

CENTRAL ANTI-CORRUPTION BUREAU

<https://www.cba.gov.pl/en/news/195,The-CBA-has-begun-a-control-of-asset-declarations-of-judge-Waldemar-Zurek.html>
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The CBA has begun a control of asset declarations of judge Waldemar Żurek

The judge was effectively informed of the initiation of control of his asset declarations. As in every case of control of the asset declarations of a person performing public function, a corresponding document was delivered personally. The CBA agents act in accordance with the Act on the Central Anticorruption Bureau, on its basis of and within the law.

We would like to inform, that the initiation of control activities by the CBA officers in the scope of correctness and truthfulness of asset declarations submitted in years 2012-2017 by Waldemar Żurek - District Court Judge - took place in accordance with the provisions of chapter 4 of the Act of 9 June 2006 on the Central Anticorruption Bureau (Law of Journals of 2016, item 1310, as amended).

The procedure for initiating control is specified in art. 33 para. 2 of the Act:

„Control shall be exercised by the CBA officers on the basis of an official identity card and a personal authorisation issued by the Head of the CBA or a person authorised to act in his name.”

Additionally, the course of control activities was further specified in the Regulation of the Council of Ministers of 29 August 2006 on detailed conditions and procedures for preparation, conduct and documentation of control activities by officers of the Central Anticorruption Bureau, where in para.7 it is indicated:

"Prior to conducting the control activities, the CBA officer conducting the control (...) shall present the person being controlled official identity card and the personal authorization to carry out the control."

A personal meeting with a person performing public function to whom a control proceeding is initiated is a standard measure used in the CBA, as such obligations have been imposed by the legislator in the abovementioned art. 33 of the Act and para. 7 of the abovementioned Regulation. The provisions of the aforementioned Act do not provide for the initiation of control proceedings by correspondence.

At the same time, we inform, that prior to the 19th of April this year, that is, before the initiation of control, at the headquarters of the National Council of the Judiciary, the CBA officers had arranged a meeting with Judge W. Żurek on 13th April 2017 - which was the date the judge himself appointed. However he cancelled the meeting. Subsequent repeated attempts of contact made by the CBA officers in order to arrange a meeting with the Judge W. Żurek were unsuccessful.

The provisions of the Act on the CBA do not impose an obligation to inform outsiders / third parties about the particular steps undertaken in the course of control activities, therefore the Bureau is not in a position to inform about the course of proceeding.

It is standard in the CBA's activities, while undertaking activities connected with the initiation of control, to arrange a personal meeting, at a place and at a time, that is suitable for a person performing a public function. In the absence of cooperation from the judge, the officers took action to enable them the fulfillment of their statutory obligations.

Activities in the course of control at premises remaining in the management board of the Sejm Chancellery and the Senate Chancellery are governed by art. 36 para. 3 of the Act on the CBA:

“Control or individual activities thereof conducted on the premises under the management of the Chancellery of the Sejm and the Chancellery of the Senate may be carried out in consultation with, accordingly, the Speaker of the Sejm of the Republic of Poland or the Speaker of the Senate of the Republic of Poland. The arrangements shall be made by the Prime Minister and, in the absence of such arrangement, the activity shall not be conducted.” These are the only premises on the territory of the Republic of Poland, for which the legislator clarified the way of conduct of the control procedure.



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