

FERERAL 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.

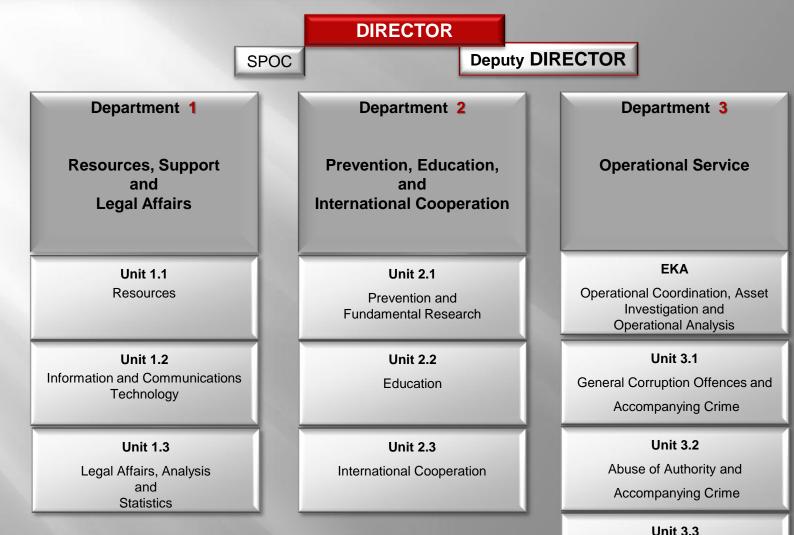




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BRANCH V/A BESOGREES, DIGANZATION, REGETING, TRAINING EU-AFFAIRS, PUBLIC RELATIONS	DIRECTORATE IL ORDANIZATION, SERVICE A LAW ENFORCEMEN	A DIRECTORATE II/8 IMMOINTON FOLICE, CRISIS MANAGEMENT, CIVIL PROTECTION	BRANCH III/A LESISLATIVE AND JURIDICAL MATTERS	BRANCH III/B ASTLUM, MIGRATION, CITIZENSHIP, CITIZ STATUS ATFARES, FUNCAMENTAL REGATS
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SERVICES AN	D SUPERVISION
DIRECTOR-GENERA	L: HERMANN FEINER
DEPARTMENT IV/IR INTERNAL AUDIT MICHAEL NEUGEBAUER	DEPARTMENT IV/5 PROCUREMENT AND PROCUREMENT CONTROLLING ANDREA VARGA
UNIT IV/IR/a	UNIT IV/5/a
AUDIT CENTRE EU FUNDS	PROCUREMENT FOR SERVICES
GERHARD SULZ	SABINE KIRNER-LUJF
ABTEILUNG IV/7	UNIT IV/5/b
MEMORIALS AND	PROCUREMENT FOR TECHNICAL SERVICES AND
WAR GRAVES	SUPPLIES AND BBG-COORDINATION
BARBARA GLÜCK	REINHARD ZINK
A COLUMN STREET	UNIT IV/5/c PROCUREMENT CONTROLLING ANNA KNECHTL
BRANCH IV/A	BRANCH IV/B
ECONOMIC AFFAIRS, REAL ESTATE,	INFORMATION AND COMMUNICATION
TECHNICAL AFFAIRS	TECHNOLOGY – ICT
	GÜNTHER SIMONITSCH
DEPARTMENT IV/1	DEPARTMENT IV/2
TECHNICAL EQUIPMENT	ICT APPLICATIONS AND SERVICES
PETER SKORSCH	MIKE FANDLER
UNIT IV/1/a	UNIT IV/2/a
MOTORING	Development and provision of application
ALDIS RATH	Robert Wirgler
UNIT IV/1/b	UNIT IV/2/6
SPECIAL AND GRERATIONAL EQUIPMENT	CENTRAL IT OPERATIONS
ANDREAS BICHLER	FRANK FRÜHWIRTH
UNIT IV/1/c	UNIT IV/2/c
WEAPONS AND EQUIPMENT	USER SERVICES
WERNER HETZL	URSULA MUXEL-RABERGER
UNIT IV/1/d	UNIT IV/2/d
TRAFFIC MONITORING TECHNOLOGY	REGISTER SERVICES AND ICT BUDGETING
ROLAND GEIDER	MARKUS BLANK
DEPARTMENT IV/3	DEPARTMENT IV/6
BUILDINGS AND SPACE MANAGEMENT	ICT SECURITY AND E-GOVERNMENT
ELISABETH SLEHA	MARKUS POPOLARI
UNIT IV/3/a	DEPARTMENT IV/8
BUILDINGS MANAGEMENT	ICT INFRASTRUCTURE AND SERVICE
LEOPOLD KOCHER	WOLFGANG MÜLLER
DEPARTMENT IV/4	UNIT IV/8/a
CENTRAL SERVICES	ICT - TERMINALS AND SERVICES
ALEXANDRA DÉSIRÉE STIX-KERN	ROMAN D'ALESSIO
UNIT IV/4/a	UNIT IV/8/b
ECOMOMIC OFFICE	NETWORKS AND CONTROL CENTRES
GERALD GRUBER	REINHARD SCHWAB
UNIT IV/A/b	UNIT IV/8/c
CENTRAL COMMAND BUILDING MANAGEMENT	ICT SUPPORT
WINFRIED FAST	KONRAD HANNIG
UNIT IV/A/c PROVISION OF UNIFORMS AND BENEFITS IN KINDS RICHARD MOCK	
IV/BAK FEDERAL BUREAU OF ANTI-CORRUPTION (BAK)	





Internal Affairs



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

Security police and criminal police investigations

- > Abuse of official authority § 302 StGB (Austrian Penal Code)
- > Bribery offences §§ 304 to 307b StGB
- > **Iilicit 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

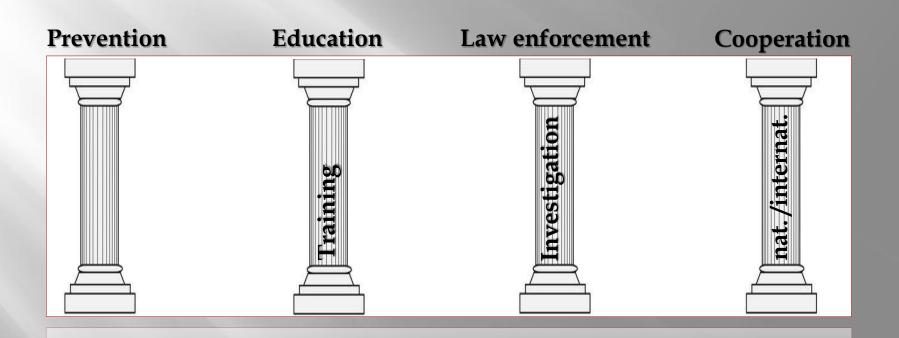
Public Prosecutor's Office for Combating Economic Crime and Corruption (WKStA)

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



... 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)

