

## **Rights to freedom of peaceful assembly and association in the context of natural resource exploitation, facilitation of consultation and assemblies with stakeholders**

### **Input by Austria**

Within the context of both public and private projects which might have a significant impact on the environment and thus are subject to an environmental impact assessment (EIA) when deciding on their license permit, the public (concerned) has – according to the respective Austrian legislation – the right to participate in these administrative procedures on various levels. In particular, on the occasion of an EIA to be conducted for a project, the public has the right to establish a citizens' group which is entitled to participate in an EIA procedure enjoying locus standi. The legal requirements for the establishment of a citizens' group, such as a minimum number of 200 supporting persons having the right to vote in municipal elections in the host municipality or in a directly adjoining municipality, are fully in compliance with, e.g., the EIA directive of the EU and the provisions of the Aarhus Convention. The right to participate in such an EIA procedure includes the right to submit comments on the project, to inspect all the files of a procedure, to claim the observance of environmental provisions as a subjective right and to challenge a decision taken by the authorities.

Moreover, also environmental organizations, subject to the fulfillment of certain criteria as laid down in the Austrian EIA act, are entitled to fully participate in an EIA and license permitting procedure. The legal requirements for an environmental organization in order to be entitled to enjoy the locus standi are in compliance with the above mentioned international and European legal provisions and include, e.g., the criteria that its primary objective is the protection of the environment according to the association's statutes or the foundation's charter, that it is non-profit oriented under the terms of the Austrian Federal Fiscal Code, and that it has been in existence and has pursued the above mentioned objective for at least three years before submitting the application for its official recognition to be issued by the Federal Ministry of Agriculture and Forestry, Environment and Water Management in agreement with the Federal Minister for Science, Economic Affairs and Research. The status of locus standi of environmental organizations within an EIA procedure includes all the activities as mentioned above in the context of the rights of citizens' groups.

Subject to various conditions and criteria as laid down in the Austrian EIA act in accordance with the provisions of the UNECE Espoo Convention as well as with the Aarhus Convention and the EU EIA directive, also foreign environmental organizations are entitled to participate in Austrian EIA procedures and enjoy the locus standi. Thus, according to Austrian environmental law, the public (concerned), in particular organized groups of citizens have various legal possibilities to fully enjoy their rights to the freedom of expression, the freedom of assembly and association in the context of projects which include the exploitation of natural resources.