

THE CENTRAL ANTI-CORRUPTION BUREAU

**THE CENTRAL
ANTI-CORRUPTION BUREAU
2010 PERFORMANCE REPORT**

WARSAW 2011

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Table of contents

INTRODUCTION	5
I. BASIC AREAS OF ACTIVITY OF THE CBA	7
1. Operational and legal activities	7
2. Control activities	15
3. Analytical and informative activities	19
II. PREVENTION	20
1. Publications	21
2. Anti-corruption training courses	21
3. Scientific research	22
4. Participation in conferences	23
III. INTERNATIONAL COOPERATION	24
IV. ORGANISATION AND STRUCTURE OF THE CBA	26
1. Organisational structure	26
2. Service financing	27
3. Logistic situation	28
4. Employment situation	29
5. Professional training	30

INTRODUCTION

The year 2010 was a period of serious challenges in respect of an efficient implementation of the statutory tasks of the Central Anti-Corruption Bureau. They referred to the following factors:

- the necessity to adjust the Act on the CBA to the ruling of June 2009 of the Constitutional Tribunal;
- a limited possibility to process data by the CBA;
- the need to reorganise and implement a new model of service management resulting from the audit conducted by the end of 2009;
- staff turnover;
- the alteration to activity priorities, which aimed at focusing on significant issues.

In the ruling of 23 June 2009 (case no. K 54/07), the Constitutional Tribunal questioned a part of the provisions of the Act on the Central Anti-Corruption Bureau referring to the definition of corruption, the procedure for personal data processing as well as inspection connected with control activities. The decision on the unconstitutional character of data processing was of special significance, the more so that the Sejm did not manage to adopt any new solutions before the ruling came into force. Due to the above, on 3 July 2010, some of the provisions of the Act on the CBA lost their binding force, which resulted in the suspension of data processing in internal files for a period of nearly two months as well as precluded the use of external data resources. It resulted in a serious impediment in the implementation of the CBA's statutory tasks. On 2 September 2010, the new regulations took effect, which resulted in the need to draw up administrative acts and work out appropriate mechanisms ensuring an effective protection of the processed data.

The system of personal data protection applied by the CBA aims to ensure that the data are processed in compliance with the principles of legality, purposefulness, substantive correctness, adequacy and time restriction. It is based on the proxy institution to control personal data processing. This solution is to ensure efficient supervision over the

compliance of processing the personal data gathered by the CBA, with the provisions of the Act on the Central Anti-Corruption Bureau and the Act on Personal Data Protection. It is worth noticing that the Central Anti-Corruption Bureau, as the first special service, introduced an internal body supervising personal data processing into its structure.

In order to adjust the Act on the CBA to the decision of the Constitutional Tribunal, the definition on corruption was altered, the *expressis verbis* provision, subjecting the CBA's activity to the Sejm control, was adopted as well as the rules on inspection in the course of control activities were regulated. Other statutory amendments covered, among others, the extension of the competence of the CBA within the scope of prosecuting offences under article 305 of the Penal Code and those set forth in articles 46-48 of the Sports Act of 25 June 2010, as well as the insertion of the provision which enables to undertake cooperation with competent bodies and services in other countries after obtaining the Prime Minister's consent.

Legislative works, which were independent of the CBA, resulted in a considerable extension of the reorganisation of the service. The need to introduce changes arose from the audit ordered by the Head of the CBA, and conducted by the end of 2009. The aim of the audit was to evaluate the management system, the organisation and quality of the tasks carried out by all units of the CBA. The audit revealed many irregularities comprising, among others, a disfunctional organisational model, errors in the service management, incorrect procedure for purchasing and managing real property belonging to the CBA, restrictions on cooperation with other institutions and the information policy attitude focused on media effect, which resulted in a partial disclosure of operational activity. The audit conclusions provided grounds for a new concept of the activity of the CBA as well as for the reorganisation to create a more effective model of the service management. The alterations covered the implementation of a new organisational and employment structure, a reform of human resources and logistic base management, a new information policy model and establishing cooperation with services in other countries.

The resignation from service by many officers was also a factor which influenced the performance of the CBA. It resulted in the necessity to fill the positions with officers from other services.

The modification of the activity priorities was also a matter of significant importance in the implementation of the statutory tasks of the CBA. It was focused on the concentration of powers and measures to deal with matters of the highest importance and to the preventive aspect of the CBA's performance.

I. BASIC AREAS OF ACTIVITY OF THE CBA

In 2010, the activity of the CBA covered, first of all, the prevention of the threats in privatisation, public procurements and the implementation of government programmes connected with spending significant amounts of public funds. Special attention was paid to the monitoring of procedures covered by the „anti-corruption shield”.

Following the „anti-corruption shield”, the CBA initiated activities protecting the EU funds.

Moreover, with regard to the role of the citizens in the area of corruption prevention, much more attention was paid to the educational and preventive aspect of the activity of the Bureau to raise social awareness of the negative impact of corruption on the public sphere, but also on individual citizens.

1. Operational and legal activities

Within the limits of their tasks, the officers of the CBA perform operational and exploratory activities aiming to recognise, prevent and detect corruption offences and offences detrimental to economic interests of the State, as well as inquiry and investigation activities set forth in the Code of Penal Proceedings.

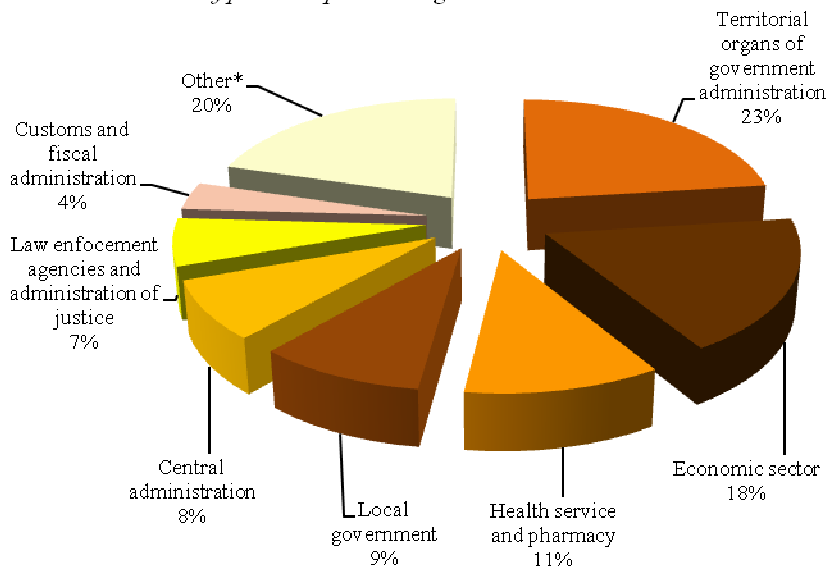
In 2010, the organisational units of the CBA instituted **257 operational cases**, and accomplished **320**. The total number of cases conducted amounted to **586**.

In the same period, **162 pre-trial proceedings**¹ were conducted, **190** accomplished, and the total number of cases conducted amounted to **374**. Corruption cases constituted over 40% of all instituted investigations. The main focus was on pre-trial proceedings referring to complicated criminal acts, especially those detrimental to the economic interest of the State. It must be emphasised that detection activities were significantly aggravated due to the nearly two-month long suspension of the possibility of personal data processing followed by the implementation of new organisational and legal solutions relating to this field.

The investigations referred mainly to the activity of the territorial organs of government administration as well as to the economic sector. The legal proceedings conducted by the Central Anti-Corruption Bureau quite often referred to the units of local government, central administration, law enforcement agencies and administration of justice.

¹ Moreover, last year, the prosecutor's office entrusted the CBA with 15 pre-trial proceedings, which were instituted in previous years but so far they had been conducted by the prosecutor's office or other services.

Areas of pre-trial proceedings conducted in 2010r.



* Among others, implementation of EU programmes, sport, education and higher education.

The results of the activities conducted did not differ from previous years, which, in the context of the above mentioned difficulties, indicates a higher effectiveness of the activities. The example of this may be the total number of the secured property, which in 2010 amounted to PLN 11 million and was similar to the rates in 2006-2009.

- 2006 – PLN 11.5 million,
- 2007 – PLN 12.9 million,
- 2008 – PLN 12 million,
- 2009 – PLN 10.3 million.

In 2010, legal proceedings conducted by the Central Anti-Corruption Bureau resulted in charging **517 individuals** with **1625 offences**. The following prevention measures were applied against the suspects:

- temporary arrest – 41 cases,
- asset surety – 109 cases,
- police surveillance – 50 cases,

Examples of investigations conducted in 2010

Irregularities in Assets Committee

The investigation refers to the irregularities in awarding church legal entities with real property constituting the return or compensation for illegally taken assets. Falsification of evaluation reports by the asset assessor in return for a material advantage and unfavourable disposal of the assets by the Committee members were disclosed. The gathered evidence allowed laying charges against five persons. Among the suspects are: the Committee member representing the government, the proxy for church legal entities, the asset assessor and two entrepreneurs. Altogether, the property of the value of PLN 3.8 million was secured, and one of the suspects was temporarily arrested.

Deception of EU funds governed by the Łódź Branch of the Agency for Restructuring and Modernisation of Agriculture (ARMA)

The officers of the CBA identified the mechanism of the EU programmes fraud: SAPARD, the Sector Operational Programme „Rural Renewal and Development” and the Integrated Operational Programme „Regional Development” governed by the Łódź Branch of the Agency for Restructuring and Modernisation of Agriculture (ARMA). Several dozen business entities as well as associations and employees of the ARMA participated in the practice. The beneficiaries submitted fictitious invoices, to a large extent overstating the value of the investments. They also used the documentation concerning prior financial investments in other EU programmes. The Agency staff enabled to obtain co-financing in return for a material advantage which was reported as compensation for fictitious consulting services. The total amount of the accepted bribes exceeded PLN 1 million. Till the end of 2010, 82 persons obtained the status of a suspect.

Corruption concerning the metro wagons purchase

On the basis of the evidence gathered by the CBA, pre-trial proceedings were instituted in connection with the delivery of a material advantage to the officials responsible for tenders for the purchase of wagons for the Warsaw Metro. Bribes were delivered through a consulting agency which was controlled by a former local government official. Four persons were charged with allegations of tender rigging

through, among others, entering into contracts which were unfavourable for the procuring entity and conducting activities detrimental to the State budget. The former director of the Warsaw Metro is among the suspects. One of the suspects was detained in Barcelona by the Spanish police on the basis of the European arrest warrant.

Tender rigging conducted by the units subordinate to the Ministry of National Defence

The CBA is conducting an investigation on tender rigging organised by the units subordinate to the Ministry of National Defence. As a result of the collusion between the officers and the representatives of the companies accomplishing procurements for the army, the tenders were prepared in a manner facilitating certain subjects winning the tenders. Charges were alleged against 11 persons, including an officer in the General Staff, who was charged with acceptance of a material advantage from the president of one of the companies. The other suspects are, among others, a retired general and the head of the logistic department of the „GROM” military unit, who were charged with allegations of participation in an organised crime group aiming to rig tenders for equipment for the army. 3 persons were temporarily arrested.

Irregularities concerning football pitches construction

The evidence obtained by the CBA allowed to institute proceedings on claiming to have influence over public and local government agencies as well as corruption in public procurement award within the programme „My Football Pitch – Orlik 2012” („MojeBoisko – Orlik 2012”). Five suspects were charged with allegations: the president of the company distributing artificial football ground covers, the director of the Municipal Sport and Recreation Centre in Sosnowiec, the owner and proxy for the construction company and the construction designs architect.

The practice involved making advantage of the contacts between the representatives of the company distributing artificial football ground covers and local government officials to include entries in the tender documentation, favouring the distribution company. In return for the modifications in the design, which specified certain parameters

of the football ground cover, the architects were paid for fictitious, additional services, and the officials received money or they were compensated for their trips abroad.

Abuse of powers in the Bank Gospodarstwa Krajowego (Bank of National Economy) in Rzeszów

The proceedings were related to acceptance of material advantages by the director and the deputy director of the bank branch. They are suspected of exposing the bank, wholly-owned by the State Treasury, to multi-million losses. They were charged with allegations of unlawful deletion of mortgages of 15 dwellings from the land and mortgage register, which constituted the collateral of a loan granted by the bank, thus exposing the bank to a loss of at least PLN 7 million. Another allegation related to abuse of power, negligence and certification of an untrue statement in connection with granting a bank guarantee for the amount of over PLN 5 million, due to which a private company obtained financial means from the Public Enterprise Agency. Currently, there are 5 suspects in the case. One of them is temporarily arrested and on the others property surety of the total amount of PLN 300 thousand was imposed.

Advantage acceptance by the officials of the City Hall in Szczecin

Control activities conducted by the CBA resulted in the investigation concerning uneconomical governance of dwellings and social housing by the City Council in Szczecin. The dwellings were rented unlawfully, and then sold under conditions very favourable for the purchasers. By selling 177 dwellings, the city lost at least PLN 6 million. 31 suspects were charged with 165 allegations altogether (of active and passive corruption, abuse of power and negligence). Control and legal proceedings conducted by the CBA enabled the City Council of Szczecin to submit a civil claim against the beneficiaries of the practice. The court ordered to return the dwellings. The ruling concerned, among others, the President of Szczecin, the Deputy Chief Commander of the State Fire Service (they obtained the dwellings before taking the office) and the Chairperson of NSZZ „Solidarność” (Independent Self- Governing Trade Union „Solidarity”) of the West-

Pomorian Region, as well as a former Voivodship Commander of the Police in Szczecin and the Voivodship Inspector of Commercial Inspectorate.

Advantage acceptance by the chairperson of the City Council in Zabrze

The detention in the course of the acceptance of the financial advantage in the amount of PLN 60 thousand was the grounds for instituting the investigation. The chairperson was charged with 3 allegations of acceptance of material advantages. The suspect was temporarily arrested. Moreover, the gathered evidence allowed completing the allegations of perjury in connection with submitting an untrue statement in the assets declarations and bank loans suppression.

Detention of the business adviser to the President of Lublin

Immediately after the acceptance of a bribe in the amount of PLN 20,000, the business adviser to the President of Lublin was detained. Claiming to have influence on the Presidents of Lublin and Zamość, the person demanded a material advantage in return for facilitating the winning of the tender for street lightening. Temporary arrest was substituted by property surety.

Election corruption in Wałbrzych and Chełm

The activities of the CBA allowed charging 6 persons with allegations in connection with election corruption during local government elections in Wałbrzych. In return for a material advantage, they induced to vote for indicated candidates in the elections to the town council, powiat council and the position of the president of Wałbrzych.

In the course of the presidential elections in Chełm in 2006, voters were induced to vote in a specific manner in return for money or alcohol. The practice disclosed by the CBA allowed filing an indictment against 7 persons.

Falsification of VAT invoices

The CBA is conducting investigation on the falsification of VAT invoices by a construction entrepreneur from Kalisz. In the years 2005–2009, he issued several hundred invoices for rendering services or

sale of goods which actually did not take place. Fictitious invoices were the basis of the decrease in the due VAT and income tax, which resulted in the loss of at least PLN 10 million by the State Treasury. In this case, in 2010, 20 persons were charged with allegations of tax fraud, issuing and using falsified invoices as well as misrepresent the taxation body. Three persons were temporarily arrested, and property surety, ban on leaving the country and police surveillance have been imposed on the others.

Corruption in the State Fire Service

The CBA is conducting investigation on the acceptance of material advantages by high ranking officers in State Fire Service in Lublin. The charges were alleged against 8 persons. The Voivodship Commander of the State Fire Service in Lublin was charged with allegations of the acceptance, along with other persons, of PLN 12,000 from one of the entrepreneurs for ordering a catering service to the unit managed by him while training courses.

Corruption in the health service

An investigation on the acceptance of material advantages for the certification of untrue statements in health documentation resulted in the indictment for six doctors and psychologists, among others the presidents of the hospitals in Piotrków Trybunalski and Bełchatów. Untrue information regarding the treatment and diseases allowed postponing the penalty service or avoidance of penal liability by the suspects. The practice took place in the years 1995–2004.

2. Control activities

Control activities aim to disclose corruption cases in public agencies, abuse by persons performing public functions as well as activities detrimental to the economic interest of the State. Controls are conducted according to an annual control schedule, approved by the Head of the CBA or, where necessary, by application of summary procedure.

Control initiation is dependent on the results of pre-control analysis, which aims at an initial verification of information indicating the cases of non-compliance with the procedures set forth by the law or questioning the correctness and truthfulness of assets declarations. The basis for the

initiation of analyses is the CBA's own sources of information and the applications submitted to the CBA by external subjects.

Last year, **596 pre-control analyses** were conducted, 55% of which referred to business decisions (most of them in public procurements and disposal of state and social property), while 45% to assets declarations.

The subject matter of pre-control analyses, the subject of which were business decisions, covered:

no.	The subject of the decision	N
1.	public procurements	138
2.	disposal of state and community property	75
3.	public fund governance	51
4.	financial support	25
5.	permission award	9
6.	privatisation and commercialisation	6
7.	other*	26

* *It covers, among others, allowance award, exemptions, conduct of business activities with state or community property participation, political parties financing, and tax obligations.*

Pre-control analyses resulted in further activities:

- in 64 cases, the analyses provided grounds for initiating the control of assets declarations or business decisions;
- in 21 cases, the analyses provided grounds for submitting a notification of committing a crime to the prosecutor's office;
- in 21 cases, the analyses provided grounds for submitting a notification of the breach of public finance discipline and applications to competent bodies on instituting explanatory proceedings or control (including tax offices);
- in 12 cases, the analyses provided grounds for submitting the documentation directly to the bodies of the prosecutor's office to be enclosed to the pre-trial proceedings;

- in 44 cases, the analyses provided grounds for submitting the gathered documents to other organisational units of the Central Anti-Corruption Bureau in relation to other activities conducted in the case;
- in 5 cases, the analyses were submitted to competent bodies.

In other cases, the conducted analyses did not provide any grounds for undertaking further activities.

In 2010, the officers of the CBA conducted **97 controls** altogether, from among which 25 were instituted in the previous year. Till 31 December, 55 control proceedings were accomplished.

33% of controls were initiated according to the schedule and 67% by the application of summary procedure. The visible increase in summer controls indicates that, along with gathering experience, the Bureau more and more immediately reacts to the ongoing events and the information on potential irregularities.

From among controls conducted in the period covering the report, 52 concerned business decisions, and 45 involved the verification of the correctness and truthfulness of the data included in assets declarations as well as in declarations on the conduct of business activities by public persons, and also the observation of the provisions limiting the possibility of conducting business activities by persons performing public functions. Most of the proceedings referred to declarations submitted by local government officials, employees of public bodies and members of parliament.

no.	Type of performed public function	Number of controls
1.	municipal government officials	16
2.	employees of public bodies	9
3.	members of parliament	8
4.	poviat government officials	4
5.	employees of companies wholly-owned by the State Treasury	3
6.	high-ranking public officials	2
7.	other	3

From among 52 controls of business decisions, the significant majority constituted summary controls (38), while the scheduled ones were in the number of 14. They covered the following areas:

no.	The subject of the decision	Number of controls
1.	public procurements	24
2.	disposal of state and social property	7
3.	public fund governance	6
4.	privatisation and commercialisation	6
5.	financial support	6
6.	award of subject and object exemptions, allowances	3

The controls resulted in:

- 2 motions for recall from the post;
- 22 motions to the controlled body or the supervising body concerning non-compliance with the regulations in the organisational unit;
- 19 notifications on the suspicion of crime perpetration;
- 4 pieces of information sent to control bodies concerning the need to conduct more extensive control activities;
- 1 notification concerning the disclosure of activities beyond the competence of the CBA;

- 1 motion to the tax office concerning the need to undertake activities in connection with the suspicion of the breach of the Natural-Person Income Tax Act.

The analyses and controls resulted in the CBA's notifications on crime perpetration, in effect of which the bodies competent for pre-trial proceedings issued 27 decisions on instituting the proceedings, charges against 7 persons and indictments for 2 persons.

The control activities conducted by the Bureau disclosed losses in the State Treasury property in the amount exceeding **PLN 586 million**.

3. Analytical and informative activities

Analytical and informative activities of the CBA focus on complex monitoring of public procurements, privatisation processes and selected government programmes for the purpose of initial recognition of potential threats as well as overall evaluation of the situation. The above mentioned activities resulted in reports on identified irregularities or threats, containing proposals of prevention and restructuring solutions, submitted to the Secretary of State in the Chancellery of the Prime Minister, Jacek Cichocki.

In connection with the analytical and informative activities, the CBA continued cooperation with ministries and central agencies with reference to, among others, issues connected with privatisation of companies wholly-owned by the State Treasury (the Ministry of the State Treasury), implementation of the „Happy School” programme („Radosna Szkoła”, the Ministry of National Education) and „My Football Pitch – Orlik 2012” programme („MojeBoisko”, the Ministry of Sport and Recreation) as well as the management of EU funds. The CBA was in contact with, among others, the Supreme Audit Office, Military Property Agency, Main Pharmaceutical Inspectorate, National Fund for Environmental Protection and Water Management.

Corruption reports from external entities (7,973 last year) were an important source of knowledge on corruption cases, events creating favourable circumstances for corruption or for conduct detrimental to the economic interest of the State. In most cases, the reported cases

were beyond the competence of the CBA, however, many of them required verification activities. In 174 cases, the information from whistleblowers was submitted to the locally competent organisational units of the prosecutor's office.

An important initiative which facilitated the citizens to report corruption was the free of charge helpline (800 808 808) established in December, which allowed to receive nearly 3 thousand phone reports. Till November, on average 450 reports were received monthly.

Additional duties of the officers of the CBA involved the implementation of the Act on the Exercise of the Mandate of a Deputy or Senator, on the basis of which the information required by the Chancellery of the Prime Minister was prepared in order to reply to interpellations and deputies inquiries and inquiries concerning current affairs.

II. PREVENTION

Last year, the Central Anti-Corruption Bureau increased the number of activities within the scope of anti-corruption prevention, especially in the field of anti-corruption education. Moreover, the representatives of the Bureau participated in government undertakings conducted under the auspices of the Ministry of Interior and Administration, among others on:

- *Government plan on corruption prevention,*
- *Government plan on organised crime prevention.*

Moreover, the CBA supported the Ministry of Finance in the „Polish Customs Service Anti-Corruption Programme 2010-2013+”.

The above undertakings aimed at an elaboration of an effective strategy for corruption and organised crime prevention by proper diagnosis on effective methods and forms of combating these forms of crime.

1. Publications

On the initiative of the Head of the Central Anti-Corruption Bureau, in 2010 the following publications were issued: „**Anti-Corruption Guidebook for Civil Servants**”, dedicated to persons employed in public and local government administration. The elaboration presents the legal environment, explains the idea of the impunity clause and, above all, describes the most common corruption situations as well as recommendations on conduct. The Guidebook was printed in 11,000 copies and was submitted to the most important state institutions, local government units and NGOs.

Since 2009 the CBA has been publishing „**The state of corruption in Poland on the basis of statistics submitted by services and state bodies**”, referred to as the *Corruption Map*. In October 2010, the second issue of the report was published, in which the main focus was on the effectiveness of the administration of justice in the context of penal sanctions. The publication contains the descriptions of corruption mechanisms and the results of the polls on corruption, conducted in the past years.

„**Anti-Corruption Recommendations on Public Procurement Procedures**” is dedicated to entities which apply the provisions of the Public Procurement Act. The second, updated edition of the guidebook was issued by the CBA in 2009. The aim of the book was to make recommendations on public procurement award and describe the most common irregularities connected with public procurement award and practical recommendations.

The publication „**Anti-Corruption Institutions in Selected Countries of the World**” was different. For the first time, anti-corruption agencies and institutions in selected countries have been overviewed.

All publications are available on the CBA’s website: www.cba.gov.pl and the portal: www.antykorupcja.edu.pl.

2. Anti-corruption training courses

In relations to the „**Anti-Corruption Guidebook for Civil Servants**”, a training course schedule was prepared for the employees of

state agencies. The training courses started in October 2010 and were run by the officers of the CBA, who enriched the presentations with hands-on experience. Till the end of 2010, 700 civil servants were instructed in nine ministries, five central offices and companies wholly-owned by the State Treasury as well as in offices of territorial government administration and local government.

3. Scientific research

The CBA continued works on „Prevention and Combating Organised Crime and Terrorism in a Safe, Accelerated and Balanced Social and Economic Development”, a scientific project commenced in 2009. The CBA is responsible for the component: „Anti-corruption strategy and anti-corruption activities in Poland in the years 2009–2011”. Within the project, analyses were conducted on judgments in corruption crimes and comparative research on anti-corruption policy of the state.

The CBA invited the representatives of academic environment for participation (the Universities of Gdansk, Jagiellonian University, Mikolaj Kopernik University in Torun, University of Silesia in Katowice, The Institute of Justice and The Institute of Public Affairs). In 2010, they prepared eight research reports and analyses on the binding legal solutions, which, in time, can be used to plan the Bureau’s development directions:

- 1) „Analysis of the law in force regulating social and economic areas particularly endangered by corruption, including comparative analysis, with a special focus on penal codification”,
- 2) „Evaluation of the implementation of the 1st and 2nd stage of the government programme on combating corruption – Anti-Corruption Strategy 2002–2009”,
- 3) „Social perception of corruption threats in Poland”,
- 4) „Analysis of anti-corruption regulations in force, including demerits”,
- 5) „Analysis of EU legislative solutions within the scope of anti-corruption law”,
- 6) „Areas, mechanisms and the extent of corruption crimes in public and economic life, as well as the evaluation directions”,

- 7) „Requirements for public impunity – contents and subject scope, proposals for the system of its actual perception, including current monitoring”,
- 8) „Rights and responsibilities of persons performing public functions”.

4. Participation in conferences

Last year, the CBA actively participated in meetings and seminars dedicated to anti-corruption issues, and organised several events of this type. On the conference organised for the NGOs by the Bureau on 12 May 2010, the CBA presented its experience within the scope of prevention, disclosure and fight against corruption.

Due to the International Anti-Corruption Day on 9 December, in cooperation with the Chancellery of the Prime Minister, the CBA organised a conference, inviting the representatives of government agencies, NGOs, special services (Latvia, Lithuania, and Romania) as well as scholars and liaison officers in Poland. Moreover, in the seat of the CBA, a show lesson was organised for the students of the sixth grade of primary school. The lesson was conducted by the experts from the Kościuszko Institute, within the educational campaign entitled „Small Steps towards Civil Society”.

Last year, the Bureau cooperated with institutions and NGOs, among others with the Stefan Batory Foundation, Transparency International Poland, Institute of Public Affairs and Sobieski Institute. Due to this cooperation, the representatives of the CBA participated in the following undertakings:

- 1) The „European Parliament Elections 2009. Monitoring of election funds.” organised by the Stefan Batory Foundation;
- 2) „Professional prevention in schools: theory and practice”. The conference was organised by the University of Economics and Innovation in Lublin;
- 3) The meeting of experts (anti-corruption panel) – Eastern Partnership – Civil Society Forum organised by the Institute of Public Affairs;

- 4) „III conference recapitulating the implementation of electoral promises made by political parties in the course of campaigns” organised by the Anti-Corruption Coalition of NGOs;
- 5) Training courses organised by the Bureau of Control and Audit of the Ministry of Foreign Affairs (the officers of the CBA instructed the civil servants of Polish diplomatic missions in Austria, Uzbekistan and Ukraine);
- 6) The discussion panel with the employees of intelligence and fiscal control as well as the representatives of the Appellate Prosecutor’s Office and the District Prosecutor’s Office in Warsaw – Praga, where the project for standardisation of assets declarations was presented;
- 7) A working meeting with the representatives of the World Bank dedicated to the evaluation of the Polish system of public procurements and the exchange of experience on the operation of public procurement law provisions.

III. INTERNATIONAL COOPERATION

Cooperation with international organisations and other countries’ services aimed at the extension of knowledge on corruption, solutions and tools used abroad as well as the exchange of information on operational and investigation activities. International cooperation is based on the provisions of the Act on the Central Anti-Corruption Bureau and the provisions of the EU and international law in force:

- 1) Council framework decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union;
- 2) Council decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime;
- 3) Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters;

- 4) Council decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime;
- 5) UN Convention against Corruption of 31 October 2003;
- 6) Criminal Law Convention on Corruption of 27 January 1999.

While implementing the provisions of the Act on the CBA which subject cooperation with foreign entities to the Prime Minister's consent, till the end of 2010 the Bureau:

- 1) obtained the consent to cooperate with the services of Czech, France, Kosovo, Lithuania, Germany, Romania, Sweden, Slovakia, Great Britain and Italy;
- 2) moved for consent to cooperate with the services of: Albania, Austria, Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, Spain, the Netherlands, Luxemburg, Latvia, Malta, Slovenia and Switzerland.

The Central Anti-Corruption Bureau continued cooperation with the following organisations and international agencies:

- 1) European Partners Against Corruption/European Anti-Corruption Network - EPAC/EACN (the cooperation involves the exchange of experience and enables the elaboration of standards on anti-corruption services);
- 2) Group of States against Corruption – GRECO (the participation in the works of the Group covers, among others, the participation in the evaluation of other states, which enables to recognise their experience);
- 3) International Anti-Corruption Academy – IACA (the forum for the exchange of experience with foreign partners);
- 4) European Anti-Fraud Office – OLAF (the cooperation enables to raise the qualifications of the officers of the CBA and to use the grants for internal trainings and technical assistance);
- 5) European Police Office – EUROPOL (the cooperation covers mainly the exchange of information and participation in the elaboration of analytical documents);
- 6) International Criminal Police Organisation – INTERPOL (the cooperation allows the access to data bases and INTERPOL's analytical materials as well as enables the contacts with foreign partners who do not have specialised anti-corruption services);

- 7) United Nations Office for Drugs and Crime – UNODC (cooperation within the scope of education, information and anti-corruption prevention);
- 8) Organisation for Security and Co-operation in Europe – OSCE (the cooperation enables to participate in development programmes and enterprise financing within the implementation of the organisation’s mandates);
- 9) EUROJUST (the cooperation allows to increase the speed and effectiveness of international trial and prosecutor’s activities, within the so called joint investigation teams);
- 10) The World Bank (within its competence, the CBA participates in providing opinions on analytical materials).

Within the cooperation with the above bodies, the representatives of the CBA participated in international meetings, seminars and conferences as well as training courses. During the conference entitled *Effective means in preventing/combating conflicts of interests and incompatibilities*, the CBA presented Polish solutions for the control of assets declarations. The Twinning training course for Romanian law enforcement agencies concerning combating money laundering and financing of terrorism was organised with the participation of a CBA’s expert.

Moreover, the Central Anti-Corruption Bureau participates in the international exchange of criminal information concerning operational and trial activities as well as maintains contacts with liaison officers of foreign services accredited at the embassies in Poland.

IV. ORGANISATION AND STRUCTURE OF THE CBA

1. Organisational structure

By way of the Prime Minister’s regulation no. 72 of 6 October 2010 on the statutes assignment to the Central Anti-Corruption Bureau, the structure of the CBA was altered. Due to the restructuring, the Operations and Investigations Directorate was replaced by two organisational units: the Operations and Investigations Department and the Regional Office of the CBA in Warsaw. The Regional Offices

obtained the status of independent organisational units. The current organisational structure covers the following units:

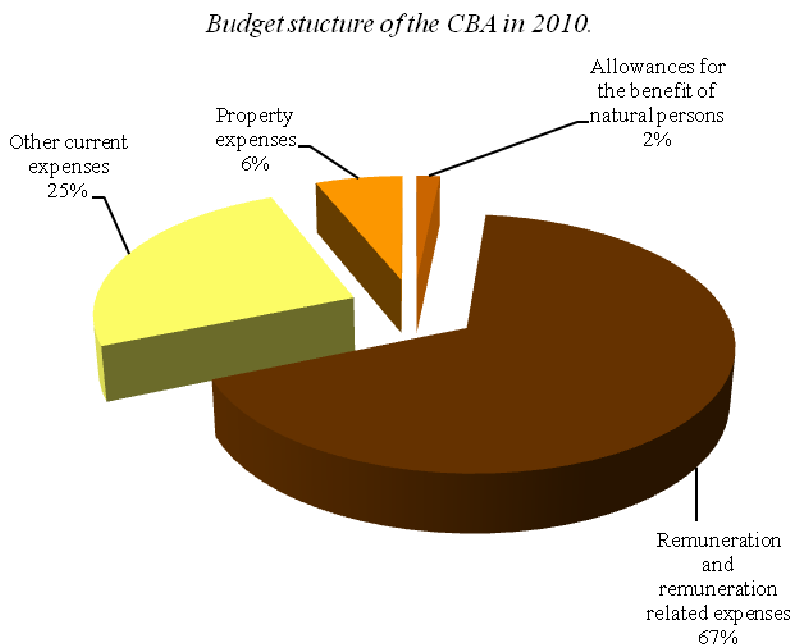
- 1) Operations and Investigations Department,
- 2) Security Department,
- 3) Control Proceedings Department,
- 4) Analysis Department,
- 5) Operational Techniques Bureau,
- 6) Law Bureau,
- 7) Finance Bureau,
- 8) HR and Training Bureau,
- 9) Logistics Bureau,
- 10) IT Bureau,
- 11) Control and Internal Affairs Bureau,
- 12) The Cabinet of the Head of the CBA,
- 13) Internal Auditors' Unit,
- 14) the Regional Office in Białystok,
- 15) the Regional Office in Gdańsk,
- 16) the Regional Office in Katowice,
- 17) the Regional Office in Kraków,
- 18) the Regional Office in Lublin,
- 19) the Regional Office in Łódź,
- 20) the Regional Office in Poznań,
- 21) the Regional Office in Rzeszów,
- 22) the Regional Office in Szczecin,
- 23) the Regional Office in Warszawa,
- 24) the Regional Office in Wrocław.

The alterations resulted in the adjustment of the local competence of the regional offices to the territorial division of the state while in the previous years it covered the jurisdiction of appellate prosecutors' offices.

2. Service financing

Pursuant to the Budget Act, the amount of over **PLN 107 million** was dedicated to the activity of the Central Anti-Corruption Bureau. The actual expenses were slightly lower and amounted to **PLN 106.6 million** (99.6% of the plan).

The biggest part of the CBA's budget (over 2/3 of the expenses) was consumed by remunerations and remuneration-related payments. Property expenses constituted only 6% of the financial plan.



3. Logistic situation

Last year, the logistic situation was one of the basic problems of the Bureau. Due to the lack of real property in the resources of the State Treasury, which would provide proper work conditions, it was necessary to search the commercial market. Taking into consideration the limited budget resources, despite the undertaken endeavours, the accommodation situation of the regional offices did not improve. The CBA continues its efforts to obtain permanent management over real property for a part of its regional offices.

It must be noted that also the main seat of the CBA does not possess one building satisfying the needs of the service. This results in the need to provide transportation between two remote premises, which bears additional expenses and limits the effectiveness of the CBA's performance.

However, an improvement in the IT infrastructure of the Bureau was observed. Last year, the implementation of the Central Information System was accomplished in all units of the CBA. This system unifies access to many open information sources, which allows sending one inquiry to many sources as well as the integration of received replies into one document. Also the several-year long works on tender procedure were accomplished, which resulted in entering into contract for the building of the ERP system dedicated to the staff, financial and logistic service. It will allow integrating information scattered in different data bases of the CBA.

4. Employment situation

As of 31 December 2010, the Central Anti-Corruption Bureau employed **797** officers and **62** civil servants. Last year, 44 officers were accepted into the service and 11 civil servants employed. However, due to the resignation from the service of 75 officers and 11 civil servants, the staff number decreased.

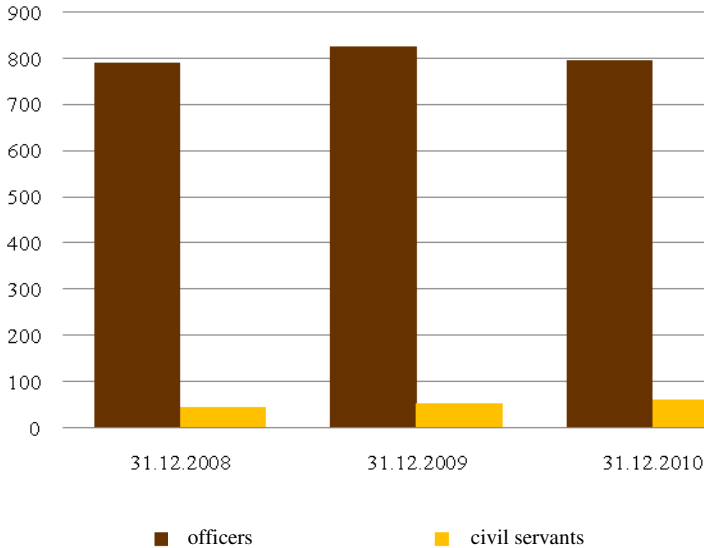
As a result of the reorganisation of the CBA, a uniform employment structure was implemented. The positions allocation was adjusted to the needs of the service, extending the promotion path². Due to the alteration of the human resources management policy, the number of senior staff was limited in relation to the total number of staff (in October 2009, the fraction was 17.4% and after the reorganisation 11.2%), thus eliminating the increase reported the previous year.

Taking into consideration the need for reasonable use of human resources, it is worth noticing that the number of civil servants increased in relation to the total number of staff. The intention was to entrust support positions to civil servants, including logistics, finance and chancellery.

² Instead of four executive positions (inspector, agent, special agent, expert) there are eight of them (additionally: junior inspector, senior inspector, junior agent, senior agent).

5. Professional training

Employment in the CBA in 2010



The training process of the officers of the CBA was adjusted to current needs connected with the performance of statutory tasks of the Bureau. To raise the qualifications of the CBA's officers, training courses were organised, the contents of which covered a wide range of topics, among others protection of classified information (due to the new act entering into force), functioning of the Electronic Asset Recovery System and criminal analysis. In 2010, e-learning was used for the first time as a new form of education. In cooperation with the Department of Financial Information of the Ministry of Finance, a part of the training course on money laundering and financing of terrorism was conducted in this way.

Professional training was conducted by the CBA's training staff as well as experts from other public agencies, among others the Internal Security Agency, which allows using the Agency's training base for the purpose of raising the professional qualifications of the officers of the CBA.

Moreover, similarly to previous years, postgraduate and doctoral studies as well as postgraduate legal trainings constituted an important element of raising professional qualifications.