

## Survey on the Effectiveness of Anticorruption Authorities

### Background Information

1. Please enter country name in the space below

Austria

2. Name of the agency

Federal Bureau of Anti-Corruption

3. Date of establishment

1 January 2010

4. Contact Information

BMI-IV-BAK-SPOC@bak.gv.at

5. Website

www.bak.gv.at

### Legal Framework

6. What are the main anti-corruption laws in your country? (please include year of entry into force)

Abuse of official authority (§ 302 of the Austrian Penal Code (StGB),  
Corruptibility (§ 304 StGB),  
Acceptance of an advantage (§ 305 StGB),  
Acceptance of an advantage for the purpose of exerting influence (§ 306 StGB),  
Bribery (§ 307 StGB),  
Offering an advantage (§ 307a StGB),  
Offering an advantage for the purpose of exerting influence (§ 307b StGB),  
Illicit intervention (§ 308 StGB),  
Breach of official secrecy (§ 310 StGB),  
Breach of trust due to abuse of an official function or due to involvement of an office holder  
(§ 153, paragraph 2, case 2, § 313, or in connection with § 74, paragraph 1, no. 4a, StGB),  
Acceptance of gifts by persons holding a position of power (§ 153a StGB),  
Agreements restricting competition in procurement procedures (§ 168b StGB) 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).

**7. Does your Government have a single or primary anti-corruption strategy?**

Still, a primary anticorruption strategy is being developed by the Ministry of Justice and the Federal Bureau of Anti-Corruption.

**8. Does your country have freedom of information legislation?**

Yes       No

**9. Does your country have conflict of interest legislation?**

Yes       No

**10. Does your country have a financial disclosure system to help prevent conflicts of interest?**

Yes       No

**11. Does your country have immunity protection legislation?**

Yes       No

**12. Is your agency protected from political interference by law?**

Yes       No

**Institutional Framework**

**13. What are the main functions and operations of your agency? Please check all that apply**

Research     Preventio     Investigatio     Prosecutio     Forensic     Accountin     Policy

**14. Is there one agency in charge of coordinating AC efforts across agencies?**

Yes       No

But Austria does have an inter-institutional and multi-disciplinary coordination mechanism (Co-Ordinating Body of Combating Corruption). It was established to coordinate AC efforts across agencies. This body consists of representatives of the Parliamentary Administration, several ministries (Federal Chancellery, Federal Ministry of Finance, Federal Ministry of the Interior, Federal Ministry of Justice, Federal Ministry of Economy, Family and Youth), the Länder, different authorities (Public Prosecutor's Office for Combating Economic Crime and Corruption, Federal Bureau of Anti-Corruption – BAK, Financial Market Authority), as well as representatives of the private sector (Economic Chamber, Union of Public Service, Chamber of Civil Law Notaries, Chamber of Lawyers).

**15. Does your agency have the ability to share information or data with**

**(a) Other agencies within your Government, and**

Yes       No

**(b) Government partners from other countries?**

Yes       No

**16. Please enter the current size of permanent staff in the space below.**

115

**17. Number of prosecutors (if applicable)**

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**18. Number of investigators (if applicable)**

55

**19. Number of support staff (if applicable)**

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**20. Number of cases handled annually (if applicable)**

**(a) Number of complaints received**

1846

**(b) Number of investigations conducted**

1673

**(c) Number of cases handled in court**

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**(d) Other please specify**

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**21. Please state the number of complaints received for which your agency did a follow up**

1267

**22. Please state the prosecution to conviction ratio of your agency (if applicable)**

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**23. Please state the number of learning activities and outreach events organized by your agency (if applicable)**

167

24. Please state the amount of assets recovered by your agency (if applicable)

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25. Please enter the names of other agencies with similar functions as this ACA

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

26. Does your agency have a system to monitor performance of staff?

Yes       No

27. Are human resource management actions, i.e., recruitment, promotion, and termination based primarily on staff integrity and professionalism?

Yes       No

28. Are new vacancies for your own agency announced publically?

Yes       No

29. Are the results of these recruitment processes announced publically by your agency?

Yes       No

30. Who appoints the head of your agency?

The Federal Minister of the Interior appoints the head of our agency after consultation amongst the presidents of the Constitutional Court, the Administrative Court and the Supreme Court of Justice.

31. Who has the authority to remove the head of the ACA?

Federal Minister of the Interior

32. To whom does the head of your agency report to?

Via the Director-General to the Federal Minister of the Interior

33. Is there any term limit for the head of the ACA?

Yes       No

If yes, please specify:

- The term limit for the head of the ACA is five years. Re-appointment is possible.

**34. Is the agency subject to judicial review?**

Yes       No

**35. Is the agency subject to expenditure reviews?**

Yes       No

**36. Does your agency measure “performance”?**

Yes       No

***If yes, against which indicators?***

- Number of investigations conducted
- Number of investigations concluded
- Ratio of number of investigations/staff
- Percentage of total budget allocated to outreach activities and communication.
- Number of outreach activities delivered
- Others, please specify

**37. In practice is your agency protected from political interference?**

Yes       No

**38. Does your agency keep a comprehensive skill list of its staff?**

Yes       No

**39. Is the staff provided with regular training and refresher training to ensure that their skills are up-to-date?**

Yes       No

**40. Are employees protected by law from recrimination or other negative consequences when reporting corruption (i.e. whistleblowing)?**

Yes       No

41. Does your agency have a communication strategy?

Yes       No

42. Does your agency have a comprehensive corporate plan?

Yes       No

43. Is there a strategy for formulating a partnership with outside agencies to fight corruption?

Yes       No

44. Is there a strategy for dealing with the media?

Yes       No

45. In practice does your agency has sufficient powers to carry out its mandate?

Yes       No

**Resource Mobilization**

46. Does your agency have budgetary autonomy?

Yes       No

47. What is the annual budget of your agency?

€ 7.780,000 .- (2013)

48. The annual budget is determined by (please choose the answer(s) that best fit(s) your agency)

<input checked="" type="checkbox"/>	Number of staff
<input checked="" type="checkbox"/>	Number of investigations
<input type="checkbox"/>	Budget is constitutionally mandated
<input checked="" type="checkbox"/>	Other, please specify - <b>expenditures on materials</b>

49. How much does it roughly cost to (please enter the dollar amount per stated activity)?

\$	File a case	\$	Manage a paper case	\$	Analyze a case
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50. Is there any donor involvement in your agency in term of budget?

Yes  No

51. Does your agency use a computerized system to handle cases?

Yes  No

### **Social Framework**

52. Does your agency provide a mechanism for citizens to report complaints anonymously or provide information on corrupt activities?

Yes  No

53. Does your agency or government provide a hotline to report corruption?

Yes  No

54. Does your agency produce regular and annual public reports of its activities?

Yes  No

### **Innovation**

55. Does your agency use any IT tools to

- a. Facilitate reporting of corruption and fraud by citizens (like [www.lpaidabribe.org](http://www.lpaidabribe.org) )
- b. Share information with citizens about its own activities
- c. Share and/or obtain information for its own investigations
- d. Other – please explain

56. Does your agency use social media to raise awareness on corruption among the public?

Yes  No