EIA IN AUSTRIA
SCREENING PROCEDURES

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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
- New projects or modification projects (extension by at least 100%)
- Modification projects

### Protected areas
- New projects in protected areas (mostly half threshold)
- Modification projects in protected areas

### Cumulation of projects
- New projects (at least 25% of threshold)
- Modification projects

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### Case-by-case examination

- (↓)
- (↓)
- (↓)
- (↓)
- (↓)

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**EIA**
### Austrian EIA system - examples

<table>
<thead>
<tr>
<th>No.</th>
<th>EIA</th>
<th>Simplified EIA procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>a) Thermal power stations or other combustion installations with a rated thermal input of 200 MW or more; …</td>
<td>c) Thermal power stations or other combustion installations with a rated thermal input of <strong>100 MW</strong> or more in protected areas of Category D.</td>
</tr>
<tr>
<td>6</td>
<td>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;</td>
<td>b) Installations for the utilization of wind energy with a total electricity output of at least <strong>10 MW</strong>, or with at least 10 converters providing a nominal capacity of at least 0,5 MW each in protected areas of Category A.</td>
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</tbody>
</table>
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

<table>
<thead>
<tr>
<th>Cat.</th>
<th>Protected area</th>
<th>Scope</th>
</tr>
</thead>
</table>
| A    | Special protection area                                  | • Natura 2000 areas  
• forest reservations  
• 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 |
| 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                                           | In settlement areas or within a radius of 300 m to land that designated as follows:  
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

<table>
<thead>
<tr>
<th>Protected Area</th>
<th>Project types</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Category A</strong> (special protection area)</td>
<td>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</td>
</tr>
<tr>
<td><strong>Category B</strong> (alpine zone)</td>
<td>roads and railway lines, power lines, hotels and parking lots</td>
</tr>
<tr>
<td><strong>Category C</strong> (water protection and conservation area)</td>
<td>storage of scrap iron or vehicles, roads and railway lines, terminals, pipelines, harbours, dredging, water management projects, intensive livestock installations, some industrial installations</td>
</tr>
<tr>
<td><strong>Category D</strong> (area subject to air pollution)</td>
<td>power stations, roads, airfields, theme parks, industrial or business parks, shopping centres, parking lots, some industrial installations</td>
</tr>
<tr>
<td><strong>Category E</strong> (settlement area)</td>
<td>roads and railway lines, airfields, mining and quarries, intensive livestock installations, tanneries</td>
</tr>
</tbody>
</table>
## Screening procedure

### 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
New projects

Is the project located in a sensitive area?

Does the project exceed the thresholds of column 1 or 2?

Does the project exceed the thresholds of column 3?

Does the project exceed 25% of the threshold in column 1 or 2 (if located in a sensitive area: in column 3)?

Do similar, spatially related projects exist whose effects might cumulate with those of the project?

Does the project together with the other projects reach the thresholds of column 1 or 2 (if located in a sensitive area: of column 3)?

No case-by-case-examination

case-by-case-examination

Are significant effects likely to occur?

EIA

No EIA
**Modification projects**

1. **Is there a capacity increase of at least 100% of the threshold in column 1 or 2?**
   - yes
   - no

2. **Does the project exceed the threshold in column 1 or 2 (if located in a sensitive area: in column 3) and is there a capacity increase of at least 50% of the relevant threshold?**
   - yes
   - no

3. **Does the project exceed 25% of the threshold in column 1 or 2 (if located in a sensitive area: in column 3)?**
   - yes
   - no

4. **Do similar, spatially related projects exist whose effects might cumulate with those of the project?**
   - yes
   - no

5. **Does the project together with the other projects reach the thresholds of column 1 or 2 (if located in a sensitive area: of column 3)?**
   - yes
   - no

**No case-by-case-examination**

6. **case-by-case-examination**

7. **Are significant effects likely to occur?**
   - yes
   - no

8. **EIA**

9. **No EIA**
Experience
Duration of screening procedures

- 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

- 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

- 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 effect are likely
- Authority has to examine in the same detail
- Project developer changes project during or after screening procedure
## Screening procedures – types of applicants
from 1/2012 until 2/2015

<table>
<thead>
<tr>
<th>Type</th>
<th>Percentage</th>
</tr>
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<tbody>
<tr>
<td>project developer</td>
<td>82%</td>
</tr>
<tr>
<td>co-operating authority</td>
<td>10%</td>
</tr>
<tr>
<td>ombudsman for the environment</td>
<td>4%</td>
</tr>
<tr>
<td>ex officio</td>
<td>3%</td>
</tr>
</tbody>
</table>
Thank you for your attention!

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