

**REPORT OF AUSTRIA ON THE IMPLEMENTATION
OF THE CONVENTION ON ENVIRONMENTAL
IMPACT ASSESSMENT IN A TRANSBOUNDARY
CONTEXT**

in the period 2006–2009

Information on the focal point for the Convention

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PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Article 2

General Provisions

DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2.2).*

EIA Act 2000 (Federal Law Gazette I No. 697/1993 as amended), especially sections 10 and 17.

These provisions are further explained in a circular to the competent authorities, the amended version is being finalized at the moment due to recent amendments of the EIA Act.

2. *Indicate any further measures to implement the provisions of the Convention that are planned for the near future.*

TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE

3. *Describe your country's national and transboundary environmental impact assessment (EIA) procedures and authorities (art. 2.2):*

- a. *Describe the EIA procedure in your country and indicate which steps of the EIA procedure include public participation;*

- Preliminary procedure upon request of the project applicant (on the content of the project and the environmental impact statement) - no public participation mandatory (Art. 4)
- Application for development consent, containing the Environmental Impact Statement (EIS; Art. 5 and 6, 24a)
- Public inspection of the project application and the EIS for at least six weeks; anybody may submit written comments (Art. 9)
- Environmental Impact Expertise (prepared by experts commissioned by the authority) or Summary Assessment of the Environmental Impacts (prepared by the authority); Environmental Impact Expertise open to public inspection (Art. 12 to 13, 24c to 24e)
- Public hearing and/or Hearing of the parties (Art. 16)
- Decision including information of the public (Art. 17, 24f)
- Acceptance inspection (Art. 20)
- Post-project-analysis in certain cases (Art. 22, 24h)

- b. *Describe how the different steps of the transboundary EIA procedure set out in the Convention fit into your country's national EIA procedure;*

Art. 10 of the EIA Act reads as follows:
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 Land 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 Land 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.

- c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure (notification, consultation between Parties, public participation, etc.). Also list the authorities responsible for the domestic EIA procedure, if they are different;*

The Federal Ministry of Agriculture, Forestry, Environment and Water Management is in charge of the preparation of legislative steps to implement the Convention such as acts and decrees. It is also the point of contact under the Convention, which means that it is first address for a Party of origin to notify a project likely to cause significant adverse impacts on Austria. The Federal Ministry of Transport, Innovation and Technology (for federal roads and high capacity railways) and the “Land” governments (i.e. provincial governments, for all other types of projects) are competent authorities for the EIA and the procedural steps according to the Convention.

- d. *Is there one authority in your country that collects information on all the transboundary EIA cases? If so, name it. If not, does your country intend to establish such an authority?*

Yes, the Ministry of Environment, which uses the homepage of the Umweltbundesamt GmbH for documentation of the national and some transboundary EIA cases (www.umweltbundesamt.at).

4. *Does your country have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

No.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

5. *Is appendix I to the Convention transposed into your country's national legislation? Does your country's legislation already cover the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7), and if so, how? Please describe any differences between the national list and appendix I to the Convention. Please explain how your country interprets terms such as “large” and “major” used in appendix I (including in items 4, 8, 11, 14, 16, 17 and, as appropriate, 22).*

Our national list goes beyond the Appendix I to the Convention, even in its amended version. It covers Annex I and II of the EU EIA directive and even types of activities not included in that list like particle accelerators and installations for work with biological working substances or installations for work with genetically modified micro-organisms.

Item 4 is covered by the following wording (note: installations that reach the threshold under e, f, j and k need an EIA subject to a case-by-case examination only):

- "a) Construction of new integrated works 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 250,000 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 250,000 t tonnes/year in protected areas of Category D.
- g) Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.
- h) Ferrous metal foundries with a production capacity exceeding 100,000 tonnes/year.
- i) Non-ferrous metal foundries or installations for the smelting, including the alloyage, of nonferrous metals, including recovered products (refining), with a production capacity exceeding 50,000 tonnes/year;
- j) Ferrous metal foundries with a production capacity exceeding 50,000 tonnes/year in protected areas of Category D;
- k) 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."

Item 8 is covered by the following wording (note: installations that reach the threshold under b need an EIA subject to a case-by-case examination only):

- "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 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."

Item 11 is covered by the following wording (note: installations that reach the threshold under c need an EIA subject to a case-by-case examination only):

- "a) Hydropower plants (power stations with storage reservoir, run-of river plants, diverted flow power stations or river power plants with impoundment) with a maximum capacity of at least 15 MW or chains of power plants with a maximum capacity of at least 2 MW (dams, barrages, run-offs) with a bottleneck output of 15 MW or more and chains of power plants⁷) above 2 MW.
- b) 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;
- c) Dams and other installations designed for the holding back or permanent storage of water in protected areas of Category A, where a new or additional amount of water held back or stored exceeds 2,000,000 m³."

Item 14 is covered by the following wording (note: installations that reach the thresholds under c, d, f, g, i, m, n, and o need an EIA subject to a case-by-case examination only):

- "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 is 20 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 is 10 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 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 amounts to 5 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 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 amounts to 2,5 ha or more.
- e) Extraction of mineral raw material in open-cast mining (solid rock) on an area of 10 ha or more;
- f) Expansion of the extraction of mineral raw materials in open cast mining (solid rock) if the area 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 amounts to 3 ha or more;
- g) Extraction of mineral raw materials in open cast mining (solid rock) in protected areas of Category A or E on an area of 5 ha or more;
- h) Expansion of the extraction of mineral raw materials in open cast mining (solid rock) in protected areas of Category A or E if the area covered by extractions existing or approved within the past ten years and the expansion applied for amounts to 7.5 ha or more and if the additional area amounts to 1.5 ha or more.
- i) Underground mining for which coherent overground installations and operating facilities cover an area of 10 ha or more;
- j) Underground mining in protected areas of Category A for which coherent overground installations and operating facilities cover an area of 5 ha or more.
- k) Installations for the briquetting of coal and lignite with a capacity exceeding 250,000 tonnes/year;
- l) Installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day;
- m) Installations for the dry distillation of 500 tonnes or more of coal per day;
- n) Installations for the briquetting of coal and lignite in protected areas of Category C or D with a capacity exceeding 125,000 tonnes/year;
- o) 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;
- p) Installations for the dry distillation of 250 tonnes or more of coal per day in protected areas of Category C or D."
- See also under Item 4 (metals).

Item 16 is covered by the following wording (note: installations that reach the threshold under d need an EIA subject to a case-by-case examination only):

- "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."

Item 17 is covered by the following wording (note: installations that reach the threshold under b, c, d, e and f need an EIA subject to a case-by-case examination only):

- "a) Deforestation on an area of 20 ha or more;
- b) Expansion of deforestation if the area approved within the past ten years and the expansion applied for amount to 20 ha or more and if the additional new area amounts to 5 ha or more;
- c) 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;
- d) 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 ten 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;
- e) Deforestation on an area of 10 ha or more in protected areas of Category A;
- f) Expansion of deforestation in protected areas of Category A if the area approved within the past ten years and the expansion applied for amount to 10 ha or more and if the additional new area amounts to 2.5 ha or more;"

Item 22 is covered by the following wording (note: installations that reach the threshold under b need an EIA subject to a case-by-case examination only):

- "a) Installations for the harnessing of wind power with a total electricity output of 20 MW or more, or with at least 20 converters;
- b) Installations for the harnessing of wind power with a total electricity output of 10 MW or more, or with at least 10 converters in protected areas of Category A."

The categories of protected areas in all cases are defined as follows:

Category Protected area Scope
 A ^ Special protection area:

Pursuant to Council Directive 79/409/EEC on the conservation of wild birds (Birds Directive), OJ No. L 103/1, as last amended by Council Directive 94/24/EC of 8 June 1994, OJ No. L 164/9, as well as pursuant to Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitat Directive), OJ No. L 206/7; 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 Forest Act);

Specific areas designated national parks under Land law, 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 (BGBl. 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 Forest Act).

C Water protection and conservation area:

Water protection and conservation areas according to Articles 34, 35 and 37 Water Protection Act.

D Area subject to air pollution according an ordinance of the Minister of Forestry, Environment and Water Management

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.

6. *Please describe:*

- a. *The legislation and, where appropriate, the procedures your country would apply to determine that an “activity”, or a change to an activity, falls within the scope of appendix I (art. 2.3), or that an activity not listed should be treated as if it were (art. 2.5);*

The project list in Appendix I to the Convention is implemented in Annex 1 to the Austrian EIA Act. In cases, where it is unclear whether a project is a project listed in Annex 1 or in all cases, where according to Annex 1 a project needs an EIA only subject to a case-by-case examination, a declaratory or screening procedure has to be carried out, whether for the project an EIA is necessary.

Every project for which an EIA procedure has to take place in Austria and which is likely to have significant adverse impacts on the territory of another Party has to be notified to that Party. Experts of the authority, or appointed by the authority, provide expertise on this question in every case so that the authority can decide whether notification is necessary.

- b. *How your country conducts transboundary EIA cooperation (through points of contact, through joint bodies or within bilateral or multilateral agreements);*

Austria as an affected party: through point of contact

Austria as a party of origin: notification by point of contact, subsequent procedure by EIA authority

- c. *How a change to an activity is considered as a “major” change;*

An EIA has to be undertaken if a modification to an activity results in a capacity increase amounting to at least 50% of the threshold given in Annex 1 of the EIA Act, or of the previously approved capacity of the activity, and if the authority determines for the case in question that significant harmful, disturbing or adverse effects on the environment are to be expected due to the modification. In case the capacity increase amounts to 100% or more of the threshold, an EIA has to be carried out in any case. For projects in certain ecologically sensitive areas listed in Column 3 of Annex 1 of the EIA Act, an EIA has to be performed if the threshold is reached and, as a result of a case-by-case examination, significant adverse effects are to be expected for this sensitive area. The relevant sensitive areas are specified in Annex 2 and connected to relevant project types in Column 3 of Annex 1. For those modifications subject to

EIA, the same procedure has to be performed as described in the response to the previous question.

- d. *How such an activity, or such a change to an activity, is considered “likely” to have a “significant” adverse transboundary impact (art. 2.3 and 2.5, and the Guidelines in appendix III).*

The authority shall decide on a case-by-case-basis whether an activity has a “significant” adverse transboundary impact, taking into consideration the following criteria:

- Characteristics of the project (size of the project, accumulation with other projects, use of natural resources, production of waste, environmental pollution and nuisances, risk of accidents);
- Location of the project (environmental sensitivity taking into account existing land use, abundance, quality and regenerative capacity of natural resources in the area, absorption capacity of the natural environment);
- Characteristics of the potential impact of the project on the environment (extent of the impact, transboundary nature of the impact, magnitude and complexity of the impact, probability of the impact, duration, frequency and reversibility of 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 falling under Column 3 of Annex 1 of the EIA Act, the changed impact is assessed with regard to the protected area.

It is likely if there is a certain possibility an probability of such an impact.

PUBLIC PARTICIPATION

7. *Does your country have its own definition of “the public” in national legislation, compared to article 1(x)? How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country’s public as required in article 2, paragraph 6?*

Austria sends the documentation to the affected Party at a reasonable time before public participation in Austria starts and provides detailed information on the public participation process in Austria; it consults with the affected Party to find out the best ways to provide its public with the information.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

8. *Describe how your country determines when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure does your country usually notify the affected Party (art. 3.1)*

The Austrian EIA Act requires notification as early as possible and, if appropriate for the consideration of transboundary effects, already during the preliminary procedure, but no later than when informing the Austrian public.

9. *Does your country provide any information to supplement that required by article 3, paragraph 2?*

Yes, we send the complete Impact Assessment Documentation if already available.

10. *Does your country use the format for notification (as decided by the first meeting of the Parties, decision I/4, in document ECE /MP.EIA/2)? If not, in what format does your country normally present the notification?*

We usually do not use any format but we give all the information required by the Convention in a letter.

11. *Describe the criteria your country uses to determine the time frame for the response to the notification from the affected Party (art. 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

We determine the time frame according to the complexity of the project, usually between two and four weeks. As a consequence for a non-compliance with the deadline we call and/or send an e-mail or a letter to the point of contact of the affected party.

12. *Describe when your country provides relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in article 3, paragraph 5. Already with the notification, or later in the procedure?*

We inform the affected Party in the notification about the course of the EIA procedure and the nature of the decision which may be taken. If this state informs Asutria that it wishes to participate in the EIA procedure, it will 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 EIA authority at the time of the announcement to the public.

13. *How does your country determine whether it should request information from the affected Party (art. 3.6)? When does your country normally request information from the affected Party? What kind of information does your country normally request? How does your country determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (art. 3.6)?*

We have no legal provisions and no practical experience in respect to this. Usually it is up to the applicant to gather the necessary information before submitting the Documentation to the EIA authority.

14. *Please describe:*

- a. *How your country cooperates with the authorities of the affected Party on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*

We inform them in detail about the rights and opportunities of our own public to take part in the procedure and try to submit as much of the documents as possible in electronic form in order to facilitate the reproduction of the information.

- b. *How your country identifies, in cooperation with the affected Party, the “public” in the affected area;*

The public in the affected area is identified by experts providing evidence on how far impacts can range.

- c. *How the public in the affected Party is notified (what kinds of media, etc are usually used). What is normally the content of the public notification?;*

This is entirely up to the affected Party according to their legal system.

- d. *Whether the notification to the public of the affected Party has the same content as the notification to your country's public. If not, describe why not. At what stage in the EIA procedure does your country normally notify the public of the affected Party?*

We provide the authorities of the affected party with the text of the public announcements in Austria and all documents open for public inspection in Austria. We are willing to do this so early that public inspection can be carried out in both states at the same time

15. *Does your country make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and as listed on the Convention website (http://www.unece.org/env/eia/points_of_contact.htm)?*

Yes, the points of contact are made use of in this way.

QUESTIONS TO AFFECTED PARTY

16. *Describe the process of how your country decides whether or not to participate in the EIA procedure (art. 3.3)? Who participates in the decision-making, e.g. central authorities, local competent authorities, the public, environmental authorities? Describe the criteria or reasons your country uses to decide.*

Austrian participation depends on the significance of the impacts (no further legal provisions). Who participates in the decision-making process depends on the territory likely to be affected: In case of an installation for the intensive rearing of animals that can affect only one or two municipalities: The Federal Ministry of Environment, the government of the affected Land and the affected municipality; in case of an atomic power plant where an accident can affect parts of the country or the whole country: the federal ministry and the possibly affected Länder.

17. *When the Party of origin requests your country to provide information relating to the potentially affected environment, how does your country determine what is "reasonably obtainable" information to include in its response? Describe the procedures and, where appropriate, the legislation your country that would apply in determining the meaning of "promptly" in the context of responding to a request for information (art. 3.6)*

No legal provisions. We had only one transboundary EIA case where we were asked to provide this kind of information. Within a few weeks we provided any information we had about the radiological situation in Austria.

18. *Please describe:*

- a. *How your country cooperates with the authorities of the Party of origin on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*

We try to get as much information as possible from the Party of origin about the way public participation is carried out there in order to give an equivalent opportunity to our public.

- b. *How your country identifies the "public" in the affected area;*

Case-by-case, depends on the possible impacts on the environment.

- c. *How the public is notified (e.g. what kinds of media, etc., are usually used). What is normally the content of the public notification?;*

The authority communicates to the Austrian municipality or municipalities situated closest to the project one copy of the submitted documents. These shall be available for public inspection at the Land government and in the municipality. In cases where more Länder or the whole country is affected the documents are open for inspection at the Land governments.

The authority has to announce the project in two daily newspapers with a high circulation in the Land. The announcement shall always state:

1. the application's object and a description of the project,
2. the fact that the project is subject to a transboundary environmental impact assessment, the competent authority responsible for taking the decision, information on the nature of possible decisions
3. place and time of possible inspection, and
4. an indication of the fact that anybody may submit comments

The authority shall also announce the project on the Internet. At any rate, a brief description of the project and the summary of the impact assessment documentation shall be attached to this announcement.

d. At what stage in the EIA procedure does your country normally notify its public?

Usually immediately after having received the documents from the Party of origin.

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

19. What is the legal requirement for the minimum content of the EIA documentation (art. 4.1, appendix II)?

Art. 6 EIA Act reads as follows:

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

1. A description of the project comprising information on the site, design and size of the project and in particular:
 - a) a description of the physical characteristics of the whole project, including the land-use requirements during the construction and operational phases;
 - b) a description of the main characteristics of the production or processing procedures, in particular with regard to the nature and quantity of the materials used;
 - c) data, by type and quantity, of residues and emissions to be expected (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the implementation and operation of the project;
 - d) the increase in the concentration of pollutants in the ambient environment resulting from the project;
 - e) climate and energy concept: energy consumption, broken down by plants, machinery and devices as well as by energy sources, available energy indicators, description of energy flows, energy efficiency measures; description of the climate-relevant greenhouse gases arising from the project (Article 3 no. 3 of Emissionszertifikatgesetz (Emission Allowance Trading Act)) and measures to reduce them with a view to climate protection; certificate of an authorised consulting engineer or technical consulting office stating that the measures included in the climate and energy concept comply with the state of the art;
 - f) duration of the project's existence and follow-up measures as well as any measures to secure evidence and ensure concomitant control.

2. An outline of the main alternatives studied by the project applicant and an indication of the main reasons for this choice, taking into account the environmental effects; 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, fauna, flora and their habitats, soil, water, air, climate, landscape, material assets, including the cultural heritage, and the inter-relationship between the above factors.
4. A description of the likely significant effects of the proposed project on the environment resulting from:
 - a) the existence of the project,
 - b) the use of natural resources,
 - c) the emission of pollutants, the creation of nuisances and the nature, quantity and elimination of waste, as well as information on the methods used to forecast the effects on the environment.
5. A description of the measures envisaged to prevent, reduce or, where possible, offset any significant adverse effects of the project on the environment.
6. A non-technical summary of the information mentioned in numbers 1 to 5.
7. An indication of any difficulties (in particular, technical deficiencies or lack of data) encountered by the project applicant in compiling the required information.
8. information on any strategic environmental assessment performed under the terms of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, OJ L 197 of 21 July 2001, p. 30, with relevance to the project.

(2) 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 justified in the environmental impact statement. To the extent that information pursuant to paragraph 1 already was the object of a strategic environmental assessment, it can form part of the environmental impact statement. This provision shall be without prejudice to Article 5 (2)."

20. *Describe your country's procedures, if any, for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4.1).*

Art. 4 EIA act reads as follows:

"Article 4. (1) A preliminary procedure shall be carried out upon request of the project applicant. The request shall be accompanied by a description of the basic outline of the project and an outline 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.

(3) The authority may support the 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."

If the project applicant does not require a formal preliminary procedure according to Art. 4 - which happens very often - he nevertheless usually seeks to be in contact with the authority's experts before submitting the application in order to fulfill their requirements for the EIS. If he does not, he takes the risk to lose much time in the procedure by complementing the EIS.

21. *How does your country identify "reasonable alternatives" in accordance with appendix II, paragraph (b)?*

We identify it case by case. For large scale infrastructure projects the requirements for identification of alternative locations or alternative ways of solving a problem are usually higher than for smaller industrial installations or leisure activity projects.

22. *How does your country identify "the environment that is likely to be affected by the proposed activity and its alternatives" in accordance to appendix II, paragraph (c), and how does it define "impact" in accordance with article 1(vii)?*

See response to question 6(d); it is identified in cooperation with the affected Party by expertise.

23. *Does your country give the affected Party all of the EIA documentation (art. 4.2)? If not, which parts of the documentation does your country provide?*

We provide the whole EIS.

24. *How does your country cooperate with the authorities of the affected Party on distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible? How does the competent authority in your country (as the Party of origin) deal with the comments (art. 4.2)?*

As to the distribution of the EIA documentation see answer to question 14 a and b. The authority gets the comments directly by mail or from an authority of the affected party that collects them from the public on the territory of the affected party. The EIA authority has to take those comments into account in the same way as the comments from its own public.

25. *Describe the procedures and, where appropriate, the legislation that define the time frame for comments provided "within a reasonable time before the final decision" (art. 4.2)? What is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

In Austria, the EIA documentation has to be open for public inspection for at least six weeks. In order to give the same opportunity to the public of the affected party and to make sure that the affected party has enough time to organise the public participation, the participation of its own authorities affected and the elaboration of its own comments, we regard a time frame of two months as appropriate. If the extension is justified we accept it.

26. *What material does your country provide, together with the affected Party, to the public of the affected Party?*

The EIA documentation, the project application, the Environmental Impact Expertise and the decisions are provided.

27. *Does your country initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

A hearing in the affected Party may be initiated, depending on the type of project, on the need for translation and on the number of affected persons on the territory of the affected

Party. A hearing may be held in the Party of origin; if necessary and in cooperation with the affected Party, Austria enables the public of the affected Party to participate.

QUESTIONS TO AFFECTED PARTY

28. *Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (art. 4.2)?*

The Austrian EIA Act refers to the legislation of the Party of origin: the duration of the public inspection as well as the time for comments from the Austrian authorities is governed by the provisions of the country where the project is to be implemented. After the comments have been sent to the Party of origin, there must be enough time for consultations. It depends on the type of project as well as on the complexity of its impacts and the political impacts of the project.

29. *How does your country cooperate with the authorities of the Party of origin on the distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible?*

See answer to question 18 a.

30. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, with the legislation of the Party of origin, with ad hoc procedures, or with bilateral or multilateral agreements?*

The government of the affected Austrian Land organizes the public participation. The way public inspection is carried out (e.g. publication in newspapers, site where the documents can be inspected) is governed by our legislation (but it must be equivalent to the opportunities to the public of the Party of origin anyway), the duration of the public inspection has to comply with the legislation of the Party of origin.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

31. *At which step of the EIA procedure does the consultation in accordance with article 5 generally take place? Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of “undue delay”, with regard to the timing of the entry into consultation? Does your country normally set the duration for consultations beforehand? If there seems to be no need for consultation, how does your country determine not to carry out consultations?*

Art. 10 section 3 EIA Act reads as follows:

"(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."

If the affected Party wishes to hold consultations we fix appropriate dates for the consultation meeting(s) in close cooperation with that Party. The consultations can take place in any phase of the EIA procedure, usually after the consultation of the public, when all the written statements and objections are at the disposal of the EIA authority.

The question whether there is a need for consultations or not has to be settled by the Parties individually in each single case. Usually it is up to the affected Party to ask for consultations. When it does so, we never refuse.

32. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

The consultations are usually organized by the Austrian EIA authority, members of the delegation are also the Ministry of Environment as the Espoo point of contact and the applicant for development consent. We communicate by meetings and by means of e-mail.

QUESTIONS TO AFFECTED PARTY

33. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means does your country usually communicate in consultations, for example by meeting or by the exchange of written communications? How does your country indicate if there is no need for consultations?*

The point of contact (the Federal Ministry of Environment) and affected Länder (provinces) take part from the Austrian side; from the Party of origin's side it is the competent authority and in some countries also the developer. We usually communicate directly in meetings and by e-mail. When there is no need for consultations we simply do not ask for them.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

34. *For each type of activity listed in appendix I, identify what is regarded as the "final decision" to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2.3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

The "final decision" ("Entscheidung", "Genehmigungsbescheid") is the decision in the consolidated permit procedure where the EIA is part of. For federal roads and high speed railroads there exists no completely consolidated procedure and therefore there is a couple of decisions that have to take the outcome of the EIA into account. All projects listed in Appendix I require such decision(s).

35. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity (art. 6.1)?*

Art. 17 section 4 EIA Act reads as follows:

"(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, measuring and reporting duties and measures to ensure follow-up activities) shall contribute to a high protection level for the environment in its entirety."

36. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6.1)?*

Yes.

37. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (art. 6.2)*

Yes, the final decision does contain the reasons and considerations on which the decision is based and it is submitted to the affected party.

38. *If additional information becomes available according to article 6, paragraph 3, before the activity commences, how does your country consult with the affected Party? If need be, can the decision be revised? (art. 6.3)*

The possibilities to revise a valid decision are strictly limited in the Austrian legal system. Nevertheless there is always the possibility to reopen the consultations on request of the affected Party in order to find additional solutions.

Article 7

Post-Project Analysis

39. *How does your country determine whether it should request a post-project analysis to be carried out (art. 7.1)?*

Art. 22 EIA Act reads as follows:

"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 of Agriculture and Forestry, Environment and Water Management.

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

As an affected Party we ask for such an analysis if we deem it necessary in terms of protecting the Austrian territory.

40. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how does your country inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to article 7, paragraph 2?*

No experience.

Article 8

Bilateral and multilateral agreements

41. *Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

There is one bilateral agreement between Austria and the Slovak Republic and one informal trilateral guideline with Switzerland and Liechtenstein;

These agreements contain provisions according to paragraphs (a), (b) and (c) of Appendix VI; they do not refer to the other paragraphs.

42. *Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No, a supplementary point of contact has not been established.

Article 9

Research programmes

43. *Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.*

There are several studies commissioned by the Federal Ministry of Agriculture, Forestry, Environment and Water Management on practical results of EIA procedures in Austria, but these do not specifically deal with transboundary EIA.

Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment

44. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

not applicable

45. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

not applicable

46. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

not applicable

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2006–2009

Please report on your country's practical experiences of applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice; the goal is to enable Parties to share solutions. Parties should therefore

provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

CASES DURING THE PERIOD 2006–2009

47. *Does your country's national administration have information on the transboundary EIA procedures that were under way during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If your country does not have any experience of applying the Convention, why not?*

Yes, we have such information:

Austria as a Party of origin:

- Brenner railway tunnel, joint project with Italy
- Joint hydro power plant Inn (together with Switzerland)
- General Danube river engineering project (Slovakia affected)
- Motorway A5 (Czech Republic affected)
- Jungbunzlauer AG, extension of an integrated chemical installation (Czech Republic affected)
- BEGAS waste incineration installation in the business park Heiligenkreuz (Hungary affected)

Austria as an affected Party:

- NPP Olkiluoto, Finland (new block 4)
- NPP Loviisa, Finland (new block 3)
- NPP Fennovoima Oy, Finland (new NPP)
- Brenner railway tunnel, joint project with Italy
- NPP Ignalina, Lithuania (new NPP)
- NPP Cernavoda, Rumania (new NPP)
- Joint hydro power plant Inn (together with Switzerland)
- NPP Mochovce, Slovakia (uprating of blocks 1 and 2)
- NPP Mochovce, Slovakia (new blocks 3 and 4)
- Motorway D4 (Slovakia)
- Reconstruction of the Slovnaft thermal power plant in Bratislava, Slovakia
- NPP Temelin, Czech Republic (new blocks 3 and 4)
- NPP Paks, Hungary (lifetime extension)
- Eurovegas leisure park, Hungary
- NPP in Belarus

48. *Does your country object to the above list of transboundary EIA procedures being included in a compilation of such procedures to be made available on the website of the Convention? (Indicate "yes" if you object.)*

No

49. *Are there projects other than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.*

No

50. *Provide information on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

Public inspection of the EIA report (Environmental Impact Documentation), collection of comments, production of translated documents (if applicable), production of an official Austrian statement (if applicable): 2-3 month. Preparation of the consultations: 1 month
If applicable: Public inspection of the scoping documents, collection of comments, production of translated documents, production of an official statement: 2-3 months.

EXPERIENCE OF THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE IN 2006–2009

51. *If your country has had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

1. In relation to NPP projects, the Espoo procedure led to higher level of mutual information and understanding and - we believe - also to a higher level of nuclear safety, although it is often difficult to find out whether additional measures are applied on grounds of the Austrian interventions.

2. In relation to other projects: As an affected Party we achieved for instance the introduction of a complex monitoring programme concerning impacts of a leisure park on a common great bustard population.

52. *How has your country interpreted in practice the various terms used in the Convention, and what criteria has your country used to do this? Key terms include the following: “major change” (art. 1 (v)), “a reasonable time” (art. 3.2(c), art. 4.2), “promptly” (art. 3.6) and “a reasonable time frame” (art. 5). (Do not provide references to answers to earlier questions 6 (b), 11, 13, 25 and 31.) If your country experiences substantial difficulties interpreting particular terms, does your country work together with other Parties to find solutions? If not, how does your country overcome the problem?*

As a "major change" of nuclear installations or other installations with possibly long range transboundary impacts we deem every change that can have a significant impact on the safety performance of the installation. In respect of other installations with limited local impacts it depends on a significant increase of emissions or output or a major extension of soil consumption.

53. *Please share with other Parties your country’s experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country’s general experience. You might also include examples of “lessons learned” in order to help others.*

a. *How in practice has your country identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?;*

We identified it individually for every installation with possible transboundary impact by expert expertise (e.g. by atmospheric dispersion modelling).

b. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?;*

Usually a separate chapter is provided where all the possible impacts on the environmental factors (air, soil, water, fauna, flora, human health...) identified in special chapters are gathered and presented for the affected Party.

- c. *What methodology does your country use in impact assessment in the (transboundary) EIA procedure (e.g. impact prediction methods and methods to compare alternatives)?;*

No specific methods are foreseen, every method representing the state of the art in the specific field is accepted.

- d. *Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions has your country applied?;*

As a Party of origin we translate the project description and all information concerning transboundary impacts into the language of the affected Party. The amount of the translated information depends also on mutual agreements in the individual cases.

As an affected Party we sometimes face a lack of translation and often a bad quality of the translation. Sometimes we therefore have to provide for our own translation financed by the Austrian government.

- e. *How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? What has been your country's experience of the effectiveness of public participation? Has your country experienced difficulties with the participation of its public or the public of another Party? (e.g. have there been complaints from the public about the procedure?);*

As a Party of origin we cannot organize pp in other countries, but likely affected persons as well as foreign NGOs can take part in the EIA procedure in Austria. Usually we provide the affected Party with our documents and detailed information about the rights of the public to participate; the affected Party then distributes the documents according to its own legislation.

As an affected Party we very often face problems resulting from differences in the EIA systems: it is often difficult for the Austrian public to understand the purpose and the possible results of single steps of public participation, when these steps are not part of the Austrian EIA procedure or when the outcomes of the pp process are taken into account in another way than in Austrian EIA procedures. Austrian public often does not understand when their comments are not taken into account in the expected way.

- f. *Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?;*

The consultations represent the core element of the bilateral cooperation under the Convention. The consultations make it possible to discuss the arguments emerged during the public participation in depth and to concentrate on the key issues. Only in the consultations can be found concrete mutually acceptable solutions. It may be necessary to extend the consultations to several meetings until the final decision(s) are taken or to reassume negotiations in order to agree on additional mitigation measures. In this respect the Party of origin's primary interest is, of course, to bring the negotiations to an end very soon, whereas the affected Party's interest is to settle the case as carefully as possible.

- g. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;*

The decision according to the Austrian administrative procedure act contains a normative part including a detailed description of the planned activity, the decision, whether the activity is endorsed or dismissed, and, if applicable, a number of additional measures imposed; the second part contains the detailed reasons, based on the legal provisions applied. We usually translate the normative part and those parts of the reasons that deal with transboundary impacts, and, as an affected Party, we demand the same from the Party of origin.

- h. *Has your country carried out post-project analyses and, if so, on what kinds of project?;*

Yes, we carried out post-project analysis, but not on an Espoo project yet.

- i. *Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g. contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g. translation, interpretation, transmission of documents, etc.);*

We have examples for EIA procedures for cross-border projects, but not really successful ones in the sense that there was an administrative cooperation regarding the EIA procedures. It was rather up to the developer to prepare a project and an Environmental Impact Documentation that could be used successfully in both procedures. In one case (Brenner tunnel) the independent experts appointed by the authorities on both sides of the border are to cooperate on an expert basis in order to achieve similar expert positions on the project.

Whereas in our motorway cases with the Czech Republic the documentation was very different in both countries (EIA in Czech Republic is carried out at a much earlier stage when not so many details are fixed; there were no agreements on the projects), the Brenner tunnel EIA is carried out in a framework of a bilateral informal agreement on the EIA and other formal agreements on project issues and funding in general.

- j. *Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet"?*

There is a number of cases that went quite well but it depends from which angle you see it and which expectations you have, therefore Austria abstains to nominate any concrete project or procedure as good practice case and confines itself to point out that a number of cases listed above under 47 went quite well and in the spirit of the Convention.

- k. *Identify the most common means of applying the Convention (e.g. through focal points, joint bodies, multilateral agreements).*

CO-OPERATION BETWEEN PARTIES IN 2006–2009

54. *Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries?*

The best way to overcome this kind of difficulties is a bilateral or trilateral agreement. The disadvantage of this solution is a huge amount of preparation work where political complications can emerge. Another possibility is a close and very detailed communication and cooperation not only in concrete cases but also on a general basis (e.g. regular annual or biannual meetings on questions of the application of the Convention).

EXPERIENCE IN USING THE GUIDANCE IN 2006–2009

55. *Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented:*

a. *Guidance on public participation in EIA in a transboundary context;*

No, the methods described there are well known and have been applied independently from the guidelines.

b. *Guidance on subregional cooperation;*

No.

c. *Guidelines on good practice and on bilateral and multilateral agreements.*

The content of these guidelines is well known between the interested and responsible subjects and institutions and we regularly come back to their text, e.g. concerning necessary translations of the documents. In general, the text is taken as a matter of course in respect of the application of the Convention and therefore no explicit reference to them is made.

CLARITY OF THE CONVENTION

56. *Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in part one above or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which your country encounters when applying the Convention.*

As a Party of origin: no problems

As an affected Party we sometimes face the problem that after a national screening procedure without our participation no full EIA is carried out and therefore the Convention is not applied. A problem is also the lack of any provisions about translation of documents which sometimes leads to an additional burden for the affected Party in order to make sure that the own public can participate in an equivalent way. The Implementation Committee has expressed the opinion in the report of its 18. session, that article 2, para 6, article 3, para 8 and article 4, para 2 of the Convention make provision for an at least partial translation of the documentation, but in fact this is still sometimes neglected by the Parties of origin.

AWARENESS OF THE CONVENTION

57. *Has your country undertaken activities to promote awareness of the Convention among stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

The Espoo Convention is very well known in our country, in some of the transboundary EIA procedures more than 200 000 people took part. Nevertheless, the Federal Ministry of Environment and some Länder (provinces) have developed and financially support bi- and trilateral awareness raising programmes including workshops and public meetings on general problems of the application of the Espoo and Aarhus Conventions in Austria and some neighbouring states. Moreover we financially support NGOs that support the civil society to take part in EIA and Espoo procedures.

58. *Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so? What relevant legal or administrative developments are proposed or ongoing?*

No need for improvements in Austria.

SUGGESTED IMPROVEMENTS TO THE REPORT

59. *Please provide suggestions for how this report may be improved.*

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