

Provincial Act
amending the Upper Austrian Soil Protection Law 1991
(Upper Austrian Amendment to the Soil Protection Law 2025)

The Upper Austrian State Parliament (Landtag) has decided:

Article I

The Upper Austrian Soil Protection Law 1991, Provincial Law Gazette (LGBL.) No 63/1997, as amended by Provincial Law, LGBL. No 64/2025, is amended as follows:

1. The table of contents is amended as follows:

- *The entry to Section V. reads: 'SECTION V.: Soil observation, soil monitoring and soil protection surveys'*
- *The entries 'Section 31 Soil Balance' and 'Section 32 Soil information report; Soil development programme' are deleted.*
- *The entry 'Section 48 Enactment of regulations, right to be heard' is deleted.*

2. In Section 1(5), the reference 'BGBl. III No 111/2005' is replaced by the reference 'BGBl. III No 130/2006'.

3. In Section 2(1), subparagraph 2, the reference 'BGBl. No 440, as amended by the Federal Act published in Federal Law Gazette I No 55/2007' is replaced by the reference 'BGBl. No 440/1975 as amended by the Federal Act published in Federal Law Gazette I No 144/2023' is replaced.

4. In Section 14(3), the reference 'Fertilisers Act 1994, BGBl. No 513 as amended by the Federal Act published in Federal Law Gazette I No 87/2005' by the reference 'Fertilisers Act 2021 - DMG 2021, BGBl. I No 103/2021' is replaced.

5. In Section 16(2), the reference 'BGBl. I No 56/2016' is replaced by the reference 'BGBl. I No 144/2023' is replaced.

6. In § 17(4), the following sentence is added:

'The certificate of competence may also be issued in electronic form, in which case the validity must be verifiable in an appropriate technical form.'

7. After Section 17(5), the following Section 5a is inserted:

'(5a) The Upper Austrian Chamber of Agriculture may issue a provisional certificate of competence. It is only valid in conjunction with a valid official photographic identity card, and for a maximum period of eight weeks from the date of issue. In the event of the loss, theft, destruction or illegibility of the certificate of competence, the Upper Austrian Chamber of Agriculture may, upon request, issue a duplicate.'

8. In Section 17(10), the reference 'Section 10(2) Upper Austrian Plant Protection Act [Pflanzenschutzgesetz] 2002' is replaced by 'Section 3(1) Upper Austrian Plant Health Act [Pflanzengesundheitsgesetz] 2019'.

9. In Section 18(1), the reference 'BGBl. I No 10' is replaced by the reference 'BGBl. I No 10/2011, as amended by the Act published in Federal Law Gazette I No 104/2021' is replaced.

10. Section 18(5) is deleted.

11. Section 18a reads as follows:

**'Section 18a
Records**

(1) On the use of plant protection products, except in the case of non-professional use of plant protection products in accordance with Section 11 of the Plant Protection Products Regulation 2011, BGBl. II No 233/2011 as amended by the Regulation published in Federal Law Gazette II No 212/2015, as well as for retaining records in the case of the use of products to prevent damage caused by game and wildlife, for which no hazard class is specified in the official Plant Protection Product Register.

(2) The records of the use of plant protection products referred to in paragraph 1 shall comply with the requirements of Article 67 of Regulation (EC) No 1107/2009 in conjunction with Implementing Regulation (EU) 2023/564 and shall be retained for a period of three years from the date of use.

(3) If records on the use of plant protection products prior to 1 January 2030 are not created directly in the prescribed electronic format within the meaning of Article 2(13) of Directive (EU) 2019/1024, they must be created in this format by 31 January of the year following the year of use of the plant protection product at the latest.

12. In Section 21(2), (3) and (4), each reference of 'BGBl. I No 10' is replaced by the reference 'BGBl. I No 10/2011, as amended by the Act published in Federal Law Gazette I No 104/2021' is replaced.

13. *The title of Section V. reads:*

**‘V. SECTION
Soil observation, soil monitoring and soil protection surveys’**

14. *Sections 31 and 32 are deleted.*

15. *In Section 33(2), the reference ‘BGBl. No 286 as amended by the Federal Act published in Federal Law Gazette I No 24/2010’ is replaced by the reference ‘BGBl. No 286/1971 as amended by the Federal Act published in Federal Law Gazette I No 143/2023’ is replaced.*

16. *In Section 36(1), the words ‘or the objectives set in the soil development programme pursuant to Section 32(2)’ are deleted.*

17. *Section 48 is deleted.*

18. *In Section 49(4) and (5a), each reference of ‘Section 31(2) VStG’ is replaced by the reference ‘Section 31(1) VStG’.*

Article II

(1) This Provincial Act shall enter into force at the end of the day on which it is promulgated in the Upper Austrian Provincial Law Gazette.

(2) Notwithstanding paragraph 1, Article I Z 10 (Section 18a) shall enter into force on 1 January 2026.

(3) This Provincial Act has been subjected to a procedure for the provision of information within the meaning of 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 provisions on information society services (codification), OJ L 241, 17/09/2015, p 1.