NOTE
from : General Secretariat
  to : Collective Evaluation Working Party
No. prev. doc.: 13840/98 EVAL 15 ELARG 104
Subject : Analysis on policing issues, including police co-operation in Hungary and Poland

HUNGARY

A Introduction/ General remarks

1 General remarks on the state of information

The part of the document on Hungary is based on a wide range of sources, mainly provided by the Commission and the Member States. It includes also information that could be obtained during the Bilateral Screening with Hungary in March 1999, which brought some clarification from an official point of view. A list of these sources can be found in the annex.

On the basis of the structured checklist (document 5322/2/99 EVAL 5 ELARG 5 REV 2) it was possible to shed light on various aspects of the situation concerning police matters in Hungary. Nevertheless many important questions still can not be answered at all or can only be answered incompletely, although they may be of great importance for an overall assessment of the situation in Hungary.
Example:
There is little information on the Hungarian police databases (questions 10 - 11a). Without being able to tell if the Hungarian law enforcement authorities are able to place information rapidly at the disposal of their officers it is hardly possible to consider the efficiency of law enforcement activities in general. If these systems have not been set up so far, it would be equally important to know the timeframe for efforts undertaken to develop them.
Example: Corruption is one of the problems, which is broadly discussed in the various contributions. The assessment of the situation varies depending on the source of information. Consequently, although the sources are considerably detailed here, further information is necessary.

Information on customs matters as required by the structured checklist was not available. The specific and detailed nature of these questions can probably only be answered through questionnaires to Member States and Applicant States and, if necessary, by on-spot visits.

In conclusion, the situation regarding available information on this topic is not satisfying, but allows to make a rough assessment of police matters in Hungary. However, taking into account the present state of information, it would be difficult to answer the question which requirements that have to be fulfilled before accession are already met by the Hungarian police forces.

2 Gaps

The following paragraphs give a broad overview of the main gaps. The current state of information is laid down in part two of this document.

Generally, there is no or not sufficient information about:

(In: Legal bases, organisation and powers of the police)
- details on the national legal bases for policing and their loopholes (question 1)
- the organisation of the police force (questions 2 - 4)
- the legal powers of the police (question 5)
- the responsibility of other organisations for criminal investigations (questions 6 - 7)
- the possible overlap of powers (questions 9 - 9a)
- the police computer systems (questions 10 - 11a)

(In: Staff, training and equipment)
- the questions related to the police staff and the use of auxiliaries (questions 12a - 14a)
  preventive action of the police, police equipment and budgetary questions (questions 19 -

(In: International police co-operation)
- international police co-operation (question 24 - 27a)

(In: Crime statistics)
- some aspects of crime statistics (questions 30a and 32)

3 General remarks on the situation in Hungary

Even if one takes into consideration that the information on police matters in Hungary is
insufficient, the overall impression is rather worrying: Hungary has considerable problems with
corruption among its officials, from the lower ranks up to the political level. Crime statistics,
although obviously not very reliable, show a rising trend in the field of organised crime and crime
in general.

The Hungarian authorities seem to take determined measures to prepare themselves for the
implementation of the JHA acquis. This includes changes of the legislation and changes of the
organisational structure. These formal changes are probably the first step and but not the exclusive
remedy for the actual problems in relation to organised crime in Hungary.
4 Main problems adopting the acquis

The problems in the field of police issues that seem to be the most urgent ones are:

- The phenomenon of corruption, which seems to be epidemic in the Hungarian police and can be found at all levels. Even the political level was said to have relationships to criminal groups, which led to investigations in 1997. Replacements of corrupt officers and the fact that qualified police officers in leading positions left the police force led to a high staff turnover and a stop-start process when it comes to strategic development.

- Organised crime is firmly established in Hungary and threatens public safety through extremely violent power struggles. Although the reliability of crime statistics seems to be doubtful, it can be stated that crime has risen considerably in certain areas.

- Co-ordination between the various law enforcement authorities, particularly between central police services and regional police units, but also between the police and other law enforcement services has to be improved.

- Staffing and equipment resource problems hamper the proper functioning of police authorities; especially new units often do not have professional preparation and equipment.
B Police

Legal bases, organisation and powers of the police

1. Are all the legal bases required for effective policing in place? What loopholes, if any, are there?

International legal instruments

In November 1997, Hungary ratified the Council of Europe Convention on the suppression of terrorism, and in April 1998 the Council of Europe Convention on the protection of individuals with regard to automatic processing of personal data.¹

In November 1997, Hungary signed the Council of Europe Convention, ("Strasbourg Convention") on Money-Laundering, Search, Seizure and Confiscation of the proceeds of crime. The Hungarian Government plans to ratify both, this Convention and the UN Vienna Convention before end 1999.²³

For a complete overview on the status concerning the implementation of the JHA acquis Hungary's list of the state of implementation of the JHA - acquis for the Bilateral Screening from 1999 is recommended.

³ Contribution by the Commission on police cooperation and judicial cooperation issues in Hungary, Poland and Romania 1998.
National criminal law

The police law from March 1994 legitimates police action and defines its tasks.\(^4\)

A new draft law package on Organised Crime has been introduced in October 1998 into Parliament.\(^5\) It includes, amongst others, various measures to fight drug criminality. Additionally, the Ministry of the Interior prepared a draft law package with a comprehensive strategy against the misuse of drugs (a specific law on drug abuse did not exist before) and will also introduce provisions regarding drugs prevention\(^6\).

The new draft law package on organised crime includes the following changes of current law:

The criminal code, under its general chapter, now makes a distinction between a conspiracy and a criminal organisation.\(^7\)

Conspiracy is not an offence by itself but an aggravating aspect for different other offences.\(^8\)

Participation in a Criminal Organisation is a separate criminal offence.\(^9\)

Criminals committing acts of complicity for foreign criminal organisations may be prosecuted in Hungary, as long as the offence has been committed there.\(^10\)

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4 Contribution of a Member State from mid-1998.
5 Bilateral Screening, Hungary, March 1999.
6 Note of a Member State on a briefing of the Hungarian Minister of the Interior to EU ambassadors in Budapest
8 Bilateral Screening, Hungary, March 1999.
Passive corruption of foreign officials of another Member State in Hungary has not yet been penalised, as well as passive corruption in private sector. This question will be solved after the accession.\(^{11}\) Further amendments of the Penal Code include stricter legislation relating to crimes concerning weapons, ammunition and explosive substances is introduced. A new code of Criminal Procedure, which will enter into force on 1 January 2000, rules on witness protection in line with the criteria prescribed in the Council resolution of 25 November 1995.\(^{12}\)

Based on the ratified European Convention on the Suppression of Terrorism Hungary has adopted domestic legal and administrative measures against terrorism.\(^{13}\)

Since 1996 an interministerial commission, presided by the Ministry of the Interior, is responsible for bringing the administrative structures in conformity with the Schengen acquis.\(^{14}\)

**Money laundering**

According to one Member State, Hungary has brought its legal regime concerning the control of money laundering largely into line with Western requirements.\(^{15}\)

As far as the fight against money laundering is concerned, Hungary has ratified the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Nationally, special legal provisions on asset forfeiture have been adopted. Amendments to criminal code are under preparation.\(^{16}\)

\(^{11}\) Bilateral Screening, Hungary, March 1999.
\(^{13}\) PHARE-Report, 1997.
\(^{14}\) Contribution of a Member State from mid-1998.
\(^{15}\) Contribution of a Member State from October 1998.
\(^{16}\) Bilateral Screening, Hungary, March 1999.
The question of corporate liability is still under consideration, but the Hungarian authorities are confident to find a solution that is compatible to EU instruments and in agreement with internal legal order.\footnote{Bilateral Screening, Hungary, March 1999.}

**Witness protection:**

Because of international agreements, important changes have been introduced in Hungarian law and a new act has entered into force in March 1999.

The new provisions on witness protection include the following possibilities:

The identity of witnesses may be hidden by treating the information as confidential towards the defence council.

The witness may be heard by the judge alone, without the presence of the defence council. Hearings must not necessarily take place at court but may also be carried out with the assistance of audio-visual means. Witness testimonies can be recorded and used as evidence in court.

These measures may be applied from the very beginning of an investigation and even after a court ruling\footnote{Bilateral Screening, Hungary, March 1999.}

There are no legal regulations allowing to legally change the identity of the witness.\footnote{Bilateral Screening, Hungary, March 1999.}

Mutual legal assistance is possible in this field upon request.\footnote{Bilateral Screening, Hungary, March 1999.}
Loopholes

Generally, loopholes in the legal bases for policing were not mentioned by the sources assessed. Positive statements were equally rare.

One Member State reports that, due to a lack of the respective legislation the special investigative technique of "controlled deliveries", especially concerning drug trafficking, is used rarely in Hungary.21

2. How is the police force organised?

Organisation, competencies and the mission of the Hungarian police forces are characterised by a centralised infrastructure, consisting of two main directorates (public security and criminal police) and a third directorate which is responsible for budgetary affairs.22

The police forces are placed under the control of a unit which is responsible to a General Director and which includes an authority for disciplinary and audit affairs.23

Two directorates directly fight crime: The directorate of public security (about 18,000 officers, which is 62% of the whole police force) which is responsible for the public order in general and the criminal police (about 9,200 officers, which is 23% of the whole police force) which responsibility is the fight against organised crime.24

The Hungarian Police Forces are divided into 20 regional police forces and have their headquarters in Budapest.25

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21 Contribution of a Member State from mid-1998.
22 Contribution of a Member State from mid-1998.
23 Contribution of a Member State from mid-1998.
24 Contribution of a Member State from mid-1998.
25 Comments of a Member State regarding police co-operation in Poland, Hungary and Romania from November 1998
3. Are all police authorities in the country under the same command?

3a. Which administrative and/or judicial control bodies and procedures exist?

4. On the basis of what sectoral and regional criteria is the police force divided up? Do civil and military units coexist? Which police units are competent for specific tasks such as illegal aliens, airport security, border surveillance?

5. What powers does the police have?

– in terms of preventing potential threats?
– in terms of criminal investigation?

Upholding public order falls within the responsibility of a Hungarian civil authority.\(^{26}\)
Coercive measures may only be used within the limits defined by the law, e.g.:
The Police Act allows police to employ informants and target persons with consent of prosecutor.\(^{27}\)
Hearings are subject to authorisation by the judiciary.\(^{28}\)

6. What other authorities, if any, are responsible for criminal investigations?

\(^{26}\) Contribution of a Member State from mid-1998.
\(^{27}\) Bilateral Screening, Hungary, March 1999.
\(^{28}\) Contribution of a Member State from mid-1998.
6a. If there are other authorities than the police responsible for criminal investigations, do the police co-operate with them? What is the role of the prosecutor? Which authority has the responsibility of leading the pre-trial investigations?

The PHARE report\textsuperscript{29} and the Commission\textsuperscript{30} are of the opinion that co-ordination between the Central Police Services and regional police units, as well as a closer co-ordination with other services, such as the Border Patrol and customs should be improved in order to fight efficiently against organised crime.

7. Do the intelligence services cooperate in criminal investigations?

The intelligence service is placed under the authority of a minister without portfolio. It includes a service for external intelligence and a national security service, which due to its competencies must come into conflict with the authorities under the Ministry of the Interior.\textsuperscript{31} Additionally there is a certain rivalry between police and intelligence authorities.\textsuperscript{32}

8. Are there special departments for specific types of crime?

The PHARE report\textsuperscript{33} states that the Hungarian police service has been radically restructured in order to tackle organised crime more effectively, with special units (on organised crime in general and on drugs) being established, including a money laundering task force.

\textsuperscript{29} PHARE-Report, 1997.

\textsuperscript{30} Contribution by the Commission on police cooperation and judicial cooperation issues in Hungary, Poland and Romania 1998.

\textsuperscript{31} Contribution of a Member State from mid-1998.

\textsuperscript{32} Contribution of a Member State from mid-1998.

\textsuperscript{33} PHARE-Report, 1997.
In September of 1996, the "Central Directorate for Criminal Prosecution" was established and special units were set up, capable of detecting large-scale crimes rapidly and efficiently (including those of economic nature). The existing services for the fight against drugs and organised crime were integrated in this new organisation. In April of 1997, a "Department Against Organised Crime" was established in each of the 19 Hungarian provinces.  

However, the Commission concluded in 1998 that the Hungarian Police still require special units, duly trained and equipped, in order to fight organised crime efficiently.

9. **Do the powers of the individual authorities overlap?**

9a. **If the powers overlap, is there competition between the different authorities? Which authority makes the decisions in competitive cases?**

10. **Is there a central computerised search system?**

Police, customs and Border Guards have their own data bases. The actual data protection legislation does not allow linking the various databases with one another other. The new package of legislation on organised crime contains provisions, which allow linking these databases from January 1999 on. The PHARE programme will probably finance this effort.  

10a. **If there is a computerised search system, is it the police who take care of the updating of the system? Who has the power to feed information to the system?**

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35 Commission's contribution on police cooperation, 1998.
36 note of a Member State on a briefing of the Hungarian Minister of the Interior to EU ambassadors in Budapest
37 note of a Member State on a briefing of the Hungarian Minister of the Interior to EU ambassadors in Budapest
11. Do all police authorities have access to their search system?

11a. If all police authorities have access to the search system, do they also have access to each data bank in the system or are there restricted data banks accessible only to a limited number of police staff due to their specific tasks? How many terminals are there and are they located in each police station and police post?

**Staff, training and equipment**

12. What is the total operational staff complement? In terms of population, what is the policing density?

In terms of the population, the policing density is one police officer per 381 inhabitants. Total operational staff consists of nearly 32000 officers, which are about 80% of the overall police staff.38

12a. Are there police posts not filled, and if yes, is this due to lack of budgetary resources or lack of suitable applicants?

13. Are enough qualified people applying to join the police force?

80 % of the Hungarian police are younger than 40 years.39

A new system has also been established for the recruitment and selection of the staff. The students are evaluated by means of a process co-ordinated by the police schools and based on the medical examinations (psychologists and doctors) and interviews.40

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38 Hungary's answers to the Commission questionnaire, 1999.
39 Contribution of a Member State from mid-1998.
13a. How many applicants are there annually to join the police force through professional training? How many of the applicants are accepted to the training course? Does the country employ police officers without professional training, and if yes, how often and how many?

14. Is the police force staffed exclusively by professionals or is there partial or temporary employment of conscripts or auxiliaries?

14a. Do you use civilians for police work (for instance for patrolling on the streets)? If yes, does the country pay for them out of the police budget or are they working on a voluntary basis? Are they supervised by a professional police officer and what are their powers?

15. Does professional staff receive police training and how long does it last?

The Hungarian police training centres, which also carry out the recruitment tests, organise basic police training courses, as well as courses on specific topics. The follow-up courses take place at the ILEA and MEPA centres in Budapest for a period of three years.41 42

Four new training centres have been recently set up for police training, and some four thousand police officers receive permanent training courses each year.43

In 1998, the Commission concluded that a long-term training system has to be set up. The existing training mechanisms have to be upgraded.44

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42 Contribution of a Member State from mid-1998.
44 Commission's contribution on police cooperation, 1998.
15a. Which are the career perspectives (promotions, salary)? Is there a tendency to change over to the private sector?

At the end of their first three years of training, about 80 officers are promoted\textsuperscript{45}

Due to the fact that police officers do not earn much in Hungary (average salary of app. 150 Euro a month) and that the costs of living are constantly rising experienced and qualified police officers in leading positions left the police force to seek higher earnings in the free market.\textsuperscript{46, 47}

Exact figures on the number of police officers leaving their service are not available.

16. Does staff undergo regular in-service training?

One Member State is of the opinion that the actual training of police officers concerning investigative techniques like is insufficient insofar as to enable them to fight efficiently the new phenomenon of organised crime and that the Hungarian legislation has to be rapidly changed concerning this point.\textsuperscript{48}

17. Is there co-operation between the various departments?

\textsuperscript{45} Contribution of a Member State from mid-1998.
\textsuperscript{46} a Member State Contribution of from October 1998.
\textsuperscript{47} Contribution of a Member State from mid-1998.
\textsuperscript{48} Contribution of a Member State from mid-1998.
18. Are there reports about corruption within certain police units, and if so, what remedies have been taken? How does the Hungarian police take account of the rule of law?

In its contribution, one Member State states that corruption is a problem running throughout Hungarian society. It is now noticeable even in the police force. The Hungarian police administration has admitted that corruption offences by police officers increased by almost 40% in 1995 compared with the previous year.49

In particular, uniformed police officers threaten foreigners staying in Hungary. In 1995, 17 police officers were arrested in eastern Hungary whilst engaging in such activities in uniform on main thoroughfares in their free time. The head of the Budapest police force also admitted the existence of links between the police and organised criminal groups. In 1997, according to press information, 67 police officers were dismissed, most of them for corruption.50

The PHARE report is of the opinion that the low wages contribute to the lack of motivation and fuel corruption. Each week, there are several cases detected, which cause the detention of police staff. It also has been confirmed that, every year, between 1,000 and 1,200 complaints made by citizens against the police are produced. These complaints relate to the irregular conduct of the police. One third of them are justified and finish in Disciplinary Procedures and in Judicial Records.51

49 Contribution of a Member State from October 1998.
50 Contribution of a Member State from October 1998.
The fight against organised crime seems to be hampered by corruption, which, according to another Member State, can be found on all levels and touches in an epidemic manner the Hungarian police, which must face an increase of crime and an impoverishment of its officials. In 1997 investigation were carried out against Hungarian politicians who were suspected to have relations to organised criminal groups. At the same time, the Hungarian press reported of an obvious lack of co-ordination between the competent police services, which led to a "predictable inefficiency".\(^{52}\)

The Hungarian Minister of the Interior, PINTER, himself has been suspected to have connections to the organised crime.\(^ {53, 54} \)

A third Member State draws a less critical picture of the situation regarding corruption in the Hungarian police forces. According to this report the most common offence is that linked to traffic officers allegedly pocketing the on the spot fines, but also range up to detectives allegedly taking cash to drop charges against suspects.\(^{55} \)

**Rule of law**

A delegation of the Council of Europe's "European Committee for the Prevention of Torture and inhuman or degrading Treatment or punishment (CPT) stated in their report on Hungary not to have heard any allegations of torture of persons held in police establishments in Hungary during their visit in 1996 in Hungary. Moreover, no other evidence of torture was found by the delegation.\(^{56} \)

However, the delegation did hear numerous allegations of physical ill treatment inflicted by the police on detained persons, both at the time of arrest and during subsequent interrogations.\(^{57} \)

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\(^{52}\) Contribution of a Member State from mid-1998.

\(^{53}\) note of a Member State on a briefing of the Hungarian Minister of the Interior to EU ambassadors in Budapest

\(^{54}\) note of a Member State on a briefing of the Hungarian Minister of the Interior to EU ambassadors in Budapest

\(^{55}\) Contribution of a Member State from November 1998

\(^{56}\) Report by Council of Europe, 1996

\(^{57}\) Report by Council of Europe, 1996
The delegation found that, in a number of cases, the allegations made were supported by medical evidence.\textsuperscript{58}

In the light of all the information at its disposal, the Committee can only conclude that persons deprived of their liberty by the police in Budapest run a not inconsiderable risk of ill treatment.\textsuperscript{59}

\textsuperscript{58} Report by Council of Europe, 1996

\textsuperscript{59} Report by Council of Europe, 1996
18a. What is the salary level of the police compared to the general salary level in the society? What are the economic ties of police officers? Are police officers obliged by law or otherwise to reveal his/her economic ties and contacts? Do the police officers have second jobs? Is there a political influence on the police, and if yes, to what extent?

In 1997, investigations were carried out against Hungarian politicians who were suspected to have relations with organised criminal groups. At the same time, the Hungarian press reported of an obvious lack of co-ordination between the competent police services, which led to a "predictable inefficiency".60

19. Does the police take enough preventive action, especially in the field of drugs?

The Commission notes in its update of the PHARE report that activities related to drugs are dealt with by the National Drug Co-ordination Committee. At present no formal national drug strategy exists in Hungary, but the Ministry of the Interior prepared a draft law package with a comprehensive strategy against the misuse of drugs (a specific law on drug abuse did not exist before) and will also introduce provisions regarding its prevention.62

60 Contribution of a Member State from mid-1998.
62 Note of a Member State on a briefing of the Hungarian Minister of the Interior to EU ambassadors in Budapest
20. **Does police equipment, especially in the field of**
   – Intelligence technology,
   – Computerised search,
   – Communications,
   – Vehicles, aircraft and vessels,
   – Forensic science,
   – Investigations,

   **meet the minimum requirements?**

   From the scarce information available on this question, it seems that staffing and equipment of the individual authorities are altogether poor. The new services for the fight against organised crime seem to be in urgent need of professional training and technical material, in particular as regards the units located in the provinces.

21. **Is there adequate material backup (fuel, funds to pay for communications)?**

22. **In what areas are there shortcomings?**

22a. **What is the opinion of the public towards the police? Is there a common trust to the police? Is there a long-term programme or plan of action of the Government for law enforcement issues?**

   The Hungarian police need to be fully integrated into civil society.

23. **Is the budgetary programmation such that there is a prospect of the shortcomings being remedied soon?**

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63 Contribution of a Member State from October 1998.
65 Commission's contribution on police cooperation, 1998.
International police co-operation

24. Are there bilateral agreements on police co-operation in general and on combating organised crime in particular? Are agreements implemented efficiently?

According to the PHARE report, several Member States have signed intergovernmental agreements with Hungary on bilateral co-operation regarding Third Pillar areas (Germany, France, United Kingdom, Austria, etc.). In this framework, numerous programs in the field of police co-operation have been implemented. These programmes were not only related to the supply of computer equipment and other type of equipment but also to the organisation of courses on the most advanced techniques used in the fight against organised crime. The report concludes that, in general terms, these courses have been beneficial for the Hungarian National Police and of other law enforcement bodies.66

Hungary also co-operates in matters of inner security with its direct neighbours, like Romania, the Czech Republic, Slovakia, the Ukraine and Poland.67

24a. Is the country a party to the relevant UN Conventions in the field of law enforcement (e.g. drugs / human rights / prevention of torture etc.)? Are the police trained in these issues, and how do they implement the conventions in their everyday work?

24b. Are the bilateral agreements in force only on organised crime or do they cover also crime in general? How is the co-operation with foreign counterparts functioning in terms of applying the bilateral agreements?

25. Is there direct co-operation in the form of mixed inspection squads and investigation teams?

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67 Contribution of a Member State from mid-1998.
26. Are Interpol requests dealt with swiftly and comprehensively?

One Member State complains that requests for information issued by the criminal investigation department frequently remains unanswered, which obstructs enquiries and evaluations.68

27. Is international co-operation hindered by regulations on confidentiality?

27a. Does the country have specific data protection legislation? If yes, are the police restricted from gaining some information due to the data protection law? What is the impact of the data protection legislation to the information exchange with foreign authorities?

Crime statistics

28. How has crime developed in the past few years?

According to the Hungarian authorities, the total number of criminal offences declined in 1996. However, since 1997 there has been a further increase, which in certain areas of crime has assumed alarming proportions.69

In drug-related crime, Hungary plays an essential role as a transit country for heroin transported to the West along the Balkan supply route. The production of precursor substances for the illegal manufacture of synthetic drugs is also of increasing importance.70 Hungary is a transit country for drug trafficking, on the Northern Balkan route (significant quantities of heroin have been seized in recent years). Domestic demand is increasing.71

68 Contribution of a Member State from October 1998.
69 Contribution of a Member State from October 1998.
70 Contribution of a Member State from October 1998.
Hungary continues to be an important transit country for the trafficking of vehicles organised on an international scale and is regarded as a country in which stolen vehicles are procured.\textsuperscript{72}

Organised crime exists in Hungary in the field of drug trafficking, trafficking in human beings, prostitution, money laundering, forgery of money and documents, trafficking of stolen vehicles and goods, racketeering and gambling. The laundering of proceeds is widespread, fuelled by the presence of organised crime, corruption and low tax morality.\textsuperscript{73}

Local criminals are active, as are crime syndicates from a number of countries to the east.\textsuperscript{74} Russian and Ukrainian organised crime is well represented in Budapest due in part to previous close relations between Soviet and Hungarian intelligence services.\textsuperscript{75}

Based on the information available to Hungarian authorities, 108 active organised crime groups were subjected to investigation in Hungary in 1997.\textsuperscript{76} As far as the total number of members is concerned, 2927 persons were suspected of participation; an average of 27 persons per group.\textsuperscript{77}

In its contribution one Member State comes to the conclusion that the organised crime created within a few years after the political changes a network which was used for money laundering, supported by "technical advisors", former police officers. The multiplication of racketeering and bomb attacks illustrates the growing influence of Russian and Ukrainian mafias.\textsuperscript{78}

Cheap, illegal firearms are readily available and in use by criminal gangs\textsuperscript{79}.

\textsuperscript{72} Contribution of a Member State from October 1998.
\textsuperscript{73} Overview provided by a Member State on organised crime corruption and cross border crime from November 1998 \textsuperscript{74} PHARE-Report, 1997.\textsuperscript{75} Overview provided by a Member State on organised crime, corruption and cross border crime from November 1998 \textsuperscript{76} Answers to the Commission questionnaire, 1999.\textsuperscript{77} Answers to the Commission questionnaire, 1999.\textsuperscript{78} Contribution of a Member State from mid-1998.\textsuperscript{79} Overview provided by a Member State on organised crime corruption and cross border crime from November 1998
Chinese, Russian and Ukrainian, ex-Yugoslavian and Albanian organised criminal groups are well settled in Budapest and try to extend their criminal structures towards Slovakia.⁸⁰

The table in the annex gives an additional overview on Hungarian recorded crime from 1996 to 1998.

28a. How does the country gather statistical data? Is the system the same all over the country? Are the terms or definition of the different offences comparable with those used by all national authorities? Are they comparable also internationally and to what extent?

According to the experience of one Member State the situation reports drawn up by Hungarian sources are classified as "secret", so that precise details are not available.⁸¹

In addition, separate statistics on money laundering can not be obtained.⁸²

Figures regarding organised crime are obviously difficult to acquire, partially because the definition of organised crime seems to be unclear.⁸³

Another Member State is of the opinion that it is difficult to assess the real crime situation from Hungarian crime statistics alone. Generally, this Member State has serious doubts concerning the reliability of these statistics and considers them not suitable for a serious assessment of the situation.⁸⁴ This opinion is shared by another Member State, which also recommends to take caution when quoting Hungarian crime figures of certain crime areas as a fact⁸⁵.

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⁸⁰ Contribution of a Member State from mid-1998.
⁸¹ Contribution of a Member State from October 1998.
⁸² Contribution of a Member State from October 1998.
⁸³ Contribution of a Member State from November 1998
⁸⁴ Contribution of a Member State from mid-1998.
⁸⁵ Contribution of a Member State from mid-1998.
29. In what areas has there been a particularly marked increase in crime?

According to the Hungarian authorities, the total number of criminal offences committed - based on the data of criminal investigations - was **600,621** in 1998 which means a **16.8%** increase of the offences committed in the previous year.\(^86\)

Regarding the increase in the main types of criminal offences, Hungarian official statistics indicate a particularly marked increase in economic crimes (**105.6%**) and in corruption - crimes against the purity of public life - (**32.3%**). As far as the total number is concerned, crimes against property, theft and theft with breaking and entering continued to be prevailing types of offences.\(^87\)

As stated by one Member State, in 1997 the number of crimes involving corruption increased by 66% compared with 1996, vehicle thefts by 33% and organised criminal offences by 22.6%.\(^88\)

Trafficking in human beings is also well established and has increased in recent years.\(^89\)

30. What is the clear-up rate?

<table>
<thead>
<tr>
<th>Clear-up rate - Official Hungarian Statistic</th>
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<tr>
<td></td>
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<tr>
<td>Total No. of criminal investigations</td>
</tr>
<tr>
<td>479 783</td>
</tr>
<tr>
<td>Clear-up rate</td>
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<td>47.00%</td>
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\(^86\) Answers to the Commission questionnaire, 1999.
\(^87\) Answers to the Commission questionnaire, 1999.
\(^88\) Contribution of a Member State from October 1998.
\(^89\) Overview provided by a Member State on organised crime corruption and cross border crime from November 1998
\(^90\) Answers to the Commission questionnaire, 1999.
30a. Is there any other means to measure / evaluate the effectiveness of the police than the clear-up rate?

31. What types of offence are particularly problematic? What is the clear up rate for such crimes?

It can be ascertained that there are firmly established organised crime structures in Hungary. Within these structures, particularly between Hungarian and Russian or Ukrainian organisations, there can be extremely violent power struggles. Both, Member States' contributions and the Hungarian authorities state that the main problematic area of criminality is violent crimes connected to organised crime, like contract murders and bomb attacks.

Hungary has also a key position concerning the drug trafficking on the "Balkan Route" and has become a transit country as well as it is used for stockpiling illegal drugs, especially for Heroin. In addition, Hungary is increasingly affected by drug consumption.

31.a Do you use the crime analyses in order to fight crime and find out the various tendencies in the general criminality? Are there any specialised professional analysts in the police service?

Hungary reports that since 1996 the Criminal Intelligence Analysis Directorate of the Hungarian National Police has prepared annual reports about Hungary's organised crime situation in accordance with the form and structure defined by the Council of Europe.

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91 Contribution of a Member State from October 1998.
92 Answers to the Commission questionnaire, 1999.
93 Contribution of a Member State from October 1998.
94 Contribution of a Member State from mid-1998.
95 Hungary's answers to the Commission's questionnaire for the bilateral screening.
32. What successes (identification of criminals, arrests) are there to report in combating organised crime, money laundering and corruption?
C. **Customs**

General observations:

The Hungarian Customs is now permitted to make controls and seizures all over the country. A new organisation has led to controls that are more efficient and increased seizures of smuggled goods, arms and drugs. A central customs authority specialised in combating fraud has been set up.\(^\text{96}\) However, there is need for further co-operation between the police and the border guard.\(^\text{97}\)

According to the experiences of one Member State, the co-operation between customs and police is even better than in some EU Member States. Deficits are visible in the co-operation between customs authorities and the Hungarian tax administration.\(^\text{98}\)

Corruption regarding Hungarian customs officers has particularly been noted among customs staff of the southern border.\(^\text{99}\)

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\(^{96}\) Contribution of a Member State's customs authority on customs matters from November 1998

\(^{97}\) Comments of a Member State regarding customs co-operation in Poland, Hungary and Romania from November 1998

\(^{98}\) Contribution of a Member State's customs authority on customs matters from November 1998

\(^{99}\) Overview provided by a Member State on organised crime corruption and cross border crime from November 1998
A  Introduction/ General remarks

1  General remarks on the state of information

The sources for this part of the document were also mainly provided by the Commission and the Member States and equally include information that could be obtained during the Bilateral Screening of Poland in March 1999. A list of these sources can be found in the annex.

Again, the structured checklist (document 5322/2/99 EVAL 5 ELARG 5 REV 2) was the basis for the assessment of Poland. Although there are gaps and need for further information, the overall situation is far more satisfying in comparison to the overview of Hungary. From the information available a coherent picture can be drawn and it is possible to come to first conclusions on a - at least partly - successful implementation of the JHA acquis in Poland.

As before, information on customs matters as required by the structured checklist could not be obtained.

2  Gaps

The following rough overview on the gaps is complemented by the exact state of information as laid down in the subsequent part of this document.

Generally, there is no or not sufficient information about:

(In: Legal bases, organisation and powers of the police)
- the police computer systems (questions 10 - 11a)

(In: Staff, training and equipment)
- some questions relating to police training (questions 16 and 17)
- police equipment and shortcomings (questions 20 - 22)
3 General remarks on the situation in Poland

Generally, the sources used give a positive assessment of the situation concerning police matters in Poland as far as the ambition and readiness for legislative and structural changes is concerned.

According to these sources, the comparatively satisfying economic development of Poland allows to implement the legislative and technical instruments, which are necessary to lead an efficient fight against the rising crime. The political, economic and social reforms in Poland have led to a democratic society governed by the rule of law. Problems are publicly discussed and measures are taken to improve the situation. One of the changes is the openness and readiness of the police to engage in international co-operation.

4 Main problems adopting the acquis

Despite these positive developments, Polish police has to fight a number of problems:

Rapid changes take the legislators in Poland repeatedly by surprise: new laws are sometimes introduced as a reaction to an, often criminal, abuse of regulations that did not stand the test of time. Open borders, and very intensive international trade in and through Poland causes an additional challenge for the Polish Police.

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100 Contribution by a Member State from mid-1998.
101 PHARE-report, June 1998
102 PHARE-report, June 1998
103 PHARE-report, June 1998
Despite continuous developments in legislation and recent increased budgetary allocations, the service is still severely under-funded.\(^{104}\) Therefore the capacity of the Polish Police to deal with the high level of organised crime and policing in a civil society and the complex EU accession requirements remain limited.\(^{105}\)

Young officials who often do not have sufficient experience in police matters have replaced the ancient management level.\(^{106}\) Additionally, frequent political changes have led to frequent changes in the police management level, which obstructs continuity.\(^{107}\)

Although first steps have been taken to set up the relevant special units in the fight against organised crime, these units are overstretched and lack the resources and experience.\(^{108}\) Unsatisfactory coordination and information exchange within the competent departments means that information is stored away and not used.\(^{109}\)

In the opinion of representatives from Polish authorities, the organised crime situation is not under control.\(^{110}\) Some Member States are of the opinion that organised criminal groups have a firm grip on society.\(^{111}\)

\(^{104}\) Contribution by the Commission on police cooperation and judicial cooperation issues in Hungary, Poland and Romania, 1998.

\(^{105}\) Contribution by the Commission on police cooperation and judicial cooperation issues in Hungary, Poland and Romania, 1998.

\(^{106}\) Contribution by a Member State from mid-1998.

\(^{107}\) Contribution by a Member State from mid-1998.

\(^{108}\) Answers to the Collective Evaluation Working Party's questionnaire on implementation of the JHA acquis in Poland.

\(^{109}\) Answers to the Collective Evaluation Working Party's questionnaire on implementation of the JHA acquis in Poland.

\(^{110}\) PHARE-report, June 1998

\(^{111}\) Answers to the Collective Evaluation Working Party's questionnaire on implementation of the JHA acquis in Poland.
The police budget of 1998 did not meet the needs of proper police work, consequently equipment is poor and outdated and salaries relatively low. Automation and computerisation is far behind West-European standards. Many officers leave the police due to unattractive working conditions. Corruption is quite spread out in some forces but exists mainly at the low level and usually involves small amounts of money. In addition, attempts by criminal groups to infiltrate the police have been noticed.

112 Answers to the Collective Evaluation Working Party's questionnaire on implementation of the JHA *acquis* in Poland.
Police (including Customs)

B Police

Legal bases, organisation and powers of the police

1. Are all the legal bases required for effective policing in place? What loopholes, if any, are there?

International legal instruments

Poland has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms in January 1993. Poland has also ratified the 1997 Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

Officially, Poland declared 1999 that, at present it analyses the possibility of joining the European Convention on laundering, detecting, seizing and confiscating incomes derived from crime. However, in summer 1998 Polish officials stated that the Convention would be ratified by the end of 1998.

A complete overview of the state of ratification and implementation of the international legal provisions in Poland can be found in the overview that was distributed by Poland during the Bilateral Screening in March 1999.

113 Contribution by Poland on combating organised crime in Poland - current situation, legal institutions in criminal law, from 1998.
114 PHARE-report, June 1998
National criminal law

Polish legal experts and the authors of the relevant chapter in the PHARE report assert that the Polish Law on the Police does not require any changes to conform to the European Union legislation on police issues.\textsuperscript{115}

The Law on the Police from April 1990, with several amendments of 1991 through 1997, and a major amendment of 1995 regulate the police legislation.\textsuperscript{116}

\textit{Latest changes of Polish penal law}

In order to fight organised crime\textsuperscript{117}, a comprehensive package of laws incorporating amendments to the penal code, the code of criminal procedure and the code of penal execution entered into force on 1 September 1998.\textsuperscript{118}

This package contains, i.a., a law on the protection of the economic turnover and change of certain regulations of the penal code penalise such conducts as money laundering and introduce more severe sanctions for most serious offences against customs and currency regulations. The new penal code provides that a criminal may be deprived of profits coming directly or indirectly from the committed offence.

The regulations protecting information covered by the bank secret are equally subject to gradual evolution, e.g. by the law of May 31, 1996 on the change of the law on tax obligations.\textsuperscript{119}

\textsuperscript{115} PHARE-report, June 1998
\textsuperscript{116} PHARE-report, June 1998
\textsuperscript{117} An organised criminal group is defined as "a criminal conjunction organised for profits received from different and continuous crimes such as corruption, blackmail, terrorism and use of violence and weapon, which provides to put illegal profits into the official economic turnover".
\textsuperscript{118} Contribution of a Member State from October 1998.
\textsuperscript{119} Contribution by Poland on combating organised crime in Poland - current situation, legal institutions in criminal law, from 1998.
Besides, it includes a law on the change of the penal code, the penal procedure code and on raising the ceilings of fines in the penal code offered a possibility for more severe verdicts for organised offences.

The penal procedure code was changed in order to introduce regulations for the protection of Chief witnesses like the witness incognito.\textsuperscript{120} The new penal code also introduces new premises for an extraordinary mitigation of punishment towards the offenders who co-operate with the prosecution.\textsuperscript{121}

The Polish legal system envisions legal responsibility for the so-called passive bribery, active bribery and paid support.\textsuperscript{122} A new law on political parties (of June 1997) envisions mechanisms counteracting corruption.\textsuperscript{123}

Furthermore new Controlled Purchase and Deliveries Act was created.\textsuperscript{124}

In 1997, a law passed the parliament, which aimed at fighting the consumption of drugs, focussing on prevention and education. The possession of small amounts of drugs for "personal use" will not be prosecuted. The amount of drugs covered by the term of "personal use" has to be defined individually by the respective court.

\begin{footnotesize}
120 Contribution by Poland on combating organised crime in Poland - current situation, legal institutions in criminal law, from 1998.

121 Contribution by Poland on combating organised crime in Poland - current situation, legal institutions in criminal law, from 1998.

122 Contribution by Poland on combating organised crime in Poland - current situation, legal institutions in criminal law, from 1998.

123 Contribution by Poland on combating organised crime in Poland - current situation, legal institutions in criminal law, from 1998.

124 Memorandum by a Member State from November 1998.
\end{footnotesize}
The draft law on precursors matches the EU standards the possibilities for this "guided" therapy are laid down in the criminal code.\textsuperscript{125}

The regulations of the new penal procedure also envisage the relaxation of the rule of legality and a broader scope of court's ruling in preparatory proceedings (detention pending trial, securing the property, controlling of conversations and correspondence).\textsuperscript{126}

**Specific problems/ loopholes**

Despite the latest developments there is still criticism concerning legal provisions as such as well as their implementation. One of the problems is of the extreme legalism of the Polish law that prescribes equal and very extensive bureaucratic treatment of a case regardless how serious it is.\textsuperscript{127}

In the opinion of the PHARE expert, the relaxation in the envisaged changes of the penal procedure code of September 1998 will not solve this problem. On the contrary, the new Penal Code, which came into force in September 1998, will obviously introduce even more red-tape activities for both, the Police and the Public Prosecution Officers. Another legal issue that affects the police work are extremely long court procedures, which lead to lack of confidence of people in the justice system and consequently in the police.\textsuperscript{128}

The legal access of the police to some data protected by banks and similar organisations seems to be necessary if economic crime, counterfeiting and money laundering are to be combated more efficiently.\textsuperscript{129}

\begin{footnotesize}
\begin{tabular}{l}
\textsuperscript{125} Bilateral Screening of Poland in March 1999 \\
\textsuperscript{126} Contribution by Poland on combating organised crime in Poland - current situation, legal institutions in criminal law, from 1998. \\
\textsuperscript{127} PHARE-report, June 1998 \\
\textsuperscript{128} PHARE-report, June 1998 \\
\textsuperscript{129} PHARE-report, June 1998 \\
\end{tabular}
\end{footnotesize}
Other problems can be found in the field of money laundering:

Article 299 of the Criminal Code obliges courts to confiscate the proceeds or money from laundering offences, yet this article has never been applied and there have been no judgements to that effect. The European Convention on money laundering has been signed, but not ratified by Poland.\textsuperscript{130}

A reporting obligation based on data provided by the banks is insufficient, unless the information is centralised, analysed and evaluated by a central body.\textsuperscript{131}

Article 45 of the Criminal Code enables the courts to order the confiscation of the "material benefits" resulting from the activities of organised criminal gangs. Likewise, this Article has not been applied.\textsuperscript{132}

2. \textbf{How is the police force organised?}

Poland has one National Police under the supervision of the Minister of Internal Affairs and Administration. The organisation is strongly centralised and hierarchical.\textsuperscript{133}

Since January 1997 the Minister of the Interior is, at the same time, also Minister of the Administration. A commander-chief, who is nominated by the Prime Minister on a proposal by the Minister of the Interior, directs the Polish police forces.\textsuperscript{134}

\begin{flushleft}
\textsuperscript{130} Answers to the Collective Evaluation Working Party's questionnaire on implementation of the JHA \textit{acquis} in Poland.
\textsuperscript{131} Answers to the Collective Evaluation Working Party's questionnaire on implementation of the JHA \textit{acquis} in Poland.
\textsuperscript{132} Answers to the Collective Evaluation Working Party's questionnaire on implementation of the JHA \textit{acquis} in Poland.
\textsuperscript{133} PHARE-report, June 1998
\textsuperscript{134} Contribution by a Member State from mid-1998.
\end{flushleft}
The Polish Police are organised in four levels: the national level (the National Headquarters in Warsaw), provincial level (49 voivodship Headquarters), regional level (365 districts), and local level (1958 police stations). There are also 140 special police stations (like water police etc.), and some special units such as arrest squads, riot police etc.\(^{135}\)

In 1998, the experts of the PHARE mission to Poland criticised that they could not find a common long-term vision among the politicians about how the police should be organised. The actual bureaucratic apparatus of the police is obviously not flexible enough and a centralised management style often leads to inefficiency and uneconomical use of scarce resources. Additionally, power is not sufficiently delegated.\(^{136}\)

The new administrative reform of public authorities will also effect the organisation of the police. The structure of the police organisation will be changed in 1999. The planned new organisation of the police will equally be headed by the General Headquarters of the Police, which will supervise the voivodship General Headquarters (17). Regional polices (268 units) and municipal police (60) will be subordinated to the voivodships. At the lowest level one finds 1920 local police stations\(^ {137}\).

Special units on combating organised crime and narcotics will be established.\(^ {138}\) As a result of these changes, the police organisation will be decentralised and the responsibilities will be delegated onto lower levels of management.\(^ {139}\)

The Police intend to delegate power and responsibilities from the Chief Police Commander and the National Headquarters to voivodship commanders, to powiat commanders and further to local commanders of police stations.\(^ {140}\)

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\(^{135}\) PHARE-report, June 1998

\(^{136}\) PHARE-report, June 1998

\(^{137}\) Bilateral Screening of Poland in March 1999

\(^{138}\) Memorandum by a Member State from October 1998

\(^{139}\) PHARE-report, June 1998

\(^{140}\) PHARE-report, June 1998
A co-ordination centre will gather and handle information on crime. The new co-ordination centre will consist of experienced officials from the Police, Prosecutors Office, Tax Authorities, and Ministry of Justice. The co-ordination centre will serve under the Ministry of Interior and Administration.141

With this organisational measure the Polish Ministry of Interior and Administration hopes to improve the division of labour.

Nevertheless, the PHARE report is sceptical about the feasibility of a structural reform. Due to the fact that the internal structure of the Polish Police and their internal communication channels are complex, the experts are of the opinion that the developments on the central levels are difficult to transfer to the lower levels.142

3. Are all police authorities in the country under the same command?

Since January 1997 the Minister of the Interior is, at the same time, also Minister of the Administration. A commander-chief, who is nominated by the Prime Minister on a proposal by the Minister of the Interior, directs the Polish police forces.143

3a. Which administrative and/or judicial control bodies and procedures exist?

The Polish Police are subject to control carried out by 3 bodies: (1) the Minister of Internal Affairs and Administration through his Department of Supervision and Control; (2) the Chief Police Commander through his Inspectorate and through the Internal Control Bureau; and (3) voivodship commanders through their inspectorates, which are a branch of the Inspectorate of the Chief Police Commander.144

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141 Memorandum by a Member State from October 1998
142 PHARE-report, June 1998
143 Contribution by a Member State from mid-1998.
144 PHARE-report, June 1998
The Inspectorate has broad competencies and its task is, broadly speaking, to control the way the Police function at the organisational and individual levels: the efficiency, utilisation of means, and behaviour are controlled; additionally, the Inspectorate controls the way the Police deal with confidential and classified data.\footnote{PHARE-report, June 1998}

4. \textbf{On the basis of what sectoral and regional criteria is the police force divided up? Do civil and military units coexist? Which police units are competent for specific tasks such as illegal aliens, airport security, border surveillance?}

Concerning the sectional and regional criteria, please see the answers to question under 2.

5. \textbf{What powers does the police have?}

- In terms of preventing potential threats?
- In terms of criminal investigation?

Generally, the police have the power to open an investigation on its own initiative (an investigation can of course also be opened on the legal authorities' instruction).\footnote{PHARE-report, June 1998}
Other important powers of the Polish police include the power
- to carry out preventive identity checks,147
- to detain for questioning if there is a suspicion that an offence has been committed or there is a
  threat to life or property;148
- the power to search in an emergency (otherwise only on instruction by the judicial authorities);149
- to carry out checks on individuals: body search or luggage search;150
- to detain for questioning and keep in police custody for a maximum of 48 hours.151

The legal bases for the interception of telecommunications are in place; its use has to be decided upon
by the Minister of the Interior, the Chief of the Police and the General Prosecutor. In 1998, 1446
telecommunication interception measures were carried out.

Recently the police have acquired several important legal tools to fight crime, such as controlled
purchase, controlled delivery, witness incognito, and crown witness.152

147 PHARE-report, June 1998
148 PHARE-report, June 1998
149 PHARE-report, June 1998
150 PHARE-report, June 1998
151 PHARE-report, June 1998
152 PHARE-report, June 1998
6. **What other authorities, if any, are responsible for criminal investigations?**

The Polish army and navy have their own (uniformed) police forces and intelligence services.

The Office of State Protection (URZĄD OCHRONY PANSTWA - UOP; 3,000 officials) is competent regarding terrorism, sabotage, spying and counter-intelligence. It has as well a competence for offences, which might endanger the national economy (money laundering). The State Protection service is involved in investigating organised crime with the Ministry of the Interior as competent authority. It has the competence to investigate and to arrest suspects. A structure of co-ordination with the other law enforcement services is being built up (National Centre of Information Co-ordination, mainly in the field of organised crime). In cases of conflicting competencies, combined task forces are set up. Polish officials are of the opinion that there is no competition between the different authorities. A common database for all investigating authorities is not yet operational. Several projects have been launched.

6a. **If there are other authorities than the police responsible for criminal investigations, do the police co-operate with them? What is the role of the prosecutor? Which authority has the responsibility of leading the pre-trial investigations?**

Some sources complain about the lack of co-operation between law enforcement authorities in general and especially about the relations between the police and the public prosecutor:

In addition, the effectiveness of measures like the use of undercover agents and the protection of witnesses is hampered by the fact that public prosecutor's offices and courts suffer from a substantial excess workload and a severe shortage of staff.

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153 PHARE-report, June 1998
154 Contribution by a Member State from mid-1998.
155 Bilateral Screening of Poland in March 1999
156 Contribution of a Member State from October 1998.
The relations between the police and the public prosecution and the local public administration authorities are frequently superficial and determined by idiosyncratic traits rather than by structural ones.\textsuperscript{157}

There is too little co-operation with other institutions involved in issues of order, safety and criminal proceedings.\textsuperscript{158}

7. Do the intelligence services cooperate in criminal investigations?

Since 1996 State Security Office (UOP) is also competent for the fight against international organised crime groups in Poland (see par.6)

Because the UOP is an intelligence service, it provides little information to European Law enforcement agencies, which virtually rules out co-operation.\textsuperscript{159}

Polish officials confirmed that there were agreements between the head of the State Protection Service and the heads of the other law enforcement services concerning the exchange of information. Although this means that police information (which might have been acquired by Europol) is passed over to a secret service, Poland envisages no difficulties in this respect with regard to the relevant provisions of the Europol Convention, which do not allow an exchange of information between police and secret services.\textsuperscript{160}

\begin{itemize}
  \item \textsuperscript{157} PHARE-report, June 1998
  \item \textsuperscript{158} PHARE-report, June 1998
  \item \textsuperscript{159} Answers to the Collective Evaluation Working Party's questionnaire on implementation of the JHA acquis in Poland.
  \item \textsuperscript{160} Bilateral Screening of Poland in March 1999
\end{itemize}
8. Are there special departments for specific types of crime?

The fight against organised crime is conducted by specialist central departments within the National Headquarters and directly answerable to the Chief of Police. They are:  

- The Organised Crime Bureau, which was reorganised in 1998. It has a staff of 120 officers in the central office and 621 allocated to priority voivodships. A "Special Division S" is responsible for undercover operations.

- The "Special Division S is responsible for the protection of witnesses, who are protected in the framework of a witness protection programme.

- The Drug Trafficking Bureau (Warsaw Narcotics Bureau) set up in 1997. Its total staff is 400, divided between headquarters and local outposts. It is responsible for intelligence gathering and operational work and the co-ordination of other police services’ action. There is however, an overlap in responsibilities in this field of crime because the State Security Office (UOP), which was hitherto competent, does not wish to hand over tasks relating to this matter.

- The Internal Affairs Bureau

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161 PHARE-report, June 1998  
162 PHARE-report, June 1998  
163 Bilateral Screening of Poland in March 1999  
164 PHARE-report, June 1998  
165 Contribution of a Member State from October 1998.  
166 PHARE-report, June 1998
The Polish Government plans to increase the number of officers in these special organised crime units up to 1,500 police officers until the end of the year 2000. The structures to fight organised crime which were established in the Police Main Headquarters and in 24 provincial police stations have been provided with independent data bases and operational services, investigating services and possibilities to undertake anti-terrorist operations.

There are reportedly plans to set up a unit to combat money laundering. Bureau officials are selected from among experienced police officers based on their administrative file and psychological tests. In addition, Poland plans to set up a team of police officers specialising in counteracting corruption.

In the year 2000 Poland plans to set up two teams with experts for offences committed via the Internet and one team, which will be specialised on child pornography.

Despite these efforts, some Member States experienced that these units were overstretched and lacked the resources and experience. Unsatisfactory co-ordination and information exchange within the competent departments led to information being stored away and not being used.

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167 Poland - Information on current trends on organised crime
168 Contribution by Poland on combating organised crime in Poland - current situation, legal institutions in criminal law, from 1998.
169 PHARE-report, June 1998
170 Contribution by Poland on combating organised crime in Poland - current situation, legal institutions in criminal law, from 1998.
171 Bilateral Screening of Poland in March 1999
172 Answers to the Collective Evaluation Working Party's questionnaire on implementation of the JHA acquis in Poland.
173 Answers to the Collective Evaluation Working Party's questionnaire on implementation of the JHA acquis in Poland.
9. **Do the powers of the individual authorities overlap?**

The State Protection Service (UOP) has its own legal base for investigating offences concerning organised crime. The relevant act gives the UOP the competence to investigate international crimes in relation with the production and trafficking of weapons, drugs and nuclear materials. The Ministry of the Interior is the competent authority. The UOP has the competence to investigate and to arrest suspects. These powers clearly overlap with the investigative powers of the police in this area.

9a. **If the powers overlap, is there competition between the different authorities? Which authority makes the decisions in competitive cases?**

In order to co-ordinate the activities of the UOP and the police, a National Centre of Information Co-ordination, mainly in the field of organised crime is being build up. In cases of conflicting competencies, combined task forces are set up. The prosecutor may decide which law enforcement authority investigates.

According to one Member State, the Polish security system is characterised by a multitude of separate departments, which are sometimes in competition with one another. In some cases, there is neither co-ordination of procedures nor exchange of data between security authorities.

Nevertheless, the Polish authorities speak of a good co-operation between law enforcement authorities, e.g. customs and the police.

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174 Bilateral Screening of Poland in March 1999
175 Bilateral Screening of Poland in March 1999
176 Contribution of a Member State from October 1998.
177 Bilateral Screening of Poland in March 1999
10. Is there a central computerised search system?

The existing police databases consist of a central police information system, including information on personal data and data about committed offences. The police, the border guard and other law enforcement services can access the system. A new system with a three-level architecture will be operational in 2000. 178

However, the current automatisation and computerisation are far behind the West-European standards. 179

10a. If there is a computerised search system, is it the police who take care of the updating of the system? Who has the power to feed information to the system?

11. Do all police authorities have access to their search system?

11a. If all police authorities have access to the search system, do they also have access to each data bank in the system or are there restricted data banks accessible only to a limited number of police staff due to their specific tasks? How many terminals are there and are they located in each police station and police post?

178 Bilateral Screening of Poland in March 1999
179 PHARE-report, June 1998
Staff, training and equipment

12. What is the total operational staff complement? In terms of population, what is the policing density?

In total, the police are 119,894 officials strong (1 January 1998), 84.5% of which are police officers and 15.5% of which are administrative personnel. The police density is one police officer for 276 inhabitants, but including personnel from the Border guards, the Protection Service for official buildings and embassies and the UOP 180

17792 civilians are actually serving in the police forces 182

12a. Are there police posts not filled, and if yes, is this due to lack of budgetary resources or lack of suitable applicants?

Annually about 4,000 police officers leave the service and approximately the same number of candidates is admitted at one of the police training centres.

In the first 6 months of 1998 more than 3,000 police officers left the police: most probably due to political discussions about a change of favourable retirement regulations for police officers, and the expected reform of the police that for many police officers would turn their position to worse (about 12,000 police officers are expected to change their position). 183 This possibility of an early retirement has now been changed and the system has been adapted adapted to other systems of retirements 184

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180 PHARE-report, June 1998
181 Contribution by a Member State from mid-1998
182 Bilateral Screening of Poland in March 1999
183 PHARE-report, June 1998
184 Bilateral Screening of Poland in March 1999
In big cities, there are problems with filling the vacancies because the unemployment is the lowest and there are numerous attractive (especially financially) alternative opportunities. Consequently, there are either vacancies (for example in Warsaw there are permanently some hundreds open vacancies) or the selection criteria are lowered to meet the job market conditions.  

13. **Are enough qualified people applying to join the police force?**

As mentioned above, due to the great number of vacancies, the selection criteria of the police force are lowered to meet the job market conditions. One Member State made the observation that the young police officers, who often come from a rural background, are psychologically ill prepared to do their duty in a society they barely understand.

13a. **How many applicants are there annually to join the police forced through professional training? How many of the applicants are accepted to the training course? Does the country employ police officers without professional training, and if yes, how often and how many?**

About 400 candidates are admitted at one of the training centres of the Polish police each year.

14. **Is the police force staffed exclusively by professionals or is there partial or temporary employment of conscripts or auxiliaries?**

From 1990, the law has allowed municipalities to organise city guards, in consultation with the local police authorities. At this moment, the city guards are operational in some 420 cities throughout Poland. They work in close co-operation with the local police, and relieve them in their duties.

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185 PHARE-report, June 1998
186 PHARE-report, June 1998
187 Contribution by a Member State from mid-1998.
188 PHARE report, June 1998
189 PHARE-report, June 1998
Their competencies are very limited and their tasks are narrowed to minor cases related to local laws, car parking etc.\textsuperscript{190}

The coming reform of the public administration will cause many more towns organise their city guard.\textsuperscript{191}

\textbf{14a. Do you use civilians for police work (for instance for patrolling on the streets)? If yes, does the country pay for them out of the police budget or are they working on a voluntary basis? Are they supervised by a professional police officer and what are their powers?}

See par.14

\textbf{15. Does professional staff receive police training and how long does it last?}

The training is divided between four police schools, one of them for the police management level.\textsuperscript{192} Basic training takes 6 months and 10 days after which a constable is supposed to work for 2 years in the prevention service; those with the university degree (about 15\% of all candidates) follow a separate curriculum for 5.5 months. The police education (specialisation) can be continued in one of the police schools; each training is followed by a practice period in the police force.\textsuperscript{193}

Because half of the police officers have a work experience of less than 9 years, training and permanent education are crucial challenges for the Polish Police.

\textsuperscript{190} PHARE-report, June 1998
\textsuperscript{191} PHARE-report, June 1998
\textsuperscript{192} Contribution by a Member State from mid-1998.
\textsuperscript{193} PHARE-report, June 1998
15a. Which are the career perspectives (promotions, salary)? Is there a tendency to change over to the private sector?

In the recent years, many police officers have left the police because the profession has lost much of its attraction, like special privileges and benefits for the police, and relatively high salaries. Moreover, risks police officers run have significantly increased, the authority the police are empowered with has been limited and there are numerous attractive alternatives, particularly for young and well-educated people.\(^{194}\)\(^{195}\)

Most of those police officers who leave the service, do it when they acquire first retirement rights, that is after 15 years of service. They are entitled then to 40% of their nominal pension. Many of those experienced police officers that have taken an early retirement find a job in the private security sector, which offers competitive salaries.\(^{196}\)

16. Does staff undergo regular in-service training?

17. Is there co-operation between the various departments?

\(^{194}\) PHARE-report, June 1998
\(^{195}\) PHARE-report, June 1998
\(^{196}\) PHARE-report, June 1998
18. **Are there reports about corruption within certain police units, and if so, what remedies have been taken?**

It is generally known that the corruption in the Polish Police exists. Although it is difficult to obtain a complete and reliable picture of this phenomenon, it seems that corruption in the police is quite spread out in some forces (like traffic police) but exists mainly at the low level and usually involves small amounts of money. More worrying are endeavours to infiltrate the police by criminal groups.\(^{197}\)

The perpetrators of organised criminal offences more frequently corrupt civil servants or local government officials. This also concerns functionaries of customs services and Border Guards.\(^{198}\)

According to the deputy Polish Minister for the Interior, a total of 400 lower-level police officers were discharged from the service in 1996 for acts of corruption. In view of the unsatisfactory economic and social conditions, the number of criminal acts of corruption is unlikely to decline in the near future.\(^{199}\) The Internal Affairs Bureau at the General Headquarters examines 50 cases of misconduct at the moment.\(^{200}\)

According to official Polish statistics, the cases of known corruption rose from 115 in 1996 to 124 in 1998. In 1996, 28 officers were convicted for corruption; in 1998, it was 72.\(^{201}\)\(^{202}\)

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\(^{197}\) PHARE-report, June 1998

\(^{198}\) Contribution by Poland on combating organised crime in Poland - current situation, legal institutions in criminal law, from 1998.

\(^{199}\) Contribution of a Member State from October 1998.

\(^{200}\) Bilateral Screening of Poland in March 1999

\(^{201}\) Bilateral Screening of Poland in March 1999

\(^{202}\) It remains unclear to what extent these figures are consistent with those mentioned in the paragraph before
The Police management has not denied the fact that there is corruption in the Polish police; on the contrary, these issues are being seriously addressed.\[203\]

Within the Police, a special unit, the Internal Affairs Bureau, was established in May 1998 to deal with the corruption (and other punishable acts). The Bureau is directly supervised by the Chief Police Commander.\[204\] There are admittedly problems with leaks of confidential information.\[205\]

The Polish Police are preparing a code of ethical behaviour.\[206\]

Various laws contain regulations limiting the possibility of additional jobs for judges, prosecutors and police officers.\[207\] \[208\]
18a. What is the salary level of the police compared to the general salary level in the society? What are the economic ties of police officers? Are police officers obliged by law or otherwise to reveal his/her economic ties and contacts? Do the police officers have second jobs? Is there a political influence on the police, and if yes, to what extent?

The remuneration of the police in Poland is low, both in absolute terms and relative to other, comparative professional groups. Salaries are far beyond the satisfaction level: 17,762 police families live at the level of social minimum. In 1997, 3,376 police officers received financial support. Some 14,000 police officers are waiting for a flat.

The mediocrity of salaries, which are below the national average, have led to strikes in 1995 and 1996.

Some of the police officers or frontier guards therefore have a second job in the security domain.

Some efforts have been made by the Ministry of Interior and Administration which last year raised the police officers salaries. However, the average salary for a new recruited police officer is only 730 Zloty (200 USD). The Ministry has also introduced a "motivation scheme" which entails gratuities. A police officer that solves a case quickly may already the next day get a bonus on top of his regular salary. This system has according to the Ministry turned out favourably, the number of solved cases has risen, and the number of sick leaves within the Police has decreased. According to official sources the average monthly salary of a police officer raised from 372 Euro in 1998 to 472 Euro in 1999.

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209 PHARE-report, June 1998
210 PHARE-report, June 1998
211 Contribution by a Member State from mid-1998.
212 Contribution by a Member State from mid-1998.
213 Memorandum by a Member State from October 1998
214 Bilateral Screening of Poland in March 1999
19. Does the police take enough preventive action, especially in the field of drugs?

A national drug control programme has been adopted.\textsuperscript{215} Some 60,000 police officers countrywide work in the prevention area.\textsuperscript{216}

The concept of community policing is in Poland relatively new for both, the community and for the police.\textsuperscript{217} The broad implementation of the community-based proactive police work is still to be done. The main obstacles are:

- limited financial resources;
- the insufficient number of adequately trained police officers;
- insufficient co-operation with other parties involved in the community-based policing, like public prosecution offices, local governments, local business associations etc.\textsuperscript{218}

Polish authorities announced a national prevention programme to be adopted soon, which will cover all aspects of prevention.\textsuperscript{219}

\textsuperscript{215} Memorandum by a Member State from October 1998
\textsuperscript{216} PHARE-report, June 1998
\textsuperscript{217} PHARE-report, June 1998
\textsuperscript{218} PHARE-report, June 1998
\textsuperscript{219} Bilateral Screening of Poland in March 1999
20. Does police equipment, especially in the field of
   – intelligence technology,
   – computerised search,
   – communications,
   – vehicles, aircraft and vessels,
   – forensic science,
   – investigations,
meet the minimum requirements?

The equipment of the Polish police, according to the PHARE report, is poor and outdated.\(^{220}\) Significant efforts are still required to implement strategic improvements including modern technology needed for criminal intelligence.\(^{221}\) There are for example virtually no terminals to consult police files. Consultation has to be done by telephone, which is a major handicap. Poland would not at the moment be able to set up an "operational" Schengen information system within the meaning of the Convention.\(^{222}\)

Officially, 80 - 90 % of the police vehicles have the foreseen standard. Nevertheless, polish authorities admit, that some officers have to work under sometimes difficult conditions\(^{223}\)

The technical equipment for the interception of telecommunications is located at the General headquarters together with the specialised personnel for surveillance and interception. The tapping of mobile phones is possible. The technical standards correspond with the EU-standard. Telephone providers are legally obliged to provide information.\(^{224}\)

\(^{220}\) PHARE-report, June 1998
\(^{221}\) Contribution by the Commission on police cooperation and judicial cooperation issues in Hungary, Poland and Romania, 1998.
\(^{222}\) PHARE-report, June 1998
\(^{223}\) Bilateral Screening of Poland in March 1999
\(^{224}\) Bilateral Screening of Poland in March 1999
21. Is there adequate material backup (fuel, funds to pay for communications)?

Current police budget does not meet the needs.\textsuperscript{225}

Despite continuous developments in legislation and recent increased budgetary allocations, the service is still severely under-funded.\textsuperscript{226}

The Polish police are confronted with a financial crisis. The budgets are shortened without taking account the current inflation. These financial difficulties have also consequences for the acquirement of police material.\textsuperscript{227}

22. In what areas are there shortcomings?

The PHARE report underlined that automatisation and computerisation of the Polish police are far behind the West-European standards. There is a drastic lack of the high-tech Information Technology equipment for data exchange, and radio and telephone communication. Investments make only 0.8% of the police budget.\textsuperscript{228}

\textsuperscript{225} PHARE-report, June 1998
\textsuperscript{226} Contribution by the Commission on police cooperation and judicial cooperation issues in Hungary, Poland and Romania, 1998.
\textsuperscript{227} Contribution by a Member State from mid-1998.
\textsuperscript{228} PHARE-report, June 1998
22a. What is the opinion of the public towards the police? Is there a common trust to the police? Is there a long-term programme or plan of action of the Government for law enforcement issues?

Public opinion surveys show that the image of the police in the society still partly stems from the past. Consequently, Polish citizens are less willing to report crimes than one would normally expect.\textsuperscript{229} Public relation campaigns and co-operation with mass media could help change this picture. However, these are relatively new topics for the police and must still be learnt.\textsuperscript{230}

As far as a long-term programme for the police is concerned, Polish politicians, in the view of the PHARE evaluators, seem to have no common long-term vision about how the police should be organised.\textsuperscript{231}

23. Is the budgetary programmation such that there is a prospect of the shortcomings being remedied soon?

In 1998, the overall national police budget was 876 Mio. Euro. In 1999, it will raise to 1.018 billion Euro, which is the equivalent of 2.66\% or 3.05\% of the overall national budget.\textsuperscript{232}

\textsuperscript{229} Answers to the Collective Evaluation Working Party's questionnaire on implementation of the JHA \textit{acquis} in Poland.
\textsuperscript{230} PHARE-report, June 1998
\textsuperscript{231} PHARE-report, June 1998
\textsuperscript{232} Bilateral Screening of Poland in March 1999
24. Are there bilateral agreements on police co-operation in general and on combating organised crime in particular? Are agreements implemented efficiently?

Poland participates in the various forms of co-operation among the Baltic Sea States. It is an active member of the Task Force against Organised Crime in Baltic Sea Region as well as in the Operative Committee of the Task Force.

The international co-operation of the Polish Police has developed dynamically in recent years. The Polish Police maintains intensive bilateral contacts with the police of Austria, Canada, France, Germany, Israel, the Netherlands, UK and the USA and is linked through bilateral co-operation agreements on fighting crime and on legal assistance in penal cases with twenty-two states, including all its neighbours. Poland has currently police liaison officers in Ukraine, Kiev and Moscow.

Poland has signed and implemented numerous international conventions and agreements in the field of co-operation.

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233 Contribution by a Member State from mid-1998.
234 Memorandum by a Member State from October 1998
235 PHARE-report, June 1998
236 PHARE-report, June 1998
237 Contribution by Poland on combating organised crime in Poland - current situation, legal institutions in criminal law, from 1998.
238 Memorandum by a Member State from October 1998
239 Contribution by Poland on combating organised crime in Poland - current situation, legal institutions in criminal law, September 1998.
24a. Is the country a party to the relevant UN Conventions in the field of law enforcement (e.g. drugs / human rights / prevention of torture etc.)? Are the police trained in these issues, and how do they implement the conventions in their everyday work?

The European Committee for the Prevention of Torture (CPT) stated in its 1998 report, that the CPT's delegation received no allegations of ill-treatment by staff working in the police establishments for children or for the detention of foreigners. They found also noteworthy, that numerous persons with considerable experience of the police stated that there had been a significant change for better in recent years as regards the manner in which police officers treated persons in custody.

Nevertheless, a not insignificant number of persons interviewed by the delegation alleged that they had been ill treated at the time of their apprehension and after their arrival at a police station.240

24b. Are the bilateral agreements in force only on organised crime or do they cover also crime in general? How is the co-operation with foreign counterparts functioning in terms of applying the bilateral agreements?

25. Is there direct co-operation in the form of mixed inspection squads and investigation teams?

In 1996, The Ministries of the Interior of Poland and Ukraine signed a co-operation agreement, which foresees to set up mixed operational squads for the fight against organised crime.241

26. Are Interpol requests dealt with swiftly and comprehensively?

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240 Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture (CPT) of the Council of Europe, September 1998

241 Contribution by a Member State from mid-1998.
27. Is international co-operation hindered by regulations on confidentiality?

27a. Does the country have specific data protection legislation? If yes, are the police restricted from gaining some information due to the data protection law? What is the impact of the data protection legislation to the information exchange with foreign authorities?

The Polish police authorities are very restrictive in forwarding intelligence they have acquired. This is partly due to the secrecy regulations enshrined in law, which prohibit the transmission of police information obtained during operations.242

Crime statistics

28. How has crime developed in the past few years?

According to figures supplied by police headquarters serious crime rose 14.6% from 1991 to 1997. Over the same period, the overall criminality per 100 000 inhabitants rose by 18.6%.243

From 1994 the number of offences known to the police increased by 16% to 1073042 in 1998. This is a volume of 2776 crimes per 100.000 inhabitants.

Organised crime has increased dramatically in the last few years. This extends over a wide range; e.g. drug and arms traffic, trafficking in women, stolen vehicles and money laundering. Organised crime has especially grown in the field of economic crime, drug production and trafficking, counterfeiting, illegal trade of arms, trafficking in women, car theft, money laundering and extortion.244

242 Contribution of a Member State from October 1998.
243 PHARE-report, June 1998
244 PHARE-report, June 1998
I.e., Poland has become a country used by drug couriers working for international criminal organisations trading in cocaine, heroin, hashish and marihuana.\textsuperscript{245} Stolen cars are brought to Poland, which, at the same time, is a transit country and a country where thefts "for export" are committed.\textsuperscript{246}

The Polish security authorities estimate that over 450 organised criminal groups are active in Poland. About 180 of them groups are internationally organised, with participation of foreigners from above 30 countries.\textsuperscript{247} For such groups, especially from Russia, Poland is the starting point for their activities aiming towards the West. The increase in bomb attacks in the case of internal power struggles ("criminal terrorism") is particularly alarming.\textsuperscript{248} A "gang war" took place in Warsaw from 1994 to 1995. During the summer 1995 113 bombings and about half a dozen assassinations of gang members were counted.\textsuperscript{249}

Organised crime is a major problem in Poland, and the fight against it is a priority in Poland's Accession Partnership.\textsuperscript{250} In the opinion of representatives from Polish authorities, the organised crime situation is not under control.\textsuperscript{251} Some Member States are of the opinion that organised criminal groups have a firm grip on society and that there are examples of this in practice.\textsuperscript{252}

\begin{itemize}
\item \textsuperscript{245} Contribution by Poland on combating organised crime in Poland - current situation, legal institutions in criminal law, from 1998.
\item \textsuperscript{246} Contribution by Poland on combating organised crime in Poland - current situation, legal institutions in criminal law, from 1998.
\item \textsuperscript{247} Poland - Information on current trends on organised crime
\item \textsuperscript{248} Contribution of a Member State from October 1998.
\item \textsuperscript{249} Contribution by a Member State from mid-1998.
\item \textsuperscript{250} Memorandum by a Member State from October 1998
\item \textsuperscript{251} PHARE-report, June 1998
\item \textsuperscript{252} Answers to the Collective Evaluation Working Party's questionnaire on implementation of the JHA \textit{acquis} in Poland.
\end{itemize}
Money laundering

The PHARE report observed in 1999 that, as far as the fight against money laundering is concerned, that no Polish authority took the initiative to raise the issue or seemed to have an overall view. A strategy to tackle it did not seem to have got off the ground and a mechanism to crack down on it by conducting operations or ensuring co-operation between the departments concerned had not been created so far.253

Some Member States think that the liquidity of Polish banks is being solidly underpinned by the laundering of "dirty money", involving billions and billions of dollars.254

In 1998 the PHARE report concluded that regarding the fight against money laundering, the situation in Poland is not in conformity with European Union rules.255

28a. How does the country gather statistical data? Is the system the same all over the country? Are the terms or definition of the different offences comparable with those used by all national authorities? Are they comparable also internationally and to what extent?

It is difficult to define the degree of threats in relation to organised crime, because there are not enough precise methods and tools for research. Also, there are not enough data for analysis from the police and prosecutor's investigations.256 257

253 PHARE-report, June 1998
254 Answers to the Collective Evaluation Working Party's questionnaire on implementation of the JHA acquis in Poland.
255 PHARE-report, June 1998
256 Poland - Information on current trends on organised crime
257 Contribution by a Member State from mid-1998.
29. In what areas has there been a particularly marked increase in crime?

In Poland, a general increase of criminality has been recorded in the recent years. Criminals work more professionally, are better organised and equipped, use more often weapons and advances technologies, are still younger and more cruel, cross the borders and establish internationally operating groups, are rich enough to invest and set long-term operations, commit new sorts of crimes against which new legislation is needed.\textsuperscript{258}

Cases of drug-related crime rose from 4000 in 1994 to 16432 in 1998, although the picture is distorted due to the fact, that more crimes have been detected.\textsuperscript{259}

\textsuperscript{258} PHARE-report, June 1998
\textsuperscript{259} Bilateral Screening of Poland in March 1999
30. What is the clear-up rate?

The overall clear-up rate is at about 50%.  

30a. Is there any other means to measure / evaluate the effectiveness of the police than the clear-up rate?

31. What types of offence are particularly problematic? What is the clear up rate for such crimes?

Poland has become an important transit point for drugs from all over the world and a focus of drug related crime in Europe. In addition, Poland is an important producer country for synthetic drugs. The Polish authorities estimate that around 10-20% of amphetamine impounded in Europe probably originates from Poland. There are also clear signs that the use of amphetamine and other drugs in Poland is increasing.

Many of the vehicles stolen in Western Europe – especially Germany – are transferred illegally to Poland. Within Poland the number of vehicle thefts is constantly rising, too. In 1997 a new peak was reached with the number of stolen vehicles far exceeding 50 000.

Furthermore, recent years have brought about an astonishing increase in the cases of trafficking in human beings in Poland and mainly trafficking in women for sexual purposes, organised by criminal groups.

260 Bilateral Screening of Poland in March 1999
261 Contribution of a Member State from October 1998.
262 Memorandum by a Member State from November 1998.
263 Contribution of a Member State from October 1998.
264 Contribution by Poland on combating organised crime in Poland - current situation, legal institutions in criminal law, from 1998.
31.a  Do you use the crime analyses in order to fight crime and find out the various tendencies in the general criminality? Are there any specialised professional analysts in the police service?

The Police Central Narcotics Bureau, which was set up in 1997, is responsible for the intelligence gathering regarding drug crimes.265

32. What successes (identification of criminals, arrests) are there to report in combating organised crime, money laundering and corruption?

265 Bilateral Screening of Poland in March 1998
C. Customs

General observations:

Polish Board of Customs is situated in Warsaw. There are 18 customs regions, which can lead to different ways of reading and application of rules and guidelines. Exchange of information and cooperation between the Board of Customs and the regions would increase with a more developed information technology.\(^{266}\)

Poland has in several ways adapted the Customs code and the legislation of the European Union. Classification is based on the Harmonised System with one national numeric sign. The problems seem to be e.g. low valuation of goods, double invoices etc. Audit division has been established this year. Risk analyses are used in customs clearance. The common transit procedure is used.\(^{267}\)

Polish customs have no formal memoranda of understanding with the industry, but there are informal agreements with various transport companies.\(^{268}\)

A manual on risk analysis has been elaborated; other manuals are in preparation.\(^{269}\)

\(^{266}\) Memorandum by a Member State from November 1998.
\(^{267}\) Memorandum by a Member State from November 1998.
\(^{268}\) Bilateral Screening of Poland in March 1999
\(^{269}\) Bilateral Screening of Poland in March 1999
# HUNGARIAN RECORDED CRIME

## (9 month comparison)

<table>
<thead>
<tr>
<th></th>
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<td>106703</td>
<td>115057</td>
<td>132064</td>
<td>148242</td>
<td>599331</td>
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<td>59961</td>
<td>64231</td>
<td>72626</td>
<td>70989</td>
<td>326366</td>
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<td>Fraud</td>
<td>19885</td>
<td>31347</td>
<td>34517</td>
<td>27521</td>
<td>106267</td>
<td>219337</td>
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<tr>
<td>Crim. Damage</td>
<td>8317</td>
<td>9583</td>
<td>10199</td>
<td>12314</td>
<td>13363</td>
<td>53776</td>
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<td>Assault</td>
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<td>7853</td>
<td>7241</td>
<td>7627</td>
<td>8148</td>
<td>38840</td>
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<td>3731</td>
<td>4558</td>
<td>4189</td>
<td>3239</td>
<td>19668</td>
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<td>Receiving</td>
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<td>3063</td>
<td>3085</td>
<td>3483</td>
<td>3321</td>
<td>16022</td>
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<td>Robbery</td>
<td>1908</td>
<td>1951</td>
<td>1875</td>
<td>2259</td>
<td>2224</td>
<td>10217</td>
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<tr>
<td>Crim. Trespass</td>
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<td>1331</td>
<td>1138</td>
<td>1341</td>
<td>1286</td>
<td>6541</td>
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<tr>
<td>Illegal use of</td>
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<td>Firearms</td>
<td>963</td>
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<td>885</td>
<td>1028</td>
<td>931</td>
<td>4706</td>
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<td>Totals</td>
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<td>226422</td>
<td>242786</td>
<td>264452</td>
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<td>Totals</td>
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<td>(All recorded crime)</td>
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<tr>
<td>Percentages</td>
<td>50.4</td>
<td>54.4</td>
<td>53.5</td>
<td>49</td>
<td>45.9</td>
<td>54.3</td>
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<td>Inc/decrease</td>
<td>4</td>
<td>-0.9</td>
<td>-4.5</td>
<td>-3.1</td>
<td>8.4</td>
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</tr>
</tbody>
</table>

NB of Hungary:

Fraud figures for 1998 include a spate of offences whereby small groups of individuals have been posing as parking attendants and "fining" motorist for "illegal parking". Each motorist that complained received a separate crime file reference whereas usually 40/50 vehicles would be targeted in the same road, which with hindsight they feel should have been classed as a single continuing offence. Consequently, the figures for this classification are distorted.\(^{270}\)

\(^{270}\) Contribution of a Member State from November 1998.
## Criminality in Poland in 1991 and 1997

<table>
<thead>
<tr>
<th></th>
<th>1991</th>
<th>1997</th>
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<tr>
<td>Crimes committed, TOTAL</td>
<td>866 095</td>
<td>992 373</td>
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<tr>
<td><strong>Most radical increase:</strong></td>
<td></td>
<td></td>
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<tr>
<td>Murder</td>
<td>971</td>
<td>1 093</td>
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<tr>
<td>Serious assault</td>
<td>12 956</td>
<td>20 506</td>
</tr>
<tr>
<td>Other assault</td>
<td>5 553</td>
<td>13 005</td>
</tr>
<tr>
<td>Theft of property</td>
<td>139 507</td>
<td>184 368</td>
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<tr>
<td>Violent theft</td>
<td>17 094</td>
<td>30 063</td>
</tr>
<tr>
<td>Volume of crime per 100 000 inhabitants</td>
<td>2 265</td>
<td>2 568</td>
</tr>
<tr>
<td>Suspects, TOTAL</td>
<td>305 031</td>
<td>410 844</td>
</tr>
<tr>
<td>Foreigners as suspects</td>
<td>2 402</td>
<td>8 306</td>
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<tr>
<td>Volume of solved cases (%)</td>
<td>48.3</td>
<td>53.5</td>
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(Source: PHARE-report Poland, 1998)
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<tr>
<td>Murder</td>
<td>1.212</td>
<td>1.176</td>
<td>1.178</td>
<td>1.136</td>
<td>1.110</td>
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<td>Sex offences (including rape)</td>
<td>4.047</td>
<td>3.965</td>
<td>4.375</td>
<td>5.163</td>
<td>4.728</td>
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<td>2.1 Rape</td>
<td>2.039</td>
<td>2.267</td>
<td>1.985</td>
<td>2.260</td>
<td>2.174</td>
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<td>Serious assault</td>
<td>27.677</td>
<td>29.501</td>
<td>30.946</td>
<td>33.511</td>
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<td>610.048</td>
<td>535.639</td>
<td>585.209</td>
<td>641.450</td>
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<td>4.1 Aggravated theft</td>
<td>347.206</td>
<td>354.894</td>
<td>355.057</td>
<td>381.772</td>
<td>419.925</td>
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<td>4.1.1 Robbery and violent theft</td>
<td>23.574</td>
<td>26.858</td>
<td>26.257</td>
<td>30.063</td>
<td>34.225</td>
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<td>4.1.2 Breaking and entering</td>
<td>304.293</td>
<td>304.899</td>
<td>305.703</td>
<td>324.017</td>
<td>355.176</td>
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<td>4.2 Theft of motor cars</td>
<td>42.021</td>
<td>50.684</td>
<td>47.557</td>
<td>53.319</td>
<td>61.151</td>
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<td>4.3 Other thefts</td>
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<td>204.369</td>
<td>133.025</td>
<td>203.437</td>
<td>221.525</td>
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<td>Fraud</td>
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<td>55.894</td>
<td>66.530</td>
<td>76.385</td>
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<td>Drug offences</td>
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<td>4.284</td>
<td>6.780</td>
<td>7.915</td>
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<td>Total number of offences</td>
<td>906.157</td>
<td>974.941</td>
<td>897.751</td>
<td>992.373</td>
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</table>

Poland's answer to the Questionnaire for Screening the EU and Schengen acquis, 1999
The analysis on **Hungary** is based upon the following sources of information:

- the “PHARE-Report” from 1997, including an update from 1998. This report gives an overview on the crime situation in Hungary, but focuses mainly on police co-operation. It adequately sums up the Hungarian activities in the field of police training and co-operation. Its conclusions converge with the problems mentioned in other contributions
- the document "Avis de la Commission sur la demande d'adhésion de la Hongrie à l'Union Européenne" from 1997, which was mainly based on the observation laid down in the PHARE-report
- the Commission's contribution on police co-operation and judicial co-operation issues in Hungary, Poland and Romania, which briefly sums up the main gaps in relation to the Hungarian police
- the report by the CPT report on the visit in Hungary which, among others, looks at torture and other forms of ill treatment by police officers
- a report of a Member State on the major risks in connection with the accession process which provides a detailed overview on the crime situation and identifies possibilities for law enforcement action in Hungary
- a Member States' contribution from November 1998 with some information on policing in Hungary
- a report of a Member State with detailed information about the various areas of crime, including statistical figures, and conclusions for further action by Member States and the Hungarian police drawn from it from mid 1998
- a note of a Member State on a briefing of the Hungarian Minister of the Interior to EU ambassadors in Budapest on Hungary’s efforts to adopt the JHA acquis with some interesting remarks about the latest developments and initiatives in the field of inner security
- the answers to the questionnaire for collective consultation of EU Member States' embassies which addressed the various questions regarding police matters in a very brief manner
- Answers of Hungary to the questionnaire of the Commission relating to the Bilateral Screening in March 1999 in Brussels. Hungary gave only few written answers to the detailed questionnaire, most of them concerning statistical figures on organised crime
- Hungary's list of the state of implementation of the JHA - acquis for the Bilateral Screening from 1999, which provides a complete overview on the state of ratification and implementation of various instruments of the JHA - acquis

The analysis on **Poland** is based upon the following sources of information:

- the PHARE report, which provided an exhaustive and excellent presentation on the police sector
- a contribution by the Commission on police co-operation and judicial co-operation issues in Hungary, Poland and Romania, 1998
- Furthermore, the analysis was based on a report of a Member State on the major risks in connection with the accession process which provides a detailed overview on the crime situation and identifies possibilities for law enforcement action in Poland
- the contribution of a Member State from October 1998
- memoranda by a Member State from October and November 1998
- the report by the CPT report on the visit in Poland which, among others, looks at torture and other forms of ill treatment by police officers
- answers to the collective Evaluation Working Party's questionnaire on implementation of the JHA acquis in Poland, 1999
- Poland's answers to the questionnaire for the screening of the EU and Schengen acquis, 1999
- a contribution by Poland containing information on current trends on organised crime, distributed during the meeting of the PAPEG in November 1998
- a contribution by Poland on combating organised crime in Poland, 1998
- an overview distributed by Poland during the screening regarding the ratification and implementation