

**.BAK**



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

# ANNUAL REPORT 2012



This Annual Report of the Austrian Federal Bureau of Anti-Corruption (BAK) is a shortened version. The complete report (in German) can be found on our website:  
[http://www.bak.gv.at/cms/BAK\\_dt/service/downloads/files/Jahresberichte/BAK\\_Jahresbericht\\_2011.pdf](http://www.bak.gv.at/cms/BAK_dt/service/downloads/files/Jahresberichte/BAK_Jahresbericht_2011.pdf)

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# 1 PREFACE

Dear Sir or Madam,

I am very pleased to present the Annual Report 2012, the third performance report of the Austrian Federal Bureau of Anti-Corruption (BAK). Based on the four-pillar approach to fighting corruption, the BAK's tasks are divided into four main fields: prevention, education, law enforcement and international cooperation. The present report aims to provide an overview of the achievements obtained in each of these areas.

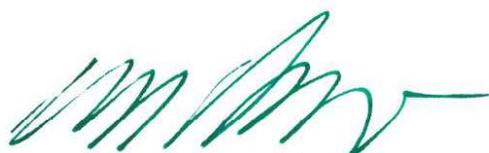
In the third year of its existence, the BAK could complete the process of expanding its workforce and implementing infrastructural improvements. In the reporting year 2012, 84% of all investigation cases were concluded. In the year-on-year comparison, this is an increase of 10% (8% since the founding year). Furthermore, 46% of the investigation cases were handled by the BAK itself, which is a rise of 15% compared to 2011 and a rise of the same percentage since the founding year (considerably increased workload in the BAK). It was especially the provision of investigation files for the parliamentary committee of inquiry into allegations of corruption that involved an additional burden on the Bureau, which was not covered by the statistics.

The BAK carries out all investigations in strict compliance with a principle of secrecy (need-to-know principle) integrated into the Bureau's organizational procedures. At this point, it should be noted that for our investigators it goes without saying to act impartially and therefore, during the preliminary proceedings, collect both exculpatory and incriminating evidence for the responsible public prosecutor's office.

Furthermore, I would like to point out that the BAK initiated, carried out and participated in numerous projects. A project to form a national anti-corruption strategy including the field of prevention was started. Moreover, the project aiming to develop the code of conduct and to establish the basis for a compliance system was completed.

In the field of international cooperation, the BAK received delegations from various countries, successfully launched the international initiative "European Anti-Corruption Training (EACT)", engaged in multilateral cooperation, and actively participated in several important bodies and networks.

Finally, let me emphasize that the enormous task of fighting corruption requires a dynamic development of all organizations and institutions involved – a challenge that the BAK, as in the previous year, has taken on and that has made the Bureau even stronger and more effective.



Andreas Wieselthaler

Director of BAK

## **2 INTRODUCTION**

### **2.1 International Standards and Historical Development**

Austria signed and subsequently ratified international conventions in the area of comprehensively combating the phenomenon of corruption, in particular, the United Nations Convention against Corruption (UNCAC)<sup>1</sup>, thereby undertaking to implement wide-ranging measures – especially concerning legislation and organization law. Such measures include, inter alia, the establishment of specialized services vested with the necessary independence, since the UNCAC provides for the creation of an institution for the prevention of corruption (Art. 6) and a specialized prosecution authority (Art. 36).

Pursuant to Art. 65 of the UNCAC, each State Party shall - in accordance with fundamental principles of its domestic law - take the necessary measures, including legislative measures, to ensure the implementation of the Convention. The Convention as such requires States Parties to transform, if necessary, its contents into national law, provided that provisions are not optional.

Until 31 December 2009, the tasks listed in the Convention were performed for Austria by the Federal Bureau for Internal Affairs (BIA). In the field of corruption prevention, the BIA, inter alia, held numerous presentations, trainings and workshops, launched the Austrian Anti-Corruption Day, and initiated and organized the International Anti-Corruption Summer School (IACSS), a project co-financed by the European Commission. In the field of fighting corruption, the BIA's successful investigations led to a large number of corruption cases and abuse of authority cases solved.

This successful strategy was continued by establishing the Federal Bureau of Anti-Corruption (BAK) as a specialized service within the Federal Ministry of the Interior based on a special law. Furthermore, the establishment of the BAK was another step to implement international requirements. The new legal basis is the necessary guarantee for the continued existence of an anti-corruption authority of this kind.

### **2.2 BAK – Legal Basis**

The Federal Law on the Establishment and Organization of the Federal Bureau of Anti-Corruption (BAK Law) entered into force on 1 January 2010 and constitutes the BAK's legal basis. The law was approved by the Austrian National Council on 8 July 2009 and announced on 3 August 2009 (BGBl. [Federal Law Gazette] I no. 72/2009).

The BAK is an institution of the Austrian Federal Ministry of the Interior. Pursuant to section 1 of the BAK Law, it is, organizationally speaking, established outside the Directorate-General for Public Security, namely within the Directorate-General IV (Services and Supervision), and thus directly responsible to the Director-General IV.

In its capacity as a legally based security authority, the BAK, as of January 2010, assumed the tasks previously fulfilled by the Federal Bureau for Internal

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<sup>1</sup> Austria signed the UNCAC on 10 Dec. 2003 and ratified it on 11 Jan. 2006.

Affairs (BIA), but also a large number of additional tasks. The BAK has nationwide jurisdiction in the prevention of and the fight against corruption, the close cooperation with the Federal Public Prosecutor's Office for Combating Economic Crime and Corruption (WKStA), as well as in law enforcement and criminal police cooperation with foreign and international anti-corruption institutions.

The BAK's legal mandate thus includes and defines the 4-pillar approach to combating corruption recommended by experts – prevention, education, law enforcement and international cooperation.

### **2.3 BAK – Tasks**

In accordance with section 4 of the BAK Law, the BAK is responsible for security and criminal police investigations concerning the following criminal offences:

1. Abuse of official authority (§ 302 Austrian Penal Code [APC]),
2. Corruptibility (§ 304 APC),
3. Acceptance of an advantage (§ 305 APC),
4. Facilitation of corruptibility (§ 306 APC),
5. Bribery (§ 307 APC),
6. Offering an advantage (§ 307a APC),
7. Facilitation of bribery or of the acceptance of an advantage (§ 307b APC),
8. Illicit intervention (§ 308 APC),
9. Breach of trust due to abuse of an official function or due to involvement of an office holder (§§ 153, paragraph 2, case 2, and 313 or in connection with § 74, paragraph 1(4a), APC),
10. Acceptance of gifts by persons holding a position of power (§ 153a APC),
11. Agreements restricting competition in procurement procedures (§ 168b APC) as well as serious fraud (§ 147 APC) and commercial fraud (§ 148 APC) on the basis of such agreement,
12. Acceptance of gifts by employees or agents (§ 168c, paragraph 2, APC),
13. Money laundering (§ 165 APC), provided that the assets arise from offences 1 to 9, 11 (second and third case) or 12; criminal associations or organizations (§§ 278 and 278a APC), provided that they intend to commit offences 1 to 9 or 11 (second and third case),
14. Acts punishable pursuant to the APC as well as to other laws relevant to criminal law, provided that they are related to offences 1 to 13 and must be prosecuted by the BAK by written order of a court or a public prosecutor's office,
15. Acts punishable pursuant to the APC as well as to laws relevant to criminal law concerning public employees of the Federal Ministry of the Interior, provided that they must be prosecuted by the BAK by written order of a court or a public prosecutor's office.

In accordance with section 28, paragraph 1, 2<sup>nd</sup> sentence, of the APC (determination of the maximum penalty), the BAK is only responsible for the cases 11 to 13 if the offences mentioned are relevant for the determination of

the level of penalty. For the determination of the maximum penalty, the exploitation of an official position pursuant to section 313 APC increases the severity of the penalty.

Since the beginning of 2010, the BAK's responsibilities in the field of international cooperation are clearly laid down in section 4, paragraph 2, of the BAK Law: the Federal Bureau of Anti-Corruption has jurisdiction over investigations within the framework of international police cooperation and mutual assistance as well as for cooperation with the corresponding institutions of the European Union and the investigating authorities of EU Member States in the above mentioned cases. Regarding international police cooperation in cases 1 to 13 the Bureau acts as point of contact for OLAF, Interpol, Europol and other comparable international institutions.

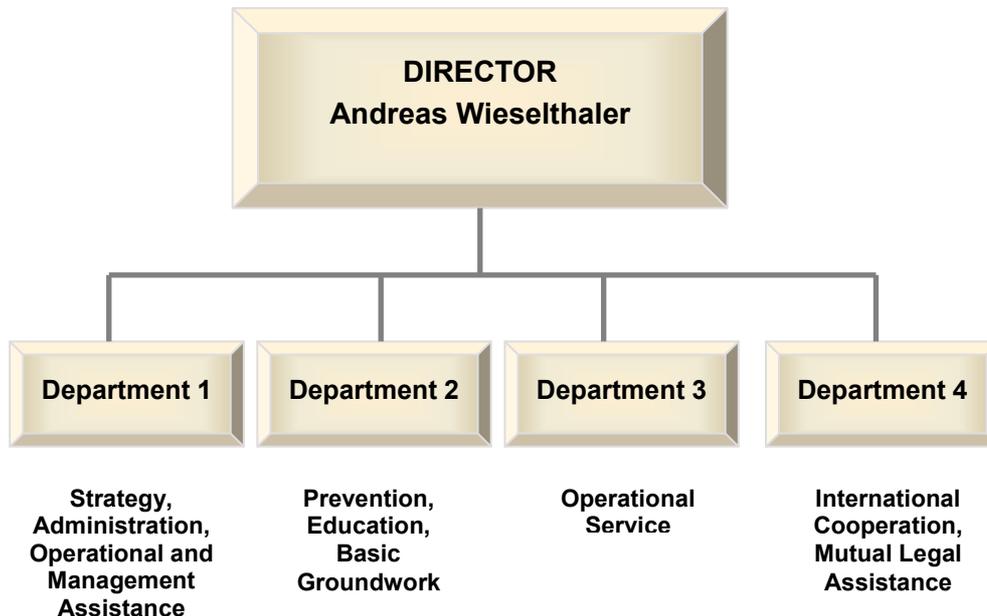
In the field of prevention, pursuant to section 4, paragraph 3, of the BAK Law, the BAK shall analyse corruption phenomena, gather information on preventing and combating them and develop appropriate preventive measures. The Bureau is responsible for prevention activities and training measures within the entire public sector.

## **2.4 Commission for Legal Protection**

Pursuant to section 8, paragraph 1, of the BAK Law, a Commission for Legal Protection was established in the Federal Ministry of the Interior in order to ensure special legal protection in respect of matters regarding the work of the BAK.

The Commission's main task is the investigation of substantiated allegations against actions of the Bureau, if there is no legal remedy available to the persons concerned. The members of the Commission for Legal Protection are independent, not bound by instructions, and subject to official secrecy. The Commission prepares annual reports on its activity for the Minister of the Interior.

### 3 ORGANIZATION



#### 3.1 Department 1 – Strategy, Administration, Operational & Management Assistance

The main task of Department IV/BAK/1 is to ensure the smooth running of all procedures and to provide the best possible support both for the operational field and the Bureau’s management.

In the framework of the 2013 budget law reform, the BAK is assigned budget management responsibilities. For this reason, the department has installed a comprehensive financial and management control system. By means of an adapted system of key performance indicators, the different areas of work – economic matters and resources, basic and advanced training (internal and external), all staff matters (overtime, labour turnover), as well as material resources (including weapons and motor vehicles) – are managed. On the basis of continually evaluated variance analyses carried out once a month, the BAK takes target-oriented measures, such as task-related training courses (investigation into the use of firearms, bookkeeping and cost accounting for economic crime investigators), and other steps necessary for the day-to-day business. Furthermore, Department IV/BAK/1 is involved in projects within the “INNEN.SICHER” strategy of the Ministry of the Interior.

An electronic information management system accessible to all employees guarantees that all files and information can be regularly updated, forwarded and archived.

The security officer is responsible for the BAK’s internal and external security. The fields of operational technology and forensic data storage and analysis as well as the management and maintenance of the BAK-specific ICT infrastructure fall within the remit of the Unit for Operational and Management Assistance of Department IV/BAK/1. The department also acts as interface to

departments of the central office and subordinate bodies of the ministry. The successful implementation of a sophisticated software programme allows for the modern analysis of seized data. Moreover, a special software developed by the department (data warehouse programming) facilitates the performance of the BAK's key tasks.

The Legal Services Unit is responsible for answering complex legal questions on corruption and general issues (data protection, video surveillance, use of specific software) as well as requests for information in accordance with § 26 of the Data Protection Act. Another important task is to prepare legal documents (e.g. decisions) as well as replies and opinions addressed to the public law courts, other collegial bodies (tribunals) with judicial powers, and the Ombudsman Board. The unit also evaluates draft laws and assesses and prepares contracts. It manages and coordinates all BAK-related issues if a parliamentary committee of inquiry is established.

### **3.2 Department 2 – Prevention, Education, Basic Groundwork**

In 2012, the fight against corruption dominated the news agenda. However, media attention exclusively focused on the BAK's law enforcement activities; the Bureau's diverse and innovative approaches in the fields of prevention and training were not covered. It is our conviction that, in addition to the necessary prosecution and uncovering of corruptive processes, preventative projects as well as anti-corruption education play a seminal role. The numerous scientific disciplines covered by the Department IV/BAK/2 (political science, psychology, educational science, history, sociology, philosophy, new public management, etc.) ensure the success of the multidisciplinary prevention and training activities carried out at inter-unit level.

This department is responsible, inter alia, for measures of structural corruption prevention. Such measures are aimed at influencing structures and organizational processes as well as risk and protective factors faced by the target groups of prevention projects. In addition to the development of prevention concepts and risk analysis tools, the department offers risk analyses for organizational units which, due to their area of responsibility, are considered to be particularly prone to corruption. The structures of these projects are based on the professional principles of project management.

In 2012, the Department IV/BAK/2 also broke new ground in some areas. In cooperation with the University of Vienna, Department of Political Science, it carried out an analysis of print media on the issue of corruption. The results of this initiative will be presented in spring 2013. An anti-corruption training concept for upper secondary school students, developed and implemented by the department, was particularly successful and is currently being followed with great interest by other European anti-corruption authorities.

The team of this department plays a leading role in the project „Compliance in the Federal Ministry of the Interior - Implementation“, which is part of the Ministry of the Interior's overall strategy “INNEN.SICHER”. Members of the department are responsible for coordinating the project and chairing the working group on risk management. They also participate in the working groups dealing with skills management and values as well as with organizational development. The experts in the fields of prevention and education are convinced that the credibility of ethical guidelines largely depends on to what

extent an organization facilitates its employees to behave ethically correct and supports them by taking structural measures. Compliance with these ethical guidelines is a key part of effective anti-corruption strategies.

According to its legal mandate, the BAK shall analyse corruption phenomena, gather information on preventing and combating them, and develop appropriate preventive measures. In 2012, the Department IV/BAK/2 succeeded in fulfilling this mandate by implementing the aforementioned measures, participating in projects of fruitful international cooperation, and organizing study visits, numerous training courses as well as various information and discussion events.

### **3.3 Department 3 – Operational Service**

Department IV/BAK/3 is responsible for all national and international security police and criminal police investigations falling within the remit of the BAK. Another area covered by the department is operational analysis.

### **3.4 Department 4 – International Cooperation and Mutual Legal Assistance**

Department IV/BAK/4 deals with the management and implementation of all international tasks of the BAK. In particular, it acts as the contact point for cooperation with comparable international institutions, authorities, networks and organizations as well as corresponding institutions of the European Union. In addition, the department is in charge of all tasks related to mutual assistance between the BAK and foreign authorities.

Experts of the department represent the BAK in the framework of the UNCAC implementation process, of GRECO, the OECD Anti-Bribery Convention, and international projects.

One of the top priorities in the field of international cooperation is the European Anti-Corruption Training (EACT), an initiative launched by the BAK in September 2011 to develop new and practice-oriented methods of combating corruption.

## **4 STAFF**

As of 1 January 2012, the BAK's number of staff was 110 employees. 46 of its employees are persons assigned to the Bureau from other services.

In the personnel selection process, a high value is set on a certain balance and variety of professional and personal qualifications in order to be able to fulfil the Bureau's demanding responsibilities.

A large number of the BAK's employees are criminal investigators with many years of experience, partly in leading positions of district police stations. Various staff members have a university degree (e.g. in law, political science, psychology, translation), expertise in a specific area (e.g. economic crime), or other additional qualifications (conduct of negotiations, surveillance and operational training, crime scene investigation, preservation of evidence, prevention, forensic data storage). This high level of professionalism is being maintained by offering advanced training courses and international secondments, as well as by promoting the continuous exchange of experiences.

## 5 STATISTICAL DATA

### 5.1 General

The BAK statistics are based on a criminological approach. In German-speaking countries, modern criminology is nowadays usually considered as part of jurisprudence, whereas in Anglo-American and Scandinavian countries, criminologists are predominantly oriented towards social science. While criminology primarily aims to gain knowledge about the reasons and different forms of crime without focusing on a particular case, criminalistics deals with the specific – practice-oriented – question of how to prevent, combat and solve crimes.

The descriptive BAK statistics cover cases already at the time when police investigation has just started (statistics on incoming cases). The statistical data is constantly being updated and adjusted on the basis of the results of the investigation. If the criminal investigation starts and ends within the survey period, the final data of the investigation will be taken into account.

It is to be noted that the BAK figures do not contain information on settled cases or legal convictions. Many of the persons covered by the statistics are only suspected of a crime but later not convicted due to lack of evidence or because they are proven innocent.

Regarding the statistics presented in this annual report, the following information should be added:

- All statistics relate exclusively to allegations and/or suspicions concerning the facts of the complaints made. There may also be multiple mentions or classifications (e.g. suspicion of §§ 302 and 304 Austrian Penal Code [APC] or of § 83 in connection with § 313 APC in one complaint case) - for example, due to the fact that from the criminological perspective, corrupt acts usually include two offenders.
- As the BAK was newly established as of 1 January 2010, the field of statistical analysis and research was reorganized. Therefore, the available time series of the BAK statistics are, so far, limited to the years 2010 to 2012.
- The supposedly high proportion of organizational units and employees of the Federal Ministry of the Interior and its subordinate bodies is due to the BAK's primary responsibility in this context and, in particular, due to the exclusive obligation to report existing in all departments and authorities of the Federal Ministry of the Interior (there is no such obligation in other ministries, agencies, departments or local authorities!) as well as the general right for all federal employees to report outside the official channels. Thus, from these data, it is definitely not possible to derive a higher delinquency rate or probability of complaint concerning employees of the Federal Ministry of the Interior. The BAK not only receives reports on suspicious circumstances or possible offences from security authorities/departments or federal employees: every individual,

without exception, can report to the BAK a suspicion or complaint concerning criminal offences falling under the remit of the Bureau.

- The presumption of innocence applies to all parties in proceedings or complaint cases until the responsible courts make a final and legally binding decision. Furthermore, it should be noted that the BAK often has to deal with unfounded and/or anonymous allegations against employees of the ministry or other public bodies. As a result of the Bureau's objective investigations, the integrity of accused persons can be proven in many cases. For us, this task is at least as important as the necessary and rigorous prosecution of offenders.

## 5.2 Metadata

Subject of the statistics	The BAK statistics cover all incoming cases of the Austrian Federal Bureau of Anti-Corruption.
Statistical population	All complaints received by the BAK, without being assessed or sorted out in advance.
Type of statistics	Descriptive primary statistics
Data sources / form of survey	Data records created for incoming complaints / full-coverage survey
Period under review (t)	Calendar year
Periodicity	yearly; short summary also quarterly
Legal basis	Federal Law on the Establishment and Organization of the BAK (BGBl. [Austrian Law Gazette] I 72/2009 of 3 Aug. 2009), Implementation Decree on the Establishment and Organization of the BAK (Ref. no. 2010/1/2010-Wien-BAK of 30 Dec. 2009 in the version dated 30 Aug. 2011; republication dated 31 Oct. 2011), § 93 para. 2 SPG (Security Police Act)
Level of regional breakdown	Land (Austrian federal province)
Availability of the data	Final data: integration of the results into the annual report: t + 3 months
Target group	Federal Ministry of the Interior, the media and the general public

## 5.3 Relevance for Security Policy

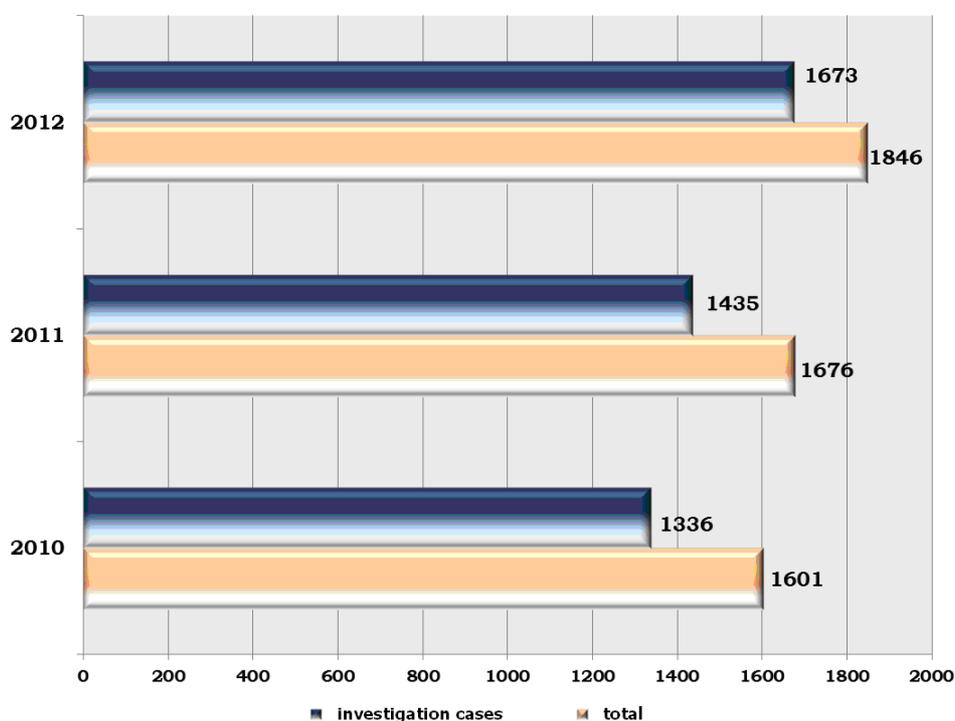
In 2012, the BAK recorded around 1,850 complaints, with 1,670 of them leading to investigations. From the number of criminal offences reported to the police and convicted by the court one may therefore conclude that corruption is one of the less common crimes. As corruption is a "victimless" offence mainly revealed by monitoring, it depends to a large extent on the financial and human resources used for control and inspection if and how many cases can be detected.

For this reason, it cannot necessarily be derived from the official number of offences that corruption is at a relatively low level in Austria. Experts from academia and practice estimate that up to 95% of the corruption offences remain unreported.

The lack of empirical studies on the number of unreported cases in this field is particularly due to the circumstance that conventional research methods to determine dark figures are virtually not effective because of the specific structure of this criminal offence (there is no directly injured party). The fact that in many corruption cases new suspects are identified in the course of the preliminary proceedings suggests that the dark figure could be very high.

## 5.4 Number of Cases

	2012	Difference		2011	Difference		2010
		absolute	in %		absolute	in %	
Other Cases	579	+ 240	+ 71 %	339	- 68	+20 %	265
thereof administrative assistance	393	+ 307	+357 %	86	+ 72	+514 %	14
thereof legal assistance	13	+ 1	+ 8 %	12	+ 7	+140 %	5
Investigation cases	1673	+ 238	+ 17 %	1435	+ 99	+7 %	1336
<b>Total</b>	<b>1846</b>	<b>+ 170</b>	<b>+ 10 %</b>	<b>1676</b>	<b>+ 75</b>	<b>+5 %</b>	<b>1601</b>
<i>thereof cases not relevant under criminal law</i>	53			25			
<i>thereof cases „on standby“</i>	24			8			



The total number of cases recorded by the BAK rose from 1,676 in the year 2011 to 1,846 in the reporting year. In the year-on-year comparison, this is an increase in cases of 10%. Compared to 2010, the number of investigation cases increased (+ 17%), whereas the number of the so-called “other cases” rose by 71% in comparison with 2011. The latter cases include unsubstantiated

complaints and allegations, criminal acts incorrectly classified by the reporting services (e.g. cases outside the jurisdiction of the BAK), requests for administrative and legal assistance and misdirected documents. All incoming cases or documents are at least handled administratively.

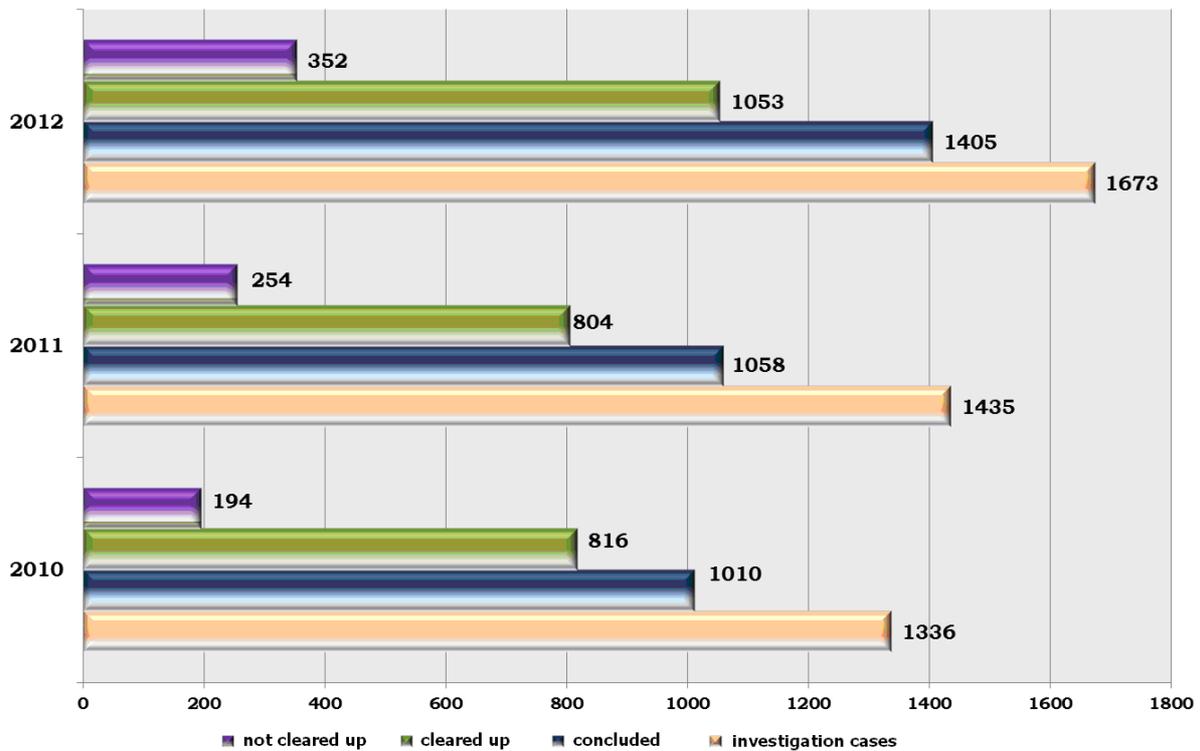
## 5.5 Case-Related Data

<b>Cases reported by</b>	<b>2012</b>	<b>2011</b>
Federal Police Directorates	511	523
Criminal Intelligence Services of the Länder	162	193
Private individuals	151	179
Public Prosecutor's Office	145	175
Federal Ministry of the Interior	491	177
Public Prosecutor's Office for Combating Corruption / Public Prosecutor's Office for Combating Economic Crime and Corruption	35	43
Anonymous reports	42	56
Police Inspectorates	36	52
Others	273	278
<b>Total</b>	<b>1846</b>	<b>1676</b>

According to the Implementation Decree on the Establishment and Organization of the BAK, the Bureau receives reports from different sides: organizational units and subordinate bodies of the Federal Ministry of the Interior, courts and public prosecutor's offices, other ministries, bodies or local authorities, as well as private individuals. All federal employees can, at any time, contact the BAK directly and without going through the official channels for any questions or for filing a report. The BAK received 1,846 complaints of which 1,673 resulted in investigation cases.

The majority of reports presented to the BAK were made by other public bodies, in particular by the Federal Police Directorates (28%). A significant number of reports were also received from departments of the Federal Ministry of the Interior (27%). 8% of the complaints originated from private individuals (primarily persons concerned by official acts and proceedings).

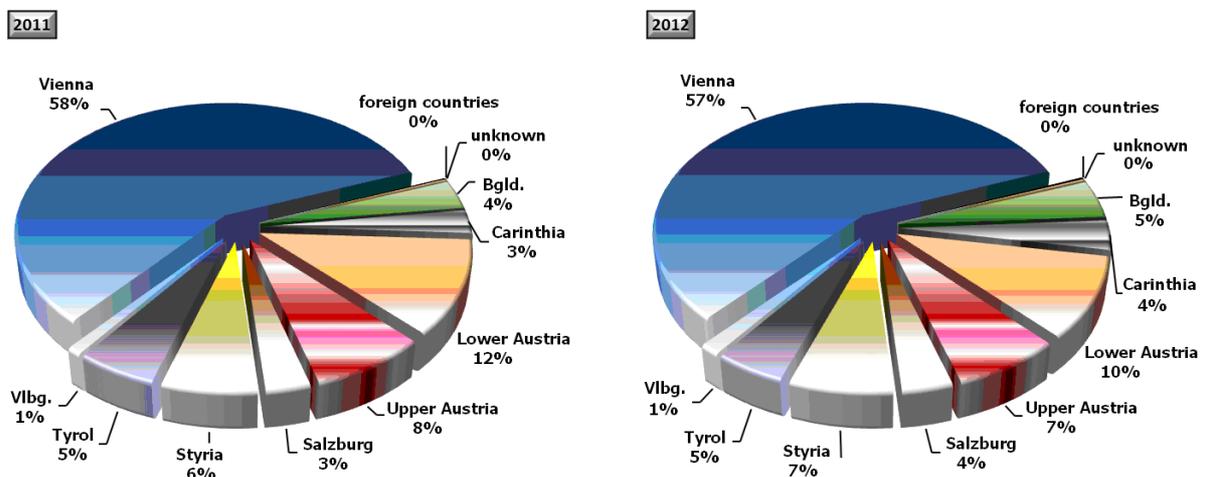
## 5.6 Clarification



84% of all investigation cases handled by the BAK were concluded. Out of these 1,405 proceedings completed in the reporting year, 670 cases were even settled by the courts (48%).

The clear-up rate of 75% represents the ratio, in percent, of the investigation cases cleared up to those concluded during the period under review. In 2012, the clear-up rate decreased by 1%, but corresponded to the long-term average.

## 5.7 Crime Scenes: Regional Breakdown



As in the previous years, the majority of the offences were committed in Vienna (57%), followed by the Länder of Lower Austria (10%) and Upper Austria (7%). Salzburg (3%) and Vorarlberg (1%) brought up the rear.

The high number of cases in Vienna does certainly not imply that the Viennese population is particularly prepared to make reports.

The reason for this phenomenon lies in the fact that all federal ministries as well as most of the federal agencies are located in Vienna and, respectively, the majority of public employees work in the Austrian capital and not in the other Länder.

Furthermore, the distribution of the Austrian population<sup>2</sup> (21% live in Vienna) as well as the fact that most of the major demonstrations and events – and thus the bulk of all police operations – take place in Vienna and its surroundings contribute to the relatively high number of reports in this region.

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<sup>2</sup> Statistics Austria, "Bevölkerungsstand am 1.1.2012", Verlag Österreich GmbH, Vienna 2012.

## 6 PREVENTION

In previous years, the BAK strived to raise awareness among the Austrian population and promote discussion on corruption as much as possible. Taking into consideration analyses of the media coverage as well as Austria's further decline in Transparency International's Corruption Perceptions Index, the Bureau came to the conclusion that this objective had already been achieved. Since 2012, following its four-pillar approach to fighting corruption, the BAK's focus has shifted towards prevention projects.

The BAK's understanding of corruption prevention differs in some points from the general understanding of corruption prevention. Many institutions concerned with prevention use prevention strategies limited to more or less successful staff training processes and leaving decisions to the person ultimately responsible. However, in the course of prevention projects, taking a comprehensive look at organizations is of crucial importance for being able to make effective and efficient recommendations for prevention.

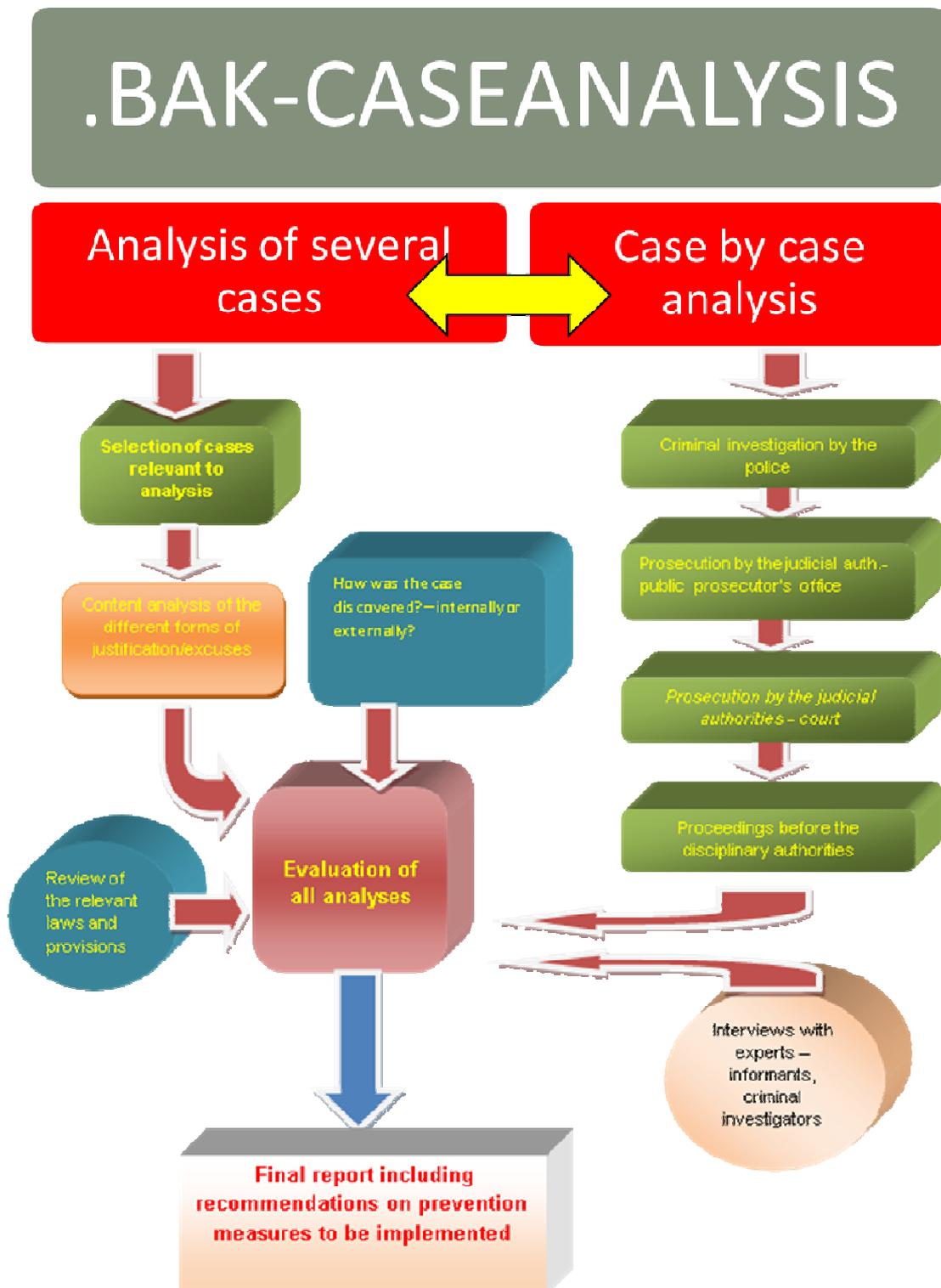
The projects in the field of prevention are implemented by a multidisciplinary team taking into account legal, sociological, criminological and psychological aspects. Generally, the prevention projects focus on the following: structure/organization and workflow, weak points, law and identification of motives. The results of the analysis are the basis for the development of specific prevention measures, which are worked out in cooperation with the department or authority having requested the service. The implementation of the recommendations will be overseen by the project team.

## 7 BASIC GROUNDWORK

In 2012, the Unit “Basic Groundwork” was entrusted with the following main tasks:

- a.) setting up of a knowledge database: collection of knowledge on corruption phenomena and their scientific description
- b.) cooperation with universities / universities of applied sciences: multidisciplinary approach to studying corruption phenomena, e.g. analysis of print media on the issue of corruption (project realized with the University of Vienna, Department of Political Science)
- c.) different projects: e.g. implementation of „Compliance in the Federal Ministry of the Interior“ (“INNEN.SICHER” project)
- d.) international expert meetings: exchange of experience with European anti-corruption authorities (e.g. Bulgaria, Romania)
- e.) inter-unit and inter-department cooperation: development of pedagogical/didactic training concepts for corruption prevention for different grades, which attracted great interest at European level
- f.) case analyses in the framework of prevention projects: case analyses, consisting of case-by-case analyses (German acronym: “EFA”) and analyses of several cases (German acronym: “GFA”), are an important tool for investigating corruption cases. They are carried out in the framework of prevention projects. On the one hand, the content of and correlation between selected corruption cases is explored (GFA). On the other hand, specific cases are analysed in detail (EFA). This instrument was presented at different meetings and conferences in order to document the complexity of certain corruption cases. It was also applied in the context of the analysis of a comprehensive prevention project completed in 2012.

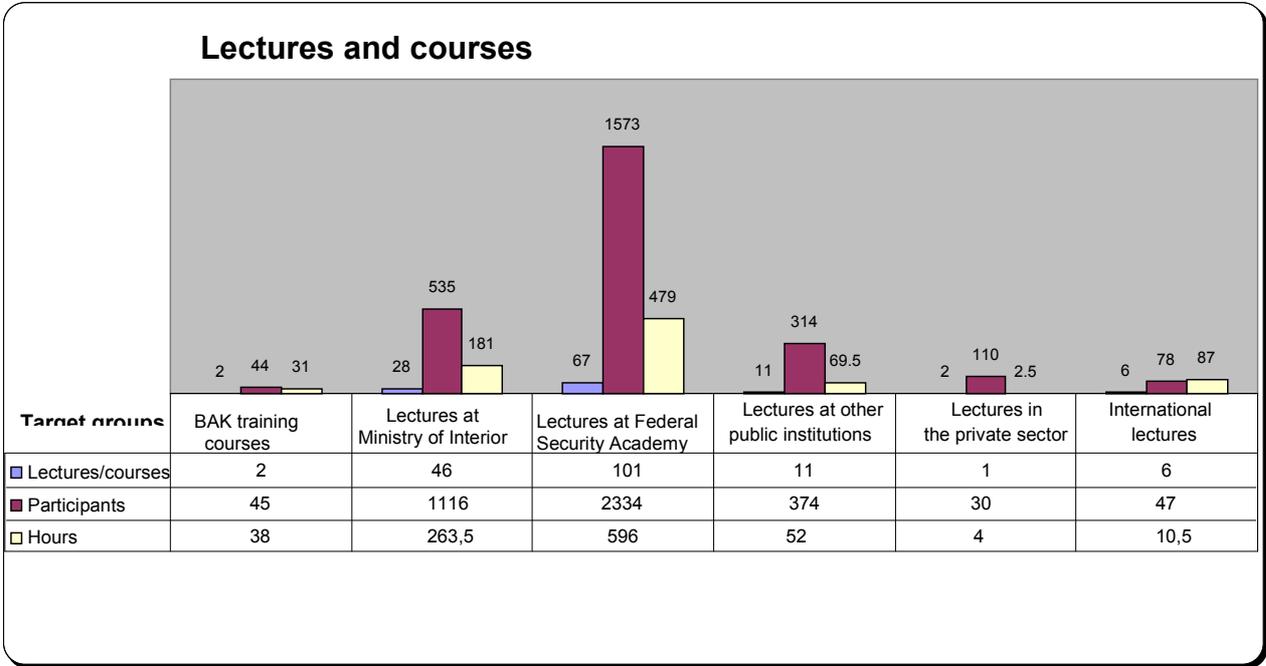
## 7.1 Case Analyses



# 8 EDUCATION AND AWARENESS-RAISING

## 8.1 General

Lasting success in the fight against corruption requires continuous awareness-raising of the problems related to this phenomenon within society as a whole. For this reason, the BAK has extended its range of (advanced) training measures for target groups inside and outside of the Ministry of the Interior during the last years. To give an example, the training course held in 2011 for trainers not employed at the BAK took full effect in 2012: these newly trained officers from various fields of the ministry considerably contributed to the increased number of (advanced) training courses offered in the reporting year. Furthermore, the Bureau organized numerous events and campaigns aimed at raising awareness in all sections of society.



In all 167 lectures and courses (964 hours) on preventing and combating corruption were offered to some 3,950 participants. Compared to the year 2011, there was a significant increase (of more than 1,200) in the number of persons participating in the BAK’s training courses and information events.

## 8.2 Lectures by the BAK within the ministry

The BAK provided essential support for the organization and planning of the project “Fight against Corruption”, which is part of the Ministry of the Interior’s strategy for the future (“INNEN.SICHER”). By way of example, the Bureau implemented the interactive e-learning programme “Code of Conduct” in cooperation with the Federal Security Academy (SIK). These modules, offered on the SIK’s “virtual campus”, are open for all employees of the Ministry of the Interior. Moreover, the BAK developed and distributed a trainer’s manual for senior officials.

### 8.3 Training of teachers of the Federal Security Academy (SIAK)

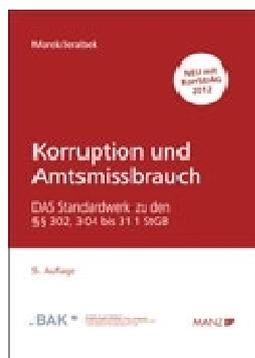
In addition to the above mentioned newly trained officers not employed at the BAK, the Bureau – in agreement with the SIAK – also provided training courses and/or detailed information for interested teachers from all training centres of the SIAK on the issue of preventing and combating corruption. In this way, the BAK helped to improve the quality of different teaching programmes of the basic police training.

### 8.4 Austrian Anti-Corruption Day



On 29 and 30 May 2012, the BAK organized the Sixth Austrian Anti-Corruption Day, a platform of leading national experts in preventing and combating corruption. Some 100 experts from the entire public service as well as from the fields of anti-corruption and compliance came together in Altengbach, Lower Austria, to discuss this year's main topic: "Do lobbying and sponsoring lead to corruption?"

### 8.5 Publication "Corruption and Misuse of Authority"



Abuses of authority and corruption offences are a complex issue, the more so as there is no conclusive definition of corruption in the Austrian Penal Code. The law journal "Corruption and Misuse of Authority", published by the renowned publisher "MANZ", provides an overview of the substantive bases of the Austrian criminal law on corruption, and, at the same time, takes account of the current legal practice.

In 2012, the journal's fifth edition was released. Using closed cases and current investigations as practical examples, the authors, Robert Jerabek (former Deputy Procurator-General at the Supreme Court of Justice) and Eva Marek (Judge at the Supreme Court of Justice), illustrate the Austrian anti-corruption laws in a clear and comprehensive manner.

The law journal not only serves as an often requested training material and reference work for public service staff, but was also cited in the official documents on the amendment of the corruption provisions, and was well reviewed by experts in the field.

## **9 INTERNATIONAL RELATIONS**

### **9.1 General**

International standards for the cooperation of anti-corruption, police and judicial authorities in the area of preventing and combating corruption require an interdisciplinary, holistic and transnational approach. Hence, the BAK's work is based on the four pillars of prevention, education, law enforcement and international cooperation. Collaboration at international level is thus one of the Bureau's four main tasks.

The above mentioned aspects are the prerequisites for the exchange of information, experiences and best practices with partner authorities of other countries and international organizations.

### **9.2 Bilateral Cooperation**

In 2011, the BAK's bilateral activities, including the organization of numerous working meetings, study visits and secondments, contributed to further strengthening cooperation with anti-corruption authorities relevant to the Bureau.

At the end of February 2012, the BAK welcomed a delegation from the Ukrainian Ministry of the Interior accompanied by the responsible Austrian liaison officer. The guests paid particular attention to the selection criteria and the training measures for the employees of the BAK. At the end of March, representatives of the Nigerian Independent Corrupt Practices and Other Related Offences Commission (ICPC) visited the Bureau. In mid-May, the delegation from the South Korean Anti-Corruption & Civil Rights Commission (ACRC), headed by its director, was especially interested in the legal framework of relevance to the BAK's work. A second South Korean delegation, visiting the Bureau at the end of October, consisted of representatives of the Inspection Department of the City of Seoul. In June, the BAK welcomed officials of the Jordanian Anti-Corruption Commission (ACC), who were informed about the Bureau's departments and, in particular, its activities in the fields of prevention and education. Furthermore, delegates from the Department "Internal Security" of the Russian Ministry of the Interior visited the BAK in September 2012.

In the reporting year, the Bureau strengthened its bilateral cooperation with Hungary. An initial working meeting of the BAK and the Hungarian partner authority, the National Protective Service (NPS), was held in Budapest in February. Apart from other meetings organized in 2012, two secondments undertaken by both sides reflected the intensive cooperation between the BAK and the NPS as well as the great mutual interest in the anti-corruption authority of the neighbouring country.

At the end of January 2012, the BAK received a delegation from the Department of Human Resources Development of the Belarus State Border Committee, whose director has the rank of a minister. The guests from Belarus showed particular interest in the BAK's projects in the field of corruption prevention, such as trainings and seminars for civil servants

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



Founded in 2010 on the initiative of UNODC, OLAF, the Republic of Austria and other parties, the International Anti-Corruption Academy (IACA) in Laxenburg, Lower Austria, received the status of an international organization on 8 March 2011.

On 29 and 30 November 2012, the first session of the IACA's Assembly of Parties took place in Vienna. Currently, the Academy has 61 members and States Parties, respectively.

On the basis of the Memorandum of Understanding on enhancing cooperation in the field of anti-corruption, which was signed by the directors of the Austrian Federal Security Academy and the BAK as well as by the Chair of the Transition Team of the IACA in 2011, the three institutions continued to provide support to each other in 2012 in organizing events and in matters concerning the BAK's bilateral relations. In this spirit, numerous working meetings between the BAK and foreign delegations held in 2012 included a visit to the IACA enabling the Academy to present its activities. Furthermore, the BAK continued to provide additional human and logistical resources to the IACA

### 9.4 European Anti-Corruption Training - EACT



The objective of this initiative launched by the BAK is to open new, practice-oriented ways of fighting corruption in cooperation with project partners and with representatives of anti-corruption agencies, the police and public prosecutor's offices of EU Member States, Schengen and EU candidate countries, as well as countries of the Western Balkans.

The EACT Kick-off Conference held in Baden and Laxenburg in autumn 2011 was followed by a series of constructive working meetings on the three core topics of EACT. Investigators and public prosecutors came together to develop best practices in cooperation with project staff and expert lecturers. These practices will be integrated into a manual at the end of the project.

All three working groups met several times since the beginning of 2012. The working group "Investigation and Prosecution" chaired by Austria convened in January, April and September. It focused, inter alia, on issues such as "Tactical Methods and Possibilities Concerning Investigation", "Basic Legal Concepts for Investigation Matters", "Joint Investigation Teams/Cooperation in Investigation", "Internal/External Problems and Needs during Investigation", "Seizure, Analysis and Storage of Data; Search Engines for Investigation", and "Security

Management in the Field of Anti-Corruption: Recruitment of Personnel, Need-to-Know Principle, Access Control, Protection against System Failure”.

The Slovenian-led working group on prevention came together in March, June and October, and addressed topics such as “Advanced Use of Information Technologies for Analysing Data”, “Accessing, Using and Linking of Existing Official Databases”, “Conflicts of Interest Including Codes of Conduct”, “Preventive Measures” and „Whistle-blower Protection“.

The working group dealing with international cooperation, which is headed by Slovakia, organized two meetings in May and September with a focus on diverse aspects of Joint Investigation Teams (JITs), such as structures and working methods.

For the purposes of communicating, exchanging information, organizing and preparing the working group meetings, as well as for processing and archiving documents, the EACT participants use EPE (Europol Platform for Experts), an innovative, secure online platform provided by Europol.

## **9.5 Multilateral Cooperation, Bodies and Networks**

As corruption is a transnational phenomenon that has to be countered internationally, multilateral cooperation in bodies at European and international levels (UNCAC, GRECO) as well as in networks (EPAC/EACN, OLAF/OAFCN) is of significant importance. Therefore, the BAK is represented through Department IV/BAK/4 in all important working groups and forums that develop, implement and evaluate the relevant instruments and mechanisms, and also participated in the establishment of the IACA.

In 2012, priority was given to the review mechanism of the UN Convention against Corruption (UNCAC), since Austria was under review within the first evaluation cycle regarding the implementation of chapter III (criminalization and law enforcement) and chapter IV (international cooperation) of the UNCAC. Furthermore, at the meeting of the UNCAC Implementation Review Group, Austria was drawn as reviewer for the evaluation of Luxembourg and Cyprus in this cycle.

In the context of the Council of Europe’s Group against Corruption, the addendum to the compliance report of the 1<sup>st</sup> and 2<sup>nd</sup> evaluation round was adopted at the 56<sup>th</sup> GRECO plenary meeting in June 2012.

Further contributions of the BAK were provided for evaluation phase 3 of the implementation of the OECD Anti-Bribery Convention by responding to questionnaires and within the framework of the country visit to Austria in July 2012.

Finally, the BAK was represented at the first regional workshop organized by the European Commission (EC) to gain best practices and identify gaps in the legal framework and structures concerning the fight against and the prevention of corruption in the EU Member States. The findings of this workshop will be used for the development of the anti-corruption reporting mechanism of the EC.