

Umweltstrafrechtliche Bestimmungen im StGB – englische Übersetzung¹

(§§ 177d und e, 180 bis 183 und 222 StGB)

Intentional unauthorized dealing with substances that contribute to a reduction of the ozone layer

§ 177d. Any person who in violation of a statutory provision or an official order produces, imports, exports, puts into circulation, or uses substances that contribute to a reduction of the ozone layer is liable to imprisonment for up to one year or a fine not exceeding 720 penalty units.

Grossly negligent unauthorized dealing with substances that contribute to a reduction of the ozone layer

§ 177e. Any person who grossly negligently (§ 6 para. 3) and in violation of a statutory provision or an official order commits one of the offences under § 177d is liable to imprisonment for up to six months or a fine not exceeding 360 penalty units.

Intentional damage to the environment

§ 180. (1) Any person who in violation of a statutory provision or official order contaminates or otherwise damages waters, the ground, or air in a manner capable of causing

1. a danger to the life or a serious assault (§ 84 para. 1) to another or to the health or physical safety of a larger number of people, or
2. a substantial hazard for animal or plant populations, or
3. a deterioration of the quality of waters, the ground, or of air quality for a long period of time, or
4. disposal or removal costs, damage to property belonging to another or to a heritage-listed thing or to a natural landmark exceeding 50,000 Euro

is liable to imprisonment for up to three years.

(2) The person is liable to imprisonment for six months to five years if the offence causes significant damage to animal or plant populations, the deterioration of waters, the ground, or air for a long period of time, or disposal or removal costs, damage to property belonging to another or to a heritage-listed thing or to a natural landmark exceeding 50,000 Euro. If the offence causes any of the results mentioned in § 169 para. 3, the penalties under that provision apply.

Negligently causing damage to the environment

§ 181. (1) Any person who negligently and in violation of a statutory provision or an official order commits one of the offences under § 180 is liable to imprisonment for up to one year or a fine not exceeding 720 penalty units.

(2) The person is liable to imprisonment for up to two years if the offence causes significant damage to animal or plant populations, the deterioration of waters, the ground, or air for a long period of time, or disposal or removal costs, damage to property belonging to another or to a heritage-listed thing or to a natural landmark exceeding 50,000 Euro. If the offence causes any of the results mentioned in § 170 para. 2, the penalties under that provision apply.

Serious noise pollution

§ 181a. Any person who in violation of a statutory provision or an official order produces noise of such volume or in such circumstances that the conduct causes ongoing and serious interference with the health of many people is liable to imprisonment for up to six months or a fine not exceeding 360 penalty units.

¹ Schloenhard/Höpfel (Hg./eds.) – Strafgesetzbuch/Austrian Criminal Code, Stand 1. September 2016, © NWV Neuer Wissenschaftlicher Verlag, Wien – Graz 2016

Intentional treatment or disposal of waste in a manner that is hazardous to the environment

§ 181b. (1) Any person who in violation of a statutory provision or an official order collects, transports, utilizes, or removes waste or who within a business supervises such operations or controls them in a manner capable of causing

1. a danger to the life or a serious assault (§ 84 para. 1) to another or to the health or physical safety of a larger number of people, or
2. a substantial hazard for animal or plant populations, or
3. a deterioration of the quality of waters, the ground, or of air quality for a long period of time, or
4. costs exceeding 50,000 Euro for disposal and removal

is liable to imprisonment for up to two years.

(2) The person is liable to imprisonment for up to three years if the offence causes significant damage to animal or plant populations, the deterioration of waters, the ground, or air for a long period of time, or disposal or removal costs exceeding 50,000 Euro. If the offence causes any of the results mentioned in § 169 para. 3, the penalties under that provision apply.

(3) Any person who, except for cases under para. 2, transports waste in more than merely minor quantities in violation of Article 2 para. 35 of Regulation (EC) No. 1013/2006 in shipments of waste is liable to imprisonment for up to one year or a fine not exceeding 720 penalty units.

Negligent treatment or disposal of waste in a manner that is hazardous to the environment

§ 181c. (1) Any person who negligently and in violation of a statutory provision or an official order commits one of the offences under § 181b is liable to imprisonment for up to six months or a fine not exceeding 360 penalty units.

(2) The person is liable to imprisonment for up to one year or a fine not exceeding 720 penalty units if the offence causes significant damage to animal or plant populations, the deterioration of waters, the ground, or air for a long period of time, or disposal or removal costs exceeding 50,000 Euro. If the offence causes any of the results mentioned in § 170 para. 2, the penalties under that provision apply.

(3) Any person who, except for cases under paras. 1 and 2, grossly negligently (§ 6 para. 3) transports waste in more than merely minor quantities in violation of Article 2 para. 35 of Regulation (EC) No. 1013/2006 in shipments of waste is liable to imprisonment for up to six months or a fine not exceeding 360 penalty units.

Intentional operation of a plant in a manner that is hazardous to the environment

§ 181d. (1) Any person who in violation of a statutory provision or an official order operates a plant in which dangerous activities are carried out in a manner capable of causing

1. a danger to the life or a serious assault (§ 84 para. 1) to another or to the health or physical safety of a larger number of people, or
2. a substantial hazard for animal or plant populations, or
3. a deterioration of the quality of waters, the ground, or of air quality for a long period of time, or
4. costs exceeding 50,000 Euro for disposal and removal,

is liable to imprisonment for up to two years.

(2) The person is liable to imprisonment for up to three years if the offence causes significant damage to animal or plant populations, the deterioration of waters, the ground, or air for a long period of time, or disposal or removal costs exceeding 50,000 Euro. If the offence causes any of the results mentioned in § 169 para. 3, the penalties under that provision apply.

Grossly negligent operation of a plant in a manner that is hazardous to the environment

§ 181e. (1) Any person who grossly negligently (§ 6 para. 3) and in violation of a statutory provision or an official order commits one of the offences under § 181d para. 1 is liable to imprisonment for up to six months or a fine not exceeding 360 penalty units.

(2) The person is liable to imprisonment for up to one year or a fine not exceeding 720 penalty units if the offence causes significant damage to animal or plant populations, the deterioration of waters, the ground, or air for a long period of time, or disposal or removal costs exceeding 50,000 Euro. If the offence causes any of the results mentioned in § 170 para. 2, the penalties under that provision apply.

Intentional damage to animal or plant populations

§ 181f. (1) Any person who in violation of a statutory provision or an official order kills or possesses specimens of a protected, wild animal species, who destroys their developmental forms, who removes them from their natural habitat, or who destroys or possesses specimens of a protected, wild, plant species or who removes them from their natural habitat is liable to imprisonment for up to two years unless the offence merely involves an insignificant number of specimens and only has insignificant consequences for the conservation of the species.

(2) Protected, wild animal species are those listed in Annex IV(a) of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora as well as the listed wild animals and plants species or one of the species listed in Annex I of Directive 2009/147/EC on the conservation of wild birds; protected, wild plant species are those listed in Annex IV(b) of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora as well as the listed wild animals and plants species.

Grossly negligently causing damage to animal or plant populations

181g. Any person who grossly negligently (§ 6 para. 3) and in violation of a statutory provision or an official order commits one of the offences under § 181f is liable to imprisonment for up to one year or a fine not exceeding 720 penalty units.

Intentionally causing damage to habitats in protected areas

§ 181h. (1) Any person who in violation of a statutory provision or an official order does significant damage to a habitat within a protected area is liable to imprisonment for up to two years.

(2) A habitat within a protected area includes any habitat that includes an area that has been declared a protected area by law or regulation under Article 4 para. 2 or Annex I of Directive 2009/147/EC on the conservation of wild birds or any natural habitat or any habitat involving an area that has been declared a specifically protected area by law or regulation under Article 4 para. 4 of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

Grossly negligently causing damage to habitats in protected areas

§ 181i. Any person who grossly negligently (§ 6 para. 3) and in violation of a statutory provision or an official order commits one of the offences under § 181h is liable to imprisonment for up to one year or a fine not exceeding 720 penalty units.

Other hazards to animal or plant populations

§ 182. (1) Any person who does an act capable of causing

1. the danger of the spread of an epidemic among animals or
2. the danger of the spread of a dangerous pathogen or parasite among animal or plant populations

is liable to imprisonment for up to two years.

(2) The same penalty applies to any person who in violation of a statutory provision or an official order creates a substantial hazard for animal or plant populations in a manner other than those listed in § 180.

Negligently creating a hazard for animal or plant populations

§ 183. Any person who negligently commits one of the offences in § 182 is liable to imprisonment for up to six months or a fine not exceeding 360 penalty units.

Animal cruelty

§ 222. (1) Any person who

1. crudely maltreats or unnecessarily torments an animal,
2. abandons an animal even though the animal is unable to survive in the wild, or
3. sics an animal on another animal with the intention that an animal suffers cruelty

is liable to imprisonment for up to two years.

(2) The same penalty applies to any person who, even if only negligently, by omitting to feed or hydrate animals in the course of transporting them, or in another manner, places animals into a state of agony for a longer period of time.

(3) The same penalty applies to any person who deliberately kills a vertebrate.