

Sustainable Policies and Legislation

International Survey and Development of a Procedure for Austria

Executive Summary

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Agriculture and Forestry, Environment and Water Management**



This study consists of two parts: The first part of the study surveys several international SIA approaches, also called sustainability appraisal, integrated assessment or triple-bottom-line assessment, the leading instruments to make strategic actions more sustainable. The second part of the study deals with the development of first ideas for a procedure for developing highly sustainable policies and legislation at national level in Austria, building on the international experiences.

Following the various existing definitions, SIA could be defined as a systematic and iterative process for the ex-ante assessment of the potential economic, social and environmental impacts of strategic actions, undertaken during their preparation (s. George, C., 2002; Wilkinson, D. et al., 2002). The study focuses on the highest level of decision making, the level of policies and legislation. In Austria, this level still lacks appropriate procedures. At the level of strategic plans/programmes strategic environmental assessment (SEA) is being established for the integration of environmental aspects and at the level of projects environmental impact assessment (EIA) is widely used.

The first part of the study surveys several international SIA approaches. One of the most important tools is the impact assessment tool of the European Commission, used since 2003 for assessing its own policies and legislation. Furthermore, at EU level, DG trade is carrying out a large scale SIA for the WTO negotiations. In the UK, SIA is widely used in various forms and at several levels (national, regional, local) for policies, legislation, plans and programmes. The Netherlands have been appraising their regulations since the early 1980s, concerning their environmental, business, practicability and enforceability effects. In 2003, they revised their procedures building on long time experiences. Furthermore, they are developing an SIA approach for plans and projects. In Denmark, bills and other government proposals are assessed concerning their environmental, financial, administrative and economic effects. Norway, in turn, follows a very comprehensive approach for assessing all government proposals to the Parliament: their consequences on the environment, the business sector, the regions, public health, gender equality, human rights and consequences in relation to the objective of simpler regulation are assessed in a sectoral approach. In Finland there is a clear tendency towards SIA, both for policies, plans and programmes, for which SEA is mandatory, and for legislative proposals, for which environmental, economic, administrative, organisational, regional and other impacts have to be assessed. Most of these Finnish assessments follow a quite participatory approach. In Switzerland, recently SIA was developed for policies, legislation, plans and programmes at national and at regional level, trying to integrate the three dimensions of sustainability. In Sweden, SIA is used for plans and programmes, rather than for legislative proposals. First approaches for SIA are also known from France and from Germany. Outside of Europe, SIA exists in Western Australia, in Hong Kong, in Canada representing an enlarged SEA approach, as well as in South Africa and in the USA to some extent.

The second part of the study deals with the development of an Austrian procedure for developing highly sustainable policies and legislation at federal level. The procedure builds on four crucial conclusions drawn from the international experiences and Austrian discussions: The procedure should

- foster the integration of sustainability aspects during all development stages of policies and legislation, being fundamentally based on the Austrian strategy for sustainable development
- be based on good governance principles like transparency, participation, cooperation or consensus-building
- be mainly used as a pro-active development instrument to guide the process of elaborating sustainable policies and legislation, rather than a re-active assessment tool
- be used as a management tool for administration, working as a strategic guide for developing sustainable policies and legislation effectively and efficiently

The main aims of the procedure are quality assurance for policies and legislation concerning sustainability, assuring their coherence, fostering transparency within the development process and contributing to their effectiveness and efficiency. Stakeholder participation is a crucial element within the process: the ministries and interest groups concerned co-operate with the responsible ministry throughout the process in a working group.

The procedure comprises several steps. The main steps are defining aims, developing alternatives to reach these aims and to check the alternatives concerning their effectiveness and their sustainability.



Controlling is another step, carried out after the implementation of the policies and legislation. What is crucial is that sustainability aspects are integrated systematically in all steps of the process. The results of the process should be documented to ensure transparency.

Establishing this procedure for sustainable policies and legislation depends on good framework conditions, such as high level political commitment, all ministries providing working programmes for next year's activities as well as institutionalising sustainable development in all relevant ministries. The implementation of the tool should first start with pilot-projects.

