

Message 001

Communication from the Commission - TRIS/(2025) 2422

Directive (EU) 2015/1535

Notification: 2025/0502/AT

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20252422.EN

1. MSG 001 IND 2025 0502 AT EN 05-09-2025 AT NOTIF

2. Austria

3A. Bundesministerium für Wirtschaft, Energie und Tourismus
Abteilung II/8
A-1010 Wien, Stubenring 1
Telefon +43-1/71100-808805
E-Mail: not9834@bmwet.gv.at

3B. Amt der Niederösterreichischen Landesregierung
Abteilung Bau- und Raumordnungsrecht
A-3109 St. Pölten, Landhausplatz 1
Telefon +43-2742/9005 14792
Telefax +43-2742/9005 15160
E-Mail: post.ru1@noel.gv.at

4. 2025/0502/AT - B00 - CONSTRUCTION

5. Provincial Act amending the 2014 Lower Austrian Building Code (NÖ BO 2014) (Lower Austrian

6. Buildings and structures

7.

8. • Abolition of the previous notification requirement with the introduction of a simplified authorisation procedure, in some cases with changes to the content (e.g. instead of a notification requirement for photovoltaic systems with a bottleneck capacity of 50 kW or more, a simplified authorisation procedure from 100 kW with regard to compliance with the zoning plan)

- Freedom from authorisation and notification under building law for, among other things:
 - enclosures that are not structural installations
 - the installation of polytunnels for agricultural, forestry and horticultural purposes on grassland
 - technical installations (pumps, filters, etc.) and shafts for swimming pools
 - sun shading devices up to 50 m² built-up area
 - single-storey installation of non-conditioned containers for storage purposes with a maximum volume of 260 m³ in total in the operational or industrial area
 - temporary change in the intended use of buildings in the event of a disaster
- Facilitation for guided tours of buildings approved by the building authorities before 1 February 2015, with a maximum increase of one additional storey, other modifications subject to authorisation and modification of the intended use by:
 - deviations from the current safety-relevant requirements (e.g. mechanical strength, stability, fire protection, exhaust gases from fireplaces, protection against dangerous immissions, ventilation of garages, storage of dangerous substances, safety of use) as in the existing building, if the change in the existing building situation does not or does not significantly worsen the original requirement level of the legal building stock
 - deviations from the current quality-relevant requirements (e.g. sanitary facilities, collection and discharge of precipitation water, waste, protection against moisture, exposure and lighting, ventilation, room temperature, level and height of the rooms, accessibility and sound insulation) as in the inventory
- Further facilitation through:
 - changed level in the assessment of sufficient exposure
 - changes in the construction deviation (distance between the structure and the land boundary)
 - possibility of exceeding the development height (building class) laid down in development plans up to 1.5 m in certain cases
 - exceptions for the construction of car parking spaces
 - elimination of the obligation to create non-public playgrounds
- cancellation of the provisions on the minimum room height, whereby a sufficient air volume must be guaranteed as before

9. The aim of the draft is to create an up-to-date legal framework to make construction and refurbishment

more affordable and simpler. The facilitations mainly concern existing buildings and, in the case of new buildings, heights and distances from land boundaries, with the aim of preserving agriculturally valuable land and strengthening town centres. Requirements that must be complied with on the basis of EU regulations (e.g. energy savings, thermal insulation, electronic communication, domestic installations for drinking water) are excluded from the facilitation. Furthermore, the removal of the previous notification procedure is intended to increase legal certainty.

10. Reference to the basic texts: Basic texts have been forwarded under a previous notification:

2020/0661/A

2016/0624/A

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

European Commission

Contact point Directive (EU) 2015/1535

email: grow-dir2015-1535-central@ec.europa.eu