

## LEGISLATIVE AND ADMINISTRATIVE MEASURES FOR CONTROL OF TRANS-FRONTIER POLLUTION IN THE GERMAN DEMOCRATIC REPUBLIC

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Between the GDR and its socialist neighbour countries (the People's Republic of Poland, the Czechoslovakian Socialist Republic), problems in the field of environmental protection going beyond the competence of one single state are solved in peaceful cooperation on the basis of respective agreements.

The following examples can be mentioned here:

Agreement of March 13, 1965, between the Government of the German Democratic Republic and the Government of the People's Republic of Poland on Cooperation in the Area of Water Management with Respect to Boundary Waters GBl. par I, No. 11, p. 94.

(Abkommen der Regierung der Deutschen Demokratischen Republic und der Regierung der Volksrepublik Polen über die Zusammenarbeit auf dem Gebiet der Wasserwirtschaft an den Grenzgewässern vom 13. März 1965 GBl. Teil I Nr. 11 Seite 94).

### Article 2

According to this agreement, the economic and scientific cooperation between the parties to this agreement in the area of water management with respect to boundary waters which is directed at the regulation of water conditions and the integrated utilization of water resources, includes the following main objectives:

8. protection of the waters against pollution,
9. protection against flooding, high tide raised by a storm and dangers emerging from ice,
10. carrying out investigations and controls on water quality and of efflux conditions in the boundary waters.

## Article 4

Both parties to the agreement will lay down principles for cooperation between the information and forecasting services in the fields of hydrology, hydrometeorology and hydrogeology with respect to boundary waters. They will elaborate principles for investigations, measurements and observations in this field and jointly analyse the results achieved in regulating the water amount of the boundary waters.

## Article 8

(1) According to this agreement, "protection of the waters against pollution" means on the one hand protection against the inflow of gaseous, liquid, solid and radioactive substances in the boundary waters at such quantities and temperatures which may cause physical, chemical or biological changes thus limiting or eliminating the possibilities of normal utilization for municipal, industrial, agricultural, fishing and other purposes, and on the other hand the implementation of measures aiming at the improvement of boundary water quality.

(2) The parties to the agreement will jointly fix water quality standards as a basis for protecting the boundary waters against pollution.

(3) The parties to the agreement will gradually reduce the pollution rate of the boundary waters, according to technological and economic possibilities and actual requirements.

(4) The parties to the agreement will jointly carry out control measurements on the pollution rate of the boundary waters.

Analogous regulations are contained in a similar agreement between the Government of the German Democratic Republic and the Government of the Czechoslovakian Socialist Republic of February 27, 1974 (not yet published in the Gesetzblatt).

Agreement of July 4, 1973 between the Government of the German Democratic Republic and the Government of the People's Republic of Poland in the Field of National Environment and Environmental Protection (not yet published in the Gesetzblatt).

(Abkommen zwischen der Regierung der Deutschen Demokratischen Republik und der Regierung der Volksrepublik Polen über die Zusammenarbeit auf dem Gebiet der Landeskultur und des Umweltschutzes vom 4. Juli 1973.)

## Article 1

(2) The cooperation embraces the following measures:

- mutual exchange of information and experiences concerning matters of management, planning and legislation as well as coordination of international activities bilateral interest, in the sphere of national environment and environmental protection;
- cooperation and specialization in developing, constructing, building and delivering installations and equipment for purposes of environmental protection, including control and measurement instruments;
- cooperation in setting up new industrial plants and reconstructing existing ones, and in other investments in the frontier area, in order to take necessary steps towards avoiding harmful effects on human environment.

## Article 2

(1) The parties' cooperation in the sphere of management especially concentrates on the exchange of experiences with regard to planning and management, including legislation, economic regulations and the creation of control measures in the field of national environment and environmental protection.

(2) The parties to the agreement work together in developing and improving information and analysing activities in the area of national economy, and in controlling the protection of the biosphere.

(5) The parties to the agreement support the cooperation between the competent local government bodies in the frontier areas of the GDR and the People's Republic of Poland in the field of environmental protection.

## Article 4

(1) The parties to the agreement agree upon the objectives of the scientific-technological cooperation which become part of the national plans.

Focal points of the cooperation are in the first line the following directions and field:

- creating prerequisites for the unification of norms and standards concerning environmental protection, and improving techniques and instruments for measurement and control in this field.

Implementing the “Comprehensive Program for Further Deepening and Improvement of the Cooperation and Development of the Socialist Economic Integration of the Member States of the CMEA the USSR, the People’s Republic of Bulgaria, the Czechoslovakian Socialist Republic, the GDR, the People’s Republic of Poland, the Socialist Republic of Rumania and the People’s Republic of Hungaria concluded a special “Agreement on Scientific-Technological Cooperation in Solving Problems Related to the Protection of Nature”. This common work of the member states of the CMEA in the field of environmental protection will create the prerequisite necessary for an efficient international solution of the complex tasks of the protection of natural environment, includingly their effective control. The fact, that the member states of the CMEA have agreed upon MIK values (imission standards) can serve as a characteristic example for this cooperation. In their cooperation the socialist states pursue the aim to reach an approximation among the national legislations in the field of protecting and shaping the natural environment. As to its character and objectives this cooperation represents an example of an effective international cooperation.

As far as its relations to other states are concerned, the GDR Government repeatedly and emphatically underlined its point of view that it was ready, together with the other member states of the CMEA, to take part in solving environmental problems in the framework of international organizations according to the principles of peaceful coexistence, in the interest of world-wide solutions.

In doing so, the GDR is guided by the principles of universality, equality and international cooperation.

The GDR is one of the signatory states to the “Convention on the Protection of the Marine Environment of the Baltic Sea Area” of March 22, 1974.

The national legislation of the GDR in the field of environmental protection has manifold interrelations with the agreements in international law concluded by the GDR with other states. E. G., the obligations taken over in connection with international agreements, are translated by national law into concrete tasks, rights, duties and powers of the competent authorities. Simultaneously, the national legislation has, with regard to some spheres of environmental protection, also consequences on trans-frontier pollution in cases of the absence of any respective agreement under inter-

national law. This can be the case, e.g. with waters and air which become or can become effective also beyond national frontiers.

Therefore the following legal regulations of the GDR concerning these two spheres of environmental protection, have an impact on the effective control over trans-frontier pollution:

b) *Protection of waters*

National Environment Act.  
(Landeskulturgesetz)

§ 26

Water use and water quality conservation.

(1) Utilization of waters by water extraction, inflow of water and effluents, and other measures influencing water quality, or by the raising or lowering of water levels shall proceed in accordance with social requirements. The competent government authorities shall regulate water use based on government permits, ensure the supervision of water uses, and cooperate with citizens and social organizations in implementing the functions of water protection.

(2) To ensure water quality conservation, the intake of effluents may not exceed the established limitations of water pollution. These standards shall be variable, taking into consideration use requirements, self-cleansing capacities, the burdening of the water with polluting substances, and scientific-technological knowledge in accordance with social requirements.

§ 27

Measures for effluent treatment.

(1) Enterprises are obliged to treat effluents in accordance with the required standards to ensure water quality conservation. Effluent treatment facilities shall be operated permanently by them with optimal cleansing effect. Enterprises not possessing treatment facilities required for ensuring the observance of standards shall plan and install such facilities. Appropriate forms of cooperation must be developed for the efficient implementation of effluent treatment.

(2) Government and economic authorities and enterprises shall ensure that the necessary facilities and establishments for the treatment of effluents are planned and provided in the course of initial construction, extension or reconstruction of enterprises, production plants and settlements, and in the introduction of new production techniques; such facilities and establishments shall be brought into operation with the required degree of effectiveness at the time of starting production or beginning with the use of dwellings and establishments.

Act of April 17, 1963 on the Protection, Use and Maintenance of Waters and Protection from the Danger of Floods—Water Act—GB1. part I No. 5, p. 77.

(Gesetz über den Schutz, die Nutzung und die Instandhaltung der Gewässer und den Schutz vor Hochwassergefahren—Wassergesetz—vom 17. April 1963, GB1. Teil I Nr. 5 Seite 77.)

## § 5

(1) The Water Management Office (now: Ministry of Environmental Protection and Water Management) is responsible for the systematic utilization of natural water resources and shall ensure the general protection against flooding. It shall coordinate and control the measures in the field of water management by all branches of national economy.

## § 11

(3) For water quality conservation, maintenance of the health of the population and the live-stock and for ensuring the re-use of water, the inflow of effluents is only allowed within the limitations of water pollution established by the Water Management Office.

## § 12

(1) Permission is required for the utilization of waters by water extraction, inflow of waters and effluents and by raising or lowering of water levels which may affect other forms of water utilization, the yield capacity of agricultural and forest areas, the health and re-creation of the population and the maintenance of the health of live-stock, or essentially change quantity and quality of the waters, the water level and water bed.

## § 19

(2) For enforcing an orderly cleansing of effluents in all enterprises and institutions it is necessary to impose effluent charges for exceeding the established limitations of water pollution by the inflow of effluents.

## § 25

(1) The supervision of waters is carried out by the Water Management Office, the Boards of Water Management, the Waterway Offices and the local councils. . . .

(2) The supervision of waters embraces:

the control over the utilization of waters,  
the control over water quality conservation,  
the control over the maintenance of waters and respective  
installations of water management and constructions,  
the control over the observance of the regulations of  
the Water Act and of the decisions based thereupon.

(3) For regular control over the maintenance and utilization of waters the local councils form inspecting commissions and advisory boards.

(4) For ensuring water utilization corresponding to the requirements of water supervision, enterprises and institutions are to appoint a water conservation warden at request of water supervisory authorities.

(5) For controlling water quality conservation a great number of honorary assistants from the population is to be called in, especially working people from enterprises and institutions, members of the . . . Angling Association, of the branch groups of the . . . German Cultural League, of agricultural production cooperatives and land-improvement cooperatives, representatives of fishery, aquatic sports and nature conservation.

First Implementing Decree of April 17, 1963, Pursuant to the Act on the Protection, Use and Maintenance of Waters and Protection from the Danger of Floods (Water Act) GB1. part II, No. —, p. 281.

(1. Durchführungsverordnung zum Gesetz über den Schutz, die Nutzung und die Instandhaltung der Gewässer und den Schutz vor Hochwassergefahren—Wassergesetz—vom 17. April 1963, GB1. Teil II, Nr. —, S. 281.)

To § 11 of the Water Act:

## § 9

(1) The limit values of water pollution embrace the standards for river-water quality and the limit values of the substances contained in effluents. The limit values of the substances contained in effluents arise from the directives of the Water Management Office on effluent treatment in single branches of industry.

(3) The limit values are to be changed to be supplemented according to the requirements of national economy.

To §§ 12-16 of the Water Act:

## § 10

Utilizations requiring permission are:

b) the intake in the waters of water and effluents from state, cooperative, private and other enterprises and institutions, drain and precipitation water in agriculture and forestry excepted, common installations for residential areas and settlements and landed estates, ground water lowering areas of the mining industry:

## § 45

(1) The inspecting commissions have particularly the tasks: control over the use of waters and water quality conservation,

## § 49

(1) The water conservation warden is directly responsible to the management of the enterprise or the institution. He is responsible to the management of the enterprise or institution for observing the regulations under water law and for implementing the demands of the supervision of waters.

(2) In particular, the water conservation warden

b) . . . , shall control the economical use of water and the effective functioning of the installations for effluent treatment;



- c) shall supervise the measurements of water quantity and controls of water quality which are to be carried out by the enterprise on the basis of the instructions by the water supervising authorities;
- d) shall register all incidents concerning water use and effluent treatment, and at request submit them to the competent water supervisory authority for inspection;
- e) shall immediately inform the management of the enterprise or institution, the water supervisory authorities and the endangered persons of irregularities of water use which may cause damages;

(3) If the management of the enterprise or institution, disregarding the information of the water conservation warden, does not take the steps designated by law, or does not consider the demands of the water supervisory authority, the water conservation warden is obliged to inform the competent water supervisory authority.

Second Implementing Decree of December 16, 1970, Pursuant to the Water Act—Application of Economic Regulations for Water Quality Conservation and Rational Use of Ground and Surface Water—GB1. part II, 1971, No. 3, p. 25.

(2. Durchführungsverordnung zum Wassergesetz—Anwendung ökonomischer Regelungen für die Reinhaltung der Gewässer und zur rationellen Nutzung des Grund-und Oberflächenwassers—vom 16. Dezember 1970, GB1. Teil II/1971, Nr. 3, Seite 25.)

### § 1

Effluent charges are imposed in case of nonobservance of the established standards, conditions and instructions when intaking water and effluents in waters, and in case of breaches of § 12 paragraph 1 and § 20 paragraphs 2 to 4 of the Water Act.

### § 2

(2) Effluent charges and the sharing of costs apply to all enterprises and institutions.

### § 8

Proceeding from the programmes for the reorganization of river basins the competent water supervisory authority has in the framework of per-

mission proceedings under Water Law, to stipulate differentiated standards, conditions and instructions for the intake of waters and effluents in waters in accordance with social requirements and conditions and taking into consideration the burdening of the waters with pollutive substance and the self-cleansing capacity. By means of standards the respective admissible intake of effluents is stipulated. The pollution by effluents equals the product of the concentration of substances contained in effluent and the quantity of effluents per unit of time.

(4) Enterprises and institutions are responsible for the observation of the established standards, conditions and instructions for the intake of water and effluents in waters.

## § 9

(1) The investigation methods binding for establishing the criteria of the condition of effluents are stipulated by the competent water supervisory authority on the basis of the "Selected Methods of Water Investigation" issued by the Water Management Office.

(2) Effluent charges are imposed, when:

- a) the standard is not observed at the date fixed in accordance with the plans for putting into operation installations for effluent treatment,
- b) standards, conditions and instructions are violated,
- c) interim standards and instructions are not observed or implemented for improving the efficiency and technology of the installations influencing quantity and quality of effluents.

(3) Effluent charges are imposed for exceeding the admissible quantity of effluents . . .

b) *Air quality conservation*

National Environment Act  
(Landeskulturgesetz)

## § 30

(1) To ensure air quality conservation, the competent authorities must fix standards varied in accordance with social requirements and in consideration of the state of scientific-technological knowledge.

(2) Enterprises are responsible for preventing pollution of the air with air pollutants exceeding the required standards. They shall permanently operate facilities for air quality conservation at maximal efficiency.

(5) The competent government authorities shall supervise the observance of required standards for air quality conservation. Fifth Implementing Decree, pursuant to the National Environment Act.

(5. Durchführungsverordnung zum Landeskulturgesetz.)

### § 3

(1) For air pollutants influencing the environment outside the places of work (imissions), the admissible maximum concentrations which, according to present medicine, have not yet any harmful effects on the human organism, are to be bindingly fixed as imission standards (in the following referred to as MIK-values).

(2) When preparing, planning and implementing investments it must be ensured that the expected increases in imission concentrations do not exceed the MIK-values. This objective has to be guaranteed when approving and permitting location according to the legal provisions for planning the location of investments.

### § 4

(1) For ensuring air quality conservation and with the aim to observe the MIK-values there are to be gradually fixed differentiated emission standards in the framework of the plan, first of all for industrial centres. By means of indexes and conditions, these emission standards fix bindingly the admissible maximum quantity of air pollution caused by emitters and installations through emission.

(2) ... The conditions may include:

- a) stipulations on the minimum height of chimneys which is required for a sufficient rarefaction of pollutive substances,
- b) special technological requirements or temporary restrictions for operating installations,
- c) restrictions of the use of raw materials,
- d) stipulations on the use of certain fuels or their admixtures.

(3) The emission standards are to be stipulated proceeding from the scientific-technological and economic possibilities and, as far as combustion engines are not concerned, proceeding from territorial requirements and taking into account international experiences, especially those of the Soviet Union and the other socialist countries. They have to be modified if the possibilities and requirements change according to paragraph 1.

(1) The Ministry of Public Health is responsible for the national management, planning and coordination of the measures for air quality conservation. The Ministry of Public Health organizes the governmental supervision and control of air pollution. It has to stipulate the MIK-values and to define them according to the new requirements resulting from the further development of medicine and from new scientific findings.

## § 6

Responsibilities of government and economic authorities in their fields.

(1) Government and economic authorities are responsible for the comprehensive managing and planning of air quality conservation in their fields. They have to ensure that the emitters and manufacturing enterprises include in their plans measures and requirements necessary for air quality conservation. They are responsible for controlling the implementation of measures and the observance of the requirements for air quality conservation in their fields.

(2) For implementing the requirements of air quality conservation the competent government and economic authorities work out indexes for maximum emissions which are issued as standards. They must be approved by the Ministry of Public Health.

## § 12

Duties of the emitters

(1) The emitters are obliged to include in their plans the necessary measures and requirements for air quality conservation as part of the reproduction process. They are responsible for the observance of the established emission standards.

## § 14

(1) The bodies of the Public Health Inspectorates exert the control in their imission and emission regions. They are entitled to give instructions for observing emission standards to managements of enterprises . . .

## § 15

### Imission control

The Public Health Inspectorates of Counties supervise, in cooperation with the Public Health Inspectorates of Ditricts the observance of the MIK-values by setting up and operating measuring points and networks in their regions They are entitled to give instructions to the emitters for cooperation in setting up and operating measuring points.

### Emission control

## § 16

(1) The emitters are obliged to self-supervision of emissions. The self-supervision is the basis for the emission control.

## § 17

(1) The Public Health Inspectorates of Counties check the information by the emitters, especially with regard to the observance of emission standards, and carry out test measurements in the emitting enterprises and institutions.

## § 18

Imposing charges for dust and exhaust emissions.

(1) Emitters exceeding the emission standards as fixed under § 7, have to pay charges for dust and exhaust emissions for the period of violating the emission standards to the Council of the county where the sources of emission are situated. Charges for dust and exhaust emissions are non-calculable and non-budgetable costs.

The First Implementing Regulation to the Fifth Implementing Decree Pursuant to the National Environment Act, includes special regulations on the implementation of imission and emission controls, on the stipulation of imission and emission standards and on the imposing of charges for dust and exhaust emissions. It also fixes MIK-values as short-term and long-term standards for 113 pollutive substances.