

Full legislation of the Anti-Doping Federal Act 2007 (*Anti-Doping-Bundesgesetz 2007 – ADBG 2007*) as amended on 4 July 2018

**Federal Act on Combating Doping in Sports
[*Federal Anti-Doping Act 2007 (Anti-Doping-Bundesgesetz 2007 – ADBG 2007)*]
Federal Law Gazette I no. 30**

**as amended by the federal acts Federal Law Gazette I no. 115/2008, 146/2009, 48/2013, 11/2014
and 93/2014**

**as well as the amendment of the Federal Ministries Act (*Bundesministeriengesetz - BMG*) Federal
Law Gazette I no. 3/2009**

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Part 1

Anti-Doping Rules under Sports Law

Objectives and anti-doping rule violations

§ 1. (1) By influencing the performance in sports, doping contradicts the principle of fairness in sport as well as the original, intrinsic value in sport (the spirit of sport) and may also be harmful to human health. The International Convention against Doping in Sport adopted by UNESCO, Federal Law Gazette III no. 108/2007 (hereinafter referred to as UNESCO Convention) obliges Austria to support the measures in the fight against doping laid down in this Convention, in particular also through data exchange between the anti-doping organizations. The measures and the processing of personal data and special categories of personal data standardized in this Federal Act serve to implement this obligation under international law and are therefore in the public interest.

(2) A violation of anti-doping rules has been committed if

1. prohibited substances, their metabolites or markers (hereinafter referred to as prohibited substances) pursuant to the appendix to the Anti-Doping Convention, Federal Law Gazette no. 451/1991, (hereinafter referred to as Prohibited List) are found in athletes' body tissue or body fluids; or
2. athletes use or attempt to use prohibited substances or prohibited methods pursuant to the Prohibited List on themselves; or
3. prohibited substances are administered to athletes or prohibited methods pursuant to the Prohibited List are used on athletes or if this is attempted; or
4. any combination of three missed tests (§ 1a no. 11) and/or filing failures (§ 1a no. 13) within a twelve-month period by an athlete has occurred; or
5. athletes or their athlete support personnel fail to participate in properly ordered doping control processes without compelling justification; or
6. athletes or their athlete support personnel possess prohibited substances and/or equipment for using prohibited methods pursuant to the Prohibited List unless these are required for the treatment of their own medical condition or for activities other than the support of athletes (e.g. in case of physicians for emergency medical treatment); or
7. athletes or their support personnel tamper or attempt to tamper with the doping control process; or
8. athletes or their support personnel have been previously advised in writing by an anti-doping organization of the potential consequence of prohibited association with a support person with disqualifying status (§ 18 para 4) on grounds of violating anti-doping rules but are still associating with him; or
9. athletes or their athlete support personnel traffic or attempt to traffic in any prohibited substances or equipment for the use of prohibited methods pursuant to the Prohibited List; or
10. athletes or their athlete support personnel assist other athletes or athlete support personnel with regard to violations or attempted violations pursuant to nos. 2 to 9 by aiding, abetting, covering up or any other type of complicity.

(3) Para 2 nos. 1 to 3 and 6 shall not apply if a therapeutic use exemption pursuant to § 8 has been granted or is granted retroactively. In any sport that includes animals in competition, the special provisions set forth in § 20 shall be applied.

(4) If this Act refers to the Anti-Doping Convention and its Prohibited List or the UNESCO Convention and/or its appendices, they shall be applied as promulgated in the relevant Federal Law Gazette.

(5) For minors in sport or athletes with intellectual disabilities the civil-law provisions on their representation as well as the corresponding data protection provisions shall apply.

Definitions

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

1. **Anti-doping organization:** An organization that is responsible for at least part of the doping control process; this includes the International Olympic Committee (IOC), the International Paralympic Committee (IPC), the World Anti-Doping Agency (WADA), international federations, and national anti-doping organizations.

2. **Atypical finding:** A report from a WADA-accredited laboratory which requires further investigation as provided by the internationally recognized standards in anti-doping work (§ 4 para 7) prior to the determination of an adverse analytical finding.
3. **Athlete support personnel:** Any person assisting or working methodically with athletes participating or preparing for sports competition, in particular physicians, coaches, physical therapists, massage therapists, officials, family members and managers.
4. **BSO:** *Österreichische Bundes-Sportorganisation* (Austrian Federal Sports Organization).
5. **CAS:** Court of Arbitration for Sports
6. **Testing:** Process including notification of the athlete selected for sample collection, sample collection, sample handling and sample transport to the laboratory.

7. **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.
8. **Doping control station:** Location where the sample collection session is conducted.
9. **Doping control procedure:** Process including all steps from selection of athletes for testing until the completion of proceedings before the Independent Arbitration Commission.
10. **International federation:** Non-governmental organization administering one or more sports at global level.
11. **Missed Test:** Failure by athletes who belong to the top segment of the National Registered Testing Pool (§ 5) to be available for testing on any given day at the location and time specified in the 60-minute time slot identified in their athlete whereabouts filing for that day.
12. **Team sport:** A sport in which the substitution of players is permitted during a competition.
13. **Filing failure:** Failure of an athlete of the National Registered Testing Pool (§ 5) to provide his/her required personal data to the Independent Anti-Doping Organization.
14. **Filing system:** An electronic database management tool, provided to athletes to meet their whereabouts filing requirements and for the purpose of processing this personal data in accordance with Article 4 no. 2 of Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), Official Journal L 119 of 4 May 2016, p. 1, as amended by the corrigendum Official Journal L 314 of 22 November 2016, p. 72 (hereinafter referred to as GDPR).
15. **National anti-doping-organization:** The entity(ies) designated by each country as possessing the primary responsibility and authority to implement anti-doping rules, direct the collection of samples, the management of test results, and the institution of anti-doping proceedings at national level.
16. **National Registered Testing Pool:** Pool of athletes established by specific criteria who are subject to both in-competition and out-of-competition testing and to whereabouts filing requirements pursuant to § 19.
17. **Adverse analytical finding:** Report from a WADA-accredited laboratory that identifies in a sample 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.
18. **ÖADR:** *Unabhängige Österreichische Anti-Doping Rechtskommission* (Independent Austrian Anti-Doping Legal Commission).
19. **Sample:** Any biological material collected for laboratory analysis during the doping control process.
20. **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 the sample/s.
21. **Athlete:** Any person
 - a. who is a member or licensee of a sports organization or an affiliated organization or was a member or licensee at the time of a potential anti-doping rule violation, or who obviously intends to become a member or licensee; or
 - b. who participates in competitions which are hosted by a sports organization or an affiliated organization or which are subsidized with federal funds; or
 - c. who has otherwise committed himself to meet anti-doping rules.
22. **Sports organization:** Austrian Olympic Committee (ÖOC), Austrian Paralympic Committee (ÖPC), national federations, Austrian Federation of Handicapped Athletes (*Österreichischer Behindertensportverband - ÖBSV*).
23. **Out-of-competition testing:** Any doping control which is not conducted during an event period.

24. **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.
25. **WADA:** World Anti-Doping Agency.
26. **WADC:** World Anti-Doping Code.
27. **Event period:** The time between the beginning and end of an event, as established by the ruling body of the event.
28. **In-competition testing:** Any doping control which is conducted during an event period.

Doping Prevention, Information and Education

§ 2. (1) The federal government shall support doping prevention. The Independent Anti-Doping Organization shall develop information, education and prevention programs with their top priority being the preservation of the spirit of sport and the prevention of the use of prohibited substances or prohibited methods. These programs shall especially focus on

1. prohibited substances and methods pursuant to § 1;
2. anti-doping rule violations;
3. consequences of doping, including sanctions as well as health-related and social effects;
4. doping control;
5. rights and obligations of athletes and athlete support personnel;
6. therapeutic use exemptions (TUE);
7. how to deal with the risks of nutritional supplements;
8. detrimental effect of doping on the spirit of sport;
9. applicable whereabouts filing requirements.

(2) The Independent Anti-Doping Organization shall inform the BSO, sports organizations, athletes, athlete support personnel and ruling bodies for events about the provisions pursuant to para 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 reimbursement of doping control costs;
5. the provisions under § 15a para 3 and § 17 para 14 notwithstanding, the sanctions (e.g. suspensions) and periods of ineligibility of athletes and athlete support personnel and their lifting that were reported to the Independent Anti-Doping Organization, providing the names of those concerned, the length of the period of ineligibility and the reasons for this, without allowing conclusions about health-related data of the persons concerned. For minors, this information has to be omitted.
6. which data, in particular which personal data and special categories of personal data, and for what purpose this data will be used in the anti-doping work or during a doping control procedure.

(3) Prior to major international competitions, the athletes and athlete 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 general public 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 (*Bundes-Sportförderungsgesetz - BSFG*) 2017, Federal Law Gazette I no. 100/2017, may be granted to sports organizations only at the conditions on compliance with the rules pursuant to Part 1 of this Federal Act, in particular paras 2 to 5 as well as § 2 para 3 and §§ 4a to 20, to be agreed upon separately.

(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 Federal Sports Promotion Act 2017 as long as the violation lasts.

(3) Athletes and athlete support personnel who have been declared ineligible on grounds of violating anti-doping rules shall be barred from funding according to the Federal Sports Promotion Act 2017 until the end of the ineligibility period, athletes and athlete support personnel of full age at the time of violating the anti-doping rules permanently, as a general rule. If the athletes and the athlete support personnel concerned 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 receiving funding under the Federal Sports Promotion Act 2017. The payment of subsidies that have already been granted shall be stopped. Subsidies paid out in the period after the anti-doping rule violation has occurred shall be repaid. It is possible not to bar someone permanently from receiving subsidies under the Federal Sports Promotion Act 2017 or to waive repayment fully or in part if the period of ineligibility, which was principally to be imposed in accordance with the applicable anti-doping rules, was reduced on grounds of special mitigating circumstances or the cooperation 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 period for subsidies according to the Federal Sports Promotion Act 2017 can be extended beyond the periods specified in paras 2 and 3.

(5) The Federal Minister of Defense 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 anti-doping organizations be granted access to the athletes employed or accommodated in their institutions for the purpose of testing.

Independent Anti-Doping Organization

§ 4. (1) The tasks of the Independent Anti-Doping Organization 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 para 1 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. asserting the occurrence of missed tests (§ 1a no. 11) or filing failures (§ 1a no. 13) and determining the related costs;
5. inspecting, analyzing and evaluating information regarding potential anti-doping rule violations;
6. filing reasoned submissions pursuant to § 14a;
7. acting in its capacity as a party pursuant to § 15 para 2 as well as § 17 para 2;
8. expert-level representation in anti-doping affairs at international organizations.

In carrying out its tasks the Independent Anti-Doping Organization shall be independent of government bodies and private parties. The entrusted organization with these tasks pursuant to para. 5 is promulgated by ordinance. The person concerned as well as the competent national federation shall be verifiably informed about any assertions pursuant to no. 4.

(2) The Independent Anti-Doping Organization shall establish the following commissions with the following fields of responsibility:

1. the Ethics Commission, which shall consist of at least three, but no more than five professionally qualified members with experience in anti-doping work, to provide support in doping prevention measures as well as anti-doping information and education;
2. the Medical Commission, consisting of three physicians with relevant experience, one expert in pharmaceuticals and one dentist, to decide on requests for therapeutic use exemptions pursuant to § 8 para 3 and to provide counseling in medical issues. The expert in pharmaceuticals and the dentist who are basically members of the Commission shall only be involved in cases of pertinent requests and counseling;
3. the Veterinary Commission, consisting of at least two, but no more than four veterinarians with relevant experience, and one expert in pharmaceuticals, to provide counseling in veterinarian issues;
4. the Selection Commission, 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 3 shall be appointed for a period of four years, and the members of the Commission pursuant to no. 4 for a period of two years. 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 (and substitute members) can resign from their position any time. If a member (or substitute member) resigns prematurely, a new member shall be appointed for the remainder of the term. In their decisions, the members of the Commissions shall not be bound by any instructions and be independent of government bodies, private parties and the Independent Anti-Doping Organization. They shall decide by a majority of votes and shall have a

quorum if at least half of the appointed members are present or represented by a substitute member. In case of a tie, the chairman shall have the casting vote. 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. 1 to 4 shall be bound to secrecy about their activities, unless the law stipulates otherwise. They shall abstain from carrying out their jobs 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. 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 as well as the anti-doping organizations that are competent pursuant to the anti-doping rules of the competent international federation. The Independent Anti-Doping Organization and the Independent Arbitration Commission may publicly comment on proceedings beyond the provisions of § 2 para 2 no. 5, provided that the public is interested in factual information about proceedings of public significance, in response to public comments made by the athlete concerned or the athlete support personnel concerned or the sports organization concerned. Such comment shall only be admissible if its date of issue and its contents do not violate personality rights of the person concerned, in particular in connection with special categories of personal data or the strictly personal sphere pursuant to § 7 of the Media Act (*Mediengesetz - MedienG*), Federal Law Gazette no. 314/1981, the protection of presumed innocence pursuant to § 7b MedienG as well as the right to fair proceedings.

(4) The Independent Anti-Doping Organization shall issue photo IDs to the members of the testing team (§ 11 para 2) to allow them to identify themselves at doping control processes.

(5) A non-profit limited liability company named “Nationale Anti-Doping Agentur Austria GmbH”, abbreviated as “NADA Austria”, has been established to carry out the tasks of an Independent Anti-Doping Organization. The federal government holds more than half of its share capital. 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 Defense and Sports. For the purposes of covering the administrative costs and carrying out the tasks of the company, the government, represented by the Federal Minister of Defense and Sports, shall grant an annual contribution of at least EUR 2 million from the year 2018.

(6) The Independent Anti-Doping Organization, in its capacity as controller pursuant to Article 4 no. 7 GDPR, shall be authorized to process personal data, to the extent that this is necessary to carry out its tasks under this Federal Act and for the purpose of enforcing this Federal Act, in particular within the scope of the tasks of the Independent Austrian Anti-Doping Legal Commission (§ 4a) and the Independent Arbitration Commission (§ 4b). This authorization shall also apply to special categories of personal data pursuant to Article 9(1) GDPR provided that at least one of the cases listed in Article 9(2) GDPR applies. To carry out its tasks under this Federal Act and for the purpose of executing this Federal Act, the Independent Anti-Doping Organization shall be entitled to use processors pursuant to Article 4 no. 8 in conjunction with Article 28 GDPR, which each in particular shall have to fulfil the respective data protection obligations pursuant to points (a) to (h) of Article 28(3) GDPR.

(6a) The Independent Anti-Doping Organization shall ensure security of the personal data and of the special categories of personal data, in particular pursuant to Articles 32 to 34 GDPR. The necessity to process data results from the effective implementation of the anti-doping rules of the WADC provided that the persons concerned have bound themselves by contract to comply with the WADC. Special categories of personal data, in particular data concerning health, may only be processed where absolutely necessary.

(6b) The Independent Anti-Doping Organization, in particular within the scope of the tasks of the Independent Austrian Anti-Doping Legal Commission and the Independent Arbitration Commission, shall be entitled, the provision of § 22c para 1 notwithstanding, to process any personal data on reasonable request, which is to be documented, of a competent authority pursuant to § 36 para 2 no. 7 of the Data Protection Act (*Datenschutzgesetz – DSG*), Federal Law Gazette I no. 165/1999, or of any other authority, if necessary, if the personal data is a major prerequisite for executing the relevant statutory tasks and the processing has been laid down by federal or provincial law. As soon as the provision of information to the person concerned pursuant to Articles 12 to 14 GDPR no longer is or may be contrary to the purpose of the request, the requesting authority shall inform the Independent Anti-Doping Organization thereof. The person concerned shall then be demonstrably informed by the latter about the request. He or she shall be entitled to submit a comment, which has to be documented, to the Independent Anti-Doping Organization. From the date of receipt of a request to the date of information of the person concerned, Articles 12 to 22 GDPR shall be restricted insofar as these rights are likely to render impossible or seriously impair the achievement of the purposes of the request and the restriction is necessary and proportionate to fulfil the purposes of the request.

(6c) The Independent Anti-Doping Organization, in particular within the scope of the tasks of the Independent Austrian Anti-Doping Legal Commission and the Independent Arbitration Commission, shall be

authorized to forward, if necessary, any analytical findings of testing, facts with a reasonable suspicion of an anti-doping rule violation to be documented in writing, in particular decisions made in anti-doping proceedings, and Therapeutic Use Exemptions (TUEs) filed (§ 8) to the respective competent National Anti-Doping Organization, the respective competent international federation and to WADA, if this is provided for in the WADC.

(6d) The Independent Anti-Doping Organization, in particular within the scope of the tasks of the Independent Austrian Anti-Doping Legal Commission and the Independent Arbitration Commission, shall be authorized to forward, if necessary, to WADA, on WADA's reasonable request which is to be documented, personal data and special categories of personal data, in particular data concerning health on the basis of which the Therapeutic Use Exemptions pursuant to § 8 were granted, if this is provided for in the WADC.

(6e) If a person concerned exercises his or her rights pursuant to the GDPR against the Independent Anti-Doping Organization as a controller which is not competent, the Independent Anti-Doping Organization shall refer the person concerned to the competent controller. If a person concerned asserts a right that is restricted pursuant to paras 6f to 6k, he or she shall be notified of this fact and the competent data protection officer shall be informed thereof.

(6f) The duties to provide information pursuant to Articles 12 to 14 GDPR shall be restricted with regard to the processing and transfer of personal data and special categories of personal data insofar as these duties are likely to render impossible or seriously impair the effective implementation of the anti-doping rules of this Federal Act or the WADC.

(6g) The right of access pursuant to Article 15 GDPR shall be restricted with regard to the processing and transfer of personal data and special categories of personal data insofar as this right is to render impossible or seriously impair the effective implementation of the anti-doping rules of this Federal Act or the WADC.

(6h) The principle of accuracy pursuant to point (d) of Article 5(1) GDPR and the right to rectification pursuant to Article 16 GDPR shall be restricted with regard to inaccurate or incomplete personal data or special categories of personal data insofar as a rectification conflicts with the *res judicata* or limitation of actions, or if the person concerned has or had the possibility to clarify the accuracy or completeness by a reasonable legal procedure. If the person concerned shows probable cause that these personal data or special categories of personal data considerably impair his or her rights, he or she can make a statement which does not change the content and is to be documented.

(6i) The right to erasure pursuant to Article 17 GDPR shall be restricted insofar as retention or archiving obligations are provided for by law. At the request of a person concerned, his or her personal data or special categories of personal data shall be stored without processing for the remaining period of the retention obligations if the person concerned shows probable cause that the retention of his or her personal data or special categories of personal data considerably impairs his or her rights and that further processing is not planned for the remaining period of the retention obligations.

(6j) The right to restriction of processing pursuant to Article 18 GDPR shall be restricted for the period of verifying the accuracy of the concerned person's personal data or special categories of personal data contested by the person concerned and for the period in which the person concerned has asserted his or her right to object pending the verification whether the legitimate grounds of the controller override those of the person concerned.

(6k) The right to object pursuant to Article 21 GDPR shall be restricted with regard to the processing of personal data and special categories of personal data for periods of retention or archiving obligations provided for by law unless the person concerned demonstrates grounds relating to his or her particular situation which override the objectives of the restriction of the right to object. The competent data protection officer shall be informed that such a consideration has been carried out and about its result.

(6l) Any data processed or transmitted for the purpose of effective implementation of the anti-doping rules of this Federal Act and the WADC, in particular personal data and special categories of personal data, shall be kept by the Independent Anti-Doping Organization for a period of ten years from the last processing or transmission. If, beyond that, this data is required for any processing or transmission provided for by law or regulation, it shall be kept for at least ten years after this requirement has lapsed. If any proceedings in connection with the respective data are or were instituted after the last processing or transmission, this data shall be kept for at least ten years after the decision closing the proceedings has obtained legal force.

(6m) Paras 6f to 6l shall apply exclusively to data, in particular personal data and special categories of personal data, pursuant to para 6.

(7) The Independent Anti-Doping Organization shall carry out its tasks in accordance with internationally recognized standards in anti-doping work, in particular the rules set forth by WADA, provided they do not conflict with federal acts or EU legislation.

(8) With respect to the assertion pursuant to para 1 no. 4, the person concerned may ask for review of such assertion by the Independent Arbitration Commission within four weeks after having been notified of the assertion.

Independent Austrian Anti-Doping Legal Commission (*Unabhängige Österreichische Anti-Doping Rechtskommission - ÖADR*)

§ 4a. (1) The independent Austrian Anti-Doping Legal Commission (ÖADR) is a commission which is independent and autonomous from government institutions, private parties and the Independent Anti-Doping Organization. The Independent Austrian Anti-Doping Legal Commission (ÖADR) shall carry out disciplinary proceedings pursuant to the anti-doping rules of the competent international federation (anti-doping proceedings).

(2) The ÖADR shall basically consist of three permanent members as well as three permanent substitute members with the following qualifications:

1. the chairman and an additional member shall have a degree in law and experience in conducting formal investigations;
2. one member (his substitute member) must be a sports medicine expert.

(3) The members of the ÖADR shall be appointed by the Independent Anti-Doping Organization for the period of four years, and may be reappointed. 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. A premature dismissal is allowed only for material reasons. The members (and substitute members) can resign from their position any time. If a member (or substitute member) resigns prematurely, a new member shall be appointed for the remainder of the term. The members of the ÖADR shall decide by a majority of votes and shall have a quorum if at least half of the appointed members are present or represented by a substitute member. In case of a tie, the chairman shall have the casting vote. The ÖADR 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. The provisions of § 4 para. 3 are applied to the ÖADR.

(4) The national federation, on behalf of which the ÖADR has to make a decision, shall have the right to nominate another member with a law degree within two weeks after having been notified of the reasoned submission (§ 14a).

(5) The ÖADR shall adopt Rules of Procedure which shall include the details on the proceedings. The Rules of Procedure shall be made accessible to the general public in a suitable manner.

(6) The Independent Anti-Doping Organization shall determine an appropriate remuneration for the three permanent members of the ÖADR 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 oral hearing. Travel costs, if any, shall also be reimbursed. The remuneration for the members of the ÖADR which incur in proceedings shall be part of the proceedings costs.

(7) The ÖADR is established at the Independent Anti-Doping Organization

(8) § 4 para 6 shall apply correspondingly.

Independent Arbitration Commission

§ 4b. (1) The independent Arbitration Commission is a commission which is independent and autonomous from government institutions, private parties and the Independent Anti-Doping Organization. The provisions of § 17 paras 10 no. 1 and 2 notwithstanding, the Independent Arbitration Commission has been established at the Independent Anti-Doping Organization for the purpose of reviewing the ÖADR's decisions in anti-doping proceedings.

(2) The Independent Arbitration Commission shall basically consist of four permanent members as well as four permanent substitute members with the following qualifications:

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

(3) The members (substitute members) pursuant to para 2 nos. 1 to 4 shall be appointed by the Federal Minister of Defense and Sports for a four-year term. Reappointments as well as the premature withdrawal of an appointment for material reasons shall be admissible. The members (substitute members) can resign from their positions any time. If a member (substitute member) resigns prematurely, a new member shall be appointed for the remainder of the term.

(4) The party pursuant to § 17 para 2 no. 1 can appoint an extra member for its case pending with the Independent Arbitration Commission; the same shall apply to the competent national federation. He can be dismissed by them for material reasons or resign from the position on his own accord. In this case, a new member can be appointed.

(5) The material expenses of the Independent Arbitration Commission shall be paid by the Independent Anti-Doping Organization. The Independent Anti-Doping Organization shall determine an appropriate remuneration for the four permanent members of the Independent Arbitration 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 oral hearing. Travel costs, if any, shall also be reimbursed. The remuneration for the members of the Independent Arbitration Commission which incur in proceedings shall be part of the proceedings costs.

(6) § 4 para 6 shall apply correspondingly.

National Registered Testing Pool

§ 5. (1) After hearing the respective competent national federation, the Independent Anti-Doping Organization shall establish a National Registered Testing Pool for targeted anti-doping work. Prior to including athletes in the National Registered Testing Pool, the Independent Anti-Doping Organization shall carry out a sport-related and an individual risk assessment.

(2) The sport-related risk assessment shall be carried out especially on the basis of the following aspects:

1. the physiological demands of a sport from an athlete;
2. the potential performance-enhancing effects doping may have for a sport;
3. a sport's doping risk evidenced by its history;
4. the doping trend in a sport proven by expert opinions;
5. the conspicuous accumulation of suspicious facts related to doping practices in a sport;
6. the results of previous testing cycles;
7. the prize money or subsidies possibly to be awarded at various performance levels of a sport;
8. a sport's special significance for competitive sports in Austria.

(3) The individual risk assessment shall be carried out especially on the basis of the following aspects:

1. the athlete's performance level in the respective sport;
2. the athlete's performance development in the respective sport;
3. the prize money and subsidies that are usually connected to the performance level pursuant to no. 1.

(4) Based on the sport-related and the individual risk assessments pursuant to paras 2 and 3, two segments of the National Registered Testing Pool shall be established. Those athletes to whom the assessments pursuant to paras 2 and 3 apply to a high degree shall be assigned to the top segment of the National Registered Testing Pool. All other selected athletes shall belong to the basic segment of the National Registered Testing Pool.

(5) Athletes who were suspended or declared temporarily ineligible while belonging to the National Registered Testing Pool shall basically remain in the National Registered Testing Pool throughout the period of suspension or ineligibility.

(6) The following athletes shall be eliminated from the National Registered Testing Pool:

1. those who, based on the sport-related and individual risk assessments pursuant to paras 2 and 3, no longer meet the criteria for inclusion; or
2. those who notify the Independent Anti-Doping Organization in writing of retiring from sport.

(7) The Independent Anti-Doping Organization shall verifiably ask the respective competent national federation to notify the athletes concerned of their inclusion in and elimination from the National Registered Testing Pool and its segment. Upon inclusion, the athletes shall be informed by the competent national federation about the statutory provisions according to which they were included in the National Registered Testing Pool and about the related whereabouts filing requirements. As soon as the national federation has notified the athletes and they have signed a letter of commitment pursuant to § 19 para 1, they shall be subject to the whereabouts filing requirements pursuant to § 19.

Reimbursement of Costs

§ 6. (1) The Independent Anti-Doping Organization shall be entitled to request reimbursement of the following costs:

1. costs of testing, the laboratory analysis and the proceedings before the ÖADR (§ 4a) from the competent national federation in case of a violation of anti-doping rules committed by an athlete or an 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 the laboratory documentation produced upon the athlete's request from the athlete;

4. testing costs incurred by the Independent Anti-Doping Organization as a result of a missed test (§ 1a no. 11) or filing failure (§ 1a no. 13) from the respective competent national federation (§ 4 para 1 no. 4);
5. testing and laboratory costs from organizations pursuant to § 9 para 2 which have ordered testing;
6. by way of exception, in cases pursuant to no. 5 from a third party if the set of rules applicable to the respective competition or event obligate this party to reimburse the costs.

(2) The costs pursuant to para 1 nos. 2 and 3 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 costs he/she has paid for this purpose.

(3) The costs pursuant to para 1 nos. 1 and 4 shall, to the extent that the costs pursuant to para 1 nos. 5 or 6 have not been reimbursed, be reimbursed by the national federation, and the costs pursuant to para 1 nos. 5 or 6 shall be refunded by the relevant organization to the Independent Anti-Doping Organization within four weeks after request for payment.

(4) Upon request of the respective competent national federation, the costs pursuant to para 1 no. 1 and no. 4 shall be assigned to the person concerned ^(Note 1) for reimbursement while at the same time its claim for refund shall be ceded to the Independent Anti-Doping Organization.

(5) The Independent Anti-Doping Organization shall refund the costs that were reimbursed pursuant to para 3 or 4 if the Independent Arbitration Commission or, subsequently, the CAS or a civil court has asserted that no anti-doping rules have been violated.

Report on Compliance with Anti-Doping Rules

§ 7. The Independent Anti-Doping Organization shall report to the Federal Minister for the Civil Service and Sport 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 federations, sports and disciplines, the activity report shall in any case include the following 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 asserted violations of anti-doping rules as well as the imposed sanctions and disciplinary measures;
4. the decisions on therapeutic use exemptions.

Personal data pursuant to nos. 1, 2 and 4 shall be rendered anonymous. The Federal Minister for the Civil Service and Sport shall submit this report to the National Council.

Therapeutic Use Exemptions (TUEs)

§ 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, unless it is the responsibility of the competent international federation according to its own rules, or a valid TUE granted by an anti-doping organization 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) Pursuant to the anti-doping rules of the competent international federation 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 shall only be permitted under these rules. With respect to the use of data, the Independent Anti-Doping Organization shall take measures to ensure the security and confidentiality of data and to educate its employees in this regard, in particular.

^(Note 1) Art. 77 no. 14 of the amendment of Federal Law Gazette I no. 37/2018 reads as follows: "In § 6 para 4, the wording "to the persons concerned" shall be replaced by the wording "to the person concerned". The wording to be replaced should read correctly "to the person concerned", cf. also TGÜ (comparison of text) page 245.)

(3) The Independent Anti-Doping Organization shall consult with the Medical Commission (§ 4 para 2 no. 2) when deciding on applications for TUEs. 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 immediately reported in writing 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 shall 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 for consuming medication with prohibited substances or using a prohibited method at the time of sampling and this was substantiated by medical findings.

(7) If a TUE is denied, the athlete concerned may seek a review of the decision by the Independent Arbitration Commission within four weeks after having been served the decision, unless it is the responsibility of the competent international federation according to its own anti-doping rules.

(8) In accordance with the anti-doping rules of the respective competent international federation, the Independent Anti-Doping Organization can contest decisions on TUEs made by a different anti-doping organization.

Instituting the Doping Control Process

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

(2) In Austria, a doping control process 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 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 processes the Independent Anti-Doping Organization shall, in agreement with the Selection Commission (§ 4 para 2 no. 4), draw up a test distribution plan (§ 1a no. 7) and update it regularly with the latest findings.

(4) A doping control process 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 processes shall be specified in accordance with the rules applicable to them.

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

(Please note: para 7 was repealed by Federal Law Gazette I no. 93/2014)

(8) The Independent Anti-Doping Organization shall take the necessary measures to ensure that doping control processes are instituted without advance notice and that the persons concerned learn about them at the latest moment possible.

Contents of the Testing Order

§ 10. (1) Testing shall be ordered in writing by the Independent Anti-Doping Organization of its own accord or upon request of an organization mentioned in § 9 para 2 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. the person's/persons' name/s (animal's/animals' name/s) and/or the number of athletes (animals) to be selected for testing by the head of the testing team according to the criteria specified for this order (e.g. a representative cross-section);
 - 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 person's/persons' name/s (animal's/animals' name/s) and/or the number of athletes (animals) to be selected for testing by the head of the testing team according to the criteria specified for this order (e.g. finished positions);
 - c. the name of the head of the testing team.

(2) If the doping control process 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 disclose 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 federations, the IOC, the IPC or WADA. The Independent Anti-Doping Organization shall be in charge of:

1. testing athletes (§ 1a no. 21) and athlete support personnel (§ 1a no. 3);
2. testing requested from it by WADA, an international federation, a foreign national 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 persons concerned 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 5 a.m. The human dignity of the persons concerned shall be respected during testing.

(5) A written documentation of testing shall be created. Both the head of the testing team and the person concerned shall sign the documentation. In the documentation, the person concerned shall indicate an e-mail address or mailing address to which all notifications of potential anti-doping proceedings can be sent.

(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 person 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. If during testing the illegal possession of prohibited substances or technical equipment for the use of prohibited methods (§ 1 para 2 no. 6 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.

In-competition and Event Testing

§ 12. (1) In-competition and event testing is allowed to be announced by the head of the testing team, providing identification and submitting the order to the coaches or persons responsible for the competition. The latter 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 the persons 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 A sample and B sample shall be transported to the laboratory, indirectly identifying the athlete. The Independent Anti-Doping Organization shall agree with the laboratory to analyze and document the samples in accordance with the internationally recognized standards in anti-doping work (§ 4 para 7), which WADA-accredited laboratories must apply. This shall particularly apply to more detailed analyses following atypical findings.

(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 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 right to a 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 a representative or to send a representative; and
 - c. to request copies of the A and, if applicable, B sample laboratory documentation package from the Independent Anti-Doping Organization which is consistent with the internationally recognized standards in anti-doping work (§ 4 para 7).

(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 federation thereof. As soon as the result of the analysis is available, it shall be promptly communicated to the athlete and the national federation.

Reasoned Submission

§ 14a. After having been notified of an adverse analytical finding or - based on the inspection, analysis and evaluation pursuant to § 4 para 1 no. 5 - a suspected violation pursuant to the anti-doping rules of the competent international federation, the Independent Anti-Doping Organization shall immediately request at the ÖADR proceedings pursuant to § 4a para 1 including sanctions as stipulated in the rules (reasoned submission). The person concerned as well as the respective competent national federation shall be verifiably notified of the filed reasoned submission.

Proceedings before the Independent Austrian Anti-Doping Legal Commission

§ 15. (1) After the Independent Anti-Doping Organization (§ 4) has filed the reasoned submission (§ 14a), the ÖADR shall institute anti-doping proceedings (§ 4a para 1) on the basis of the anti-doping rules of the competent international federation. The parties pursuant to para 2 and the respective competent national federation shall be verifiably notified thereof.

(2) Parties to the proceedings before the ÖADR shall be

1. the person concerned by the suspected violation of anti-doping rules; and
2. the Independent Anti-Doping Organization as the institution pursuing the reasoned submission (§ 14a).

(3) As soon as anti-doping proceedings are instituted, sanctions (e.g. suspension) pursuant to the anti-doping rules of the competent international federation shall be imposed on the party pursuant to para 2 no. 1. The party pursuant to para 2 no. 1 shall verifiably be notified of the decision on the imposed sanction as well as the ÖADR's Rules of Procedure.

(4) As soon as anti-doping proceedings are instituted, the party pursuant to para 2 no. 1 shall be informed that within four weeks after the institution of anti-doping proceedings, he

1. can respond in writing to the accusation of an anti-doping rule violation; and/or
2. can waive the right to an oral hearing.

If the party pursuant to para 2 no. 1 persistently refuses the participation in the proceedings, an oral hearing is not necessary.

(5) The provisions pursuant to para 4 and 9 notwithstanding, the ÖADR shall basically carry out an oral hearing. The oral hearing shall be scheduled and chaired by the chairman. If one party fails to appear in an oral

hearing without an excuse, the hearing may be conducted without this party present. The parties pursuant to para 2 shall have the right to present evidence, call and question witnesses and be represented by counsel. The parties pursuant to para 2 shall pay the costs for their representation, for experts, interpreters and witnesses called in upon their request and for other evidence presented by them. The ÖADR may also call in experts, interpreters and witnesses, with the costs incurred being part of the proceedings costs.

(6) If the continued participation of the party pursuant to para 2 no. 1 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 5 – the end of the anti-doping proceedings cannot be expected in time, an expedited hearing may be conducted upon the party's request. Such hearing shall take place during oral proceedings to be scheduled immediately and a decision shall be made on the basis of the evidence presented.

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

(8) The decision in the anti-doping proceedings shall be made promptly in writing giving the relevant reasons, no later than within twelve weeks after the anti-doping proceedings have been instituted, unless the parties pursuant to para 2 agree on an extended period of time, and the parties and the respective competent national federation shall be verifiably notified thereof.

(9) The ÖADR can make a preliminary decision without a hearing, if the facts are clear. If one of the parties pursuant to para 2 challenges the preliminary decision in writing within four weeks after notification, the preliminary decision shall have no binding effect and the ÖADR shall continue the anti-doping proceedings. If the parties pursuant to para 2 do not challenge the preliminary decision, it shall become final. In such case, § 17 para 1 shall not apply.

Other Procedural Provisions

§ 15a. (1) When making its decision, the ÖADR shall also determine the costs pursuant to § 6. With respect to such determination of costs, the parties pursuant to § 15 para 2 as well as the respective competent national federation can request a review by the Independent Arbitration Commission within four weeks after having been notified of the decision, unless the costs have been assigned to the person concerned for reimbursement pursuant to § 6 para 4.

(2) At the end of the proceedings, the chairman shall disclose to the parties these costs and how they were calculated.

(3) The ÖADR shall inform the BSO, sports organizations, athletes, athlete support personnel and ruling bodies for events as well as the general public about imposed sanctions (e.g. suspensions) and decisions in anti-doping proceedings, indicating the name of the respective person concerned, the length of the ineligibility period and the reasons for this, without allowing the inference of health-related data of the respective person concerned. For minors, this information has to be omitted.

§ 16. *deleted.*

Proceedings before the Independent Arbitration Commission

§ 17. (1) The parties pursuant to para 2 can request a review of decisions made pursuant to § 15 by the Independent Arbitration Commission within four weeks from being notified of the decision. The decision shall be reviewed by the Independent 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.

(2) Parties to the proceedings before the Independent Arbitration Commission shall be

1. the person concerned by the decision of the ÖADR;
2. the Independent Anti-Doping Organization; and
3. the persons authorized pursuant to the anti-doping rules of the competent international federation.

(3) The provisions under § 580 paras 1 and 2, § 588 para 2, § 592 paras 1 and 2, §§ 594 and 595, §§ 597 to 602, § 604, § 606 paras 1 to 5, § 608 paras 1 and 2, and § 610 of the Austrian Code of Civil Procedure (*Zivilprozessordnung - ZPO*), Imperial Law Gazette no. 113/1895, shall apply correspondingly to the proceedings before the Independent Arbitration Commission. Furthermore, the Independent Arbitration Commission shall adopt Rules of Procedure which shall include the details on the proceedings. The Rules of Procedure shall be made accessible to the general public in a suitable manner.

(4) The Independent Arbitration Commission shall make its decision promptly, no later than within twelve weeks after having received the request for review, unless the parties pursuant to para 2 nos. 1 and 2 agree on an extended period of time. In case of a tie, the chairman shall have the casting vote. Decisions shall be made in writing with the reasons given. 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.

(5) 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 the person concerned, this party shall reimburse the Independent Anti-Doping Organization with an amount equaling the filing fee for an amount in dispute of more than EUR 7,000 to EUR 35,000 under § 32 fee item 2 of the Court Fee Act (Gerichtsgebührengesetz; GGG), Federal Law Gazette no. 501/1984 in advance.

(6) When making its decision, the Independent Arbitration Commission shall also determine the costs. At the end of the proceedings, the chairman shall disclose to the parties these costs and how they were calculated.

(7) In a confirmed violation of anti-doping rules the person concerned shall reimburse the Independent Anti-Doping Organization the costs pursuant to para. 6, reduced by the amount paid in advance pursuant to para. 5, to a maximum of EUR 6,000.

(8) If the proceedings are instituted upon request of the Independent Anti-Doping Organization the respective competent national federation shall reimburse the Independent Anti-Doping Organization the costs of the proceedings to a maximum of EUR 6,000. Upon request of the respective competent national federation, these costs shall be assigned to the person concerned for reimbursement while at the same time its claim for refund shall be ceded to the Independent Anti-Doping Organization.

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

(10) Its jurisdiction pursuant to para 1 notwithstanding, the Independent Arbitration Commission shall decide on the following:

1. pursuant to § 4 para 8, on the assertion of whether a missed test (§ 1a no. 11) or a filing failure (§ 1a no. 13) has occurred promptly, no later than within twelve weeks after having received the request for review, unless the parties pursuant to para 11 no. 1 agree on an extended period of time; para 5 to 9 shall apply correspondingly with the proviso of paying an amount equaling the filing fee for an amount in dispute of more than EUR 3,500 to EUR 7,000 under § 32 fee item 2 of GGG in advance to a maximum of EUR 3,000. If the respective competent national federation requests only the review of the costs related to the missed test or filing failure, it shall pay the reimbursement for expenses in advance;
2. pursuant to § 8 para 7 on the denial of a TUE promptly, no later than within two weeks after having received the request for review, unless the parties pursuant to para 11 no. 2 agree on an extended period of time; para 5 to 9 shall apply correspondingly with the proviso of paying an amount equaling the filing fee for an amount in dispute of more than EUR 3,500 to EUR 7,000 under § 32 fee item 2 of GGG in advance to a maximum of EUR 3,000;
3. pursuant to § 15a para 1 on the determination of costs promptly, no later than within twelve weeks after having received the request for review, unless the parties pursuant to para 11 no. 3 agree on an extended period of time; para 5 to 9 shall apply correspondingly with the proviso of paying an amount equaling the filing fee for an amount in dispute of more than EUR 3,500 to EUR 7,000 under § 32 fee item 2 of GGG in advance to a maximum of EUR 3,000.

(11) Parties to the matters pursuant to para 10 shall be

1. with respect to the assertion of a missed test (§ 1a no. 11) or a filing failure (§ 1a no. 13), the person concerned by the assertion and the Independent Anti-Doping Organization, and with respect to the related costs, the respective competent national federation, provided that the claim for refund has not been ceded upon request of the respective competent national federation.
2. with respect to the denial of a TUE, the person concerned and the Independent Anti-Doping Organization;
3. with respect to the determination of costs, the respective competent national federation unless a motion pursuant to § 6 para 4 has been filed, the person concerned and the Independent Anti-Doping Organization.

(12) Details on the proceedings regarding matters pursuant to para 10 shall be laid down in the Rules of Procedure pursuant to para 3.

(13) The parties to the proceedings and the respective competent national federation shall be notified of the decisions of the Independent Arbitration Commission.

(14) The Independent Arbitration Commission shall inform the BSO, sports organizations, athletes, athlete support personnel and ruling bodies for events as well as the general public about the decisions in anti-doping proceedings, indicating the name of the respective persons concerned, the length of the ineligibility period and the reasons for this, without allowing the inference of health-related data of the respective person concerned. For minors, this information has to be omitted.

Version for § 18 from 1 January 2015 to 31 December 2015

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 federation and the anti-doping rules applicable to the relevant international competition to which athletes are sent;
2. acknowledge the provisions of this Federal Act, in particular §§ 3 to 18;
3. inform their members and the affiliated athletes as well as the athlete support personnel regularly of the anti-doping rules and, in particular, within the meaning of § 2 para 2 nos. 1 to 4;
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 set of rules to the applicable rules pursuant to no. 1;
6. in their conditions for eligibility for competitions or events, lay down the following:
 - a. the non-admission of athletes and athlete support personnel who have been suspended or declared ineligible on grounds of doping;
 - b. the non-admission of athletes during the periods specified in § 19 paras 6 and 7;
 - c. the obligation of athletes to acknowledge the provisions pursuant to § 19;
 - d. the acknowledgement of the obligations laid down in this Federal Act by the participants.

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

7. inform the Independent Anti-Doping Organization immediately if the membership of athletes in the National Registered Testing Pool has been temporarily suspended, modified, lost or withdrawn;
8. make their members and the athletes and the athlete support personnel belonging to them meet the requests of the ÖADR and the Independent Arbitration Commission and participate properly in the proceedings. The members shall ensure that their sets of rules specify appropriate and effective sanctions if athletes or athlete support personnel belonging to them fail to meet a request for no reason or refuse to cooperate.
9. acknowledge and implement the decisions of the ÖADR and the Independent Arbitration Commission regarding the respective effects on their spheres of influence;
10. impose the obligations pursuant to nos. 1 to 9 - as far as technically applicable - upon their members by means of provisions in the set of rules or by contract.

(3) Sports organizations shall support the institutions authorized to conduct testing to the necessary extent.

Within the scope of their areas 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. 8) 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 other authorized anti-doping organizations - 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 of the following athlete support personnel:

1. Athlete support personnel who are serving a period of ineligibility on grounds of anti-doping proceedings (§ 4a para 1) for the period of ineligibility. If the period of ineligibility exceeds 24 months the athlete support personnel concerned shall not be employed for six years, starting from the beginning of the period of ineligibility; or
2. Athlete support personnel upon whom sanctions were imposed in criminal proceedings or under the code of professional conduct for an act that would have violated anti-doping rules, for the period of this sanction, and less than six years have passed since the respective decision; or
3. Athlete support personnel who do not commit themselves in writing vis-à-vis the sports organization
 - a. to subject themselves to the anti-doping rules of the respective national and international federations;
 - b. to refrain from committing acts that are incompatible with principle of fairness and the spirit of sport; and
 - c. to provide to the sports organization a mailing address or electronic address for notifications.

(5) With respect to athlete support personnel who support athletes systematically over a long period of time for sports activities, the sports organizations shall ensure that they are subject to their disciplinary anti-doping rules.

(6) 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 barred 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 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 federation can allow athletes performing team sports to participate in trainings with the team two months prior to the end of the ineligibility period, if the athlete's behaviour during the ineligibility period – especially his participation in doping prevention measures – does not give rise to concern that another anti-doping rule violation might be committed by the athlete. If the final quarter of the ineligibility period is shorter than two months, the shorter period shall apply for the possibility to participate in trainings.

(7) Sports organizations and the BSO shall only accept organizations as their members whose set of rules - in addition to the obligations pursuant to para 2 no. 10 - is in line with the stipulations under paras 2 to 6. If accepted sports organizations repeatedly break these rules and persistently violate the adaptation obligation, their membership shall be cancelled.

(8) National 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, sport, discipline, team affiliation, whereabouts information (residential addresses, mailing addresses or e-mail addresses for notifications, phone numbers) as well as their associations to the Independent Anti-Doping Organization and forward a copy of the letter of commitment to said Organization.

(9) Athletes to be included in the National Registered Testing Pool may only be supported by national 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 included in the National Registered Testing Pool

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

1. to acknowledge the applicable anti-doping rules of the national federation and the provisions contained in this Federal Act, in particular in §§ 3, 5, 6, 8 to 18, as binding;
2. to acknowledge the anti-doping rules applicable to the respective international competition to which they are sent;
3. to refrain from anti-doping rule violations and ensure 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. to participate in testing pursuant to §§ 11 to 13;
5. to immediately report to the Independent Anti-Doping Organization and the national federation the principal residential address, mailing addresses or e-mail addresses for notifications, any change of name as well as their retirement from sport;
6. to inform the physician or dentist, in case of medical or dental treatment, prior to the administration of medication or the use of treatment methods, that they are subject to the provisions of this Federal Act;
7. to employ only such individuals as athlete support personnel who are not barred from this task pursuant to § 18 para 4;
8. to give their express consent to the processing of special categories of personal data which become available as a result of analyzing doping samples and granting TUEs pursuant to § 8;
9. to meet the requests of the ÖADR and the Independent Arbitration Commission and participate properly in any proceedings; and
10. to meet the whereabouts filing requirements pursuant to para 3 or 4 depending on whether they belong to the top segment or basic segment of the National Registered Testing Pool (§ 5).

(2) The athlete shall send the letter of commitment pursuant to para 1 to the national 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.

(3) In addition to the obligations pursuant to para 1, athletes who belong to the top segment of the National Registered Testing Pool pursuant to § 5 shall report the following 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. apartment, 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/her 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 personal data when he/she will participate in competitions in these places;
4. for each day of the following quarter, a certain 60-minute time slot between 5.00 a.m. and 11.00 p.m. when he/she will in any case be available for testing at a certain location.

Any changes to 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 in advance.

(4) Para 3 nos. 1 to 3 shall apply to athletes belonging to the basic segment of the National Registered Testing Pool pursuant to § 5.

(5) The Independent Anti-Doping Organization shall make an electronic filing system (§ 1a Z14) 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. This personal data may be stored only as long as this is required to meet the tasks of the Independent Anti-Doping Organization pursuant to § 4 para 1 nos. 3 to 6.

(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 active participation six months prior to the first competition and, after having signed another letter of commitment, be available for testing pursuant to para 1.

(7) Athletes

1. who retired from sport during the suspension or period of ineligibility and
2. belonged to the National Registered Testing Pool at that time and
3. want to return to active participation

shall, prior to the first competition, wait until the remaining time of their suspension or ineligibility period between their retirement and the report of the return to active participation has passed if this remaining time exceeds the 6 months whereabouts information has to be filed prior to returning to active participation, and shall, after having signed another letter of commitment, be available for testing pursuant to para 1.

Special Provisions for Animals

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

1. for the animal, the prohibited substances and methods as well as laboratories determined by the competent international 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 practise 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 testing starts shall be involved in animal testing;
4. the prohibition to possess [prohibited substances and methods] (§ 1 para 2 no. 6) and to tamper with the doping control process in the case of animals (§ 1 para 2 no. 7) as well as the provision pursuant to § 1 para 2 no. 10 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 6). 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 federation thereof.

(5) In the case of suspected doping of an animal, § 4a para 2 no. 2 and § 4b para 2 no. 4 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 association or an organization pursuant to § 3 nos. 3, 9 or 10 BStG 2017 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/she must inform the person concerned thereof, provided that the athlete has identified himself/herself 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 apply in cases of emergency.

(3) Paras 1 and 2 shall apply accordingly to veterinarians who work for a sports association or an organization pursuant to § 3 nos. 3, 9 or 10 BStG 2017 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 Information and Penal Provisions, Legal Consequences of Doping for Professionals

§ 22. *deleted.*

Penal Provisions

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

1. distributes or uses on athletes or others substances prohibited in all sports pursuant to the appendix to the Anti-Doping Convention (Prohibited List), and these 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 sport performance) on athletes (§ 1a no. 21) or others, 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 agents, peptide hormones, growth factors, related substances and mimetics, hormone and metabolic modulators specified in the Prohibited List exceeding the limit (para 7), with the intention of distributing it for the purpose of doping for any activity in sports or administering it to athletes (§ 1a no. 21) or others, shall also be punished.

(3) Anyone who commits an offense pursuant to para 1 no. 1 with regard to anabolic agents, peptide hormones, growth factors, related substances and mimetics, hormone and metabolic 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 agents, peptide hormones, growth factors, related substances and mimetics, hormone and metabolic 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), however, 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 Defense 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 agents, peptide hormones, growth factors, related substances and mimetics, hormone and metabolic 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).

Customs Authorities' Power to Seize and Duty to Furnish Information

§ 22b. (1) If certain facts suggest that anabolic agents, peptide hormones, growth factors, related substances and mimetics, hormone and metabolic modulators specified in the Prohibited List are imported to the federal

territory in a quantity exceeding the limit (§ 22a para 7) and are to be distributed or administered to athletes (§ 1a no. 21) or others for the purpose of doping for any activity in sports, the customs authorities shall be authorized to seize these items. 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*) do not exist, the seizure shall be lifted immediately.

(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 process personal data pursuant to Article 4 no. 2 GDPR and forward them to the competent authorities pursuant to § 36 para 2 no. 7 DSG, as far as this is necessary for them to fulfil their statutory duties.

Cooperation between the Competent Authorities pursuant to § 36 para 2 no. 7 DSG and the Independent Anti-Doping Organization

§ 22c. (1) The Independent Anti-Doping Organization shall forward facts it has been notified of, where an anti-doping rule violation was asserted as well as the minutes of the oral hearing and, upon request, the other documents of the proceedings to the competent authorities pursuant to § 36 para 2 no. 7 DSG if there is reasonable suspicion that a criminal offence subject to prosecution has been committed.

(2) After completing the investigation, the public prosecutor's office shall be obliged to forward to the Independent Anti-Doping Organization the name, sex, date and place of birth, nationality and residential address as well as the evidence obtained in the course of the investigation for the purpose of testing those persons who give rise to reasonable suspicion that they have committed an anti-doping rule violation. Forwarding this data, however, may be postponed, provided that the purpose of doping control or related proceedings is not endangered. If there is no such danger, the competent authorities pursuant to § 36 para 2 no. 7 DSG shall be authorized to provide such information upon the Independent Anti-Doping Organization's request within the meaning of para 3 even before the investigation has been completed. The decision on providing information shall be made by the competent authorities pursuant to § 36 para 2 no. 7 DSG.

(3) The Independent Anti-Doping Organization shall in any case have a justified legal interest in inspecting files pursuant to § 77 para 1 StPO 1975, Federal Law Gazette no. 631 in criminal proceedings on grounds of a criminal offense pursuant to § 22a or § 147 para 1a of the Criminal Code (*Strafgesetzbuch - StGB*), Federal Law Gazette no. 60/1974, as well as in criminal proceedings directly related to anti-doping rule violations.

Legal Consequences of Doping for Professionals

§ 22d. (1) In order to carry out the proceedings against a health care professional (e.g. physicians, veterinarians, dentists, pharmacists, midwives, nurses, persons working in clinical technical services and the medical assisting services) on grounds of the loss of trustworthiness which is required in order to exercise a health care profession, the authorities in charge of temporarily 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 penal provision in accordance with this Federal Act; and
3. by the Independent Anti-Doping Organization that a disciplinary measure 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 shall be notified as defined by paras 1 and 2 if judicial criminal proceedings are instituted against a holder of a trade license for gyms whether 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 (*Arzneimittelgesetz*), 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 terms used in this Federal Act which relate to persons shall equally apply to women and men.

Enforcement

§ 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 Defense and Sports in agreement with the Federal Minister of Finance;
3. *deleted*
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 Defense 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 Defense and Sports.

Entry into Force and Expiry, Transitional Provisions

§ 27. (1) This Federal Act shall enter into force on 1 July 2007 with the following variations:

1. The Independent Anti-Doping Organization shall be in charge of the tasks pursuant to § 4 para 1 nos. 1 and 4 as well as of the decisions pursuant to § 15 only as of 1 July 2008. Until 30 June 2008, the national federation shall be in charge of the decisions pursuant to § 15. § 15 para 6 shall enter into force on 1 July 2008.
2. In derogation from § 16 para 1, the Independent Arbitration Commission established pursuant to § 23 para 1 BSFG as amended by the Federal Law Gazette I no. 64/2006 shall, as of 1 July 2007, continue to be under the jurisdiction of the BSO, and only as of 1 July 2008 under the jurisdiction of the Independent Anti-Doping Organization. For proceedings pending with the Independent Arbitration Commission until 30 June 2008, the provisions on its constitution pursuant to § 23 para 1 BSFG as amended by Federal Law Gazette I no. 64/2006 shall continue to apply. For proceedings instituted as of 1 July 2008, the provisions pursuant to § 16 paras 1 to 3 shall apply.
3. In derogation from § 16 para 4, the material expenses of the Independent Arbitration Commission until 30 June 2008 shall be paid by the BSO.
4. In derogation from § 15 para 5, decisions of the national federations made pursuant to § 15 by 30 June 2008, shall also be communicated to the Independent Anti-Doping Organization, which may, in derogation from § 17 para 2, submit them to the Independent Arbitration Commission for review.

(2) Proceedings pending with the Independent Arbitration Commission prior to 1 July 2007 shall be continued in accordance with the provisions of the BSFG as amended by Federal Law Gazette I no. 64/2006. The duration of the current term of the permanent members (substitute members) pursuant to § 23 para 1 nos. 1 to 3 BSFG as amended by Federal Law Gazette I no. 64/2006 shall not be affected by this Act.

(3) Sports organizations pursuant to § 2 para 3 and the BSO shall adapt their set of rules (e.g. bylaws) pursuant to § 18 paras 2 to 6, and the national federations as well as the Austrian Federation of Handicapped Athletes additionally pursuant to § 18 paras 7 and 8, by 30 June 2008. If sports organizations host competitions or championships, their conditions for eligibility shall be consistent with § 18 para 2 no. 4 as of 30 June 2008.

(4) As soon as this Federal Act enters into force, Sports organizations pursuant to § 2 para 3 and the BSO shall immediately obligate their member sports organizations to amend their sets of rules and the conditions for eligibility pursuant to para 3, unless they are already obliged to do so pursuant to para 3.

(5) If sports organizations fail to meet the obligations pursuant to paras 3 and 4 by 30 June 2008, payment of subsidies that have already been granted shall be stopped. Subsidies under the BSFG may only be granted after this obligation has been met and only for future periods of time and projects.

(6) The guidelines pursuant to § 3 para 5 shall be issued by 31 December 2007.

(7) § 1 para 2 no. 1 and no. 7, § 1 para 4, § 2 para 3, § 4 para 2 nos. 10 and 11, § 4 paras 4 and 9, § 5 para 1 nos. 4 to 6, § 8 paras 1 and 3, § 9 paras 6 and 9, § 15 para 6, § 16 para 5, § 17 paras 2 and 6, § 18 para 2 no. 4, § 18 para 8, § 19 para 3, § 20 para 3 no. 3, §§ 22 to 23 and § 26 as amended by Federal Law Gazette I no. 115/2008, shall enter into force on 1 August 2008; if this Federal Act is officially published after 31 July 2008, at the end of the day of publication. The following shall also apply:

1. The penal provisions amended by this Federal Act shall not be applied to criminal matters where the judgment was handed down in the first instance before said provisions entered into force. If a judgment is revoked because of a nullity appeal, appeal, resumption or reopening of the criminal proceedings or as a result of a challenge, however, §§ 1 and 61 of the StGB, Federal Law Gazette no. 60/1974 shall be followed.
2. The term of office of the members of the Ethics Commission, the Medical Commission, the Legal Commission, the Veterinary Commission and the Selection Commission who were appointed before the Federal Act Federal Law Gazette I no. 115/2008 entered into force shall be calculated as of 1 August 2008.

(8) The title, § 1, § 1a incl. the heading, §§ 2 to 5, § 6 incl. the heading, §§ 7 and 8, § 9 incl. the heading, §§ 10 and 11, § 12 incl. the heading, §§ 14 to 21, the designation of Part 3, § 22 and §§ 22a to 22d incl. the headings as amended by Federal Law Gazette I no. 146/2009 shall enter into force on 1 January 2010; if this Federal Act is officially published after 31 December 2009, at the end of the day of publication..

(9) The table of contents, §§ 1 and 1a, each incl. the heading, § 2 paras 1 to 4, § 3 paras 1 to 4 and 6, § 4, §§ 4a and 4b, each incl. the heading, § 6 incl. the heading, § 7, § 8 paras 1 to 3 as well as 5 to 8, § 9 para 3, § 10 para 1, § 11 paras 1, 5 and 7, § 12 para 1, § 14 paras 1 to 3, §§ 14a, 15 and 15a, each incl. the heading, § 17, § 20 paras 1, 4 and 5, § 21 paras 1 and 3, the heading of Part 3, § 22a paras 1 to 3, 5 and 7, § 22b incl. the heading, § 22c paras 1 and 3, § 22d para 1, the heading of § 27 as well as § 28 incl. the heading, each as amended by the Federal Act Federal Law Gazette I no. xxx/201x, shall enter into force on 1 January 2015.

(10) § 5 and § 19 each incl. the heading, as amended by the Federal Act Federal Law Gazette I no. xxx/201x, shall enter into force on 1 April 2015.

(11) § 18 as amended by no. 34 of the Federal Act Federal Law Gazette I no. xxx/201x shall enter into force on 1 January 2015 and expire on 31 December 2015.

(12) § 18 as amended by no. 35 of the Federal Act Federal Law Gazette I no. xxx/201x shall enter into force on 1 January 2016.

(13) § 9 para 7, § 16 incl. the heading, § 22 incl. the heading, as well as § 26 no. 3 shall expire on 31 December 2014.“

(14) § 4 as amended by the Federal Act Federal Law Gazette I no. 100/2017 shall enter into force on 1 January 2018.

(15) The entry of the table of contents referring to § 22c, § 1 para 1, § 1a nos. 13 and 14, § 2 para 2 nos. 5 and 6, § 3 paras 1 to 4, § 4 paras 1, 3, 6 to 6m and 8, § 6 para 4, § 7, § 8 para 2, § 9 para 8, § 11 paras 3 to 6, § 14a, § 15 para 2 no. 1, § 15a paras 1 and 3, § 17 paras 2, 5, 7, 8, 11 and 14, § 19 paras 1, 3 and 5, § 21 paras 1 and 3, § 22b para 2, the heading of § 22c and § 22c paras 1, 2 and 2a as amended by the 2nd Relevant Data Protection Adaptation Act (*2. Materien-Datenschutz-Anpassungsgesetz*) 2018, Federal Law Gazette I no. 37/2018, shall enter into force on 25 May 2018.

Pending Proceedings

§ 28. The Federal Anti-Doping Act 2007, Federal Law Gazette I no. 30 in the version effective until 31 December 2014, shall continue to be applied to proceedings pending with the Legal Commission, the General Commission of Physicians, the Veterinary Commission and the Independent Arbitration Commission until 31 December 2014. This shall not apply to proceedings on grounds of an offense as specified in § 1 para 2 no. 3, pursuant to legislation effective until 31 December 2014. In those cases, § 1 para 2 no. 4 in the version effective as of 1 January 2015 shall apply with the proviso that the offense that is subject of the proceedings is considered a missed test (§ 1a no. 11) or a filing failure (§ 1a no. 13).