Umweltbundesamt - Postfach 1406 - 06813 Dessau

Alfred-Wegener-Institut
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Date: October 2005
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(please include in all correspondence)

Act Implementing the Protocol on Environmental Protection of 4 October 1991 to the Antarctic Treaty (AUG)[1]

"Construction of Neumayer III Station," "Operation of Neumayer III Station" and "Retrogradation of the existing Neumayer II Station"

Your notice of 12 October 2004

Dear Mr. Ruholl,

Pursuant to Article 12 AUG in conjunction with Article 4(3)(3) and Article 3(7) AUG and in accordance with the provisions below, we hereby grant the

Permit for performance

of the following activities listed in the above-referenced notice of 12 October 2004:

- Construction of Neumayer III Station,
- Operation of Neumayer III Station,
- Retrogradation of the existing Neumayer II Station.

1. Construction of Neumayer III Station

[1] Act implementing the Protocol on Environmental Protection of 4 October 1991 to the Antarctic Treaty (Environmental Protection Protocol Implementing Act) of 22 September 1994 (BGBl. I p. 2593), most recently amended by the Regulation of 25 November 2003 (BGBl. I p. 2304). [BGBl. = Federal Law Gazette]

Unless otherwise specified below, the construction of the new Neumayer III Station is approved as described in section 2 of the attached Final Comprehensive Environmental Evaluation.

1.1. Requirements and conditions

The following requirements and conditions must be fulfilled:

1.1.1 Transporting personnel and construction material to the Antarctic

- Aggregations of birds and seals may not be disturbed when transporting personnel and construction material using watercraft, terrestrial vehicles, and aircraft and when unloading ships at the ice edge.
- Except when taking off and landing, when visibility is poor, or in emergencies, the distances contained in the table below must be maintained during helicopter and fixed-wing aircraft flights in the vicinity of aggregations of birds and seals:

Aircraft type	Number of engines	Minimum distance (m)			
		Vertical (above ground)[1]		Horizontal	
		Feet	Metres	Feet	Metres
Helicopter	1	2460	750	2460	750
Helicopter	2	3300	1000	3300	1000
Fixed-wing	1 or 2	1500	450	1500	450
Fixed-wing	4	3300	1000	3300	1000

[1] Heights are above the ground on which birds are present, not mean sea level.

- Except in emergencies, the following minimum distances from aggregations of birds or seals must be maintained when landing:
    - 3,300 feet for dual-engine helicopters
    - 1,500 feet for fixed-wing aircraft

1.1.2 Construction of the station

a) Construction camp

- Grey wastewater from the construction camp must be treated as follows before it is discharged into a pit in the snow: solids, fats, and greasy constituents from the liquid must be separated out. The liquid must then be strained and disinfected using ultraviolet light. It must be ensured at the time of treatment that only biologically inactive wastewater is discharged into the snow.
- Black wastewater from the construction camp must be treated on site using incinerating toilets powered by electricity or diesel oil. The incineration residue must be collected and removed from Antarctica. If treatment using incinerating toilets is impossible, the black wastewater must be removed from the construction camp and from Antarctica by ship.

b) Construction materials for Neumayer III Station

- Whenever possible, PVC products that cannot be removed from Antarctica after future dismantling should not be used.
- Construction materials, fuel, and lubricants must be stored so that no pollutants can penetrate to the sub-surface snow. Construction materials and their packaging must also be secured to prevent them from being blown into surrounding areas by the wind.

c) Construction activity (Neumayer III Station)

- Compliance with the occupational health and safety regulations that are applicable in Germany is required unless that is impossible due to specific conditions in Antarctica.
- Polystyrene balls, polystyrene chips and similar packaging materials may not be released onto the ice shelf or into the water.
- When transferring fuel and lubricants, appropriate measures (such as pressure refuelling or using drip pans or absorbent mats) must be taken to prevent contamination of the sub-surface snow.
- Waste may not be incinerated outdoors (Article 23 AUG)

d) General requirements and conditions

- The applicant must ensure that all participants in the activity receive appropriate training to inform them sufficiently about environmental protection in the Antarctic and the requirements of the Act Implementing the Protocol on Environmental Protection Environmental Protection (AUG). Provision of the training must be documented and evidence must be submitted to the German Environmental Protection Agency (UBA) upon request.
- The rules for behaviour contained in the “Guide for Visitors to the Antarctic” (www.umweltbundesamt.de/antarktis/besucher.htm) must be followed. This is particularly important for maintaining the minimum distances from the penguin colony in the Atka Iceport. A copy of the Guide is attached.
- In the event of an emergency, the German Environmental Protection Agency (UBA) must be informed pursuant to Article 41(3) AUG.
- The UBA must be informed about the progress of the work by 31 May of each year until the work is complete. Particular reference must be made to new developments and any deviations from the applicant’s Draft Comprehensive Environmental Evaluation (CEE).

1.1.3 Start of the work; time limit

- The approved activities may not begin until 60 days after this permit is sent to the parties to the Antarctic Treaty (Article 13(2) AUG). We will notify you in a separate letter of the date the permit is sent and the date on which the activity may begin.
- The permit for construction of the Neumayer III Station (including transporting the personnel necessary to do the work and construction materials within Antarctica [south of 60º S]) will expire on 31 March 2009.

2. Operation of Neumayer III Station

Unless otherwise specified above, operation of the Neumayer III Station is authorised as described in Section 3 of the attached Final Comprehensive Environmental Evaluation.

2.1 Requirements and conditions

The following requirements and conditions must be fulfilled:

2.1.1 Fuel and lubricants must be stored so that no pollutants can penetrate to the sub-surface snow.

2.1.2 When transferring fuel and lubricants, appropriate measures (such as pressure refuelling or using drip pans or absorbent mats) must be taken to prevent pollution beneath the ground surface.

2.1.3 Appropriate measures must be taken to ensure that the snow beneath the garage is not contaminated by fuel or lubricants.

2.1.4 Waste may not be incinerated outdoors.

2.1.5 General requirements and conditions

- The applicant must ensure that all participants in the activity receive appropriate training to inform them sufficiently about environmental protection in the Antarctic and the requirements of the Act Implementing the Protocol on Environmental Protection Environmental Protection (AUG). Provision of the training must be documented and evidence must be submitted to the German Environmental Protection Agency (UBA) upon request.
- The rules for behaviour contained in the “Guide for Visitors to the Antarctic” (www.umweltbundesamt.de/antarktis/besucher.htm) must be followed. This is particularly important for maintaining the minimum distances from the penguin colony in the Atka Iceport.
- In case of emergency, the German Environmental Protection Agency (UBA) must be informed pursuant to Article 41(3) AUG.
- After completion of both the first and second years of operation, the UBA must be informed about operation of the Neumayer III Station during the preceding year. Particular reference must be made to new developments and any deviations from the applicant’s Draft Comprehensive Environmental Evaluation (CEE).

2.2 Time limit

The permit to operate the Neumayer III Station is limited to two years from the time of commissioning.

3. Retrogradation of the Neumayer II Station

Unless otherwise specified below, retrogradation of the Neumayer II Station, including removal of the demolition material in the area south of 60° S, is authorised as described in section 4 of the attached Final Comprehensive Environmental Evaluation.

3.1 Requirements and conditions

The following requirements and conditions must be fulfilled:

3.1.1 Demolition work and transporting materials between Neumayer II and Neumayer III Stations

- When transferring fuel and lubricants, appropriate measures (such as pressure refuelling or using drip pans or absorbent mats) must be taken to prevent pollution of the sub-surface snow.
- Polystyrene balls, polystyrene chips, and similar packaging materials may not be released onto the ice shelf or into the water.
- Waste may not be incinerated outdoors (Article 23 AUG)
- Grey wastewater from the construction camp must be treated as follows before it is discharged into a pit in the snow: solids, fats, and greasy constituents from the liquid must be separated out. The liquid must then be strained and disinfected using ultraviolet light. It must be ensured at the time of treatment that only biologically inactive wastewater is discharged onto the snow.
- Black wastewater from the construction camp must be treated on site using incinerating toilets powered by electricity or diesel oil. The incineration residue must be collected and removed from Antarctica. If treatment using incinerating toilets is impossible, the black wastewater must be removed from the construction camp and from Antarctica by ship.

3.1.2 Storage and treatment of waste, demolition material, and the like

- Waste, construction material, fuel, and lubricants must be stored so that no pollutants can penetrate to the sub-surface snow. Waste and construction material must also be secured to prevent them from being blown into surrounding areas by the wind.
- Polystyrene balls, polystyrene chips, and similar packaging materials may not be released onto the ice shelf or into the water (Article 20 AUG).
- Waste may not be incinerated outdoors (Article 23 AUG)
- Waste storage facilities and the site of the abandoned Neumayer II Station must be cleaned after completion of the demolition work.

3.1.3 Removing demolition material, parts of the station that are no longer needed, and waste from Antarctica

With the exception of the building parts that are listed below, demolition material, parts of the “Neumayer II” Station that are no longer needed, and waste must be removed from Antarctica.

The building parts located under the surface of the snow or ice, which are listed in the table below, may remain within the snow or ice.

Description of part	Material information	Tonnes
Steel tubes, shaft sockets	Steel (approximately 75% galvanised)	578.5
Connectors (tubes, shafts)	Galvanised steel	23.1
Shafts (deeply buried sections)	Galvanised steel	7.1
Bulkheads	Sectional and sheet steel, galvanised or primered	46.2
Structural parts of stair towers (lower sections only)	Sectional steel, primered or galvanised	33.0

Container bearings	Volcanic slag	32.0
Emergency exit (Cross Tube)	Timber, plywood	2.5
Snow anchors, steel wires in garage	Steel, galvanised steel	1.7
Power cable H07RN-F3*70. l = 3*1,500 m, d = 41 mm	Copper, rubber, steel wire, neoprene sleeve	16.6
Sewage pipe	Steel, CFC-free PU foam, PE sleeve	1.5
Satcom antenna tower, depth in 2008: -9 m to -0.4 m	Sectional steel, 35% galvanised	4.1
Foundation pads	10/20-cm beams, 5.0 m	1.8
Dipole antennas with foundations (depth in 2008: -10 to -1 m)	Steel pipe (galvanised) and sectional steel (galvanised)	1.0
Guy wires	Galvanised 10-mm steel wire	0.1
Foundation pads, dead men	Wood of various dimensions	0.9
Wind generator foundation (depth in 2008: -10 m to -0.5 m)	Sectional steel and sheet steel, 35% galvanised	5.9
Balloon launching platform, steel construction (depth in 2008: -6 m to -0.5 m)	Primered sectional steel	2.4
Foundation pads	Timber 10/20-cm, 1.6 m	0.6
Air chemistry platform, steel construction (depth in 2008: -9.5 to -0.4 m)	Sectional steel, 35% galvanised	3.6
Foundation pads	Timber 10/20 cm, 1.0 m	0.4
Seismo-acoustic platform, steel construction (depth in 2008: -6 m to -0.5 m)	Primed sectional steel	2.2
Foundation pads	Timber 10/20 cm, 1.0 m	0.4

3.1.4 Transporting personnel and materials

- Aggregations of birds and seals may not be disturbed when transporting personnel and construction material using watercraft, terrestrial vehicles, and aircraft and when unloading ships at the ice edge.
- Except when taking off and landing, when visibility is poor, or in emergencies, the distances contained in the table below must be maintained during helicopter and fixed-wing aircraft flights in the vicinity of aggregations of birds and seals:

Aircraft type	Number of engines	Minimum distance (m)			
		Vertical (above ground)[1]		Horizontal	
		Feet	Metres	Feet	Metres
Helicopter	1	2460	750	2460	750
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Fixed-wing	1 or 2	1500	450	1500	450
Fixed-wing	4	3300	1000	3300	1000

[1] Heights are above the ground on which birds are present, not mean sea level.

- Except in emergencies, the following minimum distances from aggregations of birds or seals must be maintained when landing:
    - 3,300 feet for dual-engine helicopters
    - 1,500 feet for fixed-wing aircraft

3.1.5 General requirements and conditions

- The rules for behaviour contained in the "Guide for Visitors to the Antarctic" (www.umweltbundesamt.de/antarktis/besucher.htm) must be followed. This is particularly important for maintaining the minimum distances from the penguin colony in the Atka Ice-port.
- In case of emergency, the German Environmental Protection Agency (UBA) must be informed pursuant to Article 41(3) AUG.
- The UBA must be informed about the progress of the work by 31 May of each year until the work is complete. Particular reference must be made to new developments and any deviations from the applicant's Draft Comprehensive Environmental Evaluation (CEE).

3.2 Time limit

The permit for retrogradation of the Neumayer II Station (including transporting the personnel necessary to do the work and materials within the territory of Antarctica [south of 60° S]) is limited to the period from 1 October 2007 to 31 March 2010.

4. Potential changes in planning or performance of the activities

Every intended change in planning or implementation of the three authorised activities as described in the Draft and Final Comprehensive Environmental Evaluations must be reported to the UBA for authorisation.

Reasons

1. Activities for which the application was filed

In a letter dated 12 October 2004, the Alfred Wegener Institute for Polar and Marine Research (referred to below as the applicant) applied for a permit for:

- The “Construction of the Neumayer III Research Station” project, which is expected to run from autumn 2006 to autumn 2007
- Operation of the new station with a planned service life of approximately 25 years
- The “Retrogradation of the Neumayer II Research Station” project, which is planned to take place between 2008 and 2011.

The activities are described below in the attached Annex (Final Comprehensive Environmental Evaluation).

2. Procedure

The applicant informed the German Federal Environmental Agency (UBA) in autumn 2003 of its intention to carry out such a project and attached detailed information on the planned station, the potential location, the intended construction work, and the like. The applicant and the UBA agreed that environmental impacts that were more than minor or temporary could be expected from the project (Article 4 (3)(3) AUG) and that the permitting procedure would therefore have to include a Comprehensive Environmental Evaluation (CEE) pursuant to Articles 8 ff. AUG. That assessment is based on the following factors:

- A large new research and residential building that is *permanent* is to be built within the framework of the project which – aside from ship-based research work – will be the most important location in Antarctica for research work originating or organised in Germany.
- The project also includes dismantling the existing research station.
- The construction and dismantling work will last for several Antarctic seasons.
- A considerable geographic area is involved.
- Construction personnel will include a large number of people (an average of 41 people over 75 days).
- A considerable portion of the project requires major transport activities (helicopters, fixed-wing aircraft, and ship) in Antarctica.
- The new station is to be included in the “DROMLAN” flight network.

This assessment agrees that projects involving the construction or modification of polar research stations of the other Antarctic consultative states since entry into force of the Protocol on Environmental Protection to the Antarctic Treaty have always undergone such a Comprehensive Environmental Evaluation. Examples include expansion of the Norwegian Troll station, construction of the Czech station, construction of the British Halley VI station, and modernization of the US station at the South Pole.

2.1 Establishing the investigative framework for the Draft Comprehensive Environmental Evaluation

The scope for the Comprehensive Environmental Evaluation (Article 8(3) AUG) was discussed on that basis on 25 February 2004 (cf. second sentence of Article 4(5) AUG). The German Federal Agency for Nature Conservation (BfN) and the German Maritime and Hydrographic Agency (BSH) were also invited to the meeting. However, both agencies declared that their area of responsibility was not concerned by the intended activities in the Antarctic, and declined to participate further in the permitting procedure (e-mail from BSH of 9 February 2004 and e-mail from BfN of February 4, 2004). Nonetheless, BfN suggested making a reference to the need to protect the emperor penguin colony at the Atka Iceport and the rules to be followed there, because

it was likely that a larger number of visitors from among construction workers/support staff could lead to increased “time-off tourism” to the penguin colony.

Following the discussion, UBA notified the applicant in a letter dated 5 March 2004 of the projected investigative framework and the type and scope of the documentation that it expected the applicant would have to submit (fourth sentence of Article 4(5) AUG).

2.2 Draft Comprehensive Environmental Evaluation, participation procedure

2.2.1 The public, other agencies

The applicant forwarded the Draft Comprehensive Environmental Evaluation (version of 8 December 2004) to UBA in a letter dated 10 January 2005. UBA made the application and the study available for public inspection (after announcement in the *Bundesanzeiger* gazette of 8 February 2005) from 2 March 2005 to 30 May 2005 at its offices at Bismarckplatz 1, 14193 Berlin. No objections were raised by the public during the inspection period from 2 March to 30 May 2005.

UBA did not forward the application and the study to BfN or BSH, since those agencies felt their area of responsibility was not involved.

2.2.2 Independent Commission

In a letter dated 28 January 2005, UBA sent the application for permit and the Draft CEE to the Independent Commission pursuant to Article 6(4) AUG with a request for comments. The Commission responded as follows in its letter of 25 February 2005:

> “In principle, station structures on the ice shelf are more environmentally compatible that those on the fast land. Solid residue automatically ends up in the ocean and in the case at hand is largely safe for marine organisms. Neumayer III is more environmentally friendly than Neumayer II, because almost all of the structural elements can be removed from Antarctica after use. The amount of space required by the station structures is minimised. In addition, fewer resources are required for construction of the new station than for the previous station structures.
>
> Limited adverse environmental effects can be caused by the use of fossil fuels in particular. They can occur during inward and outward transport, fuelling, storage, and combustion. Diesel fuel is the most important factor, with consumption estimated to be about 295,000 litres per year. Comments on the risks are contained in sections 6.4 and 9.3. Emergency plans are found in section 14.2. Regular monitoring of all observations and activities that could be harmful to the environment under certain circumstances is provided for (Table 14.1). Affected environmental assets include surrounding snow, the atmosphere, and (indirectly) the sea. There are no biological systems in the immediate vicinity. An emperor penguin colony is located some 10 kilometres northeast of Neumayer III beyond the ice shelf edge, along with Weddell seals and a small number of birds that do not breed there. The extent of environmental impacts is shown in Table 9.4. Emissions during both operation and the construction and dismantling phases are taken into account (Tables 9.6 and 9.9). The result is that the concentration of pollutants in the air remains well below the legal limits in the EU (p. 88, Table 10). Section 14 states that the only fuels that will be used comply with the most recent environment standards. Particulate filters are also envisaged (section 6.6). The dilution of emissions into the air and onto snow is very great given the prevailing wind activity. The Commission confirms the need to use lubricants and fuels to the specified extent. It classifies the impacts on the nonliving environment as very minor and highly transitory and as less than minor for station personnel and the wildlife living further away. A residual risk as the result of an

accident followed by a fire cannot be excluded but is not very likely from a technical viewpoint.

Another potential major contaminant is wastewater. It is expected that grey and black wastewater will be disinfected with UV before leaving the station and that it will be collected as a frozen body in a pit dug in the snow. The solids will be retained as sludge in polypropylene bags and dried before being shipped out of the Antarctic. Water consumption is about 638,000 kg (p. 83); the water will move with the ice shelf for several decades before reaching the sea, where it will be greatly diluted.

The Commission sees no risk to the environment from proceeding in this way. Disinfection with UV light has no adverse effects on wastewater and the environment. Quick freezing prevents any percolation to a deeper level. The impacts on the sea are less than minor and transitory.

All other potential contaminants are subject to a carefully prepared management plan for collection, holding, storage, and removal from Antarctica. In that respect, there is no need for concern about effects on the environment. Even an accident during transport would result only in reversible pollution at one specific location.

The Commission would specifically like to praise the carefully prepared Draft CEE and considers that maximum consideration for the environment around the station and the entire region is guaranteed. It also welcomes every additional technical improvement and measure that further reduces the possibility of a risk."

2.2.3 Other states

The application and the Draft CEE were also sent to the other parties to the Protocol on Environmental Protection to the Antarctic Treaty on 11 January[2] and to the Committee on Environmental Protection defined in Article 11 of the Protocol on Environmental Protection by 5 February 2005 (Article 10 AUG). Of the other parties to the Protocol on Environmental Protection to the Antarctic Treaty, only New Zealand and the U.S.A. submitted comments on the applicant's Draft CEE. Both sets of comments contained praise for the quality of the study, as well as critical remarks and suggestions. Only substantial critical points are reproduced below. Recommendations that relate solely to linguistic elements of the English version of the Draft CEE are not listed.

2.2.3.1 New Zealand

New Zealand's opinion makes the following points:

- The non-technical summary could benefit by being divided into sections. It might also be useful to summarise the conclusions of the Draft CEE there, too.
- Section 1.1 should indicate the years of operation of each station.
- Section 2.2 on location would be clearer if a map were included in this section.
- Section 3 aims to provide a "general description of the project," but does not seem to achieve that. This section also includes statements about perceived impacts of the activity, which may be best removed in the interests of keeping this section purely factual in its coverage.
- Section 5.2.3 states that the station location needs to be selected in such way that the flow velocities "will not carry the station too near to the ice edge and also not unacceptably near to the emperor rookery at Atka Iceport." It would be helpful if the Draft CEE could quantify what is meant by "unacceptably near to the emperor rookery."

[2] The date must still be confirmed by the German Foreign Office.

- Section 5.3.2 records that the number of round trips resulting from Table 5-4 is 169. It is unclear how this figure is derived from the table.
- Section 5.3.3.2 does not clearly explain the wastewater treatment process in the construction camp.
- The second paragraph of section 5.3.4 states that “the trench will not be cut to the nominal depth.” New Zealand assumes that the word “not” should be deleted.
- Section 5.3.7 would benefit from being divided into sub-sections. A table would also be helpful for comparing the different station designs.
- Paragraph 4 on p. 43 refers to the fact that the station design allows for the attachment of solar cells foils. However, this appears to be an option rather than a certainty. It is not discussed elsewhere in the Draft CEE (even in section 6.5 on energy generation). It would be useful if alternative energy sources were discussed in greater detail in section 6.5.
- Section 6.4 states that annual consumption of diesel fuel for power generation will increase by approximately 54% when compared to the consumption at the present station, Neumayer II. This is disappointing, especially since stations such as Halley VI are predicting a reduction in fossil fuel use.
- Section 7.7 states that “The environmental impact when leaving the parts in Antarctica can be regarded as negligible.” While leaving these materials in the ice shelf may be the preferred environmental option, leaving 733.6 tonnes of gear in the ice shelf cannot realistically be described as a negligible environmental impact.
- Section 9.2 on compilation of emission data is very unclear and could benefit from some redrafting. That includes Table 9-3, which does not provide any description of the symbols used in the table.
- Table 9-6 in general provides a useful summary of the identified environmental impacts from building Neumayer III Station. However, it could be improved by including some text in the final column dealing with mitigation measures. A short description as well as reference to the relevant sections of the Draft CEE would improve the value of this table.
- Section 12 on cumulative effects is surprisingly short. One of the merits of this Draft CEE is its comprehensive nature in that it covers the construction and operation of Neumayer III as well as the dismantling of Neumayer II. It would seem therefore seem feasible to provide a more complete description of the cumulative impacts of these activities.
- The summary in section 18.5 could benefit from a clearer overall conclusion on the Draft CEE. Given that the environmental impact assessment is at the CEE level, for proposed activities likely to have “more than a minor or transitory impact” on the Antarctic environment, it seems somewhat contradictory to conclude that the activities are “minor and temporary” (sic). While New Zealand accepts that the activities associated with the construction of Neumayer may well be minor, the fact that this will be a permanent facility clearly means that its effects will be more than transitory. However, it would be reasonable to conclude that although the effects will be more than minor and transitory, the scientific benefits that will accrue from the station will outweigh these impacts.

2.2.3.2 USA

The United States sent the following opinion in an e-mail dated June 21, 2005:

> 1. Consider using flooring material and drip pans in the garage at Neumayer III Station. American experience at the South Pole has shown that a large quantity of contaminated snow will be produced under the garage, creating a difficult management and clean-up situation.

2. Consider monitoring air quality in the elevated station, as the garage directly underneath could present health hazards.

3. Drip pans and spill kits are occasionally mentioned in the document; consider making use of drip pans or absorbent pads mandatory for all fuel transfers (this could fit in section 9.2.3, p. 76).

4. We question the conclusions of the Draft CEE; the United States would consider the impacts of this project as “more than minor or transitory.”

2.2.4 XXVIII Antarctic Treaty Consultative Meeting

The activities for which the application has been submitted were discussed at the XXVIII Antarctic Treaty Consultative Meeting **(**XXVIII ATCM, Stockholm, 6-17 June 2005). The discussion was prepared by the Committee for Environmental Protection (CEP). The ATCM and CEP expressed the following position:

- The Draft CEE and the German procedure are consistent with the requirements of Article 3 of Annex 1 to the Protocol on Environmental Protection.
- The Draft CEE is well structured and sufficiently comprehensive.
- A CEE is the appropriate investigation level for this project.

(Final report of the XXVIII ATCM, paragraph 78; CEP VIII Report to XXVIII ATCM [ATCM doc. RP 002], Appendix 2).

2.2.5 Alfred Wegener Institute

During the permitting procedure, the applicant had multiple opportunities to express its position (second sentence of Article 3(8) AUG), most recently on 15-16 September 2005. It responded in greatest detail to the above remarks by New Zealand and the United States. The applicant also informed the UBA about individual changes to planning of the activities that had been made since the Draft CEE was prepared.

3. Legal evaluation

The decision is the result of the evaluation of the planned activities and their environmental impacts by the permitting agency, the German Environmental Protection Agency (UBA). The following elements were taken into consideration during the evaluation:

- the applicant’s Draft Comprehensive Environmental Evaluation (CEE),
- the opinion of the Independent Commission pursuant to Article 6(4) AUG,
- the comments of New Zealand, the United States, and the XXVIII Antarctic Treaty Consultative Meeting.

Compared with the present situation, additional adverse environmental effects will be caused primarily by construction of the Neumayer III Station and the dismantling of the Neumayer II

Station (including any necessary transport). As soon as that work has ended, the adverse effects will for the most part correspond to those currently caused by operation of the Neumayer II Station. The planned operation of the Neumayer III Station is on a larger scale, however, which means that it will cause additional environmental pollution.

3.1 Construction of Neumayer III Station

3.1.1 Evaluation of the environmental impacts pursuant to Article 3(4) AUG

The activity will have an adverse effect on the assets listed in Article 3(4) AUG which is greater than insignificant. The planned work will particularly affect air quality (Article 3(4)(2) AUG) and the atmospheric, water, sea, and ice environment of the Antarctic (Article 3(4)(3) AUG). In contrast, any adverse impacts on the global climate (Article 3(4)(1) AUG) are excluded because the amounts of CO_2 that are released are too small.

The activity will in some cases lead to environmental impacts that are more than minor or transitory in the sense of Article 4(3)(3) AUG. For this evaluation, it is not necessary to consider the impacts from the construction work, future operation, and planned work to dismantle the Neumayer II Station at the same time as this operation. The fact that the Neumayer III Station building will be operated in Antarctica for at least 25 years means that the environmental impacts of the activity for which the application has been submitted will be “more than …transitory.” An interpretation of this phrase from the Protocol on Environmental Protection and the AUG indicates that this is not merely intended to refer to environmental impacts that will continue to exist in the Antarctic for an indeterminate time. Rather, impacts that will not be eliminated until after a great deal of time has passed (for example ten years or more) must be classified as being “more than … transitory.” Independent of that, according to the applicant’s statements in the Draft CEE, it must be expected that certain quantities of building parts will remain permanently in Antarctica even after Neumayer III is no longer used.

The construction of Neumayer III Station does not give rise to any concern about adverse effects on the assets defined in Article 3(4) AUG which would lead to a prohibition of this activity. The adverse effects from the construction work (including the construction camp and transport) are not so serious that they would have to be classified as having “significantly detrimental” impacts as defined in Article 3(4)(2) AUG or “significant” impacts as defined in Article 3(4)(3) AUG. Since no clear definition of these terms has been agreed, they must be interpreted in the light of Article 1 AUG to mean that they should not in principle prevent the construction of important research stations. The AUG and the Protocol on Environmental Protection to the Antarctic Treaty are intended both to guarantee a high level of environmental protection in Antarctica and to guarantee scientific research there. Therefore, in principle they also allow logistical facilities such as research stations, which are indispensable for research work on the fast land and to a great extent on the ice shelf, too. Subject to the requirement that such projects are not excessively large, that they meet an actual need for research, that the construction work is as environmentally friendly as possible, and that the advantages of the planned activities on the whole outweigh the adverse effects on the environment, they are therefore in accordance with the aforementioned provisions of the AUG.

Neumayer II Station has been operated under a permit pursuant to the AUG since entry into force of the AUG. The adverse environmental effects resulting from operation are below the threshold specified in Article 3(4)(3) and (4) AUG. Moreover, the projected expansion of operation will not increase the adverse environmental effects to an extent which would not be allowed by these provisions. The scope of the planned station operation remains within the limits of what is customary in the applicable region of Antarctica. For example, the British Halley V station operates with 15 overwinterers and up to 65 summer guests, the South African SANAE IV station with ten overwinterers and up to 80 summer guests, the Norwegian Troll station with seven overwinterers and up to 40 summer guests, and the Russian Novolazarevskaya station with 30 overwinterers and up to 70 summer guests (see summary of stations on the Internet at www.comnap.aq/comnap/comnap.nsf/P/StationsByName). The British Halley VI station, which is also being planned at present, is to have a capacity of 16 overwinterers and up to 50 summer guests.

The station also corresponds to the applicant's needs. The planned station is being built to replace the Neumayer II Station, which can be used for only a few more seasons. The applicant has been conducting research in Antarctica since 1982, and the scientists have been and are primarily dependent on the capacity of the Neumayer I and Neumayer II Stations for work that is not done on or from the Polarstern research ship. Among other things, the integration of various research projects in international multi-year programmes argues in favour of maintaining that capacity in the future. This will also ensure support for the IS27DE infrasound observatory.

The station is to be built in a way that is comparatively environmentally friendly. There are no grounds for objecting to its location, size, and design. Planning of the construction work also takes environmental concerns into account to a considerable extent. Additional precautionary measures are necessary only in some individual areas (see the details under requirements and conditions).

Location

As explained in the Draft CEE, there are no equally acceptable alternative locations on the Ekström ice shelf. Moving to another location would also make it necessary to interrupt current long-term studies.

Above all, it should be emphasised that they are no plants or animals at the planned location. Therefore, adverse effects for animals are possible only at the ice shelf edge; this is related to the use of the Atka Iceport for transportation. Disturbances to the emperor penguin colony located southwest of the bay will be prevented by the requirements for air traffic.

Design

The design of the station cannot be criticised from the viewpoint of environmental protection. The applicant has chosen from among the alternatives a design that does require transporting the greatest mass but has a relatively good rating for fuel consumption during construction and annual maintenance (see Table 2 in the Final Comprehensive Environmental Evaluation). The fuel consumption for power generation by the various alternatives is not markedly different. Another positive factor is that the applicant is planning on a service life of more than 25 years and has already included future dismantling in the planning for the new station, which allows most of the station to be removed from Antarctica at the end of its useful life.

Construction work

The construction work, including transport, has been carefully planned; the projected resources needed – particularly the number of employees required – corresponds to the size of the proposed new construction. The work can be completed in one season if weather conditions are favourable. The applicant has also taken care to ensure that the work will be done in a way that is environmentally friendly, particularly since in many cases this also helps to reduce costs.

However, negative environmental aspects include the fact that the construction work is to be done at the same time as operation of the Neumayer II Station, which will result in cumulative adverse environmental effects. It is primarily the extent of the most important adverse effects (air pollution and pollution of sub-surface snow by wastewater) that will increase. Even if those effects are combined, however, they are not serious enough to result in grounds for prohibition according to Article 3(4) AUG. It must be remembered in that regard that shutting down the Neumayer II Station while the construction work is done would be very detrimental to long-term scientific studies at the station. Simultaneous operation of one station and construction of

another offers other logistical benefits (simplification and reduced costs) that will also help to ensure that the environmental effects of building the station will be less than in the hypothetical case of shutting down the Neumayer II Station during construction.

3.1.2 Evaluation of the environmental impacts compared with the advantages of the planned activity

An evaluation of the environmental impacts compared with the advantages of the planned activity (cf. the first sentence of Article 12(3) AUG) shows that the advantages outweigh the disadvantages. That is primarily because this activity involves implementation of and preparation for scientific research, an activity that is privileged by the AUG. In addition, the Neumayer Station is Germany's largest and most important research station (and only year-round station) in the Antarctic. Without the station, the Antarctic research done by the applicant, as well as other institutions, would have to be significantly reduced. Furthermore, the new station has additional importance for scientific research for another reason, because the existing long-term studies can be continued there without difficulty.

The primary environmental impacts of building the new station are limited to the following:

- use of the necessary surface area (about 6,000 m² for the building and its surroundings plus an additional area of about 1,500 m² for the construction camp) on the Ekström ice shelf,
- adverse effects on the air (from pollutant emissions),
- adverse effects on the snow (from removal of snow to generate water and deposits of pollutants from the air),
- adverse effects on the ice (from the discharge of wastewater).

The use of the space will not cause problems from an environmental viewpoint. The adverse effect on the snow is also minor, as described in the Final Comprehensive Environmental Evaluation. The air pollution can also be classified as less serious due to dilution as a result of weather conditions. Moreover, the construction work that will cause such pollution will under favourable conditions take only 75 days or if conditions are unfavourable 150 days (over two seasons). Because the grey wastewater will be purified and disinfected before it is discharged into the ice, any adverse effects can also be classified as less important, which means there is nothing to prevent granting a permit to construct the new station. Black wastewater may not be discharged into the ice (requirement 1.1.2 a)).

As stated above, the existence of the station will have environmental impacts that are more than transitory. However, they are of lesser importance than the advantages that will result for scientific research.

3.1.3 Secondary provisions

Requirements and conditions related to transporting personnel and construction material into Antarctica

The requirement that aggregations of birds and seals may not be disturbed when transporting personnel and construction material using watercraft, terrestrial vehicles, and aircraft and when unloading ships at the ice edge is based on Article 17(2)(2)(a) AUG. This requirement is also the basis for the minimum distance requirements for flights. The minimum altitude of 1,500 feet above the ground surface when flying over aggregations of birds and the horizontal distance that must be maintained from aggregations of birds when landing were proposed at the XXV Antarctic Treaty Consultative Meeting (ATCM) in 2002. These requirements are intended to ensure that aggregations of birds, seals, or whales are not disturbed. The minimum altitude to be maintained by dual-engine helicopters was proposed at the XXIV Antarctic Treaty Consultative Meeting for the same reason.

Requirements and conditions related to construction of the station

a) Construction camp

Disposal of wastewater and faeces in the described manner is intended to ensure that adverse effects on the Antarctic environment are kept to an unavoidable minimum. Incinerating toilets are combustion equipment in the sense of Article 23(1) AUG, but outdoor waste incineration is not, and would be inadmissible pursuant to Article 23(2) AUG. The incineration residue must be removed from Antarctica pursuant to the second sentence of Article 23(1) in conjunction with Article 22(1)(8) AUG.

b) Construction material for the Neumayer III Station

The restriction on the use of PVC products comes from Article 22(1)(5) AUG, which stipulates that PVC waste must be removed from Antarctica.

The requirements for storage of construction materials, fuel, and lubricants are intended to minimize potential risks to the environment.

c) Construction activity (Neumayer III Station)

- The requirement to comply whenever possible with the occupational health and safety requirements that are applicable in Germany is intended to avoid additional adverse effects on the environment as a result of workplace accidents. The applicant's Draft CEE clearly indicates that compliance with these provisions forms the basis for its planning (p. 71: limitations due to the applicability of accident prevention regulations).
- The prohibition on releasing polystyrene balls, polystyrene chips, and similar packaging materials onto the ice shelf or into the water is based on Article 20 AUG.
- The requirements for transferring fuel and lubricants are intended to avert the risk of polluting sub-surface snow.
- Outdoor waste incineration is prohibited by law (Article 23 AUG).

General requirements and conditions related to construction of the Neumayer III Station

- The requirement to train participants in the activity is based on Article 33(1) AUG.
- The rules contained in the "Guide for Visitors to the Antarctic" are intended to guarantee the avoidance of any adverse effects on the Antarctic environment, particularly penguins at the Atka Iceport, due to the behaviour of people from the station and construction personnel. Insofar as animals are involved, the basis is Article 17(1) AUG.
- The obligation to report emergencies to the German Environmental Protection Agency (UBA) is contained in Article 41(3) AUG.
- The requirement to report to the UBA once a year on progress of the work was established on the basis of Article 14 AUG. It is particularly necessary because the applicant has not yet clarified every detail of construction of the Neumayer III Station and there may be some minor changes before the work is completed.

Time limit

The time limit for the permit is based on the second sentence of Article 3(7) AUG.

3.2 Operation of the Neumayer III Station

3.2.1 Evaluation of the environmental impacts pursuant to Article 3(4) AUG

Operation of the Neumayer III Station has an adverse effect on several of the assets mentioned in Article 3(4) AUG which is greater than insignificant. In terms of quality, it is likely to have the same environmental impacts as the present Neumayer II Station. Particularly to be expected are adverse effects on air quality (Article 3(4)(2) AUG) and the atmospheric environment (Article 3(4)(3) AUG), changes in the water/ice environment due to the discharge of wastewater (Article 3(4)(3) AUG), and various other impacts on snow.

However, those effects are not so “significant” in the sense of the aforementioned provisions that they will prevent authorisation to operate the station. The term “significant” as used in Article 3(4) nos. 2 and 3 AUG must be interpreted as described above (no. 3.1.1). The AUG and the Protocol on Environmental Protection assume that operation of a research station in Antarctica should be permissible in principle. Possible limitations to or even prohibition of the operation can therefore result in individual cases only from the type of operation that is planned, if the adverse effects on the Antarctic environment would be greater than is avoidable under the circumstances, if applicable waste-management requirements are not met, or if the adverse environmental effects are on the whole considered to outweigh the value of the planned research work.

Such restrictive conditions do not exist here, provided that the applicant complies with the requirements and conditions listed under no. 2.1 of the decision.

As for the extent of the environmental impacts, the annual consumption of diesel fuel for power generation is projected to increase to 293,800 litres, about 54% more than what was used at the Neumayer II Station. As stated in New Zealand’s comments, that increase is indeed relevant and – unless fuel quality is improved – will lead to additional pollution of the air and snow on about the same order of magnitude. However, weather and wind conditions at the planned location usually result in nearly complete dilution of exhaust gases. Therefore, it is not anticipated that pollution levels could be classified as having a “significantly detrimental” impact in the sense of Article 3(4)(2) AUG. The planned use of fuel grades that fulfil the future requirements of European Union legislation should further reduce these adverse environmental effects.

Additional adverse environmental effects will also result from the plan to expand the DROMLAN network. However, those effects are also limited because the runway may be used only by smaller planes.

It should be mentioned positively that the applicant:

- will purify wastewater and disinfect it using UV radiation before it is discharged into the snow,
- will use the heat produced during power generation so that no fuel is consumed directly for heating,
- will use wind energy to a limited extent and intends to increase the share of renewable energy sources,
- plans to introduce an energy management system to make further reductions in energy consumption,
- intends to continue with the separate waste collection that it currently uses, does not intend to incinerate any waste at the new station, either,
- follows flight rules to protect the emperor penguin colony at the Atka Iceport,
- has taken comprehensive emergency prevention measures,

- rarely offers accommodation to tourists,
- includes environmental protection in the training it provides to users of the station.

3.2.2 Evaluation of the environmental impacts compared with the benefits of the planned activity

The advantages of operating the Neumayer III Station outweigh the expected environmental impacts. The importance for scientific research of operating the station corresponds to the importance described under construction (section 3.1 above).

In contrast, operation of the station in and of itself would be associated with no more than minor or transitory impacts for the assets listed in Article 4(3)(2) AUG. The 54% increase in consumption of diesel fuel will not cause such serious additional pollution that the operation in and of itself would have to be categorized as having “more than a minor or transitory impact.” It must also be kept in mind that the increased diesel consumption is primarily attributable to the planned expansion of the scientific work by the observatories, in other words to activities that are allowed as a matter of principle by the AUG and the Protocol on Environmental Protection.

On the other hand, this activity causes particular concern for the environment because the station is also to be operated during dismantling of the Neumayer II Station, which means that cumulative environmental impacts can be expected during that period. However, this situation corresponds to that of construction of the Neumayer III Station while operation of the Neumayer II Station is to continue. Here, too, the cumulative environmental effects cannot be ranked so high that – in light of the scientific and logistical benefits – they would lead to the permit being refused.

3.2.3 Secondary provisions related to operation of the Neumayer III Station

Requirements and conditions

- The requirements for storage of construction materials, fuel, and lubricants, as well as for transferring fuel and lubricants, are intended to minimize the potential risks to the environment.
- The statement that pollution of the snow under the garage should be prevented by taking appropriate measures is based on a proposal by the United States (cf. section 2.2.3.2). The U.S.A. did go further and suggested considering whether the garage floor should have a floor covering to prevent pollution. Such a floor covering was not possible for technical reasons, however. A hard covering would damage the sharp, thin-walled treads of the Pisten Bullies. A soft covering (film or mats) would be damaged or destroyed by the vehicles themselves. To prevent this, the soft covering would either have to be topped with a hard floor covering or buried about 50 cm below the surface of the snow. However, that variant would somewhat limit the advantages of such a floor covering. In addition, the construction concept of the Neumayer III Station requires the garage floor to be raised by about 60 cm every year. If the floor covering has to be moved and later replaced each time, that would require an extraordinarily great additional effort for maintenance. In addition, it has not yet been determined how such a floor covering in the garage would affect the stability of the station. The applicant submits in that regard that the snow parameters the structural design is based on could change.

  Therefore, the alternative of avoiding pollution of the snow in the garage by taking preventive measures – as previously done during operation of the Neumayer I and Neumayer II Stations – is preferable. These are primarily the precautions taken when handling fuel and other hazardous substances, as well as regular maintenance of vehicles and ongoing inspections. It must also be ensured that sufficient means are available for effective mitigation and abatement of any environmental damage.

- Outdoor waste incineration is prohibited by law (Article 23 AUG).
- The requirements for training of the participants in the activity are based on Article 33(1) AUG.
- The rules contained in the “Guide for Visitors to the Antarctic” are intended to guarantee the avoidance of any adverse effects on the Antarctic environment, particularly penguins at the Atka Iceport, due to the behaviour of people from the station and construction personnel. Insofar as animals are involved, the basis is Article 17(1) AUG.
- The obligation to report emergencies to the German Environmental Protection Agency (UBA) is contained in Article 41(3) AUG.
- The requirement to report to the UBA once a year on operation of the Neumayer III Station was established on the basis of Article 14 AUG. It is particularly necessary because the applicant has not yet clarified every detail of operation of the Neumayer III Station and there may be some minor changes both before and after commissioning of the station.

Time limit

The time limit for the permit is based on the second sentence of Article 3(7) AUG.

3.3 Dismantling and retrogradation of Neumayer II Station

In contrast to the construction of Neumayer III Station discussed above and to its operation, the dismantling of Neumayer II Station is not an activity that promotes scientific research or its implementation or preparations for it. Rather, this is an environmental protection measure as required by Article 27 AUG.

3.3.1 Evaluation of the environmental impacts pursuant to Article 3(4) AUG

Therefore, determining whether dismantling the station keeps within the framework of Article 3(4) AUG depends exclusively on the type of dismantling and removal that are planned, as well as on the fact that the applicant would like to leave some parts of the station in Antarctica. Dismantling must be classified in the same way as the construction work for the Neumayer III Station. However, the extent of the dismantling work is smaller.

Concerns primarily include adverse effects on air and water quality (Article 3(4)(2) AUG) and changes in the water/ice and marine environment (Article 3(4)(3) AUG). However, these environmental impacts cannot be classified as “significant” in accordance with those provisions, either. In that connection, it is important that AUG as a matter of principle requires the dismantling and removal of abandoned stations and therefore allows the necessary work as a matter of principle. Limitations or prohibitions could result in this case, too, only if the environmental effects from dismantling and removal would be more adverse than is unavoidable under the circumstances.

However, that is not the case. The steps involved in dismantling and removal have been carefully and adequately conceived. The Neumayer II Station was planned and built back in 1990-91 so that dismantling it would cause relatively little harm to the environment. No further potential for reducing the adverse environmental effects is apparent.

However, the applicant intends to leave a large number of building parts in Antarctica because they are now so far beneath the surface that considerable effort would be required to remove them from Antarctica. The parts are listed in Table 18 of the Final Comprehensive Environmental Evaluation.

Pursuant to the second sentence of Article 27(1) AUG, abandoned structures or parts thereof may be left in Antarctica if removing them would have more adverse environmental effects than leaving them where they are. That condition is fulfilled in this case. The work to remove the steel

tubes, foundations, anchors, lines, and other parts would requires a relatively high expenditure of energy. Consumption of large quantities of fuel would be necessary (approximately 15,390 litres of Arctic Diesel for the sewage pipe and 23,500 litres of Arctic Diesel for the steel tubes alone, according to the applicant's calculations). That represents additional pollution that, while it does not lead to the expectation of harmful exposure levels due to considerable dilution, is not negligible either. The applicant also indicates that 355 person days would be required to dismantle the tubes. That would be an increase of more than 80% in the estimated 430 person days needed for the dismantling work. In some cases this is hazardous work that would require appropriate safety measures.

Of course, environmental impacts can also be expected from leaving the aforementioned building parts in Antarctica. As New Zealand stated in its comments, these are not negligibly small amounts of material. On the other hand, it must be assumed that the parts that are left behind do not contain any hazardous materials. They will remain in the ice until they fall into the sea when the ice edge breaks off. Some damage to the benthos will probably be caused when the steel tubes strike the sea floor, and other parts will probably cause similar adverse effects. However, it is likely that these effects on the marine environment, including the sea floor, are not so great that they would outweigh the environmental impacts of dismantling and removing the material.

3.3.2 Evaluation of the environmental impacts compared with the advantages of the planned activity

The advantages of the planned activity are primarily in the area of the environment, because the station that is no longer needed will be dismantled and removed from Antarctica. The associated adverse environmental effects are less than if the applicant removed all parts of the station from Antarctica, but they are higher than if the entire station (not including the fittings and parts that will be reused at the new Neumayer III Station) remained in Antarctica. Because Article 27 AUG requires in general that stations which are no longer used should be removed from Antarctica, both it and the Protocol on Environmental Protection accord great importance to the dismantling activities as a matter of principle, in spite of the negative environmental impacts associated with them. Therefore, all that is involved here is whether the applicant intends to have the work done in a way that causes as few adverse environmental effects as possible. That is to be assumed based on the statements above.

3.3.3 Secondary provisions

Requirements and conditions in connection with the dismantling work and transporting materials between the Neumayer II and Neumayer III Stations

- The requirements for transferring fuel and lubricants are intended to minimize the risk of polluting the snow.
- The prohibition on releasing polystyrene balls, polystyrene chips, and similar packaging materials onto the ice shelf or into the water is based on Article 20 AUG.
- Outdoor waste incineration is prohibited by law (Article 23 AUG).
- The disposal of wastewater and faeces in the described manner is intended to guarantee that adverse effects on the Antarctic environment are kept to an unavoidable minimum. Incinerating toilets are combustion equipment in the sense of Article 23(1) AUG, but outdoor waste incineration is not and would be inadmissible pursuant to Article 23(2) AUG. The incineration residue must be removed from Antarctica pursuant to the second sentence of Article 23(1) in conjunction with Article 22(1)(8) AUG.

Requirements and conditions in connection with the storage and treatment of waste, demolition material, and the like

- The requirement for storage of construction materials, fuel, and lubricants is intended to minimize potential risks to the environment.
- The prohibition on releasing polystyrene balls, polystyrene chips, and similar packaging materials onto the ice shelf or into the water is based on Article 20 AUG.
- Outdoor waste incineration is prohibited by law (Article 23 AUG).
- The requirement to clean the area previously occupied by the abandoned Neumayer II Station and the associated waste storage facilities after completion of the dismantling work is established by Article 27 AUG.

Requirements and conditions in connection with transporting personnel, demolition material, waste, and the like

The requirement that aggregations of birds and seals may not be disturbed when transporting personnel and construction material using watercraft, terrestrial vehicles, and aircraft and when unloading ships at the ice edge is based on Article 17(2)(2)(a) AUG. This provision is also the basis for the minimum distance requirements for flights. The minimum altitude of 1,500 feet above the ground surface when flying over aggregations of birds and the horizontal distance that must be maintained from aggregations of birds when landing were proposed at the XXV Antarctic Treaty Consultative Meeting (ATCM) in 2002. These requirements are intended to ensure that aggregations of birds, seals, or whales are not disturbed. The minimum altitude to be maintained by dual-engine helicopters was proposed at the XXIV Antarctic Treaty Consultative Meeting for the same reason.

General requirements and conditions

- The rules contained in the “Guide for Visitors to the Antarctic” are intended to guarantee the avoidance of any adverse effects on the Antarctic environment, particularly penguins at the Atka Iceport, due to the behaviour of people from the station and the people responsible for the dismantling work and the transport out of Antarctica. Insofar as animals are involved, the basis is Article 17(1) AUG.
- The obligation to report emergencies to the German Environmental Protection Agency (UBA) is contained in Article 41(3) AUG.
- The requirement to report to the UBA once a year on progress of the work was established on the basis of Article 14 AUG. It is particularly necessary because the dismantling of the Neumayer II Station is not planned to take place until the period between 2008 and 2011. Therefore, not every detail of dismantling of the station can be clarified at the present time, which means that there may be some changes before the work is completed.

Time limit

The time limit for the permit is based on the second sentence of Article 3(7) AUG.

3.4 Possible changes in the planning or implementation of activities

The requirement to notify the German Environmental Protection Agency (UBA) of any intended changes in the planning or implementation of the activities comes from Article 3(1) AUG. The term “activity” includes any change in an activity (Article 2(1)(2) AUG).

Right to appeal

An appeal may be filed against this decision within one month after it is announced. The appeal must be made in writing or declared for recording at the Federal Environmental Agency (UBA), Wörlitzer Platz 1, 06844 Dessau (postal address: Postfach 1406, 06813 Dessau).

We would be happy to answer your questions at any time.

Sincerely,
Official signature

(Dr. Hans-Heinrich Lindemann)