

Übersetzung durch Eileen Flügel

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## **Environmental Liability Act**

### **(Umwelthaftungsgesetz)**

Environmental Liability Act of 10 December 1990 (Federal Law Gazette I p. 2634), as last amended by Article 6 of the Act of 17 July 2017 (Federal Law Gazette I p. 2421)

#### **Section 1**

##### **Installation liability for environmental impacts**

If an environmental impact caused by an installation specified in Annex 1 causes a person's death, injury to his or her body or damage to his or her health, or damage to an item of property, the operator of the installation has an obligation to compensate the injured person for the resulting damage.

#### **Section 2**

##### **Liability for non-operational installations**

(1) If the environmental impact is caused by an installation that is not yet completed and if it is due to circumstances that substantiate the hazardousness of the installation after its completion, the operator of the installation not yet completed is liable under section 1.

(2) If the environmental impact is caused by an installation no longer in operation and if it is due to circumstances that substantiated the hazardousness of the installation before it ceased operations, the operator of the installation at the time when operations ceased is liable under section 1.

#### **Section 3**

##### **Definitions**

(1) Damage is due to an environmental impact when it is caused by substances, vibrations, noises, pressure, radiation, gases, vapours, heat or other phenomena that have spread in the soil, air or water.

(2) Installations are fixed facilities such as industrial plants and storage facilities.

(3) Installations also include

a) machines, equipment, vehicles and other mobile technical facilities and

b) auxiliary facilities

that have a spatial or operational connection with the installation or part thereof and could be of significance for the occurrence of environmental impacts.

#### **Section 4**

##### **Exclusion of liability**

No liability for damages exists insofar as the damage was caused by force majeure.

#### **Section 5**

##### **Limitation of liability for damage to property**

If the installation has been operated in accordance with its intended use (section 6 (2) sentence 2), obligation to pay compensation for damage to property is excluded if the item of property is impaired only insignificantly or to an extent that may be reasonably expected under the local circumstances.

### **Section 6 Presumption of cause**

(1) If an installation is likely to cause the damage that occurred on the basis of the given facts of the individual case, it is presumed that the damage was caused by this installation. The likelihood in the individual case is to be evaluated on the basis of the operating procedures, the facilities used, the type and concentration of the substances used and released, the meteorological factors, the time and place the damage occurred and the type of damage as well as all the other given facts that speak for or against the causing of damage in the individual case.

(2) Paragraph 1 is not applicable if the installation was operated in accordance with its intended use. Operation in accordance with the intended use is deemed to exist if the specific operating obligations have been observed and there has been no disruption of operations.

(3) Specific operating obligations are obligations deriving from administrative permits, requirements and enforceable orders and legal provisions, insofar as they aim to prevent environmental impacts that might cause the damage.

(4) If there are mandatory controls to monitor a specific operating obligation in the permit, requirements, enforceable orders or legal provisions, compliance with this operating obligation is to be presumed if

1. the controls were carried out during the period when the environmental impact at issue could have been caused by the installation and these controls provided no evidence of a contravention of the operating obligation, or
2. the environmental impact at issue took place more than ten years before the claim for damages was asserted.

### **Section 7 Exclusion of presumption**

(1) If several installations are likely to cause the damage, the presumption does not apply if another circumstance is likely to cause the damage on the basis of the given facts of the individual case. The likelihood in the individual case is to be evaluated on the basis of the time and place the damage occurred and the type of damage as well as all the other given facts that speak for or against the causing of damage in the individual case.

(2) If only one installation is likely to cause the damage, the presumption does not apply if another circumstance is likely to cause the damage on the basis of the given facts of the individual case.

### **Section 8 Right to information of the damaged party against an installation operator**

(1) If there are facts that form the basis for the presumption that an installation caused the damage, the damaged party may demand information from the installation operator insofar as this is necessary in order to establish that a claim for damages exists under this Act. Only information about the facilities used, the type and concentration of the substances used or released and the other effects of the installation as well as the specific operating obligations under section 6 (3) may be requested.

(2) The right under paragraph 1 does not exist to the extent that operations are to be kept confidential on account of legal provisions or confidentiality is in the prevailing interest of the installation operator or of a third party.

(3) The damaged party may demand from the installation operator access to existing documents insofar as there is a basis for the presumption that the information is incomplete,

incorrect or insufficient, or if the information is not provided within a reasonable period.  
Paragraphs 1 and 2 apply accordingly.

(4) Sections 259 to 261 of the German Civil Code (*Bürgerliches Gesetzbuch*) apply accordingly.

### **Section 9**

#### **Right of the damaged party to information from authorities**

If there are facts that form the basis for the presumption that an installation caused the damage, the damaged party may demand information from authorities that authorised or monitor the installation or whose task it is to record impacts to the environment insofar as this is necessary in order to establish that a claim for damages exists under this Act. The authority is not obliged to provide the information to the extent that the proper fulfilment of the authority's tasks would be prejudiced as a result, the disclosure of the content of the information would be of disadvantage to the interests of the Federation or of a *Land* or to the extent that the operations must be kept secret in accordance with a law or due to their nature, specifically on account of the legitimate interests of the persons concerned or of third parties. Section 8 (1) sentence 2 applies accordingly to authorities that have authorised or that monitor the installation; information concerning the name and address of the installation operator, his or her legal representative or a person authorised to accept service of documents may also be demanded from these authorities.

### **Section 10**

#### **Right of the installation operator to information**

(1) In such case as a claim is made against an installation operator on the basis of this Act, he or she may demand information and access to documents from the damaged party and from the operator of another installation or demand information from the authorities specified in section 9 insofar as this is necessary in order to establish the extent of his or her obligation to pay compensation to the damaged party or of his or her compensation claim against the other operator.

(2) Section 8 (2), section 8 (3) sentence 1 and section 8 (4) apply to claims against the damaged party, Section 8 (1) sentence 2 and section 8 (2) to (4) apply to claims against another installation operator and section 9 applies to claims against authorities for information accordingly.

### **Section 11**

#### **Contributory negligence**

Where fault on the part of the injured person contributes to the occurrence of the damage, section 254 of the German Civil Code applies; in case of damage to property, the fault of the person who exercises actual control over the item of property is deemed to be equal to the fault of the injured person.

### **Section 12**

#### **Extent of liability for damages in the case of death**

(1) In the case of death, compensation is to be made by reimbursing the costs of an attempted cure as well as the costs incurred by the pecuniary prejudice sustained by the deceased party as a result of the suspension or reduction of his or her earning capacity or the resultant increase in his or her needs for the duration of the illness. The party liable to pay damages is to furthermore reimburse the funeral costs to the party who is responsible for defraying these expenses.

(2) If at the time of the injury, the deceased party maintained a relationship with a third party by virtue of which he or she was or was liable to come under the legal obligation to support this third party and if the third party was deprived of the right to maintenance as a result of the death, the party liable to pay damages is to indemnify the third party, guaranteeing maintenance to the extent to which the deceased party would have been liable for the length

of lifespan he or she would probably have had. Liability for damages also is to be enforced if, at the time of the injury, the third party had been conceived but not yet born.

(3) The party liable to pay damages is to make appropriate financial compensation to the surviving dependent who at the time of the injury was in a particularly close personal relationship with the deceased party for the emotional distress caused to the surviving dependent. A particularly close personal relationship is to be assumed when the surviving dependent was the spouse, the life partner, a parent or a child of the deceased party.

### **Section 13**

#### **Extent of liability for damages in the case of bodily injury**

In the case of injury to a person's body or damage to his or her health, compensation is to be made by reimbursing the costs of the treatment as well as the costs incurred by the pecuniary prejudice sustained by the injured party as a result of the temporary or permanent suspension or reduction of his or her earning capacity or the resultant increase in his or her needs. Reasonable financial compensation may also be claimed when the damage is not of a pecuniary nature.

### **Section 14**

#### **Compensation in the form of annuities**

(1) Compensation on account of the suspension or reduction of earning capacity and on account of increased need on the part of the injured party, as well as the compensation to be afforded a third party under section 12 (2), is to be paid in the future by means of an annuity.  
(2) Section 843 (2) to (4) of the German Civil Code applies accordingly.

### **Section 15**

#### **Maximum amount of compensation**

In the case of death, injury to a person's body or damage to his or her health, the party liable to pay damages is liable only up to a maximum amount of 85 million euros and likewise for damage to property, the party liable to pay damages is liable only up to a maximum amount of 85 million euros insofar as the damage has been caused by a single environmental impact. Should the several damages to be paid on account of a single environmental impact exceed the respective maximum amount specified in sentence 1, the individual compensation is reduced pro-rata to the total given.

### **Section 16**

#### **Expenses for restoration measures**

(1) If the damage to an item of property also constitutes an interference with nature or the landscape, section 251 (2) of the German Civil Code applies insofar as the damaged party restores the state that would exist had the interference not occurred provided that the costs to restore the previous state are not disproportionate merely because they exceed the value of the item of property.  
(2) The tortfeasor is to make an advance payment on the required costs upon the demand of the person eligible to compensation.

### **Section 17**

#### **Limitation**

The limitation provisions of the German Civil Code applying to torts apply to limitation accordingly.

### **Section 18**

#### **Further liability**

(1) Any liability on the basis of other provisions remains unaffected.  
(2) This Act does not apply in the case of a nuclear incident to the extent that the German Atomic Energy Act (*Atomgesetz*) in conjunction with the Paris Convention on Third Party

Liability in the Field of Nuclear Energy of 29 July 1960 (in the text of the promulgation of 15 July 1985, Federal Law Gazette 1985 II p. 963), the Brussels Convention on the Liability of Operators of Nuclear Ships of 25 May 1962 (Federal Law Gazette 1975 II p. 957, 977) and the Brussels Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material of 17 December 1971 (Federal Law Gazette 1975 II p. 957, 1026), as amended, is authoritative for the damage.

### **Section 19** **Financial security**

(1) Operators of installations specified in Annex 2 are to ensure that they can meet their statutory obligations to compensate for damage occurring when an environmental impact caused by an installation causes a person's death, injury to his or her body or damage to his or her health or damage to an item of property (financial security). In such case as an installation no longer in operation is particularly hazardous, the competent authority may order the person who was the installation operator at the time it ceased operations to continue to provide appropriate financial security for not more than ten years.

(2) The financial security may be provided

1. by means of liability insurance with an insurance company authorised to conduct business within the area of application of this Act or
2. by means of an exemption or guarantee obligation of the Federation or of a *Land* or
3. by means of an exemption or guarantee obligation of a credit institution authorised to conduct business within the area of application of this Act if it is guaranteed that it offers securities comparable with liability insurance.

(3) The parties referred to in section 2 (1) nos. 1 to 5 of the German Compulsory Insurance Act (*Pflichtversicherungsgesetz*) in the version of the promulgation of 5 April 1965 (Federal Law Gazette I p. 213), last amended by the Act of 22 March 1988 (Federal Law Gazette I p. 358), are exempted from the obligation to provide financial security.

(4) The competent authority may prohibit the operations of an installation specified in Annex 2 wholly or in part if the operator does not meet his or her obligation to provide financial security and does not provide evidence of financial security within an appropriate period to be laid down by the competent authority.

### **Section 20** **Authorisation to issue statutory instruments**

(1) The Federal Government, with the approval of the Bundesrat, is to issue rules by means of statutory instruments concerning

1. the time from which an installation operator is required to provide financial security under section 19,
2. the extent and amount of the financial security,
3. the requirements to be made of exemption and guarantee obligations of credit institutions,
4. the procedures and powers of the authority that is competent for monitoring the financial security,
5. the competent agency under section 117 (2) of the German Insurance Contract Act (*Versicherungsvertragsgesetz*) and concerning notification within the meaning of section 117 (2) of the German Insurance Contract Act,
6. the obligations of the installation operator, of the insurance company and of the party that has taken on an exemption or guarantee obligation vis-à-vis the authority competent to monitor the financial security.

(2) The statutory instrument is to be submitted to the German Bundestag before submission to the Bundesrat. It may be amended or rejected by a decision of the Bundestag. The decision by the Bundestag is to be submitted to the Federal Government. In such case as the German Bundestag has not dealt with the statutory instrument within three sitting weeks of receiving it, the unamended statutory instrument is to be submitted to the Federal Government. The German Bundestag is to deal with the statutory instrument upon the application of as many members of the Bundestag as are required to form a parliamentary group.

### **Section 21 Penal provisions**

(1) Whoever

1. does not provide security, or provides insufficient security, in violation of section 19 (1) sentence 1, also in conjunction with a statutory instrument under section 20 (1) no. 1 or 2 or

2. contravenes an enforceable order under section 19 (1) sentence 2 is to be punished with imprisonment for up to one year or a fine.

(2) If the perpetrator acts negligently, then the punishment is to be imprisonment for not more than six months or a fine of not more than one hundred and eighty daily rates.

### **Section 22 Provisions on fines**

(1) Whoever acts in contravention of a statutory instrument under section 20 (1) nos. 3 to 6 commits an administrative offence insofar as the statutory instrument refers to this provision on fines for a particular offence.

(2) A fine of up to 5,000 euro may be imposed for an administrative offence.

### **Section 23 Transitional provisions**

This Act and section 32a of the Code of Civil Procedure (*Zivilprozessordnung*) do not apply insofar as the damage was caused before this Act came into effect.

### **Annex 1 (to section 1 of the Environmental Liability Act)**

The following apply to the installations specified:

1. In such case as a capacity or size of installation being reached or exceeded is decisive for one of the installations specified in the Annex, the basis to be used is the legally permissible operational capacity and, insofar as this is exceeded, the actual operational capacity. The legally permissible operational capacity is to be determined from the content of administrative permits, from requirements, from enforceable orders and from legal provisions.

2. In such case as the quantity of a substance is decisive for one of the installations specified in the Annex, the basis to be used is whether this quantity

a) could be present during specified normal operations or

b) could occur when there is a disruption to specified normal operations.

3. Several installations of one operator, each of which on its own does not reach the decisive capacity limits, installation sizes or quantities of substances, are installations within the meaning of section 1 of the Environmental Liability Act when they are closely linked in terms of location and operation and, in total, they reach the specified installation capacities or sizes (no. 1) or quantities of substances (no. 2).

Heat generation, mining, energy

1. Power plants, combined heat and power plants and heating plants with combustion installations for the use of solid, liquid or gaseous fuels, insofar as the rated thermal input exceeds
  - a) 50 megawatt in the case of solid or liquid fuels or
  - b) 100 megawatt in the case of gaseous fuels
2. Combustion installations for the use of
  - a) coal, coke, coal briquettes, peat briquettes, fuel peat, heating oils, methanol, ethanol, untreated wood and
    - aa) painted, varnished or coated wood as well as residues from processing these materials provided that wood preservatives have neither been applied to nor are contained in them and coatings do not consist of halogenated organic compounds, or of
    - bb) plywood, chipboard, fibreboard or other glued wood and residues from processing these materials provided that wood preservatives have neither been applied to nor are contained in them and coatings do not consist of halogenated organic compounds,with a rated thermal input of 50 megawatt or higher or
  - b) gaseous fuels
    - aa) gases from the public gas supply, natural gas or petroleum gas with comparable sulphur contents, liquid gas or hydrogen,
    - bb) sewage gas containing up to one part per thousand by volume of sulphur compounds, expressed as sulphur, or agricultural biogas,
    - cc) coke oven gas, mine gas, basic oxygen furnace gas, blast furnace gas, refinery gas and synthesis gas containing up to one part per thousand by volume of sulphur compounds, expressed as sulphur,with a rated thermal input of 100 megawatt or higher
3. Combustion installations for the use of other solid, liquid or gaseous combustible substances with a rated thermal input of 1 megawatt or higher
4. Stationary internal combustion engines for the use of waste oil or landfill gas
5. Gas turbines to drive generators or processing machines with a rated thermal input of 10 megawatt or higher, except closed-circuit gas turbines
6. Cooling towers with an hourly cooling water throughput of 10,000 cubic meters or higher including cooling towers of installations for the fission of nuclear fuel or for the processing of irradiated nuclear fuels
7. Installations for grinding or drying coal with an hourly capacity of 30 tonnes or higher
8. Installations for briquetting lignite or hard coal
9. Installations for dry distillation, especially of hard coal, lignite, wood, peat or pitch (e.g. coke oven plants, gas works and carbonisation plants), except charcoal piles
10. Installations for distillation or further processing of tar or tar products or of tar water or gas water
11. Installations for the production of generator or water gas from solid fuels

12. Installations for the gasification or liquefaction of coal
13. Installations for the production of city or grid gas by cracking hydrocarbons
14. Surface installations for the extraction of oil from shale or other rocks or sands and installations for the distillation or further processing of such oils
15. Installations within nuclear fuel factories
  - to chemically transform uranium or plutonium compounds (conversion),
  - to sinter fuel tablets or
  - to process residues containing nuclear fuel
16. Processing plants within uranium enrichment installations (isotope separation plant or product plant) including storage and handling facilities for containers with uranium hexafluoride (UF<sub>6</sub>)
17. Facilities for the storage of nuclear fuels in the form of soluble uranium compounds
18. Facilities for the treatment of radioactive waste

Non-metallic minerals, glass, ceramics, construction materials

19. Installations for the production of cement clinker or cements
20. Installations for burning bauxite, dolomite, gypsum, limestone, kieselgur, magnesite, quartzite or chamotte
21. Installations for extracting, handling or processing asbestos
22. Installations for mechanically handling or processing asbestos products using machines
23. Installations for expanding perlites, slate or clay
24. Installations for the production of glass, also in case of using cullets (recovered glass) as raw material, including installations for the production of glass fibres not determined for medical or telecommunications purposes
25. Installations for the manufacture of ceramic products by firing using clay, insofar as the volume of the firing installation is three cubic meters or more and the density is 300 kilograms or more per cubic meter of firing installation volume, except electrically heated kilns that are operated intermittently and without an exhaust air system
26. Installations for melting mineral substances
27. Installations for the production or melting of mixtures out of bitumen or tar with mineral substances including processing plants for bituminous road construction materials and installations for tar-coated chipping, of which it is expected according to existing circumstances that they are to be operated on the same site for longer than twelve months following the date of commissioning

Steel, iron and other metals, including their processing

28. Installations for roasting (heating, using air to convert to oxides), smelting or sintering (agglomeration of fine-grained material by heating) ores
29. Installations for the production of pig iron or non-ferrous crude metals

30. Installations for steel production and installations for smelting cast iron or crude steel, except smelting plants for cast iron or steel with an hourly smelting capacity of up to 2.5 tonnes

31. Smelting installations for zinc or zinc alloys for an input of 1,000 kilograms or higher or smelting installations for other non-ferrous metals including refining installations for an input of 500 kilograms or higher, except

- vacuum melting plants,
- melting plants for low-melting cast alloys consisting of tin and bismuth or of refined zinc, aluminium and copper,
- melting plants which are part of die-casting machines or gravity die-casting machines,
- melting plants for precious metals or for alloys entirely consisting of precious metals or of precious metals and copper, and
- wave-soldering baths

32. Installations for truing the surface of steel, especially of ingots, slabs, billets, plate bars or plates by flame scarfing

33. Installations for rolling metals except

- installations for cold-rolling with a strip width of less than 650 millimetres and
- installations for rolling non-ferrous metals with an hourly capacity of less than 8 tonnes of heavy metal or less than 2 tonnes of light metal

34. Iron, malleable iron or steel foundries, except installations for the cold production of moulds or cores, insofar as their monthly capacity is less than 80 tonnes of castings

35. Foundries for non-ferrous metals except

- foundries for bell and art casting,
- foundries using metallic moulds,
- foundries where the metal is melted in mobile melting pots and
- foundries for the production of drawing tools from low-melting cast alloys consisting of tin and bismuth or refined zinc, aluminium and copper

36. Installations for coating metal surfaces with metallic protective layers consisting of lead, tin or zinc by means of molten baths or flame spray coating with an hourly capacity of 1 tonne of raw material throughput or higher, except installations for continuous zinc coating according to the Sendzimir process

37. Installations consisting of one or several mechanically driven hammers where the impact energy of any of these hammers exceeds 1 kilojoule; impact machines are equal to hammers

38. Installations for moulding with explosives or for cladding with explosives with a consumption of 10 kilograms or more of explosives per operation

39. Installations for shredding scrap with rotor mills with a rated power of the rotor drive of 500 kilowatts or higher

40. Installations for the manufacture of hot-processed seamless or welded steel pipes

41. Installations for the manufacture of metal hulls or sections of ships with a length of 20 meters or more

42. Installations for the production of lead accumulators

43. Installations for the production of metal powders or pastes by pounding

44. Installations for the production of aluminium, iron or magnesium powders or pastes or of powders or pastes containing lead or nickel in a process other than that specified in item 43

Chemical products, pharmaceuticals, mineral oil refining and further processing

45. Installations for the production of substances by chemical transformation on an industrial scale, especially

- a) for the production of inorganic chemicals such as acids, bases and salts,
- b) for the production of metals or non-metals using the wet method or using electrical energy,
- c) for the production of corundum or carbide,
- d) for the production of halogens or halogen products or of sulphur or sulphur products,
- e) for the production of fertilisers containing phosphorus or nitrogen,
- f) for the production of acetylene dissolved under pressure (dissolved gas factories),
- g) for the production of organic chemicals or solvents such as alcohols, aldehydes, ketones, acids, esters, acetates, ethers,
- h) for the production of plastics or man-made fibres,
- i) for the production of cellulose nitrates,
- k) for the production of synthetic resins,
- j) for the production of hydrocarbons,
- m) for the production of synthetic rubber,
- n) for the regeneration of rubber or rubber compound products using chemicals,
- o) for the production of tar dyes or tar dye intermediate products,
- p) for the production of soaps or detergents;

installations for the production or fission of nuclear fuels or for the processing of irradiated nuclear fuels do not belong to this category unless otherwise determined in this Annex

46. Installations for processing chemicals and waste water treatment in installations for the processing of irradiated nuclear fuel

47. Installations for the milling, mechanical mixing, packaging or repackaging of crop protection chemicals or pesticides or their active ingredients

48. Installations for the production of pharmaceuticals or intermediates for pharmaceuticals on an industrial scale insofar as

- a) plants, or parts or components of plants are extracted, distilled or treated in a similar way, except extraction plants using ethanol without applying heat,

b) animal carcasses, and also living animals, as well as parts and components of animal bodies and metabolic products of animals are used or

c) microorganisms and their components or metabolic products are used

49. Installations for the distillation or refining or other further processing of crude oil or crude oil products in mineral oil, waste oil or lubricant refineries in petrochemical plants or during paraffin production

50. Installations for the production of lubricants, such as lubricating oils, lubricating grease and cooling lubricant machining oil

51. Installations for the production of carbon black

52. Installations for the production of carbon (hard-burnt coal) or electrographite by incineration, for example for electrodes, collectors or apparatus parts

53. Installations for the processing of organic solvents by distilling with an hourly capacity of 1 tonne or higher

54. Installations for melting natural resins with a daily capacity of 1 tonne or higher

55. Installations for the production of oil coating, varnishes or printing inks with a daily capacity of 1 tonne or higher

Surface treatment using organic substances, production of plastic sheets, other forms of processing resins and plastics

56. Installations for painting objects or sheet-like or slab-like materials including related drying units, insofar as the varnishes contain organic solvents, of which the hourly consumption is 25 kilograms or higher

57. Installations for printing sheet-like or slab-like materials with rotary printing machines including related drying units insofar as the dyes or varnishes

a) contain only ethanol as an organic solvent, of which the hourly consumption is 50 kilograms or higher, or

b) contain other organic solvents, of which the hourly consumption is 25 kilograms or higher

58. Installations for coating, waterproofing or impregnating glass or mineral fibres or sheet-like or slab-like materials including related drying units with

a) synthetic resins or

b) plastics or rubber with an hourly consumption of organic solvents of 25 kilograms or higher

59. Installations for the impregnation or coating of materials or objects with tar, tar oil or hot bitumen, except installations for the impregnation or coating of cables with hot bitumen

60. Installations for insulating wires using phenolic or cresol resins

61. Installations for the production of sheet-like materials on coating machines including related drying units, using mixtures of plastics and plasticisers or mixtures of other substances and oxidised linseed oil

Wood, pulp

62. Installations for the production of pulp from timber, straw or similar fibrous materials

63. Installations for the production of wood fibre-boards, chipboards or wood fibre-mats  
Food, beverages, tobacco and animal feed, agricultural products

64. Installations for rearing or breeding poultry or rearing pigs with

- a) 50,000 or more places for hens,
- b) 100,000 or more places for chickens,
- c) 100,000 or more places for fattening poultry,
- d) 1,700 or more places for fattening pigs or
- e) 500 or more places for sows.

In the case of mixed livestock, the percentages of the above-mentioned respective maximum numbers of places are added up; if the sum of these percentages reaches a value of 100, the decisive installation size has been reached; stocks smaller than 5 per cent of the numbers of places specified in letters (a) to (e) above is not to be taken into account in calculating the decisive installation size.

65. Installations for the disposal of animal carcasses as well as installations where parts of animal carcasses or products of animal origin are collected or stored for disposal in installations for the disposal of animal carcasses

66. Mills for food or animal feed with a daily production capacity of 500 tonnes or higher

67. Installations for the extraction of plant fats or oils insofar as the quantity of the extraction agent used is 1 tonne or higher

Waste and residual materials

68. Installations for the partial or complete disposal of solid or liquid substances by incineration

69. Installations for the thermal decomposition of combustible solid or liquid substances under conditions of oxygen insufficiency (pyrolysis installations)

70. Installations for recovering individual components from solid substances by burning, except installations for recovering precious metals in sweeps incinerators insofar as the quantity of the starting materials is less than 200 kilograms per day

71. Installations where solid waste subject to the regulations of the German Waste Management Act (*Abfallgesetz*) is treated, with an hourly capacity of 1 tonne or higher, except installations where materials contained in wastes generated by households or similar wastes are sorted for recovery in the production process

72. Installations for the handling of solid waste within the meaning of section 1 (1) of the Waste Management Act with a daily capacity of 100 tonnes or higher, except installations for the handling of excavated earth or rock produced during the extraction or processing of natural resources

73. Composting installations

74. Installations for the chemical processing of concentrates containing cyanide, of nitrites, nitrates or acids provided that this is intended to facilitate utilisation as a residual substance or disposal as waste

75. Fixed installations within the meaning of section 4 of the Waste Management Act for the storage, treatment or deposit of waste within the meaning of section 2 (2) of the Waste Management Act

76. Fixed installations within the meaning of section 4 of the Waste Management Act for the thermal treatment or deposit of household waste

77. Installations for the storage or handling of car wrecks within the meaning of section 5 of the Waste Management Act

Storage, loading and unloading of substances

78. Installations for storing inflammable gases in tanks with a capacity of 3 tonnes or more

79. Installations for storing mineral oil, liquid mineral oil products or methanol from other substances in tanks with a capacity of 10,000 tonnes or more

80. Installations for storing acrylonitrile in tanks with a capacity of 350 tonnes or more

81. Installations for storing chlorine in tanks with a capacity of 10 tonnes or more

82. Installations for storing sulphur dioxide in tanks with a capacity of 20 tonnes or more

83. Installations for storing liquid oxygen in tanks with a capacity of 200 tonnes or more

84. Installations for storing 25 tonnes or more of ammonium nitrate or preparations containing ammonium nitrate of Group A under Annex IV (2) of the Hazardous Substances Ordinance (*Gefahrstoffverordnung*) of 26 August 1986 (Federal Law Gazette I p. 1470)

85. Installations for storing 5 tonnes of alkali chlorate or more

86. Installations for storing 5 tonnes or more of crop protection chemicals or pesticides or their active ingredients

87. Installations for storing sulphur trioxide in tanks with a volume of 100 tonnes or more

88. Installations for storing 100 tonnes or more of preparations containing ammonium nitrate from Group B under Annex IV (2) of the Hazardous Substances Ordinance of 26 August 1986 (Federal Law Gazette I p. 1470)

89. Installations for storing a total of 20 tonnes or more of the substances specified in Annex II of the Hazardous Incident Ordinance (*Störfallverordnung*), including components of preparations, other than substances under numbers 1 to 4, 6, 14, 15, 17, 18, 21, 25, 26, 36, 39, 40 to 42, 45, 56, 64 to 67, 76, 81, 83, 84, 102, 110, 112, 114, 116, 169, 173, 184, 185, 211, 223, 236, 245, 246, 261, 266, 271, 272, 277, 281, 286, 294, 295, 303, 305, 306, 310 or 317

Other installations

90. Installations for the production, treatment, processing, recycling or destruction of explosive substances within the meaning of the Explosives Act (*Sprengstoffgesetz*) determined to be used as explosives, primers, fuels, pyrotechnic charges or for the production of these compounds; these also include installations for loading, unloading or disassembling ammunition or other explosive devices, except installations for the production of matches

91. Installations for the production of celluloid

92. Installations for the production of varnish and printing ink additives on the basis of cellulose nitrate, of which the nitrogen content is up to 12.6 per cent

93. Installations to melt or distil natural asphalt

94. Pitch production plants

95. Installations for the production of building protection, cleaning and wood protection agents or adhesives with a daily capacity of one tonne or higher, except installations where these substances are produced exclusively using water as a dilutant

96. Installations for the production of wood preservatives using halogenated aromatic hydrocarbons

**Annex 2**  
**(to section 19 of the Environmental Liability Act)**

1. Installations for which a safety analysis is to be made in accordance with sections 1 and 7 of the Hazardous Incident Ordinance

2. Installations for recovering individual components from solid substances by means of burning insofar as substances may be contained in them during specified normal operation or may occur during a disruption to specified normal operations, under Annex II of the Hazardous Incident Ordinance, except installations for recovering precious metals in sweeps incinerators insofar as the quantity of the starting materials is less than 200 kilograms per day

3. Installations for the production of varnish and printing ink additives on the basis of cellulose nitrate, of which the nitrogen content is up to 12.6 per cent.