

Annual Report 2021

Federal Bureau of Anti-Corruption

Annual Report 2021

Federal Bureau of Anti-Corruption (BAK)

Vienna, 2022

Preface

Dear Madam or Sir,

as Acting Director of the Federal Bureau of Anti-Corruption (BAK), I have the pleasure of presenting to you the BAK Annual Report for the year 2021.

In 2021, the Corona pandemic again posed a major challenge for the BAK. However, the implementation of a Corona prevention concept and ongoing adjustments to the pandemic situation enabled the BAK to maintain its work processes as smoothly as possible. The comprehensive workload in the areas of corruption prevention and anti-corruption was fulfilled by all departments again in 2021. The employees of the BAK have shown and continue to show on a daily basis that they make a significant contribution to the prevention of and fight against corruption with their motivated and professional commitment.

This report is an account of the activities undertaken and success achieved by the BAK within its scope of prevention, education, security and criminal police investigation and international cooperation. In addition to a busy year in the field of criminal investigations, we also look back on successful projects in corruption prevention. For example, the anniversary conference and general assembly of „European Partners against Corruption“ and „European contact-point network against corruption“ (EPAC/EACN) took place in Vilnius (Lithuania) in 2021. In a hybrid format, participants from 54 authorities from 30 countries reviewed the past 20 years of the networks and discussed new ways of anti-corruption and police oversight. A delegation of the BAK also participated in the ninth Conference of the States Parties to the United Nations Convention against Corruption (UNCAC) in Sharm el Sheik (Egypt). This conference was one of the largest anti-corruption gatherings in the world.

Through ongoing national and international cooperation, it was possible to foster existing relationships and further develop the prevention of and fight against corruption in 2021.

Otto Kerbl
Acting Director

Imprint

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Introduction

In view of the ongoing COVID-19 pandemic, the BAK was again faced with a plethora of challenges in 2021. Staff members had to adapt the tasks in their area of activity to the existing circumstances in order to be able to continue to guarantee the usual high level of task fulfilment. In addition to their regular work, several staff members supported the SKKM coordination staff COVID-19 (State Crisis and Disaster Management, SKKM) established at the Austrian Federal Ministry of the Interior also in 2021.

As in the previous year, the prevailing situation also changed social and professional dealings. Some trainings, network meetings, courses and prevention events could only be carried out digitally or sometimes as a hybrid event. Operational services and all support services, such as operational case analysis or IT forensics, also had to be adapted to the pandemic developments in order to be able to guarantee a smooth and consistent flow of investigative activities.

In addition to the flexibility of every employee, this also required the constant adaptation of work processes and the further expansion of technical and digital solutions in order to be able to successfully manage the abundance of tasks of the BAK, also with a view to the future. The 2021 Annual Report of the Federal Bureau of Anti-Corruption (BAK) reflects some of these challenges.

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1

The BAK – a brief outline

The BAK – organisational structure

The BAK is an institution of the Austrian Federal Ministry of the Interior. Organisationally speaking, it is established outside the Directorate-General for Public Security (see section 1 of the Federal Law on the Establishment and Organisation of the Federal Bureau of Anti-Corruption (BAK-Act)), namely within Directorate-General (DG) III and directly responsible to the Director of DG III. In the reporting period, the BAK was divided into three departments, with three units each.

The BAK's Contact Office

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

Resources, Support and Legal Affairs

Department 1 provides the entire support for the Federal Bureau. Its responsibilities range from human resources, budget, controlling, fleet management, logistics, media analysis, public relations and arranging for workplace health promotion events, to IT infrastructure management, preservation of evidence in the field of IT, analysis of data and visualisation, statistical analysis of the BAK's activities, various legal services for the BAK as well as implementation and supervision of the BAK's own compliance management system.

Prevention, Education and Basic Research

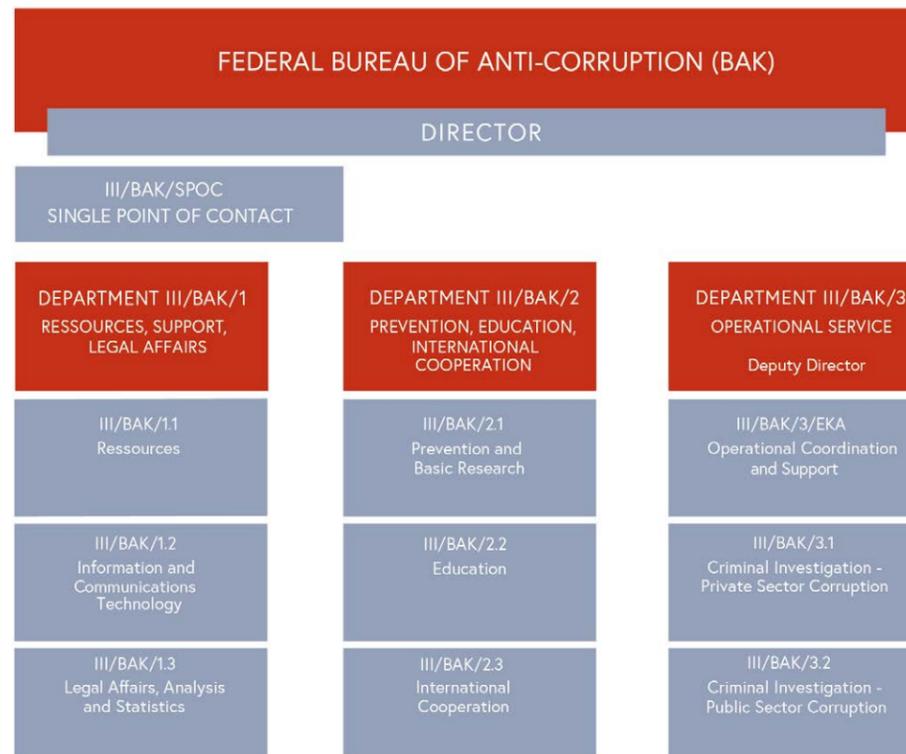
Department 2 of the BAK focuses, among other things, on corruption prevention and basic research. This comprises preventive activities in the entire civil service, the implementation of studies, as well as scientific exchange and the support and supervision of external projects, e.g. the National Anti-Corruption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

The BAK's activities in the field of education are supported in each regional police directorate by corruption prevention officers (CPOs).

In coordination with the BAK, the CPOs give lectures and carry out advanced training courses on issues related to corruption prevention in their respective region. They thus contribute to saving resources (less travel expenses).

Operational Service

Department 3 is where the BAK's operational casework takes place. This is where security police investigations and criminal investigations of corruption offences, abuse of official authority and internal affairs are carried out. In the two units „Criminal Investigation – Private Sector Corruption“ and „Criminal Investigation – Public Sector Corruption“, investigations are conducted by experienced case owners who, depending on the scope of the file, are supported by investigators, some of whom are assigned to the service from other units. The unit „Operational Coordination, Asset Investigations and Operational Analysis“ (EKA) is responsible for the coordination of operations, operational case analysis and asset recovery.



BAK Organisational Chart 31.12.2021

The BAK – legal basis

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

Jurisdiction in matters of security and criminal police investigation

Pursuant to section (§) 4 paragraph 1 BAK Act, the BAK has nationwide jurisdiction in matters of security police and criminal investigation concerning the following criminal offences:

1. Abuse of official authority (§ 302 Penal Code),
2. Corruptibility (§ 304 Penal Code),
3. Acceptance of an advantage (§ 305 Penal Code),
4. Acceptance of an advantage for the purpose of exerting influence (§ 306 Penal Code),
5. Bribery (§ 307 Penal Code),
6. Offering an advantage (§ 307a Penal Code),
7. Offering an advantage for the purpose of exerting influence (§ 307b Penal Code),
8. Illicit intervention (§ 308 Penal Code),
- 8a. Breach of official secrecy (§ 310 Penal Code),
- 8b. Breach of § 18 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. 3, § 313, or in conjunction with § 74 para. 1 no. 4a Penal Code),
- 9a. Misuse of funds and assets to the detriment of the financial interests of the European Union (§ 168d Penal Code),
10. Acceptance of gifts by persons holding a position of power (§ 153a Penal Code),
11. Agreements restricting competition in procurement procedures (§ 168b Penal Code) as well as serious fraud (§ 147 Penal Code) and commercial fraud (§ 148 Penal Code) on the basis of such agreement,

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

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

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

15. Acts punishable pursuant to the Penal Code 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 para. 1 (11-13) BAK Act, the BAK, pursuant to § 28 para. 1 sentence 2 Penal Code, may only be the authority in charge if the above-mentioned criminal offences are relevant for determining the extent of the punishment.

International cooperation

International cooperation by the BAK is explicitly laid down in § 4 para. 2 BAK Act: 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. 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.

The BAK – corruption prevention activities

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

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

Duty to report and right to report

§ 5 BAK Act provides for duty to report and right to report. Without prejudice to their duties to report defined by the Code of Criminal Procedure (StPO) of 1975, Federal Law Gazette no. 631/1975, law enforcement authorities or departments receiving notice of a criminal offence defined in § 4 para. 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 para. 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 Act) also regulates cooperation with other authorities and departments. For reasons of expediency, the BAK may assign individual investigations to other law enforcement authorities and departments (§ 6 para. 2 BAK Act); 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 para. 3 BAK Act).

Legal protection

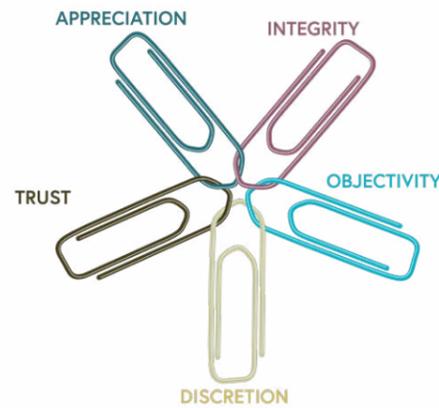
The Commission for Legal Protection was established as a special form of legal protection. It is an independent body not bound by instructions and subject to official secrecy. It consists of the Legal Protection Officer, as defined in § 91a Security Police Act (Sicherheitspolizeigesetz – SPG), and two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

2

The BAK – strategy and basic research

The BAK – mission statement

The employees of the BAK pledged themselves to the following values in their working practice:



The five basic values of the BAK's mission statement



The BAK – compliance management system

The Federal Bureau of Anti-Corruption (BAK) has had an effective compliance management system in place for six years. The special challenge last year was to maintain and further strengthen awareness of compliance and risk management despite the pandemic and the spatial distance of staff members it so often entailed. Thus, the ongoing digitalisation was intensified, for example by revising the BAK Infoboard, an internal communication platform on the BAK Intranet. To this end, an employee survey was launched to gather feedback regarding the platform and to make it even more accessible, relevant and thus attractive by incorporating the survey results. The entire process for evaluating individual risks was also digitalised and staff members were able to carry it out from their home offices or at the office.

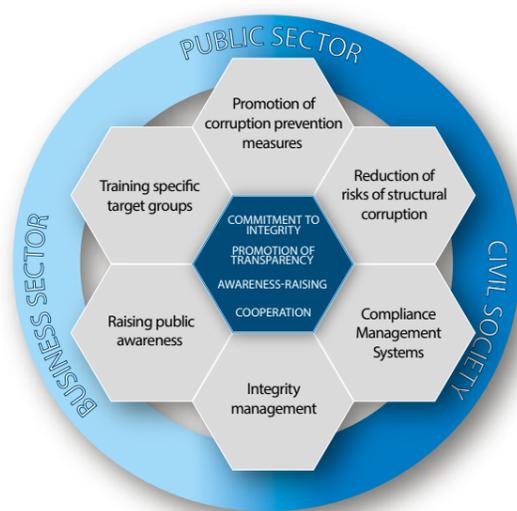
With regard to the risk management system, the focus was on the harmonisation of risks as well as the modernisation of the system in consideration of the new ÖNORM Series D 4900. As of December 2021, the BAK's risk management system covers 56 risks, which are divided into the following seven categories: budget, information security, communication, operational, personnel, legal and security. As part of the evaluation that took place in the summer of 2021, the responsible stakeholders developed twelve new measures that serve to minimise risks.

The compliance activity report provides an insight into the compliance and risk management system. In it, the BAK reports on how the compliance management system has developed, how it meets the specific requirements at the BAK and which compliance measures have already been implemented or are planned for the near future. The report is prepared every two years and published on the BAK Homepage under the heading „Compliance“.

Action Plan for the National Anti-Corruption Strategy

In 2018, Austria's National Anti-Corruption Strategy (NACS) was adopted by the Federal Government in accordance with the relevant provisions of the United Nations Convention against Corruption (UNCAC). As defined in the National Anti-Corruption Strategy (NACS), the set targets are to be operationalised in a two-year cycle, now from 2019 to 2020. On 16 January 2019, the Council of Ministers decided to adopt the associated action plan, which defines the binding implementation of measures. The action plan provides the basis for the implementation of measures to prevent and combat corruption by the public sector, civil society and the business community.

At the 29th meeting of the inter-agency Coordinating Body for the Fight Against Corruption (KzK) in April 2019, it was decided that an evaluation of the 2019-2020 Action Plans was to take place after the completion of the first two-year cycle before the next cycle begins with the definition of new actions for the new action plan. The completion of the evaluation was originally planned by the end of 2020, but due to the COVID-19 pandemic and the constraints it imposed, the evaluation period was extended to 2021. For this purpose, the BAK developed an approach to evaluate the operationalisation of the individual measures using qualitative and quantitative indicators. The combination of both types of indicators allowed for an objective and targeted evaluation. The participating institutions were informed about the exact procedure for evaluating the action plans using indicators in a virtual information event on 1 July 2021. The evaluation approach was based on a simple, uniform and standardised procedure and thus led to a conclusive assessment of the individual measures, but also of the NACS as a whole. The BAK also provided support in the development of the respective indicators relevant for the participating organisations as well as in the data preparation and implementation of the evaluation.



National Anti-Corruption Strategy (c) BAK

Basic research

Research study on attitudes to corruption

Corruption is a complex and multifaceted phenomenon. In order to counteract it with evidence-based prevention measures, the BAK's corruption research pursues an approach focusing on the causes of corruption. In 2015/16, the BAK conducted its first research study on „Attitudes to corruption in the Austrian police“ in cooperation with Hanover University of Applied Sciences and Arts and Münster University of Applied Sciences. The results were outlined in the 2017 BAK Annual Report and in several publications (including 2/2017 Federal Police Academy (SIK) Journal). On the basis of experience gained during the first study, an Austrian version of the Hanover Corruption Scale (HKS 38) was designed, taking into account Austria's linguistic characteristics. This „HKS 38 Ö“ was used for the first time in the follow-up study „Attitudes to corruption“, which was initiated by the BAK in 2018.

In the follow-up study, more than 1,400 police trainees from all BZS in Austria were interviewed using the HKS 38 Ö. The practical applicability of the HKS 38 Ö was confirmed. The test-theoretical examination further supported a valid measurement with the instrument, so that for the first time, attitudes towards corruption could be reliably recorded and also assessed in relation to the general population.

After completion of the second study, a publication entitled „Corruption – Attitude – Police“ was published at the end of 2020 in Volume 9 of the Series „Personalpsychologie der Hochschule Hannover“. An overview of the research activities at the BAK is also provided in the article „Six years of corruption research at the Federal Bureau of Anti-Corruption“, published in SIAK Journal 4/2021.

This research study was co-funded by the European Commission as part of the ISF „Situation Picture“ project.



Prevention project „Targeted attacks – hybrid threats“

In January 2020, the BAK management issued a mandate to elaborate on the phenomenon and possible effects of hybrid threats or targeted attacks against the BAK and its employees within the framework of § 4 para. 3 BAK Act and the basic research included therein. The starting point of the project is the prevention of targeted and organised attacks („organised targeting“) on individual employees of the BAK. A scenario is assumed in which, in particular, investigations on a larger scale are hindered by the discrediting of investigating officers.

Interviews with affected persons were conducted and analysed on the basis of a guideline. Subsequently, internal recommendations for action were elaborated from this, which were dealt with in an awareness-raising workshop with executives of the Operational Service as well as the Single Point of Contact (SPOC).

3

The BAK – nationwide interconnection

The Network of Integrity Officers (NIO) in 2021



Integrity was and is an essential principle of proper public administration. Although we already have very high standards in Austria in the prevention, mitigation and fight against corruption, in the future, behaviour with integrity should be anchored even more strongly than before in the awareness of public sector employees as a fundamental element to promote integrity, reliability and efficiency.

The NIO network with its in-depth training series resulted in concrete compliance regulations being drawn up in institutions and organisations or existing compliance systems being revised and modernised. Based on the knowledge acquired in the NIO basic training courses, new and/or additional planned positions as well as dedicated compliance departments were created in organisational units of the various departments, regional governments, universities, etc.

In 2021, due to the COVID-19 pandemic and the accompanying protective measures, the 8th NIO basic training course was temporarily postponed. However, the interest in participating in future NIO basic training courses was unbroken; the number of interested persons increased by another 20 new registrations. By means of regular newsletters and direct contact and exchange with NIO members, the BAK continued to fulfil the NIO core task of „bringing the promotion of integrity to life“.

Also within the framework of the Network of Integrity Officers (NIO), the BAK conducted a compliance risk analysis together with the legal department of Tirol Kliniken GmbH. The BAK developed a support concept which included the online workshops „Organisational Compliance and Risk Culture“ and „Compliance Communication“ and supported the responsible employees of Tirol Kliniken GmbH in their introduction to the process of a risk analysis.

The BAK and the „Committee 265 Compliance Systems“ of Austrian Standards International

In recent years, the BAK advised various public and government-related organisations on the topic of compliance and the implementation of compliance management systems (CMS). In doing so, it designed an advisory procedure that is tailored to the requirements of public organisations and organisational units and that is in line with the contents of various standards for the establishment and auditing of CMS. These standards primarily include the two relevant compliance standards ISO 19600 and ONR 192050. The elaboration of compliance standards and developments in the field of standards, such as the current further development of ISO 19600 into ISO 37301 as a certification standard, are of great importance for the BAK's prevention work and advisory services.

For this reason, at the invitation of Austrian Standards International (ASI), a staff member of the BAK's Prevention and Basic Research Unit was sent to actively participate in ASI's Committee 265 in 2020. In 2021, the BAK again actively participated in work on standards relevant to prevention work.

Austrian Standards is the Austrian organisation for standardisation and innovation. The independent association currently coordinates about 4,500 experts who develop standards on various topics in 144 committees. The experts for the work in these committees come from a wide range of disciplines and are delegated by 2,260 organisations (companies, research, administration, NGOs,...). The representatives of the various „interested parties“ decide which topic is to be standardised and how the contents of the respective standard are to be shaped.

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

4 The BAK – compliance and corruption prevention advisory services

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

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

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

The systematic analysis of risk areas in an organisation is the main focus of corruption prevention advisory services. The aim of corruption risk analyses is to avoid or reduce cases of damage. In addition to the rules and regulations of an organisation, these analyses also examine the organisation's structure and work processes. The organisational culture and the „human factor“ are further focal points of analysis.

The BAK – compliance advisory services for FMA

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

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

Together with the FMA, the BAK developed recommendations for the further development of the CMS and individual measures to increase the efficiency of compliance-relevant processes and procedures and completed its substantive advisory activities for the FMA in 2020. In 2021, the BAK supported the FMA in the first steps of implementation.

Another focus of the project was to provide advice on the design and establishment of a code of conduct for the FMA. In 2021, FMA submitted a first draft of a code of conduct to the BAK for analysis. The BAK's prevention team conducted the analysis and provided a conclusion to the FMA with recommendations for the further development of the code of conduct. The compliance advice provided is intended to strengthen the compliance and anti-corruption culture of the FMA and enable further development of the FMA's existing CMS.

5 The BAK – training measures

Knowledge transfer – an important component of prevention work



Training measures 2021

Due to the ongoing COVID-19 pandemic, some of the BAK's planned events had to be cancelled also in 2021. This affected the BAK basic training course (BAK-GAL) as well as all advanced training courses and the alumni conference. However, in compliance with the COVID-19 protection measures and through the increased use of distance learning tools, the BAK was able to implement training measures for basic training and career courses at the police academy (SIAK) such as basic police training (PGA), basic training for senior officers (Gal. E2a), general administrative service training (grades A1/v1 to A4/v4) as well as the bachelor course „Police Leadership“ at the University of Applied Sciences in Wiener Neustadt.

In the 2021 reporting period, 2,825 participants were trained in the area of preventing and combating corruption at 102 lecture events (= 711 lecture hours). This represents an increase of about five percent in training events compared to the previous year. Since the Federal Bureau was established (in February 2010), 38,450 persons have now been covered by training measures. Of the 38,450 persons, the largest target group with 1,604 participants in 62 events continued to be basic police training (PGA E2b and PGA for border police operations).

Due to a training offensive of the Federal Ministry of the Interior for the area of E2a basic training, 23 BAK lectures could be held throughout Austria at the locations of the training centres, with 820 executive officers being trained as future executives. In addition, a total of 14 training courses were held for the area of the „General Administrative Service“ (A1/v1-A4/v4) in 2021.

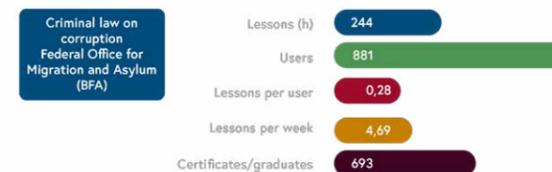
In addition to the basic training courses mentioned above, the SIAK organised one training course each in 2021 for staff of the now Directorate of State Protection and Intelligence (DSN) and for MoI Section V (Aliens). Here, too, the BAK was represented with its lecture and training content of eight teaching units each. In 2021, an important role in the lectures was once again played by the corruption prevention officers (KPB), who carried out a large part of the lectures.

An innovation is the two-part BAK course book, which was completed in 2021. In the theory part (Volume I), all relevant tasks of the BAK are covered, and in addition, in the practical part (Volume II), a knowledge check is available for each chapter. The newly developed course book will be used as an additional learning tool in the course of internal departmental training.

The BAK - interactive learning objects as educational measure

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

The interactive learning object (e-learning module) “Criminal law on corruption for police basic training” proved to be a very effective training tool in 2021.



Criminal law on corruption, all types of modules – e-learning; statistics (from 1 January to 31 December 2021)

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. The specialist information of this learning object is intended to bring police trainees to a uniform level of knowledge through the specialised information and have the basis for further training by acquiring a certificate of completion.

The e-learning module helps future law enforcement officers to familiarise themselves with key provisions of criminal law on corruption.

The management of training measures and the evaluation of efficiency are implemented with the support of the training centres of the Austrian Federal Police Academy (SIAK). Participants in basic training courses must obtain the certificate confirming completion of the obligatory e-learning preparation course before the period of attendance. During the reporting period, out of a total of 4,018 users, 2,945 staff members completed the module with a certificate.

E-learning module for the Federal Office for Immigration and Asylum (BFA)

The E-learning module “Criminal law on corruption, BFA” is part of the cooperation agreement on compliance advisory services and awareness-raising measures for the Austrian Federal Office for Immigration and Asylum (BFA). This learning object is one of the four pillars of the comprehensive concept for awareness-raising measures in the BFA and was specifically developed and implemented for the BFA.

For the BFA's basic compliance training and as support for compliance officers, the BAK's Unit 2.2 prepared case examples relevant to criminal law on corruption in addition to the theoretical part on criminal law. Among the topics covered are bribery in asylum procedures, acceptance of advantages when cooperating with interpreters, and disclosure of personal data in asylum procedures. In the reporting year, 881 started the course and 693 BFA staff members received a certificate for this module.

E-learning module on the Code of Conduct of the Ministry of the Interior

The BAK provided an e-learning module entitled “Code of Conduct of the Austrian Federal Ministry of the Interior – ‘OUR VALUES. OUR APPROACH’”.



E-learning module “Code of Conduct, MoI – Our Values. Our Approach. Code of Conduct of the Federal Ministry of the Interior (MoI)”

In addition to the written learning material “Code of Conduct, MoI” and the shorter version “Code of Conduct to go”, the e-learning module has been offered since July 2018, including in-depth learning content about the rule of law, acceptance of gifts, official secrecy, general obligations of conduct, social media, bias, secondary employment and principles for dealing with each other.

Lessons (h)	3.284
Users	11.358
Average study time / users	0,29 h
Average study time / week	63,15 h
Certificates / graduates	7.884

Code of Conduct, MoI – e-learning; statistics (from 1 January 2021 to 31 December 2021)

A mix of theory and case examples enables users to quickly refresh their knowledge of the code of conduct. In the reporting period, 7,884 employees completed the module

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

At the end of December 2020, the new e-learning module on the „Code of Conduct to Prevent Corruption in the Civil Service“ was integrated into the e-campus of the Federal Police Academy (SIK) and thus made available to the staff of the Ministry of the Interior. In the reporting period, 7,098 employees completed the module.



Webseite E-Learning

This online training was created with the participation of the BAK in the context of the preparation of the new code of conduct for the civil service. The module familiarizes employees with the importance of a code of conduct for their work in the civil service. It raises awareness of the consequences of breaching the rules of conduct as well as of possible sanctions under civil service law and criminal law.

6 The BAK – events

Austrian Anti-Corruption Day

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

Experts from the public sector, from state-related companies and institutions as well as renowned academics deal with the most current aspects and challenges in the fight against corruption within the framework of the Anti-Corruption Day. In addition, an annual publication on the respective Anti-Corruption Day is published online and in book form. Due to the Corona pandemic, the 2021 event had to be postponed again. The 14th Anti-Corruption Day is planned for 2022.



7

The BAK – selected operational data

The BAK – corruption investigations

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

Fight against corruption in the private sector

The unit „Criminal Investigation – Private Sector Corruption“ handles investigations within the scope of responsibility according to the list of offences of the BAK Act with reference to the private sector. At the end of the year, 24 investigation cases were being processed in this unit, eleven of which were newly added in 2021 (the other cases originated from previous years). 20 investigation cases were closed in the course of the year with a final report to the public prosecutor's office. The case numbers and processing times from previous years show that corruption offences in the private sector are extremely complex and their processing is time-consuming and protracted.

In a major criminal case concerning agreements restricting competition and other offences, the complex investigations were continued – building on the house searches carried out on a large scale throughout Austria in 2017 and 2018 – with a significant increase in the number of accused natural persons and associations. The investigations are being conducted in close cooperation with the Austrian Federal Competition Authority (BWB). In another major criminal case, investigations are being conducted in connection with a now insolvent group of companies whose approximately 900 creditors suffered losses through bonds and investment companies.

Fight against corruption in the public sector

In the unit „Criminal Investigation – Public Sector Corruption“, 1,382 cases were processed in 2021. 906 of these concerned the area of „internal investigations“. 161 reporting cases were adopted as cases in the BAK's business area. In several complex investigations with special public interest, numerous search and seizure orders were executed and witnesses and suspects were questioned.

67 cases were closed in 2021 and reported to the competent public prosecutor's office. Among them, a large-scale case that had been ongoing for more than three years under sections 153 (breach of trust), 304 (corruptibility) and other offences of the Penal Code was concluded and the final report was submitted.

In another very extensive case concerning sections 306 (acceptance of an advantage for the purpose of exerting influence) and 307b (offering an advantage for the purpose of exerting influence) and other offences of the Penal Code, preliminary proceedings were initiated against about 100 accused persons after initial suspicion checks.

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

In the reporting period, the unit provided various support services for the entire Department 3 in more than 227 cases in the context of internet investigations and screening of electronic data and conducted operational crime analyses contributing to the completion of three investigation cases. In addition to the processing of cases on suspicion of money laundering, requests for administrative and legal assistance as well as requests received via Europol’s Secure Information Exchange Network Application (SIENA) in operational investigation cases with an international dimension.

The BAK – statistical data collection

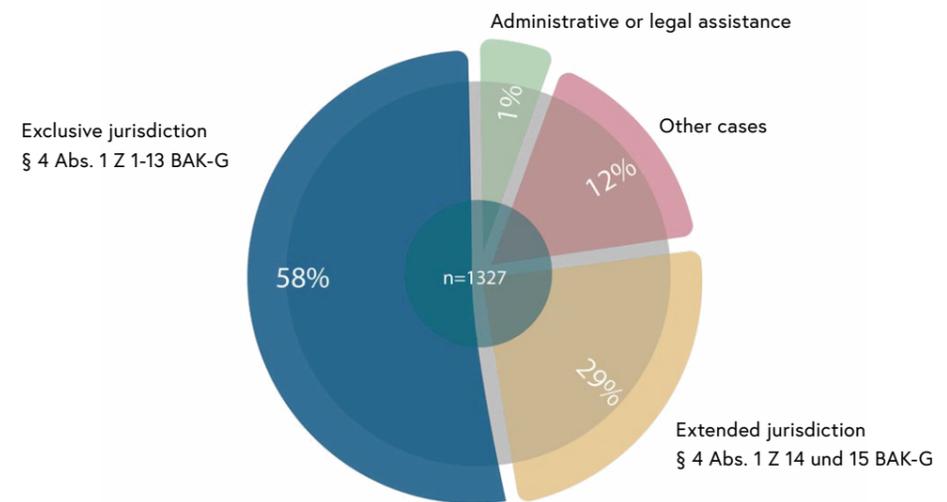
As explained in “The BAK – legal basis”, investigating corruption offences is the BAK’s main task. The following chapter provides general information on the BAK’s statistical data collection and comprises a selection of data on the Bureau’s operational activities. All incoming reports, allegations and suspicions are covered by the BAK’s statistics, regardless of how the Bureau or its SPOC (Single Point of Contact) has been contacted (telephone, email, mail, fax, etc.) or whether an investigation has been initiated ex officio. They are usually received from other authorities or departments, a public prosecutor’s office, private persons or anonymous sources. A preliminary examination of all incoming items of information is carried out by the BAK’s SPOC. 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 Organisation of the Federal Bureau of Anti-Corruption (BAK Act) are referred to as cases of “exclusive jurisdiction”. Cases falling under § 4 para. 1 (14-15) BAK Act (“extended jurisdiction”), which are only prosecuted by the BAK upon written order by a court or a public prosecutor’s office, are statistically recorded due to the statutory duty to report to the BAK. Requests for administrative or legal assistance, often creating significant workload for the BAK, are recorded separately. Cases not falling within the BAK’s remit whatsoever (e.g. disciplinary matters or misdirected mail) or considered as “not relevant to criminal law” are registered as “other cases”. It should be noted that the statistics of the BAK are not dealing with final judgments. Therefore, the presumption of innocence applies to all suspects covered by the Bureau’s statistics.

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

Overall statistics

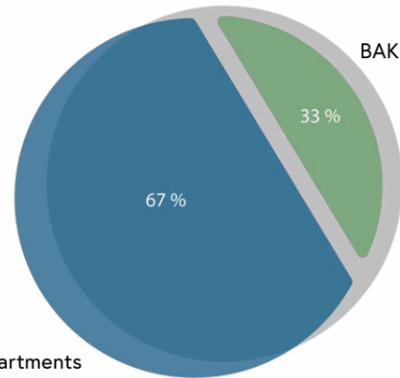
In 2021, there were a total of 1,327 cases. 256 (33 percent) of the 770 cases under the exclusive jurisdiction of the Bureau (see table, “Overall statistics”) were adopted for investigation by the BAK. The BAK handled 10 (3 percent) of the 379 cases of extended jurisdiction and 17 of the 18 requests for administrative or legal assistance. Thus, the BAK took over investigations in 283 cases.



In comparison to previous years, the number of incoming reports, allegations, complaints, etc. at the BAK showed a slight increase (7 percent). In 2020, the total number of incoming cases was 1,239 and in 2019, 1,335. In 2018 and 2017, the BAK received 1,331 and 1,500 cases respectively. On average, from 2017 to 2020, 719 cases per year fell under the BAK’s exclusive jurisdiction and 34 percent of them were adopted for investigation by the BAK. Of the average 444 cases of extended jurisdiction per year, 2 percent were taken over by the BAK.

Cases under the BAK's exclusive jurisdiction

The BAK has nationwide jurisdiction in security and criminal police matters concerning criminal offences listed in § 4 para. 1 BAK Act. 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 770 cases of exclusive jurisdiction, 256 (33 percent) of which were handled by the BAK and 514 (67 percent) by other authorities/departments.

Regarding the 514 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 Act).

Concluded cases and clear-up rate

433 (84 percent) of the 514 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 no further investigations into the respective case were conducted for the time being. The BAK concluded 191 (75 percent) of its 256 cases. 354 (69 percent) of the 514 cases of other authorities/departments and 161 (63 percent) of the 256 BAK cases were solved. A case is classified as "solved" if at least one perpetrator has been identified by name.

However, the 2021 annual statistics do not reflect the BAK's actual workload in this field within a year. It should be noted that in 2021, in addition to those 191 cases that the

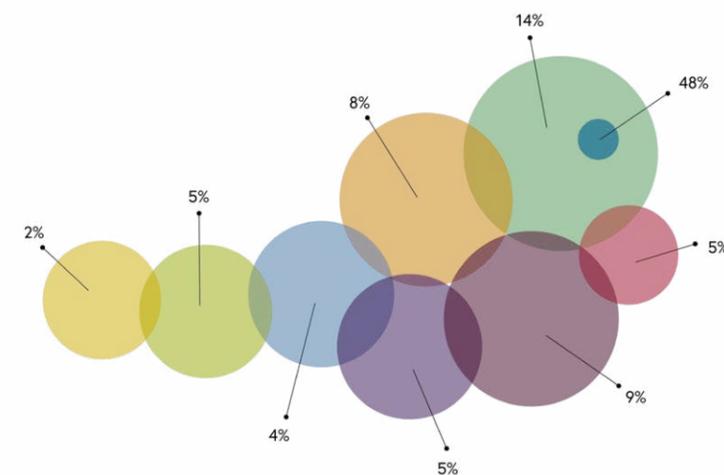
BAK actually received in the same year (and thus appear in the 2021 annual statistics), the Bureau investigated and completed 3 cases from 2017, two cases from 2018, 4 cases from 2019 and 48 cases from 2020, i.e. 248 cases in total.

Yet, several investigations from previous years continue. 118 cases from previous years were still pending at the end of January 2022 and will be carried over to 2022. Of these, 3 cases occurred in 2017, 9 in 2018, 15 in 2019, 26 in 2020, and 65 in 2021. These cases are not included in the 2022 statistics, but increase the workload considerably. Because of their complexity, numerous cases of the BAK are being investigated over many years. At present, several so-called major cases (based on the definition of the Federal Ministry of Justice, decree of 14 June 2013 on the definition of major public prosecution cases, BMJ-S1140/0014-IV 5/2013) are pending in the BAK. In addition to other characteristics, they have a large number of parties to the proceedings as well as an extraordinary volume of files and are particularly complex.

Crime scenes – regional breakdown

33 of the crime scenes registered for the 770 cases of exclusive jurisdiction (§ 4 para. 1 (1-13) BAK Act) the BAK received in 2021 remained unknown or could not be determined from the file, 4 crime scenes were abroad and 733 in Austria.

This figure depicts the regional breakdown of the 733 crime scenes in Austria. Naturally, the majority of crime scenes (353, i.e. 48 percent) were registered in Austria's federal capital Vienna. 99 crimes scenes (14 %) were recorded in Lower Austria, followed by 68 crime scenes (9 %) in Styria and 62 (8 percent) in Upper Austria. 37 crime scenes (5 %) were in Tyrol, 35 (5 %) in Burgenland, 34 (5 %) in Carinthia, 28 (4 %) in Salzburg, and 17 (2 %) in Vorarlberg. The high number of crime scenes and criminal investigation cases in Vienna is due to the distribution of the Austrian population (21.5 % 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

The following table shows the criminal offences in the 770 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 770 investigation cases included a total of 1,462 punishable acts.

In the majority (89 percent) of cases, abuse of official authority (§ 302 Penal Code) is the principal offence. The number of other criminal offences is comparatively low. However, as they are complex and require extensive investigations, these cases sometimes generate huge workload. The category “Other criminal offences” encompasses, inter alia, money laundering (§ 165 Penal Code), agreements restricting competition in procurement procedures (§ 168b Penal Code) and breach of trust due to abuse of an official function (§ 313 in conjunction with § 153 Penal Code).

Criminal offence (basis: principal offence of each case)	BAK	Other authorities or departments	Total
§ 302 Penal Code: Abuse of official authority	213	475	688
§ 304 Penal Code: Corruptibility	6	5	11
§ 305 Penal Code: Acceptance of an advantage	7	4	11
§ 306 Penal Code: Acceptance of an advantage for the purpose of exerting influence	5	0	5
§ 307 Penal Code: Bribery	3	1	4
§ 307a Penal Code: Offering an advantage	1	1	2
§ 307b Penal Code: Offering an advantage for the purpose of exerting influence	0	0	0
§ 309 Penal Code: Acceptance of gifts and bribery of employees or agents	4	4	8
§ 310 Penal Code: Breach of official secrecy	12	18	30
Other criminal offences	5	6	11
Total	256	514	770

Criminological facts of case

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

429 cases (56 percent) were classified under “Procedural flaws” (e.g. breach of the right to a hearing, biased administrative action, or incorrect assessment of evidence).

The unauthorized “Consultation and transfer of data” (including, for example, disclosure of information) accounted for 102 cases (13 %). 62 cases (8 %) fell into the category “Initiation of proceedings” (i.e. non-reception or insufficient reception/documentation of complaints). 53 cases (7 percent) belonged to “Permits, expert opinions, certificates” (e.g. failure to properly grant, obtain or revoke licences, authorisations or permits; irregularities relating to vehicle inspections pursuant to §§ 57a and 40a Motor Vehicles

Criminological facts of case	BAK	Other authorities or departments	Total
Procedural flaws	157	272	429
Disclosure of data	39	63	102
Initiation of proceedings	8	54	62
Permits, expert opinions, certificates	11	42	53
Procedural flaws – penal orders	3	34	37
Financial management	7	15	22
Human resource management	12	9	21
Procurement / tendering procedures	4	4	8
Punishable acts committed by law enforcement officers (in their free time)	0	2	2
Punishable acts in connection with the abuse of an official function	0	2	2
Immigration, asylum	3	3	6
Other criminological facts of case	12	14	26
Total	256	514	770

Act. The categories “Procedural flaws – penal orders” (special cases of “procedural flaws”) and “Financial management” contained 37 (5 %) and 22 (3 %) of the cases, respectively. 21 (3 percent) cases fell under the category of “Human resource management” and 8 (1 percent) cases were categorised under “Procurement / tendering procedures”, while 6 (1 percent) cases were categorised under “Immigration, asylum”. 2 cases (0.3 %) each were classified under “Punishable acts committed by law enforcement officers (in their free time)” and “Punishable acts in connection with the abuse of an official function”. The remaining seven facts of case (26 cases, 3 percent) were included in “Other criminal categories”. These are “Supervision/control”, “Collusion”, “Money laundering”, “Sponsoring”, “Elections”, “General complaints” and “Various facts of case”.

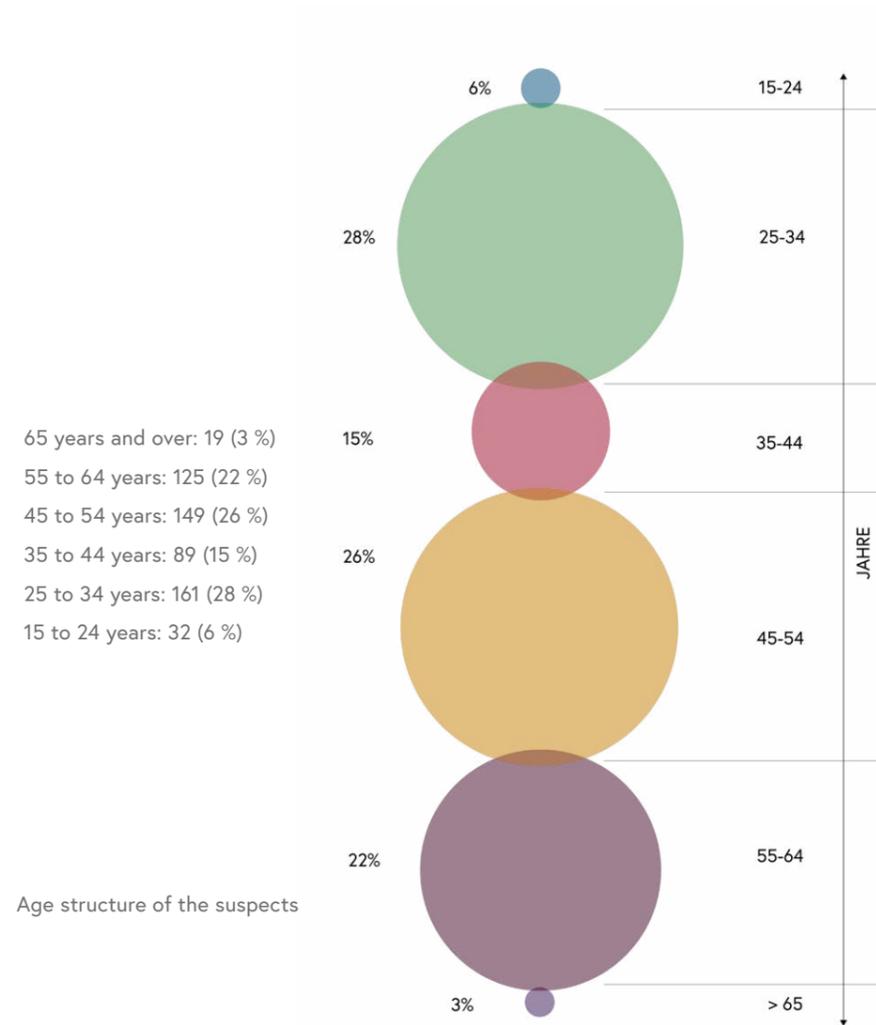
8 The BAK – international activities

Suspects

At least 1,260 suspects were recorded for the 770 cases of exclusive jurisdiction of 2021; as many as 390 of these suspects remained unknown.

The gender of 920 suspects was registered; 754 (82 %) of them were male and 166 (18 %) female.

The BAK's statistics include information about the age of 575 suspects (46 % of the 1,260 suspects). No particular characteristics were observed regarding the age structure. 83 % of these suspects were aged between 15 and 57, which is roughly corresponding to the working population.



In accordance with section (§) 4 para. 2 of the Federal Act on the Establishment and Organisation of the Federal Bureau of Anti-Corruption (BAK Act), 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. 1 BAK Act. 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 meant the organisation of visits to the BAK as well as the participation in official meetings and conferences abroad. Due to the COVID-19 pandemic and the restrictions that accompany it, this type of exchange was only possible to a very limited extent in 2021 still.

The BAK – bilateral cooperation

Among other things, official meetings with delegations from Uzbekistan and Jordan at the BAK had to be postponed until further notice. However, other ways of cooperation became more important: the BAK received various written enquiries throughout the year, e.g. concerning corruption prevention methods within the police.

In addition, it was possible to implement a virtual exchange with a Korean prosecutor, a working meeting with eight members of a Bosnian-Herzegovinian delegation in Vienna and a visit of BAK representatives to the Hungarian National Protective Service (NVSZ) in Budapest in October 2021. The BAK has maintained a partnership with the latter authority for several years based on a Memorandum of Understanding in the framework of which regular exchanges take place.

The BAK – international committees, bodies and working groups

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

United Nations General Assembly Special Session (UNGASS) against Corruption

From 2 to 4 June 2021, the first UN General Assembly Special Session on the issue of corruption was held at the United Nations Headquarters in New York. The hybrid-format meeting featured the adoption of a political declaration, the general debate and various side events in which the BAK was involved, among others.

At the core of the meeting was the adoption of a political declaration, which particularly emphasised the key importance of education and training in the field of anti-corruption. Furthermore, the explicit linking of the International Anti-Corruption Academy (IACA), a long-standing cooperation partner of the BAK, with the work of the UN in the text of the declaration should be pointed out. This reference is the most significant mention of the IACA in a UN document to date.

In his speech, Austria's Foreign Minister Alexander Schallenberg underlined the outstanding role that education plays in creating a culture of integrity. In a joint side event organised by the International Anti-Corruption Academy (IACA), the Republic of Austria and UNODC, corruption expert Michael Johnston and the Acting Director of the BAK, Otto Kerbl, discussed, among other issues, the importance of education and training.

GlobE Network

In August 2021, the BAK joined the newly created GlobE Network. The GlobE Network is a globally focused and operational network of anti-corruption law enforcement agencies and was launched in June during UNGASS. It connects law enforcement agencies from around the world who are on the frontline of the fight against corruption to proactively and informally share information across borders.

From 15 to 17 November 2021, anti-corruption experts from around the world came together at the first meeting of GlobE Network members in Vienna. They committed to working with all members within the GlobE Network as well as with existing international cooperation networks and to intensify the mutual exchange of information. The aim is to create an agile and inclusive community that enables all members to engage in informal cooperation and access resources to help fight corruption.

Ninth Conference of the States Parties to the UNCAC

From 13 to 17 December 2021, the ninth Conference of the States Parties to the United Nations Convention against Corruption (UNCAC) took place in Sharm el Sheik, Egypt. As in 2019, the Austrian delegation was led by Ambassador Helmut Tichy. For the Federal Bureau of Anti-Corruption (BAK), the Acting Director, Otto Kerbl, as well as three other executives and BAK staff members participated in the event, which was held in a hybrid format, in person and online.

In his statement during the plenary session, Ambassador Tichy emphasised, among other things, the importance of established regional networks such as the „European Partners against Corruption“ (EPAC) and the „European contact-point network against corruption“ (EACN) and also welcomed the establishment of the „Global Operational Network of Anti-Corruption Law Enforcement Authorities“ (Globe) under the auspices of UNODC. In addition, the Conference of the States Parties enabled all participants to attend 65 hybrid sessions, presentations or panel discussions with different thematic focuses. At an IACA side event on the third day of the conference, for example, the City of Vienna was represented by two speakers who presented completed and planned corruption prevention projects of the City of Vienna via livestream. Other topics covered specific areas of corruption prevention, law enforcement or asset recovery.

During the five-day conference, eight resolutions were adopted from the areas of UNCAC implementation, audit institutions and international law enforcement cooperation.

EU Rule of Law Mechanism

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

Therefore, as in 2020, EU member states were requested to respond to a questionnaire in the four areas of judicial system, anti-corruption, media pluralism and constitutional affairs in the first half of 2021. Particular attention should be paid to feedback, progress and developments in relation to the issues raised in the respective country chapter of the Rule of Law Report 2020 as well as significant rule of law developments in relation to the COVID-19 pandemic. The BAK again took the lead in Austria's interdepartmental preparation of the contribution in the area of anti-corruption. In February, after consultation with the relevant bodies (Federal Ministry of Justice; Federal Ministry of Arts, Culture, Civil Service and Sport, and Court of Audit), the BAK submitted the document to the Federal Chancellery responsible for the overall Austrian contribution.

Following a virtual country visit by representatives of the European Commission at the end of April and a fact-checking period in June, the overall Austrian contribution was completed. On 20 July, the second Rule of Law Report, entitled „2021 Rule of Law Report – The rule of law situation in the European Union“, was presented under the Slovenian Presidency. In terms of content, the anti-corruption part of the Austrian contribution includes, inter alia, activities in implementation of the National Anti-Corruption Strategy.

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

In 2021 the BAK continued to provide the Secretariat of the networks „European Partners against Corruption“ (EPAC) and „European contact-point network against corruption“ (EACN), which serve as independent platforms for anti-corruption and police oversight bodies to maintain contact and exchange specialist information. Both networks together currently have almost 100 members. EPAC comprises authorities/departments from EU and Council of Europe Member States; EACN exclusively consists of authorities/departments from EU Member States.

The COVID-19 pandemic continued to have a major impact on EPAC/EACN activities. The EPAC/EACN Board, with the support of the Secretariat, met exclusively virtually up to and including November, and all other meetings (such as on EU Integrity, see below) were held purely as videoconferences up to that point.

Further work of the EPAC/EACN Secretariat included the technical renewal of the EPAC/EACN website, its graphic redesign and ongoing content updates, the update of the EPAC/EACN contact catalogue, the distribution of regular newsletters, the production of a video on the occasion of EPAC's 20th anniversary as well as various support services around the 20th EPAC/EACN Annual Professional Conference and General Assembly, including the procurement of conference materials. Some of EPAC/EACN's activities were co-financed by the EU Internal Security Fund (ISF).

20th EPAC/EACN Annual Professional Conference and General Assembly

The Annual Professional Conference and General Assembly of „European Partners against Corruption“ and „European contact-point network against corruption“ (EPAC/EACN) took place in Vilnius (Lithuania) on 1-2 December 2021. The anniversary event marking the twentieth anniversary of the EPAC network was organised this year by the Lithuanian law enforcement agency „Special Investigation Service of the Republic of Lithuania“ (STT). At the conference, held for the first time in Lithuania, 120 participants from 54 agencies from 30 different countries debated the past 20 years of the networks and possible new ways of fighting corruption in a hybrid format (physically in Vilnius and online). On behalf of the Federal Bureau of Anti-Corruption (BAK), which is also the EPAC/EACN Secretariat, the Acting Director, Otto Kerbl, as well as three other executives and BAK staff members participated in the event in person and online.

Prominent speakers from international organisations as well as EPAC/EACN members presented their contributions on topics such as the rule of law, the fight against corruption, the independence of autonomous authorities and ways of obtaining information. For example, the results of the work as well as the new handbook of the EPAC/EACN working group „EU Integrity“ coordinated by the BAK with its best practices were presented.

On the second day of the conference, the General Assembly elected Žydrūnas Bartkus, Director of the Lithuanian STT, as the new President of EPAC/EACN. The interim Head of Department III/BAK/1, Ernst Schmid, is also part of the EPAC/EACN Board as the newly elected Vice-President for the anti-corruption strand. Finally, the „Vilnius Declaration“ was adopted by the General Assembly as a message for enhanced cooperation in the fight against corruption. Further information on EPAC/EACN and its tasks and activities can be found at www.epac-eacn.org.

EPAC/EACN working group „EU Integrity“

EPAC/EACN had established the “EU Integrity” Working Group on the occasion of the 18th EPAC/EACN Annual Professional Conference and General Assembly in 2018. The working group aimed to promote integrity by sharing experience and developing standards and policies, as well as exchanging best practices. To ensure a comprehensive approach, „EU Integrity“ consisted of four sub-working groups. Each sub-working group addressed different areas of integrity:

1. support and protection of whistleblowers;
2. interagency cooperation and common standards for its improvement;
3. educational and value management measures;
4. integrity and anti-corruption standards.

The BAK coordinated the activities of the entire working group „EU Integrity“ and of sub-working group 4 in particular, which met virtually in March 2021. This second meeting was attended by 21 representatives from 16 countries and 15 EPAC/EACN member authorities as well as national guests. Based on the discussions, contributions and outcomes of a first meeting in 2019, the focus was on the presentation of an „Integrity Framework“ and the development of best practices. The „Integrity Framework“ was developed in interactive sessions where participants discussed essential components of an integrity infrastructure and best practices based on them. Best practices are intended to establish the link between theory and practice and to show how integrity management is applied in practice.

In preparation for the meeting, all participants were asked to select individual elements of the Integrity Framework and to develop best practices for them. An impressive number of 55 best practices were presented, reflecting the expertise and experience of the institutions behind them. All of the best practices developed are highly relevant in the field of integrity promotion and demonstrate the application of the individual elements of the Integrity Framework in practice.

The results of „EU Integrity“ were subsequently summarised in a separate publication, the „Manual on Preventing Corruption and Promoting Integrity“. At the EPAC/EACN Annual Professional Conference, the results of the work and the new manual of the working

group coordinated by the BAK with its numerous best practices were presented for the first time. The „Manual on Preventing Corruption and Promoting Integrity“ contains all the results and the most important findings of the working group and can be downloaded at www.epac-eacn.org.

Start of the fifth GRECO evaluation round

Austria has been a member of the Council of Europe Group of States against Corruption (Groupe d'Etats contre la Corruption – GRECO) since 1 December 2006. Following the multidisciplinary approach of the Council of Europe in the fight against corruption, GRECO's task is to evaluate compliance with or implementation of the relevant legal instruments adopted by the Council of Europe.

In late autumn 2021, the fifth GRECO evaluation round (under the heading „Prevention of corruption and promotion of integrity in central governments (high-ranking decision-makers of the executive branch) and law enforcement agencies“) started for Austria to be evaluated, in a first step with a questionnaire supplied by GRECO. The BAK took over the coordination of the contributions for the second part of the questionnaire on the topic of „Preventing corruption and promoting integrity in law enforcement agencies“ and submitted them to the Ministry of Justice, responsible for the overall coordination, by the end of the year.

On the basis of the answers to the questionnaire, in-depth discussions between experts of the GRECO evaluation team and of the Austrian authorities took place during a country visit in Austria at the end of June 2022. Further information on the fifth evaluation round can be found on the website of the Council of Europe Group of States (<https://www.coe.int/en/web/greco/evaluations>).

OECD (Organisation for Economic Co-operation and Development) Public Integrity Indicators

Since the adoption of the OECD Council Recommendation on Integrity in Public Life in 2017, a dedicated task force consisting of members of the working group “SPIO” (Senior Public Integrity Officials) has developed indicators to measure public integrity. These so-called „Public Integrity Indicators“ were validated by SPIO for piloting in November 2019 and subjected to an expert consultation in May 2020. The recommendation includes 13 „principles“ for building a coherent and comprehensive public integrity system. Actual implementation of these principles is measured by the Public Integrity Indicators. The BAK supported the task force with its experts in the development of the Indicators.

At the end of 2021, the audit on the implementation of the Public Integrity Indicator on „Principle 13 – Accountability of Public Policy Making“ was started. Principle 13 includes measures to promote accountability and public interest. This is intended to increase transparency and engagement of actors at all levels of the policy process and cycle.

In the form of an online questionnaire, the participating Austrian institutions were asked to cover the respective areas in terms of content. A monitoring report on the implementation of the OECD Council Recommendation is planned for March 2022. The data collection activities on Principle 13 are coordinated by the Austrian Foreign Ministry.

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

Austria's evaluation on Chapters II (Preventive measures) and V (Asset recovery) of the UNCAC (United Nations Convention against Corruption) in the framework of the UNCAC Implementation Review Mechanism started in the summer of 2019. In this context, the Austrian Foreign Ministry as well as the Permanent Mission of Austria to the United Nations in Vienna serve as the central national coordinating body, the so-called focal point.

After the Austrian response to the standardized self-assessment checklist was submitted to the United Nations Office on Drugs and Crime (UNODC) in December 2019, the next step was for the representatives of the countries drawn by lot, Germany and Vietnam, to examine the answers and documents provided by Austria (so-called desk review).

The BAK, among others, was extensively involved in preparing Austria's response, particularly regarding the chapter on prevention. Due to the ongoing COVID-19 pandemic, the on-site visit originally planned for 2020 – intended to complete the picture on Austria's implementation of the above-mentioned UNCAC Chapters through direct dialogue between experts – was postponed to spring 2022.

9

The BAK – public relations

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

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

Website

At www.bak.gv.at, the BAK provides information about its tasks, events and publications, and publishes current affairs related to corruption. A large part of this content is also available in English.



Newsletter

The BAK newsletter, usually published once a quarter, can be subscribed to at www.bak.gv.at and is currently sent to approximately 800 interested parties. It contains articles on general corruption topics and various prevention measures. In addition to selected activities of the BAK and recent developments in the area of corruption prevention, the newsletter reports on international cooperation and projects.



Publications

In December 2021, the 14th edition of the annual series “Corruption and Abuse of Official Authority” (“Korruption und Amtsmissbrauch”) was released in cooperation with the publisher “MANZ”. It provides a comprehensive overview of the content and interpretation of the most important provisions of Austrian criminal law on corruption and abuse of official authority. The authors of the series, Eva Marek and Robert Jerabek, present the latest case law of the Supreme Court as well as the criteria for distinguishing between private economic administration, sovereign administration and de facto performance.

