



Permanent Mission of the Republic of Poland
to the United Nations Office and
International Organisations in Vienna

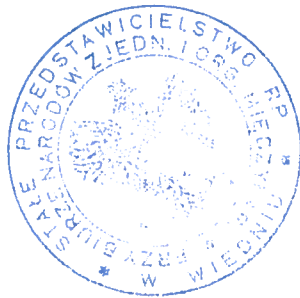
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The Permanent Mission of the Republic of Poland to the United Nations Office and International Organizations in Vienna presents its compliments to the Secretary of the Conference of the State Parties to the United Nations Convention against Corruption and in reply to Note Verbale No. CU 2012/28 (A)/DTA/CEB of 27 February 2012 has the honour to transmit herewith the requested information provided by the Ministry of Interior and the Central Anti-Corruption Bureau of Poland.

The Permanent Mission of the Republic of Poland avails itself of this opportunity to renew to the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption the assurances of its highest consideration.

Encls. 4

Vienna, 24 April 2012.



**Secretary of the Conference of the States Parties
to the United Nations Convention against Corruption
Corruption and Crime Branch
United Nations Office on Drug and Crime
Vienna**

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The Ministry of Interior compiled the draft "Government Anti-Corruption Programme for 2012-2016". The document contains numerous tasks and activities aimed at preventing and combating corruption pertaining to the issues of public-private partnerships, public sector, conflicts of interest and asset declarations as well.

In the context of public-private partnerships, the programme provides for enhancing the legal solutions, which can hamper the possibility of corruption in private sector, including:

- to promote anti-corruption solutions in business through the joint projects,
- to develop common standards of codes of conduct for private sector in relationships with the public administration and other entrepreneurs,
- to review and enhance the legal and organizational mechanisms (in public administration), in order to ensure private sector transparency.

In the context of preventing conflicts of interest and submitting asset declarations, the preparation of the draft government bill on the preventing anti-corruption and conflicts of interest was the fundamental issue in the a/m document. That deed will stipulate the following issues:

- to submit and analyze asset declarations of public officials – provisions in the area of the preventive measures,
- to take the additional classes during and after the civil service – provisions steered on disclosing conflicts of interest.

It is planned to work on enhancing the provisions concerning the financing of political parties.

In the context of enhancing the ethical conduct of public officials, the implementation of anti-corruption education to the training programs for public officials and persons elected to public office was the primary issue in the a/m document, including the professional ethics, the prevention of conflicts of interest, the review of codes of conduct for the particular groups of public officials and other professional groups as well. Moreover, it is planned to develop and implement legal solutions for whistleblower protection.

In order to enhance the public financial management system was planned:

- to improve the monitoring system of the most important privatization of Treasury assets, public tenders as well as the reporting by state authorities and bodies about the observed irregularities and threats to these processes,
- to increase the transparency, competitiveness and impartiality of the public procurements, the assets and public resources management and privatization as well.

The above-mentioned tasks and actions will be implemented by the appropriate ministries and institutions.

Information requested from States parties in relation to conflicts of interest, reporting acts of corruption and asset declarations, particularly In the context of articles 7-9 of the Convention

1. Has your country adopted and implemented articles 7-9 of the UN Convention against Corruption ?

Poland in most cases adopted and implemented UN Convention Against Corruption, for example code of ethics for police officers was introduced. Additionally, according to the law there are proceedings how to inform law enforcement agencies about suspected corruption activities/corruption crimes, committed by public officials – in such cases the law obliges institutions to act appropriately. Moreover, internal institutional regulations determine how to inform about irregularities and crimes within the institution.

2. Please, cite, summarize and, if possible, provide copies of the applicable policy(ies) or measure(s).

Educational policy within the Polish National Police is very important. The police officers, responsible for fight against corruption are participating in various trainings and conferences with the presence of the representatives of private sector, where the knowledge and experience how to prevent and fight economic corruption is exchanged. The examples of real criminal cases, algorithms how to behave when there is a corruption inside the company are presented. The police officers from the Department for Fight Against Corruption, Bureau of Criminal Services, National Police Headquarters, Warsaw are taking part in many international events, connected with the problem of corruption.

Moreover, every police officer in Poland is obliged to present his/her individual material (financial) statement until 31st of March every year, including marital joint property – according to the day of 31st of December, last year. Additionally, the police officer has to present such material (financial) statement when he/she is starting his/her duties as a law enforcement representative, starting additional, extra job, etc. or when the supervisor, responsible for personal things will request it. Material (financial) statements of the top public officials, including police chiefs are published in the Public Information Bulletin seven days after the material (financial) statement had been submitted. Additionally, the material (financial) statements of the top management of the National Police Headquarters, Warsaw are published on official Website, run by the Ministry of Interior, Republic of Poland.

3. Please, provide examples of the successful implementation of domestic measures adopted to comply with articles 7-9 of the Convention.

The Director of the Internal Affairs Bureau, National Police Headquarters, Warsaw is checking the material (financial) statements of the Regional Police Chiefs, Metropolitan Police Chief, Warsaw and his Deputies, the Commanders of Police Academies and his Deputies, Directors of Bureaus from the National Police Headquarters, Warsaw and his

Deputies, Heads of Internal Affairs Units across the country, and Advisors from all Bureaus from the National Police Headquarters, Warsaw.

The Director of the Internal Affairs Bureau, National Police Headquarters, Warsaw after the analysis of these material (financial) statements will secure all these documents in the Secret Secretariat, Bureau of the Protection of Secret Information, National Police Headquarters, Warsaw. Official action will start, if there is inaccuracy in some of the material (financial) statements.

4. Have you ever assessed the effectiveness of the measures adopted to implement articles 7-9 ? Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized.

No data available.

5. Which challenges and issues are you facing in (fully) implementing articles 7-9 of the Convention ?

No data available.

6. Do you consider that any technical assistance is required in order to allow you to fully implement this provision ? Of so, what specific forms of technical assistance would you require ?

No data available.

INFORMATION ABOUT THE FIELD OF ACTIVITY OF THE CENTRAL ANTI-CORRUPTION BUREAU

In reference to a request for submitting relevant information to be discussed by State Parties to the United Nations Convention against Corruption at the third intersessional meeting of the Working Group on Prevention, the Central Anti-Corruption Bureau is providing requested information regarding capacity and responsibility of the Bureau in consideration of the guidance note included in Annex I.

PART I

In response to tackle issues relating to the encouragement the members of the civil service to report acts or suspected acts of corruption we would like to draw the attention to the following handbooks published, amongst other things, by the Central Anti-Corruption Bureau in the course of the last two years:

- “The Anti-Corruption Handbook for Civil Servants”
- “The Anti-Corruption Handbook for Entrepreneurs”

These publications include information regarding acts of corruption, examples of corruption-related behaviours and their algorithms as well as advice directed at civil servants/entrepreneurs exposed to corruption cases. Moreover, the publications point out contact opportunities with the Central Anti-Corruption Bureau and other institutions aimed at prevention and fighting against corruption with the intention of offering further consultation or chance to report suspected acts of corruption crime.

“The Anti-Corruption Handbook for Civil Servants” was conveyed to governmental and non-governmental institutions and had the edition of about 12,000 copies.

“The Anti-Corruption Handbook for Entrepreneurs” was presented officially during the meeting with entrepreneurs. Furthermore, this publication deals with the issue of anti-corruption programmes implemented in companies, envisages exemplary forms of corruption-related behaviours as well as proposes approved reaction models to persons affected by corruption attempts. At present the publication has the edition of 3,000 copies.

Simultaneously, there are organized trainings for civil servants/entrepreneurs during which there are discussed topics presented in the above mentioned publications. These trainings have practical character and run as workshops. There have been organized 560 trainings for more than 13,000 civil servants and employees in 230 institutions until now.

PART II

The preventive and educational activity of the Central Anti-Corruption Bureau was realized as follows:

In the field of own activity the Central Anti-Corruption Bureau gives precedence to anti-corruption measures. Thus, it takes part actively in various seminars and conferences held in this specialist field. Within own competence the Central Anti-Corruption Bureau has realized anti-corruption measures by the following means:

- 1) Organization of trainings for governmental, self-governmental institutions as well as employer's organizations.
 - a) In 2010 there were held 21 trainings for 700 participants.
 - b) In 2011 there were held 531 trainings for 12,280 participants.
- 2) Preparation and publishing of the following publications:
 - a) The Anti-Corruption Bulletin – a popular science periodical
 - b) The Anti-Corruption Handbook for Civil Servants
 - c) The Anti-Corruption Handbook for Entrepreneurs
 - d) 2010 Performance Report, 2011 Performance Report
 - e) The Post-Conference Material. The 1st International Anti-Corruption Conference
 - f) The Institutional Anti-Corruption Activities in the World
 - g) The Anti-Corruption Institutions in the Chosen States
 - h) Anti-Corruption Recommendations on Public Procurement Procedures
 - i) In English: The Anti-Corruption Bulletin, The Anti-Corruption Handbook for Entrepreneurs and Anti-Corruption Recommendations on Public Procurement Procedures.
- 3) Conferences and other preventive activities:
 - a) In 2008:

In December there was activated an anti-corruption web site with the educational and informational background. The web site is available under the name of "Service for

Anti-Corruption Education” at: www.antykorupcja.edu.pl. Its main objective is to realize and support activities promoting behaviours combatting corruption. The web site provides extensive material and documents devoted to the issue of corruption and fighting against it. Furthermore, the Central Anti-Corruption Bureau cooperated with many institutions and non-governmental organizations, dealing within their activities with acts of corruption, such as: the Stefan Batory Foundation, Transparency International Poland, the Institute of Public Affairs, the Sobieski Institute and the World Bank. The representatives of the Central Anti-Corruption Bureau also took part in many conferences and seminars organized by external entities and devoted to the issue of corruption, such as a series of meetings within the project “Little Poland without corruption”.

b) In 2009:

The Central Anti-Corruption Bureau took part in the research project “The problematic nature of anti-corruption strategy and anti-corruption activities in Poland” which was a part of another larger project “The prevention and fighting against organized crime and terrorism in conditions of secure, increasing and sustainable social-economic development”.

c) In 2010:

Beside educational activities, the Central Anti-Corruption Bureau also took part in governmental undertakings under the auspices of the Ministry of Interior and Administration, such as in preparatory works for “The Governmental Programme on Prevention of Corruption”. Moreover, the Central Anti-Corruption Bureau cooperated with the Ministry of Finance during preparatory works for “The Anti-Corruption Programme of Customs Service 2010-2013+”. The main objective of these undertakings was to make preparations for the effective strategy with the intention of preventing corruption and organized crime as well as analysing effective methods of fighting with these forms of crime. The Central Anti-Corruption Bureau continued working within the project “The prevention and fighting against organized crime and terrorism in conditions of secure, increasing and sustainable social-economic development”. Within the project the analysis of jurisdiction in corruption crime and the comparative research in national anti-corruption politics were carried out. An invitation of the Central Anti-Corruption Bureau to take part in this project accepted the representatives of the scientific environment (University of Gdansk, Jagiellonian University in Krakow, Nicolaus Copernicus University in Torun, University of Silesia

in Katowice, the Institute of Justice and the Institute of Public Affairs). Within the cooperation eight research reports and analyses with regard to current legal regulations were prepared. Furthermore, the Central Anti-Corruption Bureau took part in meetings and seminars devoted to the topic of anti-corruption issues and simultaneously took own initiatives in this field. During the conference, directed at the representatives of non-governmental organizations, the Central Anti-Corruption Bureau presented own experience in the field of prevention, disclosure and fighting against corruption. In relation to International Anti-Corruption Day observed annually on 9 December the Central Anti-Corruption Bureau jointly with the Chancellery of the Prime Minister organized a conference to which an invitation was extended to the representatives of governmental agencies, non-governmental organizations, partner services (from Lithuania, Latvia and Romania) as well as officers accredited in Poland. Moreover, there was organized the anti-corruption model-lesson for pupils of the 6th class at the primary school in the headquarters of the Central Anti-Corruption Bureau. This lesson was carried out by experts of the Kosciuszko Institute in the framework of the educational campaign "With small steps... towards the civil society". The Bureau also cooperated with such institutions and non-governmental organizations as: the Stefan Batory Foundation, Transparency International Poland, the Institute of Public Affairs and the Sobieski Institute.

d) In 2011:

On the occasion of International Anti-Corruption Day the Central Anti-Corruption Bureau organized the 2nd Anti-Corruption Conference with the support of the Chancellery of the President of the Republic of Poland and the Directorate-General (Home Affairs) of the European Commission. The meeting under the name of "Good practises within supporting transparency in the public and private sector – The 2nd Anti-Corruption Conference" offered the next forum for integration and debate among various services and institutions interested in wide-ranging prevention and fighting against corruption. The conference was held in the Presidential Palace for 200 invited guests – the representatives of institutions and organizations dealing with prevention and fighting against corruption in Europe – and had an international character owing to the participation of the representatives of anti-corruption institutions settled in many states, e.g. in Lithuania, Latvia, Estonia, Germany, Hungary and Great Britain. On 8 October the Central Anti-Corruption Bureau organized the panel debate under the name "Anti-corruption challenges within public administration and business" during

the conference “The 3rd Generation Gdansk Science and Technology Park. Energetics, biotechnology, commercialization – also from the perspective of persons threatened by social exclusion”. On 15 April the Central Anti-Corruption Bureau took part in the seminar “Good practises by carrying out and implementation of public procurement” during “Europoltech 2011 - International Fair of Technology and Equipment for the Police and National Security Services”. Moreover, the Central Anti-Corruption Bureau organized own exhibition stands during the events “Europoltech 2011 - International Fair of Technology and Equipment for the Police and National Security Services” and “Security Research Conference 2011”. Apart from these undertakings the Central Anti-Corruption Bureau prepared the e-book and audiobook publication available on web sites edited by the Bureau. On 9 December the Head of the Central Anti-Corruption Bureau announced a contest for the best master/doctoral thesis regarding wide-ranging topic of corruption (contest rules are available on the web site of the Central Anti-Corruption Bureau – www.cba.gov.pl). Furthermore, the Central Anti-Corruption Bureau took part in preparatory works for governmental programmes, such as “The Governmental Anti-Corruption Programme 2012-2016” and stated an opinion on it. Opinions were also given on other projects, such as the strategy “Better Government 2011-2020”. The Central Anti-Corruption Bureau also edited two web sites with preventive character: www.antykorupcja.edu.pl (with the web site on Facebook) and www.antykorupcja.gov.pl

4) Further information:

- a) Infoline - there has been activated phone number, free of charge, to report acts of corruption (800-808-808)
- b) Convention of the Consultative Council by the Head of the Central Anti-Corruption Bureau (2 February 2011)
- c) Participation in the Consultation Group “The National Integrity System” (NIS) by Transparency International
- d) Application for the European Union funding of “The Prevention and Crime Fighting Programme”
- e) Publishing other material relating to the topic of the prevention of corruption, e.g. stickers, folders, bookmarks.

PART III

Within asset declarations the Central Anti-Corruption Bureau referred to the following part of Annex I:

- Annex I, part I, point 2 – “identify and address potential conflicts between the professional duties and personal interests of civil servants or elected public officials”;
- Annex I, part I, point 2 – “require asset declarations from civil servants or those elected to public office (States parties are encouraged to provide examples of asset declaration forms where used)”;
- Annex I, part I, point 3 – “the identification of potential conflicts of interest through the use of an asset declaration form and action taken as a result”.

One of the important acts of law referring to the prevention of potential conflicts of interests is the Act of law of 21 August 1997 on the limitation of doing business by persons holding public office – so called the Anti-Corruption Act (Journal of Laws 2006 No. 216, item. 1584 with later abandonments).

In order to identify potential conflicts of interest in consideration of their prevention, the Anti-Corruption Act includes in the article 4 some interdicts for persons elected to public office. They concern:

1. persons holding the highest public leadership positions, e.g. President, Marshal of the Sejm, Marshal of the Senat, Prime Minister, President of National Bank of Poland, provincial governor;
2. persons holding other leadership positions, e.g. directors of government as well as local public offices, members of self-government of communes, counties and voivodeships.

Detailed list of persons within the scope of this Act of law can be found in the following articles: 1, 2 and 8.

Besides interdicts defined in the Act of law persons elected to public office are obligated to produce asset declarations under the penalties of perjury. Apart from particulars regarding certain domains defined in the above mentioned interdicts, persons elected to public office are obligated additionally to produce financial statements one day before assumption of office, on 31 December each year as well as on the day of leaving office. The financial statements include amount of money supply, bonds, immovable and movable properties, including cars.

The Central Anti-Corruption Bureau verifies data presented in asset declarations with own findings owing to controls of produced declarations, observance of the Anti-Corruption Act as well as other relevant indicators.

Non-compliance with the interdicts is misconduct in office and in accordance with the article 5 of the Act of law a subject of disciplinary responsibility. It can serve as a basis for terminating of employment without notice through the fault of employee or for dismissal of an elected official or expiration of the mandate (depending on held position).

Furthermore, persons misrepresenting facts in asset declarations can be prosecuted with a prison sentence of 5 years. In case of violations of lesser importance the perpetrator is risking fine, restriction or imprisonment up to one year.

Non-producing of asset declarations is also misconduct in office and a legal basis for terminating of employment or losing right to payment.

Templates of asset declarations are different depending on groups of persons obligated to produce these declarations. The most popular and simultaneously including the widest group of persons is the template defined according to the Regulation of the President of the Republic of Poland of 4 July 2011 as executive act within the Anti-Corruption Act. The form of this asset declaration is included as annex to this document.

Uwaga: wzór oświadczenia opracowano na podstawie rozporządzenia Prezydenta Rzeczypospolitej Polskiej z dnia 4 lipca 2011 r. w sprawie określenia wzorów formularzy oświadczeń o prowadzeniu działalności gospodarczej i o stanie majątkowym. Dz. U. z 2011 r. Nr 150, poz. 890

Oświadczenie o stanie majątkowym

Ja, niżej podpisany(a),

(imiona i nazwisko)

.....
(w przypadku kobiet podać nazwisko panieńskie)

urodzony(a) w

zatrudniony(a)

(miejsce zatrudnienia, stanowisko lub funkcja)

zamieszkały(a) w

po zapoznaniu się z przepisami ustawy z dnia 21 sierpnia 1997 r. o ograniczeniu prowadzenia działalności gospodarczej przez osoby pełniące funkcje publiczne (Dz. U. z 2006 r. Nr 216, poz. 1584, z późn. zm.), zgodnie z art. 8 tej ustawy oświadczam, że posiadam wchodzące w skład wspólności ustawowej lub stanowiące mój majątek odrębny:

1. Dom o powierzchni: m², położony

adres:

tytuł prawny:

2. Mieszkanie (własnościowe, spółdzielcze własnościowe lub inne) :

adres :

powierzchnia całkowita : m²

tytuł prawny (własność, współwłasność, wielkość udziału) :

3. Gospodarstwo rolne :

rodzaj gospodarstwa :, powierzchnia m²

adres :

rodzaj zabudowy :

tytuł prawny (własność, współwłasność, użytkowanie wieczyste, dzierżawa, inny tytuł – podać jaki) :

.....
Z tego tytułu osiągnąłem (ęłam) w roku ubiegłym przychód i dochód w wysokości :

4. Inne nieruchomości (place, działki) :

powierzchnia : m²

.....
(adres, tytuł prawny : własność, współwłasność, inny tytuł – podać jaki oraz inne dane)

5. Zasoby pieniężne:

- środki pieniężne zgromadzone w walucie polskiej :
-
- środki pieniężne zgromadzone w walucie obcej :
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- papiery wartościowe :
- na kwotę:

II

Nabyłem(am) (nabył mój małżonek) mienie od Skarbu Państwa, innej państwowej osoby prawnej, jednostek samorządu terytorialnego, ich związków lub komunalnej osoby prawnej, które podlegało zbyciu w drodze przetargu :

tak*

nie*

Podać rodzaj mienia, datę nabycia, od kogo

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III

1. a* Nie jestem członkiem zarządu ani rady nadzorczej, komisji rewizyjnej spółki prawa handlowego, ani też członkiem zarządu fundacji prowadzącej działalność gospodarczą.

b* Jestem członkiem zarządu, rady nadzorczej, komisji rewizyjnej spółki prawa handlowego, członkiem zarządu fundacji prowadzącej działalność gospodarczą :

.....
(wymienić pełnione funkcje i stanowiska wraz z nazwami spółek i fundacji)

.....
Z tego tytułu osiągnąłem(ęłam) w roku ubiegłym dochód w wysokości :

2. a* Nie jestem zatrudniony(a) ani też nie wykonuję innych zajęć w spółkach prawa handlowego, które mogłyby wywoływać podejrzenie o moją stronniczość lub interesowność.

b* W spółkach prawa handlowego wykonuję niżej wymienione zajęcia :

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* Niewłaściwe skreślić i uzupełnić wpisując w poszczególnych punktach odpowiednie dane.

3. Z tego tytułu osiągnąłem(ęłam) w roku ubiegłym dochód w wysokości :
- a* Nie jestem członkiem zarządu, rady nadzorczej ani komisji rewizyjnej spółdzielni¹
- b* Jestem członkiem zarządu, rady nadzorczej lub komisji rewizyjnej spółdzielni:
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(podać pełnioną funkcję, nazwę i adres spółdzielni)

Z tego tytułu osiągnąłem(ęłam) w roku ubiegłym dochód w wysokości :

4. W następujących spółkach prawa handlowego posiadam niżej podane udziały lub akcje :
-
- (nazwa spółki – adresy, wielkość udziałów, ilość akcji)

Z tego tytułu osiągnąłem(ęłam) w roku ubiegłym dochód w wysokości :

Równocześnie oświadczam, że w spółce

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moje udziały (lub akcje) przekraczają 10 %.

W pozostałych spółkach prawa handlowego posiadane udziały lub akcje nie stanowią 10 % kapitału.

IV

1. Nie prowadzę działalności gospodarczej na własny rachunek ani wspólnie z innymi osobami, nie zarządzam również taką działalnością ani nie jestem przedstawicielem czy też pełnomocnikiem w prowadzeniu takiej działalności².
2. Prowadzę w wyżej określony sposób działalność polegającą na :

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Z tego tytułu osiągnąłem(ęłam) w roku ubiegłym dochód w wysokości :

¹ Nie dotyczy rad nadzorczych spółdzielni mieszkaniowych.

² Nie dotyczy działalności wytwórczej w rolnictwie.

V

Składniki mienia ruchomego o wartości powyżej 10 000 złotych (w przypadku pojazdów mechanicznych należy podać markę, model i rok produkcji):

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VI

Zobowiązania pieniężne o wartości powyżej 10 000 złotych, złotych tym zaciągnięte kredyty i pożyczki oraz warunki, na jakich zostały udzielone (wobec kogo, w związku z jakim zdarzeniem, w jakiej wysokości) :

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VII

Inne dane o stanie majątkowym :

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Z tego tytułu osiągnąłem(ęłam) w roku ubiegłym dochód w wysokości :

Powyższe oświadczenie składam świadomy(a), że na podstawie art. 14, ust .1, ustawy z dnia 21 sierpnia 1997 r. o ograniczeniu prowadzenia działalności gospodarczej przez osoby pełniące funkcje publiczne (Dz. U. z 2006 r. Nr 216, poz. 1584 z późn. zm.) za podanie nieprawdy grozi kara pozbawienia wolności.

.....
(miejsowość, data)

.....
(podpis)

* Niewłaściwe skreślić i uzupełnić, wpisując w poszczególnych punktach odpowiednie dane.