



Federal Ministry  
of the Interior

# **Preventing corruption in the federal administration**

## **Annual report for 2015**

Last updated 31 October 2016



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# **Development and results of corruption prevention in the federal administration Annual report for 2015**

## **I. Preliminary remarks**

As the result of the resolutions of the Auditing Committee of 7 May 2004, 28 May 2004 and 24 September 2004, the Federal Ministry of the Interior reports annually to the German *Bundestag* on the development and results of corruption prevention in the federal administration.

The report is based on a computer-assisted survey of all federal authorities. Every year, the questionnaire used for the survey is enhanced, taking account of the lessons learnt from the previous year, and technically refined.

The report starts with a summary of selected results (see II. below). This is followed by information on the authorities covered by the report and their staff (see III. below), the suspected cases of corruption in the reporting year (see IV. below), a report on the implementation of the Federal Government Directive concerning the Prevention of Corruption in the Federal Administration of 30 July 2004 (see V. below) and additional comments of individual authorities (see VI. below). The report ends with concluding remarks and an outlook to the annual report for 2016 (see VII. below).

In the annex to the report specific information is presented and summarized in table form. The structure of the tables follows that used in the annual report for 2012. As far as necessary for more clarity and better comparability, certain reference figures were additionally included. Unlike the previous report, the 2015 report did not have to take account so much of the restructuring of whole federal ministries, but rather of reorganization measures within individual federal ministries. This was relevant, in particular, for identifying areas of activity especially vulnerable to corruption.

The report shows the executive agencies of the federal ministries, divided into higher, middle and lower levels; it also shows legal persons under private law, court administrations and other bodies which do not fit into such a scheme. To further increase the informational value of the report, the latter additional categories were created for “other bodies”.

Some information in this annual report are of a general character and are meant to facilitate understanding of the report. Therefore some information were already included in previous reports.

At the request of the German *Bundestag*, all annual reports - from 2013 - are published on the Internet after its referral to the German *Bundestag* (please go to [http://www.bmi.bund.de/DE/Themen/Moderne-Verwaltung/Korruptionspraevention-Sponsoring-IR/Korruptionspraevention/korruptionspraevention\\_node.html](http://www.bmi.bund.de/DE/Themen/Moderne-Verwaltung/Korruptionspraevention-Sponsoring-IR/Korruptionspraevention/korruptionspraevention_node.html))

## II. Selected results

- This report covers 576,292 staff<sup>1</sup> in 922 authorities, workplaces and other bodies of the federal administration.
- In 2015, criminal investigations related to corruption were initiated against a total of 31 federal employees; disciplinary proceedings on suspicion of corruption were initiated in one single case. This means, in 2015, 0.005% of federal administrative staff were the subject of investigations on suspicion of corruption.
- In the 2015 reporting year, 26 proceedings on suspicion of corruption, most of them from the previous year, involving 18 criminal proceedings, 6 disciplinary proceedings and 2 proceedings under labour law, were concluded. In 40% of these proceedings, sufficient evidence of guilt was found to impose punishment or disciplinary measures.
- Twenty-two of 23 supreme federal authorities<sup>2</sup> have current, reliable data on job areas which are especially vulnerable to corruption. The Federal Ministry of Defence continues to be involved in major restructuring and continues to gather the necessary data in the reporting year. After conducting a thorough risk analysis of the relevant areas, the Federal Constitutional Court identified no areas of activity especially vulnerable to corruption.
- On the cut-off date for this report, reliable data on areas of activity especially vulnerable to corruption were available for 98.5% of the staff positions in the executive agencies of all federal ministries (not including the Federal Ministry of Defence). The Federal Ministry of Defence, which has undergone major restructuring due to the reorganization of the *Bundeswehr*, has made further significant progress in identifying jobs within its remit which are especially vulnerable to corruption also in 2015 (data gathered or updated for 228 workplaces in calendar year 2015 alone).
- During the reporting year, 10,042 employees in the supreme federal authorities (not including the Federal Ministry of Defence) worked in areas of activity especially vulnerable to corruption. In the executive agencies of the federal ministries (not including the remit of the Federal Ministry of Defence), a total of 35,988 employees worked in areas of activity especially vulnerable to corruption. The procedure for identifying the number of areas of activity especially vulnerable to corruption in the Federal Ministry of Defence has not been

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<sup>1</sup>The number of staff is based on the information provided by the authorities in response to the survey. It includes the number of civil servants and employees without civil servant status in the federal administration, military personnel in the *Bundeswehr* and staff of other federal bodies (see III.2).

<sup>2</sup> The Federal Commissioner for Data Protection was declared a supreme federal authority ahead of the entry into force of the Second Act Amending the Federal Data Protection Act – Strengthening the Independence of Federal Data Protection Supervision by Establishing a Supreme Federal Authority of 25 February 2015 (Federal Law Gazette part I p. 162) and will be dealt with as such in the present report.



completed yet. A partial review covering a period until the end of 2015 found that 195 employees in the Federal Ministry of Defence itself and 4,559 employees in the federal ministry's executive agencies work in areas of activity especially vulnerable to corruption.

- At 88.33% of workplaces within the remit of the Ministry of Defence and at 86.67% of workplaces within the remit of the remaining federal authorities for which a risk analysis was considered necessary, this risk analysis has been carried out.
- For many years, the principle of job rotation, in which staff employed in areas especially vulnerable to corruption are rotated to different positions after no more than five years, has not usually applied. Ways must be found to manage the loss of expertise that results when staff are rotated, at a time when jobs are increasingly complex and staffing must be as efficient as possible. This problem and the use of effective compensatory measures will be addressed in 2017 when the administration's rules are revised.
- All the supreme federal authorities have appointed their own contact persons for corruption prevention. Almost all executive agencies within the remit of the federal ministries have a contact person for corruption prevention. This holds true also for the remit of the Federal Ministry of the Defence. Six hundred workplaces (of 647 reporting) within the remit of the Federal Ministry of Defence have appointed a contact person for corruption prevention.
- Within the federal administration (including the remit of the defence ministry), corruption prevention was the task of 314.6 full-time equivalents. A total of 875 persons acted as contact persons for corruption prevention.
- In 2015, 219,590 federal administration staff (including the remit of the Federal Ministry of Defence), including 13,784 supervisors and managers, received initial or follow-up corruption-awareness training. In 2015, 467 supervisory staff served as trainers, instructors or advisers for corruption-awareness training.
- In 2015, 16,991 federal administration staff were enrolled in initial or advanced corruption-prevention courses which went beyond corruption-awareness training.
- When asked which new corruption-prevention measures they were planning, had initiated or completed, authorities most often mentioned new training courses, as in the previous year.

### **III. Key data: Authorities and staff covered by this report**

This chapter explains which (see no. 1 below) and how many (see no. 2 below) agencies and staff members are covered by the present report. This is followed by information on which agencies, workplaces and other bodies have not been covered in this reporting year and which ones were newly included.

#### **1. General note**

No. 1.1 of the Federal Government Directive concerning the Prevention of Corruption in the Federal Administration of 30 July 2004 applies to all authorities of the direct and indirect federal administration (i.e. the direct federal corporations, offices and foundations created for specific federal tasks) as well as the courts and special federal funds.

This report does not cover the social insurance institutions although in terms of administrative organization they are part of the indirect federal administration. According to the principle of self-government (Section 29 (1) of the Social Code, Book IV), federal administrative regulations pursuant to Article 86, first sentence, of the Basic Law which affect the core area of self-government do not apply to the social insurance institutions. The same is true of the Bundesbank. The Federal Employment Agency, the German Federal Pension Insurance, the German Pension Insurance Miners, Railway and Maritime or the Federal Accident Insurance Fund (which merged with the Railway Accident Insurance Fund effective to become the Federal and Railway Accident Insurance) have voluntarily agreed to apply the Directive. They are therefore counted with the authorities of the direct federal administration within the remit of the Federal Ministry for Labour and Social Affairs.

In this report, some executive agencies are included in the form of a summary because the relevant data are kept centrally or corruption prevention is centrally organized. Annex 1 shows which data were submitted for groups of executive agencies.

Again for this report, it was not possible to enter the data for the Federal Ministry of Defence in the database used for the automated analysis due to the special technical features within that ministry's remit. For this reason and because of the large number of staff within the Federal Ministry of Defence's remit, which would have distorted the overall results had their data been combined with those of the other ministries' remits, the Defence remit is described separately in certain places.

As in previous years' reports, information on the customs administration (remit of the Federal Ministry of Finance) is given separately in some cases.

## **2. Number of staff, authorities and other bodies**

Data were compiled on 260 authorities and other bodies of the federal administration outside the defence remit having a total of 354,513 staff. As regards the remit of the Federal Ministry of Defence, data were compiled on 662 workplaces having a total of 221,779 staff.

These are broken down as follows into authorities, workplaces and other bodies of the highest, higher, mid- and lower levels and into other bodies which cannot be assigned to any of these levels: To further increase the informational value of the report, the latter additional categories were created for “other bodies”: courts administration, legal persons governed by private law, and other bodies.

### **Outside the remit of the Federal Ministry of Defence**

<b>Level</b>	<b>Number of authorities / workplaces / other bodies</b>	<b>Number of staff</b>
Supreme federal authorities (including Federal Constitutional Court, excluding Federal Ministry of Defence).	22	32,482
Higher federal authorities	68	63,313
Mid-level federal authorities	8	7,683
Lower-level federal authorities	108	75,213
Courts administration (excluding Federal Constitutional Court)	6	1,214
Legal persons under private law	12	10,468
Other bodies (e.g. foundations, corporations, self-governing bodies)	36	164,140
<b>Total</b>	<b>260</b>	<b>354,513</b>

**Remit of the Federal Ministry of Defence**

<b>Level</b>	<b>Number of workplaces</b>	<b>Number of staff</b>
Supreme federal authorities	1	2,658
Higher federal authorities	22	21,491
Mid-level federal authorities	115	56,255
Lower-level federal authorities	518	139,209
Courts administration ( <i>Bundeswehr</i> Disciplinary and Complaints Court)	2	36
Legal persons under private law	4	2,130
<b>Total</b>	<b>662</b>	<b>221,779</b>

This report thus covers 576,292 staff in 922 authorities, workplaces and other bodies of the federal administration.

For linguistic simplicity, this report will refer to authorities, workplaces and other bodies as "authorities" when referring to all three together.

**3. Scope of the report**

The individual ministries checked to ensure that all authorities within their remit have been included, also using the Federal Government's report on participation. Some authorities covered by the report were included for the first time; as in previous reports, this report, does not cover most social insurance institutions (see 1 above) or certain authorities, workplaces or other bodies for the following reasons. For details on the individual authorities and the reasons for including them in the report, please see below:

**a) Within the remit of the Federal Ministry of Finance**

As in the previous report, two companies within the remit of the Federal Ministry of Finance, namely the *Gesellschaft zur Entwicklung und Sanierung von Altstandorten mbH (GESA)* and *Gästehaus Petersberg GmbH*, are not covered. The Federal Republic of Germany is not a shareholder of either company. Instead, the Institute for Federal Real Estate (BImA), which itself is a legally independent public agency, is a shareholder of both companies. The BImA is subject to the legal and operational supervision of the Federal Ministry of Finance (Section 3 (1) of the BImA Act).

Since 2015, the same applies to the Land realisation and management company (BVVG). The Federal Institute for Special Tasks Arising from Unification (BvS) is a shareholder of the BVVG. The BvS, too, is a legally independent public agency subject to the legal and operational supervision of the Federal Ministry of Finance; the Federal Republic of

Germany, however, is not a shareholder. In this regard, see also the comments in the annual report for 2014. To ensure transparency, both agencies have been included in the annual report on federal interests of the Federal Ministry of Finance.

For the first time, the report covers the Federal Agency for Financial-Market Stabilisation with the Financial Market Stabilisation Fund (FMSA), the *Bundesdruckerei GmbH* (Federal Printing Office) and the Federal Republic of Germany – Finance Agency; cf. also the comments in the previous report).<sup>3</sup>

### ***b) Within the remit of the Federal Ministry of Transport and Digital Infrastructure***

The present report, like the previous one, does not cover the *Deutsche Bahn AG* within the remit of the Federal Ministry of Transport and Digital Infrastructure. This is due to its special character as a business enterprise previously part of the public administration and one in which a separate compliance system is used.

### ***c) Within the remit of the Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety***

For the first time, the annual report for 2015 includes the Federal Office for the Safety of Nuclear Waste Management (BfE), which was newly set up within the remit of the Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety. It went into operation on 1 September 2014; the first staff members took up work on 1 January 2015. Corruption prevention measures and training courses are planned for 2016.<sup>4</sup>

### ***d) Within the remit of the Federal Government Commissioner for Culture and the Media***

For the first time, the annual report for 2015 includes two companies within the remit of the Federal Government Commissioner for Culture and the Media, namely the *Kulturveranstaltungen des Bundes in Berlin GmbH* and *Transit Film GmbH*. In view of the special importance of preventing corruption, the Federal Government Directive

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<sup>3</sup> According to its no. 1.2, the Federal Government Directive concerning the Prevention of Corruption in the Federal Administration "applies accordingly to legal entities under public or civil law which are wholly owned by the Federal Republic of Germany". According to the related Recommendations, "accordingly" means that the Directive is to be applied by the legal entities under public or private law referred to there unless this conflicts with the divergent legal form.

<sup>4</sup> The Act on the reform of organisational structures in the field of nuclear waste disposal entered into force on 30 July 2016. The current name is Federal Office for the Safety of Nuclear Waste Management (the name still used in the reporting year was Federal Office for the Regulation of Nuclear Waste Management).

concerning the Prevention of Corruption in the Federal Administration also applies accordingly to these two companies.

***e) Federal intelligence services***

The federal intelligence services (Federal Intelligence Service (BND), Federal Office for the Protection of the Constitution (BfV), *Bundeswehr* Counterintelligence Office) are not included in the report because doing so could reveal sensitive information, such as about the structure and methods of these services. The Federal Government reports on these matters only to the bodies of the German *Bundestag* which are responsible for oversight of the intelligence services.

## **IV. Cases of suspected corruption and proceedings concluded in 2015**

The following section covers the cases of suspected corruption reported (see 2) and concluded (see 3) in the reporting year. To better understand this section, the relevant terms used in the Directive will be specified and a brief overview of the procedure in cases of suspected corruption will be given (see 1).

### ***1. Definitions and procedure in cases of suspected corruption***

In cases of suspected corruption, the Directive obliges the authority's executive level (no. 10.1 of the Directive) and the contact person (no. 5.2 of the Directive) to take action: The contact person is expected to provide information and advice within the authority, while the authority's executive level is expected to notify the highest service authority and take measures to prevent concealment.

The term "suspected case of corruption" is specified in the Handbook on the Working Practices of Contact Persons for Corruption Prevention of 20 September 2013<sup>5</sup> (hereinafter referred to as "Handbook for Contact Persons"). According to this Handbook, suspected corruption means that actual and understandable evidence or information suggesting corruption emerges in written or oral form, by telephone or in any other way, also in anonymized form. There is usually no such evidence if a case is reported for clearly denunciatory purposes (cf. no. 3 of the Handbook for Contact Persons).

If a case of suspected corruption is reported, the contact person, agency management and personnel management take action. They initiate internal investigations, inform the law enforcement authorities (depending on the investigation result) and, in case of imminent danger, may take measures to prevent concealment. Depending on the authority's structure, the legal office, internal investigation units, the internal audit unit and the facility protection unit of the police may also take action (for detailed information on the tasks and rights of those involved, please see nos. 4 and 5 of the Handbook for Contact Persons).

The public prosecutor's offices are responsible for carrying out criminal investigations in cases of suspected corruption. First of all, they establish whether an initial suspicion exists and then decide whether or not they will initiate criminal investigations. A

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<sup>5</sup> Available at: [http://www.bmi.bund.de/SharedDocs/Downloads/DE/Themen/OED\\_Verwaltung/Korruption\\_Sponsoring/handreichung\\_korruptionspr%C3%A4vention\\_verdachtsf%C3%A4lle.pdf?\\_\\_blob=publicationFile](http://www.bmi.bund.de/SharedDocs/Downloads/DE/Themen/OED_Verwaltung/Korruption_Sponsoring/handreichung_korruptionspr%C3%A4vention_verdachtsf%C3%A4lle.pdf?__blob=publicationFile).

criminal investigation ends either with termination pursuant to Section 170 (2) of the Code of Criminal Procedure (if it was not possible to gather sufficient evidence), a penal order pursuant to Section 407 of the Code of Criminal Procedure (if, on the basis of the investigation results, the public prosecutor's office does not deem it necessary to initiate proceedings), or a bill of indictment sent to the responsible court pursuant to Section 170 (1) of the Code of Criminal Procedure.

Usually, the employer also initiates disciplinary proceedings (civil servants) or proceedings under personnel law (public employees) when he informs the public prosecutor's office. Such proceedings are usually suspended while criminal proceedings are underway and are resumed afterwards. The disciplinary measure or measure under labour law is based on the outcome of the criminal proceedings. Disciplinary measures may be imposed even if the criminal proceedings are terminated. This has to do with the increased requirements imposed on civil servants by civil service law.

A case of suspected corruption is concluded once a final decision has been taken under personnel, disciplinary and/or criminal law. Furthermore, a case of suspected corruption is concluded once the unit responsible for personnel and/or the public prosecutor's office have decided not to initiate (criminal) proceedings (cf. no. 3 of the Handbook for Contact Persons)

## ***2. Overview of proceedings initiated in 2015***

In the 2015 reporting year, in the direct and indirect federal administration a total of 28 criminal investigations were initiated against 33 federal employees (civil servants, public employees and other public service staff) in connection with corruption offences in the narrower sense or with typical related offences such as fraud or breach of trust.<sup>6</sup> Two investigations were initiated against unknown persons. Two criminal investigations were terminated before the reporting year came to an end due to lack of evidence. Thirteen employees were also subject to disciplinary proceedings or proceedings under labour law (9 disciplinary proceedings, 4 proceedings under labour law). In another case of suspected corruption, only disciplinary proceedings were initiated, i.e. no parallel criminal investigation took place. This means that in the 2015 reporting year, 31 federal employees – or 0.005%<sup>7</sup> of federal administration staff<sup>8</sup> – were suspected of having been involved in corruption-related offences (26 cases).

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<sup>6</sup> Compared to 19 criminal proceedings each in 2014 and 2013, 12 in 2012, 34 in 2011 and 31 in 2010.

<sup>7</sup> The quota is based exclusively on criminal proceedings including proceedings terminated pursuant to Section 153 (non-prosecution of petty offences) and Section 153a (provisional dispensing with court action; provisional termination of proceedings) of the Code of Criminal Procedure; it does not include proceedings terminated pursuant to Section 170 (2) of the Code of Criminal Procedure (lack of evidence) and proceedings against third parties outside the federal administration.



Furthermore, in the 2015 reporting year criminal proceedings were opened against four third parties in connection with corruption offences in the narrower sense or with typical related offences such as fraud or breach of trust. Third parties within this meaning are persons who tried to bribe federal employees or grant them advantages and who were reported to the police by those approached.

### ***Detailed information on the proceedings initiated***

#### **aa) Federal Foreign Office**

The Federal Foreign Office reported 11 new proceedings involving a total of 15 suspects.

Details:

- Ten cases occurred at German visa offices abroad and concerned the issuing of visas. In all these cases, local employees (a total of 13 persons) were under suspicion. In one case, investigations against an unknown person were still underway during the reporting period. In another case, proceedings involving two suspects were terminated during the reporting period pursuant to Section 170 (2) of the Code of Criminal Procedure due to lack of evidence. All other proceedings were still underway when the reporting period ended. In one case, criminal proceedings were accompanied by proceedings under labour law.
- One case involving two suspects occurred at the headquarters of the Federal Foreign Office in Berlin. A civil servant and an employee were suspected of having received €10,000 from a construction company in connection with construction services at one of Germany's diplomatic missions abroad. Proceedings were still underway when the reporting period ended. The civil servant was not only under investigation, but also subject to a disciplinary measure (50% of his remuneration was retained). Proceedings under labour law will take place once investigations by the public prosecutor's office have been concluded.

In addition to these cases, there was one case of suspected corruption involving an embassy employee where the internal investigations helped exonerate the employee. These investigations were then terminated before the reporting year came to an end.

#### **bb) The Federal Government Commissioner for Culture and the Media**

The Federal Government Commissioner for Culture and the Media reported one new case of suspected corruption. Charges were pressed against two employees of the Federal Commissioner for the Files of the State Security Service of the Former German

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<sup>8</sup> In the previous report, the percentage of 0.004% referred to the number of proceedings carried out (a total of 19 criminal proceedings and 5 disciplinary proceedings), whereas for the present report the number of employees suspected of corruption was used as a reference.

Democratic Republic (BStU) on suspicion of breach of trust. Internal investigations by the Federal Commissioner who had already been informed of the matter revealed that two employees had awarded an entertainment contract and violated the principle of sound financial management. As a precautionary measure, it was examined whether it was possible to seek recourse. However, since the employees concerned had not acted in a grossly negligent manner, no recourse claims were made.

### **cc) Federal Ministry of Labour and Social Affairs**

The Federal Ministry of Labour and Social Affairs reported three new cases of suspected corruption that had occurred at the Federal Employment Agency. Two of these cases involved one employee and one third party each. The third case involved a third party and several employees. However, it was not known yet how many employees were exactly involved. Details:

- In one case, an employee responsible for job placement services was suspected of having disclosed customer data and social data to an unauthorized third party, a person working for a private job placement agency who used these data to bill for services pursuant to Section 45 (3) of the Social Code. It was assumed that the employee was granted advantages in return. The contact person for corruption prevention at the Federal Employment Agency was informed about this case via an anonymous e-mail. The public prosecutor's office was still carrying out its investigations when the reporting year ended. The proceedings under labour law which were initiated together with the investigations came to an end when the employment contract of the suspect was terminated. Due regard was given to all existing claims.
- In the second case another person responsible for job placement services was suspected of having unlawfully granted benefits (unemployment benefit I and start-up grant) to a client (third party) in return for favours. The public prosecutor's office was anonymously informed of this case and initiated criminal investigations against both persons on suspicion of fraud. Since the suspect had retired on 1 January 2012, proceedings under labour law were not initiated.
- In the third case several employees of employment agencies and job centres were suspected of having unlawfully approved educational measures for clients in exchange for favours. A person attending such a programme filed a complaint with the public prosecutor's office which then initiated investigations on suspicion of taking bribes (Section 332 of the Criminal Code) and fraud (Section 263 of the Criminal Code). Disciplinary proceedings and proceedings under labour law had not yet been initiated because the names of the suspects were not known.

### **dd) Federal Ministry of Finance (without Customs)**

The Federal Ministry of Finance reported two new cases of suspected corruption within its remit (without Customs).

- In one case, the Posts and Telecommunications Accident Insurance Fund<sup>9</sup> was informed of a possible fraud. Apparently, a traffic accident had been recognized as a service-related accident and accident benefits had been granted. It was not possible to confirm this suspicion in 2015.
- The second case occurred at the Institute for Federal Real Estate (BImA). However, it did not involve a BImA employee but a third party. BImA had offered premises for sale and the third party had submitted a bid. Since this bid was not the highest one, this third party would not have been awarded the premises. The third party then called the BImA employee responsible for the sale and offered to pay an additional €1,000 – in cash, if needed – and invite the BImA staff to the opening party. The criminal proceedings subsequently initiated against the third party on suspicion of bribery (Section 334 of the Criminal Code) were terminated against payment of €1,000.

### **ee) Federal Ministry of Finance (Customs)**

#### *i) Proceedings involving staff*

For Customs administration, the Federal Ministry of Finance reported four new criminal proceedings. Each of these proceedings involved one employee and was accompanied by disciplinary proceedings. Details:

- Two civil servants were suspected of having granted customs-related favours in exchange for concert tickets. The competent public prosecutor's office was still carrying out its investigations when the reporting period ended.
- One employee was suspected of having cleared under-invoiced textiles and shoes from South-East Asia, helping the business concerned commit tax evasion. The public prosecutor's office was still carrying out its investigations when the reporting year ended.
- One employee working at the clearing office of a main customs office was convicted of theft in connection with breach of trust. In two cases, he had carried out returns for lorry drivers unfamiliar with the area and charged them €25 each instead of the usual administrative fee of €26,50, keeping the cash to himself. This case was reported in the reporting year but had occurred before. The civil servant appealed the decision issued by the local court in November 2014. As a result,

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<sup>9</sup> New name as a result of the merger with the Occupational Accident Insurance Fund for Transport and Traffic on 1 January 2016: Occupational accident insurance fund for traffic, post logistics and telecommunications, within the remit of the Federal Ministry of Labour and Social Affairs

criminal proceedings were still underway when the reporting period ended. Disciplinary proceedings had not been concluded, either, at that time.

*ii) Proceedings involving persons not employed by Customs*

Furthermore, within the remit of the Federal Ministry of Finance (Customs) three proceedings against three persons not employed by Customs were initiated, two of which were also concluded in the reporting year. The three cases involved various areas of customs administration. In each case, the processing customs officers were offered money, either in person or in a letter. Details:

- In the first case (processing of mail traffic), the suspect tried to avoid seizure of a pair of sport shoes identified as plagiarism by repeatedly offering the customs officers €10. The officers reported this incident, and the public prosecutor's office initiated investigations on suspicion of bribery (Section 334 of the Criminal Code). The second case (agricultural diesel) involved an application for tax relief for agricultural and forestry holdings that was handed in together with a €5 banknote. Once the officers had reported this incident, the public prosecutor's office initiated investigations on suspicion of granting benefits (Section 333 of the Criminal Code). Both proceedings were terminated pursuant to Section 153 of the Criminal Code because the offenders' guilt was not considered great enough and there was no public interest in prosecuting the offence.
- In the third case (inspection of a business pursuant to Section 2 et seqq. of the Act to Combat Clandestine Employment), the business owner's husband asked the inspecting customs officers to tell him the name of the whistle-blower and offered them €500. The public prosecutor's office was still carrying out its investigations when the reporting period ended.

**ff) Federal Ministry of the Interior**

The Federal Ministry of the Interior reported five new cases of suspected corruption within its remit. In four cases, involving one suspect each, both criminal and disciplinary proceedings were opened. In one case, only disciplinary proceedings were initiated. Details:

- In one case involving a Federal Police officer, disciplinary proceedings were initiated and a disciplinary measure was imposed (reduction of remuneration by 1/20 for a three-year period). The officer had searched the police information system for data on a third party without authorization and shared the results with the person concerned. Furthermore, he had used his personal account to retrieve personal data from the police information system although there had been no official need. No proceedings were initiated.

- In another case, a Federal Police officer was suspected of money laundering (Section 261 (5) of the Criminal Code). Her partner (who does not work for the Federal Police) was convicted of gang theft. She received €10,000 of the stolen money and used this amount for her own purposes. Criminal investigations were terminated pursuant to Section 153 (1) of the Code of Criminal Procedure. A disciplinary measure was imposed on her to sanction her for having used the money for her own purposes (reduction of remuneration by 1/20 for 18 months).
- In another case, a Federal Police officer was declared guilty of having disclosed official secrets. The court warned him and deferred the sentence (Section 59 of the Criminal Code). He had shared information retrieved unlawfully from INPOL with third parties who had offered him €3,000 in return. It was not clear whether he actually received the money. Disciplinary proceedings were still underway when the reporting period ended.
- Criminal investigations were initiated against another Federal Police Officer who had accepted favours and disclosed official secrets. It was assumed that he had received €4,000 in cash for searching the police search system on behalf of third parties and informing them about his findings (by showing them pictures of his computer screen). Furthermore, he was suspected of having retrieved data without authorization on behalf of another person in exchange for €2,000. Criminal proceedings were still underway when the reporting period ended. He had already been temporarily removed from service and 10% of his remuneration had been retained on disciplinary grounds.
- At the Procurement Office of the Federal Ministry of the Interior, criminal and disciplinary proceedings were opened against one civil servant on suspicion of taking bribes, among other things. He was suspected of having preferred a certain business when awarding framework contracts for delivering and repairing armoured vehicles by including specific criteria in his call for tenders which only the business in question was able to meet. The public prosecutor's office assumed that he had received benefits in return. The civil servant was temporarily removed from service.

#### **hh) Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety**

The Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety also reported one new case of suspected corruption involving one suspect. An employee at the Federal Office for Building and Regional Planning is suspected of having shared relevant information with a bidder when awarding construction contracts and of having signed fictitious invoices after this business had been awarded the contract. It is presumed that the damage to the government budget amounts to more than €870,000.

This case was revealed in late 2010 when charges were pressed against the business and an engineers' office involved. In the autumn of 2015, the evaluation of evidence revealed that the employee concerned could be involved in the case. Since then, he has been under investigation on suspicion of fraud and breach of trust (Section 263, 266 of the Criminal Code).

## **ii) Federal Ministry of Transport and Digital Infrastructure**

The Federal Ministry of Transport and Digital Infrastructure reported one new case of suspected corruption involving one suspect within its remit. An anonymous complaint was filed against an inspector working at the Federal Office for Goods Transport. When inspecting a vehicle, he apparently identified a defect and promised not to report it if the lorry driver made a major purchase in his wife's shop. On suspicion of bribery, criminal investigations were then initiated pursuant to Section 332 of the Criminal Code which were still underway when the reporting period ended.

## **jj) Federal Ministry of Defence**

The Federal Ministry of Defence reported two new criminal proceedings involving two suspects in the reporting year.

- In one case, the police searched the offices of a company during an ongoing investigation on suspicion of active and passive bribery and found evidence suggesting possible ties to an Armed Forces employee. It is assumed that he received material and financial benefits (iPad, notebook, money) from the company which in turn used existing contracts to charge the service centre of the Armed Forces for these benefits (suspicion of taking bribes and taking bribes in business transactions). In addition to the criminal proceedings, proceedings under labour law were initiated and the suspect's employment contract was terminated during the reporting period (termination agreement).
- In the second case, an employee of a company informed the public prosecutor's office of a soldier at a *Bundeswehr* agency receiving monthly benefits for creating incorrect duty rosters. As a result, the Armed Forces paid excessively high wages for several months.

In addition to these cases, a case of suspected corruption that had occurred at the Federal Armed Forces station hospital was under internal investigation during the reporting period. The person(s) concerned is/are suspected of having used medical products from a certain company in exchange for benefits. Internal investigations had not been concluded at the end of the reporting period which means that no charges had been filed yet.

**kk) Federal Ministry for Economic Affairs and Energy**

The Federal Ministry for Economic Affairs and Energy reported one new case of suspected corruption involving one suspect. One employee was suspected of having committed a corruption offence within the context of a procurement procedure. The resulting investigation carried out by the public prosecutor's office was terminated for lack of sufficient evidence pursuant to Section 170 (2) of the Code of Criminal Procedure. Proceedings under labour law were not initiated.

**b) Overview of proceedings concluded in 2015**

During the 2015 reporting year and until the start of 2016, 26 proceedings from previous years involving suspected corruption were concluded: 18 criminal proceedings, six disciplinary proceedings and two proceedings under labour law.

Five of the criminal proceedings ended with a criminal conviction or a penal order. Two disciplinary proceedings ended with dismissal of the civil servant from service. Proceedings under labour law ended in February 2016 when all legal remedies had been exhausted and the process of appealing against the termination without notice had been unsuccessful; criminal investigations were still underway when the reporting period ended. The second proceedings under labour law ended with a comparison and the contractual termination of the employment relationship.

In all other cases, criminal and disciplinary proceedings and proceedings under labour law were terminated. However, in two cases criminal proceedings were terminated (termination pursuant to Section 153a of the Code of Criminal Procedure against payment of a fine) while disciplinary proceedings were continued. Evidence of guilt sufficient to impose punishment was found in about 40% of the concluded disciplinary/criminal proceedings and proceedings under labour law.

**aa) Federal Foreign Office**

During the reporting year, four proceedings from previous years were concluded within the remit of the Federal Foreign Office. In all four cases, criminal investigations (two proceedings against employees and two against civil servants) were terminated pursuant to Section 170 (2) of the Code of Criminal Procedure (lack of evidence).

In another case of suspected corruption involving three employees, proceedings against one of the employees were also terminated pursuant to Section 170 (2) of the Code of Criminal Procedure. Proceedings against the other two employees were still underway.

## **bb) Federal Ministry for Labour and Social Affairs**

Within the remit of the Federal Ministry for Labour and Social Affairs, three proceedings from previous years were concluded.

- In two cases, suspicion against two employees of the Federal Employment Agency and a third party could not be confirmed so that the criminal proceedings were terminated (Section 170 (2) of the Code of Criminal Procedure). In both cases, employees of a job centre were suspected of having preferred a certain business in exchange for favours when procuring benefits for clients. The investigations carried out by the public prosecutor's office did not confirm this suspicion.
- The third case ended when the employee of a job centre was sentenced to six months in prison on account of taking bribes (Section 332 of the Criminal Code) and a fine on account of fraud (Section 263 of the Criminal Code). She had unlawfully granted a client basic security benefits totalling €1,450 and received €725 in return. Proceedings under labour law ended with a comparison and the contractual termination of the employment relationship on 31 December 2014.

## **cc) Federal Ministry of Finance (Customs)**

### *i) Proceedings involving staff*

Within the customs administration of the Federal Ministry of Finance, five proceedings were concluded during the reporting year.

- In one case, a customs officer had cleared 2,454 containers of a business containing under-invoiced textile products by evading antidumping duties and without requesting safeguards. Furthermore, he was suspected of having shared information relevant to the clearing process with the business. Criminal proceedings ended with the conviction of the customs officer to 4 years and 10 months in prison for facilitating tax evasion (Section 370 of the German Fiscal Code), breach of trust and fraud (Sections 263, 266 of the Criminal Code) and incitement of a subordinate to the commission of offences (Section 357 of the Criminal Code). The disciplinary proceedings carried out at the same time ended with his dismissal from service. Suspicion against another customs officer involved in this case could not be confirmed and investigations against him were terminated (Section 170 (2) of the Code of Criminal Procedure).
- In another case, a customs officer responsible for clearing goods to be exported had received a high-quality laptop (worth approx. €1,000) from a business in return for clearing goods in at least 23 cases although she did not have local responsibility and the goods had not been presented to customs. The disciplinary proceedings that had been initiated ended with dismissal of the civil servant (without life tenure) from service.



- Two other criminal proceedings against one civil servant, respectively, were terminated against payment of a fine (Section 153a of the Code of Criminal Procedure). In both cases, disciplinary proceedings were still underway when the reporting period ended.

*ii) Proceedings involving persons not employed by Customs*

Within the customs administration, two proceedings involving persons not employed by Customs were also concluded.

- One enforcement officer was given a closed envelope containing cash by a company. Shortly afterwards, the purported manager of the company called the officer and told him to keep the money (€200) as a compensation for his efforts. The enforcement officer rejected this offer. The third party was reported to the responsible public prosecutor's office on suspicion of attempted bribery pursuant to Section 334 of the Criminal Code. Criminal investigations against the third party were terminated pursuant to Section 153a of the Code of Criminal Procedure against payment of €800. The €200 offered to the enforcement officer were deducted from this amount.
- The second case involved a business that had sent an inspecting officer a €600 voucher (redeemable for purchases exceeding €3,000). The criminal proceedings that were initiated after the officer had reported this incident were terminated pursuant to Section 170 (2) due to lack of evidence.

**dd) Federal Ministry of the Interior**

Within the remit of the Federal Ministry of the Interior, two proceedings from previous years were concluded during the reporting year. In both cases, suspicion against three public servants at the Federal Criminal Police Office was not confirmed and criminal proceedings were terminated. The disciplinary proceedings initiated in parallel to one of the cases were also terminated.

**ee) Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety**

Within the remit of the Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety, two proceedings from previous years were concluded.

- Criminal proceedings against an employee of the Federal Agency for Nature Conservation who had been suspected of having accepted favours and taken bribes when awarding research grants were terminated pursuant to Section 170 (2) of the Code of Criminal Procedure (lack of evidence).
- Furthermore, proceedings under labour law involving an employee of Asse GmbH were terminated within the reporting year. He had been dismissed without

notice in 2014 on suspicion of having made purchases not essential to operations having preferred certain companies when awarding sub-threshold contracts in return for favours. In February 2016, the sentence passed by the court of last instance became effective. Criminal proceedings were still underway during the reporting period.

#### **ff) Federal Ministry of Transport and Digital Infrastructure**

Within the remit of the Federal Ministry of Transport and Digital Infrastructure, two proceedings from previous years were concluded. In both cases, proceedings ended with a penal order (fine) for the civil servant in question.

- A civil servant at the Federal Aviation Office was convicted of having accepted favours (Section 331 of the Criminal Code) because he had accepted a notebook computer worth €1,029 from a company that wanted him to assess its services (security checks at airports) more positively than those rendered by its competitors.
- A civil servant at the Federal Waterways and Shipping Agency was convicted of having accepted favours and taken bribes because he had preferred an entrepreneur he was friends with when awarding contracts. He had also manipulated invoices in return for favours.

In both cases, disciplinary proceedings were initiated which were still underway when the reporting year ended.

#### **gg) Federal Ministry of Defence**

Within the remit of the Federal Ministry of Defence, three proceedings were concluded during the reporting year.

- Two disciplinary proceedings were terminated because no evidence of corruption was found.
- In one case, criminal proceedings ended with a penal order for a soldier who was sentenced to six months in prison for fraud and breach of trust (enforcement was suspended, probationary period: three years) and with termination for two involved third parties (pursuant to Section 153 of the Code of Criminal Procedure due to non-prosecution of petty offences and pursuant to Section 153a of the Code of Criminal Procedure against payment of €3,500). The soldier had not complied with the mandatory procurement procedure and influenced the final decision when contracts were awarded to external service providers. In return, he later received money from the amounts paid to the businesses that had been awarded the contract. Disciplinary proceedings against the soldier are currently pending before the *Bundeswehr* Disciplinary and Complaints Courts.

## hh) Federal Ministry for Economic Affairs and Energy

At the Federal Ministry for Economic Affairs and Energy, proceedings from previous years were concluded in one case. A ministerial civil servant was suspected of having accepted favours (Section 331 of the Criminal Code) or attempted to commit fraud (Sections 263, 23 of the Criminal Code) in connection with a development aid project. This suspicion could not be confirmed during the criminal investigations that were initiated. Proceedings were therefore terminated pursuant to Section 170 (2) of the Criminal Code (lack of evidence) and disciplinary proceedings were concluded.

## V. Implementation status of the Directive

### 1. *Areas of activity especially vulnerable to corruption*

Measures to prevent corruption in the federal administration start with identifying areas of activity which are especially vulnerable to corruption.

#### **No. 2 of the Federal Government Directive concerning the Prevention of Corruption in the Federal Administration:**

##### ***Identifying and analysing areas of activity especially vulnerable to corruption***

*In all federal agencies, measures to identify areas of activity which are especially vulnerable to corruption shall be carried out at regular intervals and as warranted by circumstances. The use of risk analyses shall be considered for this purpose. The results of the risk analysis shall be used to determine any changes in organization, procedures or personnel assignments.*

The recommendations intended to help interpret and explain the Federal Government Directive describe the term “areas of activity especially vulnerable to corruption” in further detail.

#### **Recommendation on No. 2 of the Directive**

##### ***Identifying and analysing areas of activity especially vulnerable to corruption***

##### **1. *Procedure for identifying areas of activity especially vulnerable to corruption***

*1.1 To identify areas of activity especially vulnerable to corruption within an agency, all areas of activity will be examined for their vulnerability to corruption. Before the process of identification begins, all available information about the various positions and activities (e.g. organizational charts, task assignment charts) should be analysed in order to have as complete an overview as possible of the area to be investigated. A questionnaire may be used to collect additional information needed. Questions about the characteristics listed below (see No. 2 below) may focus on positions or tasks in order to identify areas of activity especially vulnerable to corruption. After compiling all available data, the investigating organizational unit will make a final determination as to special vulnerability to corruption. The results should be compiled and documented for the entire agency (for example in a risk atlas).*

*The handbook on identifying areas of activity especially vulnerable to corruption offers extensive assistance with conducting this procedure.*

*1.2 The identification process can be divided into two steps: The first step involves identifying the areas of activity in which staff influence on decision-making leads to advantages of significant value to others (areas of*

activity vulnerable to corruption). Based on these results, areas of activity especially vulnerable to corruption can be identified in a second step.

## **2. Areas of activity especially vulnerable to corruption**

2.1 The following areas of activity are usually especially vulnerable to corruption:

- a. a. areas in which staff influence on decision-making may lead to advantages of significant value to others, and
- b. b. activities involving at least one of the following:
  - frequent outside contacts, especially monitoring and supervisory activities,
  - management of large budgets, award of public contracts, subsidies, grants or other funds,
  - imposing of conditions, granting of concessions, approvals, permits and the like, setting and levying of fees,
  - processing of transactions and operations using internal information not intended for third parties.
  - This list is not exhaustive. In certain cases, activities may be especially vulnerable to corruption even in the absence of these characteristics.

2.2 The criteria listed above are explained in the handbook on identifying areas of activity especially vulnerable to corruption.

## **3. Risk analysis**

3.1 In areas of activity especially vulnerable to corruption,

- after identifying special vulnerability to corruption for the first time,
- after organizational or procedural changes,
- after changes to assigned tasks, or
- after no more than five years,
- the need for conducting a risk analysis should be examined. To do so, the existing safeguards for each area of activity especially vulnerable to corruption and the effectiveness of these safeguards should be briefly examined.

3.2 If the brief examination points to a need for action, a risk analysis is to be conducted. For this purpose, the individual operations and processes and existing safeguards against corruption will be examined for each area of activity. This will be followed by an evaluation as to whether the existing safeguards are sufficiently effective to counter the risks. If action is needed, then the organization and processes and/or personnel assignments are to be examined to see how they can be changed. In this case, the risk analysis will include recommendations and/or order additional measures. The key aspects of a risk analysis are described in Annex 5 of the handbook on identifying areas of activity especially vulnerable to corruption.

The standardized procedures for identifying areas of activity especially vulnerable to corruption have stood the test since their introduction in 2007. The aim is to improve ease of use and also make it easier for staff and supervisors to classify an area of activity by answering specific questions. It is important for employees to understand that the intent is to identify objectively areas of activity especially vulnerable to corruption, not to evaluate employees' personal suitability. The Directive allows for a two-step procedure which it describes in greater detail; it also allows for the procedure to be carried out in one step, which in some cases requires less organizational effort. Describing the results of the first and second steps would result in values that are not comparable to each other, because different authorities take different approaches. For this reason, the practice of including these results in the annual report that was followed up to 2012 was not followed in the report for 2014 nor in the present report.

### **a) Identifying areas of activity especially vulnerable to corruption**

The status of the identification of areas of activity especially vulnerable to corruption is reported on below: for the supreme federal authorities in aa) and for their executive agencies in bb). In Annex 2, Table a (supreme federal authorities) and in Annex 3, Table a (executive agencies) also provide an overview.

Following full reviews in recent years, the instrument of updating has become increasingly important in gathering data. Electronic personnel management systems have made it possible to keep updated records on which staff perform certain tasks and thus work in areas especially vulnerable to corruption, without the need for time-consuming full reviews and also in case of changes in staffing or organization. This also makes it easier to conduct statistical analyses.

#### **aa) Supreme federal authorities**

All areas of activity especially vulnerable to corruption were identified and recorded in all the supreme federal authorities except the Federal Ministry of Defence (further information follows) at least once. One supreme federal authority, the Federal Constitutional Court, identified no such areas. During the reporting year, 10,042 employees in the supreme federal authorities (not including the Federal Ministry of Defence) worked in areas of activity especially vulnerable to corruption.

The most recent full review in the Federal Ministry of Defence was conducted in 2005. An updated full review of all areas of activity was postponed by the reorganization of the *Bundeswehr* and the restructuring of the ministry effective 1 April 2012; this review is still under way. Updated and reliable figures for the reporting year are available from a partial review. According to this review, 195 staff of the Federal Ministry of Defence worked in areas of activity especially vulnerable to corruption.

Apart from the Federal Ministry of Defence, all supreme federal authorities conducted a full review or full update in 2011 or later (i.e., no more than four years prior to the 2015 reporting period). Current data on areas of activity especially vulnerable to corruption based on complete reviews or updates in 2015 are available for 11 supreme federal authorities.

#### **bb) Executive agencies**

In the executive agencies of all federal ministries, the amount of data is described below. This description does not include the Federal Employment Agency, the pension insurance scheme for miners, railway and maritime workers (*DRV Knappschaft-Bahn-See*) or the social insurance scheme for agriculture, forestry and horticulture workers (all

within the remit of the Federal Ministry of Labour and Social Affairs), because special conditions apply to the way they collect data.<sup>10</sup>

*i) Executive agencies (not including the Federal Ministry of Defence)*

Reliable data on areas of activity especially vulnerable to corruption are available for 224 executive agencies of the federal ministries with a total of 197,544 staff, out of a total of 235 executive agencies with a total of 200,613 staff<sup>11</sup> (not including the Federal Ministry of Defence). No reliable data are available for 11 executive agencies with a total of 3,069 staff. This means that, on the cut-off date for this report, reliable data on areas of activity especially vulnerable to corruption were available for 98.5% of the staff positions in the executive agencies of all federal ministries (not including the Federal Ministry of Defence, the Federal Employment Agency, the pension insurance scheme for miners, railway and maritime workers or the social insurance scheme for agriculture, forestry and horticulture workers). So almost all staff positions in the executive agencies have been reviewed.

Based on these data, during the reporting year 35,988 staff in the executive agencies of the federal ministries worked in areas especially vulnerable to corruption.

By the data collection cut-off date, existing data on 91,144 staff (45.4%) in the executive agencies of the federal ministries other than the Federal Ministry of Defence were based on full reviews; on 80,050 staff (39.9%) on updates; on 4,067 staff (2%) on partial reviews and on 22,283 staff (11.1%) partly on full reviews and partly on updates within the same authority.

Current data on especially vulnerable areas of activity based on complete reviews or updates in 2015 were available for 88 executive agencies. Only in 14 executive agencies was the latest full review or update of areas of activity especially vulnerable to corruption conducted in 2010 or earlier (i.e., more than five years prior to the 2015 reporting period).

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<sup>10</sup> With more than 100,000 staff, the Federal Employment Agency does not classify individual positions with regard to their vulnerability to corruption. It does so for the individual areas of activity, which are recorded in a risk atlas. Supervisors are trained to serve as multipliers at their workplaces. No separate statistics are recorded on the staff trained there. The pension insurance scheme for miners, railway and maritime workers and the social insurance scheme for agriculture, forestry and horticulture workers do not classify individual positions either; they classify areas of activity. For this reason, all three agencies are not included in the description here.

<sup>11</sup> Not including the Federal Employment Agency, the pension insurance scheme for miners, railway and maritime workers or the social insurance scheme for agriculture, forestry and horticulture workers.

*ii) Remit of the Federal Ministry of Defence*

Within the remit of the Federal Ministry of Defence, with a total of 661 workplaces and 219,121 staff, the existing data on areas of activity especially vulnerable to corruption in 231 workplaces are based on updates, in 86 workplaces on full reviews, in 31 workplaces on partial reviews, and in 53 workplaces partly on full reviews and partly on updates within the same authority.

There are no current reliable figures on especially vulnerable areas of activity for three (out of 22) workplaces in the higher-level administration, for 29 (out of 115) workplaces in the mid-level administration, or for 163 (out of 518) workplaces in the lower-level administration, or for one of four companies in which the Federation is a shareholder.

Current data on especially vulnerable areas of activity based on complete reviews or updates in 2015 were available for 227 workplaces within the remit of the Federal Ministry of Defence. In 87 workplaces, the latest full review or update of areas of activity especially vulnerable to corruption was conducted in 2010 or earlier (i.e., more than five years prior to the 2015 reporting period).

Based on these data, during the reporting year 4,559 staff in the remit of the Federal Ministry of Defence worked in areas especially vulnerable to corruption.

**b) Risk analysis**

Eighteen supreme federal authorities identified a need for a risk analysis regarding areas of activity especially vulnerable to corruption, and risk analyses were conducted in 15 supreme federal authorities.

In 12 of the 14 remits of the federal ministries (not including the Federal Ministry of Defence), the need for risk analysis for a total of 24,148 jobs especially vulnerable to corruption was reviewed. In these 12 remits, a total of 20,929 areas of activity especially vulnerable to corruption were reviewed, or 86.67%. Within the remit of the Federal Ministry of Defence, the need for risk analysis was reviewed for 3,214 especially vulnerable jobs; risk analyses were conducted for 2,839 especially vulnerable jobs, or 88.33 %.

Organizational and other measures were taken not only based on the results of the risk analyses, but also for other reasons, for example to compensate for the inability to rotate staff, due to organizational concerns or as a human resources development measure pre-dating the risk analysis. So it is not possible to determine the number of cases in which

risk analysis was responsible for introducing such measures. This report, like those for previous years, therefore does not include information on this point.

## **2. Applying the rotation rule for areas of activity especially vulnerable to corruption**

### **No. 4 of the Directive: Staff**

*4.1 Staff members for areas of activity especially vulnerable to corruption shall be selected with particular care.*

*4.2 The length of staff assignments in areas especially vulnerable to corruption shall in principle be limited; as a rule, it should not exceed a period of five years. If an assignment must be extended beyond this period, the reasons shall be recorded for the file.*

Rotating staff and tasks can help prevent corrupt relationships from forming. If rotation is not possible at all or not within the recommended time, the reasons should be recorded and other recommended measures to prevent corruption should be taken.

Nonetheless, the long-standing practice of not applying the principle of job rotation in most cases has not changed, because the relevant staff are specialists who cannot be rotated or because they have other specialized skills which are difficult to replace. Other reasons for not rotating staff are impending separation from active service, impending change of job or the lack of an equivalent position elsewhere. At the same time, there are not enough data on which to base reliable conclusions that not applying the rotation principle is the reason for suspicious cases (the number of which has remained small). This may be true in certain cases, but other factors also play a role.

Ways must be found to manage the loss of expertise that results when staff are rotated, at a time when jobs are increasingly complex and staffing must be as efficient as possible. This problem and the use of effective compensatory measures will be addressed in 2017 when the administration's rules are revised. The possibilities offered by digital technologies should also be considered at that time.

### **a) Supreme federal authorities**

The length of assignment to jobs especially vulnerable to corruption provides information on staff rotation. In the supreme federal authorities (including the Federal Ministry of Defence), the share of staff assigned to areas of activity especially vulnerable to corruption for more than five years was 30% on average. The share of staff assigned to areas especially vulnerable to corruption for more than five years was

- more than 65% in one supreme federal authority,
- between 50% and 65% in three supreme federal authorities, and

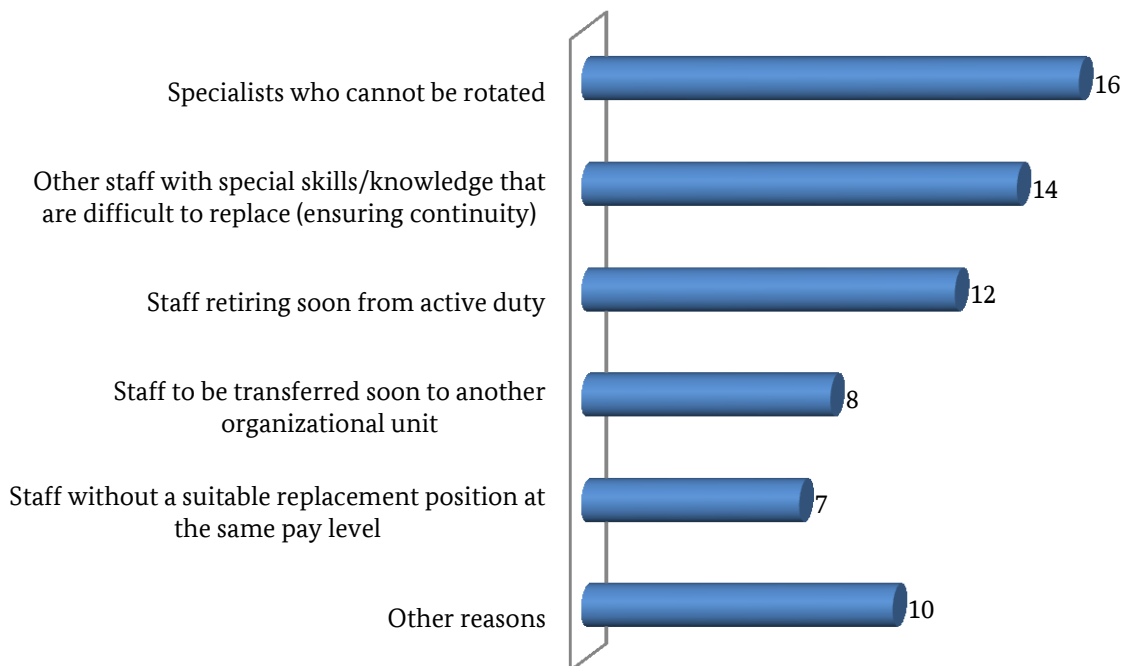


- less than 50% in 13 supreme federal authorities.

At the Federal Ministry of Defence, no one working in an area especially vulnerable to corruption is assigned to the same or similar area especially vulnerable to corruption for more than five years. As indicated above, after conducting a thorough risk analysis of the relevant areas, the Federal Constitutional Court identified no areas of activity especially vulnerable to corruption. No information is available for the remaining supreme federal authorities, or the reference date is less than five years in the past due to a recent risk analysis.

The supreme federal authorities (not including the Federal Ministry of Defence) explained their failure to rotate staff after five years as follows:

### Reasons for failure to rotate - supreme federal authorities (not including Federal Ministry of Defence)



### b) Executive agencies (not including the Federal Ministry of Defence)

Some executive agencies (not including the remit of the Federal Ministry of Defence) have not yet fully identified how long staff serve in areas especially vulnerable to corruption. Information is available for 133 executive agencies (not including the remit of the Federal Ministry of Defence) and a total of 125,384 staff. The share of staff in these

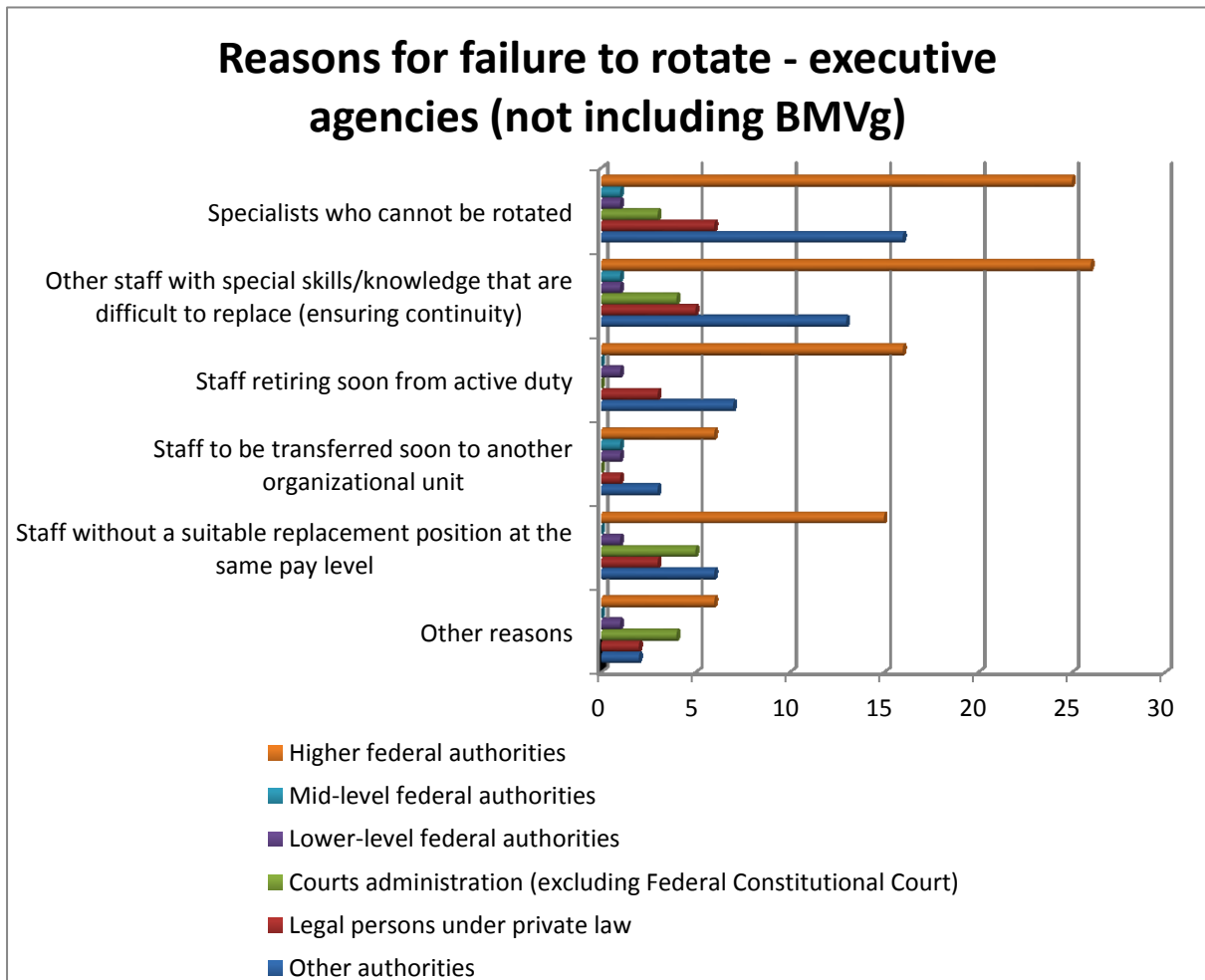
executive agencies assigned to areas of activity especially vulnerable to corruption for more than five years was on average

- 47% in the superior federal authorities,
- 0.2% in the mid-level federal authorities,
- 12% in the lower-level federal authorities,
- 33% in the courts administration,
- 45% in the legal persons governed by private law and
- 33% in the remaining authorities not belonging to any of these categories.

For 4,450 of these staff members working for more than five years in an area especially vulnerable to corruption, corruption-prevention measures were taken to compensate for the risks related to a lack of rotation.

No staff of the Federal Police (remit of the Federal Ministry of the Interior) or the Federal Office of Family Affairs and Civil Society Functions (remit of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth) working in areas especially vulnerable to corruption were assigned to these positions for more than five years.

The reasons given for the failure to rotate in the executive agencies were as follows (number reported; reports from groups of agencies were only counted once):



### c) Executive agencies of the Federal Ministry of Defence

For technical reasons, the Federal Ministry of Defence remit is not included in the statistics given above. The situation there is as follows:

Information on the length of staff assignments in areas especially vulnerable to corruption is available for 22 workplaces in the higher-level administration, 115 workplaces in the mid-level administration and 518 workplaces in the lower-level administration, as well as for the courts administration of the two *Bundeswehr* disciplinary and complaints courts and for four legal persons governed by private law. Within the remit of the Federal Ministry of Defence, 751 of the total 4,559 staff working in areas especially vulnerable to corruption were entrusted with the same or similar tasks especially vulnerable to corruption for more than five years. Of these, 30 worked in the higher-level administration, 185 in the mid-level administration and 529 in the lower-level administration; seven worked for legal persons governed by private law. For 469 (62%) of these staff members, corruption-prevention measures were taken to compensate for the risks related to a lack of rotation.

### 3. Administrative and operational supervision

Rigorous administrative and operational supervision is a key instrument for preventing corruption.

#### ***No. 9 of the Directive: Conscientious administrative and operational supervision***

*9.1 Supervisors shall perform their duties of administrative and operational supervision in a conscientious manner. This includes taking anticipatory measures for personnel management and evaluation.*

*9.2 Supervisors shall pay attention to any signs of corruption. They shall alert their staff to the risk of corruption regularly and as circumstances require.*

Administrative and operational supervision in the context of corruption prevention is understood in two ways:

- with regard to supervisors and their staff, as an instrument for taking anticipatory measures for personnel management and evaluation, and
- with regard to federal ministries and the executive agencies within their remit, as a key element for managing and monitoring the federal administration.

Twelve supreme federal authorities (including the Federal Ministry of Defence) and 166 executive agencies, as well as 268 workplaces within the remit of the Federal Ministry of Defence have specific regulations on monitoring staff as to how they perform their duties (administrative supervision). Twelve supreme federal authorities, 166 executive agencies and 246 workplaces within the remit of the Federal Ministry of Defence have specific regulations on monitoring lawfulness and expedience (operational supervision).

Seventeen supreme federal authorities, 162 executive agencies and 82 workplaces within the remit of the Federal Ministry of Defence have additional regulations concerning areas of activity especially vulnerable to corruption; these regulations include for example special tests, special conditions for awarding contracts and the publication of risk atlases.

The 12 supreme federal authorities (including the Federal Ministry of Defence) which are responsible for administrative and operational supervision of the executive agencies within their remit have the following regulations on cooperation (multiple answers were possible):

- 10 supreme federal authorities issue instructions or orders to deal with cases of suspected corruption;
- nine supreme federal authorities have introduced a requirement to report cases of suspected corruption;
- nine supreme federal authorities require regular reports on the implementation of the Directive; and
- nine supreme federal authorities take other measures.

These instruments are also widespread among the few executive agencies outside the remit of the Federal Ministry of Defence which exercise administrative or operational supervision of other authorities. It is not possible to provide exact figures here because groups of agencies reported cumulatively.

Details on the supreme federal authorities can be found in Annex 2, Table d and on the individual remits in Annex 3, Table e.

#### **4. Principle of greater scrutiny and transparency**

According to the Directive, to reduce the risk of errors and misuse, important decisions are not to be made by individual staff members on their own.

##### ***No. 3 of the Directive: Transparency and the principle of greater scrutiny***

*3.1 The principle of greater scrutiny (ensuring that a number of staff members or organizational units take part in or are responsible for checking operations) shall be observed particularly in areas of activity which are especially vulnerable to corruption. If this is not possible due to legal provisions or insurmountable practical difficulties, then random checks or other measures for preventing corruption (e.g. more intensive administrative and operational supervision) may be used instead.*

*3.2 Transparency of decisions and the decision-making process shall be guaranteed (e.g. via the clear delegation of responsibility, mechanisms for reporting, IT-supported oversight of operations, precise and complete documentation of proceedings).*

The principle of greater scrutiny may be implemented in two ways:

- through regulations requiring a second staff member to check work results, meaning that different people are responsible for working on the same task;
- (co-)review and monitoring of work results by additional staff (plausibility check).

Twenty supreme federal authorities (including the Federal Ministry of Defence) and 216 executive agencies as well as 372 workplaces within the remit of the Federal Ministry of Defence require a second staff member to check work results.

All 23 supreme federal authorities and 226 executive agencies as well as 357 workplaces within the remit of the Federal Ministry of Defence conduct plausibility checks.

To fulfil the principle of greater scrutiny, IT-assisted workflows are used in 19 supreme federal authorities (including the Federal Ministry of Defence) and 212 executive agencies as well as 328 workplaces within the remit of the Federal Ministry of Defence.

Additional details, especially regarding the kinds of processes supported by IT-assisted workflows, can be found in Annex 2, Table e (supreme federal authorities) and Annex 3, Table f (executive agencies).

## 5. Contact person for corruption prevention

### **No. 5 of the Directive: Contact person for corruption prevention**

5.1 A contact person for corruption prevention shall be appointed based on the tasks and size of the agency. One contact person may be responsible for more than one agency. Contact persons may be charged with the following tasks:

- a) serving as a contact person for agency staff and management, if necessary without having to go through official channels, along with private persons;
- b) advising agency management;
- c) keeping staff members informed (e.g. by means of regularly scheduled seminars and presentations);
- d) assisting with training;
- e) monitoring and assessing any indications of corruption;
- f) helping keep the public informed about penalties under public service law and criminal law (preventive effect) while respecting the privacy rights of those concerned.

5.2 If the contact person becomes aware of facts leading to reasonable suspicion that a corruption offence has been committed, he or she shall inform the agency management and make recommendations on conducting an internal investigation, on taking measures to prevent concealment and on informing the law enforcement authorities. The agency management shall take the necessary steps to deal with the matter.

5.3 Contact persons shall not be delegated any authority to carry out disciplinary measures; they shall not lead investigations in disciplinary proceedings for corruption cases.

5.4 Agencies shall provide contact persons promptly and comprehensively with the information needed to perform their duties, particularly with regard to incidents of suspected corruption.

5.5 In carrying out their duties of corruption prevention, contact persons shall be independent of instructions. They shall have the right to report directly to the head of the agency and may not be subject to discrimination as a result of performing their duties.

5.6 Even after completing their term of office, contact persons shall not disclose any information they have gained about staff members' personal circumstances; they may however provide such information to agency management or personnel management if they have a reasonable suspicion that a corruption offence has been committed. Personal data shall be treated in accordance with the principles of personnel records management.

All the supreme federal authorities have contact persons for corruption prevention. The Federal Commissioner for Data Protection and Freedom of Information assumed the status of a supreme federal authority effective 1 January 2016 and also appointed a contact person for corruption prevention during the reporting year.

Almost all executive agencies and other bodies within the remit of the federal ministries other than the Federal Ministry of Defence have contact persons for corruption prevention. Only two agencies, the Federal Office for the Safety of Nuclear Waste Management (remit of the Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety)<sup>12</sup> and the Transport Infrastructure Financing Company (VIFG) (remit of the Federal Ministry for Transport and Digital Infrastructure),<sup>13</sup> do not have a contact person for corruption prevention.

Fifty-seven executive agencies or bodies share a contact person with another agency. They are

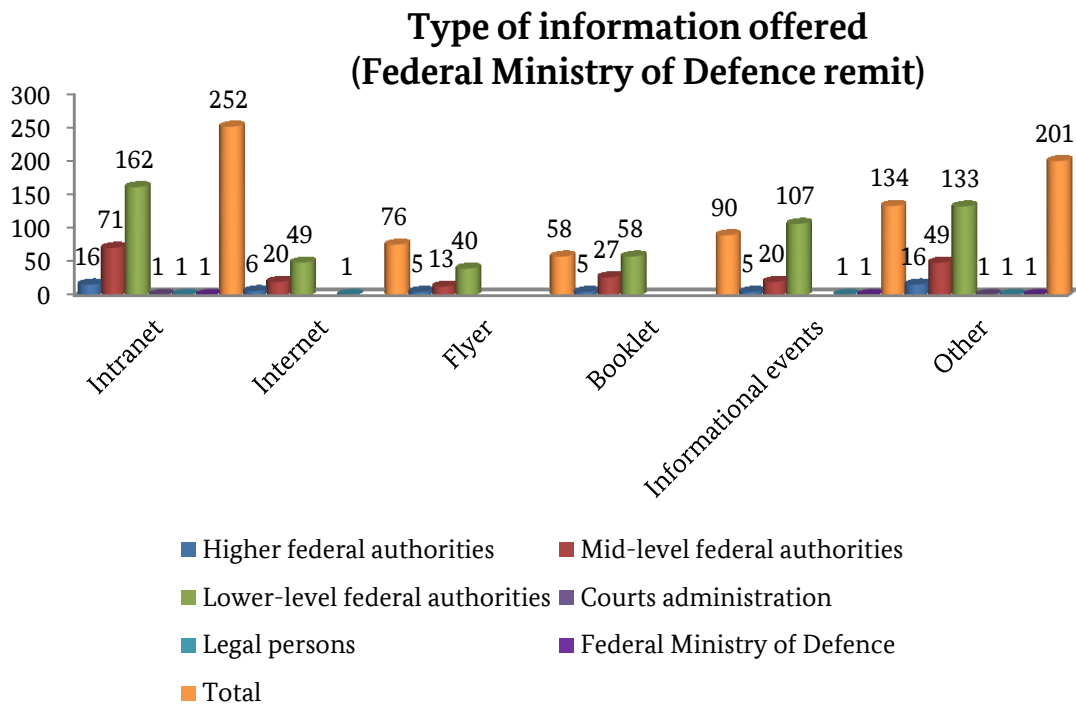
<sup>12</sup> Because the Federal Office was still in its start-up phase and the first staff began working in 2015, no contact person had been appointed during the reporting year.

<sup>13</sup> The VIFG appointed its own contact person starting in 2016.

- the Federal Institute for Population Research (43 staff),
- the Federal Institute of Sport Science (31 staff),
- the Federal Department for Media Harmful to Young Persons (20 staff),
- the Federal Agency for Administrative Services (185 staff),
- the seven field offices of the *Bundesrechnungshof* (German SAI) (50 staff as administrative personnel), and
- 46 local offices for waterways and shipping and offices for new construction (11,378 staff).

Also in the remit of the Federal Ministry of Defence, the overwhelming majority of workplaces has a contact person for corruption prevention. Forty-seven workplaces (of 647 reporting) within the remit of the Federal Ministry of Defence have not yet appointed a contact person for corruption prevention. Two hundred sixty-two workplaces (247 of them in the lower-level administration and 15 in the mid-level administration) share a contact person with another agency.

The type and frequency of information provided by contact persons in the Federal Ministry of Defence and its remit is shown in the following graphic (number of workplaces reporting; multiple answers possible):



During the reporting year, 557 contact persons (including 374 within the Federal Ministry of Defence and its remit) met with agency management to discuss corruption prevention. Thus the number of contact persons who met with agency management to discuss corruption prevention remained about the same as in the previous year (563 contact persons who met with agency management). Annex 2, Table f (supreme federal authorities) and Annex 3, Table g (executive agencies) show the reasons for contacts and their frequency.

In the entire federal administration (not including the Federal Ministry of Defence and its remit), 199 full-time equivalents (as far as it was possible to collect specific figures) were assigned corruption prevention tasks. Performing the tasks of contact person for corruption prevention accounted for approximately 89.35 full-time equivalents, carried out by 464 persons. Other corruption prevention tasks were performed by 675 persons, accounting for 109.65 full-time equivalents.

Within the Federal Ministry of Defence and its remit, an additional 411 persons (85.5 full-time equivalents) were responsible for the tasks of contact person for corruption prevention, while 201 persons (30.1 full-time equivalents) were assigned other corruption prevention tasks.<sup>14</sup>

As a result, within the federal administration, corruption prevention was the task of 314.6 full-time equivalents.

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<sup>14</sup> The number of full-time equivalents and of staff responsible for the tasks of contact person within the Federal Ministry of Defence and its remit is less than in the previous year. The reason is that the overall number of workplaces in the ministry's remit was significantly reduced, especially at the mid- and lower levels. Further, a review of the figures for the previous year showed that there was some duplication in the reporting of the number of persons and workplaces, which was corrected for 2015.



## 6. Staff awareness

### **No. 7 of the Directive: Staff awareness and education**

*7.1 When taking the oath of office or agreeing to abide by the requirements of their position, staff members shall be informed of the risk of corruption and the consequences of corrupt behaviour. When a staff member has been informed, a record shall be kept of this fact. In view of the risk of corruption, staff attention shall continue to be directed to this issue. In addition, all staff members should be given an anti-corruption code of conduct, informing them of what to watch out for in situations or areas of activity which are especially vulnerable to corruption.*

*7.2 Staff members working in or transferred to areas especially vulnerable to corruption should be given additional, job-specific instruction at regular intervals.*

In the entire federal administration (not including the remit of the Federal Ministry of Defence), a total of 101,200 staff (out of a total of 354,513, i.e. 28.5%), including 7,800 supervisory staff, received corruption-awareness training. About 28.8% of these staff worked in positions especially vulnerable to corruption. This does not mean that no such measures were provided for the remaining staff; some authorities reported comprehensive awareness-raising campaigns or special seminars in the past year. Further, during the reporting year 349 supervisory staff members were involved in providing awareness-raising measures as trainers, instructors or advisers.

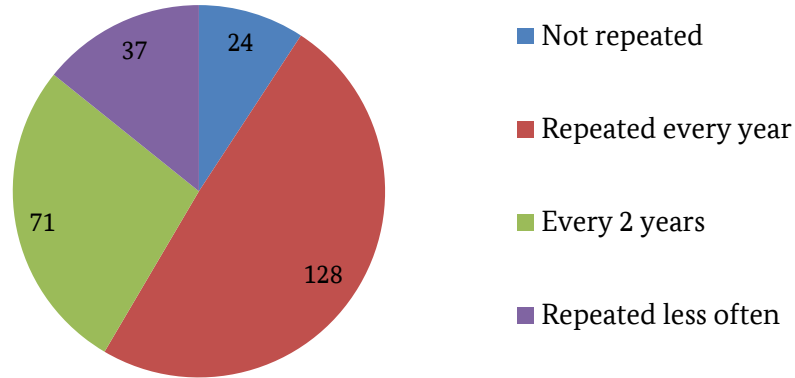
Within the Federal Ministry of Defence and its remit, 118,390 staff (out of a total of 221,779, or 53.4%), including 5,984 supervisory staff, received corruption-awareness training. One hundred eighteen supervisory staff members were involved in providing awareness-raising measures as trainers, instructors or advisers.

As the following overviews show, in almost half of all federal agencies, and in more than three-quarters of workplaces within the remit of the Federal Ministry of Defence, staff working in areas especially vulnerable to corruption receive corruption-awareness training every year:

**Total federal administration (not including the Federal Ministry of Defence and its remit)**

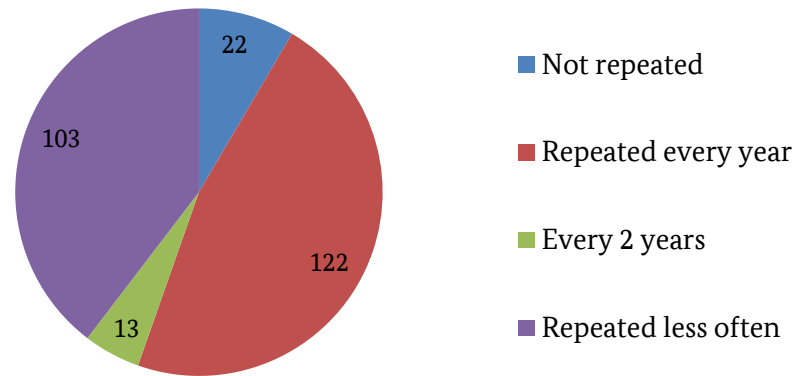
**Corruption-awareness training for staff working in areas especially vulnerable to corruption (if applicable) -**

No. of authorities reporting (not including Federal Ministry of Defence)



**Corruption-awareness training for all other staff (if applicable) -**

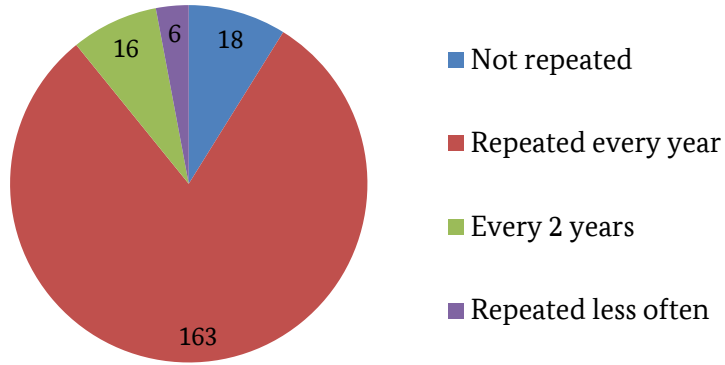
No. of authorities reporting (not including Federal Ministry of Defence)



**Federal Ministry of Defence and its remit**

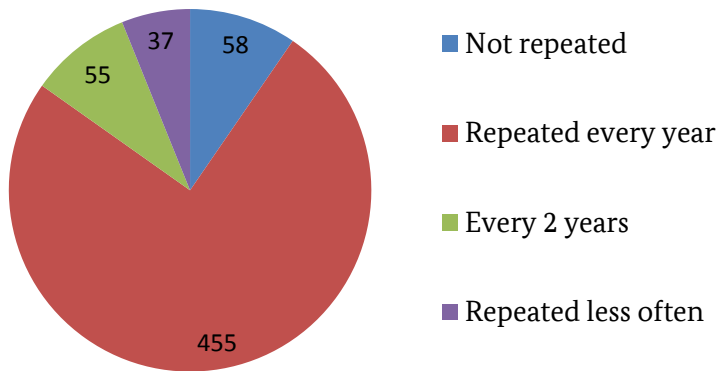
**Corruption-awareness training for staff working in areas especially vulnerable to corruption (if applicable) -**

No. of workplaces reporting (Federal Ministry of Defence and its remit)



**Corruption-awareness training for all other staff (if applicable) -**

No. of workplaces reporting (Federal Ministry of Defence and its remit)



## 7. *Basic and advanced training*

### **No. 8 of the Directive: Basic and advanced training**

8. *Facilities providing basic and advanced training shall include corruption prevention in their programmes. In doing so, they shall take into account above all the training needs of supervisory staff, contact persons for corruption prevention, staff in areas especially vulnerable to corruption, and staff in the organizational units referred to in No. 6.*

Basic and advanced training extends beyond measures to increase awareness. This section describes measures having an interactive process in which a multiplier (instructor) imparts knowledge based on a concept using a certain system (didactics); as a rule, this knowledge is imparted in a multi-step process and then consolidated. A lecture, for example in the context of orientation for new staff, thus constitutes instruction for initial awareness rather than training. “E-learning” constitutes training if the interactive element in the imparting of knowledge plays a clearly recognizable role, for example when testing what has been learned.

In addition to an electronic learning programme, the Federal Academy of Public Administration (BAkÖV), the central federal training facility, always offers courses on preventing and fighting corruption and on preventing corruption in at-risk areas. These courses are intended especially for supervisory staff in the higher and higher intermediate service, for contact persons for corruption prevention, staff of organizational units responsible for preventing corruption and for staff in areas especially vulnerable to corruption. The courses deal with the forms corruption can take; recognizing behaviour that can corrupt; the tasks of the contact person for corruption prevention: fighting corruption (including relevant law and regulations); the national and international dimensions of corruption; the consequences pursuant to criminal, public service and labour law for those engaged in corrupt behaviour; how to speak and act in cases of suspected corruption. The special office for basic and advanced training of the Federal Ministry of Transport and Digital Infrastructure and the Federal Revenue Administration's Training and Knowledge Centre offer largely identical training seminars; the Federal Revenue Administration also offers special seminars for Customs Administration supervisory staff, while the *Bundeswehr's* training centre offers orientation courses for contact persons for corruption prevention. The Federal Ministry of Transport and Digital Infrastructure has introduced its own electronic learning programme for the ministry and its remit. During the reporting period, 7,239 staff of the ministry and its remit completed courses using this programme. Since 2013, 15,665 staff have completed training in this way.

Overall, 13,346 staff took part in basic and advanced corruption-prevention training by the supreme federal authorities and their remit (not including the Federal Ministry of

Defence and its remit); at least 4,240 of them were staff in areas especially vulnerable to corruption (not all authorities make this distinction for all course participants). Within the Federal Ministry of Defence and its remit, 3,645 staff participated in basic and advanced training on preventing corruption; 301 of them were identified as working in jobs especially vulnerable to corruption.

Executive staff of the ministries and workplaces in 66.15% of the authorities reporting (other than the Federal Ministry of Defence and its remit) received corruption-prevention training. In 2014, 3,030 supervisory staff were trained in preventing corruption, and 121 supervisory staff members were involved in training measures as trainers, instructors or advisers. Within the Federal Ministry of Defence and its remit, 427 supervisory staff received such training, and 14 supervisory staff were actively involved in providing the training.



## **VI. Additional information from certain supreme federal authorities and their remits**

The following supreme federal authorities have provided additional information on special developments within their remits and to aid in understanding the data supplied to produce this report:

### ***Federal Government Commissioner for Culture and the Media***

During the reporting year, the Federal Archives, within the remit of the Federal Government Commissioner for Culture and the Media, started a new threat and risk analysis of areas of activity especially vulnerable to corruption. The previous full review and risk analysis was conducted more than six years before the reporting year and therefore required updating. The results of the new analysis will be incorporated into the report for 2016.

### ***Federal Ministry of Finance***

Due to the unique organizational and operational aspects of the Bundesdruckerei GmbH (within the remit of the Federal Ministry of Finance), which is organized like a private company, it does not identify individual areas of activity which are especially vulnerable to corruption. Instead, since 2004 it has used a fraud analysis to systematically identify risks including corruption. This analysis has been conducted annually since 2004. The compliance risk analysis covers all compliance risks for all areas of the company. The risk of corruption is considered for each area, and the probability of its occurrence is assessed. Further, in 2016 an external reviewer assessed whether Bundesdruckerei's compliance management system for the area of anti-corruption met the IDW review standard 980 effective 31 December 2015. The external reviewer found that the compliance management system was appropriate and the principles and measures suitable, implemented as of 31 December 2015 and effective during the period from 1 January to 31 December 2015.

### ***Federal Ministry of the Interior***

At the Federal Office of Administration (BVA; within the remit of the Federal Ministry of the Interior), when areas of activity especially vulnerable to corruption were first identified in 2005, risk analyses were carried out for all areas identified. Since more than 1,400 staff were transferred from the *Bundeswehr* administration to the BVA effective 1 July 2014 and 1 January 2015, it has not yet been possible to conduct a review of these

areas of activity. Further, the Federal Office for Information Technology (BIT), which has many areas of activity especially vulnerable to corruption, was transferred to the Federal Information Technology Centre (ITZBund) effective 1 January 2016. As a result, the number of areas of activity at the BVA which are especially vulnerable to corruption must be updated for the reporting year. The BVA plans to conduct a full review starting in 2016, as soon as a decision has been made as to whether staff of the Federal Office for Central Services and Unresolved Property Issues (BADV) will be transferred to the BVA.

At the Federal Office for Migration and Refugees (BAMF), all case worker positions are considered especially vulnerable to corruption. For this reason, the financial situation of new hires must be stable, or must be stabilized within six months. If not, the staff member's employment contract is not renewed. Special attention to the threat of corruption is also paid when drawing up contracts for interpreters and translators.

### ***Federal Ministry for Economic Cooperation and Development***

Following reorganization, the Federal Ministry for Economic Cooperation and Development conducted a new full review to identify areas of activity especially vulnerable to corruption. Because this review was not completed until 11 March 2016, the risk analysis was not yet completed by the report's cut-off date on 31 December 2015. The federal ministry is also in the process of revising and improving its procedures for the risk analysis to classify jobs as especially vulnerable to corruption and for monitoring the length of assignment in areas especially vulnerable to corruption and of any compensatory measures. The results of the latest review and whether they are comparable to the results of the next review are thus subject to methodological reservations.

## VII. The future of corruption prevention: Conclusions and outlook

The supreme federal authorities and their remits, workplaces and other bodies continue to implement the Federal Government Directive concerning the Prevention of Corruption in the Federal Administration to a high degree. Nonetheless, based on experience, new technological possibilities and new regulations, for example in procurement law, some of the rules for the federal administration need to be revised.

When collecting the data for this report, respondents were also asked to indicate where they saw potential to further develop corruption prevention and which concrete measures had been initiated or already implemented during the reporting year. The table in Annex 4 shows the measures and responses in greater detail.

Further, individual authorities reported the following additional measures they have carried out or plan to introduce:

- general informational meetings
- thorough implementation of the principle of greater scrutiny, with the final decision to be made by agency management
- training for the corruption prevention contact person
- adjusted/revised instructions for agency management
- an anti-corruption clause added to calls for tender in large-scale framework contracts (published online)
- new rules on reporting gifts
- workflow to report/request approval
- workshops to raise staff awareness using an original PowerPoint presentation
- awareness-raising among new staff (in writing, using an e-learning program or orientation courses)
- flyer for new staff members
- in-service instruction for trainees provided by the anti-corruption commissioner
- nationwide integrity tests for staff entrusted with accounting and bookkeeping tasks
- review by the internal audit division whether and how the plan required by the Act on the Formal Assignment of Responsibilities to Persons other than Civil Servants (VerpflG) and drawn up by the anti-corruption contact person was implemented, followed by implementation of the internal audit division's recommendations and further refinement of the plan
- conducting a risk analysis to prepare for the decision whether to have an internal audit



- preparatory measures in order to make informed statements on how long staff members are assigned to areas especially vulnerable to corruption
- creating a database to provide IT support for threat and risk analyses and expanding it as needed
- combining the units responsible for corruption prevention and internal audit into a single task force reporting directly to the head of the agency
- standing meeting focused on corruption prevention
- sharing experience on corruption prevention with human resources units, contact persons for corruption prevention and remit
- private sector/federal administration anti-corruption initiative
- open house information stand on corruption prevention in the federal administration
- updating and expanding intranet offerings on corruption prevention
- newsletters, flyers and pamphlets
- poster campaign
- information events for UN Anti-corruption Day on 9 December

This overview of measures planned and in some cases carried out indicates that many authorities continue to show considerable initiative in developing their own ideas for improving corruption prevention which go beyond the Federal Government Directive.

In future, digitalization of administrative processes will be used to a greater extent to prevent corruption. The first steps have been taken: For a number of years already, an e-learning program has been used to provide across-the-board staff training. It will now be overhauled in terms of technology so that it can be used by all federal authorities and other bodies, if possible. In some cases, workflows are used to check invoices or IT-assisted monitoring is used to check processes. IT is used in identifying areas of activity especially vulnerable to corruption and in human resource planning. The introduction of electronic billing and filing are additional important steps on the way to administration which is not only digital, but also better protected against corruption.

The new public procurement law (in effect since 18 April 2016) requires procurement procedures with a value above the threshold set by the EU to be conducted electronically. This promotes transparency and thus also helps prevent corruption in public procurement, which is an especially vulnerable area. Electronic procurement is to be used increasingly also for procedures with a value below the EU threshold. The Federal Government is also considering introducing a register for public contractors to be able to check before a contract is awarded whether grounds for exclusion exist.

Greater centralization of procurement by increasing the role of central procurement offices will also have a positive effect, enhancing compliance with the principle of separation in no. 10 of the Federal Government Directive.

Corruption prevention is also an important issue for public relations. For example, during the Federal Government's open weekend in 2015, the Federal Ministry of the Interior's presentation on the topic of integrity in public administration met with a great deal of interest from a large and diverse audience. The same was true of the information and discussion sessions offered during the open weekend. Over the weekend, about 300 people took part in the discussion sessions and numerous expert talks on preventing corruption in the federal administration and on the Federal Ministry of the Interior's specific tasks. Visitors specifically requested informational material, such as the pamphlet "Rules on Integrity", a flyer on preventing corruption in the federal administration and a publication on typical errors in the procurement process and how to avoid them.

It should also be noted that the Federal Ministry of the Interior, the Federal Ministry of Justice and Consumer Protection, the Federal Ministry for Economic Cooperation and Development and other ministries as well regularly inform their foreign counterparts, for example in Tunisia, Morocco, China, Vietnam, Ukraine, South Africa, Yemen, Armenia and Albania, about preventing corruption. Other countries frequently use Germany's rules on integrity in the federal administration as examples of best practices.

Although it does not primarily have to do with preventing corruption in the federal administration, the federal administration must also address the fact that corruption prevention is especially important for the integration of refugees. Most of the refugees come from countries in which corruption is an integral part of government activity and one of the main reasons for a lack of trust in public administration. It is therefore necessary to make refugees aware that corruption is not acceptable and to make clear to them the consequences of corrupt behaviour in a country based on the rule of law. The Federal Ministry of the Interior has pointed this out at expert meetings with officials from different levels of government, and has referred to the need for private security personnel and interpreters to comply with obligations under the Act on the Formal Assignment of Responsibilities to Persons other than Civil Servants.



## Index of Tables

### *Annex 1: Authorities included in this report*

*Table a: Supreme federal authorities included in this report*

The tables use the abbreviations listed below.

<b>Abbreviation</b>	<b>Name of the supreme federal authority</b>
BKAmt	Federal Chancellery
BMWi	Federal Ministry for Economic Affairs and Energy
AA	Federal Foreign Office
BMI	Federal Ministry of the Interior
BMJV	Federal Ministry of Justice and Consumer Protection
BMF	Federal Ministry of Finance
BMAS	Federal Ministry of Labour and Social Affairs
BMEL	Federal Ministry of Food and Agriculture
BMVg	Federal Ministry of Defence
BMFSFJ	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth
BMG	Federal Ministry of Health
BMVI	Federal Ministry of Transport and Digital Infrastructure
BMUB	Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety
BMBF	Federal Ministry of Education and Research
BMZ	Federal Ministry for Economic Cooperation and Development
BRH	Federal Court of Audit, Presidential Division
BPA	Press and Information Office of the Federal Government

Abbreviation	Name of the supreme federal authority
BKM	Federal Government Commissioner for Culture and the Media
BPrA	Federal President's Office
BVerfG	Federal Constitutional Court
BT	German Bundestag
BR	Bundesrat
BfDI	<p>The Federal Commissioner for Data Protection*)</p> <p>*) Declared a supreme federal authority ahead of the entry into force of the Second Act Amending the Federal Data Protection Act Strengthening the Independence of Federal Data Protection Supervision by Establishing a Supreme Federal Authority of 25 February 2015 (Federal Law Gazette part I 2015, p. 162).</p>

*Table b: Executive agencies included in this report*

Without the defence remit

**Within the remit of the Federal Foreign Office**

- German Archaeological Institute

**Within the remit of the Federal Government Commissioner for Culture and the Media**

- Academy of Arts
- Federal Archives
- *Kulturveranstaltungen des Bundes in Berlin GmbH*
- Federal Institute for Culture and History of the Germans in Eastern Europe
- Federal Chancellor Willy Brandt Foundation
- Foundation for the Study of the SED Dictatorship
- The Federal Commissioner for the Files of the State Security Service of the Former German Democratic Republic
- German National Library
- German Federal Film Board
- Otto von Bismarck Foundation
- Bundeskanzler-Adenauer-Haus Foundation
- Bundespräsident-Theodor-Heuss-Haus Foundation
- Foundation Memorial to the Murdered Jews of Europe
- German Historical Museum Foundation
- Foundation of the Museum of Contemporary History of the Federal Republic of Germany
- Jewish Museum Berlin Foundation
- Prussian Cultural Heritage Foundation
- President Friedrich Ebert Foundation Memorial

- Transit Film GmbH

**Within the remit of the Federal Ministry of Labour and Social Affairs**

- Federal Employment Agency
- Federal Institute for Occupational Safety and Health
- Federal Labour Court
- Federal Social Court
- Federal Insurance Office
- German Federal Pension Insurance
- German Pension Insurance Miners, Railway and Maritime
- Social insurance scheme for agriculture, forestry and horticulture
- German Social Accident Insurance Institution of the Federal Government and for the Railway Services

**Within the remit of the Federal Ministry of Education and Research**

- Federal Institute for Vocational Education and Training

**Within the remit of the Federal Ministry of Food and Agriculture**

- Federal Office of Consumer Protection and Food Safety
- Federal Office for Agriculture and Food
- Federal Institute for Risk Assessment
- Federal Office of Plant Varieties
- German Biomass Research Centre
- Friedrich Loeffler Institute
- Johann Heinrich von Thünen Institute
- Julius Kühn Institute
- Max Rubner Institute – Federal Research Centre for Nutrition and Food





**Within the remit of the Federal Ministry of Finance (without customs administration)**

- Federal Office of Central Services and Unresolved Property Issues and Federal Equalisation of Burdens Office (cumulative data provided for two authorities)
- Federal Financial Supervisory Authority
- Federal Agency for Financial Market Stabilization
- Institute for Federal Real Estate
- Deutsche Bundespost Federal Posts and Telecommunications Agency
- *Bundesdruckerei GmbH*
- Federal Republic of Germany – Finance Agency
- Federal Central Tax Office
- *Energiewerke Nord GmbH*
- Lusatian and Central German Mining Management Company
- Museum Foundation Post and Telecommunications
- Posts and Telecommunications Accident Insurance Fund
- Federal Disposal Sales and Marketing Agency
- Centre for Data Processing and Information Technology

**Within the remit of the Federal Ministry of Finance (customs administration)**

- Federal Finance Offices, Customs Criminological Office, Training and Research Centre (cumulative data were provided for seven authorities)
- Federal Spirits Monopoly Administration
- Main Customs Offices, Customs Investigation Offices (cumulative data provided for 51 authorities)

**Within the remit of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth**

- Federal Office of Family Affairs and Civil Society Functions

- Federal Department for Media Harmful to Young Persons

#### **Within the remit of the Federal Ministry of Health**

- Federal Institute for Drugs and Medical Devices
- Federal Centre for Health Education
- German Institute for Medical Documentation and Information
- Paul Ehrlich Institute
- Robert Koch Institute

#### **Within the remit of the Federal Ministry of the Interior**

- Federal Agency for Public Safety Digital Radio
- Procurement Office of the Federal Ministry of the Interior
- Federal Office for Civil Protection and Disaster Assistance
- Federal Agency for Cartography and Geodesy
- Federal Office for Migration and Refugees
- German Federal Office for Information Security
- Federal Agency for Technical Relief
- Federal Institute for Population Research
- Federal Institute of Sport Science
- Federal Criminal Police Office
- Federal Police (cumulative data provided for 11 authorities)
- Federal Police Headquarters
- Federal Office of Administration
- Federal Agency for Civic Education
- Federal University of Administrative Sciences

- Federal Statistical Office

**Within the remit of the Federal Ministry of Justice and Consumer Protection**

- Federal Office of Justice
- Federal Finance Court
- Federal Court of Justice
- Federal Patent Court
- Federal Administrative Court
- Public Prosecutor General of the Federal Court of Justice
- German Patent and Trade Mark Office

**Within the remit of the Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety**

- *Asse GmbH*
- Federal Office for Building and Regional Planning
- Federal Office for the Safety of Nuclear Waste Management
- Federal Agency for Nature Conservation
- Federal Office for Radiation Protection
- Federal Foundation for *Baukultur*
- Federal Environmental Agency

**Within the remit of the Federal Ministry of Transport and Digital Infrastructure**

- Federal Office for Goods Transport
- Federal Maritime and Hydrographic Agency
- Federal Institute of Hydrology
- Federal Institute for IT Services
- Federal Highway Research Institute
- Federal Agency for Administrative Services

- Federal Institute for Waterway Engineering
- German Air Navigation Services
- Federal Railway Property Agency
- German Federal Bureau of Aircraft Accident Investigation
- Federal Bureau of Maritime Casualty Investigation
- *DFS Deutsche Flugsicherung GmbH*
- German Meteorological Service
- Federal Railway Authority
- Federal Waterways and Shipping Agency
- Federal Motor Transport Authority
- Federal Aviation Office
- *NOW GmbH* – National Organization for Hydrogen and Fuel Cell Technology
- *VIG mbH* – Transport Infrastructure Financing Company
- Offices for waterways and shipping and offices for new construction (cumulative data provided for 46 authorities).

**Within the remit of the Federal Ministry for Economic Affairs and Energy**

- Federal Office of Economics and Export Control
- Federal Institute for Geosciences and Natural Resources
- Federal Institute for Materials Research and Testing
- Federal Cartel Office
- Federal Network Agency
- National Metrology Institute of Germany

**Within the remit of the *Bundesrechnungshof* (Germany's supreme audit institution)**

- Administrative staff of the field offices of the *Bundesrechnungshof* (cumulative data were provided for seven authorities)



## *Annex 2: Implementation of the Directive by the supreme federal authorities*

*Table a: Areas of activity especially vulnerable to corruption and risk analyses*

Name of the supreme federal authority	Number of staff as at 31 December 2015	Year of the most recent full review or update of all areas of activity especially vulnerable to corruption	Data on areas of activity especially vulnerable to corruption are based on updates (U), full review (R), on both (B), or are available only for a certain area of the authority (A).	Number of staff working in areas of activity especially vulnerable to corruption	Number of jobs especially vulnerable to corruption for which a risk analysis was considered necessary	Number of risk analyses carried out
AA	13317	2015	V	6669	6669	6669
BKAmt	697	2015	G	75	75	75
BKM	248	2014	F	121	143	143
BMAS	1186	2011	G	219	219	219
BMBF	1072	2011	F	152	9	9
BMEL	947	2012	V	102	0	0
BMF	2049	2015	V	269	385	385
BMFSFJ	631	2012	V	189	0	0
BMG	619	2013	F	38	25	25
BMI	1486	2015	V	494	494	494
BMJV	762	2011	T	19	23	0
BMUB	1193	2015	G	224	59	59
BMVI	1416	2015	V	257	158	158
BMVg	2658	2015	T	195	0	0
BMWi	1616	2015	V	433	433	433
BMZ	846	2015	V	271	0	0
BPA	466	2015	V	96	96	96
BPrA	194	2015	F	34	6	5
BR	206	2014	G	20	9	0
BRH	239	2013	F	41	39	39
BT	2940	2014	F	292	292	292

BVerfG	263	2015	T	0	0	0
BfDI	89	2011	G	27	0	0

Table b: Staff rotation in areas of activity especially vulnerable to corruption

Name of the supreme federal authority	Number of staff working in areas of activity especially vulnerable to corruption as at 31 December 2015	Number of these staff having worked for more than five years in the same or similar areas of activity especially vulnerable to corruption	Number of these staff for whom compensation measures were taken to reduce the risk	Reasons for the failure to rotate ("X" means "Applies to this authority")					
				Specialists who cannot be rotated	Other staff with special skills/knowledge that are difficult to replace (ensuring continuity)	Staff retiring soon from active duty	Staff to be transferred soon to another organizational unit	Staff without a suitable replacement position at the same pay level	Others Reasons
AA	6669	2161	2161	X	X	X			X
BKAmt	75	25	25	X	X			X	
BKM	121	41	41	X	X	X		X	X
BMAS	219	n.s.							
BMBF	152	54	9	X	X	X	X		X
BMEL	102	n.s.							
BMF	269	73	73	X	X	X	X		X
BMFSFJ	189	k.A.							
BMG	38	17	0	X	X	X	X		X
BMI	494	174	135	X	X	X	X	X	X
BMJV	19	5	5	X			X		
BMUB	224	n.s.							
BMVI	257	126	126	X	X	X	X	X	X
BMVg	195	0							
BMW i	433	123	123	X	X	X	X		
BMZ	271	34	13	X	X	X	X		
BPA	96	50	50	X	X	X			
BPrA	34	22	0	X				X	X



BR	20	3	3				X	
BRH	41	23	23	X	X	X		X
BT	292	126	126	X	X	X	X	X
BVerfG	0				n.a.			
BfDI	27	22	0	X	X			

Table c: Other measures taken to compensate for the failure to rotate<sup>15</sup>

Name of the supreme federal authority	Extending the principle of greater scrutiny	Working in teams	Exchanging tasks within an organizational unit (although this does not correspond to rotation as described above)	Transferring responsibilities (with compensatory effect in terms of corruptions risks)	Intensifying administrative and operational supervision	Other measures
AA	X		X	X	X	X
BKAmt	X				X	
BKM	X	X	X		X	X
BMAS	n.a.					
BMBF	X	X		X	X	X
BMEL	n.a.					
BMF	X	X	X		X	X
BMFSFJ	n.a.					
BMG	n.a.					
Federal Ministry of the Interior	X	X	X	X	X	X
BMJV	X		X	X	X	X
BMUB	n.a.					
BMVI	X		X	X	X	X
BMVg	n.a.					
BMWi	X	X	X		X	

<sup>15</sup> "X" means "Applies to this authority"

<b>BMZ</b>	X		X		X	
<b>BPA</b>	X	X			X	
<b>BPrA</b>	n.a.					
<b>BR</b>	X	X	X		X	
<b>BRH</b>				X	X	X
<b>BT</b>	X		X	X	X	
<b>BVerfG</b>	n.a.					
<b>BfDI</b>	n.a.					

Table d: Special regulations (applicable within the authority or to cooperation with the executive agencies)

Name of the supreme federal authority	The authority has special regulations ... (“X” means “Applies to this authority”)			... on cooperation with the executive agencies/bodies ... (“X” means “Applies to this authority”)			
	on monitoring staff performance of duties (administrative supervision)	on monitoring lawfulness and expedience (task-related supervision)	that are applied especially in all or some fields of activity especially vulnerable to corruption <sup>16</sup>	... on how to deal with cases of suspected corruption	... according to which cases of suspected corruption must be reported	... according to which regular reports on the implementation of the directive on corruption prevention must be provided to the supreme federal authority	... according to which other measures of administrative and task-related supervision are carried out
<b>AA</b>	X	X	X	X	X	X	X
<b>BKAmt</b>	X		X	n.a.			
<b>BKM</b>							X
<b>BMAS</b>	X	X	X	X		X	X
<b>BMBF</b>			X	n.a.			
<b>BMEL</b>	X	X	X	X	X	X	X
<b>BMF</b>	X	X	X	X	X	X	X
<b>BMFSFJ</b>				X	X	X	
<b>BMG</b>						X	X
<b>BMI</b>	X	X	X	X	X	X	X
<b>BMJV</b>		X	X	X	X	X	
<b>BMUB</b>	X	X	X	X	X		X

<sup>16</sup> Examples include special tests, special conditions for awarding contracts or the publication of risk atlases

BMVI	X	X	X	X	X	X	X	
BMVg	X	X	X	X	X	X	X	
BMWi	X	X	X	X	X	X	X	
BMZ	X	X	X	n.a.				
BPA	n.a.							
BPrA				X	n.a.			
BR	n.a.							
BRH			X	X	X			
BT				X	n.a.			
BVerfG	X	X						n.a.
BfDI	n.a.							

Table e: Principle of greater scrutiny and transparency

Name of the supreme federal authority	Measures taken to support the principle of greater scrutiny and transparency ("X" means "Applies to this authority")			IT-assisted workflows which (perhaps in addition to other advantages) also ensure compliance with the principle of greater scrutiny ... <sup>17</sup> ("X" means "Applies to this authority")						
	Second staff member checking work results	Plausibility checks	IT-assisted workflows	... for procurement measures	... to award funds (institutional funding; project funding)	... to settle benefit claims pursuant to civil service law	... to settle travel expenses	... for other measures with budgetary or other financial impact	... to issue other administrative acts or to issue administrative decisions relevant to the public	Other
AA	X	X	X	X	X			X	X	X
BKAmt	X	X	X	X				X		
BKM	X	X	X				X	X		
BMAS	X	X	X				X			
BMBF	X	X	X	X	X			X		
BMEL	X	X	X	X	X			X		
BMF	X	X	X	X			X	X		
BMFSFJ	X	X	X	X	X			X		
BMG	X	X	X	X			X	X		

<sup>17</sup> Some authorities have other authorities assume these tasks; no X was used in these cases, even if the delegated authority uses IT-assisted workflows.)

BMI	X	X	X	X	X	X	X	X	X	X
BMJV	X	X	X				X			
BMUB	X	X	X		X		X			
BMVI	X	X	X	X			X			
BMVg	X	X	X	X	X	X	X	X	X	X
BMWi	X	X	X	X	X	X	X	X		
BMZ	X	X								
BPA	X	X								
BPrA	X	X								
BR		X	X	X			X			
BRH	X	X	X	X				X		
BT	X	X	X				X	X		X
BVerfG	X	X								
BfDI	X	X	X	X			X			

Table f: Contacts between the contact persons for corruption prevention and the authority's executive level

Name of the supreme federal authority	Reason for contacts between the contact person for corruption prevention and the authority's executive level (“X” means “Applies to this authority”)			Frequency of regular contacts between the contact person and the authority's executive level (“X” means “Applies to this authority”)		
	No specific reason (e.g. within the context of a "jour fixe", or as a general report or exchange on corruption prevention).	Specific reason (e.g. a case of suspected corruption).	Contacts with and without specific reason	Once a month or more often	Less than once a month, but at least once every six months	Less than once every six months, but at least once a year
AA	X					X
BKAmt	X				X	
BKM			X		X	
BMAS			X			X
BMBF	No contacts within the reporting year.					

BMEL	X					X
BMF	X					X
BMFSFJ	No contacts within the reporting year.					
BMG	X					X
BMI			X			X
BMJV	No contacts within the reporting year.					
BMUB	No contacts within the reporting year.					
BMVI	X				X	
BMVg	No contacts within the reporting year.					
BMW <sub>i</sub>			X		X	
BMZ		X				
BPA	No contacts within the reporting year.					
BPrA	X				X	
BR	X					X
BRH			X		X	
BT	X			X		
BVerfG	X				X	
BfDI	No contacts within the reporting year.					

Table g: Corruption awareness and workshops

Name of the supreme	Corruption-awareness measures, including workshops, conducted in the 2015 calendar year	Corruption-awareness measures applied (other than workshops) ("X" means "Applies to this authority")	Workshops carried out in 2015
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federal authority	Number of staff who received corruption-awareness training	Number of staff working in jobs especially vulnerable to corruption who received corruption-awareness training	Number of supervisors and managers who received corruption-awareness training	Discussion with superiors	Discussion with contact person for corruption prevention	Discussion with the department/division responsible for HR and organizational matters	Corruption-awareness measures – no workshops – taken during employee events <sup>18</sup>	IT-assisted offerings (no workshops)	Handing out information material (instead of simply displaying it)	Other measures	(number of staff who attended workshops)
AA	13317	6669	644	X	X	X	X	X	X	X	307
BKAmt	697	75	99		X	X		X	X		20
BKM	24	13	2		X	X	X	X	X		1
BMAS	90	-	1				X				0
BMBF	9	7	1	X	X	X	X	X	X		9
BMEL	947	102	-		X			X	X		1
BMF	96	-	10	X		X	X		X	X	0
BMFSFJ	20	-	1		X		X		X		11
BMG	0	-	-								-
BMI	700	407	170	X	X	X	X	X	X	X	0
BMJV	94	6	2	X	X	X	X	X	X		2
BMUB	76	13	11		X		X		X	X	2
BMVI	1416	257	169	X	X	X	X	X	X	X	71
BMVg	1953	195	167				X		X	X	3
BMWi	129	20	-	X	X	X	X		X		1
BMZ	846	271	82	X	X		X		X	X	8
BPA	434	96	42	X	X	X			X		0
BPrA	31	10	6	X	X	X	X		X		14
BR	0	-	-								-
BRH	10	2	1		X		X		X		0
BT	2758	292	113	X	X	X	X		X		190

<sup>18</sup> such as orientation for new employees

<b>BVerfG</b>	22	-	2		X				X	X	0
<b>BfDI</b>	0	-	-								-

### ***Annex 3: Implementation of the Directive by the executive agencies of the federal ministries***

*Table a: Areas of activity especially vulnerable to corruption and risk analyses*

<b>Remit</b>	<b>Level of the authority</b>	<b>Number of authorities as at 31 December 2015</b>	<b>Number of staff as at 31 December 2015</b>	<b>Number of authorities with available data on areas of activity especially vulnerable to corruption</b>	<b>Number of staff working in areas of activity especially vulnerable to corruption (in brackets, if appropriate: number of staff in authorities without available data)</b>	<b>Number of jobs especially vulnerable to corruption for which a risk analysis was considered necessary</b>	<b>Number of risk analyses carried out</b>
<b>AA</b>	Not attributable to a certain level	1	321	1	47	47	47
<b>BKM</b>	Higher federal authorities	3	2324	3	29	0	0
<b>BKM</b>	Legal person under private law	2	379	1	82 (3)	82	82
<b>BKM</b>	Not attributable to a certain level	14	3693	12	244 (387)	95	95
<b>BMAS</b>	Higher federal authorities	1	589	1	383	367	367
<b>BMAS</b>	Courts administration (excluding Federal Constitutional Court)	2	354	2	22	16	6
<b>BMAS</b>	Not attributable to a certain level	6	145131	3	3532 (121418)	2791	2457
<b>BMBF</b>	Higher federal authorities	1	656	1	525	0	0
<b>BMEL</b>	Higher federal authorities	6	4362	6	389	101	98



<b>BMEL</b>	Legal person under private law	1	188	0	(188)		
<b>BMEL</b>	Not attributable to a certain level	2	2011	2	891	32	6
<b>BMF</b>	Higher federal authorities	3	4121	3	1952	88	37
<b>BMF</b>	Legal person under private law	5	3751	4	539 (1938)	21	10
<b>BMF</b>	Not attributable to a certain level	7	11683	5	3354 (333)	4078	4001
<b>BMF - customs administration</b>	Mid-level federal authorities	7	6741	7	115	30	27
<b>BMF - customs administration</b>	Higher federal authorities	1	22	1	3	1	1
<b>BMF - customs administration</b>	Lower-level federal authorities	51	30871	51	1120	30	27
<b>BMFSFJ</b>	Higher federal authorities	2	1231	2	340	325	319
<b>BMG</b>	Higher federal authorities	5	3210	5	960	620	473
<b>BMI</b>	Higher federal authorities	12	21969	12	6402	5122	4293
<b>BMI</b>	Lower-level federal authorities	11	32964	11	1642	1642	1642
<b>BMI</b>	Not attributable to a certain level	3	386	3	152	152	152
<b>BMJV</b>	Higher federal authorities	2	3464	2	1333	1518	1518
<b>BMJV</b>	Courts administration (excluding Federal Constitutional Court)	4	860	4	206	97	94
<b>BMJV</b>	Not attributable to a certain level	1	229	1	0	0	0
<b>BMUB</b>	Higher federal authorities	5	3806	4	2577 (11)	1880	195

<b>BMUB</b>	Not attributable to a certain level	1	4	0	(4)		
<b>BMUB</b>	Legal person under private law	1	460	1	31	10	3
<b>BMVI</b>	Bundesmittelbehörden	1	942	1	410	410	410
<b>BMVI</b>	Higher federal authorities	14	9300	13	3629 (185)	1571	1547
<b>BMVI</b>	Lower-level federal authorities	46	11378	46	3016	2516	2516
<b>BMVI</b>	Legal person under private law	3	5690	2	467 (20)	20	20
<b>BMVI</b>	Not attributable to a certain level	1	682	1	44	19	19
<b>BMVg</b>	Higher federal authorities	22	21491	22	1791	1726	1693
<b>BMVg</b>	Bundesmittelbehörden	115	56255	115	838	624	421
<b>BMVg</b>	Lower-level federal authorities	518	139209	518	1847	798	683
<b>BMVg</b>	Courts administration (excluding Federal Constitutional Court)	2	36	0	0	0	0
<b>BMVg</b>	Legal person under private law	4	2130	4	83	66	42
<b>BMWi</b>	Higher federal authorities	6	8209	6	1552	467	467
<b>BRH</b>	Higher federal authorities	7	50	7	0	0	0

Table b: Update of the data basis on areas of activity especially vulnerable to corruption

Remit	Level of the authority	Number of authorities which updated their data on areas of activity especially vulnerable to corruption in ... (in brackets number of staff in these authorities)			
		2015	2014 / 2013	2012 / 2011	2010 or earlier
AA	Not attributable to a certain level			1 (321)	
BKM	Higher federal authorities	1 (10)	1 (1651)		1 (663)
BKM	Legal person under private law	1 (376)			
BKM	Not attributable to a certain level	5 (965)	5 (117)	1 (2162)	1 (62)
BMAS	Higher federal authorities			1 (589)	
BMAS	Courts administration (excluding Federal Constitutional Court)		1 (192)		1 (162)
BMAS	Not attributable to a certain level	1 (22319)	2 (1394)		
BMBF	Higher federal authorities		1 (656)		
BMEL	Higher federal authorities	1 (323)	4 (3273)		1 (766)
BMEL	Legal person under private law				
BMEL	Not attributable to a certain level	1 (1210)	1 (801)		
BMF	Higher federal authorities		3 (4121)		
BMF	Legal person under private law	4 (1813)			



<b>BMF</b>	Not attributable to a certain level	2 (2682)	2 (8462)	1 (206)	
<b>BMF - customs administration</b>	Mid-level federal authorities	7 (6741)			
<b>BMF - customs administration</b>	Higher federal authorities	1 (22)			
<b>BMF - customs administration</b>	Lower-level federal authorities	51 (30871)			
<b>BMFSFJ</b>	Higher federal authorities		1 (1211)	1 (20)	
<b>BMG</b>	Higher federal authorities	1 (141)	3 (2310)		1 (759)
<b>BMI</b>	Higher federal authorities	1 (209)	4 (9782)	1 (554)	6 (11424)
<b>BMI</b>	Lower-level federal authorities		11 (32964)		
<b>BMI</b>	Not attributable to a certain level		1 (312)		2 (74)
<b>BMJV</b>	Higher federal authorities		2 (3464)		
<b>BMJV</b>	Courts administration (excluding Federal Constitutional Court)	2 (456)	2 (404)		
<b>BMJV</b>	Not attributable to a certain level	1 (229)			
<b>BMUB</b>	Higher federal authorities	2 (2300)		2 (1495)	
<b>BMUB</b>	Not attributable to a certain level				
<b>BMUB</b>	Legal person under private law		1 (460)		

<b>BMVI</b>	Mid-level federal authorities		1 (942)		
<b>BMVI</b>	Higher federal authorities	2 (2565)	8 (3315)	2 (1484)	
<b>BMVI</b>	Lower-level federal authorities		46 (11378)		
<b>BMVI</b>	Legal person under private law	1 (5650)	1 (20)		
<b>BMVI</b>	Not attributable to a certain level	1 (682)			
<b>BMVg</b>	Higher federal authorities	11 (n.s.)	4 (n.s.)	1 (n.s.)	2 (n.s.)
<b>BMVg</b>	Mid-level federal authorities	37 (n.s.)	39 (n.s.)	3 (n.s.)	11 (n.s.)
<b>BMVg</b>	Lower-level federal authorities	178 (n.s.)	80 (n.s.)	20 (n.s.)	74 (n.s.)
<b>BMVg</b>	Courts administration (excluding Federal Constitutional Court)	1 (n.s.)	1 (n.s.)		
<b>BMVg</b>	Legal person under private law		2 (n.s.)	1 (n.s.)	
<b>BMWi</b>	Higher federal authorities	1 (2707)	1 (2056)	3 (1886)	1 (1560)
<b>BRH</b>	Higher federal authorities		7 (50)		

Table c: Staff rotation in the executive agencies *Fehler! Keine gültige Verknüpfung*. Current data are available only for the remits and levels listed

Remit	Level of the authority	Number of authorities for which relevant data are available	Number of staff in these authorities	Number of these staff having worked for more than five years in the same or similar areas of activity especially vulnerable to corruption (where data are available)	Number of these staff for whom compensation measures were taken to reduce the risk	Reason for the failure to rotate (number of authorities having stated the respective reason) *) In terms of data collection, some authorities were treated as groups. ("X" means "Applies to this group")					
						Specialists who cannot be rotated	Other staff with special skills/knowledge that are difficult to replace (ensuring continuity)	Staff retiring soon from active duty	Staff to be transferred soon to another organizational unit	Staff without a suitable replacement position at the same pay level	Other reasons
AA	Not attributable to a certain level	1	321	27	27	1	0	1	1	0	0
BKM	Higher federal authorities	3	2324	17	0	-	-	-	-	-	1
BKM	Legal person under private law	2	379	67	67	1	1	1	0	1	0
BKM	Not attributable to a certain level	14	3693	159	21	8	7	2	0	4	0
BMAS	Higher federal authorities	1	589	n.s.	n.s.	-	-	-	-	-	-
BMAS	Courts administration (excluding Federal	2	354	19	19	1	1	-	-	1	1

	Constitutional Court)										
<b>BMAS</b>	Not attributable to a certain level	6	145131	119	119	1	1	1	0	0	0
<b>BMBF</b>	Higher federal authorities	1	656	180	0	1	1	-	-	-	1
<b>BMEL</b>	Higher federal authorities	6	4362	80	77	1	3	-	-	-	1
<b>BMEL</b>	Legal person under private law	1	188	n.s.	-	-	-	-	-	-	-
<b>BMEL</b>	Not attributable to a certain level	2	2011	0	0	-	-	-	-	-	-
<b>BMF</b>	Higher federal authorities	3	4121	n.s.	n.s.	-	-	-	-	-	-
<b>BMF</b>	Legal person under private law	5	3751	219	42	4	4	2	1	2	2
<b>BMF</b>	Not attributable to a certain level	7	11683	902	887	4	4	2	2	1	2
<b>BMF (customs administration)*</b>	Mid-level federal authorities	7	6741	3	3	X	X	-	X	-	-
<b>BMF (customs administration)</b>	Higher federal authorities	1	22	1	1	1	1	-	-	-	-
<b>BMF (customs administration)</b>	Lower-level federal authorities	51	30871	324	294	X	X	X	X	X	X



<b>stration )*</b>											
<b>BMFSFJ</b>	Higher federal authorities	2	1231	6	6	1	-	1	-	1	-
<b>BMG</b>	Higher federal authorities	5	3210	344	344	4	4	3	2	3	-
<b>BMI</b>	Higher federal authorities	12	21969	657	349	5	5	5	0	3	1
<b>BMI</b>	Lower-level federal authorities	11	32964	0	-	-	-	-	-	-	-
<b>BMI</b>	Not attributable to a certain level	3	386	7	7	1	-	-	-	-	-
<b>BMJV</b>	Higher federal authorities	2	3464	753	753	1	1	1	1	1	0
<b>BMJV</b>	Courts administration (excluding Federal Constitutional Court)	4	860	57	50	2	3	0	0	4	3
<b>BMJV</b>	Not attributable to a certain level	1	229	0	-	-	-	-	-	-	-
<b>BMUB</b>	Higher federal authorities	5	3806	322	322	2	2	1	0	1	1
<b>BMUB</b>	Not attributable to a certain level	1	4	n.s.	-	-	-	-	-	-	-
<b>BMUB</b>	Legal person under private law	1	460	n.s.	-	-	-	-	-	-	-
<b>BMVI</b>	Mid-level federal authorities	1	942	n.s.	-	-	-	-	-	-	-
<b>BMVI</b>	Higher federal authorities	14	9300	283	264	4	3	2	2	2	0

<b>BMVI</b>	Lower-level federal authorities	46	11378	n.s.	-	-	-	-	-	-	-
<b>BMVI</b>	Legal person under private law	3	5690	2	0	1	-	-	-	-	-
<b>BMVI</b>	Not attributable to a certain level	1	682	28	28	1	1	1	0	1	0
<b>BMVg</b>	Higher federal authorities	22	21491	30	26	3	3	2	1	4	2
<b>BMVg</b>	Mid-level federal authorities	115	56255	185	118	12	10	5	2	8	5
<b>BMVg</b>	Lower-level federal authorities	518	139209	529	318	24	35	9	3	20	7
<b>BMVg</b>	Courts administration (excluding Federal Constitutional Court)	2	36	0	-	-	-	-	-	-	-
<b>BMVg</b>	Legal person under private law	4	2130	7	7	1	1	-	-	-	-
<b>BMW i</b>	Higher federal authorities	6	8209	975	770	5	6	3	1	4	1
<b>BRH</b>	Higher federal authorities	7	50	0	-	-	-	-	-	-	-

**Table d: Measures taken to compensate for the failure to rotate**

Current data are available only for the remits and levels listed

Remit	Level of authority (in brackets number of authorities for which data are available)	Number of authorities having stated that they carry out these compensatory measures *) In terms of data collection, some authorities were treated as groups. ("X" means "Applies to this group")					
		Extending the principle of greater scrutiny	Working in teams	Exchanging tasks within an organizational unit	Transferring responsibilities (with compensatory effect in terms of corruptions risks)	Intensifying administrative and operational supervision	Other measures
AA	Not attributable to a certain level (1)	1	0	0	0	1	0
BKM	Legal person under private law (2)	1	1	0	0	1	1
BKM	Not attributable to a certain level (14)	6	3	0	0	6	0
BMAS	Courts administration (excluding Federal Constitutional Court) (2)	1	0	1	1	1	0
BMAS	Not attributable to a certain level (6)	1	1	0	0	1	0
BMEL	Higher federal authorities (6)	2	1	0	0	1	1

<b>BMF</b>	Legal person under private law (5)	2	1	0	0	2	1
<b>BMF</b>	Not attributable to a certain level (7)	3	2	2	2	3	1
<b>BMF - customs administration</b>	Mid-level federal authorities (7)	X	0	0	0	X	X
<b>BMF - customs administration</b>	Higher federal authorities (1)	1	1	1	0	1	1
<b>BMF - customs administration</b>	Lower-level federal authorities (51)	X	X	X	X	X	X
<b>BMFSFJ</b>	Higher federal authorities (2)	1	1	0	0	1	0
<b>BMG</b>	Higher federal authorities (5)	4	2	1	3	3	0
<b>BMI</b>	Higher federal authorities (12)	5	4	2	1	5	2
<b>BMI</b>	Not attributable to a certain level (3)	1	0	0	1	1	0
<b>BMJV</b>	Higher federal authorities (2)	1	0	0	0	0	0
<b>BMJV</b>	Courts administration (excluding Federal	3	0	2	1	3	2

	Constitutional Court) (4)						
<b>BMUB</b>	Higher federal authorities (5)	2	1	0	1	2	1
<b>BMVI</b>	Higher federal authorities (14)	4	3	1	0	2	0
<b>BMVI</b>	Not attributable to a certain level (1)	2 1	1	0	1	1	0
<b>BMVg</b>	Higher federal authorities (22)	0	0	0	0	1	2
<b>BMVg</b>	Mid-level federal authorities (115)	9	3	1	0	11	4
<b>BMVg</b>	Lower-level federal authorities (518)	28	12	7	8	28	3
<b>BMVg</b>	Legal person under private law (4)	0	1	0	0	1	1
<b>BMWi</b>	Higher federal authorities (6)	4	2	4	1	4	0

Table e: Special regulations; administrative and operational supervision

Administrative and operational supervision is exercised only in the executive agencies listed.

Remit	Number of authorities which have special regulations ...			Number of authorities which exercise operational supervision of other authorities	Number of authorities which have regulations on cooperation with the executive agencies / bodies ...			
	... on monitoring staff performance of duties (administrative supervision)	... on monitoring lawfulness and expedience (operational supervision)	... that are applied especially in all or some fields of areas of activity especially vulnerable to corruption		... on how to deal with cases of suspected corruption	... according to which cases of suspected corruption must be reported	... according to which executive agencies / bodies of the supervisory authority must provide regular reports on the implementation of the directive on corruption prevention	... according to which other measures of administrative and task-related supervision are carried out
AA	0	1	1	0	n.a.			
BKM	5	4	2	0	n.a.			
BMAS	7	7	6	1	0	0	0	0
BMEL	6	6	3	0	n.a.			
BMF	9	8	11	2	1	1	1	2
BMF (customs administration)	52	52	52	7	7	7	7	7
BMFSFJ	1	1	0	0	n.a.			
BMG	2	2	4	0	n.a.			
BMI	18	19	7	1	1	1	1	1
BMJV	4	4	6	0	n.a.			
BMUB	3	4	3	2	0	0	0	1
BMVI	55	55	56	3	2	2	2	3
BMVg	268	246	82	271	164	169	58	46
BMW i	4	3	4	0	n.a.			

BRH	0	0	7	0	n.a.
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**Table f: Principle of greater scrutiny and transparency**

Remit	Number of authorities where the following measures were taken to support the principle of greater scrutiny and transparency			Number of authorities where IT-assisted workflows are in place (Please note: Some authorities have other authorities assume these tasks completely; in these cases, the delegating authority was not counted even if the delegated authority uses IT-assisted workflows.)						
	Second staff member checking work results; plausibility checks; IT-assisted workflows	Plausibility check	IT-assisted workflows	... for procurement measures	... to award funds (institutional funding; project funding)	... to settle benefit claims pursuant to civil service law	... to settle travel expenses	... for other measures with budgetary or other financial impact	... to enact other administrative acts or administrative decisions relevant to the public	... other processes
AA	1	0	0	0	0	0	0	0	0	0
BKM	15	15	7	4	1	1	4	5	1	3
BMAS	8	9	9	4	1	3	5	7	5	2
BMBF	1	1	1	1	1	0	1	1	0	1
BMEL	7	8	8	5	2	1	4	3	1	5
BMF	14	15	12	9	1	3	5	7	4	8
BMF - customs administration	59	59	58	58	0	0	58	58	58	58
BMFSFJ	2	2	1	1	1	0	0	0	0	0
BMG	5	4	4	3	1	0	2	3	1	2
BMI	24	23	24	21	4	13	17	22	15	16
BMJV	6	7	5	3	4	0	3	2	3	2
BMUB	6	6	6	5	4	0	4	3	2	2
BMVI	62	64	64	59	2	4	63	55	5	48
BMVg	372	357	328	228	17	16	156	232	15	86
BMWi	6	6	6	6	1	1	5	4	4	0
BRH	0	7	7	7	0	0	0	7	0	0





Table g: Contact person for corruption prevention

Remit	Level of the authority	Number of authorities that have their own contact person/ <input type="checkbox"/> number of staff in these authorities  (If a contact person has been allocated to a group of authorities, it is covered by this section.) <input type="checkbox"/>	Number of authorities where the contact person was affiliated to another authority/ Number of staff in these authorities	Number of authorities that did not have their own contact person/ Number of staff in these authorities	Reason for contacts between the contact person for corruption prevention and the authority's executive level <input type="checkbox"/> (number of contact persons)... <input type="checkbox"/>			Frequency of regular contacts between the contact person and the authority's executive level (number of contact persons)		
					... no specific reason (e.g. within the context of a "jour fixe", or as a general report or exchange on corruption prevention).	... exclusively for a specific reason (e.g. a case of suspected corruption).	... contacts with and without specific reason	Once a month or more often	Less than once a month, but at least once every six months	Less than once every six months, but at least once a year
AA	Not attributable to a certain level	1/321	-	-	0	0	1	-	-	1
BKM	Higher federal authorities	3/2324	-	-	2	0	1	1	1	1
BKM	Legal person under private law	2/379	-	-	0	0	2	-	2	-
BKM	Not attributable to a certain level	14/3693	-	-	7	1	3	2	5	3
BMAS	Higher federal authorities	1/589	-	-	1	0	0	-	1	-
BMAS	Courts administration (excluding	2/354	-	-	2	0	0	-	1	1

	Federal Constitutional Court)									
<b>BMAS</b>	Not attributable to a certain level	6/145131	-	-	4	1	1	1	4	-
<b>BMBF</b>	Higher federal authorities	1/656	-	-	0	0	1	-	1	-
<b>BMEL</b>	Higher federal authorities	6/4362	-	-	3	1	2	-	2	3
<b>BMEL</b>	Legal person under private law	1/188	-	-	0	0	1	-	1	-
<b>BMEL</b>	Not attributable to a certain level	2/2011	-	-	0	0	1	-	1	-
<b>BMF</b>	Higher federal authorities	3/4121	-	-	3	0	0	1	1	-
<b>BMF</b>	Legal person under private law	5/3751	-	-	4	0	1	2	3	-
<b>BMF</b>	Not attributable to a certain level	7/11683	-	-	1	0	5	-	3	3
<b>BMF - customs administration</b>	Mid-level federal authorities	7/6741	-	-	7	0	0	7	-	-
<b>BMF - customs administration</b>	Higher federal authorities	1/22	-	-	1	0	0	1	-	-
<b>BMF - customs administration</b>	Lower-level federal authorities	51/30871	-	-	51	0	0	51	-	-
<b>BMFSFJ</b>	Higher federal authorities	1/1211	1/20	-	0	0	0	n.a.		

<b>BMG</b>	Higher federal authorities	5/3210	-	-	2	1	1	2	-	1
<b>BMI</b>	Higher federal authorities	12/21969	-	-	4		5	2	5	2
<b>BMI</b>	Lower-level federal authorities	11/32964	-	-	11	0	0	-	11	-
<b>BMI</b>	Not attributable to a certain level	1/312	2/74	-	1	0	0	1	-	-
<b>BMJV</b>	Higher federal authorities	2/3464	-	-	1	0	0	-	1	-
<b>BMJV</b>	Courts administration (excluding Federal Constitutional Court)	4/860	-	-	1	1	0	-	1	-
<b>BMJV</b>	Not attributable to a certain level	1/229	-	-	0	0	0	n.a.		
<b>BMUB</b>	Higher federal authorities	4/3795	-	1/11	2	0	2	1	2	1
<b>BMUB</b>	Not attributable to a certain level	1/4	-	-	1	0	0	1	-	-
<b>BMUB</b>	Legal person under private law	1/460	-	-	0	0	1	1	-	-
<b>BMVI</b>	Mid-level federal authorities	1/942	-	-	0	1	0	-	-	-
<b>BMVI</b>	Higher federal authorities	13/9115	1/185	-	5	1	6	3	6	2
<b>BMVI</b>	Lower-level federal authorities	-	46/11378	-	n.a.					
<b>BMVI</b>	Legal person under private law	2/5670	-	1/20	2	0	0	2	-	-

<b>BMVI</b>	Not attributable to a certain level	1/682	-	-	1	0	0	-	1	-
<b>BMVg</b>	Higher federal authorities	20/n.s.	-	2/n.s.	13	3	3	7	8	3
<b>BMVg</b>	Mid-level federal authorities	96/n.s.	15/n.s.	2/n.s.	64	8	19	41	28	15
<b>BMVg</b>	Lower-level federal authorities	217/n.s.	247/n.s.	42/n.s.	221	11	28	99	99	57
<b>BMVg</b>	Courts administration (excluding Federal Constitutional Court)	2/36	-	-	0	1	0	-	-	-
<b>BMVg</b>	Legal person under private law	3/n.s.			1	0	2	2	-	-
<b>BMW i</b>	Higher federal authorities	6/8209	-	-	4	0	2	1	3	2
<b>BRH</b>	Higher federal authorities	-	7/50	-	n.a.					

Table h: Corruption awareness and workshops

Remit	Level of the authority	Corruption-awareness measures, including workshops, conducted in the 2015 calendar year			Corruption-awareness measures applied – other than workshops (number of authorities)							Workshops offered in the 2015 calendar year (number of trained staff)
		Number of staff who received corruption-awareness training	Number of staff working in jobs especially vulnerable to corruption who received corruption-awareness training (if statistical data are available)	Number of supervisors and managers who received corruption-awareness training	Discussion with superiors	Discussion with contact person for corruption prevention	Discussion with the department/division responsible for HR and organizational matters	Corruption-awareness measures – no workshops – taken during employee events (such as orientation for new employees)	IT-assisted offerings (no workshops)	Handing out information material (instead of simply displaying it)	Other measures	
AA	Not attributable to a certain level	321	47	48	0	1	0	0	0	1	0	0
BKM	Higher federal authorities	281	5	34	3	1	1	2	0	1	2	1
BKM	Legal person under private law	58	53	46	2	1	1	1	0	1	1	56
BKM	Not attributable to a certain level	411	30	70	4	5	2	6	1	1	3	60
BMAS	Higher federal authorities	509	n.s.	59	0	1	1	0	0	1	0	509



<b>BMF - custom s adminis tration</b>	Higher federal authorities	2	2	0	1	1	1	0	0	0	1	2
<b>BMF - custom s adminis tration</b>	Lower-level federal authorities	5788	424	531	X	X	X	X	X	X	X	1053
<b>BMFSFJ</b>	Higher federal authorities	372	141	18	2	0	0	2	1	1	1	91
<b>BMG</b>	Higher federal authorities	1996	802	199	3	4	2	4	3	3	1	3



<b>BMI</b>	Higher federal authorities	9649	3370	422	7	10	3	10	6	11	4	549
<b>BMI</b>	Lower-level federal authorities	11745	1114	1511	X	X	X	X	X	X	X	557
<b>BMI</b>	Not attributable to a certain level	72	31	3	1	1	1	1	0	2	1	25
<b>BMJV</b>	Higher federal authorities	1044	284	106	2	2	2	0	1	2	1	1044
<b>BMJV</b>	Courts administration (excluding Federal Constitutional Court)	647	193	65	2	2	1	3	3	3	0	28
<b>BMJV</b>	Not attributable to a certain level	229	n.s.	26	0	0	0	0	0	0	1	0
<b>BMUB</b>	Higher federal authorities	1714	1225	121	3	2	2	1	3	3	1	165
<b>BMUB</b>	Not attributable to a certain level	4	n.s.	1	0	0	0	0	0	0	1	0
<b>BMUB</b>	Legal person under private law	25	25	10	0	0	1	0	0	0	0	25
<b>BMVI</b>	Mid-level federal authorities	942	397	3	1	1	1	1	1	1	1	253
<b>BMVI</b>	Higher federal authorities	8863	3484	597	11	13	8	9	8	12	3	1908

<b>BMVI</b>	Lower-level federal authorities	11378	2245	370	X	X	X	X	X	X	X	1133
<b>BMVI</b>	Legal person under private law	310	297	77	2	2	0	1	0	1	0	290
<b>BMVI</b>	Not attributable to a certain level	682	44	81	1	1	0	1	1	0	0	8
<b>BMVg</b>	Higher federal authorities	19636	1778	1241	12	15	5	10	9	13	7	185
<b>BMVg</b>	Mid-level federal authorities	35392	700	1623	55	58	11	27	34	42	28	1503
<b>BMVg</b>	Lower-level federal authorities	61215	1323	2919	113	122	23	111	106	127	122	1877
<b>BMVg</b>	Courts administration (excluding Federal Constitutional Court)	19	n.s.	6	0	0	0	0	0	1	1	0
<b>BMVg</b>	Legal person under private law	175	68	28	1	2	1	2	2	2	1	77
<b>BMW i</b>	Higher federal authorities	4655	834	118	4	5	3	3	2	2	3	271
<b>BRH</b>	Higher federal authorities	1	0	0	0	1	0	1	0	0	0	0

#### ***Annex 4: Further development of corruption prevention measures***

##### **Total federal administration (not including the Federal Ministry of Defence and its remit)**

Action	Number of (groups of) authorities which in 2015 ...		
	... planned (adopted) corruption prevention measures	... launched corruption prevention measures	... implemented corruption prevention measures
New implementation directives	10	15	8
New training measures	102	20	14
Organizational measures	30	71	19
Area- and job-related measures	28	65	13
Ombudsperson	1	7	14
Electronic whistle-blowing option	4	7	9
Other	5	10	6

##### **Federal Ministry of Defence and its remit**

Action	Number of workplace which in 2015 ...		
	... planned (adopted) specific corruption-prevention measures	... launched corruption-prevention measures	... implemented corruption-prevention measures
New implementation directives	37	26	17
New training measures	90	20	13
Organizational measures	51	44	27
Area- and job-related measures	27	22	15
Ombudsperson	6	1	

Action	Number of workplace which in 2015 ...		
	... planned (adopted) specific corruption-prevention measures	... launched corruption-prevention measures	... implemented corruption-prevention measures
Electronic whistle-blowing option	40	40	30
Other	27	15	13