FOREST RESTORATION POLICY IN GERMANY

POLICY COHERENCE ACROSS FOREST-RELATED POLICY AREAS AND POLITICAL LEVELS

SUPERB
Upscaling Forest Restoration

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EXECUTIVE SUMMARY

Forest policy in Europe operates within a complex, multi-sectoral and multi-level policy framework. To effectively implement and scale up forest restoration efforts—such as those outlined in the EU Nature Restoration Law (EU-NRL)—achieving a certain level of coherence across forest-related policy areas (e.g., nature conservation, climate, agriculture, and rural development) and political levels (EU and national/subnational) is essential.

As part of the EU Horizon 2020 SUPERB project, Task 5.1 of Work Package 5 offers valuable insights into the issue of forest restoration policy coherence. Specifically, it examines coherence at the national level across forest-related policy areas (horizontal coherence) and across national and EU levels (vertical coherence). The analysis of horizontal coherence is based on a survey of national forest policy experts in the relevant countries, while the vertical coherence analysis involves a detailed review of EU forest restoration provisions and some key forest restoration indicators and practices, as well as national forest regulatory frameworks.

The present report briefly outlines the key findings for the **case of Germany**, where forest restoration activities have to meet diverse social and political demands.

HORIZONTAL FOREST RESTORATION POLICY COHERENCE IN GERMANY

Due to the federal system in Germany, multiple policy areas are under the responsibility of the individual states, including forest policy. Since a detailed state-level mapping and analysis are out of the scope of the present report, it is focused on key national sector policies and their cross-sectoral and vertical policy coherence.

The **Federal Forest Act of 1975**, which is currently under revision in its version from 2021, indicates three main goals: (i) to maintain, increase, and sustainably manage forests for their economic use and environmental protection function, (ii) to promote forestry and (iii) to balance the interests between forest owners and the general public (including recreational services). In this context, **the Federal Forest Act** outlines several policy instruments for preserving forests, which are to be specified by state-level (Länder) legislation: 1) an obligation for public agencies to consider forest functions and forest authorities in public planning and measures; 2) permits required to transform forests into other land uses; 3) permits required for first afforestation; 4) obligations for forest owners to engage in "orderly and sustainable" forest management and re-afforestation of clear-cut/damaged areas; 5) declaration of forest areas as "protective forest" (e.g., to prevent erosion, landslides, damaging water run-offs, hazardous environmental impacts) or "recreational forest"; 6) ensuring physical access to forests. The objectives formulated in the **Federal Forest Act** are reiterated and partly described in more detail in the Federal Ministry for Food and Agriculture's (BMEL) **Forest Strategy 2050** of 2021. Other key forest policies include the **Guidelines for grants for climate-resilient forest management of 2022**, which aim to adapt forest management to climate change with a focus on environmental objectives such as carbon storage and biodiversity conservation. Additionally, the **Forest Damage Compensation Act of 1969** aims to avoid potential wood market distortions resulting from exceptional damages related to wind, snow/ice, fungi, insects, or other calamities. The latter provides three policy instruments at the federal level, including i) the imposition of limitations on harvesting certain species, ii) limitations of wood imports, and iii) tax reliefs for affected forest owners.

Regarding nature conservation policies, the **Federal Nature Conservation Act of 2009**, in its current version of 2022, serves to (i) secure biological diversity by preserving populations of wild animals and plants, counteracting threats to natural ecosystems, biotopes, and species, preserving biotopes with their structural and geographic properties, and allowing certain landscapes to experience natural dynamics. It furthermore (ii) seeks to secure ecosystem services, including biological functions and material and energy flows, and (iii) to maintain the diversity, uniqueness, beauty, and recreational value of nature and landscapes by, among other things, avoiding their deformation and fragmentation. Specifically, for forests, the **Act** states that forestry should pursue the goal of creating close-to-nature forests, avoiding clear-cutting, practicing sustainable forest management, and maintaining a sufficient part of forest plants originating from the respective area. Another key nature conservation policy is the **National Strategy on Biological Diversity of 2007**, which aims to fulfill the stipulation by the international **Convention on Biological Diversity (CBD)** to prepare national strategies. Concerning forests, the National Strategy on Biological Diversity envisions high natural diversity regarding the structure and composition of species.

Regarding climate policies, the legally binding **Federal Climate Change Act of 2019**, in its current version of 2021, serves to fulfill Germany's international and European obligations to reduce greenhouse gas (GHG) emissions to keep global warming below 2°C and, if possible, below 1.5°C. To achieve this, it establishes minimum quantitative reduction targets that are further broken down into annual emission budgets for sectors such as energy, industry, transport, buildings, agriculture, waste, and others. In this context, the agricultural sector accounts for fuel consumption in forestry. Another key climate policy with implications for German forests is the non-legally binding **German Strategy for Adaptation to Climate Change** of the federal government from 2008. It aims to reduce the vulnerability and increase the adaptive capacity of natural, social, and economic systems to the impacts of climate change. It serves to fulfill Germany's obligation concerning adaptation within the UNFCCC. Regarding forests, the **German Adaptation Strategy** states that early adaptation to climate change is required to mitigate the risk of future calamities and related distortions of the wood market and forest functions, calling for a transformation from monocultures to suitable mixed forests by forest owners. To address adaptation to climate change, the **German Adaptation Strategy of 2008** created an inter-ministerial working group providing a continuous exchange format between the federal government and state governments. It also highlights the roles of the Competence Centre for Adaptation, created in 2006 under the German Environment Agency, and a new Climate Service Centre.

When considering the coherence of sectoral policies in promoting forest (biodiversity) restoration in Germany, some key trade-offs can be identified between timber production/ market protection and nature conservation policies. For example, the **Federal Forest Act** does not generally prohibit the clearing of forest areas, and the Forest Damage Compensation Act even provides tax reliefs to disturbance-affected forest owners to salvage and market damaged timber. These incentives and non-regulations are likely to counteract nature conservation objectives as formulated in the **Federal Nature Conservation Act** of 2009. Additionally, such practices are likely to counteract the objectives formulated in the

German Strategy for Adaptation to Climate Change, which aims to transform monocultures into suitable mixed forests, as the reforestation of mixed and uneven-aged forests on clear-cut forest areas is a long-term and complex task. These partly conflicting objectives related to forests are further reflected in counteracting economic subsidies for management actions.

Table 1: Key forest restoration policies and legislation in Germany.

Name	Entry into force	URL
Federal Forest Act: Gesetz zur Erhaltung des Waldes und zur Förderung der Forstwirtschaft (Bundeswaldgesetz) vom 2. Mai 1975 (BGBl. I S. 1037), last amendement on Article 112 on August 10th 2021(BGBl. I S. 3436)	1975	https://www.gesetze-im-internet.de/bwaldg/index.html
Forest Damage Compensation Act: Gesetz zum Ausgleich von Auswirkungen besonderer Schadensereignisse in der Forstwirtschaft (Forstschäden-Ausgleichsgesetz) vom 29.08.1969 in der Fassung der Bekanntmachung vom 26. August 1985 (BGBl. I S. 1756), last amendment on Article 111 on 10th August 2021	1969	https://www.gesetze-im-internet.de/forstschausglg/index.html
Forest Strategy 2050 of the Federal Ministry for Food and Agriculture's (BMEL): Waldstrategie 2050 des Bundesministeriums für Ernährung und Landwirtschaft (BMEL) vom September 2021	2021	https://www.bmel.de/SharedDocs/Downloads/DE/Broschueren/Waldstrategie2050.html
Guideline for grants for climate-resilient forest management of the Federal Ministry for Food and Agriculture (BMEL): Bundesministerium für Ernährung und Landwirtschaft (2022) Bekanntmachung der Richtlinie für Zuwendungen zu einem klimaangepassten Waldmanagement vom 28. Oktober 2022	2022	https://www.bundesanzeiger.de/pub/publication/bxGsYtMY5lIqr5U28FP/content/bxGsYtMY5lIqr5U28FP/BAnz%20AT%2011.11.2022%20B1.pdf?inline
Federal Nature Conservation Act: Gesetz über Naturschutz und Landschaftspflege (Bundesnaturschutzgesetz - BNatSchG) vom 29.07.2009 (BGBl. I S. 2542), last amendment through Article 3 on 8th December 2022	2009	https://www.gesetze-im-internet.de/bnatschg_2009/
National Strategy on Biological Diversity of the federal government: Bundesministerium für Umwelt, Naturschutz, Bau und Reaktorsicherheit (2007) Nationale Strategie zur biologischen Vielfalt. Kabinettsbeschluss vom 7. November 2007.	2007	https://www.bmuv.de/fileadmin/Daten_BMU/Pools/Broschueren/nationale_strategie_biologische_vielfalt_2015_bf.pdf
Draft Action Programme on Close-to-Nature Climate Action of the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection (BMUV):	2022	"https://www.bmuv.de/fileadmin/Daten_BMU/Download_PDF/Naturschutz/aktionsprogramm_natuerlicher_klimaschutz_entwurf_bf.pdf

Bundesministerium für Umwelt, Naturschutz, nukleare Sicherheit und Verbraucherschutz (2022) Aktionsprogramm natürlicher Klimaschutz. Entwurf vom August 2022		
Federal Climate Change Act: Bundes-Klimaschutzgesetz vom 12. Dezember 2019 (BGBl. I S. 2513), das durch Artikel 1 des Gesetzes vom 18. August 2021 (BGBl. I S. 3905) geändert worden ist	2019	Further development draft published in Februrary 2023:
German Adaptation Strategy: Bundesregierung (2008) Deutsche Anpassungsstrategie an den Klimawandel.	2008	https://www.bmuv.de/download/entwuerfe-zum-aktionsprogramm-natuerlicher-klimaschutz"
Renewable Energy Sources Act: Gesetz für den Ausbau erneuerbarer Energien (Erneuerbare-Energien-Gesetz - EEG 2023) vom 21. Juli 2014 (BGBl. I S. 1066), das zuletzt durch Artikel 6 des Gesetzes vom 4. Januar 2023 (BGBl. 2023 I Nr. 6) geändert worden ist	2014	https://www.gesetze-im-internet.de/ksg/index.html
Wind on Land Act: Gesetz zur Erhöhung und Beschleunigung des Ausbaus von Windenergieanlagen an Land vom 20. Juli 2022. Bundesgesetzblatt, Jahrgang 2022, Teil 1, Nr. 28, ausgegeben zu Bonn am 28. Juli 2022	2022	https://www.bmuv.de/download/deutsche-anpassungsstrategie-an-den-klimawandel
Ordinance on electricity generation from biomass: Verordnung über die Erzeugung von Strom aus Biomasse (Biomasseverordnung - BiomasseV) vom 21. Juni 2001 (BGBl. I S. 1234), die zuletzt durch Artikel 8 des Gesetzes vom 13. Oktober 2016 (BGBl. I S. 2258) geändert worden ist. F64	2001	https://www.gesetze-im-internet.de/eeg_2014/index.html
Law on the Joint Task "Improvement of the Agricultural Structure and Coastal Protection" (Law 1969/1988, last amended 2016 (Gesetz über die Gemeinschaftsaufgabe "Verbesserung der Agrarstruktur und des Küstenschutzes")	1969	https://www.bmel.de/DE/themen/laendliche-regionen/foerderung-des-laendlichen-raumes/gemeinschaftsaufgabe-agrarstruktur-kuestenschutz/gemeinschaftsaufgabe-agrarstr-kuestenschutz_node.html

VERTICAL FOREST RESTORATION POLICY COHERENCE

There are no specific provisions about forest set-asides in the German Federal Forest Law. The provisions of Articles §9, §12, and §41a of the 1975 German Forest Law ("Bundeswaldgesetz") address forest area maintenance. §9 restricts forest conversion unless authorized, allowing for protection when conservation is in the public interest, which implicitly supports the conservation of key forest areas. §12 allows for the designation of protective forests ("Schutzwald") to prevent specific environmental harms like air and soil pollution, flooding and other risks. Finally, §41a mandates regular forest inventories to fulfill international commitments, including binding European Union agreements and global climate protection obligations.

The provisions of Articles §11 and §41 of the German Forest Law indirectly promotes uneven-aged and mixed-species forest management by promoting sustainable and proper forest management, which includes the reforestation and natural regeneration of clear-cut or degraded areas, potentially leading to forests with diverse age structures and species, though this is not explicitly stated. §11 establishes the obligation to restore or supplement forests where natural regeneration is insufficient, which can contribute to mixed species and uneven-aged forests. In §41, investments in sustainable management are encouraged, which may include practices that favor a mix of species and age structures, though it is not directly specified. Additionally, §41a mentions the collection of data on forest ecosystem vitality and interactions, which could inform and improve forest management practices, including the promotion of mixed and uneven-aged forests. These provisions are mostly implicit in their connection to this forest restoration practice.

The provisions of §11 and §41a of the German Forest Law relate indirectly to the management of deadwood. §11 emphasizes the sustainable management of forests and the obligation to restore or supplement forest areas where natural regeneration is incomplete, which could implicitly support the retention of deadwood as part of maintaining ecological functions, though it does not explicitly mention deadwood. §41a, which mandates regular forest inventories, explicitly includes the collection of data on the condition of forest ecosystems, potentially covering deadwood as part of the assessment of forest vitality and ecosystem interactions.

The German Forest Law constitutes the main policy and legal framework at Federal (*Bund*) level that provides the main frame of reference for forest legislation at state (*Länder*) level.

The Federal Forest Law does not prohibit clearcuts per se and there are no specific rules on clearcut thresholds. The Law requires the federal states (*Länder*) to specify minimum legal obligations for timeframes, generally three to five years, of restocking clearcut forest areas. Unlike the Federal Forest Law, the Federal Nature Protection Law (*BNatSchG*) requires all forest owners to develop close-to-nature forests and apply sustainable forest management without clearcuts, although this regulation does not constitute a legal prohibition.

In 2024, the German government introduced a proposal to amend the 1975 Forest Law. The aim is to adapt the regulatory framework for forest management in Germany to address climate and biodiversity challenges. However, the proposal has faced rejection from large-scale forest owners, enterprises, and the forest industry. It remains to be seen whether the amendment will ultimately be realized and to what extent forest restoration practices and indicators will be directly promoted.

KEY FINDINGS

German forest restoration policies and legislation address key aspects that could support the implementation of restoration activities. While numerous public funding instruments support key forest ecosystem restoration indicators and practices, the future success of forest restoration will largely depend on effectively harmonizing societal and political demands regarding the economic and nature conservation functions of forest ecosystems.

RECOMMENDATIONS

For successful implementation and scaling of forest restoration, it will be crucial to leverage synergies across forest-related policy areas while addressing critical trade-offs. This can be achieved, for example, by better harmonizing economic interests with nature conservation goals and requirements.