

FEDERAL BUREAU of ANTI-CORRUPTION





Republic of Austria

- Population: 8.47 million
- Neighbouring countries: Czech Republic, Germany, Hungary, Slovak Republic, Slovenia, Italy, Switzerland and Liechtenstein.
- Area: 83,855 km²
- Official language: German
- Political System:

Austria became a federal, parliamentary, democratic republic through the Federal Constitution of 1920, and consists of nine federal states (Länder).

The head of state is the Federal President, who is directly elected by popular vote for a term of 6 years.

Both legislation and administration are shared between federal and regional authorities.



FEDERAL MINISTER OF THE INTERIOR
JOHANNA MIKL-LEITNER

CABINET OF THE FEDERAL MINISTER
ANDREA WIESETHALER

DIRECTORATE-GENERAL I PRESIDIUM	
DIRECTOR-GENERAL: FRANZ ENDINGER	
DEPARTMENT I/1 INTERNAL AFFAIRS MICHAEL NEUGEBAUER	DEPARTMENT I/2 EXTERNAL AFFAIRS MICHAEL NEUGEBAUER

DIRECTORATE-GENERAL II (DIRECTORATE-GENERAL FOR PUBLIC SECURITY)	
DIRECTOR-GENERAL FOR PUBLIC SECURITY: KONRAD KOHLER	
SPECIAL OPERATIONS UNIT COBRA / BRANCHES SPECIAL UNIT ARMED STRIKE UNIT	SPECIAL OPERATIONS UNIT ROBBERIES AND BOMB ATTACKS
DEPARTMENT I/1 POLICE AND SECURITY OF THE FEDERAL LAND	DEPARTMENT I/2 POLICE AND SECURITY OF THE FEDERAL LAND

DIRECTORATE-GENERAL III LEGAL AFFAIRS	
DIRECTOR-GENERAL: NATHAN KOLL	
DEPARTMENT I/1 LEGAL AFFAIRS ANDREAS WIESETHALER	DEPARTMENT I/2 LEGAL AFFAIRS ANDREAS WIESETHALER

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DIRECTOR-GENERAL: HERMANN FEINER	
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DEPARTMENT I/1/4 CENTRAL SERVICES ALEXANDRA DESIRÉE STIX-KERN	UNIT I/1/5/a ICT - TERMINALS AND SERVICES ROMAN D'ALESSIO
UNIT I/1/4/a ECONOMIC OFFICE GERALD GRUBER	UNIT I/1/5/b NETWORKS AND CONTROL CENTRES REINHARD SCHWAB
UNIT I/1/4/b CENTRAL COMMAND BUILDING MANAGEMENT WINFRIED FAST	UNIT I/1/5/c ICT SUPPORT KONRAD HANNIG
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IV/BAK FEDERAL BUREAU OF ANTI-CORRUPTION (BAK)	
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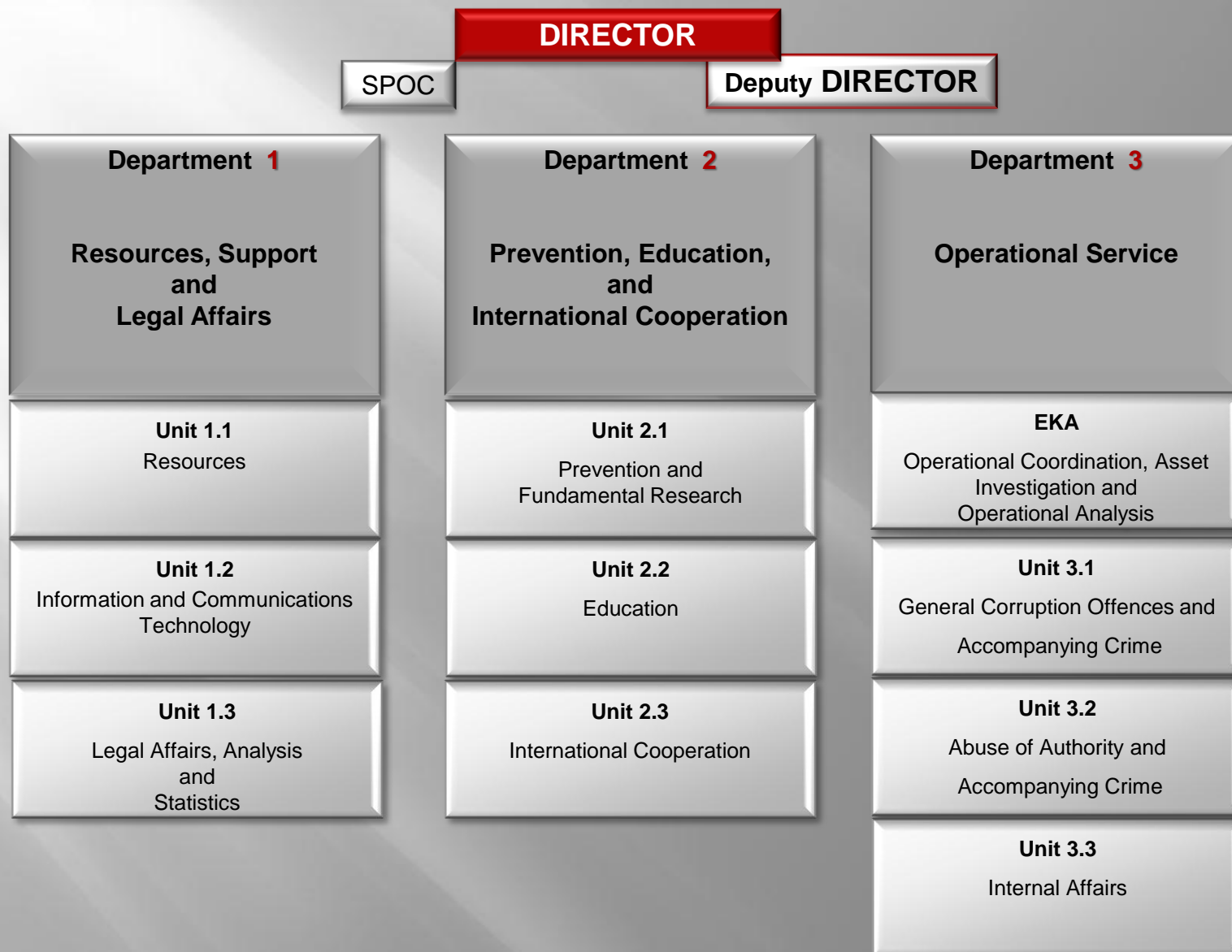
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LEGAL FOUNDATIONS



- ▣ **Implementation** of international standards (UNCAC....)
and recommendations (GRECO)
- ▣ **Federal Law on the Establishment and Organization of the Federal Bureau of Anti-Corruption (BAK-G)**
(BGBl. [Federal Law Gazette] I no. 72/2009 – last amended by BGBl. 65/2013)
- ▣ **Established outside the Directorate-General for Public Security**
- ▣ **Organizational position** according to the distribution of functions of the Ministry of the Interior (MoI)
The BAK is established in the Directorate-General IV (Service and Supervision), i.e. outside the Directorate-General for Public Security (Directorate-General II).
Department IV/6 (Federal Bureau for Internal Affairs, BIA) ceased to exist with the establishment of the BAK (transfer of all files and archived files to the BAK).
- ▣ **Introductory Decree on the Establishment of the BAK**
(Reference number: BMI-OA 1300/0017-IV/BAK/2013)

GENERAL TASKS & SPHERE OF ACTION

- ▣ **Prevention of and fight against corruption** on the entire Austrian territory (regarding the list of offences laid down in the Law on the BAK)
- ▣ **Jurisdiction** for the entire public sector
- ▣ **Particular focus** on the analysis and prevention of corruption phenomena
- ▣ Security police and criminal police **cooperation** with foreign and international anti-corruption institutions in the field of corruption
- ▣ Right to hand over files and instruct other authorities
- ▣ No jurisdiction in matters of disciplinary and public service law

PARTICULARITIES - BAK

- ▣ All security authorities and security departments have an obligation to **report without delay** all cases concerning the list of criminal offences falling within the BAK's remit, without prejudice to obligations to report defined by the StPO (Austrian Code of Criminal Procedure)
 - before undertaking further investigations according to public service law
 - before fulfilling obligations to report to the public prosecutor's office
- ▣ All federal employees have the right to **directly report** cases to the BAK without going through the official channels.
- ▣ Incoming reports are controlled according to the „6-eyes principle“

TASKS I



Security police and criminal police investigations

- **Abuse of official authority** § 302 StGB (Austrian Penal Code)
- **Bribery offences** §§ 304 to 307b StGB
- **Illicit intervention** § 308 StGB
- **Breach of trust due to abuse of an official function or due to involvement of an office holder** §§ 153 para. 2 case 2, 313 or in connection with § 74 para. 1 no. 4a StGB
- **Acceptance of gifts by persons holding a position of power** § 153a StGB
- **Agreements restricting competition in procurement procedures** (§ 168b) as well as **serious fraud** (§ 147 StGB) and **commercial fraud** (§ 148 StGB) on the basis of such agreement
- **Acceptance of gifts and bribery of employees or agents** § 309 StGB
- **Breach of official secrecy** § 310 StGB

TASKS II



Security police and criminal police investigations

- **Money laundering** (§ 165 StGB), provided that the assets arise from an offence listed in § 4 of the Law on the BAK (BAK-G)
- **Criminal associations or organizations** (§§ 278, 278a StGB), provided that they intend to commit the offences listed in § 4 BAK-G)
- Acts punishable pursuant to the StGB and to other laws relevant to criminal law in connection with punishable acts falling within the BAK's remit, upon written order of a court or a public prosecutor's office
- Acts punishable pursuant to the StGB and to other laws relevant to criminal law committed by employees of the Ministry of the Interior, upon written order of a court or a public prosecutor's office

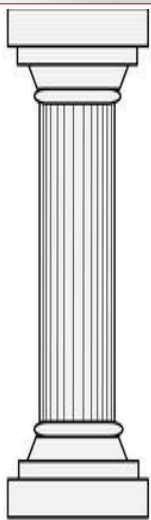
Cooperation with the WKStA



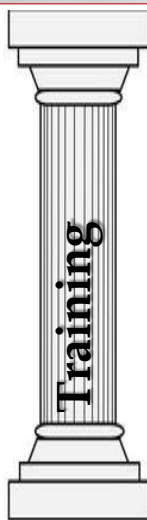
- The BAK cooperates with the
Public Prosecutor's Office for Combating Economic Crime and Corruption (WKStA)
particularly regarding §20a of the Austrian Code of Criminal Procedure (StPO)
- **Current** and **early** involvement of and exchange of information with the WKStA
- **Annual meeting BAK / WKStA**
- **JIT (Joint Investigation Teams)**

The 4 **PILLARS** of anti-corruption work

Prevention



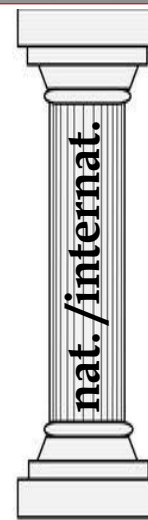
Education



Law enforcement



Cooperation



...represent the BAK's holistic approach

LEGAL PROTECTION / SUPERVISION

Commission for Legal Protection:

It was established pursuant to § 8 BAK-G, i.e. the Federal Law on the Establishment and Organization of the BAK, and consists of the legal protection officer and two other members.

The commission is independent, not bound by instructions, has full access to the files and the right to make recommendations to the Federal Minister.

Members:

Prof. Manfred **BURGSTALLER**,

Johann **RZESZUT** (former President of the Supreme Court of Justice)

Robert **JERABEK** (former Deputy Procurator-General at the
Supreme Court of Justice)

.BAK



REPUBLIC OF AUSTRIA

FEDERAL MINISTRY OF THE INTERIOR

FEDERAL BUREAU OF ANTI-CORRUPTION

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