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FEDERAL LAW GAZETTE FOR THE REPUBLIC OF AUSTRIA

Year 2006

Issued on 31 July 2006

Part I

132nd Federal Act: Issuing of the Federal Act on *Gesundheit Österreich GmbH (GÖGG)*, repeal of the Federal Act on the establishment of a fund "Austrian Health Institute (*ÖBIG*)" and amendment of the Health Promotion Act
(NO.: GP XXII RV 1430 AB 1496 p. 150. Objection of Federal Council: 1622 AB 1631 S. 160. Federal Council: AB 7602 p. 736.)

132nd Federal Act by virtue of which the Act on *Gesundheit Österreich GmbH (GÖGG)* is enacted, the Federal Act on the establishment of a fund "Austrian Health Institute (*ÖBIG*)" is repealed and the Health Promotion Act is amended

The National Council has so resolved:

Article 1

Federal Act on *Gesundheit Österreich GmbH (GÖGG)*

Table of Contents:

Section 1

Gesundheit Österreich GmbH

§ 1	General Chapter
§ 2	Establishment
§ 3	Purpose of the Enterprise, Goals and Principles
§ 4	Responsibilities of the Company
§ 5	Subsidiary
§ 6	Financing
§ 7	Official Bodies of the Company
§ 8	Managing Director
§ 9	Institutional Meeting
§ 10	Responsibilities of the Institutional Meeting
§ 11	Board of Trustees
§ 12	Responsibilities of the Board of Trustees
§ 13	Advisory Board
§ 14	Business Plan, Planning and Reporting System, Work Program
§ 15	Data Protection and Secrecy
§ 16	Exemption from Taxes and Charges
§ 17	Representation by the Revenue Department of the Attorney General's Office (<i>Finanzprokurator</i>)

Section 2

Transitional Provisions

§ 18	Transference of Assets
§ 19	Employment Contract Law
§ 20	Bargaining Agreement Law
§ 21	Employees' Representation Act
§ 22	Work Program
§ 23	Management
§ 24	Transitional Provision Regarding Law of Tenancy

Section 3 Entry into Force and Execution Provisions

§ 25	Entry into Force
§ 26	Execution

Section 1 *Gesundheit Österreich GmbH*

General Chapter

§ 1. If reference is made in this Federal Act to provisions in other Federal Acts, the latter apply in their current valid version unless otherwise stipulated.

Establishment

§ 2. (1) A private limited company (*Gesellschaft mit beschränkter Haftung* or *GmbH*) with the company name *Gesundheit Österreich GmbH* shall be established as a national institute for health care research and planning. The company shall be composed of the following business units:

1. *Österreichisches Bundesinstitut für Gesundheitswesen* or *ÖBIG* (referred to in this unofficial translation as “Austrian Health Institute (*ÖBIG*)”),
2. *Bundesinstitut für Qualität im Gesundheitswesen* or *BIQG* (referred to in this unofficial translation as “Federal Institute for Quality Health Care (*BIQG*)”, and
3. *Fonds Gesundes Österreich* or *FGÖ* (referred to in this unofficial translation as “Fund for a Healthy Austria (*FGÖ*)”).

The General Meeting shall be entitled to create further business units.

(2) The Law on Private Limited Companies (*Gesetz über Gesellschaften mit beschränkter Haftung* or *GmbH-Gesetz* or *GmbHG*; referred to below as “Law on Private Limited Companies (*GmbHG*)”, Imperial Gazette of the Austro-Hungarian Empire No. 58/1906, shall apply to the Company if this Act contains no provisions on this matter or no provisions to the contrary.

(3) *Gesundheit Österreich GmbH* (referred to below as the “Company”) shall come into being upon the entry into force of this Federal Act. The Austrian Federal Government is the sole shareholder, represented by the Federal Minister of Health and Women. The Company’s share capital must be paid up in full by the Federal Minister of Health and Women prior to the Company’s registration.

(4) An application for the entry of the Company in the Commercial Register with retroactive effect to the reference date of the Company’s formation shall be filed with the Commercial Court Vienna along with the declaration on formation in accordance with §3.2 Law on Private Limited Companies (*GmbHG*) and the information required by that law. The Shareholder’s Agreement shall be replaced with the Company’s declaration on formation.

(5) In its scientific work, the Company is not subordinate to the shareholder. Mandates the Company carries out by order of the Federal Minister of Health and Women to execute the decisions of the Federal Health Commission (*Bundesgesundheitskommission*) pursuant to Art. 12 of the Treaty in accordance with Art.15a Austrian Federal Constitutional Act (*B-VG*) concerning the organization and financing of health care, Federal Law Gazette I No. 73/2005 must be implemented as decided by the Federal Health Commission (*Bundesgesundheitskommission*) and may not be changed by the shareholder.

(6) The Company has its registered office in Vienna. The fiscal year is the calendar year. The Company shall be entitled to use the federal coat-of-arms in connection with its company name or the abbreviation of its company name.

Purpose of the Enterprise, Goals and Principles

§ 3. (1) The Company is charged with performing non-commercial tasks in the public interest to provide for elementary health care requirements. It shall engage in no commercial activities and is not a member of any association set up under law to represent professional or industry interests.

(2) The Company has the following goals and guiding principles:

1. To involve all responsible stakeholders in public health care in a spirit of partnership, particularly local and regional authorities and the statutory social insurance system,
2. To involve the service providers in health care using an interdisciplinary and multi-profession approach,

3. To put the patient at the center of the integrated provision of extramural and intramural health care,
4. To ensure fairness as regards gender and diversity,
5. To apply objectivity, legality and maximum transparency and publicity to the fulfillment of tasks, especially to the development of quality standards,
6. To cohere with international obligations and actions,
7. To apply methods and processes based on internationally recognized scientific principles and standards,
8. To monitor internal processes continuously for efficiency and quality improvements,
9. To abide by the principles of frugality, economy and expedience, and
10. To document and make available work results using modern media and technologies.

(3) Steps must be taken in the appointment of official bodies and Advisory Boards to ensure balanced representation in terms of gender.

(4) To ensure the Company's professional autonomy, the employees and the members of the Scientific Advisory Boards must divulge all relations they have with interest associations and customers, especially the pharmaceutical industry and the medicinal products industry, including any and all gifts or allowances received.

Responsibilities of the Company

§ 4. (1) In the course of acquiring information materials, methods and instruments for interregional or national planning, control and evaluation activities in health care and of making available the same to decision makers, the business unit designated as the Austrian Health Institute (*ÖBIG*) has the following responsibilities:

1. To carry out preparations for planning and to produce orientation aids for structuring the Austrian health care and social services system (health care system and planning of health care structures), particularly on issues related to the organization of medical care, including hospital care, and interface management;
2. To observe, analyze and evaluate structure-altering actions and projects as well as actions for curbing costs and increasing efficiency in health care, including reporting and documentation;
3. To prepare expertises from the standpoint of policy on health care structures for the purpose of designing and further developing performance-based remuneration systems;
4. To devise methods for recording, presenting, analyzing and evaluating data significant to the state of health of the populace;
5. To design and coordinate the implementation of prevention programs and treatment measures of interregional significance pursuant to Article 28 of the Treaty in accordance with Article 15a Austrian Federal Constitutional Act (*B-VG*) on the organization and financing of the health care system;
6. To coordinate and carry out projects related to organ and stem cell transplantation;
7. To lay the groundwork for further developing health care occupations, including the development of curricula;
8. To keep the IVF Register, the Opting-Out Register pursuant to § 62a.1 Hospitals Act (*Bundesgesetz über Krankenanstalten und Kuranstalten (KAKuG)*), Federal Law Gazette No. 1/1957, and further health care system registers as stipulated by special legal provisions;
9. To keep directories of those entitled to practice non-medical health care professions as stipulated by special legal provisions;
10. To compare and analyze international drug prices in order to assist the Price Commission in determining the EU average price pursuant to § 351c.6 General Social Insurance Act (*Allgemeines Sozialversicherungsgesetz (ASVG)*), Federal Law Gazette No. 189/1955; and
11. To run the Poison Control Center.

(2) Bearing in mind national uniformity in the interstate, inter-sectoral and inter-occupational development, implementation and regular evaluation of a quality system based on the principles of patient-orientation, transparency, effectiveness and efficiency, the business unit designated as the Federal Institute for Quality Health Care (*BIQG*) has the following responsibilities:

1. To draw up general requirements and principles
 - a) for the development of standards and indicators as regards the quality of structures, processes and results,
 - b) for the documentation of quality work and for quality reporting,
 - c) for funding activities and incentive mechanisms,
 - d) for monitoring pursuant to § 8 Health Quality Act (*Gesundheitsqualitätsgesetz (GQG)*); referred to below as the "Health Quality Act (*GQG*)", Federal Law Gazette I No. 179/2004,
2. To review, recommend and draw up quality standards that the Federal Minister of Health and Women can enact (as federal quality directives) or recommend for orientation (as federal quality guidelines);
3. To keep quality registers;

4. To prepare quality reports;
5. To set funding activities and incentive mechanisms or be involved in doing so;
6. To monitor compliance with the provisions of § 8 Health Quality Act (*GQG*) and ordinances issued on the basis of it or other requirements or be involved in doing so.

(3) The business unit designated as the Fund for a Healthy Austria (*FGÖ*) has the following responsibilities:

1. To carry out actions and initiatives pursuant to the Health Promotion Act (*Gesundheitsförderungsgesetz (GfG)*; referred to below as the “Health Promotion Act (*GfG*)”), Federal Law Gazette I No. 51/1998, and
2. To coordinate the actions and initiatives pursuant to the Health Promotion Act (*GfG*) with existing activities in health promotion, in particular pursuant to the Federal Sports Promotion Act (*Bundes-Sportförderungsgesetz 2005 (BSFG)*), Federal Law Gazette I No. 143.

(4) Pursuant to its responsibilities as laid down in Paragraphs 1 and 2, the Company must render the following performances as mandated in the individual case:

1. To be involved in drafting legislative bills and proposed ordinances;
2. To be involved in expertises and the submission of opinions on legislative bills and proposed ordinances and in related endeavors and documents of the European Union and international organizations,
3. To be involved in pertinent national and international bodies and working groups and to be involved in reaching an agreement on and representing the Austrian position in the international arena;
4. To be involved in national and international research projects;
5. To act as a consultant on issues or problems that must be urgently addressed and to produce and provide required information materials; and
6. To stage events and initial and continuing education and training events.

(5) The Company shall be allowed to render performances pursuant to Paragraphs 1, 2 and 4 solely on behalf of the shareholder. The shareholder, for its part, is obligated to obtain performances pursuant to Paragraphs 1, 2 and 4 only from the Company. The shareholder shall be entitled, however, to contract third parties to render performances pursuant to Paragraphs 1 and 2

1. If the given task is not contained in the Work Program and
2. If the Company declares in writing that it lacks the necessary resources and is therefore unable to render the performances in a way that meets the shareholder’s requirements as regards content and time.

Subsidiary

§ 5. (1) The Company must form a subsidiary to render services for other public or private customers. If the subsidiary obtains services from the Company to carry out such contracts, it must pay the Company usual market prices.

(2) Contracts the subsidiary carries out as part of its activity pursuant to Paragraph 1 must be implemented as contracted and may not be modified by the shareholder. § 2.5 must be applied.

Financing

§ 6. (1) The Company is financed by means of:

1. Grants the Federal Government gives to the Company to carry out operational measures to fulfill the Work Program based on the funds provided for these purposes in the respective Federal Revenue Act (*Bundesfinanzgesetz*);
2. Grants the Federal Government gives to the Company to cover administrative expenses the Company incurs in fulfilling the Work Program based on the funds provided for these purposes in the respective Federal Revenue Act (*Bundesfinanzgesetz*);
3. Funds pursuant to § 8.2.2 Fiscal Adjustment Act (*Finanzausgleichsgesetz 2005*), Federal Law Gazette I No.156/2004, or the corresponding provision of a fiscal adjustment act replacing the above act;
4. Remuneration received for the rendering of performances;
5. Other public or private grants; and
6. Other revenues.

(2) Fees can be levied for the Company’s activities pursuant to §4.1.8 and §4.1.9 if a financial contribution is economically warranted in respect of the content and scope of the task being carried out. The Company must have this fee set by the Managing Director according to the average costs incurred based on experience. The Federal Minister of Health and Women must approve the figure set for the fee.

Official Bodies of the Company

§ 7. The Company has the following official bodies:

1. General Meeting,
2. Managing Director
3. Institutional Meeting and
4. Board of Trustees.

Managing Director

§ 8. (1) The Company has one Managing Director, who represents the Company in public. The Federal Minister of Health and Women shall appoint the Managing Director for a maximum of five years after publicly inviting applications for the position. The appointment shall be for a maximum of five years and shall be done in accordance with the provisions of the Staffing Act (*Stellenbesetzungsgesetz*), Federal Law Gazette I No. 26/1998. The person may be reappointed.

(2) The Federal Minister of Health and Women shall be empowered to appoint an interim Managing Director for the duration of the first fiscal year.

(3) The Managing Director must submit the draft of rules of procedure within three months of his/her appointment; these rules require the approval of the General Meeting. Any amendment to them must be approved by the General Meeting.

Institutional Meeting

§ 9. (1) The Institutional Meeting has at most 27 members and is composed as follows:

1. Nine representatives of the Federal Government, whereby in any case one member each must be named by the Federal Minister of Social Security, Generations and Consumer Protection, by the Federal Minister of Finance and by the Federal Minister of Education, Science and Culture;
2. Nine representatives of the Federal States;
3. Nine members nominated by the Main Association of Austrian Social Security Institutions (*Hauptverband der österreichischen Sozialversicherungsträger*).

(2) The Federal Minister of Health and Women shall act as chair of the Institutional Meeting. The Institutional Meeting must elect two representatives from among its members by a simple majority of votes but consisting of at least ten votes. One of the two representatives must be from among the representatives of the Federal States and one from among the representatives nominated by the Main Association of Austrian Social Security Institutions (*Hauptverband der österreichischen Sozialversicherungsträger*).

(3) The Institutional Meeting shall be convened by its chair at least twice a year and further, if at least twelve members of the Institutional Meeting so request. The Institutional Meeting constitutes a quorum if at least half the members are present. The Institutional Meeting shall pass its resolutions by a simple majority of votes. In the case of a tie, the chair's vote decides the matter.

(4) The members of the Institutional Meeting perform their duties on an honorary basis.

Responsibilities of the Institutional Meeting

§ 10. The Institutional Meeting has the following responsibilities:

1. To handle the Company's strategic development and to determine its scientific orientation;
2. To set scientific, methodological and health economic principles for planning integrated health care in Austria, particularly in respect of the responsibilities of the Federal Health Agency (*Bundesgesundheitsagentur*) or an institution acting in its stead;
3. To set methodological and health economic principles for the scientific development of standards, directives and guidelines regarding the quality of health care structures, processes and results;
4. To review, assess and evaluate data recording systems in the health care sector;
5. To review, assess and evaluate quality reporting;
6. To nominate the members of the Scientific Advisory Boards;
7. To grant an informal hearing in connection with the appointment of the Managing Director pursuant to § 8 above.

Board of Trustees

§ 11. (1) The Board of Trustees has at most 13 members and is composed as follows:

1. Five representatives of the Federal Government;
2. Two representatives of the Federal States;
3. One member appointed by the Austrian Association of Municipalities (*Österreichischer Gemeindebund*);
4. One member appointed by the Austrian Association of Cities and Towns (*Österreichischer Städtebund*);
5. One member appointed by the Austrian Chamber of Physicians (*Österreichische Ärztekammer*);

6. One member appointed by the Austrian Chamber of Pharmacists (*Österreichische Apothekerkammer*);
7. One member appointed by the Main Association of Austrian Social Security Institutions (*Hauptverband der österreichischen Sozialversicherungsträger*) and
8. One member appointed by the Association of Austrian Insurance Companies (*Verband der österreichischen Versicherungsunternehmen*) and
9. Two members appointed by the Austrian Senior Citizens Council (*Österreichischer Seniorenrat*).

(2) The members of the Board of Trustees shall perform their duties on an honorary basis.

(3) The Federal Minister of Health and Women shall act as the chair of the Board of Trustees. The Board of Trustees must elect two representatives from among its members by a simple majority of the votes but consisting of at least seven votes.

(4) The Board of Trustees shall be convened by its chair at least twice a year and further, if at least seven members of the Board of Trustees so request. The Board of Trustees constitutes a quorum if at least half the members are present. The Board of Trustees shall pass its resolutions by a simple majority of the votes. In the case of a tie, the chair's vote decides the matter.

Responsibilities of the Board of Trustees

§ 12. The Board of Trustees shall be responsible for deciding on the use of funds pursuant to §6.1.3 for carrying out actions and initiatives pursuant to §4.3.1.

Advisory Boards

§ 13. (1) Scientific Advisory Boards are to be set up to advise the Company.

(2) The members of the Scientific Advisory Boards perform their duties on an honorary basis.

(3) A separate Scientific Advisory Board must be formed to advise the Board of Trustees.

(4) The particulars of the Advisory Boards must be set down in the rules of procedure. The Board of Trustees shall decide the particulars of the Advisory Boards pursuant to Paragraph 3 above.

Business Plan, Planning and Reporting System, Work Program

§ 14. (1) The Company must be run according to business principles, in particular frugality, economy and expediency. The Managing Director must draw up a business plan within three months of his/her appointment and present it to the General Meeting for approval. Any change in this plan must be approved by the General Meeting.

(2) The business plan must cover a planning and reporting system that

1. Ensures the performance of reporting duties pursuant to legal provisions,
2. Ensures compliance with the directives pursuant to §15b.2 Federal Budget Act (*Bundeshaushaltsgesetz (BHG)*), Federal Law Gazette No. 213/1986;
3. Enables an evaluation of goals, actions and goal attainment; and
4. Is in accord with the stipulations of the General Meeting.

(3) The individual business units of the company must be presented in separate groups of accounts. The performances the Company renders on behalf of the subsidiary must be recorded in a separate group of accounts and covered in the reports pursuant to Paragraph 2.

(4) Based on the business plan, the Company must draw up a Work Program by October 15 of each year at the latest for the following calendar year and submit it to the General Meeting for approval. The Work Program must contain the budget broken down by business unit and include an investment, personnel and financial plan.

Data Protection and Secrecy

§ 15. (1) Data used pursuant to §4.1 to §4.4 is not allowed to be traceable to the person involved as set forth in §4.3 Data Protection Act 2000 (*Datenschutzgesetz 2000 (DSG 2000)*); referred to below as the "Data Protection Act (DSG 2000)", Federal Law Gazette I No. 165/1999.

(2) If the use of data that has been rendered anonymous pursuant to Paragraph 1 does not suffice for performing legally mandated tasks, the use of data indirectly related to the person shall be permitted as set forth in §4.1, second half of the sentence, Data Protection Act (DSG 2000)).

(3) If legally mandated tasks can only be performed by establishing a connection to the given person, the use of non-sensitive data with a direct reference to the person involved shall be allowed. Under the same conditions, data on natural persons regarding their health and ethnicity may be used with a direct reference to the person involved for the following purposes:

1. To coordinate and carry out projects related to organ and stem cell transplantation pursuant to §4.1.6,
2. To keep the IVF Register and the Opting-Out Register pursuant to §4.1.8,
3. To produce quality reports, including the keeping of quality registers, pursuant to §4.2.3 and §4.2.4 and
4. To monitor compliance with §8 Health Quality Act (*GQG*) and ordinances issued on the basis of that act pursuant to §.4.2.6.

(4) The Company must set down in writing the precise reasons for use of sensitive data with a reference to the person involved pursuant to Paragraph 3 and must keep this written document on file for three years beyond the period in which the data is used.

(5) The Company's employees, the members of its official bodies, the Board of Trustees and the Advisory Boards as well as the experts are obliged to maintain the secrecy of data and secrets which they become privy to while acting on behalf of the Company and the secrecy of which is in the justified interest of the Company, the shareholder or a third party.

Exemption from Taxes and Charges

§ 16. (1) The transfer of assets pursuant to §18 and payments of the shareholder to carry out the Company's tasks named in §4 are exempt from corporation tax.

(2) The Company is a non-profit corporate body in the health care sector as defined in the Federal Fiscal Code (*Bundesabgabenordnung (BAO)*), Federal Law Gazette No. 194/1961, and pursuant to §8 Local Tax Act 1993 (*Kommunalsteuergesetz 1993 (KommStG 1993)*), Federal Law Gazette No. 819.

Representation by the Revenue Department of the Attorney General's Office (*Finanzprokuratur*)

§ 17. The Company shall be entitled to avail itself of counsel from and representation by the Revenue Department of the Attorney General's Office (*Finanzprokuratur*).

Section 2 Transitional Provisions

Transference of Assets

§ 18. (1) Upon the entry into force of this Federal Act, all rights and obligations of the Fund "Austrian Health Institute (*ÖBIG*)" pursuant to the Federal Act on the Establishment of a Fund "Austrian Health Institute (*ÖBIG*)" (*Bundesgesetz über die Errichtung eines Fonds "Österreichisches Bundesinstitut für Gesundheitswesen"*), Federal Law Gazette No. 63/1973 and the "Fund for a Healthy Austria (*FGÖ*)" as set forth in the Health Promotion Act (*GfG*) shall devolve upon the Company (universal succession).

(2) The valuations for the transferred assets must be set in the opening balance sheet, which must be completed within nine months of the entry into force of this Federal Act. The determination of the valuations in the opening balance sheet is not tied to acquisition and production costs. The valuations of technical equipment and facilities must be set based on their possible use in light of the current state of the art. The value of the transferred assets must be allocated to a non-committed capital reserve (§ 224.3.A.II.2 Commercial Code (*Handelsgesetzbuch*), Gazette of the German Reich p. 219/1897).

(3) The opening balance sheet requires the approval of the Company's General Meeting.

(4) The opening balance sheet must be audited and confirmed by an auditor; the auditor's report is deemed to be the auditor's report pursuant to §25.2 to §25.5 Corporation Act 1965 (*Aktiengesetz 1965 (AktG)*), Federal Law Gazette No. 98. The opening balance sheet must be published in the pertinent publications for official announcements. The publication must be submitted to the Commercial Register.

(5) All authorizations, permits and concessions of the Fund "Austrian Health Institute (*ÖBIG*)" pursuant to the Federal Act on the Establishment of a Fund "Austrian Health Institute (*ÖBIG*)" (*Bundesgesetz über die Errichtung eines Fonds "Österreichisches Bundesinstitut für Gesundheitswesen"*), Federal Law Gazette No. 63/1973 and the Fond for a Healthy Austria (*FGÖ*) as set forth in the Health Promotion Act (*GfG*) shall devolve upon the Company. If any reference is made in laws, ordinances or directives of the Federal Government to the Fund "Austrian Health Institute (*ÖBIG*)" pursuant to the Federal Act on the Establishment of a Fund "Austrian Health Institute (*ÖBIG*)" (*Bundesgesetz*

über die Errichtung eines Fonds "Österreichisches Bundesinstitut für Gesundheitswesen"), Federal Law Gazette No. 63/1973, the Federal Institute for Quality Health Care (*BIQG*), and the Fund for a Healthy Austria (*FGÖ*) as set forth in the Health Promotion Act (*GfG*), the Company shall be put in its stead.

(6) The tasks set down in federal acts for the Fund "Austrian Health Institute (*ÖBIG*)" pursuant to the Federal Act on the Establishment of a Fund "Austrian Health Institute (*ÖBIG*)" (*Bundesgesetz über die Errichtung eines Fonds "Österreichisches Bundesinstitut für Gesundheitswesen"*), Federal Law Gazette No. 63/1973, the Federal Institute for Quality Health Care (*BIQG*), and the Fund for a Healthy Austria (*FGÖ*) as set forth in the Health Promotion Act (*GfG*) shall be performed by the Company as part of its scope of non-profit responsibilities (§ 4) from the entry into force of this Federal Act.

Employment Contract Law

§ 19. (1) Staff employed in operating units or sub operating units that devolve upon the Company on the entry into force of this Federal Act shall become the Company's employees.

(2) The Federal Equal Treatment Act (*Bundes-Gleichbehandlungsgesetz (B-GIBG)*), Federal Law Gazette No. 100/1993, shall apply to the Company's employees.

Bargaining Agreement Law

§ 20. (1) The Company is capable of entering into collective agreements for its employees.

(2) Collective agreements concluded by the Austrian Health Institute (*ÖBIG*) and in force on the day before the entry into force of this Federal Act shall apply, from the entry into force of this Federal Act, to the employment relationships of the Company's employees who were covered by said agreement on the day before the entry into force of this Federal Act.

Employees' Representation Act

§ 21. (1) All workplaces of the Company shall form a single business as defined in § 34 Labor Constitutional Act (*Arbeitsverfassungsgesetz (ArbVG)*), Federal Law Gazette No. 22/1974.

(2) Members of the staff committees at businesses that become business units of the Company on the entry into force of this Federal Act shall end their activity in this capacity and step down from office on 30 April 2007. Public notification of elections for a staff committee after the above term of duty expires must be undertaken in ample time to ensure that a newly elected staff committee can commence its activities immediately after the above deadline is passed.

(3) Agreements negotiated by the employer and the staff committee on working conditions and valid on the day before the entry into force of this Federal Act shall apply, from the entry into force of this Federal Act, to the employment relationships of the Company's employees who were covered by said agreements on the day before the entry into force of this Federal Act.

Work Program

§ 22. The Work Program for the business year following the entry into force of this Federal Act must be submitted for approval to the General Meeting by 31 December 2006.

Management

§ 23. (1) In addition to the Managing Director appointed pursuant to §8, the Federal Minister of Health and Women shall be empowered to appoint as additional managing directors of the company

1. The previous managing director of the Fund "Gesundes Österreich" as set forth in the Health Promotion Act (*GfG*) until 30 September 2006 at the longest and
2. The previous managing director of the Fund "Austrian Health Institute (*ÖBIG*)" pursuant to the Federal Act on the Establishment of a Fund "Austrian Health Institute (*ÖBIG*)" (*Bundesgesetz über die Errichtung eines Fonds "Österreichisches Bundesinstitut für Gesundheitswesen"*), Federal Law Gazette No. 63/1973, until 31 May 2009 at the longest.

(2) Each managing director appointed pursuant to §1 is entitled to represent the Company only jointly with the Managing Director pursuant to §8 and only for his/her own business unit. Regardless of the above, the Managing Director appointed pursuant to §8 is authorized to act as the sole representative of the entire Company.

Transitional Provision Regarding Law of Tenancy

§ 24. The Company's entry into existing rights as primary tenant (*Hauptmietrechte*) devolving on the Company by way of universal succession do not by any means trigger legal consequences pursuant to § 12a Tenancy Act (*Mietrechtsgesetz (MRG)*), Federal Law Gazette No. 520/1981.

Section 3

Entry into Force and Enforcement Provisions

Entry into Force

§ 25. This Federal Act shall enter into force on the day following its promulgation.

Execution

§ 26. (1) The Federal Minister of Health and Women is charged with the execution and enforcement of this Federal Act unless otherwise stipulated in paragraph 2.

(2) The Federal Minister of Finance is charged with the execution and enforcement of this Federal Act as regards §6.1.3

Article 2

Repeal of the Federal Act on the establishment of a fund “Austrian Health Institute (ÖBIG)” (Bundesgesetz über die Errichtung eines Fonds “Österreichisches Bundesinstitut für Gesundheitswesen”)

The Federal Act on the establishment of a fund “Austrian Health Institute (ÖBIG)” (Bundesgesetz über die Errichtung eines Fonds “Österreichisches Bundesinstitut für Gesundheitswesen”), last amended by Federal Law Gazette I No. 35/2004, shall be repealed upon the entry into force of this Federal Act.

Article 3

Amendment to the Health Promotion Act (Gfg)

The Federal Act on actions and initiatives for health promotion, education and information (*Bundesgesetz über Maßnahmen und Initiatives zur Gesundheitsförderung, -aufklärung und -information (Gesundheitsförderungsgesetz – GfG)*), Federal Law Gazette I No.51/1998, is amended as follows:

§ 3 now reads:

“§ 3. (1) The carrying out of actions and initiatives pursuant to this Federal Act shall be transferred to the company “Gesundheit Österreich GmbH”.

(2) The Company’s activity pursuant to paragraph 1 can be supported by the Federal Government with funds available under the pertinent Federal Revenue Act (*Bundesfinanzgesetz*) in accordance with §4. These subsidies granted for the given calendar year can be increased by releasing reserves of funds not utilized in previous years.

(3) In carrying out the long-term and annual planning for implementing the actions and initiatives, *Gesundheit Österreich GmbH* must be mindful of the actions and initiatives set by other corporate bodies. *Gesundheit Österreich GmbH* must produce and publish an annual business report.”

Fischer
Schüssel

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