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COUNCIL OF EUROPE COMMITTEE OF EXPERTS ON THE EVALUATION OF ANTI-MONEY LAUNDERING MEASURES AND THE FINANCING OF TERRORISM

MONEYVAL

Fifth Round of Mutual Evaluations
First Compliance Enhancing Procedures Report

POLAND[1]

[1] Adopted by the MONEYVAL Committee at its 71st Plenary Meeting (Strasbourg, 27 – 29 May 2026)

Poland: First Compliance Enhancing Procedures Report

I. INTRODUCTION

1. Rule 23(3) of the Rules of Procedure for MONEYVAL's 5th Round of Mutual Evaluations (RoP) provides for the mandatory application of compliance enhancing procedures (CEPs) at the end of the third year following adoption of a mutual evaluation report (MER) if any of the "big six" FATF Recommendations (R.3, R.5, R.6, R.10, R.11 and R.20) remain NC/PC. The Plenary has discretion only to decide on the appropriate compliance enhancing step to apply.

2. Rule 25(2) of the RoP also allows the Plenary to apply CEPs to "non-big-six" Recommendations where a member has not addressed most technical compliance deficiencies by the end of their third year following adoption of a MER.

3. The 5th round MER of Poland was adopted in December 2021. Poland was placed into enhanced follow-up and has submitted three follow-up reports (FURs). At the time of the adoption of the third follow-up report, R.5 and R.20 were still rated as PC and so Poland was placed in CEPs in December 2025 (70th Plenary) in respect of those Recommendations.

4. This is the first CEPs report for Poland. The purpose of this report is to summarise the progress that Poland has made to remedy identified shortcomings in respect of R.5 and R.20.

II. GENERAL PROGRESS MADE SINCE 70th PLENARY (December 2025)

5. The objective of CEPs is not to re-rate covered Recommendations, which may be done only under the follow-up process. Instead, CEPs reports provide a general overview on whether a member has made progress addressing shortcomings identified in the MER or subsequent FURs and to what extent[2].

6. This section reviews progress in addressing shortcomings identified under R.5 and R.20 in the 5th round MER of Poland (adopted in December 2021).

R.5

Shortcoming 1: The TF offence does not fully capture all of the offences in the treaties listed in the Annex to TF Convention. The criminal conduct provided for in one of the treaties included in the annex and by the instruments amending the Treaty offences is not encompassed by the terrorist acts under the CC. (c.5.1)
Action taken to address shortcoming: Poland is not yet party to the Protocol to the Convention for the suppression of unlawful acts against the safety of maritime navigation (2005) and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (2005). Consequently, acts falling within the scope of these treaties are not covered by the TF offence, as required by the definition of terrorist act in the FATF glossary. This shortcoming remains unaddressed.
Remaining shortcoming: The TF offence does not cover acts falling within the scope of the Protocol to the Convention for the suppression of unlawful acts against the safety of maritime navigation (2005) and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (2005) to which Poland is not yet party to.

[2] Where a technical deficiency is addressed through legislation or other enforceable means, it should be in force and effect at the time of the plenary that is linked to the follow-up cycle (Rule 27(7) of the RoP and p.16 of the Guidance Note on CEPs).

Shortcoming 2: The indirect provision or collection of funds, and the intention or knowledge that the funds are to be used "in full or in part" are not explicitly covered by the TF offence. (c.5.1)
Action taken to address shortcoming: No actions have been taken to address the current shortcoming.
Remaining shortcoming: The indirect provision or collection of funds, and the intention or knowledge that the funds are to be used "in full or in part" are not explicitly covered by the TF offence.

Shortcoming 3: The terms "terrorist organisation" and "individual terrorist" are not fully in line with the terms "terrorist organisation" and "terrorist" defined under the FATF Glossary. (c.5.2)
Action taken to address shortcoming: No actions have been taken to address the current shortcoming.
Remaining shortcoming: The terms "terrorist organisation" and "individual terrorist" are not fully in line with the terms "terrorist organisation" and "terrorist" defined under the FATF Glossary.

Shortcoming 4: The "intention" element is understood by the academia, practitioners and judiciary to be strictly connected to a specific terrorist act for the recognition of TF. (c.5.2)
Action taken to address shortcoming: To address this shortcoming, the Guidelines issued by the General Prosecutor's Office in April 2023 clarify that there is no requirement for the offence of terrorism financing of a terrorist organisation or an individual terrorist, including by covering the costs associated with their needs or financial obligations, to be linked to an offence of terrorist nature.
Remaining shortcoming: No shortcoming remains.

Shortcoming 5: The mere collection of funds without having made the funds available to terrorist organisations or individual terrorists for any purpose is not covered. (c.5.2)
Action taken to address shortcoming: No actions have been taken to address the current shortcoming.
Remaining shortcoming: The mere collection of funds without having made the funds available to terrorist organisations or individual terrorists for any purpose is not covered.

Shortcoming 6: The shortcomings related to the indirect funding and the partial use of the funds as described under c.5.1 apply. (c.5.2)
Action taken to address shortcoming: No actions have been taken to address the current shortcoming.
Remaining shortcoming: The shortcomings related to the indirect funding and the partial use of the funds as described under c.5.1 apply.

Shortcoming 7: The financing of travel of individuals for the purpose of providing terrorist training is not covered, while the financing of travel for the purpose of receiving a terrorist training is covered only when linked to the purpose of committing a terrorist act. (c.5.3)
Action taken to address shortcoming: No actions have been taken to address the current shortcoming.
Remaining shortcoming: The financing of travel of individuals for the purpose of providing terrorist training is not covered, while the financing of travel for the purpose of receiving a terrorist training is covered only when linked to the purpose of committing a terrorist act.

Shortcoming 8: TF offence does not distinguish between legitimate or illegitimate sources of the funds or assets covered by the TF offence. (c.5.4)
Action taken to address shortcoming: To address this shortcoming, the Guidelines issued by the General Prosecutor's Office in April 2023 clarify that both legitimate and criminal funds or assets may be used to finance terrorism.
Remaining shortcoming: No shortcoming remains.

Shortcoming 9: The restrictive interpretation of the "intention" element adopted in jurisprudence and followed by practitioners, as discussed under c.5.2 above, requires a strict connection of the funds or other assets to a specific terrorist act. (c.5.5)
Action taken to address shortcoming: The actions undertaken under *Shortcoming 4* apply.
Remaining shortcoming: No shortcoming remains.

Shortcoming 10: The penalty for acts under Art.165 § 3 is limited up to three years, thus not meeting the requirement of proportionality and dissuasiveness. (c.5.7)
Action taken to address shortcoming: No actions have been taken to address the current shortcoming.
Remaining shortcoming: The penalty for acts under Art.165 § 3 is limited up to three years, thus not meeting the requirement of proportionality and dissuasiveness.

Shortcoming 11: The liability of an entity is secondary to the criminal liability of an individual acting on its behalf. There is no possibility to hold liable an entity, if the natural person (referred to in Art.3 of the *Act of 28 October 2002 on the liability of collective entities for criminal acts*) cannot be identified or takes flight, even in the presence of clear evidence indicating the culpability of the legal person. The narrowing factors in the law limit the scope of corporate criminal liability. (c.5.8)
Action taken to address shortcoming: No actions have been taken to address the current shortcoming.
Remaining shortcoming: The criminal liability of a legal entity is secondary to that of an individual acting on its behalf. The precondition of a prior conviction of the natural person, particularly where the natural person cannot be identified or has absconded, limits the scope of corporate criminal liability.

Shortcoming 12: The dissolution of the collective entity is not available as a sanction. The limitations concerning the sanctions are detrimental to the dissuasiveness. (c.5.8)
Action taken to address shortcoming: No actions have been taken to address the current shortcoming.
Remaining shortcoming: Dissolution of a legal entity is not available as a sanction, which undermines its dissuasiveness.

R.20

Shortcoming 1: The reporting requirements do not extend to the cases where there are reasonable grounds to suspect that funds are the proceeds of a criminal activity. (c.20.1)
Action taken to address shortcoming: The authorities have reported ongoing preparatory works at both domestic and EU levels for establishing uniform technical standards, pursuant to Article 69 of EU Regulation 2024/1624[3], for reporting suspicious funds or activities, including funds derived from or related to criminal activity. The new standards are expected to apply across EU Members States from July 2027. At present, the shortcoming remains unaddressed.

[3] EU Regulation 2024/1624 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing.

Remaining shortcoming: The reporting requirements do not extend to cases where there are reasonable grounds to suspect that funds are the proceeds of a criminal activity.

Shortcoming 2: The shortcomings in relation to Article 165a of the CC with regard to the criminalization of TF restrict the scope of the TF reporting requirement. (c.20.1)
Action taken to address shortcoming: No actions have been taken to address the current shortcoming.
Remaining shortcoming: Shortcomings related to the TF offence restrict the scope of the TF reporting requirement.

Shortcoming 3: There are concerns that the lack of clarity between the modes of the reporting regime might create confusion. (c.20.1)
Action taken to address shortcoming: The explanation under *Shortcoming 1*, relating to ongoing activities to establish uniform technical standards for reporting suspicious funds and activities at EU level, is also relevant here. The shortcoming remains unaddressed.
Remaining shortcoming: There are concerns that the lack of clarity between the different modes of the reporting regime may create confusion.

III. CONCLUSION

7. Poland has made limited progress to address deficiencies under R.5 and no progress to address deficiencies under R.20.

8. Most shortcomings remain for R.5 and R.20. Poland should remain under step 1 of CEPs and is expected to report back at MONEYVAL's next Plenary (December 2026) on additional action that has been taken. If issues of concern are not adequately addressed by that time, the Plenary will consider application of step 2 in relation to Poland.