



Practice Area Anti-Bribery and Anti-Corruption — Austria

Under Austria's Penal Code, the offence of bribery requires the grant (active bribery) or receipt (passive bribery) of an unlawful advantage. The Code draws a clear line between bribery of a public person and bribery of a private person. The Public Prosecutor's Office for White-Collar Crime and Corruption (WKStA) investigates bribery and corruption, often in conjunction with Federal Bureau of Anti-Corruption (BAK). The WKStA's jurisdiction extends to investigating corruption cases involving more than EUR 5 million.

Foreign Public Officials

The Penal Code defines 'foreign public official' as a person working in Austria for a foreign state government. Bribery of foreign public officials is prohibited.

Domestic Public Officials

The Penal Code prohibits both active and passive bribery of domestic public officials, a term that includes not only representatives of the Austrian government, but also employees of state-owned enterprises. Bribery is the act of offering, promising or granting (or soliciting or accepting, for an official) an advantage in return for a legal act contrary to the official's duty.

Private Commercial Bribery

Private sector bribery is unlawful. An employee may not demand, accept or be promised a personal or third-party benefit as consideration for an act or omission that violates his or her duty.

Facilitation Payments

Facilitation payments are prohibited.



Agents and Contractors

The Austrian Act on Corporate Criminal Liability allows for a firm to be held liable if an employee engages in bribery or corruption to achieve a business advantage for the firm. The term 'employee' includes only natural persons. A firm, therefore, cannot be held liable for the conduct of a subsidiary.

Penalties

Public officials convicted of bribery may be punished by imprisonment up five years. A person who gives a bribe to a public official can be imprisoned for up to 10 years. Private commercial bribery is punishable with a prison term of up to five years.ⁱ

ⁱ Updated March 30, 2020.