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Anti-Bribery Regulations – Poland (May 2013)

<p>1. What types of bribery & corruption offences exist under domestic law?</p>	<p>In Polish Penal Code we distinguish between few types of corruption offences:</p> <ul style="list-style-type: none">- active bribery (penalizing those who receive; article 229) and passive bribery (penalizing those who propose; article 228).- influence peddling (article 230), penalizing practice of using one's influence (or making an impression of such influence) in government or connections with persons in authority to obtain favors or preferential treatment for another. As well as in case of bribery, there is also an active type of this crime. It's described in article 230a.- abuse of public authority (article 231)- breach of confidence in the economic turnover (article 296a, penalizing those who acting as managers, conducting business or having, by virtue of his position, a significant impact on decision making related to the activities of the entity, for the financial or personal benefit, behave likely to cause material injury to the body or an act of unfair competition or inadmissible preferential action on behalf of a customer or recipient of goods, services or benefits)
<p>2. Do such offences concern only payments or gifts to officials or also to other persons (please describe)?</p>	<p>Offences concern officials (article 228, 229 and 231 of Polish Penal Code) as well as other persons (article 230, 296a).</p>
<p>3. Who (including what entities) can be held liable for such offences?</p>	<p>The Polish Penal Code provides for liability of natural persons only. However, liability of legal entities is provided for in the Combating Unfair Competition Act.</p>
<p>4. Is prosecution possible for any offences committed outside the jurisdiction?</p>	<p>Generally, under the rules of the Polish Penal Code, a Polish citizen may be prosecuted for any offence committed outside the jurisdiction, under the condition that his activity is considered as an offence in the country in which it was committed. However, it is irrelevant when an offence is committed in one of the circumstances provided for in article 112.</p>
<p>5. Are there any special rules concerning gifts and corporate hospitality?</p>	<p>No.</p>



6. What procedures or policies should be implemented by individuals and/or corporations? How can such persons mitigate their potential exposure?	There might be anti-bribery programmes introduced into public institutions as well as corporations.
6. What kind of penalties are provided for bribery and/or similar offences?	Depending on the seriousness of the offense bribery may be punishable by a fine, restriction of liberty, and imprisonment for up to 12 years. The court may also apply a penal measure in the form of deprivation of civil rights, a ban on occupying a particular position, a particular profession or pursuit of the business, publishing the judgment to the public and to donate money to a specific charity.
7. Are there any other relevant requirements/provisions?	There are some specific rules, especially concerning officials.

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