



Background: Permitting Process in Germany

Nord Stream 2 AG | Aug-18



Permitting Requirements in Germany

The new high-pressure natural gas pipeline will cross both Germany's Exclusive Economic Zone (EEZ) and its territorial waters (12 nm zone). This requires different permitting procedures which fall under the responsibility of different permitting authorities.



1. Overview

Legislation

Plan Approval Procedure for construction and operation in territorial waters and the landfall according to Energy Industry Act (EnWG)

Two permits for construction and operation in EEZ according to Federal Mining Act (BBergG)

- 1) Permit by the Mining Authority (Stralsund) according to § 133 Sec.1 clause 1 No. 1 BBergG;
- 2) Permit issued by the BSH (Hamburg) according to § 133 Sec. 1 clause 1 No 2 BBergG.

The EIA is parallel to and integrated in the permitting procedure.

Technical permits and approvals:

Technical Permits and Approvals (prior to start of construction, prior to start of commissioning and after commissioning) according to §§ 5 f of the German Gashochdruckleitungsverordnung (Decree for high pressure pipelines).

Authorities

Mining Authority (Stralsund)

Bundesamt für Seeschifffahrt und Hydrographie (Hamburg)

2. Permitting Process in the German EEZ

For the German EEZ, a permit according to the Federal Mining Law (Bundesberggesetz – BBergG) is required in order to regulate the use and exploitation of waters on the country's continental shelf. The responsible authority for carrying out the permitting procedure and issuing the permit is the Federal Maritime and Hydrographic Agency (BSH). According to the BBergG, the permitting process includes an Environmental Impact Assessment (EIA) of the project as well as an assessment of its compatibility with any other nature conservation issues (Natura 2000 nature protection areas, species conservation, environmental compensation measures etc.). A prerequisite for this permit is the approval of the project's mining activities according to the BBergG, issued by the Stralsund Mining Authority.



Whilst no prior regional planning procedures are required in the German EEZ, the principles and objectives outlined in the Regulation on Spatial Planning in the German EEZ in the Baltic Sea are to be observed.

No prior regional planning procedures are required in the German EEZ, as the territorial compatibility is assessed during the permitting process. There are no identifiable conflicts with the principles and objectives outlined in the Regulation on Spatial Planning in the German EEZ in the Baltic Sea. The Regulation's requirements are taken into account in the permitting process.

3. Permitting Process in German Territorial Waters

In the German 12 nm zone, a plan approval procedure for gas supply pipelines with a diameter greater than 300 millimeters is prescribed by the German Energy Industry Law (Energiewirtschaftsgesetz – EnWG). The responsible authority for carrying out the permitting procedure and issuing the permit is the Stralsund Mining Authority.

This permitting process includes an EIA as well as an assessment of the project's compatibility with any other nature conservation issues (Natura 2000 nature protection areas, species conservation, environmental compensation measures etc.). Furthermore, as set out in the Regulation on High-Pressure Natural Gas Pipelines, the Stralsund Mining Authority is also responsible for the technical examination and acceptance of the project.

No prior regional planning procedures are required in the German 12 nm zone, since the planned pipeline route largely falls within the route corridor identified in the Regional Spatial Development Programme of Mecklenburg-Western Pomerania (LREP M-V): this will also entail a territorial compatibility assessment.

In parallel to the German permitting process, the two responsible German permitting authorities will also carry out the EIA process in a transboundary context according to the UNECE convention ("Espoo convention").

4. Timeline of the Permitting Process

8 April 2013	Publishing of Project Information Document (PID) and Scoping Document
	Formal start of procedure in Germany – documents sent to relevant parties of interest
April/May 2013	Public consultation
26 June 2013	Scoping meeting in Stralsund
5 May 2014	Confirmation of planned scope of environmental surveys and environmental impact studies
18 April 2017	Publication of application documents and Espoo report Start of public consultation in Germany



18 April to 17 May 2017	Documents available for public consultation
17 July to 21 July 2017	Public hearing in Stralsund
31 January 2018	Permit for German territorial waters issued by Stralsund Mining Authority
27 March 2018	Permit for the German Exclusive Economic Zone (EEZ) issued by Federal Maritime and Hydrographic Agency of Germany

5. Relevant Documentation

> **ESPOO-EIA:** <https://www.nord-stream2.com/en/pdf/document/51/>

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About Nord Stream 2

Nord Stream 2 is a planned pipeline through the Baltic Sea, which will transport natural gas over some 1,230 km from the world's largest gas reserves in Russia via the most efficient route to consumers in Europe. Nord Stream 2 will largely follow the route and technical concept of the successful Nord Stream Pipeline. The new pipeline will have the capacity to transport 55 billion cubic metres of gas per year, enough to supply 26 million European households. This secure supply of natural gas with its low CO₂ emissions will also contribute to Europe's objective to have a more climate-friendly energy mix with gas substituting for coal in power generation and providing back-up for intermittent renewable sources of energy such as wind and solar power. www.nord-stream2.com