronic platform from this point forward. If this publication is not possible due to a lack of electronic documents, the basic information about the proceedings shall be published on the electronic platform (Article 55b of the Salzburg Nature Conservation Act 1999) with the notice that the complete documents have been made available for inspection by authorised parties at the offices of the authorities.

(3) Party status pursuant to para. 1 includes the right to inspect the relevant records and the right to submit a well argued opinion on the results of the investigation. Such a well argued opinion shall be submitted to the authorities by no later than two weeks after the publication of the investigation results on the electronic platform (Article 55b of the Salzburg Nature Conservation Act 1999).

(4) Recognised environmental organisations (para. 1) shall have the right to file a complaint with the Provincial Administrative Court against official notices

1. granting exemptions pursuant to Article 22 para. 3 and

2. in cases where strictly protected flora or fauna listed in Annex IV lit. a to the Habitats Directive are affected by any other official approval under this law or regulation based on this law.

The reasons of complaint shall be limited to the violation of environmental provisions of Union law.

(5) If reasons of complaint are presented for the first time in a complaint pursuant to para. 4 number 1, the recognised environmental organisation shall justify why the reasons of complaint could not be asserted during the approval proceedings and demonstrate why the fact that he failed to raise the objections during the objection period is not or only to a minor degree his fault. In cases where this cannot be demonstrated for any of the reasons of complaint, the complaint shall be rejected as being inadmissible in its entirety. If this only applies to some of the reasons, the inadmissible issues of the complaint shall not be addressed.

(6) Official notices pursuant to para. 4 shall be published on the electronic platform (Article 55b of the Salzburg Nature Conservation Act 1999) for a period of six weeks. The recognised environmental organisations shall be permitted to inspect the administrative act during this period. After this period, it shall only be permitted to inspect the administrative act if a complaint has been filed. After expiry of a period of two weeks following the day the official notice was published on the platform, it shall be deemed delivered vis-à-vis the recognised environmental organisations.”

*4. The following shall be appended to Article 57:*

“(12) Articles 49a and 49b as amended in the law Provincial Law Gazette No 67/2019 shall enter into force on 1 January 2020.

(13) An environmental organisation (Article 49a para. 1) shall retain its party status in any proceedings that have not yet come to a legally effective conclusion when the law Provincial Law Gazette No 67/2019 enters into force. In the case of projects for which an official notice has been issued but has not yet become effective when Article 49a as amended in the law Provincial Law Gazette No 67/2019 enters into force, the period for appeal for environmental organisations (Article 49a para. 1) shall begin four weeks after the law Provincial Law Gazette No 67/2019 enters into force. Official notices pursuant to Article 49a that have become effective since 20 December 2017 can be requested by an environmental organisation (Article 49a para. 1) within four weeks after the day following the announcement of the law Provincial Law Gazette No 67/2019. The period for appeal of four weeks shall begin upon delivery of the requested official notices. Environmental organisations (Article 49a para. 1) shall be permitted to inspect the administrative act starting on the day of the delivery of the official notice. Complaints against such official notices shall have no suspensive effect. The authority shall be entitled to grant suspensive effect by way of official notice under its own power or upon request by the complainant within two weeks after the submission of the complaint if, after consideration of the affected public interests and interests of other parties, the suspension of the permission granted through the contested notice is deemed urgently necessary. The request for the granting of suspensive effect shall be submitted with the complaint.”