

Note: The English working translation of the Government Programme for Counteracting Corruption for the years 2018-2020 is provided by the Central Anti-Corruption Bureau solely for information purposes. The CBA takes no responsibility for the accuracy and completeness of this translation. The Polish language version published in the Monitor Polski should be considered the only authentic text of the Programme.



MONITOR POLSKI

The Official Journal of the Republic of Poland

Warsaw, 5 January 2018

item 12

**Resolution No. 207
of the Council of Ministers**

of 19 December 2017

on the Government Programme for Counteracting Corruption for the years 2018-2020

Pursuant to Art. 19 par. 2 of the act of 6 December 2006 on the Principles of Conducting Development Policy (Journal of Laws of 2017, item 1376 and 1475), it is resolved as follows:

§ 1. The Government Programme for Counteracting Corruption for the years 2018-2020 is hereby established, hereinafter referred to as the "Programme", constituting an appendix to this Resolution.

§ 2. 1. The Programme is implemented by the bodies and entities listed in it.

2. The implementation of the tasks of the Programme is coordinated by the interministerial Team appointed by the President of the Council of Ministers.
3. The work of the Team referred to in paragraph 2 is directed by the Chairman of the Team, who is the Head of the Central Anti-Corruption Bureau.

§ 3. 1. Entities performing tasks provided for in the Government Programme for Counteracting Corruption for the years 2014-2019 shall submit reports on the implementation of this Programme in 2017 by 31 March 2018.

2. A final report on the implementation of the Government Programme for Counteracting Corruption for the years 2014-2019 shall be prepared on the principles provided for in this Programme until 30 June 2018.

§ 4. Resolution No. 37 of the Council of Ministers of 1 April 2014 on the Government Programme for Counteracting Corruption for the years 2014-2019 (M.P. item 299) is repealed.

§ 5. The Resolution shall enter into force on the day following the day of announcement.

President of the Council of Ministers: *M. Morawiecki*

Appendix to the Resolution No. 207 of the Council of Ministers
of 19 December 2017 (item 12)



**Government Programme for Counteracting Corruption
for the years 2018-2020**

*Central Anti-Corruption Bureau
Warsaw 2017*

Table of contents

1. Assumptions and systematics of the Programme	4
2. Diagnosis of the phenomenon of corruption crime and the system for counteracting and combating it	7
2.1. Diagnosis of the phenomenon of corruption crime	7
2.2. Diagnosis of the functioning of the system for counteracting and combating corruption crime	15
3. Objectives of the Programme	21
3.1. Objectives: the main and the specific	21
3.2. Basic indicators of the main objective	22
3.3. Supporting indicators of the main objective	22
3.4. Basic indicators of the specific objectives	22
3.5. Supporting indicators of the specific objectives	22
4. Mechanisms of the implementation of the Programme	23
4.1. Elements determining the effectiveness of the system for counteracting and combating corruption crime	23
4.2. Action plan	26
4.3. Implementation and evaluation of the Programme	32
4.4. Financing of the Programme	34

1. Assumptions and systematics of the Programme

Introduction

Corruption crime is a phenomenon that is always present in social life. Only its scope and impact on social life, in particular on the economy, remain diversified. Combating corruption does not only consist in repressive measures, but also in prevention. Effective fight with this form of crime requires, first of all, diagnosing conditions conducive to its emergence. Threats can be expected where public institutions and economic entities show the highest activity, as well as where public funds are spent.

Corruption is a concept difficult to define as it is a multi-faceted and complex phenomenon. Legal definition of corruption was formulated in the Act on the Central Anti-Corruption Bureau.¹

Corruption, as defined in the Act on the CBA is an act which:

- 1) involves **promising, proposing or giving, directly or indirectly**, of any undue benefit by any person to a person performing a public function for themselves or any other person, in return for acting or omission to act in performing the person's function;
- 2) involves **demanding or accepting by a person performing a public function, directly or indirectly**, of any undue benefit for themselves or any other person, or accepting an offer or promise of such benefit in return for acting or omission to act in performing the person's function;
- 3) is perpetrated **in the course of business activities**, including the accomplishment of obligations towards the public authority (institution), involving **promising, proposing or giving, directly or indirectly**, of any undue benefit to a person who manages a unit which does not belong to the public finance sector, or who works for the benefit of such unit in any capacity, for themselves or any other person, in return for acting or omission to act, which breaches their obligations and constitutes a socially detrimental reciprocity;
- 4) is perpetrated **in the course of business activities**, including the accomplishment of obligations towards the public authority (institution), involving **demanding or accepting, directly or indirectly**, of any undue benefit by a person who manages a unit which does not belong to the public finance sector, or who works for the benefit of such unit in any capacity, for themselves or any other person, in return for acting or omission to act, which breaches their obligations and constitutes a socially detrimental reciprocity.

It was considered advisable to prepare a strategic document in the form of the Government Programme for Counteracting Corruption for the years 2018-2020, hereinafter referred to as the "Programme". It will allow to define and clarify the directions of the State's activities in the area of identifying, preventing and detecting corruption crimes.

This document also constitutes an implementation of a concept of a comprehensive approach to corruption crime in the country. Within the subjective scope, it means deepening cooperation between services, authorities and institutions involved in counteracting and combating this form of crime. On the other hand, from the objective side, this concept means using all available instruments and tools to counteract and combat corruption crime, provided that they will complement each other and help achieve the optimal effect.

Correlation with other strategic documents

The said document, in accordance with the provisions of the Act of 6 December 2006 on the Principles of Development Policy (Journal of Laws of 2017, item 1376 and 1475), is an operational and implementation document resulting from the international obligations of the Republic of Poland in the fight against corruption, including:

¹ Act on the Central Anti-Corruption Bureau (Journal of Laws of 2017, item 1993).

- the Civil Law Convention on Corruption drawn up in Strasbourg on 4 November 1999 (Journal of Laws of 2004 No. 244, item 2443),
- the Criminal Law Convention on Corruption drawn up in Strasbourg on 27 January 1999 (Journal of Laws of 2005, item 249) and the *Additional Protocol to the Criminal Law Convention on Corruption* drawn up in Strasbourg on 15 May 2003 (Journal of Laws of 2014, item 981),
- the Resolution (97) 24 *on the Twenty Guiding Principles for the Fight Against Corruption*, adopted by the Committee of Ministers on 6 November 1997 at the 101 session,
- the Resolution (99) 5 establishing the Group of States Against Corruption (GRECO), adopted on 1st of May 1999 at the 103 session,
- the United Nations Convention against Corruption, adopted by the General Assembly of the United Nations on 31 October 2003 (Journal of Laws of 2007, item 563),
- the OECD Convention on *Combating Bribery of Foreign Public Officials in International Business Transactions* drawn up on 17 December 1997 in Paris (Journal of Laws of 2001, No. 23, item 264),
- the Commission Decision of 28 April 1999 establishing the European Anti-fraud Office (OLAF) – notified under document number SEC (1999) 802 (1999/352/EC, ECSC, Euratom) – OJ L 136, 31.5.1999, p. 20,
- the Commission Decision of 27 September 2013 amending Decision 1999/352/EC, ECSC, Euratom establishing the European Anti-Fraud Office (OLAF) (2013/478/EU) – OJ L 257, 28.09.2019, p. 19,
- the Council Framework Decision 2003/568/JHA of 22 July 2003 *on combating corruption in the private sector* – OJ L 192, 31.7.2003, p. 54,
- the Council Framework Decision of 26 June 2001 *on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime* (2001/500/JHA) – OJ L 182, 5.7.2001, p. 1,
- the rectification of the Council Framework Decision of 26 June 2001 *on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime* (2001/500/JHA).

While creating the Programme, the need to maintain coherence with the *Strategy for Responsible Development for the period up to 2020 (including the perspective up to 2030)*², adopted by the Council of Ministers on 14 February 2017, which is an update of the *National Development Strategy 2020*.³

The Government Programme for Counteracting Corruption for the years 2018-2020, like previous governmental programs, is to constitute a basic tool enabling the State to pursue an effective anti-corruption policy. In turn, the Action Plan, constituting Chapter 4.2 of this Programme, will be an instrument that will allow to monitor the progress in implementing the Programme.

The Programme was formulated on the basis of previous experience in implementing the government's *Anti-Corruption Programme – Anticorruption Strategy – I and II stage of implementation* and the *Government Programme for Counteracting Corruption for years 2014-2019*. Above all, however, it is the result of experiences and expectations from the services and authorities established to recognize, prevent and detect corruption crime in Poland.

² Resolution of the Council of Minister No. 8 of 14 February 2017 (M.P. item 260).

³ Resolution of the Council of Minister No. 157 of 25 September 2012 (M.P. item 882).

Structure of the Programme

The Programme presents *a diagnosis of the phenomenon of corruption crime and a diagnosis of the functioning of the system for counteracting and combating corruption crime*.

The *diagnosis of the phenomenon of corruption crime* presents selected information on the specifics, scale and basic areas of the occurrence of this form of crime.

On the other hand, *the diagnosis of the functioning of the system for counteracting and combating corruption crime* presents the basic regulations, significant from the perspective of counteracting and combating corruption crime, as well as the scope of competences of the services and authorities appointed to counteract it.

Based on the indicated diagnoses, *the objectives of the Programme* were formulated: the main objective and specific objectives as well as the measures of their implementation.

Next, *the mechanisms of the implementation of the Programme* were presented, including information on the elements determining the effectiveness of the system for counteracting and combating corruption crime, *the Action Plan*, description of the implementation and evaluation of the Programme and the method of its financing.

The key element of the document is *the Action Plan*, which lists the tasks aimed at improving the state's effectiveness in counteracting, recognizing and preventing corruption crime, as well as indicates the Programme implementers.

Time frame

The implementation of the Programme was planned in a three-year perspective (2018–2020). The adopted period, the same as the implementation period of *Strategy for Responsible Development for the period up to 2020 (including the perspective up to 2030)*⁴, will enable the implementation of goals set for it.

Responsible subjects

The Programme was prepared by the Central Anti-Corruption Bureau. In its drafting, the CBA's own materials and materials from authorities established to identify, counteract and detect corruption in the country were used. The subjects indicated in *the Action Plan* will be responsible for the implementation of tasks and activities under the Programme.

Directions of intervention in the territorial scope

The Programme is a governmental document, the objectives adopted in it and the specific tasks to its implementation envisage the introduction of new legal and organizational solutions at the national level.

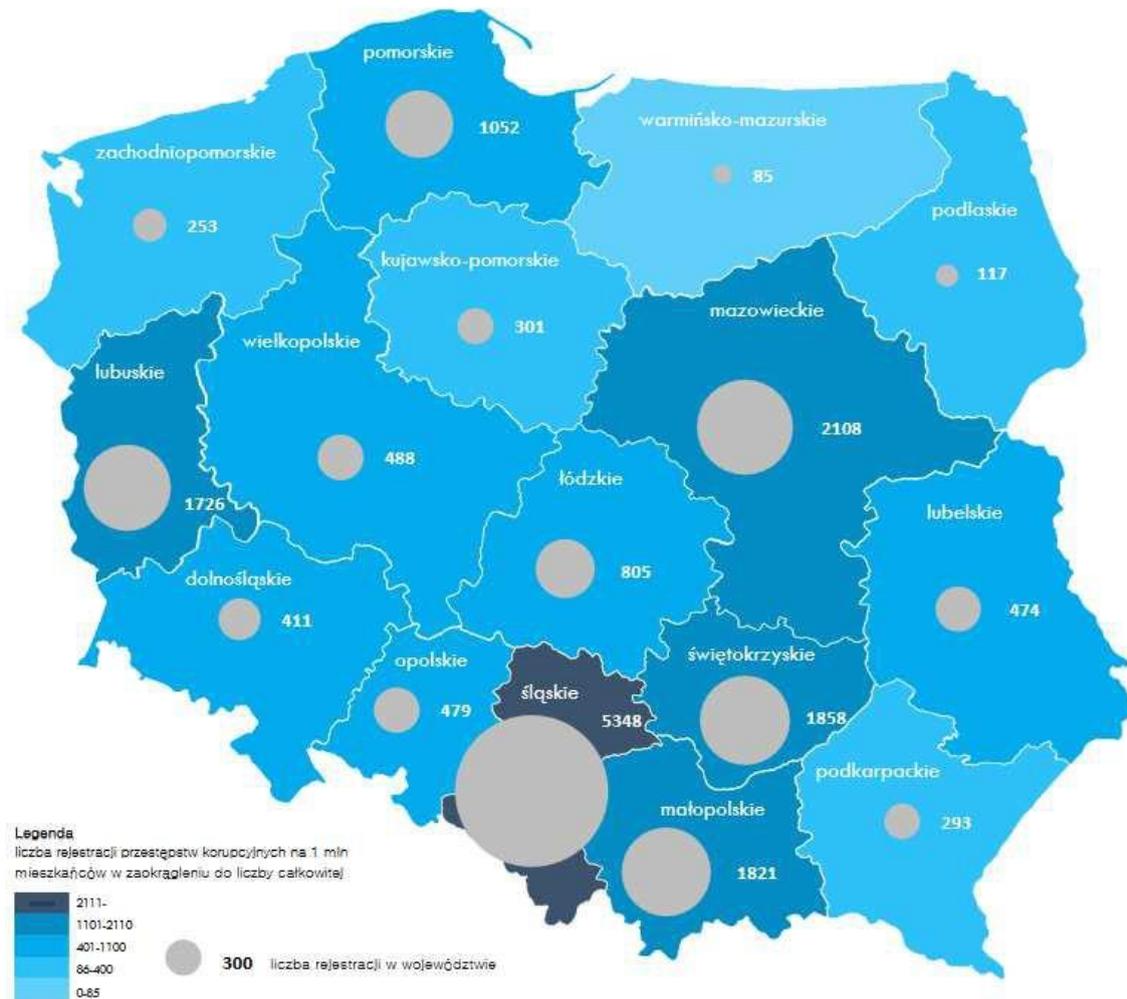
The assumptions of the Programme are horizontal, however, it is implemented on the scale of all administrative structures of the country, in particular with regard to 16 voivodeships. Although the direct addressees of the tasks included in the Programme are central authorities, and the scale and intensity of corruption crime varies depending on the region of the country⁵, the solutions proposed in the document will contribute to the increase of the effectiveness of relevant services, authorities and institutions, regardless of place and scope of their tasks. As far as possible, the tasks included in *the Action Plan* will be carried out taking into account the local

⁴ *Strategy for Responsible Development for the period up to 2020 (including the perspective up to 2030)*: “(...) The Strategy sets out a new development model – a sovereign strategic vision, principles, goals and priorities for the country's development in the economic, social and spatial dimensions up to 2020 and in the perspective up to 2030. For these two dates, determining the stages of the implementation of the Strategy, the values of indicators have been determined. They illustrate the desired effects of implementing the objectives adopted in the document (...)”, p. 5.

⁵ *The Corruption Map – Combating corruption crime in Poland in 2015*, Central Anti-Corruption Bureau, Warsaw 2016.

specificity of the threat of corruption crime.

Chart No. 1 Registrations of corruption crimes in the National Criminal Information Center in 2015, with the division into voivodeships



Source: National Criminal Information Center, Central Statistical Office, for: *The Corruption Map – Combating corruption crime in Poland in 2015.*

2. Diagnosis of the phenomenon of corruption crime and the system for counteracting and combating it

2.1. Diagnosis of the phenomenon of corruption crime

2.1.1. Multidimensionality of the phenomenon of corruption crime

Corruption is a complex and multi-faceted phenomenon. Colloquially, corruption is primarily identified with giving and accepting bribes. Less frequently it is associated with other behaviors such as favoritism, nepotism or cronyism. Corruption disturbs the flow of goods and services within the economic system and at the interface between the economy and the private sector. It is harmful not only from economic, but also from a social point of view.

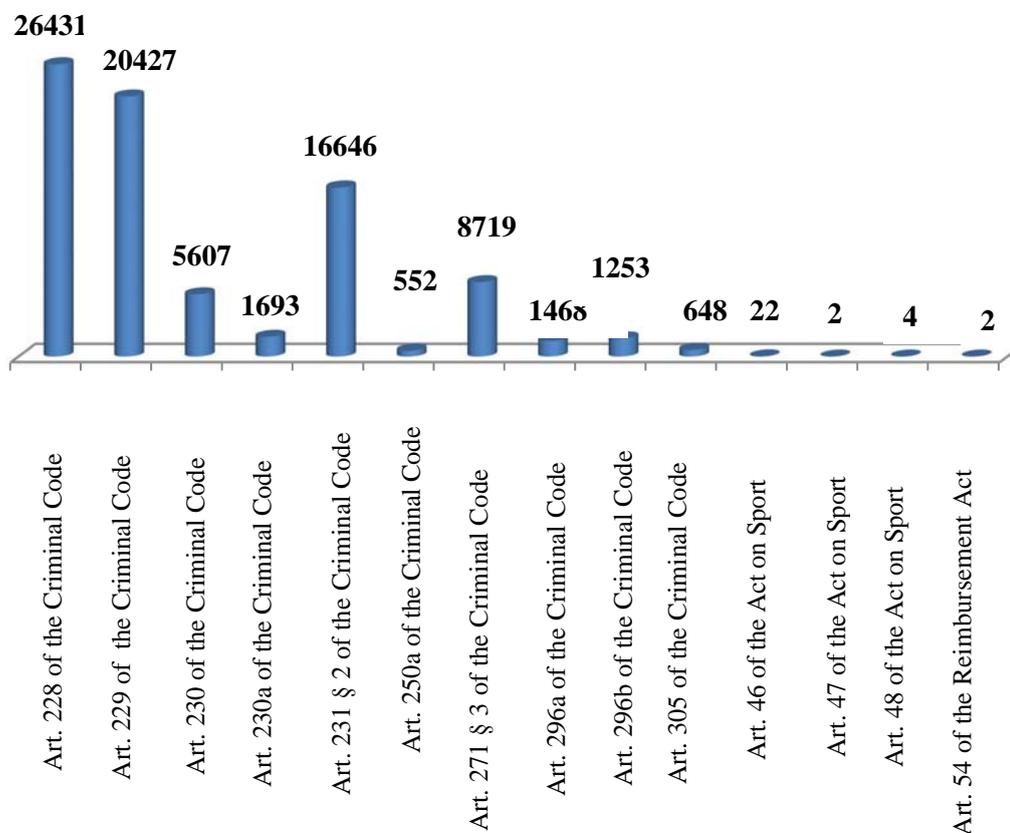
Combating corruption is not only a moral choice, resulting from the belief that limiting this problem for democratic, free market societies will bring greater benefits than its toleration, but above all the need for a systemic and institutional opposition to this phenomenon.

Corruption crime has a supra-regional dimension. This means that it can be committed both on the territory of the Republic of Poland, as well as be of cross-border nature. It should also be emphasized that corruption-related crime is inextricably linked to economic crime, including money laundering.

2.1.2. Scale of corruption crime in Poland

The corruption offenses revealed by individual services in the years 2007–2015 are as follows:

Chart No. 2 Number of corruption crimes registered at the National Criminal Information Center in the years 2007-2015 by the Police, the Central Anti-Corruption Bureau, the Internal Security Agency, the Border Guard, the Military Gendarmerie, with division into legislative classifications:

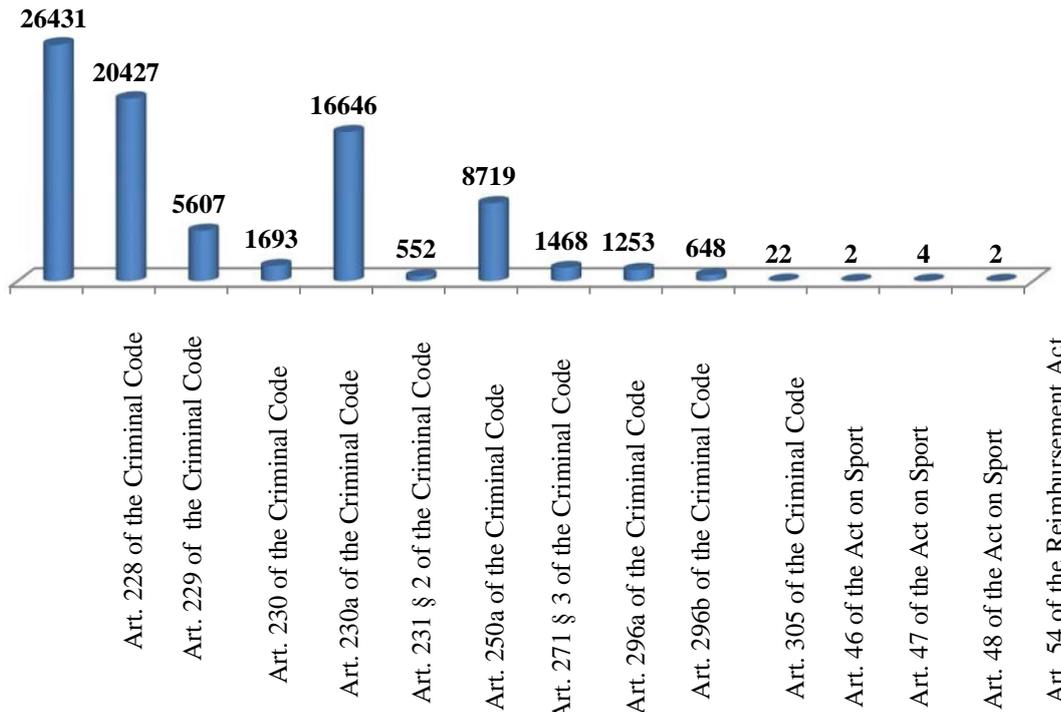


Source: *The Corruption Map – the corruption crime in Poland (for the years 2004–2009, 2010, 2011, 2012, 2013, 2014, 2015)*.

In the years 2007-2015, the largest number of registration of corruption offenses at the National Criminal Information Center was made from Art. 228 of the Criminal Code, Art. 229 of the Criminal Code and Art. 231 § 2 of the Criminal Code; the smallest number of registrations was made from Art. 46-48 of the Act of 25 June 2010 on Sport (Journal of Laws of 2017, item 1463, as amended) and Art. 54 of the Act of 12 May 2011 on Reimbursement of Medicines, Foodstuffs Intended for Particular Nutritional Uses and Medical Devices (Journal of Laws of 2017, item 1844).

Police

Chart No. 3 Number of registrations of corruption crimes registered at the National Criminal Information Center by the Police in the years 2007-2015, with division into legislative classifications:

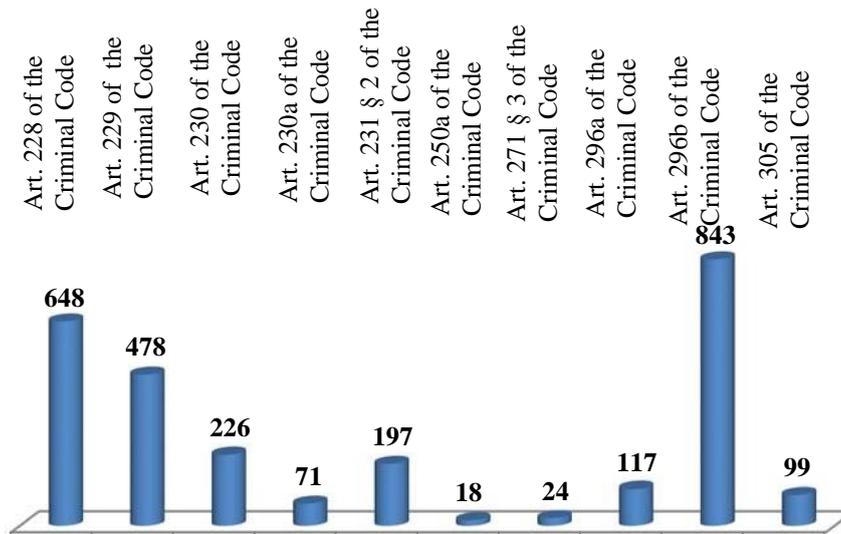


Source: *The Corruption Map – the corruption crime in Poland (for the years 2004–2009, 2010, 2011, 2012, 2013, 2014, 2015).*

In 2015, the Police initiated 1742 preparatory proceedings in cases concerning corruption offenses; 2007 proceedings were completed, 1138 of them ended with filing bills of indictment, 757 – discontinuance, and others in a different way.⁶

Central Anti-Corruption Bureau

Chart No. 4 Number of registrations of corruption crimes registered at the National Criminal Information Center by the Central Anti-Corruption Bureau in the years 2007-2015, with division into legislative classifications:



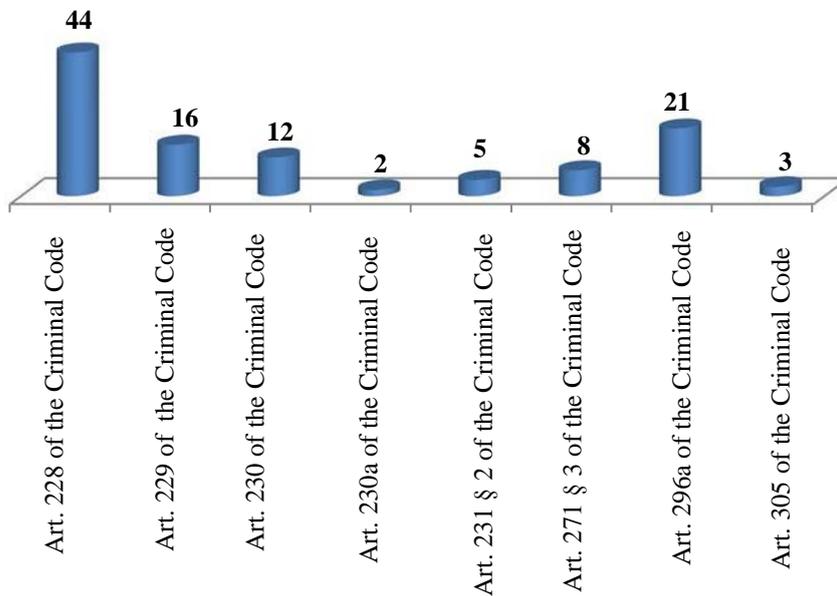
Source: *The Corruption Map – the corruption crime in Poland (for the years 2004–2009, 2010, 2011, 2012, 2013, 2014, 2015).*

⁶ Criminal action provides for the possibility of completing the preparatory proceedings in a different way than directing bill of indictment or discontinuance, e.g. stay of proceedings, transferring it to other authorities for its further conduct. Due to the different methodology of data collection, the project provider does not have a real number of proceedings completed in this way.

In 2015, the Central Anti-Corruption Bureau initiated 124 preparatory proceedings in cases concerning corruption offenses; 242 proceedings were conducted, 119 were completed, 68 of them ended with filing bills of indictment, 44 – discontinuance.

Internal Security Agency

Chart No. 5 Number of registrations of corruption crimes registered at the National Criminal Information Center by the Internal Security Agency in the years 2007-2015, with division into legislative classifications:

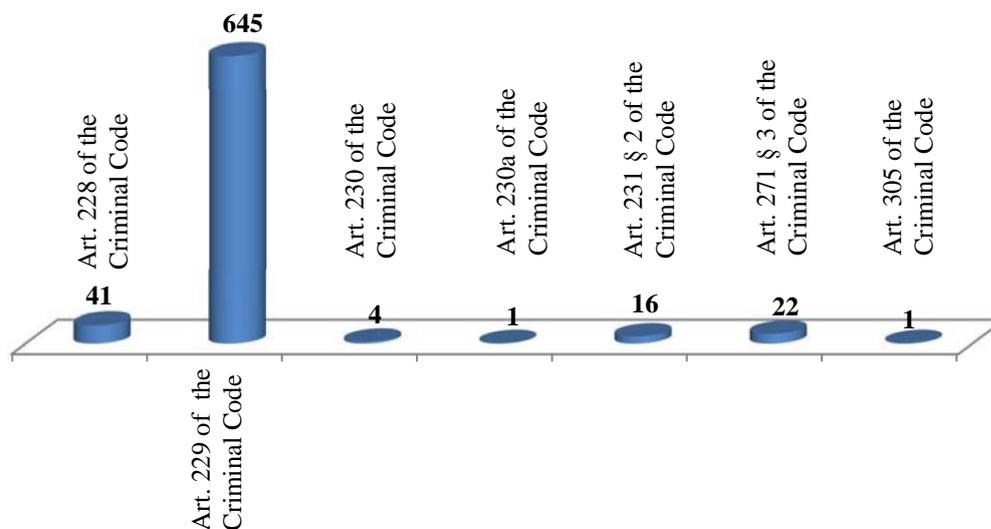


Source: *The Corruption Map – the corruption crime in Poland (for the years 2004–2009, 2010, 2011, 2012, 2013, 2014, 2015).*

In 2015, the Internal Security Agency initiated 5 preparatory proceedings in cases concerning corruption offenses; 19 proceedings were conducted, 8 were completed, 4 of them ended with filing bills of indictment, 4 – discontinuance.

Border Guard

Chart No. 6 Number of registrations of corruption crimes registered at the National Criminal Information Center by the Border Guard in the years 2007-2015, with division into legislative classifications:

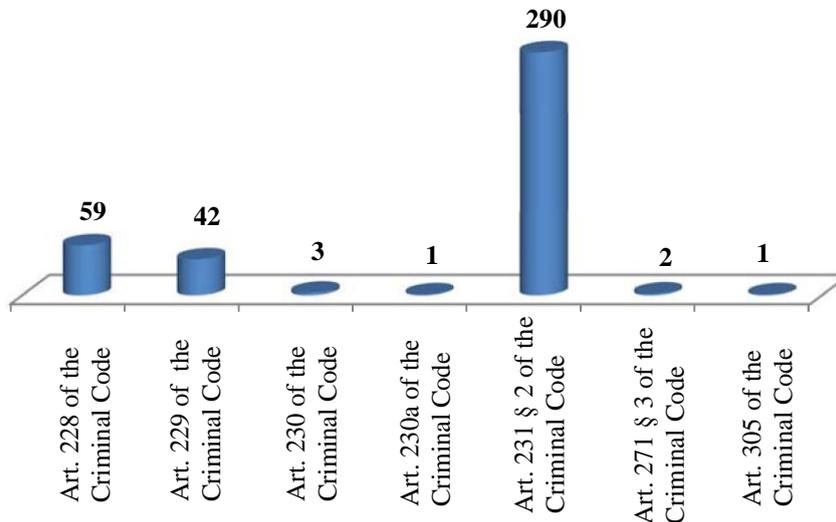


Source: *The Corruption Map – the corruption crime in Poland (for the years 2004–2009, 2010, 2011, 2012, 2013, 2014, 2015).*

In 2015, the Border Guard initiated 58 preparatory proceedings in cases concerning corruption offenses; 73 proceedings were conducted, 54 were completed, 34 of them ended with filing bills of indictment, 10 – discontinuance.

Military Gendarmerie

Chart No. 7 Number of registrations of corruption crimes registered at the National Criminal Information Center by the Military Gendarmerie in the years 2007-2015, with division into legislative classifications:



Source: *The Corruption Map – the corruption crime in Poland (for the years 2004–2009, 2010, 2011, 2012, 2013, 2014, 2015)*.

In 2015, the Military Gendarmerie initiated 27 preparatory proceedings in cases concerning corruption offenses; 19 proceedings were conducted, 22 were completed, 5 of them ended with filing bills of indictment, 11 – discontinuance.

There are many forms of corruption, among which the most frequently mentioned in recent years are:

- **official venality** – in accordance with Art. 228 of the Criminal Code this crime consists in acceptance of a material or personal benefit or its promise in connection with the performed public function. A person performing public function is, inter alia, a public official, i.e. a person who is an employee of the government administration, another state authority or local self-government, as well as another person to the extent he or she is authorized to issue administrative decisions (Art. 115 § 13 point 4 of the Criminal Code);
- **bribery** – in accordance with Art. 229 of the Criminal Code the essence of this crime lies in the fact that it is committed by a person who intentionally gives or promises to give material or personal benefit to a person performing public function in connection with the performance of this function. Giving a benefit should be understood as its direct or indirect handing over, while the behavior of the briber is the other side of the official venality, referred to in Art. 228 of the Criminal Code;
- **influence peddling** – in accordance with Art. 230 § 1 of the Criminal Code the perpetrator of this crime is anyone who, by asserting to have influence in a state institution, a local or self-government institution, an international organization, or in a domestic or foreign organizational entity utilizing public funds, or by inducing another person's belief of the existence of such influence or by assuring another persons of its existence, takes on intercession in settling a matter in exchange for a material or personal benefit or its promise. Unlike the offense of official venality, the perpetrator of influence peddling crime may be anyone, not just a person performing public function;

- **trading in influence, active paid favouritism** – in accordance with Art. 230a § 1 of the Criminal Code, this crime is committed by anyone, who procides or promises to provide a material or personal benefit in exchange for interceding in settling a matter in a state institution, a local or self-government institution, an international organization, or in a domestic or foreign organizational entity utilizing public funds, consisting in unlawful influencing a decision, action or omission of action by a person performing public function, in relation to performing this function. The perpetrator's act in this kind of crime is aimed at inducing the intermediary to influence unlawfully on the decision of a person performing public function. Criminal activity is the same as in the case of bribery, with the difference that in the case of an offense referred to in Art. 230a of the Criminal Code, the purpose of the perpetrator is to pay the intermediary, not necessarily the person making the decision;
- **nepotism**⁷ – abuse of the position occupied by favouring members of one's own family when gaining material benefits, social positions or certain privileges;
- **cronyism**⁸ – mutual encouragement of people related to each other or connected by a membership to a certain group, usually to achieve high social or professional status or material benefits, not based on merit or value of these people, but only on the fact of connections.

Corruption, however, is primarily a negative social phenomenon that is immoral, detrimental to the economy, prevents economic activity, breaks the rules of the free market, and thus disrupts the economy on a regional and global scale, and also delays economic development and its balancing.

2.1.3. The areas of social life in Poland the most vulnerable to corruption

For several years, trends regarding corruption phenomenon have remained virtually unchanged. At the stage of formulating the *Government Programme for Counteracting Corruption for the years 2018-2020*, the following areas were found to be at greatest risk of corruption⁹:

- 2.1.3.1. **Modernization and development of infrastructure** – the risks concern conducting tenders for the construction of road and associated infrastructure, as well as railway infrastructure based on poorly developed or deliberately manipulated specification of essential terms of the contract, which may result in: favoring specific suppliers, obtaining products that will not meet the requirements or prevent future implementation of the objectives set by state institutions.
- 2.1.3.2. **Informatisation of public administration** – in the era of building an efficient e-administration system, conducting tenders for IT tools is particularly important from the point of view of both the operating IT infrastructure in public offices and the management of financial resources, including EU funds. Irregularities may refer to the use of unclear awarding criteria by the awarding entities and the method of selecting companies which should implement IT projects. Often, procuring entities abuse uncompetitive procedures, divide public procurement, describe the object of the contract using specific features restricting competitiveness. The particular risk of irregularities primarily results from the specificity of the field – not only knowledge of legal provisions on public procurement and specialist knowledge in the field of IT are required, but also proficiency in issues in which legal issues are combined with technological ones.

Incorrectly constructed tenders in public administration encourage the creation of price collusion by contractors. A significant role in this area is also played by the transparency of activities of consulting companies, focusing mainly on brokering in obtaining public procurement.

- 2.1.3.3. **Defence** – corruption risks will mainly affect public procurement, which results from the limited

⁷ R. Rosicki, *Nepotism and cronyism*, "Political Science Review" 2012, No. 2, pp. 131-146.

⁸ Ibidem.

⁹ *Anticipated corruption threats in Poland*, Central Anti-Corruption Bureau, Warsaw 2013; *How to combat corruption? Principles of creating and implementing anti-corruption strategy for Poland*, Stefan Batory Foundation, Warsaw 2010, p. 29.

(due to the requirements related to state defense and protection of classified information) transparency of proceedings, significant value of procurements and their highly specialized nature. The solutions concerning needs planning, frequent changes of these plans and the purchase of armaments and military equipment remain an important problem. Irregularities may also concern the parameters of the purchased equipment and armaments, including granting consent to reduce the requirements, activities related to delivery, testing, research and control. Arrangements regarding criteria of offset assessments and the assessment of the performance of offset agreements or the implementation of the transfer of military technology to Polish defense industry enterprises may be exposed to the threat of corruption. Corruption may also occur in the context of prohibited trade in strategic information or be connected with the lack of protection of the author's economic rights to the technical documentation in favour of the State or source codes of products created through research and development carried out in Poland and financed from the budget of the State.

The second level, being at a particularly high risk of corruption threat, is staff policy. This threat results from the specific nature of military service of professional soldiers regulated in the Act of 11 September 2003 on Military Service of Professional Soldiers (Journal of Laws of 2016, item 1726 and 2138 and of 2017, item 60), and in particular from the lack of control of administrative courts over the decisions relating to appointments, transfer and dismissal from their official positions and transfer to the staff reserve or to disposal, the appointment of military ranks, transfer to another corps or another group and management to carry out duties outside the military unit. In addition, the basis for issuing administrative decisions in the aforementioned scope is a broad, yet not quite a precise concept of the *needs of the Armed Forces*.

2.1.3.4. Health care – in this area, irregularities may be related to: distribution of public funds for contracting of medical services, drug reimbursement, orthopedic supplies and auxiliary materials; implementation of public procurement for purchase and supply of medical equipment and devices, as well as contracting of medical services to non-public entities. We should also point out the risks associated with informal impact on the legislative process in the area of health care and drug policy of the State, illegal influence on the procedure of drug registration (obtaining specific indications of medical use, the size of the package available in the sale). In this context, the risks associated with reimbursement of medicines or sponsorship of doctors and professional organizations of medical environments by pharmaceutical companies are also extremely important. The threat of corruption and mismanagement also occurs at the interface of the activities of doctors, pharmacists and wholesalers. It may consist in buying – based on false or unduly issued prescriptions – medicines from pharmacies and then exporting them abroad, which is associated with unjustified expenses for reimbursement, and thus losses of the State budget.

Threats to the economic interest of the Republic of Poland and corruption threats also appear in the area of transplantology. The lack of legal instruments to ensure effective supervision fosters the development of illegal tissue and organ transplantation.

2.1.3.5. Energy – corruption activity in this area may be associated with unlawful lobbying, illegal activities related to granting licenses for exploration, identification and extraction of raw materials (oil, natural gas, lignite), issuing decisions on the location of wind farms and obtaining from energy companies approval for the connection of farms to the country's energy network, as well as the possibility of impacting investments by environmental organizations.

2.1.3.6. Environmental Protection – in this area, threatened by corruption are: licensing of exploration, recognition and mineral extraction (influence of links between local authorities and entrepreneurs on its course), administrative proceedings in matters related to air protection, environmental protection against waste, noise and electromagnetic radiation, as well as the greenhouse gas emission allowance trading scheme, sale of fragments of forests and other real estate that are unnecessary from the point of view of the *State Forests National Forest Holding*

and sale of timber carried out by the *State Forests*.

2.1.3.7. Management of EU funds – is an area with a particular risk of occurrence of corrupt behavior. It applies to almost all sectors of the economy and public life, including in particular: broadly understood administration, education and employment support systems, IT market, energy market, transport sector, business environment (especially small and medium enterprises), etc. It is characterized by a wide range of beneficiaries: from state institutions through economic entities to natural persons. The fact that this area is closely related to other areas, generates various mechanisms and corruption threats.

2.1.3.8. Public procurement – it is one of the most endangered areas in public life, primarily because it includes all public sector entities that purchase goods and services and implement investments. The most frequent cases of behaviors conducive to corruption include: non-use or circumvention of public procurement law, flawed procurement procedures, lack of a specific concept or goal of implementation of public procurement, lack of reliable public procurement planning, incorrect documentation, improper contract development, abuse of non-tender procedures, manipulation of tenders, unequal access to public procurement information, manipulation of criteria for evaluation of offers, inappropriate or insufficient documentation of conducted proceedings, awarding contracts to unreliable contractors.

The types of contracts that most frequently generate abuse include:

- **infrastructural procurements** for the construction of roads, highways, railways;
- **procurements for computerization of public administration** – the effect of corrupt activities is usually favouring a specific supplier;
- **procurements financed from EU funds** – corruption may include all phases and stages of contract awarding; it may also apply to beneficiaries of aid programmes as well as officials;
- **procurements in the field of health protection** – in this area, vulnerable to corruption are, among others, procurements for the purchase of devices, medical equipment, as well as medical tests;
- **procurements awarded by the defense sector** – the threat to this area results from the limited transparency of the proceedings, justified by the need to protect information;
- **procurements in the energy sector** – due to the high value of contracts awarded, the danger of corrupt behavior occurs in almost every tender.

2.1.3.9. Professional sport competitions – in this case, corruption occurs primarily in the form of bribery on the part of referees, players, sports activists and other participants of the competitions. Bribery is also connected here with mutual betting as one of the forms of gambling and with the so-called selling matches. The interest of a large group of society in sport, the tendency to gamble and the desire for easy profit fosters this phenomenon. Both in the conduct of dishonest betting activities, as well as in selling matches, the typical behavior is corrupting participants of sport competitions in order to guarantee a high profit from the procedure for all its participants.

The specificity of corruption crime and the directions of development of socio-economic life cause that the list of identified areas is dynamic. Undoubtedly, the areas of insurance regulation and the practice of enforcing them (from social insurance through communication to health insurance) and social security, in particular on the allocation and verification of pension rights, are also at risk of corrupt activities. Identification of threats should also apply to the organization and verification of the correctness of holding elections for the government and self-government authorities. The catalog of fields of activity of state bodies dealing with corruption is open and should be updated as part of the Programme.

2.1.4. Identified corruption-generating mechanisms

Corruption-generating mechanisms are irregularities that cause or increase the risk of corruption; they are all situations that are or may be conducive to creation of an environment that can generate corruptive behavior.

The most common corruption-generating mechanisms are¹⁰:

- **irregularities in the legislative process**: violation of the existing legislative procedures by making changes to the projects that have been already agreed, issuing implementing acts with significant delay, leaving loopholes and ambiguities, which favors liberal interpretation of the provisions, incoherent amendment of laws, over-regulation;
- **freedom of proceedings**: it is mainly favored by the lack of transparent criteria for the way or procedure for dealing with a case, as a result of which officials have the opportunity to issue positive decisions despite the negative opinion of corresponding authorities, which is not based on established rules, but on their sole discretion. Freedom results from the lack of transparency and precision of legal regulations, as well as from its too frequent changes;
- **conflict of interests**: it arises when an official making a decision in a specific sphere of public affairs or involved in the preparation of this decision has or may have a personal interest in the way the matter is settled. Not only the conflict occurs when the official in a given case acts in a personal interest, but also when there is at least the theoretical possibility that this interest will prevail over the concern for the public good;
- **lack of transparency of the proceedings**: possibilities of exercising certain privileges or access to goods are not adequately communicated to entities potentially interested in them. These data are made available selectively only;
- **weakness of the control and supervision system**: it is expressed in the organizational and staff shortages of the units competent for internal control and their orientation, first of all, towards ad hoc activities, and not towards prevention and systemic activities. This state of affairs results in the fact that only a part of the decisions issued by officials are subject to ongoing control, what reduces the chances of revealing decisions that are flawed or disadvantageous to the public interest;
- **accumulation of entitlements**: excessive concentration of decision-making powers and departing from the principle of division of activities undertaken within one case between various officials;
- **disregard of the obligation to prepare documentation and reporting**: accepting documentation that does not meet the formal requirements, without all the required documents or attachments, derogating from reporting obligations, as well as making decisions without justifying them;
- **lack of personal responsibility for the decision taken**: in the internal statutory and statutory provisions of public entities, responsibility for specific decisions is not always precisely defined;
- **excessive use of external services and intermediation**: abuse of public administration's use of consultancy and expert services provided by external entities on a scale that causes replacement of activities belonging to the basic duties of organizational units of a given entity.

2.2. Diagnosis of the functioning of the system for counteracting and combating corruption crime

¹⁰ Corruption mechanisms are defined in the *Reports on the activity of the Supreme Audit Office for the years 2009-2015* and in the publication *The Corruption Map – the corruption crime in Poland in 2010*, the Central Anti-Corruption Bureau, Warsaw 2011.

2.2.1. Previous strategic anti-corruption measures taken by the State

On 17 September 2002, at the request of the Minister of Interior and Administration, the Council of Ministers adopted the government document *the Anti-Corruption Programme – Anti-Corruption Strategy for 2002-2004*, which was a set of directional decisions and actions that government administration was to take in the fight against corruption. The tasks formulated in it were partly performed.

On 25 January 2005, the Council of Ministers adopted another government document prepared by the Minister of the Interior and Administration *the Anti-Corruption Programme – Anti-Corruption Strategy – the second stage of implementation 2005-2009*, providing for the implementation of a set of legislative, organizational, educational and information initiatives, supplemented with new areas threatened by corruption and tasks related to monitoring the effectiveness of undertaken actions.

During *the Second stage of the Anti-Corruption Strategy*, the United Nations Convention against Corruption has been ratified, a large group of public administration employees has been trained in the field of counteracting corruption phenomena, and the government administration prepared the majority of legal acts planned to be implemented under the *Strategy*. A new body appointed to fight corruption has been appointed – the Central Anti-Corruption Bureau.

In years 2008-2012 a preventive programme called the *Anti-Corruption Shield* was carried out. Its purpose was to prevent irregularities in the privatization of key state-owned enterprises and in large public procurements. Tasks within this project were carried out by the Internal Security Agency, the Military Counterintelligence Service and the Central Anti-Corruption Bureau in cooperation with relevant ministries and subordinate organizational entities.

In 2009, the implementation of the *Anti-Corruption Programme – Anti-Corruption Strategy* was completed. On 23 April 2010, the Council of Ministers adopted a final report on the implementation of *the Anti-Corruption Programme – Anticorruption Strategy – the second stage of implementation 2005-2009*, in which the Minister of the Interior and Administration was appointed the body responsible for preparation of the next government programme in the field of counteracting and combating corruption.

Since March 2012 it was replaced by the programme named the *Anti-Corruption Cover* which concerns the most important privatization processes and public procurements in areas including reconstruction or construction of road infrastructure, IT projects, health care as well as purchase of equipment and weapons for the army.

In March 2014 the Council of Ministers has adopted the *Government Programme for Counteracting Corruption for the years 2014-2019*. The objectives and directions defined in it were in line with the medium-term *National Development Strategy 2020*. The programme assumed implementation of 19 tasks by all ministries and central offices. 71 activities and 7 permanent tasks were separated. Tasks and activities identified in the *Programme* are assigned to areas of prevention, education, combating corruption.

After more than two years of the operation of the *Government Programme for Counteracting Corruption for the years 2014-2019*, effects of its implementation are considered unsatisfactory. The assessment made in 2016 by the Supreme Audit Office showed, among others, long delays in its implementation, ineffective adoption model, improper allocation of tasks or activities to some implementers. Above all, however, the years 2014-2016 have revealed the untapped role of the managing institution of the *Government Programme for Counteracting Corruption for the years 2014-2019*, i.e. the Interministerial Team for Coordination and Monitoring of Implementation of the *Government Programme for Counteracting Corruption for the years 2014-2019*.

As a result of arrangements between the Minister of the Interior and Administration and the Minister – Special Services Coordinator in August 2016, the Central Anti-Corruption Bureau has been obliged to work on the *Government Programme for Counteracting Corruption for the years 2018-2020*, which is to replace the *Government Programme for Counteracting Corruption for the years 2014-2019*.

The Programme is consistent with the Resolution No. 8 adopted by the Council of Ministers on 14 February 2017 *on adoption of the Strategy for Responsible Development for the period up to 2020 (including the perspective up to 2030)*.

2.2.2. Counteracting and combating corruption in Poland

2.2.2.1. Counteracting corruption

Many institutions, bodies and services prevent corruption. Among the law enforcement authorities, the central role is played by: the Central Anti-Corruption Bureau, the Police and the Internal Security Agency. The other services operating in the field of counteracting corruption are: the Border Guard, the Military Gendarmerie and the Military Counterintelligence Service and the National Revenue Administration.

Among other public institutions, the Ministry of the Interior and Administration plays an important role in the field of anti-corruption activities. The competent minister in charge of internal affairs is responsible, among others, for the protection of public safety and order, as well as conducts activities in relation to corruption crime both directly – e.g. by preparing proposals of systemic changes of a legal and organizational nature that allow to increase the effectiveness of counteracting and combating this form of crime, and indirectly – by carrying out supervisory activities in relation to the Police and the Border Guard. Since 2002 (that is, since the first *Anti-Corruption Programme* has been submitted to the Council of Ministers), it performs the function of the coordinating body for anti-corruption activities in the country.

An important place in the corruption prevention system is also taken by control authorities. The activities of government administration bodies, the National Bank of Poland, state legal persons and other state organizational units, local self-government bodies, municipal legal persons and municipal organizational units are subject to the substantive nature of the Supreme Audit Office. The Supreme Audit Office also controls other organizational units and business entities to the extent that they use public assets or funds and discharge their financial obligations to the State.

Other public administration offices counteract corruption by ensuring functioning of internal control units (institutional control) and internal audit in them. Since 2010, in the units of the public finance sector functions internal control – a mechanism that ensures the implementation of the objectives and tasks of these units in a lawful, effective and timely manner.

In some offices, specialized cells or independent positions for counteracting corruption were appointed (e.g. in the Ministry of National Defense or the Ministry of Science and Higher Education). In addition, departmental anti-corruption programmes are being created (e.g. the *Anti-Corruption Programme of the Polish Customs Service 2010–2013+*, *Anticorruption Strategy of the Ministry of Agriculture and Rural Development*, *Prevention Programme in the Field of Counteracting Corruption in the Ministry of National Defense for the years 2016-2019*), ethical codes, rules of officials' contacts with lobbyists and business representatives are being developed, and training courses for employees on corruption risks are being carried out. Some offices implement their own anti-corruption policies (e.g. the Ministry of Justice) or quality management systems or systems to counteract corruption threats (e.g. the Ministry of the Interior and Administration).

An important subject of preventive activities are non-governmental organizations active in the areas of social control of public administration, raising public awareness, intervention and legal

counseling.

2.2.2.2. Combating corruption

The services combating corruption in Poland are:

- Central Anti-Corruption Bureau – established under the Act of 9 June 2006 on Central Anti-Corruption Bureau (Journal of Laws of 2017, item 1993) to combat corruption in public and economic life, particularly in public and local government institutions as well as to fight against activities detrimental to the economic interest of the State. The CBA's tasks comprise operational intelligence, prevention and detection of criminal offences against: the activity of public institutions and local government, the administration of justice, elections and referendum, business transactions, trading in securities, where they are related to corruption or activities detrimental to the economic interest of the State, financing of political parties, where they are related to corruption, tax obligation, donation and subvention settlements, where they are related to corruption or activities detrimental to the economic interest of the State, the principles of sports competition set forth in Art. 46-48 of the Sports Act of 25 June 2010 (Journal of Laws of 2017, item 1463 and 1600), trading in pharmaceuticals, circulation of foodstuffs for particular nutritional use, medical devices set forth in Art. 54 of the Act of 12 May 2011 on Refund of Pharmaceuticals, Foodstuffs for Particular Nutritional Use, and Medical Devices (Journal of Laws of 2017, item 1844) item 696, as amended);
- Police – established under the Act of 6 April 1990 on the Police (Journal of Laws 2017, item 2067); it does not only protect people's life and health and property against lawless assaults, safeguards public safety and order, initiates and organises activities aimed at preventing crimes and petty offences, detects crimes and petty offences and prosecutes perpetrators thereof – it also conducts proceedings in cases of corruption crimes, including crimes committed by its own officers and employees;
- Internal Security Agency – established under the Act of 24 May 2002 on Internal Security Agency and Foreign Intelligence Agency (Journal of Laws of 2017, item 1920) recognizes, prevents and combats threats to the internal security of the State and its constitutional order, in particular to the sovereignty and international position, independence and inviolability of its territory, as well as the defense of the State. Moreover, the Internal Security Agency recognizes, prevents and detects crimes, including corruption of persons performing public functions, if it may pose a threat to the State's security;
- Military Counterintelligence Service – established under the Act of 9 June 2006 on the Military Counterintelligence Service (Journal of Laws of 2017, item 1978) is a special service responsible for the protection of the country against internal threats for the national defence, security and combat capacity of the Armed Forces of the Republic of Poland and other organisational units subordinate to or supervised by the Minister of National Defence. Military Counterintelligence Service is, inter alia, in charge of identifying, preventing and detecting crimes committed by soldiers fulfilling the active military service, officers of the Military Counterintelligence Service and the Military Intelligence Service as well as the staff of the Armed Forces of the Republic of Poland and other organisational units of the Ministry of National Defence corruption crimes, if they may pose a threat against the security or combat capacity of the Armed Forces of RP or other organisational units of the Ministry of National Defence;
- Military Gendarmerie – established under the Act of 24 August 2001 on the Military Gendarmerie and Military Law Enforcement Bodies (Journal of Laws of 2016, item 1483) uncovers crimes and offences, including tax offences, committed by military soldiers, employees and persons remaining in the area or in the buildings of military character as well as uncovers and prosecutes their perpetrators, secures the evidence of such crimes and offences. The Military Gendarmerie also conducts proceedings concerning corruption crimes;
- Border Guard – established under the Act of 12 October 1990 on the Border Guard (Journal of Laws of 2017, item 2365) is a law enforcement formation set up for the purpose of the land and

maritime border protection and border traffic control. The Border Guard identifies, prevents and detects crimes and offences as well as prosecutes their perpetrators within the scope of its competence (in particular the offences specified in Art. 228, Art. 229 and Art. 231 of the Criminal Code committed by employees of the Border Guard in connection with the performance of official duties), including conducting proceedings concerning corruption crimes committed by persons which are not officers or employees of the Border Guard;

- National Revenue Administration – established under the Act of 16 November 2016 on National Revenue Administration (Journal of Laws item 1947, as amended) is a specialized government administration that performs tasks such as collecting revenue from taxes, fees and non-tax budget duties, protection of the interests of the State Treasury and protection of the customs territory of the European Union, provides service and support to the taxpayers and entrepreneurs in the proper performance of tax and customs duties. The National Revenue Administration's tasks include: recognition, detection and combating of crimes specified in Art. 258, Art. 270, Art. 271, Art. 273 and Art. 286 § 1 of the Criminal Code, in connection with which there has been a depletion or exposure to depletion of public law, prevention of these crimes and prosecution of perpetrators, if they were disclosed by National Revenue Administration, as well as recognition, detection and combating of offenses referred to in Art. 228-231 of the Criminal Code committed by persons employed in organizational units of the National Revenue Administration or officers, in connection with the performance of official duties, Art. 229 of the Criminal Code, committed by persons who are not employed in organizational units of National Revenue Administration or who are not officers, in connection with the performance of official duties by persons employed in organizational units of National Revenue Administration or officers, as well as counteracting money laundering and terrorism financing;
- Prosecutor's Office – acting under the act of 28 January 2016 – Act on the Public Prosecutor's Office (Journal of Laws of 2017 item 1767) maintains law and order executes tasks related to prosecuting crimes, including corruption.

International mechanisms for counteracting and combating corruption crime

In connection with participation in the structures of the European Union, Poland participates in the implementation of the EU policy in the area of counteracting and combating crime, including economic crime. These activities are implemented in accordance with the adopted strategies and policies of the European Union.

Strategic documents of the European Union

The Conclusions of the Justice and Home Affairs Council adopted in November 2010 establishing the *European Union Security Policy Cycle* in the field of combating serious and organized crime (the so-called Policy Cycle) constitute an important role among the European Union's strategic documents in the area of fighting crime. They form a multi-annual framework of the European Union policy on preventing and combating serious and organized international crime and apply the adopted methodology based on a complementary approach to this phenomenon of non-member countries and other organizations.

In June 2013, the Council of the European Union adopted strategic priorities for the years 2014-2017, including priorities in the field of organized crime, corruption and money laundering. In order to implement them, the European Parliament Resolution of 23 October 2013 *on organized crime, corruption and money laundering: recommendations for actions and initiatives needed* (final report) (2013/2107 (INI)) (2016 / C 208 / 09) was issued.

The Internal Security Strategy for the European Union also remains an important document. In the European Commission's communicate to the Strategy of November 2010, five strategic objectives were indicated, including prevention and combating of serious and organized crime and the protection of the economy against infiltration.

Europol

In addition to strategic documents aimed at implementing a coherent policy in the field of counteracting and combating crime in the countries of the European Union, the activities of EU agencies, including in particular the European Union Agency for Law Enforcement Cooperation (Europol), supporting law enforcement agencies of the Member States in combating crime affecting at least two EU Member States, remain relevant. Information exchange is carried out with the help of the Agency, it remains also responsible for the preparation of criminal analyzes to support specific actions of law enforcement agencies of the Member States, preparation of strategic reports or technical support for operational intelligence and investigative activities conducted in the EU under supervision of Member States. The Agency also plays a supporting and monitoring role in the implementation of the Operational Action Plans (OAPs) implemented by EMPACT projects (European Multidisciplinary Platform Against Crime Threats) as part of the *EU Security Policy Cycle*. The Polish national unit of the Agency is located at the National Police Headquarters of Poland, but other services also use its resources.

OLAF

Another agency important from the perspective of counteracting and combating economic crime is the European Anti-Fraud Office (OLAF), which task is to protect the Community's financial interests by combating fraud, corruption and any other illegal activities. OLAF is also responsible for protecting the reputation of the European institutions by investigating serious infringements committed by their members and employees, in result of which administrative or criminal proceedings may be conducted. It also supports the European Commission in formulating and implementing the principles of fraud prevention and detection. The Agency is authorized to conduct independent internal investigations (within EU bodies). OLAF also has an information system, AFIS, which is an effective platform for exchanging information and data on business entities operating in the Community.

Eurojust

Important activities in the field of counteracting and combating economic crime are carried out by the European Judicial Cooperation Unit (Eurojust), which is an agency of the European Union, which comprises representatives of all Member States. Its task is to initiate and improve coordination and cooperation between the competent judicial authorities of the Member States, in particular with regard to serious organized crime, which affects two or more Member States. Eurojust facilitates mutual cooperation in criminal proceedings by contributing, inter alia, to more efficient and quicker exchange of information between the competent authorities of Member States and execution of requests for judicial cooperation. Coordination meetings organized by Eurojust and its initiatives on establishment of joint investigation teams improve the effectiveness of investigative bodies, thus increasing the efficiency of proceedings.

Interpol

The role of the International Criminal Police Organization (Interpol), which brings together 188 member countries, established in order to ensure international cooperation in combating crime, is particularly important in the presented context. Among Interpol's priority areas of activity are, inter alia, combating organized and economic crime. The organization's tasks include identifying trends, smuggling routes and organized criminal groups, collecting and analyzing data received from Member States to develop relevant reports, assisting Member States in conducting international investigations, and developing and publishing arrest warrants. Interpol has a direct communications network between the General Secretariat and the Interpol National Central Bureaus of the members countries and various databases.

FATF

Noteworthy is also the activity of the Financial Action Task Force on Money Laundering (FATF), established in 1989 at the summit of the group of the seven most influential countries in the world (G7), which task is to prepare and support activities to combat money laundering and terrorist financing, in particular, setting legislative and organizational standards whose implementation is subsequently verified by experts by way of evaluation. FATF standards are widely respected on the international scene and promoted and verified by Regional Bodies, which means that Poland – which is not a FATF member – is confronted with recommendations and takes part in their creation and verification as a member of the European Union and the Special Committee of Council of Europe Experts on Assessment of Money Laundering Measures in the countries of Central and Eastern Europe (MONEYVAL).

Egmont Group

In the area of building effective channels of information exchange dedicated to counteracting money laundering, the Egmont Group – an international organization associating Financial Intelligence Units (FIU) from over 100 countries also deserves attention. It has, among others, secure channel for the exchange of financial information. Poland was admitted to the Group in June 2001 and in 2009 confirmed its readiness for further cooperation.

3. Objectives of the Programme

3.1. Objectives: the main and the specific

The objectives and actions adopted in the Programme are compliant with the medium-term *Strategy for Responsible Development for the period up to 2020 (including the perspective up to 2030)*, which constitutes an update of the *National Development Strategy 2020*. In the above-mentioned documents strengthening of the conditions conducive to the realization of individual needs and activities of citizens, which is to contribute to increasing their security, was assumed. One of the actions supporting this process includes the preparation and implementation of programs aimed at integrating and improving the system for counteracting and combating corruption crime. This activity has been included in the 7th integrated *Efficient State Strategy 2020*.¹¹

Within the framework of the Programme, the activities aimed at limiting corruption by strengthening prevention and education both in society and in public administration and more effectively combating corruption crime will be carried out.

Considering the above and taking into account the complexity of counteracting and combating corruption, it was assumed – in accordance with the SMART¹² method – that the **main objective** of the Programme is to **reduce corruption crime in the country and raise public awareness of counteracting corrupt behavior**.

The consequence of the main objective defined in such a way are the **specific objectives**, i.e.:

- 1) **strengthening preventive and educational activities:**
actions will be directed at strengthening projects preventing the phenomenon of corruption. The main emphasis will be placed on strengthening the openness and transparency of public life, implementation of anti-corruption education in training and improvement programs for public officials and persons performing public functions as well as shaping public awareness through anti-corruption education;
- 2) **improvement of mechanisms for monitoring of corruption threats and monitoring of legal**

¹¹ Resolution No. 17 of the Council of Ministers of 12 February 2013 (M.P. item 136). Objective 7. *Ensuring a high level of public safety and order* towards intervention 7.2.3. *Preventing and combating corruption*.

¹² *The practice of designing organizational systems of the enterprise*, A. Stabryła (ed.), Cracow: Mfiles.pl 2015, p. 87.

regulations in the field of counteracting corruption crime:

combating corruption also means elaboration of principles for the protection of the law-making system as well as the most important public procurement and monitoring of the exercise of rights in the area of commercialization and consolidation of property by companies of significant importance for the economy. The programme also provides for strengthening the transparency and objectivity of the public procurement processes, as well as solutions limiting the possibility of corruption in the public and private sectors;

3) intensification of cooperation and coordination of actions between law enforcement authorities:

reducing corruption crime in the country requires actions oriented towards consistent and systematic implementation of solutions for cooperation and coordination of law enforcement agencies in the field of combating corruption. Strengthening the effectiveness of international cooperation remains an indispensable element of this process, also through the exchange of experience and good practices with other countries.

3.2. Basic indicators of the main objective

Basic indicators of the main objective are:

- score of the Corruption Perceptions Index (CPI). It is assumed that by 2020 the value of CPI will increase by 3%, to 65 points. The increase was estimated on the basis of the CPI for 2016, which was equal to 62 points,¹³
- review of the provisions of the United Nations Convention against Corruption in the second review cycle (chapter II and V – Preventive measures and Asset recovery).

3.3. Supporting indicators of the main objective

Supporting indicators of the main objective are:

- positive assessment of the accomplishment of activities by the implementing and evaluating institutions,
- accomplishment of at least 80% of planned activities within each task in the middle of the third year of the Programme implementation,
- starting all tasks and activities with the legislative and preventive profiles during the first year of Programme implementation.

3.4. Basic indicators of the specific objectives

Basic indicators of the specific objectives are:

- conducting piloting of at least one implemented instrument or IT tool intended to carry out educational activities with an anti-corruption profile, by the end of the first year of the Programme implementation,
- presentation for reconciliation or public consultation of draft government documents, under separate provisions, in at least two cases of tasks with a legislative profile, in the first year of the Programme implementation,
- comparing statistical data collected by services appointed to counteract and combat corruption crime regarding the number of preparatory proceedings initiated and completed at the end of each year of the Programme implementation.

Year 2015: 1955 initiated, 2210 completed preparatory proceedings – a trend of increasing value for each service is assumed.

3.5. Supporting indicators of the specific objectives

Supporting indicators of the specific objectives are:

- percentage and number of convictions for corruption crimes at the end of each year of the Programme implementation.

¹³ www.transparency.org/cpi2016.

Year 2015: 2,499 – a trend of increasing value is assumed

- implementation of at least 80% of the planned activities as part of the task of developing new standards and methodology for cooperation between services in the area of corruption crime after the first year of the Programme implementation,
- assessment 10% (in relation to the total annual number) of draft legal regulations in the field of counteracting corruption crime as part of the legislative profile objectives, in the second and third year of Programme implementation.

When tasks and activities in the Action Plan were defined, they were not assigned to particular thematic areas, since the identified tasks are multifaceted, multidimensional, and because of it is not possible to allocate them unambiguously at the stage of Programme creation.

4. Mechanisms of the implementation of the Programme

4.1. Elements determining the effectiveness of the system for counteracting and combating corruption crime

Counteracting and combating corruption due to the multiplicity of areas of its occurrence, the scale of the threat, the number of losses caused, remains one of the greatest challenges for services, bodies and institutions organizing activities in relation to recognizing and combating various forms of corrupt activities.

The effectiveness of the Programme depends on the implementation of actions contained in the below identified tasks. The Programme will be implemented through 8 tasks consisting of 33 activities.

Tasks 1 to 6 are:

- strengthening publicity and transparency of public life,
- elaboration of principles for the protection of the law-making system as well as the most important public procurements and monitoring the exercise of rights in the area of commercialization and consolidation of property by companies of significant importance for the economy,
- strengthening the transparency and objectivity of the public procurement process,
- strengthening solutions limiting the possibility of corruption in the public and private sectors,
- implementation of anti-corruption education in training and improvement programs for public officials and persons performing public functions,
- raising the public awareness through anti-corruption education.

Justification for these tasks is the fact that corruption affects negatively almost every area of socio-economic life, thus violating the basic principles of the functioning of the State: it ignores established rules, violates adopted legal, ethical and moral norms, functioning standards, and at the same time lowers indirectly the standard of living of citizens and slows down the economic development of the State and a decreases the sense of security. When identifying tasks 1 to 6, areas of social and economic life, which in the first place require security in the form of creating a legislative base ensuring coordinated criminalization of corruptive behavior, were taken into account. This is a key condition for conducting an effective anti-corruption policy. The priority was to intensify activities in the area of closing the loopholes in the system of asset declarations and its reform, introduction of a uniform and consistent system of whistleblower protection, development of a concept of a public *compliance* system, as well as ordering issues related to parties financing. In the case of the last of these areas, it was assumed that the direction of changes will be in line with the recommendations of the Group of States Against Corruption (GRECO) formulated within the framework of the Third Evaluation Round. These recommendations concern repayment of loans granted to political parties and election committees, greater coherence and versatility of financial statements of political parties and

election committees, more frequent publication of information on donations received by political parties and election committees, increasing financial and personal resources of the National Election Commission in the field of control of financing policy, more active auditing and monitoring of political parties' and election committees' financial statements and strengthening of cooperation between the authorities responsible for controlling policy financing. When formulating tasks of the Programme, the need to align corrective actions that would eliminate imperfections in the applicable legal system (gaps in regulations, legal inflation) was also noticed, including amending the *Act of 7 July 2005 on Lobbying Activity in the Law-Making Process*, which in its current form is a regulation that does not provide for effective control over professional lobbying activities. Attention was also paid to the role and importance of educational activities in the national policy of counteracting corruption. The need to popularize knowledge and promote skills in identifying corruption and the resulting threats was recognized. It was considered that only a comprehensive approach to the phenomenon of corruption will increase the likelihood of achieving the main objective, which is a real reduction of corruption crime in the country.

Task 7: Implementation of solutions regarding cooperation and coordination of law enforcement agencies in the field of combating corruption.

The reasoning for this task is the need to organize provisions, in particular in terms of exclusion of duplication of competences of services and law enforcement bodies appointed to counteract and combat corruption, and subsequently, the development of uniform standards, methodology and rules for cooperation. Activities undertaken in connection with the implementation of the above-mentioned tasks will identify the expectations of competent services and bodies regarding the course, organization and scope of cooperation; especially that there is no effective mechanism for coordinating and cooperating between relevant services and authorities.

Bearing in mind the fact that currently none of the law enforcement authorities and none of the services actually serves as the coordination center for collection of data on corruption crime and does not maintain a central database in which all information on corruption offenses would be collected (i.e. from the moment of its finding, through preparatory and court proceedings, up to imposing of a sentence and its execution), changing the existing standards is justified. The existing databases (National Criminal Information Center, National Police Information System, Central Registry of Operational Interests, internal databases of the Central Anti-Corruption Bureau, Internal Security Agency, Prosecutor's Office, National Revenue Administration) are not compatible with each other – it results, among others, from a varied information scope, which is a consequence of statutory provisions and a different methodology of data collection. This state of affairs makes it impossible to estimate precisely the scale of corruption in the country. The mode and rules for cooperation, including the exchange of information, are regulated by generally applicable laws, implementing regulations and agreements, however, current practice shows that the quality and standards of this cooperation do not always result in the effectiveness of prevention and recognition of corruption crimes.

Task 8: Strengthening international cooperation in the field of counteracting and combating corruption.

The rationale for this task are the activities undertaken by international communities towards the creation and development of international legal instruments in the area of combating and preventing corruption crime. These activities show how broader international security becomes a major problem. The increase in corruption crime is so intense that in order to combat this phenomenon efficiently, it is necessary to join forces on the international scale. Systemic cooperation will create a strong and coherent legal instrument that will be able to provide national authorities and institutions with greater effectiveness in counteracting corruption crime,

e.g. by implementing already applied and tested standards.

4.2. Action plan

Table No. 1 Tasks to be carried out as part of the Programme implementation

Tasks	Actions	Implementers	
		Leading Implementer	Main Cooperating Parties ¹
1	2	3	4
1) Strengthening the openness and transparency of public life	1.1. Ensuring consistency of regulations specifying the limitations of conducting business activity by persons performing public functions, in particular regarding asset declarations, keeping a Register of Interests, restrictions related to professional activity during the performance of public functions and after its cessation, with a simultaneous development of an effective sanctioning system for violation of these restrictions	Minister – Special Services Coordinator	Head of the Central Anti-Corruption Bureau Minister of the Interior and Administration
	1.2. Creation of a uniform system of submission and analysis of asset declarations by persons performing public functions	Head of the Central Anti-Corruption Bureau	
	1.3. Implementation of new solutions in the scope of sanctioning compliance by public authorities with regulations on lobbying	Minister of the Interior and Administration	Minister of Justice
	1.4. Strengthening the regulations on criminal liability of collective entities	Minister of Justice	
	1.5. Identification and design of changes in criminal law regulations, in particular extending the scope of application of Art. 231 of the Criminal Code to persons performing public functions	Minister of Justice	Minister of the Interior and Administration Head of the Central Anti-Corruption Bureau
	1.6. Evaluation and proposal of changes with the aim of strengthening the role of regulations on forms of control of the finances of political parties and electoral campaigns	Head of the Central Anti-Corruption Bureau	
	1.7. Creation of a uniform system of regulations eliminating the possibility of establishing a relationship of professional subordination between family members in institutions spending public funds	Minister – Special Services Coordinator	

¹ Apart from cooperating implementers who have the *main* status, the leading implementers are free to choose other implementers.

Tasks	Actions	Implementers	
		Leading Implementer	Main cooperating parties ¹
1	2	3	4
2) Elaboration of principles for protection of the law-making system as well as the most important public procurements and monitoring of exercise of rights in the area of commercialization and consolidation of property by companies of significant importance for the economy	2.1. Development of a mechanism for assessing draft legal regulations in the government legislative process in terms of corruption threats	Head of the Central Anti-Corruption Bureau	Chief of the Chancellery of the Prime Minister of Poland
	2.2. Elaboration of draft of guidelines on the implementation of the mechanism set out in point 2.1.	Chief of the Chancellery of the Prime Minister of Poland	
	2.3. Development and implementation of solutions for monitoring the most important commercialization, consolidation and public procurement processes, including EU funds (programme <i>Anti-Corruption Cover</i>)	Head of the Central Anti-Corruption Bureau	
	2.4. Creating a procedure for informing about potential or existing corruption threats (programme <i>Anti-Corruption Cover</i>)	Head of the Central Anti-Corruption Bureau	Chief of the Chancellery of the Prime Minister of Poland Minister – Special Services Coordinator Head of the Internal Security Agency Head of the Military Counterintelligence Service
3) Strengthening the transparency and objectivity of the public procurement process	3.1. Including in the reports of the Public Procurement Office irregularities disclosed by this Office that may have a corruptive basis, as well as mechanisms leading to their formation	President of the Public Procurement Office	Head of the Central Anti-Corruption Bureau Chairman of National Appeals Chamber President of the Office of Competition and Consumer Protection Chairman of the Adjudicating Committee concerning violation of public finance discipline
	3.2. Implementation of a central IT system enabling public access to information on conducted public procurement procedures	Minister of Digital Affairs	President of the Public Procurement Office

Tasks	Actions	Implementers	
		Leading Implementer	Main cooperating parties ¹
1	2	3	4
	3.3. Development of mechanisms enabling identification of irregularities in procurements excluded from the application of the Act of 29 January 2004 – <i>Public Procurement Law</i> , to the extent not covered by Art. 4 point 5 of the Act	President of the Public Procurement Office	Head of the Central Anti-Corruption Bureau
	3.4. Development of mechanisms for reducing irregularities in the procurements excluded from the application of the Act of 29 January 2004 – <i>Public Procurement Law</i> , within the scope of Art. 4 point 8 of the Act	President of the Public Procurement Office	Head of the Central Anti-Corruption Bureau
	3.5. Preparation and implementation of provisions allowing to account for violation of the public finance discipline in the case of awarding public contracts excluded from the provisions of the Act of 29 January 2004 – <i>Public Procurement Law</i>	Minister of Finance and Development	President of the Public Procurement Office
4) Strengthening of solutions limiting the possibility of corruption in the public and private sectors	4.1. Preparation and implementation of legal provisions for the protection of so-called whistleblowers	Minister – Special Services Coordinator	Minister of Justice
	4.2. Developing guidelines for creation and implementation of effective compliance programs in the public sector	Head of the Central Anti-Corruption Bureau	Chief of the Chancellery of the Prime Minister of Poland
	4.3. Developing guidelines for uniform organizational and legal solutions in the field of counteracting corruption in administration	Head of the Central Anti-Corruption Bureau	
	4.4. Developing rules of conduct in a situation of corruption threat in the contacts between an official and a client	Head of the Central Anti-Corruption Bureau	
5) Implementation of anti-corruption education in training and improvement programs for public officials and persons performing public functions	5.1. Preparation of a draft of guidelines for permanent anti-corruption training conducted by central offices and for sectoral educational programs addressed to subordinate and supervised institutions	Chief of the Chancellery of the Prime Minister of Poland	
	5.2. Implementation of permanent, periodic educational programs and training in the field of ethics, counteracting corruption and conflict of interest	Competent members of the Team	

Tasks	Actions	Implementers	
		Leading Implementer	Main cooperating parties ¹
1	2	3	4
	5.3. Development and implementation of educational sectoral programs by individual ministries and central offices, also addressed to subordinate or supervised institutions	Competent members of the Team	
6) Raising public awareness through anti-corruption education	6.1. Supporting anti-corruption education in accordance with objectives and teaching content specified in the core curriculum of the general education	Minister of Education	
	6.2. Dissemination of didactic and information materials supporting teachers in the implementation of issues on counteracting corruption	Minister of Education	
	6.3. Supporting anti-corruption education in the sports environment	Minister of Sport and Tourism	The Police Commander in Chief
7) Implementation of solutions regarding cooperation and coordination of law enforcement agencies in the field of combating corruption	7.1. Developing a coordination and cooperation mechanism between competent law enforcement authorities in the area of combating corruption and activities detrimental to the economic interests of the State ²	Head of the Central Anti-Corruption Bureau	Head of the Internal Security Agency Head of the Military Counterintelligence Service The Police Commander in Chief Commander in Chief of the Polish Border Guard Commander in Chief of the Military Gendarmerie Head of the National Revenue Administration
	7.2. Preparation of cyclical reports on areas in which corruption crime occurs and areas threatened with such crime, including results of opinion polls	Head of the Central Anti-Corruption Bureau	Head of the Internal Security Agency Head of the Military Counterintelligence Service The Police Commander in Chief

² Refers to bodies listed in Art. 29 para. 1 of the Act of 9 June 2006 on the Central Anti-Corruption Bureau.

Tasks	Actions	Implementers	
		Leading Implementer	Main cooperating parties ¹
1	2	3	4
			Commander in Chief of the Polish Border Guard Commander in Chief of the Military Gendarmerie Head of the National
	7.3. Analysis of effectiveness of using offensive methods of the operational work by law enforcement agencies and special services. Elaboration of recommendations in this regard	Head of the Central Anti-Corruption Bureau	Minister – Special Services Coordinator Minister of the Interior and Administration Minister of National Defence The Police Commander in Chief Commander in Chief of the Polish Border Guard Head of the National Revenue Administration
	7.4. Development of uniform standards for data collection and statistics on corruption crime for services and law enforcement agencies	Head of the Central Anti-Corruption Bureau	Minister of the Interior and Administration Minister of Justice The Police Commander in Chief Commander in Chief of the Polish Border Guard Commander in Chief of the Military Gendarmerie Head of the Internal Security Agency Head of the National
	7.5. Organization of regular trainings, workshops and conferences in the field of exchange of knowledge and experiences between law enforcement agencies and the judiciary	Head of the Central Anti-Corruption Bureau	Head of the Internal Security Agency Head of the Military Counterintelligence Service The Police Commander in Chief Commander in Chief of the Polish Border Guard

Tasks	Actions	Implementers	
		Leading Implementer	Main cooperating parties ¹
1	2	3	4
			Commander in Chief of the Military Gendarmerie Head of the National Revenue Administration
8) Strengthening international cooperation in the field of counteracting and combating corruption	8.1. Strengthening the effectiveness of operational cooperation using international channels of information exchange (OLAF, Interpol, Europol)	The Police Commander in Chief	Head of the Central Anti-Corruption Bureau
	8.2. Exchange of experience and good practices with other countries in the area of combating corruption	The Police Commander in Chief	Head of the Central Anti-Corruption Bureau

4.3. Implementation and evaluation of the Programme

The implementation of the Programme will be carried out at three levels.

4.3.1. Level I – Coordinators of the Programme implementation

The positions coordinating the implementation of the Programme (hereinafter: coordinators) will be created obligatorily at the Chancellery of the Prime Minister, all ministries and central offices having the status of Programme implementers.

Appointment of coordinators should take place no later than within 30 days from the date of the adoption of the Programme by the Council of Ministers. Each time, about their appointment or dismissal, the Chairman of the Team for the implementation of the Programme, hereinafter referred to as the "Team", is immediately informed, but no later than within 5 days from the date of taking the decision by a relevant member of the Team.

In the case when in the institution a position has been already created, the scope of the tasks of which includes the anti-corruption activities, a person holding it may act as a coordinator, provided that he or she receives appropriate authorization from the relevant member of the Team. The coordinator operates under the authorization. This authorization should be issued no later than within 30 days from the date of adopting the Programme. Formal working groups are not expected to be created.

At any time, the coordinator may submit a request to an appropriate member of the Team for creating, for the purposes of the implementation of specific tasks or ad hoc activities, working teams. The invited representatives of other central offices or external experts may participate in their work.

Establishing the coordinator's position in the office does not increase the employment level and does not require creation of separate organizational structures. Performing the function of a coordinator should be reflected in personnel documents appropriate in a given office of institution to determine the scope of duties at a given position and will not be remunerated separately.

4.3.2. Level II – Implementing institution

The institution implementing the Programme is a Team appointed by the President of the Council of Ministers. The Team's work is directed by the Chairman of the Team, who is the Head of the Central Anti-Corruption Bureau. The administrative and secretarial services of the Team is provided by the Central Anti-Corruption Bureau.

The Team will be appointed no later than 30 working days from the day the Programme is adopted by the Council of Ministers. There will be no separate remuneration for participation in the Team's work. The Team will meet at least once every six months, obligatory at the end of each calendar year, in order to summarize the implementation status of the Programme and on an ad hoc basis at the request of each member of the Team.

Members of the Team will be representatives of services and institutions with the rank of secretary or undersecretary of state of the relevant ministry or heads of services or their deputies who will be responsible for the implementation of specific tasks and activities under the Programme.

The first meeting of the Team will take place within 14 days from the date of the Team's appointment. The subject of this meeting will be the adoption of the Team work regulations.

The tasks of the Team will include: approving plans of implementation of tasks and activities accepted by a relevant Team member, monitoring implementation works and implementation of the Programme, adopting reports on the Programme implementation status, presented in a six-month cycle during the Team meetings. The annual report will be drawn up by 1 March of

each calendar year, the final report on the implementation of the Programme for 2018-2020, after hearing and unanimous adoption by the Team members and obtaining the approval of the Chairman of the Team, will be presented through the Minister – Special Services Coordinator to the Council of Ministers until 15 April 2021.

4.3.3. III level – the Council of Ministers

The Chairman of the Team presents the report on the implementation of the Programme to the Minister – Special Services Coordinator. The Minister – Special Services Coordinator accepts the report and presents it for consideration and adoption by the Council of Ministers.

The implementation of the Programme will be coordinated at each level. Due to the specificity of the area covered by the Programme and its supra-regional character, the tasks and activities provided under it will be carried out throughout the country under the direction and supervision of relevant ministries, offices and bodies.

Tasks and activities will be implemented at a level adequate to their character, e.g.:

- in the field of designing and monitoring of legal solutions – mainly at the central level,
- in the field of education – at the central and executive level,
- in the field of combating corruption crime – mainly at the executive level (local units of law enforcement agencies), while at the central level, in particular in the strategic and supervisory dimension.

Tasks to be implemented under the levels I-III

Tasks of coordinators:

- preparation of a plan for the implementation of tasks/activities including measures, responsibilities and work schedule (including deadlines, risk assessment and estimated execution costs), within 30 days from the date of appointment to perform the function of a coordinator, and in the case where the institution already had a position to service anti-corruption activities, counted from the date of receipt of the authorization to act as a coordinator issued by a relevant member of the Team,
- implementation of a plan after obtaining the acceptance of the relevant member of the Team and approval by the Chairman of the Team,
- submitting a request for a change of plan,
- cooperation with Programme coordinators appointed in other offices and institutions,
- monitoring, coordinating and organizing the implementation of tasks and activities specified in the implementation plan of tasks/activities,
- fulfilling the reporting obligation.

Tasks of the Team:

- approving plans for the implementation of tasks and activities prepared by coordinators which have obtained a prior approval from a competent member of the Team,
- creating ad hoc task teams,
- monitoring the progress of the Programme implementation,
- making decisions on disbursement of funds from financial support obtained under EU funds or other programs financed from public funds for the implementation of the Programme;
- accepting semi-annual and annual reports and the final report on the implementation of the Programme,
- presenting to Minister – Special Services Coordinator reports on the implementation of the Programme along with conclusions and recommendations.

Tasks of the Council of Ministers:

- familiarizing themselves with semi-annual and annual reports and the final report through the Minister – Special Services Coordinator,
- optionally, indicating directions for further actions in the scope covered by the Programme.

Evaluation of the Programme

The President of the Council of Ministers, acting on the basis of Art. 6 para. 1 of the Act of 23 December 1994 on the Supreme Chamber of Control (Journal of Laws of 2017, item 524), will apply to the Supreme Chamber of Control to carry out an audit of the implementation of the Programme after its completion.

It is also planned to create in the information and educational service of the Central Anti-Corruption Bureau, *anticorruption.gov.pl*, a publicly available tab intended to publicize information on the status of the Programme's tasks/activities.

Potential threats to the implementation of the Programme

1. Delays in the implementation of tasks and activities resulting from unplanned reorganization and functional changes of institutions responsible for them when the Programme is adopted.
2. Delays related to the need to assess the status of tasks and activities *Government Programme for Counteracting Corruption for the years 2014-2019* for the period 2014-2017.
3. Lack of political agreement during the preparation and lack of will to implement legal provisions concerning or affecting the prevention or combating of corruption.
4. Insufficient financial resources for the implementation of tasks or activities resulting from the situation of public finances.
5. Problems with timely preparation of regulations in the scope covered by the Programme.

4.4. Financing of the Programme

The Programme is not a multiannual programme within the meaning of the Act of 27 August 2009 on Public Finance (Journal of Laws of 2017, item 2077).

Funds for the implementation of the Programme in the years 2018-2020 should be generated within the limits of expenses set for a given disposer for these years.

The remaining costs of activities ensuring the achievement of objectives set for the Programme, which were defined in the Action Plan, will be borne on the basis of own budgets of the services, bodies and institutions involved in their implementation.

In addition, a possibility to implement activities with the financial support obtained under the European Union funds or other programs financed from public funds was envisaged.

Table No. 2 Current expenditure in the years 2018-2020 in PLN

Years			In total
2018	2019	2020	
1 000 000	1 000 000	1 000 000	3 000 000

Not all tasks and activities planned for implementation under the Programme will generate additional costs. In particular, this applies to tasks and activities carried out in the offices where reviews and analyzes, i.e. analytical and conceptual projects are carried out, e.g. development of legal provisions and mechanisms for their evaluation, reviews of ethical conduct standards, strengthening cooperation, monitoring corruption threats, etc.

It should be emphasized that some of the tasks or activities will require financial outlays, in

particular those that relate to broadly understood education, sharing of experience (e.g. educational programs and campaigns, training courses, conferences, workshops, seminars, etc.). Financial resources for their implementation will be spent by central offices involved in their implementation.

Financial resources necessary for the implementation of individual tasks/activities of the Programme will be specified in detail by the implementers and will be included in the implementation schedule. The assumed estimated level of current expenditures (in total PLN 3,000,000, PLN 1,000,000 per annum) is primarily a hedge for the implementation of action 1.2. of the Programme, i.e. creation of a uniform system of submission and analysis of asset declarations by persons performing public functions. The development and construction of such a tool for data acquisition and analysis will generate costs at least at the adopted level.