

Federal Regional Planning Act (Raumordnungsgesetz, ROG)

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Subdivision 1 General Provisions

Section 1 Task and Overall Concept of Regional Planning

(1) The entire territory of the Federal Republic of Germany and the regions of which it is made up shall be developed, organized and protected by integrative general regional plans and the harmonizing of regionally significant plans and measures. In so doing

1. differing requirements to be met by the area shall be harmonized and conflicts arising at the respective planning level shall be resolved;

2. provision shall be made for individual functions of an area and individual land uses.

(2) The overall concept of the task laid down in subsection 1 is that of sustainable regional development which will bring the social and economic demands made on an area into line with its ecological functions and result in a stable order which will be well-balanced on a large scale. In so doing

1. the right to self-fulfilment within the community and with responsibility to future generations shall be ensured,

2. the natural resources shall be protected and developed,

3. the locational prerequisites for economic developments shall be created,

4. land use possibilities shall be kept open in the long term

5. the characteristic diversity of individual regions shall be enhanced;

6. similar standards of living shall be established in all regions,

7. the regional and structural imbalances between the territories which had been separated prior to German unification shall be eliminated,

8. the regional prerequisites for achieving cohesion within the European Community and on a wider European scale shall be established.

(3) The development, organization and protection of the individual regions shall match the conditions and requirements of the territory as a whole; the development, organization and protection of the territory as a whole shall allow for the conditions and requirements of its individual regions (principle of countervailing influence).

Section 2 Principles of Regional Planning

(1) The principles of regional planning shall be applied in the sense of the overall concept of sustainable regional development in accordance with section 1, subsection 2.

(2) Regional planning shall be governed by the following principles:

1. A well-balanced system of settlements and open spaces shall be developed in the entire territory of the Federal Republic of Germany. Provision shall be made to maintain a functioning ecosystem in built-up and non-built-up areas. Efforts shall be made to establish balanced economic, infrastructural, social, ecological and cultural conditions in the respective regions.

2. The decentralized settlement structure of the territory as a whole with its large number of well-functioning centers and city regions shall be maintained. Building activities shall be concentrated in

certain areas with a view to establishing a system of functioning central places. The re-use of derelict settlement areas shall be given priority over the use of open spaces.

3. The large-scale and integrative system of open spaces shall be maintained and improved. The importance of open spaces for productive land use, the water balance, fauna and flora and for the climate shall be guaranteed or their function restored. Provision shall be made for economic and social uses of open spaces by taking into consideration their ecological functions.

4. The infrastructure shall be harmonized with the system of settlements and open spaces. The local population shall be provided with basic technical infrastructure installations covering public utilities and disposal facilities for the entire area. Social infrastructure facilities shall be concentrated primarily in central places.

5. Agglomerations shall be established as residential, production and service centers. The development of settlements shall be governed by the objective of establishing an integrated transport system and making provision for open spaces. The attractiveness of public passenger transport shall be enhanced by developing integrated transport systems and establishing functioning interfaces. Green belts shall be maintained and integrated as elements of a network of open spaces. Adverse environmental effects shall be reduced.

6. Rural areas shall be developed as independent residential and economic areas. A balanced population structure shall be promoted. The central places of rural areas shall be supported in their task as promoters of regional development. The ecological functions of the rural areas shall also be maintained with a view to their importance for the entire territory.

7. In areas where the overall standards of living lag far behind the federal average or where this is to be feared (underdeveloped areas), the preconditions for development shall be improved as a matter of priority. The latter particularly include sufficient and high-quality training and employment opportunities and improvement of environmental conditions and infrastructure facilities.

8. Provision shall be made for the protection, conservation and development of the natural surroundings and landscape including water bodies and forests, taking into account the requirements of the biotope network. Natural resources, particularly water and soil, shall be used sparingly and carefully; groundwater resources shall be protected. Any impairment of the ecosystem shall be compensated for. If land is no longer used on a permanent basis, the productivity of the soil shall be maintained or restored. In the protection and development of the ecological functions and uses relating to the countryside, the respective interactions shall also be taken into account. Provision shall be made for preventive flood protection on the coasts and in the interior of the country, in the interior mainly by protecting or restoring meadows, retention areas and areas which are in danger of being flooded. Provision shall be made for the protection of the public against noise and for air pollution control.

9. Efforts shall be made to establish a well-balanced economic structure which will be competitive in the long term and to offer a variety of adequate job and training opportunities. As far as necessary, sufficiently large areas shall be reserved for improving the locational conditions for economic development, infrastructure facilities closely concerned with industry shall be expanded and the attractiveness of the locations enhanced. Areas shall also be reserved for the precautionary protection and systematic prospecting and extraction of site-specific raw materials.

10. Certain areas shall also be reserved and protected for the agricultural sector to develop as an efficient and competitive sector of the economy based on a family farm structure, cooperating with an efficient and sustainable forestry sector in the protection of natural resources and in the preservation and shaping of the natural surroundings and countryside. Site-specific agriculture shall be protected; sufficiently large areas of land used for agricultural and forestry purposes shall be maintained. Efforts

shall be made to achieve a balanced ratio of land used for agriculture to land used for forestry within the regions.

11. The housing requirements of the population shall be taken into account. Care shall be taken to provide for the independent development of the Communes in the housing sector. When areas are established where jobs are to be created, the probable resulting housing needs shall be taken into consideration, encouraging the allocation of these areas to residential areas in a suitable manner.

12. Easy access between all regions by passenger and goods transport shall be ensured. The prerequisites for transferring traffic to more environmentally compatible means of transport such as rail and inland waterways shall be improved, particularly in areas and corridors with a high traffic density. By allocating and mixing the various land uses, settlement development shall be influenced in such a way that the traffic load is reduced and a higher volume of traffic is avoided.

13. Historical and cultural relationships and regional affiliations shall be maintained; the characteristic features and the cultural and natural monuments of evolved cultural landscapes shall be preserved.

14. Provision shall be made for areas and locations suitable for leisure in natural surroundings and in the countryside and for recreational and sports activities.

15. Provision shall be made for the reservation of land required for civil and military defense purposes.

(3) The Laender may establish additional regional planning principles, in so far as these are not contradictory to subsection 2 and section 1; this also applies to principles included in regional plans.

Section 3 Definitions

Within the meaning of this law

1. Regional planning requirements:

are regional planning objectives, principles and other regional planning requirements.

2. Regional planning objectives:

are prescribed standards in the form of texts or drawings in regional plans which are governed by or can be reconstructed on the basis of area-specific or functional features and which have been finally decided upon by state authorities responsible for regional or subregional planning in the individual Laender; they serve to develop, organize and protect the respective areas.

3. Regional planning principles:

are general statements concerning the development, organization and protection of areas defined in or in accordance with section 2 as standards to be complied with in subsequent judgements and discretionary decisions.

4. Additional regional planning requirements:

are regional planning objectives in the process of being established, results of formal regional planning procedures of a Land such as the Regional Impact Assessment Procedures and the opinion of a Land on regional planning procedures.

5. Public authorities:

are federal agencies and agencies of a Land, local authorities, special administrative agencies of the Federal Government or those controlled by a Land, public institutions and foundations.

6. Regionally significant plans and measures:

are plans including the regional plans, projects and other measures by means of which land is used or the regional development or function of an area is influenced, including the use of earmarked public funds.

7. Regional plans:

are the regional plans for the territory of a Land in accordance with section 8 and the plans for individual regions of the Laender (subregional plans) in accordance with section 9.

Section 4 Binding Effects of the Requirements of Regional Planning

(1) Regional planning objectives shall be observed by public authorities in regionally significant plans and measures. This shall also apply to

2. authorizations, plan approvals and other official decisions on the permissibility of regionally significant measures taken by public authorities,

3. plan approvals and authorizations with the legal effect of an official approval of a plan concerning the permissibility of regionally significant measures taken by legal persons or entities under private law.

(2) The principles and other requirements of regional planning are to be observed by public authorities in regionally significant plans and measures in accordance with subsection 1 when balancing conflicting interests or when using their discretion in accordance with the applicable regulations.

(3) Subsection 1, sentences 1 and 2, paragraph 1 and subsection 2 shall apply mutatis mutandis to regionally significant plans and measures of legal persons or entities under private law performing public functions if

1. public authorities have a majority interest in them or

2. the plans and measures are mainly financed with public funds.

(4) Authorizations, plan approvals and other official decisions on the permissibility of regionally significant measures taken by legal persons or entities under private law shall meet the requirements of regional planning in accordance with the applicable regulations governing such decisions. Subsection 1, sentence 2, paragraph 2 shall remain unaffected. Authorizations of the construction and operation of a publicly accessible waste disposal facility by legal persons or entities under private law as required by the Federal Immission Control Act shall satisfy regional planning requirements.

(5) Further binding effects of regional planning requirements laid down in sectoral laws shall remain unaffected.

Section 5 Binding Effects of Special Construction Projects of the Federal Government

(1) For regionally significant plans and measures of federal authorities, other public authorities acting on behalf of the Federal Government, as well as legal persons or entities under private law performing public functions for the Federation in accordance with section 4, subsection 3,

1. whose special public purpose requires a certain site or alignment or

2. which are to be implemented on land claimed under the Land Procurement Act or the Restricted Areas Act or

3. which will be subject to a decision in accordance with the Federal Highways Act, the General Railways Act, the Magnetic Levitation Train Planning Act, the Federal Waterways Act, the Air Traffic Act, the Atomic Energy Act or the Passenger Transportation Act,

the binding effect of the regional planning objectives in accordance with section 4, subsection 1 or 3, shall apply only if

a) the competent authority or person has been involved in accordance with section 7, subsection 5,

b) the parties involved failed to reach an agreement in the procedure in accordance with subsection 2, and

c) the authority or person has failed to lodge an objection within two months following notification of the legally binding objective.

(2) If an authority or person in accordance with subsection 1 claims a conflict of public interests with a regional planning objective currently being prepared, which under the conditions of subsection 3 would give the right to object, the planning authority and the authority or person involved shall endeavor to reach a satisfactory solution within three months in cooperation with the supreme regional planning authority at Land level, the Federal Ministry for Regional Planning, and the appropriate Federal Ministry.

(3) The objection in accordance with subsection 1 shall set aside the binding effect of the regional planning objective on the authority or person objecting if

1. it is based on faulty balancing of interests or

2. it is not consistent with the purpose of the project and the project cannot be carried out on any other suitable piece of land.

(4) If a change in the state of affairs calls for deviation from regional planning objectives, the public authority or person responsible in accordance with subsection 1 may, with the consent of the next higher authority, subsequently lodge an objection under the conditions of subsection 3 within a reasonable period of time, but not later than six months after gaining knowledge of the changed state of affairs. If as a result of this subsequent objection the regional plan has to be modified, supplemented or revoked, the public authority or person objecting shall bear the accruing costs.

Subdivision 2 Regional Planning at Land Level, Authority to Issue Ordinances

Section 6 Legal Basis of the Laender

The Laender issue statutory provisions governing regional planning in their own territory (Land development) within the limits imposed by sections 7 to 16. Further detailed provisions of Land law are permissible provided that they are consistent with sections 7 to 16.

Section 7 General Provisions on Regional Plans

(1) The principles of regional planning shall be put into concrete terms in regional plans in accordance with the overall concept and the principle of countervailing influence pursuant to section 1, subsections 2 and 3, for the respective planning area and for a regular medium term. Spatially and sectorally limited plans may be prepared. Objectives of regional planning shall be clearly identified as such in regional plans.

(2) Regional plans should contain specifications concerning the spatial structure, especially with respect to:

1. the desired settlement structure; this may include

- a) spatial order categories,
- b) central places,
- c) special community functions such as growth points and overspill towns,
- d) settlement developments,
- e) development axes,

2. the desired open space structure; this may include

a) interregionally significant open spaces and their protection,

b) uses of open space, such as sites designed to safeguard supplies of and systematically search for and extract location-specific raw materials,

c) redevelopment and development of spatial functions,

3. the desired infrastructure locations and routes; these may include

a) the traffic infrastructure and installations for transfer of goods,

b) public utility and waste disposal infrastructure.

Stipulations in accordance with sentence 1, paragraph 2, may also establish the need to compensate for, make good or limit unavoidable damage to the ecological balance or the countryside in this area elsewhere.

(3) Regional plans should also contain those stipulations concerning regionally significant plans and measures of public authorities and legal persons and entities under private law in accordance with section 4, subsection 3, that are eligible for incorporation into regional plans and required under subsection 7 for coordinating claims on land and can be safeguarded by way of objectives or principles of regional planning. In addition to statements included in sector plans of traffic, water protection and immission control legislation, these mainly include:

1. regionally significant nature protection and countryside conservation requirements and measures in landscape programs and strategic landscape plans in accordance with the Federal Nature Conservation Act; regional plans may also serve as landscape programs and strategic landscape plans,

2. regionally significant requirements and measures of overall forest plans in accordance with the Federal Forests Act,

3. regionally significant requirements and measures of waste management planning in accordance with the Waste Avoidance, Recycling and Disposal Act,

4. regionally significant requirements and measures of preliminary planning in accordance with the Act on the Joint Task of "Improvement of Agrarian Structure and Coastal Protection".

(4) The stipulations in accordance with paragraphs 2 and 3 may also refer to areas

1. scheduled for certain regionally significant functions or uses, thus excluding other regionally significant uses in this area provided that they are inconsistent with the priority functions, uses or objectives of regional planning (priority areas),

2. where special importance is attached to certain regionally significant functions or uses when balanced with competing regionally significant uses (reserve areas),

3. suitable for certain regionally significant measures which are to be assessed within the scope of urban development in accordance with section 35 of the Federal Building Code and are prohibited in another location in the planning area (suitability areas).

Priority areas with respect to regionally significant uses may be established to have the simultaneous effect of suitability areas for regionally significant measures in accordance with sentence 1, paragraph 3.

(5) Public authorities and legal persons or entities under private law shall be involved in the process of preparing regional planning objectives for which the obligation of compliance under section 4, subsection 1 or 3 is to be established.

(6) It may be stipulated that the public has to be involved or given the opportunity to participate in the process of preparing regional plans.

(7) When preparing regional plans, the principles of regional planning shall be duly weighed and fairly balanced. In doing so, further public and private interests shall be taken into consideration if they can be anticipated at the respective planning level and if they are of sufficient importance. At the same time the conservation objectives or the protective purpose of areas of special community interest or European bird sanctuaries shall be taken into consideration within the meaning of the Federal Nature Conservation Act; where they may be considerably impaired, the provisions of the Federal Nature Conservation Act governing the permissibility or execution of such interventions as well as a request for an opinion of the Commission shall be applicable (examinations in accordance with the Directive on fauna, flora and habitat conservation).

(8) A statement of reasons shall be added to the regional plans.

Section 8 Regional Plan for the Territory of the Land

(1) For the territory of each individual Land a comprehensive, overriding plan shall be prepared. In the city states of Berlin, Bremen and Hamburg a land-use plan in accordance with section 5 of the Federal Building Code may serve as a plan in accordance with sentence 1; section 7 shall apply *mutatis mutandis*.

(2) The regional plans of neighboring Laender shall be coordinated.

Section 9 Subregional Plans

(1) Subregional plans shall be prepared in those Laender whose territories cover the spheres of influence of several central places of higher order. If existing spheres of influence, especially in urban

agglomerations, require planning activities beyond the boundaries of a Land, the necessary measures such as joint subregional planning or joint informal planning shall be taken by mutual agreement.

(2) Subregional plans shall be developed from the regional plan for the Land's own territory in accordance with section 8; section 4, subsection 1 shall remain unaffected. Land-use plans and the results of other urban development measures adopted by local authorities in accordance with section 1, subsection 3 are to be taken into consideration when balancing conflicting interests in accordance with section 7, subsection 7.

(3) Subregional plans for neighboring planning areas shall be coordinated.

(4) Where subregional planning is not performed by an amalgamation of local authorities and local authority unions forming standing conferences of local planning authorities, a requirement for local authorities and local authority unions or their amalgamations to participate in a formal procedure shall be provided for.

(5) Further tasks may be assigned to the authorities responsible for subregional planning.

(6) Where subregional planning is performed by an amalgamation of local authorities and local authority unions forming standing conferences of local planning authorities, a plan may, in urban agglomerations or other networks of interrelated spatial structures, simultaneously serve as a subregional plan and a joint land-use plan in accordance with section 204 of the Federal Building Code if it complies with the provisions adopted under Subdivision Two of this Act and the provisions of the Federal Building Code (subregional land-use plan). The specifications laid down in section 7, subsections 1 to 4 as well as the representations referred to in section 5 of the Federal Building Code shall be identified in these plans. Section 7, subsection 1, sentence 2 shall not apply as far as spatially limited plans are concerned.

Section 10 Plan Maintenance

(1) In order to ensure plan maintenance, provisions shall be made for the relevance of a violation of the procedural and formal requirements applying to regional plans to be made contingent on the observance of a time limit for claims not exceeding a year after publication of the regional plan.

(2) The relevance of a violation of procedural and formal requirements as well as of faults in assessment can be excluded particularly in the case of

1. insufficient substantiation of the regional plan,
2. faults in assessment that were neither obvious nor of any influence on the result of the assessment.

(3) In the case of faults in assessment that are not irrelevant in accordance with subsection 2, paragraph 2, and that can be remedied through a supplementary procedure, it can be excluded that they will result in invalidity of the plan, the consequence being that the plan will have no binding effects until such faults have been remedied.

Section 11 Procedure for Deviation from Objectives

Deviation from a regional planning objective shall be possible under a special procedure if the deviation is justifiable from the point of view of regional planning and if the planning essentials are not affected. Provisions shall be made for the entitlement to submit such applications to rest primarily with the public authorities and individuals in accordance with section 5, subsection 1, as well as with those local authorities that are obliged to comply with the objective of regional planning.

Section 12 Prohibition of Plans and Measures Conflicting with the Principles of Regional Planning

(1) Provisions shall be made for the prohibition of regionally significant plans and measures covered by the binding effects of the objectives of regional planning in accordance with section 4, subsections 1 and 3:

1. for an unlimited period of time if they conflict with objectives of regional planning,

2. for a limited period of time if it is to be feared that the realization of objectives of regional planning that are currently being prepared, amended, supplemented or revoked would be rendered impossible or significantly impeded.

(2) Official decisions about the permissibility of regionally significant measures on the part of persons or entities under private law can also include a prohibition for a limited period of time in the cases listed in subsection 1, sentence 1, paragraph 2 if the objectives of regional planning are of legal relevance to the approval of such a measure in accordance with section 4, subsections 4 and 5.

(3) Objections to and action for rescission of a prohibition have no suspensive effect.

(4) Prohibition for a limited period of time shall not exceed two years.

Section 13 Realization of the Regional Plans

The authorities responsible for regional planning at state and subregional levels shall work towards the implementation of the regional plans. They shall further cooperation between the public authorities and persons or entities under private law responsible for the realization of regional planning. This can, above all, be realized through development concepts for individual regions which recommend and coordinate regionally significant plans and measures (subregional development concepts). Cooperation between local authorities must be supported in order to promote developments in individual regions (town networks). Contractual agreements can be concluded for the preparation and realization of the regional plans.

Section 14 Coordination of Regionally Significant Plans and Measures

Provisions shall be made to obligate public authorities and persons or entities under private law in accordance with section 4, subsection 3 to harmonize and coordinate their regionally significant plans and measures. Rules shall be laid down with regard to the contents and scope of their obligation to notify and inform one another of intended plans and measures with significant regional effects as well as with regard to the participation of the authorities responsible for regional planning in such harmonization.

Section 15 Regional Impact Assessment Procedures

(1) Regionally significant plans and measures shall be harmonized with each other as well as coordinated with the requirements of regional policy under a special procedure (regional impact assessment procedure). The regional impact assessment procedure assesses

1. whether regionally significant plans or measures are in accordance with the requirements of regional policy,

2. in which way regionally significant plans and measures can be harmonized with each other or carried out under the provisions of regional policy (regional impact assessment).

The regional impact assessment procedure shall assess the regionally significant impact of the plan or measure on the issues mentioned in the principles of section 2, subsection 2 taking supralocal criteria into consideration. The assessment in accordance with sentence 2 shall include evaluation of the locational or route alternatives introduced by the body that is responsible for the plan or measure.

(2) A regional impact assessment procedure can be waived if the regional impact of the plan or measure has already been sufficiently assessed on other grounds within the regional planning procedure; this shall apply, in particular, if the plan or measure

1. corresponds to or conflicts with the objectives of regional planning
or

2. corresponds to or conflicts with the statements or determinations of a land-use plan (Flächennutzungsplan) or a binding construction plan (Bebauungsplan) in accordance with the provisions of the Federal Building Code and adapted to the objectives of regional planning, and if the permissibility of that plan or measure is not governed by a plan approval procedure or other procedure with the legal effects of official approval of plans for regionally significant projects
or

3. has been determined in another statutory harmonization procedure with the participation of the authority responsible for regional planning at Land level.

(3) Provisions shall be made regarding the gathering of the necessary information on the plan or measure, while the procedural records shall be confined to that information which is necessary to permit an assessment of the regionally significant effects of the project.

(4) Provisions shall be made for the public authorities to be informed and allowed to participate in the planning. In the case of regionally significant plans and measures of the federal public authorities, of other public authorities that act under the direction of the Federal Government as well as of persons or entities under private law in accordance with section 5, subsection 1, provisions shall be made for the decision regarding initiation of a regional impact assessment procedure to be made in consultation with the competent authority or person.

(5) In the case of military defense plans and measures with regional effects the competent Federal ministry or the agencies it appoints shall decide about the type and scope of the information required for the plan or measure; in the case of civil defense plans and measures with regional effects, the competent authority shall make that decision.

(6) Provisions can be made for the participation of the public in carrying out a regional impact assessment procedure. In the case of regionally significant plans and measures in accordance with section 5, the authorities mentioned therein shall decide whether and to what extent the public will participate.

(7) A decision about the necessity for a regional impact assessment procedure shall be made within a period of time not exceeding 4 weeks after submission of the required documents. The regional impact assessment procedure shall be concluded within a period of time not exceeding 6 months after receipt of the complete documents.

(8) The obligation to carry out a regional impact assessment procedure shall not apply to the Laender Berlin, Bremen and Hamburg. If those Laender, individually or jointly with other Laender, create a statutory basis for regional impact assessment procedures, subsections 1 to 7 shall apply.

Section 16 Transfrontier Coordination of Regionally Significant Plans and Measures

Regionally significant plans and measures that may have substantial impact on neighboring countries shall be coordinated with the neighboring countries affected in accordance with the principles of reciprocity and equivalence.

Section 17 Authorization to Issue Ordinances

(1) Provisions shall be made by the Laender for

1. the definitions to be contained in regional plans as mentioned in section 7, subsection 2, and
2. the plan notations required for this

to be used in the same meaning and form as laid down in an ordinance issued by the competent Federal Ministry for Regional Planning, Building and Urban Development with the approval of the Bundesrat.

(2) By way of ordinance and with the approval of the Bundesrat, the Federal Government shall stipulate for which plans and measures a regional impact assessment procedure is to be carried out, in so far as the respective plan/measure is regionally significant and has a supralocal impact.

Subdivision 3 Regional Planning at Federal Level

Section 18 Regional Planning carried out by the Federation

(1) Without prejudice to the tasks and responsibilities of the Laender, the competent Federal Ministry for Regional Planning, Building and Urban Development shall work towards the implementation of the principles of regional planning in accordance with section 2, subsection 2, subject to the provisions of the overall concept and the principle of countervailing influence in accordance with section 1, subsections 2 and 3. On the basis of the regional plans and in cooperation with the supreme Laender authorities responsible for regional planning, it shall primarily develop concepts for the regional development of the national territory and covering matters transcending individual Laender thus providing a basis for the coordination of regionally significant plans and measures between the Federal Government and the European Union, subject to the applicable provisions.

(2) The Federal Government, in cooperation with the Laender, shall participate in regional policy within the European Union and in the wider European territory.

(3) The Federal Government and the Laender shall work closely together in transfrontier cooperation with neighboring countries in the field of regional policy.

(4) The Federal Government shall endeavor to ensure that the persons or entities under private law in which it participates comply with the overall concept set out in section 1, subsection 2, and the principles set out in section 2, subsection 2, and that they observe the objectives of regional planning in the execution of their tasks in connection with regionally significant plans and measures,

(5) The Federal Office for Building and Regional Planning maintains an information system on regional development within the federal territory. It continuously assesses, interprets and evaluates the general state of regional development and any changes in it as well as the consequences of such changes. The competent Federal Ministry for Regional Planning, Building and Urban Development makes the results of the information system available to the Laender.

Section 19 Exchange of Information and Joint Consultation

(1) The Federal public authorities and the persons or entities under private law in accordance with section 5, subsection 1 are obliged to provide the Federal Ministry responsible for Regional Planning with the required information on regionally significant plans and measures. The Federal Ministry responsible for Regional Planning shall inform the supreme Laender authorities responsible for regional planning as well as the persons or entities under private law in accordance with section 5, subsection 1 about those regionally significant plans and measures of the federal public authorities that are of substantial importance.

(2) The supreme Laender authorities responsible for regional planning shall inform the Federal Ministry responsible for Regional Planning about:

1. the regional plans that are to be or have been prepared in their respective Laender, and
2. other significant measures and decisions with regard to regional planning that are to be/have already been taken.

(3) The Federal Government and the Laender are obligated to provide each other with all the information that is necessary to perform the tasks of regional planning.

(4) Fundamental regional planning issues as well as controversial issues shall be dealt with in joint consultation between the Federal Ministry responsible for Regional Planning and the supreme Laender authorities responsible for regional planning. These include, in particular:

1. regional development concepts in accordance with section 18, subsection 1,
2. issues regarding regional policy within the European Union and the wider European territory in accordance with section 18, subsection 2,
3. fundamental issues of transfrontier cooperation on regional policy issues in accordance with section 18, subsection 3,
4. controversial issues regarding coordination of regionally significant plans and measures in accordance with section 14,
5. controversial issues regarding the impact of the realization of regional policy requirements in neighboring Laender and within the Federal territory as a whole.

Section 20 Advisory Council on Regional Planning

(1) An advisory council shall be set up at the Federal Ministry responsible for Regional Planning. Its task shall be to advise the Federal Ministry on fundamental regional policy issues.

(2) By appointment of the Federal Ministry for Regional Planning, Building and Urban Development, in consultation with the competent local authority associations, the Council shall be made up of experts from the fields of science, regional planning at Laender level, urban development, trade and industry, agriculture and forestry, protection of nature and landscape conservation, from employers' and employees' associations as well as from sports federations, along with local authority representatives.

Section 21 Regional Planning Reports

At regular intervals the Federal Office for Building and Regional Planning shall submit reports to the Federal Ministry responsible for Regional Planning to be presented to the German Bundestag and state

1. the facts on which to base regional development within the federal territory (regional survey, development trends),
2. the regionally significant plans and measures that have been or are to be realized within the scope of the regional development objectives,
3. how the regionally significant plans and measures of the Federal Government and the European Union are distributed throughout the federal territory,
4. the impact of the policy of the European Union on the regional development of the federal territory.

Subdivision 4 Transitional and Concluding Provisions

Section 22 Adaptation of Land Law

The obligation of the Laender in accordance with Article 75, paragraph 3 of the Basic Law shall be fulfilled within four years of entry into force of this Act.

Section 23 Transitional Provisions

(1) If steps were taken to initiate, prepare, amend, supplement or rescind a regionally significant plan or measure before 1 January 1998, the provisions of the Federal Regional Planning Act prior to amendment shall be applicable.

(2) Pending creation of a statutory basis, deviations from the objectives of regional planning in accordance with section 11 may, in individual cases, be permitted by the Land authority responsible for regional planning in agreement with the specialized authorities responsible and in consultation with the local authorities affected.

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