

Draft

## **Regulation of the Federal Government of ....., amending the Technical Building Regulations 2016**

Pursuant to Section 10, Section 20, Paragraphs 1 and 2, Section 21, Paragraphs 2 and 3, Section 23, Paragraph 7, Section 25, Paragraph 2, and Section 31, Paragraph 3 of the Tyrolean Building Code 2022, LGBl. No. 44/2022, last amended by the Law LGBl. No. 72/2025, it is hereby decreed:

### **Article I**

The Technical Building Regulations 2016, LGBl. No. 33/2016, last amended by the Regulation LGBl. No. 102/2022, are amended as follows:

1. *In Section 18, Paragraph 3, the citation “Section 28, Paragraph 1, of the Tyrolean Construction Products Act 2016 as amended by the Law LGBl. No. 27/2020” is replaced by the citation “Section 26, Paragraph 1, of the Tyrolean Construction Products Act 2016, LGBl. No. 41/2016, last amended by the Law LGBl. No. 15/2023”.*

2. *In Section 24, Paragraph 2, the first sentence containing the citation. “Tyrolean Lift and Lifting Equipment Act 2012” is replaced by the citation “Tyrolean Lift and Lifting Equipment Act 2012, LGBl. No. 153/2012, last amended by the Law LGBl. No. 79/2023”.*

3. *In Section 27, Paragraph 2, in the second sentence the word sequence "on neighbouring properties and publicly accessible areas" is inserted after the word "roofs".*

4. *In Section 33, Paragraph 1, the citation "Section 22 of the Tyrolean Building Code 2018, LGBl. No. 28/2018, as amended" is replaced by the citation "Section 22 of the Tyrolean Building Code 2022, LGBl. No. 44/2022, last amended by the Law LGBl. No. 72/2025”.*

5. *Section 34, Paragraph 1, shall read:*

“(1) The energy certificate must comply with the requirements of OIB Guideline 6, Energy saving and thermal insulation, April 2019 edition. Furthermore, the following additional information must be attached to the energy performance certificate using a form that conforms to the template in Annex 6a:

- a) additional information on construction technology;
- b) additional information on building services engineering, including calculation results for non-renewable primary energy demand, excluding household electricity demand, operational electricity demand, and heating energy demand.”

6. *In Section 35, Paragraph 4, the citation “Tyrolean Building Code 2018” is replaced by the citation “Tyrolean Building Code 2022”.*

7. *In Section 35a, Paragraph 2, Letter b, Points 1 and 3, the citation “Section 2 Paragraph 30 of the Tyrolean Building Code 2022” is replaced by the citation “Section 2, Paragraph 34, of the Tyrolean Building Code 2022”.*

8. *In Section 35a, Paragraph 2, Letter b, Point 4, the number “2022” is inserted after the citation “Tyrolean Building Code” .*

9. Section 36, Paragraph 2, is repealed and the previous paragraph designation of Paragraph 1 is omitted.

10. Section 37, Paragraph 1, shall read:

“(1) New buildings and major renovations within the meaning of Regulation (EU) 2024/1309 or major renovations of buildings shall be equipped with information and communication technology to create fiber-optic in-building physical infrastructure and fiber-optic in-building cabling, including links to the physical point where the end user has access to the public network.”

11. In Section 37, Paragraph 2, the citation "within the meaning of Regulation (EU) 2024/1309 or major renovations" is inserted after the citation "extensive renovations”.

12. In Section 37a, the citation "and in accordance with Directive 2014/94/EU” is omitted from the first sentence.

13. Section 38 shall read:

“Section 38  
Guidelines

- (1) The following building engineering guidelines published by the Austrian Institute for Building Technology are hereby declared binding:
- a) OIB Guideline 1, Mechanical strength and stability, May 2023 edition, which does not specify any requirements for the stability of single-story buildings without habitable rooms and for protective roofs with a maximum gross floor area of 15 m<sup>2</sup> each, including the Guide on determination of the load-bearing capacity and serviceability of existing structures, May 2023 edition (Annex 1),
  - b) regarding fire protection
    1. OIB Guideline 2, Fire protection, May 2023 edition, whereby, by way of derogation from Point 2.2.1, Table 1b, Lines 1.2, 2.2, 4.3 and Footnote (5), a fire resistance period of 60 minutes is sufficient for detached residential buildings of Building Class 5 with no more than six above-ground floors, accessible for firefighting from the outside on at least three sides on their own property or from traffic areas, and Points 3.5.14, 3.13 and, by way of derogation from Point 7.6.3, Table 5 is to be applied only with a cell structure, including the Guide on deviations in fire protection and fire protection concepts, May 2023 edition,
    2. OIB Guideline 2.1, Fire protection in industrial buildings, May 2023 edition,
    3. OIB Guideline 2.2, Fire protection for garages, covered parking spaces and parking decks, May 2023 edition, whereby, by way of derogation from Point 5.5.2, the additional escape route does not have to be independent and the two escape routes may also run together,
    4. OIB Guideline 2.3, Fire protection in buildings with an escape level of more than 22 m, May 2023 edition (all Annex 2),
  - c) OIB Guideline 3, Hygiene, health and environmental protection, May 2023 edition (Annex 3),
  - d) OIB Guideline 4, User safety and accessibility, May 2023 edition, which does not include requirements for the floor area of lifting equipment according to Section 2, Paragraph 3, of the Tyrolean Lifts and Lifting Equipment Act 2012 and with the exception of Points 2.1.1 and 2.1.5 (Annex 4),
  - e) OIB Guideline 5, Sound insulation, May 2023 edition, with the exception of Point 5 (Annex 5),
  - f) OIB Guideline 6, Energy saving and thermal insulation, April 2019 edition,
1. with the exception of Point 1.2 and the provision that
    - aa) instead of Points 5.1.1 and 5.2.4, Section 21, Paragraph 3 of the Tyrolean Building Code 2022 shall apply,
    - bb) instead of Point 5.1.2, Section 2, Paragraph 30, of the Tyrolean Building Code 2022 shall apply,
    - cc) instead of Point 5.2.1, Section 35, Paragraph 5, shall apply, and
    - dd) Contrary to Point 5.2.3, Letter b, the requirement for a minimum level of energy from renewable sources is to be considered fulfilled if at least 80% of the required heat demand for room heating and hot water is covered by highly efficient alternative systems within the meaning of Section 2, Paragraph 30, of the Tyrolean Building Code 2022, in compliance with the requirements for the applicable permissible heating energy demand,
  2. with the exception of Point 1.2 and the provision that

- aa) instead of Points 5.1.1 and 5.2.4, Section 21, Paragraph 3, of the Tyrolean Building Code 2022 shall apply,
  - bb) instead of Point 5.1.2, Section 2, Paragraph 30, of the Tyrolean Building Code 2022 shall apply,
  - cc) instead of Point 5.2.1, Section 35, Paragraph 5, shall apply, and
  - dd) notwithstanding Point 5.2.3, Letter b, the requirement of a minimum level of energy from renewable sources shall be deemed to be fulfilled if at least 80% of the required heat demand for room heating and hot water is covered by highly efficient alternative systems within the meaning of Section 2, Paragraph 30, of the Tyrolean Building Code 2022, in compliance with the requirements for the applicable permissible heating energy demand,
2. including the Guide on the energy performance of buildings, April 2019 edition,
  3. including the Calculation of the cost-optimal requirement level, August 2019 version,
  4. including the OIB document, National plan for the definition of nearly zero energy buildings and for the setting of interim targets in a national plan, February 2018 edition, with the proviso that, contrary to the footnote, the PEB under Point 2 applies to both highly efficient and non-highly efficient alternative energy systems, as well as
  5. including the OIB document, National accompanying document to ISO annexes, 2019 edition, as of November 2022 (all Annex 6).
    - (2) Furthermore, the OIB Guidelines - Definitions, edition May 2023, published by the Austrian Institute for Building Technology, which defines the building technology terms used in the building technology guidelines according to Annexes 1 to 6, is declared binding (Annex 7).
    - (3) Furthermore, the technical regulations contained in the Guideline Cited standards and other technical regulations, May 2023 edition (Annex 8) published by the Austrian Institute for Building Technology are declared binding in the version cited in this guideline. These technical regulations are binding in their entirety or, insofar as the building regulations according to Annexes 1 to 7 only refer to certain contents of these technical regulations, with regard to these contents in question.
    - (4) Without prejudice to Sections 36 and 37, the structural engineering requirements laid down in this regulation shall be met, insofar as the Guidelines of the Austrian Institute for Building Technology, declared binding in Paragraph 1, are complied with.
    - (5) For the implementation of maintenance and self-inspections of fire alarm systems and hazard detection systems in mountain huts in extreme locations, the information sheet of the Austrian fire prevention authorities, December 2019 (Annex 2a), is declared binding.

14. *The existing Sections 40 to 43 will retain their section designations. "Sections 39 to 41"*

15. *In the current Section 40, Paragraph 1, Point 2 is deleted; the former Points 3 and 4 are renumbered "2." and "3."*

16. *In the current Section 40 Paragraph 1, Point 3 shall read:*

"3. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on Promotion of the use of energy from renewable sources (recast), OJ L 328, p. 82,"

17. *In the current Section 40, Paragraph 1, Point 5 is deleted.*

18. *In the current Section 40, the following provision is inserted as Paragraph 2; the previous Paragraph 2 is renamed Paragraph "(3)":*

(2) This regulation lays down accompanying measures for the implementation of Regulation (EU) 2024/1309 of the European Parliament and of the Council of 29 April 2024 on measures to reduce the costs of deploying gigabit electronic communications networks, amending Regulation (EU) 2015/2120 and repealing Directive 2014/61/EU (Gigabit Infrastructure Act), OJ L 2024/1309, 08/05/2024."

*The following provision shall be added as Paragraph 4 to the current Section 40:*

"(4) This regulation has been notified in compliance 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 No. L 241, p. 1 (Notification No...)"

**Article II**

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

**Annexes**