

PROVINCIAL LAW GAZETTE FOR UPPER AUSTRIA

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No. 70 Regulation: Upper Austrian Construction Engineering Regulation Amendment 2025

Ordinance

of the Upper Austrian Federal State Government, amending the Upper Austrian Construction Engineering Regulation 2013 (Upper Austrian Construction Engineering Regulation Amendment 2025)

On the basis of Section 86 of the Upper Austrian Construction Engineering Act 2013, LGBl. No. 35/2013, as amended by Federal State Law, LGBl. No. 21/2025, as well as by Section 29, Paragraph 4, of the Upper Austrian Building Code 1994, Provincial Law Gazette No. 66/1994, as amended by Federal State Law, LGBl. No. 21/2025, the following is hereby decreed:

Article I

The Upper Austrian Construction Engineering Regulation 2013, LGBl. No. 36/2013, as amended by Regulation, LGBl. No. 17/2024, is amended as follows:

1. Section 1, including its heading, reads as follows:

"Section 1 Mechanical resistance and stability

The requirements set out in Section 4 of the Upper Austrian Construction Engineering Act 2013 are met if the following directives of the Austrian Institute of Construction Engineering are observed:

1. Directive 1 "Mechanical strength and stability" of May 2023;
2. Guideline "Determination of the load-bearing capacity and suitability of use of existing structures" of May 2023.

2. In Section 2, Paragraph 1, Section 3 Paragraph 1, Section 4, Paragraph 1, and Section 14, Paragraph 1, the passage "April 2019" is replaced by the passage "May 2023".

3. In Section 2, Paragraph 2, Point 2, the words "Points 4.1 to 4.6 shall apply" are replaced by the words "Point 4 shall apply".

4. In Section 4, Paragraph 2, Point 2, the website "" is replaced by the website "".

5. In Section 4, Paragraph 2, the following Point 3a is inserted after Point 3:
"3a. Point 2.4.2 shall not apply."

6. Section 5, including its heading, reads as follows:

"Section 5 Sound insulation

(1) The provisions of Sections 32 to 34 of the Upper Austrian Construction Engineering Act 2013 are met if, subject to Paragraph 2, Directive 5 of the Austrian Institute of Construction Engineering on "Sound insulation" of May 2023 is observed.

(2) The Directive referred to in Paragraph 1 shall apply with the exception of Point 5. The provisions of the Upper Austrian Air Pollution Control and Energy Technology Act 2002 shall remain unaffected."

7. In Section 8, Paragraph 2, the reference "BGBl. I No. 100/2018" is replaced by the reference "BGBl. I No. 56/2024".

8. In Section 9, Paragraph 1, the passage "Fax: +43/1/533 64 23," is deleted.

9. Section 9, Paragraph 2, reads:

"(2) The documents "OIB Directives – Definitions" and "OIB Directives – Cited standards and other technical regulations" of the Austrian Institute of Construction Engineering, of May 2023, which are relevant to the Directives referred to in Sections 1 to 5, are hereby declared binding. Paragraph 1 shall apply, mutatis mutandis."

10. In Section 9, the following Paragraph 3 is inserted after Paragraph 2:

"(3) The documents "OIB Directives – Definitions" and "OIB Directives – Cited standards and other technical regulations" of the Austrian Institute of Construction Engineering, of April 2019, which are relevant to the Directive referred to in Section 6, are hereby declared binding. Paragraph 1 shall apply, mutatis mutandis."

11. Section 16, Paragraph 2, Point 1, reads:

- "1. Dwellings (except for residential buildings with no more than per 60 m² of the total floor three dwellings – Section 44, Paragraph 1, of the Upper space of all dwelling units" Austrian Construction Engineering Act 2013)

12. Section 17, Paragraph 2, reads:

"(2) Beyond the provisions of Paragraph 1, the building authority may, in individual cases, partially waive the obligation to construct parking spaces if

1. public transport suitable for access is available to the users of the building, or
2. this is justified on the basis of the specific purpose of the building.

In order to assess these conditions, the builder must submit to the building authority a mobility or operating concept."

13. In Section 19, the words "covered parking spaces for motor vehicles of more than 100 m² and" are deleted.

14. In Section 21, Paragraph 3, Point 6, the references "Section 25 Paragraph 1, Point 1, Letter b" and "Section 25, Paragraph 1, Point 1, Letter c" are in each case replaced by the reference "Section 24a".

Article II

(1) This Regulation shall enter into force on the first day of the month following its promulgation in the Provincial Law Gazette of Upper Austria.

(2) This Regulation has been subject to an information procedure 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 rules on Information Society services (codified text), OJ L 241, 17/9/2015, p. 1 et seq.

For the Upper Austrian Federal State Government:

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