



FEDERAL ACT IMPLEMENTING REGULATION (EU) 2016/1011 ON INDICES USED AS BENCHMARKS IN FINANCIAL INSTRUMENTS AND FINANCIAL CONTRACTS OR TO MEASURE THE PERFORMANCE OF INVESTMENT FUNDS (BENCHMARKING ENFORCEMENT ACT (RW-VG; REFERENZWERTE-VOLLZUGSGESETZ))

Benchmarking Enforcement Act (RW-VG; Referenzwerte-Vollzugsgesetz)

**Original Version:** Federal Law Gazette I No. 93/2017

**Amendments** Federal Law Gazette I: 198/2021; 5/2026; 27/2026.

**Date:** 12.05.2026

## TABLE OF CONTENTS

Text.....	3
Purpose of this Act.....	3
Competent Authority .....	3
Supervision .....	4
Penal provisions .....	6
Other measures under administrative procedural law.....	8
Penal provisions with regard to legal persons .....	8
Exercising of Supervisory Powers and imposing of Sanctions .....	10
Publication of decisions .....	10
Reporting of infringements.....	11
Cooperation with third countries .....	12
Reporting to the ESMA .....	12
Costs .....	12
Gender-neutral use of language .....	12
Enforcement .....	13
References .....	13
Entry into force .....	13

## TEXT

### Purpose of this Act

**Article 1.** This Federal Act serves to transpose Regulation (EU) 2016/1011 of the European Parliament on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014, OJ L 171, 29.06.2016, p. 1, in the version of the corrigendum published in OJ L 306, 15.11.2016, p. 43.

(2) The amendment in the Federal Act published in Federal Law Gazette I No. 198/2021 serves to transpose

1. Regulation (EU) 2019/2089 amending Regulation (EU) 2016/1011 as regards EU Climate Transition Benchmarks, EU Paris-aligned Benchmarks and sustainability-related disclosures for benchmarks, OJ L 317, 09.12.2019, p. 17, and
2. Regulation (EU) 2021/168 amending Regulation (EU) 2016/1011 as regards the exemption of certain third-country spot foreign exchange benchmarks and the designation of replacements for certain benchmarks in cessation, and amending Regulation (EU) No 648/2012, OJ L 49, 12.02.2021, p. 6.

(3) The Federal Act published in Federal Law Gazette I No. 5/2026 serves the purpose of effectively transposing Regulation (EU) 2023/2859 establishing a European single access point providing centralised access to publicly available information of relevance to financial services, capital markets and sustainability, OJ L 2023/2859, 20.12.2023, in the version of Directive (EU) 2024/1760, OJ L 2024/1760, 05.07.2024, as well as Regulation (EU) 2023/2869 amending certain Regulations as regards the establishment and functioning of the European single access point, OJ L 2023/2869, 20.12.2023.

(4) The amendment in the Federal Act published in Federal Law Gazette I No. 27/2026 serves to transpose Regulation (EU) 2025/914 amending Regulation (EU) 2016/1011 as regards the scope of the rules for benchmarks, the use in the Union of benchmarks provided by an administrator located in a third country, and certain reporting requirements, OJ L 2025/914, 19.05.2025.

#### Note for the following provision

See Article 16 para. 3 about the time frame for applicability

### Competent Authority

**Article 2.** (1) The Austrian Financial Market Authority (FMA; *Finanzmarktaufsichtsbehörde*) is the competent authority for Austria pursuant to Article 40(2) of Regulation (EU) 2016/1011. Regardless of the tasks allocated to the FMA in other Federal Acts, it shall exercise the tasks and powers

conferred upon competent authorities pursuant to Article 41(1) of Regulation (EU) 2016/1011 and shall monitor compliance with the provisions set out in this Federal Act and in Regulation (EU) 2016/1011.

(2) The FMA shall take into account European convergence in respect of supervisory tools and supervisory procedures in the enforcement of this Federal Act and Regulation (EU) 2016/1011. For this purpose the FMA shall apply the Guidelines, Recommendations and other measures decided by the European Securities and Markets Authority (ESMA) (Regulation (EU) No. 1095/2010) within the scope of application of Regulation (EU) 2016/1011. The FMA may deviate from the guidelines and recommendations, provided that justified grounds exist to do so, in particular where they conflict provisions set out under national law.

(3) The Austrian Financial Market Authority (*FMA; Finanzmarktaufsichtsbehörde*) is the relevant authority for Austria pursuant to Article 40(1) of Regulation (EU) 2016/1011. Irrespective of the tasks allocated to it by other federal acts it also exercises the duties and powers assigned to it pursuant to Article 23b (5) point a and (6) of Regulation (EU) 2016/1011.

(4) The FSAP is the ESAP collection body as defined in Article 2 point 2 of Regulation (EU) 2023/2859 pursuant to Article 28a (3) of Regulation (EU) 2016/1011 for the information pursuant to Article 4 (5), Article 11 (1) point c, Article 12 (3), Article 13 (1), Article 25 (7), Article 26 (3), Article 27 (1) and Article 28 (1) of Regulation (EU) 2016/1011, and shall make this information accessible in the ESAP.

(5) The FMA is the collection body as defined in Article 2 point 2 of Regulation (EU) 2023/2859 pursuant to Article 3 (2) of Regulation (EU) 2023/2859 for the collection of information on a voluntary basis listed in Regulation (EU) 2016/1011.

(6) The FMA may determine, by means of a Regulation, a specific format, additional meta data to be included and the submission modalities for the submission of data pursuant to paras. 4 and 5, if this appears expedient taking into consideration rules under European Union law. The FMA is authorised as a processor under data protection framework pursuant to Article 4 (7) 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), OJ L 119, 04.05.2016, p. 1, in the version of the corrigendum, OJ L 74, 04.03.2021, p. 35, in conjunction with the duties pursuant to paras. 4 and 5 for processing of personal data as defined in Regulation (EU) 2016/679.

## Supervision

**Article 3.** Within the scope of the monitoring of compliance by supervised entities with the provisions of this Federal Act and of Regulation (EU) 2016/1011, the FMA shall be authorised at all times pursuant to point 17 of Article 3 (1) of Regulation (EU) 2016/1011 to:

1. have access to all documentation and data in all forms and to receive or make copies of them;
2. demand or request information from any person involved in the provision of a benchmark and who contributes, including the service provider to whom the duties, services or activities

- pursuant to Article 10 of Regulation (EU) 2016/1011 are outsourced, as well as from their contracting authorities, and as necessary to summon and question such persons in order to obtain information;
3. request information in relation to commodities benchmarks from contributors about associated spot markets and transaction reports in a standardised format and to direct access the systems of the traders;
  4. conduct on-site inspections and investigations in other locations than the private residences of natural persons using their own inspectors, as well as by persons who are active on behalf of the FMA by providing assistance, or using other experts;
  5. conduct on-site inspections using its own inspectors, statutory auditors or other experts;
  6. request existing recordings of telephone conversations or electronic messages or data transmission records that supervised entities possess;
  7. freeze or sequester assets, where doing so appears necessary for to secure the voided amount, although Article 5 para. 2 shall apply;
  8. demand the cessation of actions, which in the FMA's opinion constitute a breach of Regulation (EU) 2016/1011;
  9. impose a temporary prohibition on the exercise of professional activity;
  10. take all necessary measures, to ensure that the public is informed in an orderly manner about the provision of a benchmark, including the correction of previous contributions to the benchmark or benchmarks, including the obligation of the respective administrator or a person, who has published or disseminated the benchmark, or both, to publish a correction;
  11. designate a benchmark in accordance with Article 24 (3) of Regulation (EU) 2016/1011 as significant;
  12. demand, in the event of there being adequate reason for assuming that one of the requirements determined in Title III Chapter 3A of Regulation (EU) 2016/1011 is not being observed, that an administrator ceases for a maximum of twelve months
    - a. to provide EU Climate Transition Benchmarks or EU Paris-aligned Benchmarks;
    - b. to use the terms "EU Climate Transition Benchmarks" or "EU Paris-aligned Benchmarks" in the names of the benchmarks that it makes available for use in the European Union, or in the legal or marketing documentation for those benchmarks;
    - c. to suggest compliance with the requirements applicable to the provision of such benchmarks in the name of the benchmarks it makes available for use in the European Union, or in the legal or marketing documentation for those benchmarks.

**Note for the following provision**

See Article 16 para. 3 about the time frame for applicability

## Penal provisions

**Article 4.** (1) Anyone who is active as an administrator without having obtained the necessary authorisation or registration in accordance with Article 34 of Regulation (EU) 2016/1011, commits an administrative offence and shall be punished by the FMA

1. in the case of a natural person with a fine of up to EUR 500 000,
2. in the case of a legal person with a fine of up to EUR 1 000 000 or up to 10% of the total annual turnover, depending on which value is higher, or

in both cases up to three times the amount of the gain realised or loss avoided, where it is possible to determine this amount.

(2) Any person who, as the person responsible (Article 9 Administrative Penal Act (*VStG; Verwaltungsstrafgesetz 1991*)) of an administrator pursuant to point 6 of Article 3 (1) of Regulation (EU) 2016/1011, breaches

1. the obligations in relation to governance and control pursuant to Articles 4 to 10 of Regulation (EU) 2016/1011,
2. the requirements in relation to the input data pursuant to points a to c and e, of Article 11(1) and paras. (2) and (3) of Regulation (EU) 2016/1011,
3. the requirements in relation to the input data pursuant to point d of Article 11(1) and para. (4) of Regulation (EU) 2016/1011,
4. the requirements in relation to the methodology and the transparency of the methodology pursuant to Articles 12 to 13 of Regulation (EU) 2016/1011,
5. the requirements in relation to the reporting of infringements pursuant to Article 14 of Regulation (EU) 2016/1011,
6. the code of conduct pursuant to Article 15 of Regulation (EU) 2016/1011,
- 6a. the requirements in relation to an EU Climate Transition Benchmark (CTB) or an EU Paris-aligned Benchmark (PAB) pursuant to Article 19a (1) and Article 19c of Regulation (EU) 2016/1011,
- 6b. the requirements in relation to an EU Climate Transition Benchmark (CTB) pursuant to Article 19b of Regulation (EU) 2016/1011,
7. the requirements in relation to a critical benchmark pursuant to Articles 21 to 23 of Regulation (EU) 2016/1011,
8. the requirements in relation to a significant benchmark pursuant to Articles 24, 24a to 25 of Regulation (EU) 2016/1011,
9. the requirements in relation to a non-significant benchmark pursuant to Article 26 of Regulation (EU) 2016/1011,
10. the requirements in relation to transparency and consumer protection pursuant to Articles 27 and 28 of Regulation (EU) 2016/1011,
11. the requirements and reporting obligations pursuant to Article 34(2) of Regulation (EU) 2016/1011,

12. the obligation to submit the information listed in Article 4 (5), Article 11 point c, Article 12 (3), Article 13 (1), Article 25 (7), Article 26 (3), Article 27 (1) and Article 28 (1) of Regulation (EU) 2016/2011 to the FMA at the same time as their publication pursuant to Article 28a of Regulation (EU) 2016/2011, or
13. the obligation to obtain a legal entity identifier (LEI) pursuant to Article 28a (2) of Regulation (EU) 2016/1011,
14. the requirement to cooperate or comply in an investigation or request covered by Article 41 of Regulation (EU) 2016/2011

commits an administrative offence and shall be punished by the FMA with regard to nos. 12 and 13 with a fine of up to EUR 60 000, with regard to nos. 13 and 14 with a fine of up to EUR 100 000, and with regard to nos. 1, 2 and 4 to 11 with a fine of up to EUR 500 000, or in both cases up to three times the amount of the gain realised or loss avoided, where this amount is able to be determined.

(3) Any person who, as the person responsible (Article 9 Administrative Penal Act (*VStG; Verwaltungsstrafgesetz 1991*)) of a supervised contributor pursuant to point 10 of Article 3(1) of Regulation (EU) 2016/1011, breaches

1. the obligations in relation to governance and control pursuant to Article 16 of Regulation (EU) 2016/1011, or
  - 1a. the requirements in relation to an EU Climate Transition Benchmark (CTB) or an EU Paris-aligned Benchmark (PAB) pursuant to Article 19a (1) of Regulation (EU) 2016/1011, or
2. the requirements in relation to a critical benchmark pursuant to Article 23 para. 3 of Regulation (EU) 2016/1011,

commits an administrative offence and shall be punished by the FMA with a fine of up to EUR 500 000 or up to three times the amount of the profit realised or loss avoided arising from the breach, where it is possible to determine this amount.

(4) Any person who, as the person responsible (Article 9 Administrative Penal Act (*VStG; Verwaltungsstrafgesetz 1991*)) of a supervised entity pursuant to Article 3 (1) point 17 of Regulation (EU) 2016/1011 breaches the requirements in relation to the usage of a benchmark pursuant to Article 28 (2) or Article 29 of Regulation (EU) 2016/1011, commits an administrative offence and shall be punished by the FMA with a fine of up to EUR 500 000 or up to three times the amount of the gain realised or loss avoided arising from the breach, where this amount is able to be determined.

(5) For the purpose of pursuing such infringements listed in para. 1, the FMA may, irrespective of the application of Article 2 para. 3, exercise the powers listed in Article 22b of the Financial Market Authority Act (*FMABG; Finanzmarktaufsichtsbehördengesetz*), published in Federal Law Gazette I No. 97/2001.

(6) Fines imposed by the FMA pursuant to paras. 1 to 4 shall be passed on to the Federal Government.

## Other measures under administrative procedural law

**Article 5.** (1) In the case of one of the administrative offences listed in Article 4 paras. 1 to 4, the FMA may take the following administrative measures irrespective of other powers that it has under other administrative law:

1. an order requiring the administrator responsible for the breach or the supervised entity responsible for the breach to cease this conduct and to desist from repeating it;
2. an order declaring profits realised or losses avoided as a result of the breach as being forfeited, insofar as they are able to be quantified;
3. a public warning about the administrator responsible for the breach or the supervised entity responsible for the breach and the nature of the breach;
4. the withdrawal or suspension of the authorisation or registration of an administrator;
5. a temporary prohibition for natural persons who perform management functions at an administrator or supervised contributor, and who are responsible for a breach.

(2) Where the amount of the realised profit or avoided loss is not able to be determined or calculated, or only with a disproportionate burden, the FMA shall estimate it.

(3) Assets forfeited in accordance with para. 1 no. 2 shall be passed on to the Federal Government.

## Penal provisions with regard to legal persons

**Article 6.** (1) The FMA may impose fines against legal persons, if natural persons, who either acted individually or as part of a body of the legal person, have breached on the basis of the power to represent the legal person or the power to take decisions on behalf of the legal person, or who hold a power of control within the legal person, have breached

1. the obligations in relation to governance and control pursuant to Articles 4 to 10 of Regulation (EU) 2016/1011,
2. the requirements in relation to the input data pursuant to points a to c and e, of Article 11(1) and paras. (2) and (3) of Regulation (EU) 2016/1011,
3. the requirements in relation to the input data pursuant to point d of Article 11(1) and para. (4) of Regulation (EU) 2016/1011,
4. the requirements in relation to the methodology and the transparency of the methodology pursuant to Articles 12 to 13 of Regulation (EU) 2016/1011,
5. the requirements in relation to the reporting of infringements pursuant to Article 14 of Regulation (EU) 2016/1011,
6. the code of conduct pursuant to Article 15 of Regulation (EU) 2016/1011,
7. the requirements in relation to governance and control pursuant to Article 16 of Regulation (EU) 2016/1011,
- 7a. the requirements in relation to an EU Climate Transition Benchmark (CTB) or an EU Paris-aligned Benchmark (PAB) pursuant to Article 19a (1) and Article 19c of Regulation (EU) 2016/1011,

- 7b. the requirements in relation to an EU Climate Transition Benchmark (CTB) pursuant to Article 19b of Regulation (EU) 2016/1011,
8. the requirements in relation to a critical benchmark pursuant to Articles 21 to 23 of Regulation (EU) 2016/1011,
9. the requirements in relation to a significant benchmark pursuant to Articles 24, 24a to 25 of Regulation (EU) 2016/1011,
10. the requirements in relation to a non-significant benchmark pursuant to Article 26 of Regulation (EU) 2016/1011,
11. the requirements in relation to transparency and consumer protection pursuant to Articles 27 and 28 of Regulation (EU) 2016/1011,
12. the requirements in relation to the using of a benchmark pursuant to Article 29 of Regulation (EU) 2016/1011, or
13. the requirements and reporting obligations pursuant to Article 34(2) of Regulation (EU) 2016/1011.

(2) Legal persons may also be held responsible for breaches of the provisions listed in para. 1, if such breaches by a natural person acting for the legal person were made possible by a lack of supervision or control by one of the persons referred to in para. 1.

(3) The fine shall be

1. up to EUR 1 000 000 for a breach against the provisions listed in para. 1 nos. 1, 2 and 4 to 13 or up to 10% of the total annual turnover, whichever amount is higher, and
2. up to EUR 250 000 for a breach against the provisions listed in para. 1 no. 3 or up to 10% of the total annual turnover, whichever amount is higher, or

in both cases up to three times the amount of the gain realised or loss avoided, where it is possible to determine this amount.

(4) The total annual turnover shall be determined on the basis of the most recently adopted annual financial statement. Where the legal person is a parent undertaking or a subsidiary of a parent undertaking, which is required to draw up a consolidated financial statement in accordance with Directive 2013/34/EU on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC, OJ L 182, 29.06.2013, p. 19, last amended by Directive 2014/102/EU OJ L 334, 21.11.2014, p. 86, then the authoritative total annual turnover is the total annual turnover of the relevant type of income according to the relevant accounting provisions, that was stated in the last available consolidated accounts adopted by the competent body of the ultimate parent undertaking. Where the FMA is unable to determine or calculate the bases for the total annual turnover, then it shall estimate them. In so doing, all relevant circumstances shall be taken into account that are relevant for the estimate.

(5) Fines imposed by the FMA pursuant to paras. 1 and 3 shall be passed on to the Federal Government.

## **Exercising of Supervisory Powers and imposing of Sanctions**

**Article 7.** Irrespective of other provisions under administrative procedural law, the FMA shall, when determining the type of sanction or measure to be enforced for breaches against the provisions of this Federal Act or Regulation (EU) 2016/1011 as well as in calculating the amount of a fine, where appropriate, the following circumstances in particular shall be borne in mind:

1. the severity and duration of the breach;
2. the risk for financial stability and the real economy that may arise from a benchmark that has not been determined in accordance with the provisions of Regulation (EU) 2016/1011;
3. the level of responsibility of the natural or legal person responsible;
4. the financial standing of the responsible natural or legal person as indicated, in particular, by the total sales of the responsible legal person or the annual income of the responsible natural person;
5. the amount of the profits realised or losses avoided by the responsible natural or legal person, provided that these amounts can be determined;
6. the willingness of the responsible natural or legal person to cooperate with the FMA, irrespective of the requirement to collect the profits realised or losses avoided from this person;
7. previous breaches by the responsible natural or legal person; and
8. Measures taken by the natural or legal person responsible for the breach following the breach to prevent a recurrence of the breach.

## **Publication of decisions**

**Article 8.** (1) Subject to para. 3, the FMA shall publish any fine or administrative measure in relation to a breach of Regulation (EU) 2016/1011 including the identity of the natural or legal person against whom the sanction is imposed or whom the supervisory measure affects and the information about the type and character of the underlying breach without delay on its official website, once the affected person has been informed about the fine or supervisory measure.

(2) Paragraph 1 shall not apply to decisions imposing measures that are of an investigatory nature.

(3) Where the FMA is of the opinion that disclosing the identify of a legal person affected by the decision or the personal data of a natural person would be disproportionate on the basis of an assessment of proportionality in relation to the case in hand, or if the disclosure would endanger ongoing investigations or the stability of the financial markets, then it shall proceed as follows:

1. it shall only publish the decision to impose an administrative sanction or measure once the reasons for not publishing it cease to exist;
2. it shall publish the decision anonymously, provided that such an anonymous publication guarantees the effective protection of the personal data in question;
3. it shall not publish the decision, where it is of the opinion that a publication pursuant to no. 1 or 2 shall not suffice to ensure that

- a. the stability of the financial markets is not endangered, or
- b. proportionality is preserved by publishing such decisions with regard to measures which are deemed to be of a minor nature.

(4) Where reasons exist for an anonymous publication pursuant to para. 3 no. 2 where it may however be assumed that such reasons will cease to exist in the foreseeable future, the FMA may refrain from an anonymous publication and may publish the sanction also pursuant to para. 1 once the grounds pursuant to para. 3 no. 2 have ceased to apply.

(5) The person subject to this publication may request that the FMA review the lawfulness of the publication pursuant to para. 1 or para. 3 no. 2 in a procedure resulting in an administrative decision. In this case, the FMA shall notify the public of the initiation of such a procedure in the same way. If, in the course of this review, it is found that the publication was unlawful, the FMA shall correct the publication or, at the request of the person subject to this publication, either revoke it or remove it from its website.

(6) In the event that the decision underlying the publication pursuant to para. 1 is appealed against, then this as well as the outcome of this procedure shall be published in the same manner as the original publication. In the event that suspensory effect is granted for such an appeal in a procedure in a court of law, then the FMA shall also make this known. If an appeal is granted against a decision that is the subject of the publication pursuant to para. 1 or 3, the publication shall be removed from the FMA's official website where requested by the affected party.

(7) If a publication pursuant to para. 1 or para. 3 no. 2 is not to be revoked or removed from the internet due a decision in accordance with paras. 5 and 6, it shall remain published for a period of five years. Publication of the personal data shall however only be maintained for as long as none of the criteria for an anonymous publication are fulfilled.

## **Reporting of infringements**

**Article 9.** Employees of administrators who pursuant to Article 14 of Regulation (EU) 2016/1011 reports breaches against the provisions of this Regulation or a delegated legal act issued on the basis of this Regulation within the scope of a internal procedure, shall therefore neither be allowed

1. to be disadvantaged, in particular in relation to their salary, professional promotion, in relation to training and education programmes, by being moved internally or by having their employment terminated, nor
  2. to be held responsible in accordance with regulations under penal law,
- unless the report was intentionally falsely submitted. The employer or a third party shall only have a claim for compensation in the case of a report that was clearly incorrect, made by the employee had made with intention of causing damage. The authorisation to make such reports shall not be allowed to be contractually restricted. Agreements to the contrary shall not be effective.

## Cooperation with third countries

**Article 10.** (1) Cooperation and onward transmission of all information shall also be permissible to third country authorities within the same framework and for the same purposes as to the competent authorities of member states pursuant to Article 44 (2) of Regulation (EU) 2016/1011 that perform duties that are comparable to the duties of the FMA, provided that this is necessary for fulfilling duties that correspond to the duties of the FMA under this Federal Act or Regulation (EU) 2016/1011. (2) Cooperation with third country authorities shall be possible to the same extent as the extent stated in Article 39 of Regulation (EU) 2016/1011.

## Reporting to the ESMA

**Article 11.** The FMA shall submit an annual summary to ESMA about all administrative penalties and other measures imposed pursuant to Articles 4 to 6 with the exception of measures of an investigative nature.

## Costs

**Article 12.** (1) The costs of the FMA arising from its activities in accordance with this Federal Act and Regulation (EU) 2016/1011 are costs for the Securities Supervision accounting group (Article 19 para. 1 no. 3 and para. 4 FMABG) and shall be covered by the administrators that are registered or authorised in Austria. For this purpose, in addition to the sub-accounting groups listed in Article 90 para. 1 of the Securities Supervision Act of 2007 (WAG 2007; Wertpapieraufsichtsgesetz 2007) published in Federal Law Gazette I No. 60/2007, the FMA shall also form an additional sub-accounting group for administrators in the Securities Supervision accounting group.

(2) The amounts to be allocated to parties liable to pay costs pursuant to para. 1 shall be prescribed by the FMA by means of an administrative decision; it shall be permitted to determine fixed amounts. The FMA shall determine more detailed regulations regarding the breaking down of such costs, and their prescription by means of a Regulation. In particular, the following shall be defined:

1. the assessment base;
  2. deadlines for payment notifications and time frame for payments by the parties liable to pay.
- When issuing the Regulation, the type and quantity of the benchmarks provided by a single entity liable to pay costs shall be considered. Entities liable to pay costs shall provide the FMA with all required information regarding the bases for cost assessment.

## Gender-neutral use of language

**Article 13.** Where expressions in this Federal Act relating to persons are given only in the masculine form, they shall refer equally to men and women. The respective gender-specific form shall be used when applied to specific persons.

## Enforcement

**Article 14.** The Federal Minister of Finance shall be responsible for enforcing this Federal Act.

## References

**Article 15.** Where reference is made in this Federal Act to other Federal Acts, then such references shall apply to the version currently in force.

## Entry into force

**Article 16.** (1) Article 2 of this Federal Act shall enter into force on the following day after publication, while the remaining provisions of this Federal Act shall enter into force on 1 January 2018.

(2) Article 1, Article 2 para. 3, Article 4 para. 2 no. 6a, Article 4 para. 3 and Article 6 para. 1 no. 7a in the version of the Federal Act amended in Federal Law Gazette I No. 198/2021 shall enter into force on the following day after announcement. Article 4 para. 2 no. 6b and Article 6 para. 1 no. 7b in the version of the amendment by Federal Act in Federal Law Gazette I No. 198/2021 shall enter into force on 31 December 2022.

(3) Article 1 para. 3, Article 2 paras. 4 to 6, as well as Article 4 para. 2 in the version of the Federal Act amended in Federal Law Gazette I No. 5/2026 shall enter into force on the following day after announcement. Article 2 para. 4 and Article 4 para. 2 no. 12 and 13 in the version of the Federal Act amended in Federal Law Gazette I No. 5/2026 shall apply from 10 January 2028. Article 2 para. 5 in the version amended by Federal Act in Federal Law Gazette I No. 5/2026 shall apply from 10 January 2030. The FMA shall inform ESMA by 9 January 2030 that it is the collection body pursuant Article 3 (2) of Regulation (EU) 2023/2859 for the collection of information on a voluntary basis listed in Regulation (EU) No 2016/1011.

(4) Article 1 para. 4, Article 2 paras. 1 and 3, the introductory part of Article 3, Article 3 nos. 10 to 12, Article 4 para. 2 nos. 8 and 10, 11 and 14, Article 4 para. 2 concluding part, Article 6 para. 1 no. 9 and Article 8 para. 3 in the version amended by Federal Act in Federal Law Gazette I No. 27/2026 shall enter into force on the following day after publication.