

(Draft) Plan of action for decision VII/8b (Austria)

Through paragraph 2 (e) of decision VII/8b concerning the compliance of Austria, the Meeting of the Parties to the Aarhus Convention has requested the Party concerned to submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations contained in paragraph 2 (a), (b) and (d) of that decision.

The text of decision VII/8b is available at: <https://unece.org/env/pp/cc/decision-vii8b-concerning-austria>

In preparing its plan of action, the Party concerned was invited by the Compliance Committee to take into account the Committee's information note for Parties on preparing their plan of action. The Committee's information note, which contains step-by-step guidance for Parties on how to complete their plan of action, is available at: <https://unece.org/env/pp/cc/implementation-decisions-meeting-parties-compliance-individual-parties>

A. Description of the process by which the plan of action has been prepared

Call for input to the Plan of Action by Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology (BMK) to:

- 9 federal regions
- Units in the BMK
- Other Federal Ministries and Federal Chancellery.

Publication of the draft plan on the website of the BMK in July 2022 and invitation to the public to comment.

Submission of final Plan of Action Autumn 2022

B. General character of the measures that will be needed to implement the recommendations in the MOP decision

Legislative measures, amendments to regional and federal acts.

Training offers to authorities and judges.

Further coordination in the Austrian Aarhus Working Group

C. Detailed plan of action	
Recommendation: Para. 2 (a) of decision VII/8b	<p>In paragraph 2 (a) of decision VII/8b, the Meeting of the Parties requests the Party concerned:</p> <p>(a) As a matter of urgency, take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that criteria for nongovernmental organizations to have standing to challenge acts or omissions by private persons or public authorities that contravene national law relating to the environment under article 9 (3) of the Convention are revised and specifically laid down in sectoral environmental laws, in addition to any existing criteria for non-governmental organization standing in its laws on environmental impact assessment, integrated pollution prevention and control, waste management or environmental liability;</p>
Recommendation: Para. 2 (b) of decision VII/8b	<p>In paragraph 2 (b) of decision VII/8b, the Meeting of the Parties requests the Party concerned:</p> <p>(b) Ensure that, when addressing subparagraph (a) above, members of the public, including non-governmental organizations, have access to adequate and effective administrative or judicial procedures and remedies in order to challenge acts and omissions of private persons and public authorities that contravene national law, including administrative penal laws and criminal laws, relating to the environment;</p>
Proposed measures to fulfil recommendation	<p>Continued implementation by provincial and federal law. See examples below. Several other legislative Acts are in preparation.</p> <p><u>Amendments of laws at the federal level e.g..</u></p> <p>Amendment of EIA Act 2000 (UVP-G 2000) – in preparation, public consultation in summer, parliamentary procedure in autumn 2022 Amendment of Waste Management Act (AWG 2002) – together with EIA Act 2000 (see above) Revision of Transport Acts (road, cable cars, shipping and air traffic) on public participation and Access to Justice (Study ongoing, proposals planned for 2023) Discussion on revision of Energy Acts concerning permitting processes, inter alia to better implement the Aarhus Convention Amendment of the Act on the SEA concerning federal high-level transport infrastructure (SP-V-G) - in preparation, public consultation in summer, parliamentary procedure in autumn 2022 (Improve opportunities for participation by the public and environmental bodies and implement new legal protection mechanisms under the SP-V-G in line with the Aarhus Convention.)</p>

	<p>Recent Amendments of laws at provincial level e.g. Act amending the Salzburg Nature Conservation Act 1999, the Salzburg National Park Act 2014, the Hunting Act 1993, the Fishing Act 2002 and the Environmental Protection and Environmental Information Act LGBl. Nr. 41/2022. Tyrolean Hunting Act 2004 LGBl. Nr. 40/2022 Carinthian IPPC-Plants Act LGBl. Nr. 52/2002 as amended in LGBl. Nr. 58/2021</p> <p>In the pipeline at provincial level: Upper Austria, Aarhus Adaptation Amendment 2022 (Nature and Landscape Conservation Act 2001 and Hunting Act)</p>
Outline of the steps necessary to implement the proposed measures	<p>Continuation of coordination in Meetings of the Austrian Aarhus Working Group (constituting of BMK, provinces, other Ministries; review of implementation gaps, discussion of measures and legislative proposals) Meetings of the Working Group to set up a nationwide announcement platform for procedures and decisions of public interest (of the provinces and the Federation, started in 2021 and will lead to legislative measures for better access to relevant information on procedures)</p> <p>Legislative procedure (federal level): Draft of Federal Minister Public Consultation Parliament (vote in National and Federal Council – Nationalrat and Bundesrat) Authentication by the Federal President Promulgation in the Federal Law Gazette Available in ris.bka.gv.at (https://www.ris.bka.gv.at/UI/Erv/Info.aspx)</p> <p>Legislative procedure (provincial level): Draft of Office of the Government of province Public Consultation Parliament (vote in Federal State Parliament – Landtag) Authentication by e.g. President of Landtag Promulgation in the Provincial Law Gazette Available in ris.bka.gv.at (https://www.ris.bka.gv.at/UI/Erv/Info.aspx)</p>
Actors involved	<ul style="list-style-type: none"> • Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology (BMK) • 9 provinces • Federal Ministries and Federal Chancellery • Public • Stakeholders
Final date by when implementation of recommendation will be completed	October 2024

Recommendation: Para. 2 (d) of decision VII/8b	<p>In paragraph 2 (d) of decision VII/8b, the Meeting of the Parties requests the Party concerned:</p> <p>(d) Develop a capacity-building programme and provide training on the implementation of the Convention for judges, prosecutors and lawyers;</p>
Proposed measures to fulfil recommendation	<p>Continuation of training activities.</p> <p>The Austrian Academy for Administrative Courts will continue to offer seminars about the Aarhus Convention for administrative judges.</p> <p>The Federal Ministry of Justice, inter alia, takes part in an EU-funded project lead by the Austrian Criminal Intelligence Service (Bundeskriminalamt) aiming at building capacity in the field of environmental (criminal) law. A relevant part of this project is the implementation of two training events for judges and prosecutors dealing with environmental cases. Not only national and international practitioners contributed to the specific design and to developing the content, but also representatives of the academia. The training events i.a. tackled the proposal for a new EU Directive on environmental crime from December 15th 2021, which takes up a number of provisions laid down by the Aarhus Convention. The training events took place in January and April 2022 and were attended by a high percentage of Austrian judges and prosecutors dealing with environmental cases.</p> <p>Moreover, judges and public prosecutors have the possibility to participate in international training as provided by e.g. the European Law Academy (ERA), which, for example, regularly offers a training on the topic “National Judges and the EU Aarhus-Acquis” opened for Austrian judges and prosecutors. The participation of Austrian practitioners in such training events is strongly encouraged and is considered as service. Most recently, an Austrian judge participated in this training in April 2021.</p> <p>In the context of a project on participation dialogues (sponsored by the BMK) ÖKOBÜRO will provide information on the Aarhus Convention and Access to Justice to a wide range of organizations and stakeholders.</p>
Outline of the steps necessary to implement the proposed measures	<p>The training programme of the Austrian Academy for Administrative Courts will be published on: https://www.jku.at/oesterreichische-akademie-der-verwaltungsgerichtsbarkeit/.</p> <p>Monitoring of seminar offers (number of participants, content, qualification of trainers, seminar participants as knowledge multipliers in their court).</p>
Actors involved	<p>Federal Ministry of Justice (BMJ), Austrian Academy for Administrative Courts Austrian Criminal Intelligence Service (Bundeskriminalamt), European Law Academy</p>

Final date by when implementation of recommendation will be completed	October 2024 (ongoing training offers).
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