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Questionnaire on the IPPC-directive for the annual conference in Stockholm 2009

Austria

Analysis by Verena Madner
Chair-woman of the Independent Environmental Senate (Umweltsenat) /Ass. Prof. University of Economics (WU), Vienna.

The answers reflect the opinion of the author and are based on own research and conversions with experts.

Useful sources of information: Austrian Reports on the implementation of the IPPC-Directive to the Commission 2003 and 2006.
Justice and Environment - European Network of Environmental Law Organisations (Ed.), Integrated Pollution Prevention and Control; Legal Analysis (2007).

General questions about the implementation and application of the IPPC-directive and the role of the courts

1. How many IPPC-plants are there in your country?

585 Installations (reporting period 2003-2005[1])

2. In what way are questions concerning the application of the IPPC-directive brought to court (litigation, application for a permit, appeal of a permit decision, application for a summons, criminal offence)?

Appeal of a permit decision.

3. Which authority (authorities) issues permits according to the IPPC-directive? How far has the integration according to the directive reached? Can, in your country, one authority issue an IPPC-permit comprising the total environmental impact of the polluting activity (water, air, land, waste etc) or does the company (the applicant) have to send applications to different authorities?

General preliminary remarks:
Competences regarding environmental protection are fragmented in Austria. Both the federation and the federal provinces (Laender) are assigned legislative and administrative powers. Legislative competences of the federation are however predominant. The most important competences of the federal provinces in the field of

[1] 2nd Austrian Report on the implementation of the IPPC-Directive (2003-2005). Questionnaire 2003/241/EG.

environmental protection encompass nature preservation legislation and zoning law. Certain IPPC-installations - – primarily intensive livestock farming and energy production – are also subject to provincial law.

The division of competences is sometimes an impediment for the realisation of environmental issues and for the implementation of community directives. Austria therefore attempted to implement the IPPC-directive as part of an overall reform designed to standardise and centralize the regulatory framework for plant permits. The reform failed however, no Industrial Installations Environment Act was put into effect and Austria went on to implement the IPPC-directive by amending the sectoral laws on installations trying to implement an effective integrated concept and to establish the "one-stop-shop-principle":

In terms of Federal Law these relevant sectoral acts were:

- The Trade Act - the central and most comprehensive framework for plants permits (Gewerbeordnung – GewO 1994)
- The Waste Management Act (Abfallwirtschaftsgesetz – AWG 2002) and the
- Mineral Raw Materials Act (Mineralrohstoffgesetz – MinRoG)

For IPPC-plants within the scope of these Acts no separate or additional plant permits under federal law are required ("procedural concentration"). The permit requirements of other relevant federal Acts – for example – provisions of the Water Act (Wasserrechtsgesetz – WRG) must be applied in the permit procedure.

In terms of provincial law, several federal provinces issued IPPC-Acts to implement the directive within their field of legislation (primarily intensive lifestock farming and energy production). In some provinces the directive has been implemented by amendments of sectoral regulations.

<u>As regards IPPC-plants, the Trade Act (GewO) has the most comprehensive scope of application. In answering this questionnaire the Trade Act (GewO) was therefore chosen as a main reference.</u>

Competent authorities/Scope of integration:

IPPC-plants under the Trade Act:

For IPPC-plants under the Trade Act the Regional Administrative Authority (Bezirksverwaltungsbehörde) is the competent authority for the concentrated procedure.

Despite the far-reaching scope of the Trade Act, operators may nevertheless have to obtain permits under other environmental laws: In the field of Federal Law for example a separate permit is required for a clearing. In the field of Provincial Law separate permits may be required under the zoning and building law rules (Bau-und Raumordnungsrecht) or the Nature and Countryside preservation legislation (Natur- und Landschaftsschutzgesetze). In this cases the licensing procedure under the rules of the Trade Act and the procedures under the other relevant (provincial) laws have to be coordinated by the competent authorities.

IPPC-Waste Management installations and IPPC-plants that require an EIA:

A fully concentrated procedure with only one competent authority issuing permits under various federal and provincial laws is established for IPPC- Waste

Management Facilities by the Waste Managment Act and – even more comprehensive - for IPPC-installations that require an environmental impact assessment pursuant to the Environmental Impact Assessment Act (Umweltverträglichkeitsprüfungsgesetz – UVP-G 2000).

Competent authority for waste management installations is the State Govenor (Landeshauptmann).
Competent authority for IPPC-plants that require an EIA is the State Government (Landesregierung).

IPPC-plants in the area of provincial law:
In the field of provincial law (esp. Intensive livestock farming, energy production) the regional administrative authority (Bezirksverwaltungsbehörde) generally issues the IPPC-permit.

4. Which authority or court hears appeals against IPPC-permits? What competence does the authority or court have to change/amend a permit? Can it for example decide about new or changed conditions? Can it just withdraw the permit or parts of the permit?

Authority/Court:
The independent administrative tribunal (Unabhängiger Verwaltungssenat -UVS) hears appeals against IPPC-permits[2]. If the IPPC-plant is also subject to an EIA, the independent environmental senate (Umweltsenat - US) hears appeals against the permit.

Against decisions of these appellate tribunals a petition to the Supreme Adminstrative Court (Verwaltungsgerichtshof) may be filed.

Competence
The appellate authorities (UVS, US) may change and amend a permit in any respect. The Supreme Administrative Court is a court of cassation and can generally just withdraw the permit.

5. Who – in addition to the operator of the plant - can bring a case concerning IPPC-matters to court by appealing against an IPPC-permit? What about for example people living in the neighbourhood, NGO:s and authorities on different administrative levels (local, regional, national)? What kind of obstacles are there for them to bring a case to court; for instance different kinds of procedural costs?

Who can bring a case to court by appealing?

The right of appeal against a permit decision is granted to parties of the permit procedure. In addition to the operator of the plant mainly neighbours and environmental NGOs are parties of the IPPC-procedure and may appeal against the permit decision to the UVS. In addition to these parties the right to appeal against an IPPC-permit is also granted for example to the State Governor in respect of water management issues (Landeshauptmann als wasserwirtschaftliches Planungsorgan).

[2] § 359a GewO (Trade Act)

Neighbours who are parties of the procedures may as well as the State Governor (concerning water management issues) file a petition to the Supreme Administrative Court against the appellate-decision of the UVS. NGOs are not entitled to file a petition to the Supreme Administrative Court.

Regarding the permit procedure for IPPC-installations under the Austrian EIA-Act in addition to the neighbours and to NGOs the position of parties and also the right to file a petition to the Supreme Administrative court is granted to the Environmental Warden/Ombudsman (Umweltanwalt) , in some cases to ad-hoc local associations of concerned citizens (Bürgerinitativen) and to local/municipial government authorities (Standortgemeinde).

Prerequisites/limitations/obstacles

Neighbours have standing if they are directly affected by the installation[3]. In order not to lose standing neighbours have to submit opposing comments to the IPPC-consent request in due time. If an issue is not brought up in time or if the comments are not duly specified, neighbours lose respective standing.

In general the right of neighbours to appeal is limited in so far as public interest legislation is not included. For example emission limit values according to BAT, the obligation to use energy efficiently or obligations concerning nature preservation are considered as public interest legislation that is not subject to neighbour rights.

NGOs have standing if they are registered at the Austrian Ministry for Environment. Once a NGO is registered according to a procedure regulated in the Austrian EIA-Act, it has the right to have standing in all EIA and IPPC- proceedings. In order to obtain standing NGOs have to submit written comments opposing the issuing of an IPPC-permit within a six-week period of public display of the IPPC-consent request. Contrary to neighbours NGOs may also raise issues of public interest legislation: They are entitled to appeal against any violation of environmental legislation. They are however not entitled to contest the appellate-decision at the Supreme Administrative Court.

Neither neighbours nor NGOs have the right to appeal, where authorities fail to issue orders for a review and update of an IPPC-permit (see below Question 7).

In the permit procedure official experts and sworn-in external experts will be consulted by the authorities. The Supreme Administrative Court holds that an expert opinion is to be replied on “equivalent expert level”. Costs to produce an adequate expert opinion are considerable for NGOs and neighbours.

NGOs claim it is difficult to raise funds concerning the participation in permit procedures (IPPC as well as EIA-procedures) as these matters are not easily conveyed in public relation campaigning. Their demand to establish a public fund to facilitate participation in permitting procedures has so far been rejected.

[3] See § 75 Trade Act/GewO: Persons who by the construction, existence, operation of the installation are threatened or disturbed or whose property or material rights could be at risk.

6. On what basis is decided what is considered to be the best available technique (BAT) in a certain case? What is the role of the BREF documents?

General instructions on how to determine BAT can be found in the Trade Act[4] (and respectively in other relevant legislation e.g. Waste Managment Act, Water Act, Mining Act). According to this provisions in particular comparable techniques, facilities and operation methods must be consulted, which are most effective in achieving a high level of protection of the environment as a whole. Cost-benefit analyses as well as the precautionary principle are to be taken into account. Consideration shall be given to the criteria established in Annex IV of the IPPC Directive and to the BREF documents

In a certain case BAT will be determined on the basis of general binding rules and/or on the basis of official expert reports.

Generally binding rules have been established on the basis of the Trade Act, Waste Management Act and Water Act: On the basis of the Waste Management Act orders have been issued e.g. for the Incineration of Waste or for Landfills. On the basis of The Water Act a number of orders on the limitation of effluent emissions from specific sectors (Abwasseremissionsverordnungen) has been issued (e.g. for paper production, iron and steel, tanneries). On the basis of the Trade Act e.g. orders have been issued for various industrial sectors (Branchenverordnungen) as e.g. cement production, foundries, production of glass or paper. In several cases however these orders for particular branches are not up to date (the order for foundries for example has been issued in 1994) and hence do not necessarily reflect today´s BAT. New orders have been released more recently for cement production and for iron and steel.

In the permit procedure authorities will consult an official expert. If no binding rules exist, non-binding guidelines will be taken into consideration. These are BREFS, as well as for example standards published by the Austrian Standards Institute (Ö-Normen), working documents from the Austrian Water and Waste Management Association or from the Austrian Umweltbundesamt.

7. Is there a time limit for the IPPC-permit, or is the permit valid for ever? Is the permit holder obliged to apply for a new permit after a certain time period? Can a supervisory authority issue injunctions which go further than the conditions of the permit as regards environmental matters? Under what circumstances can a supervisory authority request a review of the permit and its conditions?

According to the Trade Act there is no general time limit for the IPPC-permit. There are however several circumstances where a review and update of the IPPC-permit and its conditions take place[5]:

The holder of an IPPC-permit must check within a period of ten years whether BAT have changed substantially and if necessary must immediately adopt the necessary measures (taking into account cost-benefit considerations). Authorities have to be informed on the BAT-changes and the measures taken. If insufficient measures have

[4] § 72a and Annex 6 Trade Act (GewO).
[5] § 81b GewO (Trade Act)

been taken by the permit-holder, authorities that issued the permit have to impose the necessary conditions by decree. Thus the permit may be changed.

Even before the expiry of the ten years-review period authorities have to order new conditions:

- if substantive changes in BAT have taken place that will lead to significant pollution prevention without causing disproportionate costs
- or, if operation safety requires the application of a different technology.

If, before the end of the ten years review period the installation causes environmental pollution to an extent that new emission values have to be established the permit holder has to present a restructuring and decontamination concept and apply for a new permit concerning the relevant changes.

Permits according to the Water Act have to specify a time limit (not exceeding 90 years) for the usage or impairment of water[6]. Authorities have to specify the frequency of reconsideration in the permit (at least every 5 years)[7].

8. Is the choice of the localisation of an IPPC-plant considered in the same process as the IPPC-permit and the conditions for the permit? Or is the localisation decided in a separate process according to another legislation? In that case; which comes first, the decision on the localisation or the IPPC-permit?

The choice of the localisation of an IPPC-plant is usually considered in the process of granting a building permit according to provincial legislation (planning and construction law – Bau- und Raumordnungsgesetze der Länder). As mentioned above (Qu.3) the competent authorities have to coordinate the permit procedure and the issuance of the permit. In order to enable effective coordination provincial legislation in several provinces obliges the applicant to a building permit to simultaneously apply for (IPPC-) Trade Act-permits.

9. Are the EIA-directive (Council Directive of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, 85/337/EEC) and the IPPC-directive implemented in the same legislation in your country, so that you in one single process get a permit that fulfils the demands of both directives? If not so; how is the EIA-directive implemented? For example in a special legislation, in planning and building legislation or otherwise?

The EIA directive has been implemented by a special act of legislation – the EIA-Act (UVP-Gesetz 2000). If an EIA is necessary, all other permit proceedings (according to federal as well as to provincial legislation) are integrated into the permit procedure of the EIA-Act. The authority competent for the EIA has to apply all relevant legislation and has to verify, if requirements of the relevant legislation are fulfilled. The EIA-authority therefore also applies the relevant IPPC-legislation and issues a permit that covers all IPPC-matters.

[6] §§ 21 , 32 WRG (Water Act).
[7] § 134 Abs 3 WRG (Water Act).

Whether an IPPC-plant also requires an EIA according to the Austrian EIA-Act is settled in Annex I of the EIA-Act. Whereas most IPPC- waste management facilities also require an EIA, the EIA-thresholds for production plants are often higher than those of the IPPC-directive, nevertheless an EIA may be necessary in sensitive areas (E.g. Natura-2000 sites; areas where air quality standards are not met).

10. Suppose an existing IPPC-plant wants to double its production and that this will be done by duplicating most of the process equipment. The plant will thus consist of an old and a new line of production, but some equipment that is necessary for environment protection will be parted so that it is used by both lines. The application concerns only the increase of production (the new line) and not the whole production (both old and new line). How does the permit authority handle this situation? Does it issue a permit concerning only the increased production (the new line)? Or does it demand a new application concerning the whole production (old and new line)? Or what? (See article 12.2.) This question can be considered in light of the EIA-directive, which demands the assessment of a project as a whole (and no cutting of the salami!).

It all depends on what negative effects the extension is supposed to have:

If the extension may have significant negative effects on human beings or the environment the decision of the authority must cover the old line too, insofar as this necessary in order to ensure that the installation meets the general principles for IPPC-plants (above all pollution prevention according BAT)[8]. If necessary, the authorities will demand an amended application.

If the extension may not have effects on human being but is supposed “only” to have negative effects on the environment, the change is not subject to a permit procedure. The extension must however be reported to the authority, who has to take notice of the reported extension by a decree – if necessary on conditions[9]. These conditions may also relate to the old equipment that is used by the new line. There is however no general rule in the Trade Act that will ensure that authorities take the existing line into account as well.

If the extension will not have negative effects on the emission limit values of the existing permit, the extension will not be subject to a permit at all[10]. In a case where the processing equipment is duplicated, it is however not likely that the emission limit values of the existing permit will still be met - unless the existing permit is based on outdated conditions or parts of the old line are closed down. (as regards updating of permit conditions considering substantial changes in BAT see above Question 7).

11. Can the permit authority decide on conditions based on BAT, even if the application only describes environment protection measures that are less strict? How does the authority handle applications that are not based on BAT?

In this case the permit authority will issue the permit on conditions based on BAT. (With regard to the relevant parameters to be taken into consideration see above Question 6).

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[8] § 81a Abs 1 and § 77a GewO (Trade Act).
[9] § 81a Z 2 GewO (Trade Act).
[10] § 81 Abs 2 Z 9 GewO (Trade Act).

Applicants will however usually consult authorities before they submit an application. Authorities usually offer consulting workshops (Anlagensprechtage) for applicants, where expert information on permit requirements can be obtained. BREFS are available on the website of the Federal Ministry for Trade.

12. If there are national general rules on emission standards that do not match BAT, how are they applied by the permit authority?

The Trade Act specifies that in the permit decision for an IPPC-plant the authority has to ensure that all suitable precautionary measures to prevent pollution, especially by application of BAT are taken. It is further specified that in any case emission limit values for specific pollutants must be included in the permit decision. Authorities will consult official experts, who have to suggest appropriate measures according to BAT.

13. How does existing industries meet the demands of the IPPC-directive in your country? Who has the responsibility to make sure that the requirements are met? Is it the supervisory authority, the operator of the plant or someone else? What are the consequences if an existing industry does not meet the requirements? Can it be closed? Or is a certain time period accepted before measures? How long? (See article 5.)

By the end of October 2007 a number of 81% of existing installations had been adapted to meet the demands of the IPPC-directive[11].

In regard of the Trade Act, the operator of the plant has to make sure that the requirements are met. The operator has to report to the authorities on any adapting measures taken and must apply for a permit in case of substantial changes. If insufficient measures have been taken by the permit-holder, authorities have to impose the necessary conditions by decree.

If the necessary updating conditions specified in the decree are not met, the authority has to issue decrees to achieve lawful operation[12]. This may result in closing down machines or in a shutdown of the plant in whole or in part (See below Question 14). Notwithstanding these mandatory and safety measures authorities have to impose administrative penalties.[13]

If the essential characteristics of an existing installation have to be changed in order to ensure that the installation operates in accordance with the IPPC-directive, authorities have to grant “a reasonable period of time” to the permit-holder in order to submit a restructuring and decontamination concept. The permit of this concept may grant an “adequate” time limit for the necessary measures to be taken.

In regard of the Trade Act, there is no specific sanction and hence no basis for temporary mandatory and safety measures, if the permit-holder does not submit a notification on the necessary updating measures or a restructuring and decontamination concept in due time. There is however a “catch-all clause that allows for administrative penalties in such cases[14]. (In regard of consequences when updating conditions are not met, see above.)

[11] Study on Austrian Industries, Umweltbundesamt (2007).
[12] § 360 Abs 1 iVm § 367 Z 25 GewO (Trade Act).
[13] Up to EUR 2.180. § 366 GewO (Trade Act).
[14] Up to EUR 1.090. § 368 GewO (Trade Act).

14. Which authority is supervising IPPC-plants? How often do inspections take place? What enforcement policy do they have (warnings, injunctions, sanctions an so on)? Which type of sanctions can be applied in case of violations?

In regard of the Trade Act the regional administrative authority is the competent authority not only to issue the permit but also to supervise IPPC-plants. No general time limit or period of inspection for the authority is specified by the Trade Act. Holders of a permit have to have checked the legal compliance of the installation by authorized staff, civil engineers or institutes regularly every five years.

Specific obligations for inspections by the authorities and for monitoring and reporting duties of the permit holder may arise from other regulations such as the Emission Control Act for Boiler Installations or from sectoral orders. Obligations for inspection and reporting will often be specified in the permit decision.

In any case inspections of the authorities have to take place on suspicion that the plant is operated unlawfully (above all: non compliance with conditions of the permit or non compliance with general binding rules). In this case[15] - notwithstanding the imposition of administrative penalties[16] – the authority has to issue decrees to achieve lawful operation. This may result in closing down machines or in a shutdown of the plant in whole or in part. In case of immediate danger and private nuisance the authorities may even immediately shut down the plant in whole or in part. In this case a written decree has to be issued within one month.

[15] § 360 GewO (Trade Act).
[16] § 366 GewO (Trade Act)

An example

A new tannery is going to be built in your country. The tannery will have a production that exceeds 12 tonnes per day and is thus an IPPC-plant.

1. What kind of authority or authorities (local, regional, central) will handle (examine, review) the application and issue the permit?

The regional administrative authority (Bezirksverwaltungsbehörde) will handle the application and issue and review the permit. Official experts will be consulted in the proceedings.

2. Will the application include an EIS according to the EIA-directive?

An EIS will only be necessary if the tannery is subject to an EIA according the Austrian EIA-Act. This will only be the case, if:

- the tannery has a production that exceeds 20.000 tonnes per year
- or if the tannery is located in or near a residential area and has a production that exceeds 10.000 tonnes per year

  Until today no permit for a tannery has been permitted according the Austrian EIA-Act.

In any case - even if no EIA and therefore no EIS is necessary - the applicant has to provide detailed information: The application must include information on the expected emissions (sources, kind, amount, environmental effects, measures to avoid them, surveillance measures). The application should also include other measures necessary to fulfil the permit requirements. The applicant has to present the most important alternatives that were taken into consideration and has to provide a comprehensive summary of all provided data.

3. Will the permit authority/authorities try the localisation of the plant in the same process as the IPPC-questions?

Yes, generally the proceedings should be coordinated. See Question 8 above.

4. Are there any procedural costs for the tannery operator?

Yes.

The tannery operator first of all has of course to bear any costs arising from production of documents necessary for the application (for example costs for consultants).

Furthermore the tannery operator has to bear administrative fees for issuance of the permit, administrative fees for the application including supplementary documents, for written records of the procedure and for official acts during the permit procedure (for example inspections or public hearings).

Fees vary according to Federal Law or the law of the relevant state. Usually even for large installation those administrative fees will often not exceed EUR. 10.000. Much higher costs may arise, if no official expert is available at the competent authority and a sworn-in external expert has to be consulted. In the case of a tannery this is rather unlikely to happen.

For example: Fees for the issuance of the permit under the Trade Act will range from EUR 43 to EUR 490 depending on the output of the motors used in the plant.[17]Fees for the application and for records depend on how many sheets of paper are required and may amount to several thousand Euros[18]. Fees for public hearings or inspections according the duration of the official act: Fees vary according to the relevant state Law and according to the number of officials involved. In Upper Austria for example[19] EUR 10 will be charged per half hour for each official of the regional administrative authority involved in the official act.

5. Does the permit authority normally ask other authorities on different administrative levels in the permit process for their opinion on the application?

The permit authority (the regional administrative authority) has to consult experts from all areas affected. The local government of the municipality of the site has also to be consulted.

6. How does the permit autorithy ensure public participation? Can for example people state their view in writing, by e-mail, in a public hearing or otherwise?

The Trade Act provides special regulation on public participation in IPPC-procedures[20].

The permit authority has to announce the application and additional pertinent information in two major regional newspapers and on the website of the authority. The application for the new tannery and supplementing documents and information must be made available at the authority for a period of six weeks. Within this period everyone can make comments to the application.

[17] Tarif B X 10 Z 145 § Bundesverwaltungsabgabenverordnung 1983
[18] § 14 Gebührengesetz 1957.
[19] OÖ Landes-Kommissionsgebührenverordnung 2001.
[20] § 77a et seqq and § 356a et seqq Trade Act (GewO).

7. The permitting authority will issue the permit on certain conditions. Mark with an X the in the table what kind of conditions that might be laid down. And please make good use of the "remark"-column, with for instance examples of conditions!

Kind of condition	**Yes**	**No**	**Remark**
conditions concerning the tanning technology itself (clean production)			In the application the applicant has to describe the planned installation including the tanning technology and the cleaning technology that is supposed to be used. In granting the permit authorities must not alter these characteristics of the installation. If the installation does not meet the permit requirements unless essential characteristics will be changed, the applicant will have to submit a revised application.
conditions concerning the cleaning technology (end of pipe solutions)			**see above**
limit values for water pollutants	**x**		
limit values for air pollutants	**x**		
conditions concerning solid wastes	**x**		
limit values for noise	**x**		
limit values for energy consumption	**x**		
conditions concerning transports to and from the plant		**x**	Conditions concerning transport could only be laid down insofar as traffic on the site of the tannery is concerned and those conditions would mainly concern noise or dust. Transport to and from the plant on public roads, is not subject to the permit procedure and no conditions could be imposed. If the tannery requires an EIA conditions concerning transport to and from the plant could be laid down. (A very recent judgment of the Supreme Court of Administration rules however that even in the EIA procedure the negative effects of transports to and from a plant is no relevant effect to be considered in the screening decision.)
conditions about what chemicals that are not to be used in the production	**x**		
conditions concerning the control of discharges	**x**		

Other questions	**Yes**	**No**	**Remark**
can the setting of conditions be postponed in the permit?		**x**	No, the setting of conditions may not be postponed. The authority may however approve, that certain conditions do not have be met immediately when the installation is put into operation but at a definite date later, according to the time necessary for the implementation of the conditions. This is however only possible, if no objections in view of health risks arise.

can stricter conditions than what is stated in the BREF-document be set?	**x**		

8. If the permit authority wants to prescribe a condition on the maximum discharge of chromium to water from the tannery, on what basis is the level of the discharge decided?

According to the Austrian Water Act, the Federal Minister for agriculture, forestry, environment and water management is competent to issue sectoral effluent emission orders (AEV). The relevant order for tanneries was issued in 1999[21] and revised in 2007[22] and contains i.a. maximum discharge levels for chromium relevant for new and (after a period of transition) also for existing tanneries

The level of the discharge for the new tannery will be decided on the basis of the effluent emission order for tanneries (AEV Gerbereien) and on the basis of the opinion of specialist official experts to be consulted in the permit procedure.

9. Who can appeal the permit and to whom?

Who can appeal?
With regard to the Trade Act:

- The applicant,
- Neighbours (who have submitted opponent remarks in due time) regarding their neighbour-rights,
- Registered NGOs (who have submitted opponent remarks within the six-week period of public announcement of the application).
- The provincial governor (Landeshauptmann als wasserwirtschaftliches Planungsorgan) regarding water management interests

To whom?

To the independent administrative tribunal (Unabhängiger Verwaltungssenat - UVS) of the province the tannery is situated in.

Against the decision of the UVS a petition to the Supreme Administrative Court may be filed by the applicant, neighbours and – concerning water management interests – also by the provincial governor. The applicant and neighbours may file a petition concerning the infringement of constitutional rights.

[21] Federal Law Gazette (BGBL) II 10/1999.
[22] Federal Law Gazette (BGBl) II 261/2007.