

**Federal State Law,  
amending the Upper Austrian, Waste Management Act (AWG) 2009  
(Upper Austrian Waste Management Act Amendment 2026 – Upper Austrian. AWG  
Amendment 2026)**

The Upper Austrian Federal State Parliament has decided:

**Article I**

The Upper Austrian Waste Management Act, Federal State Law Gazette (LGBI.) No 71/2009, as amended by Federal State Law, LGBI. No 64/2025, is amended as follows:

*1. In the table of contents after the entry for Section 11, the following entry is inserted:*

"Section 11a Processing of personal data and automated data processing  
Section 11b Pilot projects"

*2. In the table of contents after the entry for Section 17, the following entry is inserted:*

"Section 17a Contingency plan for extraordinary events of a crisis-level or disaster magnitude"

*3. In the table of contents, the following entry is deleted:*

"Section 2 Restrictions on waste disposal"

3

*4. In the table of contents, the entry for Section 24 reads as follows:*

"Section 2 Measures to be taken in the event of extraordinary events of a crisis-level or  
4 disaster magnitude"

*5. In Section 2, Paragraph 4, Point 14, second sentence, the words "used textiles" (Point 7) are inserted after the words "biogenic waste".*

*6. In Section 2, Paragraph 4, the full stop at the end of Point 22 is replaced by a semicolon and the following Points 23 and 24 are inserted:*

-23. **Separate collection:** means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment;

-24. **Extraordinary events of a crisis-level or disaster magnitude:** Events whose occurrence may impair the collection or treatment of non-hazardous waste by the

municipality, district waste management associations or towns with their own charters, or by third parties commissioned by them, in accordance with the public interests set out in Section 1, Paragraph 3, including in particular:

- a) natural hazards;
- b) epidemics and pandemics;
- c) fuel and energy shortages;
- d) blackouts. "

7. *In Section 4a, Paragraph 2, after the words "replacement crockery" the words "or with replacement cutlery" are inserted, and after the words "reusable crockery" the words "and cutlery" are inserted.*

8. *After Section 4a, Paragraph 4, the following Paragraph 4a is inserted:*

"(4a) In the case of events lasting several days, the number of persons authorised to participate per day shall be added together for the purposes of applying Paragraph 4."

9. *In Section 4a, Paragraph 5, the reference "Paragraphs 1 to 4" is replaced by the reference "Paragraphs 1 to 4a".*

10. *In Section 5, Paragraph 2, first sentence, the word "four" is replaced by the word "six" and the second sentence is deleted.*

11. *Section 5, Paragraphs 3 and 4, read as follows:*

"(3) The collection of biowaste from organic waste bins in the collection area shall be carried out by the municipality at regular intervals not exceeding two weeks. If suitable biological substances or other appropriate technical measures that effectively slow down the decomposition process in organic waste bins are used on a regular basis, this interval shall be extended to a maximum of four weeks. The collection area covers the entire municipal territory, unless exceptions are laid down in the waste ordinance.

(4) The municipality may collect green waste by means of a collection service if this is provided for in the waste ordinance; otherwise, it shall establish collection points or enable the acceptance of such waste at the treatment facility. With regard to the collection intervals, Paragraph 3 shall apply *mutatis mutandis*."

12. *In Section 5, Paragraph 5, first sentence, the word "four" is replaced by the word "six" and the second sentence is deleted.*

13. *Section 6, Paragraph 1, Point 2, reads as follows:*

"2. the determination of any exceptions to the collection area for biowaste in organic waste bins (special area within the meaning of Paragraph 2); such exceptions to the collection area

shall be defined in a manner that allows for the clear assignment of individual properties to the respective special area; biowaste from properties located in a special area may be deposited at facilities within the meaning of Point 6, or the municipality may establish collection points for special areas, indicating the locations and times at which this biowaste may be deposited;"

*14. In Section 6, Paragraph 1, Point 3, the word sequence "and biowaste from organic waste bins generated outside densely populated municipal areas (Section 5, Paragraph 4)" is deleted.*

*15. In Section 6, Paragraph 1, the full stop at the end of Point 10 is replaced by a semicolon, and the following Point 11 is added:*

"11. the determination of the placement locations for waste containers in publicly accessible areas within the municipal territory, where, as far as possible, separate waste collection shall be carried out in accordance with Section 11."

*16. In Section 6, Paragraph 2, after the words "household waste", the words "and organic waste bins" are inserted.*

*17. In Section 6, Paragraph 7, the word "five" is replaced in each instance by the word "seven".*

*18. Section 9, Paragraph 2, second sentence, reads as follows:*

"Household waste and biowaste from organic waste bins generated on properties located in the special area (Section 6, Paragraph 2 or household waste generated in the extended special area (Section 6, Paragraph 3), and green waste that is not collected in accordance with Section 5, Paragraph 4, first clause, shall be brought to the locations, collection facilities or treatment plants specified in the waste ordinance."

*19. In Section 9, Paragraph 4, after Point 1 the following Point 1a is inserted:*

1a. Used textiles from private households must be sorted for separate collection and taken to the collection points designated for this purpose by the district waste management associations or, where applicable, by the towns with their own charters;"

*20. In Section 11, after the first sentence the following sentence is inserted:*

"Where possible, waste containers shall be selected at the locations specified in the waste ordinance (Section 6, Paragraph 1, Point 11), which ensure separate waste collection (Section 2, Paragraph 4, Point 23)."

*21. After Section 11, the following Sections 11a and 11b are inserted:*

## **"Section 11a**

### **Processing of personal data and automated data processing**

(1) Municipalities, district waste management associations, towns with their own charters and the federal state waste management association are authorised to perform the tasks set out in this federal state law, such as ensuring the proper disposal of waste, calculating and issuing waste fees and determining those liable to pay such fees, fulfilling other obligations under this federal state law (Sections 5, 7, 14, 17 or 18), and collecting data on the properties and affected property owners, as well as other persons holding real or contractual rights, with the exception of mortgage holders; to query the following registers by means of automated data processing and to process the data further:

1. Central Registration Register: Name, date of birth, place of birth, gender, nationality and domicile; the authorisation to query the Central Population Register also includes link queries under based on the "residence" criterion pursuant to Section 16a, Paragraph 3, of the Registration Act 1991,
2. Land register: Name, date of birth, plot number, land register and folio number,
3. Digital cadastral map and property registers: Plot number, land register and folio number,
4. Register of companies, central register of associations, supplementary register and company register: master data, identification numbers and identifying characteristics as well as persons authorised to represent and sign on behalf of the company,

where available, this includes the processing of the encrypted sector-specific personal identification number (bPK) in accordance with Section 9 et seq. of the E-Government Act.

(2) In the context of pilot projects pursuant to Section 11b, personal data may be processed insofar as this is necessary for achieving a waste management purpose in the public interest and the legitimate interests of the data subjects do not override this purpose.

(3) Automated data processing may be carried out using the respective interfaces of the register-managing bodies to the register and system network in accordance with Section 1, Paragraph 3, Point 2, in conjunction with Section 6, Paragraph 2, of the Business Service Portal Act.

## **Section 11b**

### **Pilot projects**

(1) For the purpose of testing new waste collection and fee systems with the aim of improving the collection, provision and treatment of waste as well as reducing administrative costs, the municipalities, district waste management associations, towns with their own charters and the federal state waste management association may, within the framework of their respective statutory tasks, introduce pilot projects with locally and temporally limited effect of two years.

(2) Pilot projects pursuant to Paragraph 1 shall be submitted to the federal state government, as the supervisory authority, for approval no later than after the decision has been taken and prior to promulgation or publication by the municipality, the district waste management association, towns with their own charters or the federal state waste management association. The approval shall be deemed granted if the federal state government does not prohibit the pilot project by official notice within six weeks of receipt due to unlawful content."

*22. To Section 13, Paragraph 3, the following sentence is added:*

The supervisory authority is, in any case, the federal state government."

23. In Section 14, Paragraph 1, Point 13, the word sequence "a disaster (Section 2, Paragraph 1, Upper Austrian Disaster Protection Act)" is replaced by the word sequence "extraordinary events of a crisis-level or disaster magnitude" and the reference "Section 17, Paragraph 2" is replaced by the reference "Section 17a".

24. The following sentence is added to Section 16, Paragraph 5:

The supervisory authority is, in any case, the federal state government."

25. In Section 17, Paragraphs 2 and 3, as well as the paragraph designation "(1)", are deleted; and at the end of Point 11, the full stop is replaced by a comma; and the following Point 12 is added:

"12. Exercise of a coordination and monitoring function and monitoring of the uniform application of the concept in the event of the occurrence of an extraordinary event of a crisis-level or disaster magnitude. Due regard shall be given to deviations arising from regional or local circumstances."

26. After Section 17, the following Section 17a is inserted:

#### **"Section 17a**

##### **Contingency plan for extraordinary events of a crisis-level or disaster magnitude"**

(1) In the event of extraordinary events of a crisis-level or disaster magnitude within the meaning of Section 2, Paragraph 4, Point 24, the federal state waste management association shall draw up a concept for the collection of waste in the publicly accessible waste collection centres operated by the district waste associations and the towns with their own charters or by the third parties commissioned by them. The concept requires the approval of the federal state government to be effective. The approval shall be deemed to have been granted if the state government does not prohibit the concept by official notice within six weeks of its receipt due to unlawful content. The federal state waste management association shall review the concept at least every six years, adapt it to waste management requirements where necessary, and resubmit it to the federal state government for approval.

(2) The district waste management association within its association area, the town with its own charter within its administrative area and, if necessary, the third parties commissioned by them to operate the waste collection centres must be involved in the preparation of the concept by the federal state waste association.

(3) The concept referred to in Paragraph 1 shall ensure that

1. appropriate structures can be established for preventing and combating the consequences of extraordinary events of a crisis-level or disaster magnitude in the waste management sector in Upper Austria within the remit of the district waste management associations and towns with their own charters pursuant to Section 14;
2. the waste collection centres are able to maintain their function for as long as possible in such cases;
3. the operation of the waste collection centres is carried out as uniformly as possible throughout Upper Austria in such cases.

(4) For each type of extraordinary event of a crisis- or disaster-like magnitude within the meaning of Section 2, Paragraph 4, Point 24, the concept shall include a description of the hazard situation and risk assessment (impact analysis) as well as a catalogue of measures."

27. After Section 18, Paragraph 7, the following Paragraph 7a is inserted:

"(7a) If the calculation of individual services of the waste collection contribution is carried out on the basis of automated data processing, including within the context of pilot projects, this may be taken into account by applying surcharges or deductions to the flat-rate amount."

28. Section 18, Paragraph 8, second sentence, reads as follows:

"Paragraphs 7 and 7a shall apply mutatis mutandis."

29. In Section 18, Paragraph 9, the reference "Fiscal Equalization Act 2017, Federal Law Gazette (BGBl.) I No 116/2016, as amended by the Federal Law published in BGBl. I No 29/2021 and the announcement BGBl. I No 32/2021" is replaced by the reference "Fiscal Equalization Act 2024".

30. In Section 22a, Paragraph 2, the reference "Upper Austrian Parking Fee Act" is replaced by the reference "Upper Austrian Parking Fee and Road Supervision Authorities Act".

31. Section 23 is deleted.

32. The heading of Section 24 reads:

**"Measures in the event of an extraordinary event  
of a crisis-level or disaster magnitude"**

33. In Section 24, the word sequence "a disaster (Section 2, Point 1, Upper Austrian Disaster Protection Law)" is replaced by the word sequence "an extraordinary event of crisis-level or disaster magnitude in accordance with Section 2, Paragraph 4, Point 24".

34. Section 25, Paragraph 1, is deleted, and the existing Paragraphs 2, 3 and 3a, are renumbered as follows: "(1)", "(2)" and "(3)".

35. In the new Section 25, Paragraph 1, Point 4, the reference "Section 9, Paragraph 4" is replaced by the reference "Section 9, Paragraph 4, Points 1 and 2".

36. After the new Section 25, Paragraph 1, Point 10, the following Point 11 is inserted:

"11. collects used textiles from private households without being commissioned by a district waste management association or a town with its own charter, in particular by setting up collection containers,"

*Section 27 reads:*

## **"Section 27**

### **Reference**

References made to federal state laws in this federal law shall apply to the following versions:

1. Waste Management Act 2002, BGBl. I No 102/2002, as amended by the Federal Law published in BGBl. I No 84/2024;
2. Federal Fiscal Code (BAO), BGBl. No 194/1961 as amended by the Federal Law published in BGBl. I No 98/2025;
3. E-Government Act, BGBl. I No 10/2004, as amended by the Federal Law published in BGBl. I No 117/2024;
4. Fiscal Equalization Act 2024, BGBl. I No 168/2023, as amended by the Federal Law published in BGBl. I No 128/2024;
5. Trade Act 1994, BGBl. No 194/1994 as amended by the Federal Law published in BGBl. I No 89/2025;
6. Registration Act 1991, BGBl. No 9/1992 as amended by the Federal Law published in BGBl. I No 160/2023;
7. Business Service Portal Act, BGBl. I No 52/2009, as amended by the Federal Law published in BGBl. I. No 142/2021."

*38. Section 28, Paragraph 9, reads as follows:*

"(9) The concept pursuant to Section 17a shall be submitted to the federal state government for approval for the first time within one year of the entry into force of the Upper Austrian Waste Management Act Amendment 2026, LGBl. No. .../2026."

*39. After Section 28, Paragraph 9, the following Paragraph 10 is added:*

"(10) Collectors of used textiles which, on the date of entry into force of the Upper Austrian Waste Management Act Amendment 2026, LGBl. No.../2026, operate without being commissioned by a district waste management association or a town with its own charter, shall cease their collection activities within six months of the entry into force of this federal state law."

## **Article II**

(1) This federal state law shall enter into force at the end of the day on which it is promulgated in the Upper Austrian LGBl.

(2) This federal state law has been subject to an information procedure within the meaning of Directive (EU) 2015/1535/EC 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 (codified text), OJ L 241, of 17/09/2015, p. 1 et seq.