

## Bundesrat: Reform of environmental law completed

Minister Gabriel: "Fragmentation into 16 separate Länder laws averted"

Federal Environment Minister Sigmar Gabriel welcomed the final Bundesrat endorsement of the environmental law reform. "When the Environmental Code failed in February this year due to resistance from the CDU/CSU parliamentary group, it threatened to result in a further fragmentation of environmental law into 16 separate Länder laws. This has now been successfully averted," commented Minister Gabriel. For the first time in the history of the Federal Republic of Germany uniform nature conservation and water management legislation will come into force which will be directly applicable in the whole country. "A stronger harmonisation of environmental law in Germany has been possible and at the same time we have been able to prevent a scaling-down of environmental protection and nature conservation standards. That is a considerable step forward", the Minister went on to say.

In nature conservation the former framework law, which just set out more general requirements for the Länder, is being replaced. The new nature conservation act applies to the whole Federal Republic and stipulates that any damage done to nature must be compensated in kind. An exception to this rule is only permissible if this so-called 'genuine compensation' cannot be carried out.

In water legislation it is now also possible for the first time to put into place uniform federal requirements for the management of surface and coastal waters and for ground water. These provisions achieve a balance between the use and the protection of water bodies, for example as regards their continuity and minimum water flow. For the future use of hydropower it will become necessary to take adequate measures for the protection of fish populations. The general water management principles give special emphasis to the significance of climate change.

New regulations on protection from non-ionising radiation will now also enter into force. Children and young people under the age of 18 will no longer be allowed to visit tanning shops due to the special skin cancer risk.

The so-called Consolidation of Laws Act (Rechtsbereinigungsgesetz) is another new country-wide provision regulating, for the first time, the necessity of environmental impact assessments for certain water management and forestry projects. The Federal Länder will gain more control of waste streams and disposal paths where industrial installations and waste treatment plants are concerned. This provision will improve possibilities to prevent the illegal use of waste.

Nevertheless, the reform of the environmental law now adopted cannot make up for the damage done by the CDU/CSU parliamentary group with its resistance to the Environmental Code. "The key element of the Environmental Code, the so-called 'integrated project authorisation' will not become a reality. The Environmental Code provision would have meant: one project - one authority - one authorisation, thus relieving the burden in particular on small and medium-sized enterprises as regards red tape and costs. The CDU/CSU parliamentary group deliberately blocked this simplification. Now we will continue to have the side-by-side

existence of different authorisation procedures - at least this will be against the backdrop of uniform nature conservation and water legislation for the whole country", Minister Gabriel noted.

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