Deutscher Wetterdienst Act (DWD Act)

DWDG

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**Part 1: Legal form, supervision**

**Section 1: Legal form, organisational structure, principal place of business**

(1) The Deutscher Wetterdienst shall be a public institution with partial legal capacity and an executive agency of the Federal Ministry of Transport and Digital Infrastructure (BMVI).

(2) The Deutscher Wetterdienst shall consist of Business Areas organised into Departments and Business Units. Further structuring shall be determined by the Executive Board by way of an organisational directive.

(3) The Deutscher Wetterdienst's principal place of business shall be at Offenbach am Main.

**Section 2: Supervision**

The Deutscher Wetterdienst shall be under the administrative and technical supervision of the Federal Ministry of Transport and Digital Infrastructure (BMVI). As part of the technical supervision, control over the Deutscher Wetterdienst shall be exercised by the BMVI by setting guideline targets and conducting performance reviews. This shall be without prejudice to the budgetary provisions.

**Section 3: Co-operation**

(1) In the interests of budgetary rigour and to prevent any unnecessary duplication of work, there shall be close co-operation between the Federal Ministry of Transport and Digital Infrastructure (BMVI) and the Federal Ministry of Defence (BMVg) in the field of meteorological services. This co-operation shall be regulated by way of an administrative agreement.

(2) In so far as the Deutscher Wetterdienst carries out duties that also fall under the remit of other government departments, co-operation shall be arranged between the Deutscher Wetterdienst and the competent supreme federal authority. If the intended co-operation is expected to have considerable financial consequences for the Deutscher Wetterdienst, prior approval shall have to be obtained from the Federal Ministry of Transport and Digital Infrastructure (BMVI).

**Part 2: Duties, powers**

**Section 4: Duties**

(1) The duties of the Deutscher Wetterdienst shall be:

1. to provide meteorological and [climatological](#) services for the general public or for individual customers and users, especially in the fields of transport, trade and industry,
agriculture and forestry, the building industry, public health, water management including preventive flood control, environmental protection, nature conservation and science;

2. to provide meteorological information and services to ensure the safety of aviation and maritime shipping, traffic routes and other vital infrastructures, in particular those needed for energy supply and communications systems;

3. to issue official warnings about weather phenomena that
   a) could become a danger to public safety and order or
   b) are related to imminent weather and climate events with a high potential to cause damage;

4. to ensure the short- and long-term observation and registration, monitoring and evaluation of the meteorological processes and of the structure and composition of the atmosphere;

5. to register the meteorological and climatological interaction between the atmosphere and other areas of the environment;

6. to analyse and forecast meteorological and climatological processes as well as to analyse and project climate change and climate change impacts;

7. to monitor the atmosphere for radioactive trace substances and forecast their transport;

8. to operate the necessary measuring and observation systems for the performance of the duties listed in Numbers (1) to (7) above as part of the spatial data infrastructure; and

9. to ensure the availability, archiving, documentation and release of meteorological and climatological spatial data and services.

(2) To perform its duties, the Deutscher Wetterdienst shall undertake scientific research in the fields of meteorology, climatology and related sciences and shall participate in the development of corresponding standards.

(3) The Deutscher Wetterdienst shall be the National Meteorological Service of the Federal Republic of Germany. It shall participate in the international co-operation in the field of meteorology and climatology and shall meet the obligations resulting therefrom.

(4) Within the framework of its duties as set out in Subsection (1) above, the Deutscher Wetterdienst shall support the Federation, the Länder and the local governments and municipal associations in performing their duties with regard to disaster control and civil and environmental protection, especially in cases of extreme weather and climate events with a high potential to cause damage, and shall participate in the performance of duties in the fields of civil defence and civil-military co-operation.
(5) This shall be without prejudice to the provisions of the Radiation Protection Act (StrVG), the regulations issued on the basis of it and the provisions of the Act on the Establishment of a Federal Office for Radiation Protection (BAStrSchG).

(6) The Deutscher Wetterdienst shall be entitled itself to publicly distribute services that it delivers free of charge within the meaning of Section 6(2a) above, provided that this is part of its statutory duties.

Section 5: Powers

(1) The Deutscher Wetterdienst shall provide its services on the basis of private law provided that this does not conflict with other laws. It shall be entitled to participate in competitive bidding processes conducted by public authorities for the supply of meteorological services.

(2) The Deutscher Wetterdienst shall be entitled to co-operate with third parties in the performance of its duties. For this purpose, it shall also be entitled to set up a domestic enterprise in its own name or to participate in the founding of an enterprise or in an existing enterprise at home or abroad. Sections 65 to 69 of the Federal Budget Code (BHO) of 19 August 1969 (Federal Law Gazette I, p. 1284), last amended by Article 2 of the Act of 2 May 1996 (Federal Law Gazette I, p. 656), shall be directly applicable, although the introductory clause and Number (1) of Section 65(1) shall read as follows: "Except in the cases falling under Subsection 5, the Deutscher Wetterdienst should only take part in the founding of a private-law enterprise or take a holding in an existing enterprise with a legal form of this kind if there is an important interest on the part of the Deutscher Wetterdienst and the purpose intended by the Deutscher Wetterdienst cannot be achieved better or more efficiently in any other way."

(3) Any leave of absence granted to employees of the Deutscher Wetterdienst to work in such enterprises shall be in the interests of the Deutscher Wetterdienst’s official duties. The details shall be agreed between the Federation and the enterprise. Any possible assurance given to the employee concerned that the period of leave of absence will be considered as a pensionable service period in accordance with Number (5) of the second sentence of Section 6(1) of the Civil Servants' Pensions and Benefits Act (BeamtVG) as published in the notification of 16 December 1994 (Federal Law Gazette I, p. 3858), last amended by Article 6 of the Act of 24 March 1997 (Federal Law Gazette I, pp. 590, 592), shall depend on whether an additional pension contribution is levied by the enterprise concerned.

Section 6: Remuneration

(1) The Deutscher Wetterdienst shall be managed in such a way that expenditure not covered by revenue is kept as low as possible.
(2) The Deutscher Wetterdienst shall charge remuneration for the provision of its services. The amount of the remuneration shall be fixed by the Executive Board in a price list based on economic cost calculation methods, with the possibility, as the case may be, of being raised or reduced on account of the economic value or a special public interest, respectively, or based on international agreements. The price list shall contain prices for data, products and value-added services.

(2a) Provided that there are no other legal regulations prescribing charges, the Deutscher Wetterdienst shall provide the following services free of charge:

1. services for the Federation, the Länder and local governments and municipal associations within the meaning of Section 4(4) above;
2. services for the public within the meaning of Section 4(1)(3) and (7) above for public distribution;
3. provision of spatial data and spatial data services within the meaning of Section 3(1) and (3) of the Spatial Data Access Act (GeoZG) on the 'Geoportal' for spatial data of Germany's national spatial data infrastructure.

(3) (Repealed)

(4) The prices for value-added services that go beyond basic services shall be calculated in such a way that a positive total contribution margin is achieved. The prices for data and products shall form an integral part of the calculation.

(5) The scope of the basic services and criteria for price reduction shall be fixed within the framework of the guideline targets referred to in the second sentence of Section 2 above after consulting the Advisory Board of the Federation and the Länder.

(6) Within the meaning of Subsection (2) above:

1. "Meteorological data" means the immediate outputs from the various measuring and observation systems.
2. "Meteorological products" means meteorological data that have been processed. They are created either manually or by input into computer-controlled processes. As a matter of principle, their interpretation shall require professional knowledge of meteorology.
3. "Value-added services" means the results from the further processing of data and products. Their purpose is to meet special customer and user requirements.
4. "Services" means the data, products and value-added services which the Deutscher Wetterdienst supplies to third parties.

(7) The Deutscher Wetterdienst shall be obliged to prove compliance with its responsibilities set out in Subsections (2) and (4) above at regular intervals through an independent auditor.
**Section 7: Acknowledgement of sources**

Distribution of meteorological data, products and value-added services, especially the warnings issued by the Deutscher Wetterdienst in accordance with Section 4(1)(3) above shall only be permissible if the source is acknowledged. This shall be without prejudice to further protection in accordance with the Copyright Act of 9 September 1965 (Federal Law Gazette I, p. 1273), last amended by Article 5 of the Act of 19 July 1996 (Federal Law Gazette I, pp. 1014, 1017).

**Part 3: Management**

**Section 8: Executive management board**

(1) The business and affairs of the Deutscher Wetterdienst shall be conducted by the Executive Board of Directors, which shall be responsible for the management of the Deutscher Wetterdienst. The members of the Executive Board shall represent the Deutscher Wetterdienst in and out of court.

(2) The members of the Executive Board shall be the President as chairperson, the Vice-President and the heads of the Business Areas. The Executive Board shall consist of no more than six members. They shall be appointed and dismissed by the Federal Ministry of Transport and Digital Infrastructure (BMVI). Areas of responsibilities, powers of representation, adoption of resolutions as well as details regarding the appointment and dismissal of the Executive Board members shall be regulated by statutes. The statutes and amendments to these statutes shall require the approval of the Federal Ministry of Transport and Digital Infrastructure (BMVI).

**Part 4: Advisory boards**

**Section 9: Scientific advisory board**

(1) The Scientific Advisory Board shall advise the Executive Board of the Deutscher Wetterdienst on important matters of research which the Deutscher Wetterdienst carries out within the framework of its duties referred to in Section 4 above and can make recommendations in this respect. The Scientific Board shall further the contact with universities and support the co-operation of the Deutscher Wetterdienst with national and international research institutes and the Deutscher Wetterdienst's involvement in national and international research programmes.
(2) The Scientific Advisory Board shall consist of ten members. They shall be appointed by the Federal Ministry of Transport and Digital Infrastructure (BMVI) at the suggestion of the Executive Board of the Deutscher Wetterdienst for a period of four years. Reappointment shall be possible for one more period. Scientists from meteorology and related fields must be adequately represented.

(3) The Scientific Advisory Board shall adopt rules of procedure, which shall require the approval of the Executive Board of the Deutscher Wetterdienst.

**Section 10: Advisory board of the Federation and the Länder**

(1) The Advisory Board of the Federation and the Länder shall advise the Executive Board of the Deutscher Wetterdienst and the Federal Ministry of Transport and Digital Infrastructure (BMVI) on matters concerning the interests of the federal government departments and the Länder in the performance of the duties of the Deutscher Wetterdienst referred to in Section 4 above and shall guarantee the appropriate co-operation.

(2) The Advisory Board of the Federation and the Länder shall consist of representatives from the federal government departments and the Länder; each Land may send one representative. The Advisory Board of the Federation and the Länder shall adopt rules of procedure, which shall require the approval of the Federal Ministry of Transport and Digital Infrastructure (BMVI).

**Part 5: Personnel matters**

**Section 11: Special rules on travelling and removal expenses**

The Federal Ministry of Transport and Digital Infrastructure (BMVI) shall be entitled, in agreement with the Federal Ministries of the Interior (BMI) and Finance (BMF), to issue supplementary provisions regarding travelling and removal expenses for the civil servants at the Deutscher Wetterdienst where this is necessary because of the specific nature of the Deutscher Wetterdienst or its position in the competitive environment.

**Part 6: Transitional and final provisions**

**Section 12: Transition of rights and obligations**

(1) The existing administrative agreements shall remain effective until new arrangements come into force in accordance with Section 3 above.
(2) Until the rules of procedure of the Scientific Advisory Board have been accepted and approved as set out in Section 9(3) above, the existing rules of procedure of the Scientific Advisory Board shall remain effective in accordance with Section 6 of the Deutscher Wetterdienst Act as amended and published in the Federal Law Gazette Part III, classification No. 97-1 last amended pursuant to Article 69 of the Ordinance of 26 February 1993 (Federal Law Gazette I, p. 278). Likewise, until acceptance and approval of the rules of procedure in accordance with Section 10(2) above, the rules of procedure adopted for the Administrative Board pursuant to Section 5 of the previous Deutscher Wetterdienst Act shall be applied to the Advisory Board of the Federation and the Länder accordingly.

Section 13: Evaluation


Section 14: Entry into force, termination

This Act shall enter into force on the 1st of January of the year following its promulgation.