

Annual Report 2023

Federal Bureau of Anti-Corruption (BAK)



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Vienna, 2024

Impressum

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Federal Bureau of Anti-Corruption (BAK)
Federal Ministry of the Interior (BMI)
Herrengasse 7, 1010 Vienna, Austria
+43 1 53126 906800
bak.gv.at

Author: BAK

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Preface

Dear readers,

The year 2023 was characterised by many corruption prevention events and trainings at the Austrian Federal Bureau of Anti-Corruption (Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung or BAK). The Austrian Anti-Corruption Day was held under the motto 'Speak up, write down – the role of whistleblowing and journalism in the fight against corruption'. Two training courses were organised for integrity officers, over 100 students were trained in anti-corruption at two school events, and numerous training courses for civil service staff were offered in various formats. With the BAK theme days, the BAK's new event format was established at the Federal Ministry of the Interior (Bundesministerium für Inneres or BMI).

In August 2023, BAK set up reporting offices in accordance with the Whistleblower Protection Act (HinweisgeberInnenschutzgesetz or HSchG). BAK also made all preparations to be able to launch an Investigation and Complaints Office Allegations of Mistreatment (Ermittlungs- und Beschwerdestelle Misshandlungsvorwürfe or EBM) as BAK's new Department 4 on 22 January 2024.

Corruption investigations were conducted in a professional manner as always. Please find an overview of the relevant statistics in this annual report.

I would like to express my sincere thanks to the entire BAK crew, who continue to fulfil their duties in an extremely professional and committed manner, even in challenging times.

We hope to provide you with an informative overview of events in 2023 and thus contribute to the prevention of corruption and the promotion of integrity in Austria.

Otto Kerbl

Director of BAK



Dr. Otto Kerbl, MA

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1

About BAK

1.1 BAK's Organisational structure

Compact structure in three, in future four, departments

BAK is an institution of the Austrian Federal Ministry of the Interior (Bundesministerium für Inneres or BMI). 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, BAK was structured in three departments. Based on the amendment to the BAK Act in 2023, an additional department, the Investigation and Complaints Office Allegations of Mistreatment (Ermittlungs- und Beschwerdestelle Misshandlungsvorwürfe or EBM), was to be established in January 2024. A recruitment campaign was launched in 2023 and training for new recruits was started in order to ensure that the new department would be operational from 22 January 2024. The information in this report is generally based on the tasks and structures during the 2023 reporting period.

Single Point of Contact (SPOC)

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

On 25 August 2023, two reporting offices were set up in SPOC in accordance with the Whistleblower Protection Act (HinweisgeberInnenschutzgesetz or HSchG). Both internal (from within the Federal Ministry of the Interior) and external reports can now be submitted in accordance with the Whistleblower Protection Act.

The Whistleblower Protection Act gives persons who have learned of certain violations in the course of their professional activities the opportunity to report violations of laws and regulations. This includes not only employees, but also applicants, self-employed persons, suppliers, etc. Whistleblowers must not suffer any professional disadvantage as a result of providing information and are thus protected against reprisals.

Resources, Support and Legal Affairs

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

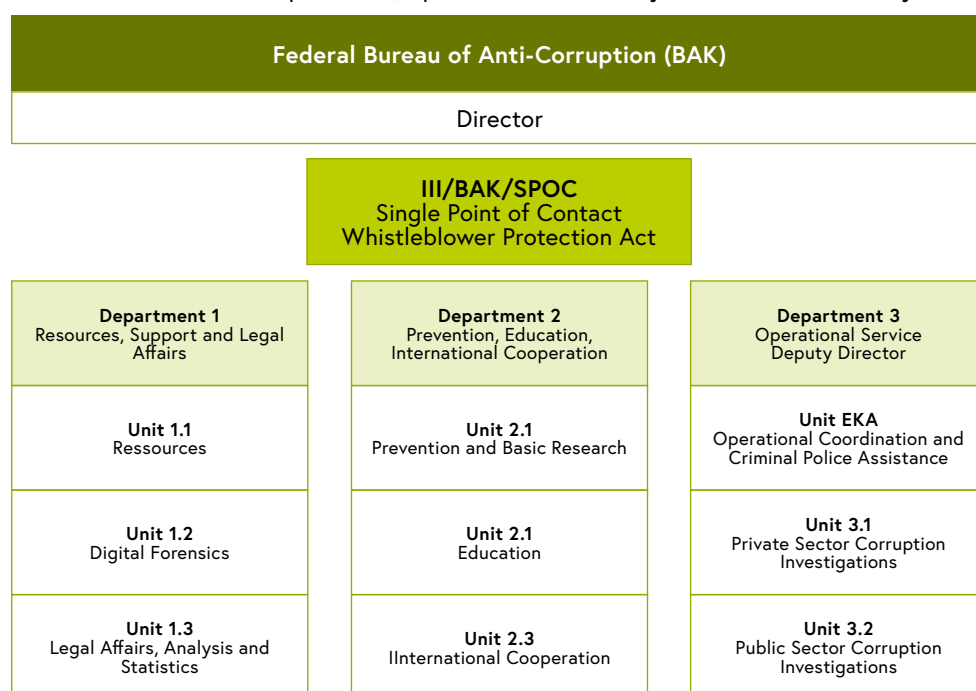
Prevention, Education and International Cooperation

BAK Department 2 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 (Integritätsbeauftragtenetzwerk or 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.

BAK's activities in the field of education are supported in each regional police directorate by corruption prevention officers (Korruptionspräventionsbeamte or KPB). In coordination with 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).

Corruption Investigations

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 areas of corruption offences, offences in office 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 Criminal Police Assistance“ (Einsatzkoordination und kriminalpolizeiliche Assistenz or EKA) is responsible for the coordination of operations, operational case analysis and asset recovery.



1.2 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.

BAK's security and criminal police remit

Pursuant to Section (§) 4 para. 1 BAK Act, the BAK's Austria-wide remit in security and criminal police matters comprises 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 with intent to be influenced (§ 306 Penal Code),
5. Bribery (§ 307 Penal Code),
6. Offering an advantage (§ 307a Penal Code),
7. Offering or granting an advantage with intent to influence (§ 307b Penal Code),
8. Illicit intervention (§ 308 Penal Code),
- 8a. Breach of official secrecy (§ 310 Penal Code),
- 8b. Breach of § 18 of the Information Management Act,
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 affecting the financial interests of the European Union (§ 168g 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 aggravated 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, or no. 11 second and third case, or no. 12; criminal association or organisation (§§ 278 and 278a Penal Code), if their purpose is to commit offences nos. 1 to 9a or no. 11 second and third case,
14. Acts punishable pursuant to the Penal Code as well as to ancillary criminal law, if they are related to offences nos. 1 to 13 and are subject to prosecution by BAK upon written order by a court or public prosecutor's office,
15. Acts punishable pursuant to the Penal Code as well as to ancillary criminal law concerning public employees of the Federal Ministry of the Interior, if they are subject to prosecution by BAK upon written order by a court or public prosecutor's office.

In the cases defined in § 4 para. 1 (11-13) BAK Act, pursuant to § 28 para. 1 sentence 2 Penal Code, BAK may only be the authority in charge if the above mentioned criminal offences are relevant for determining the extent of the punishment.

Investigation and Complaints Office Allegations of Mistreatment (EBM)

An amendment to the BAK Act was published in the Federal Law Gazette on 21 July 2023 (Federal Law Gazette I No. 107/2023). That created the legal basis for the establishment of the Investigation and Complaints Office Allegations of Mistreatment (Ermittlungs- und Beschwerdestelle Misshandlungsvorwürfe or EBM). EBM is responsible nationwide for investigations and enquiries into allegations of mistreatment against police officers and any police use of direct coercive force resulting in death and life-threatening use of weapons including firearms. Any suspicion or allegation of mistreatment by police officers is investigated by EBM investigators. The term 'mistreatment' refers to intentional criminal offences against life and limb in the course of official duties unrelated to the exercise of direct coercive force, (negligent or intentional) criminal offences against life and limb in the disproportionate exercise of direct coercive force and inhuman or degrading treatment in the course of official duties. Internal misconduct or general complaints that are not related to mistreatment are not included.

Accordingly, EBM is in charge Austria-wide for:

“[...] criminal investigations into the use of direct coercive force resulting in death and life-threatening use of weapons including firearms (§ 7 Use of Weapons and Firearms Act 1969, Federal Law Gazette No. 149/1969) by

members of law enforcement, provided that they are employees of the federal government,

other employees of the Directorate State Protection and Intelligence Service, (§ 2b para. 2 Directorate State Protection and Intelligence Service Act, Federal Law Gazette I No. 5/2016) and

other employees of the Federal Ministry of the Interior or subordinate agencies authorised to exercise command and coercive power.”

and

“[...] investigations in connection with allegations of mistreatment against members of the civil service or law enforcement according to para. 4 Nos. 1 to 3 BAK Act. An allegation of mistreatment is the suspicion or allegation of

an intentional punishable act against life and limb in the course of duty without connection to the exercise of direct coercive power,

a punishable act against life and limb if there are reasonable grounds for believing that it was caused by the disproportionate use of direct coercive power (§§ 4-6 Use of Weapons and Firearms Act 1969), or

inhuman or degrading treatment in the performance of official duties.

The Federal Bureau of Anti-Corruption (BAK) shall not be responsible if an allegation of mistreatment pursuant to para. 5 no. 3 BAK Act relates to behaviour towards an employee of the Federal Ministry of the Interior and there is no initial suspicion pursuant to the Code of Criminal Procedure (StPO).

The working methods and procedures of EBM are regulated in Section (§) 4a BAK Act.

BAK's international cooperation

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

BAK's corruption prevention activities

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

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 agencies 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 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 BAK without going through official channels (right to report).

Cooperation among law enforcement

The law (§ 6 BAK Act) also regulates cooperation with other law enforcement authorities and agencies. BAK may assign certain investigations to other law enforcement authorities and agencies for reasons of expediency (§ 6 para. 2 BAK Act); or, BAK may refer investigations to other competent law enforcement authorities or agencies if there is no particular public interest regarding the seriousness of the matter or 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 of the Austrian Security Police Act, and two additional members. The Commission for Legal Protection is to investigate allegations concerning the activities of BAK that are not manifestly unfounded if the persons concerned do not have a legal remedy at their disposal. The Commission 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).

1.3 BAK's mission statement

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



1.4 BAK's workplace health promotion

Promoting the health of its employees is an important project of the Federal Ministry of the Interior. By implementing workplace health promotion measures, the aim is to prevent illness and improve the health and well-being of employees in the long term.

The Federal Bureau of Anti-Corruption (BAK) is playing a pioneering role in this regard. A first seal of approval was achieved back in 2016. Since then, BAK's health promotion measures have been repeatedly awarded the seal of approval by the Insurance Company for Public Employees, Railways and Mining (BVAEB), most recently for the period 2022 to 2024.



1.5 BAK's public relations

In its public relations work, the Federal Bureau of Anti-Corruption (BAK) pursues two lines that differ in terms of public communication:

Investigative work is subject to a non-public procedure and requires sensitive handling of personal data. Press enquiries in this regard should be directed to the public prosecutor's office conducting the investigation. The situation is different in the prevention of corruption. Here, the focus is on comprehensive reporting and coverage of a broad target group in the population – according to the principle of 'the more prevention, the better'.

BAK thus has its own website, (bak.gv.at), and a newsletter sent to interested parties on a quarterly basis. BAK also produces various publications.

Website

At bak.gv.at, BAK provides information about its tasks, events and publications, and publishes current affairs related to corruption. Basic facts about BAK and the latest news are also available in English.

Newsletter

The BAK newsletter is published several times a year and is sent to a wide range of interested parties. It contains articles on general corruption topics and various prevention measures. In addition to selected activities of BAK and recent developments in the area of corruption prevention, the newsletter reports on international cooperation and projects.

Social Media

With the launch of the LinkedIn account 'Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung (BAK)' in May 2023, BAK is once again represented on social media. Followers can use the platform not only as a source of information, but also to communicate with the Federal Bureau, like and share posts and become active as multipliers in the prevention of corruption.

2

BAK takes
preventive action

Precaution and prevention work are key areas of BAK's remit. The aim is to prevent corruption in advance by raising awareness.

This goal is served not only by the implementation of the National Anti-Corruption Strategy (Nationale Anti-Korruptionsstrategie or NAKS) adopted in October 2023, but also by the exchange of experience and knowledge through various events and networks. These include, in particular, the Anti-Corruption Day and the Network of Integrity Officers (Integritätsbeauftragtennetzwerk or IBN).

2.1 National Anti-Corruption Strategy und National Action Plan of the Federal Government 2023–2025

The National Anti-Corruption Strategy takes a holistic and cross-sectoral approach and forms the framework for a systematic approach to the implementation of measures to prevent and combat corruption with state, civil society and private sector joining forces.

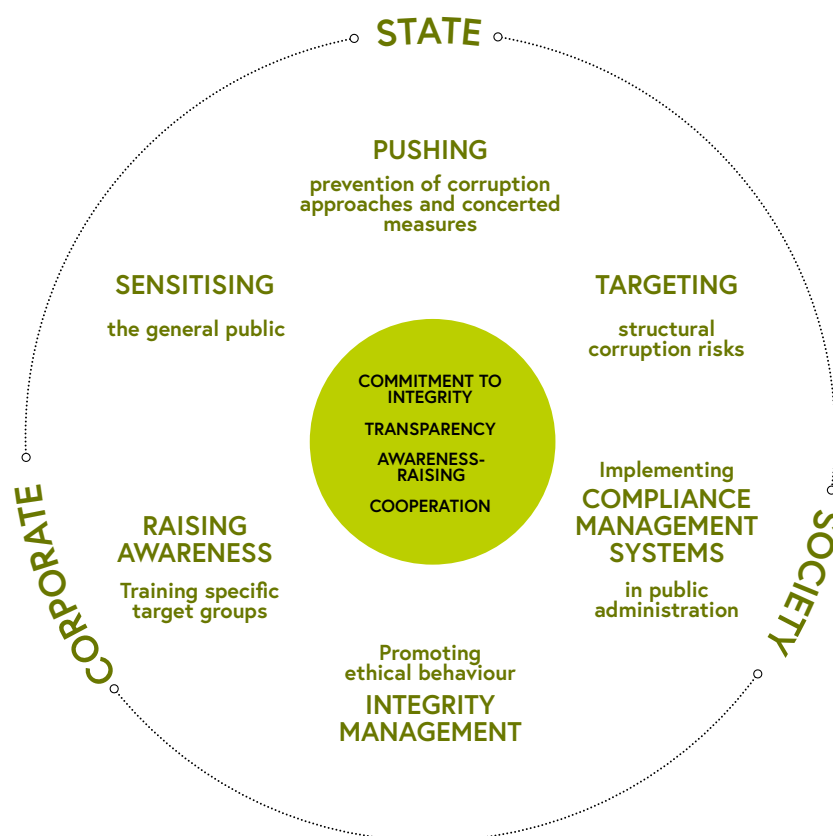
NAKS and National Action Plan (NAP) 2019-2020 were originally developed under the leadership of the Ministry of the Interior, in particular BAK, and the Federal Ministry of Justice (BMJ) with the broad involvement of the public administration, civil society and the private sector and were adopted by the Council of Ministers on 31 January 2018.

On 11 October 2023, the Council of Ministers adopted the revised and supplemented NAKS and the National Action Plan (NAP) of the Federal Government for the years 2023 to 2025 based on it. Prior to this, NAKS in the version adopted in 2018, and the NAP structure had been evaluated.

BAK had a leading role due to its responsibility for coordinating NAKS and NAP in 2023 and in the previous evaluation. It performed this role in close cooperation in a core team with representatives of the Federal Chancellery (BKA), the Federal Ministry of Justice (BMJ) and the Federal Ministry of Arts, Culture, Civil Service and Sport (BMKÖS) and in consultation with the Coordinating Body on Combating Corruption.

Dual approach

The National Anti-Corruption Strategy (NAKS) consists of a prevention and a prosecution part. BAK is responsible for the prevention part, and the Federal Ministry of Justice (BMJ) is responsible for the prosecution part. NAKS contains specially developed strategic priorities and basic principles. Objectives and measures have been developed in NAP to achieve the objectives set out in NAKS.



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In terms of prevention, these focus on the promotion of corruption prevention measures, establishment and expansion of compliance management systems, reduction of structural corruption risks, integrity management, public sensitisation and awareness-raising and training for specific target groups.

The strategic priorities of criminal prosecution are based on the fundamental principles of the rule of law and effective criminal prosecution, an effective official structure and sufficient resources, cooperation and coordination as well as the implementation of international and European legal requirements.

Objectives and measures

For the new period from 2023 to 2025, NAP provides for a total of 120 objectives with almost 230 measures in the area of corruption prevention by the Federal Chancellery and the federal ministries. This also includes objectives and measures to implement the recommendations of the fifth evaluation round of the Group of States against Corruption (GRECO).

2.2 Whistleblowing and journalism: Anti-Corruption Day 2023

The morning was dedicated to the Whistleblower Protection Act (HinweisgeberInnen-schutzgesetz or HSchG) adopted in February 2023 under the topic 'Whistleblowing - claim and reality' and was introduced with a keynote speech by Wolfgang Bogensberger, Deputy Head of the Representation of the European Commission in Austria. He discussed the background to the EU directive, the implementation status of the directive in the EU member states and the general relevance of whistleblower protection.

Katharina Brückner, Senior Legal Counsel at Siemens Mobility Austria, Natalie Harsdorf-Borsch, then interim Director General of the Federal Competition Authority (BWB), Mathias Huter, Managing Director of the UNCAC Coalition, and Fiona Springer, Team Leader at the Financial Market Authority, took part in the subsequent panel discussion, which was moderated by Luca Mak, then Managing Director of Transparency International Austria (TI).

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The role of journalism

The second topic of the day, 'The role of journalism in the fight against corruption', was introduced in the afternoon with a keynote speech by Anna Thalhammer, editor-in-chief of the news magazine 'profil'. In the subsequent panel discussion, Nina Bussek, Head of the Media Office of the Vienna Public Prosecutor's Office, Gerhard Jarosch, Managing Partner at Rosam.Grünberger.Jarosch, and Falter Editor-in-Chief Florian Klenk moderated by journalist and author Corinna Milborn discussed the topic.

A pluralistic media landscape is a prerequisite for raising awareness in the fight against corruption, said Thalhammer. Shining a spotlight on certain incidents through reporting would bring transparency. The central topic was the tense relationship between the judiciary and the media in connection with suspected cases of corruption. Investigative journalism was essential in the fight against corruption, according to the panellists.

At the same time, it was difficult for prosecuting authorities to investigate cases if they were reported in advance in the media, argued Nina Bussek from the Vienna Public Prosecutor's Office. How can journalism and prosecution authorities achieve good cooperation? These and many questions about the relationship between the law and the media in the field of anti-corruption were intensively discussed. One of the conclusions of the discussion was that the media play a decisive role in raising awareness of corruption.

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2.3 Network of Integrity Officers – a forum for experts

In 2016, BAK initiated the Network of Integrity Officers (Integritätsbeauftragtennetzwerk or IBN), which aims to further strengthen the idea of integrity as a fundamental principle of proper public administration in Austria. Prospective integrity officers from administrative institutions and government-related organisations are trained in advance by BAK as part of the IBN course and prepared for the work they are going to perform in their respective organisations. At the time of reporting, the IBN already had 165 members from almost 80 different organisations and is constantly growing.

Basic training for integrity officers

The eighth and ninth IBN basic training courses took place in 2023, each with 25 participants.

In addition to tried-and-tested lectures on the topics of corruption prevention, compliance, corruption criminal law and civil service law, risk management in relation to corruption risks and value management, the curriculum also included contributions on whistleblowing, responsibilities and tasks of the Federal Competition Authority (BWB) and the audit offices (federal/regional) for the first time. The lecturers from the Burgenland Regional Court of Audit, the Association of Cities and Towns, the Federal Ministry of Justice (BMJ), the BWB, the Federal Ministry of the Interior (BMI) and BAK placed particular emphasis on a balanced combination of theory and practice in the course content.

In addition to imparting knowledge, the course also served to promote networking and the exchange of best practices. ORF, the probation service of the NEUSTART association, the Financial Market Authority, the Labour Inspectorate and 'Schloss Schönbrunn Kultur- und Betriebs-GmbH', a sub-organisation of the Federal Ministry of Labour and Economic Affairs, were welcomed as new members of the IBN.

3

BAK imparts
knowledge

BAK's educational initiatives to prevent corruption include anti-corruption events and lectures for school students, a special training format for teachers, lectures by corruption prevention officers (KPB) and BAK employees, training courses for employees of the Federal Ministry of the Interior (BMI) and BAK theme days.

BAK reaches different target groups through practical presentations, training courses and events: from young people who are about to start their careers, to police trainees, to employees and managers in the public service.

All events aim to raise awareness of the importance of corruption prevention and to impart specific knowledge and tools for recognising and avoiding corruption. Through these awareness-raising measures, BAK aims to promote a culture of integrity in public administration and increase understanding of the impact of corruption on society.

In 2023, around 4,450 participants were reached at 198 lecture events. The number of lectures and participants increased significantly compared to the previous year.

Since the Federal Bureau was established (January 2010), more than 46,700 people have been reached with training measures.

In 2023, BAK staff and corruption prevention officers (KPB) conducted a total of 132 training events for more than 3,100 participants on the topic of preventing and combating corruption in the training centres of the Police Academy (SIAK) alone.

The largest target group, with 1,917 participants at 86 events, continued to be basic police training (PGA E2b and PGA for border police operations). As regards E2a basic training, 19 BAK lectures were held at training centre locations throughout Austria, with 565 law enforcement officers being trained as future senior officers.

A total of nine lectures were held for 'General Administrative Service' (A2/v2 and A3/v3) in 2023. A total of 217 BMI employees attended these lectures.

In addition, BAK was involved in other basic training courses organised by SIAK and gave presentations both in-house and throughout the Federal Ministry of the Interior as part of various training courses and seminars.

In total, BAK organised 18 external lectures and training courses, which were attended by over 400 people.



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3.1 Raising awareness among students

In order to sensitise young people to corruption before they enter the labour market, BAK offers anti-corruption events and lectures for schools. Two such events took place in 2023.

School students on the threshold of entering professional life usually have received a sound education in their respective field, but often have little knowledge about the ethical and criminal law challenges that await them in the working world. BAK specifically addresses this problem by organising anti-corruption events at schools.

On 27 June 2023, for example, around 50 students from Höhere Lehranstalt für wirtschaftliche Berufe - 'HLA Mode Produkt Mödling' and on 3 October 2023, almost 100 students from Bundesakademie und -handelsschule St. Pölten took part in BAK anti-corruption events.

Completing a learning circuit

Over the course of a day, the participants of these events learnt interesting facts about corruption at a learning circuit with eight stops. At one stop, for example, they took on roles in a scenario in the 'Corruption Theatre', classified images into corrupt and non-corrupt actions at the 'Corruption Scale' and learned more about the everyday life of an investigator and the criminal consequences of corrupt actions at another stop. The lecturers, in return, gained valuable access to the students' concerns, perspectives and problems through their questions and comments.

3.2 New university level teacher training concept

In 2023, BAK developed a special training format for teachers as a new target group for corruption prevention, and put the new format into practice as part of a pilot project with Bundeshandelsakademie 'Wien 10' Secondary School on two dates in the 2023 winter semester. Thanks to its success, it will be implemented in 2024 in cooperation with University College of Teacher Education Vienna (Pädagogische Hochschule or PH Wien) for teachers in Vienna and subsequently for the whole of Austria. This supports the plan of PH Wien to integrate corruption prevention information and training relating to entrepreneurship, Education 4.0 and business and law into its curriculum. The group of people addressed by PH Wien includes teachers from different types of secondary schools such as Höhere Technische Lehranstalten, Handelsakademien, Humanberufliche Schulen and wirtschaftskundige Berufsschulen.

The training programme includes a presentation of the ethical, moral and legal foundations of criminal law on corruption and its relevance for the university and pedagogical higher education sector. The training programme also includes methods of risk analysis in the areas of business and law.

Another part of the project is the teaching of newly developed didactic and methodological tools for teaching staff. The aim is to increase future teachers' confidence both for their own use and in sensitising secondary school students as part of their training.

Training programme

The training programme consists of three modules:

Module I (theoretical basics) includes content on the fundamentals of the nature and background of corruption as well as ethical, moral and legal principles of criminal law on corruption and their relevance.

Module II (e-learning) serves to consolidate and refresh the knowledge imparted in Module I and must be completed by the participants as distance learning in preparation for Module III. This module is supervised by BAK and implemented by Federal Ministry for Arts, Culture, the Civil Service and Sport (BMKOES).

Module III (methodological-practical toolbox) contains training and action guidelines on risk analysis methods as well as in-depth exchange of content. Didactic-methodological tools are also taught in this module.

3.3 Corruption Prevention Officers

The aforementioned Corruption Prevention Officers (Korruptionspräventionsbeamte or KPB) are trained by BAK and meet at conferences under BAK's direction, in order to ensure a uniform focus and quality.

Training Corruption Prevention Officers and Compliance Officers

As a further training measure, Corruption Prevention Officers (KPB) can attend a customised university course with an accredited degree. The course is worth 25 ECTS credits and lasts 260 hours over two semesters. In terms of content, this competence training as a trainer for adult education covers a wide range of areas such as role design and attitude as a trainer, the basics of moderation, training methods and their use in face-to-face and online training, communication and language to group dynamics and conflict management in training groups. Seven Corruption Prevention Officers started this training in spring 2023, which is financed by the Internal Security Fund.

A BAK training course for Corruption Prevention Officers and Compliance Officers (CO) took place from 13 to 15 December 2023. The course was developed and organised by the Chief Compliance Officer (CCO) of the Federal Ministry of the Interior (BMI) and the BAK's Education Unit.

Topics included compliance, the mechanisms and background of the 'corruption' phenomenon, the Austrian National Anti-Corruption Strategy and relevant legal principles on corruption. In addition, the event was also used to determine the focal points of work and to exchange knowledge and experience between Corruption Prevention Officers and Compliance Officers.

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



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Conferences of Corruption Prevention Officers

In 2023 in Upper Austria and Styria respectively, two conferences of Corruption Prevention Officers were held to exchange expertise, with the participation of the BMI CCO and COs from all areas of the BMI.

Topics discussed included the new reporting options under the Whistleblower Protection Act (HSchG) and the establishment of an Investigation and Complaints Office Allegations of Mistreatment (EBM) at BAK. The Civil Service Act (BDG) and disciplinary law were also discussed with illustrative, highly topical cases.

In addition, representatives of the Federal Competition Authority (BWB) provided a comprehensive overview of the organisation, tasks and activities of the Austrian competition authority. The presentation provided an insight into the legal provisions and working methods of the authority, as well as presenting practical investigation cases.

As a further highlight, the Deputy Director of BAK, Martin Stecher, presented specific cases in the area of conflict 'between vilification and esprit de corps'. Criminal psychologist Thomas Müller added the psychological perspective of the perpetrators, highlighting the most common personal motives for irregular behaviour.

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



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3.4 Further training courses

BAK experts have developed their own courses for specific target groups, which were implemented again in 2023.

BAK training courses

Training courses are held twice a year for employees of the Federal Ministry of the Interior. In March 2023, for example, participants from various job groups at the Federal Ministry of the Interior and its subordinate organisational units took part in a supplementary module to the 27th BAK training course in autumn 2022, which was restricted due to COVID 19 pandemic. They were able to expand their knowledge on topics such as offender typology, cartel law and risk management.

The two-week 28th BAK advanced training course took place in April and May 2023 with 25 course participants, while the 29th BAK course took place in September 2023 with 24 participants. The main topics covered included white-collar crime, ethics and value management, civil service and disciplinary law, criminal law on corruption and the Code of Criminal Procedure.

Information was also provided on BAK's new tasks in connection with the reporting centres under the Whistleblower Protection Act and the Investigation and Complaints Office Allegations of Mistreatment (EBM), which was being set up at the time, including the corresponding reporting obligations.

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



Co-funded by
the European Union

3.5 Lectures and training for specific target groups

In addition to the training on corruption prevention in all regular career courses at SIAK Police Academy held by Corruption Prevention Officers, BAK gave numerous other lectures throughout the year.

These included two training courses at the Federal Chancellery on 7 October and 14 November 2023 for a total of 37 'newcomers' and Compliance Officers (CO) of the Federal Chancellery. A half-day information event was held at University for Continuing Education Krems on the topic of 'Corruption prevention as part of compliance' for 28 participants in their Security and Safety Management programme on 26 November 2023.

On 15 May and 2 June 2023, BAK experts once again gave presentations at Waidhofen an der Thaya Handelsakademie, following a lecture on corruption and acting with integrity in 2022.

Special mention should be made of BAK's support in organising the Federal Chancellery's compliance events for its employees. In total, over 800 people were informed about criminal law on corruption.

3.6 BAK theme days

In 2023, BAK organised what are known as 'theme days' for the first time – a new event format dedicated to current phenomena in BAK's area of responsibility and preparing the topics for Federal Ministry of the Interior staff and law enforcement agencies in particular. The event, entitled 'Between vilification and esprit de corps', discussed criminal investigations against law enforcement officers from a psychological and legal perspective. BAK investigators presented their experiences from actual investigation cases. This analysis from a police perspective was further expanded by the well-known criminal psychologist Thomas Müller to include the psychological perspective of the perpetrators. In order to do justice to the great interest generated, BAK also organised a number of events of this kind in Salzburg.



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4

BAK conducts
investigations

In BAK, investigations on criminal matters are conducted in Department 3 (Corruption Investigations) 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' and are handled by investigation teams of different sizes depending on the scope of the file.

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 Crime and Corruption as well as to other public prosecutor's offices in the course of 2023. 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. 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.

Due to the often foreign connection and the extensive data material, corruption offences are sometimes extremely complex and time-consuming to process. For example, the above-mentioned investigations in a major criminal case concerning agreements restricting competition and other offences, which are being carried out in cooperation with the Federal Competition Authority, are already taking several years.

Cooperation with the European Public Prosecutor's Office (EPPO), the handling of requests for administrative and legal assistance and European Investigation Orders are also processed by BAK Department 3. For example, a European Investigation Order was successfully implemented in cooperation with domestic and foreign authorities - with the involvement of Eurojust. Numerous search and seizure orders were executed simultaneously in Austria and in the foreign countries concerned.

4.1 Statistical data collection

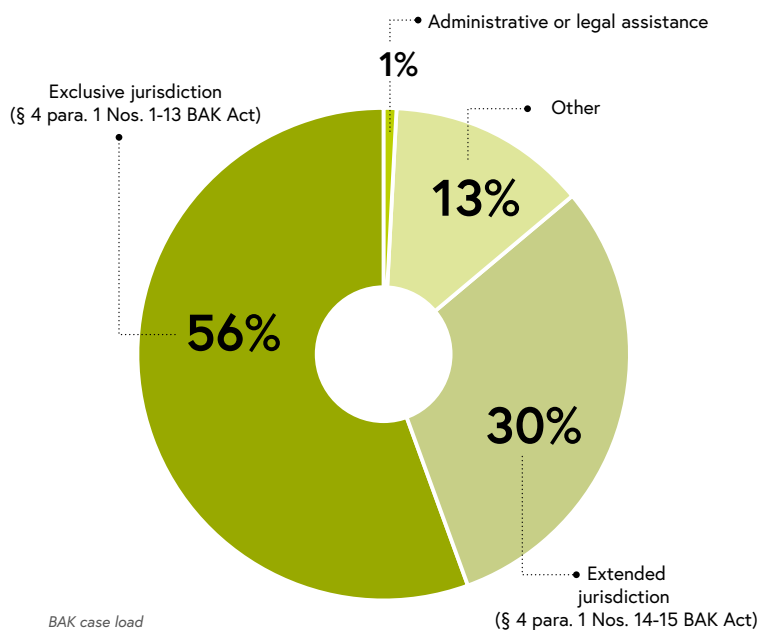
As explained in “BAK’s legal basis” above, investigating corruption offences is BAK’s core task. The following chapter provides general information on BAK’s statistical data collection and contains a selection of data on certain operational activities.

All incoming reports, allegations and suspicions are covered by BAK’s statistics, regardless of how BAK or SPOC (Single Point of Contact) have been contacted (telephone, email, mail, fax, etc.) or whether an investigation has been initiated *ex officio*. Reports are usually received from other law enforcement agencies, 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, the statistical data is constantly being 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 BAK upon written order by a court or a public prosecutor’s office, are statistically recorded due to the statutory duty to report to BAK. Requests for administrative or legal assistance, often creating significant workload for BAK, are recorded separately. Cases not falling within 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 BAK statistics are not dealing with final judgments. Therefore, the presumption of innocence applies to all suspects appearing in 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 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.

4.2 Case load



Case load received in 2023	Number of cases	Percentage
Exclusive (§ 4 para. 1 (1-13) BAK Act)	754	56
Extended (§ 4 para. 1 (14-15) BAK Act)	399	30
Other	172	13
Administrative or legal assistance	21	1
Total	1.346	100

In 2023, the case load amounted to a total of 1,346 cases. 205 (27 percent) of the 754 cases under the exclusive jurisdiction of the Bureau (see table, “Overall statistics”) were adopted for investigation by BAK. BAK handled seven (two percent) of the 399 cases of extended jurisdiction and all 21 requests for administrative or legal assistance received. Thus, BAK took over investigations in 233 cases.

In comparison to the previous year, the BAK’s case load showed a slight increase (five percent). In 2022, the case load amounted to 1,282, in 2021, 1,327 cases, in 2020, 1,239 cases, in 2019, 1,335 cases, in 2018 and 2017, 1,331 and 1,500 cases respectively.

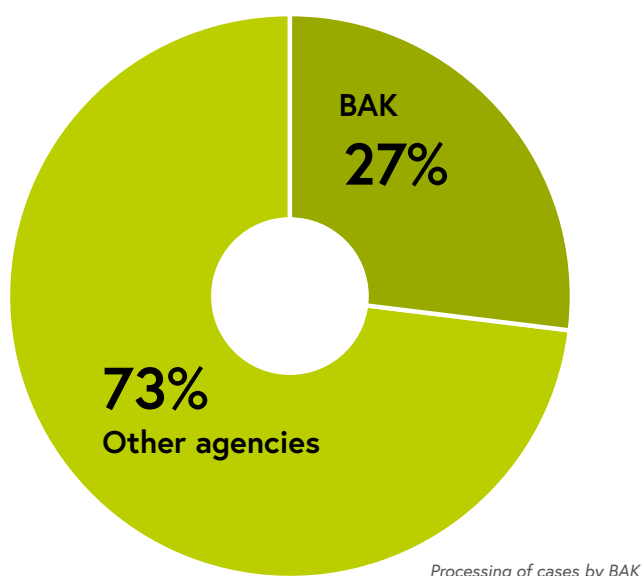
On average, from 2017 to 2022, 725 cases per year fell under BAK’s exclusive jurisdiction and 33 percent of these cases were adopted for investigation by BAK. Of the average 425 cases of extended jurisdiction per year, two percent were taken over by BAK.

4.3 Cases under BAK's exclusive jurisdiction

BAK has nationwide jurisdiction in security and criminal police matters concerning the criminal offences listed in § 4 para. 1 BAK Act. Since the main task of BAK Department 3 is to investigate cases under the exclusive jurisdiction of the Bureau, the remainder of this chapter deals with cases of this type only.

Processing agency

On the whole, BAK received 754 cases of exclusive jurisdiction, 205 (27 percent) of which were handled by BAK and 549 (73 percent) by other agencies.



Regarding the 549 cases of exclusive jurisdiction investigated by other agencies, it has to be stated that the Bureau may assign certain investigations to other law enforcement agencies for reasons of expediency, or transfer investigation cases in their entirety if there is no particular public interest regarding the person under investigation or the seriousness of the matter (§ 6 BAK Act).

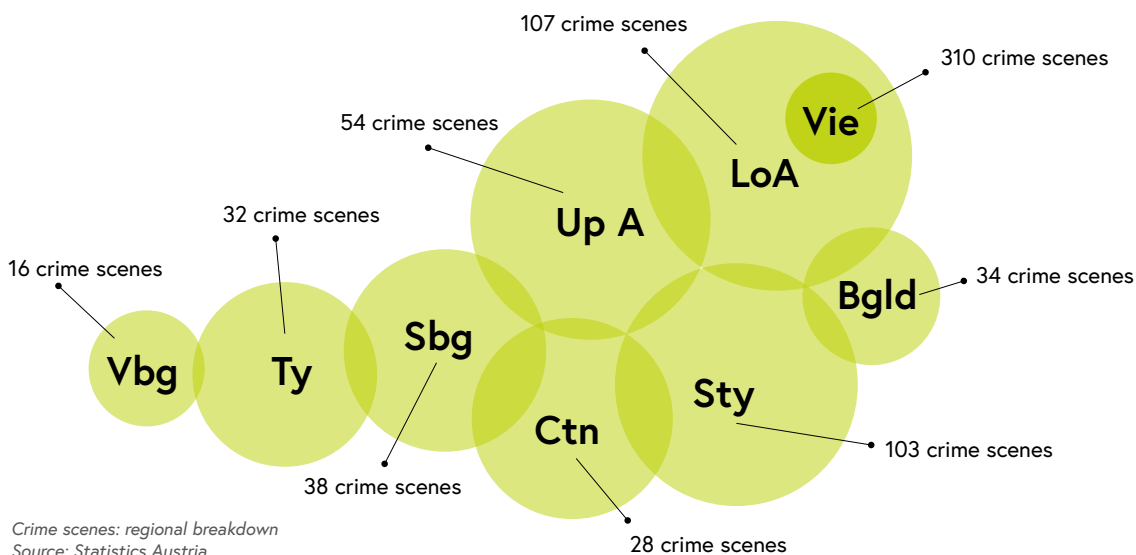
Clearance rate

456 (83 percent) of the 549 cases handled by other law enforcement agencies during the reporting year were concluded, which means that the investigating agency submitted a report to the competent public prosecutor's office and no further investigations into the case were conducted, at least for the time being. (58 percent) of the 205 cases handled by BAK were concluded, 421 (77 percent) of the 549 cases of other law enforcement agencies and 134 (65 percent) of the 205 BAK cases were solved. A case is classified as "solved" if at least one perpetrator has been identified by name.

However, the 2023 annual statistics again do not reflect the BAK's actual workload in this area within the year. It should be noted that in 2023, in addition to those 119 cases that BAK actually received in the same year (and thus appear in the 2023 annual statistics), the Bureau investigated and completed one case from 2018, two cases from 2019, three cases from 2020, seven cases from 2021 and 27 cases from 2022, i.e. 159 cases in total. Also, several investigations from previous years continue. 173 cases from previous years were still pending at the end of January 2024 and will be carried over to 2024. This is the case regarding two cases dating from 2017, nine cases from 2018, nine cases from 2019, 15 cases from 2020, 13 cases from 2021, and 39 cases from 2022. These cases are not included in the 2024 statistics, but increase the workload considerably. Because of their complexity, BAK investigates in numerous cases over many years. At present, several so-called major cases (based on the definition of the Austrian Federal Ministry of Justice, decree of 14 June 2013 on the definition of major public prosecution cases, BMJ-S1140/0014-IV 5/2013) are pending with 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

27 of the crime scenes registered for the 754 cases of exclusive jurisdiction (§ 4 para. 1 (1-13) BAK Act) BAK received in 2023 remained unknown or could not be determined from the file, five crime scenes were abroad and 722 in Austria.



This figure depicts the regional breakdown of the 722 crime scenes in Austria. Naturally, the majority of crime scenes (310, i.e. 43 percent) were registered in Austria's capital Vienna. 107 crimes scenes (15 percent) were recorded in Lower Austria, followed by 103 crime scenes (ten percent) in Styria and 54 (seven percent) in Upper Austria. 32 crime scenes (four percent) were in Tyrol, 34 (five percent) in Burgenland, 38 (five percent) in Salzburg, 28 in Carinthia and 16 in Vorarlberg. The high number of crime scenes and criminal investigation cases in Vienna is due to the distribution of the Austrian population (21.8 percent live in Vienna; source: Statistics Austria) and the fact that, compared to all other Austrian regions, Vienna has the largest number of members of the civil service.

Criminal offences investigated

The following table shows the criminal offences in the 754 cases of exclusive jurisdiction. The basis for these statistics is the "principal offence" of each case, i.e. the criminal act determining the penalty. 754 investigation cases included a total of 1,507 punishable acts.

Criminal offence (basis: principal offence of each case)	BAK	Other law enforcement agencies	Total
§ 302 Penal Code: Abuse of official authority	166	522	688
§ 304 Penal Code: Corruptibility	6	2	8
§ 305 Penal Code: Acceptance of an advantage	1	1	2
§ 306 Penal Code: Acceptance of an advantage with intent to be influenced	0	0	0
§ 307 Penal Code: Bribery	0	2	2
§ 307a Penal Code: Offering an advantage	0	0	0
§ 307b Penal Code: Offering an advantage with intent to influence	1	0	1
§ 309 Penal Code: Acceptance of gifts and bribery of employees or agents	3	0	3
§ 310 Penal Code: Breach of official secrecy	7	15	22
Other criminal offences	21	7	28
Total	205	549	754

See above: (Principal) criminal offences total 2023

In the majority (91 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" includes, inter alia, agreements

restricting competition in procurement procedures (§ 168b Penal Code), Expenditure fraud to the detriment of the financial interests of the European Union (§ 168f Penal Code) and breach of trust due to abuse of an official function (§ 313 in conjunction with § 153 Penal Code).

Criminological category

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

Criminological category	BAK	Other law enforcement agencies	Total
Procedural flaws	93	266	359
Disclosure of data	36	62	98
Initiation of proceedings	6	85	91
Permits, expert opinions, certificates	16	48	64
Procedural flaws – penal orders	3	31	34
Financial management	17	14	31
Human resource management	11	3	14
Procurement/tendering procedures	2	7	9
Punishable acts committed by law enforcement officers (in their free time)	0	5	5
Punishable acts committed by taking advantage of an official function	3	3	6
Immigration, asylum	1	5	6
Other criminological facts of case	17	20	37
Total	205	549	754

359 cases (48 percent) were classified under “Procedural flaws” (e.g. breach of the right to a hearing, biased administrative action, or incorrect assessment of evidence).

The unauthorised “disclosure of data” (including, for example, disclosure of information) accounted for 98 cases (13 percent). 91 cases (twelve percent) fell into the category “Initiation of proceedings” (i.e. non-reception or insufficient reception/documentation of reports made). 64 cases (eight percent) belonged to “Permits, expert opinions, certificates”, e.g. failure to properly grant, obtain or revoke licences, authorisations or permits, or irregularities relating to vehicle inspections in accordance with §§ 57a or

40a Motor Vehicles Act. The categories “Procedural flaws – penal orders” (special cases of “procedural flaws”) and “Financial management” contained 34 (five percent) and 31 (four percent) of cases, respectively.

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

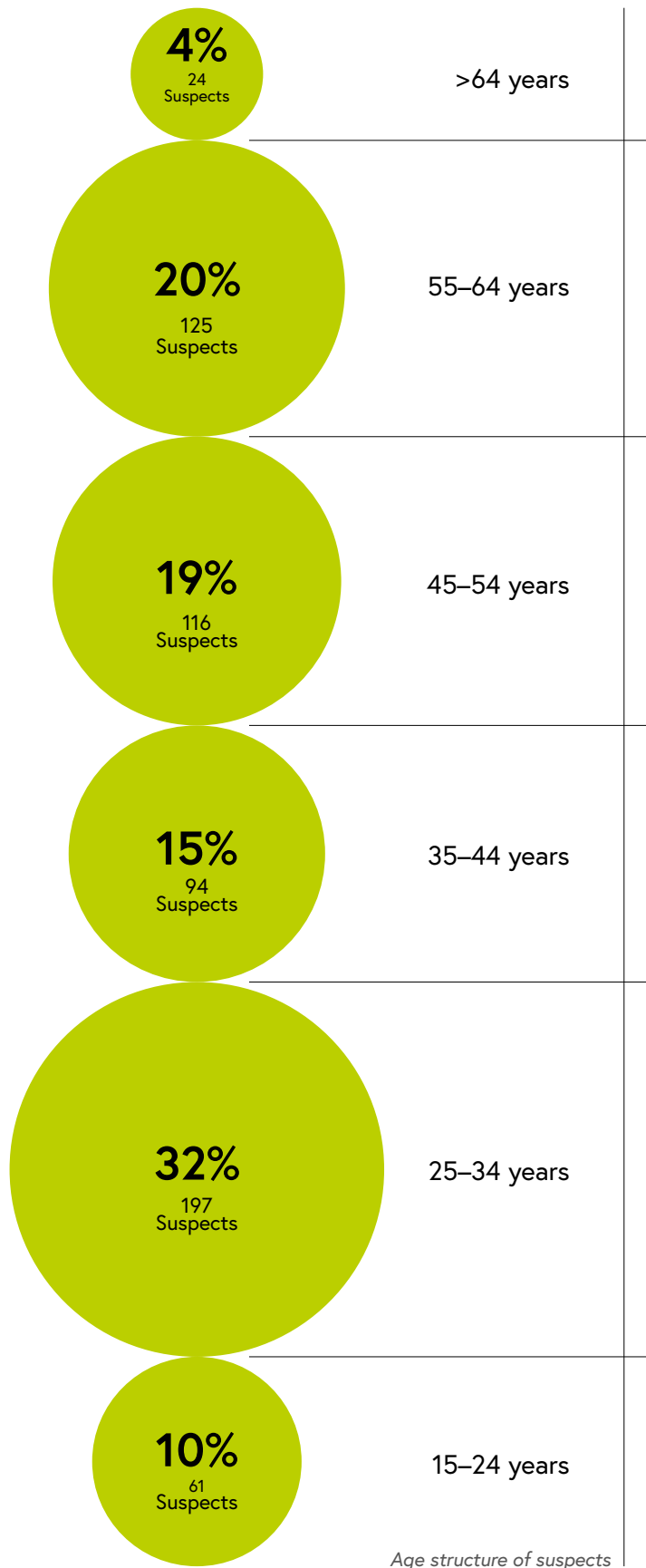
The remaining seven facts of case concerning 37 cases (five percent) were included in “Other criminological categories”. These are “Supervision/control”, “Collusion”, “Money laundering”, “Sponsoring”, “Elections” and “Various categories”.

Suspects

At least 1,241 suspects were recorded for the 754 cases of exclusive jurisdiction in 2023; at least 339 of these suspects remained unknown.

The gender of 936 suspects was registered; 704 (75 percent) of them were male and 232 (25 percent) were female.

BAK statistics include information about the age of 617 suspects (50 percent of the 1,241 suspects). No particular characteristics were observed regarding the age structure. 83 percent of the suspects were aged between 15 and 57, which is roughly corresponding to the working population.



4.4 Reports under the Whistleblower Protection Act

On 25 August 2023, an internal and an external reporting office were set up at BAK in accordance with the Act on Proceeding and Protecting Reports on Breaches of Law in Certain Areas (Whistleblower Protection Act or HinweisgeberInnenschutzgesetz – HSchG). Since 25 August 2023, BAK has acted as an internal and external reporting office in accordance with the Whistleblower Protection Act (HSchG). The material scope of application of HSchG includes:

- Public procurement
- Product safety and compliance
- Transport safety
- Radiation protection and nuclear safety
- Food and feed safety
- Animal health and welfare
- Public health Protection of privacy and personal data
- Security of network and information systems
- Prevention and punishment of criminal offences under Sections 302 to 309 Penal Code (for example, abuse of authority, bribery and corruptibility)
- Breaches affecting the financial interests of the European Union

A total of 46 reports were received in the period from 25 August 2023 to the end of the year. Of these, 22 reports fell within the scope of HSchG. Of all reports received, 25 were concluded in the same year. 26 reports were received anonymously. 20 whistleblowers set up a mailbox through which they could be contacted after submitting the report. A total of three reports were assigned to the internal reporting office and 43 to the external reporting office.

It should also be noted at this point that the number of reports received and the number of reports assigned to the respective focus may differ. Deviations may arise insofar as a report may concern several areas of application (for example, public procurement, environmental protection, public health and the prevention and punishment of criminal offences under Sections 302-309 Penal Code). This one report would therefore contain four different pieces of information.

If only the cases that fall within the scope of HSchG are considered, the following picture emerges:

Reports received – total	46
Reports in the area of application	22
Of which anonymous reports	16
Of which closed	7
Reports in the area of application with mailbox or with other means of contact	14

Of the 22 reports in the area of application, 16 were made anonymously and 14 whistle-blowers set up or publicised a mailbox or other means of contact. Of these 22 reports, seven have already been concluded. This means that either the competent body has provided feedback to BAK for processing and finalising the report or the report has been finally processed by BAK.

The information in the reports received related to the following areas:

Public procurement	5
Product safety and compliance	3
Protection of the environment	3
Radiation protection and nuclear safety	1
Food and feed safety	1
Animal health and welfare	1
Public health	5
Protection of privacy and personal data Security of network and information systems	9
Prevention and punishment of criminal offences under Sections 302-309 Penal Code	12
Breaches affecting the financial interests of the European Union	4
Transport safety	2

5

BAK engages
in 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), 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, 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, BAK maintains close contact with comparable anti-corruption authorities and is represented, depending on the resources available, in most of the relevant European and international bodies.

The Bureau's (bilateral) cooperation with foreign authorities/departments mainly comprises the organisation of visits to BAK as well as the participation in official meetings and conferences abroad.

5.1 International committees, bodies and working groups

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

The United Nations and their activities to prevent and combat corruption

Tenth Conference of the States Parties to the United Nations Convention against Corruption

The tenth Conference of the States Parties to the United Nations Convention against Corruption took place in Atlanta, USA, from 11 to 15 December 2023 and brought together around 3,000 representatives from governments, anti-corruption authorities, civil society, the private sector and youth organisations.

The Austrian delegation was led by Ambassador Gregor Schusterschitz. Director Otto Kerbl and Daniela Hatzl took part in the conference on behalf of BAK.

Twenty years of UNCAC

In his speech during the general debate, Ambassador Schusterschitz used the 20th anniversary of the Convention as an opportunity to emphasise the important role of education and prevention in the fight against corruption and to call for them to be strengthened. He referred to the revised Austrian National Anti-Corruption Strategy (NAKS) and the associated National Action Plan (NAP) as important initiatives in Austria and emphasised the contribution of the International Anti-Corruption Academy (IACA) as the only international organisation that deals exclusively with anti-corruption education and training. He also spoke out in favour of the greatest possible transparency and participation of civil society organisations in the mechanism for reviewing the implementation of the Convention.

Education as an instrument for preventing corruption

As part of the Conference of the States Parties, a large number of side events, presentations and panel discussions took place focussing on a wide range of topics. Together with the United Nations Office on Drugs and Crime (UNODC) and the European Commission, BAK was one of the co-organisers of a panel discussion entitled 'Educating Youth and Society to Foster a Culture of Integrity'. The panellists focused on education as an effective tool for preventing and combating corruption. The BAK representative presented the Austrian anti-corruption school events at vocational secondary schools.

New resolutions adopted

Twelve resolutions were adopted during the five-day conference, including, for the first time, texts relating to measuring corruption, the interfaces between UNCAC and organised crime, the protection of whistleblowers, gender, public procurement and the involvement of the private sector.

For the first time, a private sector forum and a civil society forum were also held on the margins of the conference, sending a clear signal in favour of open, transparent and inclusive participation of civil society in the work of the committee.

Participation of BAK in UNCAC working group meetings

The subsidiary bodies of the United Nations Convention against Corruption (UNCAC) responsible for prevention ('Working Group on Prevention'), asset recovery ('Working Group on Asset Recovery'), reviewing the effective implementation of the Convention ('Implementation Review Group') and international cooperation ('Expert Meeting on International Cooperation') met in the course of 2023.

As part of the 14th meeting of the Implementation Review Group, which took place from 12 to 16 June 2023 together with the Working Group on Corruption Prevention, a representative of BAK took part in a panel discussion on the topic of 'Connections between prevention and prosecution approaches' and provided information on BAK's legal basis, the links between corruption prevention and prosecution and the National Anti-Corruption Strategy (NAKS).

In addition, BAK employees took part in a series of consultations on the topic of measuring corruption, which was launched by the United Nations Office on Drugs and Crime (UNODC) in December 2022 and concluded in November 2023. The results of this work were incorporated into a statistical framework for measuring corruption, which was also presented at the Anniversary Conference of States Parties.

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). The aim of the network is to develop a secure communication platform ('Secure Communication Platform - SCP') for the exchange of information between law enforcement authorities in the field of corruption for all countries in the world. Since last year, as of December 2023, the number of UN member states participating in the initiative has increased from 70 to 107, representing almost 200 anti-corruption authorities. In addition, eleven stakeholders (Europol, the International Anti-Corruption Academy, the International Association of Prosecutors (IAP) and a number of platforms and networks that play a significant role in preventing and combating corruption in America and Africa) were granted observer status as part of the project with the approval of the GlobE members.

Austria has been a member of the GlobE network since August 2021. Experts from BAK were invited to thematic working groups.

Ongoing plenary sessions

Since the start of the initiative, UNODC has organised several plenary sessions. In 2023, the fourth session took place in Vienna from 11 to 13 July.

The last plenary meeting focused primarily on improving networking between members and on the 'Concept Model Agreement', which is intended to regulate the exchange of information on specific cases ('Case Related Information') on a voluntary basis using a standardised form.

With the involvement of GlobE members, the Concept Model Agreement was revised and refined in the second half of 2023 with the aim of submitting it to the experts of the GlobE UN member states for approval at the fifth Plenary Meeting, which will be held in Beijing, China, in 2024.

5.2 Anti-corruption measures at EU level

EU anti-corruption package and EU network against corruption

The European Commission (EC) presented its anti-corruption package on 3 May 2023. This included a proposal for a directive to combat corruption through criminal law and a communication, a key element of which is the creation of an EU-wide anti-corruption network. BAK, which is represented in the EU network against corruption, contributed an opinion to the negotiations on the legislative proposal.

International exchange and contact point

The kick-off meeting of the EU network against corruption took place in Brussels on 20 September 2023. Among other things, the network puts the regular exchange between the national anti-corruption contact points of the EU member states (EU-MS) on a new footing and brings together national authorities, civil society organisations, international organisations, EU agencies and relevant EC services in a single forum. This will increase synergies and give new impetus to the prevention of corruption throughout the EU. One of the first tasks of the EU network against corruption will be to map common areas with a high risk of corruption in the EU in the course of 2024.

EU Rule of Law Cycle and Rule of Law Report

In summer 2019, the European Commission (EC) presented the proposal for a comprehensive Rule of Law Cycle. The cycle aims to promote, prevent violations and enforce 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 Member States (EU MS). The report examines the independence of the judiciary, the anti-corruption framework, media pluralism and the separation of powers.

Accordingly, at the end of 2022, EU MS were invited to respond to a questionnaire on these four thematic areas. 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 2022 as well as other significant rule of law developments.

BAK again took the lead in Austria's inter-ministerial preparation of the contribution in the area of anti-corruption. In December 2023, after consultation with the relevant

bodies (Federal Ministry of Justice; Federal Ministry of Arts, Culture, Civil Service and Sport, and Federal Ministry of Labour and Economy, and Court of Audit, and Parliamentary Administration), BAK submitted the document to the Federal Chancellery which is responsible for the overall Austrian contribution.

Following a virtual country visit by representatives of the EC in Vienna in mid-March 2023 and a subsequent fact check in June 2023, the overall Austrian contribution was finalised.

On 5 July 2023, the fourth rule of law report was presented under the Spanish Presidency of the Council. The content of the anti-corruption section of the Austrian chapter includes the evaluation and revision of the National Anti-Corruption Strategy (NAKS), the activities of the Network of Integrity Officers (IBN) and the resumption of the BAK course. Information is also provided on the work to implement the Whistleblower Protection Act (HSchG), according to which BAK acts as the competent authority for receiving reports.

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

In 2023, BAK, together with the Special Investigation Service of the Republic of Lithuania (STT), continued to provide the secretariat for the European networks 'European Partners against Corruption (EPAC)' and 'European contact-point network against corruption' (EACN), which serve as independent platforms for anti-corruption authorities and police oversight bodies to maintain contacts and exchange information in the area of preventing and combating corruption. Both networks together (EPAC includes authorities from EU member states as well as those from Council of Europe countries; EACN only includes authorities from EU member states) currently have more than 100 members.

On 2 and 3 November 2023, the 22nd EPAC/EACN Annual Conference and General Assembly took place in Dublin, Ireland. Almost 200 participants from over 100 institutions from more than 30 different countries as well as EU agencies and international organisations attended the event.

Other activities of the EPAC/EACN Secretariat, which acts as an information hub for the networks, included the ongoing updating of the content of the EPAC/EACN website and the distribution of regular newsletters as well as the planning and organisation of board meetings, events and workshops. Some of EPAC/EACN's activities were co-financed by EU funding from the Internal Security Fund (ISF) administered by BAK until the end of 2023.

In March 2022, the Executive Board adopted the EPAC/EACN Work Programme 2022/2023. The work programme was organised along the thematic focus areas of 'Transfer of Knowledge', 'Analysis and Advice' and 'Visibility and Partnerships'. Three task forces were set up on the basis of these focus areas and successfully completed their work packages in 2023.

As part of the 'Task Force for Analysis and Policy Advice (APA)' to promote analyses for evidence-based decision-making in the fight against corruption and police supervision, contributions were made to the EU rule of law report and the European Commission's anti-corruption package, among other things. EPAC/EACN was also represented at the first meeting of the EU network against corruption.

As part of the 'Task Force for Training and Transfer of Knowledge (TTK)', BAK organised a workshop on whistleblowing in Vienna in September 2023, at which a total of 30 participants and speakers exchanged experiences. Two webinars were organised for the EPAC/EACN community on relevant topics relating to anti-corruption and police oversight, one of which was held in cooperation with the International Association of Anti-corruption Authorities (IAACA).

The Task Force for Developing and Implementing Project Activities (DIPA) included the organisation of study visits between members of the EPAC/EACN network. The 2023 study visits took place on the topics of 'whistleblower protection', 'asset recovery' and 'corruption risk assessment and management'. They were organised as part of the EU co-financed 'Best Anti-Corruption Practice Exchange Project' (BACPE), which will be continued in 2024.

22nd EPAC/EACN Annual Professional Conference and General Assembly

In preparation for the annual conference, the EPAC/EACN Board met for its fourth Board meeting on 28 June 2023 in Dublin, Ireland. During the meeting, the Board, together with representatives of the hosts, represented by the Irish Garda Síochána Ombudsman Commission, defined the main topics of the conference and the programme of the 22nd Annual Professional Conference and General Assembly.

The conference, which was opened by the Irish Minister of Justice on 2 November 2023, focused on four main topics:

- Whistleblowing,
- gender-based violence by state actors,
- protection of the EU's financial interests and tackling new challenges in corruption investigations, as well as
- current issues in the field of corruption investigations and police oversight.

During the conference, the traditional EPAC/EACN Award for the best or most innovative anti-corruption or police oversight initiative of the year was presented. The 2023 award went to the Polish Anti-Corruption Bureau (CBA) for their '#ABC Integrity' project, which aims to strengthen the idea of integrity nationwide through knowledge transfer.

The two-day conference concluded with the EPAC/EACN General Assembly, at which five new members were admitted to the EPAC/EACN network. In addition, the Dublin Declaration was unanimously adopted and the Executive Board was elected for a term of two years, in which a representative of BAK is represented as 'Vice-President Anti-Corruption Authorities' and thus actively contributes to the ongoing activities of the networks.

Europol

On 19 and 20 December 2023, Europol hosted the Fourth Analysis Group Meeting of AP Corruption. The purpose of this operational analysis project was to support the competent authorities of the member states in preventing and combating forms of crime related to corruption within the framework of Europol's mandate.

In addition to presentations of corruption cases by corruption investigators from Moldova, Sweden, Spain, the UK and Austria, which was represented by BAK and Criminal Investigation Service Austria (BK), presentations were also given by delegates from international anti-corruption organisations such as Europol, INTERPOL, EPPO and OFAC on various topics in the field of corruption. This provided valuable practical insights into the investigative activities of other countries.

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

Continuation of the fifth GRECO evaluation round

Austria has been a member of the Council of Europe's Group of States against Corruption (GRECO) since 1 December 2006. In line with the Council of Europe's multidisciplinary approach to combating corruption, GRECO is responsible for evaluating compliance with and implementation of the relevant legal instruments adopted by the Council of Europe. In late autumn 2021, the fifth GRECO evaluation round started for Austria on the topic of 'Preventing corruption and promoting integrity in central governments (high-level decision-makers in the executive branch) and law enforcement agencies'.

The related evaluation report was adopted at the 92nd plenary meeting of GRECO at the end of 2022 and published in March 2023. Nineteen recommendations were addressed to Austria, the implementation of which is to be reported to GRECO by 30 June 2024. Further information on the fifth evaluation round can be found on GRECO's public website.

European Network for Public Ethics (ENPE)

At European level, BAK exchanged views in particular at conferences and meetings of the European Network for Public Ethics (ENPE), which was co-founded in 2022 - including at the 'European Conference on Strengthening the Integrity of the Public Sector' on 4 October 2023 in Ljubljana, Slovenia.

ENPE acts as a contact point for European authorities with regard to integrity, transparency and public ethics. The aim of the network is to promote a culture of public integrity and the harmonisation of standards, guidelines and laws in the European Union. This is achieved primarily through mutual exchange between members, sharing best practices and comparing the respective legislation.

5.4 Organisation for Economic Co-operation and Development (OECD)

Austria ratified the OECD Convention on 20 May 1999. Since then, Austria has been obliged to criminalise the bribery of foreign public officials and to ensure the effective implementation of these provisions. As part of the 'peer review' principle, Austria is obliged to participate in delegations to review other countries and also to undergo a corresponding review and evaluation.

Austria is currently undergoing the evaluation of the fourth phase. The focus is particularly on whistleblower systems, the responsibility of associations and related investigation and court proceedings.

The evaluation questionnaires were answered in late autumn 2023. They form the basis for the on-site visit to Austria by an audit team from Germany, South Korea and the OECD, which was scheduled to take place in Vienna at the beginning of 2024.

OECD Public Integrity Principles

Within the framework of the OECD Working Group of Senior Public Integrity Officials (SPIO) - in future the Working Party on Anti-Corruption and Integrity in Government (WP-ACIG) - the evaluation of the OECD Council Recommendations on Integrity in Public Life has been underway since December 2021.

In 2023, the focus was on evaluating the principle of integrity protection in public sector organisations. The questions are based on specific indicators that were developed in an OECD working group and essentially deal with the topics of internal monitoring and risk management.

BAK was commissioned to coordinate the federal ministries as well as the Austrian Court of Audit, the Financial Market Authority, the Austrian Ombudsman Board, the Federal Competition Authority, the Austrian National Bank and the Parliamentary Administration with regard to the evaluation.

International Anti-Corruption Academy

On 9 November 2023, BAK representatives took part in the twelfth meeting of the International Anti-Corruption Academy (IACA) at Vienna International Centre (VIC) in Vienna.

In his speech, the head of the Austrian delegation emphasised the efficient cooperation with IACA that has existed for years. This is also practised by BAK in a variety of ways.

5.5 BAK's bilateral cooperation

Moldovan delegation

On 2 February 2023, BAK received 18 representatives from Moldovan authorities as part of a study trip for the EU project 'Strengthen the Rule of Law and Anti-Corruption Mechanism in the Republic of Moldova.' The delegation represented the Specialised Prosecutor's Office for Combating Corruption, the Specialised Prosecutor's Office for Organised Crime and the EU Delegation Moldova and was accompanied by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). The knowledge gained through the exchange of experience with BAK was intended to serve quality assurance in the existing specialised investigation and prosecution authorities and to ensure efficient and effective prevention and combating of corruption.



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US American delegation

On 15 February 2023, a meeting with the Legal Attaché of the Federal Bureau of Investigation (FBI) of the US Embassy in Vienna took place at the Federal Bureau of Anti-Corruption (BAK). In addition to the FBI Legal Attaché, the meeting was also attended by the Head and an FBI Special Agent of the International Corruption Unit from Washington DC and an FBI Special Agent of the FBI Regional International Corruption Unit from Sofia. By way of introduction, the Director of BAK presented BAK and went into detail not only on its structure, working methods and legal basis, but also on the performance of tasks in the field of security and criminal police cooperation in an international context. The ensuing discussion covered the manifold challenges in international investigations and various types of cooperation.



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Slovenian delegation

On 15 March 2023, the Director of BAK received an eight-member delegation from the 'Commission for the prevention of corruption (KPK)' led by his Slovenian counterpart. The idea to intensify bilateral cooperation between the two anti-corruption authorities had arisen during the founding conference of the European Network for Public Ethics (ENPE) and during EPAC/EACN meetings.

In addition to ongoing projects in the area of prevention and education, the protection of whistleblowers and the implementation of (digital) platforms as well as strategic external communication were among the priority topics.



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Turkmen delegation

A Turkmen delegation visited BAK on 28 June 2023. The delegation, consisting of representatives from the Turkmen Ministry of the Interior, the Ministry of National Security and the Office of the Prosecutor General, was accompanied by two staff members from the OSCE Centre in Ashgabat. Representatives of BAK presented the organisation and tasks of the Federal Bureau and provided information about the operational service and international cooperation. The National Anti-Corruption Strategy (NAKS) was also presented. The Turkmen delegates showed great interest in the Austrian anti-corruption work. There is no counterpart to BAK in Turkmenistan, where corruption investigations are conducted directly in the various ministries.



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Delegation from the United Arab Emirates

On 4 July 2023, during a study visit by officials from the Supreme Audit Institution of the United Arab Emirates (UAE) and the Supreme Audit Institution of Abu Dhabi, BAK presented the organisation and tasks of the Federal Bureau and provided information on its prevention and education work as well as the National Anti-Corruption Strategy (NAKS). NAKS and the Strategy's implementation were of particular interest to the guests. The UAE delegation also provided insights into their organisation and there was a subsequent exchange of experiences regarding proven approaches in both preventing and combating corruption.



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Kosovan delegation

On 13 September 2023, BAK received a delegation from the Republic of Kosovo to provide an insight into the organisation and working methods of their respective institutions. The visit of the Kosovan delegation to BAK was organised together with the OSCE Mission in Kosovo under the motto 'Strengthen the Rule of Law and Anti-Corruption Mechanisms in Kosovo'. The Agency for the Prevention of Corruption (ACP) was represented by its director and two heads of department responsible for prevention and investigations. The Kosovan police liaison officer stationed in Austria and a representative of the OSCE mission in Kosovo also took part in the meeting. The main topics were BAK's prevention work, strategic analyses and the legal mechanisms for preventing and combating corruption.



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Delegation from Madagascar

On 12 October 2023, BAK received a delegation from Madagascar. In addition to exchanging experiences, the aim of this meeting was for BAK to actively support the evaluation and design of Madagascar's anti-corruption strategy.

The guest delegation was made up of representatives of the Malagasy Financial Investigation Unit, the Anti-Corruption Court in Antananarivo, the Monitoring and Evaluation Committee for the Safeguarding of Integrity in Madagascar, the Asset Protection Agency and the Standing Committee for the Safeguarding of Integrity in Madagascar.



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