

Landesgesetzblatt

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75th law: **Amendment of the Law on Institutions for the Protection of the Environment (XVII. GPSStLT RV EZ 3499/1 AB EZ 3499/3)**
[CELEX no: 31992L0043, 32009L0147]

75th law of 17 September 2019, amending the Law on Institutions for the Protection of the Environment

The Styrian Parliament has resolved:

The Law on Institutions for the Protection of the Environment – StESUG, Provincial Law Gazette No 78/1988, last amended in the law Provincial Law Gazette No 130/2014, shall be amended as follows:

1. After Article 7, the following Article 8 shall be inserted:

“Article 8

Public participation and access to courts

(1) The applicant and environmental ombudsman shall have the right to submit an application for determination whether a project within or outside of a European protection area pursuant to Article 28 para. 1 Styrian Nature Conservation Act 2017 requires a nature impact assessment (preliminary assessment). Determination proceedings can also be initiated by the authorities. The authorities shall issue a decision by way of official notice within eight weeks. Recognised environmental organisations pursuant to Article 19 para. 7 UVP-G 2000 with a geographical scope of recognition including Styria shall have party status in determination and official approval proceedings pursuant to Article 28 Styrian Nature Conservation Act 2017 as defined in Article 8 General Administrative Procedure Act; Article 6 para. 2 shall apply to the environmental ombudsman.

(2) Available information on a project within or outside of a European protection area shall be published on an electronic platform that is accessible to recognised environmental organisations pursuant to para. 1 for a period of four weeks. Within this period, recognised environmental organisations pursuant to para. 1 shall have the right to submit written opinions on the project pertaining to compliance with environmental regulations contained in Union law and to express their opinions in any oral hearings; they shall also have the right to inspect the administrative act.

(3) Recognised environmental organisations pursuant to para. 1 shall have the right to submit complaints alleging the infringement of environmental protection regulations in Union law against official notices pursuant to

1. para. 1 and Article 28 para. 2 to 4 Styrian Nature Conservation Act 2017,
2. Article 17 para. 5, Article 18 para. 5, and Article 19 para. 6 Styrian Nature Conservation Act 2017,
3. Article 58 para. 2a line 4 and para. 2c Styrian Hunting Act 1986, and
4. Article 13 para. 1 Styrian Fishing Act 2000.

If reasons of complaint are presented for the first time in a complaint pursuant to number 1, these shall be admissible only if the complaint indicates why it was not possible to raise them during the objection period in the determination or official approval proceedings and if the recognised environmental organisation demonstrates that the fact that it failed to raise the objections during the objection period is not or only to a minor degree its fault.

(4) Official notices pursuant to para. 3 shall be published on an electronic platform that is accessible to recognised environmental organisations pursuant to para. 1 for a period of six weeks; the official notice shall be deemed delivered to these organisations after the expiry of a period of two weeks after
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publication.

From this point, they shall have the right to inspect the administrative act.”

2. *After Article 12, the following Article 13 shall be inserted:*

“Article 13

References

- (1) References in this law to other provincial laws refer in all cases to the currently amended version.
- (2) References in this law to federal laws refer to following versions:
 1. General Administrative Procedure Act – AVG, Federal Law Gazette No 51/1991, as amended in the law Federal Law Gazette I No 58/2018;
 2. Environmental Impact Assessment Act 2000 – UVP-G 2000, Federal Law Gazette No 697/1993, as amended in the law Federal Law Gazette I No 80/2018.”

3. *After Article 14, the following Article 14a shall be inserted:*

“Article 14a

**Transitional provision for the amendment of
Provincial Law Gazette No 75/2019**

(1) Recognised environmental organisations pursuant to Article 8 para. 1 shall have the right to file complaints alleging the infringement of environmental protection regulations in Union law against official notices pursuant to Article 8 para. 3

1. that became effective within one year before this amendment entered into force, or
2. that had been issued but not yet become effective before the end of the day that this amendment entered into force.

Article 8 para. 4 applies accordingly.

(2) Complaints filed against official notices pursuant to para. 1 number 1 shall have no suspensive effect. However, upon application by the complaining environmental organisation, the authority shall grant suspensive effect by official notice if, after consideration of the affected public interests and interests of other parties, the exercise of the permission granted through the contested notice would lead to disproportionate detrimental impacts on the environment. The complaint filed against an official notice by which the suspensive effect has been granted has no suspensive effect.”

4. *The following paragraph 8 shall be appended to Article 15:*

“(8) Articles 8, 13, and 14a as amended in Provincial Law Gazette No 75/2019 shall enter into force on the day following their announcement, namely **8 October 2019.**”

Provincial
Governor
Schützenhöfer

Member
of
Parliament

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