



GUIDE DISMANTLING · 12 MIN READ

Permits and regulations in industrial dismantling

All the permits and regulations that apply to industrial dismantling: BImSchG, GefStoffV, KrWG, building regulations and occupational safety at a glance.

Federal Immission Control Act (BImSchG)

The BImSchG is the central piece of legislation governing the construction, operation and decommissioning of industrial plants. Anyone decommissioning a plant that requires a permit must notify the competent authority in accordance with § 15 BImSchG. The authority then examines whether aftercare obligations apply — in particular the obligation to restore the operating site to a proper condition.

- § 15 BImSchG: notification of decommissioning at least one month before operations cease
- § 5 (3) BImSchG: aftercare obligations (prevention of hazards, restoration)
- § 17 BImSchG: subsequent orders by the authority are possible
- 4th BImSchV: the schedule of plants requiring a permit — it determines the scope of the obligations

Note: Plants that do not require a permit — Plants that do not fall under the 4th BImSchV are also subject to the general operator obligation under § 22 BImSchG. Decommissioning then does not require a formal notification, but the obligation to avoid harmful effects on the environment during dismantling nevertheless remains.

Hazardous Substances Ordinance (GefStoffV) and technical rules

Industrial buildings — particularly those constructed before 1995 — frequently contain hazardous substances such as asbestos, man-made mineral fibres (MMMF), polycyclic aromatic hydrocarbons (PAH) or polychlorinated biphenyls (PCB). The GefStoffV governs the handling of these substances and obliges the client to have a qualified hazardous-substance investigation carried out before any dismantling.

- TRGS 519: Asbestos — demolition, remediation and maintenance work (ASI work)
- TRGS 521: demolition, remediation and maintenance work involving old mineral wool
- TRGS 524: protective measures for activities in contaminated areas
- TRGS 559: quartz-containing dust — relevant to demolition work
- Proof of expertise under TRGS 519 no. 2.7 for companies and the persons responsible

Note: A hazardous-substance survey report before the first demolition — No dismantling may begin without a qualified hazardous-substance survey report produced by a qualified expert. The cost of the report is marginal compared with the liability risks associated with improper handling of hazardous substances. Allow 4 to 8 weeks

for the report.

Closed Substance Cycle Waste Management Act (KrWG) and waste law

The KrWG defines the waste hierarchy, which must also be observed without exception in industrial dismantling: prevention before preparation for re-use before recycling before other recovery before disposal. For dismantling this means that materials must be collected separately, classified and recovered to the highest possible standard.

- § 6 KrWG: waste hierarchy — five stages, mandatory
- § 50 KrWG: verification obligation for hazardous waste (consignment notes)
- § 49 KrWG: register obligations, among others for producers and disposers of hazardous waste
- AVV (German Waste Catalogue Ordinance): classification by waste code numbers
- EBV (Substitute Building Materials Ordinance): recovery of mineral waste as substitute building materials

Note: Electronic record-keeping (eANV) — Since 1 April 2010, electronic record-keeping via the eANV portal has been mandatory for hazardous waste. Make sure that your dismantling contractor is registered in the eANV and keeps the records correctly. Gaps in record-keeping can result in substantial fines.

Building regulations law and the demolition permit

The demolition permit is granted under the building regulations of the individual Länder and is generally required for commercial and industrial buildings. The application comprises the demolition plan, structural calculations for the dismantling sequence, details of the disposal arrangements and — for buildings above a certain size — evidence that a health and safety coordinator (SiGeKo) has been appointed.

- Demolition application to the competent building supervisory authority
- Proof of structural stability for the dismantling sequence (a structural engineer is required)
- Details of disposal routes and quantities
- SiGeKo under the Construction Site Ordinance for sites with more than one employer
- Involvement of neighbours where demolition takes place at property boundaries

Note: Check whether an exemption from the permit requirement applies — In some Länder the demolition of certain buildings is exempt from the permit requirement — a notification is sufficient. Check the building regulations of the Land in which your site is located. Even where an exemption applies, however, all the substantive requirements relating to occupational safety, hazardous substances and disposal continue to apply.

Occupational safety on the dismantling site

Dismantling sites are among the most accident-prone working environments. The Occupational Safety and Health Act (ArbSchG), the Construction Site Ordinance (BaustellV) and the rules of the employers' liability insurance associations define the minimum requirements. The client is responsible for appointing a SiGeKo, for drawing up the health and safety plan and for giving advance notice to the occupational safety authority.

- Risk assessment before work begins (§ 5 ArbSchG)
- Appointment of a SiGeKo on sites with more than one employer (§ 3 BaustellV)
- Advance notice to the competent authority (§ 2 BaustellV) where the threshold values are exceeded
- Health and safety plan with details of hazardous substances, fall protection and traffic routes
- Mandatory PPE: respiratory protection, hearing protection and protective clothing according to the activity
- Regular instruction of all employees, documented and signed

Note: SCC certification as a mark of quality — SCC certification (Safety Certificate Contractors) demonstrates that a company complies with systematic occupational safety and health protection standards. Clients should look for this certification when selecting dismantling contractors — it is standard practice in industry.

Documentation obligations and records

The documentation obligations for industrial dismantling arise from several areas of law and have to be brought together in a single overall concept. Authorities, clients and subsequent purchasers of the land all need different records — a structured documentation concept saves time and avoids subsequent requests for additional information.

- Hazardous-substance register and remediation documentation with clearance measurements
- Disposal records: consignment notes (eANV), acceptance notes, weighbridge tickets
- Safety-related documentation: risk assessments, records of instruction, health and safety plan
- Dismantling documentation: photographic documentation, daily reports, quantity determination
- Environmental documentation: immission measurements, vibration measurements, dust measurements
- Final documentation: soil description, analysis reports, clearance for use

Note: Observe the retention periods — Records of hazardous waste are kept in the register and must be retained for at least three years (§ 49 KrWG in conjunction with the German Waste Verification Ordinance, NachwV). Hazardous-substance remediation documents should be archived permanently — they can be requested at any time in connection with subsequent property transactions or enquiries from the authorities.

Frequently asked questions

Do I need a permit for every dismantling project?

In most Länder the demolition of commercial buildings requires a permit. Even where an exemption from the permit requirement applies, the substantive requirements relating to occupational safety, hazardous substances law and disposal must be complied with in full.

Who produces the hazardous-substance survey report?

A qualified expert holding proof of expertise under TRGS 519 and with experience in investigating hazardous substances in buildings. The expert must not be the same party as the remediation contractor carrying out the work — investigation and execution must be kept separate.

What penalties are there for infringements of the GefStoffV?

Infringements of the GefStoffV can be punished with fines of up to 50,000 euros. Where employees or the neighbourhood are endangered intentionally, criminal consequences may follow. The client is liable as the party that commissioned the work.

How long does a permitting procedure for demolition take?

Depending on the Land and the complexity of the project, you should reckon on 4 to 12 weeks. For plants covered by the BImSchG the procedure can take longer, particularly where environmental impact assessments are required.

Let us talk about your project

Reply within 24 hours on working days.

info@sbs-rs.de

+49 89 541 960 200 Read online: www.sbs-rs.de/rueckbau/ratgeber/genehmigungen-und-vorschriften