

Annual Report 2020

Federal Bureau of Anti-Corruption (BAK)



2020 Annual Report

Federal Bureau of Anti-Corruption (BAK)

Vienna, 2021

Preface

Dear Madam or Sir,

As Acting Director of the Federal Bureau of Anti-Corruption (BAK), I have the pleasure of presenting to you the BAK Annual Report for the year 2020.

As in previous years, it is an account of the activities undertaken and success achieved by the BAK within its scope of prevention, education, security and criminal police investigation, and international cooperation. In 2020, the broad range of tasks involved in preventing and combating corruption was once again successfully handled by the departments entrusted with this mandate. Accordingly, the daily work of the BAK's employees makes a significant contribution to strengthening the public's trust in the entire public administration.

Despite the challenging general conditions resulting from the global COVID-19 pandemic, investigative activities continued smoothly thanks to the implementation of a coronavirus prevention concept and the ongoing adaptation of internal workflows. Likewise, significant progress was made in several projects in the area of compliance and corruption prevention advisory services.

In international cooperation, the focus was placed on committee and network activities, which made it possible to further strengthen multilateral cooperation in the field of preventing and combating corruption.

The ongoing dynamic development of the BAK, the continuous further advancement of the organization as well as the constant confrontation with new challenges have again enabled successful prevention of and fight against corruption in 2020. I would like to express my gratitude to all employees of the BAK, who demonstrate their commitment, motivation and team spirit every day.

Imprint

Owner and publisher:
Federal Bureau of Anti-Corruption
Federal Ministry of the Interior
Herrengasse 7, 1010 Vienna, Austria
+43 1 531 26 906800
www.bak.gv.at
Authors: BAK
Photos: BAK
Layout: BAK
Printed by: Digitalprintcenter BMI (Austrian Federal Ministry of the Interior)
Vienna, 2021

Introduction

It goes without saying that the COVID-19 pandemic had a major impact on the activities of the BAK in 2020. From mid-March to the end of April, all staff, with the exception of key staff, were teleworking. Since then, ongoing work and investigations were carried out predominantly by teleworking and by alternating attendance reduced to the absolutely necessary level. Furthermore, in addition to their regular work, several staff members supported the SKKM coordination staff COVID-19 (State Crisis and Disaster Management, SKKM), established at the Austrian Federal Ministry of the Interior (Mol).

Numerous events, network meetings and trainings of the BAK had to be suspended due to the pandemic. Operations and all support services, such as IT forensics, were continuously adapted to the pandemic developments to ensure the smoothest and most continuous flow of investigative activities.

This reduction or adaptation of the BAK's activities in 2020 must always be seen against the background of the coronavirus pandemic.

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1

The BAK – a brief outline

The BAK – a brief outline

The BAK and its organizational structure

The BAK is an institution of the Austrian Federal Ministry of the Interior. Organizationally speaking, it is established outside the Directorate-General for Public Security (see section 1 of the Federal Law on the Establishment and Organization of the Federal Bureau of Anti-Corruption [BAK-G]) but within Directorate-General III (Law), and thus directly responsible to Director-General III. In the reporting period, the BAK was divided into three departments, each with three 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 and whether instant measures have to be taken, and distributes the cases. The SPOC is also responsible for security matters at 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).

Prevention, Education and Basic Research

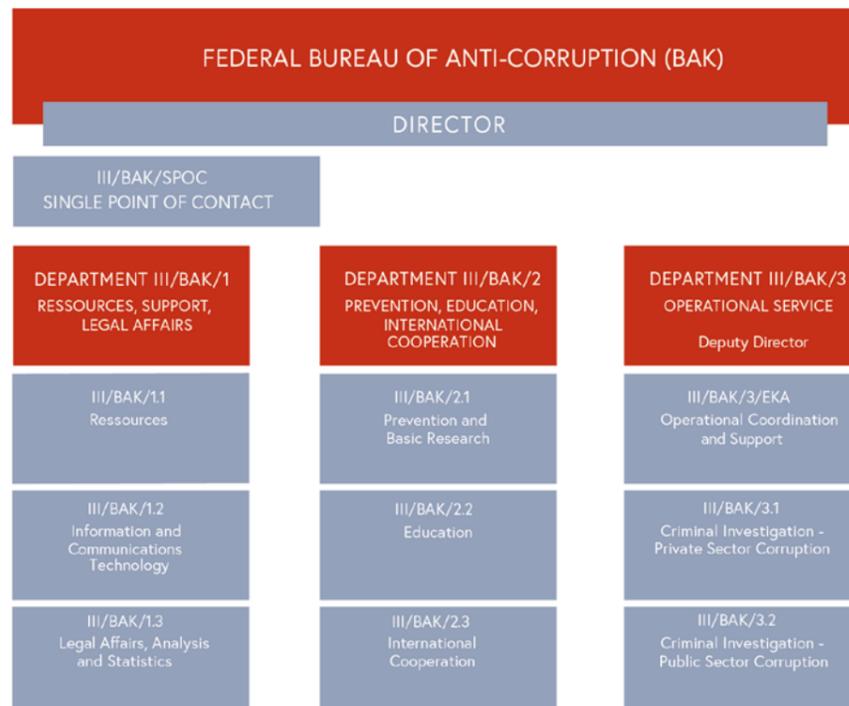
Inter alia, Department 2 is responsible for prevention and basic research. This comprises preventive activities in the entire civil service, the implementation of studies, as well as scientific exchange and the support and supervision of external projects, e.g. the National Anti-Corruption Strategy (NACS). Another area of responsibility of Department 2 is education, which includes, in particular, the servicing of the Austrian-wide Network of Integrity Officers (NIO) as well as 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., inter alia, the promotion of bilateral exchange and cooperation with various European or international anti-corruption bodies and institutions. The BAK's International Cooperation Unit also functions as the Secretariat of European Partners against Corruption (EPAC) and European contact-point network against corruption (EACN).

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. This is where security police investigations and criminal investigations of corruption offences, abuse of official authority and internal affairs are carried out. In the two units “Criminal Investigation – Private Sector Corruption” and “Criminal Investigation – Public Sector Corruption”, investigations are conducted by experienced case owners who, depending on the scope of the file, are supported by investigators. Some of the latter are assigned to the service from other units. The Unit “Operational Coordination, Asset Investigations and Operational Analysis” (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 BAK’s scope of duties and the list of predicate offences (§ 4 paragraph 1 no. 9a and no. 13 BAK-G) and entered into force on 28 December 2019. Since then, there have been no further amendments to the BAK-G.

Jurisdiction in matters of security and criminal police investigation

Pursuant to section (§) 4 paragraph 1 BAK-G, the BAK has nationwide jurisdiction in matters of security police and criminal 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 subject to prosecution 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, to the extent that they shall 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 StGB, may only be the authority in charge if the above-mentioned criminal offences 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 explicitly 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.

The BAK's corruption prevention activities

As to corruption prevention, § 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 and 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 and right to report

§ 5 BAK-G provides for the duty to report and right to report. Without prejudice to their duties to report defined by the Austrian Code of Criminal Procedure (StPO) of 1975, Federal Law Gazette (BGBl.) No. 631/1975, 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). 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

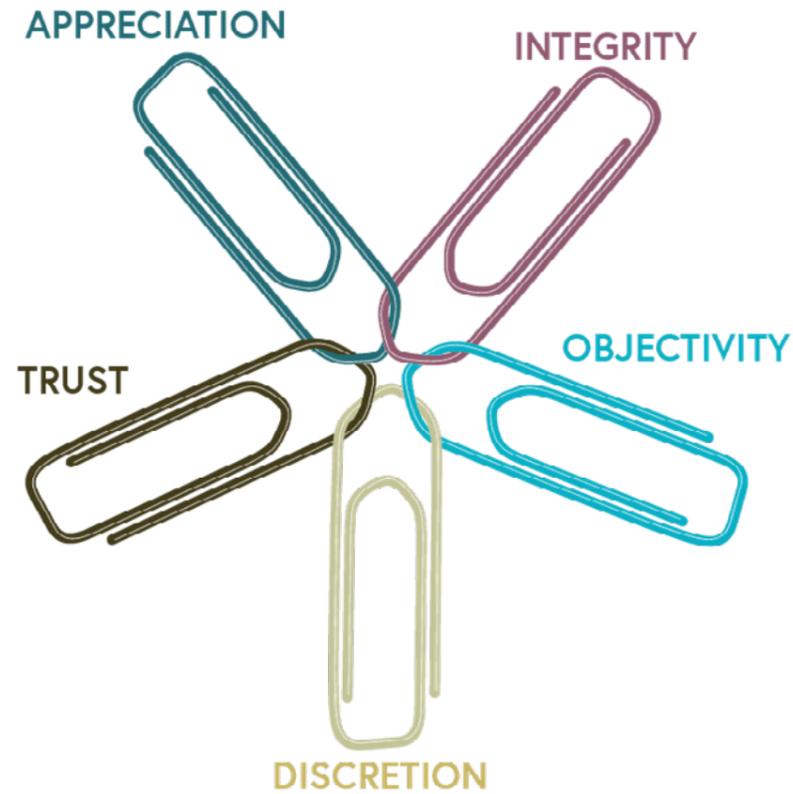
The law (§ 6 BAK-G) also regulates cooperation with other authorities and departments. For reasons of expediency, the BAK may assign individual investigations to other law enforcement authorities and departments (§ 6 paragraph 2 BAK-G); or, the BAK may transfer investigations to other competent law enforcement 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 (SPG) and two additional members. The Commission is to investigate allegations concerning the activities of the BAK that are not manifestly unfounded 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 mission statement

The staff of the BAK have committed themselves to complying with the following five core values in their daily work:



The BAK and its compliance management system (CMS)

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

The BAK's CMS, into which a risk management system is integrated, is continuously adapted to current circumstances and new challenges in public administration. The CMS is intended to strengthen awareness of compliance and risk management.

As of December 2020, the BAK's risk management system covers 68 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.

Every two years, the BAK's Compliance Report is published, providing an insight into the BAK's compliance and risk management system. In particular, it describes how this system is developing, how it meets the goals and tasks of such a system, and which compliance measures have been implemented or are planned for the near future. The report was last published in November 2020 and is available on the BAK website.



2 The BAK – strategy and basic research

The Action Plan of the National Anti-Corruption Strategy

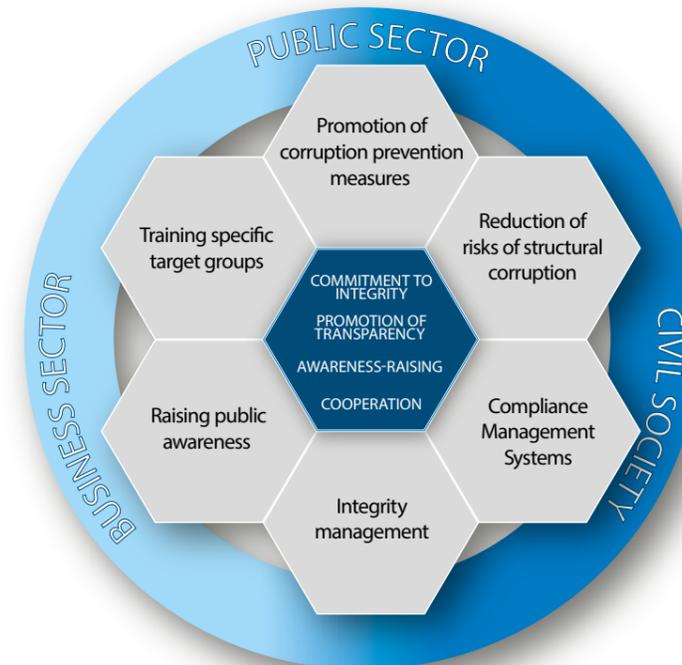
Austria's National Anti-Corruption Strategy (NACS), which was adopted by the Federal Government in 2018 in accordance with the relevant provisions of the United Nations Convention against Corruption (UNCAC), provides the strategic framework for the measures taken to prevent and combat corruption.

The specific measures for the implementation period 2019 to 2020 are listed in the Action Plan adopted by the Council of Ministers on 16 January 2019 (see Annual Report 2019).

The events, conferences, meetings, workshops and trainings could not be held as planned in 2020 due to the COVID-19 pandemic and the associated restrictions. This meant that the measures set out in the action plans could not be implemented to the extent intended.

The Network of Integrity Officers (NIO) was continued – with limitations in terms of events – and an increase in the number of interested parties was noted in 2020. In order to meet this interest, the platform's website was increasingly used for knowledge transfer through the publication of current specialist articles.

As defined in the NACS, the set targets are to be operationalized in a two-year cycle from 2019 to 2020. However, the Co-ordinating Body on Combating Corruption decided that an evaluation will take place after the completion of the first cycle, before the next cycle begins with the definition of new measures for the Action Plan. The proposal for quantitative and qualitative indicators prepared by the BAK in the autumn of 2020 will subsequently be used as a basis for evaluating the implementation of the NACS action plans.



Basic research

Research study “Attitudes to corruption”

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 root 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 2017 BAK Annual Report and in several publications (including 2/2017 SIAK [Federal Police Academy] Journal). On the basis of 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 Annual Report 2018).

In the context of this second study, HKS 38 Ö was used to interview around 1,400 entrants to the Austrian police on their attitudes to corruption.

As it turns out, the average attitude to corruption held by Austrian police trainees is comparable to that of the general Austrian population. There is a slight tendency for police trainees to disapprove of corruption more readily than the general population. Moreover, as the age of respondents increases, they tend to have a more adverse attitude to corruption. No differences in attitudes to corruption can be found with regard to gender.

The results 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 study results help to adapt relevant training concepts as well as specific training measures to the requirements of the particular training group.

Furthermore, the first publication including these results (publication series “Personalpsychologie“, volume 9) answers the question to what extent such findings are reflected in the dark figure of crime, and whether variables derived from the findings show a cause-effect relationship to the attitude to corruption.

This research study was co-financed by the European Commission under the ISF“ Lagebild“ (Situational Picture) project.

Prevention project “Targeted attacks – hybrid threats“

In January 2020, the BAK management issued a mandate to investigate the phenomenon and possible effects of hybrid threats or targeted attacks against the BAK and its employees within the framework of § 4 paragraph 3 BAK-G and the causal research provision included therein.

The starting point of the project is the prevention of targeted and organized attacks (“organized targeting“) on individual BAK staff members. The purpose of such an attack could be, on the one hand, to restrict the BAK's ability to act, to disrupt (internal) decision-making processes and to hinder investigative activities; on the other hand, it could also be an attempt to exert power over individual persons, investigators or other staff members.

The prevention project “Targeted attacks – hybrid threats“ is based on a scenario in which investigations on a larger scale are hindered, for example, by discrediting investigating officers. This could lead to an ongoing investigation being presented as untrustworthy and its quality being questioned, and ultimately being discontinued.

The fundamental objective of the BAK is to protect its full ability to make decisions and act within the framework of its legal mandate by taking preventive measures, to maintain this ability in the long term or to restore it as quickly as possible in the event of an (at least partially successful targeted/hybrid) attack. Special consideration should be given to the protection of the Bureau's staff, who could be exposed to targeted attacks due to the sensitivity and exposure of their work.

Based on a guideline, interviews were conducted with affected persons, their statements were analysed and subsequently, recommendations for action were formulated.

In order to better counter the phenomenon of targeted attacks in the future, awareness-raising is necessary on several levels. The BAK recommends target group-oriented awareness-raising events and workshops as well as the establishment of appropriate reporting channels to be able to provide information and support in case of an incident.

Future investigations, especially if they are larger in scale and of increased sensitivity or public interest, should be subject to a risk analysis at an early stage. The head of the investigation or case owner could draw attention to any dangers right from the start, put together the investigation team according to these findings and arrange for appropriate security measures.

The final report will be available in the first quarter of 2021.

3

The BAK's nationwide interconnection

The Network of Integrity Officers (NIO; in German: IBN) in 2020



Integrity is an essential principle of proper public administration. Therefore, measures are taken to ingrain the idea of behaving with integrity even more in the consciousness of the members of the civil service as a key element of promoting integrity, reliability and efficiency.

In 2020, the COVID-19 pandemic forced the postponement of two courses that had been organized and fully booked for that year, with a total of 58 registered participants from public administration (federal, regional and local levels), the state-related sector and civil society. In addition, two NIO follow-up workshops and the NIO annual conference could not be held as planned. In order to be able to meet the newly registered participants and the existing NIO members from different management levels and professions (e.g. Federal Chancellery and Federal Ministries, regional governments, universities, Association of Cities and Towns, Association of Municipalities, state-related companies, diplomatic service) in person and to impart the training content, further measures were taken.

To integrate the new NIO members into the existing network and equip them with knowledge and experience even before they participate in the basic training to become certified integrity officers, they were included in the newsletter mailing list, for example. This way, they had monthly access to interesting facts as well as brand-new information on relevant topics of prevention and fight against corruption.

In addition, personal telephone contacts were made with the help of a specific interview guide to gauge interests and individual needs. Many of the NIO members and future integrity officers have already been entrusted with setting up or establishing compliance management systems, and with conducting risk analyses and corruption prevention consultations in their organizational units or companies. Through these specialized telephone conversations and enquiries via email, the NIO members and future integrity officers were given the opportunity to receive profound advice and support for their work.

In 2020, numerous trained integrity officers and employees interested in the NIO were able to benefit from this offer.

The COVID-19 pandemic clearly demonstrated that our efforts to offer corruption-related content in hybrid form (i.e. both in person and digitized) were well received and will thus be crucial for the success of state-of-the-art training.

The BAK's participation in the "Committee 265 Compliance Systems" of Austrian Standards International

According to section 4 of the Federal Act on the Establishment and Organization of the Federal Bureau of Anti-Corruption (BAK-G), anti-corruption advisory services are essential elements of the BAK's prevention work. In 2017, the existing advisory services were extended to include compliance advisory services. Since then, various public and state-related institutions have been advised on compliance and the implementation of compliance management systems (CMS).

The BAK has designed an advisory procedure that is tailored to the requirements of public organizations and organizational units and that is in line with the contents of various standards for setting up and auditing a CMS. These standards primarily include the two relevant compliance standards ISO 19600 and ONR 192050. The formulation of compliance standards and the developments in the field of standards, such as the current further development of ISO 19600 into ISO 37301 as a certification standard, are of great importance for the BAK's prevention work and advisory services.



For this reason, at the invitation of Austrian Standards International (ASI), a staff member of the BAK's Prevention and Basic Research Unit was sent to actively participate in ASI's Committee 265 in 2020.

ASI is established as the organization responsible for standardization in Austria. The work on standards and norms takes place in committees with participants from different interest groups. These representatives decide which topic will be standardized and how the contents of the respective standard will be structured.

Committee 265 is the national committee for compliance systems. It deals with the (further) development of norms and standards in connection with the conception, implementation, optimization and review of compliance systems and related measures.

4

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 advisory services 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). These 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. The aim of corruption risk analyses is to avoid or reduce cases of damage. In addition to the rules and regulations of an organization, these analyses also examine the organization's structure and work processes. The organizational culture and the "human factor" are further focal points of analysis.

Compliance advisory services for AUVA

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. From the study, conclusions can be drawn about potential corruption risks in the Austrian healthcare sector.

Against this background, the BAK advises institutions in the Austrian health sector on corruption prevention and compliance (see Annual Report 2019).

On the basis of an advisory services agreement of August 2018, the BAK carried out compliance consulting with the Austrian Workers' Compensation Board (AUVA). The objective of AUVA was the implementation of a comprehensive CMS and the consolidation of previous compliance-related measures.

The advisory services included the following modules to support AUVA: creation of a social media guideline, development of a sponsoring guideline, introduction of a reporting system for compliance-related incidents and an e-learning tool on corruption and compliance.

The BAK made recommendations on the key elements of the advisory services provided as well as on the introduction of new and integration of existing compliance measures into an overall system.

A comprehensive final report was submitted to AUVA in spring 2020, concluding the consultation.

Compliance advisory services for FMA

The BAK implemented compliance advisory services for the Austrian Financial Market Authority (FMA) in 2020. The FMA is the independent supervisory authority for the Austrian financial market. In particular, the FMA is responsible for the supervision of credit institutions, insurance undertakings, pension funds, staff provision funds, investment funds, investment service providers, companies listed on the stock exchange, and stock exchanges.

On the basis of an advisory services agreement, the BAK advised the FMA on compliance and compliance management systems in predefined modules. The focus of the cooperation was on the analysis of compliance-related measures and CMS elements already existing at the FMA. Furthermore, workshops and interactive presentations were held on the topics of risk analysis for compliance, preparation of a code of conduct, compliance training for FMA staff members, and compliance organization.

The BAK's advisory team worked together with the FMA to develop recommendations for enhancing its compliance management system, as well as individual measures to increase the efficiency of compliance-relevant processes and procedures. The substantive advisory activities were completed in 2020.

The advisory services rendered were intended to strengthen the FMA's compliance and anti-corruption culture and facilitate the further development of its existing compliance management system.

Compliance advisory services for NEUSTART

In February 2019, the Federal Bureau of Anti-Corruption (BAK) concluded an agreement on compliance advisory services with the NEUSTART association. The BAK supported NEUSTART in promoting the desired awareness of employees with regard to compliance and ethical behaviour in everyday work.

NEUSTART, a non-profit organization with a strong state connection working in the area of justice, performs a variety of welfare and resocialization tasks.

The BAK's Prevention and Basic Research Unit advised the association on combining existing measures into a comprehensive compliance management system (CMS) and, in cooperation with NEUSTART, developed recommendations for introducing new and optimizing existing compliance-related individual measures.

Compliance success was measured by the achievement of compliance targets. The definition of compliance-relevant goals and their operationalization into measurable variables (indicators) were the basis for a CMS and the assessment of compliance risks. In a joint risk workshop, the BAK advised NEUSTART on the methodological basis of risk analysis and its implementation, and formulated recommendations based on the results of the analysis.

The substantive consultation was completed in March 2020, the final report was submitted in June 2020.

Corruption prevention advisory service “Guidance for confidential informants – upgrade”

In the period from 2010 to 2012, the BAK carried out the prevention project “Guidance for confidential informants and informers” for Office 5.3 of the Criminal Intelligence Service Austria (BK) on the basis of an advisory services agreement. In this way, the BK pursued the long-term goal of implementing measures to prevent criminal or corrupt behaviour in dealing with confidential informants and informers. As the findings from this prevention project showed, the undercover investigation system and guidance for confidential informants (CIs) is a sensitive area with regard to the occurrence of criminal or corrupt acts. During the consultation period, the BAK also accompanied BK Office 5.3 in the training sector (basic training courses for confidential informants and undercover investigators) as well as at conferences of the CI officers of the Regional Criminal Investigation Departments, and advised on predefined, relevant contents within the framework of advisory service modules.

In December 2018, BK Office 5.3 approached the BAK again and asked for assistance regarding further measures in a follow-up project. With reference to the tasks defined in § 4 paragraph 3 BAK-G related to the creation of awareness for measures to prevent corruption and promote integrity, the BAK thus carried out another corruption prevention advisory service (“Guidance for confidential informants (CIs) – upgrade”) for Office 5.3 from 2019 to 2020. After being commissioned by the Director of BAK, the BAK’s Prevention and Basic Research Unit (Unit III/BAK/2.1) started the advisory service in January 2019. The unit was able to conclude the substantive advisory activities in January 2020, followed by the preparation of a final report.

The consulting was based on the results of the original prevention project “Guidance for confidential informants and informers” as well as on the report of the Internal Audit Department of the Federal Ministry of the Interior and corresponding recommendations to Office 5.3 of an evaluation from 2018. A master’s thesis on “Covert investigations in Austria” was also used to analyse the problem areas identified and the consequent need for action.

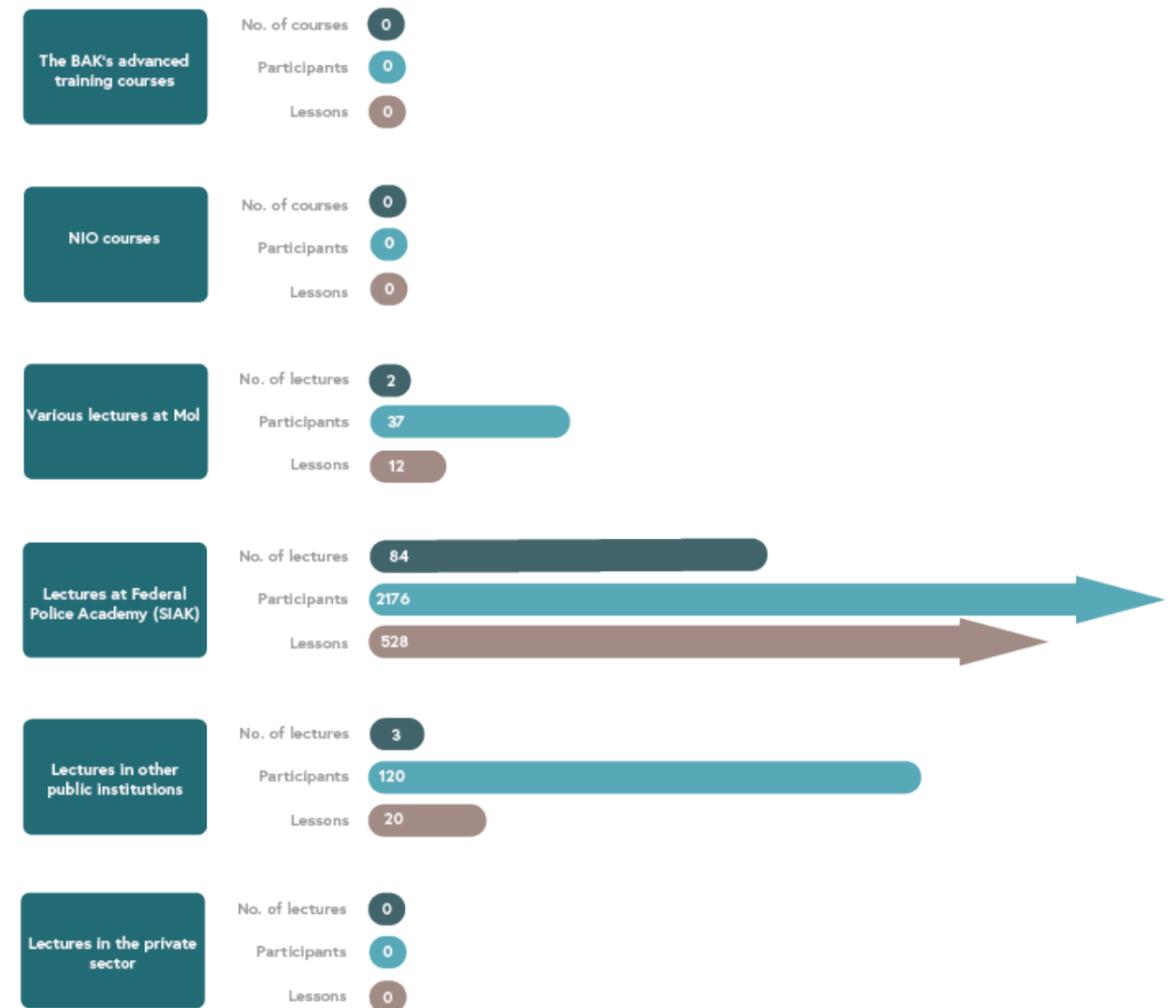
The corruption prevention advisory service comprised the following elements:

- Increased implementation of risk analyses in the CI system to prevent corruption and abuse of official authority
- Development of tailor-made prevention measures
- Systematic exchange of best practices and new approaches in corruption prevention and integrity promotion
- Synergetic use of resources of all involved areas and project partners

The project, finalized in summer 2020 with a final report, formed the basis for the Criminal Intelligence Service Austria to announce a new implementing decree for undercover investigators and CIs for the test phase starting on 1 October 2020. The decree is to contribute to the implementation of the terms and processes developed in the project as well as of a strict separation of work processes and structures regarding the areas of work and tasks in operations involving undercover investigators and confidential informants.

5 The BAK and its training measures

Knowledge transfer as part of prevention work



Due to the coronavirus crisis, many planned and organized training events had to be initially postponed and eventually cancelled from mid-March 2020. This mainly affected basic and advanced training courses (advanced training courses of the BAK, NIO (Network of Integrity Officers) basic training courses, etc.) but also other events that were to be carried out. Only courses of the basic training at the Austrian Federal Police Academy (SIAK), e.g. basic police training, were implemented on a larger scale with COVID-19 protection measures and increased use of distance learning.

In the reporting period, 89 courses/lectures (560 lessons) on preventing and combating corruption were offered to 2,333 participants. After all, this means that compared to 2019,

despite the difficult situation caused by COVID-19, about half of the training sessions were held.

Thus, since the establishment of the BAK, training for almost 35,620 persons has been provided.

The BAK gave a total of 83 lectures (equivalent to 528 teaching units) in all basic training courses offered by the SIAK. These lectures were attended by 2,176 persons, the most important target group (1,882 participants in 75 lectures) again being police trainees, e.g. from border police.

It was only possible to deliver 4 lectures (attended by 148 officers) as part of the training for future police sergeants.

2 courses for 36 employees of the Austrian Federal Ministry of the Interior (Mol) were given as part of the basic training for administrative staff.

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.

2 training and information events for different target groups of the Mol (FRONTEX training and basic training course at the Austrian Federal Office for Immigration and Asylum, BFA) were attended by another 37 persons.

In 2020, the Austrian Federal Agency for State Protection and Counter Terrorism organized a basic training course at the SIAK for the first time. In this course, too, the BAK was responsible for eight teaching units.

120 persons from various fields of public administration (particularly from the City of Vienna and a business academy (HAK)) participated in 3 training and information events (20 lessons) dealing with the phenomenon of corruption as well as corruption offences and abuse of official authority.

In this context, it should be noted that corruption prevention officers (CPOs) held (or were involved in) more than 80 per cent of the above mentioned training courses.

The basic training of the senior administrative service took the form of a knowledge presentation with an increased proportion of self-study. Following guidance from the BAK’s Unit of Education (Unit 2.2), 58 participants independently carried out the required distance learning tasks: e.g. the solution of case studies regarding criminal law on corruption, the completion of e-learning modules at the SIAK e-campus (criminal

law on corruption, code of conduct, corruption prevention), and the study of the annual series “Corruption and Abuse of Official Authority” of the publisher MANZ including lecture materials.

Advanced training course of the BAK and development of the BAK course book

The BAK’s advanced training courses deal with all corruption-related topics, explore the psychological background of the corruption phenomenon and address the possibilities of general and individual corruption prevention. They make detailed reference to criminal law, completed criminal investigations and the Austrian Code of Criminal Procedure, and explain the tasks of the Austrian Federal Public Prosecutor’s Office for Combating Economic Crime and Corruption (WKStA). A detailed presentation of the BAK’s remit rounds off the first part of the course.

In addition, the training includes specific in-depth 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).



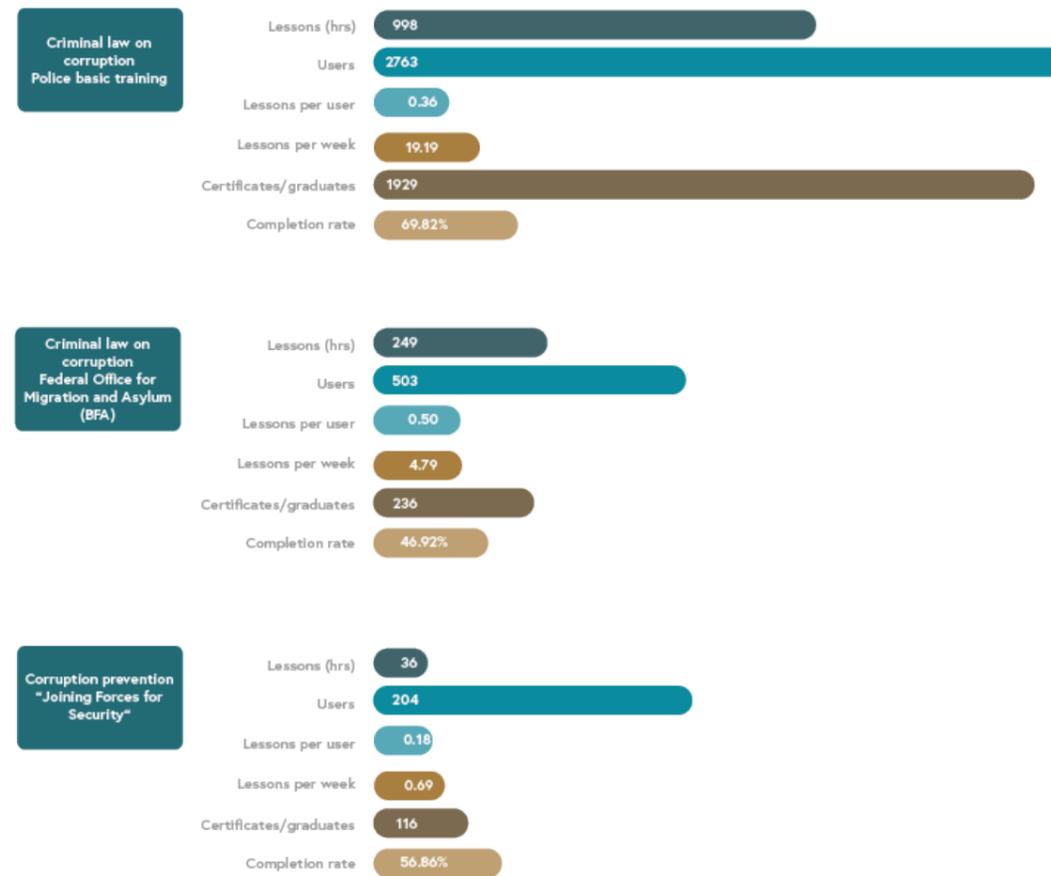
The BAK’s 2020 advanced training course, which had been scheduled for two weeks, was postponed to 2021 due to the COVID-19 pandemic. This allowed another project, conceived in 2018, to be launched in 2020: the development of the BAK course book. The BAK course book has the classic structure of a textbook and is designed to provide course graduates and new participants with generally applicable teaching content as well as specific innovations in research on corruption. Explicit attention has been paid to enabling readers to concretely apply the content to themselves and their organizational units: readers can answer specific guiding questions and evaluate them using a scoring system. Based on the score obtained, the book offers ready-made solutions for preventing and combating corruption.

Furthermore, the BAK course book contains case studies on corruption with practical solutions to prevent the (real) cases described. This is intended to help increase the readers’ own room for manoeuvre.

The BAK course book will be available in three forms: in hardcover, as a downloadable PDF document, and digitally as a dynamically activated programme, in which precise answers and concrete proposals for action are provided after the user has answered the guiding questions.

The completion of the hardcover edition and the PDF document is scheduled for 2021.

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 2020)

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” proved to be a very effective training tool in 2020. 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. 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.

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).

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, out of a total of 2,763 users, 1,929 staff members completed the module with a certificate.

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.

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, out of 204 users, 116 interested staff members received a certificate for the 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)

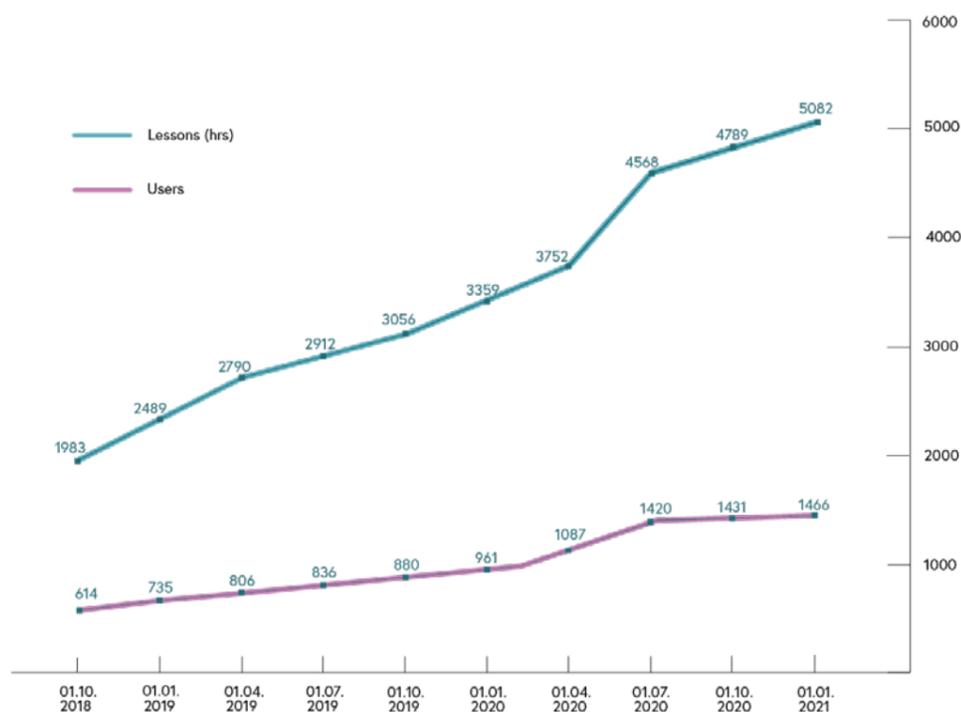
This interactive learning object is one of the four pillars of the comprehensive concept for awareness-raising measures in the BFA and was specifically developed and implemented for the BFA. For the BFA’s basic compliance training and as support for compliance officers, the BAK’s Unit 2.2 prepared case 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, acceptance of advantages when cooperating with interpreters, and disclosure of personal data in asylum procedures.

During the reporting period, out of a total of 503 users, 236 employees completed the module with a certificate.

E-learning module “Code of Conduct of the Austrian Federal Ministry of the Interior (Mol) – ‘OUR VALUES. OUR APPROACH’”



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 2020)

In the reporting period, 534 staff members completed the module.

E-learning module “Code of Conduct of the Civil Service: The RESPONSibility rests with me – a question of ethics”



At the end of December 2020, the new e-learning module on the “Code of Conduct to Prevent Corruption in the Civil Service” was integrated into the e-campus of the Federal Police Academy (SIK) and thus made available to the staff of the Ministry of the Interior. This online training was created with the participation of the BAK in the context of the preparation of the new code of conduct for the civil service.

The module familiarizes employees with the importance of a code of conduct for their work in the civil service. It raises awareness of the consequences of breaching the rules of conduct as well as of possible sanctions under civil service law and criminal law.

6

The BAK and its events

Austrian Anti-Corruption Day

Since 2007, the Federal Bureau of Anti-Corruption (BAK) has been organizing the annual “Austrian Anti-Corruption Day”, thus creating a national platform for experts to exchange experience and transfer knowledge in the field of preventing and combating corruption.

Due to the worldwide COVID-19 pandemic, this expert meeting (almost 150 registered participants) with its personal exchange and sharing of knowledge had to be cancelled in 2020.

However, as in previous years, the BAK succeeded in making a well-founded publication available online and in book form covering the main topics of the 13th Austrian Anti-Corruption Day held in May 2019: “Compliance in Public Procurement”, “Action Plan of the National Anti-Corruption Strategy: Practical Implementation Based on Selected Examples” and the expert discussion “Is Digitalization a Problem or a Solution with Regard to Corruption, Prevention and Integrity?”.



7

The BAK and selected operational data

The BAK's corruption investigations

In the BAK, investigations into corruption are carried out by experienced case owners of Department 3 (Operational Service). The cases are assigned to the two units "Criminal Investigation – Private Sector Corruption" and "Criminal Investigation – Public Sector Corruption" and are handled by investigation teams of different sizes depending on the scope of the file. The Unit "Operational Coordination, Asset Investigations and Operational Analysis" (EKA) is responsible for the coordination of operations, operational case analysis and asset recovery.

Fight against corruption in the private sector

The Unit "Criminal Investigation – Private Sector Corruption" investigates cases in the context of abuse of official authority that are mainly related to the private sector. At the end of the year, 24 cases were pending in the unit, with 11 opened in 2020 and the others in previous years. Another 20 cases were started and completed in 2020. These case numbers from the last years alone show that corruption cases related to the private sector are complex and their investigation is time-consuming and lengthy.

Building on large-scale house searches conducted throughout Austria in 2017 and 2018, the unit continued the complex investigation of a major criminal case dealing with agreements restricting competition and other offences. The results were brought to the attention of the public prosecutor's office in a number of interim reports. The investigation was carried out in close cooperation with the Austrian Federal Competition Authority.

The unit investigated another major case in the context of a now insolvent group of companies whose approximately 900 creditors had been harmed by bonds and investment companies.

Due to the COVID-19 situation, much of the (advanced) technical training was delivered online. Several staff members were able to deepen their business skills and obtain the European Business Competence Licence.

Fight against corruption in the public sector

In 2020, the previous units 3.2 ("Abuse of Official Authority and Accompanying Crime") and 3.3 ("Internal Affairs") were merged into the Unit "Criminal Investigation – Public Sector Corruption". The restructured unit thus handles files where abuse of official authority in the civil service is the principal offence. This merger increases efficiency and flexibility while at the same time improving the output quality – for example in major cases – despite increased demands on the individual criminal investigator. The departure from the previous group structure to a system of case owners and assisting investigators ensures the optimal team size for each file and offers the possibility to assign the various subject-specific files to investigators with relevant expert knowledge.

In 2020, this unit opened and completed 95 cases. At the turn of the year, 69 cases were pending, with 37 of them having been opened in 2020.

The investigation of a large-scale case involving sections 153 (breach of trust), 304 (corruptibility) and other offences of the Austrian Penal Code, which had been ongoing since 2018, continued in 2020 (expected completion: 2021).

Unit “EKA” – Operational Coordination, Asset Investigations and Operational Analysis

In the year 2020, the team for asset investigations contributed to investigating 1 case of the BAK’s Department 3.

Moreover, in the field of asset investigations, the BAK assessed 10 cases of allegations of money laundering. 5 of these cases had been transferred to the Bureau by the Financial Intelligence Unit (FIU) of the Criminal Intelligence Service Austria (Bundeskriminalamt), 1 case by another authority. 4 allegations of money laundering had been reported by private individuals. The BAK took over 5 of these 10 cases for further investigation.

The Unit “EKA” also completed 15 of 17 requests for administrative or legal assistance as well as 7 requests regarding investigation cases with an international dimension received via Europol’s Secure Information Exchange Network Application (SIENA).

In addition, the “ICT Data Analysis and IT Investigation” team of the BAK, currently consisting of three members, provided various support services for the entire Department 3 in more than 200 cases in the context of internet investigations and screening of electronic data. The team also conducted operational crime analyses contributing to the completion of three investigation cases.

General explanations about the BAK’s statistical data collection

As explained in “The BAK and its legal basis”, investigating corruption offences is one of the BAK’s main tasks. 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.

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. They 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 (Single Point of Contact). 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.

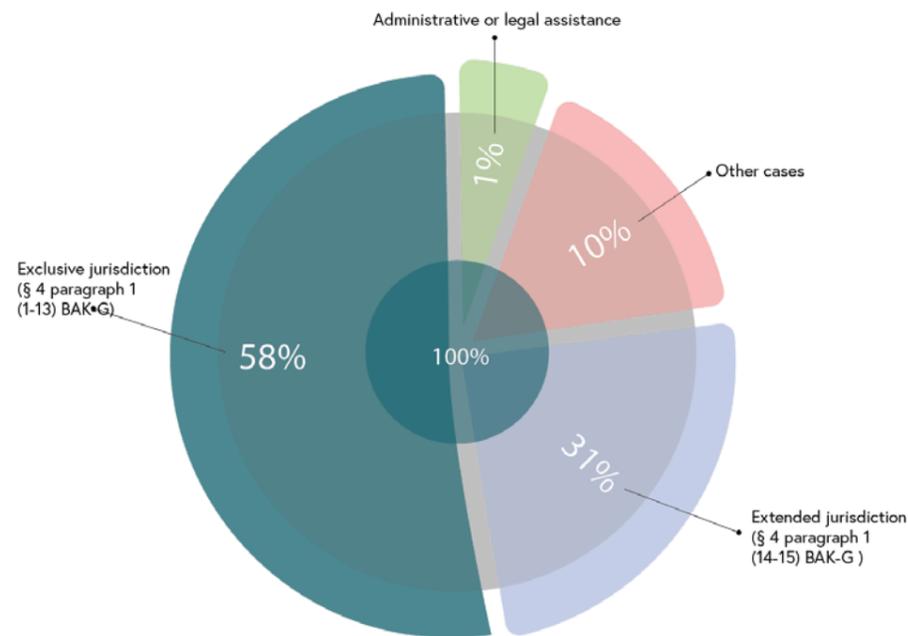
All cases covered by section (§) 4 paragraph 1 (1-13) of the Federal Act on the Establishment and Organization of the Federal Bureau of Anti-Corruption (BAK-G) are referred to as cases of “exclusive jurisdiction”. Cases falling under § 4 paragraph 1 (14-15) BAK-G (“extended jurisdiction”), which are 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 were only 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, 2020

In 2020, there were a total of 1,239 cases. 242 (34 %) of the 715 cases under the exclusive jurisdiction of the Bureau (see “Overall statistics, 2020”) were investigated by the BAK. The BAK handled 5 (approx. 1 %) of the 383 cases of extended jurisdiction and 15 of the 16 requests for administrative or legal assistance. Thus, the BAK took over the investigation of 262 cases.

In comparison to previous years, the number of incoming reports, allegations, complaints, etc. at the BAK is largely stable. In 2019, the total number of incoming cases was 1,335. In 2018 and 2017, the BAK received 1,331 and 1,500 cases respectively. On average, from 2017 to 2019, 720 cases per year fell under the BAK’s exclusive jurisdiction and 34 per cent of them were investigated by the BAK. Of the average 464 cases of extended jurisdiction per year, 2 % were taken over by the BAK.



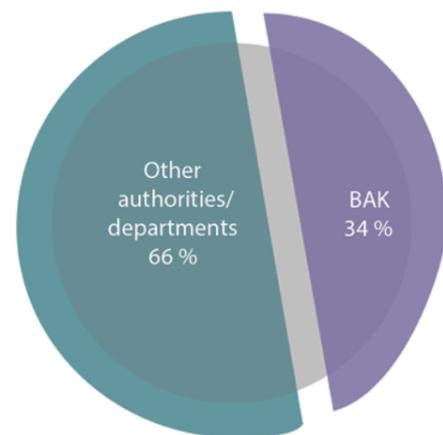
Types of cases received, 2020

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

In the reporting year, the BAK received 715 cases of exclusive jurisdiction, 242 (34 %) of which were handled by the BAK and 473 (66 %) by other authorities/departments.



Investigating authority/department

Regarding the 473 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

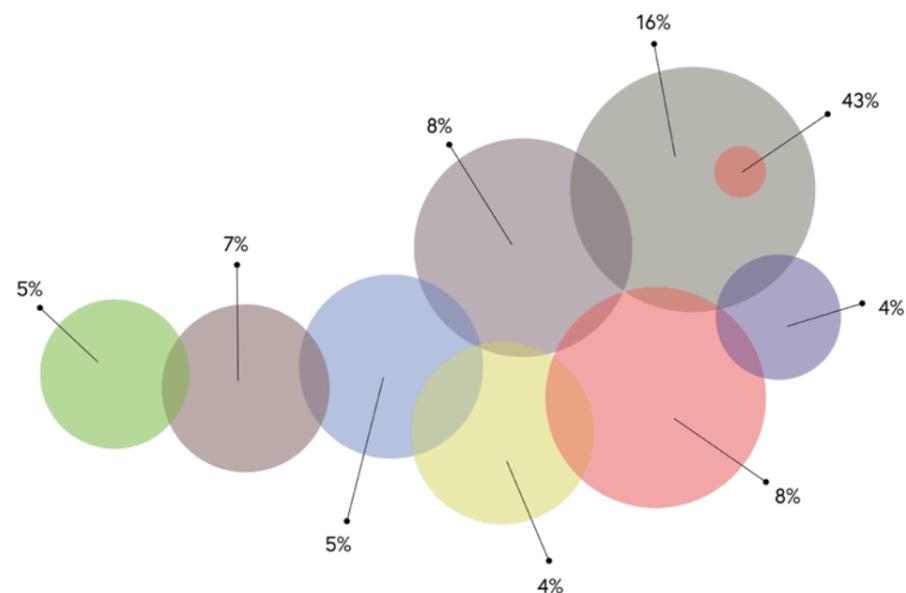
In 2020, 402 (85 %) of the 473 cases handled by other authorities/departments were concluded, i.e. the investigating authority/department had submitted a report to the competent public prosecutor's office and no further investigations into the respective case had, for the time being, been conducted. 355 (75 %) of these cases were solved. A case is classified as "solved" if at least one perpetrator was identified by name.

The BAK concluded 161 (67 %) and solved 154 (64 %) of its 242 cases. However, the 2020 annual statistics do not reflect the BAK's actual workload in this field within a year. It should be noted that in 2020, in addition to those 161 cases that the BAK actually received in the same year (and thus appear in the 2020 annual statistics), the Bureau investigated and completed 5 cases from 2018 and 32 cases from 2019, i.e. 198 cases in total.

Yet, several investigations from previous years continue. 124 cases from previous years were still pending at the end of the phase-out period and will be carried over to 2021. Of these, 6 cases occurred in 2017, 10 in 2018, 27 in 2019 and 81 in 2020. As these cases came up in previous years, they will not be included in the 2021 statistics but considerably increase the amount of work. Because of their complexity, numerous cases of the BAK are being investigated over many years. At present, several so-called major cases (based on the definition of the Austrian Federal Ministry of Justice, decree of 14 June 2013 on the definition of major public prosecution cases, BMJ-S1140/0014-IV 5/2013) are pending in the BAK. In addition to other characteristics, they have a large number of parties to the proceedings as well as an extraordinary volume of files and are particularly complex.

Crime scenes: regional breakdown

22 of the crime scenes registered for the 715 cases of exclusive jurisdiction (§ 4 paragraph 1 (1-13) BAK-G) the BAK received in 2020 remained unknown or could not be determined from the file, 3 crime scenes were committed abroad and 690 in Austria.



Regional breakdown

This figure depicts the regional breakdown of the 690 crime scenes in Austria. Naturally, the majority of crime scenes (298, i.e. 43 %) were registered in Austria's federal capital Vienna. 107 crime scenes (16 %) were recorded in Lower Austria, followed by 58 crime scenes (8 %) in both Upper Austria and Styria. 48 crime scenes (7 %) were in Tyrol, 33 (5 %) in Vorarlberg, 32 (5 %) in Salzburg, 31 (4 %) in Burgenland, and 25 (4 %) in Carinthia. 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 being subject of investigations conducted in the 715 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 715 investigation cases included a total of 1,376 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	179	438	617
§ 304 StGB: Corruptibility	5	4	9
§ 305 StGB: Acceptance of an advantage	4	2	6
§ 306 StGB: Acceptance of an advantage for the purpose of exerting influence	5	1	6
§ 307 StGB: Bribery	4	3	7
§ 307a StGB: Offering an advantage	0	0	0
§ 307b StGB: Offering an advantage for the purpose of exerting influence	0	1	1
§ 309 StGB: Acceptance of gifts and bribery of employees or agents	0	2	2
§ 310 StGB: Breach of official secrecy	29	19	48
Other criminal offences	16	3	19
Total	242	473	715

In the majority (86 %) 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]), and breach of trust due to abuse of an official function (§ 313 in conjunction with § 153 StGB).

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 of all criminal offences investigated under the BAK's exclusive jurisdiction.

Criminological category	BAK	Other authorities or departments	Total
Procedural flaws	104	209	313
Consultation and transfer of data	58	51	109
Initiation of a proceeding	8	80	88
Permits, expert opinions, certificates	8	35	43
Procedural flaws – penal orders	2	40	42
Financial management	10	16	26
Human resource management	8	6	14
Procurement/tendering procedures	4	5	9
Punishable acts committed by law enforcement officers (in their free time)	2	6	8
Punishable acts in connection with the abuse of an official function	4	4	8
General complaints	3	4	7
Immigration, asylum	4	3	7
Other criminological categories	27	14	41
Total	242	473	715

313 cases (44 %) 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 and transfer of data” (including, for example, disclosure of information) accounted for 109 cases (15 %). 88 cases (7 %) fell into the category “Initiation of a proceeding” (i.e. non-reception or insufficient reception/documentation of complaints). 43 cases (6 %) were assigned to the category “Permits, expert opinions, certificates” (e.g. failure to properly grant, obtain or revoke licences, authorizations or permits; irregularities relating to vehicle inspections in accordance with §§ 57a and 40a, Motor Vehicles Act [Kraftfahrzeuggesetz, KFG]). The categories “Procedural flaws – penal orders” (special cases of “procedural flaws”) and “Financial management” contained 42 (6 %) and 26 (4 %) of the cases, respectively.

14 cases (2%) were classified under “Human resource management”, 9 (1 %) under “Procurement/tendering procedures”, 8 cases (1 %) each under “Punishable acts committed by law enforcement officers (in their free time)” and “Punishable acts in connection with the abuse of an official function”, as well as 7 cases (1 %) each under “General complaints” and “Immigration, asylum”.

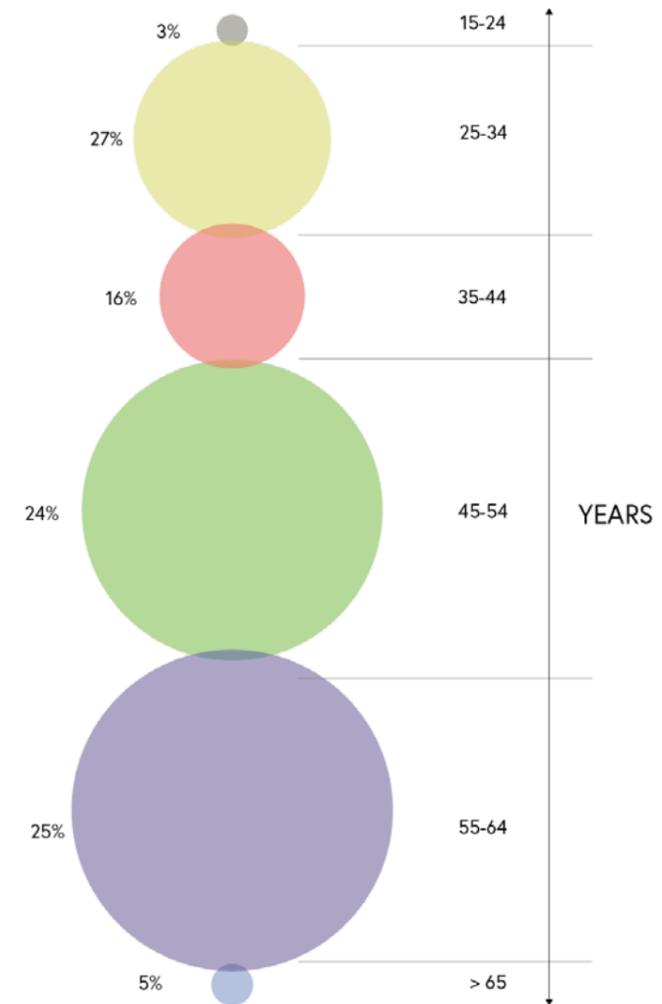
The remaining 6 categories (41 cases, 6 %) were included in “Other criminal categories”. These are “Supervision/control”, “Collusion”, “Money laundering”, “Sponsoring”, “Elections” and “Various categories”.

Suspects

At least 1,159 suspects were recorded for the 715 cases of exclusive jurisdiction of 2020; as many as 345 of these suspects remained unknown.

The gender of 846 suspects was registered; 675 (80 %) of them were male and 171 (20 %) female.

The BAK’s statistics include information about the age of 506 suspects (44 % of the 1,159 suspects). No particular characteristics were observed regarding their age structure. 80 % of these suspects were aged between 15 and 57, which is roughly corresponding to the working population.



Age structure of the suspects

8

The BAK and its international activities

Many years of excellent international cooperation

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 usually comprises the organization of visits to the BAK as well as the participation in official meetings and conferences abroad. Due to the COVID-19 pandemic and the associated restrictions, this type of exchange was de facto no longer possible from mid-March 2020.

The BAK's bilateral cooperation

Among other things, an already planned visit to the Hungarian partner authority "National Protective Service" in Budapest as well as official meetings with delegations from Uzbekistan and Korea in the BAK had to be postponed until further notice.

However, other ways of cooperation became more important: the BAK received various written enquiries throughout the year, e.g. from the Hungarian and Cypriot Europol liaison offices in The Hague concerning anti-corruption measures in the police and the "Code of Ethics against Police Corruption". The Korean Anti-Corruption and Civil Rights Commission (ACRC) requested information on the BAK's compliance and corruption prevention system. The Lithuanian partner authority "Special Investigation Service of the Republic of Lithuania" (STT) approached the BAK regarding corruption prevention in the health sector, the Serbian Chamber of Commerce was interested in the BAK's activities in the field of education.

In addition, as part of the quadrennial review of Austria's participation in the US Visa Waiver Program (VWP), the BAK was involved in responding to the questionnaire on law enforcement, particularly in the areas of Human Capital, Immigration Enforcement and Passport Security.

International committees, bodies and working groups

The BAK's experts represent the Bureau in various committees, bodies and working groups focusing on the exchange of information and experience and, in particular, the (national) implementation of international anti-corruption conventions ratified by, inter alia, 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, and 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).

The United Nations and its activities to prevent and combat corruption

Participation of the BAK in the meetings of the UNCAC working groups

In 2020, the sessions of the various UNCAC subsidiary bodies were predominantly held in a virtual format due to the constraints imposed by the coronavirus pandemic. The 11th session of the Implementation Review Group (IRG) took place on 29 June. As the number of participants had to be limited for technical reasons and the duration of the meeting had been reduced, only procedural aspects were dealt with at that point. This was followed by the first resumed session of the IRG, which took place from 31 August to 2 September in a hybrid format. Some items on the agenda were held as a joint meeting together with the Working Group on the Prevention of Corruption. The thematic focus was on UNCAC Chapters II (Preventive measures) and III (Criminalization and law enforcement). Finally, from 16 to 18 November, the UNCAC Joint Meeting of the following UNCAC working groups took place: the second resumed session of the IRG, the 14th session of the Working Group on Asset Recovery and the 9th session of the Expert Meeting on International Cooperation. The meetings were held exclusively virtually due to pandemic-related developments at that time.

The session time of all hybrid and virtual events was reduced to facilitate the participation of as many delegations as possible despite the different time zones and lack of physical presence in the plenary. The content of the sessions was underpinned by panel presentations on the thematic priorities. Moreover, the space created for subsequent discussions preserved the interactive atmosphere despite the unusual format of the meetings.

Staff of the units "International Cooperation" and "Prevention and Basic Research" represented the BAK at the UNCAC sessions.

Preparations for the Special Session of the UN General Assembly (UNGASS) against Corruption in New York

From 2 to 4 June 2021, the Special Session of the UN General Assembly against Corruption will take place in New York. The preparatory process, which started in 2020, includes three intersessional meetings with different focuses as well as negotiations on the political declaration.

From 2 to 4 September 2020, the first preparatory meeting for the 2021 UNGASS was held in hybrid form, focusing on corruption prevention. The second preparatory meeting (exclusively virtual) on 19 and 20 November dealt with asset recovery.

Furthermore, informal negotiations on the political declaration have been taking place regularly since 28 September 2020. The aim of the exclusively virtual sessions is an exchange between States Parties on the preliminary draft political declaration circulated on 17 August 2020 by the co-facilitators from Peru and the United Arab Emirates. In addition, the formulation of the final treaty text to be adopted at the Special Session in New York will be negotiated and finalized in four multi-unit readings. The BAK was involved in the preparation of the Austrian contribution to the political declaration.

The third and final preparatory meeting will take place in the first quarter of 2021, further informal negotiations in the first and second quarter of 2021.

Second cycle of the UNCAC review of Austria – state of play

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. 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.

After the Austrian response to the standardized self-assessment checklist was submitted to the United Nations Office on Drugs and Crime (UNODC) in December 2019, the next step is for the representatives of the countries drawn by lot, Germany and Vietnam, to examine the answers and documents provided by Austria (so-called "desk review"). The BAK, among others, was extensively involved in preparing Austria's response, particularly regarding the chapter on prevention. In addition, in order to gain an insight of the Austrian implementation of the above-mentioned UNCAC chapters, an on-site visit was planned for 2020 as part of a direct dialogue between the experts.

Although the completion of the desk review and the on-site visit were scheduled for 2020, no further evaluation steps could be taken in 2020 due to the global restrictions imposed by COVID-19. The review process in Austria is to be continued in 2021.

The EU Rule of Law Mechanism

In early 2020, the European Commission established the comprehensive European Rule of Law Cycle/Mechanism to assess the rule of law situation in EU Member States. The central element of this new mechanism is a stocktaking exercise followed by recommendations and critical comments by the Commission.

Therefore, in March 2020, EU member states were requested to respond to a questionnaire on relevant developments since January 2019 in the four areas of judicial system, anti-corruption, media pluralism and constitutional affairs. The BAK took the lead in Austria's interdepartmental preparation of the contribution in the area of anti-corruption. In mid-May, after consultation with the relevant bodies (Federal Ministry of Justice; Federal Ministry of Arts, Culture, Civil Service and Sport; Federal Ministry of the Interior; Court of Audit), the BAK submitted the document to the Federal Chancellery responsible for the overall Austrian contribution.

Following a virtual country visit by representatives of the European Commission at the beginning of June and a fact-checking period in September, the overall Austrian contribution was completed. On 30 September, the first Rule of Law Report, entitled "2020 Rule of Law Report – The rule of law situation in the European Union", was finally presented under the German Presidency. In terms of content, the anti-corruption part of the Austrian contribution includes, inter alia, the National Anti-Corruption Strategy, the institutional and legal landscape of national prevention work, as well as certain measures to prevent and combat corruption.

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

Since the end of 2016, the BAK has been providing the Secretariat of the networks "European Partners against Corruption" (EPAC) and "European contact-point network against corruption" (EACN), which serve as independent platforms for anti-corruption and police oversight bodies to maintain contact and exchange specialist information. 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 almost 100 members.

At the beginning of 2020, the EPAC/EACN Secretariat was able to secure an EU grant of 60,000 euros for the networks' activities over the next three years. This means that some EPAC/EACN activities are partly co-financed by the Internal Security Fund (ISF). The funding will cover, among other things, the renewal of the EPAC/EACN website, which is necessary for IT security reasons and will include a design refresh.

From March 2020, the COVID-19 pandemic also started to have a major impact on EPAC/EACN activities. For example, the governing body of EPAC/EACN, with the support of the Secretariat, met only virtually from spring onwards; in late summer, it was decided to postpone the networks' Annual Professional Conference and General Assembly, usually held in the second half of the year, to 2021.

All other meetings were also postponed or held by telephone or as video conferences for security reasons (see below), e.g. the sessions of the four sub-working groups

of the EPAC/EACN working group "EU Integrity", each led by one of the following partners: the State Criminal Investigation Office of North Rhine-Westphalia (LKA NRW, Germany), the French Anti-Corruption Agency (AFA, France), the Anti-Corruption General Directorate of the Ministry of Internal Affairs (DGA, Romania) and the Federal Bureau of Anti-Corruption (BAK, Austria).

Furthermore, the EPAC/EACN Secretariat composed and sent out regular newsletters, revised the EPAC/EACN website on an ongoing basis, updated the "EPAC/EACN Contact Catalogue" and conducted surveys on police codes of conduct and best practices in response to the COVID-19 pandemic.

Last but not least, preparations for a special event began: EPAC celebrates its 20th anniversary in 2021. For this occasion, among other things, an anniversary logo has already been created.

Further information on EPAC/EACN and its tasks and activities can be found at www.epac-eacn.org.



EPAC/EACN working group "EU Integrity"

As mentioned before, the activities around the "EU Integrity" working group coordinated by the BAK were also strongly influenced by the coronavirus pandemic; several planned sub-working group meetings had to be cancelled. However, in a number of virtual sessions the best possible work was done, despite the challenging conditions, to achieve the objective of producing a manual on preventing corruption and promoting integrity. This guideline, to be completed by the end of 2021, will build on the priorities and results of the working group and provide practical content on "Support and protection of whistleblowers", "Interagency cooperation and common standards for its improvement", "Educational and value management measures" and "Integrity and anti-corruption standards". The manual aims to contribute to the EU-wide promotion of integrity in all sectors.

The Organisation for Economic Co-operation and Development (OECD) and its activities to prevent corruption

2020 OECD Auditors Alliance Annual Meeting

On 23 September, the third annual meeting of the OECD Auditors Alliance took place in virtual form. 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.

One of the main topics of the 2020 meeting entitled "Audit Innovation in Times of Crisis" was the new online platform, where members of the Auditors Alliance community can share case studies, analyses and opinions.

The BAK was represented at this session by Unit 2.1 (Prevention).

Working Party of Senior Public Integrity Officials

Due to COVID-19, this year's meetings of the OECD Working Party of Senior Public Integrity Officials were held virtually.

The first session, on 25 May, was dedicated to "Public integrity for an effective COVID-19 response and recovery", first results of the pilot phase of the "Public Integrity Indicators" and, finally, reflections on an online integrity platform.

The second session (30 November) dealt with the monitoring results regarding the OECD Principles for Transparency and Integrity in Lobbying. In addition, the beta version of the OECD Public Integrity Toolkit was presented, and integrity and anti-corruption measures during the COVID-19 crisis were discussed.

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

Other international events

25th German Prevention Congress

Due to the COVID-19 crisis, the 25th German Prevention Congress, the world's largest annual conference on crime prevention and related prevention areas (including corruption prevention), scheduled to take place in Kassel on 24 April 2020, could not be conducted this year as planned. It was held in virtual form on 28 and 29 September 2020 (topic: "Smart Prevention"). The "Kassel Declaration" of the German Prevention Congress and its permanent event partners was presented at the closing event. It appeals to those responsible in politics, the media and civil society groups at municipal, regional and national level to

- actively shape "smart prevention",
- create suitable framework conditions for a safe handling of digitalization,
- promote media literacy in and out of school as well as across generations,
- and to develop international networking.

The digitalization of prevention work will also be essential for the BAK's future fight against corruption and activities to promote integrity. The full (German) text of the Kassel Declaration can be found on the website of the German Prevention Congress.

<https://www.praeventionstag.de/nano.cms/der-deutsche-praeventionstag>

International video conference "Expert Meeting of Anti-Corruption Authorities"

On 19 and 20 November 2020, the Ministry of Justice of the Czech Republic held the video conference "Expert Meeting of Anti-Corruption Authorities". The event was originally scheduled to take place on site during the Czech Presidency of the Visegrád Group in the first half of 2020, but had to be postponed due to the coronavirus pandemic and was finally held online. The main topics were the establishment of an effective and complex whistleblower protection, the implementation of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, and the regulation of lobbying in the participating countries.

Two representatives of the BAK attended this video conference.

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Public relations at the BAK

Public relations

The Austrian Federal Bureau of Anti-Corruption takes a twofold public relations approach: No information about ongoing investigations is made public. In the case of enquiries, the BAK merely confirms investigations and refers to the competent public prosecutor's office. However, not enough can be reported about the prevention of corruption.

Therefore, the BAK has its own website, www.bak.gv.at, and a newsletter sent to interested parties on a quarterly basis. Moreover, various publications are produced. In addition to the annual report, the BAK releases the annual publication on the Austrian Anti-Corruption Day and, every two years, the publication "Corruption phenomena in Austria" as well as the BAK's Compliance Report. Every year, the BAK is involved in the preparation of the annual series "Corruption and Abuse of Official Authority" ("Korruption und Amtsmissbrauch") issued by the publisher MANZ. The BAK also used to operate a Facebook account, but this was discontinued in November 2020.

Website

At www.bak.gv.at, the BAK provides information about its tasks, events and publications, and publishes news from the field of corruption. Part of this content is also available in English.

Newsletter

The BAK newsletter, usually published once a quarter, can be subscribed to at www.bak.gv.at and is sent to approximately 600 interested parties. It is due to the pandemic that the newsletter could not be sent out with the regularity maintained since 2016; in the reporting year, only one issue of the newsletter could be distributed.



Other publications

Other publications issued in 2020 include the volume on the 13th Austrian Anti-Corruption Day focusing on “Compliance in tendering procedures and public procurement” and “Practical implementation of the Action Plan of the National Anti-Corruption Strategy (NACS)”.



The publication “Corruption phenomena in Austria”, providing an overview of current developments in the fight against and prevention of corruption in Austria from the BAK’s perspective, was issued in December 2020.



Every two years, the BAK’s Compliance Report is published in order to give the public an insight into the BAK’s compliance and risk management system. The Report, released in November 2020, highlights the development of the compliance and risk management system in the BAK and describes goals, tasks and compliance measures.



