

Compilation of all legislation related to the Anti-Doping Federal Act 2007

Long title: Anti-Doping Federal Act (*Anti-Doping-Bundesgesetz*) 2007 – ADBG 2007

Please note: *This compilation is in the interest of improving readability and for information purposes only. The legally binding version of the ADBG 2007 was published in the Federal Law Gazettes (see Federal Law Gazette I no. 30/2007, Federal Law Gazette I no. 115/2008 and Federal Law Gazette I no. 146/2009).*

As amended on 1 January 2010

Part 1 – Anti-doping rules

Doping

§ 1. (1) Doping may influence the performance in sports, impair the health of athletes and contradicts the principle of fairness in sport.

(2) A violation of anti-doping rules that is fundamentally irreconcilable with the principle of fairness in sport has been committed, if

1. prohibited substances, their metabolites or markers (hereinafter referred to as prohibited substances) pursuant to the annex to the Anti-Doping Convention, Federal Law Gazette no. 451/1991, are found in athletes' body tissue or body fluids;
2. prohibited substances are administered to athletes or prohibited methods pursuant to the annex to the Anti-Doping Convention are used on athletes or if this is merely attempted;
3. athletes violate the whereabouts filing requirements pursuant to § 19;
4. athletes or their support personnel fail to participate in properly ordered doping control procedures without compelling justification;
5. athletes or their support personnel possess prohibited substances and/or technical equipment for using prohibited methods, unless these are required for the treatment of their own medical condition or activities other than the support of athletes (e.g. in case of physicians for emergency medical treatment);
6. athletes or their support personnel tamper or attempt to tamper with the doping control process; or
7. athletes or their support personnel violate a prohibition pursuant to § 22a, the Medicines Act (*Arzneimittelgesetz*), Federal Law Gazette no. 185/1983, the Addictive Drugs Act (*Suchtmittelgesetz*, SMG), Federal Law Gazette I no. 112/1997, or comparable foreign criminal provisions.

(3) Para 2 nos. 1, 2 and 5 shall not apply if a therapeutic use exemption pursuant to § 8 has been granted or is granted retroactively.

(4) If this Act refers to the Anti-Doping Convention or the International Convention against Doping in Sport adopted by UNESCO, Federal Law Gazette III no. 108/2007 (hereinafter referred to as UNESCO Convention) and/or their annexes, they shall be applied as promulgated in the relevant Federal Law Gazette.

(5) For minors or athletes with an intellectual disability, civil-law provisions on their representation shall apply.

Definitions

§ 1a. Within the meaning of this Federal Act, the below-mentioned terms are defined as follows:

1. **Adverse analytical finding:** Report from a WADA-accredited laboratory that identifies in a sample specimen the presence of a prohibited substance or its metabolites or markers (including elevated quantities of endogenous substances) or evidence of the use of a prohibited method.
2. **Athlete:** Any person
 - a. who is a member or licensee or obviously intends to become a member or licensee of a sports organization or an affiliated organization, or
 - b. who participates in competitions which are hosted by a sports organization or an affiliated organization or which are subsidized with federal funds.
3. **Athlete support personnel:** Any person working with or treating or assisting an athlete, in particular physicians, coaches, physical therapists, massage therapists and managers.
4. **BSO:** *Österreichische Bundes-Sportorganisation* (Austrian Federal Sports Organization).
5. **CAS:** Court of Arbitration for Sports.
6. **Competition:** A single race, match, game or singular athletic contest.
7. **Doping control:** Process including all steps from selection of athletes for testing until the completion of an appeal.
8. **Doping control station:** Location where the sample collection session is conducted.
9. **Event (Championship):** A series of individual competitions conducted together under one ruling body.
10. **International event (International championship):** Event where the International Olympic Committee (IOC), the International Paralympic Committee (IPC), or an international federation functions as the ruling body or appoints the technical officials of the event.
11. **International sports federation:** Non-governmental organization administering one or more sports at global level.
12. **Missed test:** Failure by the athlete to be available for testing on any given day at the location and time specified in the 60-minute time slot identified in his athlete whereabouts filing for that day.
13. **Out-of-competition testing:** Any doping control which is not in-competition.
14. **Sample collection session:** All of the sequential activities that directly involve the athlete, from notification until the athlete leaves the doping control station after having provided his sample/s.
15. **Sample specimen:** Any biological material collected for laboratory analysis during the doping control process.
16. **Sports organization:** Austrian Olympic Committee (ÖOC), Austrian Paralympic Committee (ÖPC), national sports federations, Austrian Federation of Handicapped Athletes.
17. **Tampering with the doping control process:** Any act or involvement in acts aimed at preventing the institution of doping control processes or tampering with the results of doping control.
18. **Team sport:** A sport in which the substitution of players is permitted during a competition.
19. **Test distribution plan:** Plan which - based on the available means - allocates the total number of tests possible to each sport or discipline, in accordance with the number of athletes, the basic structure of the season, the general competition

schedules and training patterns, the relative benefit of out-of-competition and in-competition testing as well as the doping risk and doping pattern of the relevant sport or discipline.

20. **Testing:** Process including notification of the athlete selected for sample collection, sample collection, sample handling and sample transport to the laboratory.
21. **Testing pool:** Pool of top-level athletes established for in-competition and out-of-competition testing according to certain criteria.
22. **Violation of whereabouts filing requirements:** Failure of the athlete of the National Registered Testing Pool to provide required whereabouts information to the Independent Anti-Doping Organization.
23. **WADA:** World Anti-Doping Agency

Doping prevention, information, and education

§ 2. (1) The federal government shall support doping prevention, in particular by drawing up guidelines for the training of athlete support personnel and physical education teachers. They shall especially focus on

1. the prohibited substances and methods pursuant to § 1;
2. the health-related consequences of doping;
3. the anti-doping rules of national and international sports federations;
4. the disciplinary measures imposed by national and international sports federations in the event of anti-doping rule violations;
5. other legal consequences of doping, in particular under criminal law.

(2) The Independent Anti-Doping Organization shall inform the BSO, sports organizations, athletes, support personnel and ruling bodies for events as well as the interested public about the provisions pursuant to § 1 and about the following:

1. the organizations authorized to order testing;
2. the criteria applicable to the selection of national competitions and athletes for testing;
3. the criteria for being included in the National Registered Testing Pool (§ 5);
4. the doping control process;
5. reimbursements for testing;
6. the rules on the National Registered Testing Pool;
7. the sanctions (e.g. suspensions) and imposed ineligibility of athletes and support personnel and their elimination that were reported to the Independent Anti-Doping Organization, providing the names of those concerned, the period of ineligibility and the reasons for being declare ineligible, without allowing conclusions about health-related data of the people concerned.

(3) Prior to major international competitions the athletes and support personnel to be sent there shall verifiably be educated by the competent sports organizations within the meaning of para 2.

(4) The Independent Anti-Doping Organization shall also provide the information pursuant to para 2 to the public on the Internet for free.

(5) For the purpose of doping prevention and education, top athletes (anti-doping ambassadors) may also be employed, unless they are ineligible due to a violation of anti-doping rules.

Federal government measures to promote compliance with anti-doping rules

§ 3. (1) Subsidies under the Federal Sports Promotion Act 2005 (*Bundes-Sportförderungsgesetz*, BSFG), Federal Law Gazette I no. 143, may be granted to sports organization only at the provisions to be agreed upon separately pursuant to paras 2 to 5 and pursuant to § 2 para 3, § 15 and 18.

(2) If sports organizations violate the rules specified in para 1, they shall - as of the violation date - forfeit the right to subsidies that have already been granted, and subsidies paid out after this date shall be reimbursed. In addition, as soon as the violation has become known, the payment of subsidies that have already been granted shall be stopped. The respective sports organization shall be barred from receiving funding according to the BSFG as long as the violation lasts.

(3) Athletes and support personnel who have been declared ineligible by the IOC, the competent international sports federation, the IPC or a sports organization on grounds of violating anti-doping rules, shall be barred from funding according to the BSFG 2005, starting from the date of the anti-doping rule violation until the end of the ineligibility period, athletes and athlete support personnel at the age of majority permanently: If they are employed by the federal government, they must neither be granted leave from work for actively engaging in sports, participating in competitions or supporting athletes for the period they are barred from funding under the BSFG 2005. The payment of subsidies that have already been granted shall be stopped. Subsidies paid out in the period after the anti-doping rule violation shall be repaid by the athlete. Repayment can be waived fully or in part if the period of ineligibility, which was principally to be imposed in accordance with the applicable anti-doping rules, has been reduced on grounds of special mitigating circumstances or contribution to resolving anti-doping rule violations committed by others.

(4) Depending on the severity and frequency of the violation of the rules specified in para 1, the ineligibility for subsidies according to the BSFG can be extended beyond the periods specified in paras 2 and 3.

(5) The Federal Minister of Defence and Sports shall issue guidelines pertaining to the rules under paras 2 to 4.

(6) The heads of the federal institutions shall ensure that representatives of the Independent Anti-Doping Organization and of WADA be granted access to the athletes employed or accommodated in their institutions for the purpose of testing.

Independent Anti-Doping Organization

§ 4. (1) The Federal Minister of Defence and Sports shall commission a professionally qualified organization by contract to carry out the tasks which have been assigned to the Independent Anti-Doping Organization under this Federal Act. They shall include in particular:

1. doping prevention measures pursuant to § 2 paras 1 and 2;
2. anti-doping information and education pursuant to § 2 paras 1 and 2;
3. monitoring compliance with funding prerequisites pursuant to § 3 and, in conjunction with it, ordering and conducting testing as well as reporting on compliance with anti-doping rules within the meaning of this Act;
4. initiating and enforcing disciplinary measures and decisions pursuant to § 15 on behalf of the competent national sports federation;
5. expert-level representation in anti-doping affairs at international organizations.

The Federal Minister of Defence and Sports shall announce by ordinance which organization is entrusted with these tasks.

(2) The Independent Anti-Doping Organization shall establish the following commissions:

1. the Ethics Commission, which shall consist of at least three, but no more than five professionally qualified members with experience in the fight against doping, to provide support in doping prevention measures as well as anti-doping information and education;
2. the General Commission of Physicians, consisting of at least four, but no more than six physicians experienced in sports medicine, and one expert in pharmaceuticals, to decide on requests for therapeutic use exemptions pursuant to § 8 para 3 and to provide counselling in medical issues;
3. the Dentists' Commission, consisting of at least two, but no more than four dentists with relevant experience, and one expert in pharmaceuticals, to decide on requests for therapeutic use exemptions with regard to dental treatment pursuant to § 8 para 3 and to provide counselling in dental issues;
4. the Veterinary Commission, consisting of at least two, but no more than four veterinarians with relevant experience, and one expert in pharmaceuticals, to provide counselling in veterinarian issues;
5. the Legal Commission, consisting of five members, to decide on first-instance disciplinary measures if anti-doping rules pursuant to § 15 para 6 have been violated; Three members must have a law degree and experience in conducting formal investigations; one member must be an expert in analytical chemistry or toxicology, and one member must be a sports medicine expert;
6. the Selection Commission pursuant to § 9 para 3, which shall consist of at least three, but no more than five professionally qualified members.

The members of the Commissions pursuant to nos. 1 to 5 shall be appointed for a period of four years, and the members of the Commission pursuant to no. 6 for a period of one year. For each member a substitute member with the required qualifications and experience shall be appointed to represent them if they are unable to attend. The members shall appoint one of them as chairman and one member as deputy chairman. Reappointments shall be admissible. A premature dismissal is allowed only for material reasons. The members of the Commissions make their decisions in an independent and autonomous fashion. They shall decide by majority of votes and shall have a quorum if at least half of the appointed members are present or represented by a substitute member. The Commissions may also pass

resolutions by means of a circulatory decision, if the facts are clear and need not be discussed in a meeting and no member disagrees with this mode of passing a resolution.

(3) The bodies as well as the employees of the Independent Anti-Doping Organization, members of the testing team (§ 11 para 2) and the Commissions pursuant to para 2 nos. 2 to 6 shall be bound to secrecy about their activities, unless the law stipulates otherwise. They shall abstain from carrying out their job and call their substitutes if there is a conflict of interest pursuant to § 7 of the General Law on Administrative Procedure (*Allgemeines Verwaltungsverfahrensgesetz*, AVG) 1991, Federal Law Gazette no. 51/1999. The obligation of secrecy shall not apply vis-à-vis the body in charge of issuing sanctions and disciplinary measures in the actual case, the Independent Arbitration Commission, the courts and administrative authorities.

(4) The Independent Anti-Doping Organization shall issue photo IDs to the members of the testing team to allow them to identify themselves at doping control procedures.

(5) The Federal Minister of Defence and Sports is authorized, in agreement with the Federal Minister of Finance, to establish a non-profit limited liability company (*Gesellschaft mit beschränkter Haftung*) with the statutory minimum share capital, with the federal government holding more than 50% in the share capital, with the *Nationale Anti-Doping Agentur Austria GmbH*, as well as with the business purpose of functioning as the Independent Anti-Doping Organization, and to put it in charge of the tasks pursuant to para 1. In addition to the company name, it may be referred to as NADA Austria. Unless specified otherwise in this Federal Act, the provisions of the Federal Act on Limited Liability Companies (*Gesetz über Gesellschaften mit beschränkter Haftung*; GmbHG), Imperial Law Gazette no. 58/1906, shall apply to this company. The federal shares in the company shall be managed by the Federal Minister of Defence and Sports.

(6) In carrying out its tasks, the Independent Anti-Doping Organization is entitled to forward any personal data, except health-related data, to authorities, courts, and social security institutions, provided that the corresponding data is a substantial prerequisite for carrying out the relevant statutory tasks. Obligations under federal or provincial law on forwarding personal data shall remain unaffected thereof.

National registered testing pool

§ 5. (1) The Independent Anti-Doping Organization shall establish a National Registered Testing Pool for selecting top-level athletes for out-of-competition testing, in which the following athletes shall be included after a hearing of the competent national sports federation:

1. Athletes
 - a. who are included in an international registered testing pool of an international sports federation; or
 - b. who participate or who are eligible to participate due to their performance level in Olympic or Paralympic Games or in World or European Championships in a sport or discipline with a particularly high risk of doping or special doping pattern; or
 - c. who repeatedly violate their whereabouts filing requirements pursuant to § 19 para 1 no. 5 or § 19 para 3, conspicuously often change their whereabouts on short notice or demonstrate particular enhanced performance while included in the testing pool pursuant to no. 2 or 3;
2. Athletes who participate or who are eligible to participate due to their performance level in Olympic or Paralympic Games or in World or European Championships in a sport or discipline other than no. 1 lit. b;
3. Athletes
 - a. of the top-ranking squads, the top-ranking youth squads and the teams of the top league of the national sports federations; and
 - b. of the second-highest ranking squads, the second-highest ranking youth squads and teams of the second-best league of those national federations in sports or disciplines which are especially important for competitive sports in Austria, unless they are already included in the testing pool pursuant to no. 1 or 2.
4. Athletes who have retired from sport while included in the testing pool, as soon as they report the return to active participation in sport to the Independent Anti-Doping Organization pursuant to § 19 para 6.

(2) Athletes who were suspended or declared temporarily ineligible while included in the testing pool shall basically remain in the testing pool throughout the period of suspension or ineligibility, even if they are no longer members or licensees of a sports organization or an affiliated organization.

(3) The following athletes shall be removed from the National Registered Testing Pool:

1. those who no longer meet the requirements pursuant to para 1 nos. 1 to 3;
2. those who notify the Independent Anti-Doping Organization in writing about retiring from sport;
3. those who belong to the testing pool because they have reported the resumption of their active careers (para 1 no. 4), after the same period of time as they retired before their suspension or ineligibility had ended; however, one year after being included again in the Registered National Testing Pool at the earliest;
4. those who belong to the National Registered Testing Pool due to suspension or ineligibility (para 2), after this period has expired.

However, the athlete may only be removed pursuant to nos. 3 and 4 if the prerequisites for remaining in the testing pool pursuant to para 1 nos. 1, 2 or 3 do not exist.

(4) The Independent Anti-Doping Organization shall verifiably notify the athletes concerned of their inclusion in and removal from the National Registered Testing Pool through the competent national sports federation. Upon inclusion, the athletes shall be informed about the statutory provisions according to which they were included in the testing pool and about the related whereabouts filing requirements. This shall also apply if the legal ground for remaining in the testing pool has changed. After the athletes have been verifiably informed, their information obligations pursuant to § 19 shall commence.

Reimbursement of doping control expenses

§ 6. (1) The Independent Anti-Doping Organization is entitled to request reimbursement of the following doping control expenses:

1. costs of testing, the laboratory analysis and the proceedings before the Legal Commission (§ 15) from the competent national sports federation in case of an adverse analytical finding or other violation of anti-doping rules committed by athletes or athlete support personnel;
2. the costs of the B sample analysis from the athlete, if it was requested by him and is adverse;
3. the costs of lab documentation produced upon the athlete's request in accordance with the international standard to be applied by WADA-accredited laboratories, from the athlete;
4. the costs of testing and the laboratory analysis from the athlete, if this was requested by the athlete pursuant to § 9 para 7 and ordered by the Independent Anti-Doping Organization;
5. the costs of testing and laboratory analysis from the international sports federation which ordered testing, or from a third party (national sports federation, ruling body, etc.), which, in accordance with the rules, shall pay for it;
6. the costs of the sports organization which had asked for testing and the laboratory analysis, from the sports organization itself.

(2) The costs pursuant to para 1 nos. 2 to 4 shall be paid by the athlete to the Independent Anti-Doping Organization in advance. If the B sample analysis is not adverse, the athlete shall be reimbursed for the expenses he has made for this purpose.

(3) The costs pursuant to para 1 no. 1 shall, to the extent that the costs pursuant to para 1 nos. 5 or 6 have not been reimbursed, be reimbursed by the national sports federation, and the costs pursuant to para 1 no. 6 shall be refunded by the relevant sports organization to the Independent Anti-Doping Organization within four weeks after request for payment.

(4) If disciplinary measures are imposed the Legal Commission shall, upon request of the competent national sports federation and while at the same time transferring its claim for reimbursement to the Independent Anti-Doping Organization, order the penalized athlete to reimburse the costs pursuant to para 3. Within four weeks after having been served the reimbursement decision, the penalized athlete and the national sports federation may request a review of this decision by the Independent Arbitration Commission.

(5) The Independent Anti-Doping Organization shall refund the costs that were reimbursed pursuant to para 3, if the Independent Arbitration Commission or, subsequently, the CAS or a civil court have found that no anti-doping rules have been violated.

(6) The Independent Anti-Doping Organization shall determine an appropriate remuneration for the members of the Legal Commission for preparing the proceedings, participating in the hearing, providing the chairmanship and drawing up the decision; a lump sum for preparing and drawing up the decision, and a time-based amount for the hearing. Travel expenses, if any, shall also be reimbursed. The remuneration for the members of the Legal Commission which incurred in proceedings is part of the proceedings costs. At the end of the proceedings, the chairman shall disclose to the parties these costs and how they have been calculated.

Report on compliance with anti-doping rules

§ 7. The Independent Anti-Doping Organization shall report to the Federal Minister of Defence and Sports on the sports organizations' compliance with anti-doping rules within one month after the end of each quarter, and, in addition, annually present a report on the activities of the past year by the end of March. Classified by national sports federations, sports and disciplines, the activity report shall in any case include the following anonymized information:

1. testing carried out in-competition and at events, at squad trainings and courses as well as on other occasions;
2. the results of testing and the prohibited substances and methods identified in the process;
3. the type of identified violations of anti-doping rules as well as the imposed sanctions and disciplinary measures;
4. decisions on therapeutic use exemptions.

The Federal Minister of Defence and Sports shall submit this report to the National Council.

Therapeutic use exemptions (TUE)

§ 8. (1) If a medical condition or injury of an athlete included in the National Registered Testing Pool requires the consumption of medication with prohibited substances or the application of prohibited methods on the basis of the diagnosis of a physician or dentist, an application for a therapeutic use exemption shall be filed in advance with the Independent Anti-Doping Organization with medical files being submitted, provided that it is not the responsibility of the competent international sports federation according to its own rules, or no valid TUE granted by WADA, an international sports federation, a foreign NADO or a foreign national sports federation exists. The application shall include in any case:

1. evidence of the medical or dental diagnosis specifying the medical condition, and all relevant findings;
2. the results of the examinations carried out to obtain the diagnosis;
3. the name of the medication to be administered and/or the description of the intended treatment method;
4. the medical indication on grounds of which medication with prohibited substances must be administered and/or prohibited methods of treatment must be used; and
5. the dose as well as the type and duration of necessary administration of the medication and/or use of the treatment method.

(2) In accordance with the International Standard for Therapeutic Use Exemptions, the decision shall be made within 21 days and communicated to the athlete in writing. The granted TUE shall be limited to the duration of the necessary administration or treatment. A withdrawal is only permitted under the provisions of this Standard.

(3) The Independent Anti-Doping Organization shall consult the General Commission of Physicians (§ 4 para 2 no. 2) for decisions on applications for TUEs, and the Dentists' Commission (§ 4 para 2 no. 3) for TUEs for dental treatment. The applicant shall pay a lump sum of EUR 85 to the Independent Anti-Doping Organization in advance for the procedure of deciding on the application for a TUE. This amount shall change on 1 January of each calendar year in line with the change in the current consumer price index as published by Statistics Austria, for the first time on 1 January 2011.

(4) There are situations for which the therapeutic use exemption can be requested retroactively, if the consumption or administration of medication with prohibited substances or the use of a prohibited method was required for emergency treatment of an acute medical condition or injury. Any emergency treatment shall be reported immediately to the organization competent pursuant to para 1. As soon as the athlete's health allows it, the application for a TUE shall be filed.

(5) It shall not constitute an anti-doping rule violation if the TUE was requested under para 1 or 4 and the Independent Anti-Doping Organization approves the application only after testing.

(6) For athletes not included in the National Registered Testing Pool the same rules apply except that the application for a TUE can only be filed in conjunction with an instituted doping control process. The TUE shall only be granted if there was a medical indication and evidence of the medical condition for consuming medication with prohibited substances or using a prohibited method at the time of sampling.

(7) If no TUE is granted, the athlete concerned may seek a review of the decision by the Independent Arbitration Commission within four weeks after having been served the decision.

Instituting doping control procedures

§ 9. (1) The purpose of doping control procedures is to check whether anti-doping rules have been violated.

(2) In Austria, doping control procedures can be instituted any time in-competition and out-of-competition by the Independent Anti-Doping Organization, WADA, a sports organization, the competent international federation, the IOC, IPC or ruling bodies of international events or competitions, foreign national sports federations or foreign national anti-doping organizations. Sports organizations shall request the Independent Anti-Doping Organization to conduct testing and analyze samples.

(3) For instituting doping control procedures the Independent Anti-Doping Organization shall, in agreement with the Selection Commission (§ 4 para 2 no. 6), draw up a test distribution plan (§ 1a no. 5) and update it regularly with the latest findings.

(4) A doping control procedure shall be instituted in any case if there is reasonable suspicion of illegal administration or consumption of prohibited substances or use of prohibited methods or of any other anti-doping rule violation.

(5) At international events or competitions in Austria, the scope of the doping control procedures shall be specified in accordance with the rules applicable to these events.

(6) Other than that, doping control procedures shall be instituted according to the test distribution plan.

(7) In addition, upon an athlete's justified request in writing, the Independent Anti-Doping Organization shall conduct testing of the athlete and have the sample analyzed.

(8) The Independent Anti-Doping Organization shall take the necessary measures to ensure that the doping control procedure is instituted without advance notice and that the athlete concerned learns about it at the latest moment possible.

Contents of the testing order

§ 10. (1) Testing shall be ordered by the Independent Anti-Doping Organization of its own accord or upon request of an organization mentioned in § 9 para 2 in writing, and the order shall include at least the following information:

1. If testing of certain persons (animals) is ordered:
 - a. the person's name (animal's designation);
 - b. the period (no more than seven calendar days) in which testing is to be conducted; and
 - c. the name of the head of the testing team.
2. If testing at squad trainings and courses is ordered:
 - a. designation of training;
 - b. number of athletes (animals) to be selected by the head of the testing team for testing according to the criteria pursuant to § 9 paras 4 to 6;
 - c. the period (no more than seven calendar days) in which testing is to be conducted; and
 - d. the name of the head of the testing team.
3. If testing in-competition or at events is ordered:
 - a. the designation of the competition or event;
 - b. the rankings at which – if achieved – athletes (animals) shall be tested, and/or the number of athletes (animals) to be selected for testing by the head of the testing team according to the criteria pursuant to § 9 paras 4 to 6; and
 - c. the name of the testing team's head.

(2) If the doping control procedure is not instituted by the Independent Anti-Doping Organization but by another organization specified in § 9 para 2, the order of this organization shall apply. In a supplementary sheet to the order, however, the Independent Anti-Doping Organization shall announce the head of the testing team and, if applicable, any other information pursuant to para 1.

General terms and conditions for testing

§ 11. (1) Testing can be conducted by the Independent Anti-Doping Organization, international sports federations, the IOC or WADA. The Independent Anti-Doping Organization shall be in charge of:

1. testing athletes and athlete support personnel (§ 1a no. 1);
2. testing requested from it by WADA, an international sports federation, a foreign national sports federation or a foreign national anti-doping organization.

(2) Testing by the Independent Anti-Doping Organization shall be conducted by a testing team consisting of two persons, one of whom shall have the training required to collect samples. Blood samples shall be collected by a physician. One person of the testing team shall be of the same sex as the athlete to be tested.

(3) Prior to testing, the testing team shall identify itself vis-à-vis the athlete by means of a photo ID, submit the order for testing issued for the name (designation of the animal) and hand over a copy of the order, the receipt of which shall be confirmed. In the case of minors or athletes with an intellectual disability the identification and submission of the order shall also be effected vis-à-vis their chaperone (legal representative, coach, official of the association to which the athlete belongs).

(4) Other than in justified exceptional cases, testing must not be started later than 11 p.m. and earlier than 6 a.m. The human dignity of the athletes shall be respected during testing.

(5) Testing, in particular the collection of urine and blood samples (A sample and B sample), shall be conducted in accordance with the International Standard for Testing in sports, unless this Federal Act stipulates otherwise.

(6) Testing which was not conducted pursuant to paras 2 to 5, § 9 para 2, § 10, 12 and 13, shall not be valid if the departure led to an adverse analytical finding or caused another anti-doping rule violation. If the athlete concerned established that departures from the provisions occurred during testing and the departure may reasonably have caused an adverse analytical finding or another anti-doping rule violation, the Independent Anti-Doping Organization shall have the burden to establish that the departure did not cause the adverse analytical finding or the factual basis for an anti-doping rule violation.

(7) If in the course of testing the suspicion of an anti-doping rule violation arises, the testing team shall immediately notify the Independent Anti-Doping Organization of the facts including the evidence, which shall immediately notify the national sports federation and forward the documentation. If during testing the illegal possession of prohibited substances or technical equipment for the use of prohibited methods (§ 1 para 2 no. 5 in conjunction with para 3) is found, the athletes or athlete support personnel concerned shall hand them over to the testing team against receipt and the Independent Anti-Doping Organization shall hold them in custody in order to preserve evidence, and the athletes or athlete support personnel concerned shall agree to the transfer of ownership to the Independent Anti-Doping Organization if disciplinary measures are imposed; otherwise it would constitute a violation on grounds of non-cooperation at testing.

(8) The right of foreign sports organizations and foreign NADOs to conduct testing of athletes of their home countries in Austria pursuant to the UNESCO Convention shall remain unaffected. This shall also apply if, based on the agreement on carrying out an international

competition in Austria, other organizations than those specified in para 1 are scheduled to conduct doping control.

Event testing

§ 12. (1) Event testing shall first be announced by the head of the testing team, providing identification and submitting the order to the coaches or persons responsible for the event. They shall refrain from notifying athletes directly or indirectly of planned testing without the consent of the head of the testing team. A violation of this provision shall be considered tampering with doping control.

(2) After the athletes (animals) to be tested have been determined, the head of the testing team shall issue an order for testing with the relevant name (designation of animal). With this order those concerned (e.g. the athlete, animal holder, person responsible for the animal) shall be notified of the planned testing and be made aware that they have to make themselves available, if applicable, with the animal; otherwise it would constitute non-cooperation.

Testing at squad trainings and courses

§ 13. § 12 shall apply to squad trainings and courses with the exception that testing shall be announced in advance to the coach, other athlete support personnel or the athlete concerned.

Sample analysis

§ 14. (1) The Independent Anti-Doping Organization shall only use WADA-accredited laboratories for the analysis of provided samples for prohibited substances and methods. The anonymized A sample and B sample shall be transported to the laboratory. The Independent Anti-Doping Organization shall agree with the laboratory to analyze and document the samples in accordance with the IST to be applied by WADA-accredited laboratories.

(2) Upon receipt of an A sample adverse analytical finding, the Independent Anti-Doping Organization shall first conduct a review to determine whether an applicable therapeutic use exemption (§ 8) has been granted, the athlete has requested such, or there is no apparent departure from the IST that undermines the validity of the adverse analytical finding. If an application for a TUE was filed, a decision whether it shall be granted shall be made immediately pursuant to § 8. If none of these reasons exist, the Independent Anti-Doping Organization shall notify the competent national sports federation of the adverse analytical finding including the name of the athlete and promptly and verifiably inform the athlete:

1. about the adverse analytical finding;
2. which anti-doping rule has been violated; and
3. about the right
 - a. to request in writing and within five calendar days the analysis of the B sample from the Independent Anti-Doping Organization, otherwise the B sample analysis shall be deemed waived;
 - b. to attend the B sample opening and analysis at the date (day, time) and location set by the investigating laboratory by himself or with his representative or to send a representative; and
 - c. to request copies of the A and B sample laboratory documentation package from the Independent Anti-Doping Organization which includes information as required by the IST to be applied by WADA-accredited laboratories.

(3) If an athlete requests the B sample analysis in time, the Independent Anti-Doping Organization shall organize it immediately and notify the competent national sports federation thereof. As soon as the result of the analysis is available, it shall be promptly communicated to the athlete and the national sports federation.

Disciplinary measures

§ 15. (1) After having been notified of an adverse analytical finding or another suspected violation of the anti-doping rules to be applied by the national sports federation, the Independent Anti-Doping Organization shall, on behalf of the competent national sports federation, immediately institute disciplinary proceedings against the suspect or the team to which the athlete concerned belongs and impose the sanctions (e.g. suspension) and disciplinary measures specified by the rules of the competent international sports federation. The athletes concerned shall be verifiably informed of the imposed sanctions and the instituted disciplinary proceedings.

(2) Before a disciplinary measure is imposed the suspect or a representative of the team or association - if the disciplinary measure is to be imposed on a team or association - shall have the right to a fair hearing. They have the right to present evidence, call and question witnesses, be represented by counsel and have an interpreter present.

(3) If the continued participation of the suspect (athlete or team) in the competition or the participation in the next competition depends on the decision on whether an anti-doping rule violation has occurred, and if – based on evidence and facts and upon application of para 2 – the end of the disciplinary proceedings cannot be expected in time, an expedited hearing may be conducted upon request of the athlete or representative of the team (the association). Such hearing shall take place during proceedings to be scheduled immediately and a decision shall be made on the basis of the evidence presented.

(4) Evidence obtained illegally or by misrepresentation must not be used for the decision whether an anti-doping rule violation has occurred.

(5) Timely, written and reasoned decisions shall be made. They shall be verifiably served to the athletes concerned or the representative of the team (the association), if applicable, and the competent national sports federation.

(6) The Independent Anti-Doping Organization shall discuss the decision with the Legal Commission (§ 4 para 2 no. 5). Within two weeks after having been notified of the institution of the proceedings, the national sports federation, on behalf of which the Independent Anti-Doping Organization shall make the decision, shall have the right to substitute a certain member of the Legal Commission holding a law degree and its substitute member – except the chairman - with another person with adequate education and experience.

(7) Athletes who are accused of a missed test (§ 1a no. 20) or whereabouts violation (§ 1a no. 11) shall have the right, within two weeks after having been informed of this accusation, to request a decision from the Legal Commission as to whether this accusation is justified; otherwise the violation shall be deemed uncontested.

(8) The Legal Commission shall adopt Rules of Procedure which shall include the details on the proceedings. The Rules of Procedure need to be approved by the head of the Independent Anti-Doping Organization. Prior to approval, the head shall discuss the issue with the advisory board, if one exists at the Independent Anti-Doping Organization. The head shall do the research necessary to prepare the Commission's meeting and to decide on the rules of the proceedings. Upon institution of the proceedings, the parties shall be notified of the Rules of Procedure.

(9) The Legal Commission can make a preliminary decision without a hearing pursuant to para 2, if the facts are clear. If the athlete concerned or the competent national sports federation objects to the decision in writing within four weeks, the preliminary decision shall become invalid and the Legal Commission shall institute proper proceedings. If no objection is made in time, the decision shall be final. In such case, § 17 para 2 shall not apply.

Independent Arbitration Commission

§ 16. (1) An Independent Arbitration Commission consisting of three permanent members and three permanent substitute members with the following qualifications shall be established at the Independent Anti-Doping Organization:

1. the chairman (and his substitute member) must have passed the Austrian bar exam or be a licensed judge;
2. one member (and his substitute member) must be an expert in analytical chemistry or toxicology;
3. one member (and his substitute member) must be a sports medicine expert.

(2) The members (and substitute members) pursuant to para 1 nos. 1 to 3 shall be appointed by the Federal Minister of Defence and Sports for a four-year term. They can be re-appointed. The appointment can be withdrawn prematurely for material reasons. The members (and substitute members) can retire from their position any time. If a member (or substitute member) retires prematurely, a new member shall be appointed for the remainder of the term.

(3) The parties pursuant to § 17 para 3 no. 1 can jointly appoint an extra member for their case pending with the Independent Arbitration Commission; the same applies to the competent national sports federation. He can be dismissed by them for material reasons or retire from the position on its own accord. In this case, a new member can be appointed.

(4) The material expenses of the Arbitration Commission shall be paid by the Independent Anti-Doping Organization. § 6 para 6 first and second sentences shall apply.

(5) § 4 para 6 shall apply correspondingly.

Proceedings before the Independent Arbitration Commission

§ 17. (1) The provisions under § 580 paras 1 and 2, § 588 para 2, § 592 paras 1 and 2, § 594, § 597 to 600, § 601 paras 1, 2 and 4, § 604 to 605, § 606 paras 1 to 5, § 608 paras 1 and 2 and § 610 of the Austrian Code of Civil Procedure (*Zivilprozessordnung*), Imperial Law Gazette no. 113/1895, shall apply correspondingly to the proceedings before the Arbitration Commission.

(2) The parties pursuant to para 3 can request a review of decisions made pursuant to § 15 by the Independent Arbitration Commission within four weeks from being served the decision. The decision shall be reviewed by the Arbitration Commission as to its legality and can be repealed without replacement on grounds of illegality or modified in all ways. The request for review shall have no suspensive effect on the decision pursuant to § 15.

(3) The following shall be parties to the arbitration proceedings:

1. those affected by the decision of the national sports federation (athletes, team, association, etc.); the team or association shall designate a representative;
2. the competent national sports federation; and
3. the Independent Anti-Doping Organization.

(4) The parties shall pay the expenses for their representation, for experts and witnesses consulted upon their request and for other evidence presented by them. If the proceedings are instituted upon request of one of the parties pursuant to para 3 no. 1, each party requesting the review shall also reimburse the Independent Anti-Doping Organization with a flat amount equaling the filing fee for an amount in dispute of EUR 40,000 under § 32 fee item 1 of the Court Fee Act (*Gerichtsgebührengesetz*, GGG), Federal Law Gazette no. 501/1984 in advance. § 6 para 5 shall apply.

(5) Paras 1 to 4 and 6 and 7 shall apply to the proceedings before the Independent Arbitration Commission pursuant to § 6 para 4 and § 8 para 7.

(6) The Independent Arbitration Commission shall rule immediately, but within six weeks at the latest, unless the parties have agreed on an extended time period. Regardless of the Independent Arbitration Commission's ruling, the parties to the arbitration proceedings also have the right to appeal to the CAS or to a civil court.

(7) The decisions of the Independent Arbitration Commission shall be served to the parties of the proceedings.

Special duties of sports organizations

§ 18. (1) Sports organizations shall support doping control in their fields with the means available to them and monitor and enforce the imposed sanctions and disciplinary measures.

(2) Sports organizations shall

1. acknowledge the applicable anti-doping rules of the competent international sports federation and the anti-doping rules applicable to the relevant international competition to which athletes are sent;
2. acknowledge the provisions under § 4 to 17;
3. inform their members and the affiliated athletes regularly of the anti-doping rules and, in particular, within the meaning of § 2 para 2 nos. 1, 2 and 5;
4. take adequate doping prevention measures in their fields according to the doping risk and doping pattern of the relevant sport or discipline and continuously monitor their compliance;
5. continuously adapt their rules to the applicable rules pursuant to no. 1; and
6. in their conditions for eligibility for competitions or events, take into account the following:
 - a. the non-admission of athletes who have been suspended or declared ineligible on grounds of doping;
 - b. the non-admission of athletes who have not reported the return to active participation in sport pursuant to § 5 para 1 no. 4;
 - c. the non-admission of athletes in the first six months, of athletes who retired from sport during the period of suspension or ineligibility in the first twelve months after reporting their return to active participation in sport pursuant to § 5 para 1 no. 4;
 - d. the obligation of athletes to acknowledge the provisions under § 19 para 1 nos. 1 to 4 and 6 to 8.

If a provision pursuant to § 11 para 8 stipulates otherwise, the conditions for eligibility shall be adapted accordingly.

(3) Sports organizations shall support the institutions authorized to conduct testing in the necessary extent. Within the scope of their area of responsibility, they shall in particular

1. report in writing to the Independent Anti-Doping Organization all announcements of national championships and Austrian championships, specifying the competitions and the schedule no later than four weeks prior to their start, in case of re-scheduling immediately but no later than one day prior to the start of the competition;
2. immediately report to the Independent Anti-Doping Organization the times and locations of planned training camps and team trainings as well as all changes of this data;
3. ensure that the required on-site infrastructure for a doping control station (§ 1a no. 6) is available during championships pursuant to no. 1 and international competitions and events in Austria;
4. grant representatives of the Independent Anti-Doping Organization and of WADA - after they have identified themselves - unlimited access to the competition and training sites, premises pursuant to no. 3 as well as to the locker rooms.

(4) Sports organizations must not employ any athlete support personnel

1. who have been suspended or declared ineligible for this activity due to a sanction or disciplinary measure;
2. in whose case less than four years have passed since the end of the period of ineligibility or the guilty verdict of a court on grounds of a violation of § 22a, the Medicines Act, the Addictive Drugs Act or comparable foreign criminal provisions; and
3. who do not agree in writing vis-à-vis the sports organization
 - a. to acknowledge the anti-doping rules of the relevant national and international federations; and
 - b. to refrain from actions that are incompatible with the principles of fairness in sport.

(5) Sports organizations may only send athlete support personnel permitted under para 4 and athletes who have signed the letter of commitment pursuant to § 19 and who are not banned from participation due to a sanction or disciplinary measure to competitions. They shall refrain from all actions which may appear as support of sending ineligible persons to perform activities close to the team (nominated athletes and athlete support personnel). If the preconditions pursuant to para 4 exist, the athletes and athlete support personnel concerned must not be supported by the sports organizations. The competent national sports federation can allow athletes performing team sports to participate in trainings with the team three months prior to the end of the ineligibility period, if the athlete's behavior during the ineligibility period – especially his participation in doping prevention measures – does not give rise to concern that another anti-doping rule violation would be committed by the athlete.

(6) Sports organizations and the national sports federations may only accept as members those sports organizations whose rules and, if applicable, conditions for eligibility for competitions and events are in line with the provisions pursuant to paras 2 to 5, and which agree to continuously adapt their rules in accordance with para 2 no. 5. If accepted sports organizations repeatedly break these rules and persistently violate the adaptation obligation, their membership shall be cancelled.

(7) National sports federations and the Austrian Federation of Handicapped Athletes shall obtain the signed letter of commitment pursuant to § 19 para 1 from athletes to be included in the National Registered Testing Pool. Upon receipt, they shall report their names, dates of birth, social security numbers, sport, discipline, team affiliation, whereabouts information (residential addresses, phone numbers) as well as their associations to the Independent Anti-Doping Organization and forward a copy of the letter of commitment.

(8) Athletes to be included in the National Registered Testing Pool may only be supported by national sports federations and the Austrian Federation of Handicapped Athletes and admitted to competitions and events hosted by them if they have previously submitted the letter of commitment pursuant to § 19 para 1.

Special duties of athletes

§ 19. (1) Athletes who are to be included in the National Registered Testing Pool shall commit themselves in writing vis-à-vis the national sports federation to:

1. acknowledging the most recent anti-doping rules of the national sports federation and the regulations pursuant to § 5, § 6, § 8 to 17 as well as § 18 paras 5 and 7;
2. acknowledging the anti-doping rules applicable to the relevant international competition to which they are sent;
3. refraining from all actions which are incompatible with the principles of fairness in sport and ensuring by all means at their disposal that no prohibited substances enter their body tissue or body fluids and no prohibited methods are used on them;
4. participating in testing pursuant to § 11 to 13;
5. promptly reporting residential addresses, training schedules and training locations, their availability and any changes to this data as well as information on their whereabouts, if they wish to leave the residential address for more than three days, any change of name and their retirement from sport to the Independent Anti-Doping Organization and the national sports federation;
6. in the case of medical or dental treatment, requesting the physician or dentist to inform them prior to the application of medication or the use of treatment methods whether they are admissible in accordance with the Anti-Doping Convention;
7. employing only athlete support personnel who are not excluded from this task pursuant to § 18 para 5;
8. giving their express consent to the processing of health-related data which become available as a result of analyzing doping samples and granting therapeutic use exemptions pursuant to § 8.

(2) The athlete shall send the letter of commitment pursuant to para 1 to the national sports federation in duplicate within two weeks after it has been requested. Said letter of commitment shall be valid as long as the athlete belongs to the National Registered Testing Pool pursuant to § 5 paras 1 and 2.

(3) Notwithstanding para 1 no. 5, athletes who belong to the National Registered Testing Pool pursuant to § 5 para 1 no. 1 shall provide the following information on a date before the first day of each quarter (1 January, 1 April, 1 July and 1 October) determined by the Independent Anti-Doping Organization:

1. for each day of the following quarter, the complete address of the place where the athlete will reside (e.g. home, temporary accommodation, hotel, etc.);
2. for each day of the following quarter, the name and address of the place where the athlete will practice, work or carry out any other regular activity (e.g. school) as well as the usual schedule for these regular activities;
3. his competition schedule for the following quarter, including the name and address of each place where the athlete will take part in competitions during these three months as well as the dates when he will participate in competitions in these places;
4. for each day of the following quarter, a certain 60-minute time slot between 6.00 a.m. and 11.00 p.m. when he will be available for testing at a certain location.

Any changes to the whereabouts or availability during the quarter shall be announced promptly as soon as the athlete has been informed about it, any changes to the 60-minute time slot at least two hours before.

(4) Para 3 nos. 1 to 3 shall apply to athletes who are in the National Registered Testing Pool pursuant to § 5 para 1 no. 2. Any changes to the address pursuant to para 3 no. 1 shall only be reported if the place is left for more than 24 hours.

(5) The Independent Anti-Doping Organization shall make an electronic reporting system available to the athletes to allow them to meet their whereabouts filing requirements pursuant to para 1 no. 5, paras 3 and 4. The athletes shall meet their whereabouts filing requirements via this system.

(6) Athletes who belonged to the National Registered Testing Pool (§ 5) at the time of their retirement from sport shall notify the Independent Anti-Doping Organization of their return to sport six months prior to the first competition; athletes who have retired from sport during a suspension or period of ineligibility, shall report this twelve months prior to the first competition.

Special provisions for animals

§ 20. (1) In any sport that includes animals in competition, the following provisions shall apply:

1. for the animal, the prohibited substances and methods determined by the competent international sports federation shall be relevant;
2. the whereabouts filing requirement pursuant to § 19 para 1 no. 5 shall also include the place where the animal is accommodated, the practice schedule and locations of the animal and shall be incumbent on the athlete who practices the sport with the animal, the owner of the animal or the person responsible for the animal;
3. those persons specified under no. 2 who are present when doping control starts shall be involved in animal testing;
4. the prohibition to possess [prohibited substances and methods] (§ 1 para 2 no. 5) and the tampering with doping control in the case of animals (§ 1 para 2 no. 6) as well as the provision pursuant to § 1 para 2 no. 7 shall apply to all persons specified under no. 2;
5. the persons specified under no. 2 shall ensure that no prohibited substances enter the animal's body and no prohibited methods are used on the animal.

(2) § 6 para 1 nos. 2 and 3 shall apply to animals with the proviso that the person requesting the B sample analysis or the laboratory documentation package shall cover the costs.

(3) Any of the persons specified in para 1 no. 2 may exercise the rights pursuant to § 14 para 2 no. 3.

(4) The disciplinary measures pursuant to § 15 shall also apply to the animal. Any of the persons specified in para 1 no. 2 may file an application for an expedited procedure (§ 15 para 3). If a laboratory report concerning an animal exists, the Independent Anti-Doping Organization shall first obtain a written opinion on it from the Veterinary Commission regarding any prohibited substances or methods. If the Veterinary Commission does not have such a suspicion, no disciplinary proceedings need to be instituted. The Independent Anti-Doping Organization shall notify the persons specified in para 1 no. 2 and the competent national sports federation thereof.

(5) In the case of suspected doping of an animal, § 4 para 2 no. 5 and § 16 para 1 no. 3 shall apply with the proviso that an expert in veterinary medicine shall be nominated instead of an expert in sports medicine.

Part 2 – Special duties to furnish information

Physicians', dentists' and veterinarians' duty to furnish information

§ 21. (1) If a physician or dentist who works for a sports club or a sports organization pursuant to § 9 BSFG or who treats a competitive athlete (an athlete who belongs to the National Registered Testing Pool) has to administer medication containing prohibited substances or use a prohibited method, he must inform the athlete concerned thereof, provided that the athlete has identified himself as a competitive athlete vis-à-vis the treating physician or dentist. The treating physician or dentist shall issue a corresponding confirmation upon the competitive athlete's request.

(2) The duty to furnish information pursuant to para 1 shall not exist in cases of emergency.

(3) Paras 1 and 2 shall apply accordingly to veterinarians who work for a sports club or a sports organization in pursuant to § 9 BSFG or who are the treating veterinarians of animals designated to take part in competitions. The duty to furnish information and to issue a confirmation exists vis-à-vis the competitive athlete, the owner of the animal or the person responsible for the animal.

Part 3 – Special testing, information and criminal provisions, consequences of doping for the profession

§ 22. (1) The bodies of the Federal Minister of Defence and Sports, the experts appointed by the Federal Minister of Defence and Sports and the Independent Anti-Doping Organization which was commissioned separately by the Federal Minister of Defence and Sports with this task, are authorized to inspect the premises of legal or natural persons which serve to practice the sport or promote health and fitness or where sport events and competitions take place, in order to monitor the prohibitions set out in § 22a. The authority to inspect shall also apply to premises where there is reasonable suspicion that they harbor technical equipment for producing prohibited substances or items containing prohibited substances or for the purpose of blood doping or gene doping. The official acts shall be performed during regular business hours, operating hours or competition hours, except for cases of clear and present danger.

(2) When performing their tasks, the inspecting bodies pursuant to para 1 shall be subject to the instructions of the Federal Minister of Defence and Sports and shall present proof of their authority at the beginning of their inspection activities. In the course of their inspection activities, the inspecting bodies shall see to it that any disturbance or obstruction of the business operations not absolutely necessary is avoided.

(3) The inspecting bodies pursuant to para 1 shall be authorized to request or collect samples from stored medication and other items which are suspected to contain prohibited substances as defined in § 1 para 2 no. 1. Unless the right has been expressly waived, one part of the sample or – if the sample cannot be divided into pieces of the same quality or if

this cannot be done without endangering the purpose of the investigation – a second piece of the same kind as the collected sample shall be left behind. The collected and left-behind samples shall be packed appropriately, officially sealed and provided with a date. The collected sample shall be officially investigated.

(4) The associations' bodies authorized to represent them, the owners of the firms or businesses, those responsible for hosting the competition, their deputies and representatives shall be obliged to grant the inspecting bodies pursuant to para 1 access and support them in performing their inspection tasks; upon request, they shall particularly provide them with information on the premises and containers, grant them access to the premises and enable them to inspect containers, documents and records as well as collect samples.

(5) The Federal Police, within the scope of its legal responsibility, shall assist the inspecting bodies pursuant to para 1 to exercise the powers arising from paras 1, 3 and 4 upon their request.

(6) No compensation shall be provided for the samples collected pursuant to para 3.

(7) Anyone who fails to fulfill the obligations pursuant to para 4 or fails to obey the orders of the inspecting bodies pursuant to para 1 commits an administrative offense and shall be punished by a fine of up to EUR 40,000 and, in the event of non-payment, with imprisonment of up to six weeks.

Criminal provisions

§ 22a. (1) Anyone who, for the purpose of doping in sport,

1. distributes or uses on others substances prohibited in all sports pursuant to the annex to the Anti-Doping Convention (Prohibited List), as long as they are not addictive drugs as defined in the Addictive Drugs Act (*Suchtmittelgesetz*, SMG), or
2. uses prohibited methods specified in the Prohibited List for artificial enhancement of oxygen transfer (blood doping) or gene doping (the non-therapeutic use of cells, genes, genetic elements, or of the modulation of gene expression to enhance performance) on other people, shall be punished by imprisonment of up to six months or a fine of up to 360 daily rates.

(2) Anyone who illegally possesses a quantity of anabolic steroids, hormones or related compounds, hormone antagonists or modulators specified in the Prohibited List exceeding the limit (para 7), with the intention of distributing it for the purpose of doping in sport or administering it to others, shall also be punished.

(3) Anyone who commits an offense pursuant to para 1 no. 1 with regard to anabolic steroids, hormones or related compounds, hormone antagonists or modulators specified in the Prohibited List, shall be punished with imprisonment of up to one year.

(4) Anyone who

1. commits an offense pursuant to para 1 with regard to minors and is of full age and more than two years older than the minor, or
2. commits an offense pursuant to para 1, has committed at least three such offenses within the past twelve months prior to the offense and has acted with the intention to generate a permanent source of income by repeatedly committing the offense,

shall be punished by imprisonment of up to three years.

(5) Anyone who commits an offense pursuant to para 4 with regard to anabolic steroids, hormones or related compounds, hormone antagonists or modulators specified in the Prohibited List shall be punished with imprisonment of up to three years, in the case of a quantity exceeding the limit (para 7) with imprisonment of up to five years.

(6) The offender shall only be punished in accordance with paras 1 to 5, if the offense is not subject to a more severe punishment.

(7) The Federal Minister of Defence and Sports shall, in agreement with the Federal Minister of Health and the Federal Minister of Justice, issue an ordinance setting the lower limit for the quantity of the individual anabolic steroids, hormones or of compounds, hormone antagonists or modulators specified in the Prohibited List, relating to the pure substance of the substance, which could in large quantities pose a danger to life or health of human beings (limit).

Duties of customs authorities to furnish information

§ 22b. (1) If certain facts indicate that anabolic steroids, hormones or related compounds, hormone antagonists or modulators specified in the Prohibited List, are imported to the federal territory in a quantity exceeding the limit (§ 22a para 7), are to be distributed or administered to others for the purpose of doping in sport, the customs authorities shall be authorized to temporarily seize these items in the case of clear and present danger. They shall promptly report the seizure to the competent public prosecutor's office. If the public prosecutor's office finds that the conditions for a seizure pursuant to § 110 of the Code of Criminal Procedure (*Strafprozessordnung, StPO*) 1975, Federal Law Gazette no. 631, do not exist, the seizure shall be lifted immediately. Moreover, the temporary seizure shall cease to have effect, if six months have passed since it has been issued or as soon as the court has finally rejected the application for seizure.

(2) In connection with the inspection of the items specified in para 1 which are imported to, transported through or exported from the federal territory, the customs authorities shall be entitled to collect and process personal data (§ 4 para 9 of the Data Protection Act (*Datenschutzgesetz; DSG*) 2000, Federal Law Gazette I no. 165/1999) and forward them to the competent criminal prosecution authorities, as far as this is necessary in order to fulfill their statutory duties.

Cooperation between the criminal prosecution authorities and the Independent Anti-Doping Organization

§ 22c. (1) The Independent Anti-Doping Organization shall forward the decisions of the Legal Commission where an anti-doping rule violation was found as well as the minutes of the hearing and, upon request, the other documents of the proceedings to the criminal prosecution authorities, if there is reasonable suspicion that a criminal offence subject to prosecution exists.

(2) The criminal prosecution authorities shall be authorized, and after completing the preliminary investigation the public prosecutor's office shall be obliged to forward to the Independent Anti-Doping Organization name, sex, date and place of birth, nationality and residential address for the purpose of conducting doping control, if there is reasonable suspicion or sufficient cause to assume that the person concerned has also committed an anti-doping rule violation, and the purpose of the criminal prosecution is not endangered.

(3) The Independent Anti-Doping Organization shall in any case have a justified legal interest in inspecting files pursuant to § 77 para 1 StPO in criminal proceedings on grounds of the violation pursuant to § 22a.

Consequences of doping for the profession

§ 22d. (1) In order to carry out the proceedings against a health care professional (e.g. physicians, veterinarians, dentists, pharmacists, midwives, nurses, clinical technical services and the medical assisting services) due to the loss of trustworthiness that is required in order to exercise a health care profession, the authorities in charge of suspending someone from exercising or practicing the profession, withdrawing the license to practice or imposing disciplinary measures in the health care profession as well as the competent disciplinary authorities shall be informed:

1. by the public prosecutor's office that judicial criminal proceedings in accordance with this Federal Act have been instituted against a member of the relevant health care profession;
2. by the courts that a member of the relevant health care profession has been finally convicted for the violation of a criminal provision in accordance with this Federal Act; and
3. by the Independent Anti-Doping Organization that a disciplinary measure pursuant to § 15 has been imposed on a member of the relevant health care profession or, if during the disciplinary proceedings evidence has been established that said member of the health care profession was involved in the violation of anti-doping rules.

(2) Together with the information pursuant to para 1,

1. the courts and the Independent Anti-Doping Organization shall forward the decision and the minutes of the hearing and, upon request, the other documents of the proceedings;
2. the public prosecutor's office shall forward all records, unless this conflicts with predominantly public interests.

(3) In order to carry out the proceedings due to the loss of trustworthiness pursuant to § 87 para 1 no. 3 of the Trade Act (*Gewerbeordnung*; GewO) 1994, Federal Law Gazette no. 194, the competent district administration authority as defined by paras 1 and 2 shall be notified, if

judicial criminal proceedings are instituted against a holder of a trade license for gyms, he was finally convicted or was involved in the violation of anti-doping rules.

Part 4 – Final Provisions

Demarcation from other laws

§ 23. Provisions under the law of a federal province within the meaning of this Act as well as the provisions of the Medicine Act, Federal Law Gazette no. 185/1983, the Prescription Requirement Act (*Rezeptpflichtgesetz*), Federal Law Gazette no. 413/1972 as well as § 5 para 2 no. 7 and § 38 of the Animal Protection Act (*Tierschutzgesetz*), Federal Law Gazette I no. 118/2004, shall remain unaffected.

Reference to other legal provisions

§ 24. Where this Federal Act refers to other federal acts, the reference shall apply to the most recent version of each Federal Act.

Terms relating to persons

§ 25. Any term used in this Federal Act which relates to persons shall equally apply to women and men.

Entry into force, transitional provisions

§ 26. The following persons shall be in charge of enforcing the present Federal Act:

1. with regard to § 2 para 1, the relevant competent federal minister;
2. with regard to § 4 para 5, the Federal Minister of Defence and Sports in agreement with the Federal Minister of Finance;
3. with regard to § 22 para 5, the Federal Minister of Defence and Sports in agreement with the Federal Minister of Internal Affairs;
4. with regard to § 22a paras 1 to 6, the Federal Minister of Justice;
5. with regard to § 22a para 7, the Federal Minister of Defence and Sports in agreement with the Federal Minister of Health and the Federal Minister of Justice;
6. with regard to § 22b, the Federal Minister of Finance;
7. with regard to § 22c and § 22d, the relevant competent federal minister;
8. with regard to all other provisions, the Federal Minister of Defence and Sports.

§ 27. (1) The present Federal Act shall enter into force on 1 January 2010.