Foreword

to the Ordinance of the Vienna Provincial Government amending the Renovation and Decarbonisation Ordinance 2024 and the New Construction Ordinance 2007

Objectives and main content:

The necessary implementation of Directive (EU) 2024/1275 of the European Parliament and of the Council, of 24 April 2024, on the energy performance of buildings requires adjustments to the technical requirements for renovation subsidies. This will require, in particular, new minimum technical standards and systematic amendments. The central focus of the amendment to the Renovation and Decarbonisation Ordinance 2024 and the New Construction Ordinance 2007 is, therefore, a harmonisation of the subsidy requirements with the current state of the art.

Impact of the ordinance proposals:

Financial implications:

There will be no financial impact on the province of Vienna, the federal government and other regional or local authorities, as these are primarily technical adjustments that do not affect the basic subsidy structure.

– Impact on the districts:

none

Economic policy implications:

– Impact on employment and Austria's economic position:

none

– Other economic policy impacts:

none

– Impacts in terms of consumer protection and social policy:

none

Environmental and climate-relevant impact:

Due to the raising or harmonisation of technical standards with the latest state of the art, positive effects on the environment and climate can be expected.

Gender impact:

none

Relationship to EU legislation:

This ordinance complies with European Union legislation. In particular, this amendment transposes requirements of Union law.

Specificities of the legislative procedure:

Notification to the European Commission pursuant to Directive (EU) 2015/1535 of the European Parliament and of the Council, of 9 September 2015, laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ No. L 241 of 17/9/2015.

EXPLANATORY NOTES

to the Ordinance of the Vienna Provincial Government amending the Renovation and Decarbonisation Ordinance 2024 and the New Construction Ordinance 2007

A) General part

The present draft amendment to the Renovation and Decarbonisation Ordinance 2024 serves to adapt existing provisions to the currently valid building technology requirements. The amendments should be considered in particular in conjunction with the amendment to the Vienna Building Technology Ordinance 2023 – WBTV 2023, which essentially adopts the requirements of OIB Guideline 6. In the future, the calculation of subsidies will be based on the reference heating requirement for the reference climate ($HWB_{Ref,RK}$) and the zero-emission building will be set as the highest standard. Furthermore, the minimum requirements for subsidised renovation measures are to be adapted to the verification methods shown in OIB Guideline 6. Furthermore, the consideration of measures against summer overheating should be ensured during thermal renovations of the building envelope. Furthermore, a clarification of the appropriate costs and the maximum eligible costs for residential care facilities is to be provided. In accordance with the changed minimum requirements for renovation measures, the system of subsidy levels for thermal renovations is being adjusted. In the interest of administrative efficiency, energy efficiency measures implemented inside dwellings and carried out at the same time as energy efficiency measures on the building itself should in future be combined into one subsidy process.

In the area of the New Construction Ordinance 2007, a minor adaptation is to be implemented in the area of the requirements for the energy certificate to be submitted.

Finally, some minor editorial adjustments are made and references are updated.

Presentation of the financial impact:

Overall, the amendments in question consist almost entirely of adjustments to the currently valid building technology requirements. No substantive amendment in the financial impact of renovation and decarbonisation subsidies is expected. The other amendments, whether systematic or editorial, are also not likely to produce any significant financial impact. Therefore, from the current perspective, no additional financial burden is to be expected for the province of Vienna. This project will also have no financial implications for the federal government and other local authorities.

B) Special part

Article I:

Re: Points 1, 2, 3, 15, 18 and 21 (Section 1, Points 1 and 2, Section 2, Paragraphs 3 and 4, Section 18, Paragraph 1, Section 20, Paragraph 1, and Section 21, Paragraphs 1 and 2):

Due to the amendment of the Ordinance of the Vienna Provincial Government, which establishes building technology requirements such as the Vienna Building Technology Ordinance 2023 – WBTV 2023, it is necessary to adapt existing references in order to ensure a reference to the current state of building technology requirements.

Re: Points 1, 3, 9, 18 and 20 (Section 1 Point 1, Section 2, Paragraphs 1 and 2, Section 6, Paragraph 2, and Section 20, Paragraphs 1 and 3):

For the calculation of the subsidies, the reference heating requirement for the reference climate ($HWB_{Ref,RK}$) should always be used. This ensures that buildings in different areas with different local climates are still comparable.

Re: Point 2 (Section 1, Point 2):

The currently valid OIB Guideline 6, Energy Saving and Thermal Insulation, defines the zero-emission building as the highest standard. The WBTV 2023 adopts this terminology by adopting the specifications of OIB Guideline 6. The previous reference to the low-energy building therefore appears redundant.

Re: Point 3 (Section 2):

Paragraph 1: The minimum requirements for subsidised renovation measures are undergoing fundamental changes. Depending on which renovation measure is to be subsidised, different minimum standards must be met. The prescribed minimum standards are also based on OIB Guideline 6 and the verification methods provided therein. It should be noted that the more easily achievable minimum standard of Point 3 can be applied only if, at the same time as the thermal renovation of the building envelope, energy-related measures of Section 7, Paragraphs 1 and 2, are also carried out. If, for example, a subsidy for hydraulic balancing (Section 7, Paragraph 3) is applied for at the same time as a subsidy pursuant to Section 6, the stricter requirement of Point 1 is decisive.

Paragraph 2: This is also an equalisation adjustment intended to ensure comparability of the savings. As before, the exception covers cases in which the target values pursuant to Paragraph 1 cannot be achieved for technical, economic or legal reasons. A subsidy should then be granted at least for the savings achieved.

Paragraph 3: The reference to WBTV 2023 will be updated.

Paragraph 4: In order to ensure that measures against summer overheating, in particular the installation of external sun protection devices, are implemented as part of thermal renovations of the building envelope (including window replacement), it seems expedient to consider these measures when granting subsidies. The OIB Guideline 6 also contains some explanations on this topic. The extent to which consideration is or has been taken into account can be found in the recommendations pursuant to Section 55, Paragraph 1, WWFSG (Law amending the Vienna Housing Subsidy and Housing Renovation Act) 1989.

Re: Points 4 and 5 (Section 3, Paragraph 1, Point 1 and Point 2):

In order to ensure the unitary character of subsidy implementation, the appropriate costs – and thus the maximum costs eligible for subsidy – for residential care facilities are now being defined. The calculation of the usable floor space of residential care facilities is carried out differently in accordance with Section 2, Point 9a, WWFSG 1989, as actually constructed communal areas can also be taken into account.

Re: Points 6 and 7 (Section 3, Paragraphs 3 and 3a):

Previously, the possible surcharges for exceptional difficulties, the use of ecological, sustainable, resource-saving, circular and climate-friendly construction methods and materials, e.g. environmentally friendly construction management, recyclable thermal insulators and for carrying out improvement work, were combined into one provision. The separation of these surcharges is intended, on the one hand, to create a new weighting and, on the other hand, to establish clearer regulations. Furthermore, this establishes circular, sustainable renovations as a normal subject for a subsidy. Surcharges pursuant to Section 3, Paragraphs 3 and 3a, may also be granted for residential care facilities within the meaning of Section 2, Point 5, WWFSG 1989.

Re: Points 7 and 10 (Section 3, Paragraph 3a, and Section 6, Paragraph 3):

The previous formulation of sustainable measures will be replaced by a leaner and more effective terminology. A circular, sustainable renovation is defined as a renovation that ensures the sustainable use of natural resources. This is particularly the case when

a) innovative planning approaches are planned and implemented to reduce resource use and the associated environmental impacts,

b) when consideration is given to durability, interchangeability, repairability, as well as separability and capacity for dismantling (in the sense of capacity for deconstruction), and

c) when resource recovery is achieved through reuse or recycling of local building materials or building materials from third parties.

This three-part division corresponds to the classification of the Circularity Factor 2.0 (ZiFa), which is currently under further development, as well as the relevant standards for life cycle assessment. A renovation is classified as circular and sustainable if at least essential elements from all three subject areas are implemented. The key is that, as already part of the planning for the renovation, the entire life cycle of the building in question – from construction to use to potential deconstruction – is considered from the perspective of circularity and sustainability. This means, for example, that it must be ensured during the planning phase that the repairability during the usage phase or a potential dismantling is taken into account in terms of design and materials.

Re: Point 8 (Section 3, Point 11):

In view of the dynamic development of construction costs in recent years, the cost limits are to be adjusted in accordance with the Federal Procurement Act 2018. For the award of contracts for pure construction services, the estimated contract value of which exceeds a cost limit of 200,000 euros across all individual trades, a tendering procedure with prior publication must be carried out in the future for all trades the contract value of which exceeds 50,000 euros. If the cost limit of 2,000,000 euros is exceeded, in the future, for all trades the contract value of which exceeds 50,000 euros, a choice must be made between an open and a restricted tendering procedure with prior publication. Otherwise, the appropriateness of the price for a work package of 10,000 euros or more must be demonstrated and ensured by obtaining at least three bids. The reference to the Federal Procurement Act 2018 will be updated. In order to guarantee a transparent award of contracts, the ÖNORM A2050 standard should also be established for pure construction services. The amendments outlined are intended to ensure a simplified and transparent procedural process in the future.

Re: Point 9 (Section 6, Point 2):

In view of the amendment to minimum requirements for renovation measures, the system of subsidy levels for thermal renovations should also be adjusted. Since the minimum requirements for "major renovations" have been tightened, there will only be four subsidy levels in the future instead of five. The main benchmark for the extent of the subsidy is therefore now, for one thing, falling below the minimum standard. The highest subsidy level is achieved when the requirements for a zero-emission building (NEG) are met in accordance with OIB Guideline 6.

This is characterised by the heating system reacting to external signals and the associated adjustment of energy consumption or energy generation or storage in order to increase energy efficiency, economic viability and grid security. This ensures that the highest subsidy level is granted only for buildings that either actually meet the requirements of the NEG, which is also defined as a target level in the OIB Guideline 6, or, in addition to achieving 0.70 times the minimum standard, also implement circular, sustainable thermal renovations of the building envelope within the meaning of Section 3, Paragraph 3a.

On the other hand, subsidies should still be possible if a certain reduction in heating energy demand can be achieved. To guarantee an appropriate weighting of the level of subsidy, the maximum non-repayable contributions per subsidy level were also adjusted in some cases.

Re: Point 10 (Section 6, Point 3):

A step change in the narrower sense should occur only when implementing circular, sustainable renovations. A step change when carrying out a simple single component renovation is excluded. If an energy-efficient renovation in the form of a heating system replacement is carried out at the same time as the thermal renovation, then no immediate step increase is warranted. However, it can be assumed that the new regulations on minimum standards will result in a further reduction below the minimum standard when a heating system is replaced at the same time, which would amount to a step change.

Re: Point 11 (Section 7, Point 1):

In order to simplify and standardise the existing enforcement practice, energy efficiency measures carried out inside dwellings and simultaneously with energy efficiency measures on the building itself will now be combined into one subsidy programme. This is achieved through an increased subsidy amount pursuant to Section 7, Paragraph 1, which amounts to 4,000 euros per residential or commercial unit that is also connected to the central heat supply system.

Re: Point 12 (Section 13, Paragraph 1, Point 1):

This is an adjustment of the reference.

Re: Point 13 (Section 14, Paragraph 2 (new) and 3):

With the amendment LGBl. for Vienna No. 56/2025, the subsidy for demolition and new construction in redevelopment target areas was abolished. In order to pursue the associated objective in a sustainable manner, it is necessary to provide a minimum amount of remaining usable space for the subsidy for total renovations. In particular, it should be prevented that only individual building components (e.g. a single exterior façade) are left standing, which would amount to a de facto subsidy for demolition and new construction.

The remaining third of the existing usable floor space worth preserving should be renovated using appropriate measures. For this reason, the renovation measure "demolition and new construction" is not included.

Re: Point 14 (Section 16, Point 1):

In order to comply with the system of the other subsidies in the ordinance, a double subsidy cap is now also standardised here.

Re: Points 16, 17 and 19 (Section 18, Paragraphs 2 and 3, and Section 20, Paragraph 2):

These are merely editorial changes intended to improve the readability of the provisions and ensure consistency in the relevant terminology.

Re: Point 18 (Section 20, Point 1):

Adjustments to the subsidy structure are also necessary in the area of subsidising renovation measures on and in private homes and small garden houses due to new building technology requirements. The benchmark should also be the achievement of certain minimum standards, which are defined by OIB Guideline 6. The amount of subsidy depends on achieving better minimum standards. The relevant standards apply to thermal renovations.

Re: Point 22 (Section 22, Point 1):

The implementation guidance is to be adapted or updated with regard to the implementation of Directive (EU) 2024/1275 of the European Parliament and of the Council of 24 April 2024 on the energy performance of buildings.

Article II:

Re: Point 1 (Section 2):

Due to new EU legal requirements and the associated stricter requirements for the energy efficiency of buildings and thus also for energy performance certificates, an adjustment of the reference is necessary. Reference should now be made directly to the Vienna Building Code regarding the content requirements, as the content requirements for an energy performance certificate are derived from it.

Re: Point 2 (Section 15):

The implementation note will be adapted to the now valid directive, particularly in light of the amendment to Section 2.

Article III:

The ordinance shall enter into force on the day following its publication. The subsidies already approved at the time of the entry into force of this ordinance should continue to be approved under the provisions that were applicable at the time of the approval.

As regards pending and not yet completed subsidy applications at the time of entry into force, the new provisions shall already apply, with the exception of subsidy applications pursuant to Section 20 of the Renovation and Decarbonisation Ordinance 2024. The exception to subsidy applications pursuant to Section 20 of the Renovation and Decarbonisation Ordinance 2024 is necessary for reasons of enforcement and administrative efficiency. An exception is also required for economic and planning reasons in order to take into account expenditures already incurred in these areas.

In the area of the amendment to the New Construction Ordinance 2007, due to the reference to the Building Code for Vienna, the transitional provisions therein are to be applied in reverse.

Ultimately, as was already the case in the original version of the Renovation and Decarbonisation Ordinance 2024, supplementary subsidies should still be possible in accordance with the provisions in force at the time of the main commitment. Regardless of this, Section 4, Paragraph 4, of the Renovation and Decarbonisation Ordinance 2024 also applies to these supplementary subsidies.

As a tax or financial measure, the present draft is subject to the notification procedure under Directive (EU) 2015/1535 of the European Parliament and of the Council, of 9 September 2015, laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ No. L 241 of 17/9/2015, therefore a corresponding reference to the notification must be included, but no standstill period is required.