

CENTRAL ANTI-CORRUPTION BUREAU

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There is a CBA's request for expiration of mandate of the President of the city of Radom

The Central Anticorruption Bureau addressed today a request to the City Council of Radom for the expiration of mandate of the President of the city of Radom Radosław Witkowski. This is a result of disclosure by the CBA of a failure to comply by the president with the anticorruption act.

update

The CBA completed a control of compliance in the years 2014 - 2016 with prohibitions included in article 4 of the Act of 21 August 1997 on the restrictions of the conduct of economic activity by persons performing public functions, the so-called anti-corruption law by Radosław Witkowski - President of Radom, as well as a control of the accuracy and veracity of financial declarations submitted by him, in the scope of these prohibitions.

The CBA officers revealed, that President Witkowski despite the prohibition was a member of the supervisory board of the company Świętokrzyski Rynek Hurtowy sp. z o.o. According to the article 4 of the anticorruption law, persons subject to anti-corruption restrictions during the performance of their functions (among others the president of the city, the mayor, the village mayor) cannot be a member of authorities of commercial companies. An exception to this rule is established in the art. 6 paragraph. 1 of the anticorruption law.

During the period when Radosław Witkowski was a member of a supervisory board (January-April 2015), the State Treasury held in the Agri-Food Wholesale Market SA (PL: Rolno-Spożywczy Rynek Hurtowy S.A.) (a company appointing the President to the supervisory authority) 26.37% of the share capital, and therefore the Agri-Food Wholesale Market SA could not appoint the President of Radom to the supervisory

board without causing a breach of anticorruption law by Radosław Witkowski.

In order to verify the possibility of using by the R. Witkowski of mentioned exemptions, the status of the Agri-Food Wholesale Market SA was analyzed, as the sole shareholder of the company, to which body the President of Radom was appointed. According to art. 156 of the Act of 15 September 2000 on the Commercial Companies Code (i.e. OJ 2016. Item. 1578, as amended.) "in the one-man company the sole shareholder exercises all the powers vested in the general meeting of shareholders, and in art. 215 § 1 "The supervisory board consists of at least three members appointed and dismissed by resolution of shareholders". The appointing company (the owner of company) did not meet, at the time of appointment of Witkowski to the authority, the conditions described in the art. 6 of the anticorruption law, and therefore, the President could not use the exemption from the prohibitions of article 4 of the Act.

Public Information Division of the CBA