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No decommissioning procedure for Stuttgart 21: EBA wins with Luther at the Federal Administrative Court

No decommissioning procedure is required for "Stuttgart 21". The Federal Railway Authority's (EBA) view of the law was confirmed by the Federal Administrative Court (BVerwG). Stuttgarter Netz AG had requested that the Federal Railway Authority as the competent licensing authority put a ban on the dismantling of the tracks, arguing that these should instead be offered to third parties for further use. Luther Rechtsanwalts-gesellschaft successfully represented EBA before the Federal Administrative Court.

After the completion of "Stuttgart 21", the old above-ground terminus station will no longer be needed. DB Netz AG then plans to dismantle the railway facilities in order to make room for a city quarter. Stuttgarter Netz AG had demanded a decommissioning procedure for the terminus station, in which the facilities should have been offered to interested parties for further use. The legislative intent behind the decommissioning procedure is to maintain the scope of the railway infrastructure as far as possible, even if such infrastructure has become unprofitable for the operator.

After the first-instance proceedings before the Stuttgart Administrative Court, the Federal Administrative Court dismissed the plaintiff's leap-frog appeal: DB Netz AG may dismantle the terminus station without a decommissioning procedure. "The Federal Administrative Court shares the opinion of EBA: Stuttgart's main railway station will not be closed down, but converted into a through station," explained Dr Stefan Kobes, partner at Luther Rechtsanwalts-gesellschaft. "This is

because this conversion does not involve the closure of a railway line, of an important railway station or of individual service facilities."

For the Federal Railway Authority (EBA)

Luther, Environment and planning law, regulatory, Berlin

Dr. Stefan Kobes (Partner, lead), Tina Ines Schmidt

Brief Profile Luther

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