

Background Report
Law and Regulation for the Reduction of Risk from Natural Disasters
in Austria
A National Law Desk Survey
October 2012

Acknowledgements

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Law and Regulation for the Reduction of Risk in Natural Disasters in Austria: A National Law Desk Survey

Executive Summary

Austria is situated in Central Europe, in the moderate climatic range. 63 per cent of her territory, mostly in the West of the country, are covered by the Eastern Alps, about 10 per cent in the North belong to the Bohemian Mass. These western and northern parts of Austria stand under the influence of Atlantic climate, the eastern part (roughly the territory south and east of the capital Vienna) is located in the region of continental climate. Atlantic winds unload their humidity along the northern border of the Alps and on the relatively cool highlands of the Bohemian Mass; winds coming up from the Mediterranean bring humidity which turns into rain along the southern Alpine region.

Due to Austria's geographical position, floods and landslides are the main source of disasters during the humid months of June and July, as well as avalanches during winter. Thunderstorms may cause considerable damage, while tsunamis and hurricanes do not occur. Earthquakes occur only rarely. The principal task of disaster prevention thus lies in the maintenance of forests that give protection against landslides and avalanches, and to prevent flooding of the landscape by careful regulation of rivers.

Politically, Austria is a Federal Republic, constituted by nine autonomous *Laender*. The federal authority (the *Bund*) holds most of the competences necessary for disaster relief. However, since disasters have to be remedied in the first place by the persons affected, subsequently also by the local community and the population of the entire region where the disaster occurs, the *Laender* as well as the municipalities also hold extensive competences in his field. On the local and regional level, the voluntary fire brigades play an important role in combating disasters, both natural and man-made.

1) Introduction

The danger of natural disasters in Austria exists since a long time.

Austria has an old steel industry, but not enough coal in proportion to her natural reserves of iron ore. Consequently, through centuries charcoal had to be produced to maintain steel production. In further consequence, by the beginning of the nineteenth century, large formerly forest-covered areas, especially in the mountains and highlands, had been deforested and converted into pastures. By the second half of the nineteenth century the danger of causing floods and landslides by this policy had been fully appreciated, and large areas were reforested. To this end, the spruce was used, since it is considered economical and gives a kind of timber easy to process. Now, experience has shown that such a monoculture easily becomes the victim of a plant disease or of vermin. Furthermore, construction activity especially after the Second World War has led to construction of buildings in places that more and more become threatened by floods. As global warming is already going on and leads to an increase of precipitation, maintenance of healthy forests and regulation of brooks and rivers is of greatest importance for preventing natural disasters in Austria. Hydroelectric dams help reducing the damages, if they are emptied on time before the heavy rainfall occurs. In providing disaster relief, the voluntary or professional fire brigades as well as the Army have been of great help.

2) Main Natural Disasters and Risks in Austria

Austria participates in two main climate regions, namely in the Atlantic and in the Continental region. The border between these two regions runs roughly along the eastern fringe of the Alps.

In the Alpine region the mountain ridges are mostly covered with forests (settled or barren land being excepted, of course). Both the mountains and the forests stabilise the air temperature during summer, so that the humid winds blowing from the Atlantic drop a large portion of their humidity in this area, which fact may cause heavy rainfall and floods. The coincidence of humid winds and moderate, i.e. relatively cool temperature is particularly effective during the warm months of June and July. Large thunderstorms also may occur during the month of August. If heavy rainfalls happen in the mountains, there is a danger of landslides, especially if the territory has been deforested. During the winter season, extensive snowfall may occur. While the melting of snow and glaciers during the warm season adds to the danger of floods already existing, while during winter large quantities of snow may form avalanches. Thus floods, landslides and avalanches are the main sources of natural disasters in the mountainous parts of Austria. While landslides and avalanches usually cause local damages, floods endanger also areas outside the area from where they have originated.

The continental climate in the East of Austria is also labelled as Pannonian steppe climate. In this region, the dry soil reflects the heat of the sun, thus dissolving a large portion of the clouds being conveyed from the Atlantic or from the Mediterranean. Eventually, this may lead to drought impairing the harvest. However, agriculture in this area has been adapted to this climate, so that drought has not reached the dimension of national disaster in recent decades.

3) Governmental and Law-making Structure

Austria is a semi-presidential federal republic, consisting of 9 autonomous *Laender*, namely *Burgenland, Carinthia, Lower Austria, Salzburg, Styria, Tyrol, Upper Austria, Vienna* and *Vorarlberg*. The Austrian Constitution is based on the presumption that legislative and executive powers rest with the *Laender*, unless they have been delegated to the federal authorities, i.e. the Parliament and the Federal Government. Each *Land* has its own legislature (Diet, *Landtag*) and its government (*Landesregierung*) The head of the *Landesregierung*, the *Landeshauptmann* is also charged with the execution of federal laws and decrees within the *Land*. Local government is in the hands of the district governments (*Bezirkshauptmannschaften*) with their appointed officials. However, the municipalities (*Gemeinden*) are autonomous in offering their services to the population and in raising fees for their expenses. The mayors and municipal councillors are elected by the population. Since many municipalities are too small to provide or entertain the necessary services themselves (including the voluntary fire brigades, most important for disaster relief), such municipalities often form associations to provide common services. Since disasters tend to affect the population of any country at all levels, the competences for providing disaster relief are shared among federal authorities, respective *Land* authorities and municipal authorities.

According to Article 18 of the Constitution, the entire administration has to be exercised on the basis of the laws. The constitutionality and legality of the acts of the administration is supervised by the Constitutional High Court (*Verfassungsgerichtshof*) and the Administrative High Court (*Verwaltungsgerichtshof*).

Austria is a member country of the European Union and the Council of Europe. Human rights are protected in accordance with the regulations or conventions decided within the framework of these institutions. Furthermore, Austria is a member of practically all the important conventions on human rights concluded under the auspices of the United Nations. Finally, the Basic Law on the General Rights of the Citizens of 1867 (*Staatsgrundgesetz über die allgemeinen Rechte der Staatsbürger*) is still in force.

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1. Background information

Using secondary and legal sources, identify and describe briefly in the table below the governmental structure of the subject country to assist readers understand how the different levels of law and regulation relate to each other.

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Identify laws that indicate the structure of government, including the number of levels of government and the extent of decentralisation of governmental functions, such as: constitutional framework for different levels of government (e.g. national/provincial/local), and specific laws on decentralisation.			
1. How many levels of government are there, and what are they called? How many administrative areas are there (e.g. provinces, local government areas)?	<i>Bundes-Verfassungsgesetz</i> (Federal Constitutional Act) http://RIS.bia.gv.at Bundesrecht/Bundesrecht konsolidiert	Article 2	, Austria is a Federal State Austria consists of the autonomous <i>Laender</i> Burgenland, Carinthia, Lower Austria, Salzburg, Styria, Tirol, Upper Austria, Vienna and Vorarlberg
2. Is there a separate law on decentralisation of government functions? How does it decentralise? For example, does it establish new institutions or delegate powers to provincial/local government?	<i>Bundes-Verfassungsgesetz</i> (Constitutional Act)	Articles 10 - 17	Any matter not reserved to the Federal jurisdiction comes under the jurisdiction of the <i>Laender</i> .
3. Looking at the Constitution and/or decentralisation law, is there any mention of allocation of responsibility at the different levels for reducing risks related to natural disasters?	<i>Bundesministeriengesetz 1986</i> (Act on the Federal Ministries of 1986), revised version	Article 23	The Federal Ministry of the Interior is charged with assistance during natural catastrophes and accidents, as well as with life saving and matters concerning fire brigades. To this end, the Ministry is supported by the <i>SKKM (Staatliches Krisen- und Katastrophenschutzmanagement</i> - National Management of Crises and Catastrophes) Besides, every <i>Land</i> maintains its own institutions to this end.

4. Is this country a member of any regional organisation(s) that make(s) regulations or agreements or issues guidelines for member states that could impact on disaster management or risk reduction? Is so, please name the organisation(s).	Austria is a Member State of the European Union.
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2. Institutional frameworks, resourcing and community participation in DRR:

The aim is to identify laws that establish the governmental institutions and structures relevant to DRR, and which set out their mandates, and resource allocation mechanisms, including the extent of involvement of communities and civil society. These may include specialist disaster management institutions, bodies established to implement the Hyogo Framework for Action, or authorities charged with planning for adaptation to climate change, as well as government bodies responsible for planning and oversight, public administration at all levels, land use planning, building controls, environmental management, and telecommunications. However, to avoid repetition, the sectoral institutions are not included in this question but are part of the data requested in the section on reducing underlying risks.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Part One. Disaster Management Law & Institutions			
The key question in relation to DM laws is whether they exist and, if so, the extent to which they incorporate longer term disaster risk reduction, as well as prevention. Issues for investigation include: progress in the development of comprehensive DM legislation (at national level, provincial and local levels), what, if any, elements of existing DM laws and regulations relate to risk reduction and prevention for natural disasters; and whether there is a specified DM role for communities, civil society and the National Red Cross or Red Crescent Society (especially in recognition of its auxiliary status in humanitarian response).			
A. Disaster Management Institutions			
5. Is there a national disaster management (DM) or civil protection law or regulation? - or a group of regulations? Describe.	Any regulations of the <i>Länder</i> can be found under http://www.RIS.bka.gv.at Landesrecht/Index des Landesrechts (see Index Nr. 4450)		Disaster management is not in substance regulated by the Federal Constitutional Act and, therefore, falls within the competence of the <i>Laender</i> . Federal authorities are not entitled to giving orders to <i>Land</i> authorities in such matter. The coordinating activity of the <i>SKKM</i> , therefore, is a service by a

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
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			federal agency to the <i>Laender</i> .
6. Is there also a national disaster management policy? Is this established by a law? Provide details.			See above: there is no national disaster management policy, but only national disaster management coordination.
7. Is the DM law a national law applicable throughout the territory of the subject country? If so, does it establish an integrated national system with elements at provincial, local and/or community level?			In substance, there is no national disaster management law, but only national disaster management coordination by the Ministry of the Interior. However, particular legal regulations (e.g. in the fields of customs, traffic etc) also take account of the needs in case of disaster, which facilitates national activities in the field of disaster management.
8. Are there separate provincial or local DM laws? Are these connected with the national DM law in any way? e.g., is there a hierarchy of laws between them, or a common institutional structure?	B 5/86 (83/09) C 66/80 LA 4450 SzbG 3/75 (50/06) St 62/99 (56/06) T 33/06 UA 32/07 Vi 60/03 (22/09) Vbg 47/79 (58/01). For more see http://www.RIS.bka.gv.at Landesrecht		Every <i>Land</i> has its own disaster management law. There is no hierarchy among the laws of the <i>Laender</i> , because each <i>Land</i> is equally autonomous. National law provides for coordination of disaster management by the <i>Laender</i> through the <i>SKKM</i> as far as required in the individual situation.
9. Does the DM or other law establish one or more specialist DM			Disaster management belongs to the <i>Landesregierung (Land</i>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
institutions? What are they (i.e. what are their names and what type of body are they) and what are their mandates?			government) in each of the <i>Laender</i> .
10. Does the DM policy use the same or different implementing institutions from the DM law? Describe.	<i>Bundes-Verfassungsgesetz</i> (Federal Constitutional Act)	Art. 18	The entire administration must be exercised on the basis of the laws. The DM policies, therefore, may not differ from the DM laws.
11. Does the DM law or other law deal with: a. Disaster response ¹ ? b. Disaster preparedness ² ? c. Disaster mitigation ³ and prevention ⁴ ? d. Disaster risk reduction ⁵ (DRR)?	c, d: <i>Forstgesetz 1975</i> (Law of Forestry 1975, amended version)	Art. 11,21-30, 40-41	a and b: falls under the DM regulations of each <i>Land</i> . The Law on forestry regulates in detail the functioning of the forest as a means of mitigation, prevention and risk reduction of disasters to the environment in general, as well as the mitigation, prevention and risk reduction of disasters affected to the forests themselves.

¹ "The provision of emergency services and public assistance during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected."

² "The knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current hazard events or conditions."

³ "The lessening or limitation of the adverse impacts of hazards and related disasters."

⁴ "The outright avoidance of adverse impacts of hazards and related disasters."

⁵ "The concept and practice of reducing disaster risks through systematic efforts to analyse and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events."

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
e. If it includes DRR, how is it defined? (include definition)	<p><i>Wasserrechtsgesetz 1959</i> (Law on Water 1959, amended version)</p> <p><i>Wehrgesetz 2001</i> (Law on National Defence 2001, amended version)</p>	<p>Art. 41-47</p> <p>Art.2, par.(c)</p>	<p>The Law on Water throughout contains regulations concerning mitigation and preventions of disasters caused by the water and to the water resources as well as disaster risk reduction in this field. Special regulations concern constructions for this purpose. f</p> <p>The Federal Army is charged with assistance in cases of natural catastrophes and accidents of extraordinary extent.</p> <p>There is no legal definition of DRR responsibilities</p>
12. Does the DM law (or any other law) or policy allocate DRR responsibilities in one or more government ministries? If so, which ministries? Describe their allocated roles.			<p>See items 3 and 1</p> <p>Besides the general management responsibility of the Federal Ministry of the Interior, the Federal Ministry (or Ministries) for forestry and water management (at the moment the Federal Ministry for Agriculture, Forestry, Environment and Water Management) as well as the Ministry of Defence are charged with DRR in their respective fields of activity.</p>
13. Does the DM law or policy prescribe a role in DM institutions			<p>As to the Red Cross see below item 14.</p> <p>The voluntary fire brigades are regularly employed in case of</p>

Note: These definitions are taken from the 2009 UNISDR Terminology on Disaster Risk Reduction, obtained here: <http://www.unisdr.org/we/inform/terminology>.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>for civil society? If so, how defined and what is the role? At what levels?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>			<p>disasters by all the <i>Laender</i></p>
<p>14. Does the DM law or policy prescribe a role in DM institutions for the National Red Cross or Red Crescent Society? If so, how defined and what is the role? At what levels?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>	<p><i>Rotkreuzgesetz</i> (Federal Law on Recognition of the Austrian Red Cross and Protection of the Sign of the Red Cross) BGBl. I Nr.33/2008),</p>	<p>Art. 2, par. (1) and (2)</p>	<p>The <i>Rotkreuzgesetz</i>“ defines the role of the Austrian Red Cross as voluntary association for the assistance of the authorities in the field of humanitarian assistance, which also includes reduction of risks in natural disasters.</p> <p>Furthermore, the cooperation with the Red Cross is envisaged by the law of the <i>Laender</i>:</p> <p>In <i>Salzburg</i> the Red Cross is expressly mentioned in the relevant law.</p> <p>In <i>Burgenland, Styria and Upper Austria</i> cooperation with the Red Cross is regulated by decree.</p> <p>In <i>Lower Austria, Tirol, Vienna and Vorarlberg</i> cooperation with the Red Cross is envisaged by implication.</p> <p>Only in <i>Carinthia</i> the law is silent about this matter</p>
<p>15. Is there any provision in the DM law or policy to ensure that women have a role and a voice in the DM institutions? If so, how is this regulated or encouraged by law? At what levels does the law</p>			<p>There seems to be no such provision.</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>provide for women's participation in DM institutions?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>			
<p>16. Does the DM law or policy prescribe a role in DM institutions for communities? If so, how defined and what is the role? Does it specify any mechanisms to ensure a voice for all elements of the community in DRR, e.g.</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p>			<p>No.</p> <p>However, ethnic minorities (Slovenians, Croatians, Hungarians, Czechs, Slovaks and Roma) are entitled to certain privileges designed to maintain their language and cultural tradition.</p>
<p>17. Describe the main differences in the scope of the DM law and the DM policy concerning prevention and disaster risk reduction.</p>	<p><i>Bundes-Verfassungsgesetz</i> (Federal Constitutional Act)</p>	<p>Art.18</p>	<p>Since every policy has to based on the law, such differences must not exist.</p>
<p>18. Does the DM law or policy, or</p>	<p><i>Bundes-Verfassungsgesetz</i></p>	<p>Art. 52</p>	<p>Both Chambers of the Parliament are entitled to supervise the</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
other legislation, provide for oversight mechanisms on DRR implementation, including reporting and/ or parliamentary oversight?	(Federal Constitutional Act)	par.1	activities of the Federal Government, to question its members on all matters of execution of the laws and to express their wishes in this matters by resolutions. The <i>Landtage</i> (Parliaments of the <i>Laender</i>) have similar powers regarding their field of jurisdiction.
B. Hyogo Framework for Action & Climate Change Institutions			
19. Does legislation establish any institutions (including committees), or allocate to an existing body, implementation of the Hyogo Framework for Action? What institutions? What are their designated roles in DRR?			The <i>SKKM</i> may be considered as such a committee. See item 3 above
20. Does legislation establish any institutions (including committees), or allocate to an existing body, planning and implementation for adaptation to climate change? What institutions? What are their designated roles in DRR?			Adaptations to climate change fall within the competence of the Federal Ministry of Agriculture, Forestry, Environment and Water Management.
21. Do the implementation mechanisms for the Hyogo Framework, climate change adaptation and DM institutions intersect? If so, how? Are their mandates complementary or do			The Federal Ministry of Agriculture, Forestry, Environment and Water Supply shall cooperate with the other ministries concerned within the <i>SKKM</i> .

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
they overlap? Describe.			
C. DRR priority and resource allocation in government			
22. Does the budgetary process provide for any dedicated budget line items for DRR and/or minimum percentages for DRR expenditure by government institutions? If so, is there a budget allocated to DRR at national level? How is this prescribed?	<i>Katastrophenfondsgesetz 1996</i> (Law on a Fund for Catastrophes of 1996, amended version)	Art. 2-3	This law provides for the establishment of a budget for DRR on national level, by ordering the raising of financial means and regulating in detail their expenditure within Austria.
	<i>Auslandskatastrophenfondsgesetz</i> (Law on a Fund for Catastrophes abroad)	Art. 1-3	This law provides for the establishment of a budget on national level to make contributions to combat catastrophes abroad.
23. Is there a budget allocated to DRR at provincial/state level (if relevant)? How is this prescribed?			The <i>Laender</i> have their own budgets for DRR purposes. In Austria, DRR is effectuated on the basis of subsidiary action: first of all, the affected person helps himself; if necessary, the neighbourhood (municipality) assists him; if this assistance is insufficient, the <i>Land</i> and ultimately the Republic takes charge.
24. Is there a budget allocated to DRR at municipal or local level? How is this prescribed?			The municipalities have their own budgets for DRR purposes

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Part Two. Responsibility, accountability and liability for natural disaster risk reduction			
The aim is to identify relevant constitutional or other guarantees that may underpin government responsibility, liability and affected persons' rights to compensation. These may include rights to: safety /life; not to be discriminated against; protection of livelihoods; health; compensation; and to information relevant to DRR. One specific issue on the question of liability, is whether governments are liable for failure to prevent natural disasters affecting the population, including for failure to warn, or for making an erroneous warning. A second, related, issue is whether private individuals are liable for damage caused to others from their property during natural disasters, or for faulty advice/warnings given. A third element is whether there is any system of compulsory insurance against the effects of natural disasters.			
A. Constitutional Rights & Guarantees for the Population			
25. Are there any guarantees in the constitution or another law relating to individual or collective rights that may underpin government responsibility or liability, and affected persons' rights to compensation for damage from natural disasters? If so, do these relate to: a. DRR in general? b. Safety /Life c. Right to Food? d. Right to adequate shelter or housing? e. Non-discrimination, (and other relevant civil and political rights)?	<i>Amtshaftungsgesetz</i> (Law on Official Responsibility, amended version)	Art. 1 Art. 7	The Republic, the <i>Laender</i> and the municipalities are responsible for any damages that have been caused by their officials to anybody. The responsibility is to be determined according to the provision of civil law. Compensations are to be paid out of the <i>Katastrophenfonds</i> . Non-discrimination is guaranteed by the <i>Federal Constitutional Act</i>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>f. Livelihoods, Health (and other economic, social and cultural rights)?</p> <p>g. Compensation for losses due to natural disasters?</p> <p>h. Information?</p>			
<p>26. Do the above constitutional or other guarantees give residents any personal right of action against the state if the government breaches these rights? E.g. access to a constitutional court, or a claim in a human rights court or tribunal? If so, explain how the law enables this to occur, and who has the right to make such claims. E.g.</p> <p>a. Is it an individual or a collective right?</p> <p>b. Can claimants represent themselves?</p> <p>c. Are there costs that mean the poorest people cannot access the remedy?</p> <p>d. Are there financial limitations on any such claims (minimums or maximums)?</p>	<p><i>Verfassungsgerichtshofgesetz 1953</i> (Law on the Constitutional Court of 1953, amended version)</p> <p><i>Verwaltungsgerichtshofgesetz 1985</i> (Law on the Administrative Court of 1985, amended version)</p>	<p>Art. 27 Art.82-88</p> <p>Art. 21 et seq. Art. 48 Art. 61</p>	<p>Constitutionally guaranteed rights may be claimed before the Constitutional Court. The expenses of the claimant may be refunded in individual cases.</p> <p>The Administrative Court receives individual complaints against governmental authorities.</p> <p>The expenses of the proceedings are refunded to the successful party.</p> <p>Parties that cannot afford the expenses of the litigation can be granted <i>Verfahrenshilfe</i> (procedural assistance which includes exemption from expenses)</p> <p>There are in principle no limitations to such claims by Civil Law in general (except if such limitations be especially determined by any special law).</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
B. Liability & Insurance			
27. Does legislation (including case law, where applicable) make government agencies liable for failure to prevent natural disasters affecting the population?			Yes, on the basis of the <i>Amtshaftungsgesetz</i>
28. Are government agencies liable for failure to warn or for making an erroneous warning of natural disaster? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?	<i>Amtshaftungsgesetz</i>	Art. 8-9	The Republic is responsible for any damages caused by faulty action of its officials. Compensation may be claimed before the Court of first instance.
29. Do government agencies that fail to warn or make an erroneous warning have legal immunity? If governments have immunity from liability, how extensive is this and/or how and where in law is it defined? Does it apply to all levels of government?			No
30. Are private persons (individual or corporate) liable for faulty disaster-related advice or warnings given?	<i>Allgemeines bürgerliches Gesetzbuch</i> (General Civil Code)	Articles 1294 et seq.,	Whoever causes damage to anyone either intentionally or negligently is liable to give compensation. This applies also to experts or people pretending to be experts. Compensation has

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Does this apply to volunteers? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?	<i>Strafgesetzbuch</i> (Criminal Code)	especially 1299-1300 Art. 125-126	to be claimed at the ordinary Courts or Tribunals. Intentional causing of damages to property is punishable according to the provisions of the Criminal Code.
31. Are private persons (individual or corporate) liable for damage caused to others from their property during natural disasters? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?			If intention or negligence has been involved, the above Articles shall apply. In all matters of Civil Law, individual actions are the rule.
32. Is there any system of compulsory insurance against the effects of natural disasters? If so, how is this established by law and what are the main elements of the scheme?			There seems no be no such system.

3. Early warning and reduction of underlying risk factors through regulation

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>Parts One and Two: Are there laws or regulations relating to preparedness, prevention and/ or risk reduction against the following specific natural hazards (if relevant)? Such regulations may include some specific laws on rapid-onset disasters – Part One – such as fire regulations and fire service, as well as building codes (e.g. earthquake, fire, hurricanes/cyclones), land zoning and land use planning regulations (e.g. flood plain exclusions, unstable land) , disaster management / civil protection laws, and environmental management laws concerning rivers and forests (flood mitigation, erosion prevention against landslides and floods). There may be similar or a different range of laws concerning slow-onset disasters such as drought and other food security issues – Part Two. There may therefore be some overlap with the subsequent sections, but the main aim of Parts One and Two of this section is to identify which risks have separate regulation in the subject country, and in which laws.</p>			
<p>Part One. Rapid-onset disasters, sectoral and specific regulation based on identified risks and community participation</p>			
<p>A. Cyclones, tornadoes, or storms?</p>			
<p>33. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>	<p><i>Bund-Bundesländer Warn- und Alarmsystem</i> (Agreement between the Republic and the <i>Laender</i> on a common warning and alarm system) BGBl. Nr. 87/1988</p> <p><i>Katastrophenfondsgesetz 1996</i> (Law on the establishment of a fund to assist the victims of catastrophes)</p>		<p>This Agreement provides for the establishment of a common warning system that covers all sorts of impending catastrophes.</p> <p>The <i>Katastrophenfondsgesetz</i> regulates the financial assistance to the victims of catastrophes.</p>
<p>34. Does this law specify how management of this risk is financed? If so, describe.</p>			<p>Yes. Division of activities between the Republic and the <i>Laender</i></p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>35. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			<p>The general rules of the Civil Law apply (see above)</p>
<p>36. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			<p>The system is managed by the <i>Bundeswarnzentrale</i> (Federal Warning Agency) and the individual agencies to be established by the <i>Laender</i>.</p>
<p>37. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including 	<p><i>Volksgruppengesetz</i> (Law on Ethnic Minorities)</p>	<p>Art.13, par.3 and 4</p>	<p>No special communities are mentioned in the abovementioned Agreement or in the <i>Katastrophenfondsgesetz</i>. Local management and protection of affected groups falls within the competence of the <i>Laender</i>.</p> <p>However, if places are concerned that are settled by one of the three principal ethnic minorities (Croatian, Hungarian, Slovenian), the Federal authorities may make announcements in the language of the minority concerned.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p>			
<p>38. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			<p>No special communities are mentioned in this Agreement. Special protection for most affected parts of the population is to be provided by the <i>Laender</i> and the municipalities.</p>
<p>39. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <p>a. Assist in the design of local and community EWS?</p> <p>b. Establish or maintain EWS?</p> <p>c. Provide information for the EWS?</p> <p>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p>			<p>Communities shall be addressed by any information emanating from the <i>Bundeswarnzentrale</i>. The ways of cooperation between the individual community and the <i>Land</i> where it is located are regulated by the law of the <i>Land</i> in question.</p>
B. Earthquake/Tsunami?			
<p>40. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any),</p>			<p>See above under item 34</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
and institutional responsibility. At what level(s) of government is this regulated?			
41. Does this law specify how management of this risk is financed? If so, describe.			See above under item 35
42. Does this law attribute liability for damage caused by: <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			See above under item 36
43. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			See above under item 37
44. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it			See above under item 38

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>provide for participation or a voice for all parts of those communities, including:</p> <ol style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			
<p>45. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			See above under item 39
<p>46. If communities are involved in EWS, does this law provide that they:</p> <ol style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			See above under item 40

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
C. Fire?			
47. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			See above under Items 34
48. Does this law specify how management of this risk is financed? If so, describe.			See above under item 35
49. Does this law attribute liability for damage caused by: <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			See above under item 36
50. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is			See above under item 37

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
their mandate?			
<p>51. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			See above under item 38
<p>52. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			See above under item 39
<p>53. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? 			See above under item 40

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>c. Provide information for the EWS?</p> <p>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p>			
D. Floods?			
<p>54. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>	<p><i>Verordnung des Bundesministeriums für Land- und Forstwirtschaft vom 30. Juli 1976 über die Gefahrenzonenpläne, BGBl. Nr. 436/1976 (Decree of the Federal Ministry of Agriculture and Forestry on the Mapping of endangered areas)</i></p>		<p>See above under Item 34</p> <p>The Decree orders the specification of areas endangered by floods, avalanches and landslides</p>
<p>55. Does this law specify how management of this risk is financed? If so, describe.</p>			See above under item 35
<p>56. Does this law attribute liability for damage caused by:</p> <p>a. failure to warn, or false or faulty</p>			See above under item 36

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>warnings of this risk?</p> <p>b. failure to take preventive action including by reducing this risk?</p> <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			
<p>57. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			<p>See above under item 37</p>
<p>58. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very</p>			<p>See above under item 38</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
poorest people?			
59. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			See above under item 39
60. If communities are involved in EWS, does this law provide that they: a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			See above under item 40
E. Heat/cold waves?			
61. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			See above under Item 34
62. Does this law specify how			See above under item 35

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
management of this risk is financed? If so, describe.			
<p>63. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			See above under item 36
<p>64. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			See above under item 37
<p>65. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? 			See above under item 38

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			
<p>66. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			See above under item 39
<p>67. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			See above under item 40
<p>68. Describe form of regulation, and institutional responsibility.</p>			<p>By now, all Austrian communities have access to the technical media of information.</p> <p>Institutional ability is regulated by the <i>Amtshaftungsgesetz</i>.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
F. Insect Infestations?			
69. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			See above under Items 34
70. Does this law specify how management of this risk is financed? If so, describe.			See above under item 35
71. Does this law attribute liability for damage caused by: <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			See above under item 36
72. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is			See above under item 37

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
their mandate?			
<p>73. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			See above under item 38
<p>74. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			See above under item 39
<p>75. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? 			See above under item 40

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>c. Provide information for the EWS?</p> <p>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p>			
G. Landslides and avalanches?			
<p>76. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>	<p>Also: <i>Verordnung des Bundesministeriums für Land- und Forstwirtschaft vom 30. Juli 1976 über die Gefahrenzonenpläne, BGBl. Nr. 436/1976</i> (Decree of the Federal Ministry for Agriculture and Forestry on Mapping of Endangered Areas)</p>	Whole text	<p>See above under items 34</p> <p>The Decree orders the specification of areas endangered by floods, avalanches or landslides.</p>
<p>77. Does this law specify how management of this risk is financed? If so, describe.</p>			See above under item 35
<p>78. Does this law attribute liability for damage caused by:</p> <p>a. failure to warn, or false or faulty warnings of this risk?</p> <p>b. failure to take preventive action</p>			See above under item 36

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>including by reducing this risk?</p> <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			
<p>79. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			<p>See above under item 37</p>
<p>80. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p>			<p>See above under item 38</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
81. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			See above under item 39
82. If communities are involved in Early Warning Systems (EWS), does this law provide that they: <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			See above under item 40
H. Volcanoes?			
83. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			See above under Items 34
84. Does this law specify how management of this risk is financed? If so, describe.			See above under item 35

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>85. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			See above under item 36
<p>86. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			See above under item 37
<p>87. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including 			See above under item 38

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people?			
88. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			See above under item 39
89. If communities are involved in Early Warning Systems (EWS), does this law provide that they: a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			See above under item 40
Part Two. Slow-onset disasters, sectoral and specific regulation based on risks and community participation			
I. Drought and related famine?			
90. Is there a specific law or institutional mandate for drought preparedness and risk reduction, especially for	<i>Wasserrechtsgesetz 1959</i> (Law on Water Management of 1959, amended version)		

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>agriculture and related industries? In particular:</p> <p>a. Rain and river water storage, distribution and conservation measures?</p> <p>b. Development and maintenance of ground water extraction, storage and distribution?</p> <p>If so, describe the forms of regulation. At what level(s) of government is this regulated?</p>			
<p>91. Is there a specific law or institutional mandate for early warning and response to drought, to mitigate the effects of drought and help prevent famine? In particular:</p> <p>a. Is an institution legally mandated to issue drought early warnings? If so, how is this regulated?</p> <p>b. Is an institution legally mandated to impose water use restrictions? If so, at what level(s) of government?</p> <p>c. Is there legal provision for diversion, piping or transporting water to drought-affected areas? If so, at what level(s) of government?</p>			<p>As to early warning, see above under item 34.</p> <p>Regulations to impose water use restrictions will fall within the scope of the autonomy of the <i>Laender</i> (see http://www.RIS.baka.gv.at Landesrecht Index Nr.s 6630 and 6650)</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
92. Do the above laws or mandates specify how management of drought and famine risk is financed? If so, describe.	<i>Katastrophenfondsgesetz 1996</i> (Law on the establishment of a Fund to assist the victims of Catastrophes, amended version)	Articles 1-5	The Law regulates the raising of finances for the relief in case of catastrophe
93. S as well as their distribution do the above laws or mandates regulate the collection and distribution of information on drought and related famine risks? If so, what authority is responsible and what is their mandate?			All matters pertaining to information fall within the competence of the <i>Bundeswarnzentrale</i> . Besides, practical steps fall within the responsibility of the <i>Laender</i> and will be taken by the respective <i>Landesregierung</i> . See above under item 37
94. Do the above laws or mandates provide for consultation and/or participation about drought and famine risk, early warning or general DRR regarding drought and famine by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons			See above under item 38.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
with disabilities? d. Socially isolated groups and the very poorest people?			
J. Other food security risks?			
95. Is there a specific law or institutional mandate concerning threats to food security other than droughts? (e.g. predicted effects of climate change, such as inundation of agricultural land and/or mass migration). a. If so, describe the form of regulation to reduce the impact of these risks (if any), and institutional responsibility b. At what level(s) of government is this regulated?			See above under item 34
96. Does the above law or mandate specify how management of food security is financed? If so, describe.			See above under item 35
97. Does the above law or mandate regulate the collection and distribution of information on hazards and risks to food security, particularly those relating to agricultural production? If so, what authority is responsible and what is their mandate?			See above under item 37

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>98. Does the above law or mandate provide for community consultation and/or participation about risk reduction from threats to food security? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			See above under item 38
Part Three. Early Warning, Hazard Mapping and Risk Information			
A. Early Warning			
<p>99. In addition to the sectoral laws above, is there any general obligation to establish early warning systems (EWS) in the disaster management law?</p> <ul style="list-style-type: none"> a. If so, does this include institutional mandates on EWS? b. Which institution(s) are involved and what are their mandates on EWS? c. Is there legal provision for financing 			As laid out above, there are no sectoral laws, as far as early warning is concerned, but this task is fulfilled for all kinds of risk by the <i>Bundeswarnzentrale</i> .

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>technology for at-risk communities and responders to disaster?</p> <p>c. access for vulnerable groups such as the elderly and persons with disabilities?</p> <p>d. Support for early warning systems?</p>	<p><i>Media, amended version)</i></p>		

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
104. Does the above law impose, or allow for the imposition, of any restrictions on use of certain types of telecommunications equipment a. Generally throughout the territory? b. In specified areas? c. Under specified circumstances?			No
B. Risk identification, assessment and monitoring			
105. In addition to the sectoral laws above, does the disaster management law regulate the collection and distribution of information on hazards and risks (risk mapping)? If so, what authority is responsible and what is their mandate?			Mapping of endangered areas is done by the Federal Ministry of Agriculture and Forestry, Environment and Water Management See item 55 above
106. Does the disaster management law, or another law, regulate the collection and publication of seismological, meteorological and climatic data relevant to natural disasters? If so, what does it require and who is responsible for this, and under what law?	<i>Forschungsorganisationsgesetz</i> (Law on Organisation of Scientific Research)	Art. 22	This is the task of the <i>Zentralanstalt für Meteorologie und Geodynamik</i> (Central Agency for Meteorology and Geodynamics) which acts under the authority of the Federal Ministry for Science and Research
107. Does the disaster management law, or another law, regulate the collection and publication of baseline population	<i>Bundesstatistikgesetz 2000</i> (Federal law on Statistics,	Art. 22 et seq.	The Federal Agency " <i>Statistik Österreich</i> " is charged with the tasks described.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
data, especially in high risk areas? If so, what does it require and who is responsible for this, and under what law?	amended version)		
Part Four. Regulation of the Built Environment			
The aim is to outline the laws and regulations that set out building and construction standards, relevant approvals and enforcement processes, as well as planning and construction of roads & bridges, and land use planning and zoning, such as: urban and rural planning and zoning, including prohibitions on development of high risk sites, public open space for evacuation, access for rescue services such as fire and ambulance, and including regulation of informal settlements; regulation and responsibility for water storage, distribution and quality control for human consumption, flood mitigation construction and other water management against flooding; land tenure, including mapping and registration of tenure rights (especially participatory land mapping with communities) and any recognition of indigenous land rights and occupiers' rights; regulation of emergency and transitional shelter; and regulation or treatment of informal settlements.			
A. Building Codes			
Identify building and construction codes, including fire, flood and earthquake safety, as relevant to identified risks, including any differences in regulation, such as between large urban construction and small residences in rural villages; building regulations, including approvals, inspection and enforcement; and any regulation of emergency and transitional shelter, and informal settlements.			
108. Is there a national building and construction law? If so, what authority is responsible for its implementation?	<i>Bundesstraßengesetz</i> (Law on Federal Highways)	Art.7	No. There exist only special limited regulations (for mining etc). The Federal Minister for Transport etc. issues the regulations for the constructions of federal highways.
109. If there is not a national building and construction law, is this issue regulated at provincial/state or local level? If sub-national regulation only, can you find an example of such a law?			Each <i>Land</i> issues its own regulations. " <i>Bauordnungen</i> " (building laws) are in the competence of the <i>Laender</i> and can be found in the respective laws gazette (<i>Landesgesetzblatt</i>) see under http://www.RIS.bia.gv.at under index Nr. 8200.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
110. Does the building and construction law include detailed building codes, regulations or rules? Are these codes mandatory and binding? What areas do they cover (e.g. fire, earthquake, general building design and construction, health requirements, water & sanitation etc.)? List these categories of regulation.			Yes; the <i>Landesgesetze</i> cover all the items in question. Details have to be looked up in the respective law under http://www.RIS.bka.gv.at Landesrecht Index 8200
111. Does this law include mechanisms for individual building approvals? If so, which institution(s) have responsibility for this?			Yes. The competent authority is the respective <i>Landesregierung</i>
112. Does this law include mechanisms for building inspections? If so, which institution(s) have responsibility for this? Does it apply to: a. New buildings? b. Renovations / extensions of existing buildings? c. Existing buildings where there is no building application, such as old buildings that may no longer be safe?			a. Yes b. Yes c. Yes
113. Does this law include mechanisms for enforcement of codes, including			The enforcement falls within the competence of the respective <i>Landesregierung</i>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
sanctions? What type of sanctions (e.g. fines, whole or partial demolition orders)? If so, which institution(s) have responsibility for this?			
114. Do the building regulations have special standards or requirements for: a. schools? b. hospitals? c. fire stations? d. other public buildings that may also be required as collective centres in case of disaster (e.g. ministries, sports complexes, churches, mosques etc.)?			Yes
115. Do the building regulations or land use planning laws (or other special laws) include regulation of large commercial buildings and developments (such as multi-storey shopping centres, office buildings and factories)? Identify & describe.			Yes
116. Do the building laws/regulations include large, multi-storey apartment buildings? Identify & describe.			Yes
117. Do the building laws/regulations include small self-built constructions?			Yes, if the constructions serve residential purposes (simple huts)

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Identify & describe.			for the storage of tools etc. are usually not included)
<p>118. Do the building laws/regulations differ as between urban and rural settings? If building laws/regulations are different in rural settings, what are the main differences compared with urban settings? E.g.</p> <ul style="list-style-type: none"> a. the extent of regulation? b. the level of government at which it is regulated? c. other? 			The various <i>Landesgesetze</i> are flexible in this respect. The level of regulation is the <i>Land</i>
<p>119. Do the building/planning laws/regulations include emergency and transitional shelter? If so, what form of regulation and which institution(s) have responsibility for this?</p>			Usually not. Emergency shelters may be set up in hotels, schools and other building for public use.
<p>120. Do the building laws/regulations include:</p> <ul style="list-style-type: none"> a. Inspections? b. programmes and/or incentives for making existing buildings safe (e.g. retro-fitting for earthquake resistance, addition of fire escapes, condemning unsafe buildings including demolition orders, tax or 			<p>Inspections are usually carried out if a special occasion arises. In such a case special necessary steps may be ordered.</p> <p>Such measures may be carried out by the authorities of the <i>Land</i> or of the municipality in question.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>funding incentives for owners to fortify buildings)?</p> <p>c. If so, what form of regulation and which institution(s) have responsibility for this?</p>			
121. What if any provision is there for planning, approval and construction of public roads, bridges and related public works? – describe the authority(s) & mandate(s).	<i>Bundesstraßengesetz 1971</i> Law on Federal Highways of 1971)	Art. 7	The competent authority is the <i>Bundesministerium für Bauten und Technik</i> (Federal Ministry for Construction and Technical Matters) In addition to general regulations of this law, each federal highway is defined and traced by a separate law. Similar regulations apply to highways of the <i>Laender</i> .
122. Are there other matters relevant to DRR that are regulated in the building and construction laws of the subject country?			No information is provided
B. Land Use Planning Laws			
The aim is to identify whether there are national laws and statutory authorities with responsibility for land zoning and/or land use planning. If there is not a national law or authority, the issue may be regulated at provincial/state or local level and examples of these laws may not be available. However, although land use planning is frequently regulated at local government level, the underlying principles or institutional responsibilities may be included in national or provincial laws. Also, many major cities now have planning law overlays that cross local government boundaries, and may be determined under national or provincial/state laws. In other cases, special regimes have been established to manage the course of a major river that crosses many local boundaries (and these laws may also refer to bilateral treaties about cross-boundary water management - for DRR as well as water use – which may bring them under national law through the treaty powers).			
123. Are there national laws and statutory authorities with responsibility for land			No

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
zoning and/or land use planning?			
124. Is this issue regulated at provincial/state or local level? If so, can you find an example of such a law at each level?			Yes, they are regulated by <i>Landesgesetze</i> (see http://www.RIS.bka.gv.at Landesrecht , index Nr. 8000)
125. Does the land use planning and/or zoning law include processes for: a. Formal release of land for new developments? b. Approval of each new urban development? c. Approval of major commercial developments?			a. Yes b. Yes c. Yes d. Yes
126. Does the land use planning and/or zoning law include prohibitions on development of high risk sites (e.g. unstable land prone to subsidence, flood plains, and contaminated sites)?			Yes. See under item 55 the decree on the <i>Gefahrenzonenpläne</i>
127. Does the planning / zoning law include public open space for evacuation?			No
128. Does the planning / zoning law allocate or require allocation of land for emergency or transitional shelter in preparation for potential disaster?			Transitional shelters may be found in hotels, schools and other buildings for public use.
129. Does the planning / zoning law include			Yes.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
provisions for infrastructure installation (water and drainage, sewers, telecommunications, energy) in new developments?			
130. Does the planning / zoning law include street width regulations for future traffic flow and to ensure access for emergency services such as fire and ambulance?			Yes
131. Does the planning / zoning law differ as between urban and rural settings? If different in rural settings, what are the main differences compared with urban settings? E.g. a. the extent of regulation? b. the level of government at which it is regulated? c. other?	The regulations are to be found in the respective <i>Bauordnung</i> at <i>Land</i> level, http://www.RIS.bka.gv.at , Landesrecht, Index 8000		
132. Does the planning / zoning law include any other matters relevant to disaster risk reduction?			No information provided
C. Land tenure			
133. Is there a national system of land title registration established under law? a. If sub-national regulation, at what	<i>Allgemeines bürgerliches Gesetzbuch</i> (General Civil	Art.431 and 1472	Yes. Land titles in Austria have to be registered in the <i>Grundbuch</i> (real estate book) which is kept by the <i>Bezirksgerichte</i> (district courts). Computerisation has been

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>level of government does this occur, if at all? If sub-national, can you find an example of such a law?</p> <p>b. Does the legal mandate for this system require computerisation and/central record at national level? If not, how and where does it require records to be kept?</p>	<p>Code)</p> <p><i>Allgemeines Grundbuchsgesetz</i> (General Law on the Real Estate Book)</p> <p><i>Jurisdiktionsnorm</i> <i>Gerichtsorganisationsgesetz</i> (Law on the Organisation of the Law Courts)</p>	<p>Art.75</p> <p>Art.118</p> <p>Art.89a-c</p>	<p>introduced.</p> <p>Exceptions regarding acquisitive prescription in special cases are provided for (Art. 1472 Civil Code)</p>
<p>134. Are there institutions mandated to survey land and/or register title? Does this mandate:</p> <p>a. require or allow community participation in land mapping or surveying for the purpose of establishing titles and/or occupancy and/or usage rights?</p> <p>b. establish a timeframe for the conclusion of land mapping?</p> <p>c. allocate resources for land mapping?</p>			<p>Register titles are surveyed by the competent district court.</p>
<p>135. Does the land title system allow anyone to purchase or own land, or does it exclude anyone? E.g. can the following own and inherit land under</p>			<p>No exclusions.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>this system:</p> <ul style="list-style-type: none"> a. Women? b. All ethnic or religious groups? c. Non-nationals? 			
<p>136. If there is no standardised land title, is there another way to legally recognise land tenure rights (e.g. indigenous title based on ancestral lands, or established occupation or use, or other traditional rights to use resources such as gathering or hunting or water rights)? Describe.</p>			Does not apply
<p>137. Is there any legal recognition of traditional or customary law and practice regarding land occupation or ownership, or community or collective management of land? If so, describe the relevant legislation or case law.</p>			No
<p>138. Is there legislation or case law that recognises land tenure as a result of occupation, such as:</p> <ul style="list-style-type: none"> a. adverse possession (use and occupation of land over a certain period of years in the absence of the legal owner, resulting in a change of ownership)? 	<p><i>Allgemeines bürgerliches Gesetzbuch</i> (General Civil Code)</p>	Art.1472	Acquisitive prescription is recognised to a limited extent.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
b. 'squatters' rights' (including any rights to continue inhabiting land and/or vacant buildings or to be given notice of eviction if contested by the legal owner)?			
139. If there are parallel systems for recognition of land tenure, such as customary law vs. registered freehold title, does one type of legal claim take precedence over the other?			No
140. Is there any law or legal mechanism that allows government authorities to compulsorily purchase or requisition land for public purposes? If so, do these purposes include: a. risk reduction from natural disasters? b. land to be kept for evacuation or emergency or transitional shelter?	<i>Gesetz über die unschädliche Ableitung von Gebirgsgewässern von 1884</i> (Law on harmless deviation of mountain waters) <i>Umweltverträglichkeitsprüfungsgesetz</i> (Law on environmental impact assessment)	Art. 4-6 Art. 1 and 24f	These regulations allow the expropriation of land for the purpose of reduction of environmental risks
141. Is there a land tribunal or other dispute resolution mechanism that provides for resolution of land tenure disputes? If so, is this accessible to communities? – to individuals? a. Can people without financial means	<i>Jurisdiktionsnorm</i> <i>Zivilprozessordnung</i> (Code of	Art.49 Art.65 et	Disputes about land tenure are within the jurisdiction of the district courts. The claims have to be presented the individuals (physical or legal persons). Communities may raise claims if they have legal personality. Claimants without financial means have to be granted

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<p>access this system? E.g. are there fees, or requirements to engage lawyers?</p> <p>b. Are such tribunals or mechanisms available throughout the territory, including in rural areas?</p>	Civil Procedure)	seq.	<i>Verfahrenshilfe</i> (legal assistance and remission of fees during the proceedings.)
D. Informal and precarious settlements			
<p>Informal settlements (also called slums or shanty towns) are areas of housing constructed on land to which the occupants had no prior legal claim. The housing is generally constructed by the occupants from available materials and does not comply with building and planning laws. These unplanned settlements are not served with public infrastructure such as water, sewers/drainage, roads or telecommunications, or public services such as schools and medical facilities. They are especially vulnerable to the effects of natural disaster, as they are often built on high-risk land (precarious settlements), with poor construction materials and methods, and the residents are not protected from the effects of, for example, water contamination during flooding. Informal settlements sometimes arise from mass migrations to the outskirts of large cities following disaster (including slow-onset disasters such as drought and famine). However, many of these settlements exist for many years and become established townships. Approaches taken by governments tend to follow one of three paths: (1) ignore informal settlements for the purpose of regulation, (2) relocate residents either through forced evictions and demolition, or planned resettlement schemes, or (3) regularize them. The latter approach has been taken in Brazil under its Statute of the City administered by the Ministry of Cities, which seeks to progressively regularize and integrate under local government, existing informal and precarious settlements.</p>			
<p>142. Is there a law that mandates clearing of slums / informal or precarious settlements?</p> <p>a. If so, what is the policy reason given (if any) for such clearance?</p> <p>b. Does it require or empower government authorities to evict or resettle residents? Or to demolish such settlements?</p>	<i>Allgemeines bürgerliches Gesetzbuch</i> (General Civil Code)	Art.339	Settlers without legal title may be evicted by the owner of the land through ordinary legal proceedings.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> c. If residents are to be moved, does this law require the provision of alternative housing? If so, how is this financed? d. If mandated, is there a process for eviction? E.g. notice periods, dispute resolution through land tribunals? e. Are there any other protections for the human rights and livelihoods of residents who are evicted or relocated? 			
<p>143. Is there a law that mandates recognition and/ or regularization of slums / informal settlements?</p> <ul style="list-style-type: none"> a. If so, describe the legal regime for regularization, including the responsible institutions. b. Does regularization include the introduction of building codes? Are these mandatory and binding? c. Does regularization include the construction of public infrastructure? If so, how is this financed? d. Does this law authorise or mandate the provision of social services to 	<p><i>Allgemeines bürgerliches Gesetzbuch</i> (General Civil Code)</p>	<p>Art.1472</p>	<p>Under special conditions informal settlers may acquire property by acquisitive prescription.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>informal settlements?</p> <p>e. Does this law include any other regulatory measures to address the vulnerability of such settlements to risk from natural disasters?</p>			
<p>144. Does any law require that informal settlements are included in:</p> <p>a. Early Warning Systems?</p> <p>b. Community based DRR education and training?</p>			Early Warning Systems and DRR education cover a certain territory regardless of the legal title of the dwellers to their settlement.
<p>145. Does any law provide a mechanism for recognition of tenure for residents of informal settlements?</p> <p>a. If so, what types of tenure (e.g. full title, right to occupy or use, right to purchase, tenancy)?</p> <p>b. If so, and such settlements are on privately owned land, is there provision for compensation of those with prior legal tenure?</p>			See above, item 143
E. Urban Water and Flood Management			
<p>146. Is there one or more national laws regulating and allocating institutional responsibility for water storage, distribution and quality control for</p>	<p><i>Wasserrechtsgesetz 1959</i> (Law on Water Management of 1959)</p>	<p>Art. 30 et seq.</p>	<p>This law contains detailed regulations regarding the maintenance of water use and quality control</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
human consumption? Is urban water management principally a national, or provincial/state or local responsibility?			
147. If there is a national water authority, does its mandate include risk reduction or preparedness for safeguarding the water supply in the face of natural disasters?	<i>Wasserrechtsgesetz 1959</i>	Art.12a	The competent authority is the Federal Minister for Agriculture and Forestry, Environment and Water Management
148. Does a national law allocate responsibility for flood mitigation construction and other water management against urban flooding (if relevant to the subject country)? If so, what authority is responsible?	<i>Wasserrechtsgesetz 1959</i>	Art.42a and 43	The Law proceeds from the assumption that rural and urban land is equally threatened by floods. The mayors of the municipalities concerned have to be consulted about measures to be taken. Ultimate responsibility lies with the Federal Minister for Agriculture and Forestry, Environment and Water Management.
149. If flood mitigation and water management against urban flooding is regulated at the sub-national level, at what level of government does this occur? Can you find an example of such a law?			The authorities of the <i>Laender</i> are free to take measures additional to those taken by the Federal authority.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Part Five. Regulation of the Natural & Rural Environment			
<p>Outline the laws and regulations concerning environmental management from the perspective of human safety, preservation of livelihoods and food security, including the regulation of exploitation of natural resources, water management, and reducing risks from natural events such as floods, earthquake, drought, landslides, and wildfires, such as: forestry regulation concerning wildfires, deforestation and erosion relevant to prevention of landslides and floods; environmental impact assessments; river and water catchment management relevant to flood prevention and mitigation, and water storage and distribution for human and agricultural consumption; prevention measures relating to drought, especially protection of people, livestock and crops in the face of drought, including water reserves against the risk of drought; and other prevention and risk management mechanisms to maintain food security, including measures to prevent desertification.</p>			
A. Human Risks in Environmental Change			
<p>150. Is there legislation on environmental protection? If so, what institution has responsibility?</p>	<p><i>Umweltverträglichkeitsprüfungsgesetz 2000</i> (Law on Environmental Impact Assessment of 2000)</p> <p><i>Wasserrechtsgesetz 1959</i></p>	<p>Art.2</p> <p>Art. 55 et seq.</p>	<p>According to the complicatedness of the matter, many authorities are involved. Ultimate responsibility lies with the Federal Minister for Agriculture and Forestry, Environment and Water Management</p>
<p>151. Does the above mandate include environmental management from the perspective of:</p> <ul style="list-style-type: none"> a. human safety? b. preservation of livelihoods? c. food security, especially concerning protection of crops and livestock? 	<p><i>Umweltverträglichkeitsprüfungsgesetz 2000</i></p> <p><i>Wasserrechtsgesetz 1959</i></p>	<p>Art.1 and 3 plus Appendix (<i>Anhang</i>)</p> <p><i>Art.55 et seq.</i></p>	<p>The human factor is implied in all the regulations of these Laws.</p>
<p>152. Does this law provide for</p>	<p><i>Umweltverträglichkeitsprüfungsgesetz 2000</i></p>	<p>Art. 3 plus</p>	

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
environmental impact assessments (EIAs) of any proposed new private and public industrial developments?	<i>ngsgesetz 2000</i>	Appendix	
153. If there are EIAs, do the criteria include: <ul style="list-style-type: none"> a. human risk factors from changes to the environment, including life and health as well as livelihoods and food security? b. assessment in light of the known natural hazards affecting the relevant locality, or downstream communities (where relevant)? 			Yes. All hazards are included.
154. Is there a law that makes any authority responsible for the regulation of exploitation of natural resources from the perspective of human safety during natural disasters? For example, preventing cross-contamination from industrial sites during flooding, or control of extraction methods to manage flooding and/or erosion?	<i>Wasserrechtsgesetz 1959</i>	Art. 99-100 and 144	The Governor (<i>Landeshauptmann</i>) of the respective <i>Land</i> or the Federal Minister for Agriculture and Forestry, Environment and Water management is responsible for the execution of the Law. He has to act in agreement with other Federal Ministers (e.g. Interior, Justice) iasthe case requires.
B. Forests			
155. Is there legislation on forest management (if relevant to the subject country)? If so, what institution has	<i>Forstgesetz 1975</i> (Law on Forestry of 1975)	Art. 185	The Federal Minister for Agriculture and Forestry, Environment and Water Management is responsible for the execution of the Law. He acts in agreement with other Federal Ministers (e.g.

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responsibility?			Economy, Industry, Energy Supply, Finances, Transport) if the case requires.
<p>156. Does the above mandate include forest management from the perspective of natural disaster risk reduction, such as:</p> <p>a. prevention of wildfires?</p> <p>b. deforestation and erosion relevant to prevention of landslides and floods?</p> <p>c. other hazards, (such as encroachment by wildlife into agricultural land or villages)?</p> <p>Describe the scope.</p>	<i>Allgemeines bürgerliches Gesetzbuch</i> (General Civil Code)	<p>Art.40</p> <p>Art. 21</p> <p>Art. 364</p>	<p>Yes</p> <p>Wildfires: see Art. 40 et seq.</p> <p>Erosion: see Art. 21 et seq.</p> <p>“In general, the right of property may be exercised only to the extent, that rights of third persons are not interfered with and that regulations regarding general and that limitations for the sake of public welfare are not transgressed. Especially the owners of neighbouring plots of land have to take care of each other.”</p>
157. Does the law recognize customary laws and practices as to the use and management of forests and their resources?		Art. 95-97	No The regulations of the Law on Forestry are extensive. However, in some respects the authorities of the <i>Laender</i> may issue additional regulations.
158. Does the law provide for use, conservation or management of forests and their resources by communities?	<i>Forstgesetz</i> 1975	Art.68-71	The use of forests by cooperatives is foreseen.
C. Rivers and watercourses			
159. Is there legislation on river and watercourse management (if relevant	<i>Wasserstraßengesetz</i> (Law	Art.2	The Federal Minister for Transport, Innovation and Technology

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
to the subject country)? If so, what institution has responsibility?	on Watercourses)		
160. Does the above mandate include river management from the perspective of natural disaster risk reduction, such as: a. Riverbed management relevant to flood prevention and mitigation? b. Water storage and distribution for human, agricultural and industrial consumption in rural areas? Describe the scope.			Yes
161. Does the law recognize customary laws and practices as to the use and management of rivers and their resources?			No
162. Does the law provide for use, conservation or management of rivers and their resources by communities?			No
D. Drought and food security			
163. Is there any legislation providing for risk reduction and prevention measures relating to drought (if relevant)? If so, does this include any institutional mandate or responsibility to protect people, livestock or crops in	<i>Wasserrechtsgesetz</i>	Art.25	In case of drought, the available water resources may be equitable distributed among the users.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
the face of drought?			
164. Does the above mandate include the construction and maintenance of water reserves, including against the risk of drought?			No.
165. Is there any other legislation relevant to risk management to maintain food security in the face of natural disasters, including any special measures to prevent desertification (if relevant)?	<i>Katastrophenfondsgesetz</i> (Law on the Catastrophe Fund)	Art. 1	Any measures to preserve food security in the face of natural disasters would be financed by the <i>Katastrophenfonds</i> (catastrophe fund)

4. Information management and exchange, community level DRR education & awareness

Most elements of this Hyogo Priority will normally be done through policy rather than law, but the legal framework may require public institutions to make DRR information available to the public and/or to carry out public and school education and awareness on reducing risk from natural disasters. For example, there could be a Ministerial directive under the Education Act requiring the inclusion of DRR in the school curriculum. [If this requires repetition of information given above, please note 'see above' and refer to the relevant question number.]

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
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4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>166. Is there a law that regulates the collection and publication of seismological, meteorological and climatic data relevant to natural disasters?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>	<p><i>Forschungsorganisationsgesetz</i> (Law on the Organisation of Scientific Research)</p>	<p>Art.22-23</p>	<p>The <i>Zentralanstalt für Meteorologie und Geodynamik</i> (Central Institute for Meteorology and Geodynamics) works under the authority of the Federal Minister for Science and Research. It also delivers informations and carries out projects for other institutions or individuals upon demand. However, demands from Federal or <i>Land</i> or municipal institutions or other demands in public interest enjoy priority.</p>
<p>167. Is there a law that regulates the collection and publication of baseline population data, especially in high risk areas?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>	<p><i>Bundesstatistikgesetz 2000</i> (Federal Law on Statistics of 2000)</p>		<p>The Law establishes the <i>Bundesanstalt "Statistik Österreich"</i> (Federal Institute "Statistics Austria") which is responsible for collection and publication of any data required by international authorities in accordance with international obligations or by Federal authorities.</p>

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>168. Does the education law or regulations require inclusion of DRR awareness in the school curriculum? Does this law or another law such as the DM law also require community DRR education?</p>	<p><i>Verordnung des Bundesministers für Unterricht und Kunst vom 14. November 1984 über die Lehrpläne der allgemeinbildenden höheren Schulen</i> (Decree of the Federal Minister for Education and Arts on the Curricula of Secondary Schools, amended version)</p>		<p>This Decree orders the “Realisation how people can face dangers from nature” to be part of the instruction in the subject matter “Geography and Economics”. Similar regulations can be found in the curricula of other types of schools.</p>
<p>169. If there is a national disaster management policy, does this require any public authorities to conduct public education and awareness on DRR?</p> <p>a. If so, which authorities and what are they required to do?</p> <p>b. In particular does it require DRR education in schools?</p>	<p>See item 168</p>		<p>Public education on DDR, like public education on any other matter, is part of the task of the Federal Minister for Education and Arts.</p>
<p>170. If the above law or the national disaster management policy requires public education, does this provide for community level DRR awareness? If so, does this make any provision for community participation in the development and delivery of public education and awareness campaigns?</p>	<p>See item 168</p>		<p>Community participation in DRR can take place within the framework of the democratic political institutions.</p>

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
171. Does legislation provide for any designated role for the Red Cross or Red Crescent National Society as an auxiliary to government in DRR education and awareness at community level?			The Laws of the <i>Laender</i> (except Carinthia) provide for disaster relief plans. Such plans can be established by the authorities of the respective <i>Land</i> , of the districts or of the municipalities. The Austrian Red Cross participates in the <i>SKKM</i> (see item 3 above). Otherwise, the Red Cross in Austria is governed by <i>Landesgesetze</i> (Laws of the <i>Laender</i>)
172. Does legislation provide for any designated role for Civil Society in DRR education and awareness at community level?			The disaster relief plans leave it open for the authority to cooperate with institutions of civil society. The respective plans of Vienna and the Burgenland refer indirectly to participation of the Red Cross.
173. Does any law provide for community-level results in DRR, such as: a. Natural disaster warnings that extend to community level? b. Implementation of incentives to carry out community based DRR, or disincentives to ignore or increase risks from natural disasters? c. Community involvement in land-use and urban planning? d. Community involvement in and education concerning building codes?			a. All warnings by the <i>Bundeswarnzentrale</i> extend to all levels of society. This is no problem, considering that the entire population may be reached nowadays by radio and TV. b. DRR is in the first place a task of the communities or even individuals concerned. They may, thereby, avail themselves of the support of local institutions, like the municipality or the volunteer fire brigade. c – d. Land use, urban planning and building codes (<i>Raumordnung, Bauordnung</i>) are within the competence of the <i>Laender</i> whose laws provide for community participation to different extent. Usually, projects in these fields are submitted by the respective municipality to public notice and comment. The individual laws may be looked up under http://www.RIS.bka.gv.at under catchwords <i>Landesrecht – Index des Landesrechts</i> – Code Nr. 8000 and 8200.

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