

99108019006000, 99108019006000

Driving ban in environmental zones – exemption

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<https://fimportal.de/xzufi-services/10637780/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99108019006000, 99108019006000
Leistungsbezeichnung I	Driving ban in environmental zones – exemption
Leistungsbezeichnung II	
Typisierung	2/3

Modul
Sachverhalt

Handlungsgrundlage(n)

- https://www.gesetze-im-internet.de/bimschv_35/_1.html
- https://www.gesetze-im-internet.de/bimschv_35/_2.html
- https://www.gesetze-im-internet.de/bimschv_35/anhang_3.html
- https://www.rv.hessenrecht.hessen.de/lexsoft/default/hessenrecht_rv.html?pid=Dokumentanzeige&showdoccase=1&js_peid=Trefferliste&documentnumber=1&numberofresults=14&fromdoctodoc=yes&doc.id=jlr-FFeuerwFBerVHE2012pP1%3Ajuris-lr00&doc.part=X&doc.price=0.0&doc.hl=1#docid:3916369,1,20150115
- https://www.gesetze-im-internet.de/bimschv_35/_1.html
- https://www.gesetze-im-internet.de/bimschv_35/_2.html
- https://www.gesetze-im-internet.de/bimschv_35/anhang_3.html
- https://www.rv.hessenrecht.hessen.de/lexsoft/default/hessenrecht_rv.html?pid=Dokumentanzeige&showdoccase=1&js_peid=Trefferliste&documentnumber=1&numberofresults=14&fromdoctodoc=yes&doc.id=jlr-FFeuerwFBerVHE2012pP1%3Ajuris-lr00&doc.part=X&doc.price=0.0&doc.hl=1#docid:3916369,1,20150115

Teaser
Volltext

In order to improve air quality, Hesse has set up environmental zones in some cities. Environmental zones may only be used by vehicles that

- * are generally exempt from the sticker requirement (see general exceptions),
- * via a green badge or
- * a corresponding exemption (see individual exemptions)

decree. Vehicles without a sticker are generally not allowed to drive in environmental zones because of their particularly high emissions.

****Exemptions from the labelling requirement**

General exceptions**

The vehicles listed in Annex 3 to § 2 (3) of the 35th Ordinance on the Implementation of the Federal Immission Control Act (35th BImSchV) do not require a fine dust

sticker or an exemption permit to enter an environmental zone. Includes:

- * Mobile machinery and equipment,
- * Machinery
- * agricultural and forestry tractors,
- * 2 - and 3 wheeled motor vehicles,
- * civilian Bundeswehr vehicles and troop vehicles,
- * vehicles of severely disabled persons with the mark "aG", "H" or "BI" in their severely disabled person's pass,
- * ambulances and appropriately marked ambulances,
- * Classic cars with H license plates.

****Individual exceptions****

Exemption on request

Exemptions in cases of economic and social hardship may be granted if the following general conditions are met cumulatively (jointly) and, in the case of vehicle owners with a residence or registered office outside the environmental zone, at least one of the special conditions is also met. The duration of the exemption shall be limited to the appropriate level and adapted to the demonstrated need.

*** **General requirements****

* The motor vehicle was registered to the vehicle owner before a certain date (exact date in the respective clean air plan).

* It is not technically possible to retrofit the vehicle to achieve the pollutant group required for access to an environmental zone. The non-retrofitable must be proven by a certificate issued by an officially recognised expert from a technical inspection centre. At the time of application, the certificate must not be older than one year.

* The owner of the motor vehicle does not have any other motor vehicle registered to him that meets the access requirements of an environmental zone at his disposal for the requested purpose of the journey.

* A replacement procurement is not economically reasonable.

When examining economic unreasonableness, the

attachment exemption limits from the enforcement law of the Code of Civil Procedure (ZPO) are applied, which represent recognised income limits with which a livelihood for a person and persons liable for maintenance (including rent and all other costs) can be met.

The marginal income for the reasonableness of a vehicle replacement procurement is based on the currently applicable attachment table if an attachable amount of 100.00 euros is assumed as the limit.

In the case of traders, a reasoned opinion from a tax consultant must prove that the replacement of a vehicle suitable for access to the environmental zone would lead to a threat to their existence.

****Exception:****

For residents or traders based in the respective environmental zones, the general requirements with regard to technical non-retrofitting and economic unreasonableness do not have to be fulfilled simultaneously ****for a limited period of time****, but it is sufficient if only one of the two conditions can be proven.

*** **Special conditions for certain purposes of travel****

If the general conditions are met, an exemption from traffic bans may be granted for the following purposes:

*** **Private / commercial travel purposes****

- * trips for the maintenance and repair of technical equipment, for the repair of building damage including the removal of water, gas and electrical damage,

- * journeys for social and nursing services,

- * trips for necessary regular visits to the doctor and trips in case of medical emergencies,

- * source and destination journeys of coaches as well as

- * Commuting to work by commuters if public transport is not available at the start or end of work.

*** **Public transport purposes****

- * journeys to supply the population with essential goods from food retailers, pharmacies, old people's homes, hospitals and similar establishments; weekly and special markets as well as

- * Journeys for the delivery and disposal of construction sites, the delivery of goods to production plants and dispatch of goods from production, including own account transport, if alternatives are not available.

- * Special vehicles with a special business idea (e.g. historic buses used for wedding trips or city tours),

- * Special motor vehicles with high acquisition or conversion costs and low mileage within the environmental zone (heavy-duty transporters, tractors of showmen, motor vehicles used as workplaces with fixed superstructures/installations, i.e. motor vehicles that have technical features due to their special purpose (e.g. measuring vehicles, special media vehicles and workshop vehicles of craft businesses),

- * coaches, insofar as the manufacturer's warranty for engine mileage expires as a result of a technical conversion, and

- * Special cases of hardship, such as the existence of a trader endangered by a traffic ban. Such cases of hardship must be substantiated by a reasoned opinion of a tax consultant.

- * **Special conditions for social or motor vehicle reasons**

****Derogations granted by other bodies****

- * **Simplified proof in the approval procedure **

If the holder of an exemption permit granted no more than one year ago applies for a further exemption for special driving purposes for another environmental zone in Hesse, the general requirements do not have to be re-examined. The exemption already granted is sufficient to prove these conditions.

- * **Mutual recognition**

The locally competent authorities mutually recognise exemptions granted within Hesse which have been granted for travel purposes for social or motor vehicle-related reasons. As proof, the exemption granted must refer to the corresponding purpose and be clearly visible in the vehicle.

****Ex officio exemptions****

In addition to the machines, devices and motor vehicles already listed in Annex 3 to the 35th BImSchV, a general decree of the respective cities

- * Vehicles during testing, trial or transfer drives with short-term license plates, with red license plates according to § 16 Vehicle Registration Ordinance (FZV) or with export license plates according to § 19 FZV,

- * vehicles with which persons drive or are driven who

have the orange parking permit for special groups of severely disabled persons in accordance with § 46 Abs. 1 Nr. 11 StVO and display it clearly visible behind the windscreen, and

* Test vehicles according to § 70 Abs. 1a or § 19 Abs. 6 of the StVZO

exempt from the labelling requirement.

Begriffe im Kontext

Bearbeitungsdauer

Fristen	Individual exemptions shall be granted for a maximum period of one year. The extension of a case-by-case authorisation is possible, provided that the conditions are still met.
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Formulare + Objekt Formular

Kurztext

weiterführende Informationen

Hinweise (Besonderheiten)	Further information can be found on the websites of the affected cities.
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Rechtsbehelf

fachlich durch	freigegeben	Hessian Ministry of the Environment, Energy, Agriculture and Consumer Protection
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fachlich am	freigegeben	19.11.2013
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Lagen Portalverbund

zuständige Stelle

Ansprechpunkt	Applications for exemptions can be submitted informally in writing to the road traffic office of the respective city administration.
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