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## **First Evaluation Round**

### **Compliance Report on Poland**

Adopted by GRECO  
at its 19<sup>th</sup> Plenary Meeting  
(Strasbourg, 28 June – 2 July 2004)

## **I. INTRODUCTION**

1. GRECO adopted the First Round Evaluation Report on Poland at its 8<sup>th</sup> Plenary Meeting (4-8 March 2002). This Report (Greco Eval I Rep (2001) 11E) was made public by GRECO, following authorisation by the authorities of Poland, on 12 April 2002.
2. In accordance with Rule 30.2 of GRECO's Rules of Procedure, the authorities of Poland submitted their Situation Report (RS-report) on the measures taken to follow the recommendations on 9 January 2004.
3. At its 13<sup>th</sup> Plenary Meeting (24-28 March 2003), GRECO selected, in accordance with Rule 31.1 of its Rules of Procedure, Croatia and Finland to provide Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Dražen JELENIC on behalf of Croatia and Ms Helinä LEHTINEN on behalf of Finland. The Rapporteurs were assisted by the GRECO Secretariat in drafting the Compliance Report (RC-Report).
4. The RC-Report was adopted by GRECO, following examination and debate pursuant to Rule 31.7 of the Rules of Procedure, at its 19<sup>th</sup> Plenary Meeting (28 June – 2 July 2004).
5. Under Article 15 para. 6 of the GRECO Statute and Rule 30.2 of the Rules of Procedure, the objective of the RC-Report is to assess the measures taken by the authorities of Poland and, wherever possible, their effectiveness in order to comply with the recommendations contained in the Evaluation Report.

## **II. ANALYSIS**

6. It was recalled that GRECO in its Evaluation Report addressed 17 recommendations to Poland. Compliance with these recommendations is dealt with below.

### **Recommendation i.**

7. *GRECO recommended that measures be undertaken to develop an efficient and clear Government strategy for combating corruption, including the development of all the elements (legislative, executive, judicial authority) necessary for reducing opportunities for corruption, in line with the increasing number of corruption cases which are disclosed and to establish a clear definition of the priorities of each authority involved in the combat against corruption.*
8. The authorities of Poland have reported that on 17 September 2002, the Government adopted a programme for combating corruption – the Anti-corruption Strategy -, which is a collection of target solutions and a set of (legislative and organisational) actions to be undertaken by government administration institutions most directly involved in the prevention of and fight against corruption. It also aims at providing education and information with regard to those areas of public activities considered the most vulnerable to corruption. The implementation of the Anti-Corruption Strategy aims at achieving four main objectives: to efficiently detect corruption offences, to implement effective mechanisms for combating corruption in public administration, to increase public awareness and to promote ethical patterns of conduct. The Government has recommended the preparation of periodical reports on the implementation of the Strategy.

So far the Council of Ministers has adopted three Reports: on 25 February 2003, 15 July 2003 and on 6 April 2004. The latter concludes that most of the goals of the Anti-corruption Strategy

have been achieved – the awareness of the problem of corruption has risen in the Public Administration, new legislation has been enacted. In the nearest future, the Ministry of Internal Affairs intends to:

- adopt the final Report concerning the “first bundle” of activities (summing up all the anti-corruption actions taken in respect of their effectiveness and results),
  - prepare the “second bundle” of legislative, organisational, educational and informational activities. Within its framework the co-ordination centre is about to be created with powers to monitor the efficiency of the legislative and organisational actions taken to counter corruption in various organs and institutions
9. GRECO noted with satisfaction that Poland addressed recommendation i. by adopting the Anti-Corruption Strategy in September 2002. The programme is comprehensive and multi-faceted. It covers the entire range of sectors and institutions involved in preventing and fighting corruption: public procurement, civil service, privatisation, central and local government administration, law enforcement agencies, health care, public finances, information. Each are dealt with under separate chapters which are divided into three sections (planned changes in legislation, planned organisational changes and educational-information undertakings) which provide for measures to be taken by the Ministry directly concerned.
10. GRECO concludes that recommendation i. has been implemented satisfactorily.

#### **Recommendation ii.**

11. *GRECO recommended to establish a National Advisory Council or some other similar body, or to designate an existing institution responsible for bringing together the top managers of higher public authorities concerned by the fight against corruption and steering the work of all bodies directly involved in this area.*
12. The authorities of Poland have reported that, in March 2002, the Prime Minister set up an “Inter-ministerial Anti-Corruption Team”, composed of deputy ministers from, *inter alia*, the Ministries of Justice, Finance, Economy, Home Affairs and Administration and the State Treasury, whose main task is to provide information and data in order to prepare and up- date the Anti-Corruption Strategy (see above). The Team holds meetings on a regular basis and discusses the reports on the implementation of the Anti-Corruption Strategy to be submitted to the Government for approval. It also coordinates the individual work of the different Ministries concerned with relation to the implementation of the Strategy.
13. GRECO took note of the information provided by the authorities of Poland and concludes that recommendation ii. has been implemented satisfactorily.

#### **Recommendation iii.**

14. *GRECO recommended to organise regular exchanges of information with non-governmental organisations to discuss Government actions and initiatives against corruption, with a view to strengthening cooperation in this field.*
15. The authorities of Poland have reported that an exchange of information with non-governmental organisations (NGOs) takes place regularly by way of jointly organised seminars, training courses and conferences. These events contribute to identifying areas vulnerable to corruption and are

deemed to be a starting point for the elaboration of instruments for counteracting and preventing corruption in public life. The authorities of Poland provided examples of some initiatives taken jointly with the Batory Foundation and the World Bank, namely:

- in 2002, workshops on Practical ways to prevent corruption at local level and a conference on Conflicts of interest in self-government,
- in 2003, a conference on Procedures employed by political groups with regard to their members who face conflicts of interest or who have infringed the law.

Within the framework of the “second bundle” of activities (see paragraph 8), forming the new body (composed with NGOs’ representatives) is foreseen with the task of ongoing evaluation, monitoring and checking the efficiency of implementing Anti – corruption Strategy by organising conferences, quarterly meetings, exchanging information and experiences. Furthermore, the Supreme Chamber of Control is continuously co-operating with the NGOs by taking an active part in conferences and seminars on corruption (50 initiatives in the years 2000 – 2004).

16. GRECO took note of the information provided by the Polish authorities and in particular of the fact that activities such as seminars, conferences and training courses on some specific corruption-related issues are co-organised with some NGO’s. The Polish authorities have mentioned one workshop and one conference, held in 2002 and one conference in 2003. However, no regular measures have been reported which may satisfy the main concern expressed in recommendation iii.
17. GRECO concludes that recommendation iii. has been dealt with in a satisfactory manner.

#### **Recommendation iv.**

18. *GRECO recommended to implement a global training programme aimed at increasing awareness among public officials of all levels.*
19. The authorities of Poland have reported that since 2000, about 6500 civil servants have participated in seminars and professional training planned, organised and supervised by the Head of the Civil Service. The theme Ethics in the Civil Service has been placed on the top of the list of those seminars. Other subjects related to the public service (Principles of Social Dialogue, Customer Service Techniques in Government Administration, Access to Public Information) form the object of specific seminars. Apart from vocational training, knowledge of the principles of public service and civil service ethics is increased through regular training. The National School of Public Administration provides 20 months’ training for persons under 32 years to make them sensitive to problems faced by citizens, to prepare them professionally to hold managerial positions in the civil service, to acquire ethical awareness of their professional career, to acquire the ability to work in an international environment, as well as to respect the requirement of political neutrality in their conduct.
20. GRECO took note of the information provided by the authorities of Poland. As regards the implementation of the recommended training programmes, the percentage of civil servants attending those courses is not stated in the replies. The Polish authorities may wish to provide GRECO with this additional information.
21. GRECO concludes that recommendation iv. has been implemented satisfactorily.

### **Recommendation v.**

22. *GRECO recommended to undertake steps towards progressively reducing the scope of discretionary powers of administrative officers, enhancing transparent procedures and abolishing, whenever possible, licensing and authorisation procedures.*
23. The authorities of Poland have reported that the concern expressed in recommendation v. to restrain and control the discretionary power of administrative officers was addressed in the Anti-corruption Strategy and dealt with in different ways: 1) a draft Act on Control in Government Administration which aims at establishing uniform regulation of executive control over the activities of the government administration and bodies of the territorial self-government units has been prepared and is under consideration by the Parliament ; 2) amendments to the Act on Self-government Employees are also under consideration ; 3) the Friendly Office Programme - which aims, *inter alia*, to introduce standards for the functioning of public administration, in particular with regard to the organisation of customer reception, control over receiving and handling petitions, requests and complaints from citizens – is to be finalised by the Ministry of Home Affairs and Administration; and 4) the new Law on the Freedom of Business Activity was prepared on 28 May 2004. The law envisages limiting the scope of business activities requiring concessions (for example in the field of construction and exploitation of motorways) and permits (a reduction from over 100 to 30). Currently the Draft law is under scrutiny by the upper chamber of Parliament.
24. GRECO took note of the information provided by the Polish authorities on the specific measures under consideration and noted that the Anti-Corruption Strategy even goes beyond addressing the concern expressed in recommendation v. with regard to licensing and authorisation procedures.
25. GRECO took note with satisfaction that some actions have been undertaken and new legislation is under consideration. It considered that these legal measures, once implemented, would comply with recommendation v. and, therefore, concludes that recommendation v. has been partly implemented.

### **Recommendation vi.**

26. *GRECO recommended to adopt codes of conduct for the staff serving in the different state administrations and increase their awareness of the importance of the rules, drawing inspiration from the Model Code of Conduct for public officials included in the Recommendation R(2000) 10 of the Committee of Ministers of the Council of Europe to Member States.*
27. The authorities of Poland have reported that since 2002, Poland has a Code of Ethics for the Civil Service, composed of 5 Articles which refer to four principles: reliability, professionalism (competence), neutrality and political impartiality. The first step that the Office of the Civil Service took with a view to making members of the civil service corps acquainted with the text of the Code was to send the Code to them all. Furthermore, information and prevention are developed through the organisation of seminars where ethics in the civil service are included as a main topic (see paragraph 19 above). There are also Codes of Ethics for Internal Auditors and Customs Service.
28. GRECO concludes that recommendation vi. has been implemented satisfactorily.

### **Recommendation vii.**

29. *GRECO recommended to create a central intelligence database with a view to providing law enforcement and prosecution authorities with an extremely useful tool for a comprehensive approach to the fight against corruption.*
30. The authorities of Poland have reported that the Act of 6 July 2001 on Gathering, Processing and Providing Criminal Information created the National Centre for Criminal Information (NCCI) which started to be operational on 1 January 2003. The NCCI works as a central registry whose main task is gathering information on all offences, including corruption, and providing it to the authorised law enforcement entities. According to the Polish authorities, the NCCI is to date the greatest database centre ever created in Poland.
31. GRECO took note of the information provided by the authorities of Poland and concludes that recommendation vii. has been implemented satisfactorily.

### **Recommendation viii.**

32. *GRECO recommended to seriously envisage increasing the number of staff and equipment of the Department of Permits and Concessions of the Ministry of the Interior.*
33. The authorities of Poland have stated that "increasing the number of staff in the Department of Permits and Concessions depends on a globally planned restructuring of public administration, which is currently under way." They have also reported that as a result of Poland's accession to the EU, the scope of competence of the Department has changed. The employees of the Department have been relieved of some duties (i.e. relating to issues connected with purchasing real estate by foreigners or foreign business entities). In accordance with the provisions of the above – mentioned draft law of 28 May 2004 on the Freedom of Business Activity (see paragraph 23), the number of business activities requiring permits will decrease and the workload of the Department will further be reduced. Moreover, the Department itself has taken several steps to reduce the workload of the employees. Efforts are currently being made to equip them with new technical means (information systems, data bases).
34. GRECO took note of the information provided by the Polish authorities and concludes that recommendation viii. has been dealt with in a satisfactory manner.

### **Recommendation ix.**

35. *GRECO recommended to draw up and implement a comprehensive specialised training programme for judges and prosecutors dealing with corruption cases.*
36. The authorities of Poland have reported that in 2003, the Ministry of Justice organised seminars for judges and public prosecutors on the following themes related to corruption:
  - Commercial offences including the mechanisms of fraudulently obtaining Value Added Tax and the objects of leasing; control of uneconomical management; counterfeiting and other offences against money and securities turnover;
  - The Public Procurement Act – problems pertaining to the preparatory proceedings in the context of the involvement of prosecuting authorities in the government's Anti-corruption Strategy;

- Corruption with particular regard to money laundering; occurrence of corruption, use of special operational techniques for the disclosure of corruption offences; bribing public officials; the system of protection and monitoring of cash turnover; techniques for conducting criminal proceedings in cases concerning money laundering;
- Bribing public officials as a device of an organised crime; problems resulting from statements on property; issues regarding disciplinary proceedings against judges and prosecutors with attention paid to the potential occurrence of corruption in these professional circles.

The seminars were held on:

- 24 April 2003 for 82 public prosecutors;
- 10-11 September 2003 for 90 public prosecutors;
- 24-26 November 2003 for 60 public prosecutors;
- 26-28 November 2003 for 30 judges and 30 public prosecutors.

For 2004, two training courses on anti-corruption issues were foreseen. The first took place between 5-7 May in which 70 prosecutors participated. The second is planned for 15-17 September with an estimated participation of 65 prosecutors involved in combating organised crime and corruption.

The Polish authorities also reported that the Ministry of Justice has disseminated, free of charge, a publication on the newest anti-corruption legislation to public prosecutors. 460 copies of the publication have been sent to the Appellate Prosecutor's Offices to be distributed to subordinate entities. For 2004, two training courses on anti-corruption issues are foreseen. One is designed for disciplinary agents and members of disciplinary courts for prosecutors and the second is addressed to public prosecutors involved in combating organised crime.

37. GRECO took note of the information provided by the authorities of Poland. It invites the Polish authorities to provide additional information on the percentage of prosecutors and, above all, judges who attend those trainings. It encourages the authorities of Poland to increase the participation of judges. It concludes that recommendation ix. has been implemented satisfactorily.

**Recommendation x.**

38. *GRECO recommended to authorise, with the necessary safeguards, the use of telephone tapping and undercover agents in the different stages of investigation and in relation to all serious cases of corruption.*
39. The authorities of Poland have reported that the use of telephone tapping and undercover agents is regulated by the Police Act (as amended on July 2001). Furthermore, the Code of Criminal Procedure was amended by Act of 10 January 2003, and since includes offences of corruption and trading in influence in the set of crimes for which those special investigative means can be used. They also stated that these special investigative means can be used at the "operational" stage of investigations and that they have already been employed successfully in some investigations into corruption.
40. GRECO took note of the information provided by the authorities of Poland and concludes that recommendation x. has been implemented satisfactorily.

### **Recommendation xi.**

41. *GRECO recommended to amend the legislation in order to provide that requests to make use of telephone tapping should be made directly by the investigative body to the competent judicial authority and that a similar approach be adopted to simplify procedures attached to the authorisation of other special investigative means.*
42. The authorities of Poland have reported that since the aforementioned amendments to the Police Act (paragraph 39), requests for the application of wire tapping may be addressed by the regional commander of the Police, after having obtained authorisation from the prosecutor having territorial competence, directly to the circuit court competent according to its territorial jurisdiction. At the same time, the possibility for the Chief Commander of the Police, after having obtained the authorisation from the Prosecutor-General, to file such requests was maintained, which is necessary in cases dealt with, at central level, by the Central Investigation Bureau. As regards other special investigative techniques such as the use of undercover agents or controlled deliveries, the procedure is similar and, in some cases, the police can use them directly.
43. GRECO took note of the information provided by the Polish authorities. The use of special investigative means has not been changed since GRECO's First Round Evaluation Report was adopted. However, GRECO noted that the requests for the use of special investigative techniques, and in particular telephone tapping, appear to be made directly by the investigative body to the relevant judicial authorities, whenever such authorisation is requested. Moreover, this procedure has been extended to the local (regional) level jurisdictions, in addition to the centralised system provided when the request is made by the Central Investigation Bureau.
44. GRECO concludes that recommendation xi. has been dealt with in a satisfactory manner.

### **Recommendation xii.**

45. *GRECO recommended to increase both the human and material resources allocated to the Public Procurement Office in order for it to exercise a strict control over public procurement procedures.*
46. The authorities of Poland have reported that 15 new posts have been filled in 2003, 8 of which for the purpose of strengthening the Department of Analysis and Control of the Public Procurement Office (which is especially tasked with the control and monitoring of the tender procedures). They have also given details of the Office's budgetary increases over the last two years (figures in thousand zlotys):

	Budget 2002		Budget 2003	
	Budget according to Budget Act	Budget after amendment	Budget according to Budget Act	Budget after amendment
Budget Total	4602	5009	4873	6337
Remuneration for the civil service corps included	2277	2321	2494	2735

47. GRECO took note of the information provided by the authorities of Poland and concludes that recommendation xii. has been implemented satisfactorily.



### **Recommendation xiii.**

48. *GRECO recommended to treat in the same manner the hindering of the work of a Supreme Chamber of Control controller and the hindering of the work of officials from Agencies with comparable powers.*
49. The authorities of Poland have reported that Article 98 of the Act on the Supreme Chamber of Control (SCC) stating that hindering the control activities of the SCC is a petty offence (misdemeanour) has not been modified. Nevertheless, they have stated that, according to representatives of the SCC, there is no need to introduce any changes in that regard. Firstly, because the SCC indicated that there are no other organs or institutions having powers comparable to the SCC, which is the only supreme control authority in Poland. Secondly, because the matter of concern raised in recommendation xiii. is “marginal” and the scale of the problem is “insignificant”: during the period 1997-2001, only 14 motions were filed requesting for punishing offences consisting in control evasion or control hindering, where for the same period of time 4,500 controls/year were carried out by the SCC. In the year 2004 not a single case of evasion or control hindering has taken place. In 2003 the SCC filed with the court only one motion and two in 2002.
50. GRECO took note of the information provided by the Polish authorities. It acknowledged that consideration has been given by the Polish authorities on whether Article 98 of the Act on the Supreme Chamber of Control should be changed and that the SCC itself estimates that changes are not needed in the current situation. It also noted that, according to the information provided by the SCC, the phenomenon of hindering the SCC controllers’ work is “marginal”. Moreover, GRECO noted that there are no other institutions in Poland with comparable powers to those of the SCC when exercising its tasks of revision and inspection. GRECO invites the Polish authorities to be particularly prudent with regard to the concern expressed in recommendation xiii. and to regularly assess the situation as regards the possible need to make improvements in this field. In this connection, it invites the authorities of Poland to inform GRECO about any future developments.
51. GRECO concludes that recommendation xiii. has been dealt with in a satisfactory manner.

### **Recommendation xiv.**

52. *GRECO recommended to analyse the functioning of existing earmarked funds in the context of creating opportunities for corruption and to liquidate those funds whose tasks could be achieved in the framework of the general State budget and ensure, especially by way of monitoring, that the functioning funds do not create opportunities for corruption.*
53. The authorities of Poland have reported that after conducting analysis on the functioning of earmarked funds and State Treasury agencies, it has been decided to liquidate 1) the privatisation fund (31 January 2005), 2) the military housing agency (2005) and 3) the farming land protection fund (at central and local level in the third quarter of 2004). The liquidation of some other minor funds is planned as well. As regards the second part of the recommendation, the Polish authorities reported that the earmarked funds and the State Treasury agencies are subject to fiscal controls - in accordance with the Act on Fiscal Control and the Act on the Tax Regulations - to establish whether incomes have been properly collected and gathered and whether payments have been properly made.

54. GRECO took note of the positive measures underway as described by the Polish authorities. It considered that these measures, once implemented, would comply with recommendation xiv.
55. GRECO concludes that recommendation xiv. has been partly implemented.

**Recommendation xv.**

56. *GRECO recommended to enhance and develop the work of financial controllers controlling public administrations and public enterprises increasing, whenever necessary, their number and ensure that their findings are made public as far as possible.*
57. The Polish authorities have reported that on 1 September 2003 the Act on Fiscal Control was amended extending the scope of control exercised by financial inspectors in order to cover:
- the possibility of control of advisability and consistence with the law of the management of public resources by the territorial self-government entities;
  - examination of the use of property received from the State Treasury for the purpose of implementation of public tasks and of the correctness of privatisation of the State Treasury property;
  - examination of reliability of the fulfilment of obligations resulting from the guarantees and safeguards given by the State Treasury;
  - examination of the consistency of the use of funds, the payment of which has been guaranteed by the State Treasury, and their original purpose.

Moreover, they have also reported that because of the inflow of EU funds to Poland, some special units dealing with the control of these funds have been established within the fiscal control offices, which involves an increase in the number of inspectors dealing with the control of the public funds.

58. The Polish authorities have also stated that the Ministry of Finance does not plan to employ any additional staff in the fiscal control offices. Nevertheless, for the purpose of reinforcement of the fiscal service, new staff will be appointed as fiscal control inspectors depending on the resources and the number of vacancies available. 700 persons have passed the examination so far.
59. Insofar as the possibility of making the financial controllers' findings public, the Polish authorities have reported that the information gathered and processed for the purpose of fiscal control are subject to fiscal secrecy. Nevertheless, according to the Act on Fiscal Control the Inspector-General for Fiscal Control may make general information on the fiscal controlling activity public.
60. GRECO took note of the information provided and considered that the first part of the recommendation has been addressed by the Polish authorities. As regards the second part of the recommendation (the number of staff), it is not clear from the reply if the number of financial controllers has increased since GRECO's First Round Evaluation Report was adopted especially with regard to the work they are expected to carry out. A policy of redeployment of staff appear to have been carried out (in particular, from 1 September 2003 1,517 employees of the customs services have taken over some – not specified - of the fiscal control offices' tasks).
61. GRECO concludes that recommendation xv. has been partly implemented.

### **Recommendation xvi.**

62. *GRECO recommended to organise permanent in-house training for these controllers, focusing on the issue of corruption.*
63. The authorities of Poland have reported that in – house training for SCC employees is organised in two forms: financial controllers’ apprenticeship (in the years 2003 – 2004 involving 191 employees) and the permanent professional training (in 2003 – 2004 for 440 employees). The programme of the apprenticeship deals with all the range of the corruption issues (definitions, causes, methods of carrying out effective controls, commercial offences, banking frauds). The permanent professional training embraces the issues of public procurement, protection of confidential information, internal audit, EU control procedures. All the training courses organised by the SCC can be accessed by the employees of all the Ministers and Central Offices.
64. GRECO took note of the information provided by the Polish authorities and concludes that recommendation xvi. has been dealt with in a satisfactory manner.

### **Recommendation xvii.**

65. *GRECO recommended to reduce categories of the holders of public office benefiting from immunities and the scope of these immunities and to simplify the procedure for lifting the immunity of State officials.*
66. The authorities of Poland have reported the following:
- as regards the first part of the recommendation (reducing the categories of holders of public office benefiting from immunities): that immunities granted to certain categories of persons are a constitutional guarantee for the proper functioning of the highest State institutions and certainly not an obstacle for those who commit a crime, including corruption, to be punished. They have underlined the fact that reducing categories of the holders of public office benefiting from immunities would require amending the Constitution.
  - as regards the second part of the recommendation (reducing the scope of these immunities): insofar as immunities of judges and prosecutors are concerned, the Polish authorities have recalled that special disciplinary courts are empowered to decide on lifting their immunity, that members of these courts are independent and only subject to the law and that their hearings are, as a general rule, public. Moreover, the Polish authorities have stated that police and prosecuting authorities can collect evidence against judges and prosecutors even before the immunity is lifted, carry out activity (*in rem* proceedings) and that the issue of lifting the immunity arises only after the defendant is formally charged (*in personam* proceedings).
  - as regards the third part of the recommendation (simplifying the procedure for lifting the immunity of State officials): the Polish authorities have highlighted that since GRECO’s First Round Evaluation Report on Poland was adopted there has not been one case where Parliament has refused to give its authorisation for Members of Parliament (MPs) to be prosecuted. More often, MPs voluntarily renounce their immunity after the Prosecutor's General motion. The institution of an immunity does not constitute any serious obstacle as far as prosecution is concerned, because of legally defined and clear procedures concerning lifting the immunity, public character of the hearings, expeditious pace of these proceedings before disciplinary courts. All this is due to the recent changes in the Act on the Structure of Common Courts and the Prosecution Act,

dated 2001 and 2003 respectively (the procedures should last no more than one month, judges and prosecutors are mandatorily suspended and may not carry out their duties until the close of disciplinary proceedings, the court's sessions are open to the public).

67. GRECO took note of the information provided by the Polish authorities. It acknowledged that the immunities granted by the Polish Constitution to some persons representing the highest political and judicial functions of the State aim at guaranteeing "the proper functioning of the organs" for which those persons exercise their functions. GRECO recalled that recommendation xvii. does not assess the nature and the scope of immunities granted in Poland. The concern expressed in recommendation xvii. clearly relates, firstly, to the number of persons benefiting from immunities, secondly, to the scope of these immunities and, finally, to the complexity of the procedures for lifting these immunities. In this regard, GRECO noted that no change has been made to the list of categories of the holders of public office benefiting from immunities. As regards the scope of immunities, GRECO recognised that, since the adoption of GRECO's First Round Evaluation Report, Parliament has never refused to give its authorisation for MPs to be prosecuted and that law enforcement agencies can carry out investigative activity even before immunity is lifted. As regards simplifying the procedure for lifting immunities, GRECO acknowledged the efforts and changes made pursuant to the Act on the Structure of the Common Courts and the Prosecution Act (see above).
68. GRECO concludes that recommendation xvii. has been partly implemented.

### **III. CONCLUSIONS**

69. GRECO reached the overall conclusion that Poland has implemented all the recommendations of the First Round Evaluation Report.
70. Recommendations i., ii., iii., iv., vi., vii., viii., ix., x., xi., xii. xiii. and xvi. have been implemented satisfactorily or dealt with in a satisfactory manner. Recommendations v., xiv., xv. and xvii. have been partly implemented.
71. The Polish authorities might wish to send to GRECO the additional information mentioned in the parts of the report relating to recommendations iv., ix. and xiii.
72. GRECO invites the Head of the delegation of Poland to provide additional information by 31 December 2005 on the progress of the implementation of recommendations v., xiii., xiv., xv. and xvii.