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THIRD ROUND OF MUTUAL EVALUATIONS  
"EXCHANGE OF INFORMATION AND INTELLIGENCE BETWEEN  
EUROPOL AND  
THE MEMBER STATES AND BETWEEN THE MEMBER STATES  
RESPECTIVELY"**

**REPORT ON POLAND**

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

# RESTREINT UE



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THE EUROPEAN UNION

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**REPORT ON POLAND**

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## TABLE OF CONTENTS

1. INTRODUCTION .....	3
2. GENERAL INFORMATION AND STRUCTURES .....	4
3. INTERNAL ORGANISATION OF THE EXCHANGE OF INFORMATION .....	14
4. EXTERNAL EXCHANGE OF INFORMATION .....	16
5. EXCHANGE OF INFORMATION BETWEEN MEMBER STATES AND EUROPOL .....	19
6. EVALUATION BY EXPERT TEAM.....	24
7. GENERAL CONCLUSIONS AND RECOMMENDATIONS OF THE EXPERT TEAM .....	45
ANNEXES	
ANNEX A: Further agreements treaties and agreements with Member States which are in different stages of realisation but not yet in force.....	47
ANNEX B: Programme of visit.....	52
ANNEX C: List of persons met.....	54
ANNEX D: List of abbreviations.....	56

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## 1. INTRODUCTION

Following the adoption of the Joint Action of 5 December 1997, a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime was established.

Following a proposal originating from the Swedish delegation and taken up by the Presidency to evaluate the supply of information and intelligence to Europol and the exchange of information and intelligence between Member States, the MDG adopted the proposal at its meeting on 3 and 4 June 2002.

At its meeting on 3 December 2002 the MDG approved the questionnaire on the third round of mutual evaluations on the topic "exchange of information and intelligence between Europol and the Member States and among the Member States respectively".

Following discussion at the MDG meeting on 9 January 2003, a list showing the order of Member States to be visited was agreed. Poland is the 21st Member State to be evaluated during the third round of evaluations.

The questionnaires and the objectives of this evaluation are contained in document 11679/3/02 REV 3 CRIMORG 71.

The experts in charge of this evaluation, which took place between 7 - 10 February 2006 were: Mrs Ivona BLAHOVA (Czech Republic), Mr Alexander MAASS (Germany) and Mr Martin COX (United Kingdom). Two observers, Mr Michael CARLIN (Commission) and Mr Antonio SACCONI (Europol), were also present together with the General Secretariat of the Council.

The evaluation team has prepared the following report with the assistance of the Council Secretariat, on the basis of the observations and conclusions of the experts in the team together with the Polish authorities' answers to the questionnaire.

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The report first deals with general information and structure (2), followed by the internal organisation of the exchange of information (3) and the external exchange of information (4) and then deals more specifically with Europol (5). In the last chapter, the experts make a global and technical evaluation and then propose some recommendations to enhance cooperation and effectiveness in the exchange of information within Poland and with other Member States and Europol.

## 2. GENERAL INFORMATION AND STRUCTURES<sup>1</sup>

### 2.1. LEGAL BASIS

#### 2.1.1. Acts and decrees

The general legal framework applicable to the Polish law enforcement authorities for exchange of information and cooperation with foreign law enforcement agencies are as follows:

- Act on Police (06.04.1990)
- Act on Border Guard (12.10.1990) Journal of Laws of 2005 No 234 position 1997
- Act on Customs Service (24.07.1999) Journal of Laws of 2004 No 273 item 2703.
- Act on counteracting introducing to the financial system of property values stemming from illegal or undisclosed sources and on counteracting the financing of terrorism (16.11.2000) Journal of Laws of 2003 No. 153, item 1505 with amendments (establishing the Financial Investigation Unit)
- Act of 28 September 1991 on Fiscal Control (Journal of Laws 2004 No. 8 item 65 with subsequent amendments)
- Act on collecting, processing and communicating criminal information (06.07.2001) with amendments (establishing the National Centre for Criminal Information and defining its functional framework, Journal of Laws No. 110, item 1189)

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<sup>1</sup> This part of the report is based partly on the answers to the questionnaire and partly on the documentation provided by the Polish authorities.

# RESTREINT UE

- Act on the protection of personal data (29.08.1997) with amendments
- Poland has ratified Europol Convention with 5 protocols and since 01.11.2004 became a member of Europol.
- Decree of the Prime Minister on transferring to the fiscal intelligence the information on persons, collated as a result of carrying out operational and investigate actions (23.12.2004) (Journal of Laws No. 282 item 2802).
- Decree of the Minister of Interior and Administration on documentation of personal data processing and technical and organizational requirements (29.04.2004) Journal of Laws of 2004 No. 100 position 1024
- Decree of the Minister of Interior and Administration concerning the inquiry card (03.07.2002)
- Decree of the Minister of Interior and Administration concerning the registration card (03.07.2002).

## 2.1.2. National Agreements and Internal Regulations

The cooperation between Polish law enforcement services is based on the following agreements:

- between the Ministry of Finance and the Chief of Police (06.11.2003) for **Police-Customs Cooperation**
- between the Chief of Border Guard and Chief of Police, (17.06.2004) for **Police-Border Guard Cooperation**
- between the General Inspector for Treasury Control and the Police, (11.01.2005) for **Police-Treasury Control Cooperation**
- between the Polish Minister of Finance and the Chief of Border Guard, (28.01.2004) for **Border Guard-Customs Cooperation**

# RESTREINT UE

- Order No. 22 Commander in Chief of the Border Guard on the process of gathering and processing information concerning state border protection and border traffic control (07.04.2005)
- Decision No. 3 of the Commander in Chief of the Border Guard (with later amendments) on protection of personal data in Border Guards with later amendments (10.01.2005)
- Security policy of personal data processing in Border Guard of 2005 – approved by the Commander in Chief of the Border Guard
- Instruction of management of information system in use of processing of personal data in Border Guard of 2005 – approved by the Commander in Chief of the Border Guard.

## 2.1.3. Bilateral agreements

The framework set up by the a.m. acts and decrees is supplemented by a number of bilateral, governmental or departmental agreements with other countries, governing law enforcement cooperation in combating crime including also provisions on the exchange of information.

Standard provisions of those agreements specify competent authorities responsible for their implementation<sup>1</sup>. Article 1 of these agreements usually specifies the agreed scope of cooperation, covering combating most serious categories of crime, crimes against life, drug crimes, terrorism related crimes, illicit trafficking in nuclear and radioactive materials, illicit trafficking in weapons, ammunition and explosives, crimes against natural environment, crimes against property, corruption of public officials, laundering of the proceeds of crime, unauthorised crossing of borders and trafficking in human beings. Parties to such cooperation agreements agree to cooperate in their search for fugitives from justice, missing persons and stolen or appropriated property.

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<sup>1</sup> Competent Polish authorities include: Minister competent for the Interior, Minister competent for public finances, Minister responsible for financial institutions, Chief of Internal Security Agency, Commander in Chief of the Police, Commander in Chief of the Border Guard.

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Further provisions of cooperation agreements specify forms and methods of cooperation in relation to the scope of the agreed cooperation and oblige signatory parties to e.g. reciprocal exchange of personal data and other information, taking of joint police actions and exchanging the experience. Some agreements also provide for cooperation in the field of research and training.

According to applicable rules of procedure such agreements provide for information exchanged to remain classified when it is marked with an appropriate security classification. Moreover disclosure of classified information obtained from a party to such a cooperation agreement to a third party is prohibited without prior consent of the party which originally released such information.

Agreements also specify procedures applicable in case classified information are unlawfully disclosed or their confidentiality is threatened.

Cooperation agreements guarantee the right to complete or partial refuse to cooperate or make cooperation subject to fulfilment of certain conditions, in case when a contracting party determines, that carrying out the other party's request could violate its sovereignty, endanger its security or other vital interests or could be contrary to its legal order.

Each party of such cooperation agreement bears costs of actions taken by it in connection with implementation of the agreement, unless the parties agree otherwise. On the side of the Republic of Poland costs incurred in connection with implementation of such cooperation agreements are borne by competent authorities appropriately to the scope of their statutory responsibilities.

Moreover, co-operation with neighbouring countries may be regulated also by agreements on cross-border co-operation.

The subject matter of a standard agreements on cross-border cooperation between police and border guard authorities are primarily legal regulations concerning combating and preventing crime, including: homicides, counterfeiting currency, theft and receiving of stolen property, trafficking in human beings, unauthorised crossing of the border and smuggling of migrants and illicit trafficking in narcotic drugs and psychotropic substances. Agreements establish general principles, forms and methods of operational and preventive cooperation, e.g. joint patrols and participation in searches, participation in commanding, and improvement of information exchange between the authorities concerned. Agreements aim at creating the legal base for:

- direct contact between authorities responsible for policing border regions (regional chiefs of police and commanders of the border guard units) and their counterparts;



# RESTREINT UE

- direct contact between Commander in Chief of the police and Commander in Chief of the border guard and their counterparts.

Provisions of these agreements refer also to the exchange of liaison officers; organisation of points for coordination of cross-border combating and preventing crime; organisation of the service responsible for information exchange concerning for example migration traffic, its size and composition; formation of joint patrols and working parties; appointment of joint control or joint investigation groups; participation in cross-border searches; performance of official duties in the territory of the other contracting party; establishment of stations manned by personnel seconded by both contracting parties; specifying law enforcement officers' rights to wear uniforms, carry badges and firearms and rules of their use while performing duties on the territory of the other contracting party pursuant to the agreement; exchange of personal data of persons involved in criminal acts (this relates in particular to data allowing identification of means of transportation; personal data of owners and drivers of motor vehicles; personal data of telecommunication network subscribers).

## 2.1.3.1. With EU Member States

The following treaties and agreements with Member States have been concluded and are in force:

### **Austria**

Agreement between the Government of the Republic of Poland and the Government of the Republic of Austria on cooperation in preventing and combating crime, signed in Vienna on 10 June 2002 (J.L. of 2004 No. 41, it. 377) – came into force on 1 December 2003;

### **Belgium**

Agreement between the Government of the Republic of Poland and the Government of the Kingdom of Belgium on cooperation in combating organized crime, signed in Brussels on 13 November 2000 (J.L. of 2004 No. 36, it. 329) – came into force on 1 January 2004;

### **Estonia**

Agreement between the Government of the Republic of Poland and the Government of the Republic of Estonia on cooperation in combating organized crime and other crime, signed in Warsaw on 26 June 2003 (J.L. of 2004 No. 216, it. 2195) – came into force on 7 February 2004;

# RESTREINT UE

Declaration on co-operation between the Border Guard of the Republic of Poland and Management of the Border Guard of the Republic of Estonia of 25 of August 1999.

## Finland

Agreement between the Government of the Republic of Poland and the Government of the Republic of Finland on cooperation in preventing and combating organized crime and other crimes, signed in Helsinki on 4 November 1999 (J.L. of 2004 No. 41, it. 379) – came into force on 20 November 2003;

Protocol concerning co-operation between Border Guard of the Republic of Finland and the Border Guard of the Republic of Poland of 17<sup>th</sup> of November 1999.

## France

Agreement between the Government of the Republic of Poland and the Government of the French Republic on cooperation in internal affairs, signed in Warsaw on 12 September 1996 – came into force on 1 March 1998;

## Germany

Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on cooperation between police and border guard authorities in border regions, signed in Berlin on 18 February 2002 – came into force on 26 June 2003;

Agreement between the Border Guard of the Republic of Poland and Federal Border Guard of Federal Republic of Germany on establishing of common investigation teams of October 16<sup>th</sup>, 2003

Agreement between the Government of the Republic of Poland and the Government of Federal Republic of Germany on cooperation in combating organized crime and other particularly dangerous crimes, signed in Wrocław on 18 June 2002 (J.L. of 2004 No. 248, it. 2486) – came into force on 18 September 2004;

Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on cooperation in combating organized crime, signed in Bonn 06.11.1991, came into force on 14.08.1992;

# RESTREINT UE

## Hungary

Agreement between the Government of the Republic of Poland and the Government of the Republic of Hungary on cooperation in combating terrorism, illicit trafficking in narcotic drugs and organized crime, signed in Warsaw on 15 May 1996 – came into force on 14 May 1998;

Protocol on detailed description of method of co-operation and mutual communication between the Border Guard of the Republic of Poland and Border Guard of the Republic of Hungary of December 21<sup>st</sup>, 1999.

## Italy

Memorandum of understanding between the Government of the Republic of Poland and the Government of the Republic of Italy for combating international organized crime and illicit trafficking in narcotic drugs and psychotropic substances, signed in Rome on 3 July 1997 – came into force on 2 December 1998;

Declaration of co-operation between the Border Guard of the Republic of Poland and Immigration Service and Border Police of Italian Republic of February 28<sup>th</sup>, 2003

## Latvia

Agreement between Ministry of Interior of the Republic of Poland and Ministry of Interior of Latvian Republic of 14 July 1994 on co-operation in combating crimes.

Related protocol on outline of methods and directions of co-operation between the Border Guard of the Republic of Poland and State Border Guard of the Latvian Republic of 17th of February 2000.

## Lithuania

Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on cooperation in combating organized crime and other serious crimes, signed in Warsaw on 4 April 2000 (J.L. of 2002 No. 22, it. 213) – came into force on 10 November 2001;

Agreement between the Minister of Finance of the Republic of Poland and the Financial Crime Investigation Service by the Ministry of the Interior of the Republic of Lithuania on co-operation in combating financial crimes signed in Wilno on 20 October 2005

# RESTREINT UE

Agreement between Commander in Chief of the Border Guard of the Republic of Poland and State Border Guard Service of Ministry of Interior of Lithuanian Republic of 22 March 2002 on co-operation of the Border Guard of the Republic of Poland and State Border Guard Service of Ministry of Interior of Lithuanian in fighting crimes.

## **Netherlands**

Memorandum of Understanding between Ministry of Interior and Administration and Justice of Poland and Ministry of Interior and Administration of the Netherlands of 28<sup>th</sup> of November 1996 on bilateral co-operation in migration issues.

## **Slovenia**

Agreement between the Government of the Republic of Poland and the Government of the Republic of Slovenia on cooperation in combating terrorism, organized crime, illicit trafficking in narcotic drugs and psychotropic substances and their precursors, signed in Ljubljana on 28 August 1996 – came into force on 6 April 1998;

## **Slovak Republic**

Protocol on co-operation between the Border Guard of the Republic of Poland and Bureau of Aliens and Border Police of Police Corps Bratislava in the scope of intelligence protection of state border signed in Zakopane on 5<sup>th</sup> of December 2003.

## **Spain**

Agreement between Republic of Poland and the Kingdom of Spain on cooperation in combating organized crime and other serious crime, signed in Madrid on 27 November 2000 (Dz. U. z 2004 No. 154, it. 1621) – came into force on 26 November 2003;

## **Sweden**

Agreement between the Government of the Republic of Poland and the Government of the Kingdom of Sweden on cooperation in combating serious crime, signed in Warsaw on 13 April 2005; entered into force 04.11.2005;

Protocol on co-operation with Swedish Coast Guard: executive agreement which entered into force with the governmental agreement.

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## 2.2 STRUCTURES

In Poland the main law enforcement authority covering the entire Europol mandated area is the police. In addition there are other agencies that have also competences in this area, in particular:

- Border Guard (Ministry of Interior and Administration),
- Customs Service (Ministry of Finance),
- Department of Financial Information (Ministry of Finance)
- Department of Fiscal Control (Ministry of Finance)

### 2.2.1. Polish police

The Polish police is the main and central point for co-operation with Europol. It is a centralised and hierarchical institution headed by the Chief Commander of the police comprising the General Headquarters of Police, 16 regional headquarters plus the Metropolitan Police Headquarters, 270 county police headquarters, 65 municipal police headquarters, 618 police stations and 15 specialised police stations. Additional organisational units are the Police Academy, police schools and training centres, prevention squads and anti-terrorism squads. According to the provisions laid down in the Regulation of the General Headquarters of the Police the tasks of ENU are fulfilled by the General Headquarters of the Police.

#### 2.2.1.1. Criminal Intelligence Bureau

The Criminal Intelligence Bureau situated in the General Headquarters of Police constitutes the central contact point in Poland for international exchange of operational information and intelligence and partially fulfils the tasks of the Polish Europol National Unit.

This bureau is responsible for the following communication:

- Europol,
- Interpol,
- SIRENE (in future),
- network of liaison officers,
- based on bilateral and multilateral agreements.

#### 2.2.1.2. Central Investigation Bureau

The Central Investigation Bureau of the General Headquarters of Police is an exclusive organisation unit in the Polish Police that specialises in fight against organised criminal groups.

# RESTREINT UE

## 2.2.1.3. National Centre of Criminal Information (KCIK)

This centre was established in July 2001 and in May 2002 integrated in the police structures with the Chief Commander of Police becoming the Chief of KCIK. It is situated in the General Headquarters of Police as the national central point for the collection, processing and dissemination of criminal information.

The centre receives data (criminal information only) from all law enforcement agencies related to offences, offenders, criminal groups etc. and allows direct access to its database by competent authorities.

The main objectives of the centre are dedicated to collecting, processing and analysing criminal information and managing the related database. It accelerates the exchange of information between connected authorities and units, coordinates the fight against crime at national level in order to rise the level of national security.

The centre should eventually facilitate exchanging information in an electronic form with international partners.

## 2.2.2. Border guard

The Polish border guard is an armed and uniformed formation, established to protect the state border on land and at sea and to organise and execute border traffic control. The service is headed by the Commander in Chief of the border guard, subordinated to the Minister of Internal Affairs and Administration. Organisationally it comprises the Border Guard Headquarters, 12 regional units and additional border posts and maritime divisions. The service is inter alia authorised to combat crime and perpetrators in areas covered by the Europol mandate, specifically illegal immigration (including trafficking of human beings), smuggling of weapons, ammunition, explosives, excise products, drugs, psychotropic and chemical substances, vehicles and items of cultural value. The border guard also investigates crime related to aviation security.

The service's International Cooperation Bureau is the central contact point for the cooperation with Europol through the national contact point at the General Headquarters of Police.

The service maintains a specialised intranet system for exchange of secure information.

# RESTREINT UE

## 2.2.3. Customs service

The Customs service as part of the Ministry of Finance is in charge at the points of entry/exit for the control of persons, luggage, freight and means of transportation. The main task in the context of the Europol mandate is the identification, detection, prevention and fight of crimes and offences connected with violation of regulations on protection of national treasures and of intellectual property. Crimes and offences related to international trade regulations, restrictions or prohibitions, in particular of harmful waste, chemical substances, nuclear and radioactive materials, narcotic drugs and psychotropic substances as well as weapons, ammunition, explosives and technologies subject to international control.

The service cooperates with customs authorities of other states and with international organisations.

## 2.2.4. Department of Financial Information (FIU)

The Polish FIU is part of the Ministry of Finance, headed by the General Inspector of Financial Information. The department as an administrative unit is inter alia generally responsible for combating money laundering and financing of terrorism. It has established an International Cooperation Unit to cooperate with foreign institutions in this regard.

The General Inspector has signed cooperation agreements on exchange of information with FIU's from 33 countries.

## 2.2.5. Department of Fiscal Control (Treasury)

The department is subordinated to the Ministry of Finance and mandated to protect interests and property rights of the State Treasury. The department is headed by the General Inspector of Fiscal Control and maintains two units, both carrying out operational and investigative actions related to fiscal intelligence. The department has no separate unity for international cooperation but identified certain employees to deal with this issue.

## 3. INTERNAL ORGANISATION OF THE EXCHANGE OF INFORMATION

### 3.1 LEGAL FRAMEWORK

Each law enforcement agency has individual information channels secured against intruders at its disposal that are not compatible. There are no special channels for information exchange among law enforcement agencies including the police.

# RESTREINT UE

As this kind of internal direct information exchange is not extensive, the problem is resolved taking into consideration the protection against unauthorised access. It is simply done by secure mailing of electronic means (as discs) or by exchanging hardcopies.

There is, however, a special centralised database (KCIK) for criminal information that facilitates exchange among law enforcement agencies in Poland to which all agencies have access via their own safe networks.

Regarding criminal intelligence, there is at present no central criminal intelligence database and no coordinating body in place.

For the police, this task is covered by the Central Intelligence Bureau located in the General Headquarters of Police. Nevertheless, all organisations maintain own databases and store data separately.

Based on existing agreements, Polish law enforcement services have established cooperation forms like common working groups and joint controls of border guards, customs and police at the so-called green border.

Bearing in mind the terms of references given for the different law enforcement authorities, their competencies are partially overlapping. The existence of the National Centre of Criminal Information and the direct access to its files by competent organisations reduce the negative results of this overlapping.

Regarding strategic cooperation, on 30th April 2002, the Interdepartment Centre on Combating Organised Crime and Terrorism has been established by the order No 54 of the Prime Minister of Poland in which all relevant authorities and organisations are represented.

The following strategic documents have been issued

- on 28. August 2002 “Safe Poland”, setting the tasks and actions in the area of preventing and combating crime in Poland.
- ”Anticorruption Strategy “ which was adopted by the Council of Ministers on 17th September 2002.



# RESTREINT UE

On 21st March 2005 the group for coordination operational activities on combating political terrorism has been created by the order of Prime Minister of Poland.

Within the Department of Security and Public Order (Ministry of Interior and Administration) two new units dealing with terrorism and organized crime have been established<sup>1</sup>. Both units are tasked with the preparation of long-term strategies, programs and proposals of appropriate legal solutions. Within the Department of International Cooperation (Ministry of Interior and Administration) a national contact person for the European Network of Experts on Terrorism has been appointed; a national list of experts on terrorism (as part of a European network) is being created.

## 4. EXTERNAL EXCHANGE OF INFORMATION

### 4.1. DATA EXCHANGE PROCESS

The international exchange of information and intelligence both between Europol and Poland and with the other Member States is conducted via the Polish Europol National Unit which, since February 2005 is situated within the General Headquarters of Police.

Pursuant to the Europol Convention ratified by Poland on the 1st of November 2004, technically the exchange of operational information and criminal intelligence between Europol and Poland is carried out by Criminal Intelligence Bureau located in the General Headquarters of Police.

Besides there are other channels in use: Interpol communication channels/networks, the network of liaison officers abroad and the seconded liaison officers from other countries; when operational in the future the SIRENE will also be included in this exchange of information.

All these channels are concentrated in the focal point in Poland – the Criminal Intelligence Bureau placed in the structure of the General Headquarters of Police.

Polish officials consider the coordination of information and intelligence exchange as efficient as all information is coming to one unit (as an information platform) where it is cross-checked with the internal computer reference database located in this unit to detect if the same or related information is appearing using different channels.

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<sup>1</sup> Decision of the Director General of the Ministry (No.15 of May 10, 2005).

# RESTREINT UE

## 4.2 LIAISON OFFICERS NETWORK

### 4.2.1. Liaison officers stationed abroad

Poland designated its police liaison officers to the following countries: Belarus, Germany, Hungary, Lithuania (covering also Latvia and Estonia), the Netherlands, Romania, Russia, Slovak Republic, Ukraine.<sup>1</sup>

The position of police liaison officers is regulated according to the agreement between Ministry of Foreign Affairs and the Ministry of Interior and Administration.

During the tour of duty (abroad) the police liaison officer is formally a staff member of the Ministry of Foreign Affairs. He is officially accredited in the embassy of the hosting country.

The tasks of the officers derive directly from the act of police.

Consequently they are subjected in the administrative chain of command to the Ministry of Foreign Affairs and operationally to the Ministry of Interior and Administration.

In practice police liaison officers cooperate with the Cabinet Bureau and the Criminal Intelligence Bureau both placed in structure of the General Headquarters of Police.

According to the order of the Chief of the National Police, liaison officers are obliged to produce reports on a monthly and yearly basis for approval.

### 4.2.2. Foreign liaison officers stationed in Poland

In Poland there are police liaison officers from the following countries:

Austria, Belarus,<sup>2</sup> Belgium, Bulgaria, France, Germany, Lithuania, Netherlands, Romania, Russia, Slovak Republic, Spain, Sweden,<sup>3</sup> Ukraine, United Kingdom, USA.

They cooperate directly with competent Polish police units, especially with the Europol and Interpol units located in the Police General Headquarters.

Their position is regulated by the provision of bilateral agreements.

### 4.2.3 Foreign liaison officers stationed abroad

Additional foreign contact are made in cooperation with foreign liaison officers seconded outside Poland, that are entitled to cooperate with Poland. In this group, among others, there are: Israeli liaison officer located in Berlin, Australian liaison officer located in Amsterdam, Canadian (CRMP) liaison officer located in Berlin.

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<sup>1</sup> Following the evaluation visit, as of 20 March 2006, these posts have been suspended in Lithuania (covering also Latvia and Estonia) and Slovakia.

<sup>2</sup> Following the evaluation visit, as of 30 March 2006 this liaison officer has been withdrawn.

<sup>3</sup> Nordic Liaison Officer covering Sweden, Denmark, Finland, Iceland and Norway.

# RESTREINT UE

## 4.3. CHOICE OF COMMUNICATION CHANNEL

The channel of information exchange is first of all chosen according to the mandate of involved institutions, the status of the country, the purpose of transfer, requirements concerning time delivery and security.

The channels are complementary to each other and give the opportunity for flexible and efficient cooperation in combating crime in comprehensive way.

Europol is the primary channel for intelligence exchange and is not directly involved in the search of persons like Interpol. In general Europol is used when dealing with EU countries. Consequently in case when a third country is involved the cooperation takes place via Interpol or liaison officers. Sometimes, following a case by case assessment when the information is sensitive and concerns one country the use of liaison officers will be most effective.

In general: the Europol channel is employed for information exchange between Poland and EU Member States while for other countries the Interpol channel will be employed.

Concerning replies the common rule is respected that for answers the same channel through which the request was received should be used. If necessary other channels could be involved.

The decision on the choice of the communication channel is taken by the chief of unit; there are no written procedures and the decision is taken on case by case basis.

The distinction between bilateral and multilateral cases is also considered on a case by case basis. However, every time the national obligation described in rules (Conventions, agreements, etc.) should be considered with reference to efficiency.

Generally speaking in the event of a bilateral case probably the exchange of information based on bilateral agreement or via the liaison officer channel will be considered more adequate for prompt action than through Europol or Interpol but if the case is falling under the mandate of these agencies they should be informed accordingly.

For multilateral cases the usage of the agencies' channels seems be more effective. This criterion depends also on the number of involved countries and bodies.

# RESTREINT UE

In bilateral cases the main point is to use if possible only one channel. It means that if there are request from different channels on the same subject, the communication will include how this information has been sent with reference number and date.

The channel can be changed following special requirements<sup>1</sup> or in agreement with partners.

In multilateral cases the problem is more complicated as besides countries Europol and/or Interpol should be notified.

Both of these organizations should be considered in the context of their mandates.

## 5. EXCHANGE OF INFORMATION BETWEEN MEMBER STATES AND EUROPOL

### 5.1. DATA EXCHANGE PROCESS

#### 5.1.1. Information exchange via Interpol and Europol

Germany, Sweden, United Kingdom, Netherlands and Belgium are the most important partners among the EU Member States and it seems that the cooperation with Germany is the most intensive.

It appears that the cooperation with countries having liaison officers posted has a priority.

The most important partners from outside the EU are: Norway, USA, Ukraine and Russia.

Non-operational information exchange, mainly on strategic issues or concerning organisational matters, projects, training will be under responsibility of the Chief Commanders Cabinet.

### 5.2. DATA PROTECTION

In general data protection legislation does not have a negative influence on information exchange with European bodies or counterparts.

The Polish protection system is very similar to typical EU systems, so from a legislative point of view there are no obstacles in the co-operation.

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<sup>1</sup> e.g. regarding the safety of the exchange.

# RESTREINT UE

## 5.3. CLASSIFICATION OF DATA

Based on the act of protection of confidential information there are the same sensitivity levels for information within all Polish law enforcement organisations.

There are four levels of confidentiality and the procedure for the classification of documents is similar for all law enforcement agencies. Any information up to “top secret” can be passed to Europol following specific procedures and taking into account the Europol mandate described in the Convention.

However, Polish authorities assess that their own internal practice should be revised in order to meet common standards as in use in other EU Member States. There are no operational problems but the procedures currently applied in Poland require more resources and are time consuming.

## 5.4. JOINT UNITS WITH OTHER MEMBER STATES

Polish border guard established Common Contact Points (CCP) at border crossings points in co-operation with neighbouring countries:

- 3 at the border with Germany,
- 1 at the border with Lithuania,
- 2 at the border with Ukraine,
- 1 at the border with Slovak Republic,

under preparation:

- 2 at the border with Czech Republic and
- 1 additional with Slovak Republic.

CCP operate 24 h a day and exchange information concerning criminal activity including intelligence information, especially related to: illegal migration, stolen cars, drugs and wanted persons. Officers operating in CCP have access to data bases and information channels of their own services and exchange information according to legal regulations.

# RESTREINT UE

## 5.5. DEFINITION OF INFORMATION AND INTELLIGENCE

According to legislation<sup>1</sup> criminal information is defined as data concerning cases which are

- under police proceedings,
- initiated or terminated criminal proceedings, including treasury crimes or
- under other proceedings or actions lead by subjects defined in the legislation and essential in police proceedings.

The term criminal intelligence is not defined in Polish legislation. According to Polish authorities it could be interpreted as operational information not fully confirmed which has been obtained by way of operational or reconnaissance activity and that can not be used directly in penal proceedings.

## 5.6. EUROPOL NATIONAL UNIT

The functions of the Polish Europol National Unit are shared between the Criminal Intelligence Bureau and the Chief Commanders Cabinet both situated in the General Headquarters of Police. The co-operation with Europol in the field of exchange of criminal information is carried out by the Criminal Intelligence Bureau (two persons are tasked with this function).

The Division of International Police Co-operation Development of the Chief Commanders Cabinet, besides other responsibilities, deals with related projects by planning, coordinating, managing, as well as organising and preparing meetings and visits (four persons are tasked with this function).

All mentioned officers have access to the Europol network as well as to Polish national data bases.

At the moment there are no officers from other law enforcement agencies seconded to the ENU or to the Polish National Desk at Europol.

The ENU staff responsible for the exchange of criminal information are linked to the Interpol and SIRENE units by way of sharing the same location within the Criminal Intelligence Bureau.

The mentioned two persons working for the Criminal Intelligence Bureau are occasionally also dealing with similar exchange of information through the Interpol channel.

The ENU can actively seek for information from police data bases and other files but not directly from intelligence data bases.

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<sup>1</sup> Act from 06.07.2001, Journal of Laws Nr 110, item 1189.

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Besides intelligence there is also some information which can only be obtained directly from relevant experts.

The ENU organises and coordinates the continuous supply of criminal information and intelligence to Europol in relevant cases.

When more organisations are involved, the leading party should be appointed (agreed), contact persons assigned and communication channels established.

## 5.6.1. Europol Liaison Officer

Besides the exchange of information between Poland and other Member States and Europol, the liaison officer participates in many meetings and Europol projects. The information referring to these meetings is transferred to the home country or working body.

At present there is one Polish liaison officer stationed at the National Desk at Europol recruited from the police who as part of the ENU has the same opportunities as the ENU to contact and cooperate with Polish national authorities.

## 5.7. AWARENESS OF EUROPOL'S ROLE AND MANDATE

All law enforcement agencies are invited to co-operate with Europol and Polish law enforcement officers participated in awareness projects organised in 2004 in Poland<sup>1</sup> and a twinning project<sup>2</sup> on "Co-operation with Europol" organised in 2004 with Germany.

In 2005 Polish officers participated in two seminars concerning the intelligence model and recruitment to Europol that took place in Poland.

An efficient way to promote the ENU is to organise participation of law enforcement agencies in Europol activities.

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<sup>1</sup> For 100 persons including foreigners.

<sup>2</sup> In the framework of PHARE 2002.

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## 5.8. PARTICIPATION IN AWF

It is very difficult to assess if the existing AWFs are necessary for Polish law enforcement agencies. Poland participates in AWF when a direct concern is identified, however the other AWFs can be considered as potentially important.

For instance, at present Islamic terrorism is not a top priority in Poland.

Besides the police, other Polish law enforcement agencies are contributing to AWFs. The Customs service is the leading party in Poland for AWF “Smoke” and the Border Guard is the leading party for AWF “Checkpoint”.

They also actively contribute to the Polish contribution for the Organised Crime Threat Assessment (OCTA).

Generally they are participating in any activity concerning Europol according to their mandate.

There is no regulation or written condition identifying the stage when information should be forwarded to Europol. This is subject of development especially in the context of the Europol Information System (EIS) data loading. To be flexible any regulation should consider circumstances allowing for case by case decision making.

Europol as an intelligence organisation has to provide its members with relevant information for combating organised crime. AWFs are one of the most effective Europol tools to support Member States in their investigations. They are also very important as the EIS is not yet fully operational. For Poland it is obvious that being a member of Europol, each Member State is obliged to support its projects even without a particular interest.

## 5.9. PERCEPTION OF EUROPOL'S VALUE

The Polish membership with Europol is quite short and one of the very important issue is to be fully integrated.

There are many examples where Europol involvement has added value to Polish law enforcement activities. This involvement relates to the core business of Europol as well as to support and training activity.



# RESTREINT UE

A concrete example is the implementation of direct access to the Europol Vehicle Identification Database by law enforcement agencies in Poland. In the police units alone there are now 5969 posts with direct access to EUVID. In addition there are also access posts in the Border Guard but this number is relatively difficult to assess.

The information flows between Europol and Poland can be assessed as adequate, covering all important aspects of concerned sphere.

According to Polish experience the requested information is provided rather timely.

## 6. EVALUATION MADE BY THE EXPERT TEAM

### 6.1. INTRODUCTION

The Republic of Poland is covering an area of 322 500 km<sup>2</sup>. The country shares a total border of 3 496 km (491 km of which is coastline) with four Member States<sup>1</sup> and three non Member States<sup>2</sup>. The state capital is Warsaw with approximately 1.6 million citizens of an estimated total population of 38.1 million<sup>3</sup>. With a number of approximately 103 000 police officers, the ratio is one officer per 370 inhabitants. Administratively, the country is centrally administered with elements of regional and local independent administration in the 16 large provinces, the voivodships (województwa) plus the capital Warsaw, 373 counties (powiat) and 2 489 communities (gminas).

### 6.2. ORGANISATION OF THE EVALUATION

The evaluation team met with officials of the Ministry of Interior and Administration, the Ministry of Finance, the Ministry of Justice, Customs Service, Border Guard, Higher Police School and General Headquarters of Police. A visit to the Police Voivodship Headquarters in Cracow also provided information about the work of the police at regional level and their cooperation with central authorities.

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<sup>1</sup> Germany in the west (467 km), Czech Republic in the south-west (790 km), Slovakia in the south (541 km) and Lithuania in the north-east (103 km).

<sup>2</sup> Russia in the north (210 km), Belarus in the north-east (416 km) and Ukraine in the south-east (529 km).

<sup>3</sup> As of last census 2003.

# RESTREINT UE

While focussing on international information and intelligence exchange of Poland with Europol and other Member States, the team also took note of the national cooperation, exchange and sharing of data between various institutions and departments involved in the fight against serious, international or organised crime in Poland.

Through presentations and discussions on related topics the evaluation team received an overview of the Polish law enforcement structures and organisations with a specific emphasis on national and international information and intelligence exchange.

During the visit of the evaluation team Polish law enforcement agencies and in particular the Polish police have proved to be very open.

Despite the ongoing implementation of new structures at the General Headquarters of Police and all the related logistical, procedural and technical problems, the Polish police made efforts to provide continuous assistance to the team.

## 6.3. GENERAL COMMENTS

Poland continues to enhance the organisational and logistical framework for efficient policing and has established specialised units and agencies for the fight against serious, international and organised crime, economic crime and money laundering.

The main part of the Polish police reform started in 2000 with the creation of the Central Bureau of Investigation of the General Police Headquarters. The last changes in the management and organisational structure of the Polish police, and in the General Police Headquarters as well, entered into force on the 1<sup>st</sup> of February 2006, only a few days before the evaluation visit.

This development caused several short notice updates of information provided prior, during and following the evaluation visit and even during the visit it was not possible to fully ascertain the details of the changes in respect of the previous organisational structures and procedures and its impact on the exchange of information and intelligence between Poland and Europol and with other Member States. However, it seems that improving this exchange is one of the main objectives that the reform is addressing, specifically through:

# RESTREINT UE

- enhanced formal supervision of work, including the management of information flow at an international level;
- further development of information systems in order to meet the necessary requirements in the international cooperation with Europol and other Member States.

## 6.4. ORGANISATION OF LAW ENFORCEMENT STRUCTURES

Polish law enforcement and administrative structures involved in the fight against serious and organised crime comprise the Police, the Border Guards, the Customs Service, the financial information unit and the Department of Fiscal Intelligence.

### 6.4.1. Police

Poland has only one national police established as an armed and uniformed security force under responsibility of the Ministry of Interior and Administration. It is headed by the Commander in Chief and three deputies (for prevention and traffic police; criminal investigation and intelligence and for logistics and administration). In addition there are units directly subordinated to the Chief Commander, including the Chief Commanders Cabinet and the National Centre for Criminal Information<sup>1</sup> that play a vital role in national and international cooperation.

#### 6.4.1.1. Criminal Intelligence Bureau

The task of the Criminal Intelligence Bureau is to gather information and intelligence in order to contribute to crime detection and related decision processes. It has nation-wide authority and cooperates closely with established contact points for intelligence purposes in all voivodships. The bureau is inter alia responsible for proactive information gathering from all available sources, the coordination and monitoring of the recruitment and the use of informants, the provision of criminal information and intelligence in specific databases and also serves as the focal point for international communication. Preparations to integrate the SIRENE bureau in the information exchange platform are well under way.

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<sup>1</sup> The organisational setup is described in 2.2.1.

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## 6.4.1.2. Central Bureau of Investigation

The bureau was established in 2000 as a central investigative service with nation-wide authority to prevent and combat organised, economic and drug-related crime, terrorism and extremism. The bureau has its branches in all voivodships and comprises a total staff of almost 1600 police officers. It cooperates nationally within the police in common task groups and in support functions to other units and with other services through information exchange and coordination of activities or joint teams. Internationally the bureau is involved in training and consultation programmes and for investigative purposes exchanges intelligence and information with international partners.

## 6.4.2. Customs service

The Polish customs service is subordinated to the Ministry of Finance with its headquarters in Warsaw and is organisationally divided into 15 customs chambers at a regional level, 51 customs offices and 173 customs branches. It comprises a total staff of approximately 13.800.

Regarding serious and organised crime it has limited investigative authority restricted to the initial detection phase. Investigations are subsequently transferred for further investigations to the police or border guard while customs provides assistance if required. Customs is present only at border crossing points but also maintains mobile units; monitoring and control of the "green border" falls within the competencies of the border guard.

The Service is authorised to apply special investigation means<sup>1</sup> but due to this relatively new competence it has so far only gained limited experience and competence in this field.

## 6.4.3. Polish border guard

The Polish border guard employs almost 16000 officers and is mandated to protect the state borders. The service is tasked to prevent, detect and investigate border crimes and offences also when related to organised crime. It cooperates with national and international services and units through national contact points, common border contact points and other channels and is engaged in joint investigations with other services. Its international cooperation bureau is the focal point for all border, European and international cooperation of the border guard and involved in all international communication.

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<sup>1</sup> E.g. use of undercover officers, communication interception or controlled deliveries.

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The border guard has developed its own criminal analysis capacities and is also authorised and experienced in the use of special investigation means, in particular the use of informants and undercover officers.

## 6.4.4. General Inspector of Financial Information (GIFI)

The General Inspector of Financial Information constitutes the Polish Financial Intelligence Unit (FIU) and is responsible for combating money laundering and financing of terrorism. In this regard it receives and analyses suspicious financial transaction reports and in cases of an established suspicion of a criminal act forwards cases to the Public Prosecutor's Office for further investigation carried out by the police.

Internationally GIFI participates in working groups and exchanges information mainly through the FIU-NET or on the basis of bilateral agreements directly with other FIUs. The Polish FIU also participates in the Egmont group.

Overall the evaluation team is of the opinion that Polish law enforcement and administrative structures provide a functional system to address all tasks appropriately. Nevertheless, the current division of mandates and authorities creates some overlap. Consequently a close coordination is required. This applies particularly in areas related to transborder serious and organised crime where competencies are given to different services that are also authorised to apply special investigation means. The experts feel that even closer cooperation and joint work in this field would contribute to a more efficient use of resources and help avoid any possible conflict of operations.

## 6.5. DATABASES

### 6.5.1. Police Databases<sup>1</sup>

#### 6.5.1.1. National Police Information System (KSIP)

This system was established in 2003 and constitutes the main instrument supporting tasks related to criminal investigations, operations, prevention and road traffic work of the police. It contains different types of information, including numbers, dates, texts, photos, sound, pictures and video and is accessible for all police officers.

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<sup>1</sup> Administered by Criminal Intelligence Bureau of General Headquarters of Police.

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KSIP has a modular structure allowing for relations between elements of different modules some of which are established automatically.

Currently KSIP contains the following modules:

- **Person** – (perpetrators of criminal offences, wanted and missing persons, persons without driving license, persons with transient identity, unidentified corps, persons who are not allowed to participate in mass events, description of persons, photos, addresses, identity documents<sup>1</sup>);
- **Thing** – (stolen vehicles, documents, things, works of art that the police are interested in);
- **Weapon** – (lost weapons, issued weapon permissions);
- **Bulletin** – (important events that the police are interested in);
- **Crime**
- **Proceedings**
- **Road traffic** – (applied point system for minor offences, withdrawn driving licenses, disqualified drivers).

## 6.5.1.2. System Information Report (SMI)

Since 4 July 2004 the SMI has been established as the central data base for collection of criminal intelligence for the police.

For the needs of this system the term information is defined in regulations as any kind of data with any degree of credibility (including personal data) coming from any sources, especially gained as a part of criminal police activities and assessed as potentially useful within the scope of combating crime.

Any open, restricted or confidential information and intelligence gained by the police that can contribute to crime detection, establishment of perpetrators, examination of criminal organizational structures and methods of committing crimes can be gathered and processed in SMI. In selected cases where there is a possibility to jeopardise or hinder investigations or operations the data entry may be suspended. Information is forwarded by all police officers using a standardised reporting system and the decision about storing information is taken by superior officers.

Every information to be stored in the SMI must be evaluated<sup>2</sup> by the reporting police officer applying the standard 4x4 system. Specific objects or groups<sup>3</sup> are used to analyse the content of the database.

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<sup>1</sup> Integration of DNA and fingerprints (picture only) is envisaged.

<sup>2</sup> Evaluation code is a mandatory field required for storing data.

<sup>3</sup> E.g.: address, document, firm, account, person, vehicle, phone, incident, inquiry or information report.

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Upon the decision of the Director of the Criminal Intelligence Bureau (and approval by the Commander in Chief of the Police) more than 25 thematic subsets called "case" are formed, containing information deemed important in the scope of criminal analyses<sup>1</sup>. Some of these subsets correlate thematically with the six AWF that Poland has joined.

On the base of the information gathered in the SMI analyses are performed. For example the Criminal Intelligence Bureau carried out detailed analysis of information related to football fan groups. In this way information gaps and threats can be identified. This mechanism will be applied regarding information concerning the football championship in Germany where a new thematic subset FIFA 2006 has been established.

Similar principles apply at the level of police regional headquarters concerning any regional threat.

The access to the SMI is strictly limited, controlled and documented. As of 01.01.2006 there have been 134 SMI stations in the country and 265 users authorised to enter and access or analyse data. According to officials there would be no significant backlog of data entries; information is stored within one or two days. Nonetheless, it is planned to install data entry-modules at county (powiat) level to further accelerate the workflow.<sup>2</sup>

## 6.5.1.2.1. Central database on information from surveillance (CBIU)

This is one of the latest subsets in the SMI awaiting implementation<sup>3</sup>. It is designed to gather, process and transmit information that is obtained by police officers during secret physical surveillance by specialised divisions at general and regional police headquarters.

Information can be exchanged via so called "bulletins" containing description of persons, places, vehicles and identified crimes during police actions.

The access to the CBIU will be limited to the same units that enter data.

## 6.5.1.3. Central database on police informants (OBOZI)

The designated<sup>4</sup> database of all Polish police informants will be used to

- check the registration of informers;
- provide the number of informants in the police (at any period of time);

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<sup>1</sup> This may concern e.g. particular punishable acts, events, modi operandi, organized groups.

<sup>2</sup> Powiat is the second level of regional administration under Voivodship.

<sup>3</sup> Awaiting the approval / certification of the National Security Authority.

<sup>4</sup> Awaiting implementation.

# RESTREINT UE

- assess the operational potential of all categories of informants: (informer, co-operator, agent and some consultants<sup>1</sup>);
- evaluate the credibility of information and informants in comparison with data contained in the SMI (regarding information gained from informants).

OBOZI is meant to support the effective use and tasking of informants. It will contain no personal data of human sources but identify the source handling police officer.

There will be limited access for police intelligence divisions and departments in the General Headquarters of Police and in regional police headquarters.

## 6.5.1.4. Database of the National Centre for Criminal Information (KCIK)

Data includes information on:

- offences,
- persons under prosecution
- objects used to commit a crime or lost in connection with a crime
- businesses, civilian companies, foundations, associations which are under suspicion that they were used to commit a crime
- bank account numbers or stock accounts used to commit a crime.

The act on KCIK outlines access and storage procedures in detail and contains two enumerative lists of connected authorities:

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<sup>1</sup> Defined in “the Instruction about Police operational work”.



# RESTREINT UE

- 29 "obliged subjects"<sup>1</sup> that answer inquiries but are not entitled to query the KCIK database. Each of those subjects runs its own database according to its competence, whereas the KCIK database contains the archived queries and answers.
- 15 "eligible subjects"<sup>2</sup> that are granted access to register data, query and research the database in order to detect and prosecute criminals as well as to prevent and combat crime.

## 6.5.2. Non-police data bases accessible at the General Headquarters of Police.

These databases include the central database of General Electronic Population Census System (PESEL), central files of convicted and temporary arrested persons (CKSiTA), information about foreigners (STAY), access to the German BKA-database about vehicles, documents and items lost in Germany, direct access to the Automated Search Facility / Stolen Travel Documents (ASF-STD) of Interpol Lyon and to the National Crime Information Centre of the US FBI (NCIC FBI) of lost vehicles and boats.

## 6.5.3. Customs databases

Polish customs maintain own databases containing data concerning anomalies related to foreign trade (IntraKC), Penal Treasury Cases (ESKS), information concerning infringements exceeding the equivalence of 10.000 EUR (OWNERS) and on customs value of goods enabling the verification of declared customs value of imported goods (TWC).

They also have access to the world database of infringements held by WCO (CEN).

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<sup>1</sup> These are government administration departments or local government departments for population registry, Public Population Registry System (PESEL), army register of people subject to the military service duty, central registry of vehicles, central register of drivers, vehicle registration, geodetic and cartographic inspection, geodetic and cartographic administrative and buildings registry, or marital status registration; courts keeping the National Court Register (KRS) and real estate register; environment protection inspection departments; state fire fighting brigades departments; social security office (ZUS) departments; bank supervision commission; insurance and pension fund supervision commission; state fishers guard; rangers and directors of regional directorates of the state forests; President of the Office for Protection of Competition and Consumers; President of the General Statistics Office and directors of statistics offices in the area of national official register kept by them; Director of the Information Office of the State Penalty Register; directors of organization units of the prison service guards; Chief Inspector of the Trade Inspection; state hunting guards.

<sup>2</sup> These are prosecutor departments, police departments, border guard departments, customs departments, tax departments, treasury control departments, treasury intelligence, government protection office, military police, financial information departments, public administration departments (re. citizenship, foreigners and repatriation, Chief of Military Information Service, Polish securities and exchange commission, Chief Forester and directors of regional directions of national forests, directors of national parks.

# RESTREINT UE

## 6.5.4. Border guard databases

Aside from access to common databases used for law enforcement purposes like administrative registers and reference databases, border guard maintains also individual and separate databases. At present there are preparations for a central integrated database providing all available information (including from external databases) through a single authorised access point. This database is projected to be operating in autumn 2007.

The current databases include records of intelligence data with information about persons and objects (EWIDA), data on abuses of law related to the border, decisions related to border crossings (e.g.: refusal of entry, issues of visas, etc.), cases of readmission (an own version of SMI) and data on persons and vehicles that crossed the state border (Central Archive of Border Clearance). The latter is also accessible for the police, in particular at the ENU.

## 6.5.5. FIU databases

In addition to standard working databases containing data about reported transactions, the FIU also maintains analytical databases: register of suspected subjects for terrorism and register of own controls and other controls, which it was informed about.

The evaluation team noted that each of the Polish law enforcement authorities have separate data and analysis systems at their disposal. Each of these systems appeared to be designed to fulfil the unique tasks of the authorities and hold the necessary data.

The recent reforms in the Polish legal framework have resulted in the act creating a central platform for the cross checking of information about ongoing cases carried out by all law enforcement agencies and prosecuting bodies in Poland. This has been implemented with the KCIK, which in the teams' opinion represents an example of good practice in the European Union.

The design of this database is very modern and effective, even though there is room for improvement. For example KCIK does not allow for simultaneous input of data and cross check of duplicates and matches in the database. The inputting unit for each entry therefore has to run a second additional operation for cross checks to be carried out.

Overall, the information systems used by the Polish police are very modern and sophisticated.

# RESTREINT UE

During the visit it was not possible to receive the same level of detailed information on databases and IT systems of other law enforcement agencies, however, presented projects, like the central database structure of the border guard and the KCIK, showed the level of ambition to further improve the situation.

## 6.6. INTERNAL EXCHANGE OF INFORMATION

### 6.6.1. Evaluation system

Polish police are using 4 x 4 system for the evaluation of information and intelligence on a daily basis. The evaluation system is an integral part of standardised police reports and already included in the basic training of all police officers. The experts would like to emphasise the importance that every piece of information contained in an SMI report should be individually evaluated by the reporting officer.

Storage of intelligence into the SMI database can only take place when the evaluation code is included (technical precondition). Officials stated that the potential risk regarding the dissemination of intelligence is not assessed and handling codes are currently not applied. However, the current SMI-regulation is being evaluated at headquarters.

The information obtained from other law enforcement agencies (Customs, Border Guards and FIU) does not allow the expert team to assess systems and practices used by them in similar detail.

### 6.6.2. Information exchange / information flow

For the police it was reported that new cases or information are always stored immediately in the KSIP database and it appeared that this is a well established and common procedure. Most of this information is then replicated into the KCIK database and thus accessible for other services as well. Within the police, this allows for an uninterrupted information flow between units of all levels and in addition provides the central authorities with a comprehensive overview. Sufficient information for the majority of police officers and their daily work is available and also easily accessible.

Customs and border guard use their own information systems and databases to support internal workflows and, to a much lesser degree than the police, forward data to the KCIK database as well. As it was confirmed to the evaluation team, the majority of data stored in the inter institutional database KCIK comes from the police. Given the size of customs and the border guard and the volume of criminal cases presumably handled, the team observed a small amount of their input into the KCIK.

# RESTREINT UE

In addition there seems to be no concept on how to make best use of KCIK. For example the Criminal Intelligence Bureau does not have direct access to KCIK but even the somehow inconvenient but nevertheless possible indirect access was only used exceptionally to check information or requests for matches.

For the Criminal Intelligence Bureau it always requires a certain indicator that other services might have some useful information and in such situation the necessary checks would rather be done directly via contact points at the other law enforcement authorities and within their databases than by the means of KCIK. While police officials assess this practice as being sufficient the evaluators think that this leaves room for improvement regarding coordination of operations and investigations with other services.

When it has sufficient suspicion about potential money laundering case, the FIU will forward its information report directly to the public prosecutor's office for further action without inclusion of the police. As a consequence this information/intelligence is forwarded on request to the KCIK.

## 6.6.3. Intelligence exchange

Representatives from operational police units confirmed that it would be standard practice to enter new intelligence immediately in the SMI, sometimes in parallel to the storage of related (open) information in the KSIP. There is a well understood and supported distinction between both systems. The SMI and the contained intelligence is restricted for police use only. Access to the SMI is somewhat limited for regional units, only allowing partial view of "their" regional intelligence. The Criminal Intelligence Bureau in Warsaw has access to all intelligence and with this comprehensive overview is in a position to coordinate activities.

Other law enforcement agencies use separated databases for their intelligence and do not share it regularly with other services. On a case by case basis formal requests will be answered but this appeared to the experts to be the exception rather than the rule.

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Informants constitute an important source of intelligence for all services in Poland. While the police has established an internal mechanism to register informants, assess their operational potential, task them according to identified needs and process the obtained intelligence, there is no such overarching system for all law enforcement services that are authorised to handle informants. Customs and border guard have their own isolated systems in place and do not register their informants with the police. The experts are of the opinion that this system should be revised to avoid overlap.

## 6.6.4. Communication system

Besides using traditional means (fax, phone, radio) for communication Polish law enforcement authorities have an advanced IT-infrastructure implemented in all services. Intranet systems are widely available but not distributed to the lowest organisational level. The workflow and communication is supported by sophisticated databases that are being evaluated and developed aiming at further improvements.

The communication channels between the law enforcement authorities are mainly reliant on the internal mail network between the ministries and on a paper system from the command units to the competent operational units.

The team of experts feel that time delays inherent in the system could be significantly reduced by the introduction of a secure e-mail system connecting all law enforcement services.

## 6.6.5. Analysis

Criminal analysis is carried out at various levels within all services. Representatives reported that upon specific requests results would be shared but there would be no automatic sharing. There was also no reference to joint analysis being carried out.

Within the police at both, regional and central level, analysis results are used to determine the priorities for the work and allocation of resources. Authorities reported that the respective mechanism would follow a concept set up by the Criminal Intelligence Bureau and approved by the Chief Commander of the Police in January 2005.

# RESTREINT UE

## 6.6.6. Inter and intra-institutional cooperation

The setting up of national priorities in the fighting against organised crime and terrorism is carried out by an inter-ministerial team, which takes into account input from the various ministries, resulting in a National Action Plan which is forwarded to the Polish law enforcement agencies. As stated during the visit it contains general indications on areas of crime which need to be prioritised by each service within its given competences.

The authorities met during the evaluation did not seem to be fully informed how the setting up of national strategic priorities is carried out in practice and in particular:

- the input of each law enforcement agency,
- the impact on interagency and international cooperation or
- the results of the Organised Crime Situation Reports and in future the OCTA issued by Europol are taken into account.

The experts formed the opinion that this process of setting national priorities does not encourage interagency cooperation in the setting of service specific targets and priorities within the agencies. This is an area where the interministerial body should actively promote the exchange and sharing of information and the cooperation in joint teams.

During the meetings with the representatives of the various law enforcement agencies involved in the fight against organised crime there has been no criticism regarding the level of operational cooperation.

During the visit in Cracow examples were given about cases of cooperation between the police and border guards. Also at meetings in Warsaw the work of joint teams and interagency cooperation were mentioned e.g. in the formats of :

- the coordination team for prevention of terrorist acts
- inter-department task groups, appointed by the Ministry of Interior for specific tasks related to particular areas of crime like cigarette smuggling
- joint groups for investigation or operational cooperation.

Two "central" coordination programmes were mentioned in the presentations:

- National Conference and Agreement on cooperation and combating illegal taking or transfer of antiques, and
- National Programme for Combating and Preventing Trafficking in Human Beings.

# RESTREINT UE

There was also an information about a joint group responsible for the contribution to the OCTA. However, it was difficult to get a clear picture of the competences and actual actions carried out by these bodies.

The evaluation team formed the impression that the co-operation at the operational level is working well via existing well established personal contacts but also assessed that these personal contacts lacked a formal structure. It was mentioned that the Polish authorities are planning to implement the European Criminal Intelligence Model (ECIM). The team commend them for this and feel it would help to provide a more structured approach to the coordination of strategic and operational priorities across the agencies. This would also improve cooperation through regular meetings at both strategic and operational levels.

## 6.7. EXTERNAL EXCHANGE OF INFORMATION

### 6.7.1. Information flow

Within each service the external exchange of information follows well established procedures and workflows. Problems occur for the inter-service information flow. The designated tool for this kind of exchange would be KCIK but it is not used to its full capacity.

The risk evaluation about the use of intelligence forwarded abroad is left to the investigating officer and in the Polish law enforcement there are no written guidelines setting the criteria for such risk evaluation. As it was stated by some Polish officials, this may result in limiting the exchange with foreign partners and Europol in cases where the case officer, according to his subjective judgment, does not trust or is not fully aware of the standards and possibilities offered by the cooperation with Europol or other international cooperation channels.

### 6.7.2. Communication channel

The different law enforcement services in Poland have different criteria in their selection of the channel for international cooperation.

The Polish police follows a centralised approach. The channel is chosen by the Criminal Intelligence Bureau in the General Headquarters of Police. However, the investigating officer dealing with the case at a local level has the possibility to influence the decision by indicating his preference. To facilitate the international information exchange the police has established contact officers in all Voivodships that support and advise lower level units e.g. in the preparation of communication to be forwarded to the headquarters.

# RESTREINT UE

Even though there is a general principle that the exchange of information related to Member States is channelled through Europol, several cases presented during the visit showed that this is not always practised in reality. In addition, in some cases the decision to consult an Europol AWF or to ask Europol support seemed more related to personal contacts at Europol rather than to a detailed awareness of all AWF or operational projects and services of Europol.

There are no specific written guidelines regulating the selection of the channel of cooperation. This may result in a non coherent approach and, when coupled with lack of awareness of Europol at a local and regional level, in a lower use of the Europol channel in cases where it should be used.

A similar approach is adopted by the customs, where all information on a case with potential international links is forwarded to the central office dealing with international cooperation that takes the decision about channel for cooperation. There are also no written guidelines and the decision is taken on an ad hoc basis by the responsible person in the central office.

For the border guard the decision about the channel for international cooperation is left to the investigating officer in the operational unit who indicates the preferred channel when forwarding information to the headquarters. Each time this decision has to be approved by respective superiors according to implemented procedures and can be changed.

Within the General Inspector for Financial Information the FIU-NET is the preferred channel for international cooperation. However, this channel is reserved exclusively for the information exchange among FIUs. There are other channels like the Egmont Secure Web to cross check information with other sources including the police and other law enforcement agencies at an EU level.

Regarding the network of Polish liaison officers, the expert team was told that there are preparations to expand the already mentioned network of nine police liaison officers by 2010 to a total of 17 police liaison officers, that can be commonly used by all services. The experts took positive note of this initiative and would encourage all agencies to make use of this opportunity.

In addition to the above network, the border guard have liaison officers posted at the Polish embassies in Berlin (DE), Brussels (BE), Kiev (UA) and Moscow (RU).



# RESTREINT UE

It appeared to the expert team that there was a limited level of awareness among law enforcement officials of the possibilities of international cooperation and exchange of information. The fact that Europol is a fairly new channel explains why Interpol, bilateral contacts and liaison officers are still preferred, even in cases where Europol should be used. In the opinion of the team measures to consider for an immediate improvement could be to enlarge the competencies of the regional Interpol contact officers to become a contact point for all international communication in combination with a national policy encouraging the use of Europol.

## 6.7.3. Coordination of international communication

There is no overall coordination of international law enforcement communication in Poland. All services and several units are involved and the large number of bilateral agreements facilitate direct international communication.

For the police the Criminal Intelligence Bureau has implemented a system allowing to keep track of all in- and outgoing international requests that are channelled through the bureau. As a result it is possible to check whether information has already been communicated and which channel has been used previously. This internal database documents communication via Interpol, Europol and liaison officers and, in the future, also via SIRENE.

The border guard has established an international cooperation bureau that is involved in all international communication. As the representative stated, even in cases of direct cross border cooperation (e.g. working group meetings) the central bureau is informed whenever possible in advance but at latest will receive minutes or reports regarding all such information exchange afterwards.

Customs procedures require the forwarding of all international communication to the headquarters for further handling. A point of contact for cooperation with Europol (always channelled through the ENU) has been appointed.

# RESTREINT UE

The experts realised that concerning the use of Europol as a platform for the exchange of information with other Member States, the 2005 statistics show for Poland a relatively low level of information exchanged in comparison to other Member States. Though within all law enforcement services there are coordinating mechanisms and the tracking of some international communication takes place, the existing procedures should be developed to become more comprehensive. While there might be advantages in direct bilateral exchange, the Criminal Intelligence Bureau should be informed as a matter of course.

## 6.7.4. Europol National Unit (ENU)

The Polish Europol National Unit is not an individual office in the organisation of the General Headquarters of Police but its tasks are carried out by two different offices<sup>1</sup>:

- the Chief Commanders Cabinet, for policy and strategic matters such as the Management Board and HENUs meetings;
- the Central Bureau of Intelligence, for the daily exchange of operational data.

This organisational structure has been in place since 1 February 2006 and consequently it is too early to assess its effectiveness.

Within the Central Bureau of Intelligence the main tasks for staff are divided according to the channels of information. Two persons are tasked with the exchange of information with Europol but they can also support the staff exchanging information with Interpol and vice versa.

The experts assess that this is a flexible solution optimising the use of resources. However, it appears unlikely that two persons only can cope in the future with the increasing volume of information forwarded and exchanged with Europol.

The fact that there are currently no representatives of the border guard and customs in the office dealing with Europol issues may discourage the use of Europol and the participation in AWFs by these agencies.

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<sup>1</sup> According to the provisions laid down in the Regulation of the General Headquarters of Police (entered into force on 1 February 2006).

## RESTREINT UE

As described previously, the office in the Central Bureau of Intelligence does not have direct access to the KCIK system. For cross checks the staff have to copy the information on a memory storage device and move to the office outside the building where the KCIK is located. Consequently the Criminal Intelligence Bureau of the General Police Headquarters does not regularly cross check to ascertain if targets of interest for the police are also registered by and of interest to other law enforcement agencies in Poland.

At this moment there is a lack of resources for translating all information exchanged internationally, in particular with Europol. Therefore the Europol Liaison Officer is sometimes tasked to translate contributions, which slows down the actual delivery of information to Europol and the receiving of Europol's products and services in Poland.

### 6.7.5. Polish National Desk at Europol

The situation at the ENU is mirrored by the presence of only one (police) Liaison Officer at Europol and the lack of representation of other Polish law enforcement services. The evaluation team was told by authorities that this problem has been acknowledged and that the border guard is planning to second an officer to the National Desk and customs are also considering the same.

The officer does not have direct access to any Polish database and therefore must query databases via the ENU.

### 6.7.6. Information related to AWF

Polish law enforcement agencies participate in 6 AWFs and have provided contributions to other AWFs without being member of the analysis group. The level of participation, the quality and quantity of information varies from case to case.

For example, at present Poland is neither participating in AWF Sustrans nor forwarding contributions although in 2005 a number of about 2500 suspicious transaction reports were forwarded by financial institutions and other intermediaries to the Polish FIU.

As described previously, the FIU forwards its information reports directly and only to the public prosecutor's office, thus a check and analysis in Europol's AWFs (e.g. Sustrans or EEOC Top 100) and in the EIS is impossible (except for the Liaison Officer at Europol).

## RESTREINT UE

The experts are of the opinion that Poland, due to its geo-criminal situation is potentially an important partner for Eastern European crime groups and money launderers. The fact that the police are not involved in these cases at an early point hampers the fight against money laundering and connected criminal activities. Poland could generate valuable contributions with benefits for own investigations in the field of money laundering by an early provision of information to the national police.

The representative of the General Inspector for Financial Information informed the evaluation team that there are two main problems in providing contributions to AWF:

- information could only be forwarded on closed cases or cases that are before Court
- a lack of existing regulation allowing for the forwarding of such specific data.

Nevertheless, it was stated that there is an interest in cooperating with Europol and that a person will be appointed in the Department of Financial Information to deal specifically with Europol.

The evaluators concluded that Polish law enforcement services are participating in AWFs but that there is a need for further improvement.

### 6.7.7. Europol Information System

There has been no decision taken yet as to what kind of information and which source will be used for the upload of the Polish contribution to the EIS. A possible source could be the KCIK database which has initially been designed with that potential. However, categories and entities in which information is structured in KCIK do not mirror the categories of data in the EIS and would need to be adapted, yet, according to statements the technical solution could be easily implemented.

### 6.7.8. Awareness

A series of seminars, conferences and training initiatives funded by various programs of the EU have been used to create awareness of Europol in the Polish police and other law enforcement agencies. However, it was felt that these initiatives were not part of an overall Polish policy to raise awareness but rather opportunities of choice.

## RESTREINT UE

The total number of officers trained so far is still fairly low and consequently it can not be expected that there is broad awareness of the role and functions of Europol and the opportunities that cooperation could offer. Nevertheless, officers from the General Headquarters of Police regularly lecture at basic training courses on international police cooperation.

Some information from or about Europol is occasionally published in the police magazine and on the police web-site but according to police officials the need to further raise the level of awareness has been identified and will be addressed.

The border guard representative stated, that they have adopted a policy of providing information using regularly circulated bulletins and their intranet web-site which also offers the opportunity to forward classified<sup>1</sup> information. According to their own assessment the awareness is quite good at an operational level.

The representative of the customs explained that a proper awareness programme on Europol is not needed at basic level as all cases that have a potential international dimension are forwarded to the central office of international cooperation and also due to the limited involvement in investigating serious and organised crime cases.

The representatives of all law enforcement services stated that they regularly receive Europol products such as operational and strategic reports and bulletins. The dissemination of these products varies according to internal policies.

The representative of the National Prosecution Office was not able to provide information on the level of awareness of Europol by public prosecutors in Poland; therefore it was not possible to ascertain if this has an impact on the provision of information to Europol for ongoing cases where the Prosecutors Office is involved.

The experts are of the opinion, that a comprehensive, integrated and target specific<sup>2</sup> concept for all law enforcement in Poland, including specific measures<sup>3</sup> would help to raise and spread overall awareness on the opportunities and importance of international cooperation.

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<sup>1</sup> For official use only.

<sup>2</sup> e.g.: police academy students, investigators, senior officers, trainers, prosecutors.

<sup>3</sup> e.g.: lectures, trainings, internships, study visits, electronic dissemination of products.

## 6.7.9. Assessment of Europol's value

The evaluation team realised that there was limited experience in the cooperation with Europol, nevertheless wherever there was some, Europol was given credit by representatives from all law enforcement authorities.

## 7. GENERAL CONCLUSIONS AND RECOMMENDATIONS OF THE EXPERT TEAM

The evaluation team assesses that Polish authorities are aware of the increasing responsibilities of law enforcement authorities resulting from the accession to the EU. It is striving to improve its law enforcement services, particularly in the area of international cooperation concerning the exchange and sharing of information. The team took positive note of the statement the Chief Commander of the Polish Police made when meeting with them. He declared that the police needs to increase the interaction and cooperation with Europol and considered Europol to be of great importance in the fight against trans-border crime and terrorism.

Reflecting on the findings outlined in this report, the evaluation team found the following recommendations appropriate:

### 7.1 FOR POLAND

7.1.1. Enhance the cooperation of Polish law enforcement services via the implementation of the ECIM that should result amongst others in:

- a more structured approach in the joint strategic planning and setting of priorities
- the encouragement of coordination at an operational level
- an improved exchange and sharing of intelligence nationally and internationally
- a common working definition of "intelligence". (see 5.5., 6.4.4., 6.6.2., 6.6.3., 6.6.5. and 6.6.6.)

7.1.2. Regarding Europol cooperation:

- at both the ENU and the Europol National Desk evaluate the staffing, consider the representation of border guard and customs and enable direct access to relevant databases.
- evaluate the current policy on participation in AWFs and improve both the quality and quantity of contributions.
- implement a technical solution for the data upload to the EIS

# RESTREINT UE

- encourage the use of Europol through a comprehensive awareness programme for all Polish law enforcement agencies. (see 6.6.2, 6.7.1, 6.7.2, 6.7.3, 6.7.4, 6.7.5, 6.7.6, 6.7.7. and 6.7.8.)

7.1.3. Implement a policy for international cooperation including written guidelines concerning the use of communication channels. (see 6.7.2. and 6.7.8.)

7.1.4. Intensify language capacity for staff involved in international cooperation. (see 6.7.4.)

7.1.5. Set up a secure mailing and communication systems for and between all law enforcement services. (see 6.6.4.)

7.1.6. Promote the use and added value of the comprehensive national database KCIK and continue to develop the system. (see 6.5., 6.6.2., 6.7.4. and 6.7.7.)

7.1.7. Establish a mechanism for the coordination of all law enforcement usage of special investigation means, in particular undercover officers and informants. (see 6.4.2., 6.4.3., 6.4.4. and 6.6.3.)

7.1.8. Consider the inclusion of the police in the direct information exchange between the FIU and the prosecutor service. (see 6.6.2, 6.7.6 and 6.7.8)

## 7.2 FOR EUROPOL

7.2.1. Consider the use of Europol staff and expertise in the development and implementation of a comprehensive Polish awareness programme. (see 6.7.8.)

## 7.3 FOR OTHER MEMBER STATES

7.3.1. Consider the implementation of a joint database structure for the information exchange and coordination of activities by all law enforcement services (see 6.5.)

7.3.2. Consider the adoption of a policy allowing the common use of own liaison officers by all national law enforcement agencies. (see 6.7.2.)

**Further agreements treaties and agreements with Member States which are in different stages of realisation but not yet in force:**

**Ireland**

Agreement between the Government of the Republic of Poland and the Government of Ireland on cooperation in combating organized and other serious crime, signed in Warsaw on 12 May 2001 – Resolution No. 111/2003 of the Council of Ministers of 30 April 2003 regarding presentation of the said Agreement to the President of the Republic of Poland for ratification.

**Cyprus**

Agreement between the Republic of Poland and the Government of the Republic of Cyprus on cooperation in combating of organized crime and other forms of crime, signed in Nicosia on 18 February 2005; (signed)

**Czech Republic**

Agreement between the Government of the Republic of Poland and the Government of the Czech Republic on cooperation in combating crime, protection of public order and collaboration in border regions is ready for signing.

**Denmark**

Draft agreement prepared for negotiation

**Greece**

Draft agreement prepared before commencement of negotiations

**Italy**

Agreement between the Government of the Republic of Poland and the Government of the Republic of Italy on cooperation in combating crime; (prepared for signature)

**Latvia**

Draft agreement prepared before commencement of negotiations



# RESTREINT UE

## **Lithuania**

Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on cooperation of police and border guard forces in border regions and in combating crime (consent of the President of the Council of Ministers to commence negotiations: 12 March 2004; negotiations finished).

## **Netherlands**

Draft agreements prepared for negotiation

## **Slovak Republic**

Agreement between Republic of Poland and the Slovak Republic on cooperation in combating crime and collaboration in border regions, signed in Warsaw on 23 March 2004 (signed)

### 2.1.3.2. With non-EU Member States

The following treaties and agreements with non-EU Member States have been concluded and are in force:

## **Armenia**

Agreement between the Government of the Republic of Poland and the Government of the Republic of Armenia on co-operation in combating organized crime, done in Warsaw 06.09.2005.

## **Belarus**

Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarus on co-operation in combating crime, done in Minsk 08.12.2003.

## **Egypt**

Agreement between the Government of the Republic of Poland and the Government of the Arab Republic of Egypt on co-operation in security matters, done in Cairo 17.10.1996.

## **India**

Agreement between the Government of the Republic of Poland and the Government of the Republic of India on co-operation in combating organized crime and international terrorism, done in New Delhi 17.02.2003.

# RESTREINT UE

## **Kazakhstan**

Agreement between the Government of the Republic of Poland and the Government of the Republic of Kazakhstan on co-operation in combating organized crime and other types of crime, done in Warsaw 24.05.2002.

## **Mexico**

Agreement between the Government of the Republic of Poland and the Government of the United States of Mexico on co-operation in combating organized crime and other types of crime, done in Mexico City 25.11.2002.;

## **Moldova**

Agreement between the Government of the Republic of Poland and the Government of the Republic of Moldova on co-operation in combating organized crime and other types of crime, done in Kischyniev 22.10.2003.;

## **Morocco**

Agreement between the Ministry of Internal Affairs of the Republic of Poland and the Ministry of Internal Affairs of the Kingdom of Morocco on co-operation in combating crime, terrorism and drug trafficking, done in Rabat 26.06.1995.

## **Russia**

Agreement between the Ministry of Internal Affairs of the Republic of Poland and the Ministry of Internal Affairs of the Russian Federation, done in Moscow 20.11.1992.;

Agreement between the Minister of Finance of the Republic of Poland and the Ministry of Finance of the Russian Federation on bilateral administrative assistance and exchange of information in tax cases prepared in Moscow on 26 April 2004

## **Tajikistan**

Agreement between the Government of the Republic of Poland and the Government of the Republic of Tajikistan on co-operation in combating crime, done in Warsaw 27.05.2003.;

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## **Thailand**

Memorandum of understanding between the Government of the Republic of Poland and the Government of the Kingdom of Thailand on the co-operation in narcotics control, done in Warsaw, 23.09.1996.;

## **Tunisia**

Agreement between the Ministry of Internal Affairs of the Republic of Poland and the Ministry of Internal Affairs of the Republic of Tunisia, done in Tunis 26.09.1994.;

## **Ukraine**

Agreement between the Government of the Republic of Poland and the Government of the Republic of Ukraine on co-operation in combating organized crime, done in Kiev 3.03.1999.;

Working agreement between the Minister of Finance of the Republic of Poland and the State Tax Administration of Ukraine on cooperation in the scope of exchange of information obtained as a result of the performance of the operational and investigative actions, prepared on 29 March 2005

## **Vietnam**

Agreement between the Government of the Republic of Poland and the Government of the Socialist Republic of Vietnam on co-operation in combating organized crime, done in Warsaw 28.07.2003.

## **Further treaties and agreements with non-EU Member States which are in different stages of realisation but not yet in force:**

## **Brazil**

Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Brazil on co-operation in combating organized crime and other type of crime. (prepared for signing)

## **Chile**

Agreement between the Government of the Republic of Poland and the Government of the Republic of Chile on co-operation in combating organized crime. (prepared for signing)

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## **Georgia**

Agreement between the Government of the Republic of Poland and the Government of Georgia on cooperation in combating organized crime and other type of crime. (prepared for signing)

## **Indonesia**

Agreement between the Government of the Republic of Poland and the Government of the Republic of Indonesia on co-operation in combating organized crime and other types of crime, done in Djakarta 02.07.2005. (signed)

## **Iran**

Memorandum of understanding between the Government of the Republic of Poland and the Islamic Republic of Iran in combating of illegal trafficking in psychotropic substances and precursors, done in Warsaw, 23.09.1996. (signed)

## **Libya**

Agreement on co-operation in combating crime. (prepared for signing)

## **Mongolia**

Agreement between the Government of the Republic of Poland and the Government of the Mongolia on co-operation in combating organized crime and other type of crime. (prepared for signing)

## **Saudi Arabia**

Agreement on cooperation in combating organized crime and other type of crime. (prepared for signing)

## **Tunisia**

Agreement on security, public order and combating crime. (prepared for signing).

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ANNEX B

## PROGRAMME OF VISIT

7 February 2006	
TIME	Subject/ Problem
08:15	Collecting of the foreign guests from the hotel and transporting them to the building of General Headquarters of Police
08:45-08:55	Reception of the foreign guests in the cabinet of Chief of National Police Headquarters Cabinet
09:00-10:40	Presentation of the evaluation mission program; Presentation of the organisation structures, the range of activity, competence, the mission, vision and strategy of particular law enforcement authorities
10:40-11:00	Coffee break
11:00-12:00	Legal aspects of the co-operation ( including information exchange) of Polish Police
12:00-13:30	Lunch break
13:30-15:30	Presentation of the general concept of exchange information system with the exterior subjects, Co-operation with Europol, Interpol and preparation within the frames of SIS
15:30	Transporting of the delegation to the hotel
16:00	Transporting of the delegation to the railway central station (departure to Cracow)
20:00	Arrival in Cracow
21:00	Official dinner

8 February 2006	
08:30	Collecting of the foreign guests from the hotel
09:00-12:00	Visit in Regional Police Headquarters in Cracow
12:00-13:00	Lunch break
13:00-17.00	Sightseeing of Cracow
17:30	Departure from Cracow to Warsaw
20:00	Arrival in Warsaw, transporting of the delegation to the hotel

9 February 2006	
08:30	Collecting of the foreign guests from the hotel and transporting them to the building of ITN & Communication Office of General Headquarters of Police
09:00-10:30	Discussing of police data bases staying in the range of competence of Criminal Intelligence Office
10:50-11:20	Discussing of National Centre of Criminal Information data base
11:20-11:45	Transport to General Headquarters of Police building
11:50-13:20	Organisation structure and the rules of information exchange between Central Intelligence Office and exterior subjects
13:20-14:00	Lunch break
14:00-16:30	Realisation of the task by particular competent authorities
16:30	Transport of the delegation to the hotel
17:30	Collecting of delegation from the hotel

## RESTREINT UE

18:00	Official dinner
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10 February 2006	
09:00	Collecting of the foreign guests from the hotel and transporting them to General Headquarters of Police building
09:00-10:30	Visiting of service places, where information exchange with Europol is conducted
10:30-12:00	Concluding meeting between the foreign delegation and direction of the particular Police, Frontier Guard, Ministry of the Interior, Customs, Financial Information and Financial Control Departments of Ministry of Finance
12:00-14:00	Lunch break
14:00	Transport of the foreign guests to the hotel or directly to the Okecie Airport

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## LIST OF PERSONS MET

### Ministry of Finance

Deputy Director of Fiscal Intelligence Department I - Janusz Kobeszko  
Advisor to the Ministry of Finance – Jan Delis  
Dep. Director of Financial Investigation Department of Ministry of Finance – Artur Kolaczek  
Main Specialist of Financial Investigation Department of Ministry of Finance - Elzbieta Frankow-Jaskiewicz  
Dep. Director of Custom Service - Andrzej Olenderek  
Head of Unit of Custom Service – Mariusz Koter

### Ministry of Justice

Prosecutor – Grażyna Stronikowska

### Ministry of Interior and Administration

Higher Specialist of Department for International Cooperation - Beata Brodacka  
Specialist of Department for International Cooperation – Michal Narojek  
Expert of Department for International Cooperation – Tadeusz Owczarski

### Border Guard

Head of Analysis, Statistic and Information Unit (Border Department) – Halina Bielinska  
Deputy Head Analysis, Statistic and Information Unit (Border Department) - Marcin Samsonowicz-Gorski  
Head of Criminal Intelligence Section (Criminal Intelligence and Investigation Department)- Grzegorz Niemiec  
Head of Data Protection Section (Bureau for data Protection) – Alicja Ciulkiewicz  
Main Specialist in Bureau for International Cooperation- Jacek Bogusz  
Higher Specialist in Data Protection Section (Bureau for data Protection) – Mariusz Kijowski  
Specialist of ICT Bureau - Jacek Folta

### General Headquarters of Police

Police Chief Commander – Marek Bjenkowski  
First Deputy of Police Chief Commander - Ryszard Siewierski  
Deputy Police Commander – Jacek Bartminski  
Deputy Police Commander – Waldemar Jarczewski  
Director of Cabinet Chief of Police Commander – Pawel Suchanek  
Director of Criminal Intelligence Bureau – Wiesław Kordas  
Director of Bureau for Protection of Information – Zbigniew Krasnodebski  
Director of National Centre for Criminal Information – Beata Nowak-Pietrzykowska  
Dep. Director of National Centre for Criminal Information – Andrzej Sieklucki  
Deputy Director of Central Investigation Bureau – Leszek Korzeb  
Deputy Director of Social Communication Bureau –Rafal Wasiak  
Deputy Director of Legal Bureau – Jacek Choinski  
Deputy Director of Criminal Intelligence Bureau- Krzysztof Krak  
Head of Unit for Combating of Terrorist Acts (Central Investigation Bureau) – Dariusz Depatala  
Head of Unit for Combating of Drug Organised Crime (Central Investigation Bureau) – Rafal Lysakowski  
Head of Unit of International Police Cooperation Development (Cabinet of Police Commander) – Tomasz Safjanski

# RESTREINT UE

Head of Unit of International Criminal Information Exchange (Criminal Intelligence Bureau) – Pawel Rutkowski  
Head of Criminal Intelligence Unit (Central Investigation Bureau) – Andrzej Łapinski  
Advisor in Central Investigation Bureau – Sławomir Sniezko  
Expert in Central Investigation Bureau – Andrzej Zabczyński  
Expert in Central Investigation Bureau – Jacek Sławinski  
Expert in Central Investigation Bureau – Elzbieta Wrobel-Wolinska  
Expert in Central Investigation Bureau – Piotr Szczepanski  
Expert in Central Investigation Bureau – Tatiana Pek-Odynska  
Expert in Criminal Intelligence Bureau – Robert Grzadziel  
Expert in Cabinet of Police Commander – Andrzej Sawicki  
Expert in Central Investigation Bureau – Anna Prokopowicz-Michnowska  
Specialist in Central Investigation Bureau – Anna Syc  
Specialist in Central Investigation Bureau – Adam Cieslak  
Specialist in Central Investigation Bureau - Ilona Kieres  
Specialist in Central Investigation Bureau – Robert Nestorowicz  
Specialist in Central Investigation Bureau – Grzegorz Mazurkiewicz  
Specialist in Criminal Intelligence Bureau – Ewa Zaczynska

## **The Higher Police School**

Senior lecturer -Anita Szajowska

## **Police Voivodeship Headquarters in Cracov**

Police Commander of Voivodeship – Adam Rapacki  
First Deputy Commander of Police Voivodeship – Kazimierz Mruk  
Head of Criminal Intelligence Unit – Jan Klima  
Head of Criminal Unit – Zbigniew Ostrowski  
Head of Unit (Central Investigation Bureau in Cracov) – Jacek Pietras  
Head of Unit (Central Investigation Unit in Cracov) – Bartłomiej Adamski  
Specialist in Criminal Unit – Pawel Maslowski

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ANNEX D

## LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

ACRONYM ABBREVIATION TERM	ENGLISH TRANSLATION OR EXPLANATION
ASF-STD	Automated Search Facility / Stolen Travel Documents
AWF	(Europol) Analysis Workfile
CBIU	Central database on information from surveillance
CCP	Common Contact Points
CEN	World database of infringements held by WCO
CKSiTA	Convicted and temporary attested persons database
EIS	Europol Information System
ENU	Europol National Unit
ESKS	Penal Treasury Cases database
EUVID	European Vehicle Identification Manual
EWIDA	Information about persons and objects database
FIU	Financial Information Unit
GIFI	General Inspector of Financial Information
IntraKC	Anomalies related to foreign trade database
KCIK	National Centre of Criminal Information
KSIP	National Police Information System
NCIC	National Crime Information Centre
OBOZI	Central database on police informants
OCTA	Organised Crime Threat Assessment
OWNERS	Database on infringements exceeding the equivalence of 10.000 Euro
PESEL	General Electronic Population Census System
SMI	System Information Report
STAY	Information about foreigners
TWC	Declared customs value of imported goods