

# Statement on the German Hydrogen Acceleration Act: Further improving the important course for the hydrogen ramp-up

The German National Hydrogen Council (NWR) welcomes the draft Hydrogen Acceleration Act (Wasserstoffbeschleunigungsgesetz, WassBG) as an important step towards promoting the hydrogen ramp-up in Germany. It sees this as an urgently needed measure to accelerate the development of the hydrogen infrastructure along the entire value chain and to create the necessary foundations for this within the legal framework. The draft act sends out an important signal and, in the view of the majority of the NWR, contains the right steps to accelerate the authorisation of hydrogen infrastructures.<sup>1</sup> In many areas, however, the draft act falls short of expectations and further adjustments are needed to realise the potential for acceleration.

Accelerating the planning, approval and construction of energy infrastructure in general and hydrogen infrastructure in particular requires many different areas of legislation (such as the German Energy Industry Act (Energiewirtschaftsgesetz), the German Federal Immission Control Act (Bundesimmissionsschutzgesetz), the German Spatial Planning Act (Raumordnungsgesetz) and so on) to be adjusted and interlocked in a meaningful way. The NWR refers in this regard to the numerous comments obtained from industry associations and civil society organisations as part of the public consultation conducted by the Federal Ministry for Economic Affairs and Climate Action which ended on 30 April 2024.

In its commentary on the Hydrogen Acceleration Act, the NWR draws attention to overarching issues within the scope of the act and has formulated key proposals for amendments.

## EXTEND THE SCOPE OF THE HYDROGEN ACCELERATION ACT TO THE ENTIRE VALUE CHAIN

The scope of the Hydrogen Acceleration Act set out in Section 2(1) of the draft act covers a large number of systems that are key to the ramp-up of the hydrogen economy. However, the scope does not contain any other key systems.

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<sup>1</sup> See also the dissenting opinion by Christiane Averbeck of Climate Alliance Germany (Klima-Allianz Deutschland) and Verena Graichen of Friends of the Earth Germany (Bund für Umwelt- und Naturschutz Deutschland – BUND) at the end of the document

## **1. HYDROGEN PIPELINES**

The pipeline infrastructure that is central to the ramp-up of the hydrogen economy must be explicitly included in the scope of the Hydrogen Acceleration Act. The new hydrogen pipelines to be constructed, the modification of existing gas supply pipelines to enable the transport and distribution of hydrogen, and the expansion measures in the natural gas network required to convert gas supply pipelines to transport hydrogen should be included in the scope of the Hydrogen Acceleration Act.

## **2. OTHER SYSTEMS REQUIRED FOR OPERATION**

Furthermore, the systems needed to ensure that the various plants operate correctly and are interconnected (such as connection lines, measuring and control systems) must also fall within the scope of the Hydrogen Acceleration Act. This also includes constructing power lines, transformers and transformer stations, as well as the necessary long-distance water pipes. Simply speeding up the process to authorise the system itself is not enough. This also applies to the systems for handling and transporting the hydrogen derivatives.

## **3. HYDROGEN POWER PLANTS**

Hydrogen power plants and hydrogen-ready gas-fired power plants are also not included in the scope. They are an essential component of the hydrogen ramp-up in Germany and also enable the coal phase-out to be accelerated, thus allowing climate targets to be achieved sooner. To do this, the systems envisaged in the German government's power plant strategy must not only be put out to tender quickly, but must also be realised at an appropriately accelerated pace.

## **4. INCLUDE IMPORTS OF ALL DERIVATIVES**

The scope only includes systems for importing of LOHC, ammonia and hydrogen. It still lacks other import options such as methanol and SNG. The NWR recommends that these be added.

## **5. ALIGN THE DEADLINES FOR THE OVERRIDING INTEREST OF ALL PROJECTS WITHIN THE SCOPE OF THE HYDROGEN ACCELERATION ACT**

Overriding public interest applies until 2045 for electrolyzers and storage facilities, while for other projects mentioned, such as import terminals or crackers, the time limit applies until 2035. The NWR also recommends that the overriding public interest be defined for these projects – including the ones added above – as until 2045.

The Hydrogen Acceleration Act marks an important milestone on the way to accelerating the development of the hydrogen economy in Germany. It is a vital step towards driving the development of the hydrogen infrastructure forward along the entire value chain and creating the necessary legal framework. In order to make this desired acceleration a reality, the NWR is asking the federal and state governments to work together to ensure that all processes are standardised and digitalised to the fullest extent wherever possible, and that the staffing and qualifications of the administrative areas concerned guarantee that tasks are handled in the best possible manner. Overall, the NWR welcomes the draft act, but still sees room for improvement. From the NWR's point of view, it is particularly important to extend the scope of the Hydrogen Acceleration Act to the entire value chain of hydrogen and its derivatives. There are also numerous other proposals that could make a substantial contribution to accelerating the hydrogen ramp-up beyond the regulations contained in the draft legislation.



## THE GERMAN NATIONAL HYDROGEN COUNCIL

On 10 June 2020, the German Federal Government adopted the National Hydrogen Strategy and appointed the German National Hydrogen Council. The Council consists of 26 high-ranking experts in the fields of economy, science and civil society. These experts are not part of public administration. The members of the National Hydrogen Council are experts in the fields of production, research and innovation, industrial decarbonisation, transportation and buildings/heating, infrastructure, international partnerships as well as climate and sustainability. The National Hydrogen Council is chaired by former Parliamentary State Secretary Katherina Reiche.

The task of the National Hydrogen Council is to advise and support the State Secretary's Committee for Hydrogen with proposals and recommendations for action in the implementation and further development of Germany's National Hydrogen Strategy.

◆ **Contact:** [info@leitstelle-nws.de](mailto:info@leitstelle-nws.de), [www.wasserstoffrat.de/en](http://www.wasserstoffrat.de/en)

## APPENDIX

### **DISSENTING OPINION OF DR CHRISTIANE AVERBECK OF CLIMATE ALLIANCE GERMANY (KLIMA-ALLIANZ DEUTSCHLAND) AND VERENA GRAICHEN OF FRIENDS OF THE EARTH GERMANY (BUND FÜR UMWELT UND NATURSCHUTZ DEUTSCHLAND – BUND)**

It is vital that the green hydrogen infrastructure develops rapidly, but the draft Hydrogen Acceleration Act will neither improve this nor achieve it. The draft massively restricts public participation and effective legal protection, jeopardising the acceptance and legal certainty of the systems, which could lead to a delay instead of the desired acceleration in the medium term. In addition, an overriding public interest has been defined for all H<sub>2</sub> infrastructures. However, no distinction is made between fossil (blue and grey) and green hydrogen or between the various derivatives, although ammonia, for example, has a significantly higher hazard potential for humans and the environment than other hydrogen derivatives. A differentiation must be made here. In addition, the actual cause of the slow hydrogen ramp-up – a lack of investment security due to a lack of secure demand – is not being addressed. The draft therefore does not speed things up, but merely abolishes important legitimisation and co-determination procedures. At the same time, it does not suggest how processes can actually be accelerated – for example, through better staffing and digitalising approval authorities.