

# EIA Screening Opinion concerning Federal Roads in Austria



Mag. Erika FAUNIE  
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*Dynamik mit Verantwortung*

## EU Law

**Directive 2011/92/EU** amended by **Directive 2014/52/EU**

Annex I: Projects for which an Environmental Impact Assessment (EIA) must be carried out – construction of motorways and express roads

Annex II: projects for which an EIA is not mandatory; authority makes a decision on whether EIA is required or not - **changes or extension of projects listed in Annex I** – screening decision for extension of motorways and express roads

Art. 4 (2): requirements for screening: case-by-case screening, thresholds, criteria

## Austrian Federal Act on Environmental Impact Assessment

- Case-by-case screening for extension measures of any other type for federal roads, if they border on a protected area.
- What are protected areas?
  - ✓ Special protection area (Bird Directive, Habitat Directive, nature conservation purpose)
  - ✓ Alpine zone
  - ✓ Water protection and conservation area
  - ✓ Area subject to air pollution
  - ✓ Settlement area
- EIA shall be performed, if significant adverse effects are to be expected for the protection purpose for which the protected area has been established

## Screening procedure

- Declaratory procedure conducted by the Minister of Transport as the competent authority
  - Who can make an application for a screening opinion?  
project applicant (ASFINAG), co-operating authorities, ombudsman for the environment, host municipality - they have the right to be heard to the results of the screening;
  - project applicant submits project documents to the authority for the identification of the project and for the assessment of its impact;
  - Authority consults and takes advice from official and nonofficial experts
  - The screening decision is issued by the Minister and the administrative order is made accessible to the public and has to be published on the internet site of the Ministry of Transport.
  - The parties entitled to submit a request can file a complaint with the Administrative Court.
  - Environmental organizations (non governmental organizations) can file a complaint if the decision is that the extension project shall not be subject to an EIA within 6 weeks since publication on the internet

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