By Council of Ministers decision dated 31 January 2018, the Austrian government adopted the National Anti-Corruption Strategy.
To provide security and protection is one of the core functions of any state under the rule of law; it greatly contributes to social peace in society. Fighting corruption on the other hand, is a challenge to society affecting all areas of social and political life. Effects of corruption in public and private sectors include material and in particular, immaterial damage; corruption may lead to the people losing trust in governments properly fulfilling their functions.

Underpinned by the concepts of rule of law, proper administration, integrity and transparency, it is thus necessary to meet the challenge of preventing, averting, fighting, and prosecuting corruption in an all-embracing effort, and to put this effort on a sound strategic footing.

The function of the National Anti-Corruption Strategy is to take into account the current dynamism in the development of corruption phenomena, and current and future challenges in the fight against corruption, and to meet these challenges efficiently, by employing strategic, sustainable prevention measures, and prosecution.

For the strategy to be efficient it needs to contain both the step-by-step implementation of prevention targets, and repression, just as importantly. In this regard, Austrian criminal law on corruption was amended several times during the last few years. Milestones of the latest legal development were the Anti-Corruption Act of 1964 (Antikorruptionsgesetz 1964), Criminal Law Amendment Act...

**Taking into account** stipulations and recommendations made by international instruments such as the UN Convention Against Corruption, and international standards in the fight against and prevention of corruption, this National Anti-Corruption Strategy was drafted as the outcome of a broad and impartial discourse and context, greatly benefitting from experience and expertise of the international community gained by intensive inter-governmental exchange.

**Acknowledging** the fact that for any anti-corruption strategy to be effective it must encompass all sectors of government, society and economy, to ensure widespread acceptance; increased cooperation is necessary between society, administration, all public stakeholders, and the economy. Successful implementation depends on active participation of all these segments, and must be underpinned by self-imposed commitment.

**With the aim** of addressing national cultural, political, social and economic factors in a holistic manner and including all relevant stakeholders, ten expert rounds were held with representatives from public administration (federal, regional, and community levels), economy, and civil society,
and served as basis for developing the preventive part of the Strategy and assessment of the status quo of corruption prevention in Austria. This is how a productive dialogue was sparked and driven forward, including all sectors of society – an essential step in the right direction, that is, the direction of an all-encompassing fight against corruption.

**Realizing** that advanced and bold efforts by public administration, civil society and economy have been undertaken already to try and tackle corruption putting forth preventive steps; the present Strategy is intended to be a guideline for entrenching and extending the scope of efforts already in place.

**Understanding** that the rule of law, proper administration, integrity and transparency require hard facts and figures on progress made and evaluation of measures taken, a report has been submitted to the National Council (Nationalrat), based on National Council resolution dated 27 June 2012, aiming at an evaluation of the effectiveness of the criminal law on corruption currently in force, and of the scope and effects of amendments made to criminal law on corruption in the field of prevention and prosecution of corruption in both public and private sectors, taking into account experience gained by the Federal Bureau of Anti-Corruption (Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung – BAK), the Public Prosecutors’ Office for Combating Economic Crime and Corruption, and the Co-ordinating Body on Combating Corruption.
National Anti-Corruption Strategy – Prevention

- Promoting measures specific to target groups
- Promotion of different approaches and specific measures to prevent corruption
- Reduction of risks of structural corruption
- Awareness-raising
- Commitment to integrity in cooperation
- Transparency
- Awareness-raising
- Integritiy management
- Cooparation
- Compliance
- CMS
- Public administration
- Business sector
- Civil society
- Public sector
Commitment to integrity

Establishment, encouragement and consolidation of active commitment to the meaning and responsibility of corruption prevention in all fields.

Cooperation

Nationwide cooperation in the establishment and substantiation of corruption prevention in public administration.

Cross-border cooperation on bilateral, international and supranational levels in order to reach these targets.
Cooperation in the expansion and promotion of corruption prevention between public administration and civil society, and – whenever possible – inclusion of the economy

Transparency

Facilitation of transparency on activities and decision making processes in public administration according to the legal framework

Provision of as much information as possible to civil society, to foster trust in the public administration

Awareness-raising

Awareness-raising in public and private sectors while encouraging public discourse

Assistance to and encouragement of civil society initiatives for corruption prevention by providing information and sensitization
Article 5 of the United Nations Convention against Corruption (UNCAC) explicitly states the obligation by states parties to the Convention to develop and to implement political concepts and practices for corruption prevention. Austria is now fulfilling this systemic obligation by creating the National Anti-Corruption Strategy – Prevention.

The Strategy is intended to vitally contribute to identifying targets of corruption prevention, set priorities and implement efficient measures. Its target is promoting and long-term safeguarding of integrity and transparency in administration, politics and the economy. These initiatives aim at the people maintaining the high level of trust they have in “their” administration, sustainably safeguarding and increasing trust.

In both public and private sectors, a wide spectrum is already in place, of well-functioning instruments and practices for corruption prevention. In particular, there is a large amount of legal provisions already in force, aiming at an enhanced level of transparency and the avoidance of illicit interference.
<table>
<thead>
<tr>
<th>Intensification of measures to prevent corruption</th>
<th>Compliance Management Systems</th>
<th>Reduction of risks of structural corruption</th>
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<tbody>
<tr>
<td>Systematic exchange of proven practices and new approaches in prevention of corruption and promotion of integrity between public and private sectors with intensive involvement of civil society; institutionalized within bodies and fostered by the development of specific platforms.</td>
<td>Increased implementation of Compliance Management Systems (CMS), in particular, in public administration, merging, systematizing and further developing already existing measures of promotion of integrity and prevention of corruption; particular attention is being paid to comparability and verifiability of various different systems.</td>
<td>Systematic identification and reduction of potential corruption risks and in particular, certain tasks particularly prone to corruption afford systematic implementation of specific risk analyses and generally applicable, transparent and continuous checking and assessing mechanisms.</td>
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Integrity management

Civil servants receive holistic, target-group specific and coordinated measures informing, sensitizing and training them to an extraordinary extent regarding fostering proper behaviour. Integrity officers hold a key function in this process.

Sensitization of the public

Comprehensive measures provide information and sensitization to the public regarding corruption phenomena; fostering efforts made by civil society in the field of corruption prevention, transparency and integrity; intensifying cooperation in corruption prevention with the media and the economy.

Awareness-raising and training of specific target groups

Focus on specific target groups and fields; assisting with the establishment of networks of integrity officers, in civil service and in other environments; reinforcing the topics of corruption prevention and integrity enhancement, increasingly incorporating them in school and university curricula.
CORE PRINCIPLES

- Rule of law and efficient prosecution
- Efficient structure of authorities and sufficient resources
- Cooperation and coordination
- Implementation of international and European legal provisions

MEASURES

CORE PRINCIPLE OF RULE OF LAW AND EFFICIENT PROSECUTION

- Ensure the rule of law in penal proceedings
- Safeguarding clear-cut and workable penal provisions: procedural penal law (e.g. optimizing forfeiture and confiscation), and substantive penal law
- Expediting investigative proceedings from strategic and time-frame points of view
Since the Criminal Law Amendment Act (Strafrechtsänderungsgesetz) of 2008 extended the scope of punishable acts described therein, amendments were made again by the Act amending Criminal Law on Corruption (Korruptionsstrafrechtsänderungsgesetz) of 2009 – as reaction to criticism by the economy, politics and research. These amendments included among other things, an increase of maximum penalties. At the same time, the criminal law on corruption in force was somewhat diluted by this amendment: the punishability of “grooming” – acceptance of an advantage for the purpose of exerting influence – was curtailed, the definition of “public official” was softened, and the opportunity of “active repentance” was admitted.

On 1 January 2013 the Act amending Criminal Law on Corruption of 2012 entered into force against the backdrop of public discussions on the topic of criminal law on corruption, and recommendations made by the Council of Europe Group of States against Corruption (GRECO) and by OECD (Organisation for Economic Co-operation and Development) Working Group on Bribery in International Business Transactions. This comprehensive amendment included an expansion of the law to include members of parliament in the definition of “public officials”, and the extension of corruption stipulations to bodies and staff of public enterprises. Whereas the precondition of service law accessoriness was left out, “grooming” was again included in the law in a new form. In the field of private corruption, maximum penalties were increased, and the requirement to file suit privately was dropped. Finally, the opportunity of any “active repentance” was again excluded by this amendment.
Finally, the criminal act of breach of trust (Section 153 Penal Code) was amended by the Act amending Criminal Law on Corruption (StRÄG) of 2015, which entered into force on 1 January 2016; aiming to provide clarification on its applicability and to avoid any excessive application of the provision.

Apart from the fact that Criminal Law on Corruption was also included in general reform efforts, driving forces to this development were mainly cases in point with considerable media echo revealing actual or exaggerated gaps in regulations, and international legal developments.

Any effective fight against corruption requires clear-cut and workable legal provisions and rules governing proceedings. It is thus necessary to continue checking on a regular basis whether the provisions in force are still comprehensive and efficient, paying special attention to feedback from the economy, politics and research, and evaluation mechanisms by international organizations. If any need for action is being detected, amendments to the law need to be implemented as promptly as possible. With regard to the principles of rule of law and legal certainty, the wording of the law needs to be expressed clearly and comprehensibly, and guarantee efficient application.

If there is any suspicion that a punishable act has been committed, investigations must be initiated without delay and ex officio by criminal police and public prosecutor’s offices. If the facts of case at hand have been sufficiently investigated and suggest that accusation would make sense, the competent public prosecutor’s office must file suit at court. Then, the court must conduct proceedings expeditiously, all the while observing the rights of all parties involved.
CORE PRINCIPLE OF EFFICIENT STRUCTURE OF AUTHORITIES AND SUFFICIENT RESOURCES

- Needs-oriented optimization of authorities structure (establishment of field offices of Public Prosecutor’s Office for Combating Economic Crime and Corruption)
- Ensuring personnel resources necessary are available
- Reinforcing expertise by needs-oriented training and advanced training of public prosecutors
- Enhancing expertise and specialization of prosecution authorities

In order to guarantee efficient prosecution, authorities must have necessary infrastructure and sufficient personnel and be endowed with the competences required. Even more so, since facts of criminal law on corruption cases often are very complex and extensive. During the last years, notable developments have taken place in this field, however, it is essential to continue expanding competencies, providing resources at a reasonable level, and intensifying cooperation between various authorities at national and international levels.

At first, on 1 January 2009, a Corruption Public Prosecutor’s Office was established and scaled up step-by-step by the Package of Expertise in Criminal Law of 2010, to form the central Public Prosecutor’s Office for Combating Economic Crime and Corruption ("WKStA") with nationwide jurisdiction.

Originally, five established posts were provided for public prosecutors; in the meantime, their number has increased to forty.
Also, for quite a while now, non-prosecutors have joined the WKStA to assist the public prosecutors there; in particular, experts from the business sector, banks, finance and balance sheet accounting. If need be, IT experts are also available. Complementing these measures together with the Federal Ministry of Finance (BMF) and Audits of large-scale undertakings (Grossbetriebsprüfung), a cooperation model has been drafted allowing for the case-specific recruitment of large company auditors from a pool of experts on the basis of secondments (Dienstzuteilungen). On 1 January 2018, ten non-public prosecutors started their employment at the WKStA.

On 1 July 2015, a WKStA field office was established in Graz, allowing for non-Vienna resident public prosecutors to work with WKStA, who are interested in the matter of commercial criminal law and fight against corruption. In 2017, another two field offices were established, one in Linz and the other one in Innsbruck.

The WKStA is not only active as public prosecutor's office in the first instance but also as representation of the prosecution in proceedings in pertinent matters at higher regional court. Also, the WKStA is in charge of international cooperation in cross-border cases.

Since spring 2013, an internet-based whistleblower system has been available at the WKStA particularly suited for investigations in the field of economic and corruption crimes, as anonymous reporting system. It is now possible for informants to lodge anonymous reports regarding any suspicion of offences in the basic competency of the WKStA. The investigating authority can contact informants and ask them questions without the informants revealing their identities, in order to objectify the quality of the
information provided. Such objectified reports then form the basis of investigations or prerequisites for a certain concrete suspicion, for the initiation of penal proceedings.

By 31 May 2017, based on information provided, 550 investigative proceedings had been newly initiated (in 29 of which, they pressed charges), in another 72 cases, additional information for ongoing proceedings cropped up (in 12 of which, they pressed charges). Of charges pressed, in 18 cases, there were convictions, and in six cases, acquittals; diversion proceedings ensued in eleven cases.

At Vienna Regional Court for Criminal Matters, they created specialized court departments intending to ensure the speedy conduct of the main trials in proceedings with extremely large scope or a large number of parties or particularly complex facts of case.
CORE PRINCIPLE OF COOPERATION AND COORDINATION

• Reinforcement of the Co-ordinating Body on Combating Corruption
• Cooperation between authorities in charge of prosecution of corruption offences and within the scope of representatives in European and international committees

By Council of Ministers decision dated 29 January 2013, the Austrian government established the **Co-ordinating Body on Combating Corruption**, in response to a recommendation made by the Council of Europe Group of States Against Corruption (GRECO). This Body convenes several times a year. Its members are representatives of the Federal Chancellery, several different Ministries, the Parliamentary Directorate, Federal Provinces, Austrian Economic Chamber, Union of Municipal Employees, Federal Bureau of Anti-Corruption, Public Prosecutor’s Office for Combating Economic Crime and Corruption, Court of Auditors and Regional Courts of Auditors. The Co-ordinating Body’s tasks are: intensive information exchange on national and international developments and initiatives in the context of the fight against and prevention of corruption, and drawing up new approaches for the National Anti-Corruption Strategy.

The Co-ordinating Body on Combating Corruption is meant to continue intensifying information exchange on issues pertaining to the fight against corruption in Austria. In particular, the Co-ordinating Body is designed to push forward the implementation of measures for the prevention of and fight against corruption in connection with the National Anti-Corruption Strategy and to increasingly serve as information hub for the implementation of pertinent measures within its prescribed scope.
According to procedural legal provisions, the Public Prosecutor’s Office for Combating Economic Crime and Corruption (WKStA) is closely cooperating with the Federal Bureau of Anti-Corruption (BAK) in all matters concerning criminal law on corruption.

Additionally, strengthening cooperation is to lead to synergies between competent authorities and the optimal use of resources, and is to guarantee efficient representation of Austria in committees, procedures and working groups of international and European organizations and institutions (GRECO, OECD, UNCAC, EU, …).
CORE PRINCIPLE OF THE IMPLEMENTATION OF INTERNATIONAL AND EUROPEAN LEGAL PROVISIONS

As of entering into force on 19 July 1999, Austria has been a member of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, since 2000, member of the Convention drawn up on the basis of Article K.3 (2) (c) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union; since its ratification on 11 January 2006, Austria has been a member of the UN Convention against Corruption, of the Council of Europe Civil Law Convention on Corruption and, since 1 January 2006, of the Council of Europe Group of States against Corruption (GRECO), and since 2014, also of the Council of Europe Criminal Law Convention on Corruption including the Additional Protocol to that Convention.

Austria is a member of several evaluation mechanisms monitoring whether Austria has duly adhered to and implemented the stipulations prescribed by this and other legal instruments of international law, and European and global standards. That is, as mentioned, the Council of Europe Group of States against Corruption (GRECO), OECD Working Group on Bribery in International Business Transactions, UNCAC Review Mechanism, and the EU Anti-Corruption Report.

Since the new criminal law on corruption has been in force for a little while only it remains to be seen whether there is room for improvement. At this point in time, however, it is already evident that the
recommendations made by international organizations regarding penal provisions have been implemented to a large extent. In Austria, too, there has been hardly any criticism of the provisions in force by persons in research or practice.
The National Anti-Corruption Strategy is providing a framework in the medium term, setting basic targets and listing concrete measures by way of example. These targets set are going to be operationalized, provided resources necessary are available, and taking into account external influences, on the basis of action plans on a biennial basis.

With implementing the Strategy, the principles of cost neutrality and saving resources will be taken as bases as much as possible. To this end, largely, sources are going to be tapped which are already available and in place.
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