

UNECE- Aarhus Convention Implementation in Austria – Overview

OSCE: Aarhus Centers
A Decade of Partnership
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AT Implementation

Aarhus Convention – currently 46 Parties

- ❑ Signature in 1998 in Aarhus - 15 years after signature!
- ❑ In force since 2001
- ❑ Ratification by AT in 2005

PRTR Protocol – currently 32 Parties

- ❑ Signature in 2003 in Kiev
- ❑ In force since October 2009
- ❑ Ratification by AT in 2010

GMO amendment – currently 27 Parties

- ❑ Signature in 2005 in Almaty -> Not yet in force!

AT Implementation

- Update of implementation report ongoing
 - Has to be ready for MOP 5 in the NL
 - Two public consultations foreseen
 - The first round ending today!

- Link to UNECE Website/Implementation reports:
 - http://www.unece.org/env/pp/reports_implementation_2011.html

First Pillar

Access to Environmental Information

- **EU Level**

- EU Directive on access to information

- **National Level**

- Environmental information laws at Federal and Provincial Level

Second Pillar

PP in env. Decision Making

□ **EU Level**

- Directives on e.g. EIA, SEA, IPPC
- Directive on deliberate release of GMOs

□ **National Level**; various laws eg:

- EIA Act; Industrial Code, Waste Management Act; Immission Control Act; regional planning legislation; noise-, air-, transport- legislation
- SEA guidance
- Genetic Engineering Act

Key words/instruments for Public Participation

- Citizen`s initiative
- Environmental Ombudsmen
- Environmental Organisations
 - List of registered NGOs
- Municipalities
- Neighbours
- Environmental Complaint
- Mediation
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Third Pillar

Access to Justice

- **EU Level:** Proposal for a Directive of 2003
- **New EC initiative:** public consultation published on 28 June 2013
 - http://ec.europa.eu/environment/consultations/access_justice_en.htm
 - Open for comments until 23 September
- **UNECE:** ACCC Findings
- **National Level**
 - EIA Law and related laws in the context of an EIA procedure; Environmental Liability Laws; Civil Code; IPPC, Waste Management Act, Industrial Code

Case ACCC/C/2010/48

Findings and Recommendations

Summary of main issues:

❑ **Environmental Information:**

Periods for appeal are too long in the AT Environment Information Law/s, if environmental information is requested and not delivered or delivered belatedly from competent authorities

❑ **NGO standing:**

NGOs are given standing rights in the context of important laws like (EIA, IPPC, Waste Management, Environmental Liability) in AT; beyond this context, however, NGOs do not have such rights and thus no opportunity to appeal in many sectoral laws

❑ **Capacity building:**

AT should develop a capacity-building programme and provide training on the implementation of the Aarhus Convention for federal and provincial authorities responsible for Aarhus-related issues, and for judges, prosecutors and lawyers.

Links

- **UNECE Aarhus Konvention/ACCC**

<http://www.unece.org/env/pp/cc.html>

- **Fall ACCC/C /48/2010**

<http://www.unece.org/env/pp/compliance/Compliancecommittee/48TableAT.html>