

# Annual Report 2022

Federal Bureau of Anti-Corruption



# **Annual Report 2022**

Federal Bureau of Anti-Corruption (BAK)

Vienna, 2023

## Preface

Dear Readers,

The annual reports of the Federal Bureau of Anti-Corruption (BAK) for 2020 and 2021 were strongly influenced by restrictions in connection with the COVID 19 pandemic. We are therefore all the more pleased to be able to present an annual report for 2022 now again featuring accounts of prevention events and training sessions.

The BAK has now fully resumed its corruption prevention work and will continue to expand on this in 2023 in light of a new action plan to the National Anti-Corruption Strategy. Many activities, such as those of the Network of Integrity Officers, could be resumed in 2022. One of the focal point actions for 2023 involving awareness-raising among students has seen its launch with a school event in December 2022.

Corruption investigations were basically not affected by the pandemic restrictions. It was possible to work in this area in the usual professional manner in 2022. An overview of the related statistics is also given in this annual report.

Once again, I would like to express my gratitude to all staff members of the BAK, who perform their tasks in an extremely professional and committed manner, even in challenging times.

In this spirit, we hope to offer you an informative overview of the year 2022 and to thus contribute to the prevention of corruption and the promotion of integrity in Austria.

Otto Kerbl  
Director

### Imprint

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# 1 The BAK – Austrian Federal Bureau of Anti-Corruption

## A brief outline

### The BAK's organisational structure

#### Compact structure of three departments

The Federal Bureau of Anti-Corruption (Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung – BAK) is an institution of the Austrian Federal Ministry of the Interior. Organisationally speaking, it is established outside the Directorate-General for Public Security, namely within Directorate-General (DG) III, and answers directly to the Director of DG III. In the reporting period, the BAK was structured into three departments, with three units each.

#### Single Point of Contact (SPOC)

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

#### Resources, Support and Legal Affairs

Department 1 provides the entire support for the Federal Bureau. Its responsibilities range from human resources, budget, controlling, fleet management, logistics, media analysis, public relations and arranging for workplace health promotion events, to IT infrastructure management, preservation of evidence in the field of IT, analysis of data and 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.

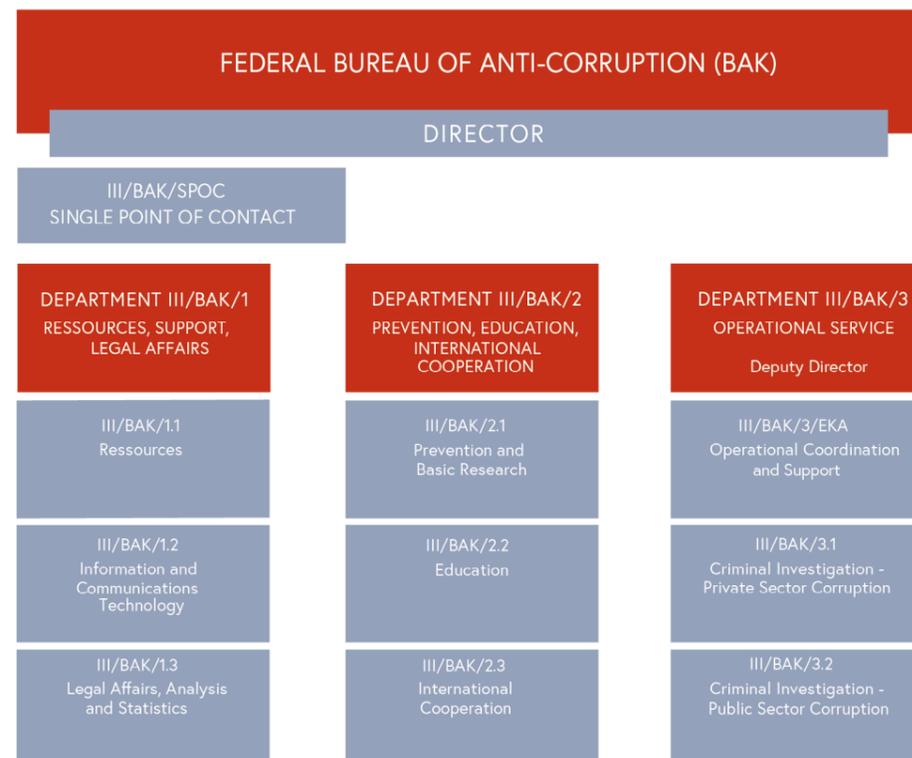
#### Prevention, Education and International Cooperation

Department 2 of the BAK focuses, among other things, on corruption prevention and basic research. This includes preventive activities in the entire civil service, the implementation of studies, as well as scientific exchange and the support and supervision of external projects such as 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 (IBN) 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 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 (Korruptionspräventionsbeamte – KPB). In coordination with the BAK, the KPB give lectures and carry out advanced training courses in their respective region on issues related to corruption prevention. They thus contribute to saving resources (less travel expenses).

### Operational Service

Department 3 is where the BAK's operational casework takes place. This is where security police investigations and criminal investigations are carried out, in the area of corruption offences, abuse of official authority and internal affairs. 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 and Support (EKA)" is responsible for the coordination of operations, operational case analysis and asset recovery.



The BAK's organisational chart on 31 December 2022

### The BAK's 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 § 4 para. 1 BAK Act, the BAK has nationwide jurisdiction in matters of security police and criminal investigation concerning the following criminal offences:

Abuse of official authority (§ 302 Penal Code),

Corruptibility (§ 304 Penal Code),

Acceptance of an advantage (§ 305 Penal Code),

Acceptance of an advantage for the purpose of exerting influence (§ 306 Penal Code),

Bribery (§ 307 Penal Code),

Offering an advantage (§ 307a Penal Code),

Offering an advantage for the purpose of exerting influence (§ 307b Penal Code),

Illicit intervention (§ 308 Penal Code),

Breach of official secrecy (§ 310 Penal Code),

Breach of § 18 Information Management Act,

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),

Misuse of funds and assets to the detriment of the financial interests of the European Union (§ 168d Penal Code),

Acceptance of gifts by persons holding a position of power (§ 153a Penal Code),

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,

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

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),

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,

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.

#### **The BAK's 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 BAK Act. Furthermore, the BAK is responsible for cooperation with foreign authorities and international institutions in the field of prevention of and fight against corruption in general, and, in particular, exchange of experience in this area.

#### **The BAK's corruption prevention activities**

As 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, law enforcement authorities or departments receiving notice of a criminal offence defined in § 4 para. 1 (nos. 1-15) BAK Act, 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 (nos. 1-15) BAK Act directly to the BAK without going through official channels (right to report).

#### **Cooperation with other authorities and departments**

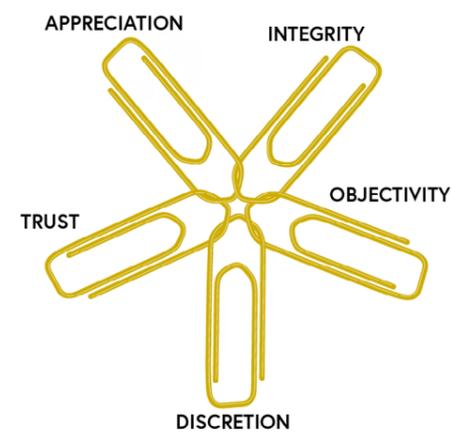
The law (§ 6 BAK Act) also regulates cooperation with other authorities and departments. For reasons of expediency, the BAK may assign certain investigations to other law enforcement authorities and departments (§ 6 para. 2 BAK Act); or, the BAK may transfer investigations to other competent law enforcement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

#### **The BAK's mission statement**

The staff of the BAK have committed themselves to the following values in their work practices:



Core values

# 2

## The BAK's strategy and basic research

### The BAK's compliance management system

For seven years now, the BAK has had its own and effective compliance management system.

The past year has particularly shown how important it is for a compliance management system and its components (risk management, communication platform, etc.) to be flexible, adaptable and, above all, expandable.

Last year, due to the pandemic, the already ongoing digitalisation was further strengthened and processes were optimised and designed so that they function flawlessly online. After the pandemic, the task was to get the best out of "online" and "offline" and to combine them in such a way that the best of both forms is used in regular service operations, but that it is also possible to switch quickly to online or hybrid if necessary.

As regards the risk management system, the focus in 2022 was on reviewing the timeliness of existing risks and measures as well as identifying any new risks and developing new measures for risks that need to be addressed.

As part of the evaluation that took place in the summer of 2022, new measures were also developed by the responsible stakeholders to minimise risks.

The BAK's compliance activity report provides an insight into the compliance and risk management system. It reports on the measures by which the BAK's compliance management system meets the requirement of structured, continuous improvement; it also contains information on relevant changes affecting the system as well as contributions on topics with which the Federal Bureau is or was involved due to its expertise.



COMPLIANCE

## Evaluation of the National Anti-Corruption Strategy and Action Plan

Austria's National Anti-Corruption Strategy (NACS) provides the framework for preventing corruption and promoting integrity in the public sector, including law enforcement agencies. The strategy encompasses integrity promotion and corruption prevention in all sectors, from public administration to the corporate sector and civil society.

As set out in the NACS, the targets set were to be operationalised in a two-year cycle, from 2019 to 2020. The COVID 19 pandemic led to a delay in the implementation of the NACS and the measures envisaged in the pertinent action plan for 2019-2020. Numerous events, workshops and trainings related to the Network of Integrity Officers as well as educational measures could not be conducted by the BAK as planned due to pandemic-related restrictions. Some were held in virtual or hybrid form or had to be postponed or cancelled.

At its 29<sup>th</sup> meeting in April 2019, the inter-agency Coordinating Body for the Fight Against Corruption (Koordinationsgremium zur Korruptionsbekämpfung) 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 would begin with the definition of new actions for the new action plan.

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. This approach was presented to the participating institutions in a virtual session in 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 based its approach on international standards, in particular the guidelines for implementing the principles of the OECD Recommendation of the Council on Public Integrity. Subsequently, the BAK team supported the participating institutions in independently developing the indicators and conducting the evaluation.

The evaluation is intended to create the information basis for the further development of the action plans for 2023-2024. The presentation of the final evaluation report took place in October 2022 at the 35<sup>th</sup> meeting of the Coordinating Body for the Fight Against Corruption. A revised NACS strategy description and action plan are to be presented to the Coordinating Body by spring 2023. In this context, an expert group with representatives of the Federal Chancellery, the Federal Ministry for Arts, Culture, the Civil Service and Sport, the Federal Ministry of Justice and the BAK met at regular intervals.

# 3 The BAK's nationwide interconnection

## National Network of Integrity Officers

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 is to be anchored even more strongly in the awareness of public sector employees as a fundamental element to promote integrity, reliability and efficiency.

To this end, the National Network of Integrity Officers (IBN) has been established in recent years, partly with the support of the EU. The exchange of experience and the training courses in the network made a significant contribution to the creation of concrete compliance rules in institutions and organisations or the revision and modernisation of existing compliance systems. In 2022 again, the knowledge acquired in the IBN basic training courses contributed to the fact that new or additional compliance officers could be appointed in a wide variety of organisational units and institutions at the federal and regional level, or even that separate compliance departments could be created.

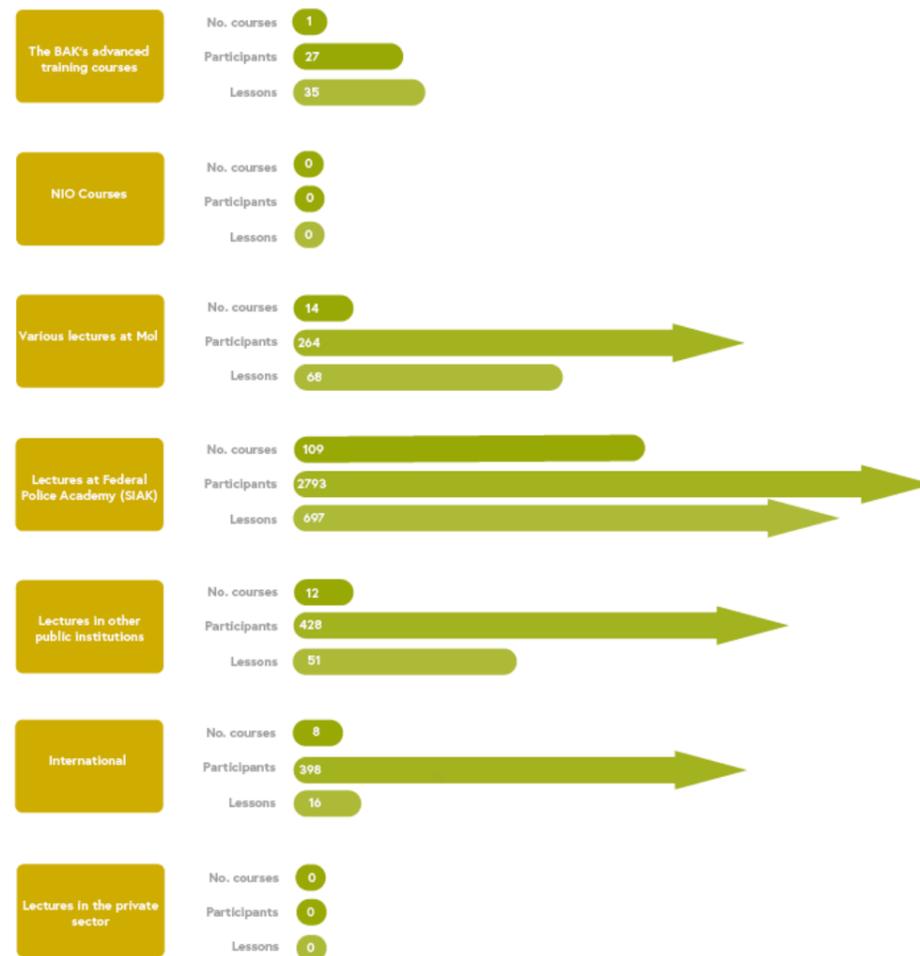
The BAK understands its IBN core task “Filling the promotion of integrity with life“ as a service, which it provides, among other things, by sending newsletters to the existing IBN members in the network as well as to interested persons.

Since the extensive COVID 19 protection measures were lifted as of summer 2022, the BAK started preparations for the 8<sup>th</sup> IBN basic training course in autumn 2022, to take place in the spring of 2023.



# 4 The BAK's training measures in 2022

## Knowledge transfer: an important component of prevention work



### Training measures 2022

Due to the COVID 19 pandemic, the BAK's own events planned and organised until mid-2022 could not be held in the usual form. 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 (SIK). From late summer 2022 onwards, it was again possible to hold more extensive events. The number of lectures increased significantly again compared to the past two years.

A total of 3,910 participants were trained in the area of preventing and combating corruption at 144 lecture events (= 867 lecture hours) in the 2022 reporting period.

Since the establishment of the Federal Bureau (February 2010), a total of more than 42,300 persons attended the BAK's training and information events.

The largest target group, with 2,104 participants in 88 events, continues to be basic police training (PGA E2b and PGA for border police operations).

Regarding E2a basic training, 17 BAK lectures could be held throughout Austria at the locations of the training centres, and 583 law enforcement officers were trained as future chiefs.

For general administrative service (grades A1/v1, A2/v2 and a joint course for A3/v3 and A4/v4), a total of three lecture days of eight teaching units each were held in 2022. A total of 78 staff members of the Federal Ministry of the Interior participated.

In addition, the BAK participated in other basic trainings organised by the SIAK and organised lectures both internally and throughout the Federal Ministry of the Interior.

In 2022, a good 80 percent of the listed lectures, mainly in the area of basic police training, were given by Corruption Prevention Officers (KPB) under the supervision of the BAK.

### The BAK's 27<sup>th</sup> advanced anti-corruption course

After almost three years of absence due to the pandemic, a BAK training course was held again in September 2022, extended by an additional supplementary module of four course days in the first half of 2023.

A total of 25 staff members of the Federal Ministry of the Interior with a law enforcement background as well as from the area of general administration took part in the "27<sup>th</sup> BAK advanced training course".

They were taught the background and mechanisms of the phenomenon of corruption as well as anti-corruption measures in accordance with the relevant legal basis. In particular, staff from the law enforcement services of the Federal Ministry of the Interior, whose field of activity is subject to a particular risk of corruption, are to be familiarised with the topic, thus creating the basis for them to act with greater certainty. During the training, concrete problems and risk areas associated with corruption-related facts of case are addressed specifically in relation to the public administration and law enforcement services, thus allowing for a high degree of sensitisation of the staff members.



### **The BAK's interactive learning objects as educational measure**

#### **E-learning module "Criminal law on corruption for basic police training"**

The interactive learning object (e-learning module) "Criminal law on corruption for basic police training" developed by the BAK has yet again proven to be an effective training tool in 2022. 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. This learning object is intended to bring police trainees to a uniform level of knowledge through specialist information and to have the basis for further training by acquiring a certificate of completion. The e-learning module helps future law enforcement officers to familiarize themselves with key provisions of criminal law on corruption.

The management of such training measures and the evaluation of their efficiency are implemented with the support of the training centres of the 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. A total of 2,141 staff members completed the module with a certificate.

#### **E-learning module "Criminal law on corruption, 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 Federal Office for Immigration and Asylum (BFA). This learning object (e-learning module) 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, 247 BFA staff members received a certificate for this module.

#### **E-learning module "Code of Conduct of the Federal Ministry of the Interior (MoI) – OUR VALUES. OUR APPROACH."**

In addition to the written learning material "Code of Conduct, MoI" and the shorter version "Code of Conduct to go", an e-learning module has been offered since mid-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.

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

The 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 (SIAK) and thus made available to the staff of the Ministry of the Interior at the end of 2020.

This online training was created with the participation of the BAK in the context of the preparation of a new code of conduct for the civil service. The module familiarizes MoI employees with the importance of a code of conduct for their work. 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.

#### **Education, training and information events in an international context**

A total of eight training and information events with an international context were held by BAK Department 2 in 2022, reaching almost 400 people.

#### **Compliance, integrity and value management for regional civil service staff**

The BAK's Prevention and Basic Research Unit offered a series of lectures for interested members of the civil service of the Austrian regions (Bundesländer) in 2022. Despite the pandemic, interest was high and online lectures were held on the topics "Influence of the Corona pandemic on compliance and integrity in organisations" and "Anchoring values sustainably in the company/organisation" as well as "Integrity and value management in the public service".

# 5 The BAK's events

## The BAK's anti-corruption workshops in schools

### **Student event at BHAK10: "Corruption affects us all"**

After a break of several years, the BAK and the Bundeshandelsakademie Wien 10 (BHAK10), a secondary school with a focus on business and commerce in the 10<sup>th</sup> district of Vienna, proceeded to resume their cooperation originally agreed in 2016. The BAK provided school graduates with additional qualifications in the subject area of corruption prevention and compliance with a tailor-made anti-corruption workshop. The special workshop offered 150 young adults the opportunity to prepare themselves for their personal future in their studies and careers.

At this student event, which was structured into eight exciting and informative thematic circles (including "Corruption Theatre", "IT Forensics", "BAK Everyday Investigation"), future entrepreneurs delved into the numerous facets of the topic of corruption together with experts from the BAK in direct conversation.

This special format for students of secondary level II enables an age-appropriate awareness of acts of corruption and their consequences. The aim is to prevent possible misconduct in advance and to promote integrity. The three essential pillars of awareness raising, consequences for misconduct and the promotion of integrity mean a significant competitive advantage for school graduates as future employees in private companies or public service.

### **Student workshop at HAK Waidhofen/Thaya**

On 23 and 30 May 2022, BAK representatives gave an impulse lecture on the topic of corruption to students of the two 4<sup>th</sup> grades of HAK secondary business school at Waidhofen/Thaya, Lower Austria. After introductions, the students talked about their previous experiences and perceptions regarding corruption. Based on the students' accounts, they discussed possible forms of corruption. The BAK representatives described the process from initial suspicion to investigation to the initiation of criminal proceedings via the Central Public Prosecutor's Office for Combating Economic Crimes and Corruption (WKStA). A lively discussion ensued on the manifold forms of corruption in international comparison. Finally, the participating students reflected on their own values and how external influences might affect them.

# 6

## The BAK's selected operational data

### The BAK's Operational Service

In the BAK, investigations on criminal matters are conducted in Department 3 (Operational Service) to the extent of its legally regulated competence according to the BAK Act. Investigative actions are carried out by experienced case owners and case officers assigned to them. The cases are assigned to the units "Criminal Investigation – Private Sector Corruption" and "Criminal Investigation – Public Sector Corruption", where they are handled by criminal police investigators, criminal analysts and investigators specialised in asset recovery, as required. Special emphasis is placed on central documentation as well as coordinated and targeted procedures in the implementation of criminal police measures.

The unit "Criminal Investigation – Private Sector Corruption" handles matters relevant under criminal law within the scope of responsibility according to the offence catalogue of the BAK Act with reference to the private sector. In numerous investigation cases, final reports were submitted to the Central Public Prosecutor's Office for Combating Economic Crimes and Corruption as well as to other public prosecutor's offices in the course of 2022. However, it is not uncommon for several hundred interim and special reports to be written before final reports are issued on a single case. The number of interrogations to be conducted can also be in the three-digit range.

As an example, comprehensive investigations were continued in a major criminal case concerning agreements to restrict competition and other offences in 2022. The number of accused natural persons and associations in this case continues to be in the range of several hundred, although a large number of proceedings against individual persons and associations have already been concluded. Investigations are conducted in close cooperation with the Austrian Federal Competition Authority.

Another major criminal case for embezzlement and other offences was actually concluded in 2022. These investigations were carried out against many accused natural persons and associations with foreign connections in eight other countries, and approximately seven million euros were seized.

In the unit "Criminal Investigation – Public Sector Corruption", numerous investigations were also concluded and reported to the competent public prosecutor's office. For example, a three-year investigation with links to organised crime for abuse of official authority, bribery, breach of official secrecy and other offences under the Penal Code was completed in close cooperation with the competent regional criminal investigation department, and the final report was submitted. A court case that had already been conducted led to the conviction of the main defendant.

In a further, very extensive preliminary investigation on the grounds of acceptance of and offering an advantage for the purpose of exerting influence with about 100 accused persons, after obtaining information on bank accounts and the subsequent analysis of these, a large number of accused persons were interrogated and continuously reported to the competent Central Public Prosecutor's Office for Combating Economic Crimes and Corruption.

Furthermore, in one criminal case, arrests ordered by the competent public prosecutor's office were carried out with the support of the Cobra Special Intervention Unit after comprehensive investigations including telecommunication surveillance, observations and the like.

In several complex investigations with special public interest, numerous search and seizure orders were executed and witnesses and suspects were questioned.

EKA Unit is responsible for the coordination of operations, asset identification and operational criminal analysis as well as the handling of administrative and mutual legal assistance requests.

In the reporting period, EKA was further developed to meet the increased demands for optimised knowledge and information management in the operational area. Synergies were utilised through operational, case-related criminal analysis as well as support for the case owners through the temporary provision of assistants. This in turn led to an increase in quality and efficiency both in the daily criminal police work of Department 3 and in the accompanying monitoring, resource management and centrally coordinated implementation of criminal police measures. Data analysis tools were also tested for their practical suitability and subsequently integrated into the investigation processes.

### The BAK's statistical data collection

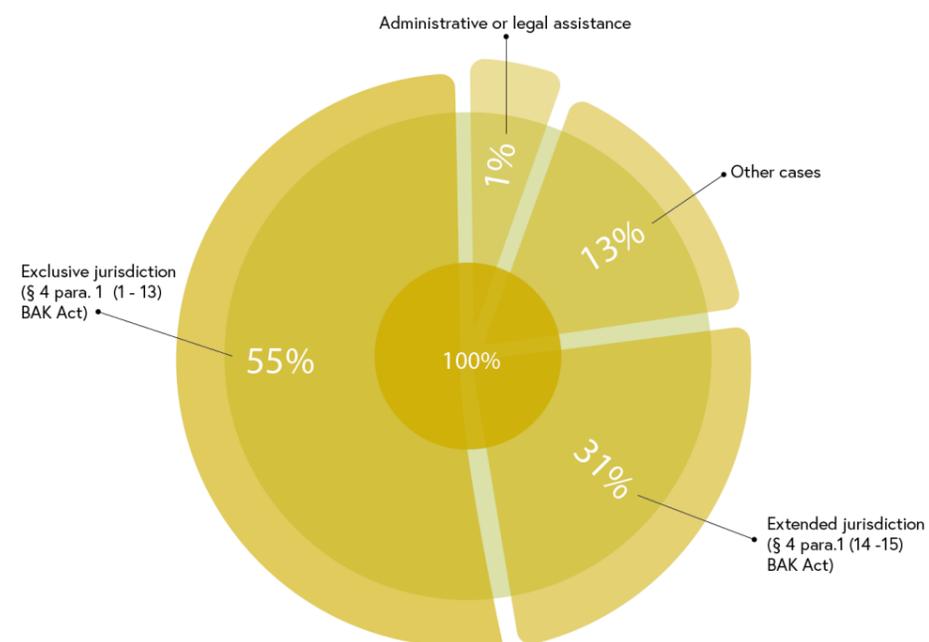
As explained in "The BAK's legal basis", investigating corruption offences is the BAK's main task. The following chapter provides general information on the BAK's statistical data collection and contains a selection of data on the Bureau's operational activities.

All incoming reports, allegations and suspicions are covered by the BAK's statistics, regardless of how the Bureau 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. As a rule, preliminary examination of all incoming items of information is carried out by the BAK's SPOC (Single Point of Contact). Subsequent to this examination, all cases are statistically recorded as incoming cases. According to the results obtained from criminal investigations, these statistical data need to be constantly updated and adjusted.

All cases covered by section (§) 4 para. 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, 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



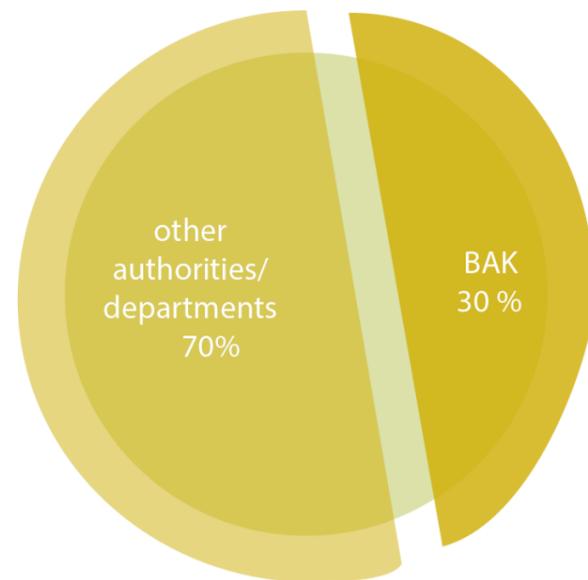
BAK Overall statistics

### 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 706 cases of exclusive jurisdiction, 209 (30 percent) of which were handled by the BAK and 497 (70 percent) by other authorities/departments.



BAK case processing

Regarding the 497 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

394 (79 percent) of the 497 cases handled by other authorities/departments during the reporting year 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 135 (65 percent) of its 209 cases.

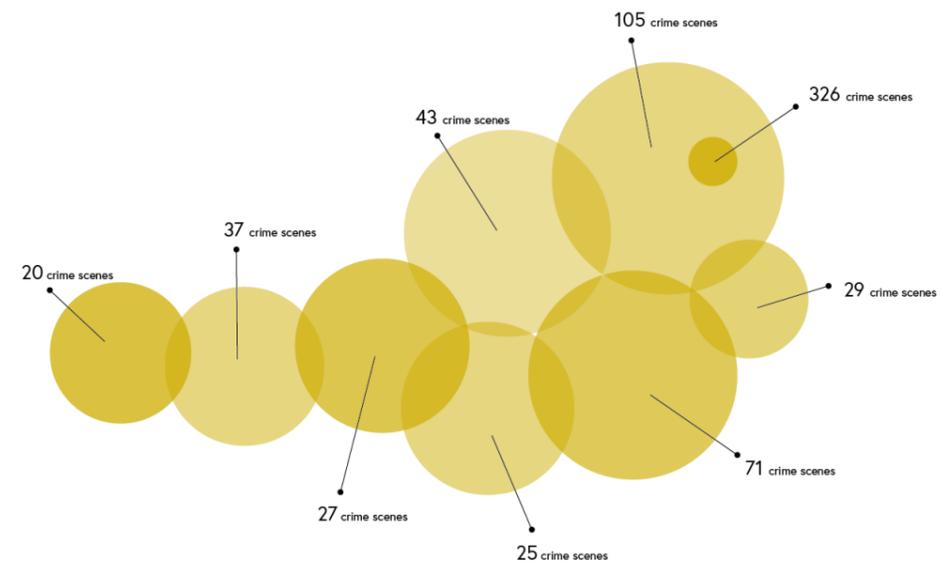
357 (72 percent) of the 497 cases of other authorities/departments and 131 (63 percent) of the 209 BAK cases were solved. A case is classified as "solved" if at least one perpetrator has been identified by name.

However, the 2022 annual statistics do not reflect the BAK's actual workload in this field within a year. It should be noted that in 2022, in addition to those 135 cases that the BAK actually received in the same year (and thus appear in the 2022 annual statistics), the Bureau investigated and completed two cases from 2017, one case from 2018, six cases from 2020 and 27 cases from 2021, i.e. 171 cases in total.

Yet, several investigations from previous years continue. 141 cases from previous years were still pending at the end of January 2023 and will be carried over to 2023. Of these, two cases occurred in 2017, nine in 2018, twelve in 2019, 22 in 2020, and 22 in 2021. These cases are not included in the 2023 statistics, but increase the workload considerably. Because of their complexity, the BAK investigates in numerous cases 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

16 of the crime scenes the BAK received in 2022 registered for the 706 cases of exclusive jurisdiction (§ 4 para. 1 (1-13) BAK Act) remained unknown or could not be determined from the file, seven crime scenes were abroad and 683 in Austria.



Regional breakdown

This figure depicts the regional breakdown of the 683 crime scenes in Austria. Naturally, the majority of crime scenes (326, i.e. 48 percent) were registered in Austria's federal capital Vienna. 105 crime scenes (15 %) were recorded in Lower Austria, followed by 71 crime scenes (ten %) in Styria and 43 (six percent) in Upper Austria. 37 crime scenes were in Tyrol, 29 in Burgenland, 27 in Salzburg, 25 in Carinthia and 20 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 706 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 706 investigation cases included a total of 1,414 punishable acts.

Criminal offence (basis: principal offence of each case)	BAK	Other authorities or departments	Total
§ 302 Penal Code: Abuse of official authority	164	474	638
§ 304 Penal Code: Corruptibility	1	1	2
§ 305 Penal Code: Acceptance of an advantage	2	0	2
§ 306 Penal Code: Acceptance of an advantage for the purpose of exerting influence	1	0	1
§ 307 Penal Code: Bribery	7	0	7
§ 307a Penal Code: Offering an advantage	0	1	1
§ 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	3	3	6
§ 310 Penal Code: Breach of official secrecy	16	13	29
Other criminal offences	15	5	20
<b>Total</b>	<b>209</b>	<b>497</b>	<b>706</b>

In the majority (90 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, 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).

### Criminological facts of case

As the titles of the criminal offences 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.

Criminological facts of case	BAK	Other authorities or departments	Total
Procedural flaws	103	251	354
Disclosure of data	37	55	92
Initiation of proceedings	8	68	76
Permits, expert opinions, certificates	9	34	43
Procedural flaws – penal orders	1	33	34
Financial management	5	13	18
Human resource management	11	7	18
Procurement/tendering procedures	8	0	8
Punishable acts committed by law enforcement officers (in their free time)	1	4	5
Punishable acts in connection with the abuse of an official function	3	8	11
Immigration, asylum	5	5	10
Other criminological facts of case	18	19	37
<b>Total</b>	<b>209</b>	<b>497</b>	<b>706</b>

354 cases (50 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 92 cases (13 %). 76 cases (eleven percent) fell into the category “Initiation of proceedings” (i.e. non-reception or insufficient reception/documentation of complaints). 43 cases (six percent) were assigned to the category “Permits, expert opinions, certificates” (e.g. failure to properly grant, obtain or revoke licences, authorisations or permits; irregularities relating to vehicle inspections in accordance with §§ 57a and 40a Motor Vehicles Act). The categories “Procedural flaws – penal orders” (special cases of “procedural flaws”) and “Financial management” contained 34 (five percent) and 18 (three percent) of the cases, respectively.

18 (three percent) cases fell under the category of “Human resource management” and eight (one percent) cases were categorised under “Procurement / tendering procedures”, while ten (one percent) cases were categorised under “Immigration, asylum”. Five cases (one percent) were classified under “Punishable acts committed by law enforcement officers (in their free time)” and eleven cases (two percent), “Punishable acts in connection with the abuse of an official function”.

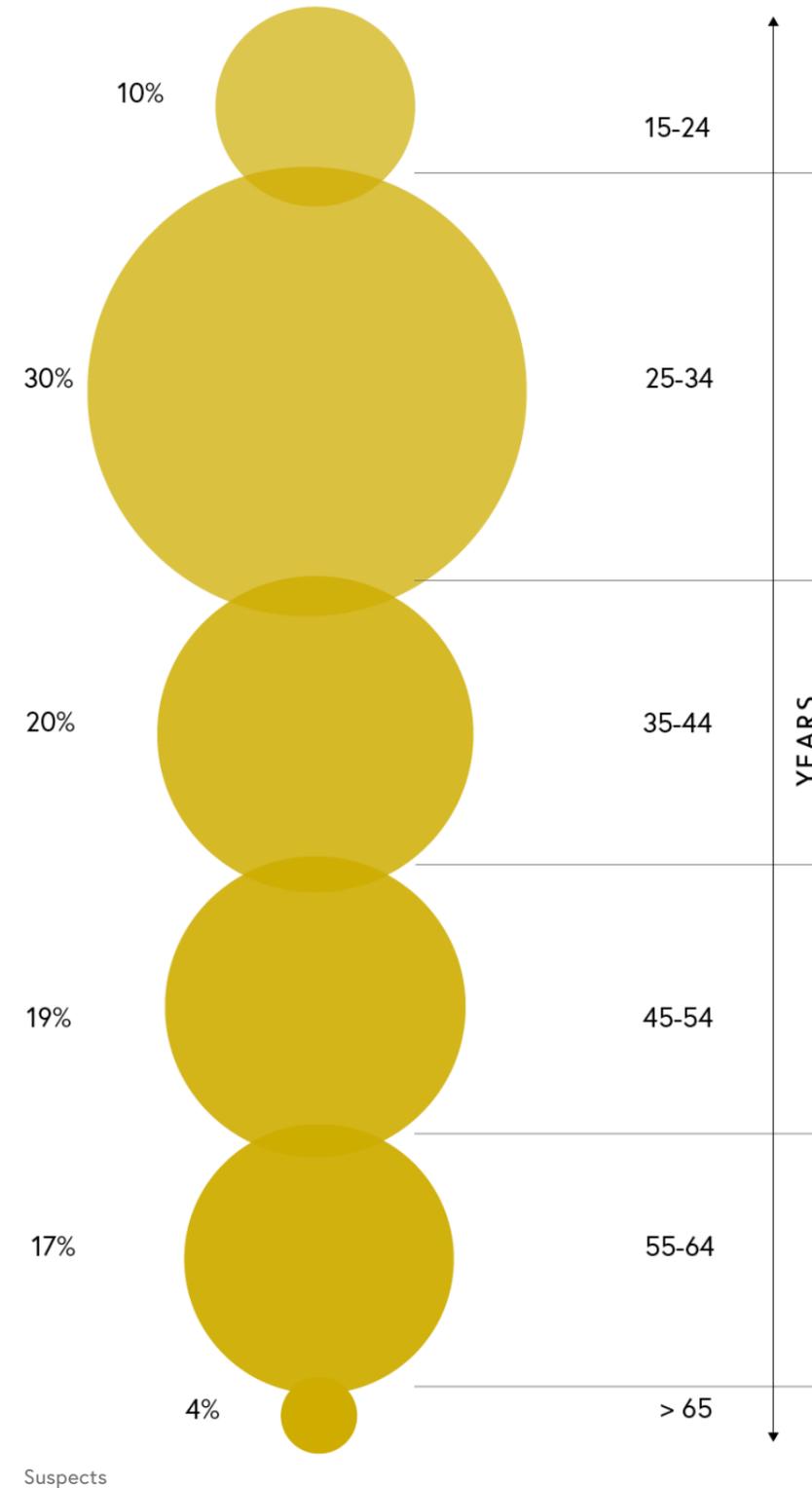
The remaining seven facts of case (37 cases, five percent) were included in “Other criminal categories”. These are “Supervision/control”, “Collusion”, “Money laundering”, “Sponsoring”, “Elections” and “Various categories”.

### Suspects

At least 1,181 suspects were recorded for the 706 cases of exclusive jurisdiction of 2022; at least 307 of these suspects remained unknown.

The gender of 917 suspects was registered; 728 (79 percent) of them were male and 189 (21 percent) were female.

The BAK’s statistics include information about the age of 572 suspects (48 percent of the 1,181 suspects). No particular characteristics were observed regarding the age structure. 87 percent of the suspects were aged between 15 and 57, which is roughly corresponding to the working population.



# 7

## The BAK's international activities

### Longstanding, fruitful international cooperation

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 includes the organisation of visits to the BAK as well as the participation in official meetings and conferences abroad. In view of the gradual easing of COVID 19-related restrictions, the BAK could once again receive visits from international delegations from spring 2022 onwards.

#### The BAK's bilateral cooperation

On 29 April 2022, representatives of the Mexican Instituto Nacional de Estadística, Geografía e Informática (INEGI) accompanied by representatives of the Mexican Embassy in Vienna visited the BAK. The Mexican delegation, which included the head of internal audit of INEGI, was in Vienna on a working visit and had expressed interest in visiting the BAK to obtain general information on the Federal Bureau, its tasks and on current examples of anti-corruption and accountability in Austria. During the visit, the guests from Mexico were given an overview of the BAK's remit as well as current practical examples from the prevention of and fight against corruption in Austria. In the subsequent discussion, the delegation members were particularly interested in the evaluation of the National Anti-Corruption Strategy on the basis of indicators and in the legal basis of the BAK.

On 31 May 2022, the BAK received a delegation from the Mandate and Immunity Committee of the Czech Senate, which obtained information on the organisation and structure of the Federal Bureau as well as on its prevention and investigation work. The senators also showed interest in the incidence of business and the detailed conduct of investigations into corruption-related offences.

During the early summer of 2022, an exchange between the BAK and the Special Investigation Service of Lithuania (STT) in the IT field took place within the framework of the CEPOL Exchange Programme. Among other things, participants deepened their knowledge of tools for the efficient presentation and analysis of data and discussed best practices and workflows.

On 9 June 2022, the Latvian Anti-Corruption Agency KNAB visited the BAK. The Latvian anti-corruption experts had come to Vienna to deepen their knowledge and skills in the areas of societal outreach, anti-corruption training, raising awareness of corruption risks in the public and private sectors, and digital forensics. Another area of interest related to working with whistleblowers. During the working visit, a lively exchange developed on best practices in preventing and combating corruption as well as the challenges of an anti-corruption agency in the context of public and media perception. Representatives of the BAK presented the public relations work of the authority, the tasks of education as well as digital forensic investigation methods. The working visit allowed both sides to discuss different interesting approaches and to deepen the pre-existing cooperation.

A high-ranking Jordanian delegation of the Integrity and Anti-Corruption Commission (JIACC) came to the BAK in Vienna as part of the EU Twinning project “Support the Jordanian Integrity and Anti-Corruption Commission in the Fields of Integrity and Corruption Prevention” on 28 June 2022. Representatives of the BAK presented the organisation and the tasks of the Federal Bureau and provided information on its prevention and education work. The Jordanian visitors were particularly interested in practical examples from the area of prevention and the Austrian Network of Integrity Officers. The Jordanian delegation also provided insights into their organisation and presented the liaison officer system. JIACC employees are assigned to individual public institutions, e.g. ministries, to work in the field of compliance and risk assessment there. The subsequent discussion led to an intensive exchange on best practices in the field of preventing and combating corruption and laid the foundation for future contacts.

From 31 August to 1 September 2022, a delegation consisting of employees of the Austrian authorities Federal Bureau of Anti-Corruption (BAK), Criminal Intelligence Service Austria (BK) and Central Public Prosecutor’s Office for Combating Economic Crimes and Corruption (WKStA) visited the Bavarian State Office of Criminal Investigation (BLKA) in Munich for an exchange of IT experience. The official visit at the Bavarian State Office of Criminal Investigation started with a presentation of the Forensic Institute and the departments “Forensic Information and Communication Technology“ and “eDiscovery“. This was followed by an overview of the BLKA’s technical infrastructure. Finally, there was a detailed exchange of experience regarding the application possibilities of the IT forensic software programmes used, with a focus on the processing and use of large data inventories seized.

On 14 December 2022, representatives of the Armenia Anti-Corruption Committee (ACC) visited the BAK. The high-ranking delegation, which also included the Armenian ambassador in Vienna, had come to Vienna on a visit organised by the Organization for Security and Co-operation in Europe (OSCE) to gain insights into the BAK’s structure, procedures and investigative techniques. Representatives of the BAK presented the organisation and tasks of the Federal Bureau and provided information on the preven-

tion and education work as well as the operational area. The latter was of particular interest to the Armenian participants, as the ACC is purely a law enforcement agency. The Armenian delegation also presented their still very young organisation, which has been in existence only since October 2021, and explained the challenges the agency faces in Armenia. During the visit, a lively exchange developed on the efficient use of operational resources as well as digital forensic investigation methods. The working visit allowed both sides to get to know each other for the first time and served as a prelude to further contacts.

### **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). Furthermore, the BAK is also in exchange with the International Anti-Corruption Academy (IACA) located in Laxenburg, Lower Austria.

### **The United Nations and their anti-corruption activities**

#### **UNODC – GlobE Network**

Based on an initiative of the G20 states, UNCAC and a decision by UN General Assembly Special Session (UNGASS), the GlobE Network initiative was launched in 2021 under the leadership of UNODC (United Nations Office on Drugs and Crime).

One of its goals is to develop a secure communication platform for the exchange of information between law enforcement agencies in the area of corruption for all countries in the world. As of December 2022, 70 UN member states and 130 anti-corruption authorities had joined the initiative. Austria applied for membership in August 2021 and since then has been represented within the GlobE Network at the plenary meetings by experts from the BAK. This participation gives the opportunity to continuously observe the development of this project.

Since the beginning of the initiative, UNODC has organised three plenary sessions. In 2022, the second session was held in Vienna from 28 to 30 June and the third in Madrid from 15 to 17 November. At the plenary sessions, the participants decided to establish a task force to support the steering committee and the members of the initiative, particularly in evaluating the effectiveness and implementation of a messenger service

as a secure communication platform. The further development of the GlobE Network is accompanied by three working groups that focus on one, the legal basis, two, the technical and logistical implementation, and three, the necessary learning programmes for knowledge and capacity development.

#### **Conference of the States Parties (COSP)**

The Conference of the States Parties to UNCAC is the main decision-making body of the United Nations against corruption. It assists UN member states in implementing the UNCAC (United Nations Convention against Corruption) and provides policy guidance to UNODC on the development and implementation of anti-corruption activities.

The Conference's subsidiary working groups are responsible for the area of prevention (Working Group on Prevention) and asset recovery (Working Group on Asset Recovery). There is also the Implementation Review Group and the Expert Meeting on International Cooperation. The BAK participated in these meetings virtually and, where possible, also on site.

From 13 to 17 June 2022, the Implementation Review Group meeting was held jointly with the UNCAC Working Group on Prevention at Vienna International Centre (VIC). At this event, the experts present discussed various topics, such as bribery of foreign authorities, protection for whistleblowers and the use of information and communication technologies for the implementation of the UNCAC.

A high-level representative of the BAK was a member of the panel "On the Challenges to and good Practices in Anti-Corruption Awareness-Raising, Education, Training and Research" and gave a presentation on BAK initiatives aimed at raising awareness and imparting knowledge on corruption prevention.

Another meeting of the Implementation Review Group was held at the VIC from 7 to 11 November 2022. This conference was combined with the Working Group on Asset Recovery and the Expert Meeting on International Cooperation. The BAK was represented there, in addition to specialists in the area of asset recovery and the database for the registration of beneficial owners of companies from the Austrian Federal Ministry of Finance and the Criminal Intelligence Service Austria.

Different topics were discussed such as the Sharm-el-Sheikh Declaration, practices with regard to the repatriation of stolen assets as well as asset recovery, which accounts for the rationale behind the inter-ministerial composition of the Austrian delegation and the involvement of the BAK.

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

The review of Austria with regard to Chapters II (Preventive measures) and V (Asset recovery) of the UNCAC (United Nations Convention against Corruption) in the framework of the UNCAC Implementation Review Mechanism started in the summer of 2019. After the Austrian response to the standardised 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 reviewing 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 of the German and Vietnamese review teams, originally planned for 2020, did not take place until March 2022. The related review report was not yet available at the end of 2022.

#### **Anti-corruption measures at EU level**

##### **Exchange of experience among national anti-corruption contact points**

The European Commission (EC) regularly invites the National Anti-Corruption Contact Points (NCCPs) of the EU Member States (EU MS) to Brussels to exchange experience on the fight against corruption. Since the announcement of an EU anti-corruption package by the President of the EC, Ursula von der Leyen, in September 2022, this exchange intensified and the BAK also participated.

On 14 September 2022, the 14<sup>th</sup> "EU experience sharing programme workshop" took place on the topic of "Lobbying in Europe: hidden influence, privileged access". At this workshop, lobbying regulations of individual EU MS were presented and transparency in connection with lobbying was discussed. In addition, representatives of the participating EU MS were able to discuss their national regulations on lobbying and transparency as well as the issues related to corruption on the basis of case studies.

The 15<sup>th</sup> "EU experience sharing programme workshop" took place on the topic of "The future of anti-corruption in the EU" on 14 December 2022. In this event, representatives of the Directorate-General for Home Affairs (DG HOME) of the EC provided information on the status of the proposal for the revision of the EU legal framework against corruption. Furthermore, the representatives of the EU MS exchanged views on the concepts and implementation of national anti-corruption strategies. Finally, they discussed the strategic role of the EU in the fight against corruption, which is a key priority for the EC.

##### **EU Rule of Law Cycle/Rule of Law Report**

In summer 2019, the EC presented the proposal for a comprehensive Rule of Law Cycle, which aims to promote, enforce and prevent violations of the rule of law in the EU. The central element of this new mechanism is the EU Rule of Law Report, which has been published annually since 2020. The report assesses the rule of law situation in the EU

and in the individual EU MS. It is prepared with the involvement of the EU MS and stakeholders. The report examines the independence of the judiciary, the anti-corruption framework, media pluralism and the separation of powers.

Accordingly, at the end of 2021, EU MS were invited to respond to a questionnaire on these four thematic areas. Particular attention was to be paid to feedback, progress and developments in relation to the points of the Rule of Law Report 2021 addressed in the respective country chapter as well as significant rule of law developments in relation to the COVID 19 pandemic. For Austria, the BAK again took the lead in the interdepartmental preparation of the contribution in the area of anti-corruption and in January submitted it to the Federal Chancellery, which is responsible for the overall Austrian contribution, after consultation with the other agencies concerned, including the Federal Ministries of Justice, of Arts, Culture, Civil Service and Sport as well as the Court of Audit.

After a virtual country visit by representatives of the EC at the end of February and a subsequent fact check in June, the Austrian overall contribution was finalised. On 13 July, the third Rule of Law Report entitled “2022 Rule of Law Report – The rule of law situation in the European Union” was presented under the Czech Presidency. In terms of content, the anti-corruption part of the Austrian contribution includes activities to implement the National Anti-Corruption Strategy.

For the first time, the Rule of Law Report 2022 also contains recommendations for the EU Member States. Austria is urged to continue the reform to create a Federal Public Prosecutor’s Office, to create effective regulations concerning the disclosure of assets and financial interests of members of the Austrian Parliament, to reform state advertising and to push ahead with the reform to lift official secrecy.

### **European Partners against Corruption (EPAC) and European contact-point network against corruption (EACN)**

In 2022 the BAK continued to provide the Secretariat to the EPAC and EACN networks, which serve as independent platforms for anti-corruption agencies and police oversight bodies to maintain contact and exchange specialist information. Both networks together currently have 105 members – EPAC consists of authorities/departments from EU and Council of Europe member states; EACN exclusively comprises authorities/departments from EU Member States.

On 23-24 November, the 21<sup>st</sup> EPAC/EACN Annual Professional Conference and General Assembly took place in Chişinău, Republic of Moldova. Around 180 participants from 24 different countries as well as EU agencies and international organisations attended the event.

Other work of the EPAC/EACN Secretariat included the ongoing updating and maintenance of the EPAC/EACN website, members’ contact addresses and the EPAC/EACN contact catalogue, as well as the production and distribution of regular newsletters, organisational support for the 21<sup>st</sup> EPAC/EACN Annual Conference and the planning and implementation of Board meetings. Some of EPAC/EACN’s activities were co-financed by the EU Internal Security Fund (ISF).

In March 2022, the Board adopted the EPAC/EACN Work Programme 2022/2023, which is organised along the thematic focus areas of Transfer of Knowledge, Analysis and Advice, and Visibility and Partnerships. Three task forces were initiated on the basis of these priority areas.

Within the framework of the Task Force for Analysis and Policy Advice (APA) to promote analysis for evidence-based decision-making in anti-corruption and police oversight, workshops and lectures were held at three international events and conferences in 2022.

The Task Force for Training and Transfer of Knowledge (TTK) planned and conducted three webinars for the EPAC/EACN community on relevant anti-corruption and police oversight topics in 2022.

The Task Force for Developing and Implementing Project Activities (DIPA), in addition to holding annual technical conferences, includes the planning and management of study visits between members of the EPAC/EACN network to be implemented in 2023.

### **21<sup>st</sup> EPAC/EACN Annual Professional Conference and General Assembly**

In preparation for the 21<sup>st</sup> annual conference in Chişinău, Moldova, the EPAC/EACN Board met for its third official Board meeting there on 20 September 2022. During the meeting, the Board, together with representatives of the hosts, the National Anti-Corruption Centre (NAC) of the Republic of Moldova, discussed organisational details and coordination with the organisers, as well as the main content of the conference and the programme of the 21<sup>st</sup> EPAC/EACN Annual Professional Conference and General Assembly.

Immediately before the start of the conference, the fourth official meeting of the EPAC/EACN Board took place. During this meeting, among other things, the content of comments received on the draft Chişinău Declaration was discussed and the invitation from the Irish Board member was accepted to hold the 22<sup>nd</sup> EPAC/EACN Annual Professional Conference and General Assembly in Ireland.

The conference agenda included two plenary sessions on the first day of the conference:

- Investigations of corruption offences at the highest level and

- International cooperation and exchange of information.

On the second day of the conference, two parallel workshops were held on Criminal asset recovery and on Prevention challenges in police oversight risk assessment. During the conference, the traditional EPAC/EACN Award was presented for the best or most innovative anti-corruption and police oversight initiatives of the year. This year's award went to the National Anti-Corruption Bureau of Ukraine for the "Anti-Corruption School" they had established.

The conference concluded with the EPAC/EACN General Assembly, where six new members and one observer member were admitted to the EPAC/EACN networks. In addition, the Chişinău Declaration was adopted. Up-to-date information on the event was communicated to EPAC/EACN members and can also be found on the EPAC/EACN website as well as on the various social media channels of the networks.

## **Organisation for Economic Co-operation and Development (OECD) and their activities to promote integrity**

### **OECD Public Integrity Principles**

Within the framework of the OECD Working Group of Senior Public Integrity Officials (SPIO), data collection to evaluate the implementation of the OECD Council Recommendation on Integrity in Public Life has been underway since December 2021. Of the principles contained in this Recommendation, 2022 Principle No. 10, which deals with the protection of integrity in public sector organisations, has been selected as the next step as well as for evaluation and data collection. The questions are based on specific indicators developed in an OECD working group and essentially address the topics of internal audits and risk management. The BAK was commissioned to coordinate the involvement of the twelve federal ministries as well as six selected "agencies" (institutions that carry out audits or examinations to some extent), including the Austrian Court of Audit, the Financial Market Authority, the Ombudsman Board, the Federal Competition Authority, the National Bank and the Parliamentary Directorate. It is expected that by the end of February 2023, all responses from the institutions involved will have been received and can be forwarded to the representatives of the OECD, who will issue recommendations based on these responses.

### **OECD Working Party of Senior Public Integrity Officials**

On 23 November, a so-called "Task Force on OECD Public Integrity Indicators" was held in the run-up to the meeting of the Senior Public Integrity Officials (SPIOs) at the OECD Conference Centre in Paris. Only selected members of the SPIOs were allowed to attend this meeting. Austria was invited to attend because of its long-standing and active role in the SPIO body. The overall objective of the OECD Task Force on Public Integrity Indicators remains to support the implementation of the 2017 OECD Council Recommendation through evidence-based measurement of the state of play and progress

made by OECD member countries. Similarly, contributing to the global evidence base on "what works" in curbing corruption remained a key objective. Providing objective and credible data through the OECD Public Integrity Indicators has always been a core objective to provide an alternative to the perceptions of experts, citizens and businesses expressed through existing indices.

The Working Party of Senior Public Integrity Officials convened at the OECD Conference Centre on 24-25 November 2022.

Through the initiatives of the OECD Working Party of Senior Public Integrity Officials, such as CleanGovBiz and Integrity Week, the OECD supports governments to assist authorities and organisations in strengthening integrity, building trust and fighting corruption, as well as strengthening cooperation with civil society and the private sector in this context.

On the one hand, these events are an annual fixture for the exchange of experience on integrity-promoting measures, and on the other hand, they offer the opportunity to exchange ideas with comparable institutions. Current topics are the "OECD Public Integrity Indicators – Accountability of Public Policy Making and Risk Management".

## **Council of Europe Group of States against Corruption (Groupe d'Etats contre la Corruption – GRECO)**

### **Start of the fifth GRECO evaluation round**

Austria has been a member of the Council of Europe Group of States against Corruption (GRECO) since 1 December 2006. Following the multidisciplinary approach of the Council of Europe in the fight against corruption, GRECO has 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 on "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. On the basis of answers given to the questionnaire provided by GRECO, in-depth discussions between experts of the GRECO evaluation team and those of the Austrian authorities took place within the framework of a country visit at the end of June 2022. Based on the questionnaire and the expert interviews, GRECO drafted an evaluation report which was discussed and adopted at the 92<sup>nd</sup> Plenary Session of GRECO in Strasbourg on 28 November to 2 December 2022. Further information on the fifth evaluation round can be found on the GRECO website ([www.coe.int/en/web/greco/evaluations](http://www.coe.int/en/web/greco/evaluations)).

## **International Anti-Corruption Academy (IACA)**

### **IACA Assembly of Parties**

On 20 November 2022, the Director of the BAK presented the Statement for the Contracting Party Austria at the 11<sup>th</sup> Assembly of Parties of the International Anti-Corruption



Academy (IACA) in Vienna. He particularly emphasised the excellent cooperation between IACA and BAK, which has existed for many years. Numerous challenges are emerging in the fight against corruption, which require not only national, but also regional and international efforts. In terms of content, the Global Programme on Measuring Corruption (GPMC) launched by IACA was the main focus of the meeting of parties.

#### **Working with the IACA – Involvement of the BAK**

In June 2022, a BAK staff member participated in the IACA Summer Academy 2022, which was held at the IACA campus in Laxenburg, Lower Austria, for the first time since 2019. The week-long seminar featured presentations by international anti-corruption and compliance experts and gathered a total of 51 participants from 31 countries. They came from anti-corruption, government or law enforcement agencies, law firms, international organisations, the private sector as well as universities and NGOs. Participants benefited from high-level peer discussions and joined the IACA alumni network of anti-corruption and compliance experts at the event.

On 27 September 2022, a BAK staff member presented on the BAK's mandate at an IACA training programme for a delegation from the Independent Authority Against Corruption (IAAC) of Mongolia.

On 17 October 2022, a BAK expert gave a presentation on Anti-corruption measures in public administration reform at an IACA training for a delegation from Senegal.

#### **International anti-corruption conference in Budapest**

On the occasion of International Anti-Corruption Day, a conference on “Theoretical and practical aspects of corruption prevention” was held in Budapest on 7 December 2022.

The BAK was invited to present its expertise in the field of corruption prevention and anti-corruption advisory services in the public sector, alongside representatives from Germany, Portugal, the Czech Republic, Bosnia-Herzegovina and Romania. After keynote speeches, a panel discussion was held on “Governance integrity and corruption risks, prevention, awareness raising, creative and innovative approaches”.

#### **Foundation of the European Network for Public Ethics**

On 9 and 10 November 2022, representatives of public authorities from eleven EU Member States met to launch the European Network for Public Ethics (ENPE).

After the joint declaration on the creation of the ENPE had already been adopted in Paris in June 2022, representatives of the anti-corruption authorities involved now met in Zagreb to sign the charter and actually found the network.

The BAK took part in the two-day conference as one of the eleven founding members and participated in the first steps towards the expansion and visibility of the network as well as the future provision of specific expertise.

In the future, ENPE is to act as a point of contact for European authorities with regard to integrity, transparency and ethics in the public realm. The aim of the network is to promote a culture of public integrity and the harmonisation of standards, guidelines and laws in the EU. This is planned to be done mainly through mutual exchange between members, identifying best practices and comparing respective legislation.

