

Baden-Württemberg Climate Protection Act (KSG BW)

Of July 23rd, 2013

Section 1

Purpose of the law

(1) The purpose of the law is to make an appropriate contribution to climate protection within the framework of international, European and national climate protection targets by reducing greenhouse gas emissions to help achieve net greenhouse gas neutrality, while also contributing to a sustainable energy supply.

(2) This law will formulate greenhouse gas emission reduction targets for Baden-Württemberg with the goal of net greenhouse gas neutrality, provide further detail on matters related to climate protection, and outline necessary instruments for implementation.

Section 2

Scope of application

If German federal law climate protection regulations apply without exclusion, then the specifications of this law shall not apply. If climate protection considerations must be taken into account expressly or in decisions made by public authorities, then the regulations of this law shall apply in consideration of the legislative weighting system.

Section 3

Definitions

(1) Greenhouse gas emissions in the sense of the law are emissions of carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrochlorofluorocarbons (H-FKW/HFC), perfluorocarbons (FKW/PFC) and sulphur hexafluoride (SF₆) produced in Baden-Württemberg.

(2) Public authorities in the sense of this law are:

1. the state, the municipalities and municipal associations, as well as all corporations, partnerships or public estates established under a national law, with the exception of religious communities and
2. all corporations, partnerships or estates established under private law if a person in accordance with number 1, or multiple persons in accordance with number 1

- a) hold the majority of subscribed capital in them either directly or indirectly,
- b) hold the majority of the voting rights associated with the shares, or
- c) can appoint over half of the members to the administrative, management or supervisory bodies.

Public companies are excepted, if they perform their services in free competition with private companies.

(3) Residential buildings in the sense of this law are buildings, including associated garages and ancillary areas, that are designed to function at least half for residential purposes, including residence, senior and care homes and similar facilities designed to be used for permanent residence.

(4) Non-residential buildings in the sense of this law are buildings that do not fall under paragraph 3.

(4a) Exterior surfaces of a building in the sense of the law include all parts of the building envelope located on the outside of the building, with the exception of the roof surface.

(4b) The definition of the directly adjacent surroundings of the building or a parking space in the sense of the law is fulfilled if a photovoltaic or solar thermal system is installed on the same or on a directly adjacent property, or on the same business premises.

(5) Systematic energy management in the sense of this law is the systematic and continuous collection, recording and optimization of all relevant energy consumers. The following elements are considered minimum requirements for systematic energy management:

1. formulating energy saving targets and targets for reducing greenhouse gas emissions,
2. coordinating all energy-related tasks across offices or departments,
3. naming a person responsible for energy management,
4. continuous energy reporting, including creating an energy report at least once annually,
5. monthly energy consumption controlling and
6. recording at least 80 percent of final energy consumption in the categories for

energy consumers according to Sec. 7b paragraph 2 numbers 1 to 7.

(6) Heat in the sense of this law includes heat and cooling for indoor heating or air conditioning, hot water and process heating and cooling.

(7) A supply structure in the sense of this law is the infrastructure necessary to generate, distribute and store heat or other energy sources used to generate heat.

(8) Municipal heat planning in the sense of this law is a strategic planning process, with the goal of climate-neutral municipal heat supply by the year 2040. Creating a municipal heat plan in accordance with Sec. 7c paragraph 2 is a component of this process.

(9) Energy companies in the sense of this law are natural or legal entities that generate heat, cooling, power or gas for use in buildings for other purposes than for their own use, or deliver such heat, cooling, power or gas to end customers, as well as heat, cooling, power or gas grid operators and fuel suppliers.

(10) Net greenhouse gas neutrality in the sense of this law is the balance between human-caused greenhouse gas emissions from sources, and the reduction in greenhouse gases by lowering.

Section 4

Climate protection targets

In consideration of international, European and national climate protection targets and measures, the total quantity of greenhouse gas emissions in Baden-Württemberg in comparison to the total emissions in the year 1990 will be reduced step by step in order to achieve net greenhouse gas neutrality by the year 2040. By the year 2030, the level of emissions will be reduced by a target value of greater than 65 percent in accordance with Sec. 3 paragraph 1 number 1 of the Federal Climate Change Act.

The reductions from the European system for trade in greenhouse gas emissions certificates are included accordingly.

Section 4a

Adapting to the effects of climate change

The unavoidable impacts of climate change must be limited through preventative and adaptive measures, as part of a state-wide adaptation strategy. For this purpose, the state government will enact an adaptation strategy in 2022 after hearing from asso-

ciations and organizations, and then enact a strategy every five years based on the monitoring report in accordance with Sec. 9 paragraph 2 clause 1 number 3.

Section 4b

State territory target; regional planning principle

To create the spatial conditions necessary to expand renewable energies, territories of a size amounting to at least 2 percent of the area of each region should be defined in the regional plans for the use of wind energy and photovoltaic systems in open areas, in order to achieve the climate targets for the year 2040 on time in accordance with Sec. 4 clause 1. Urban land-use planning should designate specific areas of land, in order to contribute to the regional planning principle pursuant to clause 1. The specific legislation applicable to the respective areas remains unaffected.

Section 5

Climate protection principle

Saving energy, providing energy efficiently, converting, using and storing energy, and expanding the use of renewable energy are particularly important for achieving the climate protection targets outlined in Sec. 4. This is true even if these individual areas make only a small contribution to reducing greenhouse gas emissions.

Section 6

Integrated energy and climate protection concept

(1) The state government will conclude an integrated energy and climate protection concept in 2020, and every five years thereafter, based on the monitoring reports in accordance with Sec. 9 paragraph 2 clause 1 numbers 1 and 2 after hearing from associations and organizations. This concept will include key goals, strategies and measures for achieving the climate protection targets outlined in Sec. 4. The integrated energy and climate protection concept must be submitted to the Landtag before it is resolved in accordance with clause 1 in order to provide an opportunity for comment.

(2) The integrated energy and climate protection concept includes, in particular, the following elements:

1. Reduction targets for greenhouse gas emissions from different emitter groups (sector targets),
2. Targets for action areas to achieve sector goals, in particular targets for saving

energy, improving energy efficiency and expanding renewable energies, in consideration of ensuring a safe and economical energy supply,

3. Strategies and measures to achieve the climate protection targets.

When creating the integrated energy and climate protection concept, the impacts and interactions of climate protection measures by the German state and the European Union must be taken into consideration.

(3) The integrated energy and climate protection concept serves as a basis for decision-making by the state government in order to achieve climate protection targets.

Section 7

Role model function and government grants

(1) In general, public sector entities must act as role models in their organizational area, in particular by saving energy, providing energy efficiently, when converting, using and storing energy and using renewable energies. This is true if the organization of how the work is completed is not fully regulated under German federal law.

(2) The state has set the goal of organizing its state administration activities according to clause 2 to achieve net greenhouse gas-neutrality by the year 2030. In order to achieve this goal, the state government is enacting a concept that includes universities and official agencies, as well as other state institutions that are not separate legal entities, if they are subject to the direct organizational authority of the state. This does not apply to state institutions if they provide services to private parties in free competition. In legitimate exceptional cases, the state government may except further organizational units from the scope of the concept under clause 2. The primary way to achieve net greenhouse gas neutrality is by saving energy, efficiently providing, converting, using and storing energy, and using renewable energies. In addition, this goal can be achieved through compensation using legally recognized emission reduction measures or emission reduction measures with essentially comparable standards.

(3) The state government submits an overall report on the status of implementation for the concept to the Landtag in accordance with paragraph 2 every three years, based on key indicators. The overall report includes, in particular, information on the development of CO₂ emissions using the state's own buildings, the type and quantity of power and heat consumption in state administration and fuel consumed by business trips.

(4) Communities and community associations are expected to fulfill the role model

function in accordance with paragraph 1. The state will support them in doing so. Further details will be resolved in an agreement between the state and national municipal associations. The state will support municipalities and municipal associations, in particular with the target of achieving essentially climate-neutral municipal administration by the year 2040.

(5) State grant programs for municipal building construction should focus on basic sustainability principles. Sec. 3 paragraph 2 clause 2 shall apply accordingly. Further details will be regulated in the funding guidelines.

Sec. 7a

Principles of sustainable construction in grant programs

[ed. rem.: According to article 3 clause 2 of the Law to Promote Climate Protection in Baden-Württemberg of October 15th, 2020 (GBl. p. 937, 943), announced on October 23rd, 2020, Sec. 7 a shall go into effect fifteen months after the date on which this law was announced.]

Section 7b

Energy consumption recording by municipalities and municipal associations

(1) The goal of recording energy consumption is to achieve transparency regarding energy costs, and thereby reduce energy consumption. Municipalities and municipal associations are obligated to provide information for the individual energy consumers in accordance with paragraph 2 for which the municipalities and municipal associations incur energy costs. They must record such information in an electronic database provided by the state annually by June 30th of the following year, and provide it to the state.

The information will be recorded for the first time in 2021 for the year 2020. The state will reimburse municipalities and municipal associations a total of 1,331,806 euros for the work and expense required to record energy consumption for the first time in accordance with clause 3.

(2) The information in accordance with paragraph 1 clause 2 must be recorded for each of the following categories of energy consumers:

1. for non-residential buildings, the heated net floor area and final energy consumption, as well as energy sources, separated by heat and power,
2. for residential, senior and care homes or similar facilities designed for permanent

residence, the heated net areas as well as the final energy consumption and energy sources, separated by heat and power,

3. for sports facilities, the size of the sports facility and final energy consumption of power,
4. for indoor and outdoor pools, the heated net area, the areas of the pools and the final energy consumption, as well as energy sources separated by heat and power,
5. for street lighting, the length of the illuminated street sections and the energy consumption for electricity,
6. for water supply and water treatment equipment, the quantity of water provided in cubic meters, the number of residents supplied and the final energy consumption for power and
7. for treatment systems the size class and population equivalent for the treatment plant, the number of residents supplied and the final energy consumption for power.

(3) If the municipalities and municipal associations are charged only a percentage of the energy costs,

then the total values for the respective energy consumer must be entered in the database in accordance with paragraph 1 clause 2. This does not include energy consumers with annual total energy costs below 500 euros. Overall, at least 80 percent of total energy consumption per category of energy consumers in accordance with paragraph 2 must be recorded.

(4) Municipalities and municipal associations that already carry out systematic energy management in the year to be recorded must record the following verifications in the database in accordance with paragraph 1, in deviation from paragraph 1, annually by June 30th of the following year:

1. the energy report in accordance with Sec. 3 paragraph 5 clause 2 number 4 for the year to be recorded and
2. the total energy consumption separately for all categories of energy consumers in paragraph 2, each divided into energy sources, as well as all information required in addition to the energy consumers.

Section 7c

Municipal heat planning

(1) Municipal heat planning is an important process for municipalities to achieve climate protection targets in the area of heating. Through municipal heat planning, communities are developing a strategy to achieve a climate-neutral heat supply and thereby contributing to reaching the goal of a climate-neutral building stock by the year 2040.

(2) Municipal heat plans define the following for the overall territory of each municipality, divided by area

1. Systematic and qualified recording of current heating requirements or consumption and the resulting greenhouse gas emissions, including information on available building types and building age classes, as well as the current supply structure (existing building analysis),

2. Potential areas within the municipalities for reducing heating requirements by improving building efficiency and obtaining a climate-neutral heat supply from renewable energy, waste heat and cogeneration (potential analysis) and

3. a climate-neutral scenario for the year 2040, with interim targets for the year 2030, for the future development of heating needs, and a full description of the supply structure planned to cover requirements in a manner that is climate-neutral.

Building on these defined elements, the municipal heat plan will outline potential strategies and measures for improving energy efficiency, and thereby reducing heating energy requirements and covering such requirements in a climate-neutral manner. At least five measures must be included that can begin to be implemented within the five years following publication. A municipal heat plan is the basis for linking building energy renovations with a climate-neutral heat supply within the framework of strategic heat supply planning for a municipality. The heat plan serves as the basis for implementing this strategy.

Section 7d

Creating a municipal heat plan

(1) The districts and large district cities are obligated to create a municipal heat plan in the sense of Sec. 7c paragraph 2 by December 31st, 2023. This must be updated in consideration of further developments at least even seven years after creation. The other municipalities can also create municipal heat plans in the sense of Sec. 7c paragraph 2 as well.

(2) The districts and large district cities must submit their municipal heat plans to the

responsible regional council within three months after completion, at the latest by December 31st, 2023. Updates in accordance with paragraph 1 clause 2 must be submitted within three months after completion. If municipal heat plans were already created before October 24th, 2020 and fulfill the requirements of Sec. 7c paragraph 2, then these must be submitted by the latest one year after this date. In addition, the districts and large district cities must record the following information for the entire municipal district in a database provided by the state within three months after completion:

1. the current annual energy requirements for supplying heating, divided by energy source and sector,
2. the total annual energy requirements estimate for heat supply for the years 2030 and 2040, divided by energy sources and sectors, and
3. the usable final energy potential for climate-neutral heating supply from renewable energy, waste heat and cogeneration.

(3) Districts and large district cities must publish their municipal heat plans online. Municipal heat plans may not include personal data in the sense of Article 4 number 1 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (ABl. L 119 of 5/4/2016, p. 1, last ed. ABl. L 127 of 5/23/2018, p. 2), unless the data subjects have consented to the publication in accordance with Article 7 of Regulation (EU) 2016/679. Company and trade secrets must be protected, if their publication has not been approved.

(4) The districts and large district cities shall receive an annual flat-rate allocation of 12,000 euros plus 19 cents per resident to finance the costs incurred for the first four years after 2020. After 2024, they will receive an allocation of 3,000 euros annually, plus 6 cents per resident. The population counts from the Federal Statistical Office updated on June 30th of the previous year shall be used to determine the number of residents.

(5) The responsible regional council will review compliance with the specifications of paragraph 1 and 2 by the obligated municipalities and can request corrections in case of violations.

Section 7e

Data transmission to create municipal heat plans

(1) If municipalities are required to create municipal heat plans, they are entitled to collect available data from the natural persons and legal entities indicated in paragraphs 2 and 3; this also applies to personal data. Data containing company and trade secrets must be marked as confidential during transmission.

(2) Energy companies are obligated to provide information to the municipalities upon request, in particular on specific meters or buildings, regarding the type, scope and location of energy or fuel consumption by buildings or groups of buildings, as well as power consumption for heating purposes, in particular for heat pumps and direct heating, and information on the type, age, useful life, position, and line length for heating and gas grids, including the temperature level, heating output and annual heating quantity. Public authorities in accordance with Sec. 2 paragraph 1 clause 1 of the State Data Protection Act and authorized district chimney sweeps are obligated upon request to provide the municipalities, in particular, information on specific buildings regarding the type, fuel, rated heat output and age of heating systems, as well as information on their operation, location, and inclusion in the exhaust systems, and information necessary to establish emission inventories in the sense of Sec. 46 of the Federal Emissions Protection Act, in accordance with public law in the area of emission protection. This obligation only applies to data entered in the electronic chimney sweep log in accordance with Sec. 19 of the Chimney Sweep Professional Act which is significant for heat planning.

(3) Commercial and industrial companies and public authorities are obligated to provide the municipalities information upon request regarding their energy consumption, heating energy requirements or consumption, ways in which they cover their heating energy needs, and the percentage of renewable energy and cogeneration they use, as well as any waste heat produced.

(4) If necessary to create municipal heat plans, municipalities are entitled to process available data within municipal administration, in particular including a building's address, usage, residential area or gross floor area, number of floors, heating energy sources and building age; this also applies if this data is considered personal data and if it was collected for other purposes. The state government is entitled to stipulate in legal regulations which additional information may be collected and processed by municipal administrations in order to create municipal heat plans.

(5) The personal data collected by the municipalities to create municipal heat plans and data including company and trade secrets may not be processed for other purposes besides those for which it was collected. Once this is possible without endan-

gering the purpose for which it was collected, personal data and data including company and trade secrets must be deleted. The personal data may be disclosed to a contract processor in accordance with Article 28 of Regulation (EU) 2016/679.

(6) There is no obligation by the energy companies required to transmit the data or by public authorities to inform the data subjects in accordance with Article 13 paragraph 3 of Regulation (EU) 2016/679. In order to protect the legitimate interests of data subjects, the municipalities must disclose the information in accordance with Article 13 paragraph 3 and Article 14 paragraph 1 and 2 of Regulation (EU) 2016/679 in a manner commonly used within the municipality.

Section 7f

Climate mobility plans

(1) Within the framework of their responsibilities, the municipalities and municipal associations can create climate mobility plans including measures for permanently reducing greenhouse gas emissions in consideration of the mobility requirements of the population and the economy. Climate mobility plans can be created by multiple organizational units, or to apply to multiple organizational units. If the climate mobility plans contain measures that other municipal organizational units would be responsible for implementing, then the climate mobility plans must be created in consultation with them.

(2) The regional councils must be involved in creating the climate mobility plans as early as possible. They will support the municipalities and municipal associations in creating the climate mobility plans within the framework of their responsibilities and their financial, staffing and organizational abilities.

(3) Climate mobility plans must be adapted to regional planning targets; the basic principles and other requirements of regional planning must be taken into consideration. Economic actors and the general public must be involved in creating the climate mobility plans as early as possible. Climate mobility plans must be made available to the public for at least one month. Members of the public must be given the opportunity to comment on the drafts. The place and manner in which they will be published must be announced at least one week before publication.

(4) Municipal organizational units will implement the measures in the climate mobility plans within their framework of responsibility.

(5) If the specific climate mobility plan fulfills the specific requirements of a climate mobility plan in accordance with Sec. 4 paragraph 1 clauses 2 and 3 of the State Mu-

municipal Traffic Financing Act, then it may be permissible to grant increased funds for the projects in the plan.

Section 7g

Climate protection agreements with companies

The Environmental Ministry is working to conclude voluntary climate protection agreements with companies. The goal of these climate protection agreements is to reduce greenhouse gas emissions and energy consumption by the companies. The climate protection agreements should contain concrete measures for achieving the goal. The climate protection agreements should agree that the regular reports must be submitted to the Environmental Ministry regarding reductions in greenhouse gas emissions and energy consumption. Companies which show a high potential to reduce their greenhouse gas emissions or that act as multipliers for other companies have priority.

Section 8

General obligation to protect the climate

(1) Everyone should work to help achieve climate protection targets to the best of their ability, for instance by saving energy, providing, converting, using and storing energy efficiently, and using renewable energy sources.

(2) Suitable measures must be taken to promote a general commitment to climate protection targets. State, municipal and private education, training and information agencies should provide information on the causes and importance of climate change as they are able to do so, and must explain the measures required to protect the climate and promote awareness for energy conservation.

Sec. 8a

Obligation to install photovoltaic systems on roof surfaces

(1) When constructing new buildings, owners are required to install a photovoltaic system for power generation on any roof surface suitable for use to generate solar energy. The obligation under clause 1 applies

1. to construction of new, non-residential buildings after January 1st, 2022

or

2. to construction of new, residential buildings, if the building permit application

is received by the responsible lower legal board of construction or if the complete required documentation is received by the municipality in a disclosure process after May 1st, 2022.

(2) The obligation under paragraph 1 clause 1 also applies to substantial roof replacements on a building, if construction work begins after January 1st, 2023.

(3) Owners must verify that they have fulfilled their obligations under paragraph 1 clause 1 and paragraph 2 to the responsible lower legal board of construction via a confirmation from the Federal Network Agency that they have registered in the market master data register according to Sec. 8 paragraph 4 of the Market Master Data Registration Directive of April 10th, 2017 (BGBl. I p. 842), last amended by Article 9a of the law of July 16th, 2021 (BGBl. I p. 3026), at the latest twelve months after the construction project is completed. The verification pursuant to clause 1 must be submitted in text form according to Sec. 126b of the German Civil Code.

(4) In order to fulfill the obligations under paragraph 1 clause 1 and paragraph 2, a photovoltaic system used for generating electricity may instead be installed on external surfaces of the building or in its direct vicinity, and the area used for this purpose may be offset against the obligation.

(5) In order to fulfill the obligations under paragraph 1 clause 1 and paragraph 2, alternatively a solar thermal system used for generating electricity may instead be installed on the surface of the roof if it is suitable for solar use, on external surfaces of the building or in its direct vicinity, and the area used for this purpose may be offset against the obligation.

(6) A suitable area can also be leased to a third-party to fulfill the obligations under paragraph 1 clause 1, paragraph 2, paragraph 4 and paragraph 5.

(7) If there is an obligation under public law to have a green roof, then this must be combined with the obligations under paragraph 1 clause 1, paragraph 2, or paragraph 5 to the best of the building owner's ability.

(8) The obligations under paragraph 1 clause 1 and paragraph 2 do not apply if their fulfillment would contradict other obligations under public law.

(9) The agency authorized under Sec. 8c can free building owners from their obligations under paragraph 1 clause 1 and paragraph 2 upon request, if they would be associated with an unreasonably high expense.

Section 8b

Obligation to install photovoltaic systems on parking structure surfaces

If a new public parking structure is constructed with more than 35 parking spaces for motor vehicles which would be suitable for solar use, then a photovoltaic system must be installed over the parking lot area suitable for solar use for power generation, if the building permit application is received after January 1st, 2022 by the responsible lower legal board of construction or for which the complete required documentation is received by the municipality in a disclosure process. The lower legal boards of construction may, in particular, grant exceptions for reasons related to urban development. Parking lots located directly along public streets are excepted from the obligation under clause 1. The provisions of Sec. 8a paragraphs 3, 6, 8 and 9 apply accordingly. In order to fulfill the obligation under clause 1, a photovoltaic system used for generating electricity may instead be installed on the roof surface or on another external surface of a new building constructed at the same time in the direct vicinity of the parking lot, and the area used for this purpose may be offset against the obligation. If the alternative method is used to fulfill the obligation under clause 5, then only areas that are not required to fulfill the obligation under Sec. 8a paragraph 1 may be used.

Section 8c

Responsible authority for the photovoltaic system obligation, duties

The lower building authorities are also responsible for monitoring compliance with the obligations under Sections 8a and 8b. They shall take the measures necessary to do so. If a public parking structure is used for public traffic, then, in deviation from clause 1, the road authorities shall be competent and responsible for monitoring compliance with the obligations of Sec. 8b.

Section 8d

Evaluation of the photovoltaic obligation

The Environmental Ministry shall evaluate implementation of the regulations of Sections 8a and 8b in coordination with the affected departments by December 31st, 2024, in particular to determine to what extent they have promoted the use of photovoltaic.

Section 8e

Authorization to enact legislation on the photovoltaic obligation

The Environmental Ministry is authorized by the legal system to conclude more specific regulations in coordination with the affected departments

1. regarding the obligation to install photovoltaic systems on roof surfaces defined in Sec. 8a:

- a) Minimum requirements for a suitable roof surface, in particular regarding its size, shape, tilt,
- b) Minimum requirements for a substantial roof replacement under Sec. 8a paragraph 2,
- c) Minimum requirements for suitable external surfaces according to Sec. 8a paragraphs 2 and 3,
- d) Alignment and shadowing,
- e) The minimum scope of a suitable roof surface which must be used to fulfill the obligation, whereby this may reference both the suitable roof area as well as the installed power of a photovoltaic system in relation to the developed area of the property.
- f) options for combining a green roof with a photovoltaic system or a solar thermal system and
- g) requirements for determining whether it is economically feasible to carry out the obligation,

2. regarding the obligation defined in Sec. 8b for covering parking spaces with photovoltaic systems:

- a) minimum requirements for the characteristics of a suitable public parking space,
- b) minimum requirements for the photovoltaic system,
- c) the minimum percentage of the suitable parking lot area that must be used to fulfill the obligation, and
- d) requirements for determining whether it is economically feasible to carry out the obligation,

3. the evaluation process in accordance with Sec. 8d and

4. the additional information required for implementation of the provisions defined in Sections 8a to 8d.

Section 9

Monitoring

(1) Achievement of the targets in accordance with Section 4 and Sec. 6 paragraph 2 clause 1 numbers 1 and 2 and implementation of strategies and measures in accordance with Section 4a and Section 6 paragraph 2 clause 1 number 3 is reviewed via monitoring, based on quantitative and qualitative information. The monitoring reports serve as the basis for the integrated energy and climate protection concept in accordance with Sec. 6 and the adaptation strategy in accordance with Section 4a.

(2) Monitoring includes the following reports:

1. A brief annual climate protection report, starting from 2021, in particular on the following points:

a) the development of greenhouse gas emissions in Baden-Württemberg in consideration of reduction impacts resulting from the cap and trade system introduced in the European Union,

b) the development of climate and energy policy as well as economic framework conditions and

c) the status of implementation for significant targets and measures,

2. a climate protection and projection report at least every three years, starting in 2023, in particular covering the following points:

a) the points indicated under number 1 letters a to c,

b) projections of greenhouse gas emissions in Baden-Württemberg and their impacts on achieving climate protection targets in accordance with Section 4, as well as the sector targets in accordance with Section 6 paragraph 2 clause 1 number 1,

c) an analysis of causes for deviation from the target, if there is an impending significant deviation from the target, and the respective decision-making level, as well as suggested measures to return to the target path in the sector in question, and

d) suggestions to further develop climate protection measures, in particular if an integrated energy and climate protection concept will be developed, and

3. a report on adaptation to climate change at least every five years, starting in 2024, in particular covering the following points:

a) significant consequences of climate change for Baden-Württemberg,

- b) implementation and impact of significant adaptation measures and
- c) suggestions for further developing the adaptation strategy.

The brief annual climate protection report in accordance with clause 1 number 1 is not submitted in years in which a climate protection and projection report in accordance with clause 1 number 2 is submitted. Monitoring must consider the impacts and interactions resulting from climate protection measures by the federal state and the European Union, as well as important aspects of a cause-based consideration.

(3) The reports in accordance with paragraph 2 clause 1 numbers 2 and 3 are forwarded with the position statement of the climate protection advisory board following a resolution by the state government to the Landtag (state parliament). In the case of a deviation from the target in accordance with paragraph 2 clause 1 number 2 letter c, the state government will always resolve necessary state measures within four months after the report is resolved in accordance with paragraph 2 clause 1 number 2, and will inform the Landtag of these.

Section 10

Climate protection advisory board

(1) The state government shall appoint a climate protection advisory board to advise the state government and the Landtag on climate protection and climate change across multiple sectors (climate protection advisory board). Their consulting focus includes, in particular

1. collaboration on monitoring,
2. advising the state government on implementing climate protection targets and an adaptation strategy,
3. further development of climate protection and adaptation measures

The climate expert will issue special expert opinions upon request by the state government, or based on a resolution of the Landtag. Regardless of this, the climate protection advisory board is entitled to issue expert opinions and reports to the state government and the Landtag based on its own resolution, within the limits of its order and within the framework of the available budget.

(2) The climate protection advisory board is independent in fulfilling its tasks under this law. It shall consist of six members appointed to serve for five years; the climate protection advisory board shall select a chair and deputy chair from among its ranks

by secret vote. The members shall verify their expertise in the area through multiple years of independent scientific activity, with publications in the field of climate research or related areas. Members may be reappointed to the climate protection advisory board one time.

(3) The climate protection advisory board shall meet on at least three occasions each calendar year. It shall establish rules of procedure to govern its activities, concluded in agreement with the Ministry of the Environment.

(4) The Ministry of the Environment shall issue an administrative regulation in order to regulate the flat-rate allowance, the meeting fee, the travel cost reimbursement, the office, confidentiality, the voluntary and non-voluntary tasks of the membership, including filling vacancies and other organizational details.

Section 11

Duties, responsibilities and duty of consideration

(1) The Environmental Ministry shall establish an administrative department for climate protection in order to coordinate the interdepartmental duties under this law. This department shall be responsible for coordinating preparation of the adaptation strategy in accordance with Section 4a, the integrated energy and climate protection concept in accordance with Section 6 and the concept in accordance with Section 7 paragraph 2, and coordinating the reports in accordance with Section 7 paragraphs 3 and Section 9, in each case in collaboration with the ministries responsible for the individual climate protection and adaptation measures; it shall collaborate with the climate protection advisory board in fulfilling its duties pursuant to Section 10.

(2) The ministries responsible for implementing the respective strategies and measures shall be responsible for creating the monitoring reports in accordance with Section 9. These ministries will submit their reports to the administrative department for climate protection at the Environmental Ministry based on a uniform structure by April 30th of the year of publication. After preparing the reports in accordance with Section 9 paragraph 2 clause 1 numbers 2 and 3, the administrative department for climate protection at the Ministry of the Environment shall give the climate protection advisory board an opportunity to state its own position.

(3) Official agencies, corporations, institutions and foundations under public law must consider the purpose of this law and the targets resolved to fulfill it in their plans and decisions, within the framework of their responsibilities.

(4) The regional council should be involved as representing the public's interest in

climate protection within the framework of Section 4 of the building code in urban planning processes to regulate locations for systems for using renewable energy in accordance with paragraph 5.

(5) The lower administrative offices and lower construction law authorities should also be involved in the regional council when there are permitting processes to construct systems for using renewable energy with significant public importance from the time official agencies are involved if their work areas are impacted, in order to give them an opportunity to include climate protection considerations in the process. This includes, in particular, the following systems:

- 1) Constructing a wind turbine plant with a total height exceeding 50 meters,
- 2) Constructing a hydropower plant with an installed total electrical power of over 50 kilowatts,
- 3) Constructing a biogas plant that requires approval under emission protection law,
- 4) Constructing a building-independent photovoltaic system for using solar power with a total installed electrical power of over 500 kilowatts,
- 5) Constructing a building-independent thermal solar system with a collector surface of at least 1000 m².