

For the period under review (since the report for Fribourg in November has been submitted) recent developments in environmental legislation mainly focus on the following three issues:

Reform of the administrative court system

This is clearly the issue preoccupying administration, jurisdiction and legislation at the moment.

As has been reported, from January 1st 2014 on a two-tier administrative court system will enter into force in Austria. The system of administrative appeal (mostly to independent tribunals) will be abolished and administrative courts of first instance (*Verwaltungsgerichte erster Instanz*), i.e. nine courts at state level – one in each state (*Landesverwaltungsgericht*) and two courts at federal level - a general administrative court (*Bundesverwaltungsgericht*) and a finance court (*Bundesfinanzgericht*) are newly created. The administrative courts exercise a reformatory function; they can therefore render a decision on the merits of the case. With the exception of permits for projects requiring an EIA, most environmental disputes will in future most probably be reviewed on state level (e.g. issues concerning Natura 2000 sites, allocation of allowances, permits for industrial installations, administrative fines etc).

[Verwaltungsgerichtsbarkeits-Novelle 2012 BGBl I 2012/51;

Bundesverwaltungsgerichtsgesetz BGBl I 2013/10; Verwaltungsgerichtsverfahrensgesetz BGBl I 2013/33 (Art 1); Verwaltungsgerichtsbarkeits-Ausführungsgesetz BGBl I 2013/33 (Art 2); and nine Landesverwaltungsgerichtsgesetze.]

At the moment the jurisdiction of the courts and the procedural rules are settled in detail and numerous Acts have to be adjusted to the new system (*Verwaltungsgerichtsbarkeits-Anpassungsgesetze*).

Implementation of the Industrial Emissions Directive

There is no single Act implementing EU legislation on integrated permitting. Sectoral and state legislation has to be amended in order to implement the Industrial Emissions Directive. Most recently amendments to the Waste Act and the Water Act have been adopted and will soon be published. Amendments i.a. to the Trade Act (main Act relevant for industrial installations) and various state-IPPC-Acts are still lacking.

Implementation of the Energy Efficiency Directive

End of May, after a breakdown of negotiations between the Conservative Party and the Greens, a bill designed to implement the Energy Efficiency Directive (*Energieeffizienzgesetz*) requiring a two-thirds majority has failed. Points at issue were, i.a. the saving targets, the energy supplier obligation scheme, exceptions concerning traffic and public buildings and provisions and action against energy poverty.

A new bill will be drafted not until after national elections have been held in autumn.