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Luther supports VCI with expert opinion on modernising approval and planning procedures

Frankfurt – With a nine-point paper, the German Chemical Industry Association (VCI) proposes a way for politicians and authorities to speed up approval procedures for industrial plants. The legal opinion was provided by Dr Stefan Altenschmidt and Pauline Müller of Luther Rechtsanwaltsgesellschaft mbH.

The nine-point paper is based on a study commissioned by the VCI from the Institute of the German Economy (IW) and Luther's expert opinion on the further development of public participation. The legal opinion and the study conclude that planning and approval procedures must be made more efficient and shortened – and therefore above all digitalised – even with public participation.

"We cannot make tomorrow climate-neutral with yesterday's approval procedures. What applies to wind turbines, power lines and solar parks must apply to all downstream value chains and therefore also to all industrial plants. To this end, we urgently need an acceleration law for planning and approval procedures this year," explains VCI Managing Director Wolfgang Große Entrup.

Dr Stefan Altenschmidt, partner at Luther Rechtsanwaltsgesellschaft and co-author of the expert report, supports the digitalisation of public participation and adds: "In order to reconcile the interests in the protection of secrets and in a stronger digitalisation of public participation, the in-camera procedure established in the state protection of secrets could be used. In this procedure, three judges bound to secrecy examine the justification of the asserted protection of secrets. In combination with a short decision period of two months, all interests concerned could be satisfied.

Altenschmidt also pleads for the abolition of the hearing, which is not required by European law and which in practice regularly does not bring any new insights. After all, the legal instruments for the earliest possible and most intensive public participation already exist under the Administrative Procedure Act.

VCI, IW and Luther presented their proposals at a press conference in Frankfurt today.

About VCI:

VCI represents the economic policy interests of more than 1,700 German chemical and pharmaceutical companies as well as German subsidiaries of foreign corporations vis-à-vis politicians, authorities, other sectors of the economy, the scientific community and the media. In 2021, the industry had a turnover of around EUR 220 billion and employed over 466,000 people.

On behalf of VCI:

Luther, Environment, Planning, Regulation: Dr Stefan Altenschmidt (Partner), Pauline Müller (Associate)

Brief profile Luther Rechtsanwaltsgesellschaft mbH

Luther is a leading German commercial law firm that offers comprehensive legal and tax advice. The full-service law firm employs over 420 lawyers and tax advisors and is represented in ten German economic hubs as well as with ten of its own international offices in key investment locations and financial centres in Europe and Asia. Its clients include medium-sized enterprises and large corporations, as well as the public sector.

Luther works closely with other commercial law firms in all the prevailing jurisdictions. Luther is a founding member of unyer (www.unyer.com), a global organisation of leading professional services firms that cooperate exclusively with each other.

Luther Rechtsanwaltsgesellschaft mbH is a law firm with a business approach: our innovative awareness aspires us to provide our clients with customised legal advice that addresses individual needs and delivers the greatest possible economic benefit. All of Luther's lawyers and tax advisors have a solid understanding of interdisciplinary matters and a wealth of experience in collaborating on complex tasks. Luther has been named "Law Firm of the Year: Germany 2021" and also "European Law Firm of the Year 2021" by The Lawyer, one of the most well-known legal magazines worldwide. Further information is available at: www.luther-lawfirm.com

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