

## Austria

### Exposure guidelines

Federal limits are based on ICNIRP and laid down in Austrian Standard E8850.

A considerable number of municipalities has passed motions and/or resolutions trying to impose local exposure limits that vary between 1  $\mu\text{W}/\text{m}^2$  and 100  $\text{mW}/\text{m}^2$  (all of which are not legally binding) as well as exclusion zones not only around OMEN<sup>1</sup>, but also for entire municipalities.

Both the city and the province of Salzburg tried to impose very low exposure limits for radiofrequency power flux density of 0.001  $\text{W}/\text{m}^2$  (= 1  $\text{mW}/\text{m}^2$ ) and tried to enforce this by withholding building permissions. However, this limit is not legally binding and has no relevance in the building permission process. In 2005 the rollout process for 3G in Salzburg came to a standstill which was resolved by establishing cooperation between city and operators ("workshop procedure") under which every new 3G site within the city of Salzburg was evaluated. While many sites coincidentally show exposures below the level of 1  $\text{mW}/\text{m}^2$  as desired by the city of Salzburg, there is a considerable number of sites well above this value thereby proving that a "1  $\text{mW}/\text{m}^2$  network" does not exist even in Salzburg and that the conclusions of the Swiss BAKOM measurements of 2001 are still valid<sup>2</sup>.

### Planning Authority

Relevant local municipality (mostly the mayor) and/or borough/county, respectively.

### Requirements for planning permission

Vary according to location. Every province has its own building and landscape protection laws. In some provinces a simple notification of the planning authority suffices, while in others a formal building permit has to be obtained (which also in some cases includes participation of the direct neighbours). Additionally, federal laws have to be obeyed and permissions under these laws, if applicable, have to be obtained (e.g. air traffic safety, forest protection, listed buildings etc.)

### Timescales for Permission

Every one of the nine provinces has its own building law which makes site acquisition and permitting very complex indeed and far from being a standard procedure.

Depending on the applicable law(s) (e.g. building laws of the province in which the site shall be erected) timescales vary widely. If a building permission has to be obtained, a decision to grant or refuse the application must be issued at the latest within six months of the date of the application. When the decision is not taken within six months, the appeals process needs to be initiated which will take (at least) another six months. Often the reasons for delaying or even denying permissions are

<sup>1</sup> See original GSME report 2004 footnote 6: Ort empfindlicher Nutzung (places of sensitive use) as defined in Art. 3, Para. 3of the Provisions of the Ordinance relating to Protection from Non-Ionising Radiation of December 23rd 1999.

<sup>2</sup> The OFCOM/BAKOM report 2002 on the measurements 2001 show that an operative network in any densely populated city will require power flux densities of up to 200  $\text{mW}/\text{m}^2$ . See Report <http://www.bakom.admin.ch/dokumentation/zahlen/00545/00547/00548/index.html?lang=de>

	<p>politically motivated based on claims of health issues. However, health issues are dealt with in federal laws and are therefore no permissible grounds for delaying or denying permission. Further (permissible) reasons are nature and landscape protection or other legal issues.</p>
Appeals process	<p>As a general rule, every administrative authority in Austria has to decide within six months. If no decision is made within that period of time, the applicant can appeal against that delay to the superior administrative body (which also has to decide within six months). But this does not necessarily mean that a decision (whether positive nor negative) will be taken within 12 months, because there are often more than two instances involved and some local authorities tend towards deferring decisions on purpose.</p>
Public Consultation	<p>In most cases of a building permission procedure, neighbours are heard and have the right to object to a site. Health issues do not constitute a reason to object within the frame of the building permission procedure.</p> <p>To improve the dialogue with communities, an agreement between the Austrian operators and the Federation of Austrian Communities on voluntary information by the operators prior to site erection was concluded in 2001. This is a general agreement and not only for OMEN sites which are treated equally in Austria.</p> <p>Furthermore, operators will instigate and/or attend voluntary pre-planning meetings with local authorities as necessary.</p> <p>Beginning in 2005, “mobile phone charters” were concluded with three of the 9 Austrian provinces. Main issues are a defined participation procedure for communities that join the charter and provisions for increased site sharing.</p>
Exemptions & Existing site upgrade	<p>Exemptions in two provinces exist, namely in Salzburg for roof tops &lt;2 m and in Upper Austria for roof tops and green fields &lt;3 m. Upgrades of existing sites have to follow the same processes as stated above unless additional antennas and equipment were included in the original plan for which a permit was already obtained (“reserved space”) or if the changes required by the extensions are deemed insignificant (this applies only to a few provinces)</p>

(GSMA Europe: Extract from Base Station Planning Permission In Europe, December 2013.)