

THE LAW OF NATURAL RESOURCES IN GERMAN AND EUROPEAN LAW
Contribution to the course Natural Resources Law from a Comparative Perspective

Contents

Preliminary remark: At the Faculty of Law of Universitas Gadjah Mada the courses are shared by several lecturers. This table informs about my lectures in May 2025. They complement those of my colleagues *Edi Bosco Rafael* and *Dr. Rikardo Simarmata* from a comparative perspective.

§ 1 Introduction

- I. Why studying the law of natural resources with a comparative approach?
- II. "Natural resources law" or "law of natural resources"?
 - 1) A heterogeneous but usually wide definition of "natural resources"
 - 2) A discrete field of "natural resources law" or a cross-sectional collection of law relating to natural resources?
 - 3) No coherent discrete field of "natural resources law" but a wealth of law relating to natural resources in the German and European legal systems
 - 4) A consequence: no general principles of natural resources law
- III. Backgrounds and tendencies of the German and European law of natural resources
- IV. In particular: the plurality of national, European and international law of natural resources
- V. Sectors of the German law of natural resources (overview)

§ 2 Mining law [Bergrecht]

- I. Introduction to mining law
- II. The German Federal Mining Act [Bundesberggesetz] of 1980
- III. The distinction between freehold and freely mineable mineral resources [grundeigene und bergfreie Bodenschätze]
- IV. Exploration license [Erlaubnis], extraction license [Bewilligung], operation plan [Betriebsplan], environmental impact assessment [Umweltverträglichkeitsprüfung] and royalties
- V. Mining proprietorship [Bergwerkseigentum]
- VI. Mining supervision [Bergaufsicht]
- VII. Liability for mining damages
- VIII. Special: The legal regime for the extraction of coal, oil and gas
- IX. Criticism of current mining law

§ 3 Forestry law [Forstrecht]

- I. Introduction to forestry law
- II. The German Federal Forestry Act (FFA) [Bundeswaldgesetz] of 1975
- III. The legal emphasis on the functions of the forest
- IV. Three types of forest ownership
- V. The conservation and management of the forest
- VI. Promotion of forestry
- VII. Protecting the forests even abroad: the EU Regulation on Deforestation-free Products (EUDR) (Regulation 2023/1115)

§ 4 Water resources law [Wasserhaushaltsrecht]

- I. Introduction to water resources law
- II. The EU Water Framework Directive (WFD) of 2000 (Directive 2000/60/EC)
- III. The German Water Resources Act (WRA) [Wasserhaushaltsgesetz] of 2009
- IV. Drinking water supply

§ 5 Fisheries law [Fischereirecht]

- I. Introduction to fisheries law
- II. The European Union's Common Fisheries Policy (CFP)
- III. The German Marine Fisheries Act [Seefischereigesetz]
- IV. German Land law on coastal fishing
- V. German Land law on inland fishing

More information on this course contribution at www.thomas-schmitz-yogyakarta.id. For any questions, suggestions and criticism please contact me via WhatsApp (+62 812 9824 3441) or e-mail (tschmit1@thomas-schmitz-eu.de) or in my office (Building A, room A.VI.11).

(Date: Contents (NatResLaw))