



# **AUSTRIAN FEDERAL BUREAU OF ANTI-CORRUPTION**

**Rene Wenk  
Deputy Director BAK**

**Meeting of Directors of National Institutions and Agencies  
for Combating Corruption and Organised Crime**

**Budva/Becici, 09 May 2011**

## History

- 2001: Foundation of the Federal Bureau of Internal Affairs (BIA)

BIA → founded as police oversight entity →  
corruption authority

- 2010: Establishment of the Federal Bureau of Anti-Corruption (BAK)

BAK → Focus on public sector corruption but also  
jurisdiction for cases related to private sector  
corruption

## Major changes / improvements

- **Appropriate stable statutory/legal framework**
  - **Federal Law on the Establishment and Organization of the Federal Bureau of Anti-Corruption (BAK-G)**  
(BGBl. [*Federal Law Gazette*] I no. 72/2009 – in force since 1 January 2010)
  - **Introductory Degree on the Establishment of the BAK**  
(Reference number: 2010/1/2010-Wien-BAK)
- **Jurisdiction for the fight against corruption in the whole public sector**
  - **Federal – regional – local level**
  - **Clear scope of responsibility/offences**
- **Increase of resources**
- **Establishment of a special monitoring commission**

## GENERAL TASKS & SPHERE OF ACTION

- **Nationwide jurisdiction** over security police and criminal police matters concerning offences defined by the Criminal Law on Corruption, in accordance with § 4 para. 1 BAK-G, i.e. the Federal Law on the Establishment and Organization of the Federal Bureau of Anti-Corruption
- Close **cooperation** with the **Public Prosecutor's Office against Corruption** (KStA)
- Full investigative powers
- No jurisdiction in matters of disciplinary and public service law
- Subordinated/responsible to: Federal Ministry of the Interior



## FURTHER TASKS

- Cooperation (investigations) within the framework of **international police cooperation and administrative assistance** as well as cooperation with the corresponding institutions of the EU and investigating authorities of the EU Member States
- National point of contact for OLAF, INTERPOL, EUROPOL and comparable international institutions in corruption matters
- **Analysis of corruption phenomena**, gathering information on preventing and combating them, and implementation of appropriate **measures to prevent corruption**

## LEGAL PROTECTION / SUPERVISION

### Supervisory bodies (e.g.):

- Judicial authorities
- Parliament
- Data Protection Commission
- Human Rights Advisory Board
- Court of Audit

### Commission for Legal Protection:

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** (former university professor)  
Johann **RZESZUT** (former President of the Supreme Court of Justice)  
Robert **JERABEK** (former Dep. Procurator-General at the Supreme Court of Justice)



## 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:
  - before fulfilling obligations to report according to the Austrian Code of Criminal Procedure
  - before undertaking further investigations according to public service law.
  
- All federal employees have the **right to directly report** cases to the BAK
  - without going through the official channels.

## HANDLING OF CASES

- Single Point of Contact (SPOC)
- First assessment of the facts
- Multiple-eyes-principle



- Cases are completely investigated by BAK or
- BAK assigns certain steps to a police unit or
- BAK hands over completely to „classical“ police units (with the obligation to report the final results to BAK)





	2009 (BIA)	2010 (BAK)
reported allegations	1431	1601
investigated allegations	1133	1336
completely investigated by (BIA) BAK	314	414

## The 4 pillars of anti-corruption work

Prevention



Education



Law enforcement



(Prosecution)  
Investigation

Cooperation

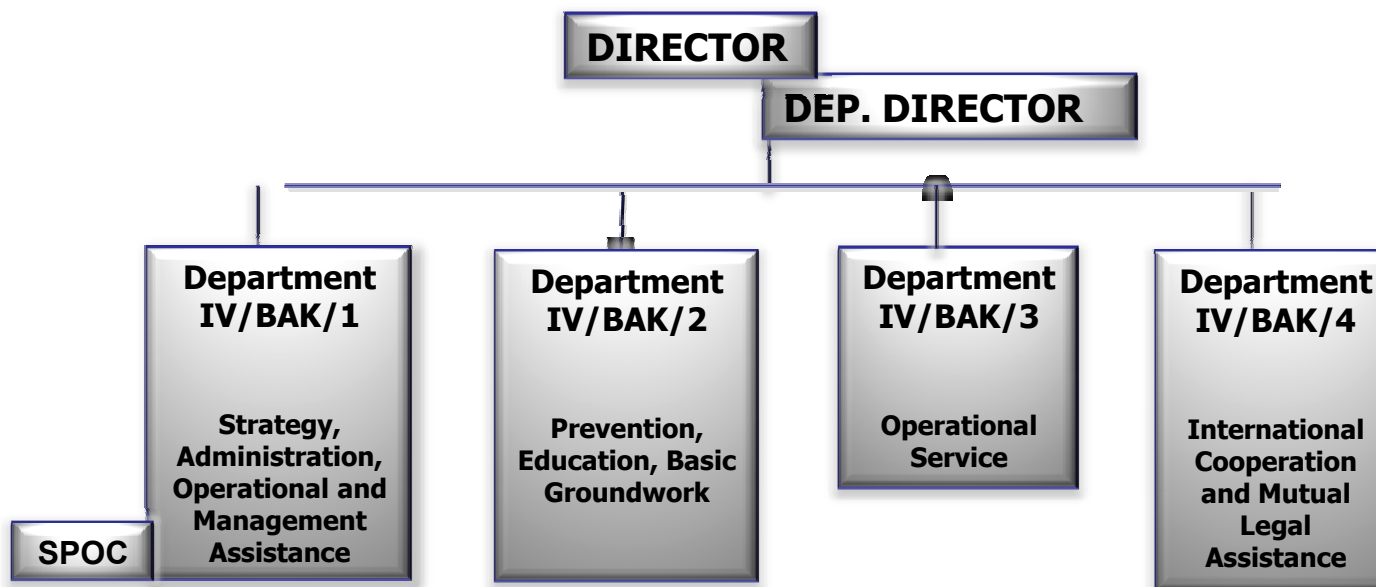


National  
International

represent the BAK's holistic approach.



## ORGANIZATION CHART



## Challenges

- The Bureau is still in the start-up phase
- Recruitment of personnel
- Complexity of investigations

**Thank you for your attention!**



**Questions ????**

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