

Schriften zum Infrastrukturrecht

Edited by Wolfgang Durner and Martin Kment

Apart from the classic transport infrastructure (roads, railway tracks, waterways and air traffic), infrastructure law as a comprehensive branch of law also covers the facilities which provide water and energy, the supply and disposal of materials as well as the communication infrastructure. In the new series dealing with »Infrastructure Law,« the intention is to contribute to the research on these issues and in doing so to appeal to governmental and non-governmental actors in the infrastructure field as well as to scholars, judges and lawyers.

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ISSN: 2195-5689 - Suggested citation: InfraSR

Last updated: 30/11/2021. Prices are subject to change.

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Lorenz, Christina

Akzeptanzmodelle

Eine rechtliche Analyse im Bereich erneuerbarer Energien

2022. Approx. 460 pages.
forthcoming in February

ISBN 9783161602665
sewn paper approx. 95,00 €

ISBN 9783161602672
eBook PDF approx. 95,00 €

Christina Lorenz focuses on the question of acceptance as a necessary precondition for a successful energy turnaround policy in Germany. In the conflict between general popular approval and a critical view towards the local implementation of environmentally relevant projects, the author develops a new concept of acceptance and examines current approaches to increasing acceptance on the basis of various parameters. By developing these existing strategies further, a holistic and generalizable three-phase regulatory concept emerges, which takes up both the criteria of procedural fairness and equitable distribution in a balanced manner. The result is a multidimensional approach that allows the author to present a concrete legislative proposal.

Snjka, Dominik J.

Internationales Planungsrecht

Eine Untersuchung unter besonderer Berücksichtigung des Umwelt-, des Infrastruktur- und des Seerechts

2021. Approx. 420 pages.
forthcoming in February

ISBN 9783161606977
sewn paper approx. 90,00 €

ISBN 9783161606984
eBook PDF approx. 90,00 €

Dominik J. Snjka undertakes an exploratory journey in search of an international law of spatial planning in this study distinguishing between two conceivable functions of international law. On the one hand, this forms the legal framework of sovereign spatial planning and, on the other, it can itself become an instrument of sovereign planning. After looking at structural preliminary considerations, the author takes stock of international environmental regulation requirements for spatial planning, which are then reflected in international maritime law. In the last part, existing approaches to spatial planning through international law are examined, covering trans-boundary infrastructures and protected areas as well as spatial planning by international organizations.

Urbane Mobilität

Politische Perspektiven und rechtlicher Rahmen

Herausgegeben von Martin Kment und Matthias Rossi

Volume 24
2021. VII, 132 pages.

ISBN 9783161602382
sewn paper 59,00 €

ISBN 9783161602399
eBook PDF 59,00 €

Can urban mobility succeed in becoming sustainable? The present conference volume is dedicated to this legal question of the future from the various perspectives of environmental, planning and infrastructure law.

Survey of contents

Erwin Huber: Mobilität in der Großstadt. Visionen für die Zukunft – *Matthias Knauff*: Mobilität und menschliche Gesundheit – *Enrico Peuker*: Mobilität durch Digitalisierung – *Klaus Ferdinand Gärditz*: Modelle des begrenzten Zugangs zur Stadt – *Daniel Pflüger*: Mobilität und Einzelhandel unter Berücksichtigung von Versandhandel und Versorgungssicherheit

Häußler, Maximilian

Verwahrloste Immobilien als Chance

Rechtliche Rahmenbedingungen unter besonderer Berücksichtigung der Ziele der Innenentwicklung

Volume 23
2021. XXV, 377 pages.

ISBN 9783161602252
sewn paper 84,00 €

ISBN 9783161602269
eBook PDF 84,00 €

To reduce land usage, there is a need for a practicable approach to solutions. Neglected properties offer an alternative source in inner urban areas. Maximilian Häußler investigates where the applicable law supports sensible investment in their rejuvenation.



Kürschner, Alexandra

Legalplanung

Eine Studie am Beispiel des Standortauswahlgesetzes für ein atomares Endlager

Volume 22
2020. XX, 291 pages.

ISBN 9783161597046
sewn paper 79,00 €

ISBN 9783161597053
eBook PDF 79,00 €

Statutory planning through legislative instead of administrative acts is becoming an important planning tool for the German energy transition where, for example, the Repository Site Selection Act aims to designate a nuclear waste repository. But although statutory planning by legislative act could be applied to accelerate climate-friendly transport projects, it also raises far-reaching constitutional, international, and European legal issues.

Kment, Martin

Flexibilisierung von Netzverknüpfungspunkten

Zugleich eine Untersuchung zu den Sonderrechten für ausgewählte Energieleitungsvorhaben, zur legislativen Bedarfsplanung und zur erstinstanzlichen Zuständigkeit des Bundesverwaltungsgerichts

Volume 21
2020. XIV, 75 pages.

ISBN 9783161596049
sewn paper 34,00 €

ISBN 9783161596056
eBook PDF 34,00 €

How can the expansion of Germany's energy networks be accelerated? Making the grid's connecting points more flexible offers a new building block, the potential and legal contours of which are examined in this volume, focusing on where the boundaries lie between and within the state authorities.

Der Einfluss des Europäischen Gerichtshofs auf das Umwelt- und Infrastrukturrecht

Aktuelle Entwicklungslinien

Hrsg. v. Martin Kment

Volume 20
2020. VII, 178 pages.

ISBN 9783161575303
sewn paper 69,00 €

ISBN 9783161575310
eBook PDF 69,00 €

The decision-making practice of the European Court of Justice has a palpable effect on national legislation. The contributions in this conference volume trace the paths currently being taken on specific issues of environmental and infrastructure law.

Survey of contents

Martin Kment: Auslegung und Fortbildung des EU-Rechts durch den EuGH – *Kurt Faßbender:* Die Rechtsprechung des EuGH zu Art. 4 WRRL – Segen oder Fluch? – *Thomas Schmidt-Kötters:* Nationale Förderung erneuerbarer Energien und europäisches Beihilfenrecht – *Bettina Hoffmann:* Vorgaben zum Verständnis des Art. 6 Abs. 3 und 4 FFH-RL aus Luxemburg – Auswirkungen der höchstrichterlichen Rechtsprechung auf Großprojekte – *Alexander Schink:* Nichteinhaltung der Grenzwerte der Luftqualitätsrichtlinie – Welche Gestaltungsspielräume belässt das Unionsrecht? – *Karl Stöger:* Rechtsschutz von Umweltverbänden unter Berücksichtigung der EuGH-Rechtsprechung – Ein Blick aus Österreich nach *Protect*

Recht, Thomas

Rechtsschutz im Rahmen des beschleunigten Stromnetzausbaus

Eine Untersuchung der Rechtsschutzkonzentration im Planungssystem des EnWG und des NABEG



Volume 19
2019. XX, 340 pages.

ISBN 9783161577116
sewn paper 79,00 €

ISBN 9783161577123
eBook PDF 79,00 €

The multi-level planning system created to accelerate Germany's expansion of its electricity grid and cater for the energy revolution does not permit complaints until the last stage of planning. Thomas Recht scrutinizes this concentration of legal protection by taking national, European and international public law requirements into consideration.

Fechter, Jennifer

Die rechtliche Bewertung von Stromgebotszonen

Am Beispiel der deutsch-österreichischen Gebotszone unter besonderer Berücksichtigung der CACM-Leitlinie

Volume 18
2019. XX, 249 pages.

ISBN 9783161570407
sewn paper 69,00 €

ISBN 9783161570414
eBook PDF 69,00 €

For more than twenty years there have been efforts made to create a European Internal Energy Market. The reasons for the failure to do so up to now include existing structural constraint in the European transmission network as well as bidding zones which no longer correspond to the current market situation. Jennifer Fechter does a detailed study of these aspects.

Seibert, Julian Philipp

Dauerhaft aufgegebene Anlagen

Baurechtswidrigkeit und Rückbaupflichten

Volume 17
2019. XXVIII, 354 pages.

ISBN 9783161565199
sewn paper 79,00 €

ISBN 9783161567285
eBook PDF 79,00 €

What happens to buildings after they have been decommissioned for good? While German law does provide some answers, many questions remain open: When do grandfather rights end? How can an obligation to demolish be established? And where does immission control law fit in? In dealing with these and other issues, Julian Philipp Seibert shows how the financial responsibility for dismantling unused structures could be placed at their owners' doors.

Bidinger, Laura

Auswirkungen des Baubetriebs auf Dritte

Die Errichtungsphase von Infrastrukturvorhaben als Herausforderung für das Planfeststellungsrecht

Volume 16
2018. XV, 217 pages.

ISBN 9783161563256
sewn paper 64,00 €

ISBN 9783161563263
eBook PDF 64,00 €

There is a growing need for an effective infrastructure and a viable law to achieve it. Laura Bidinger scrutinises the construction-related effects of proposed infrastructure projects and suggests how current relevant planning law could be adjusted to smooth the process.

Energiewirtschaft und kommunale Selbstverwaltung

Hrsg. v. Martin Kment



Volume 15
2018. VII, 130 pages.
ISBN 9783161555350
sewn paper 59,00 €

To recognize the energy revolution as an opportunity to react creatively is a new challenge for local communities. But what potentials and pitfalls does energy law have in store? This volume provides answers, and in doing so illuminates the classic areas as well as fields of innovation such as electric mobility, digitalisation and energy efficiency.

Survey of contents

Martin Burgi: Daseinsvorsorge und Energieversorgung. Teilnahme der Kommunen am energiewirtschaftlichen Wettbewerb – *Tom Pleiner:* Energienetzausbau und kommunale Planungshoheit – insbesondere Beteiligungs- und Rechtsschutzfragen betroffener Kommunen – *Martin Kment:* Elektromobilität – ein kommunaler Aktionsraum – *Luis Manuel Schultz:* Auswirkungen der ARegV-Novelle auf kommunale Netzbetreiber – *Johannes Saurer:* Digitalisierte Energiewende – Konsequenzen für Gemeinden und kommunale Unternehmen – *Stefan Kreidenweis/Barbara Thome:* Energieeffizienz als kommunale Aufgabe

Kment, Martin

Streitfragen der Erdverkabelung

Gesetzliche Zielsetzung und Anwendung des § 2 EnLAG und § 4 BBPlG

Volume 14
2017. XIII, 85 pages.
ISBN 9783161556098
sewn paper 59,00 €

Which path should high-voltage powerlines take through Germany? Above ground or below it? The legal framework which ought to provide answers is sometimes unclear and raises many application questions for high-voltage-three-phase current transmission projects. Martin Kment seeks and finds solutions to these disputes.

Potschies, Tanja

Raumplanung, Fachplanung und kommunale Planung

Volume 13
2017. XXIV, 253 pages.
ISBN 9783161549403
sewn paper 74,00 €

The relation between land-use, sectoral and urban planning has yet to be defined. The crucial questions investigated in this volume by Tanja Potschies are to what extent specifications in regional planning programmes affect other planning authorities and what are their obligations to these?

Zukunftsperspektiven des Immissionsschutzrechts

Hrsg. v. Martin Kment

Volume 12
2017. VII, 121 pages.
ISBN 9783161548932
sewn paper 59,00 €

The law controlling emissions is under a lot of pressure to change mainly because of European stipulations. This volume deals with these developments and at the same time also documents the results of Augsburg University's third German Environmental and Infrastructure Law Convention. The main idea behind these representations is to embody actual legal problems in a larger context so that individual questions as well as the fundamentals of pollution control law can be reflected on in the run up to 2030.

Survey of contents

Rüdiger Nolte: Rechtsprechung des Bundesverwaltungsgerichts zum Immissionsschutz – Orientierungshilfe für die Rechtsanwendung – *Hans D. Jarass:* Kritische Zwischenbilanz und Zukunftsperspektiven des Immissionsschutzrechts – *Christian Tausch:* Die fachübergreifende Weiterentwicklung des Immissionsschutzrechts am Beispiel des Problems der Stoffeinträge in FFH-Gebiete – *Martin Führ:* Neues Verfahrensrecht für die immissionsschutzrechtliche Genehmigung durch die UVP-Änderungs-Richtlinie – *Martin Beckmann:* Immissionsinformationsrecht - Berichtspflichten und Veröffentlichung von Mängelberichten – *Stefan Lorenzmeier:* Auswirkungen der Seveso III – Richtlinie auf das Störfallrecht

Tschida, Benjamin

Die Systemverantwortung der Netzbetreiber

Überlegungen vor dem Hintergrund eines sich wandelnden energiewirtschaftlichen Umfelds

Volume 11
2016. XIX, 244 pages.
ISBN 9783161542619
sewn paper 69,00 €

Integrating electricity from renewable sources in networks is the energy turnaround's biggest challenge. Benjamin Tschida explains the actual resulting problems, deals with important single issues and, with an eye on legislative aims, evaluates the conflict solving instruments available to network operators.

Berger, Anja

Die vorzeitige Besitzeinweisung

Eine Untersuchung zur Optimierung des Instruments zur beschleunigten Vorhabensrealisierung

Volume 10
2016. XXII, 196 pages.
ISBN 9783161548291
sewn paper 59,00 €

The realisation of major projects often requires taking possession of private property. If an agreement with the landowner can not be met, an expropriation is necessary. The option created by premature possession means that projects can be swiftly implemented. It is therefore something that plays a crucial role in the expansion of the national grid, which ensures the comprehensive harnessing of renewable energy, especially wind power.

Konzessionen im Umwelt- und Infrastrukturrecht

Hrsg. v. **Martin Kment**

Volume 9
2016. VII, 128 pages.
ISBN 9783161540400
sewn paper 59,00 €

Although concessions are applied to various parts of German environmental and infrastructure law and regulate the significant economic relationship between the state and citizen, there has not been much research done on its basic structure and the characteristics specific to its legal field. The present volume is dedicated to this task and at the same time records the results of the University of Augsburg's second convention on German Environmental and Infrastructure Law.

Survey of contents

Matthias Rossi/Sebastian Pfahl: Grundstrukturen der Konzession im Umwelt- und Infrastrukturrecht – *Christian Theobald:* Konzessionsvergabe und kommunale Selbstverwaltung, insbesondere unter Berücksichtigung der (Re-)Kommunalisierung – *Martin Nettesheim:* Marktdesign durch EU-Recht: Das Beispiel der Konzessionsvergabe – *Martin Kment:* Die energiewirtschaftliche Konzession – aktuelle Probleme – *Christoph Brüning:* Aktuelle Entwicklungen zur wasserwirtschaftlichen Konzession

Reents, Reent Ricklef

Ausbau und Finanzierung einer flächendeckenden Breitbandversorgung in Deutschland

Volume 8
2016. XXVII, 411 pages.
ISBN 9783161546006
sewn paper 79,00 €

Reent Ricklef Reents examines the issue of developing and financing broadband-internet supply infrastructures from European, constitutional and national-juridical perspectives. The weak supply in many parts of Germany means that the question of providing nationwide coverage stands in the foreground of this study.

Karrenstein, Fabian

Errichtung und Betrieb von Erdgasspeichern in unterirdischen Hohlraumstrukturen

Untersuchungen zu den anlagenrechtlichen Anforderungen an Erdgasspeicher unter besonderer Berücksichtigung des Bergrechts

Volume 7
2016. LIX, 431 pages.
ISBN 9783161539695
sewn paper 79,00 €

Storage of natural gas is an important element of the security of energy supply in Germany and Europe. The author analyses the legal frame of underground gas storage and guides through its basic questions of mining law, civil law, energy law and environmental law.



Pleiner, Tom

Überplanung von Infrastruktur

Am Beispiel energiewirtschaftlicher Streckenplanungen unter besonderer Berücksichtigung der Leitungsbündelung

Volume 6
2016. XXXIII, 473 pages.

ISBN 9783161544613
sewn paper 94,00 €

As Germany's energy turnaround moves forward, Tom Pleiner's volume focuses on the need to adapt millions of kilometers of power lines for use in the coming decades. The current lines and routes are capable of handling new requirements demanded by changes to energy supply systems, but the ageing infrastructure and European integration factors need to be taken into account. Reutilizing existing installations promotes sustainable land-use, but projects are subject to a variety of specific planning and building process regulations. In light of this, the author examines how simplifying procedures and exemptions would help regulate priority expansion programs. Also presented are the principles of routing for the different phases of infrastructure planning.

Schuppli, Martin

Herstellung gleichwertiger Lebensverhältnisse

Sozialstaatliches Gebot und Ordnungsidee des Verwaltungsrechts – dargestellt unter besonderer Berücksichtigung des Schulwesens

Volume 5
2016. XXVIII, 384 pages.

ISBN 9783161541575
sewn paper 74,00 €

How to create equal living conditions for all is an issue of constant controversy. Martin Schuppli lays bare the constitutional foundations and administrative implementation of this provision obligation. He highlights current problems such as declining pupil numbers and the shortage of GPs in rural communities, whilst also looking at modern service provision solutions like mobile services, citizen buses and village stores.

Eding, Annegret

Bundesfachplanung und Landesplanung

Das Spannungsverhältnis zwischen Bund und Ländern beim Übertragungsnetzausbau nach §§ 4 ff. NABEG

Volume 4
2016. XXX, 424 pages.

ISBN 9783161539879
sewn paper 79,00 €

In order to achieve the so-called energy turnaround and to further expand the transmission grid, the German legislator passed the Grid Expansion Acceleration Act (NABEG) in 2011. With the NABEG, an entirely new procedure of »federal specialist planning« (Bundesfachplanung), which is to be administered by a federal agency, was introduced. One of the most controversial questions raised and discussed with regard to this planning instrument concerns its relationship to the established spatial planning competence of the federal states (Landesplanung). This interrelation is analyzed in the present thesis.

Unterirdische Nutzungen

Systematisierung und planerische Steuerung, Gewinnpartizipation und Haftung
Hrsg. v. Martin Kment

Volume 3
2015. VIII, 232 pages.

ISBN 9783161534690
sewn paper 79,00 €

The legal framework for utilizing subsurface resources is not clear. This volume determines for the first time these provisions and brings them into balance by setting them out concisely and systematically. Furthermore, particular individual questions are dealt with and an overall approach to solving conflict situations is presented.

Survey of contents

Gerold W. Diepolder: Das internationale Projekt GeoMol als Beispiel für die Erkundung von Geopotenzialen – Hintergründe, Implementierung und Rechtshemmnisse – *Johannes Schneider:* Die berg- und wasserrechtliche Interessenlage bei unterirdischen Nutzungen – *Paula Hahn:* Wertschöpfung unter der Erde: Konfliktlagen und Zulassungsverfahren – Systematischer Überblick, Zweifelsfragen und Ausblick – *Ulrich M. Gassner:* Unterirdische Transport- und Transitwege – *Herbert Posser:* Der Untergrund als Lagerstätte – *Martin Kment:* Partizipation von Kommunen und Bürgern an den wirtschaftlichen Erfolgen unterirdischer Nutzungen – *Kay Windthorst:* Entschädigungsfolgen unterirdischer Nutzungen – *Mathias Schubert:* Gesamtplanerische Steuerung unterirdischer Nutzungen – *Johannes Stapf:* Aktuelle Rechtsfragen der Geothermie



Netzausbau zugunsten erneuerbarer Energien

Hrsg. v. Martin Kment

Volume 2
2013. XI, 138 pages.

ISBN 9783161524295
sewn paper 59,00 €

The grid expansion to support renewable energy has become one of the biggest challenges in the energy transition. In this volume, the authors explain the main legal challenges involved in the transformation of Germany's power grids and present legal concepts for dealing with the problems.

Kment, Martin / Pleiner, Tom

Abschnittsbildung bei energiewirtschaftlichen Streckenplanungen

Volume 1
2013. XVI, 95 pages.

ISBN 9783161524516
sewn paper 54,00 €

The building of numerous power lines has become necessary as part of the energy turnaround in Germany. The division of projects into separate sections can help to reduce their complexity and accelerate their implementation overall. The book shows that section by section planning as a proven instrument in road and rail construction planning also shows promise for the planning of power lines. The use of this instrument does not conflict with public building and planning law or the new laws in the energy sector. In addition to a detailed description of the relevant jurisdiction, the authors show that lawmakers have not yet clarified all ambiguities. This does not however preclude the legal use of the section by section planning approach in the energy sector, since these ambiguities are open to discussion.

