

**Act
on the Strengthening of Climate Protection and the Expansion
of Renewable Energy in Hamburg
(Climate Protection Strengthening Act)**

of 13 December 2023

The Senate hereby promulgates the following act, which was passed by the Hamburg Parliament (*Bürgerschaft*):

Article 1

Second Act

amending the Hamburg Climate Protection Act (*Hamburgischen Klimaschutzgesetzes*)

The Hamburg Climate Protection Act, of 20 February 2020 (Hamburg Law and Ordinance Gazette (*Hamburgisches Gesetz- und Verordnungsblatt* - HmbGVBl. p. 148), as amended on 12 May 2020 (HmbGVBl. p. 280), is amended as follows:

1. The table of contents is amended as follows:
 - 1.1 The entry for Section 1 shall read as follows:

"Section 1 Climate protection and climate adaptation as cross-cutting tasks".
 - 1.2 The following is inserted after the entry for Section 2:

"Section 2a Special importance of renewable energy, grid expansion and charging infrastructure".
 - 1.2a The entry relating to Section 10 shall read as follows:

"Section 10 Expansion and decarbonisation roadmaps for heat networks".
 - 1.3 The entry relating to Part Three shall read as follows:

"Part Three
Buildings, solar green roofs, renewable energy".
 - 1.4 The entry relating to Section 12 shall read as follows:

"Section 12 (repealed)".
 - 1.5 The entry relating to Section 13 shall read as follows:

"Section 13 Priority for structural summer heat protection in existing buildings".
 - 1.6 The entry relating to Section 15 shall read as follows:

"Section 15 (repealed)".

- 1.7 The entry relating to Section 16 shall read as follows:
"Section 16 Obligation to build and use solar green roofs".
- 1.8 The following entry is inserted after the entry for Section 16:
"Section 16a Obligation to install photovoltaic systems on parking facilities".
- 1.9 The entry relating to Part Four shall read as follows:
"Part Four
Public buildings and CO2-neutral administration".
- 1.10 The entry relating to Section 20 shall read as follows:
"Section 20 Requirements for public buildings; leasing of buildings by public authorities"
- 1.11 The entry relating to Section 23 shall read as follows:
"Section 23 CO2-neutral administration".
- 1.12 The entry for Part Five shall read as follows:
"Part Five
Heat planning, heat cadastre and monitoring of climate protection targets in the building sector".
- 1.13 The following entries are inserted after the entry for Section 26:
"Section 26a Data processing, publication of anonymised data for the heat cadastre
Section 26b Data transmission for the heat cadastre".
- 1.14 The entry relating to Section 27 shall read as follows:
"Section 27 Monitoring of climate protection targets in the building sector, responsible authority".
- 1.15 The entry relating to Section 28 shall read as follows:
"Section 28 Data processing, publication of anonymised data and data transmission for monitoring climate protection targets in the building sector".
- 1.16 In Part Six, the following entry is inserted after the entry relating to Section 29:
"Section 29a Zero-emission passenger transport".
- 1.17 The entry for Part Seven shall read as follows:
"Part Seven
Powers of competent authorities, enforcement, data processing".

- 1.18 The entry relating to Section 30 shall read as follows:
"Section 30 Powers of the competent authorities, rights of access and data processing powers".
- 1.19 In Part Seven, the following entries are inserted after the entry for Section 30:
"Section 31 Delegation of tasks to the authority, anonymisation to issue regulations
Section 32 Duty to inform
Section 33 Administrative offences
Section 34 Promotion of innovation in the building sector
Section 35 Evaluation of the obligations pursuant to Sections 16 and 16a".
- 1.20 The entry for Part Eight shall read as follows:
"Part Eight
Transitional provisions".
- 1.21 In Part Eight, the previous entry for Section 31 shall be replaced as follows:
"Section 36 Transitional provisions".
2. Section 1 is amended as follows:
- 2.1 The heading shall read as follows:
"Climate protection and climate adaptation as cross-cutting tasks".
- 2.2 In Sentence 1, the word "including" is replaced with the word "and".
3. Section 2 is amended as follows:
- 3.1 In Paragraph 1, Sentence 1, the phrase "to strengthen the city's adaptation to the consequences of climate change" is inserted after the word "protect".
- 3.2 In Paragraph 2, after the word "urban", the word "transport" is inserted and the word "information" is replaced by the words "information and educational offerings".
- 3.3 Paragraph 3, Point 2, shall read as follows:
"2. Establishing, upgrading and expanding the electricity distribution grid to integrate renewable energy and affect energy distribution shall take priority and be accelerated; sector coupling measures shall also take priority."
- 3.4 In Paragraph 5, Sentence 2, the words "and climate change adaptation" are inserted after the words "climate protection".
4. After Section 2, the following Section 2a is inserted:

"Section 2a

Particular importance
of renewable energies grid expansion and charging infrastructure.

The following measures are in the outstanding public interest due to their particular importance for achieving the objectives set out in Section 2, Paragraph 1, and serve public security:

1. the building and operation of installations for electricity or heat production from renewable energy and associated ancillary installations;
2. the establishment, operation and modification of the electricity distribution grids and the installations necessary for their operation, to the extent that this is necessary for the building and operation of installations for the expansion of electric mobility and the distribution of energy under Point 1;
3. the expansion, construction and operation of the district heat network infrastructure;
4. the expansion, construction and operation of the hydrogen network infrastructure; and
5. expanding and building publicly accessible charging infrastructure for electric vehicles."

5. Section 3 shall read as follows:

"Section 3
Definitions

For the purposes of this Act:

1. waste heat is heat within the meaning of Section 3, Paragraph 1, Point 1, of the Buildings Energy Act (*Gebäudeenergiegesetz* - GEG) of 8 August 2020 (Federal Law Gazette (*Bundesgesetzblatt* - BGBl.) I, p. 1728), as amended on 16 October 2023 (Federal Law Gazette I, No 280, p.1) in its currently valid version;
2. Replacement of heating systems means replacing the boiler or another central heat generator; replacement also includes replacing the heating system with a connection to a heating network; for heating systems with several heat generators, replacement occurs as soon as the first boiler or heat generator is replaced;
3. Gross roof area means the total roof area covering a building, including any roof overhang but excluding the guttering; if the roof area consists of several sections, the gross roof area is the sum of all these sections;
4. Green roofing means planting a building's roof; green roofing includes the substructure, the growing medium and the plants;
5. Renewable energies means energies within the meaning of Section 3, Paragraph 2, of the GEG;
6. (intentionally left blank);
7. Heating systems are systems for the central production mainly of space heating and domestic hot water;
8. Carbon dioxide emissions are emissions of carbon dioxide caused by final energy consumption in the Free and Hanseatic City of Hamburg, calculated using the official emitter-based emissions methodology of the Statistical Office for Hamburg and Schleswig-Holstein for the Free and Hanseatic City of Hamburg;

9. Locally emission-free motor vehicles are motor vehicles which, due to their drive system, do not emit carbon dioxide, carbon monoxide or nitrogen oxides during operation; unrestricted technological openness applies here.
10. Retrofitting of heating systems means the installation of a central heating system in a building not previously centrally heated;
11. Net roof area is the gross roof area less areas occupied by roof structures, roof windows, other necessary roof uses and the north-facing area shares of the roof with a pitch of more than 10 degrees;
12. Non-residential building is any building within the meaning of Section 3, Paragraph 1, Point 23, of GEG;
13. North is the cardinal direction between east-northeast and west-northwest;
14. Usable areas are,
 - a) for residential buildings, the building usable areas defined in Section 3, Paragraph 1, Point 26, Letter a, of the GEG, and
 - b) for non-residential buildings, the net floor area is defined in Section 3, Paragraph 1, Point 26, Letter b, of the same Act;
15. Public buildings are any non-residential building used to fulfil public functions and owned by
 - a) the Free and Hanseatic City of Hamburg or its directly subordinate public-law corporations, institutions and foundations, or
 - b) owned by a legal person, association of persons or a pool of assets under private law in which Hamburg or its public-law entities directly or indirectly
 - aa) hold the majority of subscribed capital,
 - bb) have the majority of voting rights attached to the shares
 - cc) or can appoint more than half of the members of the management, executive or supervisory body;

buildings of legal persons, associations of persons or assets under private law within the meaning of Letter b are excluded in so far as they mainly provide services in competition with private undertakings;
16. Photovoltaic systems are permanent installations for generating electricity from solar radiation energy;
17. Start of planning means the start of the Service Phase 3 stage in accordance with Section 34, Paragraph 3, Point 3, of the Ordinance on the Scale of Fees for Architects and Engineers of 10 July 2013 (Federal Law Gazette I p. 2276), last amended on 22 March 2023 (Federal Law Gazette I, No 88, pp. 1, 7);
18. District arrangements are written agreements between owners for implementing a concept for a shared energy optimisation and supply among several spatially related buildings;
19. Experts are
 - a) persons authorised under federal or state law to issue energy performance certificates. They also include
 - b) persons meeting the requirements for entry into the Register of Craftspersons for a trade requiring a licence in the fields of stove and air-heating construction, plumbing and heating installation or chimney sweeping. It further includes

- c) persons entitled to exercise such a trade independently without holding a master craftsman's title due to their education or professional background;
- 20. Building renovation roadmaps are building-specific energy plans which set out recommendations based on the current condition of the building. They are geared to the long-term objective of achieving an almost completely carbon-neutral building stock by 2045 and can be implemented in stages;
- 21. Electric direct heaters are any appliances within the meaning of Section 3, Paragraph 1, Point 29, of the Building Energy Act (*Stromdirektheizungen*);
- 22. for the purposes of this act, being in the immediate spatial environment of a building or a parking facility means that a photovoltaic or solar thermal system is installed on the same property, on an immediately adjacent property or on the same premises;
- 23. Unavoidable waste heat is waste heat from processes that involve an internal waste-heat avoidance and efficiency cascade;
- 24. Thermal energy demand is the total annual amount of thermal energy required to cover heat demands for space heating and domestic hot water production, including the thermal energy required for heat transfer, distribution and storage.
 - a) thermal energy demand shall be determined by calculating it in accordance with the technical rules underlying Sections 20 to 33 of the GEG; where these provisions do not contain technical rules for calculating specific parts of the thermal energy demand, it shall be calculated in accordance with generally accepted technical standards. It may alternatively be done
 - b) by measuring, in accordance with generally accepted technical standards, the amount of heat supplied by the existing heat-generation system, ensuring that the entire amount of heat supplied is recorded directly at the heat-generation system; it may also be measured
 - c) by multiplying the final energy consumption of the existing heat-generation system by a reference efficiency ratio of 0.85 for oil-fired boilers and 0.9 for gas-fired boilers. This can be done provided that this the system covers the entire thermal energy demand. Data from a valid energy performance certificate based on consumption may also be used if available;

The GEG shall apply *mutatis mutandis* in the cases noted pursuant to Section 82, Letters b and c;

- 25. District heating networks are installations for the supply of heat via pipelines whose horizontal extent goes beyond the boundary of a single plot of land. Installations which supply only industrial sites directly with heat that is not used for space heating or domestic hot water production are not regarded as district heating networks;
- 26. A heat supplier is a natural or legal person supplying heat to third parties as final consumers through a district heat network;
- 27. Major alterations to the roof means changes to the roof surface such that the water-bearing layer is substantially renewed through roof extension, roof raising or fundamental roof renovation;
- 27a. On-demand services are transport services that operate on demand and not in accordance with a fixed timetable and route;
- 28. Commercial traffic is the movement of persons or goods for business purposes and covers both passenger transport for business purposes and the transport of goods between economic units. Passenger commercial traffic includes all regular professional journeys undertaken by workers as part of their professional activity. This includes, for example, journeys made by craftsmen or care service workers in the

context of the performance of their services. Journeys by workers between their home and workplace do not constitute commercial traffic;

29. Residential building is any building within the meaning of Section 3, Paragraph 1, Point 33, of the GEG."

6. Section 4, Paragraphs 1 to 3, shall be amended to read as follows:

"(1) Taking 1990 as the base year and referring to the total amount of carbon dioxide emissions as set out in the emissions inventory of the Free and Hanseatic City of Hamburg, the following continual emissions reduction trajectory shall be pursued:

1. a reduction in carbon dioxide emissions by 70% by 2030,
2. a reduction in carbon dioxide emissions by 98% by 2045.

(2) By reducing energy-related carbon dioxide emissions by 98% and taking carbon sinks into account, the Free and Hanseatic City of Hamburg pursues the objective of net carbon neutrality by 2045.

(3) Sectoral targets for carbon dioxide emissions from private households, commercial/trade/services, industry and transport, as well as intermediate targets for the years 2035 and 2040, are laid down in the Hamburg Climate Plan and are regularly adjusted as part of its updating."

7. Section 5, Paragraph 1, Sentence 2, shall read as follows:

It implements the measures of the Hamburg climate change adaptation strategy."

8. Section 6 is amended as follows:

- 8.1 In Paragraph 1, Sentences 3 to 5, are replaced by the following sentence:

"It shall include an assessment of the state of achievement of the objectives, a description of the measures taken to achieve the objectives and a forecast of the measures required for further achievement of the objectives and of the development of the framework conditions, including any additional measures required."

- 8.2 In Paragraph 2, the following sentence is added:

"If the interim report shows that the climate policy objectives are not being achieved, the Senate shall, on the basis of an analysis of the reasons, advocate the necessary additional measures at federal level and, where possible, develop additional measures at the state level."

- 8.3 Paragraph 3 shall read as follows:

"(3) Moreover, the Senate shall update the climate plan every four years and submit it to the Hamburg Parliament (*Bürgerschaft*) Paragraph 1 shall remain unaffected."

9. Section 7 is amended as follows:

- 9.1 The following Paragraph 2 is inserted after Paragraph 1:

"(2) A secretariat shall support the Climate Advisory Council in its work. The authority responsible for climate matters shall establish the secretariat."

9.2 The previous Paragraph 2 becomes Paragraph 3.

10. Section 8 is amended as follows:

10.1 Paragraph 1 is amended as follows:

10.1.1 The Sentence 1 shall read as follows:

"The Senate is authorised to prescribe, by statutory instrument, for certain areas for the purpose of climate and resource protection, the connection of buildings to be heated or cooled to a facility for the supply of local and district heating or local and district cooling (connection requirement) and its use (use requirement)."

10.1.2 In Sentence 2, the word "heat supply" is replaced by the phrase "heat and cold supply".

10.2 Paragraph 2 shall read as follows:

"(2) The statutory instrument pursuant to Paragraph 1, Sentence 1, shall provide for exceptions to the obligation to connect and use the network, in particular for buildings with very low heating or cooling demand or with heating or cooling supply systems that permanently have, or will have in the foreseeable future, significantly lower CO₂ emission than the system provided for in Paragraph 1. The statutory instrument shall allow exemptions upon application in individual cases when compliance would cause unreasonable hardship due to special circumstances. Exemptions may be time limited. The Senate may also impose connection and use obligations by statutory instrument for buildings with existing heating systems where owners replace or renew those systems. The statutory instrument shall not impair existing neighbourhood solutions in the areas it covers."

11. In Section 9, Paragraph 3, Sentence 2, the words "as well as for the rearrangement and refurbishment of existing network sections" are inserted after the word "serves".

12. Section 10 shall read as follows:

"Section 10
Expansion and decarbonisation roadmaps for heat networks

(1) District heating network operators shall be required to submit an expansion and decarbonisation roadmap for their networks. This roadmap must outline how a heat supply based entirely on renewable energy, unavoidable waste heat or a combination of both can be achieved by 2045 and how it will be ensured that at least 50% of annual net heat generation comes from renewable energy, unavoidable waste heat or a combination of both, by 31 December 2029. The expansion and decarbonisation roadmap shall be submitted to the competent authority by 31 December 2026 at the latest. It shall be updated no more than five years after the previous version and subsequently submitted again to the competent authority.

(2) The competent authority reviews the expansion and decarbonisation roadmaps for their coherence and feasibility with regard to the 2030 targets and certifies this to the district heating network operator. When reviewing multiple district heating networks operated by the same operator, the competent authority should use a summary approach. The competent authority continuously monitors the anticipated compliance with the expansion and decarbonisation roadmaps and promptly notifies the district heating network operators of any anticipated or identified deviations.

(3) Heat network operators shall publish up-to-date information on the specific carbon dioxide factor, the share and type of renewable energy and the primary energy factor of each heat network on the website of the heat supplier or in another appropriate place on the internet.

(4) The information under the Paragraph 3 and the target values from the expansion and decarbonisation roadmaps under Paragraph 1 shall be included in the heat cadastre.

(5) The Senate shall be empowered by statutory instrument to further specify the content and assessment criteria for the separate stages and the target values for the expansion and decarbonisation roadmaps under Paragraph 1; it is also authorised to specify the information under Paragraph 4 to ensure comparability."

13. The heading of Part Three shall read as follows:

"Buildings, solar green roofs, renewable energy."

14. Section 11 is amended as follows:

14.1 In Paragraph 1, the word "two" is replaced by the numeral "1.5".

14.2 In Paragraph 3, the word "unreasonable" is replaced by the word "inequitable".

14.3 The following Paragraphs 4 to 6 are added:

"(4) Where a direct electric heating system is installed in accordance with Paragraph 3, proof of compliance with this provision shall be drawn up. The obligated entity shall keep the evidence under the Sentence 1 for ten years from the date of issue and shall submit it to the competent authority on request.

(5) The Senate is authorised to determine by statutory instrument:

1. Exceptions to the prohibition under Paragraphs 1 and 2, and their enforcement,

2. Authorised issuers of the certificate pursuant to Paragraph 4.

(6) Paragraphs 1 and 2 do not apply to the buildings indicated in Section 2, Paragraph 2 of the GEG."

15. Section 12 is repealed.

16. Section 13 shall read as follows:

"Section 13

Priority given to structural measures to prevent overheating in existing buildings in the summer

(1) Before new air-conditioning systems or components for the mechanical cooling of existing buildings or rooms in existing buildings are installed, an examination of structural measures for summer heat protection shall be carried out. Mechanical cooling is permitted only if the intended use of the building or rooms cannot be achieved by structural or other suitable measures in an economically reasonable manner. Structural measures shall be considered only to the extent that they are permitted under public law, particularly building regulations law and monument protection law.

(2) Paragraph 1 shall not apply to buildings indicated in Section 2, Paragraph 2, of the GEG. Paragraph 1 does not apply to:

1. facilities for the care of the sick or the elderly,
2. the use of process heat and cooling,
3. installations that serve to fulfil legal requirements for the use of renewable energies in heat generation under this Act or other laws, and
4. tenants of residential property.

(3) Requirements of other regulations concerning ventilation systems or building components for the mechanical cooling of buildings or rooms remain unaffected.

(4) The requirement to provide proof of testing pursuant to Paragraph 1 is the responsibility of the installer of the mechanical cooling system. This proof must be provided by a qualified person. Qualified persons include, in particular:

1. tradespeople in the refrigeration system installation trade,
2. persons with a university degree qualifying them for vocational training and at least one year of professional experience in the planning, construction, operation or testing of ventilation and air-conditioning systems,
3. energy consultants who have been included in the list of energy efficiency experts for federal funding programmes.

The person required to provide the proof pursuant to Sentence 1 must retain the proof for ten years from the date of issue and present it to the competent authority upon request.

(5) The Senate is empowered, by way of statutory instrument, to lay down:

1. the criteria for assessing the structural and other suitable measures and
2. the requirements relating to economic reasonableness in Paragraph 1, Sentence 2,
3. the procedure for demonstrating compliance with the obligation pursuant to Paragraph 4."

17. In Section 14, Sentence 1, the words "new buildings to be constructed" are replaced by the words "buildings to be constructed and the alteration of existing buildings" .
18. Section 15 is repealed.
19. Section 16 shall read as follows:

"Section 16

The obligation to install and use solar green roofs

(1) The Free and Hanseatic City of Hamburg aims to ensure that, for the purposes of resource-efficient energy generation, climate adaptation and biodiversity, all suitable roof surfaces are equipped with photovoltaic systems and green roofs, taking into account the requirements for the protection of trees, in combination with other technologies, insofar as this is technically feasible and economically viable.

(2) The owners of buildings to be constructed must ensure on a permanent basis that photovoltaic systems are installed and operated on their roof surfaces. The obligation under Sentence 1 also applies to substantial alterations to the roof of an existing building. They may use of a third party to utilise the solar radiation energy on their respective roof surfaces.

(3) Photovoltaic systems pursuant to Paragraph 2, Sentence 1, which are installed after 1 January 2024 must cover at least 30% of the gross roof area. Photovoltaic systems pursuant to Paragraph 2, Sentence 2, which are installed after 1 January 2024 must cover at least 30% of the net roof area. This obligation is limited to the installed capacity of the photovoltaic system for which the system operator has a legal entitlement to remuneration under the Renewable Energy Sources Act of 21 July 2014 (Federal Law Gazette I p. 1066), as last amended on 26 July 2023 (Federal Law Gazette I No 202, pp. 1 and 19), without having to participate in competitive tenders to determine the payment entitlement, which are limited by the installed capacity.

(4) Owners of buildings whose construction begins after 1 January 2027 must also ensure that roofs to be constructed with a pitch of up to 10 degrees, are permanently, structurally diverse, species-rich, and at least extensively greened, covering at least 70% of the gross roof area. This also applies to substantial roof modifications to a building that commenced after 1 January 2027, provided that the net roof area is to be greened Paragraph 3 remains unaffected.

(5) The obligations under Paragraphs 2 to 4 shall not apply if their fulfilment

1. contradicts other public law regulations,
2. is technically impossible in a specific case, or
3. is not economically feasible.

Upon application, exemption from the obligations under Paragraphs 2 to 4 may be granted on a case-by-case basis if their fulfilment would result in undue hardship, due to special circumstance. A decision on the application must be made within six weeks of receipt of the complete documentation. The application shall be deemed approved if a decision has not been made within the period specified in Sentence 3.

(6) The obligation under Paragraphs 2 and 3 shall be deemed fulfilled if:

1. solar thermal stems are installed and operated on the roof surface,

2. other solar thermal systems are installed on the parts of the building envelope or on the paved areas of the plot that are suitable for the use of solar energy, the installed capacity of which corresponds at least to that of a photovoltaic system pursuant to Paragraphs 2 and 3, or
3. several main buildings are located on one property and it is demonstrated that photovoltaic systems are combined on one or more of the buildings, provided the installed capacity is at least equal to that of Paragraphs 2 and 3.

Paragraph 4 remains unaffected.

(7) The Senate is authorised to establish by statutory instrument:

1. the requirements for green roofs pursuant to Paragraph 4,
2. the requirements regarding technical impossibility pursuant to Paragraph 5, Sentence 1, Point 2.
3. the requirements for economic viability pursuant to Paragraph 5, Sentence 1, Point 3.
4. the buildings exempt from the obligations pursuant to Paragraphs 2 and 4,
5. the procedure for demonstrating compliance with the obligation,
6. further exemptions and fulfilment options for the obligations pursuant to Paragraphs 2 to 4,
7. the requirements for the fulfilment options pursuant to Paragraph 6 ,
8. criteria for the assumption of undue hardship pursuant to Paragraph 5, Sentence 2, and
9. further information that is absolutely necessary for the implementation of the obligation to install photovoltaic systems.

(8) Funding based on a funding guideline remains unaffected."

20. The following Section 16a is inserted after Section 16:

"Section 16a

Obligation to install photovoltaic systems on parking facilities

(1) When constructing a new open parking facility suitable for solar energy use with more than 35 parking spaces for motor vehicles after 1 January 2024, the owner must install a photovoltaic system above the parking areas suitable for solar energy use. The module area of the photovoltaic system must be at least 40% of the parking area suitable for solar energy use. Expansion is equivalent to new construction as defined in Sentence 1, provided that it creates a new parking area suitable for solar energy use with more than 35 parking spaces. Existing parking spaces are not taken into account. The person obligated may engage a third party to fulfil the obligations under Sentences 1 and 2. Section 48 of the Hamburg Building Code of 14 December 2005 (HmbGVBl. p. 525, 563), last amended on ... **[to be inserted: the date of the amendment of the Hamburg Building Code under Article 2 of this Act]** (HmbGVBl. p....), in the currently valid version, remain unaffected.

(2) The obligation under Paragraph 1 does not apply to parking spaces located directly alongside the carriageways of public roads.

(3) To fulfil the obligation to install a photovoltaic system under Paragraph 1, a photovoltaic system may alternatively be installed on the roof or on other surfaces of the building envelope of a building newly constructed at the same time as the parking facility in the immediate vicinity of the new parking facility, and the area used thereby may be credited toward fulfilling the obligation. This does not apply insofar as areas are to be used that are required for fulfilling the obligations pursuant to Section 16.

(4) The obligation is waived if its fulfilment

1. contradicts other public law regulations,
2. is technically impossible in a specific case, or
3. is not economically feasible.

Upon request, exemption from the obligations under Paragraph 1 may be granted on a case-by-case basis if their fulfilment would result in undue hardship due to special circumstances. A decision on the application must be made within six weeks of receipt of the complete documentation. The application is deemed approved if a decision has not been made within the period specified in Sentence 2.

(5) The Senate is authorised to determine by statutory instrument:

1. the minimum requirements for an open parking facility suitable for the use of solar radiation energy,
2. the requirements for technical impossibility pursuant to Paragraph 4, Sentence 1, Point 2.
3. the requirements for economic viability pursuant to Paragraph 4, Sentence 1, Point 3.
4. the parking facilities exempt from the obligation pursuant to Paragraph 1,
5. the procedure for demonstrating compliance with the obligation,
6. criteria for assuming undue hardship pursuant to Paragraph 4, Sentence 2,
7. further information that is absolutely necessary for the implementation of the obligation to install photovoltaic systems."

20a. Section 17, Paragraphs 1 and 2, shall be amended to read as follows:

"(1) When replacing or retrofitting a heating system after 30 June 2021, the owners of the buildings constructed before 1 January 2009, are required to cover at least 15% of their annual heating energy demand with renewable energy sources. The provisions of the GEG remain unaffected.

(2) The use of a solar thermal system for heating support and central domestic hot water preparation with an aperture area of 0.07 m² per square metre of usable floor area for residential buildings with no more than two dwellings, or with an aperture area of 0.06 m² per square metre of usable floor area for residential buildings with more than two dwellings, shall be deemed to fulfil the requirements of Paragraph 1."

20b. In Section 18, Paragraph 2, Sentence 2, the designation "Section 10, Paragraph 3" shall be replaced by the designation "Section 10, Paragraph 2."

21. The heading of Part Four shall be amended to read as follows:

"Public buildings and CO₂-neutral administration."

22. Section 20 shall be amended to read as follows:

"Section 20

Requirements for public buildings; leasing of buildings by the public sector

(1) The Free and Hanseatic City of Hamburg, and its directly subordinate public corporations, institutions and foundations shall fulfil their exemplary role for their public buildings in accordance with the provisions of this section. Furthermore, they shall ensure that legal persons under private law, as defined in Section 3, Point 15, Letter b, apply these provisions to their public buildings.

(2) In addition to the generally applicable federal and state provisions, the Efficiency Building 40 standard for non-residential buildings according to Annex 1 shall be applied to the construction and expansion of public buildings for which planning commences after 1 January 2024. Buildings pursuant to Section 2, Paragraph 2 of the GEG are exempt.

(3) The Free and Hanseatic City of Hamburg, and its directly subordinate public corporations, institutions and foundations shall continually renovate public buildings. In the case of modernisations and repairs, as well as other significant alterations of public buildings must also comply with special climate protection requirements. The Senate is authorised to regulate details by statutory instrument.

(4) In the case of leasing buildings, the Free and Hanseatic City of Hamburg, and its public corporations, institutions and foundations, shall at the time of contract conclusion and contract renewal, ensure that:

1. Paragraph 2 applies to leased new buildings,
2. Paragraph 3 applies to leased existing buildings in the case of modernisation, repair or substantial alterations.

Furthermore, they shall ensure that the legal persons, associations of persons and private-law assets under their supervision, as defined in Section 3, Point 15, Letter b, apply *mutatis mutandis* when leasing existing buildings. In the case of leasing buildings that do not comply with the requirements of Paragraphs 2 and 3, the competent authority must be shown that no reasonable alternatives exist.

(5) Design competitions for buildings shall be conducted with particular consideration of the requirements for sustainable building, in accordance with recognised engineering standards. The project description outlines the key project-specific sustainability requirements and assesses their consideration in the competition entry."

23. Section 21 shall be amended to read as follows:

"Section 21
Use of renewable energies

(1) Subject to the conditions of Section 17, at least 70% of the annual heating energy demand of public buildings should, as a rule, be covered by renewable energies. The requirements of sentence 1 are deemed to be met if a public building is connected to a district heating network and its heat energy demands met by this network.

(2) For public buildings to be constructed, as much roof area as possible should be covered with photovoltaic systems, in addition to the requirements set out in Section 16, Paragraphs 2 and 3, Sentence 1. This does not apply, in particular, if it is legally or technically impossible or economically unreasonable or, if the areas are covered with other technical structures, for example, for the generation of renewable energies. Section 16, Paragraph 2, Sentence 3, and Paragraph 6 apply *mutatis mutandis*.

(3) In addition to the provisions of Section 16, photovoltaic systems should be installed on the entire net roof area of existing public buildings. This does not apply, in particular, if it is legally or technically impossible or economically unreasonable or if the areas are covered with other technical structures, for example, for the generation of renewable energies. Section 16, Paragraph 2, Sentence 3, and Paragraph 6 apply *mutatis mutandis*.

(4) For the purposes of Paragraphs 2 and 3, all public authorities are obligated to promote the construction of photovoltaic systems ("solar obligation"). If the public authorities are not the owners of the buildings, they must ensure that the owner complies with the requirements

of Paragraphs 2 and 3. Furthermore, they shall ensure that legal persons under private law, as defined in Section 3, Point 15, Letter b, apply these provisions to their public buildings.

(5) In 2026, The Senate shall submit a report on the suitability of roof and façade surfaces of the existing public buildings it uses for the generation and use of renewable energy. The report shall also include a description of the measures taken and those still pending to fulfil the solar obligation."

24. Section 22 shall read as follows:

"Section 22

Climate-friendly building materials for public buildings

(1) For measures to construct and modify public buildings for which planning commences after 1 January 2024, the following must be observed from a building cost of three million euros:

1. when using wood, it must be demonstrated that the wood originates from certified, sustainable forestry,
2. it must be examined early in the planning phase whether wood can be used for load-bearing components in above-ground building structures;
3. it must be examined early in the planning phase whether, when using concrete, the highest possible amount of recycled aggregate can be used in accordance with generally accepted engineering standards,
4. it must be examined early in the planning phase whether reusable components from deconstruction or building materials consisting predominantly of recycled material or renewable raw materials,
5. after successful examination in accordance with Points 2 to 4 for the respective building, or, in the case of buildings with comparable specific greenhouse gas emissions, for a representative building, a calculation and optimisation must be carried out." The greenhouse gas emissions must be assessed and documented over the entire life cycle in accordance with generally accepted engineering standards.
6. In the case of replacement construction or substantial renovation, it must be examined and documented in accordance with generally accepted engineering standards, whether refurbishment or modernisation of the existing building would be preferable for climate protection reasons.

(2) The documentation pursuant to Paragraph 1, Points 5 to 6, must be made available to the competent authority. If, for technical or economic reasons, building materials or components as defined in Paragraph 1, Points 2 to 4, cannot be used during implementation, this must be documented and the documentation made available to the competent authority. The economic viability calculation must be carried out in accordance with generally accepted engineering standards. The competent authority shall determine the additional parameters to be applied for the economic viability assessment.

(3) The Free and Hanseatic City of Hamburg aims to introduce the Sustainable Building Assessment System (BNB) at the state level by 1 February 2025 and to apply it to new construction and the major modernisation of public buildings."

25. Section 23 is amended as follows:

25.1 The heading will be worded as follows: "CO2-neutral administration"

25.2 The existing text becomes Paragraph 1, and in the Sentence 1 of Paragraph 1, the word “climate-neutral” is replaced by the word “CO2-neutral”.

25.3 The following Paragraphs 2 and 3 are added:

"(2) To the extent legally possible, new municipal passenger vehicles must be CO2-neutral from 1 January 2024. New municipal trucks must be CO2-neutral from 1 January 2025, to the extent legally permissible.

(3) Vehicles with special official usage and safety requirements are exempt from the obligation under Paragraph 2, provided that no CO2-neutral vehicles are available on the market that meet these requirements. Sentence 1 applies in particular to ambulances, rescue vehicles, police vehicles, fire department vehicles and other special-purpose vehicles and, in justified cases, to vehicles used for critical infrastructure purposes."

26. Section 24 is amended as follows:

26.1 In Sentence 1, the phrase “Sections 16 and 16a as well as” is inserted after word “the”.

26.2 The following sentence is inserted after Sentence 1: "The remaining provisions of this act remain unaffected."

26.3 In the new Sentence 3, the words “or serve special functions” are inserted after the word “are”.

27. The heading of Part Five is amended to read as follows:

“Heat planning, heat cadastre and monitoring of climate protection targets in the building sector”.

28. The following Sections 26a and 26b shall be inserted after Section 26:

"Section 26a

Data processing, Publication of anonymised data for the heat cadastre

(1) The competent authority is authorised to collect and further process personal data pursuant to Section 26, Paragraph 2, for the purpose of heat and cooling planning, in particular for maintaining the heat cadastre, insofar as this is necessary for the purpose of heat and cooling planning. This also applies to personal data collected for other purposes, including data collected from third parties. Collection from third parties is necessary and permissible for fulfilling the tasks under this act, provided that the initial collection from the data subjects was lawful.

(2) The data contained in the heat cadastre may be made public in anonymised form. The competent authority must ensure that the anonymisation of the data does not allow any conclusions to be drawn about individual persons.

Section 26b

Data transmission for the heat cadastre

(1) Heat supply companies and departments of the Free and Hanseatic City of Hamburg are obligated to transmit data in their possession to the competent authority upon request for the purpose of maintaining the heat cadastre, in accordance with Section 26, Paragraph 2, Sentence 1.

(2) Authorised district chimney sweeps are obligated, upon request, to provide them with the following data from the chimney sweeping logbook pursuant to Section 19 of the Chimney Sweeping Act (SchfHwG) of 26 November 2008 (Federal Law Gazette I, p. 2242) last amended on 20 December 2022 (Federal Law Gazette I, p. 2752, 2756), in the version currently in force:

1. Type, fuel, nominal heat output and age of the installation, as well as information on its operation, location and its connection to the flue system (Section 19, Paragraph 1, Sentence 1, Point 2 of the SchfHwG),
2. the date and result of the last two inspections of fireplaces (Section 19, Paragraph 1, Sentence 1, Point 4, of the SchfHwG),
3. the data required for the establishment of emission registers within the meaning of Section 46 of the Federal Immission Control Act in the version of 17 May 2013 (Federal Law Gazette 2013 I, p. 1275, 2021 I, p. 123), last amended on 26 July 2023 (Federal Law Gazette I, No 202, pp. 1, 23), in its currently applicable version, the information required in accordance with public-law regulations in the field of emission control (Section 19, Paragraph 1, Sentence 1, Point 8 of the SchfHwG).

The data pursuant to Sentence 1 are required and are processed for the purpose of maintaining the heat cadastre pursuant to Section 26, Paragraph 2, Sentence 1, Points 1, 8 and 9."

29. Sections 27 and 28 shall read as follows:

"Section 27

Monitoring of climate protection targets in the building sector, responsible authority

(1) The respective competent authority shall perform tasks related to monitoring climate protection targets in the building sector.

(2) To fulfil the tasks for achieving the climate protection targets under this act, the competent authority shall conduct surveys on a representative basis, as state statistics (*Landesstatistik*), among building owners or their representatives regarding the condition and characteristics of their buildings . The survey criteria and auxiliary characteristics for the surveys are set out in Annex 2.

(3) The respective survey pursuant to Paragraph 1 shall cover a representative selection of owners of residential buildings in Hamburg (Section 3, Point 29) or non-residential buildings (Section 3, Point 12) that are not public buildings pursuant to Section 3, Point 15 (gross sample). The representative gross sample shall be drawn on the basis of the data available at the bodies referred to in Section 28, Paragraph 3. In addition to the group of respondents determined by random sampling pursuant to Sentence 1, all other building owners shall receive, in accordance with Paragraph 1, those individuals who were not selected in the random sample have the opportunity to participate in the survey.

(4) The surveys pursuant to Paragraph 1 shall be conducted every four years for the preceding calendar year. Building owners are not obligated to provide information.

Section 28

Data processing, publication of anonymised data and data transmission for monitoring climate protection targets in the building sector

(1) The competent authority is authorised to collect and further process personal data pursuant to Section 27, Paragraph 1, in conjunction with Annex 2 for the purpose of monitoring climate protection targets in the building sector, insofar as this is necessary for the purpose of monitoring. This also applies to personal data collected for other purposes, including data collected from third parties. Collection from third parties is necessary and permissible for fulfilling the tasks under this Act, provided that the initial collection from the data subjects was lawful.

(2) The results of surveys conducted for the purpose of monitoring climate protection targets in the building sector may be published in anonymised form.

(3) Waste-management bodies, distribution network operators and departments of the Free and Hanseatic City of Hamburg are obligated to transmit data in their possession to the competent authority upon request for the purpose of monitoring climate protection targets in the building sector, in accordance with Section 2, Points 1 to 3 of Annex 2.

(4) The collected data on the auxiliary characteristics as defined in Section 27, Paragraph 1, in conjunction with Section 2 of Annex 2, must be deleted at the earliest possible time, but no later than after completion of the collection of the survey characteristics.

(5) Paragraphs 1, 2 and 4 apply *mutatis mutandis* to bodies that have been commissioned by the competent authorities to collect data pursuant to Section 27, Paragraph 1."

30. Section 29 is amended as follows:

30.1 In Paragraph 1, Points 1 to 4, are replaced by the following:

- "1. the expansion, improvement and optimisation of cycling and pedestrian infrastructure, as well as public transport services, with the aim of increasing the share of environmentally-friendly modes of transport; this also includes mobility options integrated into public transport services, such as bike- and car-sharing schemes and on-demand services,
2. the gradual increase in the share of locally zero-emission motor vehicles,
3. the reduction of traffic-related impacts on climate, environment and health within the framework of a functional and city-compatible commercial transport system,
4. suitable traffic calming and traffic-reducing measures."

30.2 In Paragraph 2, Sentence 3, the words "and sufficient space for public charging infrastructure for electric vehicles or vehicles with other alternative drive systems" are deleted.

31. In Part Six, the following Section 29a is inserted after Section 29:

"Section 29a

Zero-emission passenger transport

(1) From 1 January 2025, a permit for a motor vehicle that the company intends to use for the first time in taxi, rental car, or shared on-demand transport may only be granted if it is a locally emission-free motor vehicle as defined in Section 3, Point 9. For a motor vehicle with

at least eight seats, including the driver's seat, or which are suitable for transporting persons seated in wheelchairs during the journey, this requirement will only apply from 1 January 2027.

(2) In the case of rental-car services, the licensing authority may, on a case-by-case basis, grant exemptions to Paragraph 1, in particular for classic vehicles as defined in Section 2, Sentence 1, Point 22, of the Vehicle Registration Ordinance of 20 July 2023 (Federal Law Gazette I No 199, pp. 1, 2) in the version currently in force, and for vehicles with special bodywork."

32. Parts Seven and Eight are worded as follows:

"Part Seven

Powers of the competent authorities, enforcement, data processing

Section 30

Powers of the competent authorities, rights of access,
data processing powers

(1) The competent authorities shall monitor compliance with this act, in particular Sections 11, 13, 16, 16a and 17, and may take the necessary measures to ensure such compliance.

(2) Owners and other persons entitled to use properties and premises are obligated to allow the competent authorities access to and temporary use of properties and premises on weekdays and not at nights for the purpose of verifying compliance with the requirements of Section 11, Paragraph 1, Section 13, Paragraph 1, Section 16, Paragraphs 2 to 4, Section 16a, Paragraph 1, and Section 17. Dwellings may only be entered with the consent of the occupant. The fundamental right to the inviolability of the dwelling (Article 13 of the Basic Law (*Grundgesetzes*)) is restricted accordingly by Sentence 1.

(3) Access to properties and premises of authorities with special security requirements pursuant to Paragraph 2, Sentence 1, may only take place only with prior approval.

(4) The competent authority is authorised to process the personal data transmitted by the competent building supervisory authority in accordance with Section 29 of the Building Documents Ordinance of 30 June 2020 (HmbGVBl. 2020 p. 391, 2021 p. 280), as last amended on 21 March 2023 (HmbGVBl. p. 125), in its currently valid version, for the purpose of enforcing the obligations existing pursuant to Sections 11, 13, 16, 16a and 17, in particular for identifying and verifying the persons subject to these obligations. The data are necessary and will be processed for the purpose of enforcing the provisions mentioned in Sentence 1.

(5) Roofers are authorised to transmit the personal data concerning roof covering renewals that are available for determining and verifying compliance with the obligation pursuant to Section 16, Paragraph 2. The competent authority is empowered to process the personal data referred to in the Sentence 1 within the scope of its enforcement activities.

Section 31

Delegation of Authority Tasks, Authorisation to Issue Regulations

(1) The Senate is authorised to grant, by statutory instrument, the power to natural persons and legal persons under private law to perform the tasks of the competent enforcement authorities under this Act and under the GEG in their own name and in the forms of action governed by public law. The prerequisite for such delegation is that the person to be delegated consents to the delegation, is suitable for carrying out these tasks and provides assurance of proper performance.

(2) The statutory instrument pursuant to Paragraph 1 shall specify in particular:

1. the persons under private law to be entrusted with the authority and the requirements for their suitability,
2. the supervisory authority and its powers,
3. the obligations of the entrusted party towards the supervisory authority,
4. the commencement and any possible time limit or termination of the entrustment and
5. provisions concerning the scope of the liability of the entrusted party towards the Free and Hanseatic City of Hamburg in the event of a claim by third parties under Article 34 of the Basic Law.

Section 32

Duty to inform

Experts pursuant to Section 3, Point 19, must inform those obligated to comply of their obligations pursuant to Section 17, Paragraph 1, as well as the options for fulfilling these obligations, if they perform tasks for those obligated to comply in connection with the provision or replacement of a heating system or are commissioned to ensure compliance with the usage obligation. To fulfil the duty to inform, it is sufficient for the experts to provide those obligated to comply with a corresponding information sheet or to transmit a suitable link to the authority's website.

Section 33

Administrative offences

(1) An administrative offence is committed by anyone who:

1. intentionally or negligently fails to comply, or fails to comply fully or in a timely manner, with their obligation pursuant to Section 10 Paragraph 1;
2. contrary to Section 11, Paragraph 1 or 2, reconnects, exchanges, or replaces a permanently installed direct electric heating system;;
3. intentionally or negligently fails to comply, or fails to comply fully, with their obligation pursuant to Section 13, Paragraph 1,
4. knowingly provides incorrect information in the documentation required pursuant to Section 13 Paragraph 4;
5. intentionally or negligently fails to comply, or fails to comply fully or in a timely manner, with their obligation pursuant to Section 16, Paragraphs 2, 3 or 4,
6. intentionally or negligently fails to comply, or fails to comply fully, with their obligation pursuant to Section 16a, Paragraph 1,
7. intentionally or negligently fails to comply, or fails to comply fully, with their obligation pursuant to Section 17, Paragraph 1,
8. intentionally or negligently, as an expert within the meaning of Section 3, Point 19, fails to comply with a duty to provide information pursuant to Section 32.

(2) Administrative offences under Paragraph 1, Point 1, may be punished by a fine of up to EUR 500 000, administrative offences under Paragraph 1, Points 2 and 3,, as well as Points 5 to 7, by a fine of up to EUR 100 000, and administrative offences under Paragraphs 1, Points 4 and 8, by a fine of up to EUR 50 000. If the offender has derived an economic benefit from the administrative offence, the fine should exceed the benefit. If the amount of money referred to in Sentence 1 is insufficient for the application of Sentence 2, it may be exceeded.

Section 34

Promotion of innovation in the building sector

Without prejudice to the requirements of the GEG, the competent authority shall, upon application, permit deviations from the requirements of Sections 11 to 22 of this act if the objectives of the relevant provision are achieved to at least the same extent by measures other than those provided for in this act. Owners must submit suitable evidence to this effect.

Section 35

Evaluation of the obligations pursuant to Sections 16 and 16a

The energy authority shall evaluate the implementation levels of Sections 16 and 16a by 30 June 2026, in particular the extent to which the expansion of photovoltaics is promoted by these provisions.

Part Eight

Transitional provisions

Section 36

Transitional provisions

(1) The obligation to install a photovoltaic system on buildings to be constructed (Section 16(2), Sentence 1) does not apply if the permit applications were submitted before 1 January 2024, or for construction projects not requiring a permit, the planning for which commenced by 1 July 2025. In the cases referred to in Sentence 1, the Hamburg Climate Protection Act, as it applies on 31 December 2023, shall apply. If a decision on an application has not yet been made at the time Section 16 enters into force, it may be requested that the decision be made in accordance with Section 16 as it applies on 1 January 2024.

(2) The obligation to install a photovoltaic system on existing buildings (Section 16, Paragraph 2, Sentence 2) does not apply to substantial roof alterations (Section 16, Paragraph 2, Sentence 2) if planning contracts were concluded before 1 January 2024 and construction is completed by 30 September 2025.

(3) Section 16a does not apply to the construction of a new parking facility if a building permit application for the parking facility has been submitted before 1 January 2024 or, insofar as no building permit is required, the planning of the parking facility was commissioned in writing before that date.

(4) If the construction project cannot be completed within the deadlines specified in Paragraphs 1 to 3, in particular due to a shortage of skilled personnel, delivery delays or material shortages, the parties obligated to complete the project must, upon request, provide evidence that they are not responsible for these circumstances.

(5) Provisions in statutory instruments that contain references to the Hamburg Climate Protection Act of 25 June 1997 (HmbGVBl. p. 261) as amended on 28 February 2020, or the Hamburg Climate Protection Act of February 20, 2020 (HmbGVBl. 148) as amended on 31 December 2023, shall remain in force and shall be interpreted in accordance with the provisions in force prior to the entry into force of this act."

33. The following Annexes 1 and 2 are added:

"Annex 1

(to Section 20, Paragraph 2)

– Technical design of the reference building –

Requirements for the Efficiency Building 40 Standard for public non-residential buildings

- a) A new public building must be constructed in such a way that the specific annual primary energy demand for heating, hot water, ventilation, cooling and built-in lighting does not exceed 0.4 times the specific primary energy demand of a reference building that has the same geometry, net floor area, orientation, and use, including the arrangement of the units as the building to be constructed and that corresponds to the technical specifications of the reference building according to Annex 2 of the German Building Energy Act (GEG). The specific annual primary energy demand is the relative value of the absolute annual primary energy demand as defined in the German Building Energy Act (GEG), based on the net floor area.
- b) A new public building must be constructed in such a way that the maximum values of the average heat transfer coefficients of the heat-transferring building envelope are not exceeded, as shown in the following table:

Number	Building components	Maximum values of the average heat transfer values	
		Zones with a target room temperature during heating up to $\geq 19^{\circ}\text{C}$	Zones with a target room temperature during heating from 12°C to 19°C
1	Opaque building components ($\bar{U}_{\text{opaque}}$)	0.18 W/(m ² K)	0.24 W/(m ² K)
2	Transparent building components ($\bar{U}_{\text{transparent}}$), curtain walls ($\bar{U}_{\text{curtain}}$)	1.0 W/(m ² K)	1.3 W/(m ² K)
3	Glass roofs, window strips and dome rooflights ($\bar{U}_{\text{light}}$)	1.6 W/(m ² K)	2.0 W/(m ² K)

- c) The requirements under Letter a for the specific annual primary energy demand apply accordingly if public buildings are extended by a contiguous usable area of at least 50 m² and this extension is not connected to the existing energy supply of the existing building.
- d) The requirements under Letter b regarding the average heat transfer coefficients apply *mutatis mutandis* if public buildings are extended by a contiguous usable area of at least 50 m².
- e) The calculation methods and boundary conditions for the energy balance of the public building and the reference building are carried out in accordance with the provisions of the German Building Energy Act (GEG), taking into account the interpretations of the German Institute for Building Technology (DIBt)

- f) For extensions to public buildings with a contiguous usable floor area greater than 50 m², the specific annual primary energy demand and the average heat transfer coefficients for the extended area can be carried out separately or jointly with the existing building. In the case of separate calculation, the requirements for new buildings apply to the extension, and in the case of joint calculation with the existing building, the requirements apply to the entire building.
- g) If several public buildings are constructed as part of a larger project and are spatially connected, the calculation can be carried out jointly for all newly constructed buildings. In this case, compliance with the requirements specified in this annex must be ensured upon completion of the last building in the project.
- h) When constructing public buildings, or extending them by a contiguous usable area of at least 50 m², a ventilation concept must be developed that specifies the required outdoor air volume flow. The measures resulting from this concept must be implemented.
- i) For water-based heating or cooling systems, the hydraulic balancing of the distribution systems must be carried out and documented in accordance with recognised engineering standards.
- j) Following the commissioning of a new building, or an extension with a contiguous usable area of at least 50 m², connection to a heating system that meets the Efficiency Building 40 standard, according to Letters a to d, is possible within two years.
- k) In addition, the minimum technical requirements according to the Guideline on Federal Funding for Energy-Efficient Buildings – Non-Residential Buildings of 9 December 2022 (Federal Gazette AT 30.12.2022 B3) apply.
- l) The availability of funding opportunities must be examined. This examination must be documented.

Annex 2

(regarding Section 27, Paragraph 1)

Part 1

The survey characteristics for the surveys pursuant to Section 27, Paragraph 1, are:

1. spatial location (district, postal code),
2. year of construction of the building,
3. number of floors, heated and unheated (living and usable) area of the building, as well as an additions or conversions and the number of residential units,
4. Type of use of the building,
5. Building's listed building status, classification of the building within the scope of an urban conservation ordinance or recognition of the building as a building structure particularly worthy of preservation,
6. Building structure (for example façade, roof, windows),
7. Type, age, output, and energy sources used for energy conversion systems, in particular heat generation systems, and ventilation systems as well as connection to and the possibility of connection to a district heating network,
8. Type and energy source for hot water heating,
9. The building's energy demand and consumption based on an energy certificate, for example, or other document indicating them.
10. Information on the materials and media used for energy production in or on the building,

11. Refurbishment status of buildings, including information on the energy-related modernisation of individual building parts and technical installations,
12. The amount of the monthly ancillary and operating costs, heating costs, electricity costs and costs arising from the purchase price and loan repayment for the building,
13. Use of public funding in the event of building refurbishment,
14. Form of ownership,
15. Membership in a real estate association.

This also includes the time periods and specific dates associated with the characteristics referred to above, particularly the dates on which documents were issued, the dates on which measures were taken and the periods to which consumption and costs relate.

Part 2

The auxiliary characteristics for the surveys pursuant to Section 27, Paragraph 1, are:

1. Name (first name and last name/company) and address (street, house number, postcode, city) of the building owners or their representative (persons or companies),
2. the number of (private) electricity meters (household meters) of buildings,
3. the respective year of construction of the building as known to the department obliged to provide information pursuant to Section 28, Paragraph 3,
4. contact details provided or transmitted by the building owner or their representative (for example, telephone number or email address)."

Article 2

Amendment of the Hamburg Building Code

The Hamburg Building Code of 14 December 2005 (HmbGVBl. pp. 525, 563), last amended on 20 February 2020 (HmbGVBl. pp. 148, 155), is amended as follows:

1. In Section 6, Paragraph 7, Sentence 1, Point 3, the full stop at the end is replaced by a comma and the following Point 4 is added:
 "4. Heat pumps, including their foundations and enclosures, with a height of up to 2 m and a total length of up to 3 m along each property boundary, provided they do not exceed the minimum distance from the exterior wall of the building to be supplied that is necessary for their proper functioning."
2. Section 30, Paragraph 5, shall read as follows:
 "(5) Roof overhangs, eaves and roof structures, translucent roof coverings, roof windows, dome rooflights, skylights and solar installations shall be arranged and built in such a way that a fire cannot spread from them to other parts of the building or to neighbouring plots. The following distances shall be observed from fire walls and from walls that are permitted in place of fire walls:
 1. no clearance required:

- a) Roof windows, skylights, dome rooflights and openings in the roof covering where the walls referred to above extend at least 0.30 m above the roof covering as defined in the first half-sentence,
 - b) Solar installations, dormer windows and similar roof structures made of combustible building materials that are protected against the spread of fire by the walls in accordance with the first half-sentence,
2. at least 0.50 m:
- Solar installations that are installed at a height of no more than 0.30 m above the roof covering or are integrated into the roof, if they do not fall under Point 1, Letter b,
- 3 at least 1.25 m:
- a) Roof windows, skylights, dome rooflights and openings in the roof covering that do not fall under Point 1, Letter a,
 - b) Dormer windows and similar roof structures that do not fall under Point 1, Letter b,
 - c) Solar installations that do not fall under Point 1, Letter b, or Point 2."

Article 3

Amendment of the Act Implementing the Code of Administrative Court Procedure of 21 January 1960

In Section 6, Paragraph 2, of the Act Implementing the Code of Administrative Court Procedure of 21 January 1960 of 19 March 1960 (HmbGVBl. p. 261), last amended on 8 July 2014 (HmbGVBl. p. 299, 326), the full stop at the end of Point 6 is deleted and the following Point 7 is added:

"7. Administrative acts concerning the construction, operation and modification of installations for land-based wind energy with a total height of more than 50 metres."

Article 4

Amendment of the Ordinance on the Delegation of Regulatory Authority in the Area of Building Development Planning and Landscape Planning (*Weiterübertragungsverordnung-Bau*)

In Section 4 of the Ordinance on the Delegation of Regulatory Authority in the Area of Building Development Planning and Landscape Planning of 8 August 2006 (HmbGVBl. p. 481), last amended on 10 May 2022 (HmbGVBl. p. 328), the following words are added "in the currently valid version".

Article 5

Continuing empowerment to adopt ordinances

(1) The Hamburg Climate Protection Implementation Obligation Ordinance (*Hamburgische Klimaschutz-Umsetzungspflichtverordnung*) of 22 December 2020 (HmbGVBl. p. 711) shall also be based on Article 1, Points 19 and 20, of this Act (Section 16, Paragraph 7, and Section 16a, Paragraph 5, of the Hamburg Climate Protection Act).

(2) The Billebogen Ordinance on Connection and Usage Obligations of 1 September 2020 (HmbGVBl. p. 429) shall have been issued under Article 1(10.1.1) of this Act (Section 8, Paragraph 1, Sentence 1, of the Hamburg Climate Protection Act).

Article 6

Notification

Notification under Directive (EU) 2015/1535 of the European Parliament and of the Council, of 9 September 2015, on an information procedure in the field of technical regulations and of rules on Information Society services (OJ EU No L 241, p. 1) has been made.

Article 7

Entry into force

In Article 1, the entry relating to Section 33(1.19) and Section 33(32) shall enter into force on 1 January 2025. All other provisions of this Act shall enter into force on 1 January 2024.

Issued in Hamburg, 13 December 2023.
The Senate