

Transboundary environmental effects

Given the uncertainties at the level of the federal requirements plan as regards the exact status of the projects and their potential effects on neighbour states, the Bundesnetzagentur will not examine whether there are any transboundary environmental effects at the requirements plan level unless there is conclusive information from the particular neighbour state in respect of the transboundary lines. In principle, a reliable forecast of significant transboundary environmental effects is possible at the earliest when a route corridor is determined under federal sectoral planning, the time of the spatial planning procedure for the particular transboundary or near-boundary project. The planning level for a transboundary SEA is therefore that of federal sectoral planning / spatial planning that follows on from the federal requirements plan. The same applies in respect of the measures in the O-NDP for the contiguous zone to the German EEZ. Under the procedure described above, the potential environmental effects are studied by the Bundesnetzagentur as a general rule, however, only up to the German territorial limit.

The Bundesnetzagentur has, however, notified the potentially affected neighbour states of requirements identification, that is to say the stage of the process that examines the NDP and the O-NDP in terms of their energy supply feasibility, and of the SEA. Thereupon the Czech Republic initiated the participation of its own public authorities and general public in a consultation running from 23 October 2017 to 22 November 2017. In early December the Czech Environment Ministry transmitted a cover letter to the Bundesnetzagentur with 13 statements from public authorities. These were translated, evaluated and subsequently examined in order to establish whether the findings of the environmental report would have to be modified as a result. Nine of the 13 responses did not comment on the environmental report. In the other responses attention was drawn to, in particular, the Natura 2000 sites close to the border and to the existing species of the black stork, the eagle owl and the grey-headed woodpecker. Reference was also made to the requirements of the EU Water Framework Directive (Directive 2000/60/EC), which had to be observed. Finally, the Czech Environment Ministry deemed it necessary to be informed about the following phases of grid expansion, especially when more detailed information on the routes of the power lines was available. Specifically, the Nature Conservation Agency of the Czech Republic notes that the network development plan and the environmental report pertaining to the federal requirements plan describe the objectives and procedures merely in general terms. In respect of all subsequent projects that could affect the territory of the Czech Republic it was therefore necessary to be informed.

The federal requirements plan (Annex to the Federal Requirements Plan Act) – pertaining to which the SEA to hand is drawn up – contains projects that have been confirmed as necessary in order to meet energy supply requirements. Determinations on the specific build or expansion (eg location and land use requirements) of the technical installations in the federal requirements plan are the subject-matter of the procedures in the later planning stages. It is not possible at the stage of the federal requirements plan to foresee how a project will actually be realised in terms both of its technical design and the route it will take.

Thus determinations are indeed made in the federal requirements plan (pairs of points between which the grid needs expansion). Yet the specific environmental effects do not become clear as a rule until

the project is further concretised (route corridors, course of the route, location of the transformation or converter stations) in the later course of planning. Accordingly, the environmental report, in accordance with sections §§36 first sentence para 2 and 34(1)ff of the Federal Nature Conservation Act (BNatSchG), covers potentially affected Natura 2000 sites by means of a Natura 2000 assessment that reflects the level of planning (cf Chapter 7.6). In this, in accordance with the plan's focus and the particular level of planning, the Bundesnetzagentur initially only examines whether Natura 2000 sites within the sub-areas under assessment could be affected at all and with what degree of certainty. Whether one or more Natura 2000 sites can really be significantly affected remains open in the first instance on account of the scale and the lack of knowledge of the extent of affected areas, and is left to the next planning stages. The concrete environmental effects of the routes / route corridors, which first have to be drawn up by the respective transmission system operators from the pairs of points in the federal requirements plan, are investigated at the following stages of planning. Responding to the arguments in the Czech authorities' statements will therefore take place primarily in the following stages of the process of the near-boundary projects.

At the level of the federal requirements plan the statements received do not therefore, in the Bundesnetzagentur's view, lead to any other assessment of the likely significant environmental effects of specific measures or of the overall plan. In the further course of the process after the Federal Requirements Plan Act has been passed, affected Member States will take part in the approval procedures and affected neighbour states can request participation in respect of transboundary projects and those which, although carried out exclusively on German territory, may be likely to cause significant environmental effects in the particular neighbour state too. In transboundary projects the participation of the neighbour states in the approval procedures is effected in close agreement with the party of origin.

The following tables show on the one hand, the projects marked as transboundary in the Federal Requirements Plan Act (BBPlG) and those with a construction point on the state border in the area under assessment and on the other, the near-boundary projects. Designated as near-boundary are projects whose elliptical area under assessment touches the state border.

Table 1: Transboundary projects¹:

No	Project	Project description	Status
8	P25	Höchstspannungsleitung Brunsbüttel – Barlt – Heide – Husum – Niebüll – Bundesgrenze (DK); Drehstrom Nennspannung 380 kV – Maßnahme Niebüll – Grenze DK	Planning approval not yet started
30	P65	Höchstspannungsleitung Oberzier – Bundesgrenze (BE); Gleichstrom (ALEGrO)	Planning approval ongoing
32	P67	Höchstspannungsleitung Bundesgrenze (AT) – Altheim mit Abzweig Matzenhof – Simbach und	Planning approval/ Federal sectoral

¹ The NORD.LINK project has not been revisited for its environmental effects due to completion of planning approval and its subsequent inclusion in the start network in the environmental report to hand.

		Abzweig Simhar – Pirach, Bundesgrenze (AT) – Pleinting; Drehstrom Nennspannung 380 kV – Maßnahme Bundesgrenze (AT) – Altheim – Maßnahme Bundesgrenze (AT) – Pleinting	planning
40	P52	Höchstspannungsleitung Punkt Neuravensburg – Bundesgrenze (AT); Drehstrom Nennspannung 380 kV	Federal sectoral planning not yet started
51	P170	Höchstspannungsleitung Uchtelfangen – Ensdorf – Bundesgrenze (FR); Drehstrom Nennspannung 380 kV	Not yet in the BBPIG
52	P176	Höchstspannungsleitung Eichstetten – Bundesgrenze (FR); Drehstrom Nennspannung 380 kV	Not yet in the BBPIG
55	P204	Höchstspannungsleitung Tiengen – Bundesgrenze (CH); Drehstrom Nennspannung 380 kV	Not yet in the BBPIG
58	P221	Höchstspannungsleitung Güstrow – Südschweden (Hansa PowerBridge); Gleichstrom	Not yet in the BBPIG
59	P313	Höchstspannungsleitung Dahlem – Bundesgrenze (BE); Gleichstrom	Not yet in the BBPIG

Table 2: Near-boundary projects:

No	Project	Project description	Status
1	DC1	Höchstspannungsleitung Emden Ost – Osterath; Gleichstrom	Federal sectoral planning in preparation
2	DC2	Höchstspannungsleitung Osterath – Philippsburg; Gleichstrom	Federal sectoral planning started
5	DC5	Höchstspannungsleitung Wolmirstedt – Isar; Gleichstrom	Federal sectoral planning started
21	P49	Höchstspannungsleitung Daxlanden – Kuppenheim – Bühl – Eichstetten; Drehstrom Nennspannung 380 kV	Planning approval not yet started
25	P52	Höchstspannungsleitung Punkt Wullenstetten – Punkt Niederwangen; Drehstrom Nennspannung 380 kV	Federal sectoral planning not yet started
34	P69	Höchstspannungsleitung Emden Ost –	Planning approval in

		Conneforde; Drehstrom Nennspannung 380 kV	preparation
37	P20	Höchstspannungsleitung Emden Ost -Halbmond; Drehstrom Nennspannung 380 kV	Procedure suspended
60	P315	Höchstspannungsleitung Hanekenfähr - Gronau; Drehstrom Nennspannung 380 kV	Not yet in the BBPIG
61	P333	Höchstspannungsleitung Eichstetten - Schwörstadt - Kühmoos; Drehstrom Nennspannung 380 kV	Not yet in the BBPIG
62	P206	Höchstspannungsleitung Abzweig Eigeltingen - Beuren und Abzweig Kreis Konstanz; Drehstrom Nennspannung 380 kV	Not yet in the BBPIG
	NOR-3- 2	Anbindungsleitung Nordsee-Cluster 3 - Grenzkorridor II - Hanekenfähr; Gleichstrom	Approval procedure not yet started
	NOR-7- 2	Anbindungsleitung Nordsee-Cluster 7 - Grenzkorridor II - Hanekenfähr; Gleichstrom	Approval procedure not yet started

For the near-boundary projects, the first aspect examined under the approval procedure as a rule is whether the project is likely to have significant effects on the environment in the neighbour state. For Project Nos 1 and 5 the Bundesnetzagentur, as the authority leading the proceedings, already called on the transmission system operators at the stage of preparing their application documents for federal sectoral planning under section 6 of the Grid Expansion Acceleration Act (NABEG), to draw up a report on the transboundary environmental effects. The neighbour states are informed of the findings in the case that likely significant environmental effects may be expected, or they may request participation so that, if appropriate, further steps as provided for by the SEA Protocol may be initiated.

For projects under the responsibility of the German federal states that are already at an advanced stage, the federal states – if necessary – include the neighbour states in the procedures.