

# 08.08 Facilities and attendant Facilities Subject to Licensing under §4, Federal Immissions Control Law/BImSchG (2019 Edition)

## Text Summary

The Federal Immissions Control Law (Law on the Protection against the Harmful Effects of Air Pollution, Noise, Vibration and Similar Phenomena) requires the authorization of the construction and operation of plants that are particularly likely to have a harmful effect on the environment. These **facilities and attendant facilities subject to licensing** are listed in the 4<sup>th</sup> Appendix to the Immissions Control Ordinance of the BImSchG (Ordinance on Facilities and attendant Facilities Requiring Authorization – 4<sup>th</sup> BImSchV). All facilities which, due to their nature or capacity, are not included in this list are considered to be not subject to licensing.

For some – approx. 35% – of the facilities subject to licensing, emissions statements are required every 4 years, as per the 11<sup>th</sup> BImSchV ([see Table 1, Map 08.07](#)).

For certain very high capacity facilities, the authorization process must involve the public. Most of these are listed in the European Industrial Emissions Directive (Directive 2010/75/EU, Nov. 24, 2010, OJ L334, p.17).

The Senate Department for the Environment, Transport and Climate protection is responsible for all facilities subject to licensing; the competent licensing authority is the State of Berlin, except for facilities of the category Heating/power plants, combustion plants, incl. boilers and gas turbine plants. The State Office for Occupational Safety, Health and Technical Safety (LAGetSi) is the responsible immissions control licensing authority for these power plants. The respective 78 plants (as of 2016) of the type “Heat Production, Mining, Energy”, with a rated thermal output exceeding 20 MW are shown on [Map 08.07.1 Fuel Consumption in Combustion Plants Subject to Licensing \(2017 Edition\)](#).

In the present [Map 08.08](#), by contrast, all industrial facilities subject to licensing in the jurisdiction of the Senate Department for Urban Development and the Environment are listed with their site data, regardless of their emissions declaration obligation.

A major share of these facilities is assigned to the facilities category "Waste" (see Table 1).

Facilities	Number
Heat generation, mining and energy	67
Stones and earths, glass, ceramics, building materials	5
Steel, iron and other metals including processing	31
Chemical products, pharmaceuticals, mineral oil refining and further processing	8
Surface treatment	9
Wood, cellulose	1
Food, drink and animal feed, agricultural products	35
Recovery and disposal of waste and other materials	356
Storage, loading and unloading of substances and mixtures	53
Other industries	35
<b>Total</b>	<b>600</b>

**Tab. 1: Assignment of facilities and attendant facilities requiring licensing under §4 BImSchG to facility categories defined in the associated ordinance (as of August 27, 2019).**

The table contains no information on category Heating/power plants, combustion plants, incl. boilers and gas turbine plants, for which the Senate Department for Urban Development and the Environment is not responsible.

## Literature

### Laws and Ordinances

- [1] **Elfte Verordnung zur Durchführung des Bundes-Immissionsschutzgesetzes (Verordnung über Emissionserklärungen) (11. BImSchV)**,  
 "11<sup>th</sup> Ordinance on the Implementation of the Federal Immissions Control Law, as per the Notification of March 5, 2007 (Fed. Journal. I, p. 289), as amended by Article 9 of the Ordinance of May 2, 2013 (Fed. Journal. I p. 1021)"  
 Internet:  
[http://www.gesetze-im-internet.de/bimschv\\_11\\_2004/index.html](http://www.gesetze-im-internet.de/bimschv_11_2004/index.html)  
 (Accessed on 28 October 2019)
- [2] **Gesetz zum Schutz vor schädlichen Umwelteinwirkungen durch Luftverunreinigungen, Geräusche, Erschütterungen und ähnliche Vorgänge (Bundes-Immissionsschutzgesetz - BImSchG)**,  
 "Law on the Protection against the Harmful Effects of Air Pollution, Noise, Vibration and Similar Phenomena (Federal Immissions Control Law), as per the Notification of May 17, 2013 (Fed. Journal. I p.1274)"  
 Internet:  
<http://www.gesetze-im-internet.de/bimschg/>  
 (Accessed on 28 October 2019)
- [3] **Directive 2010/75/EU of the European Parliament and of the Council of November 24, 2010 (EU-ABI L 334/17) on Industrial Emissions (Integrated Pollution Prevention and Control) (new version)**  
 Internet:  
<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:334:0017:0119:en:PDF>  
 (Accessed on 28 October 2019)

- [4] **Verordnung zur Umsetzung der Richtlinie über Industrieemissionen, zur Änderung der Verordnung über Immissionsschutz- und Störfallbeauftragte und zum Erlass einer Bekanntgabeverordnung**  
 (Ordinance on the Transposition into German Law of the Industrial Emissions Directive, amending the Ordinance on Officers Responsible for Immissions Control and Disturbance Incidents, and the Adoption of an Ordinance Decree of May 2, 2013 (Federal Gazette I No. 21 of May 2, 2013, p 1021))  
 Internet:  
[https://www.umwelt-online.de/recht/luft/bimschg/vo/z13\\_0973.htm](https://www.umwelt-online.de/recht/luft/bimschg/vo/z13_0973.htm)  
 ((Accessed on 28 October 2019))
- [5] **Verordnung zur Umsetzung der Richtlinie über Industrieemissionen, zur Änderung der Verordnung zur Begrenzung der Emissionen flüchtiger organischer Verbindungen beim Umfüllen oder Lagern von Ottokraftstoffen, Kraftstoffgemischen oder Rohbenzin sowie zur Änderung der Verordnung zur Begrenzung der Kohlenwasserstoffemissionen bei der Betankung von Kraftfahrzeugen**  
 (Regulation on the Implementation of the Directive on Industrial Emissions, amending Council Regulation on the Limitation of the Emissions of volatile organic compounds during transfer or storage of gasoline, fuel mixtures or crude gasoline, and amending Council Regulation on the limitation of hydrocarbons emissions during refueling of motor vehicles)  
 Internet:  
<https://www.bmu.de/gesetz/verordnung-zur-umsetzung-der-richtlinie-ueber-industrieemissionen-zur-aenderung-der-verordnung-zur-be/>  
 (Accessed on 27 January 2020)
- [6] **Vierte Verordnung zur Durchführung des Bundes-Immissionsschutzgesetzes (Art. 1 d. V zur Neufassung und Änderung von Verordnungen zur Durchführung des Bundes-Immissionsschutzgesetzes) (Verordnung über genehmigungsbedürftige Anlagen und Nebenanlagen - 4. BImSchV),**  
 "4<sup>th</sup> Ordinance on facilities and attendant facilities subject to licensing, as per the Notification of May 02, 2013 (Fed. Journal. I p. p 1021)"  
 Internet:  
[http://www.gesetze-im-internet.de/bimschv\\_4\\_2013/](http://www.gesetze-im-internet.de/bimschv_4_2013/)  
 (Accessed on 28 October 2019)

## Further links

- [7] **State Office for Occupational Safety, Health and Technical Safety (LAGetSi), Section on Facilities Subject to Supervision, Facilities safety, Immissions control**  
 Internet:  
[https://www.berlin.de/lagetsi/\\_assets/documents/allgemein/umweltinfo.pdf](https://www.berlin.de/lagetsi/_assets/documents/allgemein/umweltinfo.pdf)  
 (Accessed on 28 October 2019)

## Maps

- [8] **SenStadtUm (Senate Department for Urban Development and Housing in Berlin) (ed.) 2019**  
 Environmental Atlas Berlin, edition 2019, Map 08.07 Fuel Use and CO<sub>2</sub> Emissions of Selected Facilities, 1:50,000, Berlin.  
 Internet:  
<https://www.stadtentwicklung.berlin.de/umwelt/umweltatlas/ei807.htm>