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# FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in  
central governments (top executive functions) and  
law enforcement agencies

## SECOND COMPLIANCE REPORT

# POLAND



Adopted by GRECO  
at its 94<sup>th</sup> Plenary Meeting (Strasbourg, 5-9 June 2023)



Group of States against Corruption  
Groupe d'États contre la corruption

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## **I. INTRODUCTION**

1. GRECO's Fifth Evaluation Round deals with "Preventing corruption and promoting integrity in central governments (persons entrusted with top executive functions or PTEFs) and law enforcement agencies (LEAs)".
2. This [Second Compliance Report](#) assesses the measures taken by the authorities of Poland to implement the recommendations issued in the [Fifth Round Evaluation Report on Poland](#) which was adopted at GRECO's 81<sup>st</sup> Plenary Meeting (7 December 2018) and made public on 28 January 2019. The corresponding [Compliance Report](#) was adopted by GRECO at its 87th Plenary Meeting (25 March 2021) and made public on 27 September 2021.
3. As required by GRECO's Rules of Procedure<sup>1</sup>, the authorities of Poland submitted a Situation Report on measures taken to implement the recommendations. This report was received on 30 December 2022 and served, together with additional information subsequently provided, as a basis for the Second Compliance Report.
4. GRECO selected the United Kingdom (with respect to top executive functions in central governments) and Estonia (with respect to law enforcement agencies) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr David MEYER on behalf of the United Kingdom, and Ms Mari-Liis SÖÖT on behalf of Estonia. They were assisted by GRECO's Secretariat in drawing up the Compliance Report.

## **II. ANALYSIS**

5. GRECO addressed 21 recommendations to Poland in its Fifth Round Evaluation Report. In the Compliance Report, GRECO concluded that recommendation xvii had been dealt with in a satisfactorily manner, recommendations ii, ix, xiv, xv and xx had been partly implemented and recommendations i, iii-viii, x-xiii, xvi, xviii, xix and xxi had not been implemented. Compliance with the outstanding recommendations is examined below.

*Preventing corruption and promoting integrity in central governments (top executive functions)*

### **Recommendation i**

6. *GRECO recommended that a general integrity plan be elaborated in respect of all duly identified groups of persons exercising top executive functions, as an overarching structure to the integrity arrangements existing in some ministries, aiming at preventing and managing risks of corruption including through responsive advisory, monitoring and compliance measures.*
7. GRECO recalls that this recommendation was not implemented in the Compliance Report. It noted that the development of two sets of guidelines regarding the creation

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<sup>1</sup> The Compliance procedure of GRECO's Fifth Evaluation Round is governed by its Rules of Procedure, as amended: Rule 31 revised bis and Rule 32 revised.

and implementation of effective compliance programmes in the public sector and the uniform organisational and legal solutions to counter corruption in public administration had not met the requirements of the recommendation for an integrity plan in respect of all duly identified groups of PTEFs, as an overarching structure to the integrity arrangements in some ministries.

8. The Polish authorities have not reported any new measures taken with regard to this recommendation, reiterating that the elaboration of the two sets of guidelines satisfy the requirements of this recommendation. Also, they provide that the Central Anti-corruption Bureau has carried out trainings in order to implement this recommendation (see paragraph 17 below for more information).
9. GRECO notes that no further progress has been made and concludes that recommendation i remains not implemented.

#### **Recommendation ii**

10. *GRECO recommended that a comprehensive code of conduct be developed for persons exercising top executive functions covering inter alia gifts and other benefits and conflicts of interest, accompanied by appropriate guidance including explanatory comments and concrete examples.*
11. GRECO recalls that this recommendation was partly implemented in the Compliance Report. The ethical rules had spread over two sets of guidelines (see paragraph 7 above) which for the most part targeted public administration employees and were not consolidated in a single document focusing on PTEFs. The first set of guidelines (on effective compliance programs) included guidance on gifts and other benefits, comprising a template register for gifts and benefits, and the second set of guidelines (on organisational and legal solutions to combat corruption in public administration) contained rules of conduct in respect of public officials, providing five examples of corruption risks in public official-client relations. The second set of guidelines also comprised a specific section on PTEFs, which introduced a code of conduct for PTEFs, but without any explanatory comments or concrete examples.
12. The Polish authorities have not reported any new measure taken with regard to this recommendation, reiterating that the adopted guidelines satisfy the requirements of this recommendation. However, they provide that work is underway on producing an anti-corruption handbook for PTEFs, which will include practical rules and concrete examples for dealing with gifts, conflicts of interests and contacts with lobbyists and third parties.
13. GRECO takes note of the proposed publication of practical guidance and concrete examples on gifts, conflicts of interests and contacts with lobbyists. GRECO encourages the authorities to pursue their efforts to bring the publication to fruition, including the publication of concrete examples and guidance on how to deal with ethical dilemmas, drawing their attention to paragraph 33 of the Evaluation Report that the publication ought to cover all relevant integrity rules and principles. Pending receipt and publication

of such document, GRECO cannot say that the recommendation has been fully addressed.

14. GRECO concludes that recommendation ii remains partly implemented.

**Recommendation iii**

15. *GRECO recommended (i) developing mechanisms to promote and raise awareness on integrity matters (and the future rules of conduct) among persons exercising top executive functions, including through integrity training at regular intervals; (ii) establishing a dedicated confidential counselling function to provide these persons with advice on integrity, conflicts of interest and corruption prevention.*
16. GRECO recalls that this recommendation was not implemented in the Compliance Report. As regards the first part of the recommendation, it noted that the training program devised by the authorities had focused on the civil service in general and that no mechanism had been developed to raise awareness on integrity matters amongst PTEFs. As regards the second part, it recognised that the appointment of ethics advisers in ministries had become a general policy and that there existed various avenues for PTEFs to seek advice (such as from the ethics advisers, departmental coordinators for the implementation of the Government's Anti-corruption Programme, the internal audit departments or the Central Anti-corruption Bureau-CAB), without establishing a dedicated confidential counselling function for PTEFs.
17. The Polish authorities, in addition to reiterating their prior submissions about the organisation of training for the civil service and the various avenues for PTEFs to seek confidential advice, now report that the CAB is working towards devising a new anti-corruption strategy, which would include the creation of a training module for PTEFs on the CAB's e-learning training platform and the development of a system to provide ethics advice to the civil service, including PTEFs. In this regard, CAB has carried out onsite or remote anti-corruption training activities for a total of 1,445 institutions, mainly entities disposing of public funds, such as ministries, including companies with State Treasury participation. Its trainings have been attended by over 60,000 persons, including government officials and employees. The training modules, which chiefly target civil servants and management of public entities, can be attended free of charge at [www.szkolenia-antykorypcyjne.edu.pl](http://www.szkolenia-antykorypcyjne.edu.pl) and [www.antykorypcja.gov.pl](http://www.antykorypcja.gov.pl). CAB is also working towards redesigning its website and building the #ABChonesty portal, which will include a revamping of the [www.antykorypcja.gov.pl](http://www.antykorypcja.gov.pl) website, creation of a broad database of knowledge, and the possibility to directly and anonymously contact and report irregularities or ask questions to a dedicated CAB expert online.
18. GRECO takes note of the training activities organised by the Central Anti-corruption Bureau which target employees and officials of public entities, including companies with State equity shares. It also welcomes plans to introduce an e-training module and develop a dedicated confidential counselling channel for PTEFs in the future, which are yet to materialise. Pending such dedicated trainings for PTEFs and the establishment of

a dedicated confidential counselling channel, GRECO cannot consider that this recommendation has been complied with, even partly.

19. GRECO concludes that recommendation iii remains not implemented.

#### **Recommendation iv**

20. *GRECO recommended ensuring that an independent oversight mechanism is in place to guarantee the effective implementation of the freedom of information legislation.*
21. GRECO recalls that this recommendation was not implemented in the Compliance Report. The authorities had maintained that an independent oversight mechanism was not necessary and had taken no steps towards the implementation of this recommendation.
22. The Polish authorities reiterate their prior submissions that the 2001 Act on Access to Public Information provides for a supervision mechanism for its implementation, exercised by the Ombudsman and administrative courts, including the Supreme Chamber of Control.
23. In the absence of any progress, GRECO concludes that recommendation iv remains not implemented.

#### **Recommendation v**

24. *GRECO recommended ensuring that governmental legislative proposals effectively involve appropriate timelines for consultation and adequate impact assessments in practice, and that contacts and inputs received before the formal launching of consultations be equally documented.*
25. GRECO recalls that this recommendation was not implemented in the Compliance Report. No steps had been taken to ensure that appropriate timelines for consultation were in place and that contacts and inputs received before the formal launching of consultations were documented. Plans were underway to establish a mechanism for evaluating draft legislation in the government's legislative process in terms of corruption risks and a mechanism for analysing the impact assessment of legislation (both *ex ante* and *ex post*).
26. The Polish authorities now report that the mechanism for the assessment of corruption risks in draft legislation for certain regulatory areas has been developed. According to the mechanism, the CAB will carry out such assessment of the proposed draft legislation. Also, the mechanism aims at strengthening the analytical tool of regulatory impact assessment, which is obligatory for every governmental legislative proposal, and increasing the potential of ex-post assessment.
27. GRECO takes note of the development of the mechanism for the assessment of corruption risks in draft legislation recognising, at the same time, that no pertinent

information has been provided with reference to establishing appropriate timelines for consultation of governmental legislative proposals, a consolidated practice that all governmental legislative proposals include adequate impact assessment (see also para. 42 of the Evaluation Report<sup>2</sup>), and documenting contacts and inputs received before the formal launching of consultations.

28. GRECO concludes that recommendation v remains not implemented.

#### **Recommendation vi**

29. *GRECO recommended (i) that detailed rules be introduced on the way in which persons exercising top executive functions interact with lobbyists and other third parties seeking to influence the public decision-making process; and (ii) that sufficient information about the purpose of these contacts be disclosed, such as the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion.*
30. GRECO recalls that this recommendation was not implemented in the Compliance Report. The authorities had carried out an analysis of the effectiveness of the Act on Lobbying Activities in the Process of Law-making, without GRECO being informed of its outcomes. Further, the guidelines on the rules of conduct in a situation of corruption which included a model of a gift policy and benefits' register (see paragraph 11 above) had not addressed the concerns underlying this recommendation.
31. The Polish authorities, in addition to reiterating the prior submissions, now report that work is underway on producing an anti-corruption manual for PTEFs, which will include a code of conduct on gifts, conflicts of interest and contacts with lobbyists and third parties, and contain explanations and concrete examples (see also paragraph 12 above). Also, the Central Anti-corruption Bureau has carried out trainings in order to implement this recommendation (see paragraph 17 above for more information).
32. GRECO notes that, as regards the first part of the recommendation, it has not been provided with a copy of the proposed publication which, it would expect, will include rules on how PTEFs are to interact with lobbyists and third parties. No information has been provided by the authorities towards the implementation of the second part of the recommendation.
33. In these circumstances, GRECO concludes that recommendation vi remains not implemented.

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<sup>2</sup> The Supreme Audit Office had well documented problems relating to missing impact assessment on government initiatives.

### **Recommendation vii and viii**

34. GRECO recommended:

- *that common cross-government rules and guidance are introduced on ancillary activities; (recommendation vii)*
- *broadening the scope of application of the legislation on post-employment restrictions, in order to deal effectively with conflicting activities and to prevent improper moves to the private sector after the termination of functions of persons exercising top executive functions; (recommendation viii)*

35. GRECO recalls that these recommendations were not implemented. As regards recommendation vii, no measures had been taken to introduce common cross-government rules and guidance on ancillary activities<sup>3</sup>. Concerning recommendation viii, the authorities referred to the future transposition of the EU Directive 2019/1 on the empowerment of competition authorities of member states, without specifying the nature of the post-employment restrictions to be introduced.

36. The Polish authorities have not provided any new relevant information, reiterating their prior submissions. They add that the EU Directive 2019/1 aims at ensuring the independence of the national competition authority, requiring its staff members to refrain from dealing with proceedings that could give rise to conflicts of interest.

37. GRECO notes that no further progress has been made and concludes that recommendations vii and viii remain not implemented.

### **Recommendation ix**

38. *GRECO recommended that (i) the asset declaration system currently in place for different categories of persons exercising top executive functions be streamlined notably with a central register and accompanying guidance, and that the information is made easily and publicly accessible and that (ii) consideration be given to widening the scope of asset declarations to also include information on spouses and dependent family members (it being understood that such information would not necessarily need to be made public)*

39. GRECO recalls that this recommendation was partly implemented. As regards the first part, it noted the intention to reform the asset declaration system by creating a uniform system for submission, analysis and control of asset declarations. Concerning the second part, GRECO noted that certain legislative amendments, the constitutionality of which was pending for review before the Constitutional Tribunal, extended the scope of asset declarations to include certain data on spouses and dependent family members. Those legislative amendments would apply only to PTEFs who were also MPs, while no

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<sup>3</sup> The authorities referred to restrictions on conducting business activities and performing certain functions by PTEFs set out in the 1997 Act on Restrictions on Conducting Business Activities by Persons Performing Public Functions which had already been referred to in the Evaluation Report.

consideration was given to extend the scope of asset declarations submitted by PTEFs who were not MPs.

40. The Polish authorities, in addition to reiterating the prior submissions, now report that the new anti-corruption strategy plans to include measures on the digitalisation, unification and modernisation of the system for the submission, analysis and verification of asset declaration, to be accompanied with the necessary legislative changes. The Central Anti-corruption Bureau's (CAB) website contains publications related to the control procedures. CAB also conducts trainings on the implementation of obligations related to asset declarations. Practical issues concerning asset declarations will be one of the elements of the #ABChonesty portal, which is being designed by CAB.
41. As regards the first part of the recommendation, GRECO takes note of the intention to reform the asset declaration system as part of the measures to be included in the new anti-corruption strategy. However, no additional relevant information has been provided regarding the publication of declarations for all PTEFs. Even though the authorities refer to materials made available on the website of the Central Anti-corruption Bureau (CAB), which also carries out trainings, concrete accompanying guidance concerning the completion of asset declarations (on, for example, what is to be declared, how to fill out the forms and how certain assets are to be valued and so on) is expected to become part of the future #ABChonesty portal to be designed by CAB. No additional information been provided about considering widening the scope of asset declarations to include information on spouses and dependent family members, as required by the second part of the recommendation.
42. GRECO concludes that recommendation ix remains partly implemented.

#### **Recommendation x**

43. *GRECO recommended establishing an independent review mechanism for the declarations of financial interests of persons entrusted with top executive functions, provided with adequate legal, technical and other means to perform its tasks in an effective and accountable manner*
44. GRECO recalls that this recommendation was not implemented. In spite of the authorities' assertions that the legislation ensured an appropriate level of independent supervision by the CAB and the Supreme Chamber of Control, GRECO had misgivings about the asset review system, as expressed in the Evaluation Report, and considered that no independent review mechanism was established.
45. The Polish authorities have not provided any new relevant information, reiterating the prior submissions about the level of independence ensured by the CAB and the Supreme Chamber of Control.
46. GRECO concludes that recommendation x remains not implemented.

#### **Recommendation xi**



47. *GRECO recommended that a robust mechanism of supervision and sanction be put in place for the effective implementation of the future rules of conduct and other standards for the prevention of corruption.*
48. GRECO recalls that this recommendation was not implemented. The guidelines for the creation and implementation of effective compliance programmes in the public sector (see paragraph 7 above) referred in a rather general manner to the enforcement of norms. The section on PTEFs appended to the guidelines on organisational and legal solutions to combat corruption in public administration (see paragraph 11 above) did not envisage any possible supervision or enforcement.
49. The Polish authorities have not provided any new relevant information, reiterating that the current system of oversight and accountability, including criminal and disciplinary sanctions, is adequate and sufficient to protect the public sector from undesirable actions of a corrupt nature.
50. In the absence of any news measures taken, GRECO concludes that recommendation xi remains not implemented.

#### **Recommendation xii**

51. *GRECO recommended that in respect of persons exercising top executive functions, an in-depth reform of the system of immunities be carried out with a view to facilitating the prosecution of corruption-related offences by excluding these from the scope of immunities and by ensuring that the procedure for the lifting of the immunity is transparent and based on objective and fair criteria used effectively in practice*
52. GRECO recalls that this recommendation was not implemented. Misgivings had been expressed in the Evaluation Report regarding the scope of the system of immunities (which included acts unrelated to official duties) and the process for lifting parliamentary immunity (the parliamentary committee could demand access to full criminal file, no fair and objective criteria were in place taking decisions and transparency was lacking). Parliamentary immunity was shown to be an obstacle in cases initiated against certain PTEFs who were MPs, and a similar issue raised in the First Evaluation Round report had not been addressed.
53. The Polish authorities, in addition to reiterating their prior submissions, now contend that the implementation of this recommendation would require constitutional and statutory amendments, which would lead to a weakening of the institution of parliamentary immunity and to a difference in treatment of MPs who may also be PTEFs. They further refer to two legislative initiatives related to the planned lifting of parliamentary formal immunity (Sejm prints nos. 2796 and 2797). In their view, the procedure for waiving immunities is transparent, public and broadcast.
54. GRECO notes that the purpose of this recommendation is precisely to carry out an in-depth reform of the system of immunities enjoyed by PTEFs who are appointed from among the ranks of MPs, including necessary regulatory amendments, so that corruption offences are excluded from the scope of immunities and the procedure for

the lifting of immunities is transparent and based on objective and fair criteria (see also paragraphs 84-88 of the Evaluation Report). In spite of two legislative initiatives related to the planned lifting of parliamentary formal immunity, about which no detailed information has been provided, the fact remains that no in-depth reform has been carried out to date.

55. As no progress has been made, GRECO concludes that recommendation xii remains not implemented.

### **Recommendation xiii**

56. *GRECO recommended ensuring that proceedings before the State Tribunal do not hamper the prosecution of corruption-related offences before the ordinary courts.*
57. GRECO recalls that this recommendation was not implemented. It noted that the existence of various jurisdictions and procedures available in respect of PTEFs' prosecution of corruption-related offences hampered the possibility of effectively prosecuting them. A clear demarcation between such jurisdictions was necessary.
58. The Polish authorities now report that the recommendation would require constitutional and statutory amendments. The State Tribunal examines cases of "constitutional tort" committed by certain PTEFs. In addition, PTEFs may be held criminally liable before the State Tribunal for common criminal offences or fiscal offences committed in connection with their position, provided that the Sejm decides to hold them constitutionally responsible and that it is expedient to hold them, jointly, constitutionally and criminally liable. In such a case, the State Tribunal will take over the joint consideration of the case which may have been handled by the common courts. If the prosecution of PTEFs for corruption offences were to take place only before the common courts, that would result in the institution of double proceedings for the same case. In the authorities' opinion, separating corruption offences from the general principle of PTEFs' liability for criminal and fiscal offences before the State Tribunal will not increase the effectiveness of the prosecution of corruption offences committed by PTEFs.
59. GRECO takes note of the information provided which does not alter the situation described in paragraphs 88-90 of the Evaluation Report. Indeed, in case the State Tribunal launches an investigation in a case concerning common crimes, including corruption, which is already handled by the Prosecutor's office, the latter will withdraw from the case. This increases the risk of political interference in politically sensitive cases (see paragraph 88 of the Evaluation Report). Furthermore, the lack of effectiveness of the procedures before, and the ineffective functioning of, the State Tribunal was duly described in the Evaluation Report, together with the increased influence of the executive and legislative branches of power over the judiciary and the prosecution system (paragraphs 89-91). In GRECO's view, this duality of procedural avenues continues to adversely affect the effectiveness of the criminal justice response in cases involving PTEFs' prosecution for corruption offences.
60. GRECO concludes that recommendation xiii remains not implemented.

*Regarding law enforcement agencies*

**Recommendation xiv**

61. *GRECO recommended that the Police and Border Guard undertake comprehensive risk assessments of corruption-prone areas and activities, beyond what is revealed by the mere criminal cases actually processed, and that the data are used for the pro-active design of integrity and anti-corruption policies.*
62. GRECO recalls that this recommendation was partly implemented. As regards the Police, improvements were made to the methods of identifying risks of corruption and other abuses and data on possible risks and threats were used for the development of various anti-corruption and integrity measures. That led to the development of a “Programme for Strengthening Integrity and Combatting Corruption in the Police for 2021-2023”. Concerning the Border Guard, no information was provided on changes made to ensure a more risk-based approach or on the pro-active design of integrity and anti-corruption policies.
63. The Polish authorities now report that the implementation of the “Programme for Strengthening Integrity and Combatting Corruption in the Police for 2021-2023” is underway and is supplemented with anti-corruption content to develop the proactive skills of police managers.
64. As regards the Border Guard, several measures have been taken to improve the mechanisms for identifying corruption risks within the framework of management control and training activities. Decisions of managers of organisational units of the Border Guard have aimed for consistency by adding a mechanism for taking anti-corruption measures. According to the mechanism, management control self-assessment questionnaires are used by managers of organisational units in order to include information on the identified areas of corruption risk in their organisation units. As part of developing an annual internal audit plan, risk areas have been identified on the basis of vulnerability to fraud and corruption threats. If the risk materialises, appropriate information is provided to managers at each stage of the process. The auditor then initiates, on the basis of the management’s decision, actions commensurate with the threat level (e.g. criminal proceedings, fiscal proceedings, employee liability, asset liability, etc.). As part of the 2022 training programme for internal auditors of the Border Guard, the work of internal audit and reporting process towards the implementation of the GRECO recommendations was discussed. Control activities are carried out by the Control Office of the Border Guard. When developing periodic control plans, one of the risk factors considered is the possibility of fraud, abuse, corruptive areas and mechanisms. When analysing the areas of control, comprehensive use is made of internal and external sources, in particular the results of previous audits, complaints and other reported irregularities.
65. As regards trainings, an e-training course on “Self control, self awareness, self discipline as important aspect of counteracting corruption” has been developed for employees and officers of the Border Guard who may be exposed to various forms of corruption

while performing their tasks and official duties. A briefing also took place in November 2022 where managers of control units of the Border Guard discussed the use of a risk analysis matrix taking into account, in particular, the possibility of the occurrence of corruptive areas and mechanisms.

66. GRECO notes with satisfaction that the implementation of the “Program for Strengthening Integrity and Combatting Corruption in the Police” has continued. As regards the Border Guard, GRECO takes note of the variety of measures introduced to identify corruption-prone areas and corruption risks (e.g. management control self-assessment questionnaires, the development of the annual internal audit plan, the conduct of periodic control activities, training and awareness raising activities). However, it is unable to conclude that a comprehensive risk assessment of corruption-prone areas and activities has been undertaken and, consequently, an overall integrity and anti-corruption policy or programme has been designed in respect of the Border Guard. For this reason, GRECO cannot conclude that this recommendation has been fully complied with.
67. GRECO concludes that recommendation xiv remains partly implemented.

#### **Recommendation xv**

68. *GRECO recommended that the rules of conduct for the Police and Border Guard be updated to better address gifts and other benefits, ad hoc conflicts of interest and relations with third parties, and be accompanied by appropriate comments and examples, as well as confidential counselling.*
69. GRECO recalls that this recommendation was partly implemented. Work on updating the rules of conduct in the Police was underway and a similar update was being planned for the Border Guard. A Plenipotentiary for the Protection of Human Rights, Equal Treatment and Professional Ethics was appointed as a confidential councillor to complement the existing ethics advisers in the Border Guard. The appointment of ethics advisers in each organisational unit of the Police was envisaged as part of the Programme for Strengthening Integrity and Combatting Corruption.
70. The Polish authorities now report that confidential ethics advisers have been designated in the Police organisational units either by appointing new ethics advisers or by entrusting this task to previously appointed plenipotentiaries or coordinators for the protection of human rights. The ethics advisers report directly to the heads of the Police units. In addition, a document entitled “Culture of Integrity in the Police – Standards of Conduct” was developed and made subject to consultation with the Police organisational units. The review of comments received is underway and the document will be approved by the Commander-in-Chief of the Police by the end of 2023.
71. As regards the Border Guard, a working group, which was established in June 2021, has produced a revised draft of the Principles of Professional Ethics of Border Guard officers which is pending the review by the legal office of the Border Guard. In addition, 12 persons were appointed to act as ethics advisers in the organisational units of the

Border Guard. Its intranet site includes a hyperlink for this purpose, together with contact details of ethics advisers.

72. GRECO welcomes the appointment of ethics advisers in Police and Border Guard organisational units. Pending the adoption of the updated Standards of Conduct for Police officers and the revised Principles of Professional Ethics for Border Guard officers, GRECO expects that, in order for this recommendation to be considered fully complied with, those documents will address issues such as gifts and other benefits, *ad hoc* conflicts of interest and relations with third parties, post-employment restrictions, etc., and be accompanied by appropriate guidance and practical examples.
73. GRECO concludes that recommendation xv remains partly implemented.

#### **Recommendation xvi**

74. *GRECO recommended establishing a career-based system for the appointment, promotion and dismissal of all senior managers in the Police and Border Guard, based on objective criteria, proper vetting and a formal, competitive and transparent process, it being understood that the function of chief commanders could be limited to a fixed term.*
75. GRECO recalls that this recommendation was not implemented. No steps were taken to improve the system of appointing, promoting and dismissing senior managers in the Police and Border Guard. The issue was the discretionary nature of decisions on appointments, promotions and dismissals of senior managers in both the Police and Border Guard, given the absence of objective criteria, proper vetting and formal, competitive and transparent procedures.
76. The Polish authorities now report about the entry into force of the Act of 17 December 2021 on the establishment of the Programme for the Modernisation of the Police, the Border Guard, the State Fire Service and the State Protection Service for the period 2022-2025, which has introduced amendments to the appointment, promotion and dismissal of senior managers in the Police and Border Guard. The Act has been supplemented by an ordinance of 16 December 2022 by the Minister of Internal Affairs on the educational, professional qualification and length of service requirements to be met by police officers in positions of police chiefs and other official positions. According to the authorities, appointment to a position will depend on criteria such as the educational background, professional experience and qualifications, the length of service, etc. It will take place after the conduct of a competition. There is a possibility of direct recruitment of candidates in certain fields, such as forensics and biology.
77. The issue of the appointment and dismissal of senior managers in the Border Guard has been regulated by the Act of 12 October 1990 on the Border Guard, as amended by the Act of 17 November 2021 amending the Act on the protection of the State border, and an Ordinance of the Minister of Internal Affairs and Administration of 11 April 2022 on the requirements to be fulfilled by a border guard officer in a specific official position.

78. The Polish authorities further submit that the introduction of a fixed term for the Commanders-in-Chief would not be feasible. As the Minister responsible for internal affairs bears political responsibility for all actions taken by the Commanders-in-Chief, the former must have the full right to personally designate the Commanders-in-Chief, who are then appointed by the Prime Minister, and to request their dismissal when they are found to not be performing the assigned duties properly. The proposal to introduce a fixed term of office for the Commanders-in-Chief would significantly impede, even make impossible, the effective civilian oversight of the Police and Border Police. Thus, the Polish Parliament has rejected the introduction of a fixed term for Chief Commanders.
79. GRECO takes note of the adoption of certain legislative acts, including implementing ordinances, no copies of which have been provided for its scrutiny. It would appear that certain modifications have taken place, at least on paper, regarding the appointment and promotion to senior positions in the Police, while GRECO has yet to ascertain that the process is competitive, transparent and based on objective criteria. In addition, information about conditions of dismissal and proper vetting is absent. No similar information has been provided in respect of appointment, promotion and dismissal of senior managers in the Border Guard. As regards the appointment and dismissal of Commanders-in-Chief, the authorities have not pointed to the existence or application of certain objective criteria to assess the suitability of candidates for those positions and their respective work performance, in line with the requirements of the recommendation to establish a career-based system for all senior managers in the Police and Border Guard.
80. GRECO concludes that recommendation xvi remains not implemented.

#### **Recommendation xviii**

81. *GRECO recommended developing a streamlined system for authorising secondary activities (remunerated or not) in the Police and Border Guard, which would involve effective follow-up after a permission was granted.*
82. GRECO recalls that this recommendation was not implemented. A proposal for a legislative amendment to the Police Act and the Act on the Border Guard, which would provide for a less decentralised, more detailed and solid procedure, had been tabled but, at the time, had not entered parliamentary procedure. In addition, the proposal would not extend to unremunerated activities.
83. The Polish authorities now report that the Police and Border Guard are in the process of assessing the draft legislative amendments in order to determine the manner of implementing this recommendation. The bill under review also includes a proposal to introduce to the Act on the Border Guard provisions eliminating the source of conflicts of interest resulting from subordination in service between spouses or persons remaining in a common household with one another, persons remaining with one another in a relationship of kinship or affinity as well as in a relationship of adoption, custody or guardianship.

84. GRECO notes that the proposal for draft legislative amendments to implement this recommendation is being reviewed by the Police and the Border Guard, without it having been submitted to parliamentary debate and without bringing any substantial developments to warrant upgrading the status of implementation of this recommendation.
85. GRECO concludes that recommendation xviii remains not implemented.

#### **Recommendation xix**

86. *GRECO recommended that a robust and effective system for the verification of declarations of assets and interests be introduced*
87. GRECO recalls that this recommendation was not implemented, because no concrete measures were taken to introduce a robust and effective system for the verification of declarations of assets and interests.
88. The Polish authorities now report that, by reference to recommendation ix, the Central Anti-Corruption Bureau (CAB) has put in place solutions aiming at the unification and digitalisation of the process for the submission and analysis of asset declarations of persons performing public functions. CAB has developed a concept for the construction of an IT system to support the process of receiving, recording and analysing asset declarations – the future Polish System for the Analysis and Control of Assets Declarations (SAKOM), with the assistance of international partners. Pilot testing was carried out and its launch will take place once the relevant regulations have been adopted. A draft law was submitted to the Standing Committee of the Council of Ministers and the legislative process has been put on hold since 2018 owing to a significant number of comments received.
89. GRECO takes note of the proposal to develop and introduce a system for the analysis and control of assets declaration – SAKOM, the implementation of which has stagnated pending the adoption of regulatory framework which has not moved forward since 2018. No other discernible progress has been reported since.
90. GRECO concludes that recommendation xix remains not implemented.

#### **Recommendation xx**

91. *GRECO recommended (i) clarifying the respective responsibilities of bodies dealing with the integrity and oversight of Police and Border Guard, and (ii) implementing coherent disciplinary approaches, on the basis of common guidelines.*
92. GRECO recalls that this recommendation was partly implemented. As regards the first part of the recommendation, information was provided on the role of the Internal Supervisory Office (ISO) under the direct command of the Minister of the Interior and Administration, which also clarified the issue of subordination of the Bureau of Internal

Affairs of the Police (BIAP) and the Bureau of Internal Affairs of the Border Guard (BIABG). However, sufficient clarification was missing as regards the avoidance of duplication of functions between those bodies. Concerning the second part, there was clarification of responsibilities regarding disciplinary proceedings in the Border Guard, while no steps were taken in the Police.

93. The Polish authorities now report that, as regards the first part of the recommendation, BIAP and BIABG are organisational units within each of the Police and Border Guard. In accordance with the Act on the Police and the Act on the Border Guard, they are responsible for detecting, preventing and combating crimes committed by officers and employees of the Police or the Border Guard, crimes against economic turnover committed to the detriment of the Police or the Border Guard, as defined in the Criminal Code, as well as for apprehending and prosecuting the perpetrators of these crimes. The ISO's tasks pertain to the exercise of supervision by the Minister responsible for internal affairs with respect to uncovering and analysing irregularities in connection with investigations and disciplinary proceedings, detecting, preventing and prosecuting crimes and fiscal offences, assessing the performance of BIAP and BIABG, assessing the implementation of the legislation and practices regarding the protection of classified information, assessing the fulfilment of the obligation to submit asset declarations, and analysing and evaluating the collection of personal data by the Police and the Border Guard.
94. The authorities further report that, as regards the second part of the recommendation, the Act on Special Solutions for the Support of Uniformed Services of 2020, supervised by the Minister responsible for internal affairs, brought about the same amendments to several provisions contained in the Act on the Police and the Act on the Border Guard regarding the conduct of disciplinary proceedings. In addition, on 29 December 2020 and 28 September 2021 the Minister of the Interior and Administration adopted an ordinance on the circulation of documents relating to disciplinary proceedings in the Border Guard and the Police, respectively. According to the amended Police Act, a disciplinary superior will initiate disciplinary proceedings, amongst others, on his/her own initiative, on a motion of the direct superior of a police officer, on an order of a higher superior, etc. Disciplinary proceedings are conducted by the disciplinary ombudsman, who collects evidence and takes the actions necessary to clarify the case. In the course of the proceedings, the police officer has the right to, amongst others, submit evidence and be represented by a defence counsel. The disciplinary superior will take a decision on the disciplinary proceedings, which is amenable to appeal to the higher disciplinary superior. The latter will appoint a three-member committee to examine the appeal, two of whom are appointed by the higher disciplinary superior and one by the trade union indicated by the police officer. The committee will draw up a report, including a proposal on the manner in which the appeal is to be settled, with the final decision belonging to the higher disciplinary superior. The decision may be appealed before the administrative court.
95. GRECO notes that, as regards the first part of the recommendation, the Internal Supervisory Office's (ISO) scope of responsibilities is broader than that of the Bureau of Internal Affairs of the Police (BIAP) and the Bureau of Internal Affairs of the Border Guard (BIABG), which may be subject to ISO' control. While all three bodies are



responsible for preventing, detecting, and prosecuting crimes, GRECO is of the view that there is a demarcation of responsibilities amongst the three bodies and considers that this part of the recommendation has been complied with. As regards the second part of the recommendation, both the Act on the Police and the Act on the Border Guard have been subjected to the same statutory amendments regarding certain provisions pertaining to the conduct of disciplinary proceedings. Two ordinances have been issued by the Minister of Internal Affairs in this regard. The amended Police Act provides further clarification of responsibilities as regards the conduct of the disciplinary proceedings in the Police. GRECO considers that both parts of this recommendation have been fully complied with.

96. GRECO concludes that recommendation xx has been implemented satisfactorily.

#### **Recommendation xxi**

97. *GRECO recommended that a clear process for the disclosure of crimes, misconducts and disciplinary violations within the Police and Border Guard be established, with appropriate protection measures against retaliation*
98. GRECO recalls that this recommendation was not implemented, as a clear process for the disclosure of crimes, misconduct and disciplinary violations within the Police and the Border Guard was yet to be established.
99. The Polish authorities now report that a draft law on the protection of whistleblowers, aiming at transposing the EU Directive 2019/137 of 23 October 2019, is pending before the parliamentary Standing Committee of the Council of Ministers. It will apply to a natural person who reports or discloses information on infringements in the work environment. The solutions contained in the draft act will not modify the existing provisions aiming at protecting whistleblowers (such as the principle of non-discrimination and the principle of equal treatment in employment), as provided in the Labour Code. Channels for internal and external reporting will be established, together with the rules for their operation and the rules for public disclosure.
100. GRECO recognises that a draft law on the protection of whistleblowers is subject to parliamentary consultation. However, pending the passage of the draft law by the Polish parliament, as well the introduction of a proper system for reporting suspicions, the establishment of reporting channels and the provision of protective measures against whistleblowers in the Police and the Border Guard, GRECO cannot say that this recommendation has been complied with, even partly.
101. GRECO concludes that recommendation xxi remains not implemented.

### **III. CONCLUSIONS**

102. **In view of the foregoing, GRECO concludes that Poland has implemented satisfactorily or dealt with in a satisfactory manner two of the twenty-one recommendations contained in the Fifth Round Evaluation Report.** Four recommendations remain partly

implemented and fifteen recommendations remain not implemented. More specifically, recommendation xvii and xx have been implemented satisfactorily or dealt with in a satisfactory manner, recommendations ii, ix, xiv, and xv have been partly implemented and recommendations i, iii-viii, x-xiii, xvi, xviii, xix and xxi have not been implemented.

103. As regards persons with top executive functions, the situation has remained, by and large, the same as described in the Compliance Report. The authorities have stated certain intentions to implement a limited number of recommendations, which have yet to be translated into concrete actions. They intend to publish an anti-corruption handbook which will contain guidance and concrete examples on certain integrity rules; they plan to introduce an e-training module and develop dedicated confidential counselling for PTEFs and aim to take measures to reform the asset declaration system. That said, there has not been any discernible progress in implementing the outstanding recommendations, with the authorities reiterating the submissions made during the Compliance Report. GRECO, consequently, urges the authorities to take tangible measures to address its recommendations and the underlying concerns described in the Evaluation Report.
104. With respect to law enforcement agencies (the Police and Border Guard), the authorities have made certain visible progress to implement the corresponding recommendations. A variety of measures have been introduced to identify corruption risks and corruption-prone areas in the Border Guard, confidential advisers have been appointed in the Police, revised rules of conduct for the Police and the Border Guard are expected to be adopted, the responsibilities of bodies dealing with integrity and oversight of the Police and Border Guard have been clarified as have the responsibilities of bodies involved in the conduct of the disciplinary proceedings in the Police. That notwithstanding, more robust measures should be taken in a number of other areas, such as developing a system for authorising secondary activities, introducing a robust system for the verification of declarations of assets and interests, adopting and implementing the bill on the protection of whistleblowers, and, most importantly, carrying out the appointment, promotion and dismissal of all senior managers in the Police and Border Guards on the basis of objective criteria, proper vetting, and a formal, competitive and transparent process.
105. In view of the above, GRECO concludes that Poland is not in sufficient compliance with the recommendations contained in the Fifth Round Evaluation Report within the meaning of Rule 31 revised bis, paragraph 10 of the Rules of Procedure. GRECO therefore decides to apply Rule 32 revised, paragraph 2 (i) and asks the Head of delegation of Poland to provide a report on the progress in implementing the outstanding recommendations (i.e. recommendations i-xvi and xviii-xxi) as soon as possible, however - at the latest - by 30 June 2024.
106. Finally, GRECO invites the authorities of Poland to authorise, as soon as possible, the publication of the report, to translate it into the national language and to make the translation public.



Group of States against Corruption  
Groupe d'États contre la corruption



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## FOURTH EVALUATION ROUND

Corruption prevention in respect of  
members of parliament, judges and prosecutors

### SECOND *INTERIM* COMPLIANCE REPORT

Including

### FOLLOW-UP TO THE AD HOC (RULE 34) REPORT

POLAND

Adopted by GRECO at its 93<sup>rd</sup> Plenary Meeting  
(Strasbourg, 20-24 March 2023)

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## **I. INTRODUCTION**

1. This second Interim Compliance Report assesses the measures taken by the authorities of Poland to implement the pending recommendations issued in the Fourth Round Evaluation Report on Poland (see paragraph 2) covering "Corruption prevention in respect of members of parliament, judges and prosecutors", as well as the additional recommendations issued in 2018 in the Addendum to the Fourth Round Evaluation Report on Poland (Rule 34).
2. The Fourth Round Evaluation Report on Poland was adopted at GRECO's 57<sup>th</sup> Plenary Meeting (19 October 2012) and made public on 25 January 2013 ([Greco Eval IV Rep \(2012\) 4E](#)). Between December 2014 and June 2018, three compliance reports were adopted by GRECO at its 66<sup>th</sup> Plenary Meeting (12 December 2014), 75<sup>th</sup> Plenary (20-24 March 2017) and 80<sup>th</sup> Plenary Meeting (18-22 June 2018) and made public on 24 February 2015 ([Greco RC-IV \(2014\) 1E](#)), 28 March 2017 ([GrecoRC4\(2017\)2](#)) and 28 June 2018 ([GrecoRC4\(2018\)11](#)), respectively.
3. In addition, in light of the judicial reforms of 2016-2018 in Poland, which critically affected the judiciary, GRECO decided at its 78<sup>th</sup> Plenary meeting (4-8 December 2017) to apply its *ad hoc* procedure (Rule 34 procedure) to Poland.<sup>1</sup> As a result, GRECO adopted at its 80<sup>th</sup> Plenary Meeting an Addendum to the Fourth Round Evaluation Report ([Greco-AdHocRep\(2018\)3](#)) (hereafter: the Rule 34 Report), which re-assessed outdated parts of the Fourth Round Evaluation Report.
4. The compliance procedure of the Fourth Evaluation Round (i.e. in respect of the recommendations of the Evaluation Report and, later on, those of the Rule 34 Report in the Addendum to the Evaluation Report) continued in the Second Addendum to the Second Compliance Report ([GrecoRC4\(2019\)23](#)) and the Interim Compliance Report ([Greco RC4\(2021\)18](#)), which were adopted at GRECO's 84<sup>th</sup> Plenary Meeting (2-6 December 2019) and the 88<sup>th</sup> Plenary meeting (20-22 September 2021) and made public on 16 December 2019 and 22 September 2021, respectively. In both reports, GRECO concluded that the overall low level of compliance with the recommendations was "globally unsatisfactory" within the meaning of Rule 31, paragraph 8.3 of the Revised Rules of Procedure and decided to apply its "non-compliance procedure" in accordance with Rule 32. In the Interim Compliance Report, the Head of the Polish delegation was asked to provide a report on the progress in implementing the outstanding recommendations (i.e. recommendations i-iii, v-vi, ix, xii, xiv and xvi, and Rule 34 recommendations i-ii and iv-vi), at the latest by 30 September 2022 (extended to 31 December 2022).
5. As required, the authorities of Poland submitted a Situation Report on measures taken to implement the outstanding recommendations. This report was received on 30 December 2022 and, together with the information submitted subsequently, served as a basis for the current second Interim Compliance Report.
6. GRECO selected the Czech Republic and Portugal to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Ms Helena KLIMA LIŠUCHOVÁ on behalf of the Czech Republic and Mr António DELICADO on behalf of Portugal. They were assisted by GRECO's Secretariat in drawing up the Second Interim Compliance Report.

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<sup>1</sup> Rule 34 of GRECO's Rules of Procedure provides for an *ad hoc* procedure that can be triggered in exceptional circumstances, such as when GRECO receives reliable information concerning institutional reforms, legislative initiatives or procedural changes that may result in serious violations of anti-corruption standards of the Council of Europe.

## II. ANALYSIS

7. It is recalled that GRECO, in its Evaluation Report, had addressed 16 recommendations to Poland, to which an additional six recommendations were added by the Rule 34 Report. At the time of the adoption of the previous compliance report recommendations iv, vii, viii, x, xi, xiii and xv as well as Rule 34 recommendation iii had been implemented satisfactorily or dealt with in a satisfactory manner. Recommendations i-iii, v, vi, ix, xii, xiv and xvi as well as Rule 34 recommendations i, ii, iv, v and vi had not been implemented. Compliance with the outstanding recommendations is dealt with below.

### *Corruption prevention in respect of members of parliament*

#### **Recommendations i, ii, iii and v**

8. *GRECO recommended:*

- *that interactions by parliamentarians with lobbyists and other third parties who seek to influence the legislative process, be made more transparent, including with regard to parliamentary sub-committee meetings (recommendation i);*
- *i) that the "Principles of Deputies' Ethics" be complemented in such a way so as to provide clear guidance to Sejm deputies with regard to conflicts of interest (e.g. definitions and/or types) and related areas (including notably the acceptance of gifts and other advantages, incompatibilities, additional activities and financial interests, misuse of information and of public resources, the obligation to submit asset declarations and on the attitude towards third parties such as lobbyists – and including elaborated examples); and ii) that such standards of ethics and conduct also be introduced for senators and disseminated among them (recommendation ii);*
- *both in respect of Sejm deputies and senators, the development of a clearly defined mechanism to declare potential conflicts of interest of parliamentarians – also taking into account interests of close family members – with regard to concrete legislative (draft) provisions (recommendation iii); and*
- *that the monitoring mechanism in respect of compliance by parliamentarians with standards of ethics and conduct - including rules on conflicts of interest and related areas - be reviewed in order to increase its effectiveness, in particular by simplifying the system of various bodies involved and by providing it with the necessary financial and personnel resources (recommendation v).*

9. GRECO recalls that recommendations i-iii and v were not implemented in the previous compliance report. No steps towards implementation of those recommendations had been taken.

10. The Polish authorities now report that certain statutory amendments<sup>2</sup> have introduced incompatibilities between the exercise of the mandate of a Sejm deputy and senator and other functions, thus avoiding any potential areas of conflicts of interest. They admit that the amendments do not directly affect the areas covered by the GRECO recommendations, however, they significantly expand the scope of the so-called relative formal incompatibility of the parliamentary mandate set out in Article 30 of the Act of 9 May 1996 on the exercise of the mandate of deputy and senator. While they do not prohibit the combination of mandates with certain

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<sup>2</sup> Act of 14 October 2021 amending the Act – Criminal Code and certain other acts (Journal of Laws 2021, item 2054).

functions, the statutory amendments prohibit the employment of deputies and senators in commercial companies in which the State Treasury or a local government unit directly or indirectly holds at least 10 % of the shares. The Sejm and Senate will continue to implement the outstanding recommendations.

11. GRECO takes note of the statutory amendments, which, as admitted by the authorities, do not have any bearing on the areas covered by the four outstanding recommendations. It regrets the continued absence of any tangible progress in the implementation of these four outstanding recommendations.
12. GRECO concludes that recommendations i, ii, iii and v remain not implemented.

#### **Recommendation vi**

13. *GRECO recommended both in respect of Sejm deputies and senators, (i) the establishment of a dedicated confidential counsellor with the mandate to provide parliamentarians with advice on ethical questions and possible conflicts of interests in relation to specific situations; and (ii) the provision of specific and periodic training for all parliamentarians on ethical questions and conflicts of interests.*
14. GRECO recalls that recommendation vi was not implemented in the previous compliance report.
15. The Polish authorities now report that a special trusted advisor has been appointed in the Senate since 2020, who has provided advice on ethical issues and conflicts of interest. Mandatory and optional training courses take place before the first sitting of the Senate of the next term, in which certain ethical issues are addressed.
16. GRECO welcomes that, as regards part (i) of this recommendation, a trusted advisor has been appointed in the Senate to provide counselling to senators. For this part of the recommendation to be fully implemented, a confidential counsellor would also have to be appointed in respect of the Sejm deputies, which is not yet the case. Consequently, this part of the recommendation has only been partly complied with. Concerning part (ii), some mandatory and optional training courses appear to have taken place in respect of senators and only before the first sitting of the term, while the authorities have provided no precise information regarding the number of senators attending such courses, their frequency, scope and content as well as the ethical issues addressed therein. GRECO regrets that no more than limited training has been introduced in respect of the senators. It cannot be said that this part of the recommendation has been complied with more than partly.
17. GRECO concludes that recommendations vi has been partly implemented.

#### *Corruption prevention in respect of judges*

#### **Recommendation ix**

18. *GRECO recommended that appropriate legal, institutional and/or operational measures be put in place or strengthened to ensure a more in-depth scrutiny of judges' asset declarations and to enhance the preventive dimension of asset declarations. This should include greater co-ordination of all relevant control bodies.*
19. GRECO recalls that this recommendation was partly implemented in the previous compliance report. The rules on review of asset declarations by fiscal authorities, developed by the Ministry of Finance, provided several tools for significantly strengthening in-depth control of the declarations – *inter alia*, by defining a wide range of sources of information to be taken into account – and for co-operation with

other bodies concerned. However, connected draft legislation on asset declarations had not materialised.

20. The Polish authorities have reported no further progress.
21. GRECO concludes that recommendation ix remains partly implemented.

*Corruption prevention in respect of prosecutors*

### **Recommendation xii**

22. *GRECO recommended that the "Collection of Ethical Principles governing the Prosecutors' Profession" (i) be disseminated among all prosecutors and made easily accessible to the general public; and (ii) that they be complemented in such a way so as to offer proper guidance specifically with regard to conflicts of interest (e.g. definitions and/or types) and related areas (including in particular the acceptance of gifts and other advantages, incompatibilities and additional activities).*
23. GRECO recalls that this recommendation was partly implemented in the previous compliance report. The first part had been implemented satisfactorily with the distribution of the "Collection of Ethical Principles governing the Prosecutors' Profession" among prosecutors and to the public<sup>3</sup>. As regards the second part of the recommendation, other than adding certain provisions on conflicts of interest to the Collection of Ethical Principles governing the Prosecutors' Profession, no guidance on conflicts of interest and other related issues (such as the acceptance of gifts and other advantages, incompatibilities and additional activities), including practical examples, had been offered.
24. The Polish authorities have reported no further progress, other than referring to previously submitted information according to which certain provisions on conflicts of interests had been added to the Collection of Ethical Principles governing the Prosecutors' Profession (see the preceding paragraph and paragraph 23 of the Interim Compliance Report).
25. GRECO notes the absence of any tangible progress and concludes that recommendation xii remains partly implemented.

### **Recommendation xiv**

26. *GRECO recommended (i) that the competences of the National Prosecution Council for supervising compliance with ethical principles for prosecutors be clearly defined by law and that the Council be provided with adequate tools and powers for effectively performing this function; and (ii) that appropriate legal, institutional and/or operational measures be put in place or strengthened to ensure a more in-depth scrutiny of prosecutors' asset declarations and to enhance the preventive dimension of asset declarations. This should include greater co-ordination of all relevant control bodies.*
27. GRECO recalls that this recommendation was partly implemented in the previous compliance report. As regards the first part, the National Prosecution Council (NPC) had been entrusted with the power to enact the "Collection of Principles of Professional Ethics for Prosecutors" (through a legislative amendment), to interpret these principles when so requested and supervise them. That said, it had not been provided with adequate tools and powers to effectively supervise compliance with

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<sup>3</sup> The document was posted on the website of the National Public Prosecutor's Office ([www.gov.pl/web/prokuratura-krajowa](http://www.gov.pl/web/prokuratura-krajowa)).

ethical principles for prosecutors. Concerning the second part of the recommendation, no measures had been put in place to ensure a more in-depth scrutiny of prosecutors' asset declarations.

28. The Polish authorities now report that, as regards the first part of the recommendation, a resolution of 29 August 2022 by the NPC, reiterating its position adopted at a meeting of 16 March 2021 (see paragraph 29 of the Interim Compliance Report), provides that there is no need to empower it with competences and tools to supervise and ensure the observance of ethical principles for prosecutors. Violation of the rules of professional ethics may give rise to disciplinary proceedings, which are conducted by a Disciplinary Ombudsman who may decide to initiate or refuse to institute such proceedings. The proceedings are usually carried out before the Disciplinary Court, acting as a first-instance court, and, subsequently, the Supreme Court's Disciplinary Chamber, on appeal. Concerning the second part of the recommendation, the authorities consider that this recommendation is inappropriate, as the prosecutors' asset declarations are subject to checks by a superior prosecutor, the tax offices and, ultimately, the Central Anti-corruption Bureau.
29. As regards the first part of the recommendation, GRECO points to the Interim Compliance Report<sup>4</sup>, the Addendum to the Second Compliance Report<sup>5</sup> and the Evaluation Report<sup>6</sup>, according to which the Law on the Prosecution Service mandates the National Prosecution Council (NPC) to supervise the observance by prosecutors of the ethical principles governing the prosecutors' profession. However, as noted in those reports, the fact and the practice remain that the law does not specify the measures the NPC is entitled to take in the supervision process, nor its tools or powers. Consequently, this part has not been complied with. Concerning the second part of the recommendation (which is identical to recommendation ix. made in respect of judges), no new and relevant information has been provided.
30. GRECO concludes that recommendation xiv remains partly implemented.

#### **Recommendation xvi**

31. *GRECO recommended (i) the provision of on-going training to all prosecutors on conflicts of interest, rules concerning gifts, prohibition or restriction of certain activities and declaration of assets and private interests, by way of dedicated courses referring to practical examples; and (ii) the provision of proper dedicated counselling in prosecutors' offices, in order to raise prosecutors' awareness and to provide them with confidential advice on questions of ethics and conduct – particularly with regard to the areas mentioned under (i) – in relation to specific facts, taking into account the need for common, nationwide solutions.*
32. GRECO recalls that this recommendation was partly implemented in the previous compliance report. Training activities on ethical matters had been provided to prosecutors, and they would continue in the future. As regards confidential counselling, the authorities had not considered it necessary to appoint ethics advisors for prosecutors.
33. The Polish authorities now report that, owing to the Covid-19 pandemic, no trainings have been organised for prosecutors in 2021 and 2022. They maintain their position that the appointment of dedicated ethics advisors for prosecutors is not warranted.

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<sup>4</sup> See paragraph 30.

<sup>5</sup> See paragraphs 22 and 23.

<sup>6</sup> See paragraph 205.



34. GRECO notes the absence of any tangible progress with the implementation of this recommendation and concludes that recommendation xvi remains partly implemented.

*Recommendations issued in the Rule 34 Report of June 2018 (Addendum to the Fourth Round Evaluation Report)*

35. The Rule 34 Report, which was an Addendum to the Fourth Round Evaluation Report, assessed the context of wide-ranging reforms in the organisation of the judiciary in Poland, which included, in particular, the reforms resulting from the adoption of a new law on the Supreme Court in 2017 (hereinafter the 2017 Act on the Supreme Court), and certain amendments made to the Law on the National Council of the Judiciary (NCJ) in 2017, which entered into force in January 2018 (hereinafter the 2017 Amending Act on the NCJ) and to the Law on Common (Ordinary) Courts of 27 July 2001 (hereinafter the 2001 Act on Common (Ordinary) Courts). In 2019 and in 2022 substantial amendments were introduced to the 2017 Act on the Supreme Court and the 2001 Act on Common (Ordinary) Courts (hereinafter the 2019 Amending Act and the 2022 Amending Act).
36. As a general observation, the Polish authorities reiterate their previously held position that GRECO has exceeded its mandate by assessing the changes in the organisation of the judiciary, as it is only authorised to assess legislative changes in individual countries from the point of view of corruption prevention. In their view, there is no basis on which to claim that the judicial reforms have negatively affected the standards for combating and preventing corruption.
37. GRECO reiterates its previous position that the judicial reforms critically affect issues relating to the prevention of corruption in respect of the judiciary, specifically on judicial independence as an essential pre-condition for the fight against corruption, and in respect of which GRECO has issued similar recommendations to other member States.

#### **Rule 34 recommendation i**

38. *GRECO recommended that the provisions on the election of judges to the National Council of the Judiciary be amended, to ensure that at least half of the members of the National Council of the Judiciary are judges elected by their peers.*
39. GRECO recalls that this recommendation was not implemented. No steps had been taken to amend the applicable legislation on the election of judges to the NCJ to ensure compliance with the recommendation.
40. The Polish authorities report that the situation remains unchanged. In the authorities' view, the election of judges to the NCJ by the *Sejm* (the lower house of the Polish Parliament) has increased the representativeness and democratic legitimacy of NCJ members<sup>7</sup>.
41. GRECO regrets that the authorities have taken no concrete steps to ensure compliance with this recommendation. As a result of the 2017 Amending Act on the NCJ, effectively 23 of 25 members of the NCJ are still appointed by the legislative or

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<sup>7</sup> The Polish authorities submit that, according to the judgment of 22 March 2022, [Getin Noble Bank, C-132/20](#), the Court of Justice of the European Union (CJEU) held that, "insofar as a request for a preliminary ruling emanates from a national court or tribunal, it should be presumed that it satisfies the requirements laid down in its case-law, irrespective of its actual composition" (paragraph 69).

executive powers or represent those authorities<sup>8</sup>, contrary to this recommendation and Council of Europe standards<sup>9</sup>. GRECO also wishes to point to the European Court of Human Rights (ECtHR) *Grzęda v. Poland*<sup>10</sup> judgment of 15 March 2022, which, by reference to, *inter alia*, GRECO's recommendation, found that the judiciary, and the remodelling of the NCJ, had been exposed to interference by the executive and legislature, aiming at substantially weakening judicial independence.

42. GRECO concludes that Rule 34 recommendation i remains not implemented.

#### **Rule 34 recommendation ii**

43. *GRECO recommended i) to reconsider the establishment of an extraordinary appeals chamber and disciplinary chamber at the Supreme Court and ii) reduce the involvement of the executive in the internal organisation of the Supreme Court.*
44. GRECO recalls that this recommendation was not implemented in the previous compliance report. As regards the first part of the recommendation, the establishment of the Chamber of Extraordinary Appeals (Review) and Public Affairs and the Disciplinary Chamber had not been reconsidered. Their competences had been expanded, going in the opposite direction of the intentions of this part of the recommendation. Concerning the second part of the recommendation, GRECO remained concerned by the far-reaching involvement of the President of the Republic in the internal proceedings of the Supreme Court.
45. The Polish authorities now report that the Act of 9 June 2022 amending the 2017 Act on the Supreme Court and certain other Acts, as amended (the 2022 Amending Act), abolished the Disciplinary Chamber and created the Chamber of Professional Responsibility (Liability). The new Chamber of Professional Responsibility (Liability) consists of 11 judges, appointed for a joint five-year term by the President of the Republic from among the judges of the Supreme Court sitting in all its chambers (including the former Disciplinary Chamber), drawn by lot, in advance, at a meeting of the College of the Supreme Court (sometimes referred to as the Supreme Court Board). The President of the Chamber of Professional Responsibility (Liability) is appointed by the President of the Republic, after consultation with the First President of the Supreme Court. The Chamber of Professional Responsibility (Liability) will consist of the First Division (a first-instance court) and the Second Division (a second-instance/appellate court). Since a judge sitting in the Chamber of Professional Responsibility (Liability) continues to sit in the chamber in which s/he occupies the position of judge of the Supreme Court, the share of caseload in the Chamber of Professional Responsibility (Liability) may not be more than half of the allocation of cases of a judge of the Supreme Court. The 2022 Amending Act has also re-established the jurisdiction of the Chamber of Professional Responsibility (Liability) and the Chamber of Extraordinary Appeals (Review) and Public Affairs. Moreover, the 2022 Amending Act has reconfirmed the role and powers of the President of the Republic over the internal organisation of the Supreme Court.

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<sup>8</sup> The NCJ members are: the First President of the Supreme Court, the Minister of Justice, the President of the Supreme Administrative Court, an individual appointed by the President of the Republic, fifteen judges elected from among the judges of the Supreme Court, ordinary courts, administrative courts and military courts by the Sejm, four members elected by the Sejm from among its deputies and two members elected by the Senate (upper house of the Polish Parliament) from among its senators.

<sup>9</sup> See, for example, [Recommendation \(2010\)12](#) of the Committee of on Judges: independence, efficiency and responsibilities, para. 46; [Venice Commission Report on the Independence of the Judicial System Part I: The Independence of Judges](#) (CDL-AD(2010)004-e), para. 32; [Opinion No. 10 \(2007\) of the Consultative Council of European Judges](#) (CCJE) on the Council for the Judiciary at the service of society, para. 18; [CCJE, Magna Carta for Judges](#) (Fundamental Principles), paragraph 13.

<sup>10</sup> [https://hudoc.echr.coe.int/eng#{%22appno%22:\[%2243572/18%22\]}](https://hudoc.echr.coe.int/eng#{%22appno%22:[%2243572/18%22]})

46. The authorities further provide that on 13 January 2023 the Sejm passed another Act amending the Act on the Supreme Court and certain other acts. This Act has not yet entered into force, as it is currently pending before the Constitutional Court following a referral request for its constitutionality made by the President of the Republic. Under the Act, it is proposed *inter alia* that all disciplinary cases against judges of the Supreme Court, ordinary courts and military courts be assigned to the Supreme Administrative Court. Other proposals relate to the examination of cases involving judicial immunity, and further amendments to the rules of disciplinary liability of judges of the Supreme Court, and of ordinary, military and administrative courts.
47. As regards the first part of the recommendation, GRECO notes that the authorities have not reconsidered the establishment of the Chamber of Extraordinary Appeals (Review) and Public Affairs, while reconsideration has been given to the Disciplinary Chamber. Thus, the 2022 Amending Act has abolished the Disciplinary Chamber and replaced it with the Chamber of Professional Responsibility (Liability). GRECO understands that there have been some changes affecting the appointment of judges of the new Chamber of Professional Responsibility (Liability). They are now appointed by the President of the Republic out of a list of Supreme Court judges drawn by lot (as opposed to the previous appointment by the President of the Republic acting on a recommendation from the NCJ). GRECO takes note of these developments. Also, it will follow domestic developments before the Constitutional Court of Poland, which has been called upon to examine the constitutionality of additional statutory amendments envisaging *inter alia* the allocation of disciplinary cases against judges to the Supreme Administrative Court. However, GRECO is concerned that the general framework remains the same, since the jurisdiction accorded to both special chambers remains substantially unchanged and the appointment of judges to both chambers has its origin on recommendations made by a deficient NCJ, which is not in line with European standards and in respect of which European tribunals have found that none of the special chambers is a 'lawful tribunal'<sup>11</sup>. As regards the second part of the recommendation, the President of the Republic maintains the same far-reaching controlling role and powers over the organisation, structure and functioning of the Supreme Court.
48. In these circumstances, in particular having regard to the changes made in respect of the Disciplinary Chamber, GRECO concludes that Rule 34 recommendation ii has been partly implemented.

#### **Rule 34 recommendation iv**

49. *GRECO recommended that the disciplinary procedures applicable to Supreme Court judges are amended, in order to exclude any potential undue influence from the legislative and executive powers in this respect, in particular by excluding the possibility for the executive to intervene in these proceedings.*

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<sup>11</sup> In [Reczkowicz v. Poland](#) (no. 43447/19, 22 July 2021) and [Juszczyszyn v. Poland](#) judgment (no. 35599/20, 6 October 2022), the ECtHR held that the Disciplinary Chamber of the Supreme Court was not a 'tribunal established by law', mainly on account of appointment of its judges on recommendation of the NCJ which lacked independence from the executive and legislative powers, and found a violation of Article 6 § 1 of the European Convention on Human Rights (the Convention). The same finding was reached by the ECtHR in the [Dolińska-Ficek and Ozimek v. Poland](#) judgment (nos. 49868/19 and 57511/19, 8 November 2021) in respect of the deficiently appointed judges of the Supreme Court's Chamber of Extraordinary Appeals (Review) and Public Affairs and in the [Advance Pharma sp. z o.o. v. Poland](#) judgment (no. 1469/20, 3 February 2022) in respect of the deficiently appointed judges of the Supreme Court's Civil Chamber. In addition, the Court of Justice of the European Union (CJEU) held in [Commission v. Poland \(Disciplinary Regime for judges\)](#) judgment of 15 July 2021, C-791/19, that the Disciplinary Chamber did not provide all the guarantees of impartiality and independence and, in particular, was not protected from the direct or indirect influence of the Polish legislature and executive owing to, *inter alia*, the appointment of its members by the NCJ.

<sup>11</sup> In this connection, see also the Joint Urgent Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law of the Council of Europe ([Opinion no. 977/2020](#) of 20 June 2020)

50. GRECO recalls that this recommendation was not implemented in the previous compliance report. The formulation of disciplinary offences, as introduced by the 2019 Amending Act, rather represented a step backwards. Prohibiting “public activities incompatible with the principles of judicial independence and impartiality of judges” could violate judges’ rights to freedom of assembly and expression. Furthermore, using vague notions such as - for example - “acts which significantly impede the functioning of an organ of the judicial body” increased the potential for disciplinary proceedings being misused and being motivated by other reasons than judicial misconduct. Concerns were also expressed about the offence concerning “actions that question...the legitimacy of a judge’s appointment”.
51. The Polish authorities now report that the 2022 Amending Act brought about amendments to sections 29 and 72 of the 2017 Act on the Supreme Court as amended by the 2019 Amending Act. According to the amended section 29, an interested party may make an application to have the alleged lack of independence and impartiality of a Supreme Court judge examined, within one week of the notification of the composition of the Supreme Court bench, if, in the circumstances of the case, this may lead to a breach of the standard of independence or impartiality affecting the outcome of the case, taking into account the circumstances relating to the right holder and the nature of the case. In addition, section 72 of the Supreme Court Act has been supplemented with a new paragraph 6, exempting certain actions from disciplinary liability, such as the circumstances that a court decision is vitiated by an error in the interpretation and application of the law or in the establishment of facts or the assessment of evidence, the filing of preliminary questions to the CJEU and the examination of independence and impartiality of a judge, taking into account the circumstances surrounding his/her appointment and his/her post-appointment behaviours, if, in the circumstances of the case, this may lead to a breach of the standard of independence or impartiality affecting the outcome of the case, taking into account the circumstances relating to the right holder and the nature of the case. Further, the disciplinary offence of “refusal to exercise justice” has been introduced as section 72 (1) (1a).
52. GRECO takes the view that the provisions of section 72 (6) of the 2022 Amending Act exempt certain actions (relating to the content of court decision, the filing of a preliminary request to the CJEU and the examination of independence and impartiality of a judge) from engaging the disciplinary liability of the Supreme Court judges. It would appear that this amendment, which was a response to the Court of Justice of the European Union’s judgment of 15 July 2021 in *Commission v. Poland* (see footnote 11 above), goes in the right direction. GRECO would welcome to see their judicial interpretation and application in practice. However, for this recommendation to be fully implemented, provisions contained in section 72 (2)-(5) about disciplinary offences relating to “acts or omissions which may prevent or significantly impede the functioning of an organ of the justice system”, “actions that question the existence of the official relationship of a judge, the effectiveness of his/her appointment” and “public activity incompatible with the principles of independence of courts and impartiality of judges” should be repealed. In addition, the newly introduced offence of “refusal to exercise justice” may be subject to broad interpretation and used to punish judges who refuse to sit in panels composed of peers appointed by the deficient NCJ. For these reasons, this recommendation has not been more than partly implemented.
53. GRECO concludes that Rule 34 recommendation iv has been partly implemented.

### **Rule 34 recommendation v**

54. *GRECO recommended that the procedures for appointing and dismissing presidents and vice-presidents of ordinary courts be amended, to exclude any potential undue influence from the executive power therein.*
55. GRECO recalls that this recommendation was not implemented in the previous compliance report. GRECO was concerned about the strong involvement of the Minister of Justice (who is also the Prosecutor General) in the process of appointing and dismissing court presidents and vice-president (the Minister of Justice having dismissed around 160 court presidents and vice-presidents between late 2017 to early 2018).
56. The Polish authorities reiterate the same position that the Minister of Justice's powers to appoint court presidents (and vice-presidents) does not violate the principle of the separation of powers. The appointment of court presidents (and vice-presidents) does not constitute a promotion, as it is not related to a judge's progression to a higher judicial position, but only to the periodic assignment of a function in the management structure. The presidents and vice presidents of courts are subject to the guarantees of independence granted to all judges by virtue of them being active judges. Dismissal of court presidents (or vice-presidents) does not take place on the basis of an arbitrary decision of the Minister of Justice, but it is subject to the safeguards set out in section 27 of the Common (Ordinary) Courts Act.
57. GRECO considers that no changes have been introduced to the procedure for the appointment and dismissal of court presidents (and vice-presidents) since its last compliance report. The Minister of Justice (who, in the Polish system, is also the Prosecutor General) continues to maintain unfettered discretion in the appointment of these positions, without consulting the NCJ or otherwise involving the judiciary, which is not subject to a merit-based process<sup>12</sup> (bearing in mind that vice-presidents are appointed on the motion of courts' presidents). The dismissal of presidents and vice-presidents by the Minister of Justice suffers from the same shortcomings and lack of adequate and effective safeguards which have been described in prior compliance reports.
58. GRECO concludes that Rule 34 recommendation v remains not implemented.

### **Rule 34 recommendation vi**

59. *GRECO recommended that the disciplinary procedures applicable to judges of ordinary courts be amended to exclude any potential undue influence from the executive powers therein, in particular by excluding the possibility for the executive to intervene in these proceedings.*
60. GRECO recalls that this recommendation was not implemented. It noted that the Act on Common (Ordinary) Courts, as amended, mirrored almost identical provisions to the Act on the Supreme Court, as amended, which made it possible for disciplinary proceedings to be misused and to be motivated by other reasons than judicial misconduct. GRECO also considered that the statutory amendments brought about by the 2019 Amending Act had increased the potential influence of the executive in disciplinary proceedings, leaving judges increasingly vulnerable to political control and having a cumulative chilling effect on the judiciary as whole. GRECO also expressed concerns in respect of the Minister of Justice being involved in the disciplinary proceedings against judges of ordinary courts.

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<sup>12</sup> See [CCJE Opinion No. 19 \(2016\)](#) on the "Role of the Presidents", paragraph 38.

61. The authorities report that the Minister of Justice can submit motions or appeals, under section 114 (1), (9) and (11) and section 121 (1) of the Common (Ordinary) Courts, while s/he is not entitled to take procedural decisions in disciplinary proceedings. They further provide that the 2022 Amending Act introduced identical provisions to the Act on Common (Ordinary) Courts as those relating to the 2017 Act on the Supreme Court (see paragraph 51 above).
62. GRECO stands by the assessment made in paragraph 52 above, and welcomes, that the 2022 Amending Act has introduced provisions exempting certain actions (relating to the content of court decision, the filing of a preliminary request to the CJEU and the examination of independence and impartiality of a judge) from engaging the disciplinary liability of common (ordinary) courts' judges. However, it reiterates its concerns about the existence of other problematic disciplinary grounds which ought to be removed. In this connection, GRECO wishes to point to the recent ECtHR's *Juszczyszyn v. Poland* judgment<sup>13</sup> which found that the suspension of the applicant, who was a judge, had been for reasons other than those set out in the Convention, namely for the purposes of discouraging him from examining the appointment procedure for certain judges. GRECO further observes that the role and involvement of the Minister of Justice throughout the disciplinary proceedings of common (ordinary) courts' judges has remained unchanged. For these reasons, this recommendation has not been more than partly implemented.
63. GRECO concludes that Rule 34 Recommendation vi has been partly implemented.

### **III. CONCLUSIONS**

64. **In view of the foregoing, GRECO notes some progress and concludes that Poland has implemented seven of the sixteen recommendations of the Fourth Round Evaluation Report, and one of the six recommendations of the Addendum to the Fourth Round Evaluation Report (Rule 34 Report).** Of the remaining recommendations, one recommendation of the Fourth Evaluation Round and three recommendations of the Rule 34 Report have been partly implemented and eight recommendations of the Fourth Round Evaluation Report and two recommendations of the Rule 34 Report have not been implemented.

More specifically, recommendations iv, vii, viii, x, xi, xiii and xv, as well as Rule 34 recommendation iii, have been implemented satisfactorily or dealt with in a satisfactory manner. Recommendation vi of the Fourth Evaluation Round as well as Rule 34 recommendations ii, iv, and vi have been partly implemented, recommendations i-iii, v, ix, xii, xiv and xvi of the Fourth Evaluation Round as well as Rule 34 recommendations i, and v remain not implemented.

65. As regards Members of Parliament, it is welcomed that a trusted ethics advisor has been appointed in respect of senators, and the authorities are encouraged to do the same in respect of the Sejm deputies. It is however highly regrettable that no progress has been made towards the implementation of the remaining outstanding recommendations more than ten years after the adoption of the Evaluation Report.

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<sup>13</sup> The ECtHR found a breach of Article 8 of the Convention, because the Disciplinary Chamber's characterisation of the action of a judge - who was the applicant in that case - to verify the appointment of other judges after March 2018, as both compromising the dignity of judicial office and as constituting an obvious and gross violation of the law within the meaning of section 107(1) of the 2001 Act on the Organisation of the Ordinary Courts, as amended, was manifestly unreasonable and the applicant could not have foreseen that the issuance of his order could have led to his suspension. In addition, the predominant purpose of the disciplinary offences introduced by virtue of the 2019 Amending Act, and the specific disciplinary measures that had been taken against the applicant leading to his suspension, had been to sanction him and to dissuade him from assessing the status of judges appointed upon the recommendation of the recomposed NCJ by applying the relevant legal standards, including those stemming from Article 6 § 1 of the Convention. This ulterior purpose was incompatible with the Convention, thus leading to a breach of Article 18 of the Convention.

66. Furthermore, as regards judges, there have been some developments concerning the abolishment of the Disciplinary Chamber (and its replacement with the Chamber of Professional Responsibility), and the introduction of certain grounds exempting judges from disciplinary liability. However, the fact remains that the fundamental problem, which ought to become the authorities' utmost priority - also stemming from international courts' decisions, is the composition of the National Council of the Judiciary (NCJ), namely the election of its judicial members by the legislative power, thus depriving the Polish judiciary of the right to elect judicial members of the NCJ. Urgent remedial action is required to ensure that at least half of the NCJ members are judges elected by their peers and, consequently, to restore its independence, as mandated by the Constitution, from the legislative and executive powers. The existence of other disciplinary grounds, which have negative effects on judicial independence and engage judges' disciplinary liability, present strong incentives for an intervention by the executive in the disciplinary proceedings. Regrettably, the appointment and dismissal of court presidents and vice-presidents continues to be influenced by the extensive involvement of the Minister of Justice.
67. With respect to prosecutors, it is regrettable that the authorities have remained almost inactive in taking any concrete steps to fully implement the three outstanding recommendations relating to the provision of guidance on ethical principles, the provision of tools and powers to the National Prosecution Council to monitor compliance with the ethical principles, the adoption of appropriate measures to ensure a more in-depth scrutiny of prosecutors' asset declarations, and the provision of continuous training and proper dedicated counselling.
68. In view of the above (with only eight out of a total of 22 recommendations having been implemented), GRECO concludes that the overall very low level of compliance with the recommendations remains "globally unsatisfactory" within the meaning of Rule 31 revised, paragraph 8.3 of its Rules of Procedure.
69. In application of paragraph 2 (i) of Rule 32 of the Rules of Procedure, GRECO asks the Head of the Polish delegation to provide a report on the progress in implementing the outstanding recommendations (i.e. recommendations i-iii, v-vi, ix, xii, xiv and xvi, and Rule 34 recommendations i-ii and iv-vi), at the latest by 31 March 2024.
70. In addition, in accordance with Rule 32, paragraph 2, sub-paragraph (ii) (b), GRECO invites the President of the Statutory Committee to send a letter to the Permanent Representative of Poland to the Council of Europe, drawing the attention to the non-compliance with the relevant recommendations and the need to take determined action with a view to achieving tangible progress as soon as possible.
71. Finally, GRECO invites the authorities of Poland to authorise, as soon as possible, the publication of the report, to translate the report into the national language and to make the translation public.