



MINISTRY
OF RURAL DEVELOPMENT

ICOMOS–IUCN Advisory Mission

to the World Heritage property „Fertő-Neusiedlersee Cultural Landscape”

Sarród, 14 May, 2013

**Environmental Impact Assessment procedures of
wind farm projects planned in Burgenland**



Ministry of Rural Development
Department of Environmental Protection

- Coordinates transboundary Environmental Impact Assessment (EIA) procedures
 - (Directive 85/337/EEC of the Council on the assessment of the effects of certain public and private projects on the environment)
 - Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment
- Coordinates procedures carried out according to the Espoo Convention
 - Convention on Environmental Impact Assessment in a Transboundary Context done at Espoo (Finland), on 25 February 1991



Transboundary EIA procedures

Notification according to the Convention / Directive
Party of Origin → Affected Party

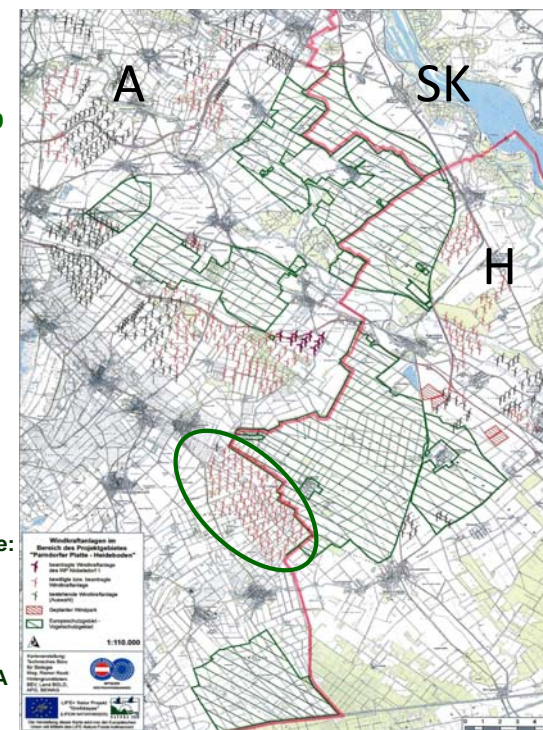
? any significant transboundary environmental effects ?

no → no further steps
no procedure
yes → Participation in the environmental authorisation procedure

- no further steps
no procedure
- Participation in the environmental authorisation procedure
- Information of public concerned
 - Announcement of documentation
 - Public hearing
 - Expert reviewing
 - Expert consultation
 - → official standpoint of the Affected Party
 - remarks / comments
 - suggestions
 - mitigation and compensation measures
 - no veto
 - should be included into the environmental/construction licence

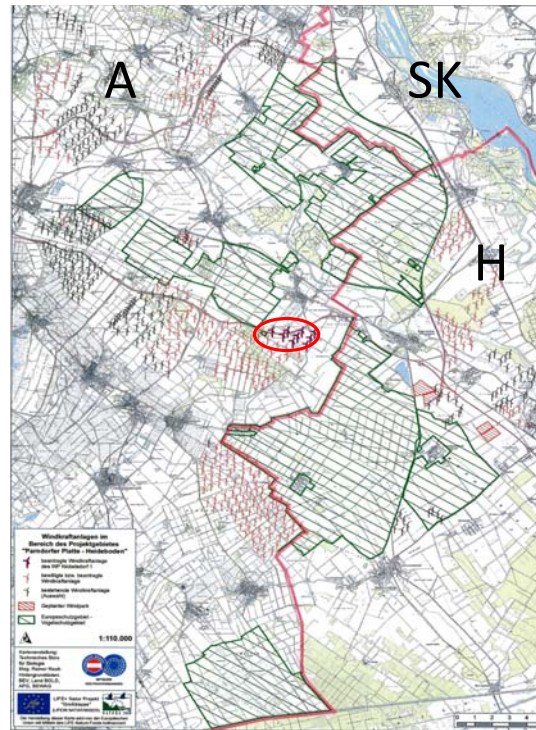
Andau-Halbturm

- 93 wind turbines (4 on the state border)
- HU requested notification
- EIA procedure 21 July, 2010-16 Nov, 2010
- Nature conservation concerns
 - HUFH 10004 community protected (Natura 2000) site
 - habitat & nesting place for *Bustard*
 - hunting ground for *Imperial Eagle, Falcon, Red-footed Falcon, White-tailed eagle*
 - risk of collision
 - habitat loss
- 17 Sept 2010 → review on EIS
- 21 Oct, 2010 → expert consultation
 - compensation
- 16 Nov, 2010 → construction permit
 - 29 Nov, 2010 Ger; 11 Jan, 2011 Hun
- missing steps to close the EIA procedure:
 - public hearing
 - 3 additional docs (received 18 Nov, 2010)
 - finalising MoM
 - official Hungarian standpoint on EIA
- letter of HU Minister Apr, 2011 (reply: 4 Jan, 2012)



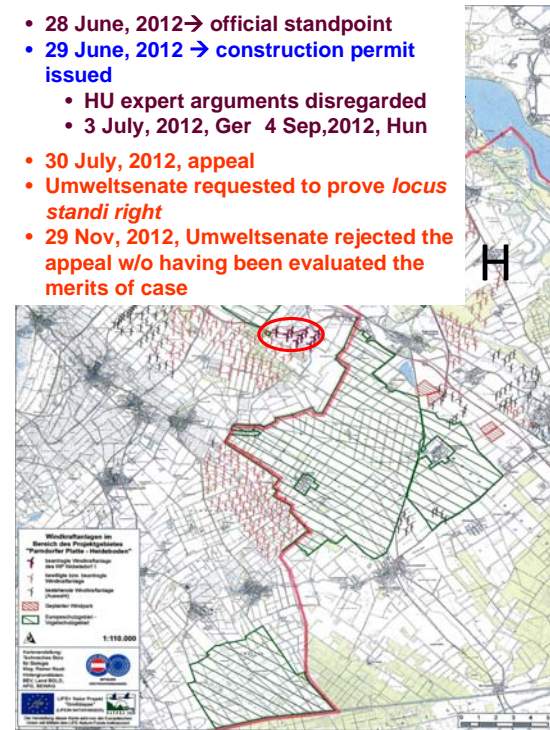
Nickelsdorf 1

- 9 wind turbines
- 1500-3500 m close to the state border
- Espoo notification
- EIA procedure 8 Nov, 2011-28 June, 2012
- nature protection concerns
 - HUFH 10004 Natura 2000
 - habitat and nesting area of *Bustard*
 - hunting ground for *Imperial Eagle, Falcon, Red-footed Falcon, White-tailed eagle*
 - risk of collision
 - habitat loss
 - cumulative effects
- 27 Jan, 2012 → review on EIS
- 9 March, 2012 → public hearing
- 19 April, 2012 → expert consultation
 - same compensation measures as Andau project
 - no monitoring programme
 - additional docs needed (20 April-13 June, 2012)
- 31 May, 2012 State Secretaries of AT-HU
 - promise to re-negotiate compensation measures



Nickelsdorf 1

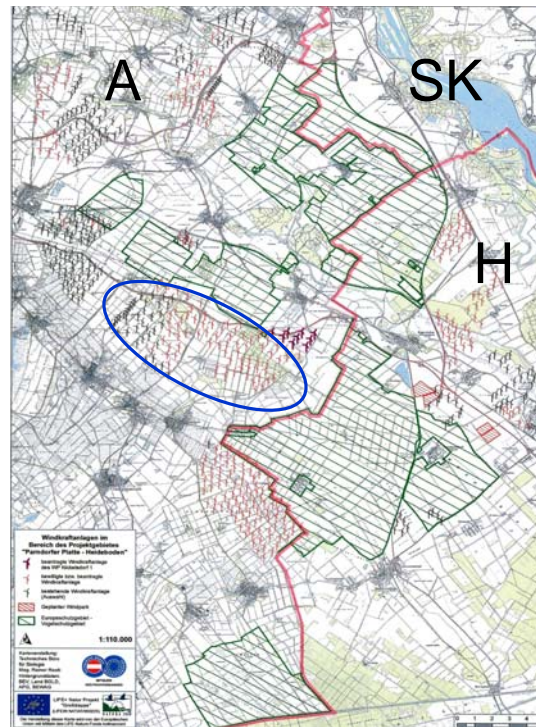
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- 28 June, 2012 → official standpoint
- 29 June, 2012 → construction permit issued
 - HU expert arguments disregarded
 - 3 July, 2012, Ger 4 Sep, 2012, Hun
- 30 July, 2012, appeal
- Umweltsenate requested to prove *locus standi* right
- 29 Nov, 2012, Umweltsenate rejected the appeal w/o having been evaluated the merits of case

Karlwald-Mönchhof

- 47 wind turbines
- Easternmost towers closer to the state border than Westernmost ones of Nickelsdorf 1 project
- no Espoo notification
 - Hungary excluded from the authorisation process
- legally binding construction permit
- HU received info by chance
 - at public hearing of Nickelsdorf 1 project



Andau-Halbturm

- 93 turbines (4 on state border)

Nickelsdorf 1

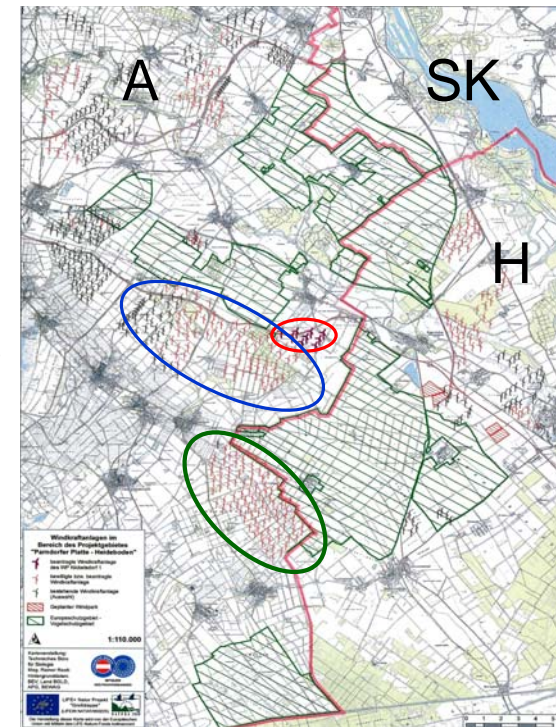
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Karlwald-Mönchhof

- 47 turbines

- > same affected area, cumulative effects
 - salami slicing?
 - legal EU Directive prohibits
- > Compensation measures only in case of Andau-Halbturm project (!)
 - Austria:
 - 2 ha. lea-land/turbine
 - = 150 ha.; so far done 115 ha.
 - Hungary:
 - 10,5 km overhead cable → grounded cable or 52 ha. lea-land and
 - 7,5 ha. lea-land

→ Aug, 2012, proponent showed up at regional inspectorate in terms of HU side compensation measures



Problem

- Austria as Party of Origin impedes Hungary
 - to participate in the international authorisation process in a constructive way
 - to exercise its interest with a legal effect based on Espoo Convention and EU Directive
- ➔ Excluding Hungary from the international and EU rights threatens irreversible damage to nature on its territory

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Solution

if Austria...

- **stops the authorisation and construction processes** of the wind farm projects concerned;
- **restarts the Environment Impact Assessment procedures;**
- **re-opens negotiations** with Hungary on the planned areas of all wind farms being part of this project complex;
- **sets further nature conservation mitigation measures** on community protected species of *Bustard*, *Imperial Eagle*, *Saker Falcon* living in the Hungarian territory and **gives warranty of implementing** these measures;
- **sets obligatory monitoring** enquiry in the affected area of the wind farms including **mortality and habitat loss** of the species concerned;
- **sends notification** on all projects initiated **within 3 km** distance from the state border in the future;
- holds **harmonised negotiations** with the Hungarian nature conservation authorities already in the planning phase in cases of similar future projects

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Thank you for your kind attention!