



# Central Anti-Corruption Bureau 2015 Performance Report

Warsaw, 21 March 2016

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## INTRODUCTION

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The Central Anti-Corruption Bureau is a special service established to fight corruption in public and economic life, particularly in state and local government institutions as well as to fight against activities detrimental to the economic interest of the State. In the course of performing their statutory tasks, the CBA officers exercise operational intelligence, investigative, control, analytical and informative activities, specified by the law. Preventive activities undertaken by the Bureau are also a significant factor of the CBA's performance.

In 2015, the scope of basic tasks assigned to the CBA remained unchanged. Similarly, the key responsibility — which is anti-corruption protection of large public procurements, privatisation projects and other undertakings — ordered under the authorisation of the Prime Minister by the Minister Coordinator of Special Services, was not altered significantly. The anti-corruption protection covered 44 undertakings, half of which were new projects. The Bureau carried out constant cooperation with ministries and other entities responsible for individual tasks included in the protection scheme.

The percentage of investigations which led to prosecution remained at around 2014 levels, and it amounted to 49%. As a result of control activities, detriment to the State Treasury and an exposure to such detriment were revealed, amounting to at least PLN139 million.

In the past year, the Bureau issued several informative and educational publications. The CBA officers carried out 169 courses which provided training for over 8 thousand civil servants from 124 institutions.

In November 2015, the term in office of the then head of the CBA expired due to his resignation. On 28 December 2015, the current Head of the Bureau Ernest Bejda established an auditing team for the evaluation of the performance of the CBA organisational units. The audit ended its works on 29 February 2016. It covered the period from 13 October 2009 to 30 November 2015. The final report was passed to the Coordinator of Special Services.

## I. EVALUATION OF PERFORMANCE OF THE CBA'S ORGANISATIONAL UNITS IN THE YEARS 2009-2015

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The auditing team reviewed the performance of the CBA's organisational units, i.a. within the scope of:

- purposefulness and efficiency of the statutory tasks undertaken,
- organisation and management system,
- human resources, financial and logistics management.

The diagnosed irregularities, which are most important for the implementation of statutory tasks of the CBA, are as follows:

- 1) Intentional acting and omissions by the management of the CBA resulting in the removal of projects for verification from the Bureau, which involved significant public funds, thus increasing the risk of irregularities, including corruption. Focus on issues of marginal importance for the economic interest of the state.
- 2) Cases of inactivity, lack of integrity and consistency in matters belonging to jurisdiction conferred upon the CBA, in particular concerning corruption of persons performing the most important public functions.
- 3) Lack of effective coordination of and supervision over operational intelligence and investigative activities.
- 4) Numerous cases of resignation from the obligation to submit the results of the CBA's analysis to competent entities. Loss of elaborations as a result of their deliberate withholding or prolonged, unjustified adjustments.
- 5) No thorough analysis of issues within the framework of the so-called shield, and further on the anti-corruption protection, while pointing out briefly examined irregularities as the most important achievements of the Bureau.

The above irregularities were influenced, among others, by:

- 1) A conservative attitude of the Bureau's management in cases revealing serious corruption threats in which persons holding the highest positions were involved and in relation to key economic processes in the public sector.
- 2) Lack of effective supervising procedures for operational intelligence and investigative activities.
- 3) Significant restrictions on application of operational methods (e.g. special operations with involvement of undercover agents).
- 4) Lack of internal regulations setting forth the principles of cooperation within the control division (the head office and regional offices). Coordination of activities was based on the indications of the deputy head of the CBA who supervised control issues, and by custom rules.
- 5) Omissions connected with the Bureau's financial management and the obligation to ensure measures facilitating its development. The size and the structure of the CBA's budget in the years 2010-2015 merely allowed to the Bureau's survival, eliminating any possibilities of its development.
- 6) Unjustified prolongation of the recruitment process due to a lack of coordination and monitoring of its stages. Favouritism of one professional group in the recruitment process (numerous cases of leaving the service on preferential financial conditions after a short period of duty were observed).
- 7) Lack of needs analysis while developing an employment structure of the Bureau. It is unadjusted both in terms of the total number of posts as well as individual positions. Lack of employment policy or the structure of posts for this professional group.

- 8) Lack of a concept for managing organisational units and inefficient procedures resulting in decrease in the quality of work.
- 9) Lack of effective tools to conduct credible and reliable statistics in the CBA.
- 10) Ineffective procedures for verification of information submitted to the Bureau.
- 11) Inadequate implementation of tasks pertaining to monitoring of corruption threats at particular stages of the legislation process.
- 12) Lack of necessary amendments in the laws, postulated by the organisational units.
- 13) Lack of one head office of the CBA in Warsaw. The service operates in two buildings – Ujazdowskie Ave. (small size and poor technical condition) and Poleczki St. (commercial rental which results in a significant encumbrance to the CBA's budget).
- 14) Deprivation of the officers and employees of health care. As of 30 November 2015, the CBA ensured exclusively occupational medicine examinations. Ongoing medical care had to be ensured by the officers and employees on their own.

The team recommended i.a. the following remedies:

- 1) Targeting the activities of the Bureau on projects which are of significance to the economic interest of the State.
- 2) Changing the concept of carrying out protective measures.
- 3) Strengthening the CBA by shaping of the priorities of the Bureau so that its activities concerned the systemic protection of the economic interest of the state, which goes beyond the area strictly associated with corruption, by identifying risks and recommending remedies.
- 4) Lack of effective supervising procedures for operational intelligence and investigative activities as well as reinforcement of the coordination system within the control division.
- 5) Obtaining a final head office in Warsaw from the resources of the State Treasury.
- 6) The introduction of an effective structure of salaried positions and modernisation of human resources management, including recruitment to the service and work, an assessment and incentive system.
- 7) Review of internal regulations, guidelines, and procedures in force in order to eliminate unnecessary or malfunctioning regulations.
- 8) An introduction of rules to ensure an effective administration of the Bureau and to change the organisational structure of the CBA.
- 9) An introduction of rules concerning, i.a. the scope and method of collecting data on the activities of the CBA.
- 10) Initiation of activities aiming at a comprehensive amendment of the Act on the CBA as well as an introduction of a single legal act setting out the rules concerning asset declarations and restrictions on carrying out business activities by persons performing public functions.

## II. MAIN AREAS OF THE CBA'S ACTIVITY

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### **1. Operational and procedural activities**

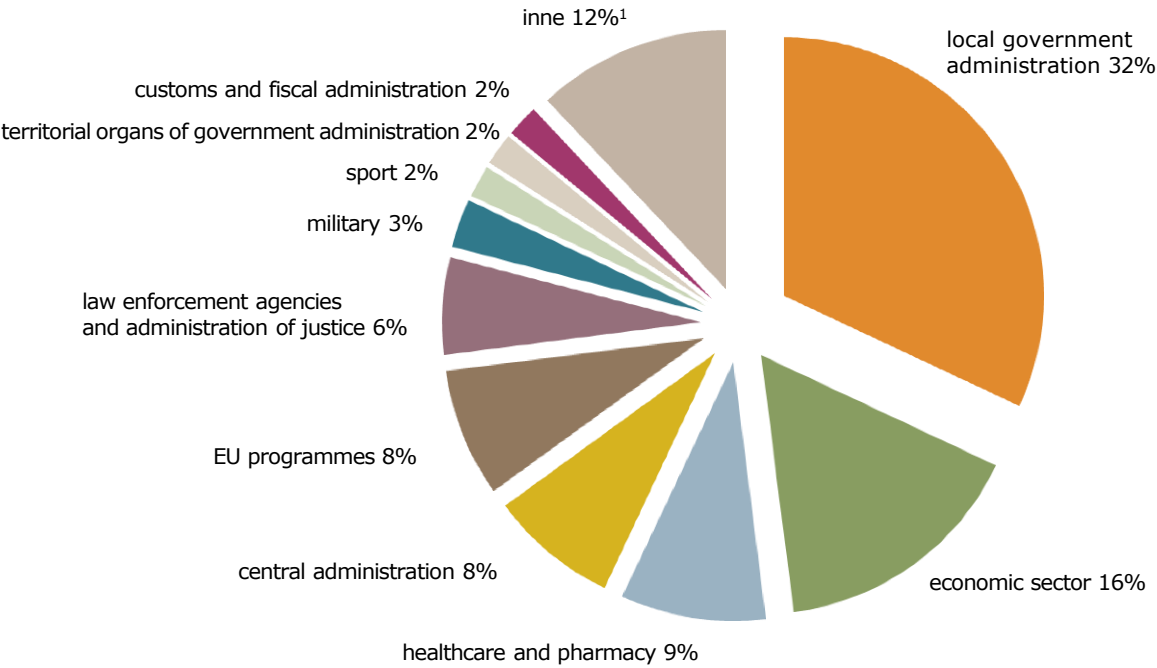
In 2015, 225 operational cases were instituted and 247 were accomplished by the organisational units of the CBA. The total number of cases carried out amounted to 511.

435 preparatory proceedings were conducted. 155 out of 225 initiated proceedings were based on own materials, and 70 were assigned by the Prosecutor's Office. Moreover, 8 previously suspended cases were continued. In 2015, 219 investigations were accomplished. As of 31 December 2015, 246 preparatory proceedings

were pending, including 45 which were suspended. The value of assets secured amounted to PLN17.2 million.

The investigations carried out by the Bureau in 2015 most often related to local government administration and further on to the economic sector as well as the healthcare sector and pharmacy.

THEMATIC AREAS OF PREPARATORY PROCEEDINGS



In 2015, a total of 1,528 charges were presented to 485 persons. A property surety was most often taken as a prevention measure in proceedings carried out by the CBA.

PREVENTIVE MEASURES

TYPE OF PREVENTIVE MEASURES	NUMBER
property surety	114
police surveillance	87
temporary arrest	29
prohibition to leave the country	27
suspension or prohibition to exercise a profession	12
other	17

<sup>1</sup> The category covers thematic areas in which the number of investigations carried out was below 2%. These include e.g. education and higher education.

Indictment was filed in 108 proceedings, 106 proceedings were remitted and 5 were finalised otherwise (e.g. they were included in other proceedings or submitted to other bodies).

### **Examples of preparatory proceedings**

#### *Misappropriation of property entrusted to a trustee in bankruptcy*

The damage caused by a trustee in bankruptcy appointed for *Aquarius* and *Zakłady Mięsne Końskowola* companies amounted to PLN1.2 million. To gain a financial advantage, the trustee made entries of numerous bogus invoices into the companies' accounting books. The preparatory proceedings carried out by a Regional Office of the CBA under the supervision of the District Prosecutor's Office in Lublin ended with the presentation of charges to 4 suspects: a large-scale mismanagement, misappropriation, paid favouritism, and fraud. Temporary arrest was applied to one of the suspects. A property surety and property security were also among the measures applied.

#### *Corrupt projects of traffic organisation*

As a result of an investigation carried out in relation to a civil servant from the Roads and Public Transport Administration in Łódź, the District Prosecutor's Office in Łódź presented 22 charges to 14 suspects, i.a. charges of acceptance of financial advantages or promises thereof. The CBA officers gathered evidence showing that the civil servant willingly approved temporary and permanent projects of traffic organisation as well as works related to road investments in the city in exchange for bribes given by entrepreneurs. The value of the damage amounted to about PLN800 thousand. The following preventive measures were applied to the suspects: police surveillance, property surety, prohibition to leave the country, and prohibition to carry out business activities.

#### *Money for bribes from fuel theft*

In the course of an investigation commenced in 2014, the CBA officers gathered evidence of a criminal activity of an entrepreneur in fuel industry. In exchange for settlement of various issues the businessman has given bribes to deputies, prosecutors, a director of the Regional Directorate of State Forests, and a Polish Army Chaplain. The funds for bribes came mainly from fuel theft to the detriment of the Lotos Group. The Appellate Prosecutor's Office in Warsaw presented 34 charges to 7 suspects - e.g. of venality, bribery, paid favouritism, misappropriation, intentional dealing in stolen property, and mismanagement. Two suspects were temporarily arrested.

#### *Collusive bidding in public procurements launched by the General Directorate for National Roads and Motorways*

The evidence gathered during the preparatory proceedings carried out under the supervision of the Appellate Prosecutor's Office in Białystok allowed to present 30 charges, jointly, on collusive bidding to 3 suspects. It was found that the representatives of several companies rendering services of i.a. road maintenance colluded in tenders launched by the General Directorate for National Roads and Motorways, divisions in Białystok and Olsztyn as well as by the Office of Local Government in Białystok. The entrepreneurs agreed on the content of the bids, fixed the prices, and finally applied the scheme consisting in a withdrawal of the cheapest offers so that the contracting party had to choose one of the most expensive bids. Property surety was applied against the suspects, and the damage amounted to over PLN2.8 million.

### *Extortion from the State Fund for Rehabilitation of Disabled Persons*

On the grounds of the evidence gathered by the CBA officers, the Appellate Prosecutor's Office in Cracow instituted an investigation into an extortion of over PLN14.5 million from the State Fund for Rehabilitation of Disabled Persons by the Finance Brothers owners. The funds were allocated to support the remuneration of disabled employees. 6 suspects, including a well-known Tricity attorney, were presented with 28 charges. All suspects were temporarily arrested.

### *Acceptance of a financial advantage by a regional civil servant from Piaseczno*

An investigation into an acceptance of PLN150 thousand by a regional civil servant carried out under the District Prosecutor's Office in Warsaw ended with an indictment. The bribe was given in exchange for a promise to change the study of land development conditions for Piaseczno, including the land in Wólka Kozodawska. The businessman who gave the advantage expected assistance in a large building investment. As a result, 2 persons were presented with charges. The regional civil servant was temporarily arrested.

### *Acceptance of a financial advantage by persons performing management functions in PZU (insurance company)*

An investigation, under the supervision of the District Prosecutor's Office in Warsaw, was carried out into acceptance of personal and financial advantages by persons in managerial positions at PZU in exchange for favouritism of one of event agencies during the course of awarding procurements for organisation of special events such as picnics, open air events, conferences, and promotional campaigns. So far, 6 persons were presented with 11 charges; property surety and police surveillance were applied against them.

### *Acceptance of financial advantages by UDT (Office of Technical Inspection) inspectors*

The CBA officers revealed that the Warsaw and Rzeszów UDT inspectors refrained from inspection activities required by the law and confirming the technical condition of handling equipment used for construction and road works as well as forestry and transport of goods and persons. The UDT inspectors were given financial advantages in the amounts from several hundred to several thousand Polish zloty. 16 persons were presented with 34 charges.

### *Payment for a bribe*

An indictment against the Mayor of Sulmierzyce was filed with the Regional Court in Krotoszyn by the District Prosecutor's Office in Ostrów Wielkopolski. In March 2015, the Mayor was detained by the CBA officers. The prosecution presented him with charges of acceptance of financial advantages and making official activities conditional on these advantages. The 20-thousand Polish zloty bribe was related to the approval of the payment for construction works due to the entrepreneur. The following preventive measures were applied against the Mayor: property surety in the amount of PLN100 thousand, prohibition to leave the country, police surveillance and suspension in official activities related to the mandate of the Mayor.



## 2. Control activities

In 2015, 803 pre-control analyses were instituted and 769 were finalised. Out of 1,139 analyses over 68% referred to asset declarations and compliance with restrictions on undertaking and carrying out business activities by persons performing public functions. Most often they related to employees of public administration and regional civil servants as well as persons employed in units subordinated to municipalities.

Similarly to previous years, pre-control analysis of taking and implementing business decisions mainly related to public procurements.

### PRE-CONTROL ANALYSIS OF BUSINESS DECISIONS

SUBJECT-MATTER OF DECISIONS	NUMBER OF ANALYSIS
public procurement	214
financial support	38
disposal of state and community property	33
public fund governance	31
granting allowances	27
granting concessions and authorisations	11
privatisation	3
other	3

The findings of 102 pre-control analyses have constituted the grounds for verification of asset declarations or compliance with the Act on Restrictions on Conduct of Business Activities by Persons Performing Public Functions as well as other laws limiting undertaking or carrying out of business activities by persons performing public functions. 48 analysis provided grounds for verification of business decisions as well as:

- filing of 20 notifications of having committed a criminal offence with the Prosecutor's Office,
- filing of 12 requests to institute explanatory, disciplinary or clearance proceedings with competent bodies,
- filing of 3 requests to institute explanatory proceedings or tax or fiscal inspection with Internal Revenue Service,
- in 7 cases, filing of the documentation directly with the authorities carrying out the proceedings, including the Prosecutor's Office in order to attach it to the preparatory proceedings carried out,
- filing of 2 notifications of the breach of public finance discipline,
- submission of documentation referring to 25 cases to other organisational units of the CBA due to the activities carried out,
- initiation of 18 detailed analysis or analysis in other areas.

In 3 cases, a competent registry court was provided with information on non-performance of the obligation set forth in art. 39 item 2 of the National Court Register Act. In one case, the results of pre-control analysis provided grounds for drafting information for the Prime Minister.

The authorities who were provided with the requests, information, and notifications undertook the following activities:

- issued decisions to institute 16 preparatory proceedings,
- issued decisions to present charges to 8 persons,
- carried out 2 other proceedings (explanatory or clearance),
- in 11 cases, attached documentation to preparatory proceedings carried out.

In one case, having carried out a procedure upon the notification filed by the CBA, the spokesperson for public finance discipline submitted a request to impose sanctions for the breach of public finance discipline. In another case, the Director General of the Chief Sanitary Inspectorate revoked his approval to undertake an additional employment by one person. President of a Regional Audit Chamber reported on the use of information provided by the CBA on irregularities in the ongoing comprehensive inspection of financial economy and public procurement, carried out in relation to an administrative district (poviat).

In 2015, the CBA officers carried out 218 controls. 149 controls were instituted and 153 were finalised. Most of them (88%) were conducted summarily. Planned controls constituted 12% of the total number of control procedures carried out.

In 125 cases, asset declarations as well as compliance with the provisions setting out restrictions on undertaking and conduct of business activities by persons performing public functions were verified. Most often they referred to regional civil servants in municipalities or poviats as well as persons employed in units subordinated to boroughs or to the municipality head (starost).

#### VERIFICATION OF ASSET DECLARATIONS

TYPE OF THE PUBLIC FUNCTION PERFORMED	NUMBER OF VERIFICATIONS
municipality civil servants and persons employed in units subordinated to municipalities	45
managers and employees of public administration offices	21
poviat civil servants and persons employed in units subordinated to starosts	14
employees of companies fully owned by the State Treasury	10
voivodship civil servants and persons employed in units subordinated to voivods	9
members of parliament	8
representatives of administration of justice*	7
persons holding state managerial positions under the Act on Remuneration of Persons Holding State Managerial Positions	7
other**	4

\* The category covers verifications of asset declarations of 5 prosecutors, 1 judge, and 1 court referendary.

\*\* The category covers i.a. the employees of public administration agencies, soldiers and officers of uniformed services.

Most of the 93 verifications of business decisions pertained to public procurement, disposal of state and community property and financial support.

## VERIFICATION OF BUSINESS DECISIONS

SUBJECT-MATTER OF DECISIONS	NUMBER OF VERIFICATIONS
public procurement	54
disposal of state and community property	16
financial support	13
public fund governance	6
granting allowances	4

Findings of the verifications provided the grounds for submitting:

- 26 requests to remove from the position held, termination of employment or mandate,
- 29 notifications of having committed a criminal offence,
- 22 applications to the body verified or its supervisory authority in order to find whether or not the following provisions had been breached in the organisational unit verified:
  - the Act on Restrictions on Conduct of Business Activities by Persons Performing Public Functions and other laws providing for restrictions on undertaking or carrying out of business activities by persons performing public functions,
  - connected with procedures related to taking and implementation of decisions referred to in art. 31 item 2 of the Act on the CBA,
- 15 notifications where acts other than those set forth in art. 46 item 2 of the Act on the CBA were revealed, where the law provides for disciplinary or criminal liability,
- 7 pieces of information to the verifying authority where the need to carry out a broader verification occurred,
- 2 requests to voivodes to call competent bodies for passing resolutions on the termination of mandates, removal from positions held or termination of employment relationship,<sup>2</sup>
- in 4 cases, filing the documentation directly with the authorities carrying out the proceedings, including the Prosecutor's Office.

Moreover, in one case, a request was placed for imposing sanctions under art. 5 item 1 point 1 of the Act on Restrictions on Conduct of Business Activities by Persons Performing Public Functions. In 2 cases, the documentation was submitted directly to other organisational units of the CBA in order to include it to the investigation carried out.

As a result of the verifications, the authorities established to carry out preparatory proceedings issued 22 decisions to institute preparatory proceedings. The charges were presented to 5 persons. In 6 cases, the documentation was attached to the preparatory proceedings carried out. One motion for conditional discontinuance of initiated proceedings was also submitted.

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<sup>2</sup> The requests filed under, respectively, art. 98a item 1 of the Local Government Law, art 85a of the Poviats Government Law, and art. 86a of the Voivodeship Government Law.

The authorities and managers of the organisational units<sup>3</sup> with which the requests and motions were filed informed that they undertook activities which resulted in:

- 18 persons were removed from positions held or their employment contract was terminated (including due to retirement) or their mandates were terminated
- 5 persons resigned from exercising a public function,
- in 10 cases, the bodies informed about implementation of post-control recommendations,
- in 3 cases, the bodies instituted explanatory, clearance or other proceedings,
- in one case, the spokesperson for public finance discipline submitted a request to impose sanctions for the breach of public finance discipline.

Moreover, in another case, the spokesperson for public finance discipline found a person guilty of the breach of public finance discipline, imposing a penalty of admonition and encumbering the person with the proceedings costs for the benefit of the State Treasury. In another case, the person under verification returned the accrued tax debt. In two cases, incorrect settlements of benefits in medical facilities were revised. On another occasion, the Chief Commandant of the State Fire Service informed that administration proceedings aiming to leave dwellings were initiated. Also, the Bank Gospodarstwa Krajowego (BGK) summarily terminated a co-financing agreement with a beneficiary. In 5 cases, the bodies refused to remove persons from the positions held or to terminate the employment contract or their mandate.

As a result of verifications carried out by the CBA officers, detriment to the State Treasury and an exposure to such detriment were revealed, amounting to at least PLN139 million.

In 2015, due to the CBA's statutory tasks related to the verification of declarations of interest submitted by candidate members and members of certain bodies, the CBA officers examined 2,903 declarations, among others:

- 789 referred to declarations submitted by the members of and candidates to the Transparency Council<sup>4</sup> attached to the President of the Agency for Health Technology Assessment and Tariff System (AOTMiT),
- 93 referred to declarations submitted by the members of and candidates to the Council for Tariffs Affairs of AOTMiT (CTA)<sup>5</sup> attached to the President of the Agency for Health Technology Assessment and Tariff System (AOTMiT),
- 1,384 referred to declarations submitted by the members of and candidates to the Economic Commission<sup>6</sup> attached to the Minister of Health,
- 637 constituted declarations submitted by medical consultants.<sup>7</sup>

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<sup>3</sup> Under art. 46 item 5 of the Act on the CBA, the bodies and managers of organisational units to which the requests, motions, information, and notifications were submitted are obliged to inform the CBA on the manner and scope of the use thereof.

<sup>4</sup> The Act of 27 August 2004 on Healthcare Services Financed from Public Funds (Journal of Laws of 2015 item 581, as amended). Declarations are due before the appointment to the Council and before each session of the Council. The obligation covers ca. 20 persons.

<sup>5</sup> The Act of 27 August 2004 on Healthcare Services Financed from Public Funds (Journal of Laws of 2015 item 581, as amended). Declarations are due before the appointment to the Council and before each session of the Council. The obligation covers ca. 10 persons.

<sup>6</sup> The Act of 12 May 2011 on Medicine Reimbursement, Special Purpose Food Agents and Medical Products (Journal of Laws of 2015 item 345, as amended). Declarations are due before the appointment to the Commission and before each session of the Commission. The obligation covers ca. 20 persons.

<sup>7</sup> The Act of 6 November 2008 on Medical Consultants (Journal of Laws of 2009 No. 52, item 419, as amended). The obligation covers a total of 1,600 persons.

The verifications carried out last year did not provide reasonable grounds for reservations against persons obliged to submit declarations.

In 2015, the CBA did not receive any declarations filed pursuant to the provisions of the Act on Certain Agreements Concluded in Relation to Implementation of Procurements of Significance to the State Security<sup>8</sup> as no circumstances involving submission thereof occurred.

### **Examples of pre-control analysis and control procedures**

#### *Irregularities in the use of grants awarded by the BGK*

During controls, the CBA officers found irregularities in the use by a beneficiary of financial support awarded in connection with the implementation of the project titled *Innovative technology of linen cloth for dressings supporting treatment of chronic wounds* under the Operational Programme Innovative Economy (OPIE) 2007-2013. While applying for the grant with the BGK, which acted as an Implementing Authority of OPIE 2007-2013, the company representatives submitted a false declaration that the beneficiary requested the President of the Office of Registration of Medicinal Products, Medical Devices and Biocidal Products to issue a permit to manufacture dressings. Additionally, the beneficiary refrained from manufacturing dressings supporting treatment of chronic wounds, and the equipment purchased from the grant was used for purposes other than those indicated in the project. All irregularities found in the course of the inspection were submitted to the Bank which summarily terminated the co-financing agreement and requested the return of the amounts paid to the beneficiary. The Bank filed the inspection report with the Ministry of Economy. The funds paid to the beneficiary under the co-financing agreement amounted to PLN4 million.

#### *Irregularities in awarding dwellings to officers of the Prison Service, the State Fire Service, and the Government Protection Bureau*

During the course of several proceedings carried out by the control division of the CBA, selected procedures for taking decisions on awarding dwellings to officers were examined. They referred to the officers of the Prison Service, the State Fire Service, and the Government Protection Bureau. Numerous irregularities were found, i.a. a decision to award dwellings to persons who had not left the dwellings awarded in previous locations of service or who had a dwelling in the current location of service, constituting a separate real property of a proper usable floor area. Additionally, in the Government Protection Bureau, agreements on an allowance in lieu of resignation from the dwelling were not concluded in due turn. As a result of post-control recommendations referring to the Prison Service, which were submitted to the Minister of Justice and the Director General of the Prison Service, internal procedures were altered. Implementation of post-control recommendations through legislative amendments was also announced. The Chief Commandant of the State Fire Service informed about pending administrative procedures related to leaving of the dwellings. The Minister of the Interior provided information that due to recommendations on the Government Protection Bureau the request for legislative amendments would be taken into consideration during the new parliament's term in office.

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<sup>8</sup> The Act of 26 June 2014 on Selected Agreements Concluded in Relation to Implementation of Procurements of Significance to the State Security (Journal of Laws item 932). The obligation relates to 18-33 persons.

## *Irregularities in asset declarations of the former Minister of Sport and Tourism*

As a result of integrity and veracity verification of asset declarations filed in the years 2010 – 2014 due to exercising the deputy mandate and performing the function of the Minister of Sport and Tourism, the prosecution presented the former minister with 7 charges. Most of them were connected with asset declarations which he filed as a deputy and in which he underestimated his financial resources by amounts from PLN16 thousand to PLN85 thousand as well as suppressed the possession of a car of the value above PLN10 thousand. Another allegation concerned underestimation of his financial means by PLN31 thousand as presented in his declaration submitted in the course of his term in office. One of the charges referred to tax evasion and non-disclosure of the financial means obtained to the Internal Revenue Service.

### **3. Analytical and informative activities**

Analytical and informative activities carried out in 2015 pertained mainly to public procurement, privatisation, government programmes, and the activities performed by selected public institutions. They aimed to identify potential threats to the economic interest of the State, proposal of remedies as well as support to other organisational units of the CBA in the accomplishment of operational intelligence, investigative, and control activities.

In 2015, 14 analytical studies were elaborated as red flags for the President of the Republic of Poland and the Prime Minister.

The anti-corruption protection covered 44 undertakings, half of which were new projects. The Bureau carried out constant cooperation with ministries and other entities responsible for individual tasks included in the protection scheme.

In 2015, the CBA received 15,444 reports, 16.4% of which concerned potential acts of corruption or events which substantiated corruption. Analytical and informative activities were undertaken in relation to all notifications. Reports outside the Bureau's competence were submitted to other institutions and bodies.

## **III. PREVENTIVE ACTIVITIES**

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In 2015, the Bureau's officers continued undertakings arising from the Council of Ministers' Resolution on the 2014-2019 Government Programme for Counteracting Corruption. Particular attention was given to the tasks which aim to develop recommendations on conduct in contacts between a civil servant and petitioner as well as unified organisational standards in public institutions. To this end, a questionnaire on current anti-corruption solutions and associated corruption risks was elaborated, which will be sent to over 3 thousand offices in Poland. In October 2015, in cooperation with the Ministry of the Interior, the CBA organised workshops dedicated to the methodology of anti-corruption assessment of laws. Coordinators from all central administration agencies were invited to participate in the event.

2015 brought the publication of a Polish language version of *Fraud and Corruption Awareness Handbook. A Handbook for Civil Servants Involved in Public Procurement* — a joint publication of the CBA and the World Bank. The handbook presents public investments carried out pursuant to Polish law as well as international competitive bidding. The 5<sup>th</sup> edition of the annual International Anti-Corruption Conference was pictured in the collection of the conference speeches titled *National Anti-Corruption*

*Strategies*. The Polish-English version of the *Central Anti-Corruption Bureau Guidebook* includes basic information on the main objectives and tasks assigned to the CBA, international cooperation, and the Bureau's organisational structure. It also provides contact details of the organisational units of the Bureau. *Anti-Corruption Guidelines for Entrepreneurs* are addressed to the entities owned by the State Treasury. The publication discusses corruption at the interface between public administration and businesses. Last year also brought the 5<sup>th</sup> number of the *Anti-Corruption Bulletin*, dedicated to compliance culture. Furthermore, the next edition of the *Corruption Map* was issued.

In the period in question, the CBA officers participated in 33 conferences and seminars. At the 25<sup>th</sup> Economic Forum held in Krynica-Zdrój, the Head of the CBA participated in two plenary sessions dedicated to shadow economy in Poland and corruption in Ukraine. At the seminar organised by the European Commission in cooperation with the Ministry Infrastructure and Development and also the Stefan Batory Foundation, the Head of the Bureau talked about the threats to the use of the EU funds. At the conference titled *Poland's Anti-Corruption Policy against the Requirements of the United Nations Convention against Corruption (UNCAC)*, held by the Stefan Batory Foundation, the Head of the CBA participated in a discussion on analysis of the UNCAC implementation and the impact of selected, key provisions on the government anti-corruption policy.

The CBA actively participated in the *Government Administration Inspection Study*, organised by the Chancellery of the Prime Minister. The programme of the event, co-developed with the organiser, covered a series of workshops and training courses, in which representatives of the Chancellery of the Prime Minister, the Supreme Audit Chamber, the Polish Agency for Enterprise Development, and the European Commission participated together with the CBA officers. The undertaking consisted in five one-week meetings held from September to November 2015. The CBA presented issues connected with the role and the powers of the Bureau, the functions and control tasks of the CBA and the government administration bodies.

The CBA officers carried out 169 courses which provided training for over 8 thousand civil servants from 124 institutions. The training offer was mainly addressed to institutions participating in the 2014-2019 Government Programme for Counteracting Corruption. The training programme was supplemented i.a. with the issue of good practices in the areas covered by new regulations.

#### IV. INTERNATIONAL COOPERATION

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In 2015, the Central Anti-Corruption Bureau conducted cooperation with foreign partners and international organisations involved in combating crime, with particular reference to the fight against corruption.

The procedures for information exchange via international channels (Interpol, Europol) were continued in cooperation with the International Cooperation Bureau of the National Police Headquarters, and in the case of the Schengen Information System – with the SIRENE Bureau. Moreover, implementation works on the access to SIENA (Europol information exchange system) was finalised. Formal and technical possibilities of cooperation between the CBA and the EURODAC<sup>9</sup> system were developed.

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<sup>9</sup> EUROpean Asylum DACtyloscopy database.

The Special Investigation Service (STT) of the Republic of Lithuania and the Moldovan National Anti-Corruption Centre signed a Memorandum of Understanding on information exchange, experiences and good practices as well as joint training and anti-corruption initiatives.

On the initiative of the CBA's foreign partners, talks on entering into MoUs with the Romanian National Anti-Corruption Directorate and the National Anti-Corruption Bureau of Ukraine were initiated.

In May 2015, the CBA was granted the Regional Anti-Corruption Initiative (RAI) observer status. The organisation was established under a regional treaty ratified by 9 member states: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Moldova, Montenegro, Romania, and Serbia. It deals solely with anti-corruption issues. It aims to ensure credibility and integrity of public institutions in their fight against corruption in the region. The CBA aims to support the Initiative through experts' involvement in anti-corruption projects such as anti-corruption assessment of legislation or prevention of conflict of interest.

The project titled *Rising of Anticorruption Training System*, supported by the EU, was finalised. The closing conference was attended by heads and representatives of services and law enforcement agencies of the countries participating in previous training cycles of the project. The invitees came from: Austria, Azerbaijan, Bulgaria, Croatia, Estonia, Lithuania, Latvia, Macedonia, Moldova, Romania, Slovenia, and Hungary.

Within the framework of another anti-corruption project, also supported by the EU, titled *Prevention of and Fight against Corruption (ISEC)*, the CBA organised 2 events in cooperation with the Austrian Federal Anti-Corruption Bureau (BAK): in Cracow - the opening conference, and in Warsaw - the 2<sup>nd</sup> workshop on formal and legal issues as well as logistic and technical matters.

On 9<sup>th</sup> and 10<sup>th</sup> December 2015, on the International Anti-Corruption Day, the CBA organised an international conference titled *Reinforcement of international cooperation in the field of prevention of and fight against corruption*. About 180 management representatives of Polish and foreign services, government agencies and international organisations took part in the event.

Last year, 36 foreign trips were accomplished by the Head of the CBA and persons authorised to represent the Bureau. 35 conferences, training courses, seminars and study visits, which were held in Macedonia, Belgium, the UK, Estonia, Romania, Austria, Croatia, the Czech Republic, the Netherlands, Bulgaria, Bosnia and Herzegovina, Moldova, Ukraine, Hungary, Slovakia, Lithuania, and France, were attended by 85 CBA officers. Additionally, 2 officers participated in an operational and procedural trip abroad. The CBA hosted 13 study visits of foreign partners.

## V. ORGANISATIONAL ISSUES OF THE SERVICE

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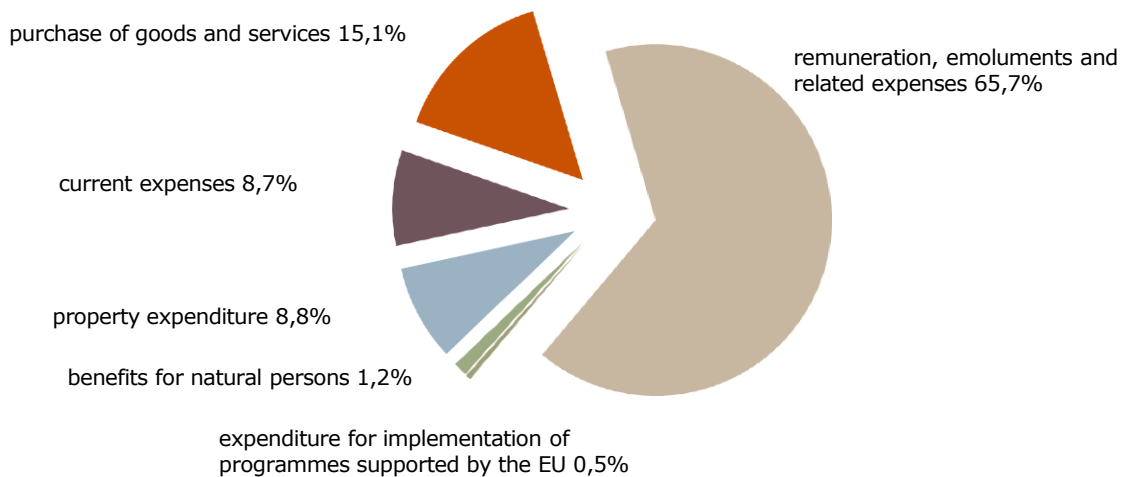
### 1. Service financing

The Budget Act envisaged the amount of over PLN114.5 million for the Central Anti-Corruption Bureau in 2015. The planned expenses were used in 99.9%.

Remuneration, emoluments and related expenses constituted the biggest part of the budget (65.7%), (in 2014 – 65.2 %).



## CBA'S BUDGET STRUCTURE



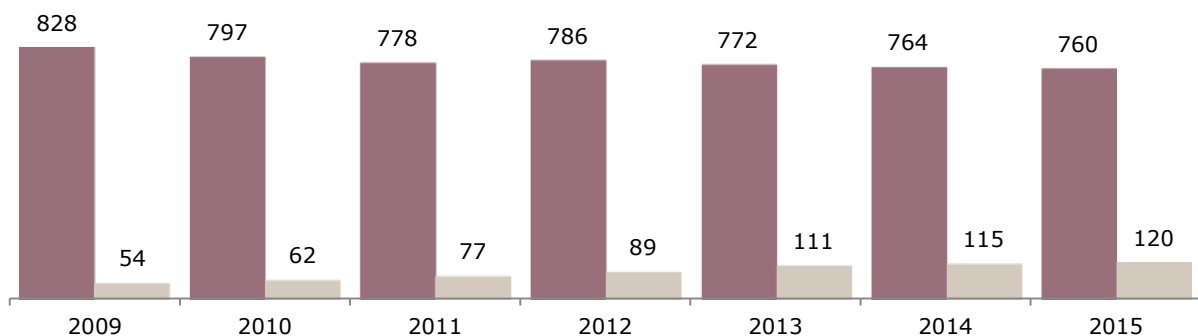
## 2. Logistic situation of the service

For many years, the CBA has had to cope with a lack of premises in Warsaw which would meet the Bureau's statutory needs. The premises at Ujazdowskie Av. does not satisfy basic technical or operational requirements while covering the multi-million costs for current renovation is irrational and will not improve the conditions of service and work. Despite numerous endeavours, some of regional offices of the CBA still encounter difficult conditions of the facilities.

## 3. Number of officers and employees

As of 31 December 2015, the Central Anti-Corruption Bureau employed 760 officers and 120 employees.

### I. EMPLOYMENT IN THE CBA IN THE YEARS 2009-2015



Compared to 2014, the total number of persons employed increased by 1 (in 2014 – 879).

In 2015, 35 officers and 16 employees were hired. At the same time, 53 officers and 10 employees left the service. 27.3% of the positions are vacant. Employees constitute the majority of logistic, finance, and chancellery staff.

#### **4. Training and professional development**

Training courses were organised with respect to the needs resulting from the CBA's statutory tasks as well financial conditions and facilities. 2015 brought 7 specialist courses, 200 improvement and 2 basic ones.

The officers and employees of the CBA raised their qualifications also through college programmes and legal training.