

Law

from 26 April 2007

on the protection of the population (Civil Protection Act; BSchG)

I hereby approve the following resolution passed by the State Parliament:

I. General provisions

Article 1

*Subject and purpose*¹

1) This law regulates:

- (a) the preparation, implementation and financing of measures to protect the population and its livelihoods in normal, special and extraordinary situations, as well as to prevent, limit and manage damaging events;²
- b) the organisation and responsibilities in the field of civil protection.

2) The provisions of the respective special legislation, in particular the Fire Brigade Act and the Police Act, as well as the provisions applicable in Liechtenstein under the Customs Treaty or other international agreements remain reserved.

Article 2

Objectives of civil protection

The bodies entrusted with the implementation of this Act shall, in normal, special and extraordinary situations, direct their actions towards the following objectives:

- (a) protection of the population and their livelihoods;
- b) preparation for, limitation of and management of damage events;
- c) safeguarding freedom of action;
- d) Restoration of orderly conditions.

Article 3

Definitions; designations

1) For the purposes of this Act:

- a) "normal situation": a situation in which all tasks can be accomplished:
 - 1. independently by the municipality concerned within the framework of normal procedures using its own resources;
 - 2. by the competent rescue and emergency services of the state and municipalities;
- b) "special situation": a situation:
 - 1. in which certain tasks cannot be carried out independently by the municipality concerned within the framework of normal procedures using its own resources;
 - 2. which is considered critical by the municipality concerned or by several municipalities due to special circumstances; and
 - 3. requires an assessment of the situation by experts;
- (c) "extraordinary situation": a situation:
 - 1. in which, in many areas, the normal procedures are not sufficient to cope with the tasks at hand;
 - 2. which can no longer be managed with the means and powers intended for the normal situation alone; and
 - 3. which requires the use of supra-local and external assistance.

2) Where the term "damage event" is used in this Act, it shall be understood to mean the situations referred to in paragraph 1.

3) The designations of persons and functions used in this Act shall be understood to refer to members of both the male and female sexes.

Article 4

Tasks

The tasks of civil protection are the protection and rescue of people and their livelihoods as well as the provision of assistance in the event of damage, in particular by:

- (a) the training of emergency personnel, ensuring emergency and operational planning and the provision of the necessary personnel and material resources;
- (b) the initiation of emergency measures;
- c) informing the public;

- (d) the coordination and implementation of rescue and assistance operations and ensuring communication;
- (e) the planning, coordination and implementation of infrastructure restoration measures.

II. Organization and responsibilities

A. In general

Article 5

Composite system

Civil protection is based on a network system consisting of:

- a) the governing bodies of the municipalities and the country;
- b) the competent administrative authorities of the municipalities and the country;
- (c) the relevant rescue and emergency services; and
- d) the persons called up for special tasks pursuant to Article 31.

Article 6

Management structures

1) The management of civil protection is the responsibility of:

a) in normal situations:

- 1. the competent municipal authorities; or
- 2. an emergency organisation, insofar as the competent authorities of the municipality entrust it with the implementation of civil protection measures;

b) in special and extraordinary situations:

- 1. the national command staff; or
- 2. a technical operations manager, insofar as the State Command Staff assigns the implementation of civil protection measures to this officer.

2) In normal situations, operations are reserved for the State Police and other State rescue and emergency services.

3) The government shall regulate the details by decree.

B. Government

Article 7

principle

1) The Government exercises political leadership in the area of civil protection.

2) It supervises the execution of tasks in the area of civil protection by other state and municipal authorities and institutions operating within the framework of the network system (Article 5), as well as by private individuals.

3) It shall, where possible, establish the occurrence and, in any event, the end of an exceptional situation and designate the area affected.

Article 8 ³

International aid

The government member responsible for civil protection according to the allocation of responsibilities may request assistance from foreign states.

C. National Command Staff

Article 9 ⁴

Order and composition

1) The Government shall appoint a national command staff to deal with special and extraordinary situations.

2) The State Command Staff shall be appropriately represented by the relevant state authorities and municipalities. The chair shall be the government member responsible for civil protection according to the allocation of responsibilities.

3) The government shall regulate the details by decree.

Article 10

Tasks

1) The State Command Staff is responsible for the management of civil protection in special and extraordinary situations. ⁵

2) He shall be responsible in particular for:

- (a) ordering the necessary assistance and protective measures;
- (b) alerting and informing the public;
- c) the coordination of measures carried out independently in the individual municipalities;
- (d) the coordination of measures to restore infrastructure.

2a) In special situations, the State Command Staff may transfer command responsibility to a technical operations command. ⁶

3) Repealed ⁷

4) Repealed ⁸

5) The Government shall regulate the details by decree.

Article 11 ⁹

Lifted

D. Municipalities

Article 12

principle

1) Municipalities shall be responsible for the preparation, coordination and implementation of measures in normal situations within their territory.

2) Municipalities are obliged to cooperate in special and extraordinary situations by providing human and material resources.

3) Municipalities may submit a request for assistance to the State Command Staff. ¹⁰

Article 13

organization

1) Municipalities shall determine in a regulation the management bodies required to deal with special and extraordinary situations and ensure their proper functioning. ¹¹

2) The regulations and any amendments thereto shall be submitted to the Government for information.

E. Official bodies and specially qualified personnel

Article 14

Office for Civil Protection

1) Unless otherwise provided by law, the Office for Civil Protection shall be responsible for the enforcement of this Act.

2) The Office for Civil Protection shall be responsible in particular for:

- a) the training of rescue and emergency services;
- b) emergency and operational planning for rescue and assistance services in special and extraordinary situations;
- c) advising and informing the population about protective measures;
- d) the implementation of measures in the field of national economic supply.

Article 15 ¹²

State Police

In case of imminent danger, the State Police will initiate the necessary immediate measures in special and extraordinary situations until the State Command Staff takes action.

Article 16 ¹³

Highly qualified staff

The Government may also require employees of the state administration and public corporations, institutions and foundations who, due to their knowledge and experience, are particularly qualified to perform tasks in the field of civil protection, to assume such tasks.

F. Rescue and emergency services

Article 17

principle

1) Rescue and emergency services include in particular: ¹⁴

a) Municipal services:

- 1. Fire departments;
- 2. Samaritan associations;
- 3. Civil protection groups;
- 4. Industrial and forestry enterprises;
- 5. other protection and defense organizations;

b) Services of the country:

- 1. Rescue units, in particular mountain rescue, rescue dog teams and water rescue;
- 2. Civil protection groups, in particular the State Command Area Operations Group and the Transmission Group;
- 3. Base fire brigade;
- 4. Warning services, in particular the avalanche service;

- 5. Works and maintenance services;
- c) health care institutions;
- d) contractually bound private institutions and individuals.

2) The rescue and emergency services shall be responsible for their respective areas of responsibility and shall support each other in the performance of their duties.

3) The training of members of the rescue and emergency services takes place in the form of courses and exercises. The state is responsible for conducting courses, and the respective service is responsible for conducting exercises.

4) The Government may call upon any or all members of the rescue and assistance services for operational readiness reviews or exercises.

5) The Government may regulate the details by regulation. ¹⁵

Special rescue and emergency services

Article 18 ¹⁶

Lifted

Article 19 ¹⁷

Lifted

Article 20

c) Contractually obligated rescue and emergency services of the state

1) The government may conclude contracts with private institutions performing special tasks in the field of civil protection regarding the preparation and implementation of civil protection measures. The Office for Civil Protection shall regularly monitor compliance with such contracts.

2) In urgent cases, institutions referred to in paragraph 1 may be required by the State Command Staff to perform tasks in the area of civil protection other than those contractually agreed upon.

Article 21 ¹⁸

exemption

1) Employers must grant employees who are members of rescue and emergency services or management bodies unpaid leave for the duration of emergency operations. This leave may not be counted as vacation entitlement under Section 1173a, Article 30, Paragraph 1 of the Austrian Civil Code (ABGB).

2) In the event of a call-up for courses and training by the Office for Civil Protection, employers shall grant the following employees who are members of rescue and emergency services or management bodies an annual unpaid leave of absence of:

- (a) a maximum of ten working days for management and training staff;
- b) a maximum of five working days for all other members.

3) In the case of unpaid leave pursuant to paragraph 2, operational circumstances (order situation, workload, holidays, etc.) must be taken into account, and the course and training dates must be communicated by the Civil Protection Office to the respective employer in good time, but at least two months before the start of the course or training. In justified individual cases, an employer may refuse to allow an employee who is a member of a rescue and emergency service or a management body to participate in a course or training.

III. Resources and infrastructure

A. Emergency and operational plans

Article 22

principle

1) Municipalities are obliged to identify particularly vulnerable objects in their area and to provide and keep up-to-date emergency and operational plans for them.

2) The State shall, together with the municipalities, draw up emergency and operational plans, particularly for operations on main traffic routes and in areas threatened by large-scale natural events.

3) Owners of establishments and facilities must provide and keep up-to-date emergency and operational plans if:

- (a) the establishments or installations require special deployment in a special or extraordinary situation;
 - b) there is a risk that the establishments or installations will trigger a special or extraordinary situation.
- The emergency and operational plans must be submitted to the Office for Civil Protection.

4) The Government shall issue guidelines for the preparation of emergency and operational plans.

Article 23

Content, preparation and storage of emergency and operational plans

- 1) Emergency and operational plans within the meaning of Article 22 must contain in particular:
- (a) a description of persons, institutions and departments that are important for the civil protection of the municipality;
 - (b) a description of the material resources to be requested in the event of an emergency or of the information points for such material resources;
 - (c) a description of measures to be taken in the event of an exceptional situation, in particular an alarm plan;
 - (d) a description of the area (topography, settlement, important facilities);
 - (e) a description of the hazard situation;
 - (f) a description of the rescue and assistance service, including the resources at its disposal;
 - (g) a description of the facilities, equipment, resources and resources necessary for dealing with extraordinary situations.

2) Emergency and operational plans shall be drawn up in sufficient copies and stored in such a way that they are available for use at any time.

3) Emergency and operational plans must be reviewed at least once a year for completeness and accuracy. Changes and additions must be made immediately.

B. Systems for alerting and transmitting information

Article 24

Alarm systems

1) The country shall provide suitable facilities to warn the population of foreseeable extraordinary situations and to alert them when they occur.

2) The State shall provide suitable facilities for the silent alerting of members of rescue and emergency services.

3) If facilities pursuant to paragraphs 1 and 2 cannot be appropriately installed on state-owned or municipal properties, property owners are obligated, without claim to compensation, to tolerate the installation of the signaling systems and the maintenance work on the systems on their properties. They are not liable for the proper operation of the systems.

(4) The Government shall, by regulation, lay down the acoustic signals to be used for the establishments referred to in paragraph 1, taking into account their clear distinguishability.

Article 25

Systems for transmitting information

1) The Government determines: ¹⁹

- (a) the communication systems operated during special and exceptional situations;
- b) what services providers of communication systems must provide in special and extraordinary situations.

2) If necessary, the Government may require the necessary personnel to operate a communications system.

3) Anyone who operates a communications system is obliged, within the scope of technical possibilities, in particular:

- a) to forward alarms and messages at any time;
- b) to provide users with all necessary basic data, in particular access data, and information about technical changes.

Article 26 ²⁰

Lifted

Article 27 ²¹

Lifted

IV. Special areas of civil protection

Article 28 ²²

Lifted

Article 29 ²³

Lifted

Article 30

National Economic Supply ²⁴

1) The State, municipalities, enterprises and economic organisations shall fulfil the tasks assigned to them by law in the area of national economic supply and shall ensure the constant availability of the necessary human and material resources.

2) Businesses and organisations in the economy are obliged to provide the competent authorities with information on the implementation of the national economic supply measures ordered by the Swiss Confederation at any time in accordance with the applicable Swiss legislation.

3) The Government shall regulate the details by regulation.

V. Obligations of the population to provide assistance and requisition

Article 31

Obligations of the population to provide assistance

1) Every person between the ages of 18 and 60 is obliged to provide assistance, if requested to do so, in dealing with damage events and in the immediate subsequent provisional elimination of significant damage, according to his or her abilities and knowledge.

2) Assistance may only be refused by those who fear that it would cause unreasonable harm to their health or would violate higher-ranking duties.

3) Costs resulting from accidents involving persons providing assistance shall be borne by the public bodies concerned (municipalities, state) if there is no other cover provided by any liability insurance.

Article 32

requisition

(1) Owners, possessors and keepers of all types of vehicles, draft animals, machinery, tools, installations, equipment, devices and other suitable aids shall accept that these and their accessories may be used, on the order of the competent authorities, for the purpose of dealing with damage events and for the immediate subsequent provisional elimination of significant damage.

2) Anyone who routinely carries out repairs in their business operations may be called upon during a loss event, particularly for the immediate repair of vehicles, machinery, or equipment. They must also supply the necessary spare parts and accessories as well as operating materials within the scope of their business operations.

Article 33

Entering properties

1) Owners and possessors of real estate must tolerate the competent authorities and emergency services entering and using their properties with the greatest possible care, insofar as this is necessary for the management of damage events and for the immediate subsequent elimination of significant damage.

2) Owners and possessors of affected and neighboring properties and structures must also tolerate measures ordered by the competent authorities and emergency services for the management of damage events or for the immediate subsequent remediation of damage. This includes, in particular, the clearing of properties of all kinds of objects and the removal of plants and fences that impede operations.

Article 34

Duties of those present in the affected area

All persons present in the area affected by a damage event or at an incident site must immediately comply with orders from the responsible authorities, emergency services, rescue and assistance services and other persons present on duty regarding the evacuation, cordoning off or securing of the affected area or incident site.

VI. Liability of the state and municipalities

Article 35

principle

1) The state and the municipalities are liable under the Official Liability Act for damages culpably caused to third parties by the competent authorities, emergency services, rescue and assistance services or other persons present on duty in the exercise of their duties.

2) The state or municipalities shall be liable for damage to requisitioned vehicles and requisitioned material as well as for damage caused by entering property, without proof of fault on the part of the competent authorities, emergency services, rescue and emergency services or other persons present on duty.

3) If the State or a municipality has paid compensation to third parties in accordance with paragraph 1 or 2, no recourse may be taken against persons who have caused damage during an operation or exercise.

VII. Insurance coverage

Article 36

Compulsory insurance

The state, municipalities or companies must, in accordance with their responsibilities, ensure that members of the rescue and emergency services have adequate liability, legal protection and accident insurance.

VIII. Financing

Article 37 ²⁵

Costs for training and further education

1) The state shall bear the course costs for the training and further education of the rescue and emergency services.

2) For courses pursuant to paragraph 1, the State shall also pay a daily allowance; no compensation for loss of earnings shall be paid.

3) The Government may regulate the details by regulation.

Article 38

Costs for materials and equipment

1) The State and the municipalities shall, in accordance with their competence, bear the costs of the necessary materials, in particular the equipment, of the rescue and emergency services.

2) The state may, on the basis of a service agreement, provide a subsidy of 30% for materials, equipment, means of transport, medical furniture, training and exercise equipment of the Samaritan associations not directly used for damage events. ²⁶

3) The Government shall regulate the details by regulation.

Article 39

Costs for missions

1) In the case of insurable damage, the costs of interventions shall be borne by the injured party or their insurance companies.

2) In the case of uninsurable damage, the affected municipalities and the state shall bear the costs of compensation for the deployment of members of the rescue and emergency services for which they are responsible; they shall share equally the costs of urgently required work. There shall be no mutual cost allocation between the state and the municipalities.

3) Repealed ²⁷

Article 40 ²⁸

Lifted

Article 41

Contributions based on performance agreements

The state can provide contributions to rescue and emergency services organisations on the basis of performance agreements.

Article 42 ²⁹

Lifted

Article 43

recourse

Natural and legal persons who have made the deployment of rescue and assistance services necessary or caused it through an intentional or grossly negligent act or omission may be held liable for all expenses incurred in connection with the deployment.

IX. Legal remedies

Article 44

Complaint

1) An appeal against orders issued by the competent municipal authorities, public offices, or the State Executive Staff may be lodged with the Government within 14 days of service. ³⁰

2) Decisions of the Government may be appealed to the Administrative Court within 14 days of service.

3) Unless otherwise provided, an appeal against orders and decisions pursuant to paragraphs 1 and 2 during a special or extraordinary situation shall have no suspensive effect.

X. Penal provisions

Article 45

Violations

- 1) Anyone who violates the obligations stipulated in Article 22, paragraph 3, and Articles 31 to 34 shall be punished by the Office for Civil Protection with a fine of up to CHF 10,000. ³¹
- 2) In case of negligent commission, the upper limit of punishment shall be reduced by half.
- 3) Municipalities are authorized to establish further administrative offenses in the regulations they issue. The mayor is responsible for imposing punishments.

Article 46

responsibility

If violations are committed in the business operations of a legal entity, a general or limited partnership, or a sole proprietorship, the penal provisions shall apply to the persons who acted or should have acted on its behalf, but the legal entity, the partnership, or the sole proprietorship shall be jointly and severally liable for the fines and costs.

XI. Transitional and final provisions

Article 47

Obligations of confidentiality

Anyone who participates in the implementation of this law is obliged to comply with the provisions of confidentiality.

Article 48 ³²

Implementing regulations

The Government shall issue the regulations necessary for the implementation of this Act.

Article 48a ³³

Delegation of business

The Government may, by decree, delegate the matters assigned to it in Articles 16, 17(4), 22(4) and 25(1) and (2), subject to the right of appeal, to the collegiate government, to the National Executive Staff or its chairman, or to an official body for independent execution.

Article 49

Transitional provisions

- 1) Municipalities are obliged to adopt regulations pursuant to Article 13 within one year of the entry into force of this Act and to bring them to the attention of the Government.
- 2) Emergency and operational plans pursuant to Article 22 shall be drawn up within one year of the entry into force of this Act.

Article 50

Repeal of previous law

The following are repealed:

- a) Law of 25 March 1992 on civil protection, LGBI. 1992 No. 48;
- b) Items 8.13 to 8.36 and 9.1 to 9.13 and 9.2 to 9.22 of the Annex to the Law of 3 July 1991 on the Granting of State Subsidies (Subsidy Law), LGBI. 1991 No. 71.

Article 51

terminology

In laws and regulations, the term "Office for Civil Protection and National Supply" shall be replaced by the term "Office for Civil Protection" in the grammatically correct form.

Article 52

Come into effect

This law shall enter into force on 1 July 2007, subject to the expiration of the referendum period, or on the day of its promulgation.

On behalf of the sovereign:

signed *Alois*

Erbprinz

signed *Otmar Hasler*,

Princely Head of Government

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- 1 Art. 1 heading amended by LGBI. 2016 No. 401 .
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- 2 Article 1 paragraph 1 letter a amended by LGBI. 2016 No. 401 .
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- 3 Art. 8 amended by LGBI. 2016 No. 401 .
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- 4 Art. 9 amended by LGBI. 2016 No. 401 .
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- 5 Article 10 paragraph 1 amended by LGBI. 2016 No. 401 .
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- 6 Article 10 paragraph 2a inserted by LGBI. 2016 No. 401 .
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- 7 Article 10 paragraph 3 repealed by LGBI. 2016 No. 401 .
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- 8 Article 10 paragraph 4 repealed by LGBI. 2016 No. 401 .
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- 9 Art. 11 repealed by LGBI. 2016 No. 401 .
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- 10 Article 12 paragraph 3 amended by LGBI. 2016 No. 401 .
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- 11 Article 13 paragraph 1 amended by LGBI. 2016 No. 401 .
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- 12 Art. 15 amended by LGBI. 2016 No. 401 .
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- 13 Article 16 amended by LGBI. 2009 No. 382 .
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- 14 Article 17 paragraph 1 amended by LGBI. 2016 No. 401 .
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- 15 Article 17 paragraph 5 amended by LGBI. 2016 No. 401 .
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- 16 Art. 18 repealed by LGBI. 2016 No. 401 .
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- 17 Art. 19 repealed by LGBI. 2016 No. 401 .
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- 18 Art. 21 amended by LGBI. 2016 No. 401 .
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- 19 Article 25 paragraph 1 amended by LGBI. 2016 No. 401 .
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- 20 Art. 26 repealed by LGBI. 2016 No. 401 .
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- 21 Art. 27 repealed by LGBI. 2016 No. 401 .
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- 22 Art. 28 repealed by LGBI. 2016 No. 401 .
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- 23 Art. 29 repealed by LGBI. 2016 No. 401 .

24 Art. 30 heading amended by LGBI. 2016 No. 401 .

25 Art. 37 amended by LGBI. 2016 No. 401 .

26 Article 38 paragraph 2 amended by LGBI. 2016 No. 401 .

27 Article 39 paragraph 3 repealed by LGBI. 2016 No. 401 .

28 Art. 40 repealed by LGBI. 2016 No. 401 .

29 Art. 42 repealed by LGBI. 2016 No. 401 .

30 Article 44 paragraph 1 amended by LGBI. 2016 No. 401 .

31 Article 45 paragraph 1 amended by LGBI. 2016 No. 401 .

32 Art. 48 amended by LGBI. 2016 No. 401 .

33 Art. 48a inserted by LGBI. 2016 No. 401 .