



**INSTITUT VERKEHR
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The EIA in the German (transport) planning legislation

Prof. Dr. Matthias Gather
Transport and Spatial Planning Institute
Erfurt University of Applied Sciences

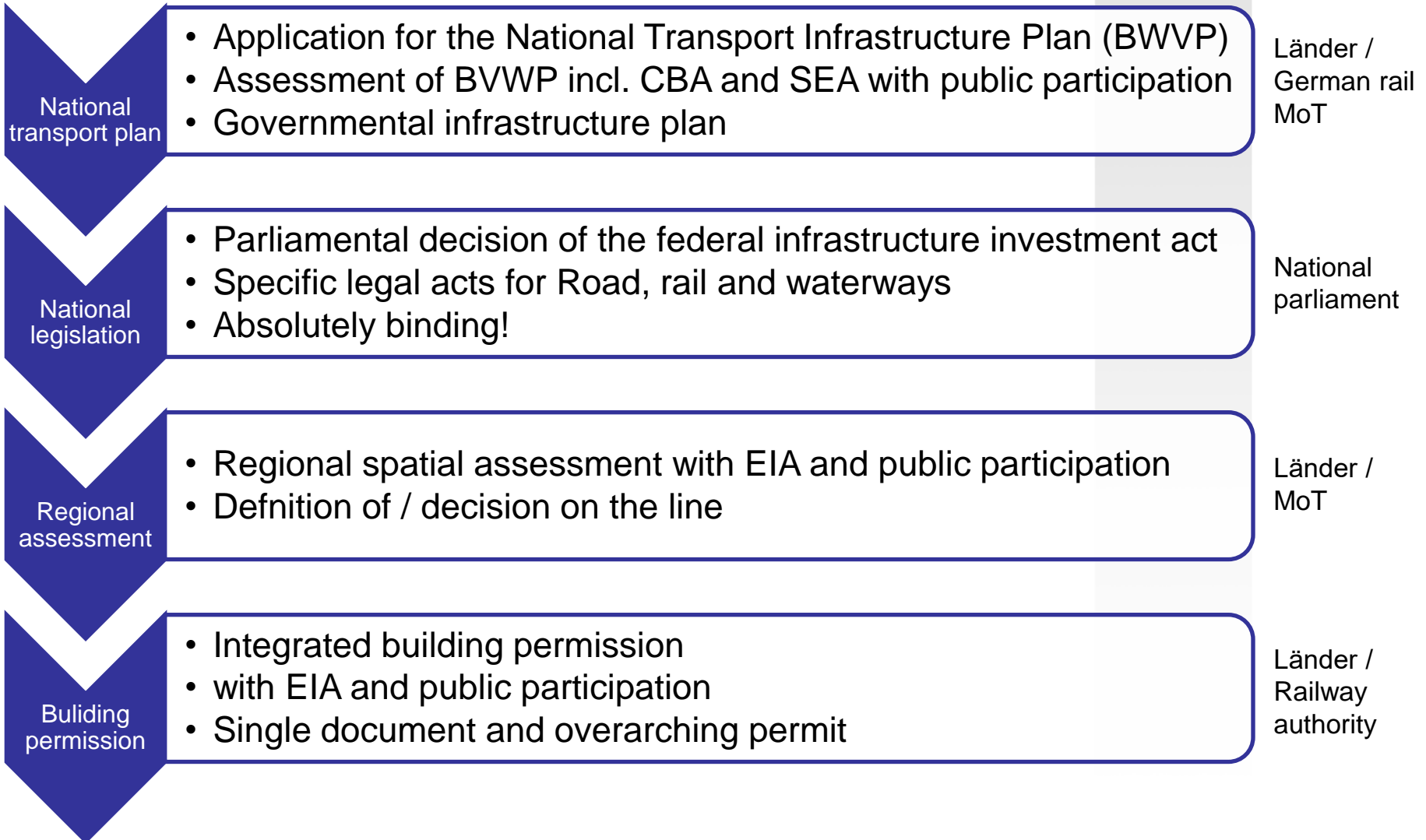
EIA – The Good European Practice
Ministry of Transport (MoT),
Ministry of Environment (MoE) and the
Czech Infrastructure Association (ARI)
Prague, June 20th 2016

- **Responsibilities for transport infrastructure**
- **Planning steps for national infrastructure**
- **EIA in the planning process**
- **Summary**

Responsibilities for infrastructure

Political level	Road	Rail	Air	Waterways
European Union	Transeuropean networks	Transeuropean networks	Air traffic control (ESS)	Transeuropean networks
National Government („Bund“)	National roads = „Bundesautobahnen and Bundesstraßen“	National rail network	Air traffic control; shares in airports possible	National waterways
States („Länder“)	State roads („Staats- und Landesstraßen“)	Only supervision	None; shares in airports possible	Other waterways
Local authorities („Kommunen“)	Local roads	None	None; shares in airports possible	None; shares in (sea-) ports possible

Planning steps for national infrastructure



EIA in the planning process

- Always non-independent part of the (three) planning steps
- No single legislative act or permission
- Integrated into other formally foreseen and well established procedures
- Always with public participation
- Positive: This bundling and concentration can mean an acceleration of the planning process
- Critique: No independent assessment!

EIA in the planning process

- The EIA is applicable for a well defined list of proposals according to Annex 1 or Annex 2 EU-guideline
- Mostly NIMBYS („not in my back yard“)
- Transport infrastructure (national roads, rail, airports, waterways, pipelines) is characteristic part of the list
- These are also „privileged infrastructures“ outside the local planning authority
- Possibility for expropriation

- SEA and EIA are regulated in the same act (UVPG – „Gesetz über die Umweltverträglichkeitsprüfung“)
- SEA applies to the national transport infrastructure plan, noise reduction plans and clean air plans
- EIA applies to all proposals of ann. I UVPG in the subsequent planning steps
- „shifted procedure“ and detailisation
 - (1) general decision (general objectives, general hazards)
 - (2) decision on location and general design
(1:100.000 / 1:25.000)
 - (3) decision on permission and definition of technical details
(1:10.000 – 1:1.000)

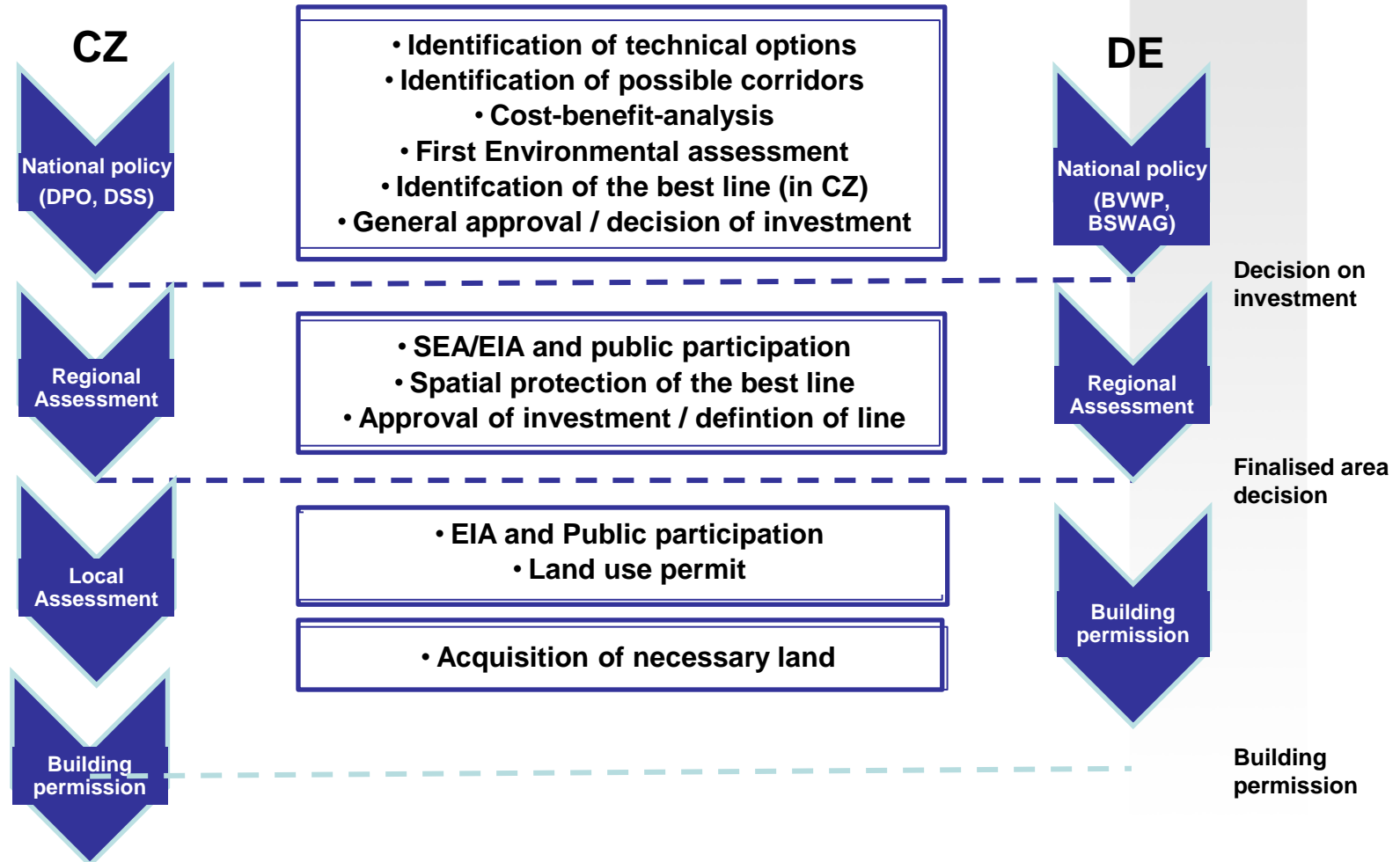
EIA in the planning process

- Contents according to EU legislation:
 - Description of the project
 - Alternatives that have been considered
 - Description of the environment
 - Description of the significant effects on the environment
 - Mitigation and measures for replacement
 - Non-technical summary
 - Lack of know-how/technical difficulties
 - Under public and international participation

Summary

- The EIA is an integral part of the German planning system in many fields on all governmental levels.
- In this presentation the focus was laid on the planning processes of national transport infrastructure.
- The SEA/EIA is integrated as a non-independent part into the necessary and established planning steps „BVWP“, „Raumordnungsverfahren“ (regional assessment) and „Planfeststellung“ (building permission) with pros and cons.
- All steps follow European legislation and are undergone with public participation.
- There are constant discussions whether to streamline the process and abolish the intermediate step („Raumordnungsverfahren“) – but with no success so far!

Legal planning procedures in CZ and DE



- European Commission (1985): COUNCIL DIRECTIVE of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (85/337/EEC).
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31985L0337&qid=1466401462480&from=EN>
- European Commission (2001): DIRECTIVE 2001/42/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042&rid=4>
- Gesetz über die Umweltverträglichkeitsprüfung in der Fassung der Bekanntmachung vom 24. Februar 2010 (BGBl. I S. 94), das zuletzt durch Artikel 2 des Gesetzes vom 21. Dezember 2015 (BGBl. I S. 2490) geändert worden ist.
<https://www.gesetze-im-internet.de/bundesrecht/uvpg/gesamt.pdf>



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Prof. Dr. Matthias Gather
Verkehrspolitik und Raumplanung

Prof. Dr. Florian Heinitz
Transportwirtschaft

Prof. Dr.-Ing. Heinrich H. Kill
Verkehrssystemgestaltung

Thank you for your attendance!

Institut Verkehr und Raum
Fak. Wirtschaft-Logistik-Verkehr
Fachhochschule Erfurt
Altonaer Str. 25, D-99085 Erfurt
Tel. +49 (361) 6700 - 758
www.verkehr-und-raum.de