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NABEG/EnLAG

KOMMENTAR ZUM RECHT DER ENERGIELEITUNG
UND UNTER BERÜCKSICHTIGUNG
DER RELEVANTEN EWG-VERORDNUNGEN

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Claudius Weisensee



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The Blind Spots of Public Bureaucracy and the Politics of Non-Coordination Tobias Bach, Kai Wegrich, 2018-05-29

How to better coordinate policies and public services across public sector organizations has been a major topic of public administration research for decades. However, few attempts have been made to connect these concerns with the growing body of research on biases and blind spots in decision making. This book attempts to make that connection. It explores how day to day decision making in public sector organizations is subject to different types of organizational attention biases that may lead to a variety of coordination problems in and between organizations and sometimes also to major blunders and disasters. The contributions address those biases and their effects for various types of public organizations in different policy sectors and national contexts. In particular, it elaborates on blind spots or not seeing the not seeing and different forms of bureaucratic politics as theoretical explanations for seemingly irrational organizational behaviour. The book's theoretical tools and empirical insights address conditions for effective coordination and problem solving by public bureaucracies using an organizational perspective.

Die vorzeitige Besitzeinweisung Anja Berger, 2016-11-07

Die vorzeitige Besitzeinweisung ist aufgrund ihrer beschleunigenden Funktion von grosser praktischer Relevanz. Aufgrund ihrer Nähe zur Enteignung weist das Instrument aber auch diverse verfassungsrechtliche Bezüge auf. Im Spannungsfeld zwischen verfassungsrechtlich verbürgten Garantien und Verfahrensbeschleunigung entwickelt Anja Berger konkrete Optionen zur Optimierung der vorzeitigen Besitzeinweisung. Sie diskutiert die Implementierung einer Entscheidungsfrist und die Einführung einer Präklusionsregelung. Berücksichtigt auch die neuere Entscheidung des EuGH zu materiellen Präklusionsvorschriften, schliesslich werden neben Anwendungsgrenzen mögliche Erweiterungsbereiche eruiert. Dabei rückt die Autorin die eigentumsdogmatische Einordnung der Inanspruchnahme von privaten Grundstücken zur Verlegung von Telekommunikationsleitungen in den Fokus.

Klimagerechte Energieversorgung im Raumordnungsrecht Marcus

Schmidtchen, 2014-08-05
English summary: As part of the energy policy revolution, German nuclear power plants are gradually being replaced by renewable energy. So far, there has been no effective nationwide coordination of the restructuring of the power supply. Since electricity generation and consumption need to be balanced, forward-looking planning for the construction and distribution of facilities such as electricity grids and conventional reserve power plants is required in order to make use of renewable energy. Marcus Schmidtchen has therefore developed the idea of a fundamental energy revolution transition plan, which makes possible the required control at federal level. However, since the actual decisions with regard to location still have to be taken at state and regional level, the author examines these levels and evaluates possible new developments.
German description: Im Zuge der Energiewende werden die deutschen Atomkraftwerke und hieran anschliessend die konventionellen Kraftwerke sukzessive durch erneuerbare Energien ersetzt. Eine hinreichende überörtliche Koordination dieses Umbaus der Stromversorgung findet bisher jedoch nicht statt. Da

sich Stromerzeugung und Stromverbrauch die Waage halten müssen bedarf es einer vorausschauenden Verteilung und Errichtung von Anlagen zur Nutzung Erneuerbarer Energie von Stromnetzen und von konventionellen Reservekraftwerken Marcus Schmidtchen entwickelt deshalb den Vorschlag eines Energiewende Grundsatzplans der die auf Bundesebene nötige Steuerung ermöglicht Da die konkreten Standortentscheidungen aber weiterhin auf Landes und Regionalebene getroffen werden müssen untersucht der Autor auch diese Ebenen und bewertet neue Entwicklungen Der Autor unterbreitet ausserdem mehrere Wortlautvorschläge für grundlegende Gesetzesänderungen so etwa zur Schaffung einer Vorrangregelung zu Gunsten der klimagerechten Energieversorgung Maritimes Infrastrukturrecht Mathias Schubert, 2015-06-11 Long description Die Errichtung von Infrastrukturanlagen im maritimen Raum hat mit der Energiewende einen vorläufigen Höhepunkt erreicht Das geltende Planungs- und Vorhabenzulassungsrecht ist indes kaum in der Lage die dadurch ausgelösten Konflikte angemessen zu bewältigen Mathias Schubert unternimmt den Versuch den Grundstein für ein zukunftsfähiges Meeresinfrastrukturrecht zu legen *Die energierechtliche Planfeststellung von Erdkabeln* Claudius Weisensee, 2014-06-11 Seit Gründung der Forschungsstelle bzw des Instituts für Berg und Energierecht der Ruhr Universität Bochum 1987 greifen die Bochumer Beiträge zum Berg und Energierecht aktuelle Themen aus diesem Rechtsbereich auf Ob Dissertationen Tagungsbeiträge Rechtsgutachten oder Kommentierungen relevanter Gerichtsentscheidungen stets zeichnet sich die Schriftenreihe durch hohe Praxisrelevanz und wissenschaftliche Fachkenntnis aus **Akzeptanzmodelle** Christina Lorenz, 2022-03-15 Christina Lorenz rückt die Frage der Akzeptanz als notwendige Voraussetzung für das Gelingen der Energiewende in den Fokus Im Spannungsfeld zwischen einer grundsätzlichen Zustimmung der Bevölkerung zur Energiewende und einer kritischen Haltung gegenüber der lokalen Umsetzung von umweltrelevanten Vorhaben entwickelt sie einen neuen Akzeptanzbegriff und prüft anhand verschiedenster Akzeptanzparameter bestehende Ansätze zur Akzeptanzsteigerung In Fortentwicklung dieser Strategien arbeitet sie ein gesamtheitliches und verallgemeinerungsfähiges Regelungskonzept zur Steigerung von Akzeptanz bei umweltrelevanten Vorhaben heraus Dieses greift im Sinne einer breit gefächerten Herangehensweise sowohl die Kriterien der Verfahrens- als auch der Verteilungsgerechtigkeit in ausgewogener und angemessener Weise auf Daraus resultiert ein mehrdimensionaler Ansatz in Form eines dreiphasig gestuften Konzeptes zu dem die Autorin einen konkreten Gesetzesvorschlag präsentiert *Stromleitungsnetze* Jörg Böttcher, 2014-10-14 Dieses Buch erläutert rechtliche und wirtschaftliche Aspekte die gleichermaßen erfüllt sein müssen um Stromleitungsnetze realisieren zu können Die Autoren zeigen auf ausführliche und zusammenhängende Art und Weise wie es gelingt den gestiegenen und neuen Anforderungen im Rahmen der Energiewende gerecht zu werden **Individualrechtsschutz bei Verfahrensstufung** Miriam Aniela Salm, 2019-03-05 Die Interdependenz von Verfahrensstufungen mit zu eröffnenden Rechtsschutzoptionen entfacht seit Jahrzehnten juristische Debatten Neu entflammt ist dieser Diskurs im Bereich des Energieinfrastrukturrechts anlässlich des Netzausbaubeschleunigungsgesetzes

Übertragungsnetz NABEG Die Rechtsschutzproblematik des innovativen NABEG spitzt sich auf einen Streit über umstrittene Rechtsschutzoptionen gegen die neu eingeführte sog Bundesfachplanungsentscheidung gem 12 NABEG zu Wird das Rechtsschutzkonzept des NABEG den Anforderungen der bundesverfassungsgerichtlichen Judikatur an die Gewährleistung effektiven Individualrechtsschutzes gerecht Anhand des Übertragungsnetzausbaus als aktuellem Beispiel hochstufiger behördlicher Entscheidungsprozesse zeigt Miriam Aniela Salm die Möglichkeiten und Grenzen der Stufung komplexer administrativer Entscheidungsprozesse auf In übergeordneter Betrachtung verdeutlicht sie dass dem Verwaltungsrecht trotz normenhierarchischer Unterordnung unter das Verfassungsrecht mehr als eine reine Konkretisierungsfunktion zukommt

Runderneuerte Energiewende? Ökonomische, juristische und politische Herausforderungen Johann-Christian Pielow, 2016-12-14 Seit Gründung der Forschungsstelle bzw des Instituts für Berg und Energierecht der Ruhr Universität Bochum 1987 greifen die Bochumer Beiträge zum Berg und Energierecht aktuelle Themen aus diesem Rechtsbereich auf Ob Dissertationen Tagungsbeiträge Rechtsgutachten oder Kommentierungen relevanter Gerichtsentscheidungen stets zeichnet sich die Schriftenreihe durch hohe Praxisrelevanz und wissenschaftliche Fachkenntnis aus **Boden und Energiewende** Springer Fachmedien Wiesbaden, 2016-01-21 Viele Fragen zur Auswirkung der Energiewende auf die Böden und die Landwirtschaft werden beantwortet Diese Anthologie vereint ausführliche Beiträge zur Trassenplanung bodenkundlichen Baubegleitung Erdverkabelung Strombelastbarkeit von Erdkabeln und Erdwerke die im Rahmen eines Symposiums am Geozentrum Hannover referiert wurden **Regulatory Pathways For Smart Grid Development in China** Gert Brunekreef, Till Luhmann, Tobias Menz, Sven-Uwe Müller, Paul Recknagel, 2015-06-19 The study's recommendations describe institutional elements in the context of electric power sector regulation and has the objective to increase the understanding of the interdependencies of the institutional elements In future work the study results might be employed for designing very specific regulatory policies The recommendations developed in this study focus primarily on the regulatory framework for smart grids and contains a quite detailed description of how the German electricity markets evolved It also focuses on the effects of ambitiously expanding generation capacities of renewable energy sources RES on established electricity markets The presented evidence will provide insights on how the regulatory framework in China could be designed to foster smart grids developments in the context of establishing electricity markets and expanding RES generation capacities **Vom Stromkartell zur Energiewende** Peter Becker, 2020-12-01 Das Buch ist eine umfassende Darstellung der Geschichte sowohl der deutschen Strom und Energiewirtschaft als auch der dazugehörigen Gesetzgebung von den Anfängen in der Weimarer Zeit über das Entstehen der Stromkonzerne nach dem Zweiten Weltkrieg und die EU Strommarktliberalisierung von 1998 bis zur Energiewende samt Emissionshandel und Klimaschutzvertrag und schließlich auch bis zum Kohleausstieg und zum Klimapaket In der neuen dritten Auflage ist vor allem der dritte Abschnitt zur Energiewende ergänzt worden mit einem Überblick über den europäischen Emissionshandel und den Klimaschutzvertrag von Paris und seine Folgen Dargestellt werden

die immer rascher folgenden Novellierungen des EEG und die Kernprobleme der Energiewende Eine so umfassende Darstellung der Entwicklung und der Probleme gab es bisher nicht In den Anhängen folgen zahlreiche wichtige Dokumente aus der Geschichte der Stromwirtschaft und der Energiewende

Praxishandbuch Netzplanung und Netzausbau
Herbert Posser, Kurt Faßbender, 2013-10-14 Die Errichtung leistungsfähiger Infrastruktur erfordert sorgfältige und nachhaltige Planung sowohl in wirtschaftlicher als auch rechtlicher Hinsicht Nicht zuletzt durch die jüngsten politischen Weichenstellungen im Zuge der Energiewende ist diesen Aspekten große Aufmerksamkeit gewidmet worden Diese aktuellen Entwicklungen nimmt das Werk zum Anlass einen praxisorientierten Überblick über die rechtlichen Anforderungen der Netzplanung und des Netzausbaus zu bieten Dabei stehen die jüngsten legislativen Initiativen im Energiesektor EnWG NABEG EnLAG im Vordergrund Ein besonderer Schwerpunkt liegt daher auf den neuen Instrumenten der energiewirtschaftsrechtlichen Bundesbedarfsplanung und der sich daran anschließenden Bundesfachplanung Eingehend behandelt werden aber auch die allgemeinen fachplanungsrechtlichen Voraussetzungen für die Planfeststellung konkreter Leitungsvorhaben die besonderen umweltrechtlichen Anforderungen die raumordnungsrechtlichen Zusammenhänge sowie die jeweiligen unionsrechtlichen Hintergründe Damit bietet das Werk für den Rechtsanwender einen vollständigen Überblick über die relevanten Rechtsfragen der Netzplanung und des Netzausbaus beginnend mit der Bundesbedarfsplanung und endend mit den Fragen der Planumsetzung Ein umfangreicher Rechtsschutzteil der die vielschichtigen Konstellationen der einzelnen Planungsstufen vertiefend analysiert und die sich dabei stellenden Fragen praxisgerecht aufarbeitet rundet das Werk ab Die Beteiligung von Wissenschaft und Praxis Professoren Rechtsanwälte Unternehmensjuristen Richter und Mitarbeiter von Behörden unter den Herausgebern und Autoren gewährleistet die fundierte juristische Erfassung sowie eine anwendungsorientierte Darstellung der rechtlichen Zusammenhänge mit einem besonderen Schwerpunkt auf den sich in der Rechtspraxis stellenden Herausforderungen Hiervon profitiert der Rechtsanwender in besonderem Maße

Energy Law in Germany Henning Thomas, 2022-09-20 Derived from the renowned multi volume International Encyclopaedia of Laws this book provides a systematic approach to legislation and legal practice concerning energy resources and production in Germany The book describes the administrative organization regulatory framework and relevant case law pertaining to the development application and use of such forms of energy as electricity gas petroleum and coal with attention as needed to the pervasive legal effects of competition law environmental law and tax law A general introduction covers the geography of energy resources sources and basic principles of energy law and the relevant governmental institutions Then follows a detailed description of specific legislation and regulation affecting such factors as documentation undertakings facilities storage pricing procurement and sales transportation transmission distribution and supply of each form of energy Case law intergovernmental cooperation agreements and interactions with environmental tax and competition law are explained Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable resource

for energy sector policymakers and energy firm counsel handling cases affecting Germany. It will also be welcomed by researchers and academics for its contribution to the study of a complex field that today stands at the foreground of comparative law.

Die Abwägung in der Bauleitplanung Hans-Georg Gierke, Gerd Schmidt-Eichstaedt, 2018-11-28. Die Abwägung ist das Kernstück der Bauleitplanung. Das Abwägungsgebot ist bei jeder Aufstellung, Änderung, Ergänzung oder Aufhebung eines Bauleitplans zu beachten. Die Elemente der bauleitplanerischen Abwägung stehen seit der grundlegenden Entscheidung des Bundesverwaltungsgerichts vom 12. Dezember 1969 (4 C 105/66) fest. Gleichwohl sind im Detail noch immer zahlreiche Fragen offen. Vor allem die Anwendung des Gemeinschaftsrechts und die nationale Gesetzgebung zum Umweltrecht stellt Planer und Rechtsanwender vor immer neue Probleme. Leitvorstellungen, Planungsleitlinien und Grundsätze der Planungsgrundsätze versuchen als Direktiven in vielfältiger Weise sowohl das Verfahren als auch die Abwägungsentscheidung zu beeinflussen oder zu lenken. Dabei sind fachgesetzliche Anforderungen aus einer Vielzahl von Rechtsgebieten zu berücksichtigen. Das Handbuch bereitet die bauleitplanerische Abwägung systematisch auf und stellt sie praxisorientiert und verständlich dar. Es zeigt sowohl die durch das Abwägungsgebot eröffneten Gestaltungsspielräume als auch deren Grenzen auf Checklisten und Tipps für die praktische Anwendung der einschlägigen Vorschriften runden das Werk ab.

Promotion of Green Electricity in Germany and Turkey Onur Cagdas Artantas, 2023-10-31. The global energy economy is undergoing a profound transformation yielding several pivotal objectives. Foremost among these is mitigating greenhouse gas emissions and toxic pollutants. Another essential goal involves promoting more sustainable economies thereby curbing material consumption and reducing our reliance on resource extraction. Further priorities include fostering energy security and economic resilience by reducing dependence on external energy sources. All these aims overlap in one common policy: accelerating the renewable energy capacity deployment. Complementing this paradigm shift is the complete electrification of economic activities and households resulting in the need to incentivize green electricity generation. In this context, this book undertakes a comprehensive exploration of the regulatory framework underpinning the advancement of green electricity. After reviewing the political and economic dimensions, it offers an exhaustive analysis of ongoing developments in four legal domains: The WTO, EU, Germany and Turkey. Furthermore, the book presents a legal analysis of the intricate interplay between the WTO and EU law coupled with the German and Turkish models. It focuses on the most topical and relevant issues including the effect of the ongoing energy crisis on state aid for green electricity in the EU, WTO case law on local content requirement components of the promotion schemes, the intricate legal, economic and political challenges that accompany Germany's Energiewende and its phasing out of coal and nuclear energy, and Turkey's regulatory endeavors to bolster its energy self-sufficiency strategy. Following a thorough examination encompassing theoretical, regulatory and comparative aspects, the book moves beyond the applicable legal framework to make concrete proposals on the future design of green electricity promotion in Germany and Turkey so as to facilitate a rapid but socially equitable energy transition by

incentivizing economic efficiency **Legitimation durch Öffentlichkeitsbeteiligung?** Birgit Peters, 2020-08-11 Im Gegensatz zum deutschen Gesetzgeber erkannten das europäische und internationale Recht früh, dass die Öffentlichkeit bei Entscheidungen über die Planung und Genehmigung von Infrastrukturprojekten beteiligt werden muss. Die Auswirkungen dieses Trends sind auch in Deutschland mittlerweile unübersehbar. Zahlreiche Vorschriften bedingen die frühe oder allgemeine Beteiligung der Öffentlichkeit. Fehlende Beteiligungen können vor den Verwaltungsgerichten gerügt werden. Vor dem Hintergrund dieser Entwicklungen wirft Birgit Peters die Frage auf, ob die durch internationale wie europäische Normen begründete Mitwirkung der Öffentlichkeit das demokratische Fundament des Verfahrens beeinflusst. Ermöglicht die Teilhabe der Öffentlichkeit demokratische Mitbestimmung im Sinne des Grundgesetzes? Und wenn ja, inwieweit? Die Autorin unterzieht das herrschende Demokratieverständnis einer kritischen Prüfung und zeigt auf, ob und wie im internationalen und europäischen Recht verankerte Beteiligungsrechte in die Demokratiekonzeption des Grundgesetzes miteinbezogen werden können.

Die Rechte der Gemeinden beim Ausbau des Übertragungsnetzes Johanna Decher, 2023-01-04 Die Energiewende ist aktueller denn je. Der Ausbau der Höchstspannungsnetze kann dabei als neuralgischer Punkt verstanden werden. Ein Ausstieg aus Kernkraft und Braunkohleverstromung kann aber nur gelingen, wenn der Anteil an erneuerbarer Energie in der Stromproduktion weiter steigt. Das wiederum setzt das Vorhandensein ausreichender Transportkapazitäten voraus, sodass der Gesetzgeber sich im Jahr 2011 entschloss, mit dem NABEG das Planungsverfahren für den Ausbau von Höchstspannungsleitungen in der Erwartung einer deutlichen Beschleunigung neu zu konzipieren. Johanna Decher klärt die vielfältigen Fragen, die sich im Zusammenhang mit der Stellung der Gemeinden im beschleunigten Energienetzausbau stellen. Welche gebietsbezogenen Rechte der Gemeinden sind relevant? Welche Beteiligungsmöglichkeiten werden den Gemeinden eingeräumt? Welche Wechselwirkungen bestehen zwischen der kommunalen Bauleitplanung und der Netzausbauplanung nach EnWG und NABEG? Wie ist der Rechtsschutz der Gemeinden, die vom Netzausbau betroffen sind?

BMU-Studie "Ökologische Auswirkungen von 380-kV-Erdleitungen und HGÜ-Erdleitungen" Hartmut Weyer, Diana Schneider, Thomas Mann, 2012-03-16 *Öffentliches Baurecht und Raumordnungsrecht* Ulrich Battis, 2022-09-21 Der Klimawandel ist ein dominierendes Thema internationaler, europäischer und nationaler Politik geworden. Das gilt auch für die lokale Politik, in der sich dies dominant in den klimapolitischen Darstellungen und Festsetzungen der Bauleitplanung sowie auf regionaler Ebene in der Raumordnung niederschlägt. Die Wohnungsnot in den Ballungsgebieten ist zur sozialen Frage unserer Zeit aufgestiegen, die mit Hilfe des Bauplanungsrechts, des Bauordnungsrechts sowie vom Baunebenrecht angegangen wird. Die Ende 2020 als politisch strategisches Leitdokument für eine gemeinwohlorientierte Stadtentwicklungspolitik konzipierte Neue Leipzig Charta und ihr raumordnerisches Seitenstück, die Territoriale Agenda 2030, werden als Rahmen der deutschen Stadtentwicklungspolitik in der Neuauflage ebenso behandelt wie die Auseinandersetzung um eine soziale Bodenpolitik angesichts dieses ständigen Veränderungsprozesses.

betont das Lehrbuch die systematisierende dogmatische Durchdringung des Stoffes Seine Konzeption soll die Studierbarkeit des öffentlichen Baurechts gewährleisten

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