Federal Act on Environmental Impact Assessment (Environmental Impact Assessment Act 2000 - EIA Act 2000)

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SECTION 1

Purpose of environmental impact assessment and public participation

Article 1. (1) The purpose of the environmental impact assessment (EIA) shall be, with public participation and on a basis of expertise,

1. to identify, describe and assess the direct and indirect effects that a project will or may have

   a) on humans and biological diversity, including animals, plants and their habitats,

   b) on land and soil, water, air, and climate,

   c) on the landscape, and

   d) on material assets and the cultural heritage,

   including any interactions between several effects,

2. to examine measures that prevent or mitigate harmful, disturbing or adverse effects of a project on the environment or that enhance its beneficial effects,

3. to document the advantages and disadvantages of the alternatives examined by the project applicant as well as the environmentally relevant advantages and disadvantages of not proceeding with the project, and

4. to document, in cases where the law provides for the possibility of expropriation or of interference with private rights, the environmentally relevant advantages and disadvantages of the alternative sites or routes examined by the project applicant.

(2) This Federal Act implements Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, OJ L 26 of 28/01/2012, p. 1, as amended by Directive 2014/52/EU, OJ L 124 of 25/04/2014, p. 1, and adopts accompanying provisions on Regulation (EU) No 347/2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009, OJ L 115, of 25/04/2013, p. 39.

Definition of Terms

Article 2. (1) “Co-operating authorities” shall mean the authorities which, on the basis of administrative provisions,

1. would be responsible for granting development consent or inspecting the project if the present Federal Act did not require the performance of an environmental impact assessment for the project,

2. are responsible for inspecting the project or for issuing ordinances required for implementing the project (construction or operation), or

3. have to be involved in the relevant procedures.

(2) “Project” shall mean the establishment of a facility or any other intervention in nature and landscape, including all the measures that are spatially and functionally related thereto. A project may comprise one or more installations or interventions if these are spatially and functionally related.

(3) “Development consent” shall mean the acts or omissions of the authorities, as required by individual administrative provisions for the authorisation of a project’s implementation, such as in particular, permits, approvals or declarations. This also includes the granting of easements pursuant to the first sentence of Article 111(4) of the *Wasserrechtsgesetz* 1959 (Water Management Act) but does not include the granting of any other coercive rights.

(4) “Ombudsman for the environment” shall mean a body specifically established by the Federal Government or by the Province concerned to ensure protection of the environment in administrative procedures.

(5) “Capacity” shall mean the size, input or output of a project approved or applied for, which shall be measured in the unit indicated in Annex 1 if a threshold value is given therein. In this context, an installation is a facility on a specific site or a combination of such facilities in a close spatial and functional connection, serving any of the purposes indicated in Annex 1.

(6) “Ombudsman for the economic location” shall mean a body specifically established by the Federal Government or by the Province concerned to safeguard public interest in the implementation of a project in administrative procedures.

Object of the environmental impact assessment

Article 3. (1) An environmental impact assessment shall be performed for projects listed in Annex 1 as well as for modifications of these projects subject to the following provisions. The simplified procedure shall be applied to projects listed in Columns 2 and 3 of Annex 1. In the simplified procedure, Articles 3a (2), 6 (1) no. 1 (d), 7 (2), 12, 13 (2), 16 (2), 20 and 22 shall not apply, while the provisions of Articles 3a (3), 7 (3), 12a and 19 (2) shall apply.

(2) If projects under Annex 1 that fall below the threshold values or do not fulfil the criteria defined therein reach the relevant threshold value or fulfil the criterion together with them, the authority shall examine on a case-by-case basis whether significant harmful, disturbing or adverse effects on the environment are to be expected due to a cumulation of effects and whether, as a result, an environmental impact assessment shall be performed for the project planned. Cumulation shall take into account other, equal projects that are spatially related to it and that exist or have been approved, or projects for which a complete application for approval was submitted to an authority earlier or for which an application was filed earlier pursuant to Article 4 or Article 5. A case-by-case examination shall not be carried out if the capacity of the project planned is less than 25 % of the threshold value. When taking a decision on a specific case, the criteria of paragraph (5) no. 1 to 3 shall be taken into consideration; paragraph (7) and paragraph (8) shall be applied. The environmental impact assessment shall be performed as a simplified procedure. The case-by-case examination shall not be carried out if the project applicant requests that an environmental impact assessment be performed.

(3) If an environmental impact assessment has to be performed for a project, the authority (Article 39) shall apply the substantive approval provisions required for the implementation of the project under federal or provincial administrative law, also to the extent that they fall in the domain of the municipalities, in a consolidated procedure (consolidated development consent procedure).

(4) In the case of projects for which a threshold value is defined for certain protected areas in Column 3 of Annex 1, the authority shall, if this criterion is fulfilled, decide on a case-by-case basis, taking into consideration the extent and lasting effects of the environmental impact, whether significant adverse effects are to be expected for the protected habitat (Category B of Annex 2) or the protection purpose for which the protected area has been established (Categories A, C, D and E of Annex 2). In this examination, protected areas of Category A, C, D or E of Annex 2 shall only be considered if they have already been designated or included in the list of sites of Community importance (Category A of Annex 2) on the day when the procedure is initiated. If such adverse effects are to be expected, an environmental impact assessment shall be performed. When taking a decision on a specific case, the criteria of paragraph (5) no.1 to 3 shall be taken into consideration, and paragraphs

(7) and (8) shall be applied. The case-by-case examination shall not be carried out if the project applicant requests that an environmental impact assessment be performed.

(4a) In the case of projects for which special requirements other than those identified in paragraph (4) are laid down in Column 3 of Annex 1 and if these requirements apply, the authority shall determine on a case-by-case basis whether significant harmful, disturbing or adverse effects on the environment as defined in Article 1 (1) no. 1 are to be expected. If the authority finds that such effects are to be expected, a simplified environmental impact assessment shall be performed. The case-by-case examination shall not be carried out if the project applicant requests that an environmental impact assessment be performed.

(5) When taking the decision on a specific case, the authority shall take into consideration the following criteria, where relevant:

1. Characteristics of the project (size of the project, use of natural resources, production of waste, environmental pollution and nuisances, vulnerability of the project to risks of major accidents and/or natural disasters, including those caused by climate change, in accordance with scientific knowledge, risks to human health);
2. Location of the project (environmental sensitivity taking into account existing or approved land use, abundance, quality and regenerative capacity of natural resources in the area and its underground, absorption capacity of the natural environment, where appropriate taking into account the areas listed in Annex 2);
3. Characteristics of the potential impact of the project on the environment (type, magnitude and spatial extent of the impact), transboundary nature of the impact, the intensity and complexity of the impact, the expected onset, probability of the impact, duration, frequency and reversibility of the impact, possibility to effectively avoid or reduce the impact) as well as the change in the environmental impact resulting from the implementation of the project as compared with the situation without the implementation of the project.

In case of projects listed in Column 3 of Annex 1, the changed impact shall be assessed with regard to the protected area. The Federal Minister for Sustainability and Tourism may specify further details of the implementation of the case-by-case examination by way of ordinance.

(6) Before the completion of the environmental impact assessment or of the case-by-case examination, projects subject to an examination according to paragraphs (1), (2) or (4) shall not be approved, and notifications made under administrative provisions shall have no legal effect before the completion of the environmental impact assessment. Approvals granted in violation of this provision may be declared null and void by the authority having competence pursuant to Article 39 (3) within a period of three years.

(7) Upon request of the project applicant, a co-operating authority or the ombudsman for the environment, the authority shall determine whether an environmental impact assessment for a project needs to be performed pursuant to this Federal Act and which criterion of Annex 1 or Article 3a (1) to (3) applies to the project. This determination may also be made *ex officio*. The project applicant shall submit to the authority adequate documentation for the identification of the project and for the assessment of its environmental impact; in the case of a case-by-case examination paragraph (8) shall be applied to this end. If the authority is required to perform a case-by-case examination under this Federal Act, the authority shall only perform a rough screening with regard to the depth and scope here. The decision shall be taken by administrative order within six weeks. The decision shall, after conduct of a case-by-case examination, state the main reasons for the decision as to whether or not an

environmental impact assessment has to be carried out with reference to the criteria of relevance to the project, indicated in paragraph (5). Where it is determined that there is no obligation to carry out an environmental impact assessment, the decision shall refer to any planned, project-inherent features or measures of the project envisaged by the project applicant to avoid or prevent what might otherwise have been significant adverse effects on the environment. *Locus standi* and the right to complain to the Federal Administrative Court shall be due to the project applicant, the ombudsman for the environment and the host municipality. Before the decision is taken, the co-operating authorities and the water management planning body shall be heard. The authority shall announce the decision in a suitable way and, at any rate, make the administrative order accessible to the public and publish it on the internet site of the EIA authority that is used for publications pursuant to Article 9 (4); the administrative order shall be available for download for six weeks. The host municipality shall have the right to bring appeal against the decision of the Federal Administrative Court before the Supreme Administrative Court. The ombudsman for the environment and the co-operating authorities are exempted from the obligation to reimburse cash expenses.

(8) The project applicant shall submit to the authority, for the purposes of a case-by-case examination, information on the following features:

1. Project description:
   a) a description of the physical characteristics of the whole project and, where relevant, of demolition works;
   b) a description of the location of the project, with particular regard to the environmental sensitivity of geographical areas likely to be affected;
2. a description of the aspects of the environment likely to be significantly affected by the project; assets to be protected for which comprehensible reasons can be given that no adverse effects on the environment have to be expected do not need to be described, as well as
3. a description of the presumably considerable impact of the project on the environment, taking into account all available information, as a consequence of the expected residues and emissions and the production of waste, where relevant, and the use of natural resources, in particular soil, land, water and biodiversity.

In the case of projects of Column 3 of Annex 1 the description shall relate to the expected significant impairment of the habitat worth protection (Category B of Annex 2) or of the protective purpose for which the area worth protection (Categories A, C, D, and E of Annex 2) has been identified. In doing so, the project applicant may take into account any available results of other relevant assessments of the effects on the environment. The project applicant may also provide a description of any features of the project and/or measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

(9) If the authority states pursuant to paragraph (7) that a project shall not be subject to an environmental impact assessment, an environmental organisation recognised in accordance with Article 19 (7) or a neighbour in accordance with Article 19 (1) no. 1 shall have the right to file a complaint with the Federal Administrative Court. As from the day of publication on the internet, such environmental organisation or such neighbour shall be given access to the administrative file. For the right of complaint of the environmental organisation, the geographical area stated in the administrative order on recognition pursuant to Article 19 (7) shall be decisive.

(10) The Federal Minister for Sustainability and Tourism may define, by way of ordinance, the areas (Category D of Annex 2) of the relevant Federal Province where the exposure limits specified by the *Immissionsschutzgesetz-Luft* (Ambient Air Quality Act), Federal Law Gazette I No. 115/1997 as amended, are exceeded repeatedly or for a prolonged period of time.

Modifications

Article 3a. (1) Modifications of projects

1. that amount to a capacity increase of at least 100% of the threshold value indicated in Column 1 or 2 of Annex 1, if such a threshold value has been specified, shall be submitted to an environmental impact assessment; this shall not apply to specified threshold values for modifications;
2. for which a modification criterion is defined in Annex 1 shall be submitted to an environmental impact assessment where this criterion is met and the authority determines on a case-by-case basis that significant harmful, disturbing or adverse effects on the environment as defined in Article 1 (1) no. 1 are to be expected due to the modification.

(2) An environmental impact assessment shall be performed for modifications of other projects listed in Column 1 of Annex 1

1. if the threshold value of Column 1 is already reached by the existing installation or will be reached upon implementation of the modification, and if the modification results in a capacity increase amounting to at least 50% of this threshold value, or
2. if the capacity is increased by at least 50% of the previously approved capacity of the project in case no threshold value is indicated in Column 1 of Annex 1,

and if the authority determines for the case in question that significant harmful, disturbing or adverse effects on the environment as defined in Article 1 (1) no. 1 are to be expected due to the modification.

(3) A simplified environmental impact assessment shall be performed for modifications of other projects listed in Column 2 or 3 of Annex 1

1. if the threshold value of Column 2 or 3 is already reached by the existing installation or will be reached upon implementation of the modification, and if the modification results in a capacity increase amounting to at least 50% of this threshold value, or
2. if the capacity is increased by at least 50% of the previously approved capacity of the project in case no threshold value is indicated in Column 2 or 3 of Annex 3,

and if the authority determines for the case in question that significant harmful, disturbing or adverse effects on the environment as defined in Article 1 (1) no. 1 are to be expected due to the modification.

(4) When taking the decision on a case-by-case basis, the authority shall take into consideration the criteria identified in Article 3 (5) no. 1 to 3. Article 3 paragraphs (7) and (8) shall apply. The case-by-case examination according to paragraph (1) no. 2, paragraphs (2), (3) and (6) shall not be carried out if the project applicant requests that an environmental impact assessment be performed.

(5) Unless otherwise provided in Annex 1, the applicability of an environmental impact assessment to modifications according to paragraph 1 no. 2 as well as paragraphs (2) and (3) shall be assessed on the basis of the sum total of the capacities approved in the past five years, including the capacity increase applied for, provided that the modification applied for

results in a capacity increase amounting to at least 25% of the threshold value or, if no threshold value is specified, of the previously approved capacity.

(6) If modifications of projects under Annex 1 that fall below the threshold values of paragraphs (1) to (5) or do not fulfil the criteria defined therein but reach the relevant threshold value or fulfil the criterion of Annex 1 together with other projects, the authority shall examine on a case-by-case basis whether significant harmful, disturbing or adverse effects on the environment are to be expected due to a cumulation of effects and whether, as a result, an environmental impact assessment shall be performed for the modification planned. Cumulation shall take into account other, equal projects that are spatially related to it and that exist or have been approved, or projects for which a complete application for approval was submitted to an authority earlier or for which an application was filed earlier pursuant to Article 4 or Article 5. A case-by-case examination shall not be carried out if the capacity of the modification project planned is less than 25 % of the threshold value. When taking a decision on a specific case, the criteria of Article 3 (5) no. 1 to 3 shall be taken into consideration, and Article 3 (7) shall be applied. The environmental impact assessment shall be performed as a simplified procedure.

(7) The development consent to the modification shall also cover the project already approved to the extent necessary due to the modification for protecting the interests indicated in Article 17 (1) to (5).

(NB: Paragraph (8) repealed by Federal Law Gazette I No. 95/2013)

Experts, costs

Article 3b. (1) The consultation of non-official experts in procedures under this Federal Act shall be permitted even in cases where the prerequisites stated in Article 52 (2) and (3) General Administrative Procedure Act (AVG) are not met. Besides, institutions, institutes or enterprises active in the relevant technical field may be appointed experts.

(2) The project applicant shall bear the costs incurred by the authority in conducting the procedure in accordance with this Federal Act, like fees or remunerations for experts. The authority may require the project applicant by administrative order to pay these costs directly, after verification of their accuracy in terms of merit and amount by the authority.

SECTION 2

ENVIRONMENTAL IMPACT ASSESSMENT AND CONSOLIDATED DEVELOPMENT CONSENT PROCEDURE

Preliminary procedure and investor services

Article 4. (1) If requested by the project applicant, a preliminary procedure shall be carried out. The request shall be accompanied by a description of the main features of the project and a draft of the environmental impact statement.

(2) After having consulted the co-operating authorities and, where appropriate, any third parties, the authority shall express their opinion to the project applicant on the documents according to paragraph (1) as soon as possible but no later than three months of their receipt. In particular, this opinion shall point out obvious deficiencies in the project or the outline of the environmental impact statement (Article 6) and shall indicate any additional information that probably needs to be included in the environmental impact statement. The opinion shall be taken into account in the preparation of the environmental impact statement.

(3) The authority may support project applicants upon their request by providing information that is available to the authority and that is needed by the project applicant for preparing the documents pursuant to Article 5(1). The confidentiality of commercial and business secrets shall be respected. If provided free of charge, the information shall only be used for the implementation of the project. The topics and issues that are likely to be significant in the development consent procedure may be communicated within the framework of these investor services for project preparation.

Initiation of the environmental impact assessment

Article 5. (1) The project applicant planning a project subject to an environmental impact assessment according to Article 3 or 3a shall submit to the authority an application for development consent that contains the documentation required under administrative law for the approval of the project and of the environmental impact statement in the respectively required number of copies. These documents shall be filed electronically, where technically feasible. Evidence of authorisations shall not be deemed required to the extent that administrative provisions grant coercive rights in this respect. The project applicant shall also state whether and in which way he/she has informed the public about the project. Project documents containing trade or commercial secrets in the applicant's opinion shall be marked accordingly.

(2) If documents according to paragraph (1) are missing in the application or if the information of the environmental impact statement is incomplete, the authority shall, without delay, order the project applicant to complement the application or the environmental impact statement according to Article 13 (3) AVG even if this is only realised in the course of the development consent procedure. In the case of an order to improve the application, any statements from the authority pursuant to Article 4 as well as coordination between the authority and the project applicant pursuant to Article 6 (2) shall be taken into account. The authority may stipulate that certain information and documents that are not required for assessing the environmental effects may be submitted only in a later stage of the procedure.

(3) The authority shall communicate, without delay, the application, the relevant project documents and the environmental impact statement to the co-operating authorities for comments. The authorities according to Article 2 (1) no. 1 shall co-operate in the technical and legal assessment of the project to the extent required and shall submit proposals for the required subject fields and the respective experts.

(4) The environmental impact statement shall be forwarded to the ombudsman for the environment and the host municipality without delay. The latter may submit comments within a period of four weeks.

(5) Other formal parties and public services that have to be involved according to applicable administrative provisions shall be informed by the authority about the receipt of the application. If applicable administrative provisions explicitly require specific expert opinions, these shall be prepared.

(6) The request shall be rejected at any point in the procedure if it is established beyond doubt in the course of the procedure that the project fails to meet certain development consent requirements to such an extent that these deficiencies cannot be remedied by specifying obligations, conditions, deadlines, project modifications or offsetting measures.

(7) In addition to the second sentence of Article 39 (2) AVG, the authority may decide ex officio or upon request by a project applicant that two or more spatially related projects under Annex 1 shall be covered by one environmental impact assessment (environmental impact

expertise or summary evaluation, comments, consultations according to Article 10 and, if applicable, public hearing).

Environmental Impact Statement

Article 6. (1) The environmental impact statement shall contain the following information:

1. a description of the project in terms of location, type and extent, in particular:
   a) a description of the physical characteristics of the entire project, including any necessary demolition work as well as the need for land during construction and operation;
   b) a description of the main characteristics during operation (for example of the production or processing procedures), in particular concerning the type and quantity of the materials and natural resources used;
   c) the data, by type and quantity, of residues and emissions to be expected (water, air, soil and underground pollution, noise, vibration, light, heat, radiation, etc.) resulting from the construction and operation of the project;
   d) the increase in the concentration of pollutants in the ambient environment resulting from the project;
   e) a climate and energy concept: energy needs, broken down by plants, machines and tools as well as by fuels, available energetic ratios, presentation of energy flows, measures on energy efficiency, presentation of the climate-relevant greenhouse gases caused by the project (Article 3 no. 3 of *Emissionszertifikategesetz* (Emission Allowance Trading Act)), and measures aiming at their reduction for the purpose of climate protection, confirmation of an authorised civil engineer or technical office that the measures contained in the climate and energy concept comply with the state-of-the-art;
   f) a description of the project-related vulnerability to risks of major accidents or natural disasters as well as to consequences of climate change (in particular due to the location).
2. a description of the realistic alternatives examined by the project applicant (e.g. in respect of project design, technology, site, dimension), the zero option and indication of the main reasons for this choice as well as a brief comparison of the relevant environmental effects for selecting the option submitted; in case of Article 1 (1) no. 4, the alternative sites or routes examined by the project applicant.
3. a description of the aspects of the environment likely to be significantly affected by the project, including, in particular, human beings, biological diversity, including fauna, flora and their habitats, the land used, water, air, climate, landscape, material assets, including the cultural heritage, as well as the inter-relationship between these subjects of protection.
4. a description of the presumably considerable impact of the project on the environment as a consequence of the
   a) construction and operation of the project (taking into account, among other things, the technologies and substances used as well as land use);
   b) utilisation of natural resources;
   c) emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the type, amount and disposal of waste;
   d) synergy of the impact with other existing or approved projects;

e) project-related risk of major accidents or natural disasters and of climate change

as well as a description of the methods applied to identify the environmental impacts.

5. a description of the measures envisaged to prevent, reduce or, where possible, offset any significant adverse effects of the project on the environment and of any preventive or mitigation measures for the event of major accidents or natural disasters, as well as of any measures to secure evidence, measures for accompanying control and follow-up measures. In the case of measures to offset the impact, the scope of the measures as well as the desired effects shall be described in any case;
6. a non-technical summary of the information pursuant to numbers 1 to 5.
7. indication of the sources used for the above-listed descriptions and a short description of any difficulties (in particular, technical deficiencies or lack of data) encountered by the project applicant in compiling the required information;
8. a reference to “Strategic Environmental Assessments” carried out for the purposes of Directive No 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, OJ L 197 of 21/ 07/ 2001, p. 30, with relevance to the project.

(2) The project applicant shall ensure that the environmental impact statement is prepared by competent experts. Where relevant results of other environmental assessments (in particular of a strategic environmental assessment) or relevant risk assessments are available, these shall be taken into account. The information under paragraph (1) may be divided into “priority” and “non-priority”, depending on the expected environmental impact, and the relevant examination efforts may be graded accordingly. Project applicants may coordinate with the authority in this case. If individual items of information according to paragraph 1 are irrelevant for the project or if the project applicant cannot reasonably be required to compile this information having regard to current knowledge and methods of assessment, they need not be submitted. This fact shall be indicated and comprehensibly justified in the environmental impact statement (No Impact Statement). This provision shall be without prejudice to Article 5 (2). The applicant is not obliged to submit input data for calculations, judgements or models that are not needed for the examination of the environmental impact statement from a technical point of view.

(3) The Federal Minister for Sustainability and Tourism may issue, by way of ordinance, more detailed provisions concerning the information to be submitted according to paragraph (1) for specific types of projects.

Schedule

Article 7. (1) The authority shall prepare a time schedule for the procedure setting deadlines for the individual steps of the procedure, taking into consideration the investigations and assessments required by the nature, size and site of the project. The time schedule shall be published on the Internet. Reasons for considerable delays in the time schedule shall be stated in the development consent order.

(2) With regard to projects listed in Column 1 of Annex 1, the authority of the first instance shall decide (Article 73 AVG) on the application in accordance with Article 5 without undue delay and no later than nine months of the application’s receipt.

(3) With regard to projects listed in Column 2 or 3 of Annex 1, the authority shall decide (Article 73 AVG) on the application in accordance with Article 5 without undue delay and no later than six months of the application’s receipt.

(4) If the authority has obtained significant knowledge related to the substance of a project, such up-to-date knowledge shall be used and the time limits for decision-making pursuant to paragraphs (2) and (3) shall be reduced by three months each if the application in accordance with Article 5 is closely related in time to this knowledge.

(5) If agreements on large-scale events concluded with international organisations specify deadlines for the implementation of a project subject to special requirements according to Article 3 (4a), efforts shall be made to take a decision within four months.

Article 8. rescinded by Federal Law Gazette I No. 89/2000.

Public inspection

Article 9. (1) The authority shall communicate to the host municipality the application, the documents identified in Article 5 (1) and the environmental impact statement, where technically available and feasible electronically. These shall be made available for public inspection at the authority and in the municipality for at least six weeks, electronically where technically feasible, and shall be open for inspection in a technically suitable form on request.

(2) If projects extend to five host communities or more, the documentation identified in paragraph (1) may be made available only at the authority, at the administrative district authority and at one host municipality per district affected by the project, to be selected by the authority.

(3) The authority shall announce the project on the Internet on the authority's website, in one daily newspaper with a high circulation in the Federal Province as well as one other, periodical newspaper circulated in the municipalities affected pursuant to Article 19(3). This announcement shall always state:

1. the application's object and a description of the project,
2. the fact that the project is subject to an environmental impact assessment, the competent authority responsible for taking the decision, information on the nature of possible decisions and, if applicable, the likelihood of a transboundary EIA procedure pursuant to Article 10,
3. a note if the procedure is organised as a major procedure pursuant to Article 44a (3) AVG,
4. place and time of possible inspection, and
5. an indication of the fact that anybody may submit comments according to paragraph (5) and that citizens' groups have *locus standi* or the right to participate according to Article 19.

The date of the public hearing (Article 16) may be announced together with the project itself.

(4) At any rate, the application, a brief description of the project and the summary of the environmental impact statement pursuant to Article 6 (1) no. 6 shall be attached to the announcement on the Internet. These data published on the internet shall be kept online until the administrative decision terminating the procedure becomes effective.

(5) Anybody may submit written comments on the project and on the environmental impact statement to the authority within the public inspection period pursuant to paragraph (1).

Accessibility for inspection and announcement of edicts in major procedures

Article 9a. In major procedures pursuant to the present Section and in procedures pursuant to Section 3 and Section 6 Article 9 (1) shall apply to the provision of the documents for inspection. The announcement of edicts (Articles 44a to 44f AVG) in major procedures pursuant to the present Section and pursuant to Section 3 and Section 6 shall be subject to the provisions of Article 9 (3).

Transboundary environmental impact

Article 10. (1) If the project might have significant effects on the environment in a foreign state or if a state that could be affected by the project's impact submits a request to that effect, the authority shall:

1. notify this state of the project as early as possible and, if appropriate for the consideration of transboundary effects, already during the preliminary procedure, but no later than the public, and shall attach to this notification a description of the project, any available information on its possible transboundary impact and, where applicable, the draft of the environmental impact statement,

2. inform this state about the course of the EIA procedure and the nature of the decision which may be taken, and set an appropriate deadline for communicating whether it wishes to participate in the EIA procedure or not.

(2) If this state informs the authority that it wishes to participate in the EIA procedure,

1. it shall be provided with the application for development consent, the environmental impact statement and any other documents relevant to decision-making that are available to the authority at the time of the announcement pursuant to Article 9,

2. it shall be given the opportunity for submitting comments within a reasonable period of time that shall be long enough that the state will also be able to make the application documents accessible to the public and give them the opportunity to submit comments, and

3. it shall be provided with the environmental impact expertise or the summary evaluation.

(3) On the basis of the documents provided and the results of the environmental impact expertise or the summary evaluation, consultations shall be held, if necessary, on potential transboundary effects and any measures necessary to avoid or reduce adverse transboundary effects on the environment. These consultations shall, if possible, take place via bodies already established by bilateral agreements within the framework of their competence, in particular the transboundary waters commissions. An appropriate time frame shall be agreed on for the duration of the consultation phase.

(4) The decision on the development consent application and the main reasons for it, information on the public participation process, and a description of the main measures to avoid or reduce or offset major harmful, disturbing or adverse effects on the environment shall be communicated to the state concerned.

(5) With regard to the provisions of paragraphs (1) to (4), the principle of reciprocity shall apply to states not parties to the Agreement on the European Economic Area.

(6) To the extent required for implementing the transboundary EIA procedure, the project applicant shall submit, upon request, translations of the documents he/she filed in the language of the state concerned.

(7) If, within the framework of an EIA procedure carried out in a foreign state, documents are received on the environmental impact of a foreign project that might have significant environmental effects in Austria and if the public has to be involved due to commitments under international law, the provincial government shall proceed according to Article 9 with regard to documents corresponding to the documents specified in paragraph (2) no. 1, and the duration of public inspection shall be governed by the provisions of the country where the project is to be implemented. Other authorities with relevant environmental tasks shall be given the opportunity for submitting comments. The provincial government shall forward comments received and, upon request of the foreign state, also provide information on the environment potentially affected to the state where the project is to be implemented. If other documents, such as expert opinions and decisions, are supplied during the procedure, these shall be made available to the public in an appropriate manner.

(8) Specific arrangements in the framework of state treaties shall remain unaffected.

Article 11. rescinded by Federal Law Gazette I No. 89/2000.

Environmental impact expertise

Article 12. (1) For projects listed in Column 1 of Annex 1, the authority shall commission experts of the subjects in question to prepare an environmental impact expertise. The environmental impact expertise shall also take note of deviating opinions by co-operating experts.

(2) Any expertise and documents that have been submitted by the project applicant within the framework of the environmental impact statement or procedure or that are available to the authority on the project or its site shall be taken into consideration in the preparation of the environmental impact expertise.

(3) The environmental impact expertise shall

1. evaluate, from a technical perspective, and, if necessary, complement the environmental impact statement submitted for the assessment of the project's effects as well as other documents provided by the project applicant pursuant to Article 1 in accordance with the state of the art and other relevant scientific knowledge in a comprehensive and summary overall review taking into account the development consent criteria of Article 17;

2. discuss, in technical terms, the comments submitted pursuant to Article 5 (3) and (4), Article 9 (5) and Article 10; comments of similar substance or on the same topic may be dealt with jointly;

3. make proposals for measures according to Article 1 (1) no. 2 taking also account of occupational safety;

4. contain descriptions pursuant to Article 1 (1) no. 3 and 4, and

5. include expert statements on the project's expected effects on regional development taking account of public programmes and plans and with regard to the sustainable use of resources.

(4) Additionally, proposals shall also be made on how to secure evidence and on concomitant and follow-up control after cessation of operations.

(5) The environmental impact expertise shall contain a non-technical summary.

(6) The project applicant shall provide the authority and the experts with all the information required to draw up the expertise.

Summary assessment of the environmental impact

Article 12a. For projects listed in Columns 2 or 3 of Annex 1, the authority shall prepare, with due consideration of the development consent criteria of Article 17, a summary assessment of the environmental impacts on the basis of the expertises and documents on the project or its site that have been prepared or submitted within the framework of the environmental impact statement or procedure or that are available to the authority as well as on the basis of the comments submitted. Article 12 (6) shall be applied subject to the proviso that a summary assessment be prepared instead of an environmental impact expertise.

Information on the environmental impact expertise or the summary assessment

Article 13. (1) The environmental impact expertise or the summary assessment shall immediately be forwarded to the project applicant, the co-operating authorities, the ombudsman for the environment, the ombudsman for the economic location, the water management planning body and the Federal Minister for Sustainability and Tourism.

(2) The environmental impact expertise on projects listed in Column 1 of Annex 1 shall forthwith be made available for public inspection at the authority and in the host municipality for a minimum of four weeks. This fact shall be announced in a suitable way. Article 9 (2) and the second to fourth sentences of Article 44b (2) General Administrative Procedure Act (AVG) shall apply.

Article 14. rescinded by Federal Law Gazette I No. 89/2000.

Article 15. rescinded by Federal Law Gazette I No. 89/2000.

Hearing of the parties and further procedure

Article 16. (1) The authority shall hold a hearing of the parties covering all applicable administrative provisions at a place that seems to be most appropriate under the specific circumstances. The hearing of the parties shall be held in consultation with the co-operating authorities and other formal parties and public services to be involved pursuant to the applicable administrative provisions and, at any rate, shall be announced on the municipality's bulletin board. The hearing may be omitted if no justified concerns or, in the case of the application's announcement pursuant to Article 44a AVG, no objections were submitted against the project within the edict period and if the authority does not consider a hearing necessary for investigating the facts. If objections are raised on specific technical fields only, a hearing may be confined to these technical fields.

(2) If major conflicts of interest between the project applicant and the other parties involved or affected are revealed in the course of the procedure, the authority may interrupt it for a mediation procedure upon request of the project applicant. The results of the mediation procedure may be forwarded to and considered by the authority, within the limits of statutory possibilities, in the rest of the development consent procedure and in the decision. Further agreements between the project applicant and the parties involved or affected may be documented in the decision. The project applicant may submit a request on the continuation of the development consent procedure at any time.

(3) Article 39 (3) AVG shall be applied subject to the proviso that new facts and evidence shall be provided in the hearing at the latest and that the end of the investigation procedure

may also be declared to be closed for specific parts of the subject. Article 39 paragraph (4) first and second sentence and paragraph (5) AVG shall not apply in EIA procedures.

(4) If documents on the state of the art are used to assess the environmental impact statement, these shall be used in the version applicable at the time of the relevant hearing with the authority.

Decision

Article 17. (1) When taking its decision on the application for development consent, the authority shall apply the development consent requirements contained in the relevant administrative provisions and in paragraphs (2) to (6). Consent by third parties shall not be required for granting development consent if coercive rights may be granted under administrative provisions with regard to the relevant part of the project. In that case, however, development consent shall be granted subject to the proviso that the rights in question are accorded.

(2) Unless already included in applicable administrative provisions, the following additional requirements shall be met with regard to effective precautions to protect the environment:

1. Emissions of polluting substances shall be controlled in accordance with the state of the art;
2. The burden on protectable assets due to the concentration of pollutants in the ambient environment shall be kept as low as possible; such exposure shall be prevented at any rate if it
   a) constitutes a threat to human health or lives or to the property or other rights *in rem* of neighbours,
   b) causes a significant burden on the environment by sustained effects, i.e. at any rate, such effects capable of causing permanent harm to soil, air, plant or animal stocks or the status of waters, or
   c) results in unacceptable nuisances to neighbours under the terms of Article 77 (2) *Gewerbeordnung* 1994 (Trade and Industry Act).
3. Waste shall be avoided or recycled according to the state of the art or, if this is unreasonable in economic terms, shall be properly disposed.

(3) Instead of paragraph 2, the criteria of Article 24f (1) and (2) shall apply to projects under numbers 9 to 11 and 16 of Annex 1. The same shall apply to projects of no. 14 if they relate to airports pursuant to Article 64 *Luftfahrtgesetz* (Aviation Act), Federal Law Gazette No. 253/1957; furthermore, the provisions of the first and second sentences of Article 24f (15) as well as the provisions of the *Eisenbahn-Enteignungsentschädigungsgesetz* (Railway Expropriation Compensation Act) shall apply to these projects of number 14 and to projects of numbers 9 to 11 of Annex 1.

(4) The decision shall take account of the results of the environmental impact assessment (in particular, environmental impact statement, environmental impact expertise or summary assessment, comments, including the comments and the results of the consultations according to Article 10 and, if applicable, the results of a public hearing). The specification of suitable obligations, conditions, deadlines, project modifications, offsetting measures or other requirements (in particular, also with regard to monitoring measures for significant adverse

effects, measuring and reporting duties and measures to ensure follow-up activities) shall contribute to a high protection level for the environment in its entirety. The monitoring measures shall be proportionate to the nature, location and size of the project and the significance of its effects on the environment, taking into account the measures required due to the administrative provisions applicable in addition.

(5) The application shall be rejected if the overall assessment shows that, when considering public interests, in particular that of environmental protection, serious environmental pressures are to be expected due to the project and its impact, including, in particular, interactions, cumulative effects or shifts, and cannot be prevented or reduced to a tolerable level by obligations, conditions, deadlines, other requirements, project modifications or offsetting measures. Within the framework of these evaluations, relevant interests of sectoral legislation and Community legislation that are in favour of the project's implementation shall also be assessed.

(6) The development consent may set appropriate time frames for the completion of the project, individual parts thereof or for the exercise of rights. The authority may extend these periods for important reasons if the project applicant requests such an extension before the end of the time frames. In that case, the periods shall be suspended until the decision on the request becomes effective or until the Supreme Administrative Court or the Constitutional Court decides on the rejection of the request. Within the framework of an appeals procedure or a procedure according to Article 18b, the time limits may be modified ex officio.

(7) The development consent order shall be made available for public inspection at the authority and the host municipality for a minimum of eight weeks at any rate. The administrative order shall contain the reasons for the decision taken as well as information on public participation and a description of the main measures to avoid, reduce and monitor as well as, to the extent possible, offset major adverse effects. The possibility of public inspection shall be announced in a suitable way, at any rate also on the Internet. After the expiry of a period of two weeks following this announcement the administrative order shall be deemed delivered also vis-à-vis those persons that did not or not timely participate in the EIA procedure (Article 42, Article 44a, in connection with Article 44b of the *AVG*, the General Administrative Procedure Act) and that therefore did not obtain party status. As from the day of announcement on the Internet, persons satisfactorily showing that they have a right to appeal shall be permitted to inspect the administrative file.

(8) If official documents according to Article 44f of the General Administrative Procedure Act (AVG) are served by edict, public inspection shall be possible at the authority and in the host municipality notwithstanding the provisions of Article 44 (2) AVG.

(9) The development consent order shall have effect *in rem*. Development consent orders on projects of number 18 of Annex 1 shall have a binding effect in procedures on the approval of implementing projects in accordance with applicable administrative law.

(10) Development consent orders on projects of number 18 of Annex 1 may be amended up to their completion in accordance with the provisions of Article 18b. With regard to projects of number 18 of Annex 1, modifications for the purposes of Article 18b shall only be changes of the area used or the gross floor area, the extent of infiltration areas, the number and spatial distribution of parking spaces for motorised vehicles, the building heights, the type of use and the spatial distribution of overall quotas (gross floor area plus percentages of types of use), the energy supply, the transport and access system as well as the system of waste and sewage disposal to the extent that negative effects on the environmental factors according to Article 1 (1) no. 1 are to be expected on the basis of the assessment criteria used in the EIA procedure performed.

Basic development consent and detailed development consents

Article 18. (1) Upon request by the project applicant, the authority may initially decide on all issues required for assessing the basic environmental impacts of the project. In such a case, only the documents required for evaluating basic environmental impacts need to be submitted. Upon request by the project applicant, the basic development consent to the environmental compatibility of the project may also already identify the admissibility of the project in certain fields. The basic development consent shall also identify the areas that shall remain subject to detailed development consents.

(2) On the basis of a basic development consent granted, the authority shall decide on the detailed development consents following submission of the required additional documents in a detailed procedure in which the development consent criteria of Article 17 shall be applied. Article 16 shall not be applied in detailed procedures. Parties having *locus standi* or the right to participate according to Article 19 with regard to the detailed project and the co-operating authorities concerned shall be involved.

(3) Modifications of the project for which a basic development consent has been granted may be made in the detailed development consent if

1. according to the results of the environmental impact assessment such modifications do not conflict with Article 17 (2) to (5) and
2. the parties affected by the modification according to Article 19 had the opportunity to attend to their interest.

Development consents to sections

Article 18a. Upon request by the project applicant, the authority may approve projects extending to a minimum of three host municipalities section by section after the performance of the environmental impact assessment for the entire project if this is appropriate due to the spatial dimensions of the project. Articles 16, 17, and 18 as well as Articles 19 to 23 shall be applied for granting development consent to each section.

Modification of the administrative order before the transfer of competence

Article 18b. Modifications of a development consent granted under Article 17 or 18 shall be permitted by the time specified in Article 21 on the basis of the development consent requirements stated in Article 17 if:

1. according to the results of the environmental impact assessment they do not conflict with Article 17 (2) to (5) and
2. the parties affected by the modification according to Article 19 had the opportunity to attend to their interest.

In this process, the authority shall complement the investigation procedure and the environmental impact assessment to the extent required by its purpose.

Locus standi, right of participation and right of appeal

Article 19. (1) The following parties shall have *locus standi:*

1. Neighbours: Neighbours shall be persons who might be threatened or disturbed or whose rights *in rem* might be harmed in Austria 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*; with regard to neighbours abroad, the principle of reciprocity shall apply to states not parties to the Agreement on the European Economic Area;

2. the parties stipulated by the applicable administrative provisions unless they already have *locus standi* according to number 1;
3. the ombudsman for the environment according to paragraph (3);
4. the water management planning body to protect the interests of water management according to Articles 55, 55g and 104a Water Act (WRG) 1959;
5. municipalities according to paragraph (3);
6. citizens' groups according to paragraph (4), except in the simplified procedure (paragraph (2));
7. environmental organisations recognised under paragraph (7) and
8. the ombudsman for the economic location according to paragraph (12).

(2) Citizens' groups according to paragraph (4) may participate in the simplified procedure as persons concerned involved with the right to inspect the files.

(3) The ombudsman for the environment, the host municipality and the directly adjoining Austrian municipalities which may be affected by significant effects of the project on the environment shall have *locus standi* in the development consent procedure and in the procedure according to Article 20. The ombudsman for the environment shall be entitled to claim the observance of legal provisions that serve to protect the environment as a subjective right in the procedure and to complain to the Federal Administrative Court and appeal to the Supreme Administrative Court. Municipalities as set out in the first sentence shall be entitled to claim the observance of legal provisions that serve to protect the environment or the public interest or to safeguard public interest as a subjective right in the procedure and to complain to the Federal Administrative Court and appeal to the Supreme Administrative Court.

(4) Comments according to Article 9 (5) may be supported by entering one's name, address, date of birth and dated signature on a list of signatures. The list of signatures shall be submitted at the same time as the comment. If a comment is supported by 200 persons or more who have the right to vote in municipal elections in the host municipality or in a directly adjoining municipality at the time of expressing their support, this group of persons (citizens' group) shall have *locus standi* in the development consent procedure for the project and in the procedure according to Article 20 or shall join the procedure as person concerned (paragraph (2)). Citizens' groups having *locus standi* shall be entitled to claim the observance of environmental provisions as a subjective right in the procedure and to complain to the Federal Administrative Court and appeal to the Supreme Administrative Court as well as to complaint to the Constitutional Court.

(5) The representative of the citizens' group shall be the person designated as such in the list of signatures or, if such designation is lacking, the person ranking first in the list of signatures. The representative shall also be the person entitled to receive service according to Article 9 (1) *Zustellgesetz* (Service of Documents Act, Federal Law Gazette No 200/1982). If the representative resigns, the person ranking next on the list of signatures shall be considered to be the representative of the citizens' group. The representative may be replaced by another person by means of a written statement to the authority. Such a statement shall be signed by the majority of the members of the citizens' group.

(6) An environmental organisation is an association or a foundation:

1. whose primary objective is the protection of the environment according to the association's statutes or the foundation's charter,
2. that is non-profit oriented under the terms of Articles 35 and 36 *Bundesabgabenordnung* (Federal Fiscal Code), Federal Law Gazette I No 194/1961 and
3. that has been in existence and has pursued the objective identified in number 1 for at least three years before submitting the application pursuant to paragraph (7).

The association shall have at least one hundred members. A federation shall comprise at least five member associations that meet the criteria of paragraph (6) numbers 1 to 3 and that, together, reach the minimum number required for five recognised environmental organisations. The authority shall be provided with credible evidence of the number.

(7) (Constitutional provision) In agreement with the Federal Minister for Economic Affairs and Labour, the Federal Minister of Agriculture and Forestry, Environment and Water Management shall decide upon request by administrative order whether an environmental organisation meets the criteria of paragraph (6) and in which Federal Provinces the environmental organisation is entitled to exercise the rights related to *locus standi*.

(8) The request pursuant to paragraph (7) shall be supported by suitable documents that prove that the criteria of paragraph (6) are met and that indicate the Federal Province/Federal Provinces covered by the activities of the environmental organisation. The rights related to *locus standi* can be exercised in procedures on projects to be implemented in this Federal Province/in these Federal Provinces or in directly neighbouring Federal Provinces. The Federal Minister for Sustainability and Tourism shall publish a list of the environmental organisations recognised by administrative order pursuant to paragraph (7) on the internet site of the Federal Ministry for Sustainability and Tourism. This list shall specify the Federal Provinces in which the environmental organisations are entitled to exercise rights related to *locus standi*.

(9) An environmental organisation recognised pursuant to paragraph (7) shall forthwith inform the Federal Minister for Sustainability and Tourism if any of the criteria defined in paragraph (6) is no longer met. Upon request by the Federal Minister for Sustainability and Tourism, the environmental organisation shall submit suitable documents proving that the criteria defined in paragraph (6) are still met. If the Federal Minister for Sustainability and Tourism gets to know that a recognised environmental organisation no longer meets any of the criteria of paragraph (6), this shall be determined by way of administrative order in agreement with the Federal Minister for Digital and Economic Affairs. The list pursuant to paragraph (8) shall be amended accordingly. Upon request by the Federal Minister for Sustainability and Tourism, but at any rate every three years from admission, the environmental organisation shall submit suitable documents proving that the criteria defined in paragraph (6) are still met. Such review shall also be carried out at the request of an EIA authority.

(10) An environmental organisation recognised pursuant to paragraph (7) shall have *locus standi* and shall be entitled to claim the observance of environmental provisions in the procedure if and to the extent it filed written complaints during the period for public inspection according to Article 9 (1). It shall also be entitled to lodge a complaint with the Federal Administrative Court and to appeal to the Supreme Administrative Court.

(11) An environmental organisation from a foreign state may exercise the rights under paragraph (10) if this state has been notified pursuant to Article 10 (1) no. 1, 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 and a development consent procedure if the project were implemented in this foreign state.

(12) The ombudsman of the economic location shall have *locus standi* in development consent procedures and shall be entitled to claim the observance of provisions on public interests that justify the project's implementation and to lodge a complaint with the Federal Administrative Court and appeal to the Supreme Administrative Court as regards the observance of these provisions.

Acceptance inspection

Article 20. (1) The project applicant shall notify the authority of the project's completion before operations are started. If parts of the projects are to be taken into operation (paragraph (3)), their completion shall be notified.

(2) The authority shall inspect the project for compliance with the development consent and shall issue an administrative order thereon. The authority shall apply the provisions contained in administrative regulations on operating permits, authorisations of use, building approvals, etc. The administrative acceptance order shall replace the administrative orders required according to the relevant administrative provisions. The acceptance inspection shall be performed in consultation with the co-operating authorities and the parties according to Article 19 (1) no. 3 to 7 as well as Article 19 (11).

(3) If appropriate to the type of project, the authority may perform the acceptance inspection in several parts. In this case, administrative acceptance orders shall be issued on the individual parts of the project.

(4) The administrative acceptance order shall stipulate the elimination of deviations found. The authority may, however, approve minor deviations by applying Article 18 (3) if the parties affected according to Article 19 (1) have been given the opportunity to protect their interests.

(5) For projects listed in Column 1 of Annex 1, the administrative acceptance order shall also state the date by which the post-project analysis (Article 22) shall be performed.

(6) If an acceptance inspection is not meaningful due to the project type, the authority shall already state the date (within three to five years of granting development consent) by which the post-project analysis shall be performed in the development consent order. An acceptance inspection shall not be performed for projects of number 18 of Annex 1.

Transfer of competence

Article 21. (1) Unless paragraph (2) applies, the competence of the authority shall be transferred to the authorities which, according to administrative regulations, have competence for the implementation of the provisions relevant to the development consents according to Articles 17 to 18b when the administrative acceptance order becomes final.

(2) In the cases of Article 20 (6), the competence is transferred to the authorities which, according to administrative regulations, have competence for the implementation of the provisions relevant to the development consents according to Articles 17 to 18b upon the entry into force of the development consent order.

(3) If basic and detailed development consents (Article 18) were granted, competence is transferred when the administrative acceptance orders or, if no acceptance inspection is performed, the development consents granted in accordance with Article 18 become final.

(4) The competence for implementing and monitoring compliance with the development consent order shall be governed by the applicable administrative provisions after the competence transfer in accordance with paragraphs (1) and (2). Ancillary provisions based on Article 17 (2) to (4) and (6) as well as other requirements shall be implemented and monitored for compliance by the Provincial Government. With regard thereto, the Provincial Government shall take the measures defined in Article 360 (1) and (3) of the *Gewerbeordnung* 1994 (Trade and Industry Act) in the case of a suspected offence pursuant to Article 45 no. 2 (a) or (b). For reasons of expediency or cost savings, it may transfer this competence to the administrative district authorities.

(5) Paragraphs 1 to 4 shall not apply to projects of number 18 (b) of Annex 1. Upon the entry into force of the development consent order on projects of number 18 (b) of Annex 1, the competence for implementing and monitoring compliance with the development consent order is transferred to the authorities that, in line with their domain, have competence for the approval of implementing projects according to administrative regulations. The authority according to Article 39 (1) shall retain competence for modifications under the terms of Article 18b that are mentioned in Article 17 (10).

Post-project analysis

Article 22. (1) Three years at the earliest and five years at the latest after notification of completion in accordance with Article 20 (1) or at a date specified in the development consent order in accordance with Article 20 (6), the authorities in accordance with Article 21 shall jointly inspect, on the initiative of the authority pursuant to Article 39, projects listed in Column 1 of Annex 1 for compliance with the development consent order and to verify whether the assumptions and forecasts of the environmental impact assessment correspond to the actual effects of the project on the environment. The authority according to Article 39 and the co-operating authorities shall be involved therein at any rate. Post-project analysis shall be carried out by the date indicated in the administrative acceptance order in accordance with Article 20 (5).

(2) The authorities shall communicate the results of post-project analysis to the authority according to Article 39 and to the Federal Minister for Sustainability and Tourism.

(3) The competent authorities shall call for the remedy of deficiencies and divergences observed within the framework of post-project analysis.

Controls and obligations to tolerate

Article 23. (1) To the extent necessary for the implementation of the legal provisions applicable to a specific project, the authorities as well as the experts and officials employed by them shall be entitled to enter and inspect premises, buildings and installations, to take samples in a quantity required for the investigations without any compensation, to perform measurements and to inspect documents. Disturbances and obstructions of operation shall be avoided as far as possible. The owner of the premises and/or the operator or the representative of those persons shall be informed, at the latest, upon entry into the premises or the installation. In case of imminent danger, or if neither the owner of the premises nor the holder of the development consent nor their representative can be contacted, it shall suffice to inform them afterwards.

(2) The owners of the premises, the operators or their representatives shall tolerate the controls in accordance with paragraph (1), provide the information required for the performance of the controls and make available the necessary documents.

SECTION 3

ENVIRONMENTAL IMPACT ASSESSMENT FOR FEDERAL ROADS AND HIGH-SPEED RAILROADS

Scope for federal roads

Article 23a. (1) An environmental impact assessment (Article 1) shall be performed for the following federal road projects in accordance with this section:

1. construction of new federal roads or their subsections, except for additional interchanges,
2. extension of an existing federal road from two lanes to four or more lanes over a continuous length of 10 km or more,
3. construction of a second carriageway over a continuous length of 10 km or more.

(2) An environmental impact assessment (Article 1) shall be performed in the form of a simplified procedure for the following federal road projects in accordance with this section:

1. Construction of additional interchanges or extension of existing interchanges, if
   a) an annual average daily traffic volume (AADT) of 8,000 motorised vehicles or more is expected to be reached on all ramps taken together within a forecasting period of five years or
   b) this threshold value will probably be reached
      aa) in combination with the ramps of an interchange which has not yet been opened or was opened to traffic within the past 10 years at the time of its extension or
      bb) in combination with a nearby interchange which has not yet been opened or was opened to traffic within the past 10 years;
2. projects according to paragraph (1) no. 2 or 3 with a length of less than 10 km, if they reach a length of 10 km or more together with directly adjacent subsections that have not yet been opened or were opened to traffic within the past 10 years;
3. extension measures of any other type for federal roads, if they border on a protected area of Category A, B, C, D or E according to Annex 2 and if, taking into consideration the extent and sustained effects of the environmental impact, significant adverse effects are to be expected for the protected habitat (Category B of Annex 2) or the protection purpose for which the protected area has been established (Categories A, C, D and E of Annex 2) in any specific case; this shall not include
   a) the construction of new interchanges that border on a protected area of Category E,
   b) cases in which protected areas are only bordered on by protective structures for eliminating danger zones or in which existing roads are moved due to disasters or the construction of new bridges,
   c) the construction of additional car parks for less than 750 motorised vehicles,

d) the construction of additional establishments pursuant to Article 27 *Bundesstraßengesetz* 1971 (Federal Road Act) with an area of less than 5 ha,

e) the addition of crawler lanes and the shifting of ramps,

f) the construction of additional individual ramps for existing junctions or interchanges,

g) changes of the road's centre line or level by less than 5 m,

h) installations for road operation and environmental protection measures and

i) other construction measures for existing federal roads that do not result in an extension of transport relations compared to the existing federal roads.

When a decision is taken on a specific case, Article 24 (5) shall apply.

Note for the following provision

As to the reference period, see also Article 46 (18) no. 5 and (19) no. 3 and no. 4.

Scope for high-speed railroads

Article 23b. (1) For the following high-speed railroad projects that go beyond extension measures for existing railroads, an environmental impact assessment (Article 1) shall be performed in accordance with this section:

1. Construction of new lines for long-distance railway traffic or their subsections, construction of other new railway lines or their subsections over a continuous length of 10 km or more,
2. Modification of railway lines or their subsections over a continuous length of 10 km or more, if the distance between the middle of the outermost track of the modified routes and the middle of the outermost track of the existing route exceeds 100 m;

(2) An environmental impact assessment (Article 1) shall be performed in the form of a simplified procedure for the following high-speed railroad projects in accordance with this section:

1. Modification of lines for long-distance railway traffic by a modification of the route or addition of a track in each case over a continuous length of less than 10 km;

2. a) construction of new railway lines or their subsections, if they border on a protected area of Category A, B, C or E according to Annex 2,

b) modification of railway lines or their subsections, if the distance between the middle of the outermost track of the modified route and the middle of the outermost track of the existing route exceeds 100 m and if they border on a protected area of Category A, B, C or E according to Annex 2,

c) modification of railway lines by the addition of a track over a continuous length of 2.5 km or more if they border on a protected area of Category A, B or C according to Annex 2, or

d) modification of railway lines or their subsections having a traffic volume of 60,000 trains/year (before or after the capacity increase) raising the train capacity by 25% or more if they border on a protected area of Category E according to Annex 2,

if, taking into consideration the extent and sustained effects of the environmental impact, significant adverse effects are to be expected for the protected habitat (Category B of Annex 2) or the protection purpose for which the protected area has been established (Categories A, C and E of Annex 2) in any specific case; excepted are cases

in which protected areas are only bordered on by protective structures for eliminating danger zones or in which existing routes are moved due to disasters;

3. projects according to paragraph (1) with a length of less than 10 km, if they reach a continuous length of at least 10 km together with directly adjacent subsections that have not yet been opened or were opened to traffic within the past 10 years and if on the basis of the criteria defined in Article 3 (5) no. 1 to 3, significant harmful, disturbing or adverse effects on the environment are to be expected due to a cumulation of the subsections' effects in a specific case and, therefore, the project shall be submitted to an environmental impact assessment.

When a decision is taken on a specific case, Article 24 (5) shall apply.

(3) If an environmental impact assessment has to be performed for the construction of a high-speed railroad according to this section and if this project entails also measures on railroads that are not high-speed railroads or an accompanying measure listed in Annex 1 which is spatially and functionally related to this project, the environmental impact assessment shall be performed for the entire project (high-speed railroad and related measure) in accordance with the provisions of this section. If the simplified procedure is stipulated for a high-speed railroad and related measures, this procedure shall be applied. For all the subsequent development consent procedures, a new environmental impact assessment need not be performed.

(4) If the construction of a high-speed railroad that need not be submitted to an environmental impact assessment pursuant to paragraph (1) or (2) entails an accompanying measure listed in Annex 1 which is spatially and functionally related to this project, an environmental impact assessment shall be performed for the entire project (high-speed railroad and accompanying measure) in accordance with the provisions of this section. If the simplified procedure is stipulated for the accompanying measure, this procedure shall be applied. For all the subsequent development consent procedures, a new environmental impact assessment need not be performed.

Procedures, authority

Article 24. (1) If a project has to be submitted to an environmental impact assessment pursuant to Article 23a or Article 23b, the Federal Minister of Transport, Innovation and Technology shall implement the environmental impact assessment and a partly consolidated development consent procedure. This development consent procedure shall apply all the substantive approval provisions that are to be implemented by federal authorities and that are required for the implementation of the project, also to the extent that these provisions fall under the domain of the municipalities. The Provincial Governor may be entrusted with the performance of the environmental impact assessment, the partly consolidated development consent procedure and the decision in full or in part if this is in the interest of expediency, speed, simplicity and cost savings.

(2) The Federal Minister of Transport, Innovation and Technology shall also be the competent authority in the declaratory procedure pursuant to paragraph (5). The administrative district authority shall be responsible for implementing the penal provisions.

(3) The Provincial Government shall perform a partly consolidated development consent procedure in which it shall apply all the approval provisions that are to be implemented by Provincial authorities and that are required for the implementation of the project, also to the extent that they fall under the domain of the municipalities. The administrative district authority may be entrusted with the performance of the partly consolidated development consent

procedure and the decision in full or in part if this is in the interest of expediency, speed, simplicity and cost savings.

(4) The competence pursuant to paragraphs (1) and (3) shall extend to all investigations, decisions and inspections under the administrative provisions concerned by the partly consolidated development consent procedure as well as to modifications pursuant to Article 24g. It shall start upon the submission of an application pursuant to Article 24a. From that time on, the competence of the authorities normally having competence under administrative provisions shall be confined to co-operation in the enforcement of the present Federal Act in the matters according to paragraphs (2) and (3). The competence pursuant to paragraphs (1) and (3) shall end at the time defined in Article 24h (3). If an offence under the terms of Article 45 no. 2 (a) or (b) is suspected, the authority pursuant to paragraph (1) shall take the measures identified in Article 360 (1) *Gewerbeordnung* 1994.

(5) Upon request by the project applicant, by a co-operating authority, by the ombudsman for the environment or by a host municipality, the authority pursuant to paragraph (2) shall determine whether an environmental impact assessment pursuant to the present Federal Act needs to be performed for a project and which of the cases listed in Article 23a or 23b applies to the project. This determination may also be made *ex officio*. The project applicant shall submit to the authority adequate documentation for the identification of the project and for the assessment of its impact according to Article 23a (2) or 23b (2) no. 2 and 3; in the case of a case-by-case examination Article 3 (8) shall apply subject to the proviso that the descriptions pursuant to number 2 and number 3 for projects pursuant to Articles 23a (2) no. 3 and 23b (2) no. 2 shall relate to the presumably significant impairment of the protected habitat (Category B of Annex 2) or of the protection purpose for which the protected area has been established (Categories A, C, D and E of Annex 2). In the case of projects pursuant to Articles 23a (2) no. 3 and 23b (2) no. 2 the changed impact on the protected area shall be decisive. If the authority is required to perform a case-by-case examination under this Federal Act, the authority shall only perform a rough screening with regard to the depth and scope here. The decision shall be taken by administrative order within eight weeks. The decision shall, after performance of a case-by-case examination (Article 23a (2) no. 3 and Article 23b (2) no. 2 and no. 3), with reference to the criteria of relevance to the project given in Article 3 (5), state the main reasons for the decision whether or not an environmental impact assessment has to be performed. Where it is determined that there is no obligation to perform an environmental impact assessment, the decision shall refer to any planned, project-inherent features or measures of the project envisaged by the project applicant to avoid or prevent what might otherwise have significant adverse effects on the environment. Those entitled to file a request shall have *locus standi* and the right to lodge a complaint with the Federal Administrative Court, the host municipality also to appeal to the Supreme Administrative Court. Before the decision is taken, the water management planning body shall be heard. The authority shall announce the decision in a suitable way and, at any rate, shall make the administrative order accessible to the public for inspection and publish it on the website of the EIA authority that is used for publications pursuant to Article 9 (3); the administrative order shall be available for download for six weeks. The ombudsman for the environment and the co-operating authorities shall be exempted from the obligation to reimburse cash expenses.

(5a) If the authority according to paragraph (5) states that no environmental impact assessment needs to be performed for a project, an environmental organisation recognised pursuant to Article 19 (7) or a neighbour pursuant to Article 19 (1) no. 1 shall have the right to appeal to the Federal Administrative Court. As from the day of publication on the Internet, such environmental organisation or such neighbour shall be given access to the administrative act. The decisive issue for the legitimacy of the environmental organisation’s entitlement to

appeal shall be the geographical scope of recognition stated in the administrative order on recognition pursuant to Article 19 (7).

(6) In the assessment in accordance with Article 23a (2) no. 3 as well as Article 23b (2) no. 2 and no. 3, protected areas of Category A, C, D and E shall only be considered if they have already been designated or included in the list of sites of Community importance (Category A of Annex 2) on the day when the application is submitted.

(7) Unless otherwise provided in the following provisions of the present section, the following provisions shall apply in the procedure pursuant to paragraph 1: Article 2 (Definitions) subject to the proviso that the authority pursuant to paragraph 3 shall also be a co-operating authority; Article 4 (Preliminary procedure and investor services); Article 6 subject to the proviso that the authority may stipulate that certain information and documents need to be presented only in a subsequent development consent procedure unless they are required for assessing the environmental effects during that specific stage of the procedure; Article 10 (1) to (6) and (8) (Transboundary effects); Article 16 (Hearing of the parties and further procedure).

(8) Article 9 (Public inspection) shall be applied subject to the proviso that it shall be pointed out that citizens' groups have *locus standi* or the right to participate in the development consent procedures. Article 19 (4) shall apply to the establishment of a citizens' group.

(9) In the simplified procedure, Article 24c (Environmental impact expertise) shall be replaced by Article 24d (Summary assessment of the environmental impact) and the fourth sentence of Article 24f (8).

(10) Before the completion of the environmental impact assessment or of the case-by-case examination, approvals shall not be issued on projects subject to an assessment in accordance with Article 23a or Article 23b, and notifications made under administrative provisions shall have no legal effect. Within a period of three years, approvals granted in violation of this provision may be declared null and void by the superior authority with substantive jurisdiction or, if such an authority is not provided for, by the authority which issued the administrative order.

(11) If projects of Article 23a and Article 23b are interdependent, the environmental impact assessment may be performed in a co-ordinated way. The authority may commission a common environmental impact expertise (Article 24c) or a common summary assessment (Article 24d).

Note for the following provision

For the reference period, see Article 46 (23).

Initiation of the environmental impact assessment

Article 24a. (1) The project applicant shall submit to the authority pursuant to Article 24 (1) an application for development consent that contains the documentation required under the administrative provisions for the approval of the project identified in Article 24 (1) and the environmental impact statement in the respectively required number of copies. These documents shall be filed electronically, where technically feasible. Evidence of authorisations shall not be deemed required to the extent that administrative provisions grant coercive rights in this respect. The project applicant shall also state whether and in which way he/she has informed the public about the project. If a mediation procedure has been performed, its results shall be provided to the authority pursuant to Article 24 (1). Project documents containing trade or commercial secrets in the applicant's opinion shall be marked accordingly.

(2) If documents according to paragraph (1) are missing in the application for development consent or if the information of the environmental impact statement is incomplete, the authority pursuant to Article 24 (1) shall, without delay, request the project applicant to complement the application for development consent or the environmental impact statement pursuant to Article 13 (3) AVG even if this is only realised in the course of the development consent procedure. In the case of an order for improvement any comments stated by the authority pursuant to Article 4 as well as any coordination between the authority and the project applicant pursuant to Article 6 (2) shall be taken into account. The authority may stipulate that certain information and documents that are not required for assessing the environmental impact may be submitted at a later phase of the procedure.

(3) The authority pursuant to Article 24 (1) shall communicate, without delay, the application for development consent, the relevant project documents and the environmental impact statement to the co-operating authorities for comments. The co-operating authorities pursuant to Article 2 (1) no. 1 as well as the authority pursuant to Article 24 (3) shall co-operate in the technical and legal assessment of the project to the extent required and shall submit proposals for the required subject fields and the respective experts.

(4) The environmental impact statement shall be forwarded to the ombudsman for the environment and the host municipality without delay. They shall be free to submit comments within a period of four weeks.

(5) Other formal parties and public services that have to be involved according to applicable administrative provisions shall be informed by the authority about the receipt of the application. If applicable administrative provisions explicitly require specific expert opinions, these shall be prepared.

(6) The application shall be rejected at any point in the procedure if it is established beyond doubt in the course of the procedure that the project fails to meet certain development consent requirements to such an extent that these deficiencies cannot be remedied by specifying obligations, conditions, deadlines, project modifications or offsetting measures.

Schedule

Article 24b. (1) In co-operation with the authority pursuant to Article 24 (3), the authority pursuant to Article 24 (1) shall prepare a time schedule for the procedure setting deadlines for the individual steps of the procedure, taking into consideration the investigations and assessments required by the nature, size and site of the project. The time schedule shall be published on the Internet. Reasons for considerable delays in the time schedule shall be stated in the development consent orders.

(2) The authority shall decide on the application for development consent pursuant to Article 24a without undue delay and at the latest within 12 months.

Environmental impact expertise

Article 24c. (1) For projects that require the performance of an environmental impact assessment in accordance with this section, the competent authority pursuant to Article 24 (1) shall commission experts of the subject fields in question to prepare an environmental impact expertise, unless a simplified procedure shall be performed. The environmental impact expertise shall also take note of deviating opinions by co-operating experts.

(2) Any expertise and documents that have been submitted by the project applicant within the framework of the environmental impact statement or procedure or that are available to the

authority on the project or its site shall be taken into consideration in the preparation of the environmental impact expertise.

(3) The environmental impact expertise shall

1. evaluate, from a technical perspective, and, if necessary, complement the environmental impact statement submitted for the assessment of the project's effects pursuant to Article 1 (1) as well as other documents provided by the project applicant in accordance with the state of the art and other relevant scientific knowledge in a comprehensive and integrative overall review taking into account the development consent criteria of Article 24f,
2. discuss, in technical terms, the comments submitted pursuant to Article 9 (5), Article 10 and Article 24a; comments of similar substance or on the same topic may be dealt with jointly,
3. propose measures in accordance with Article 1 (1) no. 2,
4. contain descriptions pursuant to Article 1 (1) no. 3 and 4, and
5. include expert statements on the project's expected effects on regional development taking account of public programmes and plans and with regard to the sustainable use of resources.

(4) Additionally, proposals shall also be made on how to secure evidence and on concomitant control.

(5) The environmental impact expertise shall contain a non-technical summary.

(6) The project applicant shall provide the authority and the experts with all the information required to draw up the expertise.

Summary assessment of the environmental impact

Article 24d. For projects for which a simplified environmental impact assessment shall be performed in accordance with this section, the competent authority pursuant to Article 24 (1) shall prepare, with due consideration to the development consent criteria of Article 24f, a summary assessment of the environmental impact on the basis of the expertises and documents on the project or its site that have been prepared or submitted within the framework of the environmental impact statement or procedure or that are available to the authority as well as on the basis of the comments submitted. Article 24c (6) shall apply subject to the proviso that a summary assessment be prepared instead of an environmental impact expertise.

Note for the following provision

As to the reference period, see Article 46 (18) no. 5 and (19) no. 3 and no. 4.

Information on the environmental impact expertise or the summary assessment

Article 24e. (1) The environmental impact expertise or the summary assessment shall immediately be forwarded to the project applicant, the co-operating authorities, the ombudsman for the environment, the ombudsman for the economic location, the water management planning body and the Federal Minister for Sustainability and Tourism.

(2) The environmental impact expertise (Article 24c) shall forthwith be made available for public inspection at the authority and in the host municipality for a minimum of four weeks. This fact shall be announced in a suitable way. Article 9 (2) as well as Article 44b (2), second to fourth sentence, AVG shall apply.

Decision

Article 24f. (1) Development consents (paragraph 6) shall only be granted if, in addition to the applicable administrative provisions, the following requirements are met with regard to effective precautions to protect the environment:

1. Emissions of polluting substances shall be controlled in accordance with the state of the art;
2. The burden on protectable assets due to the concentration of pollutants in the ambient environment shall be kept as low as possible, with such exposure having to be prevented at any rate if it
   a) constitutes a threat to human health or lives or to the property or other rights *in rem* of neighbours or
   b) causes a significant burden on the environment by sustained effects, i.e. at any rate, such effects capable of causing permanent harm to soil, air, plant or animal stocks or the status of waters, or
   c) results in unacceptable nuisances to neighbours under the terms of Article 77 (2) *Gewerbeordnung* 1994, and
3. Waste shall be avoided or recycled according to the state of the art or, if this is unreasonable in economic terms, shall be properly disposed.

(1a) Consent by third parties shall not be required for granting development consent if coercive rights may be granted under administrative provisions with regard to the relevant part of the project.

(2) If the number of neighbours of existing traffic facilities who are permanently relieved by the implementation of the project is considerably higher than the number of neighbours affected by the project, the development consent requirements of paragraph (1) no. 2 (c) shall be considered to be met if the disturbance of the neighbours is kept as low as possible at an economically reasonable effort with regard to the achievable purpose. If special exposure protection regulations apply, the threat under the terms of paragraph (1) no. 2 a) and the acceptability of a nuisance under the terms of paragraph (1) no. 2 c) shall be assessed in accordance with those regulations.

(3) The decision shall take account of the results of the environmental impact assessment (in particular, environmental impact statement, environmental impact expertise or summary assessment, comments, including the comments and the results of the consultations according to Article 10 and, if applicable, the results of a public hearing). The specification of suitable obligations, conditions, deadlines, project modifications, offsetting measures or other requirements (in particular, also with regard to monitoring for major adverse effects, measuring and reporting duties) shall contribute to a high protection level for the environment in its entirety. The monitoring measures shall be proportionate to the nature, site and size of the project and the significance of its effects on the environment, taking into account the measures required due to the administrative provisions applicable in addition.

(4) The application shall be rejected if the overall assessment shows that, considering public interest, in particular that of environmental protection, serious environmental pressures are to be expected due to the project and its impact, including, in particular, interactions, cumulative effects or shifts, that cannot be prevented or reduced to a tolerable level by obligations, conditions, deadlines, other requirements, offsetting measures or project modifications. Within the framework of these evaluations, relevant interests of sectoral legislation and Community legislation that are in favour of the project’s implementation shall also be assessed.

(5) The development consent may set appropriate time frames for the completion of the project, individual parts thereof or for the exercise of rights. The authority may extend these periods for important reasons if the project applicant requests such an extension before the end of the time frames. In that case, the periods shall be suspended until the decision on the request becomes effective or until the Supreme Administrative Court or the Constitutional Court decides on the rejection of the request. Within the framework of an appeals procedure or under the terms of Article 24g, the time limits may be modified *ex officio*.

(6) The competent authorities pursuant to Article 24 (1) and (3) shall apply paragraphs (1) to (5), (13) and (14) to the extent relevant for their domain.

(7) The competent authority pursuant to Article 24 (1) shall co-ordinate the development consent procedures with the authority competent under Article 24 (3). In particular, they shall agree on how the results of environmental impact assessment are to be taken into account in the individual development consents and on ensuring continuity with regard to the experts involved throughout the procedure.

(8) The persons stipulated in the applicable administrative provisions and the persons affected by the subject of individual procedures pursuant to Article 19 (1) no. 1 shall have *locus standi* in the development consent procedures according to paragraph (6). The persons listed in Article 19 (1) no. 3 to 6 shall have *locus standi* subject to the provisions of Article 19 and shall have the right to claim the observance of environmental provisions as a subjective right in the procedure and to appeal to the Federal Administrative Court as well as to the Supreme Administrative Court, citizens' groups also to the Constitutional Court. Persons listed in Article 19 (1) no. 7 and Article 19 (11) shall have *locus standi* subject to the provisions of Article 19 and shall have the right to claim the observance of environmental provisions in the procedure and to appeal to the Federal Administrative Court as well as to the Supreme Administrative Court. The ombudsman for the economic location according to Article 19 (1) number 8 shall have *locus standi* to claim the observance of provisions on public interests that justify the project's implementation and to appeal to the Federal Administrative Court as well as to the Supreme Administrative Court. If the environmental impact assessment was performed in a simplified procedure, citizens' groups in accordance with Article 19 (4) may participate in the simplified procedure as parties involved with the right to inspect the files.

(9) Upon the request of the project applicant, the authority may initially deal with all matters relevant for evaluating the basic environmental compatibility of the project in the procedure pursuant to Article 24 (1) and (3). In such a case, only the documents required for assessing basic environmental compatibility need to be submitted. The basic development consent shall also identify the areas that shall remain subject to detailed development consents.

(10) In procedures pursuant to Article 24 (1), the basic development consent shall, at any rate, deal with the development consent requirements stipulated for the routing decision in the *Bundesstraßengesetz* 1971 (Federal Roads Act 1971) and the *Hochleistungsstreckengesetz* (High-Performance Lines Act). Coercive rights provided for in administrative law and in paragraph (15) may be exercised after the basic development consent has become effective provided that it adequately considers the results of the environmental impact assessment pursuant to paragraphs (3) and (4) and specifies the subject, scope and necessity of the coercive right.

(11) On the basis of the basic development consent granted, the authority shall decide on the detailed development consents following submission of the required additional documents in a detailed procedure in which the development consent criteria of paragraphs (1) to (5) shall be applied. Article 16 shall not be applied in detailed procedures. The parties involved in or

affected by the detailed project pursuant to paragraph (8) and the co-operating authorities shall be involved. Projects for which a basic development consent has been granted may be modified in the detailed development consent if the criteria defined in Article 24g (1) are met and the parties affected by the modification according to paragraph (8) had the opportunity to protect their interests.

(12) Furthermore, the following provisions shall apply to procedures under Article 24 (1) and (3): Article 18a (Development consents to sections) subject to the proviso that paragraphs (1) to (11), paragraphs (13) and (14) as well as, in procedures under Article 24 (1), also Article 16 (1) and (2) shall be applied for granting development consent to each section; Article 23 (Controls and obligations to tolerate).

(13) Development consent orders pursuant to paragraph (6) shall be made available for public inspection at the authority issuing the administrative order and the host municipality for a minimum of eight weeks at any rate. They shall contain the reasons for the decision taken as well as information on public participation and a description of the main measures to avoid, reduce and monitor as well as, to the extent possible, offset major adverse effects. The possibility of public inspection shall be announced in a suitable way and, at any rate, also on the Internet. As of the expiry of a period of two weeks following this announcement the administrative order shall be deemed delivered also vis-à-vis those persons that did not or not timely participate in the EIA procedure (General Administrative Procedures Act - AVG - Article 42, Article 44a in connection with AVG Article 44b) and that therefore did not obtain *locus standi.* As from the day of announcement on the Internet, persons satisfactorily showing that they have a right to appeal shall be permitted to inspect the administrative act.

(14) If official documents according to AVG Article 44f are served by edict, public inspection shall be possible at the competent authority and the host municipality notwithstanding AVG Article 44 (2).

(15) For the implementation of measures that constitute a prerequisite for the development consent to a project according to the results of the environmental impact assessment, ownership as well as the permanent or temporary granting, restriction and suspension of rights *in rem* and obligatory rights (in particular, usufruct, tenancy and leasehold rights) in real property may be claimed by way of compulsory purchase. However, this shall only apply unless other federal or provincial laws provide for compulsory purchase for this purpose. The provisions of Articles 18 to 20a *Bundesstraßengesetz* 1971 shall apply to projects under the terms of Article 23a, and the provisions of the *Eisenbahn-Enteignungsentschädigungsgesetz* shall apply to projects under the terms of Article 23b.

(NB: Paragraph (16) repealed by Federal Law Gazette I No. 77/2012)

Modifications before the transfer of competence

Article 24g. (1) Modifications of a development consent (Article 24f (6)) granted under Article 24f shall be permitted by the time specified in Article 24h (3) on the basis of the development consent requirements contained in Article 24f if:

1. according to the results of the environmental impact assessment they do not conflict with Article 24f (1) to (5) and
2. the parties affected by the modification according to Article 19 had the opportunity to protect their interests.

In this process, the authority shall complement the investigation procedure to the extent required.

(2) Before issuing a development consent according to Article 24f (6) or its modification, the authority pursuant to Article 24 (1) shall complement the environmental impact assessment to the extent required by its purpose.

(3) In addition, the following shall apply to projects according to Article 23a and Article 23b: Exposure-neutral modifications related to an adjustment to the state of the art, exposure-neutral modifications of the technical design and modifications of the construction process with irrelevant impacts shall not require authorisation if the consent requirements according to Article 24f (1) are complied with. With regard to the property or other rights *in rem* of neighbours, Article 24f (1) no. 2 (a) shall also be deemed to be complied with if the neighbours affected by the modification demonstrably agreed to the modification. The project applicant shall obtain a certificate on compliance with the above-mentioned requirements that is issued by a consulting engineer or engineering firm within the framework of their authorisation and shall submit this certificate to the authority upon request. A list of the modifications made on the basis of this provision shall be attached to the completion notification pursuant to Article 24h (1).

Completion, transfer of competence, controls

Article 24h. (1) The project applicant shall notify the authority of the project's completion before operations are started. If parts of the projects are to be taken into operation, their completion shall be notified.

(2) Upon receipt of the notification pursuant to paragraph (1), the authorities may inspect the project for compliance with the development consent or approve minor deviations by applying Article 24g (1).

(3) When the project is opened to traffic, competence shall be transferred from the authorities pursuant to Article 24 (1) and (3) to the authorities competent according to the administrative provisions for the enforcement of the provisions relevant for the development consents under Articles 24f and 24g. If an application for the approval of minor deviations pursuant to paragraph (2) is submitted, competence shall only be transferred after the related administrative order becomes effective.

(4) The competence for implementing and monitoring compliance with the development consent order shall be governed by the administrative provisions applied and Article 24f from the time of competence transfer pursuant to paragraph (3) on.

(5) Three years at the earliest and five years at the latest after the opening to traffic, the authority pursuant to Article 24 (1) shall examine the project together with the co-operating authorities in order to check whether the administrative orders granting development consent are complied with and whether the assumptions and forecasts of the environmental impact assessment correspond to the actual impact of the project on the environment. The results of post-project analysis shall be communicated to the co-operating authorities and to the Federal Minister for Sustainability and Tourism.

(6) The competent authorities shall call for the remedy of deficiencies and divergences observed within the framework of the inspection pursuant to paragraph (2) or post-project analysis.

(7) The procedures pursuant to paragraphs (2) and (5) shall be subject to the provisions of Article 23.

SECTION 4

SPECIAL PROVISIONS ON PROJECTS OF RELEVANCE TO WATER MANAGEMENT

Article 24i. With regard to the projects identified in numbers 25 and 30 to 42 of Annex 1, the Federal Minister for Sustainability and Tourism may issue, by way of ordinance, provisions on the criteria relevant to water management that have to be taken into account in the performance of the case-by-case examination (in particular, Articles 12, 12a, 13 and 105 WRG 1959).

Article 24j. If detailed provisions on the form of the environmental impact statement are laid down for the projects identified in numbers 25 and 30 to 42 of Annex 1 in accordance with Article 103 (2) WRG 1959, these shall be considered to be an ordinance in accordance with Article 6 (3).

Article 24k. (1) In decisions on applications related to a project identified in numbers 25 and 30 to 42 of Annex 1, the authority shall use, in particular, the provisions of Articles 12, 12a, 13 and 105 WRG 1959 as criteria for development consent.

(2) The development consent order shall compile the parts concerning aspects of water management.

(3) The Federal Minister for Sustainability and Tourism may issue, by way of ordinance, detailed provisions on the content and form of administrative approval orders. If detailed provisions on the content and form of administrative approval orders are laid down for the projects identified in numbers 25 and 30 to 42 of Annex 1 in accordance with Article 111 (5) WRG 1959, these shall be considered to be an ordinance in accordance with the preceding sentence.

Article 24l. (1) The holder of the development consent shall collect data related to aspects of water management and the results of pollution monitoring as stipulated by administrative order and performed by him/her, and he/she shall process, if necessary, and provide these data and results in a suitable form to the Provincial Government or, after competence transfer in accordance with Article 21, to the Provincial Governor. The Federal Minister for Sustainability and Tourism shall define, by way of ordinance, the data to which this applies and the way in which these data shall be processed and forwarded.

(2) The Federal Minister for Sustainability and Tourism may issue, by way ordinance, details on the type and transfer modes of the data concerning aspects of water management under the terms of Article 59a WRG 1959 that are to be submitted to the Provincial Governor by the authority competent for development consent.

SECTION 5

ENVIRONMENTAL COUNCIL

Establishment and tasks

Article 25. (1) An Environmental Council shall be established with the Federal Ministry for Sustainability and Tourism.

(2) The Environmental Council shall have the following tasks:

1. to demand information and reports from the competent bodies on questions related to environmental impact assessment or consolidated development consent procedures performed in accordance with this or other federal acts;

2. to observe the effects of implementing this Federal Act or the provisions on environmental impact assessment contained in other federal acts on environmental protection and to attach the results of these observations to the report submitted by the Federal Minister for Sustainability and Tourism to the *Nationalrat* (National Assembly) in accordance with Article 44;

3. to prepare an opinion to supplement the report submitted by the Federal Minister for Sustainability and Tourism to the National Assembly in accordance with Article 44;

4. to make proposals on possible improvements of environmental protection to legislative and executive bodies;

5. to discuss issues of fundamental importance to environmental protection upon request by a member of the Environmental Council representing a political party;

6. to issue its rules of procedure.

(3) Upon request by the Environmental Council, the competent federal ministers and Provincial Governments shall report to the Council on experiences made in the field of environmental impact assessment and the implementation of this Federal Act in their domain.

(4) The development consents issued on the basis of Section 2 of this Federal Act, as well as the ordinances and development consents issued on the basis of Section 3 of this Federal Act shall be communicated to the Environmental Council.

Members of the Environmental Council

Article 26. (1) The Environmental Council shall be made up of:

1. Representatives of the political parties: Four representatives of the strongest party in the Main Committee of the National Assembly, three representatives of the second-strongest party and one representative each of the other parties represented in the Main Committee of the National Assembly shall be delegated to the Environmental Council. If the two strongest parties represented in the National Assembly hold the same number of seats, each of the two parties shall delegate three representatives;

2. One representative each of the Federal Chamber of Labour, the Austrian Federal Economic Chamber, the Conference of Presidents of the Chambers of Agriculture — Austrian Chamber of Agriculture, the Austrian Trade Union Federation and the Federation of Austrian Industries;

3. Two representatives of Provinces appointed by the Conference of Provincial Governors;

4. One representative each of the Association of Municipalities and the Association of Cities and Towns;

5. Two representatives of the Federal Government appointed by the Federal Minister for Sustainability and Tourism and by the Federal Chancellor.

6. One representative of the ombudsmen for the environment;

7. One representative of the environmental organisations recognised pursuant to Article 19 (7);

(2) A substitute member shall be appointed for each member.

(3) The following shall not be members of the Environmental Council:

1. Members of the Federal Government or of a Provincial Government, nor state secretaries;

2. Members of the Federal Administrative Court,

3. Persons who are not eligible for membership in the National Assembly.

(4) Membership in the Environmental Council shall only terminate upon appointment of other representatives by the delegating bodies (paragraph 1).

(5) The activities of members of the Environmental Council shall be performed on a voluntary basis. When taking part in meetings of the Environmental Council, its members domiciled outside of Vienna shall be entitled to a reimbursement of travel expenses (class 5) subject to the provisions applying to federal civil servants of the General Administrative Service.

Chairpersons and management of the Environmental Council

Article 27. (1) The Environmental Council shall elect from its members a chairperson and two vice-chairpersons. The chairperson and the vice-chairpersons shall be elected for the current parliamentary term and shall remain in office up to the next meeting of the Environmental Council. Reappointments shall be permitted.

(2) The meetings of the Environmental Council shall be convened whenever required. If a member or the Federal Administrative Court requests that a meeting be convened, the chairman shall convene a meeting which shall take place within four weeks.

(3) The Environmental Council shall have a quorum when more than half of its members are present. Decisions shall be adopted with a simple majority of votes cast. In case of a tie, the chairperson shall have the casting vote. Abstentions shall not be permitted.

(4) The mentioning of minority votes shall be permitted.

(5) The Environmental Council may set up, from among its members, permanent and temporary working groups that may be entrusted with the preparation, review and processing of specific issues. It shall also be entitled to confer to an individual member (rapporteur) the management, preliminary review and processing of specific issues.

(6) Each member of the Environmental Council shall be obliged to participate in the meetings, unless there is a justified reason preventing his/her attendance. If a member is not able to attend a meeting, he/she shall communicate this fact in due time whereupon the substitute member shall be invited.

(7) The Federal Ministry for Sustainability and Tourism shall be responsible for managing the business of the Environmental Council. After hearing the parties, the Federal Minister for Sustainability and Tourism shall make available the required staff to the Environmental Council.

(8) Within the framework of their activities for the Environmental Council, the staff responsible for the management of the Environmental Council shall be bound only by the instructions of the chairperson or the members identified in the rules of procedure.

Support obligations

Article 28. (1) All officials of authorities implementing this Federal Act or cooperating in its implementation shall support the Environmental Council in the fulfilment of its tasks, give it access to their files and, upon request, provide required information.

(2) If necessary, the Environmental Council may consult ombudsmen for the environment, experts, members of the Federal Administrative Court or representatives of environmental protection organisations with the discussion of specific issues.

Secrecy obligations

Article 29. The members of the Environmental Council and persons assisting in the deliberations in accordance with Article 28 (2) shall be obliged to maintain secrecy on all matters that come to their knowledge exclusively in the course of their activities in the Environmental Council if public interests or the interests of a party commend secrecy.

SECTION 6

Special provisions for projects of common interest

Projects of common interest

Article 30. (1) The provisions of this Section shall apply to projects subject to an EIA which, pursuant to Article 2 number 4 of Regulation (EU) No 347/2013 (TEN-E Regulation) represent projects of common interest (PCI).

(2) The authority shall give priority to and ensure efficient conduct of procedures concerning projects of common interest.

(3) The energy infrastructure authority pursuant to Article 6 of the Federal Law implementing Regulation (EU) No 347/2013 on guidelines for trans-European energy infrastructure (“Energie-Infrastrukturgesetz”), Federal Law Gazette I No 4/2016, shall support and coordinate the tasks of the authority required pursuant to Chapter III of the TEN-E Regulation.

(4) If a project of common interest falls within the competence of several EIA authorities, the energy infrastructure authority shall coordinate the conduct of the procedure in accordance with this Section. For this purpose, the energy infrastructure authority shall have the following duties and powers:

1. Support of the EIA authorities during the pre-application period and in the EIA procedure;
2. Setting up of a working group to coordinate efficient handling of the procedure;
3. Coordination of the preparation of coordinated schedules for the pre-application procedure and the EIA procedure, the pre-application period lasting for no more than two years and the EIA procedure until the decision lasting for no more than one year and six months;
4. Verification of compliance with the schedule;
5. Collection of information and reports on the progress of the procedure including inspection of the files.

Pre-application procedure

Article 31. (1) The project applicant of a project of common interest shall apply for the conduct of a pre-application procedure pursuant to Art. 10 of the TEN-E Regulation. The application shall be accompanied by a description of the main features of the project, a draft of the environmental impact statement, an outline of the main alternatives studied by the project applicant and an indication of the reasons for choosing the project applied for, as well as a

concept for public participation, including a report on any information and hearings of the public that have already been performed.

(2) The authority shall forward the documents listed in paragraph (1) to the energy infrastructure authority, the co-operating authorities, the Federal Minister for Sustainability and Tourism, and the ombudsman for the environment to give their statements on the question as to whether the documents are appropriate to enter the pre-application procedure. Taking into account the statements received the authority shall inform the project applicant no later than three months following application about whether the documents are appropriate to enter the pre-application procedure or demonstrates that there are obvious deficiencies in the project or the documents that do not allow starting the pre-application procedure.

Participation in the pre-application procedure

Article 32. (1) The energy infrastructure authority shall be involved in the pre-application procedure and the co-operating authorities, the Federal Minister for Sustainability and Tourism, the ombudsman for the environment, the host municipality/ies and any environmental organisations recognised pursuant to Article 19 (7) whose competence includes the Federal Province in which the site is located shall be heard on the project and the documents submitted and shall be entitled to give an opinion. The documents shall be made available on the authority's website.

(2) The authority shall hold a public hearing pursuant to Article 44c (1) and (2) AVG at the place it considers must appropriate under the specific circumstances. The hearing shall be held in consultation with the energy infrastructure authority, the co-operating authorities and any other legal parties and public services to be involved in the EIA procedure pursuant to the administrative provisions additionally applicable in the EIA procedure. At the public hearing the project applicant shall describe the main features of the project and the main alternatives studied by the project applicant with the reasons for choosing the project applied for. The public hearing shall be documented by records which shall be published on the authority's website.

(3) If a project of common interest may have presumably substantial environmental impacts on another state, the state concerned shall, by analogous application of Article 10, be informed about the project and possible transboundary effects already in the pre-application procedure and the state concerned shall be informed about the public hearing and be given an opportunity to submit its view.

Time schedule, notification

Article 33. (1) The authority shall, in cooperation with the project applicant and the energy infrastructure authority, by analogous application of Article 7 (1) create a time schedule which provides for a tight sequence of the next steps of the pre-application procedure and for the EIA procedure. According to this time schedule the pre-application procedure shall last for no more than two years and the EIA procedure until the decision (Article 17) shall last for no more than one year and six months. The applicant shall inform the authority and the energy infrastructure authority of any delays in the preparation of the application documents; the authority shall inform the energy infrastructure authority of any delays in the procedure.

(2) No later than six months following the application pursuant to Article 31 (1) the authority shall, in cooperation with the energy infrastructure authority, the co-operating authorities and the Federal Minister for Sustainability and Tourism and taking into account the

opinions received and the results of the public hearing, specify the documents and the degree of detail of the information that the project applicant will probably need for the initiation of the environmental impact assessment (Article 5) and shall notify the project applicant of the aspects that need to be taken into account when developing the detailed project.

Participation of the energy infrastructure authority

Article 34. (1) The energy infrastructure authority shall be involved in the EIA procedure like a co-operating authority and, in addition, shall be informed about the progress of the procedure and any implementation problems at regular intervals. The decisions pursuant to Articles 17 through 18b shall be forwarded to the energy infrastructure authority.

(2) The energy infrastructure authority shall participate in procedures pursuant to Article 10 concerning possible transboundary impacts.

(3) The authority shall forward to the energy infrastructure authority the information necessary to fulfil the reporting obligations provided for in the TEN-E Regulation.

Articles 35. - 38. repealed by Federal Law Gazette I No. 89/2000.

SECTION 7

COMMON PROVISION

Authorities and competences

Article 39. (1) The Provincial Government shall have competence for the procedures in accordance with Sections 1 and 2. The competence of the Provincial Government shall extend to all investigations, decisions and inspections under the relevant administrative provisions according to Article 5 (1) as well as to modifications pursuant to Article 18b. This competence shall also include the implementation of the penal provisions. The Provincial Government may transfer to the administrative district authority the competence for the performance of the procedure, including the procedures in accordance with paragraph (4) and Article 45, and for decision-making in full or in part. This shall not affect any statutory co-operation and hearing rights.

(2) In procedures under Section 2, the competence of the Provincial Government shall begin when a decision pursuant to Article 3 (7) becomes effective stipulating that a project has to be submitted to an environmental impact assessment in accordance with this Federal Act or, otherwise, upon the submission of a request for a preliminary procedure in accordance with Article (4) or, if such a request is not submitted, upon the submission of a request in accordance with Article 5. From that point in time on, the competence of other authorities having competence under administrative provisions shall be confined to co-operation in the enforcement of this Federal Act in the matters according to paragraph 1. The competence of the Provincial Government shall end at the time specified in Article 21 with the exception of the cases specified in the second sentence of Article 21 (4).

(3) Administrative orders issued in violation of the provisions of Article 3 (6) shall be declared null and void by the superior authority with substantive jurisdiction or, if such an authority is not provided for, by the authority which issued the administrative order.

(4) For procedures under the first, second and third Section local competence shall depend on the geographical location of the project. If a project extends to several Federal Provinces, local competence for the procedure pursuant to Article 3 (7) shall rest with the

authority of the Province in which the main part of the project is located. The authorities and bodies (Article 3 (7)) of the other Province affected by the project shall have *locus standi i*n the procedure pursuant to Article 3 (7) and the co-operating authorities and the water management planning body of the Federal Province affected shall be heard before the decision is taken.

Appeal proceedings

Article 40. (1) Complaints in affairs under this Federal Act shall be decided by the Federal Administrative Court. This shall not apply in procedures pursuant to Article 45. If objections or reasons are stated for the first time in a complaint, these shall be admitted only if the complaint gives reasons why it has not been possible to advance them already during the objection period in the application procedure and if the complainant demonstrates that the fact that he or she failed to advance them during the objection period is not or only to a minor degree his/her fault. Where this cannot be demonstrated for all reasons of complaint, the complaint shall be rejected as being inadmissible; where, however, only part of the reasons are concerned, the relevant issues of the complaint shall not be addressed.

(2) The Federal Administrative Court shall decide by senates, except in procedures pursuant to Article 3 (7).

(3) In procedures concerning complaints pursuant to Article 3 (9) and Article 24 (5a) Articles 7, 8 and 16 of the Law on Administrative Court Proceedings ("Verwaltungsgerichtsverfahrensgesetz", VwGVG) shall not apply; such complaints shall be submitted to the authority in writing within four weeks from the day of publication of the administrative order on the Internet. The project applicant shall have *locus standi* as well. The authority shall attach an inventory of the files also in cases where files are delivered electronically.

(4) The decision on complaints filed against notices of assessments pursuant to Section 1 shall be taken within six weeks, against notices of assessments pursuant to Section 3 within eight weeks. The period for reaching a preliminary appeal decision pursuant to Article 14 (1) of the *Verwaltungsgerichtsverfahrensgesetz* (VwGVG) is 6 weeks.

(5) In procedures concerning complaints against administrative orders pursuant to Articles 17 through 18b as well as 24f and 24g the Federal Administrative Court shall at any rate apply Article 3b, Article 5 (6) and Article 10 (4). Article 16 paragraphs (3) and (4) shall apply.

(6) The Federal Administrative Court shall be assisted by official experts active in the area of implementation of the Federal Government and of the Federal Province whose administrative order is examined.

(7) In addition to the provisions of Article 29 VwGVG, verdicts of the Federal Administrative Court shall, for at least eight weeks more, be published on the website of the Federal Administrative Court and made available for public inspection in the host municipality during office hours. The public shall be informed of this possibility by a posting on the official notice board of the host municipality during the period for public inspection.

Responsibilities in the domain of municipalities

Article 41. The tasks of the municipalities defined in Article 9 (1) and (2), Article 13 (2) Article 17 (7) and Article 24f (13) shall be fulfilled in the delegated domain and any other tasks defined in this Federal Act in the own domain of the municipalities.

Applicability of the General Administrative Proceedings Act

Article 42. (1) Unless this Federal Act contains special provisions on the administrative procedure, the 1991 General Administrative Proceedings Act ("Allgemeines Verwaltungsverfahrensgesetz - AVG") shall be applied in the implementation of this Federal Act.

(2) To the extent that this Federal Act and its annexes refer to provisions contained in other federal acts, these shall apply as amended.

Right to continue operations

Article 42a. If a development consent order in the version of a verdict by the Federal Administrative Court is repealed by the Supreme Administrative Court, operation of the project may be continued until the substitute verdict becomes effective, but not longer than for one year, in accordance with the repealed development consent order in the version of the Supreme Administrative Court's verdict. This shall not apply to cases where the Supreme Administrative Court had accorded suspensive effect to the appeal that resulted in the verdict of the Supreme Administrative Court.

EIA documentation

Article 43. (1) The Federal Minister for Sustainability and Tourism shall establish an EIA documentation of the environmental impact assessments performed in accordance with this Federal Act or other federal acts. For this purpose, the Federal Minister for Sustainability and Tourism may use the services of Umweltbundesamt GmbH (Federal Environment Agency). Where possible the essential contents of the EIA documentation shall be made available on the Internet. The documentation shall include, in particular, the decisions (Articles 3 (7) and 24 (5)), the applicant's environmental impact statement, the most important results of the environmental impact expertise or of the summary assessment, the essential contents and reasons of the decision(s), the results of post-project analysis and information on the procedures carried out each year, as well as an up-to-date link to the internet pages of the EIA authorities used for making announcements pursuant to Articles 9 (3), 17 (7) and 24f (13). The competent authorities and the Federal Administrative Court shall provide these documents to the Federal Minister for Sustainability and Tourism.

(2) The Federal Minister for Sustainability and Tourism and Umweltbundesamt GmbH may compile the data in accordance with paragraph 1 and electronically process them. Person-related data subject to privacy may only be communicated to

1. federal or provincial services if the data constitute an essential prerequisite for the recipient of the data in connection with the implementation of this Federal Act or other federal or provincial legislation for the protection of human life or health or of the environment,
2. the competent authorities of foreign states if this is necessary to prevent a specific danger to human life or health or to the environment or if bilateral agreements so provide.

Report to the National Assembly

Article 44. The Federal Minister for Sustainability and Tourism shall report to the National Assembly every three years and for the first time in 1998 on the implementation of this Federal Act and environmental impact assessments performed in accordance with other federal acts,

notwithstanding relevant information included in the *Gewässerschutzbericht* (Report on the protection of waters) in accordance with Article 33e WRG 1959.

Penal provisions

Article 45. Unless an act constitutes a criminal offence, for which the courts have jurisdiction, persons commit an administrative offence punishable by the authority with a fine

1. of up to € 35,000 if they implement or operate a project subject to EIA (Articles 3, 3a, 23a and 23b) without the development consent required by this Federal Act (Articles 17 and 24f);

2. of up to € 17,500

   a) if they implement or operate the project approved in a non-compliant way or without the required approval of modifications (Articles 18b, 24g (1)),

   b) if they do not comply with ancillary provisions (obligations and other requirements) in accordance with Articles 17 (2) to (4) and (6), 20 (4), 24f (1), (2), (3), (5) and (6) as well as 24h (2),

   c) if they do not fulfil the notification duty in accordance with Article 20 (1) or Article 24h (1),

   d) if, in violation of Article 23 (1) and (2), they do not allow, or obstruct investigations, controls or the taking of samples, do not provide information or do not make available documents requested.

Entry into force, termination, transitional provisions

Article 46. (1) Unless provided otherwise in the following, this Federal Act shall enter into force on 1 July 1994.

(2) The provisions on the Environmental Senate contained in Articles 38 (3) and 40 shall cease to be effective on 31 December 2000. Cases pending with the Environmental Senate on 31 December 2000 shall be continued by the Environmental Senate.

(3) Section 2 shall not apply to projects for which a development consent procedure required under administrative provisions was initiated by 31 December 1994 unless the project applicant requests the Provincial Government that the environmental impact assessment and the consolidated development consent procedure be performed for development consents initiated after 30 June 1994, but for which administrative orders have not yet been issued. In that case, too, any valid approvals shall remain unaffected.

(4) The provisions of Section 3 shall not apply to projects for which the hearing procedure required by the *Bundesstraßengesetz* or the *Hochleistungsstreckengesetz* was initiated by 30 June 1994; in these cases, the last sentence of Article 24 (3) shall be considered to have been complied with and shall apply to the subsequent, non-consolidated development consent procedures by way of analogy.

(5) The provisions of Section 5 shall not apply to projects for which the lead procedure specified in Annex 2 or, in the case of Article 30 (2), the hearing procedure pursuant to Article 4 *Bundesstraßengesetz* 1971 or, in the case of Article 30 (3), the hearing procedure pursuant to Article 4 *Hochleistungsstreckengesetz* was initiated by 30 June 1994.

(6) Ordinances based on this Federal Act may be issued as from the day following its announcement; they shall enter into force at the date indicated in paragraph (1) at the earliest.

(7) Articles 17 (2a), 24, 30, 35 (1) and 47 (2) and (3) as given in Federal Law Gazette No 773/1996 shall come into force as of 1 January 1997.

(8) Articles 1, 2 (1), (2), (3) and (5), Article 3, Article 3a, Articles 4 to 10, Article 12, Article 12a, Article 13, Articles 16 to 18a, Articles 19 to 23b, Article 24 (1) to (10), Articles 24a to 24l, Article 25 (1) and (2), Article 26 (1), Article 27 (7) and (8), Articles 39 to 45, Article 46 (8) to (11), and Article 47 (1), (2) and (4) as well as Annexes 1 and 2 as given in Federal Law Gazette I No. 89/2000 shall enter into force on the day following publication in the Federal Law Gazette; Articles 8, 11, 14, 15 and Articles 30 to 38 as well as Annexes 1 and 2 as given in Federal Law Gazette No. 773/1996 shall cease to be effective on that day.

(9) This Federal Act shall not apply to projects that were not covered by Section 2 or 3 of this Federal Act as given in Federal Law Gazette No. 773/1996 before the date specified in paragraph (8) and for which a development consent procedure required by administrative provisions or a routing ordinance procedure was initiated before the date specified in paragraph (8) if the provisions of Directive 85/337/EEC as amended by Directive 97/11/EC are directly applied in the procedures or if the performance of an environmental impact assessment was not required by Community legislation. Upon request by the project applicant, these procedures may be continued in accordance with the provisions of this Federal Act from the date specified in paragraph (8) on.

(10) The competence transfer for projects for which an administrative acceptance order was issued before the date specified in paragraph (8) shall be governed by Article 20 (3) of this Federal Act as given in Federal Law Gazette No. 773/1996).

(11) Until the completion of pending procedures, the provisions of Articles 30 to 38 shall be applied to projects for which a development consent procedure pursuant to Section 5 of this Federal Act as given in Federal Law Gazette No. 773/1996 was initiated before the date specified in paragraph (8) and that do not fall under the scope of this Federal Act as given in Federal Law Gazette I No. 89/2000.

(12) Article 45 no. 1 and no. 2 as given in Federal Law Gazette I No 108/2001 shall come into force as of 1 January 2002.

(13) Article 24 (1) as given in Federal Law Gazette I No. 151/2001 shall come into force as of 1 January 2002.

(14) Article 23a and Article 24h (7) as given in Federal Law Gazette I No. 50/2002 shall enter into force on 1 April 2002.

(15) Neither an environmental impact assessment nor a consolidated development consent procedure shall be performed in accordance with the present Federal Act for projects that are transferred to the competence of the Provinces by Article 5 of the *Bundesgesetz über die Auflassung und Übertragung von Bundesstraßen* (Federal Act on the Conveyance and Transfer of Federal Roads), Federal Law Gazette I No. 50/2002, and for which an ordinance as specified in Article 4 of the *Bundesstraßengesetz* 1971 (Federal Road Act 1971) has already been adopted. Article 24h (5) shall apply *mutatis mutandis* to any development consent under the terms of Article 2 (3) that has not yet become effective. Where the results of an environmental impact assessment already performed pursuant to Articles 24a to 24f of the present Federal Act are not taken into account in a development consent pursuant to Article 2 (3) for the purposes of Article 24h (5), the requirements resulting from the ordinance issued pursuant to Article 4 *Bundesstraßengesetz* 1971 shall be met. The first and second sentences of Article 24h (6) shall apply *mutatis mutandis*, and the provisions of Articles 18 to 20a *Bundesstraßengesetz* 1971 shall be applied. An acceptance inspection according to Article 20

shall not be performed; Article 24h (7) shall be applied to the post-project analysis *mutatis mutandis*.

(16) For other projects that are transferred to the competence of the Federal Provinces under Article 5 *Bundesgesetz über die Auflassung und Übertragung von Bundesstraßen,* Federal Law Gazette I No. 50/2002, and for which an environmental impact assessment has been carried out pursuant to Articles 24a to 24f of the present Federal Act, neither a new environmental impact assessment nor a consolidated development consent procedure pursuant to this Federal Act shall be performed if it is ensured that the results of the environmental impact assessment are taken into account in a development consent order granted under road legislation or a routing ordinance issued under road construction legislation and if legal protection is granted against this legal act to an extent that is equivalent to the one provided under Article 24 (11). Article 24h (5) shall apply *mutatis mutandis* to any development consent under the terms of Article 2 (3) that has not yet become effective. Where the results of the environmental impact assessment are not taken into account in a development consent pursuant to Article 2 (3) for the purposes of Article 24h (5), the requirements resulting from a routing ordinance issued under road legislation shall be met. The first and second sentences of Article 24h (6) shall apply *mutatis mutandis*, and the provisions of Articles 18 to 20a *Bundesstraßengesetz* 1971 shall be applied. An acceptance inspection according to Article 20 shall not be performed; Article 24h (7) shall be applied to the post-project analysis *mutatis mutandis*.

(17) A new case-by-case examination shall not be performed for projects that are transferred to the competence of the Federal Provinces under Article 5 *Bundesgesetz über die Auflassung und Übertragung von Bundesstraßen*, Federal Law Gazette I No. 50/2002, and to which the Federal Minister of Transport, Innovation and Technology applied Article 24 (3). The provision of Article 3 (7) concerning the declaratory procedure shall not apply.

(18) The following shall apply to the entry into force of non-constitutional provisions amended or introduced by the federal act promulgated in Federal Law Gazette I No. 153/2004, to the termination of non-constitutional provisions repealed by the same Federal Act and to the transition to the new regulatory framework:

1. Article 1 (2), Article 2 (3), Article 3 paragraphs (4), (5) and (7), Article 3a, Article 5 (1), Article 7 (1), Article 9 paragraphs (3) through (5), Article 10, Article 12 (4), Article 17, Article 18, Article 18a, Article 18b, Article 19 paragraphs (1), (3), (4), (6) and (8) through (10), Article 20 (2), Article 22, Article 23a through Article 24h, Article 24i through Article 24l, Article 39, Article 41, Article 45 and Article 47 as well as the introduction to Annex 1 and numbers 1, 2, 9 through 15, 17 through 19, 21, 24 through 26, 43, 61, 63, 64, 79, 80, 82 of Annex 1 including footnotes 1a, 2, 3, 3a, 4, 4a and 15 and Annex 2 shall enter into force on 1 January 2005.

2. Upon the entry into force of the provisions listed in number 1, Article 24f no. 38 of Annex 1 as well as footnotes 6, 11 and 21 in Annex 1 to this Federal Act as given in Federal Law Gazette I No. 89/2000, Federal Law Gazette I No. 151 /2001 and Federal Law Gazette I No 50/2002 cease to be in force.

(NB: No. 2a repealed by Federal Law Gazette I No. 87/2009)

3. Article 3a (1) number 1 as amended by the Federal Act promulgated in Federal Law Gazette I No. 153/2004 shall not apply to projects for which an effective administrative order pursuant to Article 3 (7) exists on 31 May 2005 and for which a procedure according to Article 5 has been initiated or, if it was stated that a procedure under the EIA Act 2000 was not required, a procedure has been initiated in accordance with the applicable sectoral legislation. Article 19 (1) no. 7 as well as paragraphs (10) and (11) as given in the Federal Act

promulgated in Federal Law Gazette I No. 153/2004 shall apply to projects for which the procedure pursuant to Article 5 or Article 24a is initiated after 31 May 2005.

4. This Federal Act shall not apply to projects listed in numbers 9 to 12, 14, 15, 17 to 19, 25, 26, 63, 64, 79 and 80 of Annex 1 that fall under the scope of this Federal Act for the first time and for which a development consent procedure required under administrative legislation is initiated by 31 December 2004, unless the project applicant submits a request to the Provincial Government on the performance of an environmental impact assessment and a consolidated development consent procedure or a case-by-case examination.

5. Section 3 as given in the Federal Act promulgated in Federal Law Gazette I No. 153/2004 shall not apply to the following projects:

a) federal roads and high-speed railroads for which the announcement pursuant to Article 9 (3) is made by 31 December 2004;

b) federal roads and high-speed railroads that fall under the scope of this Federal Act for the first time and for which the hearing procedure required by the *Bundesstraßengesetz* 1971 or the *Hochleistungsstreckengesetz* or a development consent procedure required under administrative legislation is initiated by 31 December 2004, unless the project applicant requests that an environmental impact assessment or a case-by-case examination be performed;

c) federal roads for which the preliminary procedure pursuant to Article 4 is initiated by 31 December 2004 and the announcement pursuant to Article 9 (3) is made by 31 May 2005, unless the project applicant requests that Section 3 as given in the Federal Act promulgated in Federal Law Gazette I No 153/2004 be applied.

(19) (Constitutional provision) The following shall apply to the entry into force of constitutional provisions amended or introduced by the Federal Act promulgated in Federal Law Gazette I No. 153/2004, to the termination of constitutional provisions repealed by the same Federal Act and to the transition to the new regulatory framework:

(NB: Number 1 established of no longer being applicable under Art. 2 § 2 para. 2 number 50 of federal act Federal Law Gazette I No. 2/2008)

2. Article 24 (11) and Article 47 (3) of this Federal Act as amended in Federal Law Gazette No 773/1996 shall cease to be effective on 1 January 2005, but under the terms of number 3 and paragraph (18) no. 5 shall continue to be applied to the projects specified therein.

3. Section 3 as given in the Federal Act promulgated in Federal Law Gazette I No. 153/2004 shall not apply to the following projects:

a) federal roads for which a declaratory procedure pursuant to Article 24 (5) is initiated by 31 December 2004; however, if the announcement pursuant to Article 9 (3) is only made after 31 May 2005, *locus standi* or the right to participate in the procedures for granting development consent for the purposes of Article 2 (3) shall be subject to the provision of Article 24h (8)

as given in the Federal Act promulgated in Federal Law Gazette I No. 153/2004;

b) high-speed railroads for which the preliminary procedure pursuant to Article 4 is initiated by 31 December 2004, unless the project applicant requests that Section 3 as given in the Federal Act promulgated in Federal Law Gazette I No. 153/2004 be applied; if the announcement pursuant to Article 9 (3) is only made after 31 May 2005, *locus standi* or the right to participate in the procedures for granting development consent for the purposes of

Article 2 (3) shall be subject to.the provision of Article 24h (8) as given in the Federal Act promulgated in Federal Law Gazette I No. 153/2004.

4. With regard to projects pursuant to number 3 for which the hearing procedure is initiated by announcement according to Article 9 (3) after 31 May 2005, the Constitutional Court shall decide on the unlawfulness of routing ordinances upon an application filed within six weeks of the ordinance's promulgation by the persons identified in Article 19 (1) no. 3 to 7 as given in the Federal Act promulgated in Federal Law Gazette I No. 153/2004.

(20) The following shall apply to the entry into force of provisions amended or introduced by the Federal Act promulgated in Federal Law Gazette I No. 87/2009 and to the transition to the new regulatory framework:

1. Articles 2 (1), 3 (1), 5 (1) and (3), 6 (1) and (2), 23b (2), 24 (7), 24a (3) and (5) as amended by the Federal Act promulgated in Federal Law Gazette I No. 87/2009 shall not apply to projects for which a development consent procedure pursuant to the present Federal Act is pending at the time when this amendment enters into force.

2. Article 19 (4) as amended by the Federal Act promulgated in Federal Law Gazette I No. 87/2009 shall not apply to procedures in which public inspection pursuant to Article 9 of the present Federal Act has already been initiated before the time when this amendment enters into force.

3. Article 24 (5) as amended by the Federal Act promulgated in Federal Law Gazette I No. 87/2009 shall not apply to projects for which a declaratory procedure in accordance with the previous legal framework is already pending at the time when this amendment enters into force.

4. [repealed Federal Law Gazette I No. 80/2018]

5. This Federal Act shall not apply to projects of Annex 1 that fall under the scope of this Federal Act for the first time and for which a development consent procedure required under administrative legislation is pending at the time when the Federal Act promulgated in Federal Law Gazette I No. 87/2009 enters into force shall not be subject to the present Federal Act unless the project applicant requests from the Provincial Government that an environmental impact assessment and a consolidated development consent procedure or a case-by-case examination be performed.

6. Projects pursuant to Annex 1 that do no longer fall under the scope of this Federal Act after the entry-into-force of the Federal Act promulgated in Federal Law Gazette I No. 87/2009 and for which a development consent procedure pursuant to this Federal Act is already pending at the time when this amendment enters into force shall continue to be subject to this Federal Act as amended.

7. Projects to which, pursuant to paragraph (18) no. 5 and paragraph (1)9, Section 3 as given in the Federal Act promulgated in Federal Law Gazette I No. 153/2004 does not apply shall not be subject to the Federal Act promulgated in Federal Law Gazette I No. 87/2009 either.

(21) Article 1 (2) as well as number 4 (b) and (c), number 13 (b) to (d), including the final sentence, number 29a and number 89 of Annex 1 as given in the Federal Act promulgated in Federal Law Gazette I No. 144/2011 shall become effective at the end of the day of promulgation of the said Federal Act.

(22) (Constitutional provision) Article 40a as amended in Federal Law Gazette I No 51/2012 shall enter into force as of the end of the month in which this Federal Act is promulgated. The last sentence of Article 19 (7) as well as the term "(Constitutional provision)"

and the phrase “as of 1 January 2014” contained in Article 40a shall become ineffective as of the end of 31 December 2013.

(23) Projects pursuant to Annex 1 that fall under the scope of this Federal Act for the first time and for which a development consent procedure required under administrative legislation is pending at the time when the Federal Act promulgated in Federal Law Gazette I No. 77/2012 enters into force shall not be subject to this Federal Act unless the project applicant requests from the Provincial Government that an environmental impact assessment and a consolidated development consent procedure or a case-by-case examination be performed. Projects for which a development consent procedure was initiated in accordance with Section 3 before the Federal Act promulgated in Federal Law Gazette I No. 77/2012 entered into force shall be subject to the provisions of Article 24 (1), (3), (3a) and (7), Article 24a (3), and Article 24f (6) and (7) in the wording effective before the amendment. Modification projects for which a development consent procedure pursuant to Article 24g is pending at the time when the Federal Act promulgated in Federal Law Gazette I No. 77/2012 enters into force shall be subject to this provision in the wording effective before the amendment.

(24) Article 1 (2), Article 3 (6), (7) and (7a), Article 16 (3), Article 19 (1) no. 4, Article 19 (3), (4) and (10), Article 24 (5), (5a) and (7), Article 24f (8), Article 26 (3), Article 27 (2), Article 28 (2), Article 39 (3), Article 40 including its headline, Article 42 (3), Article 42a as well as Article 43 (1) as given in the Federal Act promulgated in Federal Law Gazette I No. 95/2013 shall come into force as of 1 January 2014; at the same time Article 40a and Article 42 (3) shall cease to be effective. Article 3a (8) shall cease to be effective as of the end of the day of promulgation of the said Federal Act; Article 45 no. 2 shall enter into force as of this date. In derogation of the *Verwaltungsgerichtsbarkeits-Übergangsgesetz* (Transition Act on Administrative Jurisdiction), Federal Law Gazette I No. 33/2013 (Article 2), the following shall apply:

1. In cases where an administrative order from the Environmental Senate (“Umweltsenat") whose delivery was effected prior to the expiry of 31 December 2013, has not been validly delivered, even if only to one of the parties, until the expiry of this day, the Federal Administrative Court shall order delivery if the administrative order would, pursuant to the provisions of the *Zustellgesetz* (Service of Documents Act), not be considered validly served by 31 January 2014. Article 2 (3) last sentence of the *Verwaltungsgerichtsbarkeits-Übergangsgesetz* shall not apply.

2. Article 3 (1) and (2) of the *Verwaltungsgerichtsbarkeits-Übergangsgesetz* shall also apply to review requests pursuant to Articles 3 (7a) and 24 (5a) in the wording effective before the entry-into-force of the Federal Act promulgated in Federal Law Gazette I No. 95/2013.

3. Article 3 (3), Article 4 (2) and (4) as well as Article 6 paragraphs (2) and (4) of the *Verwaltungsgerichtsbarkeits-Übergangsgesetz* shall apply *mutatis mutandis*.

4. Procedures pending with the Environmental Senate after the expiry of 31 December 2013 due to a request for the transfer of competence (“Devolutionsantrag”) pursuant to Article 73 (2) AVG shall be continued by the Federal Administrative Court as inactivity complaint procedures.

5. Complaints against decisions by administrative authorities concerning projects pursuant to Articles 23a or 23b that are taken after 31 December 2013, in procedures initiated prior to 31 December 2012 and against which appeals would not have been possible under the legislation effective until 31 December 2013, shall not have suspensive effect. Article 30 (2) and (3) VwGG shall apply *mutatis mutandis*.

(25) The provisions of the newly added Section 6 shall not be applied to projects for which, in direct application of Article 10 of the TEN-E Regulation, an EIA procedure pursuant to Article 5 or a preliminary procedure pursuant to Article 4 was initiated prior to the entry into force of the Federal Act promulgated in Federal Law Gazette I No. 4/2016.

(26) Article 3 (7a) as amended by Federal Law Gazette I No. 4/2016 shall apply also to cases where the administrative order was issued before the entry into force of this amendment and the period for filing a complaint has not yet expired. For neighbours, the period for complaint against the decision resulting from the determination shall in these cases start as of the day of the entry into force of this amendment. In the case of projects for which not all development consents or coercive rights required under administrative legislation have become effective on 15 April 2015 or for which an appeal against development consents or coercive rights is pending with the Supreme Administrative Court or a complaint is pending with the Constitutional Court, Article 42a shall, in the case of revocation or annulment due to the fact that decisions resulting from a determination pursuant to Article 3 (7) or Article 24 (5) are expected to have a binding effect which is judged as violating Union law in the Judgment of the European Court of Justice of 16 April 2015, C-570/13, apply subject to the proviso that the right of construction and operation can be further exercised until the substitute decision or the substitute judgement comes into force, but for no more than three years from the delivery of the decision revocating or declaring null the development consent to the applicant.

(27) Article 3 (2), Article 3a (6), Article 5 (4), Article 6 (2), Article 9 (3), Article 17 (7), Article 18 (1), Article 19 (3), Article 24a (4), Article 24f (13), Article 40 (1) and (3) as well as Annex 1 as amended in the *Verwaltungsreformgesetz BMLFUW* (Administrative Reform Act BMLFUW), Federal Law Gazette I No. 58/2017, shall enter into force as of the end of the day of promulgation.

(28) The following shall apply to the entry into force of provisions amended or introduced by the Federal Act promulgated in Federal Law Gazette I No. 80/2018 and to the transition to the new regulatory framework:

1. Article 2 (6), Article 23b (2) no. 3 as well as Article 9 (1), Article 19 (1) no. 8 and (12) and Article 24f (8) fourth sentence as amended by the federal act promulgated in Federal Law Gazette I No 80/2018 shall not apply to projects for which a procedure was initiated prior to the time of the entry into force of this amendment pursuant to Article 5 or Article 24a.
2. The provisions of this Federal Act that were amended or added in order to implement Directive 2014/52/EU amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (OJ L 124 of 25/04/2014 p. 1) - Article 1 (1) no. 1 lit. a and b, Article 3 (4), (5), (7) sentence 3, 6 and 7, (8), Article 3a (4), Article 6 (1), (2) first and second sentence, Article 17 (4) last sentence, Article 24 (5) sentences 3, 7 and 8, Article 24 f (3) last sentence – shall be applied to pending procedures applied for after 16 May 2017 as of the entry into force of this amendment in the version of Federal Law Gazette I No. 80/2018.
3. Projects of Article 23a (2) no.1 lit. b and Article 23b (3) as well as projects of Annex 1 that fall under the scope of this Federal Act for the first time and for which and for which a development consent procedure required under administrative legislation is pending at the time when the Federal Act promulgated in Federal Law Gazette I No. 80/2018 enters into force shall not be subject to this Federal Act unless the project applicant requests from the Provincial Government that an environmental impact assessment and a

consolidated development consent procedure or a case-by-case examination be performed.

4. This Federal Act shall not apply to projects listed in number 28 lit. b and number 33 of Annex 1 that fall under the scope of this Federal Act for the first time and for which a development consent procedure required under administrative legislation was initiated prior to 11 February 2015, nor to projects listed in number 46 lit. c, lit. d, lit. i or lit. j of Annex 1 that fall under the scope of this Federal Act for the first time and for which a development consent procedure required under administrative legislation was initiated prior to 7 August 2018, unless the project applicant requests from the Provincial Government that an environmental impact assessment and a consolidated development consent procedure or a case-by-case examination be performed.
5. Pursuant to Article 19 (9) environmental organisations which, at the time of the entry into force of this Federal Act, have been recognised for more than three years shall submit the documents by 1 December 2019, at the latest. If the check of a recognised environmental organisation shows that the criteria are no longer met, *locus standi* or the entitlement to complain shall, in procedures in which the environmental organisation has already obtained *locus standi* or the entitlement to lodge a complaint, be retained for pending procedures.

Implementation

Article 47. (1) The Federal Minister for Sustainability and Tourism shall be responsible for the implementation of this Federal Act where within federal competence and unless provided otherwise in paragraphs (2) through (4); in all other instances competence shall rest with the Provincial Government.

(2) The implementation of Articles 23a through 24h and of Article 45 with regard to these provisions shall be the responsibility of the Federal Minister of Transport, Innovation and Technology or, where development consent procedures have to be performed by other authorities, the federal ministers in charge of the implementation of the applicable administrative regulations.

(3) The implementation of Articles 21, 22 and 23 shall be the responsibility of the federal ministers having competence for these administrative provisions where within federal competence.

(4) The implementation of Article 19 (7) and the issuing of an administrative order pursuant to paragraph (9) shall be the responsibility of the Federal Minister for Sustainability and Tourism in concert with the Federal Minister for Digital and Economic Affairs.

(5) The implementation of the tasks of the energy infrastructure authority pursuant to Section 6 shall be the responsibility of the Federal Minister for Digital and Economic Affairs.

Annex 1

This Annex contains the projects subject to an EIA according to Article 3.

Columns 1 and 2 list those projects that shall be subject to an EIA at any rate and shall be covered by an EIA procedure (Column 1) or a simplified procedure (Column 2). For the modification criteria identified in Annex 1, a case-by-case examination shall be performed if the threshold value is exceeded; otherwise Article 3a (2) and (3) shall apply unless only new installations, constructions or developments are explicitly covered.

Column 3 contains those projects that shall only be subject to an EIA if specific criteria are met. A case-by-case examination shall be performed for them above the minimum thresholds indicated. If the results of the case-by-case examination state that an EIA shall be performed, the simplified procedure shall be applied.

The categories of protected areas referred to in Column 3 are defined in Annex 2. However, areas falling under Category A, C, D or E shall only be taken into consideration for assessing the need for performing an EIA on a project if they have already been designated on the day when the application is submitted.

	EIA	**Simplified EIA procedure**	
	Column 1	Column 2	Column 3
	Waste management		
No. 1	a) Landfills for hazardous waste; the calculation basis (Art. 3a (3)) for modifications shall be the total volume approved by administrative order; b) Installations for the biological, physical or mechanical-biological treatment of hazardous waste with a capacity of 20,000 tonnes/year or more; c) Other installations for the treatment (thermal, chemical) of hazardous waste, excluding installations exclusively used for material recycling.		
No. 2	a) Mass-waste landfills or residual material landfills with a total volume of 500,000 m³ or more; b) Underground storage for non-hazardous waste	d) Demolition waste landfills with a total volume of 1,000,000 m³ or more; e) Installations for the treatment of demolition waste with a capacity of 200,000 tonnes/year or	f) Mass-waste landfills or residual material landfills with a total volume of 250,000 m³ or more in protected areas of Category A, in protected areas of Category D with a total volume of 375,000 m³ or more;

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
	with a total volume of 500,000 m³ or more; c) Other installations for the treatment (thermal, chemical, physical, biological, mechanical-biological) of non-hazardous waste with a capacity of 35,000 tonnes / year or 100 tonnes / day or more, excluding installations exclusively used for material recycling or mechanical sorting;	more.	g) Underground storage for non-hazardous waste with a total volume of 250,000 m³ or more in protected areas of Category A, in protected areas of Category D with a total volume of 375,000 m³ or more; h) Demolition waste landfills with a total volume of 500,000 m³ or more in protected areas of Category A, in protected areas of Category D with a total volume of 750,000 m³ or more.
No. 3		a) Installations for storage of scrap motorised vehicles, including installations for dismantling, with a total storage capacity of 10,000 tonnes or more; b) Installations for storage of scrap iron with a total storage capacity of 30,000 tonnes or more;	c) Installations for storage of scrap motorised vehicles, including installations for dismantling, with a total storage capacity of 5,000 tonnes or more in protected areas of Category C.
	Energy industry		
No. 4	a) Thermal power stations or other combustion installations with a rated thermal input of 200 MW or more; b) Installations for the capture of CO2 streams for the purposes of geological storage from installations covered by lit. a or where the total yearly capture of CO2 is 1.5 million tonnes or more.		c) Thermal power stations or other combustion installations with a rated thermal input of 100 MW or more in protected areas of Category D. In the case of number 4, Article 3 (2) and Article 3a (6) shall be applied subject to the proviso that in the case of projects under lit. a other projects with up to 2 MW, in the case of projects under lit. c other projects with up to 1 MW shall not be taken into account.

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
No. 5	Nuclear power stations and other nuclear reactors unless they are prohibited under the *Atomsperrgesetz* (Nuclear Ban Act, Federal Law Gazette No. 676/1978), including the dismantling or decommissioning of such power stations or reactors, except reactors at research institutions for the production and conversion of fissionable and fertile material whose maximum power does not exceed 1 kW continuous thermal load.		
No. 6		a) Installations for the harnessing of wind power with a total electricity output of 30 MW or more, or with at least 20 converters of a nominal capacity of at least 0.5 MW for each converter; b) Installations for the harnessing of wind power located at an altitude above 1000 m with a total electricity output of 15 MW or more, or with at least 10 converters of a nominal capacity of at least 0.5 MW for each converter;	c) Installations for the harnessing of wind power with a total electricity output of 15 MW or more, or with at least 10 converters of a nominal capacity of at least 0.5 MW for each converter, in protected areas of Category A.
	Handling of radioactive substances		
No. 7	a) Installations for the production or enrichment of nuclear fuels or for the reprocessing or disposal of irradiated nuclear fuels; b) Installations for the processing or permanent storage of high-level radioactive waste; c) Installations for the permanent storage of low- and medium-level radioactive waste; d) Installations solely		

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
	designed for the storage, planned for more than 10 years, of irradiated nuclear fuels or radioactive waste at a different site than the production site (except storage of waste of radioactive material of natural origin, e.g. granite). The calculation basis (Art. 3a (2)) for modifications of installations according to (a) to (d) shall be the total production or storage capacity approved by administrative order.		
No. 8		Construction of particle accelerators of 50 MeV or more.	
	Infrastructure projects		
No. 9	a) Construction of new express roads or their subsections, excluding additional interchanges; the widening from two to four or more lanes over a continuous length of 10 km or more shall also be considered the construction of a new road; b) Construction of other new roads or their subsections over a continuous length of 10 km or more, if the new road is expected to reach an annual average daily traffic volume (AADT) of 2,000 motorised vehicles within a forecasting period of five years; the widening from two to four or more lanes shall also be considered the construction of a new road; c) Construction of a new	d) Construction of additional interchanges for express roads[1]), if an annual average daily traffic volume (AADT) of at least 8,000 motorised vehicles is expected to be reached on all ramps taken together within a forecasting period of five years; e) Construction of other new roads or their subsections over a continuous length of 5 km or more, if the new road is expected to reach an annual average daily traffic volume (AADT) of no less than 15,000 motorised vehicles within a forecasting period of five years; f) Projects under (a), (b), (c) or (e) if the length criterion defined therein is only met in combination with directly adjacent subsections that have not yet been opened or were	g) Any other extension measures for express roads[1]) or construction of other new roads or their subsections, if they border on a protected area of Category A or C and if an annual average daily traffic volume (AADT) of no less than 2,000 motorised vehicles is expected to be reached within a forecasting period of five years; h) Any other extension measures for express roads[1]), or construction of other new roads or their subsections over a continuous length of 500 m or more, if they border on a protected area of Category B or D and if an annual average daily traffic volume (AADT) of no less than 2,000 motorised vehicles is expected to be reached within a forecasting period of five years; i) Construction of other new roads or their subsections, if they border on a protected area of Category E and if an annual

1 Express roads according to the definition in the European Agreement on Main International Traffic Arteries of 15 November 1975.

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
	second carriageway over a continuous length of 10 km or more;	opened to traffic within the past 10 years;	average daily traffic volume (AADT) of no less than 15,000 motorised vehicles is expected to be reached within a forecasting period of five years. The widening from two to four or more lanes shall also be considered the construction of a new road under the terms of (g) to (i); excepted from (g) to (i) are cases in which protected areas are only bordered on by protective structures for eliminating danger zones or in which existing roads are moved due to disasters, the elimination of level railway crossings or due to the construction of new bridges. Article 3a (5) shall not apply to (g) and (h). No. 9 does not cover federal roads (Art. 23a).
No. 10	a) Construction of new lines for long-distance railway traffic or their subsections; b) Construction of other new railway lines or their subsections over a continuous length of 10 km or more; c) Modification of railway lines or their subsections over a continuous length of 10 km or more, if the distance between the middle of the outermost track of the modified route and the middle of the outermost track of the existing route exceeds 100 m;	d) Projects under (b) and (c) if the length criterion defined therein is only met in combination with directly adjacent subsections that have not yet been opened or were opened to traffic within the past 10 years and the authority determines on a case-by-case basis that significant harmful, disturbing or adverse effects on the environment are to be expected due to the cumulation of the subsections' effects in a specific case and, therefore, the project shall be submitted to an environmental impact assessment;	e) Construction of new railway lines or their subsections, if they border on a protected area of Category A, B, C or E; f) Modification of railway lines or their subsections, if the distance between the middle of the outermost track of the modified route and the middle of the outermost track of the existing route exceeds 100 m and if they border on a protected area of Category A, B, C or E according to Annex 2; g) Modification of railway lines by the addition of a track over a continuous length of 2.5 km or more if they border on a protected area of Category A, B or C; h) Modification of railway lines or their subsections having a traffic volume of 60,000 trains/year (before or after the capacity increase) raising the train capacity by 25 % or more if they border on a protected area of Category E.

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
			Lit. (e) to (h) shall not include tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport inside continuous settlement areas as well as railway sidings; likewise, cases are excepted in which protected areas are only bordered on by protective structures for eliminating danger zones or in which lines are moved due to disasters. Article 3a (5) shall not apply to (c), (f), (g) and (h). No. 10 does not cover high-speed railway lines (Art. 23b).
No. 11	a) Marshalling yards with an area of 75 ha or more; b) Freight railway stations, terminals or freight distribution centres of 50 ha or more;		c) Marshalling yards with an area of 30 ha or more in protected areas of Category A or C; d) Freight railway stations, freight terminals or freight distribution centres with an area of 25 ha or more in protected areas of Category A or C.
No. 12	a) Development of new glacier skiing areas or modification (expansion) of existing ones if this entails land use for new pistes or cableway lines; b) Development of skiing areas[1a)] by the construction of cableway installations for passenger transport or ski-tows or the establishment of pistes,		c) Development of skiing areas[1a)] by the construction of cableway installations for passenger transport or ski-tows or the establishment of pistes in protected areas of Category A, if the area used for terrain modifications due to new pistes or cableway lines amounts to 10 ha or more. Article 3 (2) and Article 3a (6) shall apply to No. 12 subject to the

1a A skiing area comprises an area of separate or connected cableway installations and related groomed or marked pistes in which it is essentially possible to continuously travel with winter sports equipment and that is provided with the basic infrastructure required (e.g. transport infrastructure, catering facilities, accommodation, water supply and sewerage, etc.).
The skiing area is delimited morphologically by valley areas. Valley areas are self-contained landscapes delimitable by characteristic natural terrain lines and forms (e.g. ridges, crests, etc.) that constitute a topographical unit. If a clear delimitation by characteristic natural terrain lines and forms is not possible, the delimitation shall be made in line with catchment areas of running waters or parts thereof. This catchment area shall be taken into account up to the valley's existing collector sewer.

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
	if the area used for terrain modifications due to new pistes or cableway lines amounts to 20 ha or more;		proviso that the sum total of the capacities approved in the past five years, including the capacity increase applied for, is the basis for the assessment.
No. 13	a) Pipelines for the transport of oil, petroleum products, chemical substances or gas with an inside diameter of 800 mm or more and a length of 40 km or more; b) Pipelines for the transport of carbon dioxide (CO2) streams for the purposes of geological storage with an inside diameter of 300 mm or more and a length of 40 km or more;		c) Pipelines for the transport of oil, petroleum products, chemical substances or gas with an inside diameter of 500 mm or more and a length of 25 km or more in protected areas of Category A or C; d) Pipelines for the transport of carbon dioxide (CO2) streams for the purposes of geological storage with an inside diameter of 150 mm or more and a length of 25 km or more in protected areas of Category A or C. The calculation basis (Art. 3a (2) and (3)) for modifications of installations according to (a) to (d) shall be the pipeline length; No. 13 includes associated booster stations.
No. 14	a) Construction of new airports[1b)], excluding glider airfields and heliports[1b)]; b) Construction of new runways with a length of 2,100 m or more; c) Expansion of airports[1b)] by the construction of new runways or the extension of existing ones, if the total runway length increases by 25% or more due to the new or extended runway; d) Expansion of airports[1b)], if the total number of gates[1c)] increases by 50		f) Construction of new runways with a length of 1,050 m or more in protected areas of Category A, D or E; g) Expansion of airports[1b)] by the construction of new runways or the extension of existing ones in protected areas of Category A, D or E, if the total runway length increases by 12.5% or more due to the new or extended runway; h) Expansion of airports[1b)] in protected areas of Category A or E, if the total number of gates[1c)] increases by 5 (pieces) or more – on major airports[1e)] by 10 (pieces) or more;

1b An airport is a defined area on land or water (including any buildings, installations, and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.

1c The gate (passenger gate) is the section at an airport terminal for transferring passengers to an aircraft. For the sum total of the gates, the highest sum total of the approved gates of the past 5 years shall be decisive.

1d Aircraft stands according to Article 1 of the *Zivilflugplatzverordnung* 1972 (Civil Airports Ordinance 1972, Federal Law Gazette No. 313/1972). For the sum total of the areas for aircraft stands, the highest sum total of the approved areas for aircraft stands of the past 5 years shall

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
	% or more or by 10 (pieces) or more – on major airports[1e)] by 20 (pieces) or more; e) Expansion of airports[1b)], if the area for aircrafts stands[1d)] increases by 32,000 m² or more or if the total area for aircraft stands[1d)] for General Aviation increases by 50 % or more; in the case of major airports[1e)] expansions, if the total area for aircraft stands[1d)] increases by 25 % or more;		i) Expansion of airports[1b)] in protected areas of Category A or E, if the total area for aircrafts stands[1d)] increases by 16,000 m² or more or if the total area for aircrafts stands[1d)] for General Aviation increases by 25 % or more; in the case of major airports[1e)] expansion, if the total area for aircraft stands[1d)] increases by 12.5 % or more; j) Construction of new airports[1b)] for helicopters in protected areas of Categories A or E, excluding glider airfields and heliports[1b)] that mainly serve for rescue or ambulance missions pursuant to Article 2 of the ZARV 1985 (Ordinance on civil aircraft rescue and ambulance missions), missions of the police administration, the performance of tasks of national defence or traffic monitoring using helicopters. The provisions of (b), (c), (f) and (g) shall not apply to the construction of runways for the purpose of military aviation in the course of a mission of the federal armed forces according to Article 2 para. (1) *Wehrgesetz* 2001 (Military Act 2001), Federal Law Gazette I No. 146/2001. The provisions of (b), (c), (e), (f), (g) and (i) shall not apply to the construction and extension of runways nor to other aviation-related modifications of airports[1b)], that are mainly used for the purpose of military aviation. The provisions of (c) and (g) shall

be decisive.

1e) Major airport shall mean an airport which has more than 150,000 movements (take-off or landing) per calendar year. This shall not include movements serving purely training purposes on light aircraft.

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
			also exclude projects designed exclusively for raising air traffic safety.
No. 15	a) Construction of new ports, coal or petroleum ports which permit the passage of vessels of over 1,350 tonnes; b) Modification of ports by extending the water surface or deepening by 25 % or more; c) Construction of new inland waterways which permit the passage of vessels of over 1,350 tonnes;	d) Modification of flow-control structures with a construction length exceeding 5 km;	e) Construction of new ports, coal or petroleum ports in protected areas of Category A or C; f) Modification of ports in protected areas of Category A or C by extending the water surface or by deepening by 12.5 % or more; g) Construction of new inland waterways in protected areas of Category A or C; h) Modification of flow-control structures in protected areas of Category A with a construction length exceeding 2.5 km. The provisions of (d) and (h) shall not apply to measures to improve the ecological function of waters (renaturation) nor to maintenance measures.
No. 16	a) High-voltage power lines with a nominal voltage of 220 kV or more and a length of 15 km or more;	b) Modification of high-voltage power lines with a nominal voltage of 110 kV or more on routes of an existing high-voltage power line by increasing the nominal voltage, if these are increased by 25 % or more, but by not more than 100 %, and the existing length by not more than 10 %;	c) High-voltage power lines with a nominal voltage of 110 kV or more and a length of 20 km or more in protected areas of Category A or B; The calculation basis (Art. 3a (2) and (3)) for modifications of installations according to (a) and (c) shall be the line length.

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
No. 17		a) Leisure or amusement parks[2]), sports stadiums or golf courses with an area of 10 ha or more or a car park for 1,500 motorised vehicles or more;	b) Leisure or amusement parks[2]), sports stadiums or golf courses with an area of 5 ha or more or a car park for 750 motorised vehicles or more in protected areas of Category A or D. c) Projects pursuant to (a) and (b) as well as facilities related thereto that are built, modified or expanded for large-scale events (e.g. Olympic Games, world or European championships, Formula 1 races) on the basis of agreements with international organisations, after the performance of a case-by-case examination according to Article 3 (4a); If the special requirements of (c) are fulfilled, (a) and (b) shall not apply. Article 3a (5) shall apply to (a) and (b) subject to the proviso that the modification applied for need not amount to a capacity increase by 25 % of the threshold value.
No. 18		a) Industrial or business parks[3)] with an area of 50 ha or more; b) Urban development projects[3a)] with an area of 15 ha or more and a gross floor area exceeding 150,000 m²;	c) Industrial or business parks[3)] with an area of 25 ha or more in protected areas of Category A or D. Article 3 (2) shall apply to lit. b subject to the proviso that the sum total of the capacities approved in the past 5 years, including the capacity and the capacity increase applied for, is the basis for the assessment.

2 Leisure or amusement parks are permanent facilities for the entertainment of a high number of visitors, irrespective of the fact whether they are made up of various stands, booths and games (classic fun fairs with merry-go-rounds, roller-coasters, shooting galleries, etc.) or cover a specific theme. They also cover, in particular, multifunctional compounds serving comprehensive demands for leisure activities that include sports, catering and other service facilities and constitute a functional unit. The calculation of the land covered shall be based on the total area functionally related to the project, in particular the roofed area and the area of outdoor or indoor car parks.

3 Industrial or business parks are areas that are developed by a builder or operator and are provided with the required infrastructure for the joint industrial or business utilisation by several companies, that are characterised by spatial proximity and form an operational or functional unit.

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
No. 19		a) Shopping centres[4)] with an area of 10 ha or more or a car park for 1,000 motorised vehicles or more;	b) Shopping centres[4)] with an area of 5 ha or more or a car park for 500 motorised vehicles or more in protected areas of Category A or D. Article 3a (5) shall apply to (a) and (b) subject to the proviso that the modification applied for need not amount to a capacity increase by 25 % of the threshold value. Article 3 (2) and Article 3a (6) shall apply to number 19 subject to the proviso that in the case of projects under (a) other projects with a car park for up to 50 motorised vehicles, in the case of projects under (b) other projects with a car park for up to 25 motorised vehicles, are not taken into account.
No. 20		a) Tourist accommodation, such as hotels or holiday villages, including ancillary facilities, with 500 beds or more or an area of 5 ha or more outside enclosed settlement areas;	b) Tourist accommodation, such as hotels or holiday villages, including ancillary facilities, with 250 beds or more or an area of 2.5 ha or more outside enclosed settlement areas in protected areas of Category A or B. Article 3 (2) and Article 3a (6) shall apply to number 20 subject to the proviso that in the case of projects under (a) other projects with up to 25 beds, in the case of projects under (b) other projects with up to 13 beds, are not taken into account.

3a Urban development projects are development projects for integrated multifunctional construction, in any case of residential and office buildings including the related infrastructure of roads and of facilities whose zone of attraction goes beyond the site of the project. Urban development projects or their parts are not considered urban developments according to this footnote after their completion.

4 Shopping centres are buildings and compounds with sales and display rooms of commercial and industrial companies as well as related service and leisure facilities that are characterised by spatial proximity and form an operational or functional unit. The calculation of the land covered shall be based on the total area functionally related to the project, in particular the roofed area and the area of outdoor or indoor car parks.

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
No. 21		a) Construction of outdoor or indoor car parks [4a]) accessible to the public for 1,500 motorised vehicles or more;	b) Construction of outdoor or indoor car parks[4a]) accessible to the public for 750 motorised vehicles or more in protected areas of Category A, B or D. Article 3 (2) and Article 3a (6) shall apply to number 21 subject to the proviso that in the case of projects under (a) other projects with a car park for up to 75 motorised vehicles, in the case of projects under (b) with a car park for up to 38 motorised vehicles are not taken into account.
No. 22		a) Pleasurecraft harbours (including buoy fields) with 300 or more berths for pleasurecraft vessels;	b) Pleasurecraft harbours (including buoy fields) with 150 or more berths for pleasurecraft vessels in protected areas of Category A.
No. 23		a) Camp sites with 500 lots or more outside enclosed settlement areas;	b) Camp sites with 250 lots or more outside enclosed settlement areas in protected areas of Category A.
No. 24		a) Permanent race or test tracks for motorised vehicles with a length of 2 km or more;	b) Permanent race or test tracks for motorised vehicles in protected areas of Category A; c) The re-establishment, expansion or adaptation of race tracks pursuant to (a) and (b) that have or had existed for 20 years or more as well as of test tracks pursuant to (a) and (b) for the purpose of drivability and safety quality testing performed by car manufacturers that cover statutory mandatory safety checks (proper functioning of the steering system, brakes, etc.) forming an integral part of the production cycle, after the performance of a case-by-case examination according to Article 3 (4a);

4a Outdoor or indoor car parks accessible to the public are those exclusively established for parking purposes (e.g. multi-storey car parks, park-and-rides) or in combination with other projects (car parks for the customers of a shopping centre, visitors of amusement parks, etc.) and that are open to the public without any further access restriction (including, for example, cases in which a fee has to be paid or lots are rented out permanently to anybody). However, car parks that are only accessible to a pre-defined user group (e.g. suppliers or employees of a company, i.e. there has to be an access restriction preventing the general public from using the car park) are not deemed car parks accessible to the public.

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
			If the special requirements of (c) are fulfilled, (a) and (b) shall not apply.
	Mining		
No. 25	a) Extraction of mineral raw material in open-cast mining (loose material - excavation or dredging, consolidated rock in open-pit mines hidden from view with slide, pipe conveyors or another materials-handling system with equivalent environmental impact) or peat extraction, where the surface of the site [5]) is 20 ha or more; b) Expansion of the extraction of mineral raw materials in open-cast mining (loose material - excavation or dredging, consolidated rock in open-pit mines hidden from view with slide, pipe conveyors or another materials-handling system with equivalent environmental impact) or peat extraction, where the surface of the site[5]) of the extractions existing or approved within the past ten years and the expansion applied for amounts to 20 ha or more and the additional area [5]) amounts to 5 ha or more;		c) Extraction of mineral raw material in open-cast mining (loose material - excavation or dredging, consolidated rock in open-pit mines hidden from view with slide, pipe conveyors or another materials-handling system with equivalent environmental impact) or peat extraction in protected areas of Category A or E or for dredging and peat extraction also Category C, where the surface of the site[5]) is 10 ha or more; d) Expansion of the extraction of mineral raw materials in open-cast mining (loose material - excavation or dredging, consolidated rock in open-pit mines hidden from view with slide, pipe conveyors or another materials-handling system with equivalent environmental impact) or peat extraction in protected areas of Category A or E or for dredging and peat extraction also Category C, where the surface of the site[5]) of the extractions existing or approved within the past ten years and the expansion applied for amounts to 10 ha or more and the additional area[5]) amounts to 2.5 ha or more; No. 25 shall not include the activities covered by No. 37. Article 3 (2) and Article 3a (6) shall apply subject to the proviso that the sum total of the areas[5)] of the extractions existing or approved in the past 10 years, including the capacity increase applied for, is the basis for the assessment.

5 The calculation of the surface for the extraction of mineral raw material in open-cast mining shall be based on the development and mining zones to be identified in the site plans according to Article 80 (2) no. 8 or 113 (2) Nno. 1 *Mineralrohstoffgesetz* (Mining Act), Federal Law Gazette I No. 38/1999).

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
No. 26	a) Extraction of mineral raw material in open-cast mining (solid rock) on an area[5]) of 10 ha or more; b) Expansion of the extraction of mineral raw materials in open-cast mining (solid rock) if the area[5]) covered by extractions existing or approved within the past ten years and the expansion applied for amounts to 13 ha or more and if the additional area[5]) amounts to 3 ha or more;		c) Extraction of mineral raw materials in open-cast mining (solid rock) in protected areas of Categories A or E on an area[5]) of 5 ha or more; d) Expansion of the extraction of mineral raw materials in open-cast mining (solid rock) in protected areas of Categories A or E, if the area[5]) covered by extractions existing or approved within the past 10 years and the expansion applied for amounts to 7.5 ha or more and if the additional area[5]) amounts to 1.5 ha or more. Article 3 (2) and Article 3a (6) shall apply subject to the proviso that the sum total of the areas[5]) of the extractions existing or approved in the past 10 years, including the capacity increase applied for, is the basis for the assessment.
No. 27	a) Underground mining for which coherent overground installations and operating facilities cover an area of 10 ha or more;		b) Underground mining in protected areas of Category A for which coherent overground installations and operating facilities cover an area of 5 ha or more. c) Mining waste disposal facilities of Category A (Article 119a (1) no. 1 Mining Act) in protected areas of Category A covering an area of 10 ha or more.
No. 28	a) Hydraulic fracturing of rock formations at unconventional reservoirs of mineral oil or natural gas;		b) Construction of new deep-drilling installations for depths of 1,000 m or more on a total area above ground of 1.5 ha or more in protected areas of Category A. The calculation basis (Art. 3a (3)) for modifications to (a) shall be the extraction capacity for mineral oil or natural gas in tonnes or cubic metres.
No. 29	a) Extraction of petroleum or natural gas with a capacity of 500 tonnes/day or more per probe for petroleum and 500,000 m³/day or more per probe for natural		c) Extraction of petroleum or natural gas with a capacity of 250 tonnes/day or more per probe for petroleum and 250,000 m³/day or more per probe for natural gas in protected areas of Category A;

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
	gas; b) Extraction installations of hydrocarbon mining with a processing capacity of 2,000 tonnes/day or more for petroleum and 2,000,000 m³/day or more for natural gas;		d) Extraction installations of hydrocarbon mining with a processing capacity of 750 tonnes/day or more for petroleum and 1,000,000 m³/day or more for natural gas in protected areas of Category A. (Quantities and volumes are indicated at atmospheric pressure).
No. 29a	Storage sites for the geological storage of carbon dioxide, unless they are prohibited under the *Bundesgesetz über das Verbot der geologischen Speicherung von Kohlendioxid* (Federal Act on the prohibition of geological storage of carbon dioxide), Federal Law Gazette I No. 144/2011. Storage sites with a total intended storage below 100,000 tonnes, undertaken for research, development or testing of new products and processes, shall be excepted.		
	Water management		

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
No. 30	a) Hydropower plants (dams, barrages, run-offs) with a bottleneck output of 15 MW or more; b) Hydropower plants (dams, barrages, run-offs) with a bottleneck output of 10 MW or more if the backwater length calculated on the basis of the mean flow rate (MQ) reaches the 20-fold width of the river measured in the axis of the weir; c) Hydropower plants (dams, barrages, run-offs) in chains of power plants. A chain of power plants is a series of two or more hydropower plants with a bottleneck output of 2 MW or more each without a sufficient minimum distance [7]) between the weirs in the fish habitat. Technical measures for increasing the bottleneck output or other efficiency improvements in existing installations that do not impact the residual reach of the river, the downstream section or the reservoir length as a result of an increase of the target reservoir level as well as all measures taken to ensure an unobstructed passage shall be excepted from number 30. Article 3 (2) and Article 3a (6) shall not apply to (b) and (c).		

6 Deleted.

7 The following river length shall be considered to be a sufficient minimum distance as a function of the project-relevant river basin (RB): 1 km for RBs smaller than 10 km², 2 km for RBs of 10 – 50 km², 3 km for RBs of 51 – 100 km², 4 km for RBs of 101 – 500 km², 5 km for RBs of 501 – 1,000 km², 10 km for RBs larger than 1,001 km².

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
No. 31		a) Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10,000,000 m³;	b) Dams and other installations designed for the holding back or permanent storage of water in protected areas of Category A, with a storage capacity of 2,000,000 m³ or more.
No. 32		a) Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10,000,000 m^3;	b) Groundwater abstraction or artificial groundwater recharge schemes in areas determined to achieve good quantitative status of groundwater according to Articles 55f and 55g Water Act 1959, where the annual volume of water abstracted or recharged is equivalent to or exceeds 5,000,000 m³.
No. 33			Construction of new deep-drilling installations in connection with water supply for depths of 1,000 m or more on a total area above ground of 1.5 ha or more in protected areas of Categories A or C.
No. 34			Long-distance aqueducts with a length of 100 km or more in protected areas of Category C.
No. 35		a) Installations for land drainage with an area of 300 ha or more;	b) Installations for land drainage in areas determined to achieve good quantitative status of groundwater according to Articles 55f and 55g Water Act 1959, with an area of 100 ha or more.
No. 36		a) Installations for the irrigation of land with an annual irrigation area of 2,500 ha or more;	b) Installations for the irrigation of land in areas determined to achieve good quantitative status of groundwater according to Articles 55f and 55g Water Act as well as in areas for which programmes according to Article 55g para. 1 no. 4 Water Act 1959 to achieve good chemical status according to Articles 33f para. 4 and 6 Water Act 1959 have been issued, with an annual irrigation area of 1,000 ha or more.
No. 37			Extraction of mineral raw material by fluvial dredging in protected areas of Category A with an

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
			extracted quantity of 400,000 m³ or more in total or 100,000 m³ per year with the exception of structural maintenance measures for this river.
No. 38	Deleted.		
No. 39	a) Works for the transfer of water resources between river basins where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100,000,000 m³/year; b) Other works for the transfer of water resources between river basins where the multi-annual average flow of the basin of abstraction exceeds 2,000,000,000 m³/ year and where the amount of water transferred exceeds 5 % of this flow;		c) Works for the transfer of water resources between river basins in protected areas of Category A where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 25,000,000 m³/year. No. 39 does not include works for the transfer of water resources for the purpose of drinking water supply.
No. 40		a) Waste water treatment plants with a design capacity exceeding 150,000 population equivalent;[10)]	b) Waste water treatment plants located in protected areas of Categories A or C with a design capacity exceeding 100,000 population equivalent[10)] where the design water quantity of the waste water treatment plant is greater than $Q_{95\%}$ of the receiving body of water at the point of discharge.
No. 41		a) Creation or shifting of running waters with a mean flow rate (MQ) of 1 m³/s or more over a construction length of 3 km or more;	b) Creation or shifting of running waters located in protected areas of Category A with a mean flow rate (MQ) of 0.5 m³/s or more over a construction length of 1.5 km or more.

10 Population equivalent (PE) as defined in Article 2 (6) of Directive 91/271/EEC: 1 PE corresponds to the organic biodegradable load having a 5-day biochemical oxygen demand (BOD5) of 60g of oxygen per day.

11 Deleted.

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
			No. 41 shall not include measures to improve the ecological function of waters (renaturation).
No. 42		a) Construction of new protective and flow-control structures with a construction length exceeding 5 km along running waters with a mean flow rate (MQ) exceeding 5 m^3/s; b) Modifications of protective and flow-control structures resulting in an increase of the design flood (HQ_n) with a construction length exceeding 5 km along running waters with a mean flow rate (MQ) exceeding 5 m^3/s;	c) Construction of new protective and flow-control structures located in protected areas of Category A with a construction length exceeding 2.5 km along running waters with a mean flow rate (MQ) exceeding 2.5 m^3/s; d) Modifications of protective and flow-control structures located in protected areas of Category A resulting in an increase of the design flood (HQ_n) with a construction length exceeding 2.5 km along running waters with a mean flow rate (MQ) exceeding 2.5 m^3/s. No. 42 shall not include measures to improve the ecological function of waters (renaturation) nor maintenance measures. Article 3a (1) No. 1 shall not apply.
	Agriculture and forestry		
No. 43		a) Installations for rearing animals with, or with more, than: 48,000 places for laying hens, young hens, parents of broilers or turkeys 65,000 places for broilers 2,500 places for production pigs 700 places for sows;	b) Installations for rearing animals located in protected areas of Category C or E with, or with more, than: 40,000 places for laying hens, you parents of broilers or turkeys 42,500 places for broilers 1,400 places for production pigs 450 places for sows. With regard to (a) and (b) the following shall apply: In case of mixed stocks, the percentages of the actual place numbers are added and when the sum total is 100 % or more, an EIA or a case-by-case examination shall be performed; stocks of up to 5% of the place numbers shall not be taken into account.
No. 44		a) Intensive fish farming[12]) with a capacity of 300 tonnes/year or more;	b) intensive fish farming[12]) with a production of 150 tonnes/year or more in protected areas of Category A.
No. 45		a) Conversion of uncultivated	b) Conversion of uncultivated

12 Intensive fish farming shall mean fish rearing where fish production is increased by measures such as carbohydrate-rich additional feeding, aeration or gas application or water treatment.

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
		land[13]) or semi-natural areas for intensive agricultural purposes[14]) with an area of 70 ha or more;	land[13]) or semi-natural areas for intensive agricultural purposes[14]) in protected areas of Category A with an area of 35 ha or more; unless the *Flurverfassungs-Grundsatzgesetz* 1951 (Framework Act on the Restructuring of Rural Land) applies to projects of No. 45.
No. 46		a) Clearing[14a)] on an area of 20 ha or more; b) Expansion of clearing[14a)], if the area approved within the past 10 years[15)] and the expansion applied for amount to 20 ha or more and if the additional new area amounts to 5 ha or more; c) Pilot track felling[14b)] on an area of 50 ha or more; d) Expansion of pilot track felling[14b)], if the total area approved within the past 10 years and the expansion applied for amount to 50 ha or more and if the additional new area amounts to 12.5 ha or more;	e) Initial afforestation with tree species not suitable for the site in question on an area of 15 ha or more in protected areas of Category A; f) Expansion of initial afforestation with tree species not suitable for the site in question in protected areas of Category A if the area approved within the past 10 years and the expansion applied for amount to 15 ha or more and if the additional new area amounts to 3.5 ha or more; g) Clearing[14a)] on an area of 10 ha or more in protected areas of Category A; h) Expansion of clearing[14a)] in protected areas of Category A, if the area approved within the past 10 years[15)] and the expansion applied for amount to 10 ha or more and if the additional new area amounts to 2.5 ha or more;

13 Uncultivated land shall mean open, non-farmed land that is not used for agriculture or forestry due to its unfavourable ecological conditions, but that could be economically used after cultivation and melioration.

14 Intensive agricultural purposes shall mean a form of agriculture with a high input of production means per surface unit (i.e. usually high input of fertilisers, relatively high input of synthetically manufactured plant health products, plant treatment products and herbicides as well as intensive artificial irrigation methods).

14a Clearing is the use of forest soil for purposes other than those of forest cultivation pursuant to Article 17 (1) *Forstgesetz* 1975 (Forest Act 1975).

14b According to Article 81 (1) lit. b *Forstgesetz* 1975 pilot track felling comprises fellings in immature high forests necessary for the purpose of establishing and for the duration of the proper existence of an energy supply line installation.

15 Areas on which a clearing notice ("Rodungsanmeldung") pursuant to Article 17a (3) *Forstgesetz* 1975 has lapsed or a clearing permit pursuant to Article 18 (1) no. 1 *Forstgesetz* 1975 has expired, a clearing notice pursuant to Article 17a (4) *Forstgesetz* 1975 or a clearing permit pursuant to Article 18 (4) *Forstgesetz* 1975 has expired before the date when the request is submitted as well as areas for which a provision has been laid down requiring substitute performance pursuant to Article 18 (2) *Forstgesetz* 1975 shall not be included in the calculation.

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
			i) Pilot track felling[14b)] on an area of 25 ha or more in protected areas of Category A; j) Expansion of pilot track felling[14b)] in protected areas of Category A, if the total area approved within the past 10 years and the expansion applied for amount to 25 ha or more and if the additional new area amounts to 6.25 ha or more; unless projects of Number 46 are subject to the *Flurverfassungs-Grundsatzgesetz* 1951 (Framework Act on the Restructuring of Rural Land) or the *Grundsatzgesetz über die Behandlung der Wald- und Weidenutzungsrechte* 1951 (Framework Act on the Regulation of the Rights to Use Forests and Pastures). No. 46 shall not include measures to improve the ecological function of water bodies (renaturation) nor any measures taken to ensure unobstructed passage. Article 3 (2) and Article 3a (6) shall apply to No. 46 subject to the proviso that the sum total of the capacities approved in the past 10 years, including the capacity increase applied for, is the basis for the assessment. Areas for clearing and areas for pilot track felling shall be determined separately and shall not be added up.
	Other plants		
No. 47		a) Construction of new integrated chemical plants, i.e. installations for the manufacture of substances on an industrial scale using chemical conversion processes[16]), in which several units are	

16 This refers to installations for the production of stable chemical intermediate or finished products (in particular, marketable products).

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
		functionally linked to one another[17]); b) Extension of an integrated chemical plant by new installations for the manufacture of substances on an industrial scale using chemical conversion processes[16]) that are functionally linked to an existing chemical plant[17])[18]).	
No. 48		a) Installations for the production of basic organic chemicals using chemical conversion processes, in particular for the production of – simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic), – oxygen-containing hydrocarbons, such as alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins, – sulphurous hydrocarbons, – nitrogenous hydrocarbons such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates, – phosphorus-containing hydrocarbons,	b) Installations for the production of basic organic chemicals using chemical conversion processes, in particular for the production of – simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic), – oxygen-containing hydrocarbons, such as alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins, – sulphurous hydrocarbons, – nitrogenous hydrocarbons such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates, – phosphorous hydrocarbons, – halogenic hydrocarbons, – surface-active agents and surfactants, – organometallic compounds, – basic organic chemicals

17 “Functionally linked” means that the output of one installation serves as an input of another installation (irrespective of the transport mode used between the two installations). Infrastructure lines as well as raw-material or residue links do not constitute functional links. Raw materials typically are petroleum (e.g. naphtha), natural gas, ores, air, minerals, coal. Basic chemical substances (e.g. ammonia, sulphuric acid, ethylene) are not considered to be raw materials, i.e. installations for the manufacture of basic chemical substances shall be taken into account when assessing functionally linked installations.
Residues shall mean substances whose production is not the primary purpose of an installation, but which are generated for reasons of process technology (e.g. due to incomplete conversion).

18 Other modifications within an integrated chemical plant, i.e. capacity increases of individual installations within an integrated chemical plant, are covered by the projects of No. 48 to 57.

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
		– halogenic hydrocarbons, – surface-active agents and surfactants, – organometallic compounds, – basic organic chemicals with more than one heteroatom type, with a production capacity exceeding 150 000 t/year[19]);	with more than one heteroatom type, in protected areas of Category C or D with a production capacity exceeding 75,000 tonnes per year[19]).
No. 49		a) Installations for the production of basic anorganic chemicals using chemical conversion processes, in particular - for the production of gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride, – for the production of acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acid, – for the production of bases, such as ammonium hydroxide, – for the production of hydrogen peroxide, – by means of chlor-alkali electrolysis, – salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate, – for the production of non-metals or metal	b) Installations for the production of basic anorganic chemicals using chemical conversion processes, in particular - for the production of gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride, – for the production of acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acid, – for the production of bases, such as ammonium hydroxide, – for the production of hydrogen peroxide, – by means of chlor-alkali electrolysis, – salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate, – for the production of non-metals or metal oxides, in protected areas of Category C or D with a production

19 The production capacity refers to each of the substance groups identified in the indents, i.e. the production capacities for chemicals of one and the same substance group shall be added up (e.g. all oxygen-containing hydrocarbons).

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
		oxides, with a production capacity exceeding 150 000 t/year[19]);	capacity exceeding 75,000 tonnes per year[19]).
No. 50		a) Installations for the production of active ingredients for plant health products or biocides with a production capacity exceeding 5,000 tonnes/year; b) Installations in which plant health products or biocides or their active ingredients are milled, mechanically mixed, packaged or refilled with a production capacity exceeding 10,000 tonnes/year.	c) Installations for the production of active ingredients for plant health products or biocides in protected areas of Category C with a production capacity exceeding 2,500 tonnes/year; d) Installations in which plant health products or biocides or their active ingredients are milled, mechanically mixed, packaged or refilled in protected areas of Category C with a production capacity exceeding 5,000 tonnes/year.
No. 51		a) Installations using a chemical or biological process for the production of active ingredients for pharmaceutical products with a production capacity exceeding 5,000 tonnes/year;	b) Installations using a chemical or biological process for the production of active ingredients for pharmaceutical products in protected areas of Category C with a production capacity exceeding 2,500 tonnes/year.
No. 52		a) Installations for the production of fine organic chemicals using chemical conversion processes, in particular for the production of – aromatic compounds, – organic colouring agents, – fragrances, – additives for polymers and coating materials, unless covered by No. 57, with a production capacity exceeding 50,000 tonnes/year;	b) Installations for the production of fine organic chemicals using chemical conversion processes, in particular for the production of – aromatic compounds, – organic colouring agents, – fragrances, – additives for polymers and coating materials, unless covered by No. 57, in protected areas of Category C with a production capacity exceeding 25,000 tonnes/year.
No. 53		a) Installations for the production of fine anorganic chemicals using chemical conversion processes, in particular - for the production of calcium carbide, silicon, silicon carbide or pigments, unless covered by No. 57, with a production capacity	b) Installations for the production of fine anorganic chemicals using chemical conversion processes, in particular - for the production of calcium carbide, silicon, silicon carbide or pigments, unless covered by No. 57, in protected areas of Category C with a production capacity exceeding 25,000 tonnes/year.

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
		exceeding 50,000 tonnes/year;	
No. 54		a) Installations for the production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers) with a production capacity exceeding 150,000 tonnes/year;	b) Installations for the production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers) in protected areas of Category C or D with a production capacity exceeding 75,000 tonnes/year.
No. 55		a) Installations for the production of polymers (plastic materials, synthetic resins, synthetic fibres) or for the production of synthetic rubbers or elastomers with a production capacity exceeding 150,000 tonnes/year;	b) Installations for the production of polymers (plastic materials, synthetic resins, synthetic fibres) or for the production of synthetic rubbers or elastomers in protected areas of Category C or D with a production capacity exceeding 75,000 tonnes/year.
No. 56		Installations using chemical conversion processes for the production of biofuels with a production capacity exceeding 100,000 tonnes/year.	
No. 57		a) Installations for the production of fine organic or inorganic chemicals in multi-purpose or multiproduct installations[20]) with a production capacity exceeding 15,000 tonnes/year; b) Installations for the production of active ingredients for pharmaceutical products, plant health products or biocides in multipurpose or multi-product installations [20]) with a production capacity exceeding 5,000 tonnes/year;	c) Installations for the production of fine organic or inorganic chemicals in multi-purpose or multiproduct installations [20]) in protected areas of Category C with a production capacity exceeding 7,500 tonnes/year; d) Installations for the production of active ingredients for pharmaceutical products, plant health products or biocides in multipurpose or multi-product installations[20]) in protected areas of Category C with a production capacity exceeding 2,500 tonnes/year.
No. 58		Installations for the manufacture, treatment, processing, recovery or destruction of explosives on	

20 This includes multi-purpose or multi-product installations for the production of fine chemicals and pharmaceutical products, biocides or plant health products. The production capacities refer to individual installations.

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
		an industrial scale.	
No. 59		a) Construction of new installations for work (intended use in accordance with Article 1 (3) *Verordnung biologische Arbeitsstoffe — VbA* (Ordinance on Biological Agents at Work), Federal Law Gazette II No. 237/1998) with biological working substances of risk class 3 or 4 (Article 40 (4) no. 3 and 4 *ArbeitnehmerInnenschutz gesetz— ASchG* (Health and Safety at Work Act, Federal Law Gazette No. 450/1994) that are intended for production purposes and exceed a working volume of 10 litres; b) Construction of new installations for work with genetically modified micro-organisms of safety class 3 or higher (Article 5 no. 2 *Gentechnikgesetz—GTG* (Genetic Engineering Act), Federal Law Gazette No 510/1994) on a large scale (Article 4 no. 11 GTG, Federal Law Gazette No. 510/1994).	
No. 60		a) Installations for the production of pulp or cellulose with the exception of ground wood pulp; b) Installations for the production of ground wood pulp with a production capacity exceeding 100,000 tonnes/year;	c) Installations for the production of ground wood pulp in protected areas of Category C with a production capacity exceeding 50,000 tonnes/year.

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
No. 61		a) Installations for the production of paper, board or cardboard with a production capacity exceeding 200 tonnes/day or 72,000 tonnes/year; b) Other installations for the processing of pulp or cellulose with a production capacity exceeding 100,000 tonnes/year;	c) Installations for the production of paper, board or cardboard in protected areas of Category C with a production capacity exceeding 100 tonnes/day or 36,000 tonnes/year; d) Other installations for the processing of pulp or cellulose in protected areas of Category C or D with a production capacity exceeding 50,000 tonnes/year.
No. 62		a) Installations for the pre-treatment (operations such as bleaching, washing, mercerisation) or dyeing of fibres or textiles with a treatment capacity exceeding 20,000 tonnes/year;	b) Installations for the pre-treatment (operations such as bleaching, washing, mercerisation) or dyeing of fibres or textiles in protected areas of Category C with a treatment capacity exceeding 10,000 tonnes/year.
No. 63		a) Installations for the tanning of hides or skins with a treatment capacity exceeding 20,000 tonnes/year;	b) Installations for the tanning of hides or skins in protected areas of Category E with a treatment capacity exceeding 10,000 tonnes/year.
No. 64		a) Construction of new integrated works [21] for the initial melting of cast-iron and steel; b) Installations for the roasting and sintering of metallic ores; c) Installations for the initial melting of cast-iron and steel with a production capacity exceeding 500,000 tonnes/year; d) Installations for the processing of ferrous metals (hot-rolling mills, smitheries with hammers) with a production capacity exceeding 500,000 tonnes/year;	e) Installations for the initial melting of cast-iron and steel with a production capacity exceeding 375,000 tonnes/year in protected areas of Category D; f) Installations for the processing of ferrous metals (hot-rolling mills, smitheries with hammers) with a production capacity exceeding 375,000 tonnes/year in protected areas of Category D.
No. 65		Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or	

21 For installations under (b) through (f) as well as under number 66 and number 67 that are established or modified in integrated works pursuant to (a), case-by-case examinations pursuant to Articles 3 and 3a of the EIA Act 2000 shall refer to the modifications of the overall environmental impact of the integrated works; Article 3a (1) no. 1 shall not apply.

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
		electrolytic processes.	
No. 66		a) Ferrous metal foundries with a production capacity exceeding 100,000 tonnes/year; b) Non-ferrous metal foundries or installations for the smelting, including the alloyage, of non-ferrous metals, including recovered products (refining), with a production capacity exceeding 50,000 tonnes/year;	c) Ferrous metal foundries with a production capacity exceeding 50,000 tonnes/year in protected areas of Category D; d) Non-ferrous metal foundries or installations for the smelting, including the alloyage, of non-ferrous metals, including recovered products (refining), with a production capacity exceeding 25,000 tonnes/year in protected areas of Category D.
No. 67		a) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process with an annual consumption exceeding 3,000 tonnes of coating substances or, in case of application of protective fused metal coats to metal surfaces, with an annual consumption exceeding 15,000 tonnes of coating substances;	b) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process in protected areas of Category C with an annual consumption exceeding 1,500 tonnes of coating substances or, in case of application of protective fused metal coats to metal surfaces, in protected areas of Category D with an annual consumption exceeding 7,500 tonnes of coating substances.
No. 68		a) Installations for the manufacture and assembly of motor vehicles with a production capacity exceeding 200,000 vehicles per year; b) Installations for the manufacture of motor-vehicle engines with a production capacity exceeding 600,000 engines per year;	c) Installations for the manufacture and assembly of motor vehicles in protected areas of Category D with a production capacity exceeding 100,000 vehicles per year; d) Installations for the manufacture of motor-vehicle engines in protected areas of Category D with a production capacity exceeding 450,000 engines per year.
No. 69		Shipyards with a slip facility exceeding 150 m in length.	
No. 70		a) Installations for the construction of aircraft with a maximum certificated take-off weight of 50 tonnes or more;	b) Installations for the repair of aircraft with a maximum certificated take-off weight of 50 tonnes or more in protected areas of Category E. The calculation basis (Article 3a (3)) for modifications shall be the installation's area in hectare as

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
			approved by administrative order.
No. 71		Installations for the construction of track-bound vehicles where the production capacity exceeds 200 vehicles per year for railway operations or 400 vehicles per year for tramway operations.	
No. 72		Installations with more than 60 test benches for engines, turbines or reactors with the exception of cold-test benches.	
No. 73		Installations for explosive forming or lining where the explosive quantity is 10 kg or more per charge.	
No. 74		a) Installations for the production of cement clinker or cement with a production capacity exceeding 300,000 tonnes/year;	b) Installations for the production of cement clinker or cement with a production capacity exceeding 150,000 tonnes/year in protected areas of Category D.
No. 75		Installations for the extraction, processing and transformation of asbestos and products containing asbestos with an annual production exceeding 10,000 tonnes of finished products for asbestos-cement products, with an annual production exceeding 10 tonnes of finished products for friction material, and with an input exceeding 200 tonnes per year for other uses of asbestos.	
No. 76		a) Installations for the manufacture of glass or glass fibre with a production capacity exceeding 200,000 tonnes/year;	b) Installations for the manufacture of glass or glass fibre with a production capacity exceeding 100,000 tonnes / year in protected areas of Category D.
No. 77		a) Installations for smelting mineral substances including the production of mineral fibres with a production capacity exceeding 200,000 tonnes/year;	b) Installations for smelting mineral substances including the production of mineral fibres with a production capacity exceeding 100,000 tonnes / year in protected areas of Category D.
No. 78		a) Installations for the manufacture of ceramic	b) Installations for the manufacture of ceramic

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
		products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 300,000 tonnes/year;	products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 150,000 tonnes/year in protected areas of Category D.
No. 79		a) Crude-oil refineries (excluding installations manufacturing only lubricants); the calculation basis (Art. 3a (3)) for modifications to (a) shall be the processing capacity for crude oil in tonnes;	b) Construction of new installations in a crude-oil refinery (excluding installations manufacturing only lubricants) in protected areas of Category D.
No. 80		a) Installations for the storage of petroleum, petrochemical or chemical products with a total storage capacity exceeding 200,000 tonnes; b) Installations for the storage of natural gas or combustible gases in tanks with a total storage capacity exceeding 200,000 m³ (based on 0°C, 1.013 hPa); c) Surface storage of solid fossil fuels with a total storage capacity exceeding 500,000 tonnes;	d) Installations for the storage of petroleum, petrochemical or chemical products with a total storage capacity exceeding 100,000 tonnes in protected areas of Category C.
No. 81		a) Installations for the briquetting of coal and lignite with a capacity exceeding 250,000 tonnes/year; b) Installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day; c) Installations for the dry distillation of 500 tonnes or more of coal per day;	d) Installations for the briquetting of coal and lignite in protected areas of Category C or D with a capacity exceeding 125,000 tonnes/year; e) Installations for the gasification and liquefaction of 250 tonnes or more of coal or bituminous shale per day in protected areas of Category C or D; f) Installations for the dry distillation of 250 tonnes or more of coal per day in protected areas of Category C or D.
No. 82		Installations for the disposal or recycling of animal carcasses and animal waste with a treatment capacity	

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
		exceeding 10 tonnes/day.	
No. 83		a) Installations for the manufacture of fats or oils from animal raw materials with a production capacity exceeding 75,000 tonnes/year; b) Installations for the manufacture of fats or oils from vegetable raw materials with a production capacity exceeding 150,000 tonnes/year; c) Installations for the manufacture of fish meal and fish oil with a production capacity exceeding 10,000 tonnes/year;	d) Installations for the manufacture of fats or oils from animal raw materials in protected areas of Category D with a production capacity exceeding 56,250 tonnes/year; e) Installations for the manufacture of fats or oils from vegetable raw materials in protected areas of Category D with a production capacity exceeding 112,500 tonnes/year; f) Installations for the manufacture of fish meal and fish oil in protected areas of Category D with a production capacity exceeding 7,500 tonnes/year.
No. 84		a) Installations for the manufacture of preserved food (including animal food) as well as frozen food products from vegetable or animal raw materials with a production capacity exceeding 100,000 tonnes/year;	b) Installations for the manufacture of preserved food (including animal food) as well as frozen food products from vegetable or animal raw materials in protected areas of Category D with a production capacity exceeding 75,000 tonnes/year.
No. 85		a) Installations for the treatment or processing of milk with a processing capacity exceeding 2.5 million hectolitre per year;	b) Installations for the treatment or processing of milk in protected areas of Category C with a processing capacity exceeding 1.25 million hectolitre per year, in protected areas of Category D with a processing capacity exceeding 1.875 million hectolitre per year.
No. 86		a) Breweries with a production capacity exceeding 100,000 tonnes/year; b) Malt-houses with a production capacity exceeding 100,000 tonnes/year;	c) Breweries in protected areas of Category D with a production capacity exceeding 75,000 tonnes/year; d) Malt-houses in protected areas of Category D with a production capacity exceeding 75,000 tonnes/year.
No. 87		a) Installations for the manufacture of confectionery and syrup with a production capacity exceeding 100,000 tonnes/year; b) Industrial starch manufacturing installations with a production capacity	

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
		exceeding 150,000 tonnes/year; c) Installations for the manufacture or refining of sugar with a production capacity exceeding 200,000 tonnes/year.	
No. 88		Installations for the slaughter of animals and the processing of meat with a carcass production exceeding 40,000 tonnes/year.	
No. 89		Installations for the capture of CO2 streams for the purposes of geological storage from industrial installations, unless covered by No. 4, where the total yearly capture of CO2 is 750,000 tonnes or more.	

Annex 2:

Categories of protected areas:

Category	Protected area	Scope of application
A	Special protection area	pursuant to Directive 2009/147/EC on the conservation of wild birds (Birds Directive), OJ L 20 of 26/01/2009, p. 7, as last amended by Directive 2013/17/EU, OJ L 158, p. 193, as well as pursuant to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive), OJ L 206 of 22/07/1992, p. 7, as last amended by Directive 2013/17/EU, OJ L 158, p. 193, protection areas included in the list of sites of Community importance pursuant to Article 4 (2) of this Directive; forest reservations pursuant to Article 27 *Forstgesetz* (Forest Act) 1975; Specific areas designated national parks under Provincial law [1]) or precisely delineated areas designated for nature conservation purposes by administrative act, similar small-scale protection areas designated by ordinance or designated unique natural phenomena; UNESCO world heritage sites registered in the list pursuant to Article 11 (2) of the Convention Concerning the Protection of the World Cultural and Natural Heritage (Federal Law Gazette No. 60/1993)
B	Alpine zone	The lower boundary of the alpine zone is the line of closed tree cover, i.e. the beginning of the area with isolated, stunted trees and low shrubs (see Article 2 *Forstgesetz* 1975).
C	Water protection and conservation area	Water protection and conservation areas according to Articles 34, 35 and 37 WRG 1959.
D	Area subject to air pollution	Areas defined according to Article 3 (10)
E	Settlement area	in or near settlement areas. The vicinity of a settlement area shall mean a zone within a radius of 300 m around the project site where land is defined or designated as follows: 1. Construction land where residential buildings may be constructed (excluding areas used exclusively for business, commercial or industrial purposes, single farm or other buildings), 2. Land for child-care facilities, playgrounds, schools or similar facilities, hospitals, medical institutions, residential homes for the elderly, cemeteries, churches and equivalent premises of recognised religious communities, parks, camp sites and outdoor swimming pools, gardens and allotments.

[1]) Areas of transregional importance due to their characteristic surface features or fauna and flora.