

Federal Climate Adaptation Act
(Bundes-Klimaanpassungsgesetz – KAnG)
of 20 December 2023

The Bundestag has adopted the following Act:

Division 1

General provisions

Section 1

Objective of the Act

The objective of this Act is to avoid negative effects of climate change, in particular the impending damage, or, so far as they cannot be avoided, to minimise them for the protection of life and health, of society, the economy and infrastructure and of nature and ecosystems. The resilience of ecological systems and society against ever advancing climatic changes should be strengthened to preserve equivalent living conditions and contributions should be made to the national and international efforts in climate adaptation. An increase in social inequalities resulting from the negative effects of climate change should be prevented.

Section 2

Definitions

For the purposes of this Act:

1. 'climate adaptation' means the adjustment to the current or expected effects of climate change,
2. 'climate risk analysis' means an identification and evaluation of the current and future risks in connection with the effects of climate change; the scope and level of detail of analysis necessary are determined by the legal person competent for the production of the analysis ensuring that they are appropriate to that legal person's situation and needs,
3. 'bodies discharging public functions' means all bodies which exercise public functions regardless of whether they are established under public law or private law.

Division 2

Climate adaptation by the Federation

Section 3

Precautionary climate adaptation strategy

(1) The Federal Government presents a precautionary climate adaptation strategy with measurable targets on 30 September 2025 at the latest. It implements the strategy within the scope of its competence and updates the strategy every four years having regard to current

scientific knowledge. The climate adaptation strategy is developed on the basis, in particular, of the climate risk analysis as required by section 4 (1) sentence 1.

(2) The precautionary climate adaptation strategy is to include as a minimum the following clusters and their associated areas of action:

1. the infrastructure cluster with the following areas of action:
 - a) energy infrastructure,
 - b) buildings and
 - c) transport and transport infrastructure,
2. the land and land use cluster with the following areas of action:
 - a) biodiversity,
 - b) soil,
 - c) agriculture and
 - d) woodlands and forestry,
3. the human health and care provision cluster,
4. the urban development, spatial planning and civil protection cluster with the following areas of action:
 - a) civil protection and disaster response,
 - b) spatial planning and
 - c) urban and settlement development,
5. the water cluster with the following areas of action:
 - a) fisheries,
 - b) coastal and marine protection and
 - c) water balance and water management, including flood risk, low water risk and rainstorm risk management,
6. the economy cluster with the following areas of action:
 - a) financial services and
 - b) industry and trade and
7. a cluster with cross-sectoral areas of action such as vulnerable groups or occupational health and safety.

(3) The precautionary climate adaptation strategy

1. includes sufficiently ambitious, measurable targets, which are intended in each case to be achieved within a specific timeframe to be determined as part of the strategy and are

assigned to a cluster; these targets are a specification of the overarching objective as defined in section 1,

2. defines for each target one or more indicators by which to measure to what extent the target has been achieved,
3. designates appropriate federal measures, which contribute in each case to achieving one or more targets,
4. provides recommendations for measures which are within the competence of the *Länder*, and
5. determines a mechanism for evaluating progress in achieving the targets.

When designating measures as required by sentence 1 no. 3 and recommending measures as required by sentence 1 no. 4, as a rule, priority is to be given, in the event of several measures being equally appropriate, to sustainable adaptation measures, in particular those which exhibit marked synergies with the areas of nature-based solutions, the protection of biodiversity, a resilient water balance, blue green infrastructure or sustainable urban and settlement development.

(4) The *Länder*, associations and the public are to be given the opportunity to participate in the determination of measurable targets and the corresponding indicators and in the choice of measures.

(5) The federal ministry which, according to its remit, has the primary functional competence for a target or a measure, is responsible, in consultation with the federal ministries whose function is also affected, for the establishment, review and, where necessary, updating of the targets as required by subsection (3) sentence 1 no. 1 and for the designation, implementation and, where necessary, updating of the measures as required by subsection (3) sentence 1 no. 3 in the course of the establishment and updating of the precautionary climate adaptation strategy as required by subsection (1). This is without prejudice to the division of competences within the Federal Government.

Section 4

Climate risk analysis; data collection

(1) The Federal Government produces a climate risk analysis in accordance with the scientific state-of-the-art and publishes it. The climate risk analysis is to be updated at least every eight years.

(2) In general, the climate risk analysis examines medium and long-term climate scenarios for Germany as the systematic basis for climate adaptation, in particular for the derivation of requirements for action and as the basis for the planning of measures, primarily by the Federation. The objective of the climate risk analysis is to show in which areas of action, with respect to which climate effects and in which regions in Germany particularly acute climate risks exist. As a rule, it analyses how the risks in individual areas of action are related and interact, which adaptation options exist and the extent to which corresponding measures are capable of counteracting the impacts of climate change. The Federal Government makes available to the *Länder* and local authorities the data used for the climate risk analysis, technical principles and guidance on methodology.

(3) The Federal Government also collects data on a regular basis and makes these available to the public, in particular on the

1. costs of the damage which is attributable to extreme weather events, and
2. federal expenditure for climate adaptation.

Section 5

Monitoring, corrective action for target achievement

(1) The Federal Government produces a monitoring report in accordance with the scientific state-of-the-art with which it informs the public on the observed impacts of climate change in Germany and on the status with respect to the achievement of targets as required by section 3 (3) sentence 1 no. 1. The monitoring report is to be produced and published at least every four years from the entry into force of this Act, ensuring on each occasion a reasonable period before the planned presentation of the precautionary climate adaptation strategy as required by section 3 (1).

(2) The monitoring forms the scientific basis for the evaluation of progress in achieving the targets as required by section 3 (3) sentence 1 no. 1 with respect, as a minimum, to the areas of action specified in section 3 (2) and for the updating of the climate adaptation strategy as required by section 3 (1) sentence 2 second half-sentence.

(3) If, on the basis of the monitoring, a failure to achieve the targets determined in accordance with section 3 (3) sentence 1 no. 1 is indicated, the measures for achieving the target are, as a rule, to be adjusted as part of the updating of the climate adaptation strategy as required by section 3 (1). On the basis of the monitoring, the targets are also reviewed and, where appropriate, updated in the course of updating the climate adaptation strategy as required by section 3 (1). If, on the basis of the monitoring or other findings, a failure to achieve a target is likely, the competent ministry may adopt appropriate measures for improvement even before the climate adaptation strategy is updated as required by section 3 (1).

Section 6

Climate adaptation plans at federal level

In general, legal persons established under public law and under the supervision of the Federation are to establish climate adaptation plans and implement the measures provided for therein. Sentence 1 does not apply to professional self-regulatory bodies and professional self-regulatory organisations or to industry self-regulatory bodies.

Section 7

Climate adaptation of federal property

(1) The Federation sets itself the aim of adapting federal property to the impacts of climate change. To achieve this aim, when constructing and modernising buildings on federal property, the Federal Government takes adequate and appropriate measures in accordance with an assessment system for sustainable building, which is updated by the ministry competent for building policy having regard to the requirements of this Act.

(2) The adaptation of federal property to the impacts of climate change is, as a rule, to be implemented using sustainable measures, in particular applying an assessment system for sustainable building as an overarching requirement for federal building, using as a priority those measures which exhibit marked synergies with the areas of nature-based solutions, circular economy, the protection of biodiversity, a resilient water balance and sustainable urban and settlement development.

(3) Acting within the scope of its competence and in compliance with the relevant Budget Act (*Haushaltsgesetz*), the Federal Government supports *Länder* and local authorities in the climate adaptation of property through the provision of opportunities for training, knowledge transfer and certification under an assessment system for sustainable building.

Division 3

Consideration requirement

Section 8

Consideration requirement

(1) Bodies discharging public functions are to give due consideration in their planning and decision-making on a cross-disciplinary and integrated basis to the objective of climate adaptation as defined in section 1. Due consideration is to be given both to the existing and expected effects of climate change, in particular

1. pluvial and fluvial floods in the event of rainstorms, flash flooding or high water levels,
2. decline of the groundwater level or increasing drought or low water,
3. soil erosion or
4. generation or intensification of a local heat-island effect.

Due consideration is to be given to retaining as far as possible infiltration, reservoir and evaporation areas in the context of a water-sensitive development.

(2) To the extent that planning and decision-making by bodies discharging public functions is carried out in accordance with specialist legislation or accepted technical standards which correlate with the objective set out in subsection (1), the application of this specialist legislation or these accepted technical standards satisfies subsection (1).

(3) In general, bodies discharging public functions are, in relation to soils that have been sealed and whose sealing is permanently no longer required for the use of the soils, to work towards the restoration of the soil's natural functions, as referred to in section 2 (2) no. 1 of the Federal Soil Protection Act (*Bundes-Bodenschutzgesetz*), and its desealing, to the extent that this is necessary and reasonable, in the course of measures adopted in their area of responsibility. This is without prejudice to the Federal Nature Conservation Act (*Bundesnaturschutzgesetz*), the Federal Offsetting Ordinance (*Bundeskompensationsverordnung*) and corresponding *Länder* provisions, section 5 of the Federal Soil Protection Act and section 55 (2) of the Federal Water Act (*Wasserhaushaltsgesetz*).

(4) This is without prejudice to the competences of the *Länder*, municipalities and districts to develop within their own areas of responsibility the rules as referred to in subsections (1) to (3).

(5) Subsections (1) to (4) do not apply to procedures for which an application for implementation was made before 1 January 2025 or which were notified pursuant to a statutory notification obligation unless the project developer requests their application. For projects which require neither an application nor a notification, sentence 1 applies accordingly where the execution of the project started before 1 January 2025.

Division 4

Climate adaptation by the *Länder*

Section 9

Federation-*Länder* cooperation

(1) Without prejudice to compatibility with federal law, the *Länder* may enact their own laws on climate adaptation. The existing *Länder* laws on climate adaptation continue to apply without prejudice to their compatibility with federal law.

(2) The Federation and the *Länder* cooperate in an appropriate form in order to achieve the targets determined in the precautionary climate adaptation strategy.

(3) Acting within its competence and in compliance with the relevant Budget Act, the Federation supports climate adaptation by way of overarching strategy development and the coordination of all areas of action and actors, by way of offers of data, by way of scientific groundwork and research projects and by way of information, advice and networking of actors.

Section 10

Climate adaptation of the *Länder*

(1) Each *Land* presents a *Land*-specific precautionary climate adaptation strategy and implements it. For the purposes of defining the strategy, reference may be had to the precautionary climate adaptation strategy of the Federation. Due consideration is to be given to measures included in other sectoral planning which are appropriate for addressing the effects and risks of climate change. A cross-disciplinary, integrated perspective is used as the basis for the *Land*-specific precautionary climate adaptation strategy.

(2) The *Land*-specific precautionary climate adaptation strategies must be based on climate risk analyses and analyses of existing climate change effects based, where possible, on regional data in accordance with the scientific state-of-the-art. The climate risk analysis of the Federation may be used as the basis for the *Land*-specific climate risk analyses and particularised, supplemented or replaced by *Land*-specific analyses or investigations.

(3) The *Land*-specific precautionary climate adaptation strategies include or build upon the following components:

1. stocktaking comprising the research and collection of climate data and revision of existing climate data in relation to the current situation and the future development in the territory of the relevant *Land*,

2. a climate risk analysis and analyses of existing climate change effects as referred to in subsection (2),
3. the development of an overarching overall strategy with respect to the primary areas of action with targets for sustainable climate adaptation, to be produced having regard to existing climate adaptation processes and activities,
4. a package of measures to implement the *Land*-specific precautionary climate adaptation strategy and interim targets for the implementation thereof,
5. recommendations for the reporting as required by subsection (5) and for the updating of the *Land*-specific precautionary climate adaptation strategy as required by subsection (6).

(4) Municipalities, districts and the public are to be given the opportunity to participate.

(5) The *Länder* are to accompany the implementation of their *Land*-specific precautionary climate adaptation strategies with regular reporting to the public and to the bodies to be specified under *Land* law.

(6) The *Länder* present their *Land*-specific precautionary climate adaptation strategies as required by subsection (1) sentence 1 – to the extent that they do not already exist – on 31 January 2027 at the latest to the federal ministry which is competent for climate adaptation and update them at least every five years having regard to current scientific knowledge. They publish the *Land*-specific precautionary climate adaptation strategies online.

Section 11

Reporting by the *Länder*

(1) The *Länder* report to the federal ministry which is competent for climate adaptation every two years from 30 September 2024 regarding in which municipalities and districts climate adaptation plans exist and in which they do not. They report which regional and local climate data are used for climate adaptation on 30 September 2024 at the latest.

(2) The *Länder* report to the federal ministry which is competent for climate adaptation on matters concerning climate adaptation in the *Länder* to the extent that this is necessary to fulfil reporting obligations under Commission Implementing Regulation (EU) 2020/1208 of 7 August 2020 on structure, format, submission processes and review of information reported by Member States pursuant to Regulation (EU) 2018/1999 of the European Parliament and of the Council and repealing Commission Implementing Regulation (EU) No 749/2014 (OJ L 278, 26.8.2020, p. 1) as amended.

Section 12

Climate adaptation plans

(1) The *Länder* determine, within the limits established by Article 28 (2) of the Basic Law (*Grundgesetz*), those public bodies which are to establish a climate adaptation plan, to the extent that this does not already exist, for the territories of the municipalities and districts respectively. The *Länder* may determine that for the territory of a municipality below a size to be determined by the *Länder* no climate adaptation plan must be established as long as that territory is covered by a climate adaptation plan for the territory of a district. *Länder* which do

not make use of sentence 2 may determine that for the territory of districts no climate adaptation plan must be established.

(2) The aim of climate adaptation plans is the development of a planned approach to climate adaptation in the relevant local authority, having regard to existing climate adaptation processes and climate adaptation activities, which results in a package of measures tailored to local circumstances for the purposes of implementing the climate adaptation plan. In general, the package of measures includes, wherever possible, measures to achieve preparedness in particular in the case of extreme heat situations, extreme drought and rainstorms and measures to improve preparedness among the population themselves.

(3) In general, climate adaptation plans are based on a climate risk analysis, that is a determination of potential priority risks and extremely pressing requirements for action (impact analysis), or comparable bases for a decision.

(4) The *Länder* determine the essential contents of climate adaptation plans as required by subsection (1) and, in addition, whether, and, if so, in what form, climate adaptation plans as required by subsection (1) require public participation and reporting on the implementation of their package of measures and at what intervals they are updated.

(5) When establishing climate adaptation plans, due consideration is to be given to the climate risk analyses and climate adaptation plans for local authorities which neighbour or include the legal person.

(6) Due consideration is to be given in climate adaptation plans as required by subsection (1) to relevant planning and other groundwork, such as existing heat action plans, rainstorm and flood hazard maps, free space concepts and landscape and open space structure plans. In general, it is to be identified which gaps exist regarding climate adaptation in the current planning for the territory of the municipality, district or territory determined on the basis of other criteria; measures to close these gaps are, as a rule, to be specified in the climate adaptation plans. Existing plans dealing with the functional areas within climate adaptation may be included as a component of a climate adaptation plan to the extent that in the assessment of the public body which is competent for producing the plan they are sufficiently up to date.

(7) Acting within its competences and in compliance with the relevant Budget Act, the Federal Government supports bodies discharging public functions by way of existing support programmes and functions which facilitate the production of climate adaptation plans in compliance with budgetary law. Support is provided, in accordance with the competence of the Federation and in compliance with the relevant Budget Act, to bodies discharging public functions by the Federal Government's data and advisory services in existence at the relevant time, for example on the entry into force of this Act, by the Centre for Climate Adaptation (*Zentrum KlimaAnpassung*), the Federal Institute for Research on Building, Urban Affairs and Spatial Development, the Deutscher Wetterdienst or the DAS Data Service (*DAS-Basisdienst*).

Division 5

Final provisions

Section 13

Final provisions

(1) Individual rights and actionable legal positions are not established by or on the basis of this Act.

(2) This Act does not apply to areas and installations serving national, collective and civil defence nor to property abroad.

Section 14

Entry into force

This Act enters into force on 1 July 2024.