

FOR INFORMATION PURPOSES ONLY

Draft Bill Aligning the Environmental Appeals Act and other provisions to Stipulations of European and International Law

Consolidated text (version: 19 April 2016)

**Act Concerning Supplemental Provisions on Appeals in Environmental Matters
Pursuant to EC Directive 2003/35/EC (Environmental Appeals Act)***

Section 1

Scope

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

1. Decisions as defined in Section 2 (3) of the Federal Environmental Impact Assessment Act (Federal EIA Act) [Gesetz über die Umweltverträglichkeitsprüfung] concerning the admissibility of projects for which there may be an obligation to conduct an environmental impact assessment (EIA) pursuant to:
 - a) The Federal EIA Act
 - b) The Ordinance on the Assessment of Environmental Impacts of Mining Projects [Verordnung über die Umweltverträglichkeitsprüfung bergbaulicher Vorhaben] or
 - c) Statutory provisions of the German states [Länder].

2. Permits for installations requiring a permit according to Column 1 of the Annex to the Ordinance on Installations Requiring a Permit [Verordnung über

* This Act transposes Article 3 number 7 and Article 4 number 4 of Directive 2003/35/EC of the European Parliament and the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending, with regard to public participation and access to justice, Council Directives 85/337/EEC and 96/61/EC (OJ EU No. L 156 p. 17).

genehmigungsbedürftige Anlagen], decisions pursuant to Section 17 (1a) of the Federal Immission Control Act [Bundes-Immissionsschutzgesetz], against licences pursuant to Section 8 (1) of the Federal Water Act [Wasserhaushaltsgesetz] for uses of bodies of water that are linked with a project within the meaning of Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (Official Journal, EU L 24 of 29 January 2008, p. 8), and against planning approval notices [Planfeststellungsbeschlüsse] for landfills pursuant to Section 31 (2) of the Closed Substance Cycle and Waste Management Act [Kreislaufwirtschaft-und Abfallgesetz];

3. Decisions pursuant to the Environmental Damage Act [Umwelt-schadensgesetz];

4. Decisions on the acceptance of plans and programmes within the meaning of section 2 subsection (5) of the Environmental Impact Assessment Act (Gesetz über die Umweltverträglichkeitsprüfung) and within the meaning of the corresponding provisions of Land law, for which, in accordance with
a) Annex 3 of the Environmental Impact Assessment Act, or
b) provisions of Land law,
there may be an obligation to implement a strategic environmental assessment; plans and programmes shall be excluded from this the acceptance of which is decided upon by law;

5. administrative acts which regulate the permissibility of undertakings other than those designated in numbers 1 to 2b, applying environmental provisions of Federal or Land law, and

6. administrative acts regarding monitoring or supervisory measures serving compliance with environmental provisions of Federal or Land law.

This Act shall also apply if, contrary to applicable statutory provisions, no decision has been taken pursuant to the first sentence. The following shall remain unaffected

1. section 44a of the Code of Administrative Court Procedure (Verwaltungsgerichtsordnung).

2. section 17 subsection (4), sentences 3 to 5, of the Repository Site Selection Act (Standortauswahlgesetz), as well as
3. section 15 subsection (3), sentence 2, of the Transmission System Grid Expansion Acceleration Act (Netzausbaubeschleunigungsgesetz Übertragungsnetz), section 17a subsection (5), sentence 1, of the Energy Industry Act (Energiewirtschaftsgesetz), section 15 subsection (5) and section 16 subsection (3) of the Environmental Impact Assessment Act and other corresponding legal provisions~~Section 15 subsection (5) and Section 16 subsection (3) of the Environmental Impact Assessment Act and Section 44a of the Rules of Procedure of the Administrative Courts [Verwaltungsgerichtsordnung] shall remain unaffected.~~

The first and second sentence shall not apply if a decision within the meaning of this paragraph was issued on the basis of a decision in litigious proceedings before an Administrative Court.

(2) This Act shall also apply in the area of the exclusive economic zone or the continental shelf within the framework of the United Nations Convention on the Law of the Sea of 10 December 1982 (Federal Law Gazette [BGBl.] 1994 II p. 1799, 1995 II p. 602).

(3) To the extent that in planning approval procedures specified in subsection (1), first sentence, no. 1 or 2 appeals may be brought pursuant to this Act, section 64 (1) of the Federal Nature Conservation Act [Bundesnaturschutzgesetz] shall not apply.

“(4) Environmental legal provisions within the meaning of the present Act shall be provisions which relate to the condition of environmental components within the meaning of section 2 subsection (3) number 1 of the Environmental Information Act (Umweltinformationsgesetz), or to factors within the meaning of section 2 subsection (3) number 2 of the Environmental Information Act.”

Section 2

Appeals by associations

(1) A German or foreign association that is recognized pursuant to Section 3 may, without having to assert that its own rights have been violated, file appeals in accordance with the Rules of Procedure of the Administrative Courts against a decision pursuant to Section 1 (1), first sentence or failure to take such a decision if the association:

1. Asserts that a decision pursuant to Section 1 (1), first sentence or failure to take such a decision violates statutory ~~provisions that protect the environment and~~ could be of importance for the decision;
2. Asserts that promotion of the objectives of environmental protection in accordance with its field of activity as defined in its bylaws is affected by the decision pursuant to Section 1 (1), first sentence or failure to take such a decision; and

3. was entitled to participate in a procedure under
 - a) section 1 subsection (1), sentence 1, numbers 1 to 2b
 - b) section 1 subsection (1), sentence 1, number 4, and made a statement on that matter according to the applicable statutory provisions or, contrary to the applicable statutory provisions, was not given an opportunity to make a statement.~~Was entitled to participate in a procedure under Section 1 (1), first sentence and expressed itself in that matter according to the applicable statutory provisions or, contrary to the applicable statutory provisions, was not given an opportunity to express itself.~~

In the case of appeals against a decision in accordance with section 1 subsection (1), sentence 1, numbers 2a to 6, or against omission of such, the association must furthermore assert a violation of environmental legal provisions.”

(2) An association that is not recognized pursuant to Section 3 may file an appeal pursuant to paragraph (1) only if:

1. It fulfils the requirements for recognition at the time the appeal is filed;

2. It has applied for recognition; and
3. A decision regarding recognition has not yet been made for reasons for which the association is not responsible.

The requirements of number 3 are considered to have been fulfilled by a foreign association. The appeal is no longer admissible when a decision denying recognition becomes final.

“(3) If, in accordance with the legal provisions that are in place, a decision in accordance with section 1 subsection (1), sentence 1, was neither made public nor notified to the association, an objection must be lodged or an action brought within one year after the association becomes aware, or could have become aware, of the decision. Sentence 1 shall apply mutatis mutandis if, contrary to the applicable statutory provisions, a decision in accordance with section 1 subsection (1), sentence 1, has not been taken and the association becomes aware, or could have become aware, of that circumstance. Section 47 subsection (2), sentence 1, of the Code of Administrative Court Procedure shall apply to zoning plans.

(4) Appeals in accordance with subsection (1) shall be deemed to have been reasoned insofar as

1. the decision in accordance with section 1 subsection (1), sentence 1, numbers 1 and 2, or its omission, is in breach of legal provisions which are significant to this decision, or
2. the decision in accordance with section 1 subsection (1), sentence 1, numbers 2a to 6, or its omission, is in breach of environmental legal provisions which are significant to this decision,

and the breach relates to the objectives which the association promotes in accordance with its statutes. With regard to decisions in accordance with section 1 subsection (1), sentence 1, number 1 or 4, an obligation must furthermore exist to implement

an environmental assessment within the meaning of section 1 number 1 of the Environmental Impact Assessment Act.

~~(3) If the association had an opportunity to express itself in the procedure in accordance with Section 1 (1), first sentence, it shall be precluded during the appeal procedure from making any objections that it did not make, or did not make in a timely fashion according to the applicable statutory provisions, during the procedure in accordance with Section 1 (1), first sentence, but that it could have made.~~

~~(4) If a decision pursuant to the first sentence of Section 1 (1) has not been publicly announced or notified to the association in accordance with applicable statutory provisions, an opposition must be lodged or an action brought within one year after the association becomes aware, or could have become aware, of the decision. The first sentence shall apply mutatis mutandis if a decision pursuant to Section 1 (1), first sentence, contrary to the applicable statutory provisions, was not taken and the association becomes aware, or could have become aware, of that circumstance. The first sentence of Section 47 (2) of the Rules of Procedure of the Administrative Courts shall apply to landuse plans.~~

~~(5) Appeals in accordance with subsection (1) shall be justified:~~

~~1. If the decision pursuant to section 1 (1), first sentence, or the failure to take such a decision, violates statutory provisions that protect the environment and are of importance for the decision,~~

~~2. In relation to appeals concerning land use plans, if the determinations of the land use plan that establish the admissibility of a project subject to an environmental impact assessment violate statutory provisions that protect the environment,~~

~~and the violation involves issues of environmental protection that are among the objectives promoted by the association according to its bylaws.~~

~~In the case of decisions pursuant to Section 1 (1) number 1, there must also be an obligation to conduct an environmental impact assessment.~~

Section 3 Recognition of associations

(1) Upon request, a German or foreign association shall be recognized for the purpose of filing appeals pursuant to this Act. The association shall be recognized if:

1. According to its bylaws, it predominantly, and not just temporarily, encourages the objectives of environmental protection;
2. It has existed for at least three years at the time of recognition and has been active as defined in number 1 during that period;
3. It offers guarantees of proper performance of its duties; in particular for proper participation in official decision-making procedures the type and scope of its previous activity, its membership, and the effectiveness of the association must be taken into account in that regard;
4. It promotes public-benefit purposes as defined in Section 52 of the German Tax Code [Abgabenordnung]; and
5. It allows any person who supports the objectives of the association to become a member; members are persons who are given full voting rights in the general meeting of the association upon joining; if at least three quarters of its members are legal persons the association may be exempted from the requirement in the first half of this sentence, provided the majority of such legal persons fulfil this requirement.

The field of activities in accordance with the bylaws to which the recognition applies must be referred to in the recognition; in particular, it shall be stated whether the association has a main emphasis on encouraging the objectives of nature conservation and landscape management, as well as the geographical area to which recognition relates. ~~in particular, it shall be stated whether the association has a main emphasis on encouraging the objectives of nature conservation and~~

~~landscape preservation~~ The recognition can be linked, also retroactively, with the obligation to notify amendments to the bylaws. It can also be publicly announced. ~~In cases pursuant to paragraph (3), the recognition of an association that has a main emphasis on encouraging the objectives of nature conservation and landscape preservation shall further state whether this association is active state-wide according to its bylaws.~~

(2) A domestic association with an area of activity exceeding the territory of one Land may apply to the following recognition:

1. nationwide recognition by the Federation, or

2. recognition in one or in several Länder.

(3) Recognition shall be pronounced by the Federal Environment Agency for

1. a foreign association, and

2. a domestic association which has applied for its nationwide recognition by the Federation in accordance with subsection (2) number 1.

When recognising an association in accordance with the first sentence which has a main emphasis on encouraging the objectives of nature conservation and landscape management, this recognition shall be issued in agreement with the Federal Agency for Nature Conservation. No fees shall be charged for recognition, and no expenditure refund shall be required.

(4) Recognition shall be pronounced by the authority that is competent in accordance with Land law for

1. a domestic association with an area of activity not exceeding the territory of one Land, and

2. a domestic association which has applied for recognition in accordance with subsection (2) number 2.

~~(2) For a foreign association or an association with an area of activity exceeding the territory of one German state (Land), recognition shall be pronounced by the Federal Environment Agency [Umweltbundesamt]. For an association pursuant to the first sentence, which has a main emphasis on encouraging the objectives of nature conservation and landscape preservation, this recognition shall be issued in agreement with the Federal Agency for Nature Conservation [Bundesamt für Naturschutz].~~

~~(3) For a domestic association with an area of activity not exceeding the territory of one German state (Land), recognition shall be pronounced by the competent authority of this state.~~

Section 4

Procedural errors~~Errors in following procedural requirements~~

“(1) The reversal of a decision on the admissibility of a project pursuant to section 1 subsection (1), numbers 1 ~~and 2 to 2b~~, can be requested if:

1. a) an environmental impact assessment or
b) a preliminary assessment of the individual case concerning the requirement or an environmental impact assessment

required in accordance with the Environmental Impact Assessment Act, the Ordinance on the Assessment of the Environmental Impacts of Mining Projects, or the corresponding statutory provisions of the Länder was not carried out, and was not carried out at a later stage,

2. the necessary public participation within the meaning of section 9 of the Environmental Impact Assessment Act or within the meaning of section 10 of the Federal Immission Control Act was not carried out, and was not carried out at a later stage, or

3. another procedural error occurs that
 - a) has not been remedied,
 - b) is comparable in type and scale with the cases listed in numbers 1 and 2 and
 - c) has denied the affected public the opportunity for legally prescribed participation in the decision-making process; participation in the decision-making process also includes access to documentation that has to be made available to the public.

A preliminary assessment of the individual case concerning the requirement for an environmental impact assessment that does not satisfy the benchmark of section 3a, fourth sentence, of the Environmental Impact Assessment Act shall be equivalent to not carrying out a preliminary assessment pursuant to the first sentence, number 1, letter b.

(1a) Section 46 of the Administrative Procedures Act shall apply to procedural errors that do not fall within the scope of subsection (1). Where it is not possible for a court to ascertain whether a procedural error pursuant to the first sentence influenced the decision, such influence shall be assumed.

(1b) The following provisions shall remain unaffected:

1. section 45 subsection (2) of the Administrative Procedures Act,
2. section 75 subsection (1a) of the Administrative Procedures Act and other corresponding provisions having the effect of maintaining plans in force.

Upon application, the court can order that the proceeding be suspended until the procedural errors are remedied within the meaning of subsections (1) and (1a), as long as this is useful in terms of concentrating procedures.

(2) If the subject of the court review is decisions as defined in Section 2 (3) number 3 of the Environmental Impact Assessment Act, Section 214 and 215 and the related

transitional provisions of the Federal Building Code [Baugesetzbuch] and the relevant statutory provisions of the Länder shall apply, “notwithstanding subsection (1) to (1b).

(3) Subsections (1) to (2) shall apply to appeals by

1. persons in accordance with section 61 number 1 of the Code of Administrative Court Procedure, and by associations in accordance with section 61 number 2 of the Code of Administrative Court Procedure, as well as to

2. associations which satisfy the requirements of section 3 subsection (1) or of section 2 subsection (2).

Subsection (1), sentence 1, number 3 shall apply on proviso that the rescission of a decision can only be required if the procedural error has deprived the party concerned of the possibility of participating in the decision-making process as provided for by law.

(4) Subsections (1) and (2) shall apply mutatis mutandis to appeals by associations in accordance with subsection (3), sentence 1, number 2 against decisions in accordance with section 1 subsection (1), sentence 1, number 4; section 46 of the Administrative Procedure Act (Verwaltungsverfahrensgesetz) shall apply to other procedural errors than those designated in subsection (1) unless provided otherwise. Sections 12 and 28 subsection (2) of the Regional Planning Act (Raumordnungsgesetz), as well as the pertinent provisions of Land law, shall apply insofar as the subject-matter of judicial review is land use plans in accordance with the Regional Planning Act, in derogation from sentence 1.

(5) The respective specialist legal provisions, as well as the provisions of the Administrative Procedure Act, shall apply in the case of procedural errors to appeals against decisions within the meaning of section 1 subsection (1), sentence 1, numbers 3, 5 and 6.

~~“(3) Subsections (1) to (2) shall apply to appeals by~~

~~1. — persons in accordance with section 61 number 1 of the Code of Administrative Court Procedure, and by associations in accordance with section 61 number 2 of the Code of Administrative Court Procedure, as well as to~~
~~2. — associations which satisfy the requirements of section 3 subsection (1) or of section 2 subsection (2).~~

~~Subsection (1), first sentence, number 3, shall be applied subject to the proviso that the reversal of a decision may only be requested if the procedural error has denied the parties concerned the opportunity for legally prescribed participation in the decision-making process.~~

~~(4) Subsections (1) and (2) shall apply mutatis mutandis to appeals by associations in accordance with subsection (3), sentence 1, number 2 against decisions in accordance with section 1 subsection (1), sentence 1, number 4; section 46 of the Administrative Procedure Act (*Verwaltungsverfahrensgesetz*) shall apply to other procedural errors than those designated in subsection (1) unless provided otherwise. Sections 12 and 28 subsection (2) of the Regional Planning Act (*Raumordnungsgesetz*), as well as the pertinent provisions of *Land* law, shall apply insofar as the subject-matter of judicial review is land use plans in accordance with the Regional Planning Act, in derogation from sentence 1.~~

~~(5) The respective specialist legal provisions, as well as the provisions of the Administrative Procedure Act, shall apply in the case of procedural errors to appeals against decisions within the meaning of section 1 subsection (1), sentence 1, numbers 3, 5 and 6."~~

Section 5

Conduct in the appeal proceedings that is abusive or in bad faith

If a person or an association within the meaning of section 4 subsection (3), sentence 1, lodges objections for the first time in the appeal proceedings, these shall not be taken into account if the first assertion in the appeal proceedings is abusive or in bad faith.

Section 6

Special provisions for appeals against certain decisions

(1) If no public notification is prescribed for decisions in accordance with section 1 subsection (1), sentence 1, number 5 or 6 in accordance with the applicable legal provisions, the competent authority shall notify the decision taken in the individual case by one or several individuals or associations, to be precisely designated, if this is applied for

1. by the applicant of the administrative act in accordance with section 1 subsection (1), sentence 1, number 5, or

2. by the party to which the authority has addressed the administrative act in accordance with section 1 subsection (1), sentence 1, number 6.

The applicant shall bear the costs of notification.

(2) The Higher Administrative Court shall decide at first instance on appeals in accordance with section 1 subsection (1), sentence 1, against a decision in accordance with section 1 subsection (1), sentence 1, number 4 or its omission.

(3) If an association within the meaning of section 4 subsection (3), sentence 1, number 2 has had the opportunity to make a statement in proceedings in accordance with section 1 subsection (1), sentence 1, number 4, it shall be excluded from the proceedings on the appeal with regard to all objections which it did not assert in good time in the proceedings in accordance with section 1 subsection (1), sentence 1, number 4, or which it did not assert in good time in accordance with the applicable legal provisions, but which it could have asserted.

(4) Subsection (2) shall also apply to appeals of parties concerned in accordance with section 61 numbers 1 and 2 of the Code of Administrative Court Procedure.

Section 7
Transitional provision

(1) The present Act shall apply to appeals against decisions in accordance with section 1 subsection (1), sentence 1, numbers 1 and 2 which were handed down or should have been handed down subsequent to 25 June 2005.

(2) The present Act shall apply to appeals against decisions in accordance with section 1 subsection (1), sentence 1, numbers 4 to 6 which were handed down, or which should have been handed down, subsequent to 31 December 2016.

(3) The following recognitions shall continue to apply as recognitions within the meaning of the present Act:

1. recognitions

a) in accordance with section 3 of the present Act in the version of 28 February 2010,

b) in accordance with section 59 of the Federal Nature Conservation Act (*Bundesnaturschutzgesetz*) in the version of 28 February 2010, and

c) on the basis of provisions of the *Länder* within the framework of section 60 of the Federal Nature Conservation Act in the version of 28 February 2010,

which were issued prior to 1 March 2010, as well as

2. recognitions of the Federation and the *Länder* in accordance with section 29 of the Federal Nature Conservation Act in the version applicable until 3 April 2002.

Section 4a

Rules concerning the application of the Rules of Procedure of the Administrative Courts

~~(1) Within a period of six weeks, an applicant shall state the facts and evidence on which he bases his action challenging a decision as defined in section 1 (1), first sentence, or the omission to take such decision. Section 87b (3) of the Rules of Procedure of the Administrative Courts shall apply mutatis mutandis. Upon application, the presiding judge or the judge rapporteur may extend the period specified in the first sentence.~~

~~(2) To the extent that in applying environmental legislation a public authority is accorded a discretion to determine whether substantive conditions are satisfied, the court's review of the authority's decision shall be limited to determining whether~~

- ~~1. — the facts were stated correctly and in full,~~
- ~~2. — procedural rules and principles of legal assessment were satisfied,~~
- ~~3. — errors were made concerning the law to be applied,~~
- ~~4. — irrelevant matters were taken into consideration.~~

~~(3) Section 80 (5), first sentence, of the Rules of Procedure of the Administrative Court shall apply subject to the modification that the court dealing with the main case may order or restore the suspensive effect in full or in part, if a global assessment of the matter raises serious doubts on the lawfulness of the administrative decision.~~

~~(4) Subsections (1) to (3) shall apply also to appeals by participants as defined in section 61 no. 1 and 2 of the Rules of Procedure of the Administrative Courts.~~

~~Section 5~~

~~Transitional provision~~

~~(1) This Act shall apply to procedures pursuant to Section 1 (1), first sentence, that were initiated, or would have had to be initiated, after 25 June 2005; the first half of this sentence shall not apply to decisions pursuant to Section 1 (1), first sentence, which became final before 15 December 2006.~~

~~(2) Recognitions pursuant to Section 3 of this Act in the version of 28 February 2010, pursuant to Section 59 of the Federal Nature Conservation Act [Bundesnaturschutzgesetz] in the version of 28 February 2010 or pursuant to statutory provisions of the German states (Länder) in the framework of Section 60 of the Federal Nature Conservation Act in the version of 28 February 2010 which have been issued before 1 March 2010, as well as recognitions by the Federation and by the German states (Länder) pursuant to Section 29 of the Federal Nature Conservation Act in the version valid until 3 April 2002 shall continue to be in force as recognitions within the meaning of this Act.~~

~~(3) Recognition procedures that have already been initiated on the basis of this Act shall be concluded by the Federal Environment Agency pursuant to the statutory provisions applicable until 28 February 2010.~~

~~(4) Decision procedures specified in section 1 (1), first sentence, no. 1, approval procedures specified in section 1 (1), first sentence, no. 2 and appeal procedures specified in section 2 pending on 12 May 2011 or initiated after that date and in which on 29 January 2013 a final decision has not yet been reached shall be concluded on the basis of the amended version of this Act which entered into force on 29 January 2013. By way of derogation from the previous sentence, section 4a (1) shall apply only to appeals initiated on or after 29 January 2013.~~

Environmental Impact Assessment Act
[Gesetz über die Umweltverträglichkeitsprüfung – UVPG]

Article 9

Participation of the public

(1) The competent authority shall ensure participation of the public with regard to the environmental impacts of the project. In the context of such participation, the affected public shall be given an opportunity to comment. In doing so, associations that are recognised in accordance with the Environmental Appeals Act are to support the competent authority in a manner that protects the environment. The public participation shall comply with the requirements of Article 73 paragraph (3) sentence 1, and Article 73 paragraphs ~~(5)~~ (4) to (7) of the Administrative Procedures Act. If the developer alters the documents required pursuant to Article 6 in the course of the procedure, renewed public participation may be dispensed with as long as no additional or different significant environmental impacts are to be feared.

(1a) In the announcement at the beginning of the participation procedure pursuant to paragraph (1), the competent authority shall inform the public about the following:

1. the application for a decision on the approval of the project, the plan submitted or any other act by the developer to initiate a procedure for assessing the environmental impact,
2. the determination that the project is subject to EIA pursuant to Article 3a and, if necessary, of the need for transboundary participation pursuant to Article 8 and Article 9a,
3. the competent authorities for the procedure and decision on the approval of the project, from whom further relevant information can be obtained and to whom comments or questions may be submitted, and the deadlines laid down for their submission,
4. the nature of any possible decision on the approval of the project,
5. details of the documents submitted pursuant to Article 6,
6. details of where and for what period the documents pursuant to Article 6 are exhibited for inspection,
7. further details of the public participation procedure.

(1b) As part of the participation procedure pursuant to paragraph (1), the competent authority shall exhibit at least the following documents for inspection by the public:

1. the documents pursuant to Article 6,
2. the decision-relevant reports and recommendations relating to the project which were in the hands of the competent authority at the commencement of the participation procedure.

Additional information which may be of significance for the decision on the approval of the project and which only reaches the competent authority after the commencement of the participation procedure shall be made available to the public in accordance with the Federal and *Länder* provisions on access to environmental information.

(1c) The concerned public can submit its comments in writing or for the record of the competent authority up to four weeks after the expiry of the display period. On expiry of the period for comments, all comments shall be ruled out for the proceedings on the permissibility of the project which are not based on specific titles under private law. This shall be indicated in the promulgation of the display or when announcing the period for comments.

(1d) With regard to projects for which a considerable volume of documents has been submitted, the competent authority may set a longer period for comments than that stipulated in subsection (1c), sentence 1. The period for comments may not exceed the period to be set in accordance with section 73 subsection (3a), sentence 1, of the Administrative Procedure Act.

(1e) The period for comments in accordance with subsection (1c) and (1d) shall also apply to other objections.

(2) The competent authority, applying Article 74 paragraph (5) sentence 2 of the Administrative Procedures Act with the necessary modifications, shall publicly announce the decision on the approval or rejection of the project and, applying Article 74 paragraph (4) sentence 2 of the Administrative Procedures Act with the necessary modifications, shall exhibit the decision for inspection together with explanatory memorandum and information on legal remedies.

(3) Notwithstanding paragraphs (1) and (2), participation of the public shall be ensured in the preliminary procedure by

1. publicly announcing the project with the details set out in paragraph (1a),
2. ensuring that the documents required pursuant to paragraph (1b) can be inspected for a reasonable period of time,
3. providing the affected public with an opportunity for comment,
4. informing the public about the decision and giving the public access to the content of the decision together with explanatory memorandum and information on legal remedies.

Article 9a

Transboundary participation of the public

(1) If a project is capable of having substantial environmental impacts in another state, the public in such state may participate in the procedure pursuant to Article 9 paragraphs (1) to (1b) and Article 9 paragraph (3). The competent authority shall use its best efforts to procure that

1. the project is announced in a suitable manner in the other state,
2. details are given of the authority to which the affected public may submit comments in the procedure pursuant to Article 9 paragraphs (1) or (3),
3. it is pointed out that in the procedure pursuant to Article 9 paragraph (1) all objections that are not founded on special titles under private law are ruled out upon expiration of the set period [for the proceedings on the permissibility of the project](#),
4. the decision on approval or rejection of the project which is communicated pursuant to Article 8 paragraph (3) is announced in a suitable manner to the affected public in the other state, and the content of the decision is made available together with explanatory memorandum and information on legal remedies.

(2) The competent authority may demand that the developer provide it with a translation of the summary pursuant to Article 6 paragraph (3) sentence 2 and, where necessary, of further project details of relevance to transboundary public participation, especially about transboundary environmental impacts, insofar as the requirements for the principles of reciprocity and equivalence are satisfied in relation to the other state.

(3) Further provisions on the implementation of Federal and *Länder* obligations under international law shall not be affected.

Article 14i

Participation of the public

- (1) Article 9 paragraphs (1) to (1b) shall apply with the necessary modifications to the participation of the public, except as otherwise provided below.
- (2) The draft plan or programme, the environmental report and other documents which the competent authority feels it expedient to include shall be displayed for public inspection at an early stage for an adequate period of at least one month. With due regard to the nature and content of the plan or programme, the display locations shall be determined by the competent authority in such a way as to ensure the effective participation of affected members of the general public.
- (3) Affected members of the public may voice their opinions on the draft plan or programme and on the environmental report. The competent authority shall set an adequate deadline of at least one month in order to allow them to voice their opinions. On expiry of the period for comments, all changes shall be ruled out for the proceedings for the establishment or amendment of the plan or programme which are not based on specific titles under private law. This shall be pointed out in the promulgation of the interpretation, or when announcing the period for comments. A public inquiry shall be held, where this is envisaged by Federal statutory provisions for selected plans and programmes.

Article 14I

Announcement of the decision regarding acceptance of the plan or programme

- (1) The acceptance of a plan or programme shall be publicly announced. The rejection of a plan or programme may be publicly announced.
- (2) Upon acceptance of the plan or programme, the following information shall be laid out for inspection:
 1. the accepted plan or programme,
 2. a summarising statement outlining how environmental considerations were incorporated into the plan or programme, how allowance was made for the environ-

mental report pursuant to Article 14g and the opinions and statements pursuant to Articles 14h to 14j, and the reasons for which the accepted plan or programme was chosen after weighing up against the investigated alternatives, ~~and~~

3. ___ a list of monitoring measures pursuant to Article 14m, as well as

4. information on appeals insofar as the acceptance of the plan or programme is not determined by law.

Article 16

Regional policy plans; regional planning procedures

(1) Except as otherwise provided by *Land* legislation, an environmental impact assessment shall be performed in relation to the planning stage of the project, including alternative locations pursuant to Article 15 paragraph (1) sentence 3 of the Regional Planning Act [*Raumordnungsgesetz*], in respect of the regional planning procedure for projects listed in Annex 1 which are subject to an obligation to perform an environmental impact assessment pursuant to Articles 3b or 3c of this Act.

(2) In the subsequent approval procedure the environmental impact assessment may be restricted to additional or different significant environmental impacts.

(3) The result of the regional planning procedure pursuant to Article 15 of the Regional Planning Act [*Raumordnungsgesetz*] may be reviewed only in the context of the procedure for legal remedies against the subsequent approval decision.

(4) If this Act requires the performance of a strategic environmental assessment for the preparation of a regional policy plan, an environmental assessment including monitoring shall be carried out in such cases in accordance with the provisions of the Regional Policy Act [*Raumordnungsgesetz*]. Section 1 subsection (1), sentence 1, number 4 of the Environmental Appeals Act shall not be applied to a regional planning plan in accordance with number 1.5 or 1.6 of Annex 3 which shows areas for the use of wind energy or for the extraction of raw materials.

Article 18
Procedures under mining law

In the case of mining projects listed in Annex 1, the environmental impact assessment pursuant to Article 2 paragraph (1) sentences 1 to 3 shall be performed in the plan approval procedure pursuant to the Federal Mining Act [*Bundesberggesetz*].

Articles 5 to 14 shall not apply [with the exception of section 9 subsection \(1\), sentence 3, subsections \(1c\) and \(1d\)](#).

Article 19b
**Strategic environmental assessment for transport infrastructure planning at
Federal level**

(1) In the case of requirement plans pursuant to number 1.1 of Annex 3, a strategic environmental assessment shall only be required for significant environmental impacts which have not already been the subject of a strategic environmental assessment in the procedure for the preparation or amendment of other plans and programmes pursuant to number 1.1 of Annex 3.

(2) In the case of transport infrastructure planning at Federal level pursuant to number 1.1 of Annex 3, any reasonable and viable alternatives incorporating the objectives and geographical scope of the plan or programme, particularly alternative transport networks and alternative means of transport, shall be identified, outlined and evaluated when preparing the environmental report. [Section 1 subsection \(1\), sentence 1, number 4 of the Environmental Appeals Act shall not apply to transport infrastructure planning at federal level.](#)

Article 21

Decisions, ancillary provisions

- (6) The Federal Ministry of Defence and the agencies designated by it shall be responsible for tasks of enforcement and monitoring of installations which serve military purposes.

**Act on the Prevention of Harmful Effects on the Environment Caused by Air
Pollution, Noise, Vibration
and Similar Phenomena
(Federal Immission Control Act - BImSchG)
(*Bundes-Immissionsschutzgesetz*)**

**Section 10
Licensing Procedure**

(1) Institution of the licensing procedure shall be subject to submission of a written application. Any drawings, explanations and other supporting documents required for verification purposes in accordance with section 6 shall be attached to the application. If the documents submitted are not sufficient for such verification, the applicant shall, if so requested by the competent authority, furnish additional documents within a reasonable period. If the application is submitted in electronic form, the competent authority may order the applicant to produce copies thereof and submit the documents to be attached to the application in written form as well.

(2) Where documents presented contain business secrets, such documents shall be marked accordingly and submitted separately. The contents thereof must be described in sufficient detail to enable third parties to assess whether and to what extent they may be affected by the installation in question in so far as this can be done without disclosing the secret.

(3) If the documents submitted are complete, the competent authority shall give public notice of the project in its official gazette and, additionally, either on the Internet or in local daily newspapers that are widely read in the area where the installation is to be constructed. With the exception of the documents referred to in subsection (2), first sentence, above, the application and the supporting documents as well as all reports and recommendations relevant to the decision which are available to the authority at the time of the public notice shall be laid open for public inspection for a period of one month following such notice. Additional information which may be relevant to the decision on the project's admissibility and becomes available to the - 13 - . . .

competent authority only after the start of the inspection period shall be made public according to the provisions on access to environmental information. Objections against the project may be lodged in writing within two weeks after expiry of the inspection period; [a period of four weeks shall apply with installations in accordance with the Industrial Emissions Directive](#). At the end of the objection period, no further objections [for the licensing procedure](#) shall be admissible unless they are based on special titles under civil law. Objections based on special titles under civil law shall be dealt with by the general courts of law.

[\(3a\) Associations that are recognised in accordance with the Environmental Appeals Act are to support the competent authority in a manner serving environmental protection.](#)

Section 19

Simplified Procedure

(1) An ordinance issued under section 4 subsection (1), third sentence, may provide for a simplified procedure for the licensing of installations of specific types or sizes if this is compatible with the protection of the general public and the neighbourhood given the nature, extent and duration of the harmful effects on the environment and of any other hazards, significant disadvantages and significant nuisances caused by such installations. The first sentence above shall apply *mutatis mutandis* to waste disposal installations.

~~(2) Section 10 subsections (2), (3), (4), (6), subsection (7), second and third sentences~~[Section 10 subsections \(2\), \(3\), \(3a\), \(4\), \(6\), \(7\), sentences 2 and 3](#), subsections (8) and (9) as well as sections 11 and 14 shall not apply to the simplified procedure.

(3) Notwithstanding subsections (1) and (2) above, the licence shall not be granted in a simplified procedure, if the party carrying out the project so requests.

Act on Nature Conservation and Landscape Management (Federal Nature Conservation Act – BNatSchG) of 29 July 2009

Article 63

Rights of participation

(1) An association recognised by the Federal Government pursuant to Article 3 of the Environmental Appeals Act (Umwelt-Rechtsbehelfsgesetz) that, pursuant to the tasks defined in its statutes, focuses primarily on promoting purposes of nature conservation and landscape management (recognised nature conservation association), shall be given the opportunity to respond to and examine relevant expert opinions

1. during the preparation of regulations, and other statutory ordinances ranking after laws, in the field of nature conservation and landscape management, by the Federal Government or the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU),

2. prior to granting exemptions from requirements and prohibitions for the protection of marine protected areas within the meaning of section 57 subsection (2), as well as prior to the handing down of derogating decisions in accordance with section 34 subsections (3) to (5), also in conjunction with section 36, sentence 1, number 2, even if such marine areas are included in or replaced by a different decision prior to granting of exemptions from requirements and prohibitions for protection of marine protected areas within the meaning of Article 57 (2), even if such marine areas are included or replaced by a different decision,

3. in plan approval procedures that are carried out by Federal authorities or, in the German exclusive economic zone and on the continental shelf, are carried out by Länder authorities, if the projects in question are projects that involve interventions in nature and landscape,

4. in connection with plan adoptions that are issued by Federal authorities and that supplant a plan approval within the meaning of No 3, if public participation is provided for,

and insofar as their task area, as defined by their statutes, is affected.

(2) A nature conservation association that is recognised by a Land pursuant to Article

3 of the Environmental Appeals Act and that, pursuant to its statutes, operates throughout the relevant Land, shall be given the opportunity to respond to and examine the relevant expert opinions

1. during the preparation of regulations and other statutory ordinances ranking below laws by the Länder authorities responsible for nature conservation and landscape management,

2. during the preparation of programmes and plans within the meaning of Articles 10 and 11,

3. during the preparation of plans within the meaning of Article 36 Sentence 1 No 2,

4. during the preparation of programmes by government and other public agencies for the re-establishment of displaced wild species of fauna and flora in the wild,

4a. prior to the granting of a licence for the establishment, expansion, substantial modification or operation of a zoo in accordance with section 42 subsection (2), sentence 1,

4b. prior to the approval of an exception in accordance with section 45 subsection (7), sentence 1, by means of a statutory instrument or by a general ruling,

5. prior to granting of exemptions from requirements and prohibitions for protection of areas within the meaning of Article 32 (2), Natura 2000 sites, nature conservation areas, national parks, national nature monuments and biosphere reserves, as well as of derogating decisions in accordance with section 34 subsections (3) to (5), also in conjunction with section 36, sentence 1, number 2, even if such areas are included or replaced by a different decision,

6. in plan approval procedures, if the projects concerned are projects within the territory of the recognising Land that involve interventions in nature and landscape,

7. in plan adoptions that supplant plan approval within the meaning of No 6, if public participation is provided for,

8. in other procedures for execution of provisions under the legislation of the Länder, if the law of the relevant Land provides for this,

insofar as their task area, as defined by their statutes, is affected by the project.

(3) Article 28 (2) Nos 1 und 2, (3) and Article 29 (2) of the Administrative Procedures Act (Verwaltungsverfahrensgesetz) shall apply mutatis mutandis. Other forms of participation, as set forth in other Federal or Länder statutory provisions, that are either of equivalent substance or more extensive, shall not be affected.

(4) The Länder may determine that, in cases in which no impacts on nature and

landscape, or only impacts of a minor extent or scope, are anticipated, the involvement of associations may be waived.

Article 64

Appeals

(1) In addition to having recourse to the appeals pursuant to Article 2 of the Environmental Appeals Act, and without its own rights having been injured, a recognised nature conservation association may, in keeping with the Administrative Court Procedures Code (Verwaltungsgerichtsordnung), challenge decisions pursuant to Article 63 (1) Nos 2 through 4 and (2) numbers 4a to 7~~Nos 5 through 7~~, if the association

1. avers that the decision contradicts provisions of this Act, legal provisions issued or remaining in force on the basis of this Act, nature conservation laws of the Länder or other statutory provisions that are to be observed in connection with the decision and that at least are intended to also serve the interests of nature conservation and landscape management,

2. is affected in its scope of tasks and activities as set forth in its statutes, provided the relevant recognition refers to that scope, and

3. was entitled to participation in accordance with section 63 subsection (1) number 2 or subsection (2) numbers 4a to 5, and the association expressed an opinion on the matter or was given no opportunity to express an opinion; this shall also apply to participation in accordance with section 63 subsection (1) number 3 and subsection (2) number 6 where the application of the Federal Nature Conservation Act is not ruled out for such a plan licensing procedure in accordance with section 1 subsection (3) of the Environmental Appeals Act.

~~was entitled to participation pursuant to Article 63 (1) Nos 2 through 4 or (2) Nos 5 through 7 and the association expressed an opinion in the matter or was given no opportunity to express an opinion.~~

(2) Section 1 subsection (1), sentences 3 and 4, sentence 4, section 2 subsection (3), sentence 1, and section 5 ~~Article 2 (3) and (4) Sentence 1~~ of the Environmental Appeals Act shall apply mutatis mutandis.

(3) The Länder may also permit appeals by recognised nature conservation associations in other cases in which, pursuant to Article 63 (2) No 8, participation is provided for.

**Amendment of the Code of Administrative Court Procedure
(Verwaltungsgerichtsordnung)**

Section 47

(1) The Higher Administrative Court shall adjudicate on application within the bounds of its jurisdiction on the validity of

1. by-laws issued under the provisions of the Federal Building Code (*Baugesetzbuch*) and of statutory orders issued on the basis of section 246, subsection 2, of the Federal Building Code,
2. other legal provisions ranking below the statutes of a *Land*, to the extent that this is provided in *Land* law.

(2) Applications may be made by any natural person or body corporate claiming to have been aggrieved by the legal provision or its application, or that he/she will be aggrieved within the foreseeable future, or by any public authority within one year of announcement of the legal provision. It shall be directed against the corporation, institution or foundation which issued the legal provision. The Higher Administrative Court may grant to the *Land* and other bodies corporate under public law whose competence is touched by the legal provision an opportunity to be heard on the matter within a specified period of time. Section 65, subsections 1 and 4, and section 66 shall apply *mutatis mutandis*.

~~_(2a) The application by a natural person or body corporate relating to a land-use plan or to statutes in accordance with section 34, subsection 4, first sentence, Nos. 2 and 3 or section 35, subsection 6, of the Federal Building Code shall be inadmissible if the person lodging the application has only made objections which he/she did not make when publicly available for inspection (section 3, subsection 2, of the Federal Building Code) or in the consultation of the interested public (section 13, subsection 2, No. 2 and section 13a, subsection 2, No. 1 of the Federal Building Code) or made late, but could have made, and if notice has been drawn to this legal consequence in the consultation.~~

Federal Building Code (*Baugesetzbuch*)

Section 3 Public participation

(1) The public shall be publicly informed as early as possible of the general objectives and purposes of the planning, materially different solutions under consideration for the redesign or development of an area, and of the likely impacts of the planning; it shall be afforded the opportunity to comment and debate. Children and juveniles shall also constitute part of the public within the meaning of sentence 1. Information and debate may be foregone if

1. a zoning plan is prepared or rescinded and this has no or only minimal effects on the plan area and adjacent areas, or
2. information and debate have already previously taken place on another basis.

Information and debate shall also be followed by the procedure in accordance with subsection (2) if the debate results in an alteration to the plan.

(2) The draft development plans shall be publicly displayed for one month with the reasoning and the existing environmental statements which the municipality considers to be relevant. The place and duration of the display, as well as information on what types of environmental information are available, shall be notified as customary in the location at least one week in advance it shall be indicated in so doing that comments may be submitted during the display period, and that comments which are not submitted in good time cannot be taken into consideration when resolving on the development plan. ~~it shall be indicated in doing so that comments may be submitted during the display period, that comments which are not submitted in good time cannot be taken into consideration when resolving on the development plan and, when drafting a zoning plan, that an application in accordance with section 47 of the Code of Administrative Court Procedure (Verwaltungsgerichtsordnung) is inadmissible if it only asserts objections which the applicant did not assert in connection with the dis-~~

~~play, or did not assert in good time, but which could have been asserted.~~ Those concerned in accordance with section 4 subsection (2) are to be informed of plans being placed on display. The comments which have been submitted in good time shall be reviewed; the outcome shall be communicated. If more than 50 persons have submitted comments which are essentially identical in content, the notification can be replaced by these individuals being enabled to inspect the result; the place where the result of the review can be inspected during opening hours shall be notified as customary in the location. On submission of the development plans in accordance with section 6 or section 10 subsection (2), the comments which have not been taken into account shall be included with a statement by the municipality.

Section 214

Relevance of the violation of provisions on the drafting of the land use plan and of statutes; supplementary proceedings

(1) A violation of procedural and formal requirements contained in the present Code shall only be regarded as seriously affecting the legal effectiveness of the land use plan and of the statutes in accordance with the present Code if

1. in contradiction of section 2 subsection (3), the interests concerned by the planning of which the municipality was aware, or should have been aware, were not correctly ascertained or evaluated with regard to major aspects, and if the shortcoming was manifest and exerted an influence on the outcome of the proceedings;

2. the provisions on the involvement of the public and of authorities in accordance with section 3 subsection (2), section 4 subsection (2), section 4a subsections (3) and (5), sentence 2, section 13 subsection (2), sentence 1, numbers 2 and 3 (also in conjunction with section 13a subsection (2) number 1), section 22 subsection (9), sentence 2, section 34 subsection (6), sentence 1, as well as section 35 subsection (6), sentence 5, have been violated; it shall be immaterial here if, in the application of the provisions, individuals, authorities or other public agencies have not been involved, but the interests in question were immaterial or have been accommodated in the decision, or individual items of information were missing on what types of environmental information are available, ~~or the notice in accordance with section 3~~

~~subsection (2), sentence 2, clause 2 (also in conjunction with section 13 subsection (2), sentence 2, and section 13a subsection (2) number 1) was missing,~~ or with application of section 13 subsection (3), sentence 2, the notice that no environmental review is carried out was omitted, or in application of section 4a subsection (3), sentence 4, or of section 13 (also in conjunction with section 13a subsection (2) number 1) the prerequisites for the implementation of participation in accordance with these provisions have been disregarded;

3. the provisions on the reasoning of the land use plan and the statutes, as well as their drafts in accordance with sections 2a and 3 subsection (2), section 5 subsection (1), sentence 2, clause 2 and subsection (5), section 9 subsection (8) as well as section 22 subsection (10), have been violated; it shall be immaterial here if the reasoning of the land use plan or of the statute or their draft is incomplete; in derogation from clause 2, a violation of provisions related to the environmental report shall be immaterial if the reasoning on this is only incomplete with regard to immaterial items;

4. a resolution by the municipality on the land use plan or the statute has not been taken, an approval has not been issued or the purpose of the indication pursued with the notice of the land use plan or of the statute has not been achieved.

Insofar as, in cases falling under sentence 1 number 3, the reasoning is incomplete with regard to major issues, the municipality shall supply information on request if a legitimate interest is presented.

**Ordinance on the Licensing Procedure
(Verordnung über das Genehmigungsverfahren)**

[\[no translation of the ordinance available\]](#)

In section 11a subsection (4), sentence 1, of the Ordinance on the Licensing Procedure (Verordnung über das Genehmigungsverfahren) in the version the promulgation of 29 May 1992 (Federal Law Gazette I p. 1001), most recently amended by Article 5 of the Ordinance of 28 April 2015 (Federal Law Gazette I p. 670), the words “for the licensing procedure” shall be inserted after the words “period for filing objections”.

**Nuclear Licensing Procedure Ordinance
(Atomrechtliche Verfahrensverordnung)**

§ 7 Objections

(1) Objections may be submitted during the public inspection period either in writing or for transcript at the offices of the licensing authority or at the alternative location referred to in the announcement pursuant to § 5 para. (1), sentence 2 no. 2. Upon expiration of the public inspection period, further objections shall only be admitted [for the licensing procedure](#) if they are based on special titles under private law.

(2) The contents of the objections shall be communicated to the applicant. The authorities involved in accordance with § 7 para (4) sentence 1 of the Atomic Energy Act shall be notified of the contents of objections which fall within their sphere of competence.

§ 7a Procedure for cross-border environmental impacts

(1) If a project requiring an EIS might have major impacts to be described pursuant to § 3 para. (1) subpara. 1 or 9 on properties to be protected in accordance with § 1a and located in another state, or upon request of another state, which might be considerably affected by the impacts, the authorities designated by the other state shall be informed about the project, with a view to the assessment pursuant to § 1a, at the same time and to the same extent as the authorities to be involved pursuant to § 7

para. (4) sentence 4 of the Atomic Energy Act, allowing a reasonable period of time for a notice on whether participation in the procedure is requested. If the other state has not designated the authorities to be involved, the supreme authority for environmental matters of the other state shall be informed. The licensing authority has to work towards the announcement of the project in that state in an appropriate way, stating at which authority objections can be filed and pointing out that all objections not based on specific titles under civil law will be excluded after expiration of the period for filing objections [for the licensing procedure](#). Legal provisions with respect to secrecy, and in particular those for the protection of business or trade secrets, shall remain unaffected; conflicting rights of third parties shall be observed. The provisions of the Federal Data Protection Act and of the data protection acts of the Länder with respect to the transmission of data to organisations outside the scope of the Basic Law shall also remain unaffected. The licensing authority gives the authorities of the other states to be involved the opportunity to issue their statement on the basis of the submitted documents pursuant to §§2 and 3 within a reasonable time before decision on the application. The public resident in the other state shall be regarded as equal to the national public with regard to their further participation in the licensing procedure.

Environmental Information Act (Umweltinformationsgesetz)

Section 10 – Informing the public

(1) The bodies subject to a disclosure obligation shall inform the public about the environment to an appropriate extent and in an active and systematic manner. In this context, they shall disseminate environmental information which is relevant to their functions and which is held by and for them.

(2) The environmental information to be disseminated shall include at least:

1. texts of international treaties, Community legislation adopted by European Community institutions and provisions adopted by federal, state or municipal authorities on the environment or relating to it;
2. policies, plans and programmes relating to the environment;
3. progress reports on the implementation of the legislation and policies, plans and programmes referred to in numbers 1 and 2 above when prepared or held in electronic form by the relevant body subject to a disclosure obligation;
4. data or summaries of data derived from the monitoring of activities affecting, or likely to affect, the environment;
5. authorisations with a significant impact on the environment and environmental agreements and

6. summary description and evaluation of the environmental impact in accordance with sections 11 and 12 of the Environmental Impact Assessment Act in the version of the promulgation of 24 February 2010 (Federal Law Gazette I p. 94) in the respectively applicable version, and risk evaluations with regard to environmental components in accordance with section 2 subsection (3) number 1.

~~6. summary presentations and evaluations of environmental impact referred to in sections 11 and 12 of the Environmental Impact Assessment Act⁴ as promulgated on 5 September 2001 (Federal Law Gazette I, p. 2350), last amended by Article 3 of the Act of 24 June 2004 (Federal Law Gazette I, p. 1359) and risk assessments concerning the environmental elements referred to in section 2 subsection (3) number 1.~~

In the cases referred to in the first sentence, numbers 5 and 6, for the purposes of dissemination, a reference to where the information is available or can be found suffices. Published environmental information shall be updated at appropriate intervals.

(3) Environmental information shall be disseminated in a manner that is understandable and easily accessible to the public. For these purposes, where available, electronic means of communication shall be used. The second sentence above does not apply to environmental information compiled before this Act entered into force unless the information is already available in electronic form.

(4) The requirements to inform the public specified in subsections (1) and (2) above may be satisfied also by creating links to Internet sites where the environmental information to be disseminated can be found.

(5) In the event of an imminent threat to human health or the environment, whether caused by human activities or due to natural causes, the bodies subject to a disclosure obligation shall disseminate immediately and without delay all information held by or for them which could enable the public likely to be affected to take measures to prevent or mitigate harm arising from the threat. If several bodies subject to a disclosure obligation hold information of that kind, they should coordinate its dissemination.

(6) Section 7 subsections (1) and (3) and sections 8 and 9 shall apply *mutatis mutandis*.

(7) Discharge of the obligations specified in section 10 may be entrusted to specific institutions in the public administration or to private bodies.