

Annual Report 2018

Federal Bureau of Anti-Corruption



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Vienna 2019

Imprint

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Preface

Looking back on the strategic orientation of the fight against corruption in Austria, 2018 was a successful year. At the very beginning of the year, the National Anti-Corruption Strategy was adopted by the Council of Ministers and, in the course of the following months, brought to life by all federal ministries, e.g. within the framework of the Anti-Corruption Day of the BAK (Austrian Federal Bureau of Anti-Corruption). In the first two-year action plan, the ministries now commit themselves to implementing the measures they have drawn up, and some regions and municipalities join voluntarily.

However, not only the strategic orientation was fine-tuned; the BAK also already implemented numerous projects in 2018. For example, the annual conference of EPAC/EACN, the European anti-corruption twin networks, took place in Rust, Austria, with more than 120 guests from Austria and abroad. Before the BAK's 25th advanced training course, an alumni meeting was arranged for the participants of the 24 advanced training courses organized for the Austrian Federal Ministry of the Interior in the past. The Austria-wide Network of Integrity Officers was extended by a basic training course; in the school sector, a total of eight events with more than 500 participants were successfully held. A great deal was done in 2018, especially for the target group of schoolchildren: they were able to send their personal high score achieved in the BAK app „Correct or Corrupt?“ to the BAK as part of a competition or try out how to deal with dilemma situations in the game „fit4compliance – Find your values“ developed by the BAK.

We can also look back on a very busy year in the context of criminal investigation: although it is difficult to measure the amount of work involved in this field by the number of files (due to the fact that the file volume varies), these are the 2018 statistics: 254 new cases of corruption were handled by the BAK and 169 of them were already concluded. This corresponds approximately to the previous year's figure of 272 new cases – all against the background of a major case which alone keeps one investigation team occupied.

In order to keep abreast of all these activities, the BAK sends out a newsletter four times a year, is active on Facebook and operates its own website.

My thanks for the implementation of all these measures in 2018 go to all BAK employees!



Director of BAK
Andreas Wieselthaler

The BAK - a brief outline

Corruption and hypocrisy ought not to be inevitable products of democracy as they undoubtedly are today.

Mahatma Gandhi





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], see annex), but pertains to Directorate-General III (Legal Affairs) and thus reports directly to Director-General III.

According to the current organizational chart, the BAK is divided into three departments. Department 1 and 2 are subdivided into three units, Department 3 is 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 investi-

gations. 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 at the BAK.

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 supported the IT sector.

Prevention, Education and Basic Research

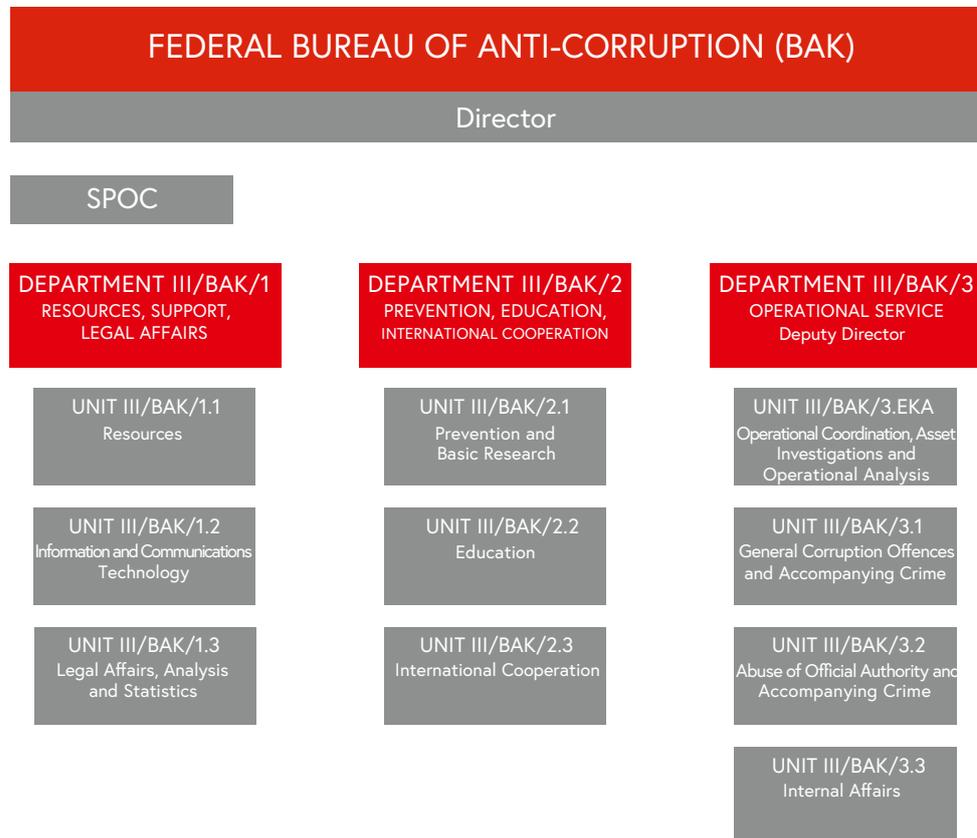
Inter alia, Department 2 is responsible for prevention and basic research. This includes preventive activities in the entire civil service, implementation of studies, scientific exchange, and support for and supervision of external projects such as the National Anti-Corruption Strategy (NACS). Another 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. Due to the fact that the Director of BAK, Andreas Wieselthaler, is the President of European Partners against Corruption (EPAC) and European contact-point network against corruption (EACN), the BAK's international cooperation unit functions as EPAC/EACN Secretariat. Since Austria held the Presidency of the Council of the European Union from 1 July to 31 December 2018, the international cooperation unit was reinforced by three additional staff members.

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 “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.

Lastly, an amendment was made of § 4 paragraph 1 BAK-G by Federal Law Gazette (Bundesgesetzblatt – BGBl.) I No. 101/2017 (amendments to EU Police Cooperation Act and BAK-G), to correspond to the stipulation of § 153 Austrian Penal Code amended by the Criminal Law Amendment Act of 2015 (BGBl. I No. 112/2015). Further clarifications were also made, particularly with regard to international cooperation and prevention work.

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),
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, 11 (second and third case) or 12; criminal associations or organizations (§§ 278 and 278a StGB), if their purpose is to commit offences 1 to 9 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 offences are relevant for determining the severity of the punishment.

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 para-

graph 1. 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 experiences 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 the duty to report 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). 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 certain 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 defined in § 91a of the Austrian Security Police Act (Sicherheitspolizeigesetz – SPG) as well as of 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 compliance management system

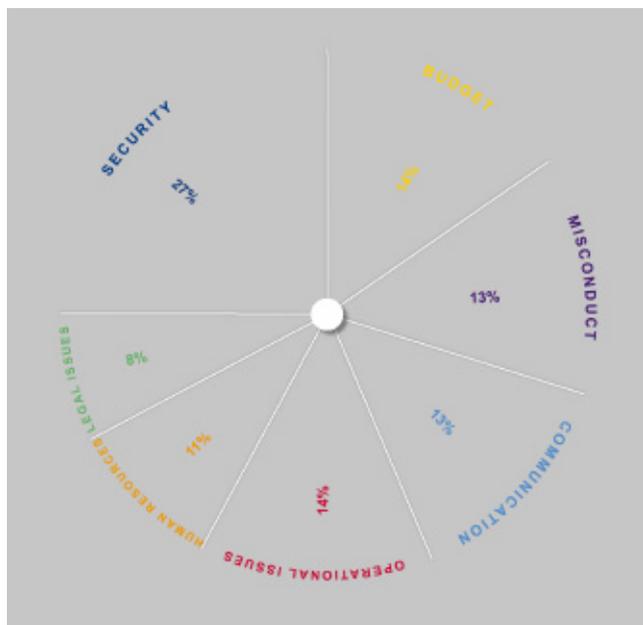
In June 2016, the BAK established its own compliance management system (CMS), and is continuously enhancing its features.

Compliance management is a regular and particularly important task for the BAK. A lot of time is invested in updating in-house regulations and anchoring them in the minds of employees. It is therefore important to have a compliance management system that not only exists on paper, but also achieves defined objectives. The legal regulations, the BAK mission statement and the objectives defined in the BAK strategy formed the basis for developing the compliance objectives of the BAK.

In order to qualify target achievement and effectiveness, indicators were developed in 2018 to measure the achievement of the BAK's compliance targets. Indicators and results will be published in the BAK's second biennial Compliance Activity Report at the beginning of 2020.

Risk analysis

By 1 January 2019, the BAK had identified 63 risks, according to the risk categories shown in the chart.



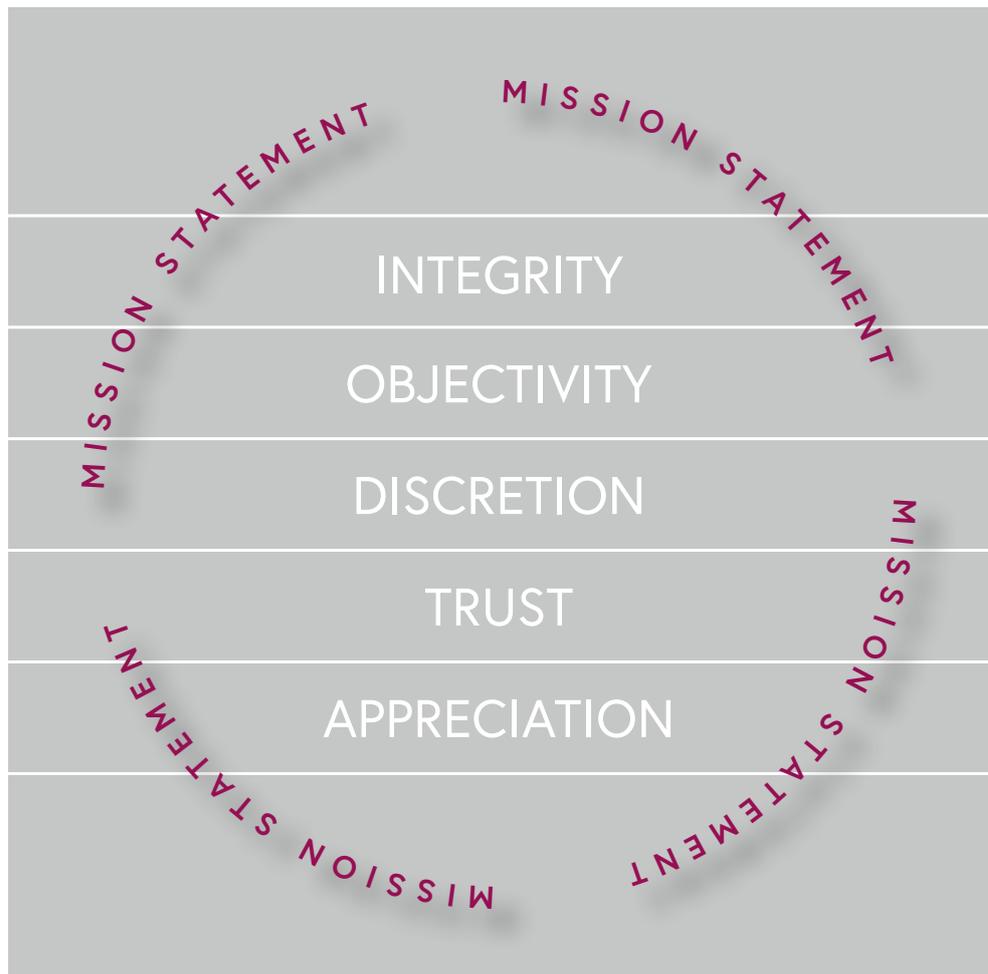
To tackle these risks, new measures are being drawn up, where necessary, during the annual evaluations. Currently, there are 183 measures in place to manage the risk situation at the BAK.

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, all BAK employees jointly revised the BAK mission statement and developed the values to apply from 2018.

The five basic values of the BAK in its mission statement



Workplace health promotion (Betriebliche Gesundheitsförderung – BGF) 2018

The BAK's cooperation with the Austrian Insurance Fund for Civil or Public Servants (BVA) was a small revolution in 2013. At that time, they launched the project „Healthy through everyday life with workplace health promotion“ together. In the meantime, the organization of events for workplace health promotion has become a fixture at the Bureau. „Core stabilization training“ sessions take place regularly, workshops on healthy nutrition and exercise are held at irregular intervals. The BGF health journal „unBAKbar g'sund“ (Austrian expression for “incredibly healthy”) was launched in 2018 and appears four times a year.



The BAK and its compliance and corruption prevention advisory services

Corruption thrives in secret places.

Woodrow Wilson





The BAK and its compliance and corruption prevention advisory services

Compliance and corruption prevention advisory services are at the core of the BAK's prevention work. Prevention of compliance-related incidents generally means the prevention of unwanted behaviour. Corruption prevention, however, focuses on compliance with legal norms for the prevention of corruption offences in the stricter sense. It can be regarded as an integral part of compliance.

Compliance advisory services pursue the goal of implementing a compliance management system (CMS) to achieve compliance in an organization. The BAK advises organizations on how to establish compliance elements and merge them into an overall system. It also analyses CMSs and CMS elements that have already been set up.

The BAK's approach in this field is innovative. The contents of different standards for setting up and evaluating CMSs are brought together, and different methods are combined in such a way that they can best be applied in practice.

The systematic analysis of risk areas in an organization is paramount in **corruption prevention advisory services**. These corruption risk analyses are aiming to avoid or reduce damage. In addition to the set of rules of an organization, its structure and workflow are also examined. The organizational culture and the „human factor“ are further key elements of the analysis.

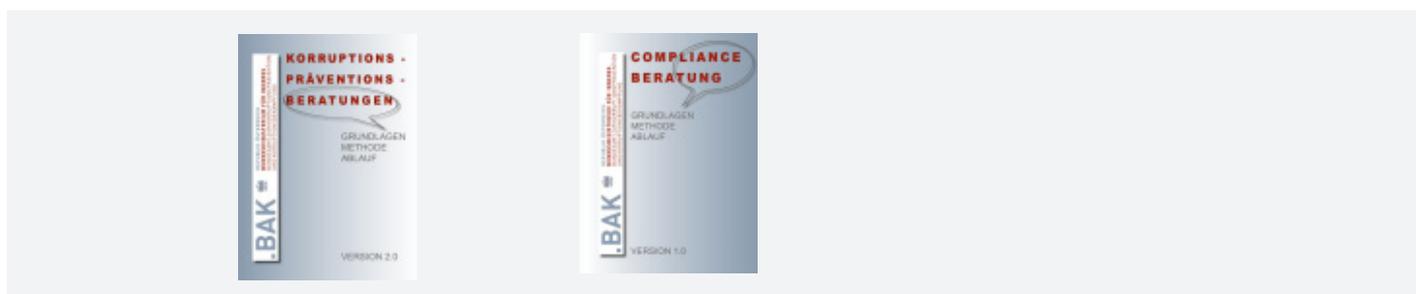
Both advisory services are subject to the principles of the BAK's prevention work: equivalence, holism and adequacy. They are specifically tailored to the needs of public institutions with regard to compliance and corruption prevention. The target groups of both services are public service organizations or organizational units.

Consultations can be conducted on the basis of general considerations or of a specific event (e.g. a compliance or corruption incident). Depending on the interests of an organization and the precise objectives of the advisory services, the two different types can be combined.

Compliance analyses focus on the information provided about CMSs and CMS elements. Corruption prevention advisory services include the collection and analysis of information on the basis of a „mixed method“ approach.

At the end of each consultation process, the BAK sends the results, including further recommendations, to the commissioning organization, where they are implemented individually; as an option, the BAK then analyses the results in a monitoring procedure.

The BAK laid down its procedures in this field in two handbooks on advisory services (see below).



They contain the basics of the advisory services, the methods used and the advisory process. These handbooks ensure absolute transparency and traceability of the advice provided and fulfilment of the high quality standards set by the BAK.

Since both compliance and corruption prevention are in flux and development, the advisory services are constantly re-evaluated, methods and content are continually adapted, and the handbooks amended accordingly. Currently, the handbooks are available in version 1.0 (compliance) and in version 2.0 (corruption prevention).

Compliance and corruption prevention consultations in 2018

In 2018, the BAK was providing compliance and/or corruption prevention advisory services for the Tyrolean Regional Government and, in the health care sector, for the Vienna Hospital Association (KAV) and the Austrian Workers' Compensation Board (AUVA).

The BAK and its basic research

Corruption is paid by the poor.

Papst Franziskus





The BAK and the National Anti-Corruption Strategy (NACS)

Austria counters the worldwide phenomenon of corruption by developing a national anti-corruption strategy and an action plan derived from it. 2018 was a very successful year in this respect, as on 31 January 2018, the National Anti-Corruption Strategy (NACS) of the Republic of Austria was adopted by the Federal Government in the Council of Ministers. This strategy provides an essential strategic framework for a holistic approach to prevent and combat corruption. Just under a year later, in January 2019, the action plan for the federal level was adopted by the Council of Ministers.

The NACS is the result of five years of long, intensive and productive cooperation between the federal ministries, the nine Austrian regions, civil society and other relevant institutions and stakeholders. In addition, the corresponding action plan defines a medium-term framework by setting basic objectives for national measures to prevent and fight corruption. As was already the case during the preparation phase, the implementation of the NACS also requires a basic social consensus and joint efforts by all sectors and actors to create a viable basis for sustainable measures for the prevention of and fight against corruption.

Internationally, the United Nations Convention against Corruption (UNCAC) forms an important basis of the NACS; above all, Article 5 of the UNCAC contains the explicit obligation of the States Parties to develop and implement preventive policies and practices to combat corruption. Another basis of the strategy is the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions,

one of the tools to implement the OECD Anti-Bribery Convention. In addition, based on the recommendation of the Council of Europe's Group of States against Corruption (GRECO), the Co-ordinating Body on Combating Corruption (Koordinationsgremium zur Korruptionsbekämpfung – KzK) was established in Austria on 29 January 2013. The KzK is a major player in the nationwide coordination of anti-corruption measures. Its tasks include the development of approaches for the NACS or the preparation and updating of the action plan. Furthermore, the consistent implementation of the NACS in the entire state administration was anchored in the government programme 2017-2022.

The structure of the NACS is divided into „prevention“ and „prosecution“. Pursuant to the Federal Act on the Establishment and Organization of the Federal Bureau of Anti-Corruption (BAK-G), the BAK is responsible for the field of „prevention“. The Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice (BMVRDJ) is in charge of the „prosecution“ part. The BMVRDJ ensures the adaptation of penal law and criminal procedure provisions in order to sustainably implement the NACS in accordance with international and European legal requirements. This is achieved by securing the rule of law and effective prosecution, as well as by establishing effective authority structures and providing sufficient resources. Comprehensive cooperation and coordination are key elements in this process.

Retrospective:

The development of the NACS was one of the projects of the „Innen.Sicher“ (Interior Security) Strategy of the Ministry of the Interior (Moi) in the years 2013 to 2015. Within this framework, the BAK conducted ten round tables of experts on various prevention topics in the first two years. Among the participants were representatives of the institutions of the Co-ordinating Body on Combating Corruption (KzK) as well as external experts. The commitment to integrity, cooperation, transparency and awareness-raising was determined as basic principle and objective, and a number of areas of action were already defined as priorities.

In 2015, the results of the round tables of experts were summarized and the building blocks for the “prevention” subdivision of the NACS were drawn up, taking into account existing international and strategic approaches. In order to make the results available to a wider audience in the future, they were published – together with the contributions from the expert panels and divided into 13 chapters – under the title „Corruption prevention in theory and practice: current measures and status of implementation“.

The implementation of various measures in connection with the NACS began as early as 2016. These include the establishment of the Network of Integrity Officers (NIO) and the introduction of risk management and risk analysis as tools to prevent corruption. Moreover, the development of compliance management systems (CMSs) in the public

sector was strengthened, e.g. through the development of a guideline for the development of CMSs within the framework of an inter-ministerial working group.

From strategy to action plan:

Finally, in January 2018, the NACS was ratified by the Federal Government in the Council of Ministers and presented at the 26th meeting of the Co-ordinating Body on Combating Corruption (KzK) on 1 March 2018. A draft action plan for the NACS, containing a summary of all essential measures to implement the strategy and its objectives, was also presented at this meeting. All members of the KzK were invited to submit their proposals for the action plan in order to develop these measures. At the 12th Austrian Anti-Corruption Day in Rust, Austria, held under the motto „The National Anti-Corruption Strategy and its implementation“, examples of such measures at federal and regional level as well as from other sectors and civil society were presented.

For completing the action plan, the individual measures submitted by the Federal Chancellery, the federal ministries and other organizations/authorities were collected in the second half of 2018 and systematically merged into aggregated sets of measures. Since the action plan is, on the one hand, a binding requirement for the federal administration and, on the other hand, a voluntary self-commitment for authorities at regional and local levels as well as for organizations, companies and various institutions, it was divided into the „Action plan at federal level“ and the „Action plan for voluntarily participating organizations/authorities“. The „Action plan at federal level“ was adopted by the Council of Ministers on 16 January 2019. The „Action plan for voluntarily participating organizations/authorities“ is expected to be completed in the first quarter of 2019. These measures will be implemented by the participating bodies at their own responsibility and depending on the resources available.

Within the framework of the KzK, regular reports on the state of implementation of the action plan will be delivered. The evaluation and updating will take place on a biennial basis. Moreover, the action plan is conceived as a „living document“ to be supplemented and adapted periodically.

2 0 2 0

Implementation

2 0 1 9

16 January 2019, NACS action plan at federal level adopted

20 November 2018, NACS action plan at federal level approved by KzK

2nd Half of 2018, NACS action plan drawn up

17-18 May 2018, 12th Austrian Anti-Corruption Day

2 0 1 8

31 January 2018, National Anti-Corruption Strategy (NACS) adopted

2 0 1 7

2 0 1 6

As of 2016, first NACS measures implemented

2 0 1 5

Preparation phase
for an anti-corruption
strategy for Austria

October 2015, „Corruption prevention in theory and practice: current measures and status of implementation“ published

1st half of 2015, results of round tables of experts summarized

2013-2014, 10 round tables of experts

2 0 1 3

29 January 2013, Co-ordinating Body on Combating Corruption (KzK) established

Basic research at the BAK

The BAK has the statutory mandate to analyse corruption phenomena, gather information on preventing and combating them and develop appropriate preventive measures. In order to counteract the complexity and intricacy of the phenomenon of corruption with appropriate preventive measures, it is necessary to study the causes and backgrounds of corrupt behaviour.

In 2015/16, the BAK carried out its first research study on „Attitudes to corruption in the Austrian police“ in cooperation with the Hanover University of Applied Sciences and Arts and the Münster University of Applied Sciences.

The attitude of a person is a relevant indicator for predicting future behaviour, e.g. behaviour in ethical dilemmas or possible corrupt behaviour.

This first study measured attitudes towards corruption among approximately 1,700 police trainees and students of psychology and law from all over Austria. The „Hanover Corruption Scale 38“ (HCS 38) served as a measuring instrument. Results can be found on the BAK's website, in the BAK Annual Report 2016 and in other publications (including SIAK [Federal Police Academy] Journal 2/2017).



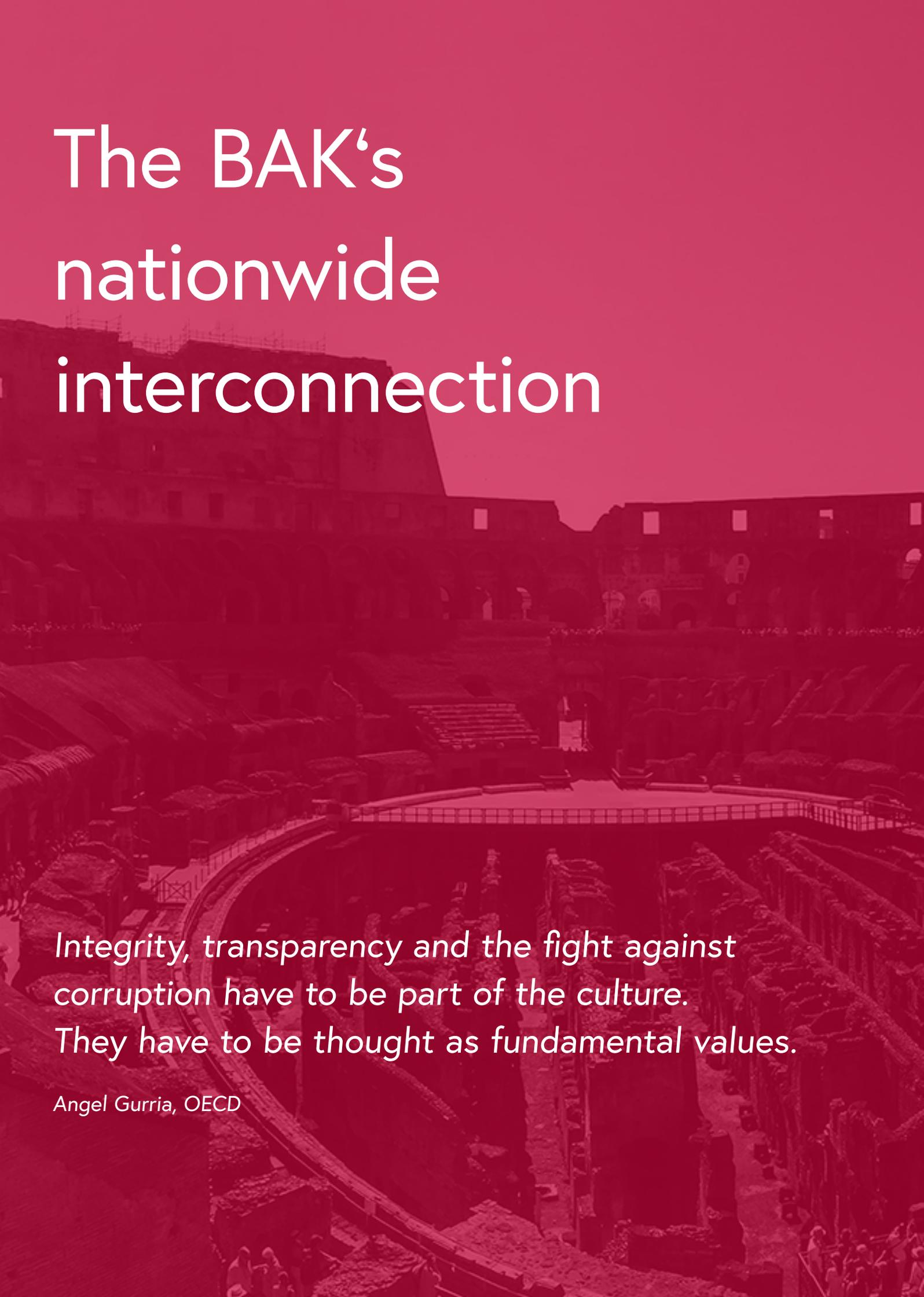
On the basis of the experience gained from this study, an Austrian version of the HCS 38 was conceived, taking into account Austria's linguistic characteristics. A manual on the validated and standardized instrument „HCS 38 Ö“ (with “Ö” standing for Österreich, Austria) was published in November 2018 (Heber/Seibold/Schäffer 2018). The HCS 38 Ö is being used for the first time in the follow-up study „Attitudes to corruption“, which was initiated by the BAK in 2018.

This follow-up study explores the attitudes to corruption among Austrian police trainees. The use of the instrument in this target group makes it possible to intensively address and raise awareness of corruption, particularly in the framework of police training (basic police training, PGA). Around 1,400 police trainees from training centres throughout Austria were surveyed in 2018. The results of the study are expected in 2019 and will form the basis for further research into corruption and the development of targeted prevention concepts.

The study was co-financed by the EU's Internal Security Fund (ISF) within the project „Analysis of corruption and integrity in Austria“.



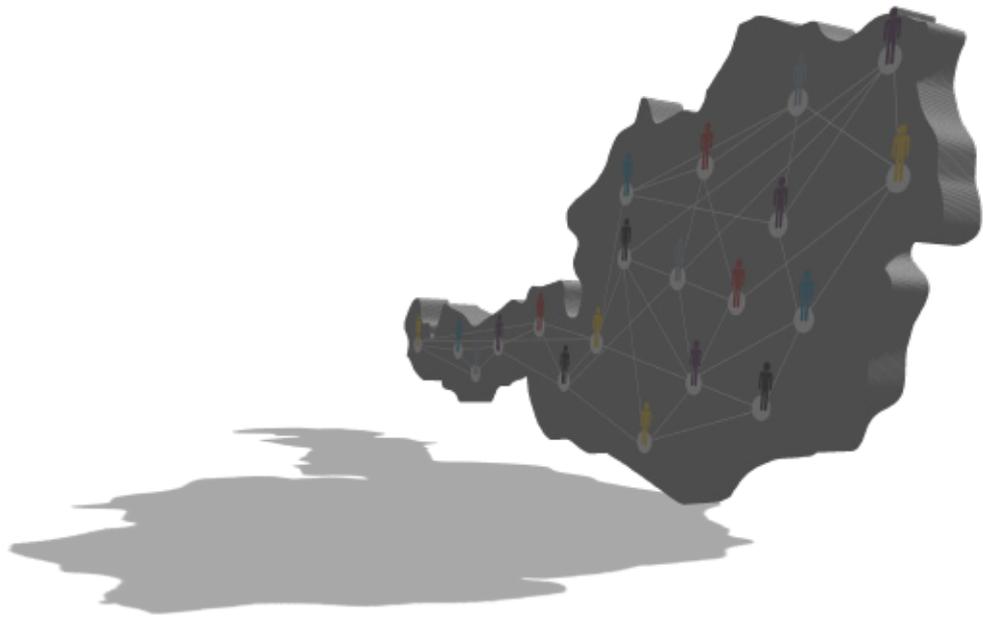
The BAK's nationwide interconnection



*Integrity, transparency and the fight against
corruption have to be part of the culture.
They have to be thought as fundamental values.*

Angel Gurría, OECD





The BAK's nationwide interconnection

The Network of Integrity Officers (NIO) in 2018

In 2018, the BAK again organized a basic training course, two follow-up meetings 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 first 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 2018.

Communication measures in a compliance organization

On 15 March 2018, the 4th NIO follow-up meeting at the BAK brought together integrity officers from all over Austria to discuss ways of promoting compliance and integrity management in the best possible way through targeted communication measures.

Fifth NIO basic training course

On 23 April, the BAK welcomed a total of 16 participants to its 5th basic training course for integrity officers in Stegersbach, Austria.

Public employees, most of them from the areas of internal audit, legal affairs, human resources or quality management, were offered a training programme with lectures on corruption prevention, integrity and compliance management systems, criminal law on corruption, civil service law and corruption risk management. Special emphasis was placed on the right mix of theory and practice from the broad field of promotion of

integrity. On 27 April 2018, the Director of BAK, Andreas Wieselthaler, handed over the course certificates confirming participation and positive completion to the graduates.

The NIO aims to regularly bring together public servants facing similar professional challenges for an exchange of experience. “Please consider the completion of this basic training course as a start for your participation in our network and make use of the information and communication platforms that are now available to you,” were the Director’s closing remarks.

Second NIO annual meeting

From 3 to 4 October 2018, more than 40 participants of the Network of Integrity Officers met in Graz to exchange ideas and experiences.

The main purpose of the two-day NIO annual meeting was to intensify networking among the integrity officers of the five basic training courses held to date. In addition, the annual meetings are intended as a supplement to the one-day NIO follow-up meetings, to provide sufficient space for the exchange of best practices and measures in the areas of corruption prevention and promotion of integrity.

After the official opening and an update on current developments within the NIO, the participants in the first of three working groups had the opportunity to review the past year from the perspective of promotion of integrity in their organization. Although the position of integrity officers and the status of the implementation of integrity management were quite heterogeneous in the various participating organizations, the participants in the meeting agreed that, for example, the question of resources had largely been clarified and that further development in the form of professionalization could be achieved within any organization.

The two working groups on the second day dealt with the identification of indicators for an organizational culture that promotes integrity, and with the specific function and legal position of integrity officers. The participants developed very promising ways of approaching the not particularly tangible topic of organizational culture from the perspective of the promotion of integrity. In addition, the working group participants deemed necessary, among other things, to create a legal basis and a sound framework for integrity officers to achieve their objectives.

Federal Ministry for Digital and Economic Affairs wins the first NIO Award

Under the auspices of the Network of Integrity Officers (NIO), an award was conferred for the first time for outstanding achievements in the areas of corruption prevention, compliance and promotion of integrity.

The winner of the award was the Federal Ministry for Digital and Economic Affairs (BMDW). Almost half of all votes cast (47.7 %) on the NIO website during the voting



period were for the BMDW contribution. The ministry's paper entitled „Helping people to help themselves“ explains the authority's holistic concept for compliance training. Using the example of a new member of staff, the paper explains the training measures provided for by the ministry's compliance management system, with the last step being the evaluation of the system.

Follow-up to house searches and mutual assistance in territorial communities or authorities

At the 5th NIO follow-up meeting on 29 November 2018, legal questions were discussed concerning the duty to cooperate and the provision of administrative assistance in the execution of search warrants. Subsequently, practical recommendations were presented, in particular, for the „right“ behaviour during searches and while coercive power is exercised by CID. Finally, the participants jointly drew up a checklist with recommendations for increasing the ability of all employees involved in such measures to act correctly.

Conclusion

This year again, in addition to the activities described above, information on corruption prevention, compliance and promotion of integrity was regularly made available to a number of public administration stakeholders on the NIO website (www.integrität.info).



Nearly 5,000 hits were recorded for the posted articles. The NIO team at the BAK managed the provision of various training and information materials via the network's internal information platform and, as usual, was also available to deal with various enquiries, e.g. related to the planning and implementation of integrity-enhancing training events or risk analyses.

As a result of the restructuring of the ministries due to the last amendment to the Federal Ministries Act, 102 integrity officers from 52 different organizations are currently represented in the network. The NIO ensures the regular exchange of experience and know-how between numerous territorial communities or authorities, universities and government-related enterprises. The NIO's progressive degree of institutionalization entails more intensive networking among its members, which in turn facilitates the development of targeted and resource-efficient measures promoting integrity and taking into account the specific circumstances of the Austrian civil service.

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

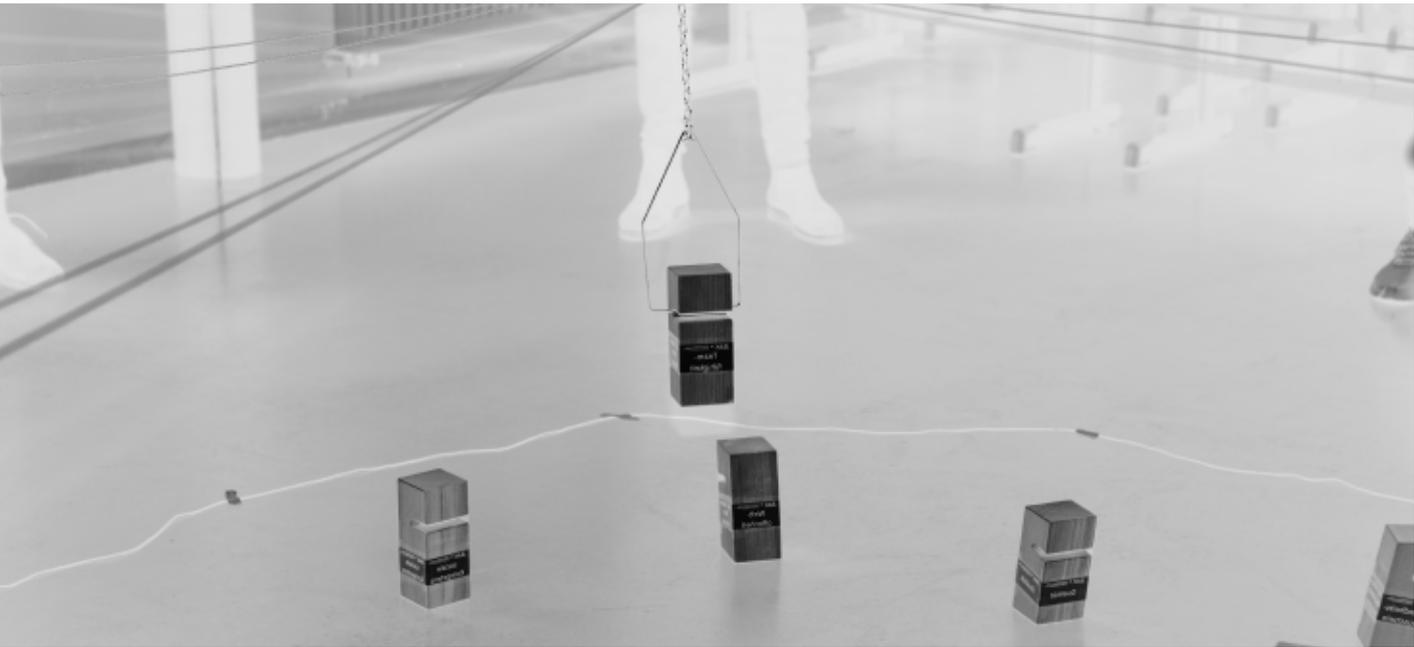


The BAK and its activities in the field of education

Openness and transparency are among the few weapons the citizenary has to protect itself from the powerful and the corrupt.

Michael Moore





Anti-corruption activities in the education sector

Anti-corruption activities in the education sector

The Federal Bureau of Anti-Corruption (BAK) offers various nationwide anti-corruption activities for students at upper secondary level in order to impart knowledge on corruption, raise awareness of the crime phenomenon and point out possible ways to prevent corruption. In addition to enhancing cognitive and behaviour-oriented skills, the aim is to raise basic awareness, prevent any misconduct and promote integrity in action.

School classes have the opportunity to attend anti-corruption workshops at the BAK's premises. Various inputs on the topic are offered in the traditional school setting. Different methods, such as role plays, pictures, video clips and group work, are used to convey the teaching content in an age-appropriate way and to encourage students to actively participate. A BAK investigator gives insights into his daily work and talks about exciting cases. A visit to an interrogation room illustrates the investigators' tasks.

In 2018, five classes from different types of secondary schools in Vienna and Linz attended anti-corruption workshops.

Furthermore, the BAK offers anti-corruption events which, unlike anti-corruption workshops, do not follow the usual school setting and are held on the premises of schools. On the day of the event, up to 120 students have the opportunity to visit eight stations in groups, according to a given rotation model. Here, too, 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”, the 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 a lawyer, the participants 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.

In 2018, anti-corruption events were held at four different types of secondary schools in Vienna and Mistelbach.

All anti-corruption workshops and anti-corruption events were conducted jointly with Transparency International Austrian Chapter (TI-AC). The BAK also cooperated with UNODC (United Nations Office on Drugs and Crime), the Austrian Federal Public Prosecutor’s Office for Combating Economic Crime and Corruption (WKStA) and a law firm. When conceiving the anti-corruption workshops and events for the education sector, the BAK attached great importance to providing participants with the opportunity to acquire special skills in the perception and prevention of corruption and to develop an awareness of the dangers of corruption. The intention is to prevent possible misconduct and promote integrity in the long term.



“CORRECT OR CORRUPT?” Mobile Application



New media are the tools of choice when striving to reach civil society, young people in particular, and attempting to raise their awareness of anti-corruption issues. Mobile applications are a preferred medium to obtain and exchange information, particularly for the target group of adolescents and young adults.

The Federal Bureau of Anti-Corruption (BAK) thus developed an app prototype in cooperation with Höhere Technische Lehranstalt or HTL (secondary technical school) in Mistelbach, Lower Austria. The aim of the app is to sensitize young people to matters regarding corruption, ethics and integrity. School students were intensely involved in the app's development process, for the app to turn out as target-group-oriented as possible. Programming and conceptual preparatory work was carried out by student teams as part of their final exams.

The app features twelve character levels, to be explored and completed one after the other in a fun and playful way. Each character confronts the user with 10 to 15 different situations, with three possible solutions each, one of which the player will choose. The app puts users in everyday dilemma situations with regard to corruption or ethically correct behaviour. Once the player has made a decision, this choice has an impact on future decisions, which illustrates, among other things, the problem of structural corruption. Depending on decisions made, the app user wins a certain amount of points. Upon successful completion of one character, the player unlocks the next level. The following hierarchy of characters (levels) is available: high school student – university student – insurance agent – teacher – athlete – car mechanic – bar owner – police officer – civil servant at a district authority – doctor – bank clerk – politician.

In order to promote „CORRECT OR CORRUPT?“ in the best possible way via social networks and social media among the target group and to inform potential users on the download portals (Apple and Google Play Store) about the functionalities and content of the app in a target-group oriented manner, an animated promotion video (duration: approx. 45 seconds) was also produced.

In addition, a competition related to the app was advertised together with the Ministry of the Interior (Mol). Young people between the ages of 14 and 20 were able to win one day at the Austrian Airborne Police if they submitted the high score they had achieved to the BAK. The campaign was run on the Mol's Facebook channels and Instagram account. Also, postcards were distributed at certain events. The winner will visit the Austrian Airborne Police in the first quarter of 2019.

“fit4compliance – Find your VALUES”, the game about values

The BAK developed a non-electronic game entitled „fit4compliance – Find your VALUES“. The game is about finding solutions for certain dilemma situations taken from the everyday lives of young people. For this purpose, different perspectives must be adopted, which is symbolically reinforced by wearing glasses of different colours. Altogether, there are six characters in the game, who argue from their points of view according to certain guidelines; they come up with different solutions which do not necessarily need to stand the test of reality. This leads to lively discussions revealing a wide variety of possible perspectives.

In addition to the creative argumentation of proposed solutions for dilemma situations, another focus of the game is to think about and discuss values. After a period of discussion, the players must select, as quickly as possible, five values (such as honesty, helpfulness and solidarity) from a list, which they deem appropriate for the dilemma situation in question. The player who has first marked five values rings the table bell; the other players must stop marking immediately. Then, they discuss the marked values and the reasons for their choices.

The game „fit4compliance – Find your VALUES“ was produced by the game publisher „White Castle“ and is now available at the BAK.

A special police edition was developed for police trainees. The dilemma situations for this edition originate from police practice and were designed by police students of the training centre of the Federal Police Academy (SIK) in Absam, Austria.

It is planned to release further editions for other target groups.



The BAK and its training measures

*Corruption is the cancer
of society.*

Papst Franziskus







The BAK and its training measures

In the reporting period, 178 lectures (1,115 lessons) on preventing and combating corruption were offered to approximately 4,670 participants. Compared to 2017, this is a considerable increase in the number of lectures given by the BAK and its corruption prevention officers (CPOs).

Thus, since the establishment of the BAK, the Bureau's employees have provided training to more than 28,600 persons. The BAK gave a total of 107 lectures (equivalent to 624 teaching units) in all basic training courses offered by the Austrian Federal Police Academy (SIAK). These lectures were attended by 2,612 persons. The most important target group (2,242 participants in 95 lectures) were police trainees, e.g. from border police.

7 lectures attended by 258 officers were delivered as part of the training for future police sergeants. 5 lessons for 112 employees of the Austrian Federal Ministry of the Interior (Mol) were given within the framework of the basic training courses for administrative staff of all grades.

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, was also provided by the BAK.

9 training and information events for different target groups of the Mol (FRONTEX, document advisors, Völkermarkt District Command of the Federal Police etc.) were attended by another 154 persons.

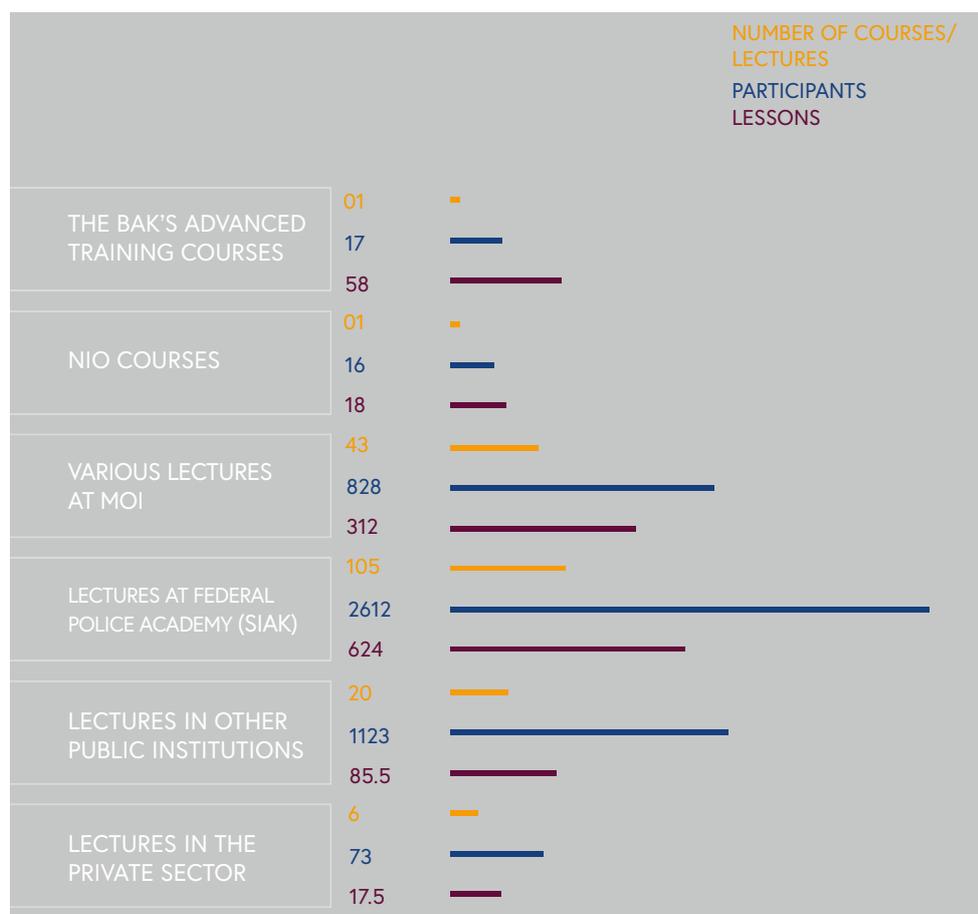
The 2017 cooperation agreement between the BAK and the BFA (Austrian Federal Office for Immigration and Asylum) on the implementation of prevention and training measures

continued to be applied in 2018. An essential element of this agreement is to deliver training to all BFA employees in Austria (approx. 1,000). The BAK was able to train such a great number of persons by adopting a decentralized approach based on support provided by the corruption prevention officers (CPOs) in the respective regional police directorates. Under this action, a total of 828 staff at all levels of the BFA Directorate, regional directorates and various field offices were trained last year.

1,123 persons from various fields of the civil service (federal, regional and municipal administration, academia, government-related organizations, training of integrity officers) participated in 20 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.

As in 2017, several training and information events for the private sector were offered in 2018. 6 courses with 73 participants were held in this field.



24th advanced training course of the BAK

In spring 2018, the BAK organized its 24th advanced training course for staff members of the Federal Ministry of the Interior (Mol). It was divided into two parts and took place from 19 to 23 March (part 1) and from 9 to 13 April (part 2).

17 employees from various departments of the Mol and one participant from the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice (BMVRDJ) completed this course.

As has proven useful in previous years, the focus was placed on general corruption issues (presentation of the BAK, corruption in general, psychological background of the phenomenon of corruption, criminal law, criminal investigation, Austrian Code of Criminal Procedure [StPO], and tasks of the Austrian Federal Public Prosecutor's Office for Combating Economic Crime and Corruption [WKStA]), on lectures about economic crime, disciplinary and civil service law, data protection, ethics, compliance, human rights and corruption prevention, as well as on international aspects of corruption and the fight against corruption.

The BAK's advanced training course was co-financed by the EU's Internal Security Fund (ISF).



Corruption prevention officers' spring conference from 28 to 30 May 2018

This year's spring conference of corruption prevention officers (CPOs), counting 22 participants, took place from 28 to 30 May. The comprehensive training programme included, inter alia, a lecture by an expert from the education sector on the professional (self-) concept of lecturers, practical case analyses from a civil service law and criminal law perspective, including liability aspects, as well as current challenges related to mobile device management in the Federal Ministry of the Interior (Mol).

In addition, an extensive feedback round on the CPOs' activities and on the services provided by the BAK offered an opportunity for exchange. Within this framework, the new intranet service platform for CPOs was particularly highlighted. Moreover, suggestions to adapt certain training courses were collected. The periodic CPO conferences are

primarily meant for networking and information exchange purposes among CPOs and for imparting the latest expert knowledge. The CPOs will then pass on that knowledge during the lectures they hold, in particular in the framework of police basic training.

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



Corruption prevention officers' autumn conference from 3 to 6 December 2018

and

1st networking meeting of graduates (alumni) of previous advanced training courses of the BAK from 4 to 6 December 2018

This year's corruption prevention officers' (CPOs) autumn conference, taking place from 3 to 6 December 2018, saw the continuation and increase of networking activities within the network of anti-corruption officers, i.e. between the CPOs of the Ministry of the Interior (Mol), the Mol's Chief Compliance Officer (CCO), the regional police directorates' compliance officers (COs) and the BAK. The focus was again on the analysis and use of synergies, cooperation between CCO, COs, CPOs and the BAK, and the delineation of the respective areas of responsibility.

Furthermore, a possible future integration of graduates (alumni) of the BAK's previous advanced training courses into the network of anti-corruption officers, as envisaged by the Austrian National Anti-Corruption Strategy (NACS), was already discussed and worked out on the first afternoon.

The 24 advanced training courses conducted by the BAK to date have produced more than 400 course graduates from the Mol and around 20 from other ministries. A needs assessment carried out in advance among this group of people showed that 157 persons were very interested in exchanging information on current developments in the field of corruption at an alumni networking meeting. Therefore, the first networking meeting for CPOs, COs and alumni was opened on 4 December 2018. After an official welcome and an introductory lecture on the Mol's compliance management, 60 graduates of the BAK's advanced training courses and 45 other participants attended various networking activities, round tables and workshops.

This successful event concluded on 6 December 2018 with an expert lecture on the most recent Supreme Court decisions and the latest developments in criminal law on corruption.

The autumn conference and the networking meeting were co-financed by the EU's Internal Security Fund (ISF).



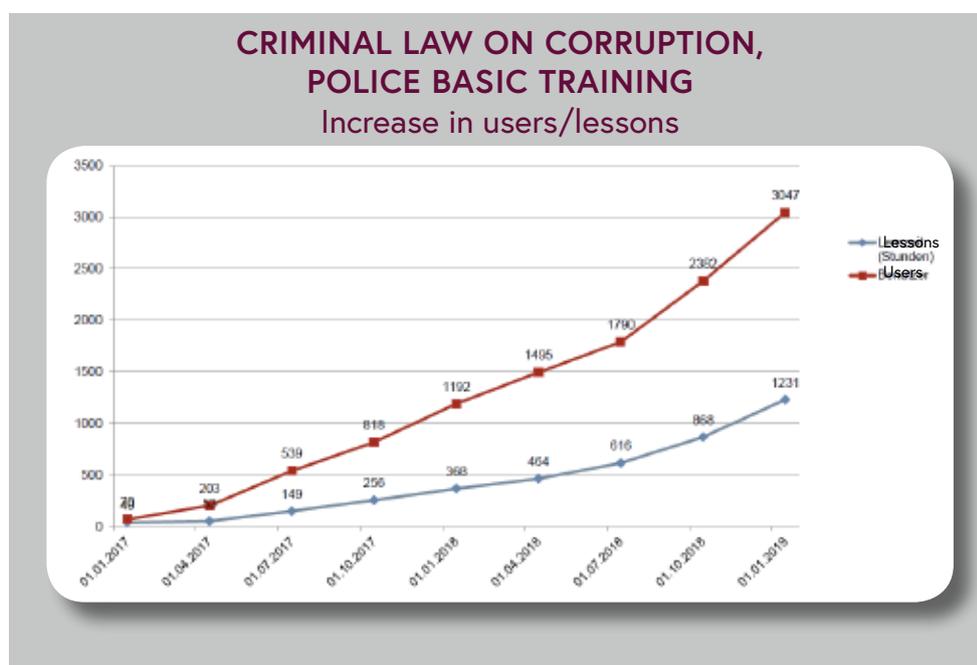
The BAK's interactive learning objects as educational measure

	LESSONS	USERS	LESSONS/USER (AVERAGE)	LESSONS/WEEK (AVERAGE)	CERTIFICATES (GRADUATES)	COMPLETION RATE
CRIMINAL LAW ON CORRUPTION - POLICE BASIC TRAINING	863	1,855	0.47	16.6	1,771	95%
CRIMINAL LAW ON CORRUPTION - FEDERAL OFFICE FOR IMMIGRATION AND ASYLUM (BFA)	255	540	0.47	4.9	453	84%
CORRUPTION PREVENTION - "JOINING FORCES FOR SECURITY"	117	250	0.47	2.25	158	63%

Criminal law on corruption – e-learning; statistics (from 1 January to 31 December 2018)

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“ became an integral part of police basic training in 2018. 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 criminal law on corruption. In addition, it describes various corruption phenomena on the basis of numerous examples. By completing this specialized module, the future law enforcement officers are expected to achieve a uniform level of knowledge. Even before the period of attendance, they have to acquire a certificate confirming the completion of the obligatory e-learning preparation course.

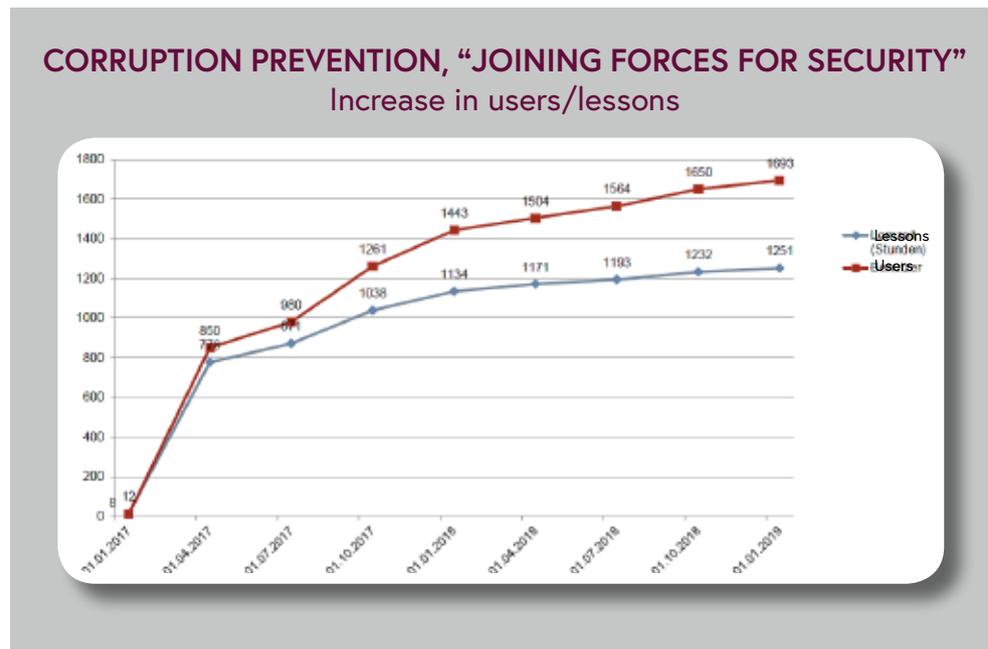


Criminal law on corruption for police basic training – e-learning; statistics (from 1 January 2017 to 31 December 2018)

The management of organizational measures and the evaluation of efficiency are implemented with the support of the training centres of the Austrian Federal Police Academy (SIK). During the reporting period, 1,771 police trainees completed this training and added the certificate to their training passport.

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.



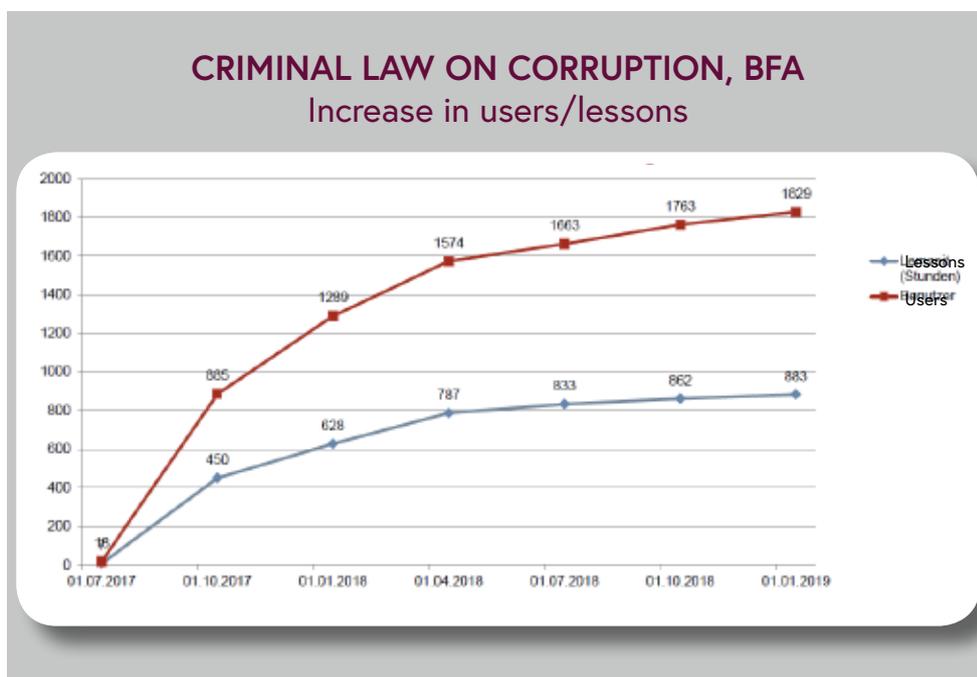
Corruption prevention, “Joining Forces for Security” – e-learning; statistics (from 1 January 2017 to 31 December 2018)

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, 158 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 were bribery in asylum procedures, acceptance of advantages when cooperating with interpreters, and disclosure of personal data in asylum procedures.



Criminal law on corruption, BFA – e-learning; statistics (from 1 July 2017 to 31 December 2018)

In the reporting year, 453 BFA staff members received a certificate for this module.

E-learning module “Code of Conduct, Mol” as part of “Our Values. Our Approach. Code of Conduct of the Austrian Federal Ministry of the Interior (Mol)”



Since July 2018, 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, including learning content about the rule of law, acceptance of gifts, official secrecy, general obligations of conduct, social media, bias, secondary employment, as well as about „Correct handling of mistakes“ and „Our principles for dealing with each other“.

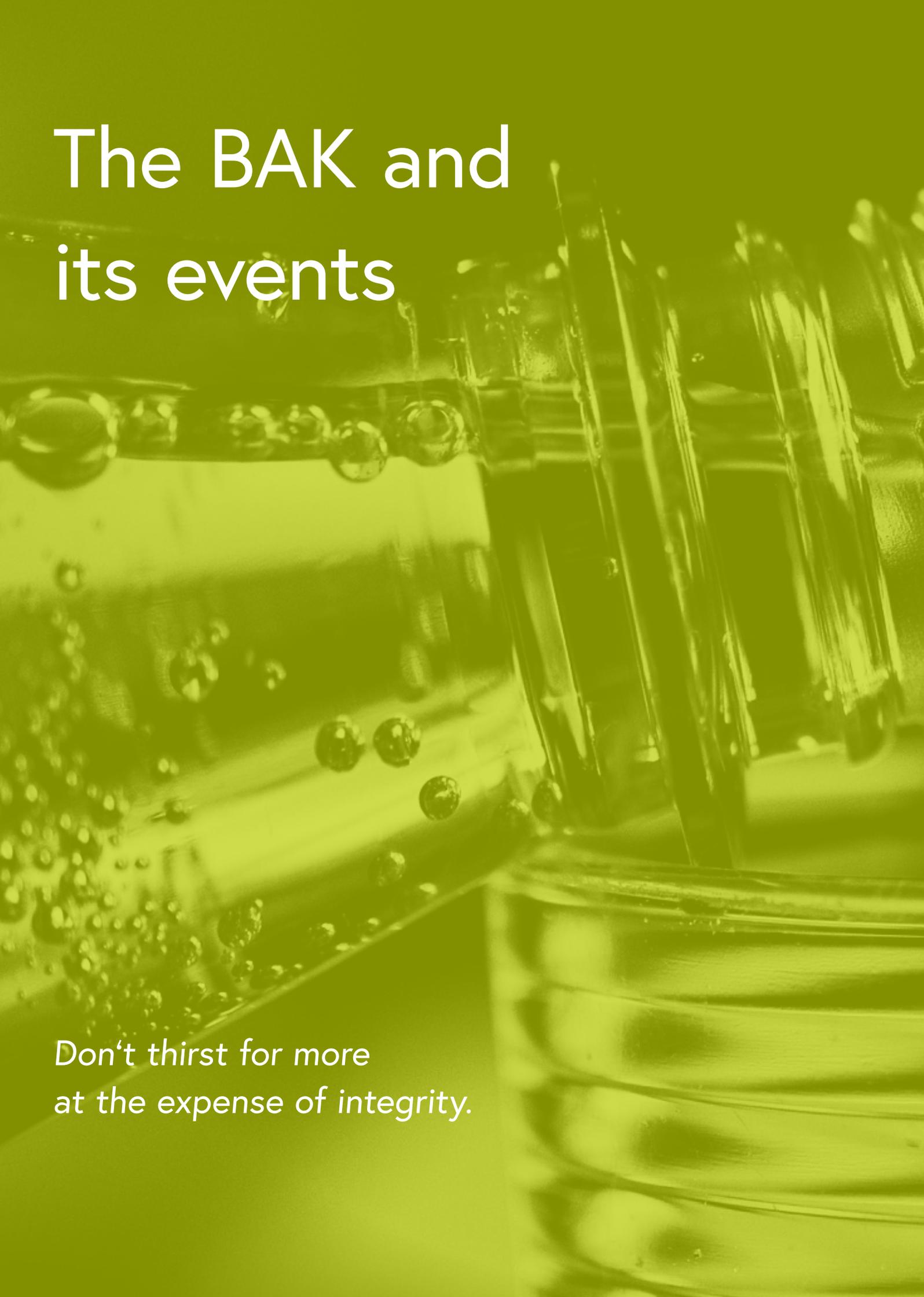
This e-learning course is a component of the Mol’s training passport, takes about 20 minutes and is intended to ensure training in this field for the entire staff of the Mol. A mix of theory and case examples enables users to quickly refresh their knowledge of the code of conduct.

OUR VALUES. OUR APPROACH. Code of Conduct, Mol

OUR VALUES. OUR APPROACH. CODE OF CONDUCT, MOI E-LEARNING	
AS OF 31 DECEMBER 2018	
Total number of lessons	735
Persons having started the course	2,489
Persons having completed the course	2,387
Completion rate	95,9 %
Number of weeks online	22
Lessons/user (average)	0.3 lessons
New users/week	113
Lessons/week (average)	33.41 lessons

Code of Conduct, Mol – e-learning; statistics (from 1 July 2017 to 31 December 2018)

In the reporting period, 2,387 employees completed the module.



The BAK and its events

*Don't thirst for more
at the expense of integrity.*





12th Austrian Anti-Corruption Day

On 17 and 18 May 2018, 120 experts in administration, economy and civil society met at the 12th Anti-Corruption Day of the Austrian Federal Bureau of Anti-Corruption (BAK) in the Region of Burgenland (motto: „The National Anti-Corruption Strategy and its implementation“). On 17 May 2018, Ms Karoline Edtstadler, State Secretary at the Austrian Federal Ministry of the Interior, held the opening speech of the two-day conference in Rust, Burgenland. She emphasized the significance of the National Anti-Corruption Strategy (NACS), which was the focus of discussions at this event. The main objective was to find examples and best practices for the NACS action plan.

Edtstadler, „Quickly bring the strategy to life“

„We adopted the NACS in order to climb even more steps on the Corruption Perceptions Index“, said Edtstadler, giving the go-ahead for two days of conference work, which was also to be understood as a work order for the action plan for the upcoming two years. „We must act quickly now and bring the strategy to life, including a wide spectrum of stakeholders as we go along“, she continued.

Best practices in administration, economy and civil society

At four panels, top-level experts presented measures and best practices from Austrian federal ministries, the business sector, regional administrations, and civil society. Among other things, participants discussed different approaches to compliance in the federal ministries, the role of compliance in the economy, first steps in implementing the NACS in regional and municipal administrations, as well as the importance of providing sufficient information on corruption to citizens – a process which should ideally start in school.

The Court of Audit, for example, has established a new department for corruption prevention, compliance and risk management. The department's tasks include conducting horizontal evaluations in the field.

During the event, BAK experts distributed information material about the Network of Integrity Officers (NIO), educational measures, risk management, risk analysis and compliance, and discussed with participants at information booths.

Action plans in the making

At the end of the Anti-Corruption Day, participants exchanged ideas and assignments for the first two-year action plan, which were gathered and summarized by the BAK and the Co-ordinating Body on Combating Corruption after the event. „Place the ball directly in front of you so that when the time comes, you are ready to score a goal.“ Referring to future preventive measures, Mr Andreas Wieselthaler, Director of BAK, thus concluded the conference.



The BAK and selected operational data

*Power does not corrupt People,
people corrupt power.*

William Gaddis





The BAK and selected operational data

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 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 (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 of 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 proving to be “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 criminal investigation results as completely as possible into these continuous statistics.

Overall statistics, 2018

TYPES OF CASES	Number of cases	Percentage
Exclusive jurisdiction	661	50
Extended jurisdiction	432	32
Administrative or legal assistance	34	3
Other cases	204	15
TOTAL	1,331	100

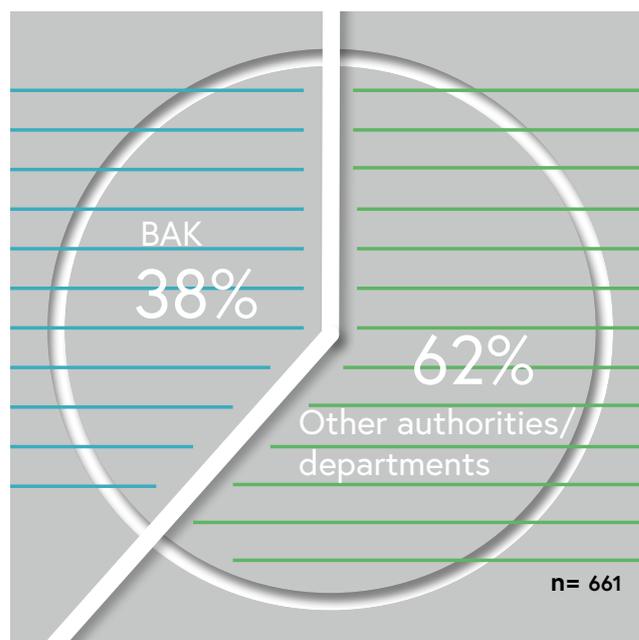
In 2018, there were a total number of 1,331 cases. 254 (38 %) of the 661 cases under the exclusive jurisdiction of the Bureau (see “Overall statistics, 2018”) were handled by the BAK. The BAK investigated 6 (1 %) of the 432 cases of extended jurisdiction and handled 31 (91 %) of the 34 requests for administrative or legal assistance. Thus, the BAK took over the investigation of 291 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 661 cases of exclusive jurisdiction, 254 of which were handled by the BAK and 407 by other authorities/departments.



Regarding the 407 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

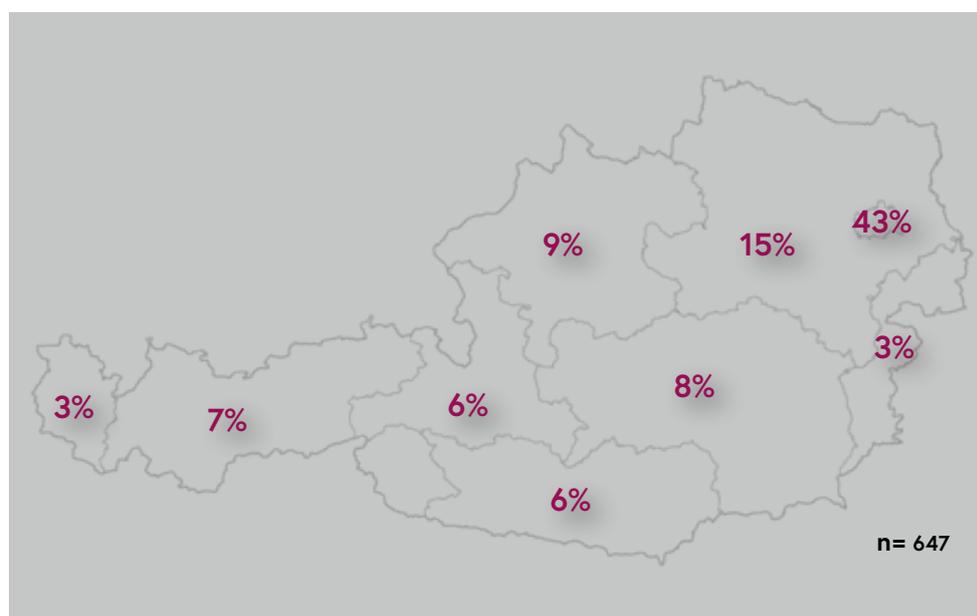
During the reporting year, 314 (77 %) of the 407 cases handled by other authorities/departments were concluded, i.e. the investigating authority/department submitted a report to the competent public prosecutor's office and thereafter, no further investigations were conducted. The BAK concluded 169 (67 %) of its 254 cases. This means that, in addition to cases under investigation of previous years, 85 cases not completed in 2018 will be further investigated in the next year but not included in the 2019 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 2018, 321 (79 %) of the 407 cases of other authorities/departments and 179 (70 %) of the 254 BAK cases were solved. A case is classified as “solved” if at least one perpetrator has been identified by name.

Crime scenes: regional breakdown

9 of the crime scenes registered for the 661 cases of exclusive jurisdiction (§ 4 paragraph 1 (1-13) BAK-G) remained unknown or could not be determined from the file, 5 offences were committed abroad and 647 in Austria.



This figure depicts the regional breakdown of the 647 crime scenes in Austria. As in previous years, the majority of offences (279 crime scenes, 43 %) were committed in Vienna, followed by the regions of Lower Austria (94 crime scenes, 15 %), Upper Austria (58 crime scenes, 9 %) and Styria (49 crime scenes, 8 %). 47 crime scenes (7 %) were registered in Tyrol, 40 (6 %) in Carinthia, 37 (6 %) in Salzburg, 22 (3 %) in Vorarlberg, and 21 (3 %) in 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 661 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 661 criminal investigation cases included a total of 1,268 punishable acts.

Criminal offence (principal offence of each case)	BAK	Other authorities	Total
§ 302 Strafgesetzbuch (StGB; Austrian Penal Code): Abuse of official authority	197	369	566
§ 304: Corruptibility	8	4	12
§ 305: Acceptance of an advantage	3	1	4
§ 306: Acceptance of an advantage for the purpose of exerting influence	4	0	4
§ 307: Bribery	6	0	6
§ 307a: Offering an advantage	0	1	1
§ 309: Acceptance of gifts and bribery of employees or agents	5	1	6
§ 310: Breach of official secrecy	19	21	40
Other offences	12	10	22
Total	254	407	661

In the majority (86 %) of cases under the exclusive jurisdiction of the BAK, 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.

Criminological category

As the criminal offences themselves reveal only little about the underlying corruption phenomena, the principal offence of each case is allocated to one of 19 “criminological categories”. The following table shows the criminological categories of all criminal offences investigated under the BAK’s exclusive jurisdiction.

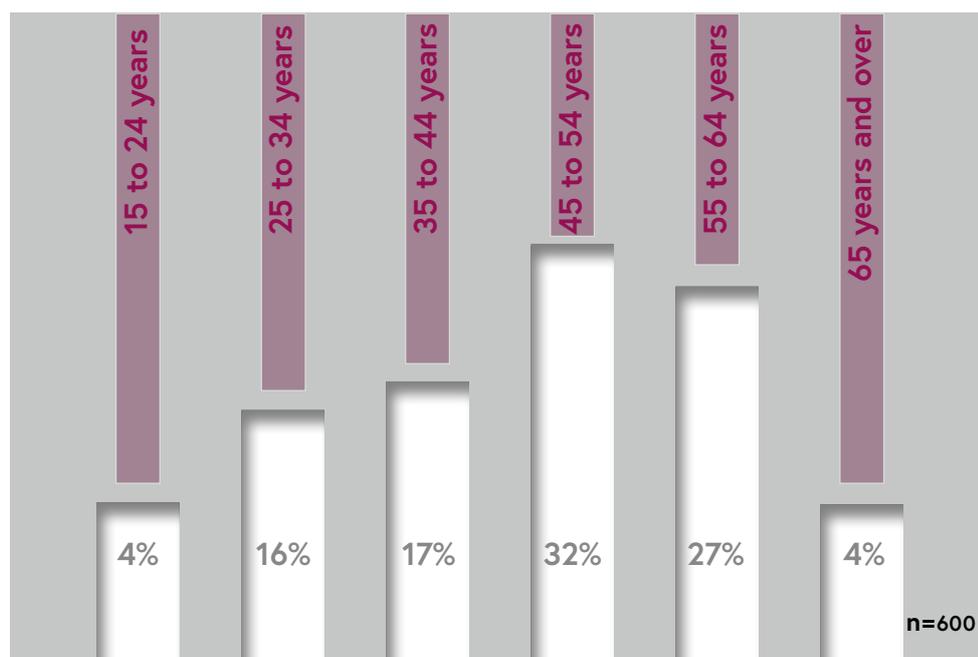
Criminological category	BAK	Other authorities	Total
Procedural flaws	90	170	260
Disclosure of data	48	58	106
Initiation of a proceeding	10	54	64
Permits, expert opinions, certificates	12	38	50
Procedural flaws – penal orders	23	19	42
Financial management	12	16	28
Procurement/tendering procedures	13	5	18
Human resource management	7	11	18
General complaints	11	6	17
Immigration, asylum	10	3	13

Other criminological categories	18	27	45
Total	254	407	661

260 cases (39 %) were classified as “procedural flaws” (e.g. breach of the right to a hearing, biased administrative action, or incorrect assessment of evidence). The unauthorized “disclosure of data” (including, for example, disclosure of information) accounted for 106 cases (16 %). 64 cases (10 %) fell into the category “Initiation of a proceeding” (i.e. non-reception or insufficient reception/documentation of complaints). 50 cases (8 %) 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 28 (4 %) of the cases, respectively. 18 cases (3 %) were classified under “Procurement/tendering procedures”, another 18 cases (3 %) under “Human resource management”, 17 cases (3 %) as “general complaints”, and 13 cases (2 %) under “Immigration, asylum”. The remaining 8 categories (45 cases, 7 %) were included in “Other criminal categories”.

Suspects

At least 1,099 suspects were identified in the 661 cases of the year 2018; at least 268 suspects remained unknown. The gender of 905 suspects was registered; 728 (80 %) of them were male and 177 (20 %) female. The BAK’s statistics include information about the age of 600 suspects (55 % of the 1,099 suspects). No particular characteristics were observed regarding their age structure. 76 % of these suspects were aged between 18 and 57, which is roughly corresponding to the working population.



Unit “EKA” – Asset investigations, investigations into money laundering, operational analysis

During the calendar year 2018, the team for asset investigations conducted investigations in a total of 11 complex cases of Department 3. However, in 10 cases the public prosecutor’s office did not issue an order to seize assets, and in 1 case, despite such an order, no assets were found or seized.

Furthermore, in the field of asset investigations, the Financial Intelligence Unit (FIU) of the Criminal Intelligence Service Austria (Bundeskriminalamt) transferred 15 cases of allegations of money laundering to the BAK. The Bureau assessed these cases and took on 10 allegations for further investigation. The Unit “EKA” also dealt with 8 requests for legal assistance as well as 17 requests regarding investigation cases received by all units of Department 3 via Europol’s Secure Information Exchange Network Application (SIENA).

As the remaining crime analyst moved to another organizational unit of the Federal Ministry of the Interior in the first half of 2018, all requests relating to operational crime analysis had to be forwarded to the Criminal Intelligence Service Austria from this point on.

In addition, the three-member team of this unit processed 6 other investigation cases which could not be assigned to any other investigation team in Department 3.

General corruption offences and accompanying crime

In the second quarter of 2018, in a major case involving anti-competitive agreements and other offences, several dozen searches of premises and seizures were made throughout Austria on the basis of investigations already carried out in 2017. These measures were taken in close cooperation with the Criminal Intelligence Service Austria, regional CIDs (Criminal Investigation Departments) and financial police.

In order to further deepen their knowledge, some members of the four investigation teams in this unit (3.1) attended specialist training courses, including at the German Federal Criminal Police Office.

Abuse of official authority and accompanying crime

In the previous year, Unit 3.2 (“Abuse of Official Authority and Accompanying Crime”) further processed investigation files that had already been in progress for some time and successfully concluded some of these cases. The unit also had to handle new investigation cases. The focus here was on processing those cases that could not be assigned to other competent law enforcement authorities/departments pursuant to § 6 (3) BAK-G (Federal Act on the Establishment and Organization of the Federal Bureau of Anti-Corruption).

Internal affairs

As in previous years, the activities of Unit 3.3 were characterized by several major cases with an international dimension. Requiring extensive investigations, these cases have not yet been concluded.

Furthermore, in 2018, the unit took on and, for the most part, completed a total of 84 cases concerning internal affairs from various parts of Austria. For this reason and due to the increasing complexity of cases, both investigation teams of this unit were fully occupied throughout the year.

The BAK and its international activities

*The only way to escape the
personal corruption of praise
is to go on working.*

Albert Einstein





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.

Bilateral meetings at the BAK

On 1 February 2018, for example, the BAK received eight representatives of the Korea Water Resources Corporation (K-Water Korea) for a study visit to inform them about the Bureau's structures and working methods. The study visit was organized by the International Anti-Corruption Academy (IACA) as part of a training course. Moreover, a five-member delegation from Lebanon, accompanied by a representative of the International Centre for Migration Policy Development (ICMPD), visited the BAK on 30 May 2018 as part of the „Integrated Border Management in Lebanon (IBM Lebanon)“ project.

The purpose of this official meeting was to provide the Lebanese representatives with an overview of Austrian standards and practices in the field of preventing and combating corruption. On 7 August 2018, eight members of the Ethics and Anti-Corruption Commission (EACC) of Kenya, accompanied by the Kenyan Ambassador to Austria, paid a visit to the BAK. The intention was to gain an insight into Austrian approaches and practices of corruption prevention. The aim of the Kenyan authority is to establish a national integrity academy. Furthermore, on 11 and 12 September 2018, the BAK received a delegation from the Anti-Corruption Agency and the Ministry of Interior of the Republic of Kosovo. The main focus of this study visit was on corruption prevention, corruption investigations and public relations. Members of the BAK's Operational Service presented the areas of responsibility of their departments and units. During the second part of the meeting, the Kosovan guests presented their authority and activities. Finally, on 26 September 2018, a representative of the Australian Commission for Law Enforcement Integrity visited the BAK to gain an insight into the Bureau's prevention work and measures to promote integrity. The reason for the visit was her research on law enforcement in the context of organized crime, focusing particularly on practical methods of fighting corruption.

An important role in the exchange of information and experience is also played by Austrian and foreign liaison officers.

Austrian Presidency of the Council, activities at EU level

On 1 July 2018, Austria assumed, for the third time, the Presidency of the Council of the European Union for six months. The BAK took the Council Presidency as an opportunity to promote the „EU Integrity“ initiative and to host the 18th EPAC/EACN Annual Professional Conference and General Assembly in Austria (see subsection „The BAK and the European Partners against Corruption [EPAC] and the European Anti-Corruption Network [EACN]“). Additionally, in October 2018, the BAK was represented by the Head of the Department for Prevention, Education and International Cooperation at the “Meeting of the National Contact Points on Corruption” (of the EU Member States) held by the Directorate-General for Migration and Home Affairs of the European Commission.

International committees, bodies and working groups

Furthermore, experts of Unit 2.3 („International Cooperation“) represent the BAK 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 Austria.

These conventions and committees include, inter alia, 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).

Evaluations (UNCAC and GRECO)

As part of the mechanism for the review of implementation of the United Nations Convention against Corruption (UNCAC), Ireland is currently being evaluated by Austria and Liechtenstein with regard to UNCAC Chapters II (Prevention) and V (Asset Recovery). After the reviewing countries had completed a desk review, a country visit to Dublin took place from 25 to 29 June 2018. During this visit, which was attended by representatives of the competent authorities of Liechtenstein as well as members of UNODC, the Austrian Federal Public Prosecutor's Office for Combating Economic Crime and Corruption (WKStA) and the BAK, experts from the reviewing and reviewed countries discussed the outstanding issues directly with each other.

Besides, as part of an evaluation team of GRECO's fifth evaluation round, a representative of the BAK visited Skopje from 1 to 5 October 2018. The evaluation team consisted of experts from Estonia, Montenegro, Austria, Azerbaijan and the GRECO Secretariat. A questionnaire completed by the Macedonian authorities formed the basis for in-depth talks with representatives of Macedonia (FYROM) – i.e. of the Ministry of Internal Affairs, the Cabinets of the Prime Minister and the (State) President, the Police, the Court of Audit, the State Commission for the Prevention of Corruption, and other state institutions. The focus was on Macedonia's measures to prevent corruption and promote integrity in its government and prosecution authorities. Discussions with representatives of civil society, the media, universities, and non-governmental organizations contributed to obtaining a complete picture of the implementation and efficiency of measures to promote integrity and prevent corruption in Macedonia. The results of the country review and corresponding recommendations are to be adopted at the GRECO Plenary Meeting in Strasbourg, which is expected to be held in March 2019.

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 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 around 97 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 2018, 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”.

18th EPAC/EACN Annual Professional Conference and General Assembly in Rust, Austria

More than 100 delegates representing 30 member countries attended the 18th EPAC/EACN Annual Professional Conference and General Assembly, which was hosted by the Austrian Federal Bureau of Anti-Corruption (BAK) and took place from 22 to 24 October 2018 in Rust, Austria.

Under the theme „Multiple challenges require sustainable and interactive solutions”, the conference focused on the identification of innovative solutions contributing to the

successful prevention of and fight against corruption. The event also provided a valuable networking opportunity and set the stage for further cooperation between the member organizations of EPAC (European Partners against Corruption) and EACN (European contact-point network against corruption). The conference was opened by Mr Andreas Wieselthaler, President of EPAC/EACN and Director of BAK. This was followed by a speech of Ms Karoline Edtstadler, State Secretary at the Austrian Federal Ministry of the Interior, who emphasized that the presence of so many organizations at this year's conference was „...a clear sign of the importance we all attach to enhancing the fight against corruption”.



The conference continued with interactive panel discussions and presentations on topics such as compliance and integrity in the context of preventing and combating corruption, and developments at international level. Among the speakers were high-ranking representatives of Europol, Interpol, OLAF (European Anti-Fraud Office), GRECO (Group of States against Corruption of the Council of Europe), TI (Transparency International), OMV, International IDEA, and the BAK.

On the second day, representatives of member organizations gave various interesting presentations on national and regional projects. Following these presentations, participants were asked to vote for the most innovative project complying with the networks' mission. Furthermore, in parallel workshop sessions on the subjects „Human rights in the context of anti-corruption investigations”, „EU Integrity project”, „Corruption in health care systems” and „Complaints systems”, participants had the opportunity to exchange experiences with their peers from anti-corruption authorities (ACAs) and police oversight bodies (POBs). Between the workshops, a World Café session took place with the objective to meet the EPAC/EACN Board Members and delegates of other member organizations as well as to discuss views regarding the future role of EPAC/EACN.

On the last day of the conference, the results of the EPAC/EACN Working Groups (WGs) were dealt with. The WG „Analysis of big data, related legal aspects, and the use of databases”, chaired by the Lithuanian STT and co-chaired by the Romanian DNA, presented the interim outcome to the audience. The second WG (working title: „How can POB organizations monitor the authorities of police forces in respect of the balance between collective security and individual rights during mass meetings/events?”) is headed by the Belgian Standing Police Monitoring Committee. Its first meeting was held



in April 2018. Both working groups will continue their work in 2019. At the conference in Rust, the new WG „EU Integrity” was set up. It had been initiated by the BAK and will be co-chaired by Germany, France, Romania and Austria.

During the General Assembly, the membership applications of five new authorities were accepted: the Bulgarian Commission for Anti-Corruption and Illegal Assets (CACIAF), the Prevention and Fight Against Corruption Office of the Balearic Islands as well as the Valencian Anti-Fraud Agency (both from Spain), the Policing Authority of Ireland, and the Agency for the Prevention of Corruption and the Coordination of the Fight against Corruption (Bosnia and Herzegovina). This proves that EPAC/EACN continues to be an attractive European platform to share practical anti-corruption knowledge and experiences.

The General Assembly also re-elected the President of EPAC/EACN, Mr Andreas Wieselthaler, as well as the Deputy Vice Presidents, Ms Monique Stirn (Inspector General of Luxembourg Police) for the POB strand and Ms Ruta Kaziliunaite (Deputy Head of the Administration Department of the Lithuanian STT) for the ACA strand. Finally, the Pannonia Declaration 2018 was adopted; its text is available at <http://www.epac-eacn.org/downloads/declarations>.

The conference concluded with a speech given by Mr Hermann Feiner, Director General at the Austrian Federal Ministry of the Interior, who conveyed his gratitude to all participants, panellists, speakers and organizers for their contribution and commitment. Mr Andreas Wieselthaler moderated the award ceremony for the project that had been voted the most innovative the day before. The 2018 EPAC/EACN award went to the Belgian Standing Police Monitoring Committee for the Project „Policing the Police – A European Benchmark. Findings of the Belgian Standing Police Monitoring Committee in Search of Good Practices”.

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).



EU Integrity – the BAK further develops the „EU Integrity“ initiative



In March 2017, the BAK started to prepare a project to promote integrity in the EU. In particular, the initiative is intended to facilitate a multilateral, constructive dialogue and a wide-ranging exchange of experiences and practices between different sectors in order to sustainably enhance integrity and ethical behaviour within the EU and across its Member States.



After a number of informal steps such as initial meetings and talks with experienced international experts, e.g. from Hertie School of Governance and the Secretariat of Transparency International (TI), two national conferences with representatives from Austrian civil society, academia as well as the private and public sectors took place in September and December 2017. The focus of these conferences was on further developing the project and defining its key objectives. There was consensus that in the course of the project, inter alia, an easily accessible platform should be created, facilitating a multilateral dialogue between experts from various fields and countries.

In March 2018, together with project partners from Germany (State Criminal Police Office of North Rhine-Westphalia), France (Agence française anticorruption) and Romania (Anticorruption General Directorate), a project proposal to apply for EU co-financing under the Internal Security Fund (ISF) was submitted to the European Commission. Each partner had defined one of the four priorities included in the proposal. Its aim was to set up four working groups, each focusing on one of the four priorities. From 21 to 22 June 2018, a kick-off conference with around 80 representatives from over 20 countries took place in Vienna. Supplemented by keynote lectures and interactive elements, the main content of the proposed project was presented at this event, i.e. the establishment of four working groups dealing with different topics (whistleblowing, IT communication platform, integrity manual for common minimum standards and uniform terminology, promotion of communication and exchange between sectors, etc.).

Although the project was ultimately not awarded a grant, the „EU Integrity“ initiative will be implemented within the framework of an EPAC/EACN working group involving all original partners. The decision on this working group was taken at the 18th EPAC/EACN Annual Professional Conference and General Assembly held in Rust, Austria, from 22 to 24 October 2018. It is intended to hold the first meeting of the EPAC/EACN Working Group „EU Integrity“ and to plan the next steps in detail during the first half of 2019.

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

Working Party of Senior Public Integrity Officials

One member each of the BAK and the Federal Ministry for the Civil Service and Sport (BMÖDS) represented Austria at the „Meeting of the Working Party of Senior Public Integrity Officials“ (SPIO) of the OECD (Organisation for Economic Co-operation and Development) on 26 March 2018 in Paris. The Working Party, consisting of anti-corruption and integrity experts from various OECD member countries, convenes regularly to exchange best practices and draw up OECD recommendations for the targeted implementation of national corruption prevention measures. At this meeting, delegates described and discussed several initiatives to implement integrity strategies. The representative of the BAK also presented national measures to promote integrity.

OECD Auditors Launch Meeting

In parallel, and for the first time ever, the OECD had arranged for an “Auditors Launch Meeting”. A member of the BAK’s Unit of Prevention attended the meeting, which was all about plans for the creation of a platform for auditors providing access to examples of best practices and experts’ contacts.

Global Anti-Corruption & Integrity Forum 2018

On 27 and 28 March, the Integrity Forum, organized annually by the OECD, also took place in Paris. It was opened by OECD Secretary-General Angel Gurría. Keynote speakers were Erna Solberg, Prime Minister of Norway, Katrín Jakobsdóttir, Prime Minister of Iceland, Frans Timmermans, First Vice-President of the European Commission, and Gabriela Michetti, Vice President of Argentina.

Several panel discussions featuring high-ranking participants covered important issues from the fields of corruption prevention and promotion of integrity.

This year's OECD Integrity Forum saw approximately 1,300 accredited participants. Due to the participation of leading stakeholders from the fields of science, politics, administration and civil society, the Forum is an annual fixture for those interested in the development of integrity initiatives. The presentation and discussion of new findings at this event represent a significant added value in the area of corruption prevention, which finds expression in the implementation of national measures and activities.

The German Prevention Congress

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 23rd Congress was held in Dresden from 11 to 12 June 2018 and dealt with the entire spectrum of crime prevention and related areas as well as with issues such as extremism, radicalization, politically motivated violence and hate crime. A particular focus was placed on the phenomenon of the so-called Reich citizens ("Reichsbürger").

During a panel discussion, following a lecture on the prevention of extremism in Germany by a representative of the Research and Advisory Centre for Extremism of the German Federal Criminal Police Office (Bundeskriminalamt), the Austrian Federal Bureau of Anti-Corruption (BAK) presented the project „Radicalization at work“. On this occasion, participants were provided an insight into the BAK's prevention work as well as the Bureau's approach and objectives in this field.

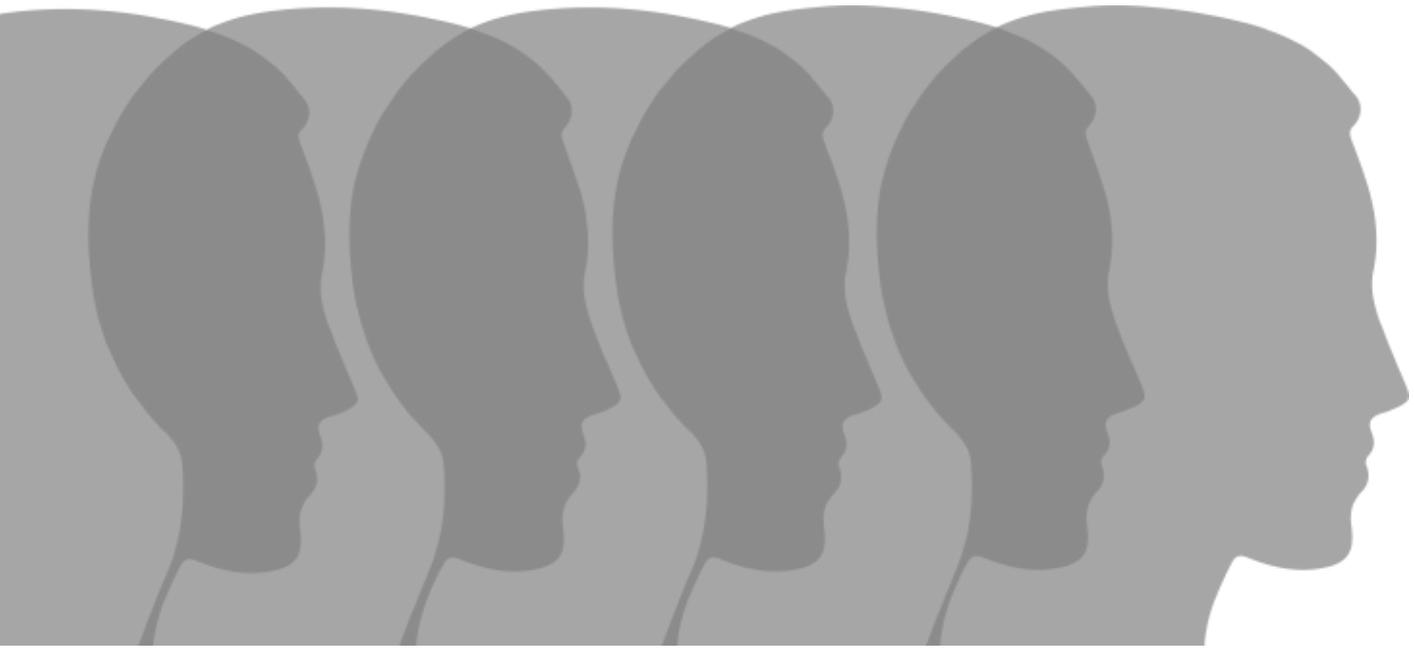
Public relations at the BAK

Already been
CORRUPT
today?

yes

no





Public relations at the BAK

Publications

In December 2018, the 11th edition of the annual series “Corruption and Abuse of Official Authority” (“Korruption und Amtsmissbrauch”) was released in cooperation with the publisher “MANZ”. It provides, as in previous editions, a comprehensive overview of the content and interpretation of the most important provisions of Austrian criminal law on corruption and abuse of official authority. On the basis of current examples of case law and criminal investigation, the authors, Robert Jerabek (Member of the Commission for Legal Protection for the BAK, Legal Protection Officer in the Federal Ministry of Justice, and former Deputy Procurator-General at the Supreme Court) and Eva Marek (Vice-President of the Supreme Court), describe in a clear manner the complex Austrian legislation in this field.



Newsletter

Since its establishment in 2010, the Austrian Federal Bureau of Anti-Corruption has been gathering and generating knowledge about preventing and fighting corruption. This knowledge is too valuable not to share. Therefore, in summer 2016, the BAK's first newsletter was sent to interested readers. Since then, it has been released quarterly. The newsletter highlights special activities of the Bureau and recent developments in the area of corruption prevention. In addition, it deals with recurring issues such as international cooperation, development of corruption, Supreme Court decisions on corruption, or latest news from the field of workplace health promotion.



The BAK and its presence on Facebook

In order to make the issue of corruption more accessible to outsiders, the BAK has been operating a Facebook account since the end of 2016.

In 2018, the BAK reported on its anti-corruption activities, such as workshops and events in the education sector and the Austrian Anti-Corruption Day, in almost 130 postings. On the BAK's Facebook page, picture galleries and films can be viewed. A variety of comments, comics and puzzles/riddles are intended to raise awareness of corruption.



Annex – Federal Act on the Establishment and Organization of the Federal Bureau of Anti-Corruption

The surest way to corrupt a youth is to instruct him to hold in higher esteem those who think alike than those who think differently.

Friedrich Nietzsche





Federal Act on the Establishment and Organization of the Federal Bureau of Anti-Corruption

(Bundesgesetz über die Einrichtung und Organisation des Bundesamts zur Korruptionsprävention und Korruptionsbekämpfung – [abbreviation:] BAK-G)

Federal Law Gazette (Bundesgesetzblatt – BGBl.) I No. 72/2009, as amended by BGBl. I, No. 101/2017

(Translation of the legally binding German-language original of the BAK-G)

Establishment

§ 1. The Federal Bureau of Anti-Corruption (hereinafter referred to as BAK) is an institution of the Austrian Federal Ministry of the Interior established outside the Directorate-General for Public Security. Its goals are the effective nationwide prevention of and fight against corruption, including cooperation with the Public Prosecutor's Office for Combating Economic Crime and Corruption (WKStA), as well as the performance of core tasks in the field of security police and criminal police cooperation with foreign and international anti-corruption institutions [§ 6, paragraph 1, Security Police Act (SPG), Federal Law Gazette (BGBl.) No. 566/1991].

Organization

§ 2. (1) The BAK is headed by a director. In the event of the director's absence, his duties are to be performed by a deputy.

(2) Director and deputy are appointed for a period of five years by the Federal Minister of the Interior after consultation with the presidents of the Constitutional Court, the Administrative Court and the Supreme Court. The term of office shall be renewable.

(3) A person may only be appointed as director or deputy director if he has special knowledge as well as national and international experience in the field of prevention of and fight against corruption. Furthermore, a person may only be appointed as director if he has been employed for at least five years in an occupation requiring a degree in Law or Economics, and as deputy director if he has been employed for at least three years in such occupation.

(4) A person may not be appointed as director or deputy director if he is a member of the federal government, a government of a Land, or a general representative body, or if he has held one of these positions in the previous six years.

(5) For the selection of the other employees of the BAK, account should be taken of whether they have the legal and other knowledge, skills and aptitudes required to fulfil the tasks of the specific post, as well as sufficient relevant work experience. Prior to their employment, director and deputy shall be consulted.

(6) Director and deputy are not permitted to engage in any gainful outside employment with the exception of publications and teaching activities.

Rules of Procedure of the BAK

§ 3. The director shall determine who is responsible for approving decisions to be taken in accordance with the distribution of functions, in which matters this approval is reserved to himself, and who has the right to approve in the event of absences (rules of procedure).

Tasks

§ 4. (1) The BAK has nationwide jurisdiction in security and criminal police matters concerning the following criminal offences:

1. Abuse of official authority (§ 302 of the Austrian Penal Code (StGB), Federal Law Gazette (BGBl.) No. 60/1974),
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),
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 the offences 1 to 8, 9, 11 (second and third case) or 12; criminal associations or organizations (§§ 278 and 278a StGB), if they intend to commit the offences 1 to 9 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 the 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, Austrian Penal Code (StGB), may only be the authority in charge if the above mentioned criminal offences are relevant for determining the extent of the punishment.

(2) 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. 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. § 4, paragraph 1, of the Criminal Intelligence Service Austria Act (BKA-G), Federal Law Gazette (BGBl.) I No. 22/2002, remains unaffected.

(3) 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, accordingly, to develop an awareness of this issue.

Reporting Centre

§ 5. Without prejudice to their duties to report defined by the Austrian Code of Criminal Procedure (StPO) 1975, Federal Law Gazette (BGBl.) No. 631/1975, law enforcement authorities or departments getting notice of a criminal offence defined in § 4, paragraph 1 (1-15), shall report this offence as soon as possible in writing to the BAK (duty to report). Federal employees shall not be prevented from reporting allegations or suspicious circumstances concerning § 4, paragraph 1 (1-15), directly to the BAK without going through the official channels (right to report).

Cooperation with other Authorities and Departments

§ 6. (1) Without prejudice to the duty to report defined in § 5, the law enforcement authorities or departments, unless otherwise ordered by the BAK or the Public Prosecutor's Office for Combating Economic Crime and Corruption (WKStA) (§ 20a, paragraph 2, Austrian Code of Criminal Procedure [StPO]), shall take all investigative measures that cannot be delayed, e.g. measures to prevent the imminent loss of evidence.

(2) For reasons of expediency, the BAK may assign certain investigations to other law enforcement authorities and departments. It may also order the respective entity to directly report to the BAK, at regular or specified intervals, on the progress of a case.

(3) 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 investigated. The relevant public prosecutor's office shall be informed of such transfer.

Instructions

§ 7. Instructions given to the BAK regarding the investigation of a specific case shall be issued in writing and justified. An oral instruction issued in advance due to special reasons, in particular in the case of imminent danger, shall be issued in writing as soon as possible thereafter.

Commission for Legal Protection

§ 8. (1) To ensure specific legal protection regarding issues arising from the activities of the BAK, a Commission for Legal Protection, subordinate to the Federal Minister of the Interior and consisting of the Legal Protection Officer defined in § 91a of the Austrian Security Police Act (SPG) as well as of two additional members, is established.

(2) The two additional members referred to in paragraph 1 are appointed by the Federal President of Austria upon proposal by the Federal Government and after consultation with the Presidents of the Constitutional, Administrative and Supreme Courts for a period of five years. Appointments may be renewed.

(3) A person may not be appointed as additional member such as defined in paragraph 1 if he has held the position of director or deputy director of the BAK in the twelve preceding years. Furthermore, for the appointment of the additional members, the rules on incompatibility set out in § 91b, paragraph 1, of the Austrian Security Police Act (SPG) apply.

(4) The appointment as an additional member expires in the case of renunciation or death, or when the new appointment or reappointment becomes effective. If there is reason to doubt the complete impartiality of an additional member, he shall refrain from performing any tasks in the particular case.

(5) In order to carry out the administrative work of the Commission for Legal Protection, the Federal Minister of the Interior shall provide the necessary equipment and personnel.

(6) The members of the Commission for Legal Protection are entitled to receive remuneration commensurate with the time and effort required. The remuneration is calculated according to the fixed rates set out in the regulation on the remuneration of legal protection officers (Federal Law Gazette [BGBl.] II No. 116/2016).

Duties and Rights of the Commission for Legal Protection

§ 9. (1) The Commission shall 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.

(2) The members of the Commission for Legal Protection are independent in the performance of their duties and not bound by instructions. They are subject to official secrecy.

(3) At any time, the BAK shall allow the Commission for Legal Protection access to all documents and records necessary for the performance of the Commission's duties and, at the Commission's request, provide it with free copies of individual files; in this respect official secrecy does not apply towards the Commission. However, official secrecy does apply regarding information and documents revealing the identity of persons or sources that – if made public – would endanger the security of the nation or of persons, as well as regarding copies including information that – if made public – would endanger the security of the nation or of persons.

(4) The Commission for Legal Protection may report on its findings to the Federal Minister of the Interior or – where deemed appropriate – to the public at any time. Moreover, the Commission for Legal Protection may address recommendations to the Federal Minister of the Interior or the director.

(5) By 30 April of the following year at the latest, the Commission for Legal Protection presents an annual report on the performance of its functions to the Federal Minister of the Interior. In accordance with the right to information and inspection laid down in Article 52a of the Federal Constitutional Act (B-VG), the Federal Minister of the Interior shall make this report available, at its request, to the Permanent Subcommittee of the Parliamentary Committee on Internal Affairs for the evaluation of measures to protect the constitutional institutions and their ability to act.

(6) The Commission for Legal Protection is neither responsible for tasks of the security police or criminal police, nor is it an administrative or disciplinary authority. It shall report relevant facts to the competent authorities.

Staff Representation

§ 10. The staff of the BAK is represented by the central staff committee of the Federal Ministry of the Interior.

Cross References

§ 11. Whenever in this federal act another federal act is mentioned, reference is made to the version currently in force.

Gender Neutrality

§ 12. Whenever terms designating natural persons are used only in the masculine form, they shall refer equally to men and women. If these terms are applied to specific natural persons, the correct gender-specific form shall be used.

Entry into Force

13. (1) This federal act enters into force on 1 January 2010.

(2) §§ 1, 4 and 6, paragraph 1, as amended by Federal Law Gazette (BGBl.) I No. 13/2012, enter into force on 1 April 2012.

(3) The title, short title and abbreviation, as well as § 4 (1) as amended by Federal Law Gazette (BGBl.) I, No. 65/2013, enter into force at the end of the day of their announcement.

(4) § 4, paragraph 1 (8b), enters into force at the end of the day of its announcement.

(5) § 4 and § 8, paragraphs 4 and 6, as amended by Federal Law Gazette (BGBl.) I No. 101/2017, enter into force at the end of the day of their announcement.

Regulations

§ 14. Regulations pursuant to this federal act may be passed following its publication but may not take effect before the entry into force of the federal act itself.

Implementation

§ 15. The Federal Minister of the Interior shall be entrusted with the implementation of this federal act.

