

AT Speaking Note

4 (a) thematic session on access to justice

Measures to promote effective access to justice in Austria

- *no financial barrier to bring environmental cases*

Participation in administrative procedures before an **authority** and in procedures before the **administrative courts** is **free of cost** in Austria. Only application fees can apply. A fee of 30 euros is for example payable for lodging a complaint with an administrative court (§ 2 VwG-EGebV).

There is **no obligation to be represented by a lawyer** neither at the authority (§ 10(1) Administrative Procedure Code (AVG)) nor at the administrative courts (§ 17 VwGVG iVm § 10(1) AVG).

- *assistance for members of the public to bring environmental cases*

In procedures before the administrative courts there is the **possibility to apply for legal aid** (§ 8a VwGVG). If the legal aid is granted a lawyer will be appointed

In addition, the **NGO Ökobüro can be consulted by the public to get assistance with regard to environmental cases**. This work is partly funded by the Austrian Ministry of Environment.

Furthermore, the **Ombuds Offices for Environmental Protection** (Umweltanwaltschaften) as independent bodies of the federal states, also serve as contact points for individuals who wish to take action against environmental problems.

- *access to independent environmental expertise*

Technical experts can be consulted when there is a need to do so in court. The list of technical experts is publically available (<https://justizonline.gv.at/jop/web/exl-suche/sv>).

- *measures to reduce the duration of environmental cases*

In general, authorities (§ 73 AVG) and administrative judges (§ 34 VwGVG) are obliged to **take a decision within 6 months**. However, **longer time limits can apply** if they are laid down by law. This is the case for certain types of EIA procedure.

If this **duty to decide within a certain time period is violated**, **administrative courts** or in the case of the delay of a decision of an administrative judge **the Supreme Administrative Court** can be called upon by the applicant.

- *mediation*

Mediation was used in practice with regard to some important environmental cases (e.g. EIA procedure regarding the extension of the Airport in Vienna).

- *e-justice initiatives*

E-access to environmental legislation as well as case law in environmental matters is provided for by the legal information system of the Federal Chancellery (RIS: www.ris.bka.gv.at).

E-access to case files for parties has to be granted if the files are available digitally (§ 17 AVG).

During the Covid-19 pandemic **remote court hearings** took place successfully and this should also be continued in the future.

In addition, **hybrid meetings** proved quite practical in certain cases, e.g. in order to consult experts.

- *trainings in environmental law and trainings regarding the Aarhus Convention*

Authorities and administrative courts ensure **trainings in environmental law and regarding the Aarhus Convention** for their employees.

Such trainings for administrative judges are offered for example by the **Austrian Academy for Administrative Courts**. Last year, the Academy organised a **seminar under the title “The Aarhus Convention”**. It was designed for administrative judges in Austria who seek to deepen their understanding of the Aarhus Convention and enhance their skills in dealing with environmental disputes. It covered all pillars of the Aarhus Convention (access to information, public participation and access to justice) and discussed the application of the Convention in Austria.

- *Cooperation with other Ministries and the provinces*

The Austrian Ministry of Environment is regularly hosting **Meetings of the Austrian Aarhus Working Group**, which consists of members of the relevant Ministries as well as of the provinces. The last meeting of the Working Group was held in June 2024.

The aim of the meetings is to **discuss recent judicial decisions, legislative proposals as well as implementation gaps**. In doing so, it is supporting and coordinating the process of identifying the areas of law that still require adaptation.