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Preliminary decision on a system that requires approval according to the BImSchG

Heruntergeladen am 30.06.2025

<https://fimportal.de/xzufi-services/S1000020010000011841/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99063015001000
Leistungsbezeichnung I	Preliminary decision on a system that requires approval according to the BImSchG
Leistungsbezeichnung II	Apply for a preliminary decision on a facility that requires a permit
Typisierung	2 - Bundesauftragsverwaltung: Regelung
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">Systems requiring approval according to BImSchG (Federal Immission Control Act)</div> , <div lang="en-x-mtfrom-de">Federal Immission Control Act, permits</div> , <div lang="en-x-mtfrom-de">Immission control law</div> , <div lang="en-x-mtfrom-de">Plant waste treatment</div>

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Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	14.12.2022
Fachlich freigegen durch	
Handlungsgrundlage	<p>§ 9 Federal Immission Control Act (BImSchG) URL: https://www.gesetze-im-internet.de/bimschg/__9.html</p> <p>§ 6 Federal Immission Control Act (BImSchG) URL: https://www.gesetze-im-internet.de/bimschg/__6.html</p> <p>§ 10 Federal Immission Control Act (BImSchG) URL: https://www.gesetze-im-internet.de/bimschg/__10.html</p> <p>§ 21 Federal Immission Control Act (BImSchG) URL: https://www.gesetze-im-internet.de/bimschg/__21.html</p>
Teaser	If you apply for a preliminary decision regarding a facility requiring approval, the responsible authority can issue this under certain conditions.
Volltext	If you want to set up or operate a system that requires approval under the Federal Immission Control Act, you need approval from the responsible immission control authority. If you apply for a preliminary decision, the competent immission control authority will decide in advance on individual approval requirements and on the location of the system.
Erforderliche Unterlagen	Application for a preliminary decision on a facility requiring approval required drawings, plans, reports Explanations of the system If required, you can obtain further documents from the responsible authority
Voraussetzungen	You will receive a preliminary decision on individual approval requirements and the location of the facility requiring approval if the authority can adequately assess the impact of your planned installation and

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	there is a legitimate interest in a preliminary decision.
Kosten	Fees apply. The amount of the fees depends on the investment amount or the administrative costs. They are calculated based on the Hamburg Environmental Fees Ordinance.
Verfahrensablauf	You submit a written or electronic application together with the required documents to the competent authority. The responsible authority will examine your application. If necessary, the responsible authority will request further information or documents from you. The competent authority shall publish the application and the relevant documents and make it available for public inspection for one month. The competent authority shall request the other authorities involved to comment on the authorisation procedure within one month. Objections will be discussed with you and those who raised the objections at a public hearing. In a simplified approval procedure or if public participation is waived, there will be no public interpretation or discussion. The responsible authority will decide on your application. If necessary, the competent authority will supplement the decision with additional content and ancillary provisions. You will receive a written notice with reasons. Those who have raised objections will also receive the decision with reasons.
Bearbeitungsdauer	The processing time depends on the procedure and is 3 months without public participation and 6 to 7 months with public participation.
Frist	You need approval before you build or operate the facilities. This is also possible as a preliminary decision or partial approval. The preliminary decision becomes invalid if you do not apply for approval of the facility within 2 years. In justified exceptional cases, the validity period of the preliminary decision can be extended to a further 2 years.
weiterführende Informationen	https://www.hamburg.de/politik-und-verwaltung/behoerden/bukea/themen/betrieblicher-umweltschutz/industrieanlagen-gentechnik/anlagengenehmigungen-start-159354 https://www.hamburg.de/fhh-permalink/103162

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	https://www.hamburg.de/politik-und-verwaltung/behoerden/bukea/themen/betrieblicher-umweltschutz/industrieanlagen-gentechnik/elia-160726 https://www.hamburg.de/elia/
Hinweise	<p>The preliminary decision becomes ineffective if you do not apply for approval within two years of the incontestability. You can request an extension of this period for another two years. The authority can revoke the preliminary decision with future effect under certain conditions.</p>
Rechtsbehelf	Contradiction Action before the administrative court
Kurztext	<p>Apply for a preliminary decision on a facility that requires a permit Construction and operation of systems according to BImSchG approval Plants that cause harmful environmental effects or otherwise endanger, significantly disadvantage or annoy the general public or the neighborhood require a permit also stationary waste disposal plants for the storage or treatment of waste upon application, a decision will be made in advance about individual approval requirements and the location of the system, if the effects of the installation can be adequately assessed and there is a legitimate interest in issuing a preliminary decision Period of validity: 2 years the preliminary decision becomes ineffective if the approval of the plant is not applied for within two years In justified exceptional cases, the period of validity of the preliminary decision can be extended by up to two more years</p>
Ansprechpunkt	
Zuständige Stelle	Authority for the Environment, Climate, Energy and Agriculture
Formulare	
Ursprungsportal	Hamburg Service, Hamburg Service (Currently this link is only available in german)