

**Ordinance of the Federal Minister for Labour and Economy, the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology and the Federal Minister for Social Affairs, Health, Care and Consumer Protection amending the 2023 Ordinance on Flammable Liquids**

By virtue of

1. § 69(1) of the Trade Code 1994 – GewO 1994, Federal Law Gazette (BGBl.) No 194/1994, as last amended by the Federal Act BGBl. No 204/2022 and the announcement BGBl. I No 75/2023, the Federal Minister for Labour and Economy, by virtue of § 82(1) of the GewO 1994, the Federal Minister for Labour and Economy in agreement with the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology,
2. § 19(4) of the Railways Act 1957 – EisbG, BGBl. No 60/1957, as last amended by the Federal Act BGBl. I No 231/2021, the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology,
3. § 16 of the Piping Act, BGBl. No 411/1975, as last amended by the Federal Act BGBl. I No 245/2021, the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology,
4. § 17(2), § 40 and § 44(3) of the Workers’ Protection Act – ASchG, BGBl. No 450/1994, as last amended by the Federal Act BGBl. I No 115/2022, the Federal Minister for Labour and Economy,
5. § 7 of the Pharmacy Act, Reich Law Gazette (RGBl.) No 5/1907, as last amended by the Federal Act BGBl. I No 72/2023, the Federal Minister for Social Affairs, Health, Care and Consumer Protection and
6. § 74(1) of the Aviation Act, BGBl. No 253/1957, as last amended by the Federal Act, BGBl. I No 151/2021, the Federal Minister for Climate Protection, Environment, Energy, Mobility, Innovation and Technology,

decree the following:

The 2023 Ordinance on the Storage of Flammable Liquids (2023 Ordinance on Flammable Liquids – VbF 2023), BGBl. II No 45/2023, is amended as follows:

1. *§ 12(1) subparagraph 4 letter a shall read:*

‘a) the storage quantities of hazard category 1 shall not exceed 50 litres and of hazard category 2 shall not exceed 100 litres, totalling not more than 100 litres together,’

2. *In the table for § 33(1), the heading ‘Location’ shall be replaced by ‘Storage type’.*

3. *After paragraph (1) of § 33, the following paragraph (1a) shall be inserted:*

‘(1a) Paragraph (1) shall apply, mutatis mutandis, to workplaces, offsite work locations or construction sites within the meaning of the Workers’ Protection Act (ASchG). Point 1 of the table shall also apply to the storage of flammable liquids in bulk containers on construction sites and in offsite work locations.’

4. *In § 33(3) subparagraph 3 and (4) subparagraph 3, the expression ‘point 8 of the table’ shall be replaced by ‘point 9 of the table’.*

5. *In § 35(1), the words ‘in accordance with paragraph (2)’ shall be replaced by the words ‘in accordance with the following paragraphs’.*

6. *In § 35(2), after the words ‘of flammable liquids’ the words ‘of hazard category 1, 2 or 3’ shall be inserted.*

7. *The following paragraphs (3) and (4) shall be added to § 35:*

‘(3) When storing flammable liquids of hazard category 4, the following protective perimeters must be in place:

1. for up to 40 000 l: 3 m,
2. for more than 40 000 l: 5 m.

(4) In the case of joint storage of flammable liquids of hazard categories 1, 2 or 3 with those of hazard category 4, the width of the protective perimeter shall be measured according to the quantity of flammable liquids of hazard categories 1, 2 or 3.'

8. *In § 38(3), the words 'from construction products that cannot contribute to a fire' in subparagraph 1 shall be replaced by the words 'from non-flammable building materials' and the words 'from construction products that can contribute to a fire' in subparagraph 4 shall be replaced by the words 'from flammable building materials'.*

9. *§ 39(3) subparagraph 4 shall read:*

'4. the part of the building in which the dispensing device is located shall consist of non-flammable building materials'.

10. *§ 49(1) subparagraph 1 shall read:*

'1. The following provisions shall not apply: § 7(4), § 8(2) subparagraph 2, § 10(2), § 14 to § 20, § 21(4) subparagraph 2, § 25, § 38(3) subparagraphs 2 and 3, § 40(4), § 44(3) second sentence, (4) and (6) last sentence, as well as § 45(2) second sentence and (4).'

11. *§ 49(1) subparagraph 2 shall read:*

'2. Depending on their year of manufacture, storage containers must comply with the last sentence of § 6(4) and § 8(2) subparagraphs 1 and 5 by the following deadlines:

- a) Manufactured before or in 1985: Compliance by 31 December 2025,
- b) Production 1986 to 1990: Compliance by 31 December 2030,
- c) Production 1991 to 1995: Compliance by 31 December 2035,
- d) Production after 1995: Compliance by 31 December 2040.

If a storage container has, by no later than 31 December 2025, a successful test certificate for a leak test carried out not earlier than 1 January 2025 in accordance with § 23 subparagraph 3, the storage container shall, by way of derogation from point (a) of the last sentence of § 6(4) and § 8(2) subparagraphs 1 and 5, comply by 31 December 2027 at the latest; this compliance deadline shall be extended to 31 December 2029 at the latest, if there is a further successful test certificate for the storage container for a test carried out not earlier than 1 January 2027 in accordance with § 23 subparagraph 3.'

12. *In § 49(1), the previous subparagraph 5 becomes subparagraph '10.' and the following subparagraphs 5 to 9 are inserted after subparagraph 4.*

'5. Mechanical overfill prevention facilities do not have to be tested as part of the routine testing referred to in § 26(3) subparagraph 4.

6. By way of derogation from § 35(2) subparagraphs 1 and 2, the following applies: no protective perimeter up to 5 000 l; for more than 5 000 l up to 10 000 l, a protective perimeter of 10 m.

7. By way of derogation from § 35(3), the following applies: no protective perimeter up to 200 000 l.

8. By way of derogation from § 36(2), gas oils in above-ground storage containers may be stored in a total quantity of up to 12 000 litres, and in the case of commercial refuelling stations up to a total quantity of 20 000 l.

9. Filling points at refuelling stations must comply with § 45(1) and (2) first sentence at the latest ten years after the entry into force of the 2023 Ordinance on the Storage of Flammable Liquids (2023 Ordinance on Flammable Liquids – VbF 2023), BGBl II No 45/2023.'

13. *The previous text of § 50 becomes paragraph (1); the following paragraph (2) shall be added:*

'(2) § 12(1) subparagraph 4, § 33(1), (1a), (3) subparagraph 3 and (4) subparagraph 3, § 35, § 38(3) subparagraphs 1 and 4, § 39(3) subparagraph 4, § 49(1) subparagraphs 1, 2 and 5 to 10 and § 52, as amended by the Ordinance BGBl. II No xxx/2024, shall enter into force on the first day of the month following promulgation.'

14. *The previous text of § 52 becomes paragraph (1); the following paragraph 2 shall be appended:*

'(2) Ordinance BGBl. II No xxx/2024 has been notified in compliance with the provisions of Directive (EU) 2015/1535 (notification number 2024/xxx/A).'