

## **Explanatory notes**

### **on the Regulation of the Upper Austrian Government on equipment, personnel, training and risk-prevention and development planning in the fire-brigade sector ( Upper Austrian Fire Brigade Equipment and Planning Regulation – Upper Austrian APV)**

#### **A. General Part**

##### **I. Purpose and content of the draft Regulation**

In recent years, the classification of municipalities into so-called mandatory categories (Pflichtbereichsklassen) and the corresponding allocation of equipment have posed considerable challenges, given the rapidly growing population. The intention to introduce an additional mandatory category has led to an evaluation of the Upper Austrian Fire Brigade Equipment and Planning Regulation ( Oö. *Feuerwehr-Ausrüstungs- und Planungsverordnung* – Oö. APV).

The following key points were identified:

- The new, mandatory Category 8 has been introduced to replace the previously large, mandatory Category 7 (30,001 to 150,000 inhabitants), and to provide a more practical subdivision.
- Appendix 4 sets out crew sizes by vehicle type. On the one hand, it links crew size to specific vehicle types, and on the other, it defines training standards to ensure operational effectiveness.
- The vehicle table has been revised and adapted according to practical needs.

##### **II. Basis of legislative competence**

Under Article 15(1) of the Federal Constitutional Law (*Bundes-Verfassungsgesetz/B-VG*), the powers to enact and implement regulations in the fire brigade sector fall within the remit of the Länder (federal states).

##### **III. Financial impact on regional authorities**

The Regulation is not expected to give rise to any high additional costs for the Land or the municipalities under the existing legal framework.

##### **IV. Financial impact on citizens and businesses**

The provisions in this Regulation do not impose any financial burdens, either generally on citizens or specifically on businesses.

## **V. Relationship with European Union legislation**

To the extent ascertainable, this Regulation does not conflict with any provisions of European Union law.

## **VI. Impact on different social groups, particularly on women and men**

To the extent ascertainable, the provisions of this Regulation have neither a direct nor an indirect impact on different social groups, particularly men and women.

## **VII. Impact on environmental policy, in particular, compatibility with climate objectives**

The provisions in this Regulation do not have any implications for environmental policy.

# **B. Special Part**

## **Explanatory Text**

The revision has now aligned the Regulation with all aspects of operational effectiveness. This is reflected in these explanatory notes, which aim to provide a comprehensive picture of the provisions.

The Upper Austrian Provincial Government's Regulation on equipment, personnel, training, and hazard prevention and development planning in the fire service ( Upper Austrian Fire Service Equipment and Planning Regulation – Oö. APV) therefore has two main focuses: operational effectiveness requirements and hazard prevention and development planning in the fire service.

## **On § 11**

### **Paragraph 1:**

The wording of the first sentence will be amended so that it no longer refers to minimum equipment or minimum crew, but rather to the required equipment and required crew. The table is supplemented by an additional category resulting from the subdivision of the previous Category 7. Up until now, that category has comprised municipalities with from 30,001 to 150,000 inhabitants and between 5,001 and 15,000 buildings. While the gaps between Categories 1 to 7 were considerably smaller, the latter category covered a relatively large range. The new Category 8 introduces a further subdivision and applies to municipalities with between 40,001 and 100,000 inhabitants or between 8,001 and 20,000 buildings. This takes account of the changing requirements resulting from a growing population and an increasing number of buildings.

Raising the threshold values by ten per cent was necessary to reflect developments over the past twenty years in the construction of single-family houses. The number of occupants per residential building has fallen sharply, subject to regional differences. The risk associated with a single-family house is lower where only a few people live in it, so the adjusted figures better reflect practical conditions.

**Paragraph 2:**

Reliance on the population figures collected by Statistics Austria at the beginning of the year, broken down by municipalities' administrative territorial units, ensures that the most up-to-date data possible are used for the assessment and that this reflects existing practice.

**Paragraph 3:**

To determine the number of buildings, the decisive factor is the number of residential buildings recorded by Statistics Austria in the Buildings and Dwellings Register (*Gebäude-und Wohnungsregister/GWR*). Therein, each building counts as one unit regardless of the number of dwellings it contains. These data have already been used because of their timeliness.

**Paragraph 4:**

This provision is no longer necessary given the currently available data (see paragraphs 2 and 3).

**On § 12****Paragraph 1:**

The reference to § 2 of the Upper Austrian The Fire Brigade Act 2015 is intended to clarify the equipment and staffing levels required for fire brigades to perform their tasks in accordance with the law.

**Paragraphs 2 and 3:**

The equipment table has been adjusted by adding the new mandatory category and updating the vehicle types. The allocation of vehicle types to their respective mandatory categories is intended to account for actual requirements and allow necessary flexibility. The new table was drawn up with representatives from all mandatory categories and their respective district fire brigade commanders.

Definitions have been adapted and made more specific to achieve greater transparency.

**Paragraph 3a:**

Up to and including mandatory category 7, aerial ladder vehicles have been removed from the vehicle table and are now only subject to classification into a mandatory category in categories 8 and 9. Given the range of operations and the areas to be covered, no further aerial ladder vehicles are to be stationed in the growing municipalities, which tend to be in the central region. In that region, adequate coverage is ensured when considering the 18-minute vehicle isochrone. In addition, existing facilities, training structures and experience should be drawn on. If significant changes in a municipality's risk potential mean that aerial ladder vehicles need to be redeployed during a new procurement procedure, this must be determined as part of risk prevention and development planning. However, for operational reasons – especially with the deployment procedures typical of a professional fire brigade as reflected in Category 9 – aerial ladder vehicles must be assigned to a mandatory category from 8 onwards.



**Paragraphs 4, 4a, 4b:**

The provision concerning the command vehicle for Category 7 is deleted, as it has not proved necessary in practice. At present, this provision applies only to the statutory city of Steyr, which, given its organisational structure, does not require command vehicles within its units.

Under the new provision, in categories 3 to 9, it is possible to replace a base vehicle with a multi-purpose vehicle. This applies at locations equipped with a water tender, a rescue fire engine or a fire engine. This replacement must comply with the configurations laid down in the Construction Guideline (*Baurichtlinie*). The operational role and necessary equipment for vehicles must be in line with the state of the art. This takes account of the intention, particularly in urban areas, to use individual vehicles for specific operations in line with the configurations set out in the Construction Guideline.

Regardless of its being in a mandatory category, a water tender may be replaced by a rescue fire engine, or a base vehicle may be configured as a large-capacity logistics fire engine (Großlöschfahrzeug Logistik/GLF L) under certain site-specific circumstances. This reflects existing practice.

**Paragraph 6:**

In exceptional cases and for tactical or technical reasons, the provision is amended to allow a vehicle to be replaced with another appropriate one, or, in exceptional cases, removed altogether, based on risk prevention and development planning. This is subject to approval by the State Fire Brigade Inspector. This is intended to allow fewer vehicles than indicated in the vehicle table when coverage is adequate, and the tactical and technical circumstances of an individual case permit it. However, the withdrawal of a vehicle must not leave the fire brigade without a tactical vehicle.

**Paragraph 8:**

The provisions in paragraphs 8 and 10 concerning the minimum crew size and minimum number of members, respectively, have been revised and are set out in more detail in Appendix 4.

**On § 13****Paragraph 5:**

The original version of paragraph 5 created a link with equipment and staffing levels under § 12. Because Appendix 4 now regulates these matters, the earlier rule in paragraph 5 is no longer needed. Paragraph 5 now brings together the possibilities already existing in the Regulation for addressing needs that differ from those in § 2. This paragraph has been amended to include the option to provide less than the specified equipment on a case-by-case basis when requirements are lower, taking into account tactical, technical, and location-specific factors.

**Paragraphs 6 and 7** correspond to the previous paragraphs 7 and 8.

**On § 18****Paragraph 1:**

Following an amendment to the provincial law governing fire and public safety regulations (Upper Austrian Fire and Public Safety Act – Oö. FGPG), the term 'fire alarm centre' is no longer used. Notification and alerting of the fire brigade now take place via the emergency number 122.

#### **On § 24**

##### **Paragraph 2:**

The provision has been amended so that building guidelines adopted by the provincial fire service authority are now also considered state-of-the-art, even if they are not based on the Austrian Federal Fire Service Association's guidelines (*Österreichischen Bundesfeuerwehrverbandes*). Non-standard, special-purpose, and base vehicles must also be in line with the state of the art, particularly with respect to tactics, safety, and areas of operation.

#### **On § 25**

The provision has been recast, as it was intended for the initial implementation of risk prevention and development planning.

##### **Paragraph 1:**

The requirements of Appendix 4 concerning crew size and training must be implemented by 31 December 2027. This gives fire brigades that do not yet meet the requirements time to build up their staffing levels and to make up for training shortfalls.

##### **Paragraph 2:**

To provide a transitional period of legal certainty for fire brigades and municipalities, the previous plan will remain in force until the next risk-prevention and development planning exercise is carried out.

#### **On § 26:**

The appendices are supplemented by the new Appendix 4 – Crew sizes by vehicle type.