

Draft

Ordinance of the Provincial Government of, amending the Technical Building Regulations 2026

Pursuant to Section 20(1) and (2) of the Tyrolean Building Regulations 2022, LGBL (Provincial Law Gazette) No 44/2022, last amended by the LGBL Act No 51/2026, it is hereby decreed:

Article I

The Technical Building Regulations 2026, LGBL No 33/2016, last amended by the LGBL Ordinance No 59/2026, are amended as follows:

1. In Section 7, the following provision shall be added as paragraph 4:

”(4) when installing limited safety lighting on escape routes and escape route systems in accordance with Table 6 of OIB Guideline 2, Fire Protection, May 2023 edition, the following positions are to be illuminated and marked on escape routes and fixed escape route systems:

- a) emergency exits,
- b) stairs, to illuminate the stair steps,
- c) change in level,
- d) changes in direction when the direction of the escape route is unclear,
- e) the area immediately after the exit to a safe place in the adjacent outdoor area,
- f) corridors in front of all passenger lift landings where the direction of the escape route is unclear; and
- g) the area in front of unlocking devices for unlocking electronically locked doors.”

2. In Section 18(3), the second sentence is deleted.

3. In Paragraph 29(1), the phrase "parts of buildings" is replaced by the word "building parts".

4. In Section 29, the following provision shall be added as paragraph 1a:

“(1a) Where, as a result of an extension or conversion of a building for which planning permission was granted before 1 March 1998 and where the change in the intended use of such a building creates no more than two new flats, paragraph 1 shall not apply.

“(1b) Where, as a result of an extension or conversion of a building for which planning permission was granted before 1 March 1998 and where the change in the intended use of such a building results in the ground floor comprising a residential complex, paragraph 1(f) shall apply mutatis mutandis only to the flats situated on the ground floor.”

5. The following provisions shall be inserted as Section 43a and Section 43b after Section 43:

“43a

Further exemptions for stationary battery systems, garages and developments

(1). Notwithstanding clause 3.9.12 of OIB Guideline 2, Fire Protection, May 2023 edition, a battery room is permitted in buildings of building class 1, in terraced houses of building class 2, and in

garages, covered parking spaces and multi-storey car parks, each with a usable floor area of no more than 250 m², for

- a) stationary battery installations with a useful energy content of less than or equal to 10 kWh,
- b) stationary battery installations with a useful energy content of less than or equal to 25 kWh and tested in accordance with recognised good engineering practice for safety requirements,
- c) stationary battery systems with a usable energy capacity of up to 100 kWh, which have been tested in accordance with recognised good engineering practice for safety requirements and for which a recognised test has demonstrated that a 'thermal runaway' in a single cell does not result in the battery system catching fire,

not required. However, when installing fixed battery systems in buildings of building class 1, an off-grid smoke alarm must always be fitted in the room where the system is installed.

(2). The installation of stationary battery systems in stairwells is prohibited according to Tables 2a, 2b and 3 of OIB Guideline 2, Fire Protection, May 2023 edition, as well as in rooms directly adjacent to them, in escape routes and corridors – except within flats – in airlocks, in assembly rooms and in classrooms or group rooms, or rooms with a similar use.

(3). Depending on the battery technology used, battery rooms for stationary battery systems must have effective ventilation to the outside, suitable pressure relief and smoke discharge to the outside in accordance with Point 3.12.2 of OIB Guideline 2, Fire Protection, May 2023 edition. Up to a usable energy content of 250 kWh, this requirement may be considered fulfilled if continuously effective inflow and outflow of air directly into the open air is ensured to the extent of at least 1 % of the floor area, with each opening having at least a diameter of DN 150. If the battery room has a smoke extraction opening measuring 0.5 m², this may be regarded as a suitable means of pressure relief and smoke extraction.

(4). For stationary battery systems with a usable energy content of more than 250 kWh, a corresponding risk analysis shall be prepared, including all aspects of accessibility for extinguishing measures, early fire detection, ventilation, explosion protection and maintenance of the load-bearing capacity of the building in the event of a fire.

(5). By way of derogation from Point 3.12.1 of OIB Guideline 2, Fire Protection, May 2023 edition, the requirements referred to therein shall not apply to buildings of building class 1 and terraced houses of building class 2, and rooms with a floor area of not more than 30 m² shall not be taken into account. The floor area of individual rooms which do not have their own smoke extraction system and are ventilated via an adjacent corridor may not exceed 100 m².

(6). For single-storey, above-ground, non-built garages adjacent to buildings of building class 1 in conjunction with covered parking spaces and storage rooms with a total covered area of 120 m², derogations from Points 2 and 3 of OIB Guideline 2, Fire Protection, May 2023 edition, are permitted if

- a) walls, ceilings or roof structures are made of class D building materials and
- b) if the distance to the adjoining property is less than 2.00 m, a wall facing the relevant neighbouring property or building plot boundary must be constructed along its entire length and up to the roof cladding to a fire resistance rating of REI 60 or EI 60.

The total area of not more than 120 m² shall be included in the calculation of the gross allowable floor area of 400 m² of the building class.

(7). Notwithstanding Point 2.1.2 of OIB Guideline 4, Safety in Use and Accessibility, May 2023 edition, vertical access is also permitted via retractable stairs and ladders, provided this does not conflict with the intended use of the space to be accessed, as is the case with attics, haylofts and similar areas.

Section 43b

Exemptions for building works in existing buildings

(1). In the case of extensions and conversions to buildings for which the building permit was granted before 1 March 1998 and in the case of a change in the intended use of such buildings, where

- a) compliance with the relevant requirements is possible only at disproportionate cost for technical reasons; or
- b) insofar as this is necessary to protect the distinctive character or appearance of listed buildings or characteristic buildings under the Tyrolean Protection of Town and Village Landscapes Act 2021, LGBl. No 124/2020, as amended, and buildings in protection zones and ensemble

protection zones pursuant to the Tyrolean Protection of Town and Village Landscapes Act 2021, or buildings of historical, artistic or cultural significance,

1.in accordance with the provisions of OIB Guideline 2, Fire Protection, May 2023 edition, OIB Guideline 2.1, Fire Protection in Commercial Buildings, May 2023 edition, OIB Guideline 2.2, Fire Protection in Garages, Covered Parking Spaces and Multi-storey Car Parks, May 2023 edition, and OIB Guideline 2.3, Fire Protection in Buildings with an Evacuation Level of more than 22 m, May 2023 edition;

2. Point 5.1.1 of the OIB Guideline 3, Hygiene, Health and Environmental Protection, issue May 2023, in the case of flue gas systems for room-sealed gas-fired furnaces where the temperature of the flue gas is lowered below the dew point (condensing boiler), the outlet of the flue gas systems is also arranged in external walls and the requirements of Points 5.1.3 and 5.1.4 of the OIB Guideline 3, Hygiene, Health and Environmental Protection, issue May 2023 are deviated from;

3. provided that it is appropriately signposted, and notwithstanding Point 2.1.1 of OIB Guideline 4, 'Safety of Use and Accessibility', May 2023 edition, accessible access may also be provided via a side entrance;

4. notwithstanding Point 4.2.3 of OIB Guideline 4, Safety in Use and Accessibility, May 2023 edition, in the case of existing fall protection systems situated between 15 cm and 60 cm above the finished front edge of a step or the standing surface, horizontal or sloping elements of the fall protection system may also be installed.

(2). In the case of extensions and conversions to buildings for which the building permit was granted before 1 March 1998 and in the case of a change in the intended use of such buildings, by way of derogation from

- a)Point 9.1.1 of OIB Guideline 3, Hygiene, Health and Environmental Protection, May 2023 edition, when calculating the floor area of common rooms that are at least partly bounded by sloping roof surfaces, may only those areas where the room height is 1.50 m or more be taken into account;
- b)Point 9.1.2 of OIB Guideline 3, Hygiene, Health and Environmental Protection, May 2023 edition, where the angle of the required unobstructed incidence of light of 45 degrees to the horizontal, measured from the façade line or from the plane of the roof cladding, may be slightly exceeded;
- c)Point 9.1.4 of OIB Guideline 3, Hygiene, Health and Environmental Protection, May 2023 edition, the room depth may also be more than 5.00 m without the need to increase the required light entry area in accordance with Points 9.1.1 and 9.1.3 of OIB Guideline 3, Hygiene, Health and Environmental Protection, May 2023 edition;
- d)Point 9.1.5 of OIB Guideline 3, Hygiene, Health and Environmental Protection, May 2023 edition, other rooms or corridors may also be situated in front of the corresponding light-entry areas of common rooms, although in such cases the simultaneous application of paragraph 2(c) is not permitted;
- e)Point 10.1.1 of OIB Guideline 3, Hygiene, Health and Environmental Protection, May 2023 edition, the ventilation of common rooms may also be provided via directly adjoining rooms or corridors which are assigned to the respective residential or operational unit and which can be adequately ventilated via windows, doors and the like leading directly to the outside;
- f) Point 11.2 of OIB Guideline 3, Hygiene, Health and Environmental Protection, May 2023 edition, in rooms other than common rooms and in parts of common rooms where the minimum room height specified in Points 11.2.2 and 11.2.3 of OIB Guideline 3, Hygiene, Health and Environmental Protection, May 2023 edition, is not met, provided that the lower room height is compensated for by a corresponding increase in lighting and ventilation;
- g)Point 2.1.4 of OIB Guideline 4, Safety of Use and Accessibility, May 2023 edition, a flight of stairs along escape routes leading down to the exit level need not be continuous if the escape routes are predominantly straight and run predominantly on a single level, and the route of the escape route is easily recognisable;
- h)Point 2.2.2 of OIB Guideline 4, Safety of Use and Accessibility, May 2023 edition, that the longitudinal gradient of ramps must not exceed 10 % and the continuation of the handrails may be omitted;
- i)Point 2.4.2 of OIB Guideline 4, Safety of Use and Accessibility, May 2023 edition, states in generally accessible areas of buildings or parts of buildings that are to be designed to be accessible, the manoeuvring space (turning circle) in main corridors separated by doors is not required;

- j) Point 2.4.8 of OIB Guideline 4, Safety in Use and Accessibility, May 2023 edition, stipulates the clear headroom of staircases, measured from the front edge of the step, as well as that of ramps and corridors, must also be at least 2.00 m;
- k) Point 2.5.1. of the OIB Guideline 4, Safety of use and accessibility, May 2023 edition, where, for residential stairs, the minimum width may not be reduced by handrails more than 10 cm per side;
- l) Point 2.7.1 of OIB Guideline 4, Safety of Use and Accessibility, May 2023 edition, where the clear width of door openings in buildings and parts of buildings that are not required to be accessible may be less than 80 cm;
- m) Point 2.7.2 of OIB Guideline 4, Safety in Use and Accessibility, May 2023 edition, where the clear height of door openings may also be less than 2.00 m;
- n) Point 2.8.5 of OIB Guideline 4, Safety of Use and Accessibility, May 2023 edition, where a door located along an escape route, on which no more than 40 people rely at any one time, may be designed to open in the opposite direction to the escape route;
- o) Point 2.9.1 of OIB Guideline 4, Safety of Use and Accessibility, May 2023 edition, where the clear passage width of the active leaf of double-leaf doors may be less than 80 cm, the lock on the fixed leaf must be operable from both sides using a door handle;
- p) Point 2.9.2 of OIB Guideline 4, Safety in Use and Accessibility, May 2023 edition, where, in residential installations to be constructed in an accessible manner pursuant to Section 29(1)(f) TBO 2022 in accordance with Section 2(5) TBO 2022, the usable width of the door openings along the route from the main entrance up to and including the residential entrance doors must be at least 80 cm; this minimum may not be restricted by the door leaf or a panic door lock;
- q) Point 3.2.1 of OIB Guideline 4, Safety in Use and Accessibility, May 2023 edition, where, in the case of existing or retained staircases, the dimensions specified in Table 3 of this OIB Guideline may be exceeded or not fully met and that deviations from the rule on step dimensions are permitted;
- r) Point 3.2.2 of OIB Guideline 4, Safety of Use and Accessibility, May 2023 edition, where, a main staircase in buildings or parts of buildings that are required to be accessible, may not have a landing after a maximum of 20 steps;
- s) Point 3.2.6 of OIB Guideline 4, Safety of Use and Accessibility, May 2023 edition, where a handrail may be installed at a height of between 85 cm and 100 cm, rather than between 85 cm and 90 cm, and the continuation of the handrails may be omitted.

(3). In the case of extensions and conversions of buildings for which the building permit was granted before 1 March 1998 and in the case of a change in the intended use of such buildings, lifting systems pursuant to Section 2(3) or (6) of the Tyrolean Lifts and Lifting Systems Act 2012 are also permitted, in derogation from Section 24(2), to overcome level differences, even if they overcome more than two floors.”

6. In Section 44, the following provision shall be added as paragraph 4:

(4). “The LGBl. Ordinance No xx/2026 has been notified in accordance with the provisions of Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ 2015, L 241, p. 1 (Notification No 2026/xx/AT).”

Article II

This regulation shall enter into force on the day following its promulgation.