

99090028001000, 99090028001000

Special permit and exemption under species protection law

Heruntergeladen am 07.06.2025

<https://fimpportal.de/xzufi-services/345332779/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99090028001000, 99090028001000
Leistungsbezeichnung I	Special permit and exemption under species protection law
Leistungsbezeichnung II	
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Naturschutz (090)
Verrichtungskennung	Erteilung (001)
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher	

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Ansprechpartner	Nein
Fachlich freigegeben am	22.05.2017
Fachlich freigegeben durch	Hessian Ministry for the Environment, Climate Protection, Agriculture and Consumer Protection
Handlungsgrundlage	https://www.gesetze-im-internet.de/bnatschg_2009/_3_9.html https://www.gesetze-im-internet.de/bnatschg_2009/_4_4.html https://www.gesetze-im-internet.de/bnatschg_2009/_4_5.html https://www.gesetze-im-internet.de/bnatschg_2009/_6_7.html https://www.rv.hessenrecht.hessen.de/lexsoft/default/hessenrecht_rv.html?pid=Dokumentanzeige&showdoccase=1&js_peid=Trefferliste&documentnumber=18&numberofresults=470&fromdoctodoc=yes&doc.id=jlr-BNatSchGAGHEV2P2&doc.part=X&doc.price=0.0&doc.hl=1#docid:4200488,3,20160101 https://www.gesetze-im-internet.de/bnatschg_2009/_3_9.html https://www.gesetze-im-internet.de/bnatschg_2009/_4_4.html https://www.gesetze-im-internet.de/bnatschg_2009/_4_5.html https://www.gesetze-im-internet.de/bnatschg_2009/_6_7.html https://www.rv.hessenrecht.hessen.de/lexsoft/default/hessenrecht_rv.html?pid=Dokumentanzeige&showdoccase=1&js_peid=Trefferliste&documentnumber=18&numberofresults=470&fromdoctodoc=yes&doc.id=jlr-BNatSchGAGHEV2P2&doc.part=X&doc.price=0.0&doc.hl=1#docid:4200488,3,20160101
Teaser	
Volltext	Section 39 of the Federal Nature Conservation Act (BNatSchG) **generally** regulates the handling of wild animals and wild plants, even if they are not specially protected. Such animal or plant species and their habitats may not be impaired without good reason. The following are regulated in particular

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- commercial collecting,
- the burning or other removal of plant populations
- the pruning of reeds, hedges and trees,
- the use of trenchers
- searching for bat roosts in the winter months.

The usual regular pruning of hedges and trees in gardens and parks is also permitted during the vegetation period, provided that bird nests, for example, are spared. Otherwise, details must be checked and, if necessary, clarified with the nature conservation authority.

The impairment of occurrences of ****specially or strictly protected species**** is prohibited in accordance with Section 44 (1) BNatSchG.

This may also apply to renovation or conversion measures on buildings that do not require planning permission, e.g. the removal of nests (e.g. owls, falcons, swifts) or bat roosts, lizard or grasshopper populations (e.g. sunny dry stone walls or gravel areas).

Prohibited in particular are

- Killing
- Removal from the wild (including resettlement)
- Destruction of breeding or resting sites
- Disturbance of species, especially during the breeding season.

It must be clarified in each case whether statutory exemptions apply or whether an exception (Section 45 (7) BNatSchG) or exemption (Section 67 BNatSchG) is required. When approving actions, interventions, plans or projects (hereinafter referred to synonymously as projects), a rough assessment must therefore be made as to whether a violation of species protection prohibitions is likely. This regularly applies if the construction or operation has an impact on the occurrence of protected species that leads to a

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significant increase in the intensity of the impact on nature and the landscape compared to the previous situation. Examples

- Destruction or removal of nests
(e.g. on facades or in attics in the course of thermal insulation measures)
- Removal of special habitat structures
(e.g. prominent hollow trees, hedges, resting places, rare special biotopes)

In outdoor areas, the following can also be of importance Attracting or repelling object effects (e.g. light, sound, smells, colors), moving objects (e.g. vehicles, moving parts) or the introduction of structures that are unusual in nature (e.g. horizontal ladder ropes, glass panes).

Furthermore, the habitat structure or other reasons should indicate the presence of corresponding species (e.g. animal droppings in or on buildings, remains of nests). The more these conditions exist, the greater the risk of violating species protection prohibitions within the meaning of Section 44 BNatSchG . Accordingly, these issues must be investigated in depth.

Erforderliche Unterlagen

Voraussetzungen

Kosten

EUR 60.00 - EUR 2,000.

Details can be found in the Administrative Cost Regulations for the Hessian Ministry for the Environment, Climate Protection, Agriculture and Consumer Protection (VwKostO-MUKLV).

Exemptions or exemptions for investigations for the preparation of Red Lists or the determination of necessary species relief measures and for their implementation as well as for rescue relocations or for killing in the event of a significant risk potential are free of charge.

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Verfahrensablauf	
Bearbeitungsdauer	
Frist	
weiterführende Informationen	
Hinweise	Information on how a species is legally protected is provided by the Scientific Information System for International Species Conservation[(WISIA)](https://www.wisia.de/) of the Federal Agency for Nature Conservation (BfN): https://www.wisia.de/ https://www.wisia.de/
Rechtsbehelf	
Kurztext	
Ansprechpunkt	To the lower nature conservation authority: district administration or - for towns with more than 50,000 inhabitants - the municipal administration
Zuständige Stelle	
Formulare	https://umwelt.hessen.de/sites/umwelt.hessen.de/files/2021-08/leitfaden_fuer_die_artenschutzrechtliche_pruefung_in_hessen_stand_mai_2011.pdf https://umwelt.hessen.de/sites/umwelt.hessen.de/files/2021-08/leitfaden_fuer_die_artenschutzrechtliche_pruefung_in_hessen_stand_mai_2011.pdf
Ursprungsportal	Artenschutzrechtliche Ausnahmegenehmigung und Befreiung, Special permit and exemption under species protection law