

Explanatory remarks
on the draft amendment to the Tyrolean Gas, Heating and Air Conditioning Systems Ordinance 2024 (Tiroler Gas-, Heizungs- und Klimaanlageverordnung 2024, TGHKV 2024)

I.

General

A.

By Ordinance of the Provincial Government dated 9 July 2024, Provincial Law Gazette (LGBL) No. 57/2024, detailed provisions were enacted on the technical requirements for heating systems, systems for storing and conveying fuels, combined heat and power plants, air conditioning systems and on the permitted types of fuels (Tyrolean Gas, Heating and Air Conditioning Systems Ordinance 2024, TGHKV 2024). On 27 August 2024, this Ordinance will come into force, and at the same time the Tyrolean Gas, Heating and Air Conditioning Systems Ordinance 2014 – TGHKV 2014, LGBL. No. 80/2014, last amended by the Ordinance LGBL. No. 101/2022, will be repealed. Prior to this, the TGHKV 2014 was adapted, in particular, to meet the necessary requirements under EU law. For reasons of clarity, the Ordinance was subsequently re-enacted.

Directive (EU) 2024/1275 of the European Parliament and of the Council of 24 April 2024 on the energy performance of buildings (recast), OJ L No. 2024/1275, 8 April 2024, aims to achieve the complete decarbonisation of the buildings sector and supports the objective of achieving climate neutrality by 2050. In order to implement this Directive, the necessary amendments to provincial legislation were made, inter alia, by means of a regulation amending the Tyrolean Gas, Heating and Air Conditioning Systems Ordinance 2024, which came into force on 15 July 2026 pursuant to LGBL. No. 57/2026 and therefore entered into force on 16 July 2026.

Pursuant to the resolution of the Austrian National Council, the Renewable Energy Expansion Acceleration Act (Erneuerbaren-Ausbau-Beschleunigungsgesetz, EABG), Federal Law Gazette (BGBl.) I No. 47/2026 came into force on 1 July 2026; this Act concerns the acceleration of the expansion of facilities for the generation, storage and distribution of energy from renewable sources. The noise emission tolerance limits for air-source heat pumps set out in Annex I, point 13(b) differ from the permissible tolerance limits currently established in the TGHKV 2024. Therefore, an adjustment must be made in this draft Ordinance.

B.

The adoption of an ordinance corresponding to this Draft does not entail any additional financial expenditure for the Province of Tyrol or for the municipalities.

II.

Comments regarding the individual provisions

Re Article I:

Re: Point 1 (Section 3, Point 7):

In accordance with Section 13(1) of the EABG, the construction, operation and modification of energy installations require authorisation from the administrative body, and the procedure for such energy installations must be conducted in accordance with the standard procedure. Furthermore, pursuant to paragraph 4 of the aforementioned law, facilities listed in Annex 1, Column 3, as well as any changes to those facilities, are not subject to any approval or notification requirements, even if the applicable federal or provincial administrative regulations provide for an approval, notification, or reporting obligation. According to point 13(b) of Annex

I to the EABG, air-source heat pumps are exempt under Column 3 if their noise emissions do not exceed a tolerance limit of 40 dB during the day (06:00 to 22:00) and 33 dB at night (22:00 to 06:00) either at the adjacent property boundary or at the protected window. In the TGHKV 2024, the permissible tolerance limits are differentiated according to the zoning category (residential area, mixed residential area or tourism area, or core area, agricultural and general mixed area) on the one hand, and the time of day (during the day 06:00 to 19:00, evening 19:00 to 22:00, or night 22:00 to 06:00) on the other. As the tolerance limits for permissible noise emissions from air-source heat pumps, as set out in Annex I, point 13(b) of the EABG, differ from those currently provided for in the TGHKV 2024, future provisions will be based on the EABG. For all other heating and air-conditioning systems, the previous provisions continue to apply.

Re: Point 2 (§ 26(4)):

The purpose of this transitional provision is to clarify that the tolerance limits for air-source heat pumps under the EABG shall apply from the entry into force of the provision.

Re: Point 3 (Section 27, Point 4):

The draft Ordinance in question amended additional specifications and regulations. There has been a substantial amendment pursuant to § 2(9) of the Tyrolean Notification Act and a notification procedure pursuant to § 1 of the Tyrolean Notification Act had to be carried out.

Re Article II:

This provision regulates entry into force.