

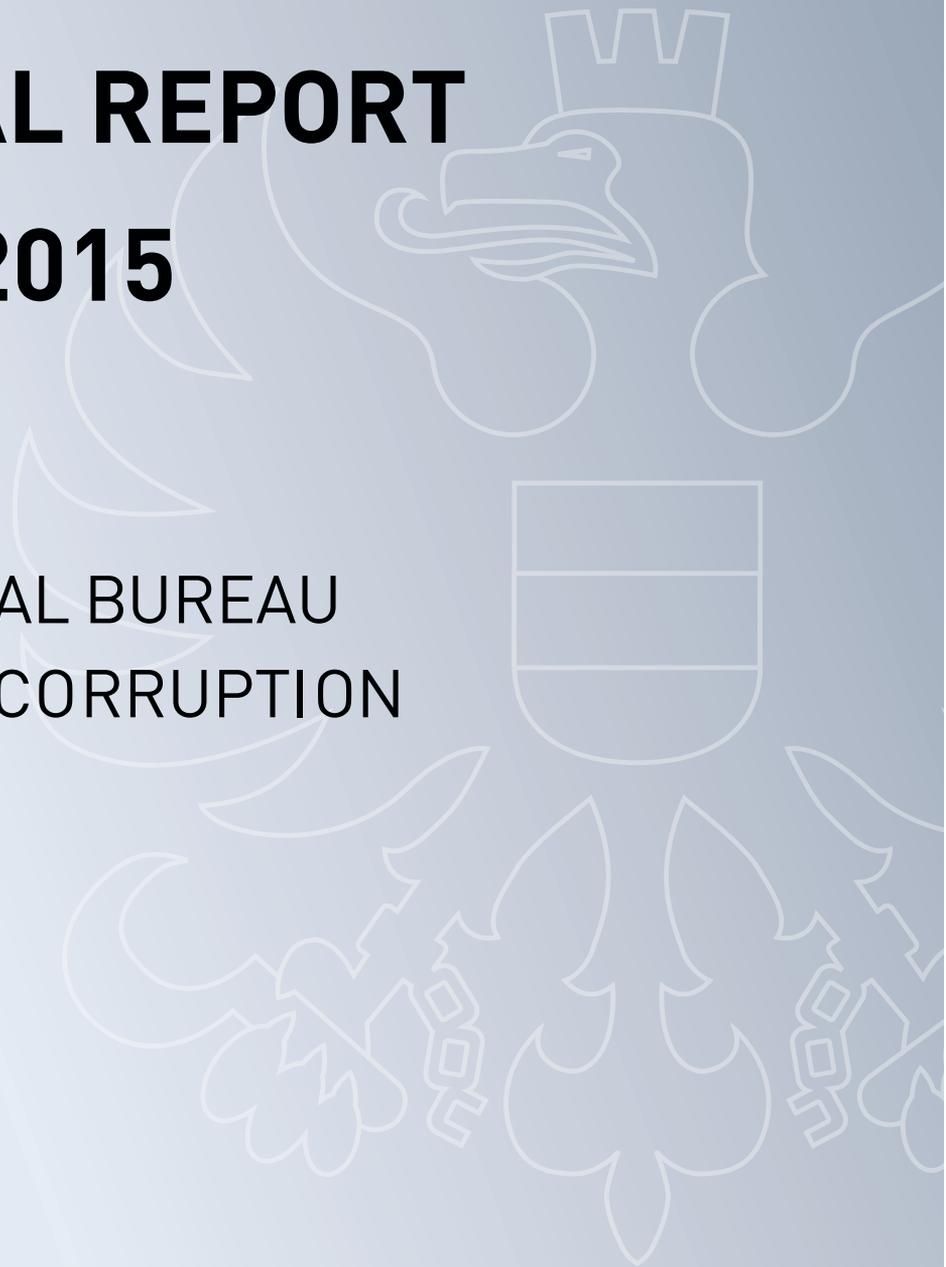
**.BAK**



REPUBLIC OF AUSTRIA  
FEDERAL MINISTRY OF THE INTERIOR  
FEDERAL BUREAU OF ANTI-CORRUPTION

# ANNUAL REPORT 2015

FEDERAL BUREAU  
OF ANTI-CORRUPTION



**IMPRINT**

Federal Bureau of Anti-Corruption  
Herrengasse 7, 1010 Vienna, Austria  
Telefon: +43-(0)-1-531 26 -0  
Fax: +43-(0)-1-531 26 - 10 85 83  
E-Mail: BMI-IV-BAK-SPOC@bak.gv.at

**Layout:**

Federal Ministry of the Interior, Directorate-General IV, BAK

**Printed by:**

Federal Ministry of the Interior, "Digitalprintcenter"



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## The BAK – a brief outline

The Austrian Federal Bureau of Anti-Corruption (BAK) was established as of 1 January 2010 and is based in Vienna. The BAK has nationwide jurisdiction in the prevention of and fight against corruption, the close cooperation with the Federal Public Prosecutor's Office for Combating Economic Crime and Corruption (WKStA) as well as in matters of 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 established outside the Directorate-General for Public Security (see section 1 of the Federal Law on the

Establishment and Organization of the Federal Bureau of Anti-Corruption [BAK-G]), namely within the Directorate-General IV (Services and Supervision), and thus directly responsible to the Director-General IV.

According to the current organization chart, the BAK is divided into three departments. Department 1 and 2 are subdivided into three units, Department 3 consists of four units.

#### **THE BUREAU'S CONTACT OFFICE**

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

#### **IN THE BACKGROUND: RESOURCES, SUPPORT, LEGAL AFFAIRS**

Department 1 of the BAK provides the complete support for the Federal Bureau.

The area of responsibility ranges from human resources, budget and fleet management, controlling, logistics and media analyses to IT infrastructure management, the preservation of evidence in the field of IT, the analysis of data and visualization, the statistical analysis of the BAK's activities, various legal services for the BAK and, in the future, the development of situation reports as well as the implementation and supervision of the BAK's compliance management system.

#### **IN THE PUBLIC: PREVENTION, BASIC RESEARCH, EDUCATION, INTERNATIONAL COOPERATION**

Department 2 is responsible for, inter alia, prevention and basic research. This comprises preventive activities in the entire civil service, the implementation of studies, as well as scientific exchange and the support and supervision of external projects, e.g. the National Anti-Corruption Strategy (NACS). Another area of responsibility of Department 2 is education, which includes, in particular, the servicing of the Austrian-wide anti-corruption network as well as the organization of trainings and awareness-raising events for the Federal Ministry of the Interior and other public authorities. Furthermore, Department 2 is responsible for international cooperation, i.e., inter alia, the promotion of bilateral exchange and cooperation with various European or international anti-corruption bodies and institutions.

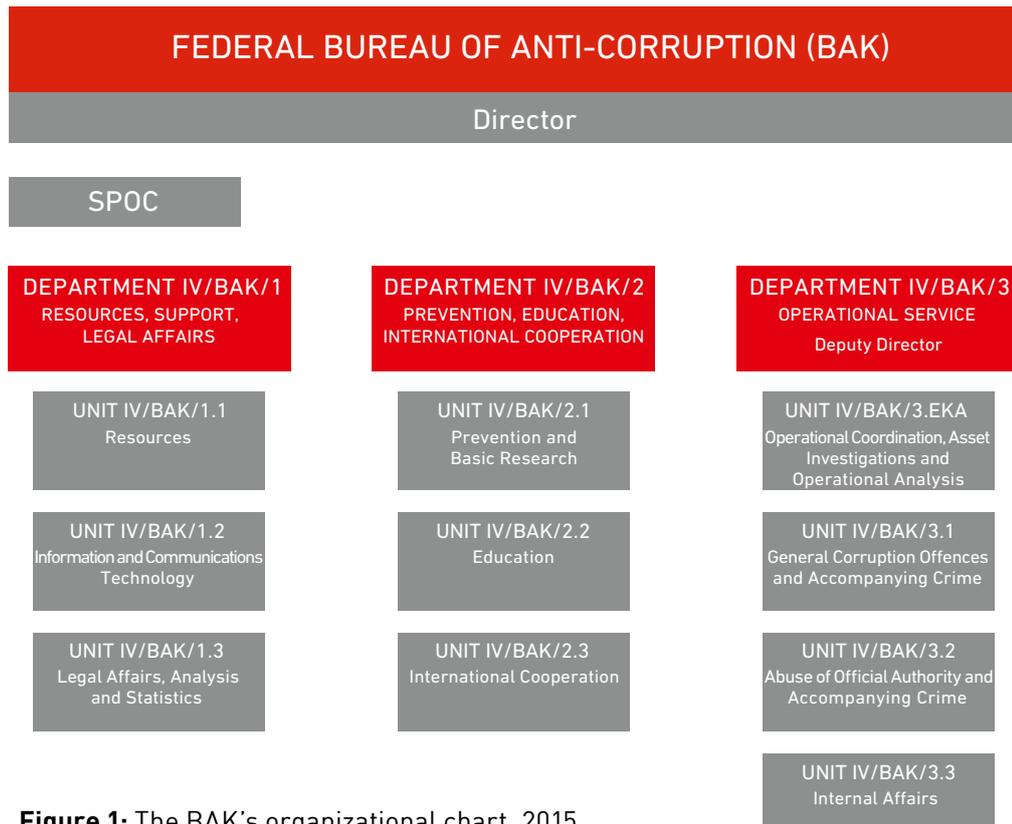
The BAK's activities in the field of education are supported by so-called corruption prevention officers (CPOs) in each provincial police directorate. In coordination with the BAK, they give lectures and carry out advanced training courses in their respective province on issues related to corruption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

#### **WORKING ON THE INVESTIGATION CASES: THE OPERATIONAL SERVICE**

Department 3 is responsible for

operational matters in the BAK, i.e. security police investigations and criminal investigations in the fields of corruption offences, abuse of official authority and internal affairs.

The constantly increasing number of investigation files, particular in the area of white-collar crime, required an adaptation of Unit 3.2: one of its three investigation teams was transformed into a team specialized in white-collar crime.



**Figure 1:** The BAK's organizational chart, 2015

## The BAK and its legal basis

The Federal Law 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.

In 2015, the BAK-G was amended (Federal Law Gazette [BGBl.] I 2015/52, Act Amending the Security Administration [SVAG 2015]): the breach of the newly created section 18 of the Information Management Act (Informationsordnungsgesetz, Federal Law Gazette [BGBl.] I 102/2014) is now integrated as section 4, paragraph 1(8b), of the BAK-G into the list of offences of corruption and abuse of official authority defining the Bureau's jurisdiction. The reason for this amendment is that paragraph 2 of section 310 (breach of official secrecy) of the Austrian Penal Code (StGB), a section falling within the remit of the BAK, was deleted as of 1 January 2015, and that section 18 of the Information Management Act now includes a replacement paragraph. In order to maintain the BAK's jurisdiction in this matter, it was necessary to adapt the BAK-G.

#### **JURISDICTION IN MATTERS OF SECURITY POLICE AND CRIMINAL INVESTIGATION**

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

1. abuse of official authority (§ 302 of the StGB [Austrian Penal Code]),
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 para. 2 case 2, 313 or in connection with § 74 para. 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), provided that 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), provided that they intend to commit the offences 1 to 9 or 11 (second and third case),
14. acts punishable pursuant to the StGB and supplementary laws, provided that they are related to the offences 1 to 13 and have to be prosecuted by the BAK by written order of a court or a public prosecutor's office,
15. acts punishable pursuant to the StGB and supplementary laws that are committed by public employees of the Federal Ministry of the Interior, provided that they have to be prosecuted by the BAK by written order of a court or a public prosecutor's office.

In accordance with section 28, paragraph 1, 2nd sentence, of the Austrian Penal Code (Determination of the Maximum Penalty), the BAK is only responsible for the cases 11 to 13 if the offences mentioned are

relevant for the determination of the level of penalty.

### **THE BAK'S INTERNATIONAL COOPERATION IS SPECIFICALLY REGULATED**

The BAK's responsibilities in the field of international cooperation are clearly laid down in section 4, paragraph 2, of the Federal Law on the Establishment and Organization of the Federal Bureau of Anti-Corruption (BAK-G): the Federal Bureau of Anti-Corruption is responsible for investigations within the framework of international police cooperation and administrative assistance as well as for cooperation with the corresponding institutions of the European Union and the investigating authorities of EU Member States in the above mentioned cases.

Regarding international police cooperation in the cases described above, the Bureau acts as point of contact for OLAF, Interpol, Europol and other comparable international institutions.

### **THE BAK'S PREVENTION ACTIVITIES – A LEGAL MANDATE**

According to its legal mandate (section 4, paragraph 3, BAK-G), the BAK shall analyse corruption phenomena, gather information on preventing and combating them and develop appropriate preventive measures.



### **DUTY TO REPORT – THE BAK MUST BE INFORMED**

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

### **COOPERATION WITH AUTHORITIES AND DEPARTMENTS – TRANSFER OF INVESTIGATIONS**

The BAK-G (section 6) also regulates the cooperation with other authorities and departments. The Bureau may assign certain investigations to other law enforcement authorities and departments for reasons of expediency (section 6, paragraph 2, BAK-G).

It may also 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 (section 6, paragraph 3, BAK-G).

### **LEGAL PROTECTION – THE BAK'S ACTIVITIES ARE MONITORED**

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 (SPG) as well as of two additional members. The Commission has to investigate allegations concerning the activities of the Federal Bureau that are not manifestly unfounded if the persons concerned do not have a legal remedy at their disposal. It presents an annual report on the performance of its functions to the Federal Minister of the Interior. Moreover, the Commission for Legal Protection may address recommendations to the Federal Minister of the Interior or the Director of the BAK (sections 8 and 9, BAK-G).

### **UPDATING OF THE DECREE ON THE CORRUPTION PREVENTION OFFICERS (CPOs)**

In order to comply with its statutory obligations in the field of prevention, the BAK is supported by so-called corruption prevention officers (CPOs). In addition to their actual functions in the provincial police directorates, they contribute to preventing corruption and abuse of official authority by carrying out training courses. The legal basis for the implementation of this system is a decree of the Ministry of the Interior entitled "Guidelines for the tasks, organization and implementation of

corruption prevention by corruption prevention officers (CPOs)". It defines, inter alia, uniform quality standards for each area of activity, provides for specific communication channels and describes the required professional profile of CPOs. The former guideline (dating from 2012) was revised, the amended decree entered into force on 8

January 2015. It had become necessary to update the decree due to the BAK's new distribution of functions and organizational changes in the Ministry of the Interior. Another reason for the adaptation was to integrate into a new guideline the experiences made during the implementation of the "train-the-trainer" system.

## The BAK and compliance

Compliance has become a top priority not only in the private sector. Since 2013, the Austrian Federal Ministry of the Interior (Mol) has been gradually implementing a compliance management system (CMS). In 2015, the BAK section of the CMS was

developed within the framework of a project focusing on a risk analysis in accordance with the Austrian standard "ONR 192050" and the international standard "ISO 19600". Taking these standards as a basis, the process went through the following stages:



**Figure 2:** The BAK's risk management process

### RISK IDENTIFICATION

At the beginning, the current status was determined by compiling all provisions relevant to the BAK (e.g. acts, guidelines, instructions or voluntary commitments) as well as by putting down all standardized work procedures and displaying them in a consistent format. This process made it possible to identify areas or situations that may facilitate infringements.

### RISK ANALYSIS

At first, the accuracy and timeliness of all provisions, including the BAK's internal work instructions, were verified. Subsequently, the work procedures were analysed for potential compliance risks. A BAK member, certified by the limited liability company "Austrian Standards plus", oversaw the process.

## **RISK ASSESSMENT**

The identification and assessment of the risks as well as the development of measures took place in a total of eleven risk analysis workshops held for each unit of the Federal Bureau. The workshops started by identifying, analysing and assessing all conceivable specific risks on the basis of the procedures which had already been compiled and displayed in the respective organizational unit.

During the assessment process, the risks were successively evaluated for their probability of occurrence and extent of damage and were then integrated into a matrix. This facilitated a rapid prioritization of risks. Thereafter, measures to minimize risks were devised.

## **DEVELOPMENT OF MEASURES**

All in all, the workshop participants were able to identify 55 risks and develop about 130 measures to prevent these risks. The measures were categorized and incorporated into a risk management plan. In mid-November 2015, the BAK's heads of department and unit were instructed to implement this plan.

## **EVALUATION**

In the future, the risks of the BAK's organizational units will be analysed at regular intervals (at least annually) and, if necessary, new risk-minimizing

measures will be developed and implemented.

## **VALUE MANAGEMENT**

In 2016, it is planned to revise the Bureau's mission statement and adapt the existing value management system.

# THE BAK AND ITS ACTIVITIES IN THE FIELD OF BASIC RESEARCH

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# The BAK and its activities in the field of basic research

## **THE BAK AND ITS RESEARCH STUDY „ATTITUDES TO CORRUPTION IN AUSTRIA”**

In spring 2015, the BAK's first research study was developed with the aim to obtain first and current data on attitudes to corruption in Austria. These data, in turn, are important for the effective implementation of advisory services in the field of corruption prevention.

## **COOPERATION WITH HANOVER UNIVERSITY OF APPLIED SCIENCES AND ARTS**

In order to prepare a questionnaire for the measurement of attitudes, the first cooperation meeting between the BAK and the Hanover University of Applied Sciences and Arts took place on 22

April 2015. It was agreed that the BAK may use the Hanover Corruption Scale 38 (HCS 38) for the collection of data in Austria. Moreover, it is planned to issue joint publications on the basis of both the Austrian and the German data sets.

## **DATA COLLECTION**

The sample included police trainees from all over Austria as well as psychology and law students of the universities of Vienna and Innsbruck (in total, nearly 1,700 persons). The data collection was successfully completed in December 2015. Currently, the data are being evaluated. First results will be available on the BAK website from spring 2016.

## **The BAK and its project “Analysis of corruption and integrity in Austria”**

At the end of 2015, the BAK started a new ISF (International Security Fund) project (duration: until 2020) entitled “Analysis of corruption and integrity in Austria”. The project aims to periodically conduct in-depth analyses of the corruption situation in Austria in order to develop targeted strategies

to prevent and fight corruption as well as to evaluate measures and actions already taken.

## **INTEGRITY STUDIES REQUIRED**

At the beginning of the project, an integrity study examining the attitudes

of young police officers to corruption is carried out. Subsequently, representatives of other professional groups particularly vulnerable to corruption are interviewed. The BAK's research study on attitudes to corruption prepared the ground to the project.

is planned to be published for the first time in 2018. Thereafter, it is intended to periodically issue a situation report on the basis of the Bureau's case statistics and studies on corruption in Austria.

### **STATISTICS AND SITUATION REPORTS AS RESULTS**

In addition, in 2016 and 2017, the BAK will revise its statistics with scientific support and create models to analyse data. Finally, the findings from the study and the analyses will be compiled in a so-called situation report which



**Figure 3:** Meeting in Hanover: representatives of the BAK and the Hanover University of Applied Sciences and Arts

# THE BAK AND ITS PREVENTION PROJECTS

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Anti-Corruption  
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**Figure 4:** Employees of the BAK present the storyboard of the BAK app to the project teams of students

## The BAK and its prevention projects

In the BAK, prevention is considered as interventions addressing the cause and attempting to initiate processes of change in systems by means of advice, training and education. These processes of change or learning should contribute to reducing the probability for the occurrence of specific problems. Whereas measures of behavioural prevention, such as knowledge transfer and awareness-raising activities, are directly aimed at the target persons, structural prevention measures focus on influencing the structures as well as protective and risk factors faced by the target persons. The BAK's prevention work is aimed at adopting a comprehensive and holistic approach and is thus characterized by the implementation of both behavioural and structural measures.

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

In order to effectively and holistically tackle the phenomenon of corruption, the BAK developed a national anti-corruption strategy for Austria in

cooperation and agreement with the Federal Ministry of Justice. It provides the strategic framework for preventing and combating corruption in Austria.

**INPUT FROM EXPERT PANELS**

From 2013 to 2014, various topics related to the prevention of corruption were discussed in expert panels organized by the BAK. The key aspects and possible solutions discussed at these round tables were integrated into the prevention section of the NACS.

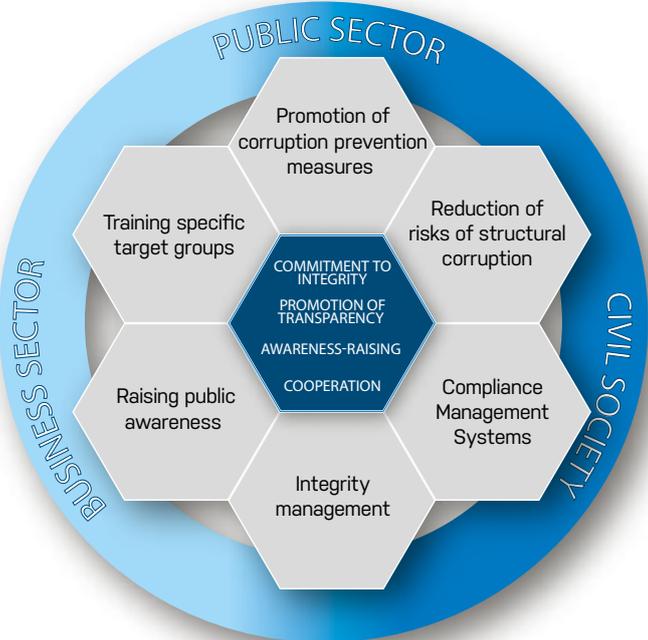
**COOPERATION IS THE BASIS OF THE STRATEGY**

The NACS stresses the importance of cross-sectoral cooperation in ensuring the acceptance and effectiveness of the

strategy. On the basis of this joint action by the public and the business sector as well as by civil society, the strategy aims to reduce corruption risks and promote integrity by increasing awareness, sensitizing the public, implementing compliance systems and enhancing cooperation.

**COMPLIANCE WITH INTERNATIONAL RECOMMENDATIONS**

Guided by the concepts of the rule of law as well as of good administration, integrity and transparency, the NACS is not only intended to contribute to fostering cooperation between society, administration and economy. Its implementation also ensures compliance with international requirements and recommendations.



**Figure 5:** The National Anti-Corruption-Strategy (NACS) at a glance

## The BAK and the Network of Integrity Officers in the civil service (NIO)

The introduction of anti-corruption or integrity officers in the whole public administration is recommended in the prevention section of the National Anti-Corruption Strategy (NACS) as a key element of promoting integrity, reliability and efficiency in the public sector.

### KNOWLEDGE DISSEMINATORS REQUIRED

The establishment of the Network of Integrity Officers (NIO) is based on the BAK's positive experience with a system of knowledge disseminators in the field of anti-corruption training (corruption prevention officers, CPOs).

In their respective organizational units (ranging from ministries to municipalities) the integrity officers shall act as contact persons for questions on the prevention of corruption and the promotion of integrity for employees and senior management staff. Furthermore, they shall independently

develop and implement tailor-made measures to prevent corruption – e.g. compliance systems, codes of conduct, ethical guidelines, specific (advanced) training programmes, development and implementation of corruption risk analyses, etc. – and provide advice in this field. The integrity officers are expected to take over the role of knowledge disseminators in the awareness-raising process within their department/authority. This process consists of (anti-corruption) training courses and other preventive measures. The NIO is designed to exchange professional experience. It is a platform for integrity officers to receive constant support and training provided by the BAK via an online platform which will be set up for the purposes of the network. This innovative project of establishing a network of integrity officers is co-financed by the EU.

The first one-week training course for integrity officers will take place in spring 2016.



**Figure 6:** Logo of the Network of Integrity Officers (German abbreviation: IBN)

## The BAK and its mobile application

In order to best reach adolescents and young adults, as representatives of civil society, with information on corruption, the BAK in 2015 started a cooperation with the HTL Mistelbach, a vocational college in Lower Austria with a focus on health technology, to develop a mobile application (app) for this target group. Two project teams of a total of five fourth-grade students (aged about 18) programme the app as part of their final thesis, the prerequisite for admission to the school-leaving examination. In addition to programming the application, the students' task is to create a visual design corresponding to the needs of the target group. During

the extensive preparation process, the BAK has developed the creative content of the app in close coordination with the students. The app aims to confront its future users in a playful way with dilemma situations and thus to raise their awareness of corruption, ethics and integrity. One of the characters of the game, for example, is a politician having to decide whether to issue a planning permission in return for the financial support for his electoral campaign. On 30 June 2015, the BAK handed over the app's storyboard to the students. The completion of the mobile app is scheduled for the summer of 2016.

**Figure 7:** Employees of the BAK with students of the HTL Mistelbach



# THE BAK AND ITS CORRUPTION PREVENTION ADVISORY SERVICE

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## The BAK and its corruption prevention advisory service

For the successful prevention of corruption it is vital to have knowledge of potential risk factors for misconduct, to discover them in good time and, based on these findings, develop specific measures to tackle the risks. With this in mind, the BAK's prevention team uses a manual specifically created for the systematic implementation of this kind of service. Following an analysis of the initial situation, framework conditions and objectives of the requested advisory service, areas vulnerable to corruption are identified and emerging risks are evaluated according to recognized standards. The analysis focuses on regulations, organizational structures, working procedures, the organizational culture and human factors.

### **The BAK and the corruption prevention advisory programme for prisons**

In September 2015, the Directorate- Custodial Sentences and Measures General for the Administration of involving Deprivation of Liberty of the



Austrian Federal Ministry of Justice and the Austrian Federal Bureau of Anti-Corruption signed an agreement on corruption prevention advisory services for prisons. The subject of this agreement is the analysis of corruption risks in certain parts of the penal system as well as the formulation of

recommendations and the development of preventive measures to reduce risk areas. The recommended measures aim to promote integrity and a corruption-free organizational culture as well as to increase the ability of employees to act correctly.

### **The BAK and the corruption prevention advisory programme „Promoting police integrity with a particular focus on processes of group dynamics”**

In spite of the existing legislation and comprehensive (advanced) training measures for Austrian law enforcement officers, there is a small number of cases of abuse or assault committed by the police. Especially situations where the negative impact caused by processes of group dynamics plays a role seem to present a particular risk.

Therefore, this corruption prevention advisory programme, which started in May 2015, aims to further improve certain existing standards of the Austrian police. On the basis of extensive research and analysis, the BAK will provide specific recommendations for prevention. The programme is expected to be completed in the second quarter of 2016.

# THE BAK AND ITS EVENTS AND LECTURES

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# The BAK and its events and lectures

The prevention work of the BAK also comprises measures of behavioural prevention such as awareness-raising activities and knowledge transfer on corruption phenomena.

Accordingly, the Federal Bureau offers numerous activities in the framework of (advanced) training events for employees of the Federal Ministry of the Interior (Mol) as well as for members of other institutions. These measures are complemented by anti-corruption events designed to raise awareness of corruption and to exchange information on current challenges and aspects of the fight against corruption.

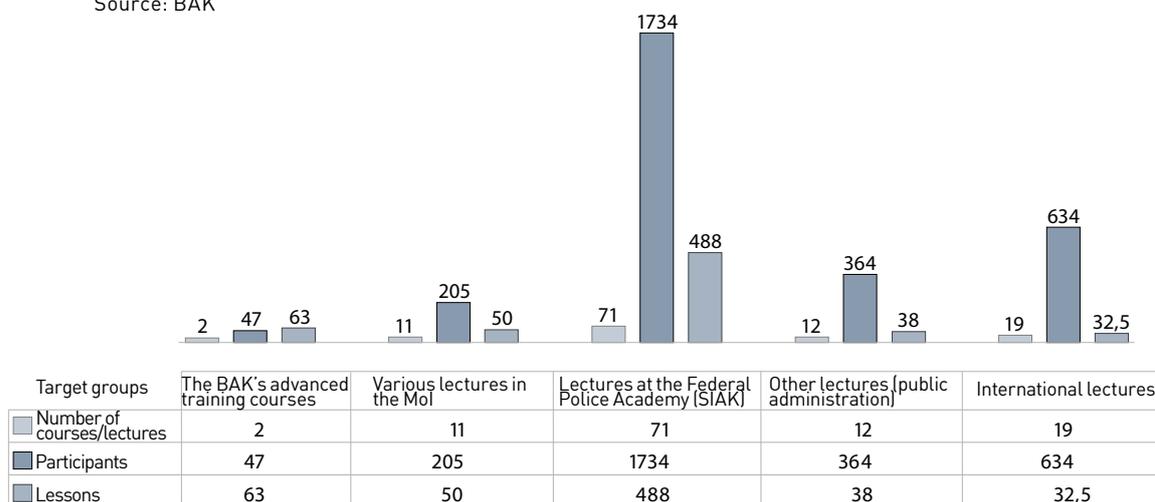
## The BAK and its training measures

In total, 115 lectures (672 lessons) on preventing and combating corruption were offered to approximately 3,000 participants in 2015.

Thus, since the establishment of the BAK in 2010, the Bureau's employees have offered 856 courses (about 5,500 lessons) providing training for some 18,000 persons.

### Statistical data

Source: BAK



**Figure 8:** Statistical data on the training provided by the BAK in 2015

## **The BAK and the seminar on compliance, corruption prevention and procurement**

In cooperation with the Chief Compliance Officer (CCO) of the Federal Ministry of the Interior (Mol), Albert Koblizek, and the Mol's Department of Procurement and Procurement Controlling, the BAK held seminars on the topic "Compliance and corruption prevention in the area of procurement". More than 120 employees of the Mol participated in five courses of this type, three for employees of the Directorate-General I and two for the Directorate-

General III. Each seminar consisted of four teaching units. As procurement is a particularly sensitive area in terms of corruption prevention, it is highly relevant to be familiar with all applicable regulations and to protect against the risks related to corruption. The seminar was set up in order to meet the requirement expressed by the Court of Audit to raise awareness of this issue among employees working in the field of procurement.

## **The BAK and the NADA anti-doping training 2015**

An anti-corruption lecture (title: "Hello doping control officer! Breakfast as always?") focusing on ingratiation and general aspects of corruption was given at the annual conference of the Austrian Anti-Doping Agency (NADA). Pursuant to the Federal Anti-Doping Act, one of the responsibilities of the NADA employees and members of the NADA control teams is to enforce penal provisions. Their task is to plan, carry out and monitor doping controls, as well as to review, analyse and evaluate information regarding possible infringements of the anti-doping provisions. They cooperate with the investigating authorities, file requests for examination to the independent Austrian Anti-Doping Legal Commission (ÖADR), and are parties to anti-doping proceedings. For this reason, they are

subject to the provisions of the criminal law on corruption, which have recently been strengthened. Therefore, the aim of the lecture was to raise awareness of the issue of ingratiation among the NADA employees and members of the NADA control teams in order to avoid corrupt behaviour at an early stage. Approximately 75 NADA employees and members of NADA control teams participated in the training.

## The BAK and the 2015 certified training course „Public Administration“

In cooperation with the University of Salzburg Business School, the Salzburg Provincial Academy of Public Administration offers a certified training course for members of the civil service of the Federal Province of Salzburg. The course “Public Administration” has a modular structure and aims to deepen participants’ knowledge of important aspects of this field and to provide general information relevant to public administration in order to ensure that administrative actions correspond to the latest state of the art and to exploit the potential of the information and communications technology. The target group of the course are administrative officers with a general qualification for university entrance (Reifeprüfungszeugnis).

The BAK developed four teaching units of the module “Efficient administrative

actions – at the interface of politics, society and administration as well as anti-corruption”. In the previous years, the BAK already gave several lectures on preventing and combating corruption for members of the civil service of the Province of Salzburg.

The 2015 course took into account the participants’ knowledge acquired in these previous lectures and, on that basis, offered a specific module entitled “Recognizing indicators of corrupt behaviour and developing measures”. The module included a workshop where attendees independently worked out measures to prevent corruption and discussed possible ways of implementation. 15 members of the civil service of the Province of Salzburg took part in the first certified training course of this kind.

**Figure 9:** The BAK’s 19<sup>th</sup> advanced training course



## The BAK and its advanced training course

It has become almost a tradition: in 2015, the BAK again carried out two advanced training courses with a total of 40 participants.

### FROM RAACH...

The first part of the 19<sup>th</sup> advanced training course of the BAK took place from 2 to 5 March 2015 in the training centre of Raach in Lower Austria. The participants, representing different departments and special operations units of the Federal Ministry of the Interior (Mol), were provided information on general aspects and the psychological background of corruption as well as on ethics and compliance.

### ...TO KIRCHBERG AM WECHSEL

In the second week (from 16 to 20 March 2015), the course was held at Hotel Molzbachhof in Kirchberg am Wechsel, Lower Austria. In this week, specific areas such as data protection, criminal law, civil service law, disciplinary law

and white-collar crime were addressed from the perspective of preventing and combating corruption. Furthermore, the activities and responsibilities of the public prosecutor's office as well as the investigative work of the BAK were described. The seminar was concluded with an overview of international aspects of corruption as well as of the BAK's active participation in various EU and UN bodies and forums.

The 20<sup>th</sup> advanced training course of the BAK was also divided into two sections (from 28 September to 2 October and from 19 to 23 October 2015). The content and locations were identical to those of the training course carried out in March. In addition to 20 members of the Mol, one employee of the Federal Ministry of Justice attended the seminar.

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

**Figure 10:** The BAK's 20<sup>th</sup> advanced training course



## The BAK and the conference on the prevention of corruption

There are currently 17 corruption prevention officers participating in a “train-the-trainer” programme. Their main task is to support the BAK in carrying out (advanced) training measures in the field of corruption prevention. From March 2012 to the end of the reporting period, the corruption prevention officers (CPOs) alone have trained 7,276 employees of the Ministry of the Interior (Mol) – which is more than 20 per cent of the ministry’s total staff.

### NETWORK REQUIRED

At this year’s conference with and for the CPOs of the Mol, it was agreed that the main objective was the interconnection between the CPOs, the Compliance Officers (Cos) of the provincial police directorates, and the Chief Compliance Officer of the Mol (CCO). Therefore, a specific focus was placed on issues such as strengthening cooperation between CCO, COs, CPOs and the BAK, the demarcation of tasks, and the development of synergies to avoid duplication.

### RESPONSIBILITIES CLARIFIED

In a workshop, participants decided on the general distribution of tasks between the CPOs and the COs as well as on the approach to carrying out anti-corruption training courses for existing and new target groups. Furthermore, measures to improve the quality standards of the training courses to be conducted by the CPOs as well as measures facilitating compliance with these standards were defined at the conference. In addition, topics related to compliance in general were discussed. The event was concluded with a presentation on official liability and D&O liability given by a representative of the public institution „Finanzprokuratur“, the statutory lawyer and legal advisor of the Republic of Austria.

The “train-the-trainer” programme and the conference on the prevention of corruption were co-financed by the EU’s Internal Security Fund (ISF).

Figure 11: Conference of corruption prevention officers, 2015



## The BAK and the Austrian Anti-Corruption Day

Since 2007, the BAK has organized the Austrian Anti-Corruption Day for the public administration once a year. This inter-ministerial meeting of experts deals with diverse topics related to the prevention of and fight against corruption. It aims to provide a framework for a wide range of anti-corruption experts to discuss current challenges and issues in this field. On 7 and 8 April 2015, 135 experts from the public sector, science, civil society and the private sector participated in the 9th Austrian Anti-Corruption Day on the premises of the Federal Ministry of the Interior (Mol) in Vienna. The event was opened by Hermann Feiner, Director-General of the Directorate-General IV of the Mol, and dealt with the question, „Freedom of information vs. official secrecy – paradigm shift in the Austrian information law?”

### TRANSPARENCY IS THE WATCHWORD

On the first day, after a welcome address by Andreas Wieselthaler, Director of the BAK, various experts gave the following lectures: “Transparency

and freedom of information” (Bernd Holznagel, University of Münster), “The transparency platform ‘The Freedom of Information Forum’” (Josef Barth, Chairman of „The Freedom of Information Forum”), „Journalists have to be super-clean – The relationship between the media and corruption” (Alexandra Förderl-Schmid, daily newspaper „Der Standard”), and „Freedom and information – How healthy is our democratic system?” (Wolfgang Keck, compliance expert).

### „COMPLIANCE PRAXIS“ NETWORK

In the evening, the 17<sup>th</sup> “Compliance Praxis” Network Meeting organized jointly by the BAK and the LexisNexis publishing house was opened by Johanna Mikl-Leitner, the then Austrian Federal Minister of the Interior. More than 240 guests from the public and private sector as well as the civil society followed the panel discussion on „Accused, what next? In the field of tension between criminal defence, prosecution and the media”.

Figure 12: Group photo of the 9<sup>th</sup> Austrian Anti-Corruption Day



### **SUPPOSED TO KNOW?**

The next day, Leo Hemetsberger, business consultant, spoke about information law („From want-to-know to supposed-to-know”) and Magdalena Reinberg-Leibel, Transparency International (TI), presented TI’s study „Lobbying in Austria”. Kerstin Klingbacher, University of Klagenfurt, gave a detailed insight into the current legislation regarding official secrecy and the duty to inform as well as into the

government bill on the constitutional amendment aimed to introduce a general obligation to inform.

Finally, Andreas Wieselthaler outlined the prevention section of the draft national anti-corruption strategy (NACS).

The 9<sup>th</sup> Austrian Anti-Corruption Day was co-financed by the EU’s Internal Security Fund (ISF).

### **The BAK and the compliance training**

In October 2015, a basic training on compliance for almost 40 employees of the Federal Ministry of the Interior (Mol) was held on the premises of

the BAK. Among the attendees were corruption prevention officers, integrity officers, compliance officers as well as members of the Mol’s Department

**Figure 13:** Participants in the 9<sup>th</sup> Austrian Anti-Corruption Day



“Internal Audit” and the BAK. The seminar was led by compliance expert Barbara Neiger. She informed about the Austrian standard “ONR 192050” and the new international standard “ISO 19600” dealing with compliance management systems. These standards are instruments for a systematic approach to ensuring compliant behaviour in organizations. Participants created a risk map displaying collectively identified

compliance risks and developed a set of countermeasures.

Experts provided input on compliance regulations relating to the Austrian Travel Expenses Provisions, sponsorship, official gifts, procurement and official secrecy. The course enabled participants to implement compliance systems in their respective organizational units.

# THE BAK AND SELECTED OPERATIONAL DATA

Federal Bureau  
of  
Anti-Corruption  
Austrian



## The BAK and selected operational data

Investigating corruption offences is one of the key tasks of the BAK. The following chapter comprises a selection of data on the Bureau's operational activities.

### The BAK and the statistical data collection

The statistics of the BAK cover all cases reported to the Bureau (statistics on incoming cases). The statistical data is constantly being updated and adjusted on the basis of the results obtained in the course of the criminal investigations.

All incoming reports, allegations and suspicions are statistically recorded by the BAK, regardless of how the

Bureau has been informed about them (telephone, mail, fax, email) or whether an investigation has been initiated ex officio. In principle, the incoming items of information are received from other authorities or departments, the public prosecutor's office, private persons or anonymous sources. A preliminary examination of all incoming reports is carried out by the BAK's Single Point of Contact (SPOC).

### EXCLUSIVE VERSUS EXTENDED JURISDICTION

All cases covered by section 4, paragraph 1 (1-13) of the Federal Law on the Establishment and Organization of the Federal Bureau of Anti-Corruption (BAK-G) are registered as criminal investigation cases (so-called exclusive jurisdiction).

Due to the duty to report to the BAK, cases falling under section 4, paragraph 1 (14-15), BAK-G, which are only prosecuted by the BAK by written order of a court or a public prosecutor's office ("extended jurisdiction"), are also statistically recorded as criminal investigation cases, even though the majority of these cases (e.g. allegations of abuse) only have to be reported to but not investigated by the BAK (so-called "cases to be reported").

### CRIMINAL INVESTIGATION CASE – OR NOT?

Cases not yet assigned at the time of the data enquiry are categorized as criminal investigation cases. Likewise, acts proving to be "not relevant to criminal law" in consequence of the investigations are classified as criminal investigation cases. Requests for administrative or legal assistance are also considered as criminal investigation cases since they usually come along with investigative activities and often entail a significant workload for the BAK. The so-called "other cases", which do not fall within the BAK's remit whatsoever (e.g. disciplinary matters or misdirected mail), are not registered as criminal investigation cases. Cases from previous reporting years where investigations have not been completed are not included in the statistics of the new reporting year.

## The BAK and the criminal investigation cases

### Criminal investigation cases (2015)

Source: BAK

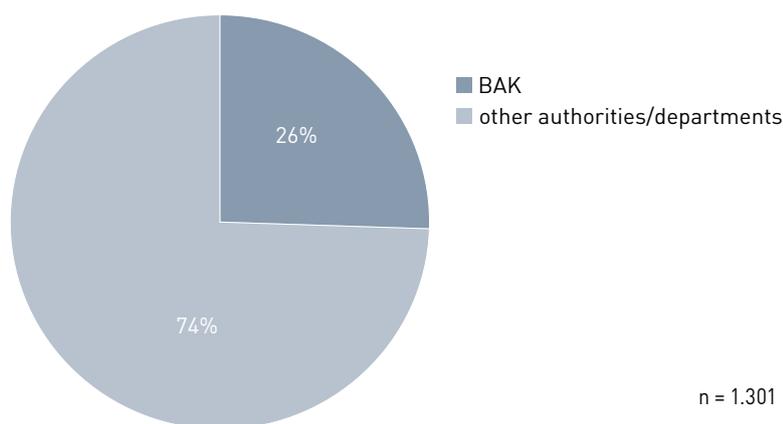


Figure 14: Criminal investigation cases in the field of corruption, 2015

In 2015, there were 1,301 criminal investigation cases, 332 (26%) of which were handled by the BAK. 969 cases (74%) were investigated by other authorities/departments, including 466 cases not falling under the exclusive jurisdiction of the BAK, i.e. cases which had to be reported to but not investigated by the Bureau (see chapter "The BAK and the statistical data collection").

255 of the 332 investigation cases handled by the BAK came under the exclusive jurisdiction of the Bureau (section 4, paragraph 1 [1-13], BAK-G), 11 cases were investigated due to the BAK's extended jurisdiction (section 4, paragraph 1 [14-15], BAK-G), 22 of them were requests for administrative or legal assistance. 44 cases had not yet been assigned at the time of the data enquiry.

Regarding the 969 cases taken on by other authorities/departments (except for the "cases to be reported", see chapter "The BAK and the statistical data collection"), it has to be stated that the BAK, within the framework of its exclusive jurisdiction, may assign certain investigations to other law enforcement authorities and departments for reasons of expediency (section 6, paragraph 2, BAK-G). It may also 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 (section 6, BAK-G).

## **CONCLUDED CASES AND CLEAR-UP RATE**

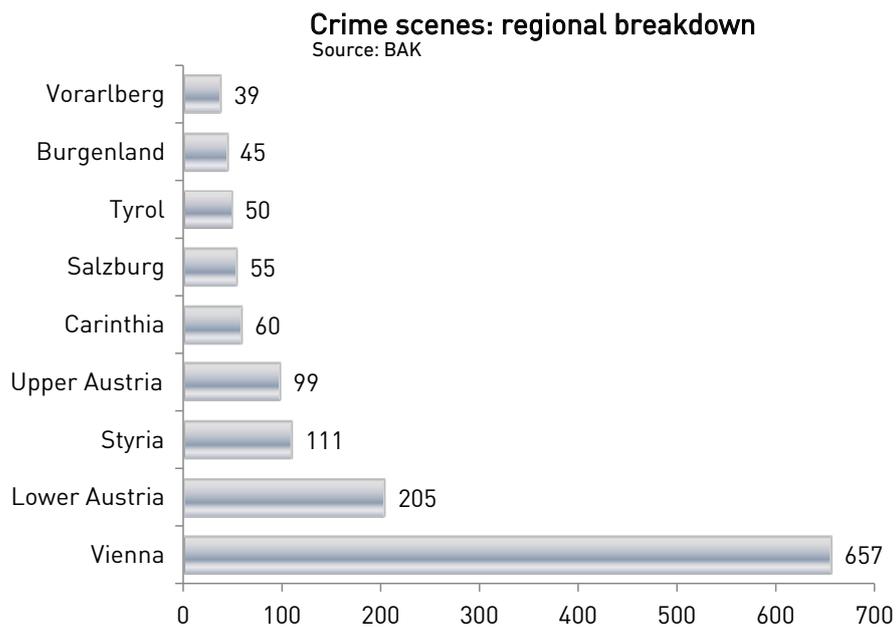
In the reporting year, a total of 1,036 (80%) of 1,301 cases investigated were concluded. The BAK concluded 232 (70%) of its 332 cases. This means that, in addition to ongoing investigations of previous years, 100 cases not completed in 2015 will be further investigated in the next year, but not included in the 2016 statistics. Therefore, the BAK's statistics do not reflect the actual workload of the Bureau; because of their complexity, numerous cases are being investigated over a period of several years.

827 of 1,036 cases concluded were solved (clear-up rate: 80%). The BAK solved 164 (71%) of 262 cases concluded in the reporting year. A case is classified as "solved" if at least one perpetrator could be identified by name.

### CRIME SCENES: REGIONAL BREAKDOWN

A total number of 1,346 crime scenes was registered for the 1,301 criminal investigation cases of 2015. 11 of these crime scenes remained unknown, 14 offences were committed abroad and 1,321 in Austria.

The reason for the fact that the number of crime scenes is higher than that of cases is that in cases including several offences or offences committed over a long period of time, there may be more than one crime site.



**Figure 15:** Number of crime scenes per federal province

This figure depicts the regional breakdown of the 1,321 crime scenes in Austria. As in the previous years, the majority of the offences were committed in Vienna (50%), followed by the federal provinces of Lower Austria (16%), Styria (8%) and Upper Austria (7%). 5% of the crime scenes were registered in Carinthia, 4% of them both in Tyrol and Salzburg, and 3% both in Vorarlberg and 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: Statistik Austria). Moreover, all federal ministries as well as the majority of the federal agencies are located in Vienna. Furthermore, most of the major demonstrations and events – and thus the bulk of all police operations – take place in Vienna and its surroundings.

## THE BAK AND THE CRIMINAL OFFENCES INVESTIGATED

The following figure shows the criminal offences which were the subject of 1,273 criminal investigation cases. Not included in these numbers are 25 requests for administrative or legal assistance and three cases not relevant to criminal law. This is why the number of cases in this figure is

1,273 and not 1,301. The basis for the following statistics is the “principal offence” of each case, i.e. the criminal act determining the level of penalty. The 1,301 criminal investigation cases included a total number of 2,657 punishable acts. The list focuses on offences falling under the exclusive jurisdiction of the BAK.

### Punishable acts (based on the principal offence of each case)

Criminal offences under the Austrian Penal Code (StGB)	BAK	Other authorities or departments	Total
§ 153 Breach of trust	8	7	15
§ 153a Acceptance of gifts by persons holding a position of power	1	1	2
§ 165 Money laundering	3	1	4
§ 168b Agreements restricting competition in procurement procedures	4	3	7
§ 302 Abuse of official authority	235	455	690
§ 304 Corruptibility	11	5	16
§ 305 Acceptance of an advantage	2	2	4
§ 306 Acceptance of an advantage with intent to be influenced	4	0	4
§ 307 Bribery	7	1	8
§ 307a Offering an advantage	0	2	2
§ 307b Offering an advantage with intent to influence	1	0	1
§ 308 Illicit intervention	1	0	1
§ 309 Acceptance of gifts and bribery of employees or agents	5	4	9
§ 310 Breach of official secrecy	16	16	32
§ 313 in connection with §§ 83, 84, 95, 105, 107, 125, 127, 133, 134, 146, 148, 153, 201, 205, 222, 223	7	402	409
Other criminal offences under the Austrian Penal Code (StGB)	5	61	66
Other acts relevant to criminal law	0	3	3
<b>Total</b>	<b>310</b>	<b>963</b>	<b>1.273</b>

Figure 16: List of punishable acts, 2015

Source: BAK

## CRIMINOLOGICAL CATEGORY – FOCUS OF THE INVESTIGATION

As the criminal offences themselves only reveal little about the underlying corruption phenomena, the principal offence of each case is allocated to one of 28 so-called criminological

categories. The following table shows the ten criminological categories most frequently occurring in the 1,273 criminal investigation cases of 2015 (i.e. the requests for administrative or legal assistance and the cases not relevant to criminal law are not included).

### Criminological category

Criminological category	BAK	Other authorities or departments	Total
Allegations of abuse	4	350	354
Procedural flaw	86	140	226
Other punishable acts in connection with the abuse of an official function	19	116	135
Initiation of a proceeding	17	78	95
Data enquiry or disclosure of data	46	34	80
Infrastructure	18	62	80
Criminal offences against persons	5	44	49
General complaints	17	23	40
Permits and expert opinions	6	29	35
Financial management	15	19	34
Others	77	68	145
Total	310	963	1.273

**Figure 17:** Criminological categories (total number of criminal investigation cases), 2015

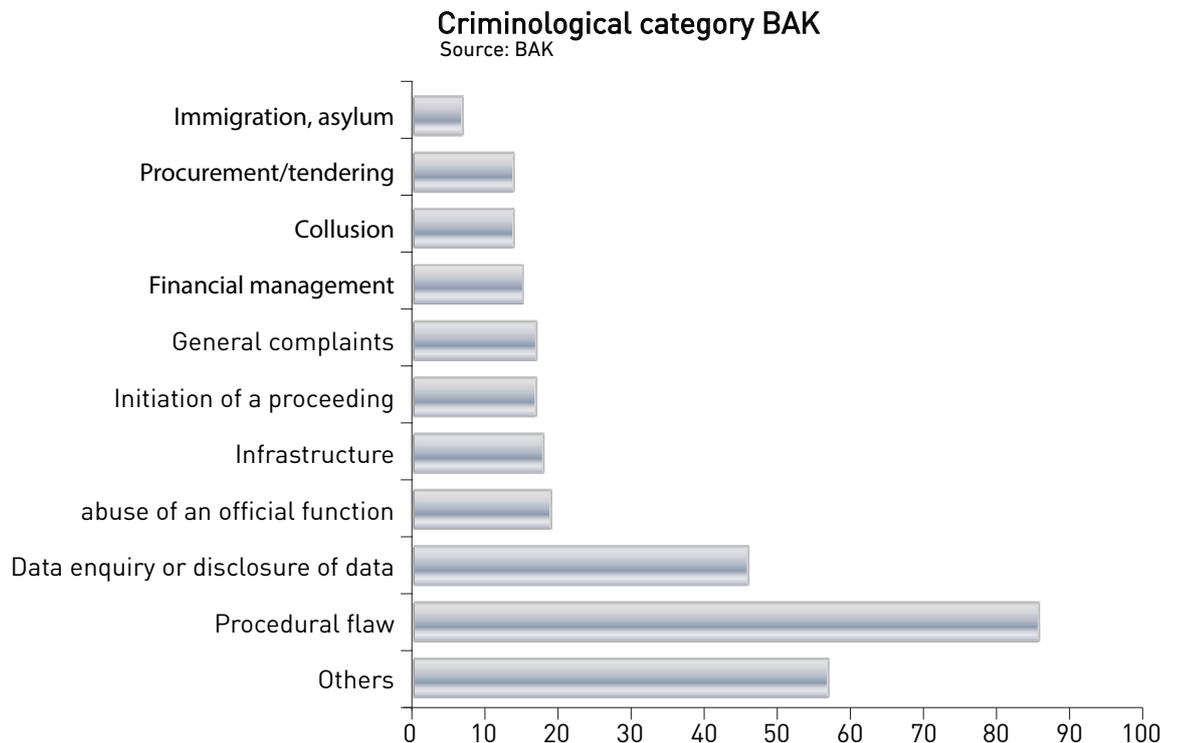
Source: BAK

28% of the cases were classified as “allegations of abuse”, i.e. bodily harm in connection with the abuse of an official function. Other punishable acts in connection with the abuse of an official

function (§ 313 in connection with...) accounted for 11% of the cases, most commonly including theft, fraud and coercion.

The category “Procedural flaw” (e.g. breach of the right to a hearing, incorrect assessment of evidence or biased administrative action) made up 18% of the cases. In 7% of the cases, the initiation of a proceeding was not correct (i.e. non-reception or insufficient reception/documentation of complaints). The categories “Data enquiry or disclosure of data” and “Infrastructure” (e.g. corruption in the context of planning permissions, purchase and rental of properties, spatial and land-use planning) each accounted for 6%. 4% of the cases fell under the criminal category “Criminal offences against persons” (i.e. offences committed by civil servants that are not related to their official function).

“General complaints” (i.e. complaints not clearly assignable to a category), “Permits and expert opinions” (i.e. failure to properly grant licences and permits or favourable expert opinions) and “Financial management” (of public funds) each made up 3% of the cases. The group “Others” includes the remaining criminal categories which do not occur frequently, such as collusion, inadequate procurement/tendering procedures, misuse in the context of funding and subsidies, misuse of supervisory powers, or irregularities in the fields of immigration, asylum and human resources. These percentages are largely consistent with those of previous years.



**Figure 18:** Criminological categories (cases investigated by the BAK), 2015

## **INVESTIGATIONS OF THE BAK: THE MOST COMMON CRIMINOLOGICAL PHENOMENA**

Due to the BAK's exclusive jurisdiction, the ten most common criminological categories of the cases investigated by the BAK and their percentages are distributed in a different way than those of the totality of the registered criminal investigation cases described in the previous part of this chapter. In

particular, the categories "Allegations of abuse" and "Criminal offences against persons" are practically non-existent, because usually, cases of this kind are mere "cases to be reported" (see chapter "The BAK and the statistical data collection") which only have to be prosecuted by the BAK if there is a written order of a court or a public prosecutor's office (section 4, paragraph 1 (15), BAK-G).

## **The BAK and examples of its investigations**

Since 2013, the number of cases involving allegations against prison officers has been increasing significantly in several prisons all over Austria. The following chapter includes examples of investigations in this context.

Prosecutor's Office pressed charges of abuse of official authority, complicity in drug trafficking and abuse of an official function. In January 2016, the trial ended with three convictions and six acquittals. Among other persons, a female prison officer was conditionally sentenced to 15 months imprisonment and a fine.

### **TRAFFICKING OF MOBILE PHONES AND DRUGS IN THE PRISON**

In 2013, the BAK launched complex and difficult investigations in the Garsten prison in Upper Austria. All relevant investigative techniques provided for by the Austrian Code of Criminal Procedure were applied (e.g. wiretapping, undercover investigations, deployment of informers, surveillance et al.).

As a result, more than 30 alleged offences relating to the trafficking of mobile phones and drugs were uncovered. The Steyr Public

### **SEXUAL ABUSE OF FEMALE PRISONERS**

As a result of extensive investigations the BAK had conducted since 2013 by order of the Vienna Public Prosecutor's Office, a former prison officer of the Wien-Josefstadt prison was convicted in 2015. He had been accused of sexual acts with female prisoners. The investigations proved to be time-consuming and difficult, especially because of the fact that the offence had been committed quite a long time ago. The investigations were

supported by different measures including house searches (prison departments and flats) and interception of telecommunications.

### **PREVENTIVE MEASURES FOR PRISONS REQUIRED**

Ultimately, these incidents in Austrian prisons led to the development of a prevention project by the BAK's Department of Prevention and the Ministry of Justice at the end of 2015 (see chapter "The BAK and the corruption prevention advisory programme for prisons"). In order to avoid similar occurrences, the Ministry of Justice and the BAK strive to implement organizational changes as part of a risk analysis process and to raise prison officers' awareness of this issue.

### **CASES OF ABUSE INVESTIGATED BY THE BAK**

In 2015, the Unit of Internal Affairs of the BAK's Operational Service (Department 3) investigated six cases of alleged abuse committed by police officers in connection with coercive measures. In investigations of this kind, the BAK pays special attention to avoiding bias and ensuring objectivity.

### **THE BAK AND ITS ASSET INVESTIGATIONS**

In the calendar year 2015, the team "Asset Investigations" monitored 19 investigation cases, and, in this context, submitted ten reports including

proprietary suggestions to the public prosecutor's office. In four cases, property and assets of several million euros were seized on the basis of court instructions or decisions.

### **MONEY LAUNDERING AND MUTUAL LEGAL ASSISTANCE**

In the field of asset investigations, 29 allegations of money laundering were assessed, 17 of these cases were taken on for further investigation. Moreover, the Operational Service handled eight requests for legal assistance and answered numerous requests on investigation cases received via the SIENA communication channel.

### **CRIME ANALYSIS IN COMPLEX CASES**

The two analysts of the Unit of Legal Affairs, Analysis and Statistics received a total of 24 complex investigation cases with diverse requirements and different amounts of data from the criminal investigators of the Operational Service for the purpose of carrying out crime analyses.

In 2015, the team "Asset Investigations" was further expanded. To this end, several criminal investigators participated in specific training courses in Austria and abroad.



# THE BAK AND ITS INTERNATIONAL ACTIVITIES

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## The BAK and its international activities

Within the framework of its legal mandate, the BAK shall, in accordance with section 4, paragraph 2, of the Federal Law on the Establishment and Organization of the Federal Bureau of Anti-Corruption (BAK-G), cooperate with relevant foreign authorities/departments as well as with European and international institutions and act as their national point of contact. Therefore, the BAK exchanges experiences with comparable anti-corruption authorities/departments and is represented, depending on the resources available, in the relevant European as well as international bodies.

### **The BAK and its bi- and multilateral cooperation**

In 2015, numerous visits to the BAK as well as the participation in official meetings and conferences abroad contributed to further strengthening cooperation with

foreign anti-corruption authorities or departments and international anti-corruption institutions. Once again, the geographical focus was on Europe and Asia.

### **COOPERATION WITH CROATIA**

In February 2015, for example, two representatives of the BAK took part as speakers in a three-day workshop on “Fighting corruption within the police” in Zagreb. The event was initiated by the Croatian Ministry of the Interior and co-funded by the EU within the TAIEX programme.

### **COOPERATION WITH SOUTH KOREA**

Moreover, a ten-person delegation from the South Korean province of Gyeonggi visited the BAK on 15 April 2015 to learn about the Bureau’s tasks and current activities. The guests from South Korea were particularly interested in the BAK’s investigative techniques, awareness-raising measures and corruption prevention advisory service.

### **COOPERATION WITH HUNGARY**

In order to enhance bilateral cooperation, a memorandum of understanding (MoU) between the BAK and the Hungarian counterpart, the National Security Service (NVSZ), was signed in Vienna in June 2015. The exchange of information based on this memorandum aims to contribute to more effectively preventing and combating corruption and to facilitate the pursuit of common goals and interests.

After signing the MoU, the representatives of both institutions came together for an expert discussion on corruption prevention.



**Figure 19:** Signing of the memorandum of understanding with the Hungarian NVSZ

**16<sup>TH</sup> INTERNATIONAL ANTI-CORRUPTION CONFERENCE:  
„ENDING IMPUNITY: PEOPLE,  
INTEGRITY, ACTION“**

In September 2015, the Head of the Department „Prevention, Education and International Cooperation“ and the Head of the Unit „International Cooperation“ participated in the 16th International Anti-Corruption Conference (IACC) in Putrajaya, Malaysia. The BAK had been invited to attend this event by the Malaysian Anti-Corruption Commission (MACC). The two anti-corruption authorities have maintained regular contact since the signing of a memorandum of understanding in 2014. The IACC is a series of conferences organized every two years by the IACC Council and Transparency International (TI) in cooperation with the respective host country (i.e. usually by the national government and the TI National Chapter). It is an innovative forum to exchange the latest findings and discuss current challenges in fighting corruption. Over 1,000 international delegates from public administration, various international organizations and civil society took part in this year's conference themed „Ending Impunity: People, Integrity, Action“.

**OFFICIAL VISITS TO THE BAK: FROM KUWAIT TO FINLAND, MOLDOVA AND SERBIA**

In autumn 2015, meetings with, inter alia, representatives of the Finnish Ministry of Justice, the Kuwaiti anti-corruption

authority KAnCor, the Moldovan National Anti-Corruption Center (NAC) and the anti-corruption unit of the Serbian customs administration took place in the BAK. The aim of these bilateral visits was to provide the delegations with an overview of the BAK's structure and responsibilities and to exchange experiences on various topics.



**Figure 20:** The Finnish delegation and representatives of the BAK



**Figure 21:** The delegates of the Kuwaiti anti-corruption authority in the BAK

## **The BAK and international police cooperation and administrative assistance**

### **SIENA – A NEW FORM OF COMMUNICATION**

Also in 2015, the BAK handled, in accordance with its legal mandate, international requests for administrative assistance regarding corruption offences. Since June 2013, Europol's Secure Information Exchange Network Application (SIENA) is used for this purpose. When using SIENA, the participating authorities/departments must comply with data protection regulations and various other legal provisions relating to international police cooperation. As the application speeds up the handling of requests for administrative assistance, it is an essential part of the BAK's international communication (also see chapter "The BAK and SIENA for Anti-Corruption Authorities (S4ACA)").

### **POLICE LIAISON OFFICERS ACCREDITED TO AUSTRIA VISITED THE BAK**

In order to further improve international police cooperation, the BAK organized an international conference for the police liaison officers accredited to Austria. The event, held on 8 October 2015 in the premises of the BAK, was attended by more than 30 police attachés from 17 countries and representatives of the Austrian Federal Public Prosecutor's Office for Combating Economic Crime and Corruption (WKStA). It was carried out in cooperation with the responsible

department of the Criminal Intelligence Service Austria. The presentations given by the Head of the Department "International Police Cooperation and Wanted/Missing Persons and Stolen Property" of the Criminal Intelligence Service Austria (BK) as well as by senior officials of the BAK gave the liaison officers an insight into the powers and tasks of the BK as well as into the structure, strategy and operational methods of the BAK. Furthermore, examples of operational cooperation with foreign security authorities were presented to the participants.



**Figure 22:** Conference of the liaison officers in the BAK

## The BAK and the UNCAC (United Nations Convention against Corruption)



The United Nations Convention against Corruption (UNCAC) entered into force on 14 December 2005 and was ratified by Austria on 11 January 2006. In order to implement the convention and to

enhance the exchange of information and experience, there are meetings and conferences of several committees and bodies, namely the UNCAC working groups, the Implementation Review Group and the Conference of the States Parties (COSP). The sessions of the IRG and the working groups take place once a year at the UNODC headquarters in Vienna, the COSP is held every second year at the invitation of the government of a State Party to the UNCAC.

### CONFERENCE OF THE STATES PARTIES IN SAINT PETERSBURG

From 2 to 6 November 2015, the Sixth Conference of the States Parties to the

UNCAC took place in Saint Petersburg, Russia. Members of the Austrian Federal Ministry for Europe, Integration and Foreign Affairs, the Austrian Federal Ministry of Justice and the BAK represented Austria at this event.

### SUCCESS: RESOLUTION ON PROMOTING AWARENESS-RAISING MEASURES

Austria had proposed a resolution on promoting awareness-raising measures in the fields of education and professional advanced training for persons working in the area of combating and preventing corruption. Its adoption at the COSP was a major success. However, the main focus of the 6<sup>th</sup> COSP was on the decisions to be taken in relation to the start of the second review cycle during which the implementation of the Chapters II (Preventive measures) and V (Asset recovery) of the UNCAC will be evaluated.



## The BAK and GRECO (Groupe d'Etats contre la Corruption)



On 1 December 2006, Austria joined the Council of Europe's Group of States against Corruption (GRECO). Following the multidisciplinary approach of the Council of Europe regarding the fight against corruption, GRECO has

to evaluate the compliance with and implementation of the relevant legal instruments adopted by the Council of Europe.

### START OF THE 5<sup>TH</sup> EVALUATION ROUND IN 2017: CORRUPTION PREVENTION AND PROMOTION OF INTEGRITY

In October 2015, the Head of the Unit „International Cooperation“ participated in the 69<sup>th</sup> GRECO Plenary

Meeting in Strasbourg as nominated rapporteur. At this meeting, the subject of the fifth evaluation round (“Preventing corruption and promoting integrity in central governments [top executive functions] and law enforcement agencies”), to be launched in 2017, was determined.

### INFORMATION REGARDING OPEN RECOMMENDATIONS SUBMITTED

Moreover, Austria was obliged to submit additional information about the implementation of the outstanding recommendations of the third evaluation round (Theme I: Incriminations, Theme II: Transparency of Party Funding) by 30 September 2015.

Further information is available at [www.coe.int/t/dghl/monitoring/greco/default\\_en.asp](http://www.coe.int/t/dghl/monitoring/greco/default_en.asp).

## The BAK and anti-corruption work at EU level



On the basis of the Communication of the European Commission (EC) on Fighting Corruption in the EU, issued in 2011,

the first EU Anti-Corruption Report was published in February 2014. During the first half of 2015, the

EC organized meetings to inform representatives of anti-corruption authorities of EU Member States about the preparatory work for the second EU Anti-Corruption Report to be released in 2016. In February 2015, the Head of the Department „Prevention, Education and International Cooperation“ took part in one of these meetings.

Furthermore, the BAK supported the work at EU level with opinions on corruption-related topics which are addressed in the Council Working Groups.

Further information can be found at: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/index_en.htm).

## **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 Anti-Corruption Network” (EACN) are independent platforms for anti-corruption and police oversight bodies designed to maintain contacts and exchange information in the field of the fight against corruption.

### **WORKING GROUP ON THE EU ANTI-CORRUPTION REPORT**

Based on the decisions of the EPAC/EACN Annual Professional Conference in November 2014, a specially set up EPAC/EACN working group dealing with the EU Anti-Corruption Report started its activities in 2015. Its objective is to prepare the recommendations and contributions of EPAC/EACN for the second EU Anti-Corruption Report. For this purpose, two meetings were convened in Brussels in March and June 2015. One representative of the BAK participated in these sessions.

### **15<sup>TH</sup> ANNUAL PROFESSIONAL CONFERENCE IN PARIS**

In November 2015, the 15th Annual Professional Conference and Session of the General Assembly of the aforementioned networks took place in Paris at the invitation of the French Inspection Générale de la Police Nationale (IGPN). Within the framework of a plenary session, the Director of the BAK presented the theoretical background and practical experiences regarding the link between corruption prevention and anti-corruption investigations.

At the end of the EPAC/EACN Annual Professional Conference, the „Paris Declaration 2015” was adopted. This declaration primarily calls for intensified cooperation and information exchange between anti-corruption authorities and police oversight bodies in Europe via the newly launched EPAC/EACN communication channel on the Europol Platform for Experts (EPE). This communication channel on EPE was created in 2015 on the initiative of the BAK and thanks to the efforts of another specially set up

EPAC/EACN working group on the topic „Need for and possibilities of a joint communication platform for

a swift communication exchange“. For more information, please see [www.epac-eacn.org](http://www.epac-eacn.org).

## The BAK and OLAF/OAFCN



The network OAFCN (OLAF Anti-Fraud Communicators' Network) of the European Anti-Fraud Office (OLAF) provides a platform for representatives of national anti-

fraud and anti-corruption authorities. It facilitates the exchange of experiences regarding the dissemination of information on the fight against fraud and corruption.

Additionally, it supports OLAF and the members of the network in promoting and improving their public relations.

In March 2015, the Head of the Unit „International Cooperation“ attended the 25th OAFCN meeting in Brussels at which, inter alia, the latest political developments in the field of fighting fraud and corruption, the new funding programme of the EU aimed at fighting fraud (Hercule III), and the implementation of the OAFCN Action Plan 2014 were discussed. Besides, diverse case studies and the draft OAFCN Action Plan 2015 were presented for discussion.

Further information can be found at: [http://ec.europa.eu/anti\\_fraud/media-corner/anti-fraud-communicators-network/index\\_en.htm](http://ec.europa.eu/anti_fraud/media-corner/anti-fraud-communicators-network/index_en.htm).

## The BAK and the OECD



The OECD Convention on Combating Bribery of Foreign Public Officials in International

Business Transactions is a legally binding anti-corruption instrument. On 19 July 1999, it entered into force in Austria.

The OECD Working Group on Combating Bribery of Foreign Public

Officials monitors the progress of the implementation of the OECD Convention. In 2015, the BAK again followed the work of this working group and submitted the required contributions on the implementation of the convention to the responsible ministry (Austrian Federal Ministry of Justice).

## The BAK and SIENA for Anti-Corruption Authorities (S4ACA)

On the basis of the EU Programme “Prevention of and Fight against Crime 2007-2013 (ISEC)”, the BAK initiated the project “SIENA for Anti-Corruption Authorities (S4ACA)” in February 2014. In summer 2014, EU co-funding was granted to this project.

The project aims to improve the operational and strategic information exchange between European anti-corruption authorities/departments and between them and Europol by using a step-by-step connection to Europol’s Secure Information Exchange Network Application (SIENA).

The Polish Central Anti-Corruption Bureau (CBA) is the BAK’s project partner, Europol is an associate partner.

### **KICK-OFF CONFERENCE IN KRAKOW**

After a kick-off conference in Krakow, Poland, in February 2015, the project continued with a series of workshops and training seminars organized throughout the year in Vienna, Warsaw and The Hague.

In the course of these events, the topics determined at the kick-off conference were discussed in detail. Moreover, the persons who would be responsible for the implementation of S4ACA received technical training. A preparatory meeting held in Austria in October 2015 launched the pilot phase (lasting from November 2015 to April 2016). During this period, participants practise the use of SIENA. An evaluation meeting scheduled for May 2016 will provide a platform for discussing open questions and solving potential problems.

**Figure 23:** S4ACA: preparatory meeting for the pilot phase



## FINAL CONFERENCE IN VIENNA



A conference held in Austria in October 2016 will mark the end of the S4ACA project.

At this final conference, the results of the entire project will be presented and several important issues will be dealt with in detail.



The project participants use the innovative and secure online platform EPE (Europol Platform for Experts), which is provided by Europol, for the purposes of communication and information exchange, for organizational and administrative matters, for the preparation of the project meetings as well as for processing and archiving documents.

For additional information, please see: [http://www.bak.gv.at/cms/BAK\\_en/s4aca/start.aspx](http://www.bak.gv.at/cms/BAK_en/s4aca/start.aspx).

## The BAK and the EU's Internal Security Fund (ISF), 2014–2020



As one of the EU's funding instruments, the ISF facilitates the financial support of national measures in the areas of police cooperation as well as prevention of and fight against crime. The BAK successfully applied for a total of four projects and already started working on these EU-funded projects in 2014.

In 2015, the following four projects contributed to improving corruption prevention and strengthening the fight against corruption:

- "Anti-corruption training for members of the civil service as well as establishment and

management of a national network of anti-corruption officers",

- "Expansion of cooperation between the public and the private sector and the civil society in anti-corruption matters",
- "Education and training measures for criminal investigators of the BAK",
- "Analysis of corruption and integrity in Austria".

The BAK will strive to maintain the added value of these projects even after their official end.

# THE BAK AND ITS PUBLICATIONS

Federal Bureau  
of  
Anti-Corruption  
Austrian



**Figure 24:** 8<sup>th</sup> edition of the annual series “Corruption and Abuse of Official Authority”

## The BAK and its publications

### **The BAK and the annual series “Corruption and Abuse of Official Authority” (“Korruption und Amtsmissbrauch”)**

In September 2015, the book’s eighth edition was released in cooperation with the publisher “MANZ”. It provides, as has been usual in the previous editions, a comprehensive overview of

the content and interpretation of the most important provisions of Austrian criminal law relating to corruption and abuse of official authority. Using closed cases and current investigations as

practical examples, 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 of Justice) and Eva Marek (Head of

the Vienna Senior Public Prosecutor's Office), describe in a clear manner the complex Austrian legislation in this field. This latest edition includes new, comprehensive case examples and describes recent court decisions.

### **The BAK and the publication “Corruption Prevention in Theory and Practice”**

From 2013 to 2014, the Austrian Federal Bureau of Anti-Corruption (BAK) organized a total of ten expert panels to promote discussion on new approaches and best practices in the fields of politics and business regarding the prevention of corruption, the promotion of integrity and compliance. The results of these events were compiled in the edited volume “Corruption

Prevention in Theory and Practice” (“Korruptionsprävention in Theorie und Praxis”). It contains a variety of contributions, ranging from special anti-corruption training courses and ethical guidelines to codes of conduct and compliance systems. Furthermore, the results were integrated into the prevention section of the first Austrian anti-corruption strategy (NACS).

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