

Annual Report 2019

Federal Bureau of Anti-Corruption (BAK)



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Vienna, 2020

Preface

Dear Sir or Madam,

On behalf of the Austrian Federal Bureau of Anti-Corruption (BAK), I have the pleasure of presenting to you the Annual Report for the year 2019.

The Annual Report is an account of the activities undertaken by the BAK, based on the four-pillar model for fighting corruption – prevention, education, security and criminal police investigation, and international cooperation.

The year 2019 was characterized in particular by comprehensive plans for a new organizational and personnel structure to meet the requirements of a modern criminal investigation department.

Let me take the opportunity here to highlight that the BAK initiated, implemented, helped to develop and successfully completed a large number of projects during that very period.

Within the framework of international cooperation, numerous visits by delegations were organized, multilateral cooperation was entered into and committee and network activities were carried out.

The BAK's extensive range of tasks requires the ongoing examination of current challenges and further development of the organization; a process of this kind was accomplished in 2019 and set the course for the continuously effective prevention of and fight against corruption.

Otto Kerbl
Acting Director

Imprint

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1

The BAK – a brief outline

The Austrian Federal Bureau of Anti-Corruption (BAK) was established on 1 January 2010 and is based in Vienna. It has nationwide jurisdiction in the prevention of and fight against corruption. The BAK operates in close cooperation with the Austrian Federal Public Prosecutor's Office for Combating Economic Crime and Corruption (WKStA), and is also in charge of all matters concerning security police and criminal police cooperation with foreign and international anti-corruption institutions.

The BAK and its organizational structure

The BAK is an institution of the Austrian Federal Ministry of the Interior. Organizationally speaking, it is not under the umbrella of the Directorate General for Public Security (see section 1 of the Federal Act on the Establishment and Organization of the Federal Bureau of Anti-Corruption [BAK-Gesetz – BAK-G]), but pertains to Directorate General III (Law) and thus reports directly to Director General III. In the reporting period, the BAK was divided into three departments: Departments 1 and 2 consisted of three units each; Department 3 was subdivided into four units.

The BAK's contact office

The Single Point of Contact (SPOC) is the main contact office of the BAK. The SPOC receives reports, allegations, complaints, etc. that may be relevant to criminal investigations. The SPOC examines whether the BAK has jurisdiction in any particular case, decides if instant measures have to be taken, and distributes the cases. Additionally, the SPOC is responsible for security matters on the BAK premises.

Resources, Support and Legal Affairs

Department 1 provides the entire support for the Federal Bureau. Its responsibilities range from human resources, budget, controlling, fleet management, logistics, media analysis, public relations and arranging for workplace health promotion events, to IT infrastructure management, preservation of evidence in the field of IT, analysis of data and visualization, statistical analysis of the BAK's activities, various legal services for the BAK as well as implementation and supervision of the BAK's compliance management system (CMS). Due to the heavy workload surrounding IT seizures, additional members joined the forensics team in 2018. Three young men serving in the alternative service ("Zivildienst") also support the IT sector.

Prevention, Education and Basic Research

Inter alia, Department 2 is responsible for prevention and basic research. This includes preventive activities in the entire civil service, implementation of studies, scientific exchange, and support for and supervision of external projects such as the National Anti-Corruption Strategy (NACS). Another area of responsibility of Department 2 is education, which includes, in particular, the servicing of the Austrian-wide Network of Integrity Officers (NIO) and the organization of trainings and awareness-raising events for the Federal Ministry of the

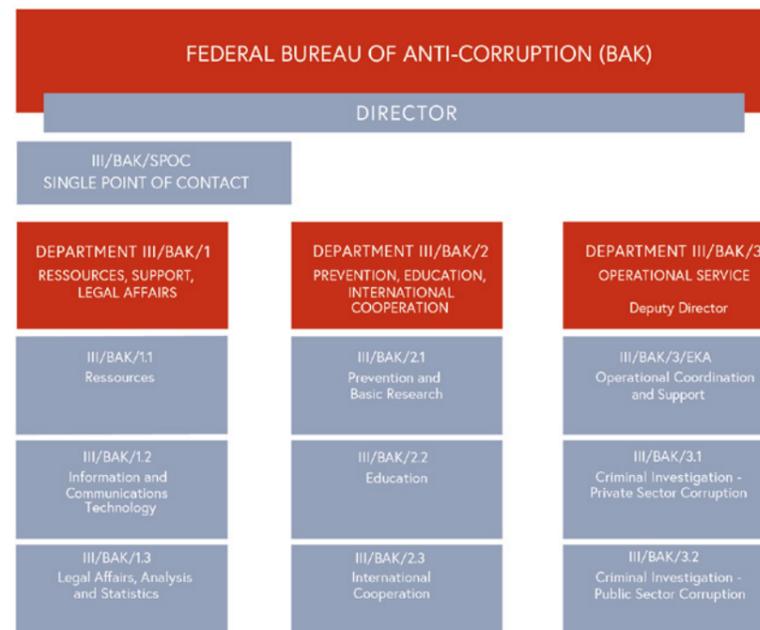
Interior and other public authorities. Furthermore, Department 2 is responsible for international cooperation, i.e. cooperation with various anti-corruption bodies and promotion of bilateral exchange. The BAK's international cooperation unit functions as the Secretariat of European Partners against Corruption (EPAC) and European contact-point network against corruption (EACN). Three additional staff members strengthened the unit during the Austrian EU Council Presidency.

The BAK's activities in the field of education are supported in each regional police directorate by corruption prevention officers (CPOs). In coordination with the BAK, the CPOs give lectures and carry out advanced training courses in their respective region on issues related to corruption prevention. They thus contribute to saving resources (less travel expenses).

Operational Service

Department 3 is responsible for operational matters at the BAK, i.e. security police investigations and criminal investigations in the fields of corruption offences, abuse of official authority and internal affairs.

The Unit "General Corruption Offences and Accompanying Crime" consists of four investigation teams, the units "Abuse of Official Authority and Accompanying Crime" and "Internal Affairs" each count two investigation teams. The Unit "EKA" is responsible for the coordination of operations, operational case analysis and asset recovery.



The BAK and its legal basis

The Federal Act on the Establishment and Organization of the Federal Bureau of Anti-Corruption (BAK-G) entered into force on 1 January 2010 and constitutes the BAK's legal basis.

By Federal Law Gazette I No. 111/2019 (amendment of the Penal Code, of the Federal Act on the Establishment and Organization of the Federal Bureau of Anti-Corruption [BAK-G], and of the 1975 Code of Criminal Procedure implementing the „Directive on the fight against fraud to the Union's financial interests by means of criminal law“), the Austrian Penal Code (StGB) was amended, inter alia, to include the new offence § 168d „Misuse of funds and assets to the detriment of the financial interests of the European Union“. With the same Federal Law Gazette, this new offence was included in the scope of duties of the BAK and in the list of predicate offences (§ 4 paragraph 1 no. 9a and no. 13 BAK-G) and entered into force on 28 December 2019.

Jurisdiction in matters of security and criminal police investigation

Section 4 paragraph 1 BAK-G defines the BAK's tasks. Pursuant to this section (§), the BAK has nationwide jurisdiction in matters of security and criminal police investigation concerning the following criminal offences:

1. Abuse of official authority (§ 302 of the Austrian Penal Code [Strafgesetzbuch – StGB]),
2. Corruptibility (§ 304 StGB),
3. Acceptance of an advantage (§ 305 StGB),
4. Acceptance of an advantage for the purpose of exerting influence (§ 306 StGB),
5. Bribery (§ 307 StGB),
6. Offering an advantage (§ 307a StGB),
7. Offering an advantage for the purpose of exerting influence (§ 307b StGB),
8. Illicit intervention (§ 308 StGB),
- 8a. Breach of official secrecy (§ 310 StGB),
- 8b. Breach of § 18 of the Information Management Act, Federal Law Gazette (BGBl.) I No. 102/2014,

9. Breach of trust due to abuse of an official function or due to involvement of an office holder (§ 153 paragraph 3, § 313, or in conjunction with § 74 paragraph 1 no. 4a StGB),

9a. Misuse of funds and assets to the detriment of the financial interests of the European Union (§ 168d StGB),

10. Acceptance of gifts by persons holding a position of power (§ 153a StGB),

11. Agreements restricting competition in procurement procedures (§ 168b StGB) as well as serious fraud (§ 147 StGB) and commercial fraud (§ 148 StGB) on the basis of such agreement,

12. Acceptance of gifts and bribery of employees or agents (§ 309 StGB),

13. Money laundering (§ 165 StGB), if the assets arise from offences 1 to 8, 9, 9a, 11 (second and third case) or 12; criminal associations or organizations (§§ 278 and 278a StGB), if their purpose is to commit offences 1 to 9a or 11 (second and third case),

14. Acts punishable pursuant to the StGB as well as to other laws relevant to criminal law, if they are related to offences 1 to 13 and are to be prosecuted by the BAK upon written order by a court or public prosecutor's office,

15. Acts punishable pursuant to the StGB as well as to laws relevant to criminal law concerning public employees of the Federal Ministry of the Interior, if they are to be prosecuted by the BAK upon written order by a court or public prosecutor's office.

In the cases defined in § 4 paragraph 1 (11-13) BAK-G, the BAK, pursuant to § 28 paragraph 1 sentence 2 Austrian Penal Code (StGB), may only be the authority in charge if the above-mentioned criminal offence/s are relevant for determining the severity of the punishment to be imposed in the case in question.

International cooperation

International cooperation by the BAK is laid down in § 4 paragraph 2 BAK-G: the BAK is responsible for cooperation in investigations within the framework of international police cooperation and administrative assistance in the cases referred to in § 4 paragraph 1 BAK-G. Furthermore, the BAK is responsible for cooperation with foreign authorities and international institutions in the field of prevention of and fight against corruption in general, and, in particular, exchange of experience in this area.

Corruption prevention activities

As regards prevention of corruption, § 4 paragraph 3 BAK-G stipulates that the BAK shall analyse corruption phenomena, gather information on preventing and combating them and develop appropriate preventive measures.

In this context, the BAK is responsible for strengthening the willingness and abilities of individuals as well as territorial communities or authorities to obtain knowledge about measures for the prevention of corruption and promotion of integrity, and develop awareness of these issues accordingly.

Duty to report, right to report

Furthermore, § 5 BAK-G provides for both duty and right to report. Without prejudice to their duties to report defined by the Austrian Code of Criminal Procedure (Strafprozessordnung – StPO), law enforcement authorities or departments receiving notice of a criminal offence defined in § 4 paragraph 1 (1-15) must report the offence in writing as soon as possible to the BAK (duty to report). Also, federal employees must not be prevented from reporting allegations or suspicious circumstances concerning § 4 paragraph 1 (1-15) directly to the BAK without going through official channels (right to report).

Cooperation with other authorities and departments

The law (§ 6 BAK-G) also regulates cooperation with other authorities and departments. For reasons of expediency, the BAK may assign individual investigations to other law enforcement authorities and departments (§ 6 paragraph 2 BAK-G); or, the BAK may transfer investigations to other competent law enforcement authorities and departments if there is no particular public interest regarding the importance of the criminal offence or of the person under investigation (§ 6 paragraph 3 BAK-G).

Legal protection

The Commission for Legal Protection was established as a special form of legal protection. It is an independent body not bound by instructions and subject to official secrecy. It consists of the Legal Protection Officer, as defined in § 91a of the Austrian Security Police Act (Sicherheitspolizeigesetz – SPG), and two additional members. The commission's purpose is to investigate allegations concerning the activities of the BAK if these allegations are not manifestly unfounded and if the persons concerned do not have a legal remedy at their disposal. The Commission for Legal Protection presents an annual report on the performance of its functions to the Federal Minister of the Interior. Moreover, the commission may address recommendations to the Federal Minister of the Interior or the Director of BAK (§§ 8 and 9 BAK-G).

The BAK and its compliance management system

The Federal Bureau of Anti-Corruption (BAK) has had an effective compliance management system in place for four years.

The current task is to continuously adapt the compliance management system, including the risk management system, to current circumstances and to prepare it for new challenges



in public administration. In addition, the awareness of compliance and risk management is to be further strengthened.

As of December 2019, the BAK's risk management system covers 65 risks, which are divided into the following seven categories: security, budget, misconduct, communication, operational, personnel and legal.

Each risk is reviewed, analysed and evaluated at least annually to ensure that it is up-to-date. The analysis focuses in particular on the initial situation as well as on causes and effects of the risk. Individual risks are assessed on the basis of parameters specifically developed for the Bureau's circumstances. The risk value shown in the risk documentation ultimately results from the probability of occurrence multiplied by the effect when the risk occurs.

In addition, around 200 measures are currently in place to mitigate and/or control the risks. These measures are also monitored at regular intervals, and any developments are documented in a comprehensible manner. Moreover, the measures' effectiveness is reviewed. Due to the diversity of the measures, this is done through inquiries, indicators, monitoring the development of the risk value, etc.

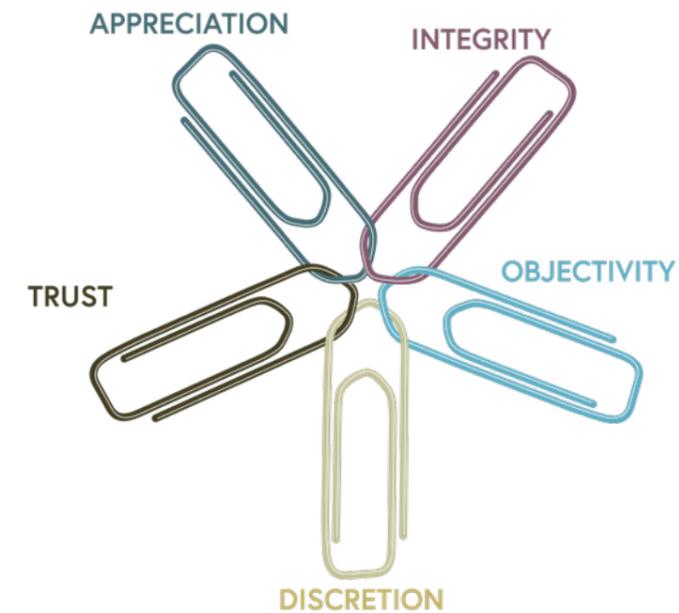
In order to increase awareness of compliance, ensure legal certainty and security of action, and also to keep compliance and risk management attractive for employees, existing strategies are constantly being refined and new strategies developed (e.g. a dedicated compliance area on the BAK intranet, instructions on how to report a risk, compliance logo, training on official instructions, etc.).

In conclusion, it is emphasized that the BAK is constantly striving to further develop both management systems and keep them up to date.

The BAK and its mission statement

"Managing values is like drilling solid planks with passion and a sense of perspective at the same time." (based loosely on Max Weber)

In 2017, the entire staff of the BAK jointly revised the BAK's mission statement and developed the values valid as from 2018. In 2019, the process was continued in order to establish a conscious value culture and to question and consolidate the actual values held by each and every staff member.



The five basic values of the BAK's mission statement

Workplace health promotion in 2019

In 2019, too, the BAK offered regular targeted workshops and training sessions on burnout prophylaxis, nutrition and running, an assisted smoking cessation programme, sports training and health check-ups („Health Road“) in cooperation with the BVAEB (Health Insurance Fund for Public Servants, Railways and Mining).

On 3 April 2019, the BAK was awarded the Seal of Quality for Workplace Health Promotion (2019-2021) for the second time by the BVAEB for its commitment and innovative implementation performance in the area of health.

2 The BAK and its compliance and corruption prevention advisory services

Compliance and corruption prevention advisory services

Compliance and anti-corruption advisory services are key elements of the BAK's prevention work. Both compliance and corruption prevention consulting are subject to the principles of the BAK's prevention work, namely equality (between the advisory team and the client), holism (understood as comprehensive consideration and encounter from all sides), and adequacy (in the sense of tailor-made solutions for the public sector). The advisory services are specifically designed to meet the needs of public institutions in terms of compliance and corruption prevention.

Transparency, traceability and adherence to the highest quality standards are the basis of every consultation by the BAK. With this in mind, the BAK has laid down the principles, procedures and methods of its advisory services in „advisory handbooks“. The advisory services offered and methods applied are continually evaluated and adapted.

Compliance advisory services pursue the goal of implementing what is known as a compliance management system (CMS) to achieve compliance in an organization. The BAK advises organizations on the establishment of compliance elements and their consolidation into an overall system. The Bureau also analyses already established CMS and CMS elements.

The systematic analysis of risk areas in an organization is the main focus of corruption prevention advisory services. These corruption risk analyses pursue the goal of avoiding or reducing damage. In addition to an organization's set of rules and regulations, its structure and work processes are examined. The organizational culture and the „human factor“ are further focal points of analysis.

Focus on risk management and risk analysis

A methodological focus of both types of advisory services is the performance of risk analyses in accordance with national and international standards on risk management (including ISO 31000, ONR series 49000, ISO 19600, ONR 192050).

Risk management pursues the goal of reducing uncertainties in decisions and thus improving the achievement of objectives – of an organization, a project, etc. – as well as the security of systems.

Risks arise as a result of events and developments. They can be understood as the positive or negative effects of uncertainties on objectives.

The method of risk analysis essentially comprises three steps: identification of risks, evaluation of these risks, and development of recommendations for risk management measures. Subsequently, for a well-functioning and high-quality risk management process, it is mandatory to monitor and report all risks.

The assessment of a risk is based on a combination of the assessment of the probability of a risk occurring on the one hand, and the extent of its damage on the other, whereby the damage is considered not only from a financial perspective but also, among other things, in relation to the reputation of an organization.

In preparing and conducting these analyses, the certified risk managers of the BAK advisory team teach their project partners the basics of risk management and analysis methods. Special attention is paid to joint „risk workshops“ in which the risk analysis method is taught practically and on the basis of specific risks faced by the organization being advised. The BAK's aim is to equip the project partners with the necessary tools to enable them – as provided for in compliance management systems – to independently analyse and regularly evaluate risks on a long-term basis.

Compliance and corruption prevention advisory services in 2019

Projects in the risk area of healthcare

In 2017, the European Commission published a report on a study on corruption in the healthcare sector. According to this study, the public healthcare system is considered to be particularly vulnerable to corruption and little is known about this issue. The study identifies corruption in the provision of medical services as one of the major challenges.

Furthermore, corrupt practices related to preferential treatment or risks of corruption in secondary employment of medical staff in private practices are mentioned as problem areas by Member States. The study also underlines the importance of transparent procurement procedures and the problematic increase in improper marketing of pharmaceutical products and medical technology. Based on the results of the study, conclusions can be drawn regarding potential corruption risks in the Austrian healthcare system.

Against this background, in 2019, the BAK advised two actors in the Austrian health sector at their request:

In May 2019, corruption prevention and compliance advisory services were completed with the Vienna Hospital Association (KAV) on selected risk areas identified within KAV.

With the Austrian Workers' Compensation Board (AUVA), the BAK is conducting a compliance consultation with the purpose of implementing a comprehensive CMS and consolidating existing compliance-related measures.

Compliance advisory services for NEUSTART

Since February 2019, the BAK has been providing compliance advice for the association „NEUSTART“. NEUSTART is one of the largest non-profit organizations in the Austrian social economy with about 1,500 full-time and voluntary employees. Since 1957, the association has been committed to re-socializing offenders, helping victims and preventing crime.

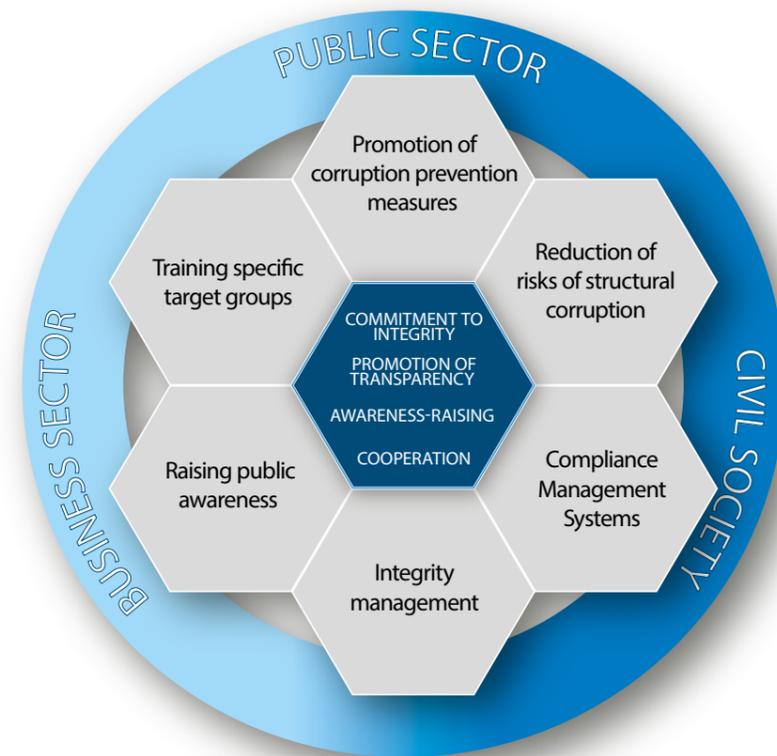
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The BAK – strategy and basic research

Action Plan for the National Anti-Corruption Strategy

In 2018, Austria's National Anti-Corruption Strategy (NACS) was adopted by the Federal Government in accordance with the relevant provisions of the United Nations Convention against Corruption (UNCAC). It forms the framework for all measures taken to prevent and combat corruption in Austria.

On 16 January 2019, the Council of Ministers adopted an action plan that provides for comprehensive measures to prevent and combat corruption in the period from 2019 to 2020 within the framework of the NACS. For the prevention of and fight against corruption carried out by the public sector, civil society and business sector, the NACS pursues a cross-sectoral approach based on the action plan. Two supplementary lists – one for the Federal Chancellery and federal ministries and another for organizations and authorities with voluntary participation – describe the specific measures of the action plan in detail.



National Anti-Corruption Strategy (c) BAK

In general, the implementation of the action plan by the Federal Chancellery and federal ministries shows a trend towards cross-sectoral exchange of information, training measures, standardization in the implementation of measures in the field of corruption prevention as well as in the development of compliance structures. Organizations and authorities with voluntary participation, on the other hand, are increasingly focusing on promoting integrity, reducing structural corruption risks and training measures for staff including supervisors.

In implementing the action plan in the area of integrity management in 2019, the BAK continued to focus on the development of the Network of Integrity Officers (NIO). In the field of compliance management for public administration, the BAK provided support in setting up and implementing suitable systems by carrying out corruption prevention and compliance advisory projects. At the European level, the BAK carried on the activities of the „EU Integrity“ working group, set up under EPAC/EACN (European Partners against Corruption / European Anti-Corruption Network), together with its international partners. The BAK also worked intensively on implementing the action plans in the area of raising public awareness through active public relations work on the dangers of corruption and concrete measures to prevent corruption. During the reporting period, the BAK continuously published information on its website about the dangers of corruption and measures to prevent corruption. By distributing the BAK's very own board game "Fit4Compliance – Find your VALUES" to national and international partners, the Bureau continued to promote integrity and corruption prevention following a new, playful approach.

As defined in the NACS, the set targets are to be operationalized in a two-year cycle from 2019 to 2020. An evaluation of the operationalization of the action plan will be carried out for the first time at the end of 2020. Indicators will be used to determine what has already been implemented and to generate the data required to further develop the action plans.

Basic research

Corruption is a complex and multifaceted phenomenon. In order to counteract it with evidence-based prevention measures, the BAK's corruption research pursues an approach focusing on the causes of corruption.

In 2015/16, the BAK conducted its first research study on „Attitudes to corruption in the Austrian police“ in cooperation with Hanover University of Applied Sciences and Arts and Münster University of Applied Sciences. The results were outlined in the 2016 BAK Annual Report and in several publications (including 2/2017 SIAK [Federal Police Academy] Journal). On the basis of the experience gained during the first study, an Austrian version of the Hanover Corruption Scale (HKS 38) was designed, taking into account Austria's linguistic characteristics. This "HKS 38 Ö" was used for the first time in the follow-up study „Attitudes to corruption“, which was initiated by the BAK in 2018 (see 2018 BAK Annual Report).

During the reporting period, the data collected were evaluated and related to those of the preliminary study. Both studies showed that about 52 per cent of the persons from the general population attain a more affirmative attitude to corruption and are therefore more likely to agree to corruption than the police trainees.

The results of attitude measurement obtained in both studies are consistent. Moreover, theoretical test checks made speak in favour of a valid measurement using HKS 38 Ö, so that for the first time, attitudes to corruption can be reliably recorded in Austria and also assessed in relation to the general population.

The publication of results of the second study is currently in preparation; it is scheduled for 2020.

This study was co-financed by the European Commission under an ISF project.



4

The BAK's nationwide interconnection

The Network of Integrity Officers (NIO) in 2019

In 2019, the BAK again organized two basic training courses, one follow-up meeting and another two-day annual meeting in the framework of the Network of Integrity Officers (NIO). In addition, the NIO Award was granted for the second time for special achievements in the areas of corruption prevention, compliance and promotion of integrity. The following is a chronological presentation of NIO activities in 2019.



NIO follow-up meeting on the prevention of corruption in private sector administration

On 27 March 2019, 35 integrity officers from all over Austria met at the BAK for the 6th NIO follow-up meeting to exchange experience and information.

The main topic of this meeting was the prevention of corruption in private sector administration. In the first part of the event, guest speaker Matthias Kopetzky talked about his long-standing practice as an expert on economic crime in investigation and court proceedings. The focus was on embezzlement, fraud and fraudulent bankruptcy offence. In this context, Kopetzky provided valuable information on how to effectively preserve evidence and prepare the respective facts for the criminal prosecution authorities.

After the lunch break, three working groups dealt with the facts of a suspected compliance violation by an employee. Following the presentation of the results, Mr Kopetzky presented numerous best practices from his extensive experience in conducting special audits, and gave the integrity officers tips related to clues and indicators for possible irregularities, which was very valuable from a compliance perspective.

As always at NIO events, there was also sufficient room for informal exchange of experience beyond the actual programme.

Sixth and seventh NIO basic training courses

In 2019, the BAK twice organized the one-week basic training course for integrity officers. The 6th NIO basic training course took place from 8 to 12 April, the 7th NIO basic training course from 25 to 29 November. In total, 50 newly trained integrity officers for Austria successfully completed the training.

In terms of course content, special emphasis was again placed on the right mix of theory and practice in the broad field of integrity promotion. Experts from the BAK, the Federal Public Prosecutor's Office for Combating Economic Crime and Corruption, the Austrian Court of Audit and Deloitte Austria were invited to give presentations. The participating members of the civil service, most of whom work in the areas of law, internal audit, controlling and

organization, were trained in corruption prevention, compliance, criminal and civil service law, risk management with regard to corruption risks and value management.

With these two courses, the Network of Integrity Officers (NIO) has now grown to 151 members from more than 70 different Austrian public administration entities and state-affiliated companies.

NIO annual meeting in Linz

On 10 and 11 October, the NIO annual meeting was held on the BAK premises. After a short update on the current state of NIO, three working groups were set up.

The first working group dealt with a serious compliance incident involving an employee in a fictitious organization. This resulted in the employee being subject to investigative measures by the criminal prosecution authorities. The working group drew up recommendations for action to ensure correct behaviour during police seizures. In addition, they developed recommendations for the internal audit procedure as well as for the management level regarding further action under service, disciplinary or labour law. Last but not least, they worked out crisis communication measures for the fictitious organization.

In the second working group, the integrity officers discussed about essential components of a compliance management system from a practical point of view. The most important elements identified were adequate commitment by the management level and targeted communication measures.

The third working group offered the opportunity to review the past year from the perspective of integrity promotion and openly discussed the success or failure of measures implemented.

In addition to the information conveyed during the NIO basic training courses, the practical exchange of information between employees of various territorial communities or authorities and organizations of the state-related sector represented in the NIO adds significant value to the daily work in the fields of corruption prevention, compliance and promotion of integrity.

A1 Telekom Austria Group wins 2019 NIO Award

In 2019, the Network of Integrity Officers (NIO) once again presented an award for special achievements in the areas of corruption prevention, compliance and promotion of integrity.

On the one hand, the award is intended to invite officials involved in the implementation of integrity-promoting measures to step in front of the curtain, and, on the other hand, to provide an insight into the great proactive commitment to preventing corruption and promoting integrity by the Austrian administration and state-related sector.

Once again, all institutions and authorities represented in the NIO were eligible to participate, with one contribution per organization. The Federal Ministry of the Interior and the BAK, as the organizer of the award, did not take part in the competition.

A1 Telekom Austria Group prevailed with approximately 60 % of all votes cast for its submission on „Innovative audit approaches to evaluate the effectiveness of the A1 Group

Compliance Management System“ and thus won this year’s NIO Award at the annual meeting in Linz.

This project was co-financed by the EU’s Internal Security Fund (ISF).



5

The BAK and its activities in the field of education

Anti-corruption events for young people

In 2019, the BAK was again able to reach out to young people as a target group to impart knowledge on corruption, raise awareness of this criminal phenomenon and point out possibilities for preventing corruption. It is intended that future job starters develop a sensitivity to this sort of crime. In addition to the promotion of cognitive and behaviour-related skills, the aim is to create a basic awareness of the topic, prevent possible misconduct and foster integrity.

During anti-corruption events, up to 120 students have the opportunity to visit eight stations in groups, according to a given rotation model. Particular emphasis is placed on the diversity of methods and the greatest possible involvement of students in the teaching process. At one station, for example, they are asked to classify pictures on the „Corruption Scale“ from „Corruption“ to „No Corruption“. At the „Corruption Theatre“, students can put their acting skills to the test. Additionally, criminal investigators and IT forensics experts describe their tasks, powers and daily work. Together with legal experts, students are requested to classify case studies according to certain criminal offences defined by law. The station „Beyond Austria's Borders“ presents interesting facts about corruption in other countries.

The BAK offered two anti-corruption events in 2019:

Anti-corruption event for students of Bundeshandelsakademie and Bundeshandelsschule (school for intermediate and higher vocational education) in Vienna's 10th district:

Almost 100 young people were given an insight into the work of the BAK and Transparency International – Austrian Chapter on 25 January 2019. They were informed about corruption offences relevant to criminal law, practised taking on leadership responsibility, slipped into the profession of corruption investigator and were taught different manifestations of corruption. During a role play, the participants were directly confronted with the effects of corruption.

Anti-corruption event for students of Krems Höhere Technische Bundeslehranstalt (school for higher vocational education):

On 14 June 2019, around 120 students were imparted knowledge on corruption prevention and integrity promotion at eight different „stations“. They were particularly interested in the IT station, where experts explained how transparent people are through their mobile phones and computers. Even seemingly deleted data can be recovered and used in investigative and criminal proceedings. With exciting cases from police practice, a criminal investigator from the Krems Police Inspectorate, who is also a corruption prevention

officer (CPO), impressed the participants. In a very interactive way, the students were thus familiarized with the corruption phenomenon, its dangers and effects.

Conclusion

It is important to the BAK that in the early years of their lives, young people acquire special skills in the perception and prevention of corruption and develop an awareness of the dangers of this phenomenon. This is intended to prevent possible misconduct and promote integrity in the long term. The BAK's student events are part of the National Anti-Corruption Strategy and contribute to the prevention of and fight against corruption.

Nomination of anti-corruption event for 2019 Strong Schools Award

The Bundeshandelsakademie und Bundeshandelsschule in Vienna's 10th district, which had booked a BAK anti-corruption event for young people every year since 2017, nominated this event and the resulting cooperation between the school and the BAK for the 2019 „Starke-Schulen-Award“ (Strong Schools Award). The award was open to projects in the categories „Strong partnership“, „Strong teaching“ and „Strong cooperation“. A total of 240 projects were nominated by 74 schools. The BAK's anti-corruption event and cooperation with the school made it to the final round in the category „Strong partnership“ and was thus honoured as one of the five best projects. Creating strong schools together is the goal of the „Starke Schulen“ initiative.

BAK App „CORRECT OR CORRUPT?“

Within the 2019 European Public Sector Awards (EPSA), organized by the European Institute of Public Administration (EIPA), the Federal Bureau of Anti-Corruption received a Best Practice Certificate for the mobile application „Correct or Corrupt?“. In 2019, the slogan of the European competition, which has been held every second year since 2007, was „New solutions to complex challenges – A public sector citizen-centric, sustainable and fit for the future“.

This event aims to illustrate how the public sector has responded to today's challenges for citizens and how innovation in the public sector can really contribute to improving citizens' lives. As one of four Austrian projects, the BAK was awarded a Best Practice Certificate for the app „Correct or Corrupt?“. The app, developed by the BAK in cooperation with students of HTL (secondary technical school) in Mistelbach (Lower Austria), gives teenagers and young adults the opportunity to acquire knowledge about corruption in a targeted and playful way. With 12 characters – from student to teacher or politician – one can face dilemmas of varying degrees of difficulty. The objective is to find the „right“ solution in terms of morally correct behaviour from three given suggestions. Depending on the decision he/she makes, he/she either collects points or loses life if the decision is wrong. The app deals with social and personal values and norms and facilitates individual learning by stimulating subject-specific discussions and reflection processes, which in turn have a productive effect on the learning process and behaviour.

„Correct or Corrupt?“ competition

In order to reach teenagers and young adults – as members of civil society – in the best possible way, the BAK, together with the Ministry of the Interior, advertised a competition related to the app in 2018. Persons between 14 and 20 years of age were eligible to win a day at the Austrian Airborne Police if they submitted their high score achieved in the game to the BAK. From numerous entries, two participants emerged as winners of the competition. They spent an interesting and informative day at the Airborne Police in the spring 2019. Ms Karoline Edtstadler, State Secretary at the Austrian Federal Ministry of the Interior, personally congratulated the winners.

6 The BAK and its training measures

Knowledge transfer as part of prevention work



In the reporting period, 178 courses/lectures (1,160.5 lessons) on preventing and combating corruption were offered to 4,677 participants. Compared to 2018, this means that the number of courses/lectures given by the BAK and its corruption prevention officers (CPOs) remained unchanged, with a marginal increase in lessons and persons trained. Thus, since the establishment of the BAK, the Bureau's employees have provided training to almost 33,300 persons.

As the following figures show, the wave of admissions at the Austrian Federal Ministry of the Interior (MoI) led to a significant increase in the BAK's training activities at the Austrian Federal Police Academy (SIK) in 2019. This compensated for lower statistical values in other areas that were due to expiring cooperation agreements, such as the one with the Austrian Federal Office for Immigration and Asylum (BFA).

The BAK gave a total of 149 lectures (equivalent to 940 teaching units) in all basic training courses offered by the SIK. These lectures were attended by 3,826 persons, the most important target group (2,618 participants in 112 lectures) again being police trainees, e.g. from border police.

28 lectures attended by 987 officers were delivered as part of the training for future police sergeants.

8 courses for 196 employees of the MoI were given within the framework of the basic training courses for administrative staff of all grades.

The BAK also provided the teaching content of the module “Ethics and Anti-Corruption”, which is a component of the master’s programme “Strategic Security Management” at the University of Applied Sciences Wiener Neustadt.

7 training and information events for different target groups of the MoI (FRONTEX training and remaining BFA courses) were attended by another 93 persons. 457 persons from various fields of the civil service (federal, regional and municipal administration, academia, government-related organizations, and integrity officers) participated in 13 training and information events dealing with the phenomenon of corruption as well as corruption offences and abuse of official authority.

In this context, it should be noted that the CPOs held (or were involved in) a good two thirds of the above mentioned training courses. The BAK itself would not have enough staff to carry out such a large number of training, awareness-raising and information activities. In contrast to 2018, no training or information events for the private sector were offered in 2019. At 5 events (7.5 lessons) with an international context, representatives of the BAK’s Unit for International Cooperation informed 202 participants about international aspects of corruption.

25th and 26th advanced training course of the BAK

In 2019, the BAK organized the 25th and 26th advanced training course for interested staff members of the Federal Ministry of the Interior (MoI). The 25th course took place from 11 to 15 March in the Region of Burgenland and from 1 to 5 April in Lower Austria. The 26th training course was held from 7 to 11 and from 21 to 25 October in Lower Austria. 50 employees from various departments of the MoI, the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice and the Federal Ministry of Finance completed these two courses consisting of two one-week modules each. The focus was placed on general corruption issues, the psychological background of the phenomenon of corruption, criminal law, criminal investigation, the Austrian Code of Criminal Procedure [StPO], and on a presentation of the tasks of the Austrian Federal Public Prosecutor’s Office for Combating Economic Crime and Corruption [WKStA] as well as of the BAK and its remit.

The courses were rounded off with specialist lectures on economic crime, disciplinary and civil service law, procurement, data protection, ethics, compliance, human rights and international aspects of corruption. The BAK’s advanced training courses were co-financed by the EU’s Internal Security Fund (ISF).



Corruption prevention officers’ spring conference

This year’s first conference of corruption prevention officers (CPOs) took place from 3 to 5 June near Graz, Styria.

The comprehensive training programme included, inter alia, a practical case analysis of a current case of ill-treatment, on the basis of which aspects of civil service law and criminal law as well as current problems and challenges related to working as a CPO were discussed. Working groups on the further development of teaching content or on the lecturing activities and the CPOs’ experience in this context provided opportunities for a lively exchange of information. New findings and experience gained in the Austrian regions will be adapted and integrated into future training activities. The primary goal of these periodic conferences is for CPOs to network and to exchange information. The conference programme is rounded off by information on changes in legislation, the discussion of future training challenges, as well as by administrative activities.

This conference was co-financed by the EU’s Internal Security Fund (ISF).



Autumn conference of corruption prevention officers and compliance officers both of the Ministry of the Interior (MoI) and the regional police directorates

The second conference on corruption prevention with and for the corruption prevention officers (CPOs) of the MoI, held from 25 to 28 November 2019, saw the continuation and increase of networking activities between the CPOs and the Chief Compliance Officer (CCO) of the MoI as well as the compliance officers (COs) of the regional police directorates.

Its focus was on the evaluation of the survey carried out in the MoI on the level of awareness and understanding of compliance. After presentation of the survey results, participants worked in groups and workshops to develop recommendations for increasing awareness of compliance. The outcome of this work provides a valuable basis for increasing awareness of compliance among MoI employees. Another item on the agenda of the autumn conference was the „New Code of Conduct“ project. The project manager from the Austrian Federal Ministry for the Civil Service and Sport presented the current status of evaluation of the existing Code of Conduct. Among other things, he explained the involvement of the MoI, activities of working group members, the status of the e-learning module, as well as the next steps to be taken.

One of the objectives of this conference is to implement a recommendation of the Austrian Court of Audit on increasing cooperation between CCO, COs, CPOs and the BAK.

The autumn conference was co-financed by the EU’s Internal Security Fund (ISF).

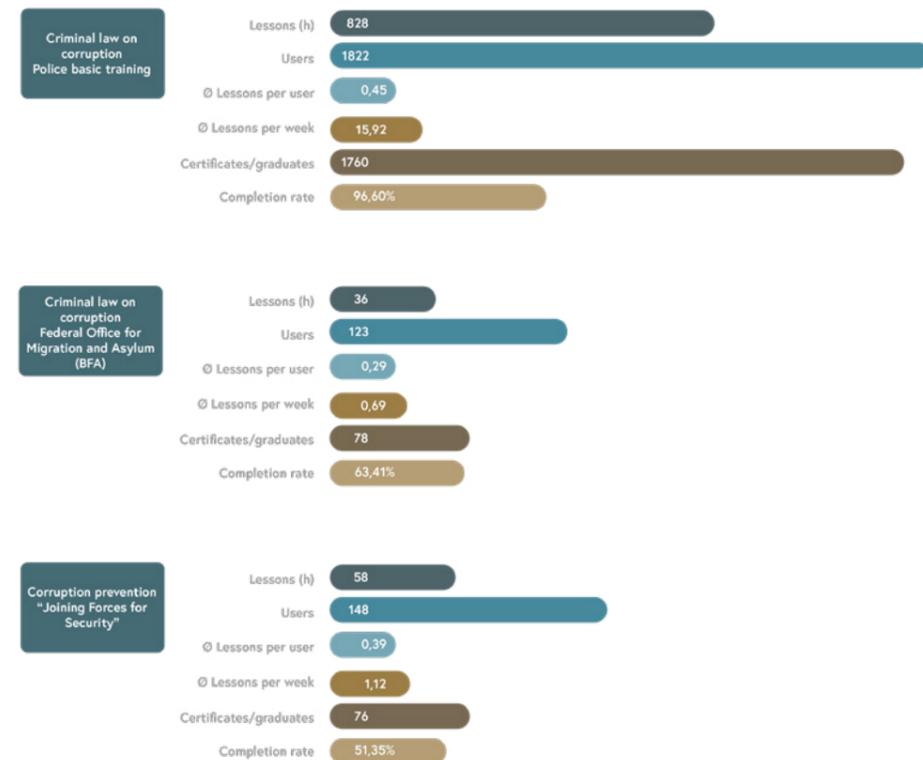


The BAK's interactive Learning Objects as Educational Measure

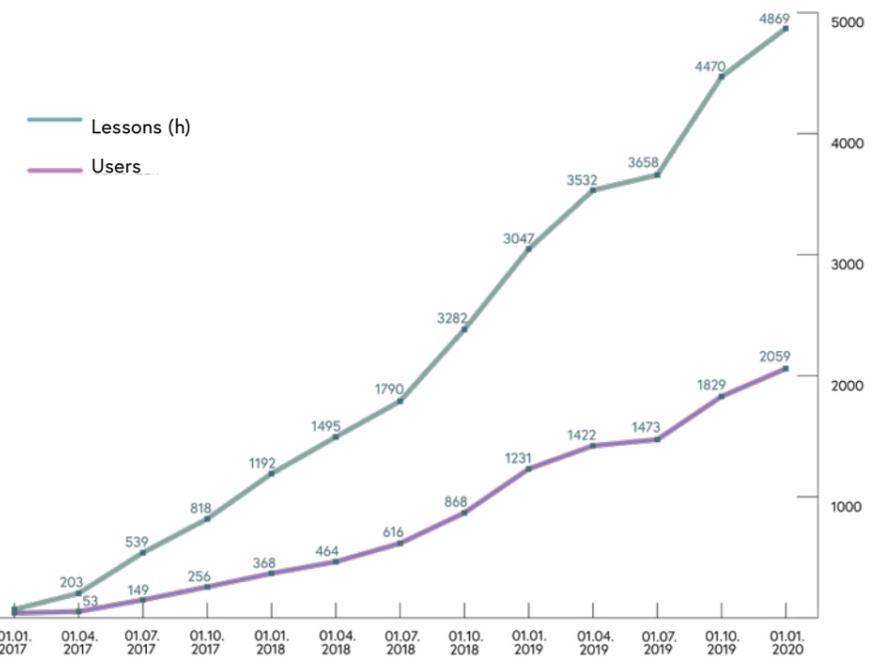
Criminal law on corruption, all types of modules – e-learning; statistics (from 1 January to 31 December 2019)

E-learning module “Criminal law on corruption for police basic training”

The interactive learning object (e-learning module) “Criminal law on corruption for police basic training” continued to establish itself in 2019. Not only does it provide effective preparation for the period of attendance at basic training, but it is also a valuable reference tool for the theoretical part of the criminal law on corruption. The e-learning module helps future law enforcement officers to familiarize themselves with key provisions of the criminal law on corruption. In addition, it describes various corruption phenomena on the basis of numerous examples. The specialist information of this learning object is intended to bring police trainees to a uniform level of knowledge. The module's final certificate entitles students to attend further training courses.



Criminal Law on Corruption, Police Basic Training



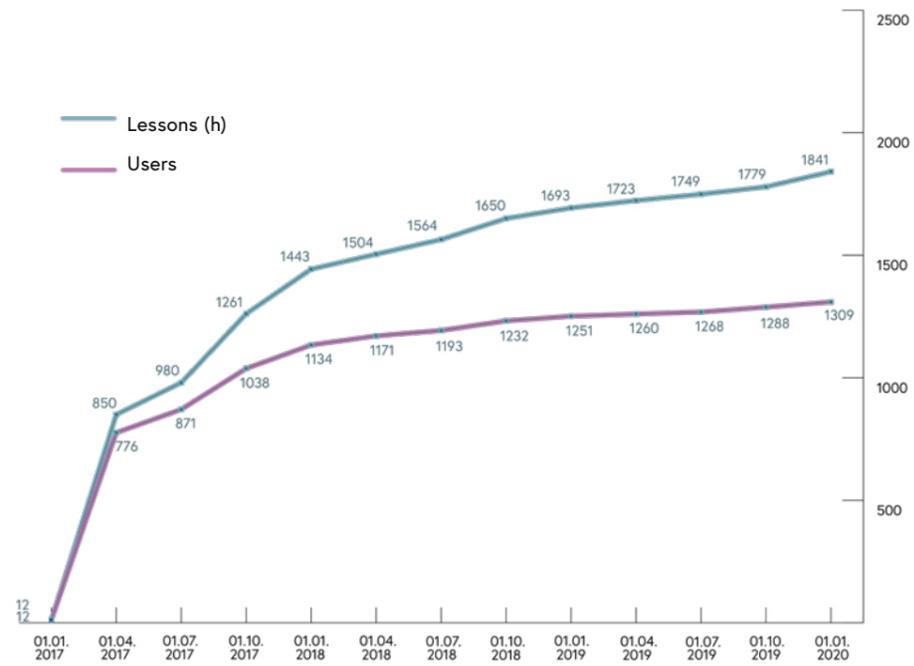
Criminal law on corruption for police basic training – e-learning; statistics (from 1 January 2017 to 31 December 2019)

Participants in basic training courses must obtain the certificate confirming completion of the obligatory e-learning preparation course before the period of attendance. During the reporting period, 1,760 police trainees completed this training and added the certificate to their training passport.

The management of training measures and the evaluation of efficiency are implemented with the support of the training centres of the Austrian Federal Police Academy (SIAK).

E-learning module “Corruption prevention” within the project “Security Partnership – Joining Forces for Security in Austria”

The e-learning module “Corruption prevention” within the project “Security Partnership – Joining Forces for Security in Austria” pursues the goal of providing security officers and security coordinators with the necessary ability to act correctly in compliance-specific matters when dealing with security partners, and thus of ensuring common quality criteria throughout Austria.



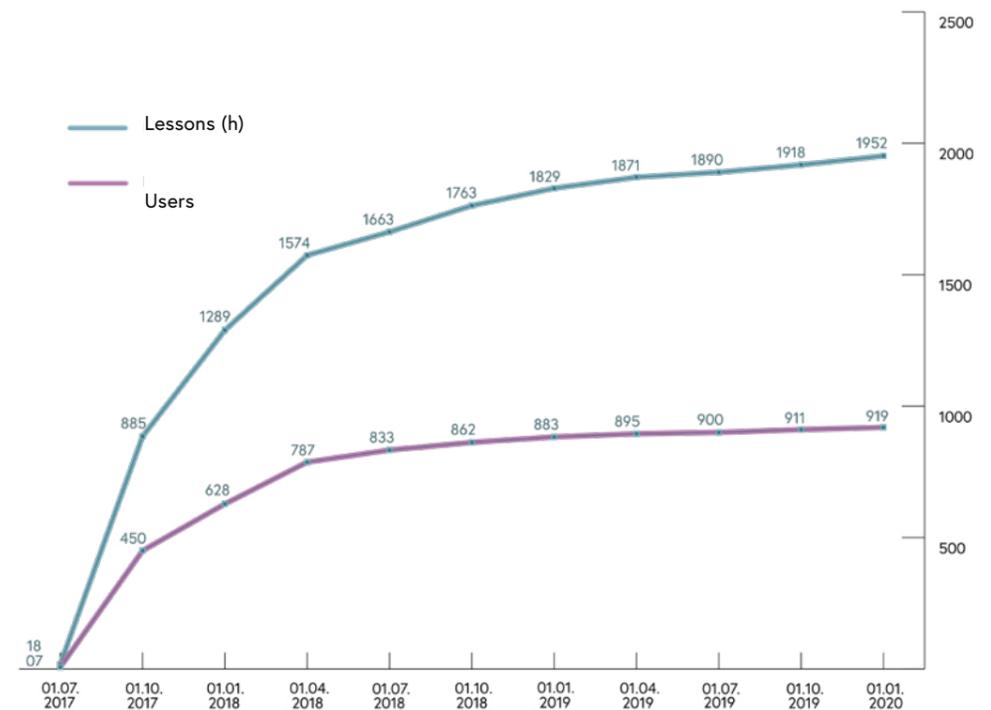
Corruption prevention, "Joining Forces for Security" – e-learning; statistics (from 1 January 2017 to 31 December 2019)

The module, specially tailored to the needs of this target group, starts with a film providing an insight into the phenomenon of corruption. For developing the submodule "Practice-oriented case examples of maintaining contact between security officers and security partners", practical experiences of community policing were taken into account. The submodule is composed of case examples related to key issues of compliance, such as general obligations of conduct, lawful performance of duties, and partiality.

In the reporting year, 76 security officers, security coordinators and interested staff completed the tailor-made e-learning module „Corruption prevention“.

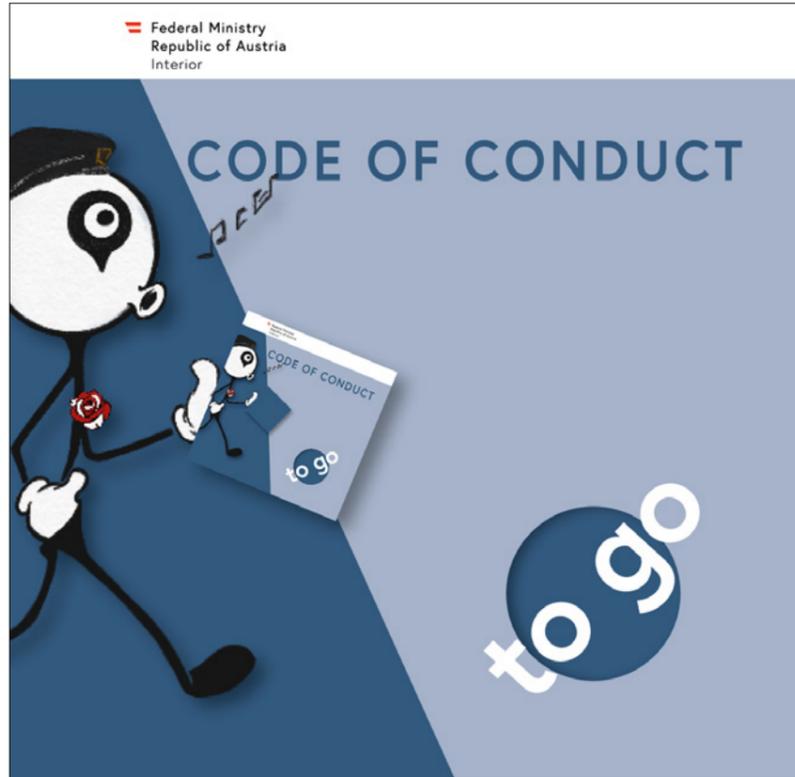
E-learning module "Criminal law on corruption, BFA" as part of the cooperation agreement on compliance advisory services and awareness-raising measures for the Austrian Federal Office for Immigration and Asylum (BFA)

This learning object is one of the four pillars of the comprehensive concept for awareness-raising measures in the BFA and was specifically developed and implemented for the BFA. For the BFA's basic compliance training and as support for compliance officers, the BAK's Unit 2.2 prepared case examples relevant to criminal law on corruption in addition to the theoretical part on criminal law. Among the topics covered are bribery in asylum procedures,



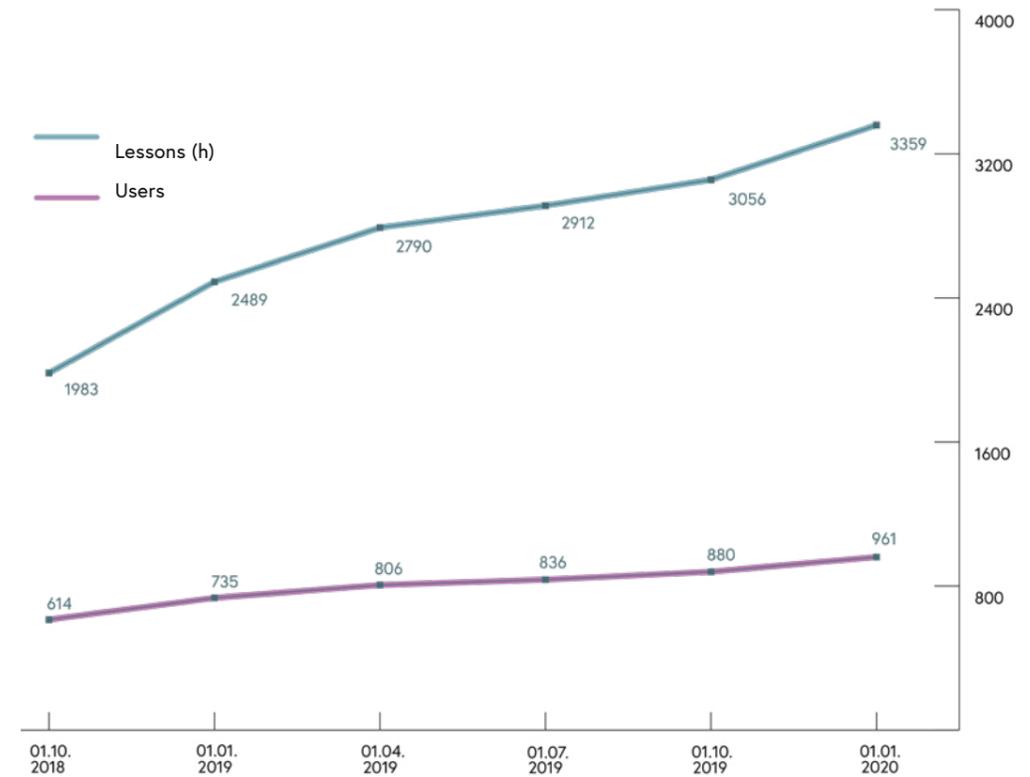
Criminal law on corruption, BFA – e-learning; statistics (from 1 July 2017 to 31 December 2019)

In the reporting year, 78 BFA staff members received a certificate for this module.



E-learning module "Code of Conduct, Mol – Our Values. Our Approach. Code of Conduct of the Federal Ministry of the Interior (Mol)"

In addition to the written learning material „Code of Conduct, Mol“ and the shorter version „Code of Conduct to go“, an e-learning module has been offered since July 2018, including in-depth learning content about the rule of law, acceptance of gifts, official secrecy, general obligations of conduct, social media, bias, secondary employment and principles for dealing with each other. A mix of theory and case examples enables users to quickly refresh their knowledge of the code of conduct.



Code of Conduct, Mol – e-learning; statistics (from 1 October 2018 to 31 December 2019)

In the reporting period, 746 employees completed the module.

7

The BAK and its events

13th Austrian Anti-Corruption Day

Around 140 experts in preventing and combating corruption from the public and private sector and civil society attended the 13th Austrian Anti-Corruption Day for an exchange of views on the two core topics of „Compliance in tendering procedures and public procurement“ and „Action plan for the National Anti-Corruption Strategy (NACS): practical implementation based on selected examples“.

A key focus was on the parallel between offender-related prevention measures under the third pillar of the new legislative package on violence prevention and the central importance of corruption prevention, which in turn goes hand in hand with the investigative activities in the fight against corruption.

The Anti-Corruption Day took an in-depth look at liability and prevention aspects in the field of tendering procedures and public procurement. Lectures and discussions quickly turned out to be moving between two poles – more precisely, they were characterized by the motto “conflicts of interest versus free competition“. During the evening fireside chat, emphasis was placed on the controversial view of digitization, i.e. on considering the use of artificial intelligence both as an opportunity and a challenge. The discussion, which lasted several hours, revealed the desire to introduce people to digital technologies at an early age, in addition to teaching the cultural techniques of reading, writing and arithmetic.

This year’s Anti-Corruption Day was once again a future-oriented, innovative example of interactive dialogue. It was held on the premise of linking contents of the National Anti-Corruption Strategy not only intellectually with opportunities offered by new digital media and technologies. The speakers presented projects already put into practice that clearly demonstrated this comprehensive systemic approach. Numerous informal discussions among the assembled experts rounded off the event.

The publication to be released on the occasion of the 13th Anti-Corruption Day will again contain contributions with extremely multi-faceted perspectives on the symposium’s content and best practices from civil society, business and various levels of civil service.

8

The BAK and selected operational data

Criminal investigation is a core area of the BAK. As can be seen in “The BAK and its legal basis”, the BAK is responsible for investigations in the field of abuse of authority, bribery and corruption. They are carried out by the specialized units “EKA – Asset Investigations, Investigations into Money Laundering, Operational Analysis”, “General Corruption Offences and Accompanying Crime“, “Abuse of Official Authority and Accompanying Crime” and “Internal Affairs” of the BAK’s department “Operational Service”.

General Corruption Offences and Accompanying Crime

In 2019, this unit (Unit 3.1) was able to find more than 4,000 facts in one major case alone (involving bribery, passive bribery, embezzlement and other criminal offences) after evaluation of the seized documents and files. To accomplish this, hundreds of interrogations of witnesses and accused persons had to be conducted throughout Austria. Due to the complexity of the case, the suspicions at hand, the large number of accused natural and legal persons and of injured parties, and the analysis and IT forensic processing of the extensive data material seized, the investigations will continue beyond 2020.

Abuse of Official Authority and Accompanying Crime

Unit 3.2 further processed a multitude of investigation files that had already been in progress for some time, and successfully concluded some of these cases. In addition, the unit carried out investigations contributing to completing major cases. Several independent elements of these cases were successively processed and analysed. In order to best meet the need to speed up investigations, which is laid down in the Austrian Code of Criminal Procedure, a large proportion of the unit’s staff were used for this purpose.

Internal Affairs

Modern means of communication make it much easier to provide information to a large circle of people. However, in many areas of life a careless handling of sensitive data can sometimes be observed. As this behaviour may violate public or legitimate private interests, several preliminary proceedings for violation of official secrecy and abuse of official authority were initiated. Furthermore, the following elements of crime frequently posed tactical challenges for the unit’s criminal investigators: illegal searches in databases, failure to comply with the duty to report and the duty to act as a public authority, as well as the violation of the reporting obligation pursuant to the Code of Criminal Procedure. Last but not least, the unit had to deal with accusations (relevant to criminal law) against law enforcement officers, which proved to be unfounded in the course of time-consuming investigations.

Unit “EKA” – Asset Investigations, Investigations into Money Laundering, Operational Analysis

During the calendar year 2019, the team for asset investigations contributed to investigating 7 cases of Department 3 of the BAK. However, in 6 cases the public prosecutor’s office did not issue an order to seize assets. In 1 case, such an order was issued due to a suggestion by the BAK. On the basis of this order, assets of several thousand euros were secured.

Moreover, in the field of asset investigations, the BAK assessed 10 cases of allegations of money laundering transferred to the Bureau by the Financial Intelligence Unit (FIU) of the Criminal Intelligence Service Austria (Bundeskriminalamt) as well as 1 other allegation of money laundering. Of these 11 cases, the BAK took on 8 for further investigation.

The Unit “EKA” also dealt with 19 requests for legal assistance as well as 10 requests regarding investigation cases with an international dimension received by all units of Department 3 via Europol’s Secure Information Exchange Network Application (SIENA).

In addition, the three members of the team for asset investigations processed 9 other investigation cases that could not be assigned to any other investigation team in Department 3.

As explained in “The BAK and its legal basis”, investigating corruption offences is the BAK’s main task. The following chapter provides general information on the BAK’s statistical data collection and comprises a selection of data on the Bureau’s operational activities.

General explanations about the BAK’s statistical data collection

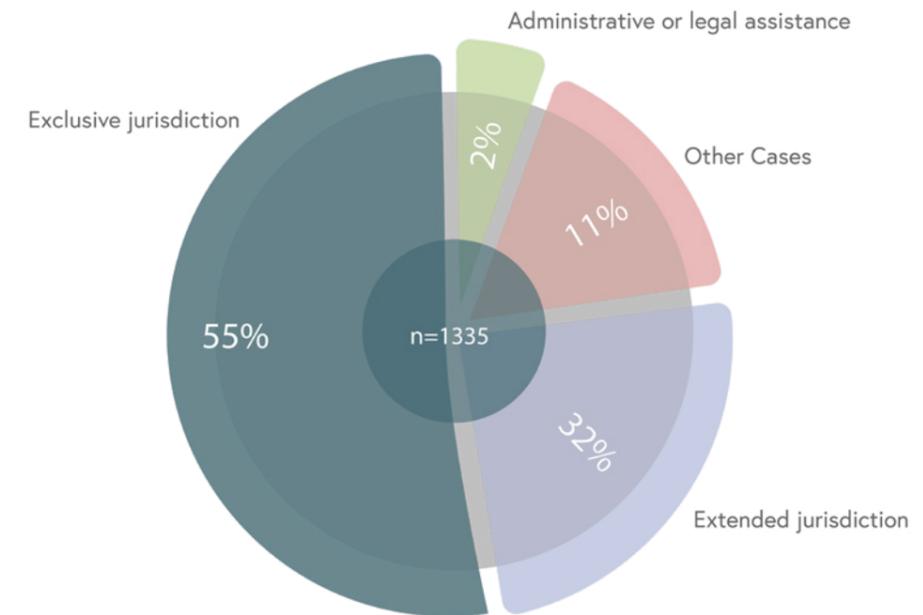
All incoming reports, allegations and suspicions are covered by the BAK’s statistics, regardless of how the Bureau or its SPOC (Single Point of Contact) has been contacted (telephone, email, mail, fax, etc.) or whether an investigation has been initiated ex officio. The reports/allegations are usually received from other authorities or departments, a public prosecutor’s office, private persons or anonymous sources. A preliminary examination of all incoming items of information is carried out by the BAK’s SPOC. Immediately after this examination, all cases are statistically recorded (statistics on incoming cases). According to the results obtained from criminal investigations, the statistical data is constantly being updated and adjusted.

All cases covered by section (§) 4 paragraph 1 (1-13) of the Federal Act on the Establishment and Organization of the Federal Bureau of Anti-Corruption (BAK-G) are referred to as cases of “exclusive jurisdiction”. Cases falling under § 4 paragraph 1 (14-15) BAK-G (“extended jurisdiction”), which are only prosecuted by the BAK upon written order by a court or a public prosecutor’s office, are statistically recorded due to the statutory duty to report to the BAK. Requests for administrative or legal assistance, often creating significant workload for the BAK, are recorded separately. Cases not falling within the BAK’s remit whatsoever (e.g. disciplinary matters or misdirected mail) or considered as “not relevant to criminal

law” are registered as “other cases”. It should be noted that the statistics of the BAK are not dealing with final judgments. Therefore, the presumption of innocence applies to all suspects covered by the Bureau’s statistics.

The present statistics are based on a complete survey, i.e. the corpus of data consists of all reports, allegations, etc. received by the BAK/SPOC during the reporting year. Cases from previous reporting years, where investigation has not been completed, are not included in the statistics of the new reporting year. The survey period ends on 31 January of the year following the reporting year. This phase-out period is necessary in order to integrate reports/allegations that have only been received in January but refer to the previous year into the corresponding reporting period and thus to keep statistics as comprehensive as possible.

Overall statistics, 2019



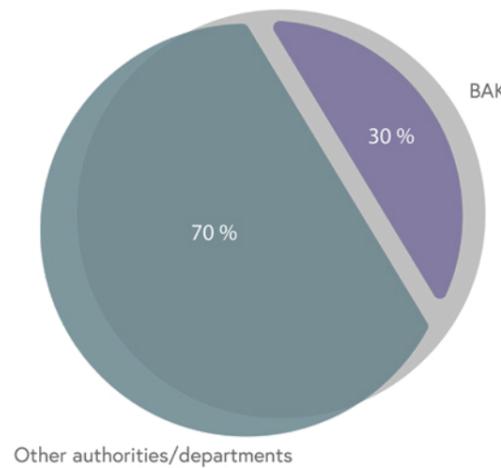
In 2019, there were a total of 1,335 cases. 218 (30 %) of the 736 cases under the Bureau’s exclusive jurisdiction (see “Overall statistics, 2019”) were investigated by the BAK. The BAK handled 10 (2 %) of the 430 cases of extended jurisdiction and all 26 requests for administrative or legal assistance. Therefore, the BAK took over the investigation of 254 cases.

Cases under the BAK’s exclusive jurisdiction

The BAK has nationwide jurisdiction in security and criminal police matters concerning criminal offences listed in § 4 paragraph 1 BAK-G. Since the main task of the BAK’s Operational Service is to investigate cases under the exclusive jurisdiction of the Bureau, the remainder of this chapter deals with cases of this type only.

Investigating authority/department

On the whole, the BAK received 736 cases of exclusive jurisdiction, 218 (30 %) of which were handled by the BAK and 518 (70 %) by other authorities/departments.



Regarding the 518 cases of exclusive jurisdiction investigated by other authorities/departments, it has to be stated that the Bureau may assign certain investigations to other law enforcement authorities/departments for reasons of expediency or transfer investigation cases in their entirety if there is no particular public interest regarding the importance of the criminal offence or of the person under investigation (§ 6 BAK-G).

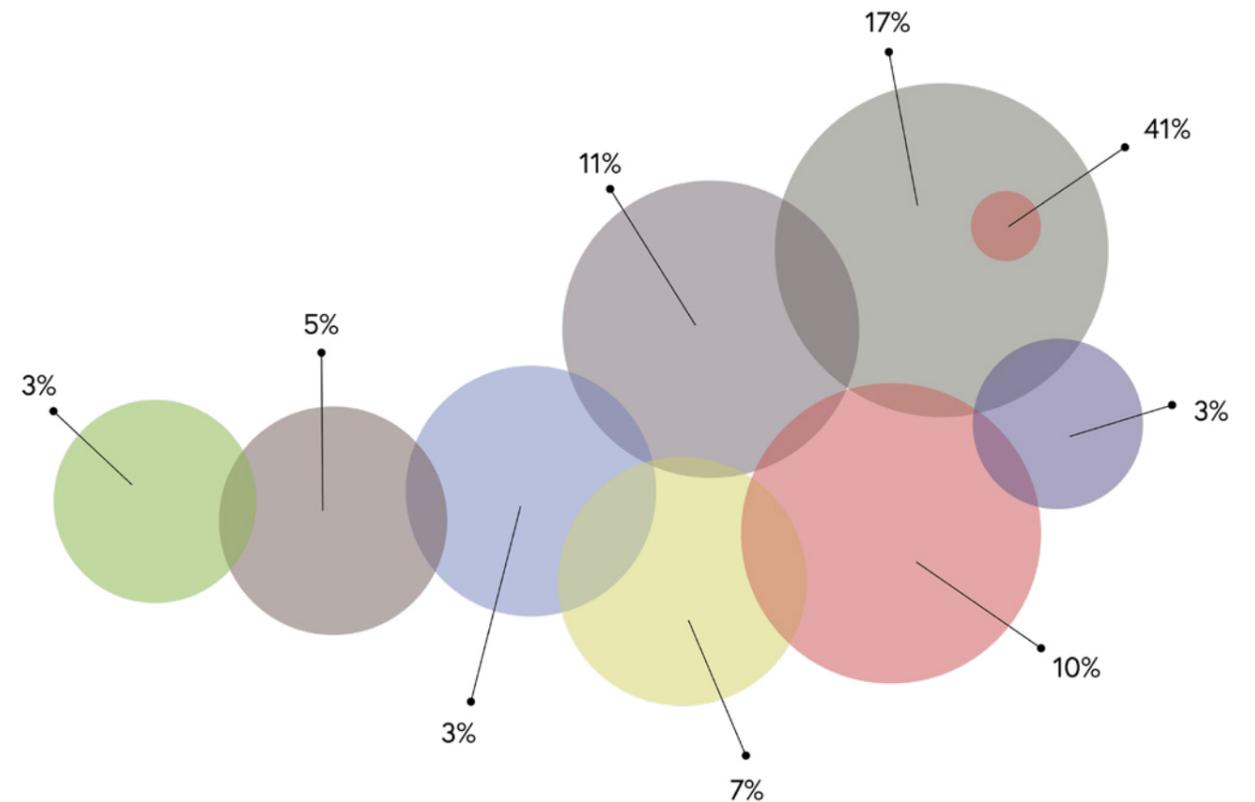
Concluded cases and clear-up rate

During the reporting year, 414 (80 %) of the 518 cases handled by other authorities/departments were concluded, i.e. the investigating authority/department had submitted a report to the competent public prosecutor’s office and no further investigations into the respective case had, for the time being, been conducted. The BAK concluded 156 (72 %) of its 218 cases. This means that, in addition to cases under investigation of previous years, 62 cases not completed in 2019 will be further investigated in the next year but not included in the 2020 statistics. Therefore, the actual workload of the Bureau is significantly higher than reflected in the statistics. In this context, it should be noted that because of their complexity, numerous cases of the BAK are being investigated over many years.

In 2019, 394 (76 %) of the 518 cases of other authorities/departments and 130 (60 %) of the 218 BAK cases were solved. A case is classified as “solved” if at least one perpetrator has been identified by name.

Crime scenes: regional breakdown

25 of the crime scenes registered for the 736 cases of exclusive jurisdiction (§ 4 paragraph 1 (1-13) BAK-G) remained unknown or could not be determined from the file, 2 offences were committed abroad and 709 in Austria.



This figure depicts the regional breakdown of the 709 crime scenes in Austria. Naturally, the majority of offences (290 crime scenes, 41 %) were committed in Austria’s federal capital Vienna. The city was followed by the regions of Lower Austria (120 crime scenes, 17 %), Upper Austria (80 crime scenes, 11 %) and Styria (74 crime scenes, 10 %). 47 crime scenes (7 %) were registered for Carinthia, 36 (5 %) for Tyrol, 22 (3 %) each for Salzburg and Vorarlberg, and 18 (3 %) for Burgenland. The high number of crime scenes and criminal investigation cases in Vienna is due to the distribution of the Austrian population (21 % live in Vienna; source: Statistics Austria) and the fact that, compared to all other Austrian regions, Vienna has the largest number of members of the civil service.

Criminal offences investigated

The following table shows the criminal offences which were the subject of investigations conducted in the 736 cases of exclusive jurisdiction. The basis for these statistics is the “principal offence” of each case, i.e. the criminal act determining the level of penalty. The 736 criminal investigation cases included a total of 1,414 punishable acts.

Criminal offence (basis: principal offence of each case)	BAK	Other authorities or departments	Total
§ 302 StGB (Strafgesetzbuch; Austrian Penal Code): Abuse of official authority	165	472	637
§ 304 StGB: Corruptibility	4	5	9
§ 305 StGB: Acceptance of an advantage	2	1	3
§ 306 StGB: Acceptance of an advantage for the purpose of exerting influence	1	2	3
§ 307 StGB: Bribery	4	5	9
§ 307a StGB: Offering an advantage	0	1	1
§ 309 StGB: Acceptance of gifts and bribery of employees or agents	1	1	2
§ 310 StGB: Breach of official secrecy	31	17	48
Other criminal offences	10	14	24
Total	218	518	736

In the majority (87 %) of cases, abuse of official authority (§ 302 StGB) is the principal offence. The number of other criminal offences is comparatively low; however, as they are complex and require extensive investigations, these cases sometimes generate huge workload. The category “Other criminal offences” encompasses, inter alia, money laundering (§ 165 StGB [Strafgesetzbuch, Austrian Penal Code]), agreements restricting competition in procurement procedures (§ 168b StGB), and § 313 in conjunction with § 153 StGB (breach of trust due to abuse of an official function).

Criminological category

As the criminal offences themselves reveal little about the underlying corruption phenomena, the principal offence of each case is allocated to one of 18 “criminological categories”. The following table shows the criminological categories assigned to all criminal offences investigated under the BAK’s exclusive jurisdiction.

Criminological category	BAK	Other authorities or departments	Total
Procedural flaws	104	234	338
Consultation and transfer of data	45	66	111
Initiation of a proceeding	2	50	52
Total	218	518	736

Criminological category	BAK	Other authorities or departments	Total
Permits, expert opinions, certificates	7	44	51
Procedural flaws – penal orders	2	29	31
Financial management	7	22	29
Human resource management	14	8	22
General complaints	8	10	18
Procurement, tendering procedures	5	7	12
Immigration, asylum	3	9	12
Punishable acts committed by law enforcement officers (in their free time)	6	6	12
Other criminological categories	15	33	48
Total	218	518	736

338 cases (46 %) were classified as “procedural flaws” (e.g. breach of the right to a hearing, biased administrative action, or incorrect assessment of evidence).

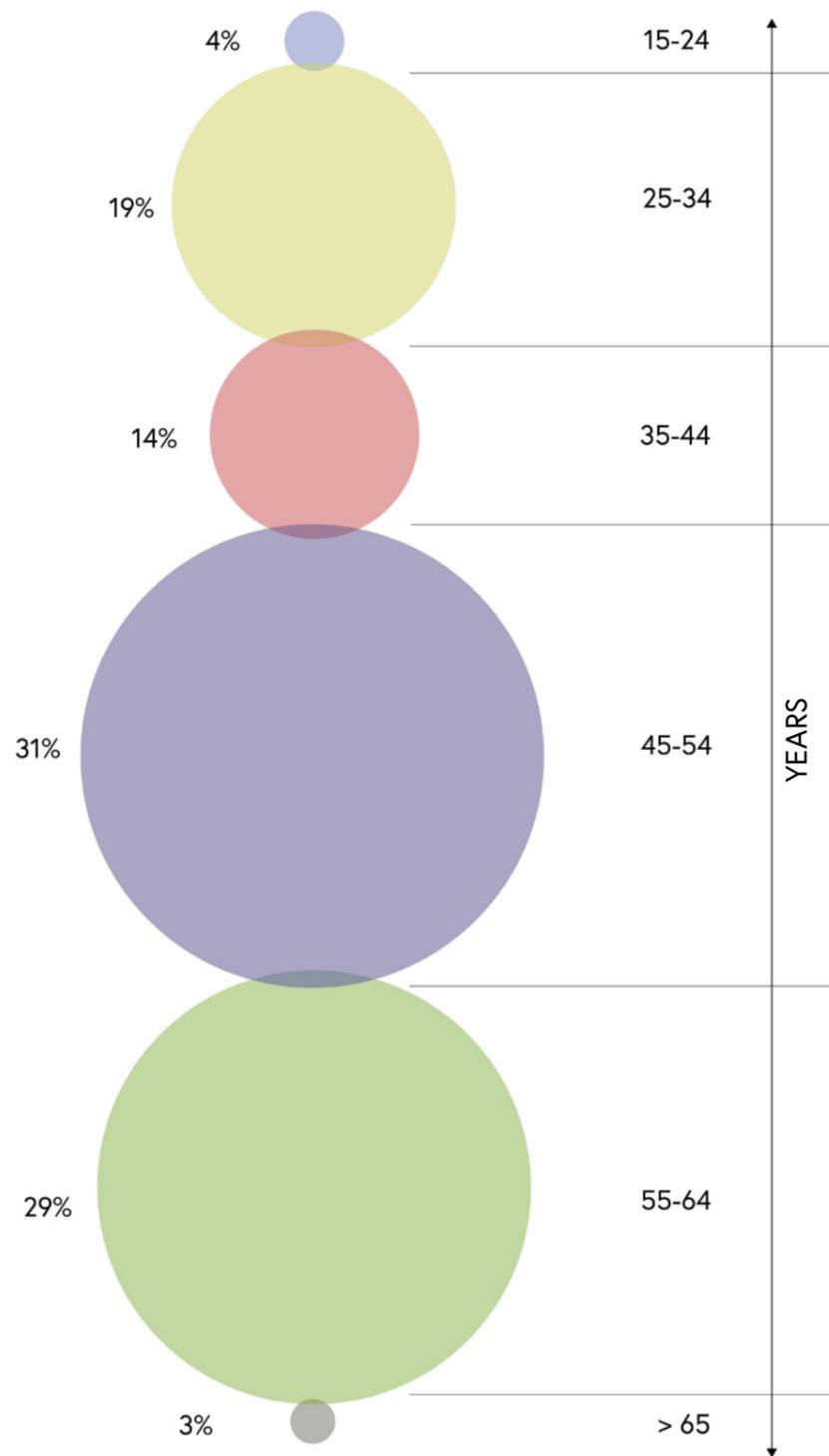
The unauthorized “consultation or transfer of data” (including, for example, disclosure of information) accounted for 111 cases (15 %). 52 cases (7 %) fell into the category “Initiation of a proceeding” (i.e. non-reception or insufficient reception/documentation of complaints). 51 cases (7 %) were assigned to the category “Permits, expert opinions, certificates” (e.g. failure to properly grant, obtain or revoke licences, authorizations or permits, as well as irregularities relating to vehicle inspections in accordance with §§ 57a and 40a Motor Vehicles Act [Kraftfahrgesetz, KFG]). The categories “Procedural flaws – penal orders” (special cases of “procedural flaws”) and “Financial management” contained 31 (4 %) and 29 (4 %) of the cases. 22 cases (3 %) were classified under “Human resource management”, 18 (2 %) under “General complaints”, and 12 cases (2 %) each under “Procurement/tendering procedures”, “Immigration, asylum” and “Punishable acts committed by law enforcement officers (in their free time)”. The remaining 7 categories (48 cases, 7 %) were included in “Other criminal categories”. These are „Supervision/control“, „Collusion“, „Money laundering“, „Miscellaneous categories“, „Sponsoring“, “Punishable acts committed by abuse of an official function” and “Elections”.

Suspects

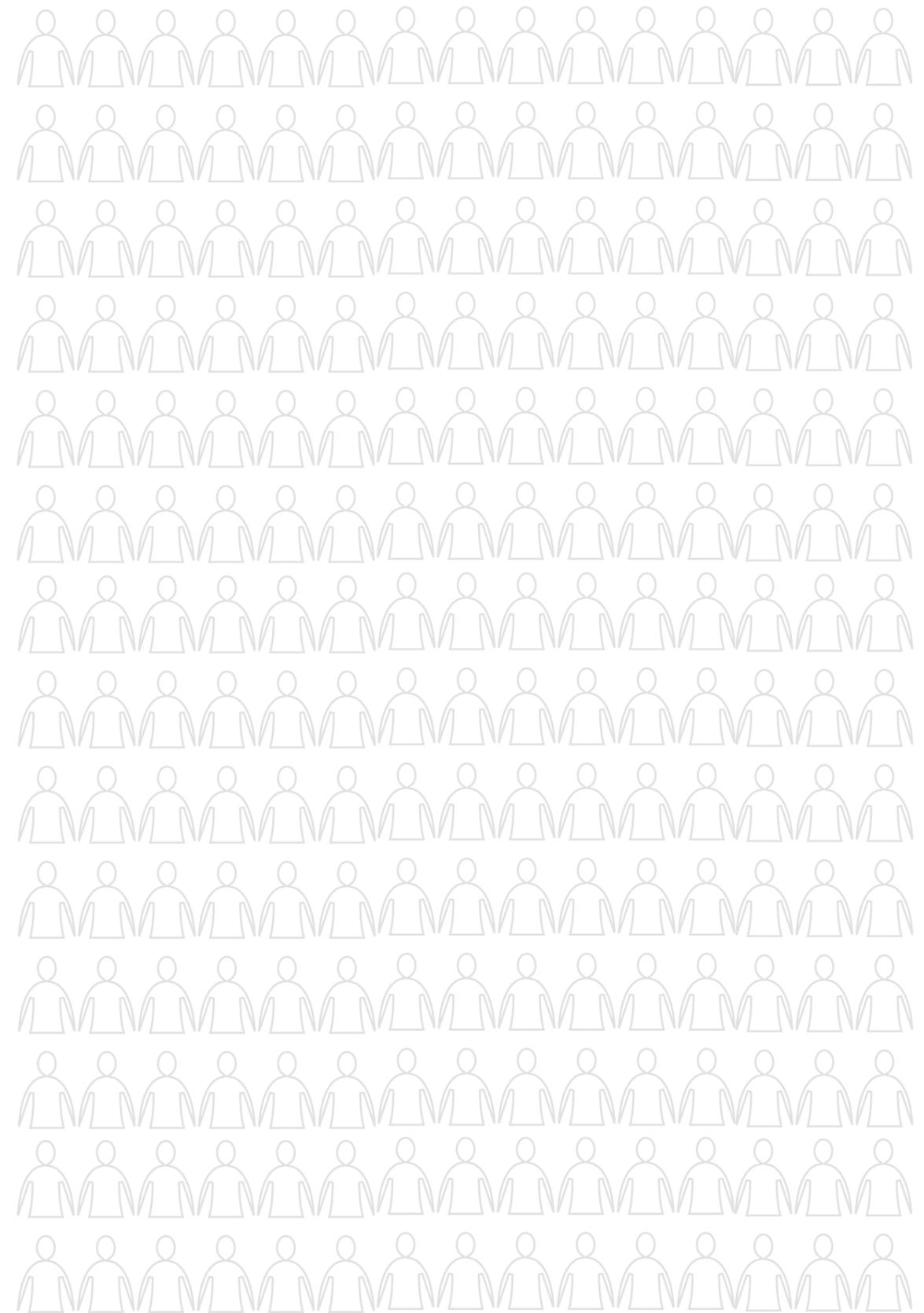
At least 1,173 suspects were recorded for the 736 cases of the year 2019; as many as 332 of these suspects remained unknown.

The gender of 877 suspects was registered; 697 (79 %) of them were male and 180 (21 %) female.

The BAK’s statistics include information about the age of 538 suspects (46 % of the 1,173 suspects). No particular characteristics were observed regarding their age structure. 81 % of these suspects were aged between 15 and 57, which is roughly corresponding to the working population.



Age structure of the suspects



9

The BAK and its international activities

In accordance with section (§) 4 paragraph 2 of the Federal Act on the Establishment and Organization of the Federal Bureau of Anti-Corruption (BAK-G), the BAK is responsible for cooperation in investigations within the framework of international police cooperation and administrative assistance in the cases referred to in § 4 paragraph 1 BAK-G. Furthermore, the BAK is responsible for cooperation with foreign authorities and international institutions in the field of preventing and combating corruption in general, and, in particular, for the exchange of experience in this area. Therefore, the BAK maintains close contact with comparable anti-corruption authorities/departments and is represented, depending on the resources available, in most of the relevant European and international bodies. The Bureau's (bilateral) cooperation with foreign authorities/departments mainly comprises the organization of visits to the BAK as well as the participation in official meetings and conferences abroad. An important role in the exchange of information and expertise is also played by Austrian and foreign liaison officers.

Bilateral meetings at the BAK

On 30 January, Mr François Saint-Paul, the French Ambassador to Austria, visited the BAK. The purpose of the visit was to gain an insight into Austrian approaches and practices in preventing and combating corruption. After the welcoming address by Mr Andreas Wieselthaler, Director of BAK, the guests received a brief overview of the Bureau's scope of duties. Subsequently, several initiatives and activities of the BAK in the field of prevention were presented. Mr Saint-Paul showed great interest in the BAK's work, particularly its remit and legal framework, but also in cooperation projects with France. The French authority „Agence Française Anticorruption“ (AFA) is heading, together with the BAK, the „EU Integrity“ working group of the networks EPAC/EACN. The AFA is represented in these two European anti-corruption networks jointly with another French authority, the „High Authority for transparency in public life“ (HATVP).

On 18 June, the first visit abroad by the Director of the Inspectorate General of the Security Forces of the Czech Republic (GIBS), Mr Radim Dragoun, took him to the BAK. In addition to getting to know each other, the main purpose of the meeting was to explore the potential for bilateral cooperation and to discuss the closer integration of the GIBS into current projects and working groups of the European anti-corruption networks EPAC/EACN. After a brief presentation of the BAK's various areas of responsibility by the Director of BAK and President of EPAC/EACN, Mr Andreas Wieselthaler, the guests showed particular interest in the BAK's wide range of prevention and education services, such as awareness-raising activities for young people, including police trainees. They were equally interested in the areas of ethics, prevention of and fight against corruption, as well as targeted training to prepare for (further) working life.

On 17 July 2019, a delegation of the BAK's Polish partner institution, the CBA (Central Anti-Corruption Bureau) visited the BAK. Three representatives of the CBA's Department of Intelligence Analysis gained a view of the processing of data obtained from house searches carried out by the BAK, and of the possibilities offered by operational analysis. This exchange of experiences, which was fruitful for both sides, was part of a one-week study visit of the CBA to Austria.

On 16 October, the Special Investigation Service of the Republic of Lithuania (STT) paid an official visit to the BAK. A Memorandum of Understanding (MoU) between the two institutions was signed to further strengthen cooperation. During the meeting, a lively discussion developed on the broad spectrum of investigative work, deployment of information technologies, as well as recruitment and in-house training at the BAK. Furthermore, the BAK's prevention work, educational tasks and international activities were presented. The visit enabled both parties to discuss interesting approaches and deepen their existing cooperation.

As part of a study mission, three members of the Anti-Corruption Agency of the Republic of Kazakhstan, accompanied by two representatives of the Kazakh Embassy in Austria, visited the BAK on 18 October to obtain more detailed information about the Bureau and its tasks and to exchange experience in preventing and combating corruption. The meeting was marked by a productive discussion on the importance of anti-corruption education, especially among children and young people, on raising awareness in society, and challenges involved in operational work. The delegation was particularly interested in the networks European Partners against Corruption (EPAC) and European contact-point network against corruption (EACN). Therefore, the possibility of Kazakhstan's accession to EPAC/EACN was discussed.

On 24 October, the last day of an anti-corruption training organized by the International Anti-Corruption Academy (IACA) for the Korea Council of Public Organizations Audit, 36 representatives of various Korean public institutions visited the BAK to learn more about the working methods and organization of the Bureau. In addition to a brief presentation of the entire BAK, an insight into the diverse tasks of Department 2 (Prevention, Education and International Cooperation) was provided. According to the primary interests of the delegates, the focus was placed on the BAK's prevention work and related projects.

On 5 November 2019, the BAK hosted a five-member delegation from the Republic of Moldova consisting of police representatives. The visit was intended to provide more detailed information about the Bureau and its tasks and to exchange practical experience in preventing and combating corruption. The Moldovan guests showed particular interest in the BAK's prevention work, especially in the BAK app „Correct or Corrupt“, which offers adolescents and young adults the opportunity to acquire knowledge about corruption in a targeted and playful way.

On 13 November 2019, the Austrian Federal Bureau of Anti-Corruption (BAK) received a high-ranking delegation of the Kosovo Police, led by its Director General and accompanied by a representative of the OSCE Mission in Kosovo and the Kosovo liaison officer in Vienna. The aim of the short visit was to familiarize the guests with Austrian standards and practices in the areas of preventing and combating corruption. The delegation was particularly interested in the BAK's methods and resources in connection with large-scale investigations as well as in anti-corruption training, value management and international exchange.

International committees, bodies and working groups

Furthermore, experts of Unit 2.3 (International Cooperation) and other units of the BAK represent the Federal Bureau in various committees, bodies and working groups focusing on the exchange of information and experience and, in particular, on the (national) implementation of international anti-corruption conventions ratified, inter alia, by Austria. These conventions and committees include, among others, the United Nations Convention against Corruption (UNCAC), the Council of Europe's Civil Law Convention on Corruption and Criminal Law Convention on Corruption, the OECD (Organisation for Economic Co-operation and Development) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the OECD "Integrity Forum", the OECD „Working Party of Senior Public Integrity Officials“ (SPIO), and the meetings of the Council of Europe's Group of States against Corruption (GRECO).

UNCAC review of Austria – second cycle

Austria's evaluation on Chapters II (Preventive measures) and V (Asset recovery) of the UNCAC (United Nations Convention against Corruption) in the framework of the UNCAC Implementation Review Mechanism started in the summer of 2019 after the reviewing countries Germany and Vietnam had been selected by lot. In this context, the Austrian Ministry for European and International Affairs as well as the Permanent Mission of Austria to the United Nations in Vienna serve as the central national coordinating body, the so-called focal point.

As a first step, the Austrian Federal Bureau of Anti-Corruption and numerous other Austrian institutions responsible for the areas under review had to provide detailed answers to a standardized self-assessment checklist. The complete Austrian answers to the self-assessment checklist were sent to the United Nations Office on Drugs and Crime (UNODC) on 11 December 2019.

Subsequently, representatives of the countries drawn by lot will assess the Austrian implementation of the above mentioned UNCAC chapters on the basis of the answers and documents provided by Austria („desk review“) as well as on the spot, in direct dialogue between the experts. The review will be concluded with the publication of the review report in the corresponding country profile on the UNCAC website.

The BAK is particularly involved in the review on prevention, which focuses on, inter alia, analysis of the development of a national anti-corruption strategy, various activities of specialized corruption prevention agencies, and development of codes of conduct. The review results and the publication of Austria's review report are expected towards the end of 2020 at the earliest.

Eighth session of the Conference of the States Parties to the UNCAC

The eighth session of the Conference of the States Parties (CoSP) to the United Nations Convention against Corruption (UNCAC) was held in Abu Dhabi, United Arab Emirates, from 16 to 20 December 2019. It was attended by political decision-makers and high-ranking representatives of anti-corruption agencies. Austria was represented at this event by staff of the Federal Ministry for Europe, Integration and Foreign Affairs (BMEIA), the Federal Ministry for the Civil Service and Sport, the Court of Audit, and the BAK.

At the beginning of the conference week, country statements were presented in the plenary sessions. The Austrian contribution, introduced by the high-ranking BMEIA representative and head of delegation, emphasized – inter alia – the following important aspects of Austrian anti-corruption work: the National Anti-Corruption Strategy and related action plans, the IACA (International Anti-Corruption Academy) as a key element of international anti-corruption architecture, and the importance of courts of audit and regional networks such as EPAC/EACN (European Partners against Corruption / European contact-point network against corruption) in the fight against corruption. Following these statements, the review of the UNCAC's implementation, technical assistance, prevention and international cooperation were on the agenda.

In addition, the tenth meeting of the Implementation Review Group was resumed. Moreover, participants were able to choose from a variety of side events. As part of the side event on „Strong and independent gatekeepers: a crucial building block for human security, fighting corruption and achieving SDG 16”, the Director of BAK, Andreas Wieselthaler, presented his assessment of the role of the media as well as of the need, as an anti-corruption agency, to build a trusting relationship with them.

This year's CoSP was of crucial importance since preparations for the UN General Assembly Special Session (UNGASS) on corruption, which is scheduled for spring 2021, were to be formally launched at this event. In this context, for example, a modalities resolution initiated by the United Arab Emirates as the chairing country was adopted, defining the operational implementation of the 2021 UNGASS.

Furthermore, the CoSP adopted a record number of 14 further resolutions in the areas of asset recovery, corruption prevention, corruption and environment, integrity promotion, measuring corruption, effectiveness of anti-corruption agencies, enhanced cooperation between courts of audit and anti-corruption agencies, corruption and sport, etc. The latter

2 resolutions were supported by Austria, another 7 by the EU and its Member States. Among other things, the naming of the IACA in 3 resolutions can be considered a success for Austria.

Further information is available at www.unodc.org.

The BAK and the European Partners against Corruption (EPAC) and the European Anti-Corruption Network (EACN)

The networks “European Partners against Corruption” (EPAC) and “European contact-point network against corruption” (EACN) are independent platforms for anti-corruption authorities and police oversight bodies, designed to maintain contact and exchange information in the field of preventing and combating corruption. Both networks together (EPAC comprises authorities/departments from EU and Council of Europe member states; EACN exclusively consists of authorities/departments from EU Member States) currently have 100 members. Every year, an annual conference and general assembly is organized; moreover, specific issues are covered by working groups. The networks have a website (www.epac-eacn.org) and an area restricted to their members on the secure EPE (Europol Platform for Experts). The EPAC/EACN Board consists of a President as well as two Vice Presidents and two Deputy Vice Presidents assisting the President in the performance of his/her duties.

Following the election of the Director of BAK, Andreas Wieselthaler, as the new President of EPAC/EACN for a term of two years at the 16th EPAC/EACN Annual Professional Conference and General Assembly in Riga in November 2016, the Secretariat of the two networks was transferred from the International Anti-Corruption Academy (IACA) to the BAK. Due to the re-election of Andreas Wieselthaler as President of EPAC/EACN in 2018, the BAK has been responsible both for the management and administration of EPAC/EACN since 2016 and will be so until autumn 2020.

In 2019, the BAK and/or the EPAC/EACN Secretariat, among other things, regularly composed and sent out newsletters, revised the EPAC/EACN website and updated the “EPAC/EACN Contact Catalogue”.

19th EPAC/EACN Annual Professional Conference and General Assembly in Stockholm, Sweden

This year, the representatives of police oversight bodies and anti-corruption authorities met in Stockholm at the invitation of the Swedish Police (Special Investigations Department). Due to its role, the BAK was actively involved in the organization and implementation of the conference. The event took place from 10 to 12 December 2019 under the title „Understanding the underlying mechanisms of corruption – global challenges and preventive measures“.

At the beginning, the Swedish Minister of Home Affairs, Mikael Damberg, the General Commissioner of the Swedish Police, Anders Thornberg, and the EPAC/EACN President

and Director of BAK, Andreas Wieselthaler, welcomed 136 participants from 36 European countries as well as regional and international organizations.

In the further course of the conference, current international and European approaches to preventing and combating corruption, the role of whistle-blowers, the latest requirements in the area of anti-corruption training, corruption risks related to the issuance of visas and permits, as well as challenges of the digital transformation and its direct influence on the work of police oversight bodies were discussed in various panels and workshops, some of which took place in parallel.

Furthermore, a report was delivered on the results of the World Café held in Austria during the 18th EPAC/EACN Annual Professional Conference, focusing on the expectations and concerns of EPAC/EACN members. The British organization “Curbing Corruption” as well as its tools and research were presented.

As a highlight at the end of the conference, for the second year in a row, the President of EPAC/EACN handed over the EPAC/EACN Award for the most innovative project of a member organization on the basis of an election by the conference participants. „Stay clean, say NO to corruption“ by the Bulgarian Internal Security Inspectorate was chosen as the winner of the 2019 EPAC/EACN Award from a total of five nominated projects from Bulgaria, Estonia, Lithuania and Spain.

EPAC/EACN General Assembly

On 12 December 2019, the General Assembly, EPAC/EACN's decision-making body, approved the applications for membership received from Dutch, Swedish and Romanian authorities/departments and welcomed them as new members.

The EPAC/EACN Vice President for the anti-corruption authorities strand, Mati Omblor from Estonia, was confirmed in office. Monique Stirn from Luxembourg was elected EPAC/EACN Vice President for the police oversight bodies strand, following the early departure of Jack Vissers (Belgium). Her deputy for the next two years will be Thierry Gillis (Belgium).

The current EPAC/EACN Working Group „EU Integrity“ is to continue its work. The German State Criminal Police Office North Rhine-Westphalia, the French Agence française anticorruption (AFA), the General Anti-Corruption Directorate in the Romanian Ministry of the Interior (DGA) and the Austrian Federal Bureau of Anti-Corruption (BAK) each chair one of its sub-working groups. First interim results, such as the creation of an “integrity framework”, were presented at the General Assembly.

The 19th EPAC/EACN Annual Professional Conference and General Assembly concluded with the adoption of the Stockholm Declaration 2019.

More detailed information about EPAC/EACN and their tasks and activities is available at www.epac-eacn.org.

Some of the activities of EPAC/EACN are co-financed by the EU's Internal Security Fund (ISF).

EPAC/EACN Working Group „EU Integrity“

The institutions chairing the EPAC/EACN Working Group “EU Integrity”, which had been set up at the 18th EPAC/EACN Annual Professional Conference and General Assembly in October 2018, and its sub-working groups (see above) held first meetings in 2019.

On 12 and 13 November, the participants of sub-working group 1, dealing with “Support and protection of whistle-blowers” and headed by the State Criminal Police Office of North Rhine-Westphalia, met in Düsseldorf. Among other things, possible reporting channels of whistle-blowers (internal or external) as well as financial support for whistle-blowers were discussed. Another workshop is planned for April 2020.

On 7 October, the French Anti-Corruption Agency (AFA) hosted the first meeting of sub-working group 2 entitled “Interagency cooperation and common standards for its improvement”. Participants focused on the challenges they face in implementing international cooperation projects, such as the lack of dedicated resources.

On 14 and 15 October, the first meeting of sub-working group 3 („Educational measures and value management“) took place in Bucharest. The following four topics were on the agenda: value management measures at institutional level; measures to train members of the civil service in integrity and corruption prevention; mechanisms for educating the general public, awareness-raising campaigns; involvement of civil society, civil society monitoring.

On 28 and 29 May, sub-working group 4 („Integrity and anti-corruption standards“), chaired by the BAK, came together in Vienna for its first meeting. The workshop dealt with, inter alia, conceptual thoughts on the assessment of framework conditions for promoting integrity, as well as with analysis and evaluation tools, and the development of a glossary and a collection of best practices. The main objective is to create synergy effects through the cooperation of people with different professional backgrounds and foci.

OECD events in the field of anti-corruption and promotion of integrity

OECD Integrity Week and 2019 Global Anti-Corruption & Integrity Forum („Tech for Trust“)

From 20 to 21 March 2019, some 2,000 representatives from the public sector, business, civil society and international organizations participated in the annual Global Anti-Corruption and Integrity Forum, entitled „Tech for Trust“, in Paris. The BAK was represented by Martina Koger, Head of the Department of Prevention, Education and International Cooperation.



In her opening speech, Gabriela Ramos, OECD Chief of Staff, described corruption as an increasingly complex and multidimensional phenomenon, which is more and more difficult to combat and prevent. According to Ramos, digitization in this context should be seen both as an opportunity – hence the focus on „Tech for Trust“ – and a challenge. The discussion rounds dealt with technological developments, such as artificial intelligence or the use of algorithms and blockchains, and the threat they pose to compliance and integrity. New ways of preventing and combating corruption, such as digital procurement systems or transparency databases, were also mentioned. Numerous participants pointed out that, due to different legal systems and the lack of regulations, global networking and the use and transfer of data constituted a major problem that had to be solved by governments. It was also stated that digital administration had many advantages but, as an example showed, did not necessarily increase public confidence in the administration. Another aspect of the discussions was the impact of social media: it was found that rapid developments in recent years as well as algorithms had made it easier to manipulate the public. In his concluding remarks, OECD Secretary-General Ángel Gurría summarized the findings of the event and emphasized that on the one hand, new technologies opened up opportunities for promoting integrity as well as preventing and combating corruption, but, on the other hand, also posed challenges due to increasing dangers and threats (e.g. corruption).

In addition, on 19 and 22 March, discussion rounds on further developing OECD standards and recommendations for the implementation of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions were held at the OECD Conference Centre.

2019 OECD Auditors Alliance Annual Meeting

On 22 March, the second annual meeting of the OECD Auditors Alliance took place in Paris. This forum, launched by the OECD in 2018, aims to promote networking and exchange of experiences between external and internal auditors as well as to present the latest trends and developments in the area of audit.

The theme of this year's meeting, at which the BAK was represented by Unit 2.1, was „Auditing in an Age of Digital Disruption“.

Working Party of Senior Public Integrity Officials

As part of the OECD Integrity Week, this year's first meeting of the Working Party of Senior Public Integrity Officials (SPIO) was held on 19 March, focusing on the preparation of a handbook regarding the OECD Recommendation „Public Integrity“.

Its second meeting took place in Paris on 4 and 5 November 2019 and was devoted in particular to progress on the Public Integrity Handbook and work on indicators to measure the implementation of principles defined in the OECD Recommendation „Public Integrity“.

At both sessions, the Head of the Department of Prevention, Education and International Cooperation presented the BAK's experiences in prevention and education on the basis of examples.

24th German Prevention Congress

On 20 and 21 May, the 24th German Prevention Congress was held in Berlin under the theme „Prevention & Democracy Promotion“.

The German Prevention Congress is the world's largest congress for crime prevention and related fields of prevention. It offers an international platform for the interdisciplinary exchange of information and experience.

The promotion of democracy, integrity and the rule of law is a key approach to preventing various forms of crime, in particular corruption. This was also taken into account for the Austrian National Anti-Corruption Strategy (NACS), which is based on the following fundamental principles: commitment to integrity, transparency, awareness-raising and cooperation. Public administration, as a guarantor of integrity, plays an essential role in strengthening democracy and the rule of law. The 24th German Prevention Congress focused precisely on this complex interaction between prevention, integrity and democracy.

The BAK's presentation with the title „Compliance advisory services for public administration – more transparency for more democracy in public administration“ generated an interesting discussion among participating experts. The presentations „Corrupt managers – a system-produced crime?“ and „Qualifications of prevention specialists – requirements and areas of conflict“ as well as the contribution of the Permanent Anti-Corruption Unit (Canada) were of particular interest to the BAK: for the prevention work already carried out, and, above all, for the future design and methodology of the Bureau's prevention activities.

10 Public relations at the BAK

Publications

In December 2019, the publication „Corruption phenomena in Austria from the perspective of the Federal Bureau of Anti-Corruption, 2018“ was presented. It had been produced within the BAK's project „Analysis of corruption and integrity in Austria“, which is co-financed by the EU's Internal Security Fund (ISF). The aim of the publication is to make society aware of the added value of preventing and combating corruption, and to raise awareness of this issue.



Also at the end of the year 2019, the 12th edition of the annual series “Corruption and Abuse of Official Authority” (“Korruption und Amtsmissbrauch”) was released, the standard reference regarding sections 302 and 304 to 311 of the Austrian Penal Code.

Promotional material

The BAK's creative team designed ten different motifs for postcards and posters. The motifs, combined with quotations, aim to stimulate reflection and raise awareness of corruption.



Newsletter

Since its establishment in 2010, the Austrian Federal Bureau of Anti-Corruption has been gathering and generating knowledge about the prevention of and fight against corruption. On a quarterly basis, parts of this know-how are sent to interested readers in the form of a newsletter.

In addition to selected activities of the BAK and recent developments in the area of corruption prevention, the newsletter deals with international cooperation and projects. It also includes reports on the development of corruption, Supreme Court decisions on corruption, and latest news about workplace health promotion.



The BAK and its presence on Facebook

In order to make the issue of corruption accessible to new target groups, the BAK uses new media channels: since 2016, the Bureau has been operating a Facebook account designed to raise public awareness of corruption and to position the BAK as a centre of expertise in the fight against and prevention of corruption.

In 2019, the BAK made 79 posts, reporting on the most important national and international anti-corruption events as well as on the latest BAK news. The Facebook page also informed about the latest studies and most recent developments in the field of anti-corruption. New videos on the subject of corruption were created and posted, eye-catching images with

mostly satirical quotations were published, and the most important sections of the Austrian criminal law on corruption were recalled.

Last but not least, users were given advice on preventing corruption and instructed on how to report suspicions correctly to the BAK's Single Point of Contact (SPOC).



