

Economic Commission for Europe

Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Seventh session

Geneva, 18–20 October 2021

Excerpt from the addendum to the report of the seventh session of the Meeting of the Parties (ECE/MP.PP/2021/2/Add.1)*

Decision VII/8b concerning compliance by Austria with its obligations under the Convention

Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its seventh session

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹

Mindful of the conclusions and recommendations set out in its decision VI/8b with regard to compliance by Austria,²

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision VI/8b concerning compliance by Austria with its obligations under the Convention,³

Encouraged by the willingness of Austria to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that:

(a) While welcoming the progress made, the Party concerned has not yet demonstrated that it has fully met the requirements of paragraph 3 (a) of decision VI/8b with respect to standing for environmental non-governmental organizations under article 9 (3) at the federal level;

(b) While welcoming the significant progress made, the Party concerned has not yet demonstrated that it has fully met the requirements of paragraph 3 (a) of decision VI/8b with respect to standing for environmental non-governmental organizations under article 9 (3) at the provincial level;

(c) The Party concerned has not yet met the requirements of paragraph 3 (b) of decision VI/8b;

* The full text of addendum to the report of the seventh session of the Meeting of the Parties (ECE/MP.PP/2021/2/Add.1) will, in due course, be available in English, French and Russian from https://unece.org/environmental-policy/events/Aarhus_Convention_MoP7.

¹ ECE/MP.PP/2/Add.8.

² ECE/MP.PP/2017/2/Add.1.

³ ECE/MP.PP/2021/47.

(d) The Party concerned has not yet fulfilled the requirements of paragraph 3 (c) of decision VI/8b and expresses serious concern that the Party concerned appears to consider that it need not do so;

(e) While welcoming the actions undertaken to date, the Party concerned has not yet fulfilled the requirements of paragraph 3 (d) of decision VI/8b;

2. *Reaffirms* its decision VI/8b and requests that the Party concerned:

(a) As a matter of urgency, take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that criteria for non-governmental organizations to have standing to challenge acts or omissions by private persons or public authorities that contravene national law relating to the environment under article 9 (3) of the Convention are revised and specifically laid down in sectoral environmental laws, in addition to any existing criteria for non-governmental organization standing in its laws on environmental impact assessment, integrated pollution prevention and control, waste management or environmental liability;

(b) Ensure that, when addressing subparagraph (a) above, members of the public, including non-governmental organizations, have access to adequate and effective administrative or judicial procedures and remedies in order to challenge acts and omissions of private persons and public authorities that contravene national law, including administrative penal laws and criminal laws, relating to the environment;

(c) As a matter of urgency, arrange for a review of the relevant body of national law (at both the federal and the provincial levels) to identify the outstanding areas of law “relating to the environment” that require adaptation in order to comply with the requirements of paragraph 3 (a) and (b) of decision VI/8b and provide the review to the Committee as soon as possible and by no later than 1 July 2022;

(d) Develop a capacity-building programme and provide training on the implementation of the Convention for judges, prosecutors and lawyers;

(e) Provide the Committee, as soon as possible and by no later than 1 July 2022, with a plan of action, including a time schedule, on how it will implement subparagraphs (a), (b) and (d) of the present paragraph;

(f) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendations;

(g) Provide such additional information as the Committee may request in between the above reporting dates in order to assist the Committee to review the progress by the Party concerned in implementing the above recommendations;

(h) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

3. *Undertakes* to review the situation at its eighth session.
