

99020012037002, 99020012037002

# Mining Operating plan procedure EIA obligation Determination General preliminary assessment

Heruntergeladen am 23.05.2025

<https://fimportal.de/xzufi-services/394172689/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99020012037002, 99020012037002
Leistungsbezeichnung I	Mining Operating plan procedure EIA obligation Determination General preliminary assessment
Leistungsbezeichnung II	
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Bodenschutz (020)
Verrichtungskennung	Feststellung (037)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und

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	Führung eines Unternehmens
Lagen Portalverbund	Erlaubnisse und Genehmigungen (2010400), Tier-, Pflanzen- und Naturschutz (2130200)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	17.08.2023
Fachlich freigegeben durch	Ministry of Economic Affairs, Transport, Agriculture and Viticulture Rhineland-Palatinate (MWVLW)
Handlungsgrundlage	<p>§ 5 UVPG in conjunction with. § 1 UVP-V Mining</p> <p><a href="https://www.gesetze-im-internet.de/uvpg/_5.html">https://www.gesetze-im-internet.de/uvpg/_5.html</a></p> <p><a href="https://www.gesetze-im-internet.de/uvpbergbv/_1.html">https://www.gesetze-im-internet.de/uvpbergbv/_1.html</a></p> <p><a href="https://www.gesetze-im-internet.de/uvpg/_5.html">https://www.gesetze-im-internet.de/uvpg/_5.html</a></p> <p><a href="https://www.gesetze-im-internet.de/uvpbergbv/_1.html">https://www.gesetze-im-internet.de/uvpbergbv/_1.html</a></p>
Teaser	If you are planning a new mining or expansion project, in certain cases you must initiate a general preliminary assessment to determine whether an environmental impact assessment must be carried out.
Volltext	<p>If your company is active in the mining industry, is planning a new mining project or an expansion project and the requirements for a general preliminary assessment are met, the competent authority must carry out a general preliminary assessment. With this general preliminary assessment, the authority determines whether an environmental impact assessment (EIA) is mandatory for your project.</p> <p>The following projects, for example, require a general preliminary assessment:</p> <ul style="list-style-type: none"> <li>• Construction and operation of a quarry with an extraction area of 10 ha to less than 25 ha             <ul style="list-style-type: none"> <li>• Extraction of hard coal, lignite, bituminous rocks, ores and other non-energy mineral resources</li> <li>• Extraction of crude oil and natural gas for commercial purposes</li> <li>• Stockpiles with an area requirement of 10 hectares or more</li> </ul> </li> </ul>

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- Sludge storage areas and sewage ponds with an area requirement of 5 hectares or more
- Construction of a railroad line for mine or mine connection railroads with the associated operating facilities
- Water transport pipelines for transporting water from opencast mine dewatering or pipelines for transporting saline water from the extraction and processing of potash and rock salt, including those from potash dumps, which exceed the area of the operating site
- Construction and operation of a facility for the storage or final disposal of radioactive materials
- Deep drilling from a depth of 1,000 meters for the extraction of geothermal energy in nature conservation areas,
- other projects subject to operational planning requirements, including measures subject to operational planning requirements for the implementation of mining projects
- Further deep boreholes from a depth of 1,000 meters

In addition to the general preliminary assessment, there is also a site-specific preliminary assessment.

## Erforderliche Unterlagen

You must provide the following information for the general preliminary assessment:

- Information on the physical characteristics of the entire project and the demolition work,
- information on the location of the project and the ecological sensitivity of the areas, as well as on the protected assets that may be affected by the project,
- possible significant effects of the project on the protected assets concerned as a result of
  - the expected residues and emissions and, where applicable, the generation of waste
  - the use of natural resources, in particular land, soil, water, animals, plants and biodiversity,
  - the results of upstream environmental assessments or other legally required studies on the environmental

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impacts of the project.

## Voraussetzungen

- Your company must be active in mining and you are planning a new or expansion project.
- You have not yet applied for an environmental impact assessment.

An environmental impact assessment is necessary if your project meets one of the following requirements:

- Your project is expected to have a significant impact on the environment, which means:
  - You are constructing, operating or expanding one of the facilities listed in Annex 1 to the Environmental Impact Assessment Act (UVPG).
  - Your project poses a risk of hazardous incidents, i.e. unforeseen events are highly likely to result in significant personal injury, property damage and environmental damage.
  - Your project is made up of several (partial) projects that together reach or exceed the legally defined threshold values for environmental impacts.
  - You have changed your original project in the meantime so that
    - in total, the legally defined threshold values for environmental impacts are reached or exceeded or
    - the change may cause additional significant adverse or other significant adverse environmental impacts.

## Kosten

## Verfahrensablauf

You can apply for the general preliminary inspection online via the "BergPass" platform or in writing to your local mining authority.

Apply for a general preliminary inspection online:

- Go to the "BergPass" online platform and log in.
- To register, you will need a BundID and an identity card or residence permit with an active online ID function.
- Call up the application form and fill it out completely

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and truthfully.

- Upload the required documents as a file and send the application.

Apply for a general preliminary check in writing:

- Contact your competent authority and coordinate the required application documents.
- Submit the application and all required documents to your competent mining authority.

Further procedural steps:

- The competent mining authority will check whether an environmental impact assessment is required for the approval of your project.
- If the competent authority has carried out a preliminary assessment, it will inform the public of the result of the determination of the EIA obligation and state the main reasons for the existence or non-existence of the EIA obligation.
- If an EIA is to be carried out, the next step is usually to determine the scope of the investigation for the EIA report. The mining authority will inform and advise you at an early stage about the content, scope, level of detail and the methods to be used for the investigations.
- The competent authority can give you the opportunity to discuss the scope of the investigation.
- You will also receive a notice of costs. Pay the fees.

## Bearbeitungsdauer

0 - 6 Woche(n)

The processing period begins upon receipt of the required documents. In exceptional cases, the competent authority may extend the processing time by up to 3 weeks or, if the examination is particularly difficult, by up to 6 weeks.

## Frist

## weiterführende

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**Informationen**
**Hinweise**

During the preliminary assessment, the authority takes into account whether significant adverse environmental impacts are obviously excluded by the characteristics of your project, the site or your precautions. If the authority has the results of upstream environmental assessments or other legally required studies on the environmental impacts of the project, it includes these results in the preliminary assessment.

**Rechtsbehelf**

You cannot contest the determination of the EIA obligation. If the determination is based on a preliminary assessment, the only thing that can be examined in court proceedings is whether the preliminary assessment was carried out in accordance with the statutory requirements and whether the result is comprehensible.

**Kurztext**

- Mining Operating plan procedure EIA obligation Determination of general preliminary assessment
  - The preliminary assessment is required if a general preliminary assessment is prescribed.
  - An EIA obligation exists if the project or expansion is estimated to the competent authority may have significant adverse environmental impacts
    - The developer must prepare the preliminary assessment and provide the competent authority with appropriate information
    - The developer must provide information on
      - the physical characteristics of the entire project and the demolition works
      - the location and ecological sensitivity of the areas concerned
      - the protected assets that may be affected by the project
      - the potential impact on the protected assets concerned as a result of
        - the expected residues, emissions and waste generation
        - the use of natural resources, in particular land, soil, water, animals, plants and biodiversity,
        - the results of upstream environmental assessments or other legally required studies on the

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	<p>environmental impacts of the project.</p> <ul style="list-style-type: none"> <li>• Processing time: <ul style="list-style-type: none"> <li>• Up to 6 weeks after receipt of the required information</li> <li>• Extension by up to 3 weeks in exceptional cases</li> <li>• Extension of up to 6 weeks if the examination is particularly difficult</li> </ul> </li> <li>• Application via <ul style="list-style-type: none"> <li>• online portal "BergPass" or</li> <li>• in writing to the responsible mountain authority</li> </ul> </li> <li>• responsible: Mountain authority of the federal states</li> </ul>
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	<p>Mining Operating plan procedure EIA obligation  Determination General preliminary assessment,  Bergbau Betriebsplanverfahren UVP-Pflicht  Feststellung Allgemeine Vorprüfung</p>