

GUIDEBOOK



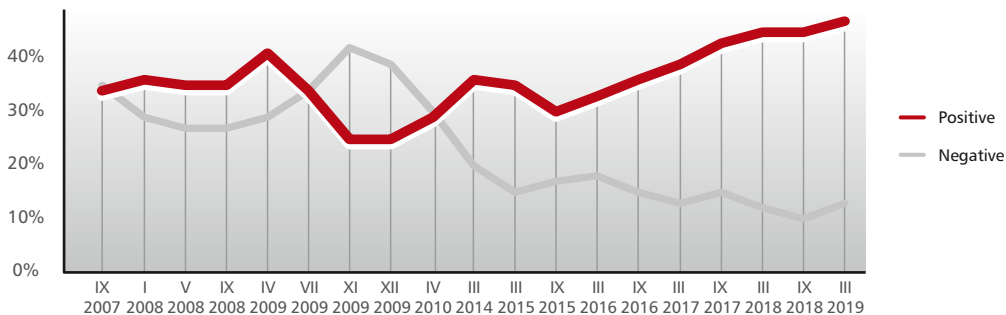




THE CENTRAL ANTI-CORRUPTION BUREAU

The Central Anti-Corruption Bureau (CBA) is a special service created 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 State's economic interest. The Bureau conducts its activities under the Act of 9 June 2006 on the Central Anti-Corruption Bureau (Journal of Laws of 2018, item 2104 – consolidated text as amended).

A survey conducted in March 2019¹ by Public Opinion Research Center (CBOS) shows, that 47% of respondents positively evaluate the activities of the Central Anti-Corruption Bureau. This is the best result in the research conducted by CBOS.



↑
Ratings of the Central Anti-Corruption Bureau

Prepared annually since 1995 by Transparency International (TI), the Corruption Perception Index (CPI) has been an important indicator of the perception of corruption in the public sector. According to the last TI report from January 2019², at the end of 2018, Poland ranked 36th out of 180 countries surveyed. Behind Poland are among others: Czech Republic and Lithuania (38th), Latvia and Spain (41st), and Slovak Republic (57th). From the countries in the region of Central and Eastern Europe, only Estonia holds a higher position (18th place).

¹ Respondents' indications by the survey date expressed as a percentage (the answer „hard to say” was skipped). Source: Public Opinion Research Centre, Research Report No. 44/2019, Evaluation of public institutions, Warsaw 2019

² <http://antykorupcja.gov.pl/ak/aktualnosci/12952,Indeks-Percepcji-Korupcji-2018.html> [accessed 13.06.2019]



HEAD OF THE CBA

The Head of the Central Anti-Corruption Bureau is a central organ of government administration, supervised by the Prime Minister. His activity is subject to control by the Sejm. The Head of the CBA is appointed for a term of four years and recalled by the Prime Minister, following a consultation with the President of the Republic of Poland, the Special Services Committee and the Parliamentary Committee for Special Services. The reappointment of the Head of the CBA can take place only once. On 19th February 2016, the Prime Minister Beata Szydło appointed Ernest Bejda to the post of the Head of the Central Anti-Corruption Bureau.


Ernest Bejda was born on 24th September, 1973. He graduated from the Maria Curie-Skłodowska University in Lublin. In 1997, he graduated from law studies at the Faculty of Law and Administration. Afterwards, in the years 1997–1999, he completed legal (prosecutor) apprenticeship in Warsaw, passing the professional prosecutor's exam. From 2000 to 2002, he worked at the General Customs Inspectorate in Warsaw. In the years 2000–2004, he completed legal (attorney) apprenticeship. After passing the final advocate exam, from 2004 he worked as a solicitor. In 2006, he was appointed deputy head of the CBA. He held that function until 2009. In 2010, he was discharged from service in the CBA. In the following years, until he became the Head of the CBA, he worked, among others, as a legal adviser, running his own law firm.



TASKS OF THE CBA

- ▾ OPERATIONAL INTELLIGENCE
- ▾ INVESTIGATION ACTIVITIES
- ▾ CONTROL
- ▾ ANALYTICAL AND INFORMATIVE





The tasks of the Bureau in terms of its statutory competence comprise, first of all, identification, prevention and detection of crimes (laid down in art. 2, paragraph 1, item 1 of the Act on the CBA) and prosecution of perpetrators, as well as:

- disclosure and prevention of cases of non-compliance with the limitation of conducting economic activities by persons performing public functions;
- documenting the grounds for and initiating implementation of the provisions on the reimbursement of unjustly obtained benefits at the expense of the State Treasury or other public legal entities;
- control of the correctness and truthfulness of asset declarations or statements on conducting economic activities by persons performing public functions;
- disclosure of cases of non-compliance with certain provisions of law-making procedures and implementation of decisions concerning:
 - privatisation and commercialisation,
 - financial support,
 - awarding public procurement,
 - disposal of assets of public finance sector entities, entities receiving public funds, entrepreneurs with State Treasury shareholding or local government units,
 - granting of concessions, permits, subject exemptions, reliefs, preferences, quotas, tariffs ceilings, sureties and bank guarantees;
- conducting analytical activities concerning the phenomena occurring within the CBA's competence and presenting information in this regard to the Prime Minister, the President of the Republic of Poland, the Sejm and the Senate.

Preventive activities also constitute an important part of the CBA performance.

OPERATIONAL ACTIVITIES AND LEGAL PROCEEDING

Operational intelligence is performed by the officers of the CBA in order to prevent the perpetration of crimes, their recognition and detection as well as to obtain and process information relevant to combating corruption in state institutions and local government and also activities against the economic interest of the State.

Operational cases in the years 2016–2018

Year	The number of operational cases		
	initiated	conducted	closed
2016	200	439	185
2017	192	441	153
2018	185	470	154

In case of a justified suspicion of crime perpetration, the CBA officers perform investigative activities specified by the provisions of the Code of Criminal Procedure, including activities ordered by court and the prosecutor.

Preparatory proceedings in the years 2016–2018

Year	The number of preparatory proceedings		
	initiated	conducted	closed
2016	281	491	178
2017	256	555	176
2018	189	567	173

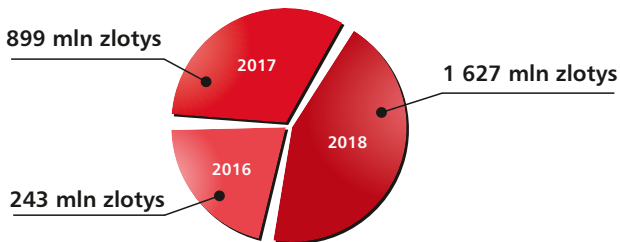


The number of suspects and charges in the years 2016–2018

Year	The number of	
	suspects	charges
2016	479	1 275
2017	710	3 031
2018	721	2 226

In 2018, the percentage of investigations completed by the indictment amounted to over 42%.

In the course of the operational and investigative activities conducted in recent years, damage to the State Treasury property has been disclosed in the amount of:



The amount of damage to the property of the State Treasury, disclosed in the years 2016–2018

CONTROL ACTIVITIES

The Bureau is the sole special service having a tool in the form of the control of asset declarations and economic decisions.

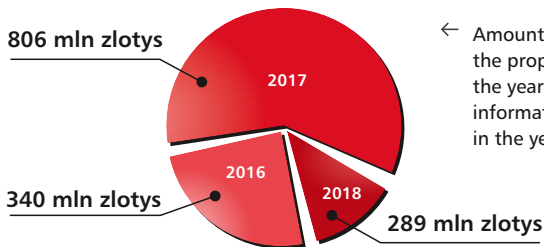
The aim of control activities conducted by the CBA officers is the disclosure of corruption cases in public institutions, abuse by persons performing public functions, and activities against the economic interest of the State.

Controls are conducted on the basis of an annual control plan, approved by the Head of the CBA or – if necessary – on an ad hoc basis.

Conducted control activities

Year	2017	2018
Control cases	1 285	1 422
Pre-control analysis	631	727
Controls	161	145

In the course of the control activities conducted in recent years, damage or exposure to damage to the State Treasury property has been disclosed in the amount of:



← Amount of damage or exposure to damage to the property of the State Treasury, disclosed in the years in the course of control and pre-control informational and analytical analysis conducted in the years 2016–2018



Control activities cover:

- 1** disclosure of cases of non-observance of the law, for example in the scope of issuing economic decisions (among others: privatization, financial support, disposal of state and municipal assets, public procurement), as well as preventing it,
- 2** verification of the correctness and veracity of asset declarations or statements on conducting economic activities by persons performing public functions.

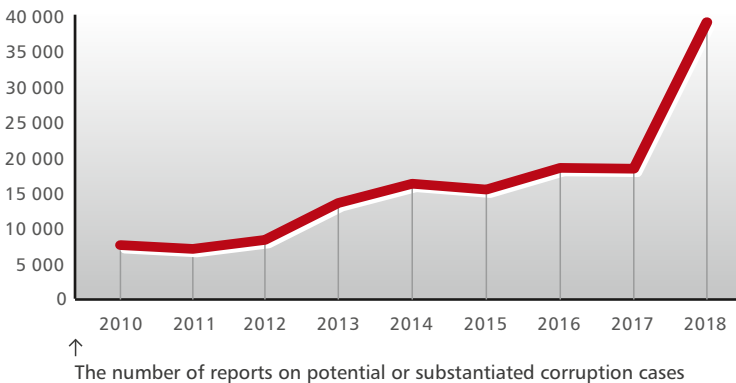


The CBA also verifies incompatibility declarations. Declarations of the following groups are verified: candidates for members and members of the Economic Commission to the Minister of Health, the Transparency Council to the President of the Agency for Health Technology Assessment and Tariff System, the Tariff System Council to the President of the Agency for Health Technology Assessment and Tariff System, the Offset Committee to the Ministry of National Defence and health care consultants.

ANALYTICAL ACTIVITIES

Identification of threats detrimental to the economic interest of the State as well as appropriately early and possibly predictive communicating them to the state authorities, in addition to the formulation of proposals of remedial actions are the basic objectives of analytical and informative undertakings carried out by the CBA officers.

Moreover, they support operational intelligence, investigative and control activities. Activities conducted by the Bureau in 2018 concerned mainly computerization of state institutions and systems, health care and activities of the pharmaceutical sector, functioning of the fuel and energy sector, with particular emphasis on activities undertaken by State Treasury companies and the functioning of the financial sector. The fact that more and more people evaluate the work of the CBA as good is reflected in the number of potential corruption cases reported to the Bureau.

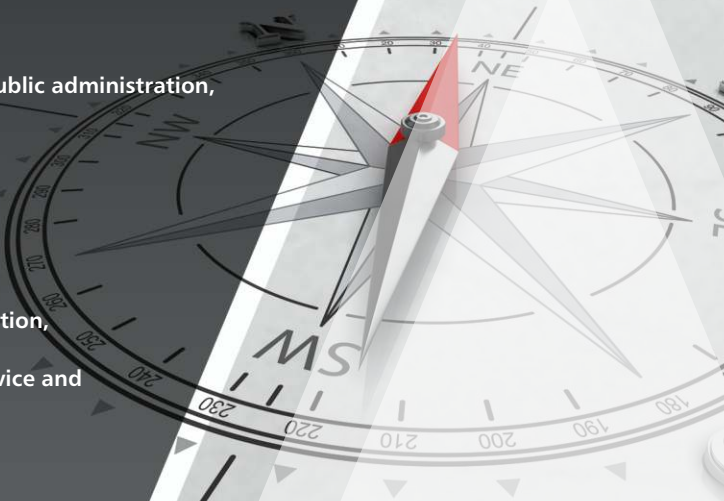


Every year, the CBA prepares and issues a document titled *Combating Corruption Crime in Poland* (previous title – *The Corruption Map*), which reflects the state of corruption offences in Poland. The report is prepared in cooperation with institutions and services involved in combating corruption crimes.

RISK AREAS

The forecast on corruption threats developed by the Bureau in 2013 allowed to focus the CBA's activities on eight selected areas:

- infrastructure
- computerisation of public administration,
- the use of EU funds,
- the defence sector,
- health care,
- environmental protection,
- corruption in civil service and
- energy.



GOVERNMENT PROGRAMME FOR COUNTERACTING CORRUPTION FOR THE YEARS 2018–2020

On 6 January 2018, under Resolution No. 207 of the Council of Ministers of 19 December 2017 (M.P. of 2018, item 12), *the Government Programme for Counteracting Corruption for the years 2018–2020 (RPPK for the years 2018–2020)* was adopted.

The adopted Programme is the outcome of work of the Central Anti-Corruption Bureau, undertaken as a result of arrangements between the Minister of Interior and Administration, which is responsible for the implementation of the *RPPK for the years 2014–2019*, and the Minister – Special Services Coordinator.

The Government Programme for Counteracting Corruption for the years 2018–2020 implements the obligation to conduct systemic actions in the field of counteracting corruption resulting from the recommendation of the Group of States Against Corruption (GRECO), recommendations of the European Union and the Council of Europe, as well as the United Nations Convention against Corruption. During its creation, the Bureau was also guided by the necessity to be coherent with *the Strategy for Responsible Development for the period up to 2020 (including the perspective up to 2030)*, which was adopted on 14 February 2017 by the Council of Ministers and constitutes an update of *the National Development Strategy 2020*.

When formulating new objectives, it was assumed that the *RPPK for the years 2018–2020* will act as a tool ensuring flexible planning and management of legislative, operational, preventive and educational activities undertaken by state services and authorities in the area of counteracting corruption crime. As the main objective, the Central Anti-Corruption Bureau indicated a real limitation of corruption crime in the country and raising public awareness of counteracting corrupt behavior.



STOP

ANTI-CORRUPTION TRAINING COURSES

Since 2010 the CBA officers, on the grounds of their experience in the field combating and preventing corruption, have conducted training courses for employees of government, public administration institutions and companies with State Treasury shareholding. The courses are also conducted during various workshops and conferences addressing anticorruption issues. By the end of 2018, more than 1 100 training courses were conducted in about 700 institutions. More than 53 000 people were trained.

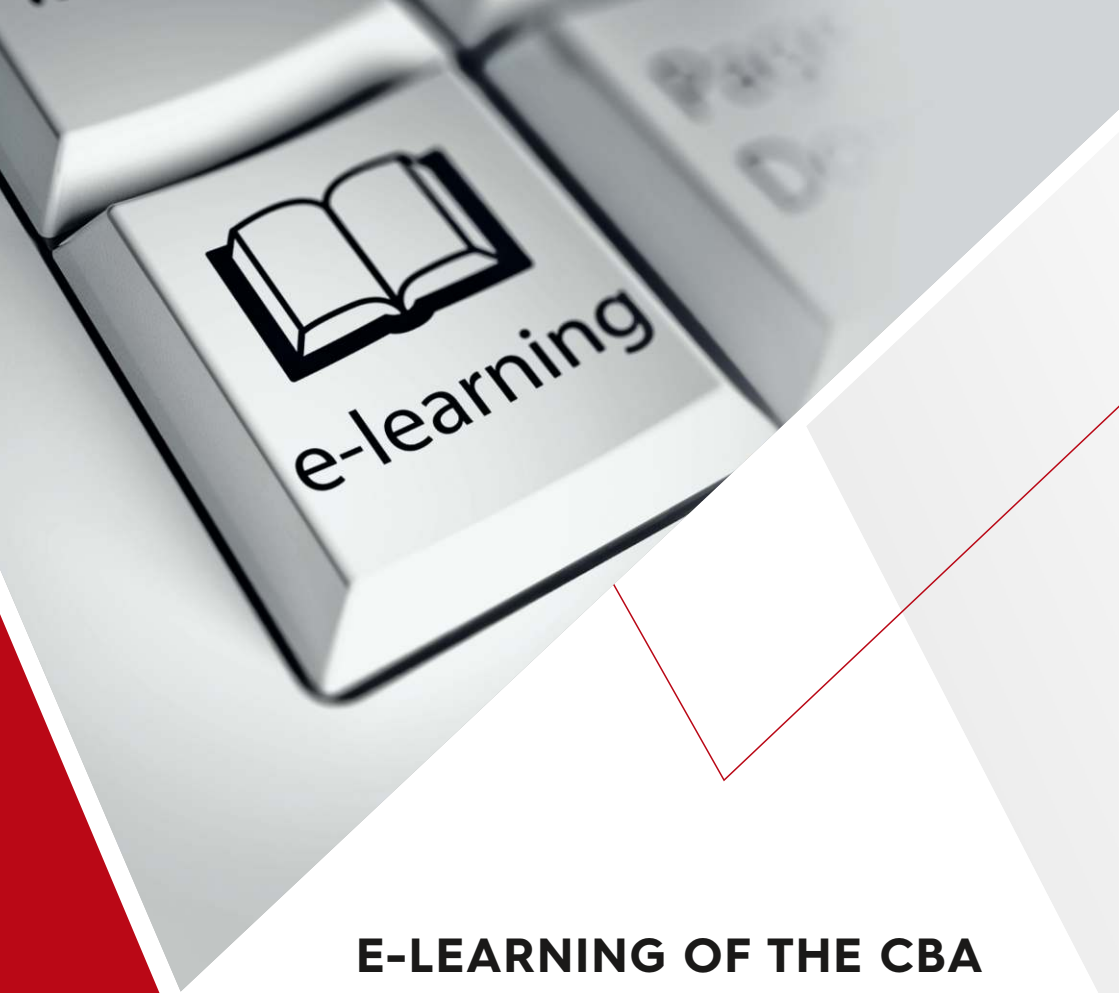
ANTI-CORRUPTION TRAINING COURSES

- 1 100 training courses
- 700 institutions
- 53 000 people trained

The courses are complemented with handbooks issued by the CBA and addressed to officials, entrepreneurs and politicians.

Cooperation with ORE

The CBA and the Centre for Education Development (ORE), under an agreement signed in March 2014, have implemented a pilot educational project *Ethics not only for Kids*. The cooperation included mainly training on anti-corruption for coordinators and regional leaders, development of a handbook for teachers and launch of an e-learning platform. The project was dedicated to teachers and pupils of classes I to III of elementary school, as well as to their parents and local communities. It was attended by almost 220 schools and over 27 500 pupils were trained. 90% of the teachers who use the program observed at least partial changes in the attitudes and the behaviour of pupils. On 12 June 2015, a conference was held to sum up the pilot project, while the project itself was completed in August of the same year. The developed program constitutes the basis for the implementation of lessons in a part of elementary schools to the present day.



E-LEARNING OF THE CBA

The anti-corruption e-learning platform of the Central Anti-Corruption Bureau (<https://www.szkolenia-antykorupcyjne.edu.pl>) is a publicly available, free e-learning platform with anti-corruption training courses for all people interested in anti-corruption issues, especially officials, entrepreneurs and students. Its primary goal is to spread knowledge about corruption and to promote good practices in preventing and combating this phenomenon. It also constitutes one of the key tools of the Bureau's anti-corruption education.

The platform was created as part of the project co-financed in the years 2013–2015 from the funds of the European Commission entitled *Rising of Anticorruption Training System* and is the Bureau's own project.

The platform was presented at the 66th Plenary Session of the Group of States Against Corruption, and the information about this initiative was also widely disseminated with the participation of national and international bodies. By the end of May 2019, nearly **150 000 people** from Poland and abroad completed the training.

In June 2018, Ernst & Young carried out an audit in the CBA, commissioned by the European Commission in the scope of implementation of the project already completed. The audit ended with a positive assessment for the Bureau.

Due to the entry into force of the General Data Protection Regulation (GDPR), the CBA training platform has been re-modified and from 25 May 2018 it does not collect or process personal data.

The CBA e-learning platform was presented, among others, in September 2018 at the forum of the European Commission and in November 2018 at the seminar of the United Nations Office on Drugs and Crime (UNODC) devoted to pro-social policy of law enforcement agencies and training techniques organized in Saudi Arabia. Based on the experience of the Bureau, similar on-line anti-corruption training courses are to be implemented by the Special Investigation Service of the Republic of Lithuania (STT).

The platform, both in the Polish and English language version, comprises the latest solutions, including legislative and organizational in the field of counteracting corruption. It contains three training modules:

- Corruption in public administration
- Corruption in business
- Counteracting corruption

ANTI-CORRUPTION PUBLICATIONS

In the years 2010–2018, the CBA issued 56 publications, 38 of which were in Polish, 10 – in English, and 8 bilingual – Polish-English. The publications are available in the form of e-books and audiobooks on the websites:

→ www.cba.gov.pl → www.antykorupcja.gov.pl

ANTI-CORRUPTION HANDBOOKS

- *The anti-corruption handbook for officials*
- *The anti-corruption handbook for entrepreneurs*
- *Anti-corruption recommendations on public procurement procedures*
- *Political corruption. Guidance for representatives of authorities elected in the general election*



THE CBA'S WEBSITES

www.cba.gov.pl

the CBA'S official website

The site is also available in English.

The Bureau conducts information activities on **facebook** and **twitter**.

The websites in both language versions include basic information related to the activities of the Bureau. The website is adapted to the needs of people with disabilities.

www.antykorupcja.gov.pl – informative and educational website

Educational content can also be found on websites run by the CBA: **facebook**, **twitter**, **youtube**.

The website contains information of educational nature covering, among others, current media reports on corruption and its countermeasures, analyses and reports as well as the results of social research.



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INTERNATIONAL COOPERATION

The CBA cooperates with many international organisations and law enforcement agencies in other countries. The cooperation aims to exchange best practices, extend the knowledge on corruption, solutions and instruments applied abroad as well as to exchange information on current operational and investigative activities conducted by foreign services. In order to carry out the tasks of the Bureau, the Head of the CBA may cooperate with competent authorities and services of other countries and with international organisations. Pursuant to the Act on the CBA, such cooperation is feasible exclusively after obtaining the consent of the Prime Minister.


So far, the Bureau has obtained the consent to cooperate with 54 countries and 13 international organisations.





The Bureau established cooperation with, among others, The World Bank, which resulted in a joint publication titled: *Fraud and Corruption Awareness Handbook. A handbook for Civil Servants Involved in Public Procurement.*


The CBA participated in 3 EU-funded projects under the Programme *Prevention of and Fight against Crime (ISEC)*. In 2015, two of them were completed – project entitled: *Rising of the Anticorruption Training System* in cooperation with the Lithuanian Special Investigation Service (STT) and Latvian Corruption Prevention and Combatting Bureau (KNAB), as well as project entitled: *International cooperation of law enforcement agencies in the field of preventing and combating economic and corruption crimes as a component of security in the European Union* in cooperation with Regional Police Headquarters in Lublin. Moreover, in 2016 the project entitled: *SIENA for Anticorruption Authorities (S4ACA)* was finalized. It was jointly conducted with the Austrian Federal Bureau of Anti-Corruption (BAK) and EUROPOL. The Bureau is constantly monitoring the possibilities of financing projects from various institutions, including the EU, to further develop anti-corruption activities.



The CBA for years has maintained and strengthened its cooperation in the region, both with the Baltic States and within the countries of the so-called Eastern Partnership. The cooperation is carried out in the following areas: operational, investigative, control and analytical and covers, among others, study visits to government offices of foreign partners and the CBA, as well as exchanges of officers, e.g. as part of the CEPOL exchange program.

Contacts with the Balkan countries are also being developed. The Steering Committee of the Regional Anticorruption Initiative (RAI)³ granted the CBA the status of observer. This allows the Bureau to participate in a variety of anti-corruption initiatives, such as: international projects, training courses, seminars and educational activities, including academic activity. In July 2017, the CBA together with the Police Training Center in Legionowo organized a summer anti-corruption school for practitioners from RAI countries. In terms of exchange of good practices and training courses, the experts of the Bureau also cooperate with the European Union Law Enforcement Training Agency (CEPOL). In 2018, representatives of the Central Anti-Corruption Bureau participated in the meeting with the GRECO Evaluation Group as part of the 5th evaluation round in the field of preventing and combating corruption among the highest state authorities. In 2018, representatives of the Central Anti-Corruption Bureau participated in the meeting with the GRECO Evaluation Group as part of the Fifth Evaluation Round in the field of preventing and combating corruption among the highest state authorities. All these initiatives contribute to raising anti-corruption awareness in the regions of the EU, South and Central as well as Eastern Europe.

³ Members of RAI: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Montenegro, Macedonia, Moldova, Romania and Serbia



The CBA's experts, together with the representatives of the Federal Administrative Court in Cologne, participated in the twinning project for Macedonia – *Support to Efficient Prevention of and Fight against Corruption* – which is preparing the country to join the EU. The project ended in the autumn of 2016, and the final report highlighted the important role of the Bureau in the success of this initiative.

CBA officers also participated in twinning projects for:

▶ **Moldova** – *Support to the Government of Moldova in the Field of Anticorruption*, which main objective was to support the Moldovan government in its efforts in the fight against corruption and

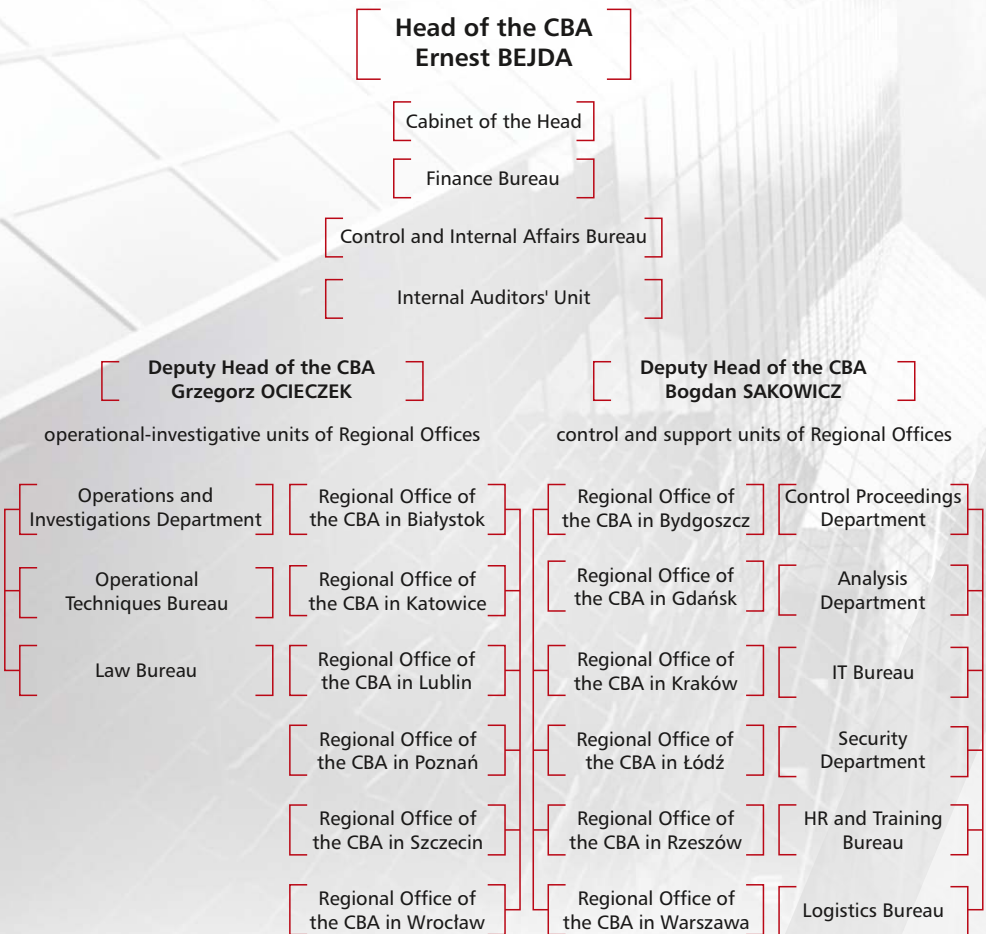
▶ **Montenegro** – *Support to the Implementation of the Anticorruption Strategy and Action Plan*, which overall objective was to reduce the level of corruption and conflicts of interest in Montenegro.

In 2016, the CBA also supported the activities of the Supreme Audit Office within a twinning project for the State Audit Office of Albania.

In 2017, a Memorandum of understanding between the CBA and the Ukrainian service – National Anti-Corruption Bureau of Ukraine (NABU) – on joint anti-corruption measures in the implementation of the Agreement between the Government of the Republic of Poland and the Ukrainian Government on granting a loan under tied aid for the modernization of cross-border infrastructure and road traffic in Western Ukraine, near the border with Poland, was prepared. The activities undertaken by both services are aimed at the proper spending of money from the Polish loan. The loan service is coordinated by the Ministry of Interior and Administration and the Ministry of Finance, and on the part of Ukraine by the Ministry of Finance.

THE STRUCTURE OF THE BUREAU

The CBA is the smallest and also the youngest special service in Poland. The Bureau employs **1 300 officers and civil servants** who are high class professionals in the areas of operational work, investigative activities, analyses, control activities, direct protective measures, information and communication networks security, protection of classified information and personal data, legal services, logistics and finance, audit and internal security, international cooperation and security and training of staff.





REGIONAL OFFICES OF THE CBA

- **Białystok**, ul. Gen. Władysława Andersa 46B, 15-113 Białystok, tel. (22) 437 30 00
- **Bydgoszcz**, ul. Siedlecka 10, 85-403 Bydgoszcz, tel. (22) 456 10 00; (52) 525 10 00
- **Gdańsk**, ul. Kartuska 385b, 80-125 Gdańsk, tel. (22) 437 31 00; (58) 767 31 00
- **Katowice**, ul. 1 Maja 123, 40-235 Katowice, tel. (22) 437 32 00; (32) 788 32 00
- **Kraków**, ul. Fabryczna 18, 31-553 Kraków, tel. (22) 437 33 00; (12) 342 33 00
- **Lublin**, ul. Gliniana 7, 20-616 Lublin, tel. (22) 437 34 00; (81) 461 34 00
- **Łódź**, ul. Rzgowska 34/36, 93-172 Łódź, tel. (22) 437 35 00
- **Poznań**, ul. Serdeczna 1, 62-081 Wysogotowo, tel. (22) 437 36 00; (61) 668 36 00
- **Rzeszów**, ul. Wspólna 1, 35-205 Rzeszów, tel. (22) 437 37 00; (17) 784 37 00
- **Szczecin**, ul. Żołnierska 4d, 71-210 Szczecin, tel. (22) 437 38 00; (91) 831 38 00
- **Warszawa**, ul. Poleczki 3, 02-822 Warszawa, tel. (22) 437 24 00
- **Wrocław**, ul. Rodakowskiego 6, 51-637 Wrocław, tel. (22) 437 39 00



BY MAIL
Al. Ujazdowskie 9
00-583 Warszawa

REPORT CORRUPTION



FREE HOTLINE
800 808 808



E-MAIL
sygnal@cba.gov.pl

Centralne Biuro Antykorupcyjne
Al. Ujazdowskie 9, 00-583 Warszawa
e-mail: bip@cba.gov.pl
tel. (22) 437 22 22
fax: (22) 437 22 97

Pass Office is located at the entrance from Al. J.Ch. Szucha.
Correspondence register is located at the entrance from
Al. J.Ch. Szucha (open from Monday to Friday from 8.15 a.m. – 4.15 p.m.).
Recruitment tel. (22) 437 15 19