



**MINISTERIUM
FÜR EIN
LEBENSWERTES
ÖSTERREICH**

bmlfuw.gv.at



**MINISTERIUM
FÜR EIN
LEBENSWERTES
ÖSTERREICH**

EIA IN AUSTRIA SCREENING PROCEDURES

Susanna Eberhartinger-Tafill

**Federal Ministry of Agriculture, Forestry, Environment and Water
Management, Austria**



Content

- Legal requirements in Austria
 - Screening system
 - Procedure
- Experience in Austria
- Statistics



General Facts about Austrian EIA

- Austrian EIA is governed by the **Federal Act on Environmental Impact Assessment** (EIA Act 2000); legislation responsibility: Federal Minister of Environment

EIA authorities

- **Province Governments** (*Länder*) for Annex I projects
- **Federal Minister of Transport**: for federal roads and high-speed railway lines
- Annex I projects: Consolidated (concentrated) licensing procedure → **one-stop-shop** (= one single decision) !
- **Appeal body**: Federal Administrative Court



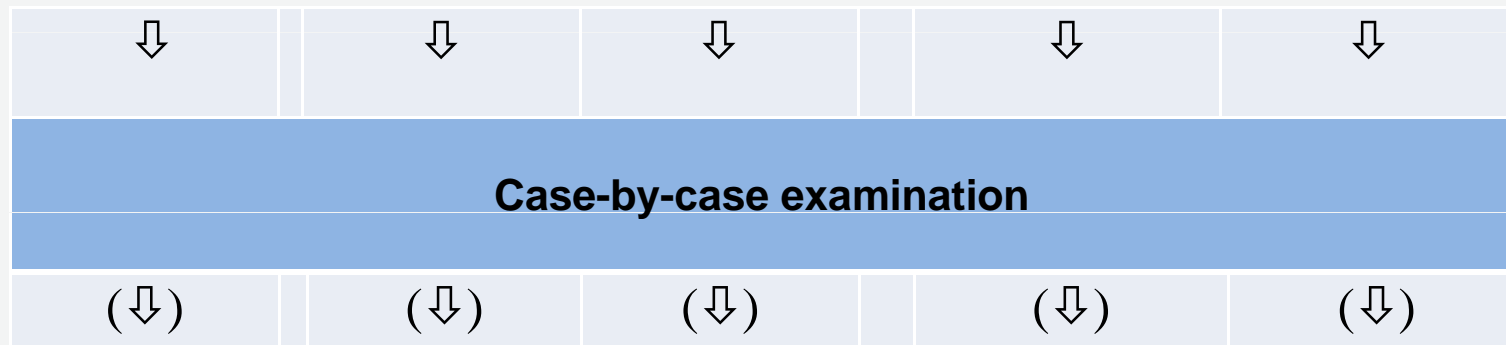
Austrian EIA system

- Annex with project types with **specific thresholds/criteria** as well as a **case by case examination** is used to determine which projects are subject to an EIA:
 - **Mandatory EIA**: new projects and major modification of projects (100 %): reaching of thresholds/criteria (Annex 1, column 1 or 2)
 - **Screening/case-by-case examination**:
 - Other modifications
 - projects in certain protected areas (Annex 1, column 3)
 - projects with cumulative impacts
 - if significant adverse impacts → EIA

Screening system



General		Protected areas		Cumulation of projects	
New projects or modification projects (extension by at least 100 %)	Modification projects	New projects in protected areas (mostly half threshold)	Modification projects in protected areas	New projects (at least 25 % of threshold)	Modification projects



EIA



Austrian EIA system - examples

	EIA	Simplified EIA procedure	
	Column 1	Column 2	Column 3
No. 4	a) Thermal power stations or other combustion installations with a rated thermal input of 200 MW 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.
No. 6		a) Installations for the utilization of wind energy with a total electricity output of at least 20 MW , or with at least 20 converters providing a nominal capacity of at least 0,5 MW each;	b) Installations for the utilization of wind energy with a total electricity output of at least 10 MW , or with at least 10 converters providing a nominal capacity of at least 0,5 MW each in protected areas of Category A.

Screening Criteria



The authority shall take into consideration the following criteria:

- 1. **Characteristics of the project** (size of the project, cumulation with other projects, use of natural resources, production of waste, environmental pollution and nuisances, risk of accidents),
- 2. **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, historically, culturally or architecturally important landscapes),
- 3. 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, the changed impact shall be assessed with regard to the protected area.

Protected areas



MINISTERIUM
FÜR EIN
LEBENSWERTES
ÖSTERREICH

Cat.	Protected area	Scope
A	Special protection area	<ul style="list-style-type: none"> • Natura 2000 areas • forest reservations • national parks under <i>Land</i> 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
B	Alpine zone	The lower boundary of the alpine zone is the line of closed tree cover
C	Water protection and conservation area	Water protection and conservation areas according to Water law
D	Area subject to air pollution	areas where the ambient air quality standards are exceeded repeatedly or for a prolonged period of time
E	Settlement area	<p>In settlement areas or within a radius of 300 m to land that designated as follows:</p> <ol style="list-style-type: none"> 1. Construction land where residential buildings may be constructed, 2. Land for child-care facilities, playgrounds, schools or similar facilities, hospitals, medical institutions, residential homes for the elderly, cemeteries, churches, parks etc.

Relevance of projects for protected areas



Protected Area	Project types
Category A (special protection area)	landfills, wind farms, roads and railway lines, terminals, skiing areas, pipelines, airfields, harbours, power lines, theme parks, industrial or business parks, shopping centres, hotels, parking lots, caravan sites, race or test tracks, mining and quarries, water management projects, fish farming, conversion of uncultivated land or semi-natural areas, afforestations and deforestations
Category B (alpine zone)	roads and railway lines, power lines, hotels and parking lots
Category C (water protection and conservation area)	storage of scrap iron or vehicles, roads and railway lines, terminals, pipelines, harbours, dredging, water management projects, intensive livestock installations, some industrial installations
Category D (area subject to air pollution)	power stations, roads, airfields, theme parks, industrial or business parks, shopping centres, parking lots, some industrial installations
Category E (settlement area)	roads and railway lines, airfields, mining and quarries, intensive livestock installations, tanneries

Screening procedure



MINISTERIUM
FÜR EIN
LEBENSWERTES
ÖSTERREICH

Application

by project developer, co-operating authority or the ombudsman for the environment, or initiation ex officio
Project developer submits documents that are adequate for the identification of the project and for the assessment of its environmental impact



Examination of the EIA authority with regard to the likelihood of significant adverse effects ("rough screening")

Hearing of the co-operating authorities, the host municipality, the ombudsman for the environment and the water management planning body



Decision (administrative order)

Public announcement of the decision publishing on the internet site of the EIA authority (for six weeks)

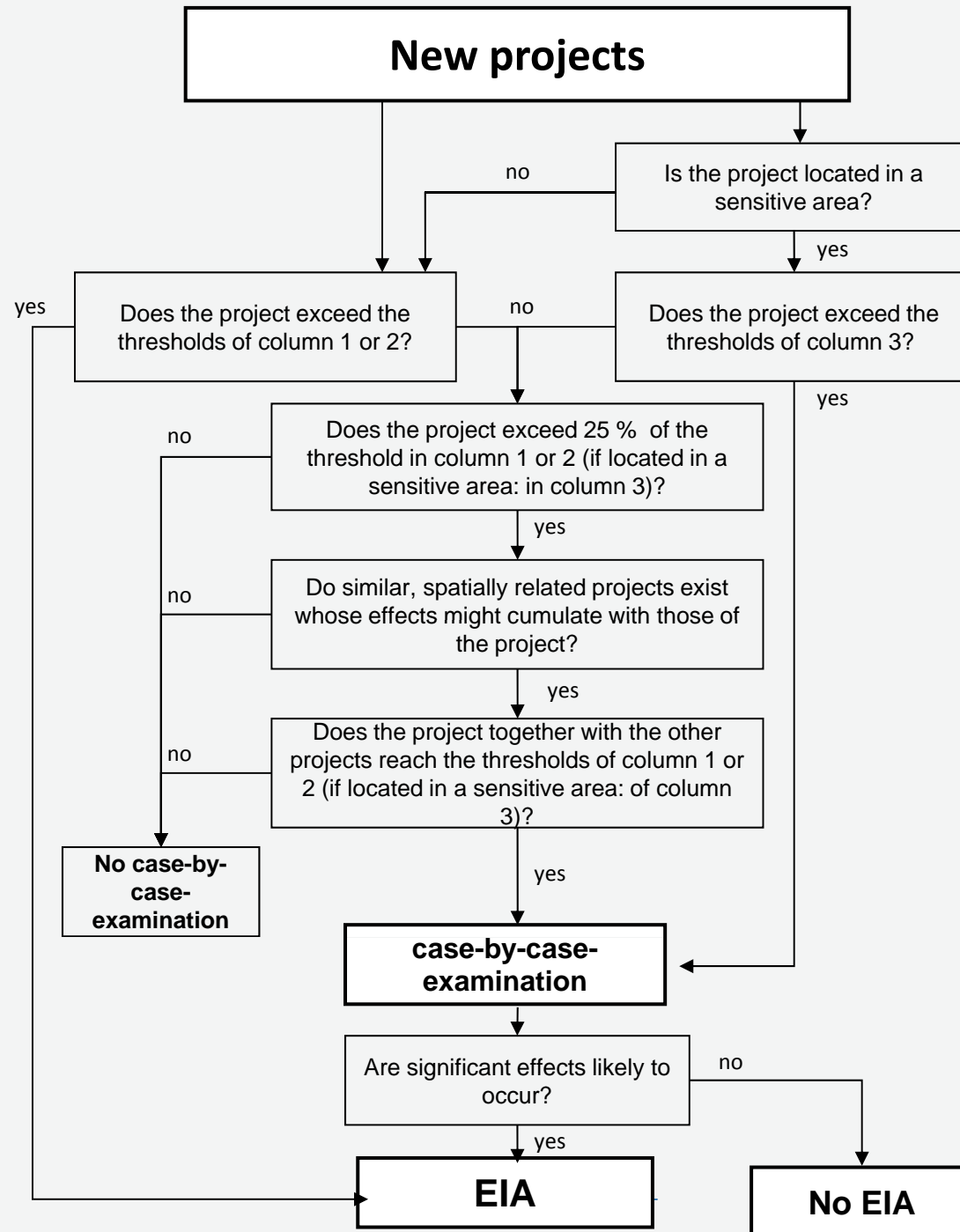


Appeal against the decision

may be filed by parties within four weeks to the Federal Administrative Court

Locus standi: project developer, co-operating authority or the ombudsman for the environment, the host municipality

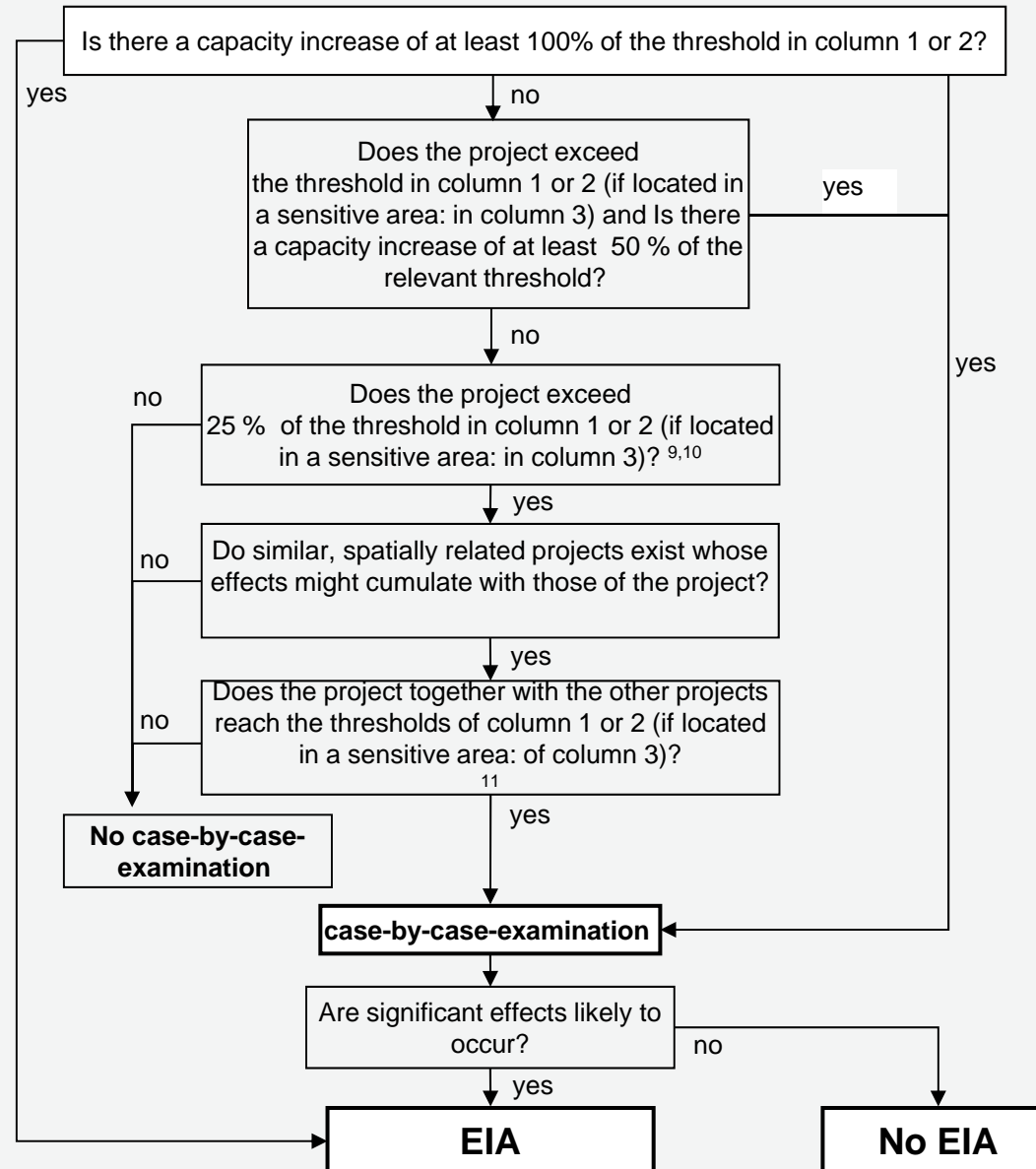
if no EIA: **environmental organisations** recognised in accordance with EIA law may file an application for reviewing compliance



Modification projects



MINISTERIUM
FÜR EIN
LEBENSWERTES
ÖSTERREICH



Experience

Duration of screening procedures



MINISTERIUM
FÜR EIN
LEBENSWERTES
ÖSTERREICH

- EIA Act: The decision shall be taken by administrative order within **six weeks**.
- The **average duration of screening procedures** lies between 4.2 and 5 months.
- Average duration as of completeness of information: between 2.9 and 3.8 months

- **Results** (averages from 2000 to 2014):
 - 83 % no EIA needed
 - 17 % EIA required

Experience

Significance criteria



MINISTERIUM
FÜR EIN
LEBENSWERTES
ÖSTERREICH

- Impacts on **air quality**:
In areas where air quality standards have already been exceeded: impact significant if the contribution of the project is more than 1 % of the limit value (yearly) or more than 3 % of the limit value (short time average value e.g. daily)
In other areas: impact significant if the contribution of the project is more than 3 % of the limit value (yearly)
- Impacts on **surface waters**: impact significant if the contribution of the project is more than 10 % of the quality standard
- Impacts on **ground water**: Every impact is considered significant.
- **Odour emissions**: impact significant if the “yearly odour hours” (German: Jahresgeruchsstunden) are raised by at least 2 %, for intensive livestock installations by at least 5 %.
- Impacts on **nature** (flora, fauna) and **landscape**: expert judgment (e.g. impact on important bird area or protected habitats, e.g. transfer of a moor area or wetland necessary)

Experience

Relevant expertise



- Areas of expertise needed for the examination of the authority:
- between 1 and 7 experts (in most cases from the province government, in few cases external experts)
- **Examples:**
- Shopping centre: experts for road engineering, air quality, traffic, water
- Roads: experts for air quality, traffic, hydraulic engineering, geohydrology, nature protection
- Extraction of minerals: air quality, noise, nature protection, forestry, water, geology

Experience Observations



MINISTERIUM
FÜR EIN
LEBENSWEERTES
ÖSTERREICH

- Sufficient expertise is available in authorities
- Often lengthy procedures (~4-5 months)
- Project developer wants to avoid EIA and therefore provides detailed expertise (mini-EIA) in order to justify that no significant effects are likely
- Authority has to examine in the same detail
- Project developer changes project during or after screening procedure



**MINISTERIUM
FÜR EIN
LEBENSWERTES
ÖSTERREICH**

bmlfuw.gv.at



**MINISTERIUM
FÜR EIN
LEBENSWERTES
ÖSTERREICH**



**MINISTERIUM
FÜR EIN
LEBENSWERTES
ÖSTERREICH**

bmlfuw.gv.at



**MINISTERIUM
FÜR EIN
LEBENSWERTES
ÖSTERREICH**



**MINISTERIUM
FÜR EIN
LEBENSWERTES
ÖSTERREICH**

bmlfuw.gv.at

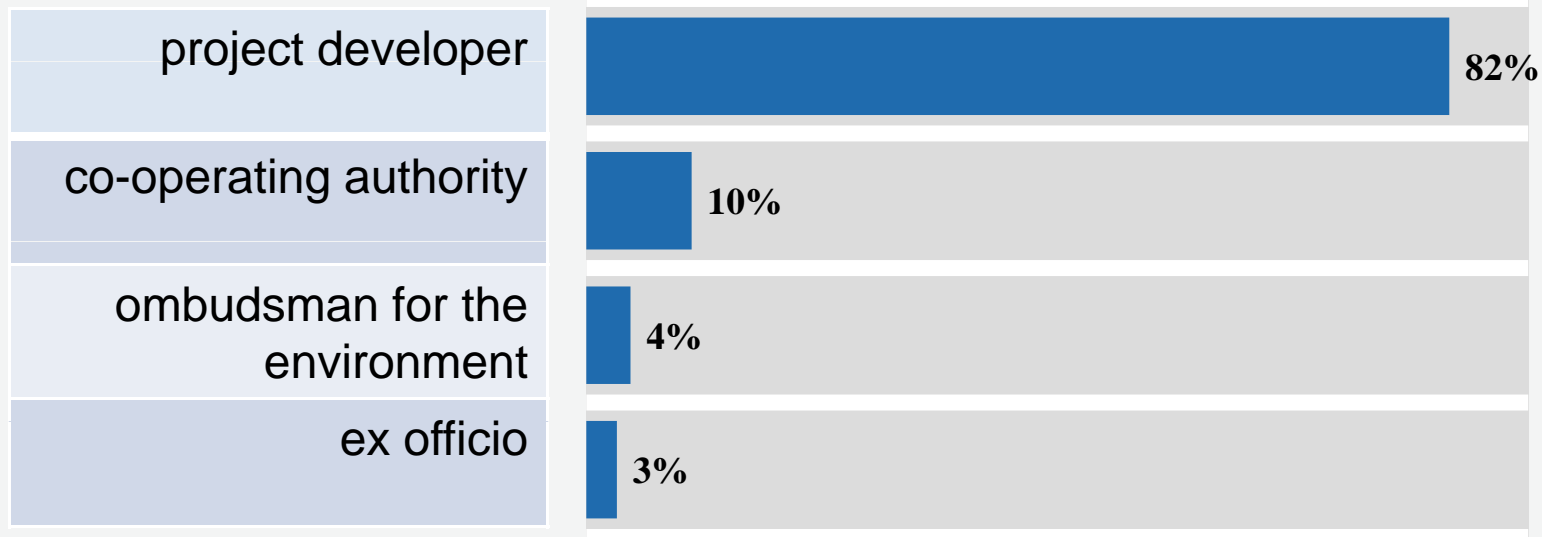


**MINISTERIUM
FÜR EIN
LEBENSWERTES
ÖSTERREICH**



Screening procedures – types of applicants

from 1/2012 until 2/2015





**MINISTERIUM
FÜR EIN
LEBENSWERTES
ÖSTERREICH**

bmlfuw.gv.at



**MINISTERIUM
FÜR EIN
LEBENSWERTES
ÖSTERREICH**



**MINISTERIUM
FÜR EIN
LEBENSWERTES
ÖSTERREICH**

Thank you for your attention!

Susanna Eberhartinger-Tafill

Federal Ministry of Agriculture, Forestry, Environment and Water Management

Stubenbastei 5, A-1010 Vienna

Susanna.eberhartinger-tafill@bmlfuw.at