

# GRECO: Fifth Round Evaluation Report on Austria



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## News

On 1 March 2023, GRECO published its [fifth round evaluation report on Austria](#). The country has been a member of GRECO since 2006, implementing 67% of the recommendations of the joint first and second evaluation rounds and 76% of the recommendations of the third evaluation round. After the fourth evaluation round, 16% of recommendations were fully implemented, 47% partly implemented, and 37% not implemented so far; the compliance procedure is still ongoing.

Austria traditionally scores high in perception surveys on the fight against corruption. According to the Corruption Perceptions Index of Transparency International it occupied the 13th rank in 2021 out of 180 countries. Despite this, there has been a sharp increase in corruption cases in Austria over the last few years. This is partly due to the recent spike in high-profile scandals affecting the highest levels of the executive, involving former ministers, a vice-chancellor and a chancellor: in the latter case, raising questionable links between politicians, polling companies, and the media.

A national anti-corruption strategy has been in place since 2018, accompanied by a two-year action plan. Various key reforms are currently awaiting further development, however, with the prevention and management of conflicts of interest being a heightened challenge in Austria. At the central government level, there is no system in place to strategically analyse the main corruption risks persons with top executive functions (PTEFs) face. For ministers and state secretaries, there are some requirements on outside activities as well as financial interests and disclosure requirements, but there is room for improvement, particularly with regard to “revolving door” standards.

There is also need for greater transparency in the management and operation of state secretaries and ministerial advisers. The adoption of a specific law on access to information remains an outstanding issue.

PTEFs do not enjoy immunity from criminal prosecution, but the Central Public Prosecutor’s Office for Combating Economic Crime and Corruption (WKStA) is subject to a reporting obligation in high-profile cases of public interest. This is time-consuming for prosecutors and can pose risks to the confidentiality, efficiency, and independence of criminal proceedings.

In Austria, law enforcement consists of the prosecution authority (including the WKStA, which was subject to GRECO’s fourth evaluation round) and the criminal investigation authority, in particular the police and the Austrian Federal Bureau of Anti-Corruption (BAK). Several mechanisms have been developed to prevent corruption and enhance integrity in the police service, including the creation of positions for corruption prevention, compliance, and integrity officers. However, efficient risk management and risk analysis systems have yet to be put in place, and it is essential that senior officials are specifically targeted, as it appears that

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most of the current measures are aimed at low-level and mid-level officials. There are serious concerns about politization within the police, in particular regarding recruitment to senior level posts. Transparency needs to be increased and undue influence in the selection process avoided by improving the appointment system, including with regard to the management of the BAK.

A Code of Conduct for the staff of the Ministry of the Interior was first developed in 2010 and is regularly updated, the latest version dating from 2021. It takes a very practical and instructive approach, as it is coupled with advisory and awareness-raising channels. Effective mechanisms need to be developed to ensure proper application, however, and monitoring of the relevant rules and awareness-raising initiatives in this area need to be significantly stepped up.

Breaches of conduct provisions may lead to administrative/criminal responsibility under the relevant disciplinary/criminal law. To ensure uniform disciplinary action across the board, a federal disciplinary authority was established in 2021. As no specific statistics are kept on criminal or disciplinary proceedings for corruption involving law enforcement officials, further transparency is needed in this respect.

More efforts are also required to protect whistleblowers. Austria is currently drafting specific legislation on whistleblower protection to transpose EU Directive 2019/1937 on whistleblowing, a priority issue that requires immediate action.

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