

Annex 1 – Specific national laws (excerpts)

Act on the Acceleration of the Use of Liquefied Natural Gas (LNG Acceleration Act - LNGG)

Section 1 Purpose

- (1) This Act serves to secure the national energy supply through the rapid integration of liquefied natural gas into the existing transmission network.
- (2) The provisions of this Act are intended to accelerate the approval of the construction and commissioning of the projects specified in Section 2 and the implementation of procedures for the award of public contracts and concessions for these projects.

Section 2 Scope of application

- (1) This Act shall apply in accordance with subsection (2) to the authorization of:
1. stationary floating installations for the import, unloading, storage and regasification of liquefied natural gas,
 2. stationary land-based facilities for the import, unloading, storage and regasification of liquefied natural gas,
 3. Pipelines that serve to connect installations in accordance with number 1 or number 2 to the gas supply networks (LNG connection pipelines) as well as pipelines that are absolutely necessary for the discharge of gas quantities from installations in accordance with number 1 (indirect LNG connection pipelines),
 4. Watercourse developments and watercourse uses that are necessary for the construction and operation of the facilities under number 1 or number 2, in particular harbors and jetties,
 5. Steam or hot water pipelines and boiler systems that are required for the operation of the systems referred to in number 1 or number 2,
 6. Gas pipelines that are directly adjacent to an LNG connection pipeline in accordance with number 3 and are absolutely necessary for the transmission of gas quantities from installations in accordance with number 1, including the compressors directly adjacent to these gas pipelines.

(2) This Act shall only apply to the projects specified in the Annex and to projects pursuant to paragraph 1 numbers 4 and 5.

(3) This Act shall also apply to the award of public contracts and concessions for projects pursuant to paragraph 2.

Section 3 Special interest

The projects pursuant to Section 2 (2) are particularly urgent for the secure supply of gas in Germany. The energy industry necessity and the need to guarantee the supply of gas to the general public are established for these projects. The fastest possible implementation of these projects serves the central interest in a secure and diversified gas supply in Germany and is necessary for reasons of overriding public interest and in the interest of public safety.

Section 4 Exemptions from the environmental impact assessment

(1) By way of derogation from Section 1 (4) of the Environmental Impact Assessment Act in the version published on March 18, 2021 (Federal Law Gazette I p. 540), which was last amended by Article 14 of the Act of September 10, 2021 (Federal Law Gazette I p. 4147), the authority responsible for the approval decision shall not apply the Environmental Impact Assessment Act in accordance with paragraphs 2 to 5 for projects pursuant to Section 2 (1) numbers 1, 3, 4 and 5 if accelerated approval of the specific project is likely to make a relevant contribution to overcoming or averting a gas supply crisis.

(2) If no environmental impact assessment is carried out in accordance with paragraph 1, the corresponding obligations of the applicants and tasks of the authorities regulated in specialist legislation shall also cease to apply.

(3) The other admission requirements according to the subject-specific regulations remain unaffected, unless otherwise stated in the following provisions of this Act.

(4) The following information shall be made available to the public before the authorization is granted:

1. the draft of the approval decision including the reasons,
2. the main application documents, including the documents describing the main effects of the project on the environment,
3. the reasons for granting the exemption under paragraph 1 from the requirements under the Environmental Impact Assessment Act.

The information must be made available for a period of four days by means of a display on the premises of the licensing authority and by publication on the licensing authority's website.

(5) The Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection shall inform the European Commission of the reasons for granting the exemption pursuant to paragraph 1 before issuing the authorization decision and shall provide it with the information that the competent authority makes available to the public pursuant to paragraph 4. To this end, the competent authority shall forward the information referred to in paragraph 4 to the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection in good time, at the latest four days before the decision on the authorization of the project.

Section 5 Requirements for the application of the Federal Immission Control Act and the Industrial Wastewater Treatment Plant Approval and Monitoring Ordinance

(1) The Federal Immission Control Act in the version published on May 17, 2013 (Federal Law Gazette I p. 1274; 2021 I p. 123), which was last amended by Article 1 of the Act of September 24, 2021 (Federal Law Gazette I p. 4458), shall apply with the following provisions:

1. for the approval of installations pursuant to Section 2 (1) numbers 1 and 5 for which no environmental impact assessment is required, the application and the documents submitted by the applicant, with the exception of the documents pursuant to Section 10 (2) sentence 1 of the Federal Immission Control Act, as well as the reports and recommendations relevant to the decision which are available to the authority at the time of the announcement, shall be made available for inspection one week after the

announcement, in deviation from Section 10 (3) sentence 2 of the Federal Immission Control Act,

2. for the approval of installations pursuant to Section 2 (1) nos. 1 and 5 for which no environmental impact assessment is required, the public may, notwithstanding Section 10 (3) sentence 4 of the Federal Immission Control Act, submit written or electronic objections to the competent authority up to one week after the end of the public display period; this period also applies to installations pursuant to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17),
3. for the approval of installations pursuant to Section 2 (1) nos. 1 and 5 for which no environmental impact assessment is required, the competent authority may hold a hearing pursuant to Section 10 (6) of the Federal Immission Control Act if it considers this to be necessary or expedient,
4. for installations pursuant to Article 2(1)(1) and (2), the permit pursuant to Article 4 of the Federal Immission Control Act shall be granted with the provision that operation of the installation with liquefied natural gas must cease by December 31, 2043 at the latest,
5. In the case of decisions on projects pursuant to Section 2 (1) No. 1, the competent authority may, in derogation of Section 8a (1) No. 1 of the Federal Immission Control Act, permit early commencement even before complete application documents are available if
 1. no environmental impact assessment has to be carried out for these projects,
 2. it has not yet been possible to prepare the missing documents in view of the urgency of the project, and
 3. a decision in favor of the applicant can be expected even without taking the missing documents into account,
6. the permit pursuant to Section 4 of the Federal Immission Control Act must be issued with the stipulation that operation of the plant must be discontinued,
 - a) for projects under Annex 1.1, six months after the commissioning of the installation specified in Annex 1.2,
 - b) for projects under Annex 2.2 and 2.3, six months after commissioning of the installation specified in Annex 2.4, and
 - c) for projects under Annex 3.1, six months after the commissioning of the installation specified in Annex 3.2.

In the case of sentence 1 number 5, the applicant shall explain the project, the expected effects of the project and the reason for the failure to prepare the complete documents in good time. The applicant shall submit the missing documents without delay. In the case of sentence 1 number 5, Section 8a (1) number 1 of the Federal Immission Control Act shall apply with the proviso that the licensing authority shall permit the early commencement even before public participation.

(2) For an installation pursuant to Article 2(1)(1) and (2) that is to be operated beyond December 31, 2043, approval for continued operation may only be granted for operation with climate-neutral hydrogen and derivatives thereof. § Section 179 of the Building Code remains unaffected. The permit pursuant to sentence 1 must be applied for by the end of January 1, 2035.

(3) For installations pursuant to Article 2 paragraph 1 number 2, this permit shall only be granted if the applicant demonstrates that the installation can be converted by January 1, 2044 at the latest so that it can be used for the import, unloading, storage and regasification of liquefied ammonia and demonstrates that the costs of the conversion will not exceed 15 percent of the costs for the construction of the installation applied for. Proof shall be deemed to have been provided if, at the time of approval

1. the safety distances to protected objects appropriate for operation with liquefied ammonia are observed,
2. the nature of the foundations, the outer walls and the roof structure of the storage facilities are designed for operation with liquefied ammonia and
3. the materials and the internal structure of the storage facilities can be converted, taking into account the current state of safety technology, in such a way that the static, safety and accident law requirements for the storage and handling of liquefied ammonia are met.

The competent authority shall forward the documents serving as evidence pursuant to sentence 1 to the Federal Institute for Materials Research and Testing without delay; the latter shall comment within one month of receipt on whether the requirements pursuant to sentence 2 numbers 2 and 3 are met. Notwithstanding the provision of evidence, the application pursuant to paragraph 2 sentence 3 may be made for operation with climate-neutral hydrogen or derivatives. By way of derogation from sentence 1, installations pursuant to Article 2 paragraph 1 number 2 may also be converted to synthetic methane or biomethane if the applicant provides evidence that carbon capture, compression and transportation of carbon dioxide is technically feasible at the installation site.

(4) The provisions of paragraph 1 numbers 1 to 3 shall apply mutatis mutandis to public participation pursuant to Section 4 of the Industrial Wastewater Treatment Plant Approval and Monitoring Ordinance of May 2, 2013 (Federal Law Gazette I p. 973, 1011, 3756), which was last amended by Article 2 paragraph 3 of the Act of December 9, 2020 (Federal Law Gazette I p. 2873).

Section 7 Requirements for the application of the Federal Water Act

The Water Resources Act of July 31, 2009 (Federal Law Gazette I p. 2585), which was last amended by Article 2 of the Act of August 18, 2021 (Federal Law Gazette I p. 3901), shall apply with the following provisos:

1. for the approval of projects pursuant to Section 2 (1) numbers 1, 3, 4 and 5 for which no environmental impact assessment is required, the plan shall be made available for inspection for a period of at least one week, notwithstanding Section 70 (1) sentence 1 second half-sentence of the Federal Water Act in conjunction with Section 73 (3) sentence 1 of the Administrative Procedure Act in the version published on January 23, 2003 (Federal Law Gazette I p. 102), which was last amended by Article 24 (3) of the Act of June 25, 2021 (Federal Law Gazette I p. 2154),
2. In the case of the approval of projects pursuant to Section 2 (1) nos. 1, 3, 4 and 5 for which no environmental impact assessment is required, anyone whose interests are affected by the project may raise objections to the plan up to one week after the end of the public display period, notwithstanding Section 70 (1) sentence 1 second half-

- sentence of the Federal Water Act in conjunction with Section 73 (4) sentence 1 of the Administrative Procedure Act,
3. in the case of the approval of projects pursuant to Section 2 (1) nos. 1, 3, 4 and 5 for which no environmental impact assessment is required, the competent authority may, notwithstanding Section 70 (1) sentence 1 second half-sentence of the Federal Water Act in conjunction with Section 73 (6) sentence 1 of the Administrative Procedure Act, hold a hearing if it considers this to be necessary,
 4. in the case of the approval of projects pursuant to Article 2 paragraph 1, no harmful changes to water bodies within the meaning of Article 12 paragraph 1 number 1 of the Water Resources Act, which cannot be avoided or compensated for even by the adoption of ancillary provisions to be complied with, are generally to be expected as a result of the abstraction and reintroduction of water required for the operation of the projects,
 5. In the case of decisions on projects pursuant to Article 2(1)(1), (3), (4) and (5), the competent authority may, by way of derogation from Article 17(1)(1) of the Federal Water Act, authorize early commencement even before complete application documents are available if
 - a) no environmental impact assessment has to be carried out for these projects,
 - b) it has not yet been possible to prepare the missing documents in view of the urgency of the project, and
 - c) a decision in favor of the applicant can be expected even without taking the missing documents into account,
 6. In the case of plan amendments for projects pursuant to Section 2 (1) nos. 1, 3, 4 and 5 for which no environmental impact assessment is required, by way of derogation from Section 70 (1) sentence 1 second half-sentence of the Federal Water Act in conjunction with Section 73 (8) of the Administrative Procedure Act, anyone whose interests are affected by the project for the first time or to a greater extent than before may submit comments and raise objections to the plan up to one week after notification of the amendment.

In the case of sentence 1 number 5, the applicant shall explain the project, the expected effects of the project and the reason for the failure to prepare the complete documents in good time. The applicant shall submit the missing documents without delay. In the case of sentence 1 number 5, Section 17 (1) number 1 of the Federal Water Act shall apply with the proviso that the approval authority shall permit the early commencement even before public participation.

Section 8 Requirements for the application of the Energy Industry Act

(1) The Energy Industry Act of July 7, 2005 (Federal Law Gazette I p. 1970, 3621), as amended, shall apply to the approval of projects pursuant to § 2, subject to the following conditions:

1. By way of derogation from Section 43a of the Energy Industry Act, in the case of projects for which no environmental impact assessment is required and which do not fall under number 1a, the following shall apply to the consultation procedure:
 - a) the plan is to be displayed for a period of one week in deviation from Section 73 (3) of the Administrative Procedure Act,

- b) Objections pursuant to Section 73 (4) of the Administrative Procedure Act can only be raised up to one week after the expiry of the display period,
- c) a hearing may be held in the cases referred to in Section 2 (1) no. 3 if the competent authority deems this necessary,
- d) The opportunity to submit comments and objections in accordance with Section 73 (8) of the Administrative Procedure Act must be given within one week of notification of the amendments,

1a. By way of derogation from section 43a of the Energy Industry Act, in the case of projects within the meaning of section 2(1)(3) with a length of more than 40 kilometers and a diameter of more than 800 millimeters for which no environmental impact assessment is required, the following shall apply to the consultation procedure

- a) notwithstanding Section 73 (8) sentence 2 in conjunction with Section 73 (3) of the Administrative Procedure Act, the plan is to be displayed for a period of two weeks,
- b) a hearing may be held if the competent authority deems it necessary,

2. Explosive ordnance clearance, archaeological investigations and salvage as well as the mandatory removal of trees and other woody plants to clear the construction site as well as the implementation of compensatory and avoidance measures under nature conservation law, including early compensatory measures, are considered preparatory work within the meaning of Section 44 of the Energy Industry Act; this only applies to the removal of trees and other woody plants to clear the construction site as well as the implementation of compensatory and avoidance measures under nature conservation law, including early compensatory measures, until the end of February 28, 2023,

3. the project sponsor may request that the procedure for the early transfer of possession pursuant to Section 44b of the Energy Industry Act be carried out after the objection period has expired,

4. the requirements of Section 44c (1) sentence 1 no. 3 and Section 44c (1) sentence 2 of the Energy Industry Act do not have to be met for the early start of construction; Section 74 (5) of the Administrative Procedure Act shall apply mutatis mutandis to notification pursuant to Section 44c (3) of the Energy Industry Act.

The requirements set out in sentence 1 numbers 1, 1a and 2 shall not apply to the approval of projects pursuant to Section 2 (1) number 6.

(2) Insofar as provisions of energy law are not applicable due to the procedural simplifications provided for in paragraph 1, the provisions of administrative procedural law that would otherwise conflict with these procedural simplifications shall also not apply.

Annex (to Section 2)

(Reference: BGBl. I 2022, 809; for the individual amendments, see footnote)

No.	Project locations
1.	Brunsbüttel (Schleswig-Holstein)
1.1	Facility in accordance with Section 2 (1) No. 1 - FSRU (location: port)
1.2	Facility pursuant to Section 2 (1) No. 2 - Liquefied natural gas terminal (location: German LNG Terminal)
1.3	Pipelines pursuant to Section 2 (1) No. 3 (German LNG Terminal site and port site - connection point gas pipeline network)
2.	Wilhelmshaven (Lower Saxony)
2.1	Facility in accordance with Section 2 (1) No. 1 - FSRU (location: Voslapper Groden Nord 1)
2.2	Facility in accordance with Section 2 (1) No. 1 - FSRU (location: NWO Terminal)
2.3	Facility in accordance with Section 2 (1) No. 1 - FSRU (location: Voslapper Groden Nord 2)
2.4	Facility pursuant to Section 2 (1) No. 2 - Liquefied natural gas terminal (location: Voslapper Groden)
2.5	Pipelines pursuant to Section 2 (1) No. 3 (Voslapper Groden North 1 and North 2 site - connection point gas pipeline network)
2.6	Pipelines pursuant to Section 2 (1) No. 3 (NWO Terminal site - connection point gas transmission network)
2.7	Pipeline pursuant to Section 2 (1) No. 3 (indirect LNG connection pipeline Wilhelmshaven - Leer "GWL")
2.8	Pipeline pursuant to Section 2 (1) No. 6 (Etzel-Wardenburg-Drohne gas pipeline)
3.	Stade/Bützfleth (Lower Saxony)
3.1	Facility in accordance with Section 2 (1) No. 1 - FSRU (port site)
3.2	Facility pursuant to Section 2 (1) No. 2 - Liquefied natural gas terminal (location: Hanseatic Energy Hub)
3.3	Pipeline pursuant to Section 2 (1) No. 3 (port site and Hanseatic Energy Hub - connection point gas pipeline network)
3.4	Pipeline pursuant to Section 2 (1) No. 6 (Elbe South-Achim gas pipeline and Achim/Embsen compressor)
4.	Mukran/Port (Mecklenburg-Western Pomerania)
4.1	two facilities in accordance with Section 2 (1) No. 1 - FSRU (sites 1 and 2 in the port)

No.	Project locations
4.2	Pipeline pursuant to Section 2 (1) No. 3 (Mukran port/Prorer Wiek site (at sea) - Lubmin connection point (long-distance gas pipeline network))
5.	Lubmin (Mecklenburg-Western Pomerania)
5.1	Facility pursuant to Section 2 (1) No. 1 - FSRU (location in the port)
5.2	Pipeline pursuant to Section 2 (1) No. 3 (location in the port - connection point gas pipeline network)

Environmental impacts due to air pollution, noise, vibrations and similar processes (Federal Immission Control Act, BImSchG)

Section 4 Approval

(1) A permit shall be required for the construction and operation of installations which, due to their nature or operation, are particularly likely to cause harmful effects on the environment or otherwise endanger, significantly disadvantage or significantly inconvenience the general public or the neighborhood, as well as for stationary waste disposal installations for the storage or treatment of waste. With the exception of waste disposal facilities, facilities that do not serve commercial purposes and are not used in the context of commercial enterprises only require a permit if they are particularly likely to cause harmful environmental impacts due to air pollution or noise. The Federal Government shall, after consulting the parties concerned (Section 51), determine by ordinance subject to the approval of the Bundesrat the installations which require a permit (installations requiring a permit); the ordinance may also provide that a permit is not required if an installation has been type-approved in its entirety or in its essential parts specified in the ordinance and is erected and operated in accordance with the type-approval. Installations pursuant to Section 10 in conjunction with Annex I of Directive 2010/75/EU shall be marked in the ordinance in accordance with sentence 3.

Section 8a Approval of early commencement

(1) In a procedure for the granting of a permit, the licensing authority shall, upon application, provisionally permit construction, including the measures required to test the operational capability of the installation, to begin before the permit is granted if

1.
a decision in favor of the applicant can be expected,
2.
there is a public interest or a legitimate interest of the applicant in the early start and
3.
the applicant undertakes to compensate for all damage caused by the construction of the installation up to the time of the decision and, if the project is not approved, to restore the previous condition.

(2) The authorization may be revoked at any time. It may be issued subject to conditions or subject to subsequent conditions. The competent authority may require the provision of a security insofar as this is necessary to ensure the fulfillment of the applicant's obligations.

(3) In a procedure for granting a permit pursuant to Section 16 (1), the licensing authority may also provisionally permit the operation of the installation under the conditions specified in (1) if the change serves to fulfill an obligation arising from this Act or an ordinance issued on the basis of this Act.

Section 10 Approval procedure

(1) The authorisation procedure requires a written or electronic application. The application shall be accompanied by the drawings, explanations and other documents required for the examination pursuant to Section 6. If the documents are not sufficient for the examination, the

applicant shall supplement them at the request of the competent authority within a reasonable period of time. If the application is submitted electronically, the competent authority may also request multiple copies and the submission of the documents to be attached to the application in written form.

[...]

(3) If the applicant's documents are complete, the competent authority shall publicly announce the project in its official gazette and also either on the Internet or in local daily newspapers circulating in the area where the installation is located. The application and the documents submitted by the applicant, with the exception of the documents pursuant to paragraph 2 sentence 1, as well as the reports and recommendations relevant to the decision that are available to the authority at the time of the announcement, shall be made available for inspection for one month after the announcement. Further information which may be of significance for the decision on the permissibility of the project and which is not available to the competent authority until after the start of the public display shall be made available to the public in accordance with the provisions on access to environmental information. The public may submit objections to the competent authority in writing or electronically up to two weeks after the expiry of the public display period; in the case of installations under the Industrial Emissions Directive, a period of one month applies. Once the objection period has expired, all objections that are not based on special titles under private law are excluded from the approval procedure. Objections based on special titles under private law must be referred to the ordinary courts of law.

(3a) Associations recognized under the Environmental Appeals Act shall assist the competent authority in a manner conducive to environmental protection.

[...]

(6) After expiry of the objection period, the approval authority may discuss the objections raised in a timely manner against the project with the applicant and those who have raised objections.

**Fourth Ordinance for the Implementation of the Federal Immission Control Act
Vierte (Verordnung zur Durchführung des Bundes-Immissionsschutzgesetzes, 4. BImSchV)**

Section 1 Installations requiring a permit

(1) The construction and operation of the installations listed in Annex 1 shall require a permit if it is to be expected under the circumstances that they will be operated at the same location for longer than the twelve months following commissioning. The first sentence shall also apply to the installations listed in number 8 of Annex 1, with the exception of installations for treatment at source, if they are to be operated at the same site for less than the twelve months following commissioning. The first sentence shall only apply to the installations listed in sections 2.10.2, 7.4, 7.5, 7.25, 7.28, 9.1, 9.3 and 9.11 of Annex 1 if they serve commercial purposes or are used in the context of commercial enterprises. If the need for a permit for the installations listed in Annex 1 depends on reaching or exceeding a certain capacity limit or installation size, the legally and actually possible scope of operation of the installation operated by the same operator shall be taken into account.

Annex 1

No.	System description	Type of process	Annex in accordance with Art. 10 of Directive 2010/75/EU
a	b	c	d
1.	Heat generation, mining and energy		
1.1	Installations for the generation of electricity, steam, hot water, process heat or heated waste gas through the use of fuels in a combustion plant (such as a power plant, combined heat and power plant, heating plant, gas turbine plant, internal combustion engine plant, other combustion plant), including associated steam boilers, with a rated thermal input of 50 megawatts or more;	G	E
1.2	Installations for the generation of electricity, steam, hot water, process heat or heated exhaust gas in a combustion installation (such as a power plant, combined heat and power plant, heating plant, gas turbine installation, internal combustion engine installation, other combustion installation), including associated steam boilers, with the exception of internal combustion engine installations for drilling rigs and emergency power generators, through the use of		
1.2.1	Coal, coke including petroleum coke, coal briquettes, peat briquettes, fuel peat, untreated wood as well as painted, varnished or coated wood or plywood, chipboard, fiberboard or otherwise glued wood produced in the own production plant as well as residues thereof, insofar as no wood preservatives have been applied or are contained as a result of treatment and coatings do not contain any	V	

	halogenated organic compounds or heavy metals, emulsified natural bitumen, heating oils, with the exception of EL heating oil, with a rated thermal input of 1 megawatt to less than 50 megawatts,		
1.2.2	gaseous fuels (in particular coke oven gas, mine gas, steel gas, refinery gas, synthesis gas, petroleum gas from tertiary extraction of crude oil, sewage gas, biogas), excluding natural gas, liquefied petroleum gas, gases from the public gas supply or hydrogen, with a rated thermal input of		
1.2.2.1	10 megawatts to less than 50 megawatts,	V	
1.2.2.2	1 megawatt to less than 10 megawatts, for combustion engine systems or gas turbine systems,	V	
1.2.3	EL heating oil, diesel fuel, methanol, ethanol, untreated vegetable oils or vegetable oil methyl esters, untreated natural gas, liquefied petroleum gas, gases from the public gas supply or hydrogen with a rated thermal input of		
1.2.3.1	20 megawatts to less than 50 megawatts,	V	
1.2.3.2	1 megawatt to less than 20 megawatts, for combustion engine systems or gas turbine systems,	V	
1.2.4	solid or liquid fuels other than those specified in 1.2.1 or 1.2.3 with a rated thermal input of 100 kilowatts to less than 50 megawatts;	V	

Administrative Procedure Act (Verwaltungsverfahrensgesetz, VwVfG)

Section 73 Consultation procedure

(1) The project sponsor shall submit the plan to the consultation authority for the consultation procedure. The plan shall consist of the drawings and explanations which show the project, its cause and the properties and facilities affected by the project.

(2) Within one month of receipt of the complete plan, the consultation authority shall invite the authorities whose remit is affected by the project to comment and shall arrange for the plan to be displayed in the municipalities in which the project is likely to have an impact in accordance with section 27b.

(3) The municipalities pursuant to paragraph 2 shall make the plan available for inspection within three weeks of receipt for a period of one month. The consultation authority shall determine in which of the municipalities pursuant to paragraph 2 another means of access pursuant to Section 27b paragraph 1 sentence 1 number 2 is to be made available and shall determine the means of access in consultation with the respective municipality. An interpretation may be dispensed with if the group of affected parties and the associations pursuant to paragraph 4 sentence 5 are known and they are given the opportunity to inspect the plan within a reasonable period of time.

(3a) The authorities pursuant to paragraph 2 shall submit their comments within a period to be set by the hearing authority, which may not exceed three months. Comments received after the expiry of the deadline pursuant to sentence 1 shall be taken into account if the planning approval authority is aware or should have been aware of the concerns raised or if they are of significance for the legality of the decision; otherwise they may be taken into account.

(4) Anyone whose interests are affected by the project may raise objections to the plan in writing or for the record with the hearing authority or with a municipality in accordance with paragraph 2 up to two weeks after the expiry of the public display period. In the case of paragraph 3 sentence 3, the hearing authority shall determine the objection period. Upon expiry of the objection period, all objections that are not based on special titles under private law shall be excluded. Reference shall be made to this in the announcement of the interpretation or when the objection period is announced. Associations that are entitled to appeal against the decision pursuant to Section 74 on the basis of recognition under other legal provisions may submit comments on the plan within the period specified in sentence 1. Sentences 2 to 4 shall apply accordingly.

(5) The municipalities pursuant to paragraph 2 in which the plan is to be displayed shall publish the display in advance in accordance with local custom. Reference shall be made to this in the announcement,

1. where and during which period the plan is available for inspection;
2. that any objections or comments by associations pursuant to paragraph 4 sentence 5 must be submitted to the bodies to be specified in the notice within the objection period;
3. that if a party fails to attend the hearing, the hearing may be held without that party;
4. that
 - a) the persons who have raised objections or the associations that have submitted comments can be notified of the hearing by public announcement,
 - b) the notification of the decision on the objections can be replaced by a public announcement, if more than 50 notifications or deliveries are to be made.

Non-resident affected parties whose identity and whereabouts are known or can be ascertained within a reasonable period of time should be notified of the display with the notice pursuant to sentence 2 at the instigation of the hearing authority.

(6) After expiry of the objection period, the hearing authority shall discuss the objections raised in good time against the plan, the comments submitted in good time by associations pursuant to paragraph 4 sentence 5 and the comments of the authorities on the plan with the project sponsor, the authorities, the affected parties and those who have raised objections or submitted comments. The discussion meeting must be announced in the usual manner at least one week in advance. The authorities, the project sponsor and those who have raised objections or submitted comments must be notified of the discussion meeting. If, in addition to notifying the authorities and the project sponsor, more than 50 notifications are to be made, these notifications can be replaced by a public announcement. The public announcement shall be effected by the fact that, notwithstanding sentence 2, the hearing date shall be announced in the official publication gazette of the hearing authority and also in local daily newspapers with a circulation in the area in which the project is likely to have an impact; the announcement in the official publication gazette shall be decisive for the deadline pursuant to sentence 2. In all other respects, the provisions on oral hearings in formal administrative proceedings (Section 67 (1) sentence 3, (2) nos. 1 and 4 and (3), Section 68) shall apply mutatis mutandis to the discussion. The hearing authority shall conclude the discussion within three months of the expiry of the objection period.

(7) By way of derogation from the provisions of paragraph 6 sentences 2 to 5, the date of the hearing may already be specified in the announcement pursuant to paragraph 5 sentence 2.

(8) If a plan on display is to be amended and if this affects the area of responsibility of an authority or an association in accordance with paragraph 4 sentence 5 or the interests of third parties for the first time or to a greater extent than before, they shall be notified of the amendment and given the opportunity to submit comments and objections within two weeks; paragraph 4 sentences 3 to 6 shall apply accordingly. If the amendment is likely to affect the territory of another municipality, the amended plan shall be published in that municipality; paragraphs 2 to 6 shall apply accordingly.

(9) The hearing authority shall issue a statement on the outcome of the hearing procedure and forward it to the plan approval authority within one month of the conclusion of the discussion with the plan, the statements of the authorities and the associations pursuant to paragraph 4 sentence 5 and the unresolved objections.

Water Resources Act (Wasserhaushaltsgesetz; WHG)

Section 8 Permission, authorization

(1) The use of a body of water requires a permit or authorization, unless otherwise stipulated by this Act or regulations issued on the basis of this Act.
[...]

Section 12 Requirements for the granting of permission and authorization, management discretion

(1) Permission and authorization shall be refused if

1. harmful changes to water bodies are to be expected that cannot be avoided or compensated for, even through ancillary provisions, or
2. other requirements under public law are not met.

(2) In all other respects, the granting of permission and authorization is at the discretion of the competent authority (management discretion).

Section 17 Approval of early commencement

(1) In a permit or authorization procedure, the competent authority may, upon application, allow water use to begin before the permit or authorization is granted if

1. a decision in favor of the user can be expected,
2. there is a public interest or a legitimate interest of the user in the early start and
3. the user undertakes to compensate for all damage caused by the use up to the decision and, if the use is not permitted or authorized, to restore the previous condition.

(2) Approval for early commencement may be revoked at any time. Section 13 shall apply accordingly.

Section 68 Planning approval, planning permission

(1) The development of watercourses requires planning approval by the competent authority.

(2) A plan approval may be granted instead of a plan approval decision for a watercourse development for which there is no obligation to carry out an environmental impact assessment under the Environmental Impact Assessment Act. The Länder may determine that coastal protection structures for which there is no obligation to carry out an environmental impact assessment under the Environmental Impact Assessment Act require another approval or no approval or notification instead of an approval pursuant to sentence 1.

(3) The plan may only be adopted or approved if

1. an impairment of the public good, in particular a significant and permanent increase in flood risks that cannot be compensated for or the destruction of natural retention areas, especially in riparian forests, is not to be expected, and

2.

other requirements under this Act or other public law regulations are met.

(4) Measures for the substantial redesign of a federal inland waterway or its banks pursuant to section 67 subsection (2) sentences 1 and 2 shall be carried out by the Federal Waterways and Shipping Administration within the scope of its duties under the Federal Waterways Act insofar as they are necessary to achieve the management objectives pursuant to sections 27 to 31.

Section 70 Applicable regulations, procedure

(1) Section 13(1) and section 14(3) to (6) shall apply mutatis mutandis to plan approvals and planning permission; in all other respects, sections 72 to 78 of the Administrative Procedure Act shall apply. [...]

Energy Industry Act (Energiewirtschaftsgesetz, EnWG) Section 43 Requirement for planning approval

(1) The construction, operation and modification of the following installations shall require planning approval by the competent authority under federal state law:

[...]

5.

Gas supply lines with a diameter of more than 300 millimeters and

6.

Connecting pipelines from LNG plants to the transmission network with a diameter of more than 300 millimeters.

[...]

(2) At the request of the project sponsor, planning permission may be granted by the competent authority under federal state law:

[...]

9. the construction and operation of facilities in accordance with section 2(1) no. 1 of the LNG Acceleration Act, including the necessary ancillary facilities and technical and structural ancillary facilities; this may also be combined with a plan approval procedure to be carried out in accordance with paragraph 1 sentence 1 no. 6, and

[...]

(3) When planning approval is granted, the public and private interests affected by the project shall be weighed up. [...]

(4) Sections 72 to 78 of the Administrative Procedure Act shall apply to the planning approval procedure in accordance with this Act.

[...]

Section 43a Consultation procedure

Section 73 of the Administrative Procedure Act applies to the hearing procedure with the following provisos:

1. The plan must be published within two weeks of receipt in accordance with Section 73 (2) of the Administrative Procedure Act.
2. The objections and comments must be made available to the developer and its representatives in order to enable a response; data protection regulations must be observed; at the request of the objector, their name and address should be made unrecognizable if this is not necessary for the proper conduct of the procedure; this possibility must be pointed out in the public announcement.
3. The hearing authority may dispense with a discussion within the meaning of Section 73 (6) of the Administrative Procedure Act and Section 18 (1) sentence 4 of the Environmental Impact Assessment Act. A hearing shall not take place if
 - a) objections to the project have not been raised or have not been raised in good time,
 - b) the objections raised in good time have been withdrawn,
 - c) only objections based on private law titles have been raised, or
 - d) all objectors waive the right to a hearing.

If no discussion takes place, the hearing authority must submit its statement within six weeks of the expiry of the objection period and forward it to the planning approval

authority together with the other documents listed in Section 73 (9) of the Administrative Procedure Act.

4. If a plan that has been laid out is to be amended, a discussion within the meaning of Section 73 (6) of the Administrative Procedure Act and Section 18 (1) sentence 4 of the Environmental Impact Assessment Act can generally be dispensed with.

The display pursuant to sentence 1 number 1 shall be effected by making the documents accessible on the website of the authority responsible for the display. At the request of an interested party, which must be addressed to the competent authority during the display period, an alternative, easily accessible means of access shall be made available to the interested party; as a rule, this is the transmission of a common electronic storage medium on which the documents to be interpreted are stored.

Joint Rules of Procedure of the Federal Ministries (Gemeinsame Geschäftsordnung der Bundesministerien, GGO)

Section 47 Participation of federal states, municipal umbrella organizations, expert groups and associations

- (1) The draft bill shall be forwarded to the federal states, municipal head associations and the representations of the federal states to the Federal Government as early as possible if their interests are affected. If the dissenting opinion of a federal ministry involved is to be expected on essential points, the draft bill shall only be forwarded in agreement with that ministry. If the project is to be treated confidentially, this shall be noted.
- (2) The Federal Chancellery shall be informed of the participation. In the case of draft legislation of particular political importance, its approval must be obtained.
- (3) Paragraphs 1 and 2 shall apply mutatis mutandis to the timely involvement of central and general associations as well as expert groups existing at federal level. Unless special provisions exist, the timing, scope and selection shall be left to the discretion of the lead federal ministry. The participation pursuant to subsection 1 shall precede the participation pursuant to this subsection and the information pursuant to Section 48 subsection 1.

[...]

Federal Climate Change Act (Bundes-Klimaschutzgesetz, KSG)

Section 3 National climate protection targets

(1) Greenhouse gas emissions shall be gradually reduced compared to 1990 as follows:

1. by at least 65 percent by 2030,
2. by at least 88 percent by 2040.

(2) By 2045, greenhouse gas emissions are reduced to such an extent that net greenhouse gas neutrality is achieved. After 2050, negative greenhouse gas emissions are to be achieved.

(3) The possibility of achieving national climate protection targets partly within the framework of cross-national mechanisms for reducing greenhouse gas emissions remains unaffected.

(4) Should higher national climate protection targets become necessary to meet European or international climate protection targets, the Federal Government shall initiate the necessary steps to increase the target values in accordance with paragraph 1. Climate protection targets may be raised but not lowered.

Section 13 Consideration requirement

(1) In their planning and decisions, the public authorities shall take into account the purpose of this Act and the objectives defined for its fulfillment. The powers of the Länder, municipalities and associations of municipalities to implement the requirement of consideration within their respective areas of responsibility shall remain unaffected. The planning, selection and implementation of investments and procurement at federal level shall be based on a CO₂ price for the avoidance or causation of greenhouse gas emissions, at least the minimum price or fixed price applicable under Section 10(2) of the Fuel Emissions Trading Act.

[...]

Annex 2

Permissible annual emission budgets for the years 2020 to 2030 (*ad* section 4)

Annual emission budgets in million tonnes of CO ₂ equivalent	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Energy	280		257								108
Industry	186	182	177	172	165	157	149	140	132	125	118
Buildings	118	113	108	102	97	92	87	82	77	72	67
Transport	150	145	139	134	128	123	117	112	105	96	85
Agriculture	70	68	67	66	65	63	62	61	59	57	56
Waste and Other	9	9	8	8	7	7	6	6	5	5	4

Environmental Appeals Act (Umwelt-Rechtsbehelfsgesetz, UmwRG)
Section 1 Scope of application

(1) This Act shall apply to appeals against the following decisions:

1. Approval decisions within the meaning of Section 2 (6) of the Environmental Impact Assessment Act on the permissibility of projects for which, in accordance with
 - a) the Environmental Impact Assessment Act,
 - b) the Ordinance on the Environmental Impact Assessment of Mining Projects or
 - c) national regulationsthere may be an obligation to carry out an environmental impact assessment (EIA);
2. Permits for installations marked with the letter G in column c of Annex 1 of the Ordinance on Installations Requiring a Permit, against decisions pursuant to Section 17 (1a) of the Federal Immission Control Act, against permits pursuant to Section 8 (1) of the Federal Water Act for water uses associated with a project within the meaning of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (recast) (OJ L 334, 17.12.2010, p. 17), and against planning approval decisions for the use of water bodies. November 2010 on industrial emissions (integrated pollution prevention and control) (recast) (OJ L 334, 17.12.2010, p. 17), as well as against planning approval decisions for landfills pursuant to Section 35 (2) of the Closed Substance Cycle Waste Management Act;
 - 2a. Approvals for installations pursuant to Section 23b (1) sentence 1 or Section 19 (4) of the Federal Immission Control Act or approvals for operating plans pursuant to Section 57d (1) of the Federal Mining Act;
 - 2b. Decisions on the permissibility of projects which constitute neighboring protected objects within the meaning of Section 3 (5d) of the Federal Immission Control Act and which are to be realized within the appropriate safety distance to an operating area in accordance with Section 3 (5a) of the Federal Immission Control Act and which require approval in accordance with federal state regulations;
3. Decisions under the Environmental Damage Act;
4. Decisions on the adoption of plans and programs within the meaning of Section 2 (7) of the Environmental Impact Assessment Act and within the meaning of the corresponding provisions of federal state law for which, according to
 - a) Annex 5 of the Environmental Impact Assessment Act or
 - b) national regulationsthere may be an obligation to carry out a Strategic Environmental Assessment, with the exception of plans and programs whose adoption is decided by formal law;
5. Administrative acts or contracts under public law by which projects other than those referred to in numbers 1 to 2b are authorized under the application of environmental legislation of federal law, Land law or directly applicable legal acts of the European Union, and
6. Administrative acts on monitoring or supervisory measures for the implementation or execution of decisions in accordance with numbers 1 to 5, which serve to ensure compliance with environmental legislation under federal law, state law or directly applicable legal acts of the European Union.

[...]

Section 2 Legal remedies of associations

(1) A domestic or foreign association recognized under section 3 may, without having to assert a violation of its own rights, appeal against a decision under section 1 (1) sentence 1 or its omission in accordance with the Administrative Court Code if the association

1. asserts that a decision pursuant to Section 1 (1) sentence 1 or its omission contradicts legal provisions that may be relevant to the decision,
2. claims to be affected in its statutory area of responsibility of promoting the objectives of environmental protection by the decision pursuant to Section 1 paragraph 1 sentence 1 or its omission, and
3. in the event of proceedings under
 - a) Section 1 (1) sentence 1 numbers 1 to 2b was entitled to participate;
 - b) Section 1 (1) sentence 1 no. 4 was entitled to participate and it expressed its opinion on the matter in accordance with the applicable legal provisions or was not given the opportunity to express its opinion contrary to the applicable legal provisions.

In the case of legal remedies against a decision pursuant to Section 1 (1) sentence 1 numbers 2a to 6 or against its omission, the association must also assert the violation of environmental legislation.

[...]

(4) Legal remedies pursuant to paragraph 1 are justified if

1. the decision pursuant to section 1 (1) sentence 1 numbers 1 and 2 or its omission violates legal provisions that are relevant to this decision, or
2. the decision pursuant to Section 1 (1) sentence 1 numbers 2a to 6 or its omission violates environmental legislation that is relevant to this decision,

and the infringement affects interests that are among the objectives that the association promotes in accordance with its statutes of association. In the case of decisions pursuant to Section 1 (1) sentence 1 no. 1 or 4, there must also be an obligation to carry out an environmental impact assessment within the meaning of Section 2 (10) of the Environmental Impact Assessment Act.

[...]

Environmental Impact Assessment Act (Gesetz über die Umweltverträglichkeitsprüfung, UVPG)

Section 18 Public participation

(1) The competent authority shall involve the public in the environmental impacts of the project. The public concerned shall be given the opportunity to comment as part of the participation process. Associations recognized under the Environmental Appeals Act shall support the competent authority in a manner conducive to environmental protection. The participation procedure must comply with the requirements of Section 73 (3) sentences 1 and 2 and (5) to (7) of the Administrative Procedure Act.

(2) In an upstream procedure or in a plan approval procedure concerning a road and watercourse plan with an accompanying landscape conservation plan pursuant to Section 41 of the Land Consolidation Act, the competent authority may, in derogation of paragraph 1 and in derogation of Section 73 paragraph 6 of the Administrative Procedure Act, waive the holding of a discussion meeting. Notification pursuant to section 73(5) sentence 3 of the Administrative Procedure Act may be waived in an upstream procedure.

Section 19 Informing the public

(1) In the announcement at the beginning of the participation procedure, the competent authority shall inform the public

1. on the application for an approval decision or on any other action by the developer to initiate a procedure in which the environmental impact is assessed,
2. on the determination of the project's obligation to undergo an EIA pursuant to Section 5 and, if necessary, on the implementation of transboundary participation pursuant to Sections 54 to 56,
3. the competent authorities responsible for the procedure and for the authorization decision from which further relevant information may be obtained and to which comments or questions may be submitted, as well as the time limits set for the submission of such comments or questions,
4. on the nature of a possible authorization decision,
5. that an EIA report has been submitted,
6. the names of the reports and recommendations relevant to the project that are available to the competent authority at the time of the start of the participation procedure,
7. where and during what period the documents referred to in points 5 and 6 will be made available for inspection, and
8. on further details of the public participation procedure.

(2) As part of the participation procedure, the competent authority shall make at least the following documents available for inspection by the public:

1. the EIA report,
2. the reports and recommendations relevant to the project that were available to the competent authority at the time of the start of the participation procedure.

In procedures pursuant to Section 18 paragraph 2 and Section 1 of the Nuclear Licensing Procedure Ordinance, the documents may, in deviation from Section 18 paragraph 1 sentence 4, be displayed at the licensing authority or at a suitable location near the site of the project.

(3) Further information which may be of significance for the authorization decision and which is only available to the competent authority after the start of the participation procedure shall be made available to the public in accordance with the provisions of the Federal Government and the Länder on access to environmental information.

Section 21 Comments and objections from the public

(1) The public concerned may submit written or recorded comments to the competent authority as part of the participation process.

(2) The comment period ends one month after the expiry of the period for the presentation of the documents.

(3) In the case of projects for which a considerable volume of documents has been submitted, the competent authority may set a longer deadline for comments. The deadline for comments may not exceed the deadline to be set in accordance with Section 73 (3a) sentence 1 of the Administrative Procedure Act.

(4) Upon expiry of the comment period, all comments not based on special titles under private law shall be excluded from the procedure on the admissibility of the project. The competent authority shall make reference to this in the announcement of the interpretation or when announcing the comment period.

(5) The comment period shall also apply to objections that do not relate to the environmental impact of the project.

Section 22 Renewed public participation in the event of changes in the course of the procedure

(1) If, in the course of the procedure, the developer amends the documents to be published in accordance with Section 19 (2), renewed public participation shall be required. However, it shall be limited to the amendments. The competent authority shall indicate this in the notice.

(2) The competent authority shall refrain from involving the public again if there is no reason to fear additional significant or other significant environmental impacts. This is particularly the case if such environmental impacts are excluded by the precautions envisaged by the developer.

Annex 1 List of "Projects subject to EIA"

The following projects fall within the scope of this Act pursuant to Section 1 (1) No. 1. Insofar as a general preliminary assessment or a site-specific preliminary assessment of the individual case is provided for below, this refers to the provisions of Section 7 (1) and (2).

Legend:

No. = Number of the project

Project = Type of project with any size or power values in accordance with Section 6 sentence 2 and test values for size or power in accordance with Section 7 (5) sentence 3

X in column 1 = Project is subject to EIA

A in column 2 = General preliminary assessment of the individual case: see Section 7 (1) sentence 1

S in column 2 = Site-specific preliminary assessment of the individual case: see Section 7 (2)

No.	Project	Sp. 1	Sp. 2
1.	Heat generation, mining and energy:		
1.1	Construction and operation of a plant for the generation of electricity, steam, hot water, process heat or heated exhaust gas through the use of fuels in a combustion plant (such as a power plant, combined heat and power plant, heating plant, gas turbine, combustion engine plant, other combustion plant), including the associated steam boiler, with a rated thermal input of		
1.1.1	more than 200 MW,	X	
1.1.2	50 MW to 200 MW;		A

[...]

9.	Storage of substances and mixtures:		
9.1	Construction and operation of an installation for the storage of substances or mixtures which have an absolute vapor pressure of at least 101.3 kilopascals at a temperature of 293.15 Kelvin and an explosion range with air (flammable gases) in containers or of products containing these substances or mixtures, e.g. as propellants or fuel gas, with the exception of natural gas tube storage facilities and installations covered by number 9.3,		
9.1.1	unless they are exclusively individual containers with a volume of no more than 1 000 cm each ³ , with a capacity of		
9.1.1.1	200,000 tons or more,	X	
9.1.1.2	30 t to less than 200 000 t,		A

[...]

13.10	Construction of an inland or sea trade port for maritime shipping;	X	
13.11	Construction of a jetty connected to an inland or sea port for the loading and unloading of ships (excluding ferries), which		

13.11.1	can accommodate ships of more than 1 350 tons,	X	
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[...]

19.12	Construction and operation of a connecting pipeline from LNG plants to the transmission grid within the meaning of the Energy Industry Act, with the exception of pipeline systems that do not exceed the area of a plant site, with		
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