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Corruption in the Balkans as an Obstacle to the Three-Seas-Initiative Overview of Anti-Corruption Institutions in Bulgaria, Croatia, Poland, Romania and Slovenia

Abstract. The aim of this article is to show the high level of corruption offences and the ineffectiveness of the existing legal and institutional solutions in the Balkan states, which are part of the Three-Seas initiative. The effectiveness of the regulations in force in these countries deviates from the standards set by the European Union. This has implications for the success of the Three-Seas-Initiative. The current state of affairs is the result of clashing ideas about the membership of Balkan countries in a particular sphere of influence. The services of the Russian Federation (GRU or SWR) play a significant role in maintaining the current status quo. Observation of corruption offences in the Balkans shows that the bodies set up to investigate corruption offences do not have effective powers to prevent, detect and prosecute such offences. An evaluation of the regulations in force in this area shows that they are ineffective. A solution which would ensure that the Balkans meet European standards on preventing and combating corruption could be the implementation of the institutional model of the Central Anti-Corruption Bureau in force in the Republic of Poland by reforming the Balkan anti-corruption services.

Keywords: corruption, institutional law, the Balkans, the Polish Central Anti-Corruption Bureau, The Three-Seas-Initiative.

Introduction

Corruption has many faces and is commonly referred to as bribery, which involves giving a person who is a public official a material or personal benefit or

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a promise thereof, or as a bribe, which involves accepting a material or personal benefit or a promise thereof by a person who is a public official. In practice, however, it is a complex procedure which develops horizontally and vertically. It could be a doctor who is expecting remuneration in return for accepting a patient into a public hospital, or a tax officer who will consider the case positively in return for a gift. The president of a public company, apart from procedural aspects, employs his friends for work. A company participating in a public procurement contract that unofficially tries to obtain confidential information about bids made by competitors in order to offer itself better conditions. Corruption also occurs in both the private and public sectors, often linked to drug trafficking, arms trafficking, prostitution and the making of illegal money, but it is not limited to it. Corruption is the promise, offering, giving, soliciting, demanding, accepting by any person, directly or indirectly, any undue advantage, personal or otherwise, for oneself or for any other person, or accepting an offer or promise of such advantage in return for acting or failing to act in the exercise of a public function or in the course of business (Ustawa o Centralnym Biurze Antykorupcyjnym, 2006). Bribery is the most popular form of corrupt activity. According to the Criminal Code (1997), it is the promise or granting of a financial or personal benefit to a person who performs a public function in connection with the performance of that function.

It is well known that the intelligence services, especially the Russian ones, use the technique of bribery to then blackmail the person who received the benefit. Local government officials often become staff of central state administration bodies in the future. It is for this very reason that an official's corrupt past can be used as embarrassing material and, on this basis, unfavourable solutions can be found at state administration level (Baraniuk, 2016).

Historically, the Balkans has been an area of Europe where the Russian Federation had allies, and therefore Russia's aim was to make the countries that emerged after the break-up of Yugoslavia as difficult as possible to integrate into the European Union and, at the same time, into the Three-Seas-Initiative, which was set up in order to strengthen this part of the Union and to compensate for the differences in infrastructure development and the quality of life of the Balkan people with the western part of the European Union (Kuczyński, 2019). Russia regards the integration of the Balkans into the European Union, NATO or the Three-Seas-Initiative as a threat, and it is therefore in the interest of the Russian Federation to block the Balkan region from European integration. Russia will therefore seek to undermine the post-Dayton peace arrangements in the institutional model of Bosnia and Herzegovina or the independence of Kosovo. It is also paralysing the economic situation in Montenegro and Macedonia, and taking advantage of Serbia (Kuczyński, 2019). For destabilisation measures, Russia uses services such as the Foreign Intelligence Service [SWR] and the General Staff General Intelligence Directorate [GRU] (Minkina, 2012). The SWR carries out its activities from

its residency in Skopje and Belgrade, while the GRU carries out its activities in countries such as Albania, Bosnia and Herzegovina, Bulgaria, Montenegro, North Macedonia, Romania and Serbia (Kuczyński, 2019). Some of the countries in which the activities of the services of the Russian Federation are implemented are members of the Three-Seas-Initiative. Since 2018, a wave of protests has swept through the Balkans, gathering tens and sometimes even hundreds of thousands of citizens revolting against corrupt politicians on the streets. Today, the functioning of the Western Balkans is reminiscent of a state symbiosis with organised crime (Żaba, 2019). On 29 December 2019, a Croatian court sentenced the former Prime Minister for corruption to six years in prison. On the same day, the Prosecutor's Office of Bosnia and Herzegovina announced the opening of an investigation into the suspected corruption of the former Interior Minister (Jaszczuk, 2019). The prevalence of corruption and the low quality of the ruling elite mean that even the most ambitious social policy model is doomed to failure, along with the Three-Seas-Initiative, which has been trying for ages to be revived (Żukiewicz, 2013).

The idea of Three-Seas-Initiative was originally called the Intermarium Initiative and is rooted in the long Polish tradition. Its origins can be found in the period of the first Polish-Lithuanian union or during the functioning of the Jagiellonian bloc, comprising the Kingdom of Poland, the Grand Duchy of Lithuania, the Kingdom of Hungary and the Kingdom of the Czech Republic, that is at the turn of the 15th and 16th centuries. It also includes political initiatives undertaken during the several decades of the Polish-Lithuanian Commonwealth's rule, such as the Polish-Swedish personal union, expansion towards the Black Sea or the Ottoman Empire and the liberation of the Balkans from Turkish rule. The period of the Polish-Lithuanian state's splendour, broadened political horizons and its position as a superpower was and still is an inspiration for successive generations of Polish politicians and creators of Polish political thought. In the 20th century, the idea of Poland as a strong state organising the territories of the former Jagiellonian monarchies lived and evolved, taking on various economic and military variants and geographical scope (Cieplucha, 2014). In the period of the People's Republic of Poland, the concept appeared in the Ideological Declaration of the Young Poland Movement of 1979. (Lewandowski, 2009) In the last decade the Three-Seas-Initiative concept has been focused primarily on building international relations on the North-South line and increased activity in the post-Soviet area, involving the intensification of relations with such countries as Azerbaijan, Georgia and Kazakhstan. Simultaneously, these activities were accompanied by a desire for closer cooperation with the United States.

With the advent of 2015, the Tri-Maritime Initiative was revived by the presidents of Poland and Croatia as a project aimed at strengthening cooperation between the states in the Adriatic, Baltic and Black Sea regions. It consists of 12 countries: Austria, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia (MFA). The countries belonging

to the Three-Seas-Initiative account for almost one third of the total area of the European Union and comprise around 112 million people (MFA, n.d.). The aim of the Three-Seas-Initiative is cooperation at the energy, logistics and transport, IT and telecommunications levels in Central Europe (Kobosko, 2016).

Selected Anti-Corruption Institutions in the Balkans

The Balkans is a region of southern Europe that includes the Balkan Peninsula. The name refers more to the historical and cultural community than to geography. With this perspective, cultural and historical characteristics determine a country's membership of the Balkans. The Balkan countries are: Albania, Bosnia and Herzegovina, Bulgaria, Montenegro, Greece, Kosovo (disputed territory), Northern Macedonia, Serbia, Croatia, Romania and Slovenia (Allcock, n.d.).

A characteristic feature of the Balkans, both Western and Eastern (Romania, Bulgaria), is the lack of any political forces that do not come from communists and post-Soviet security services (Targalski, 2017). The presence of the Three-Seas-Initiative in the Balkans seems to be the most persistent since the break-up of Yugoslavia. The greatest threat to the success of this project is the institutional weakness of the Balkan states and the prevention of corruption.

A State Agency for National Security [hereinafter referred to as SANS] was established in the Republic of Bulgaria. The SANS is a specialised counter-intelligence and security body, its main tasks are to detect, prevent and neutralise threats to Bulgarian national security. The Agency was established in order to ensure that there is no foreign interference in Bulgaria's internal affairs and to provide the highest state authorities with the information necessary to conduct national security policy and take decisions in accordance with national interests. SANS is the main body in the Republic of Bulgaria that investigates and prosecutes corruption-related crimes committed in the country by senior state officials. The tasks of detecting and prosecuting corruption are shared by SANS, the Internal Security Directorate of the Ministry of the Interior and the Prosecutor's Office. A low-level corruption crime is verified by the ordinary police under the supervision of the Ministry of the Interior (Zakon za protivodeštvie, 2018). A court has been established in the Republic of Bulgaria which specialises in crimes related to corruption and organised crime groups. In addition to the specialised court, a Centre for the Prevention of and Fight against Corruption and Organised Crime has been established. This is an anti-corruption body established to support all institutions dealing with activities that are susceptible to corruption in Bulgaria. The Centre collects and registers data from all websites, analyses data and develops weaknesses in corruption crime. It has analytical and consultative powers, creating models of secure institutional solutions (Zakon za protivodeštvie, 2018).

In Croatia, for example, the Office for the Fight against Corruption and Organised Crime (hereafter USKOK) has been established. The USKOK is a special body operating within the framework of the Prosecutor's Office, which is authorised to direct police investigations and bring charges in cases of corruption and organised crime. The Croatian USKOK performs intelligence, investigative, prosecutorial and preventive tasks (Zakon o Uredu, 2017). The Act, on the basis of which the USKOK operates, states that it is a specialised department of the Prosecutor's Office, which covers the entire state territory of Croatia. The act regulates the issues of organisation, jurisdiction and competence of USKOK, the scope of jurisdiction and competence of courts conducting cases and adjudicating in cases within the scope of jurisdiction of USKOK and the appointment of the director of USKOK, his deputy and the election of prosecutors. The director of the USKOK is the deputy public prosecutor general, appointed by the public prosecutor general for a period of 4 years, with the possibility of re-election. Special prosecutors are appointed by the Prosecutor General at the request of the director of the USKOK for a period of 4 years, with the possibility of re-election. To ensure a high level of expertise, the law imposes a restriction on the employment of prosecutors. It allows the employment of only those who have passed the state judge's examination and have at least 8 years' professional experience as a judge, prosecutor, lawyer or police investigator (Zakon o Uredu, 2017).

The institutional framework shows that the USKOK is an independent law enforcement body, attached to the General Prosecutor's Office. The structure of the USKOK consists of four Departments, these are Investigation, Investigations and Documentation, International Cooperation and Joint Investigations and Anti-Corruption and Social Communication.

The Investigations and Documentation Department systematically collects data on corruption and organised crime and creates databases used as a source of information in conducted investigations.

The Investigation Department performs the tasks of public prosecutors, in accordance with the Code of Criminal Procedure and directs the work of the police and other authorities in detecting corruption offences.

The International Cooperation and Joint Investigations Unit cooperates with anti-corruption bodies of other countries and international organisations.

The Anti-Corruption and Social Communication Department is responsible for informing the public about the dangers and negative effects of corruption as well as methods and ways to prevent it, informing the public about the activities of USKOK, and creating reports and analyses on the forms and causes of corruption. Within the scope of corruption offences and corruption-related crimes, USKOK's jurisdiction covers such offences as: active and passive corruption in the public and private sector, abuse of rights, abuse in bankruptcy proceedings and unfair competition in foreign commercial transactions. USKOK also deals with crimes

committed by groups of persons or criminal organisations, as well as crimes that are punishable by more than three years' imprisonment or that are committed in two or more countries, or where a significant part of the preparation of the crime took place in a foreign country, or where the crime was committed in connection with the activities of a criminal organisation operating in two or more countries. USKOK additionally prosecutes, through its jurisdiction, offences of money laundering, obstruction of investigations, use of coercion against officials of the judiciary, obstruction of officials in the performance of their duties, and assaults on officials if such an offence was committed in connection with the preparation of a corrupt or organised crime. The Act on the USKOK gives prosecutors special powers, which in extraordinary situations exceed those of ordinary prosecutors. The USKOK does not employ investigators or police officers. Prosecutors who direct the investigation use police forces at the request of the Office to the Director General of the Police. However, the police are obliged to create a group of experts who will be delegated to the service under the supervision of prosecutors for a specific case. Each case within the jurisdiction of USKOK may be considered only by special investigating judges elected by the President for a 4-year term (Zakon o Uredu, 2017).

Romania has a comprehensive institutional framework for corruption offences, broken down into medium and high-level corruption. The National Directorate for the Fight against Corruption (hereinafter referred to as DNA), a specialised prosecution unit within the Prosecutor's Office of the Supreme Court of Cassation and Justice. The Directorate is headed by the General Prosecutor of the Supreme Court of Cassation and Justice, which implements its activities through the Chief Prosecutor of the DNA. Together with the deputies, he is elected by the President on a proposal from the Minister of Justice after consulting the Supreme Judicial Chamber. The aim of the DNA is to combat corruption at the highest levels. The legislator has established that the specialisation and specific powers of the DNA should be used to deal with complex cases with a serious impact on society, while corruption offences of a smaller calibre are left to the other services. In order to distinguish between the two cases, it is assumed that a crime of corruption is very detrimental when it occurs: the value of the damage caused exceeds €200,000, the value of the object of corruption (e.g. bribery) exceeds €10,000, regardless of the value of the damage or the object of corruption, the crime is committed by: members of the government, parliament, judges, prosecutors, public officials, local government officials, advisers in ministries, senior officers in the army, police, customs, or directors in state enterprises (Ordonanță de Urgență, 2002).

Under the law, if a crime of corruption has been committed, prosecutors are entitled to use special means to gather evidence and identify the perpetrators. These include monitoring bank accounts, setting up wiretaps and checking correspondence, checking the computer systems of others and disclosing financial and bank documents.

The law also grants DNA autonomy with regard to its jurisdiction, staff and resources. DNA is the only prosecution service with its own judicial police, consisting of judicial police officers seconded to DNA from the Ministry of the Interior (Ordonanță de Urgență, 2002).

The second institution in Romania which combats corruption is Direcția Generală Anticorupție (hereinafter referred to as DGA), the Central Anti-Corruption Board. The DGA is an organisational unit of the Romanian Ministry of the Interior and Administration and is responsible for preventing and combating corruption crime in government structures such as the police, border guards, military police, state archives and other government institutions. It is a body specialising in the prevention and detection of corruption offences among government officials. In addition to carrying out investigative activities, the DGA also performs pre-emptive tasks in the form of detecting potential legal collisions that favour corruption offences. The legislator has granted the DGA the following competences:

- conducting investigative and prosecution activities with respect to the Ministry's employees who are reasonably suspected of committing a corruption offence;
- receiving and analysing civil reports of corruption among the Ministry's employees;
- to carry out procedural activities;
- carrying out analytical activities regarding current targets in corruption crime;
- conducting international cooperation in the fight against corruption.

The organisational structure of the DGA consists of the following departments: prevention, communication, international cooperation, legal, financial, logistic, human resources, analytical and an investigative unit (Act Direcția Generală Anticorupție, 2017).

The DGA also has a Strategic Committee, as an advisory body. The Commission prepares an annual report on the effectiveness of the DGA activities and the implementation of the Anti-Corruption Strategy (Act Direcția Generală Anticorupție, 2017).

There is also a National Integrity Agency (hereinafter ANI) in Romania. ANI is an independent institution with the aim of creating a uniform and institutionalised mechanism for controlling assets acquired in the exercise of mandates or functions of public dignity, controlling conflicts of interest and incompatibilities. ANI was established as a unique structure operating at a national level.

In the Republic of Slovenia, the institutional level is Committee on the Prevention of Corruption (hereinafter referred to as CPC). The CPC was established as an independent body for combating and preventing corruption, both in the private and public sectors. It has preventive, analytical and coordination functions. The CPC

supervises the implementation of the National Anti-Corruption Strategy, compliance with the Code of Conduct for State Officials and verifies asset declarations made by public officials (Zakon o integriteti, 2011). Commissioners are elected by the Parliament: the President and his deputy at the request of the President of Slovenia, at the request of the Judicial Council, the parliamentary committee responsible for the exercise of seats and elections and at the request of the government. These candidates must have a university degree, a minimum of 10 years' professional experience and have a very good public reputation, and their term of office is 6 years. There are three sections under the committee: The Commission is composed of the Commission for Prevention, Conflict of Interests and Transparency. The Commission also draws up a list of companies that are not allowed to tender for public contracts because of their membership of their authorities or because of a business relationship, a government official or members of his family. The CPC shall be directly accountable to Parliament and shall report annually on its activities. The CPC Act has equipped the authority with the following competences:

- monitoring and assisting in the implementation of the National Anti-Corruption Strategy;
- publishing materials on corruption prevention;
- conducting or assisting in conducting trainings and training on corruption prevention;
- on its own initiative or upon request, issuing opinions on issues of conflict of interest or other issues falling within the scope of the Act on Prevention of Corruption;
- advising public and private institutions on drawing up their codes of conduct;
- cooperating with all non-governmental entities in the field of the fight against corruption;
- advising state institutions on their obligations in the field of corruption prevention under international agreements;
- international cooperation in the field of corruption with governmental and non-governmental institutions;
- overseeing the implementation of all regulations relating to the prevention of corruption;
- working with each State institution in preparing draft legislation relating to the prevention of corruption;
- collecting and analysing statistical data on corruption;
- conducting research on corruption-related issues;
- analysing the law in force in specific areas, in terms of gaps that encourage the occurrence of corruption and formulating proposals for remedial actions (Zakon o integriteti, 2011).

The models of anti-corruption institutions from the Balkan countries that are part of the Tri-Coast Initiative are presented above. There are still countries from the Balkan states such as Albania, Bosnia and Herzegovina, Montenegro, Kosovo (disputed territory), North Macedonia and Serbia, which have mechanisms for preventing and prosecuting corruption offences, but because of the very high level of corruption offences, it may seem that these legal mechanisms are façades. Disturbing relationships between criminal groups and the state administration are often linked to foreign intelligence services. Transparency International's report on corruption perception places the Corruption Perception Index (CPI) for 2018 for the Balkan countries, with a score of 0 being the highest level of corruption and a score of 100 being the lowest. Selected Balkan countries:

- Albania – 36;
- Croatia – 48;
- Bosnia and Herzegovina – 38;
- Bulgaria – 42;
- Montenegro – 45;
- Kosovo – 33;
- Northern Macedonia – 37;
- Romania – 47;
- Serbia – 39;
- Slovenia – 60.

Against a European background, these are unsatisfactory results (Transparency International, 2018). Anti-corruption protests continued in the Republic of Bulgaria from July to September 2020. Participants in the protest are demanding the resignation of the Prime Minister because Bulgaria has the highest level of corruption in the entire European Union (Pieńkowski, 2020). According to the President of Transparency International Croatia, Davorka Budimir claims that the fight against corruption never existed. Economic Court judge Mislav Kolakušić and criminological sociologist and university professor Dr Renato Matić unanimously stated that there is no fight against corruption in Croatia today. As Croatia was preparing for accession to the European Union, the legal framework to prevent and prosecute corruption was expressly set up. The legislation has been implemented and the propaganda arrests of several politicians have been carried out, and none of the cases have been finally convicted. At the moment, the problem of corruption is hardly ever addressed by anyone (Puljiz, 2018). In Romania, on the other hand, there is a saying: “If Romania suffocates from corruption, why is only 1.3% of corruption cases pending before the courts?” It is not surprising when the defendants are Financial Guard Commissioners, the head of the Logistics and Procurement Service of the Police Inspectorate, a border guard, the deputy director of a county retirement home, the Chief Prosecutor of the Public Prosecutor's Office and Court.

Research conducted by the National Anti-Corruption Directorate shows that judges are the most corrupt of all law enforcement agencies and demand the biggest bribes (Romania Ia Raport, 2010). In Slovenia, during a forum on corruption crimes organised by the Centre for Education of the Judiciary, Prosecutor General Drago Šketa stated that it is state mechanisms that should prevent corruption. Prosecutor Boštjan Valenčič stated that Slovenia does not have a specialised institution for dealing with corruption crimes (STA, 2019).

It follows from this that Bulgaria, Croatia, Romania and Slovenia all have institutions created to combat corruption. It can also be said that these institutions are performing their tasks inefficiently. It would seem that these institutions were set up in an accelerated procedure to meet the formal requirements for accession to the European Union. It has been known for centuries that institutions created *ad hoc* have not been very successful.

Central Anti-Corruption Bureau in Poland

In the Republic of Poland, the institution which deals with corruption crimes is the Central Anti-Corruption Bureau (hereinafter referred to as CBA). The CBA is a special service established to combat corruption in economic and public life, in particular in local and state institutions, as well as to combat activities detrimental to the economic interests of the state. The Central Anti-Corruption Bureau is headed by the Head of the Central Anti-Corruption Bureau, which is a central body of government administration supervised by the Prime Minister, acting with the assistance of the CBA, which is an office of government administration.

The Head of the CBA is appointed for a four-year term of office and dismissed by the Prime Minister, after consultation with the President of the Republic of Poland, the College for Special Services and the parliamentary committee competent for special services. The re-election for the Head of the CBA may take place only once. The Head of the CBA performs his duties until the day of the appointment of his successor. The term of office of the Head of the CBA expires in the event of his death or recall. The Prime Minister, on the application of the Head of the CBA, appoints and dismisses the Deputy Heads of the CBA. The Head of the CBA or the deputy Head of the CBA may be a person who is a deputy:

- holds exclusively Polish citizenship;
- enjoys full public rights;
- demonstrates an impeccable moral, civic and patriotic attitude;
- has not been convicted of an intentional offence prosecuted by public indictment or a fiscal offence;

- meets the requirements laid down in the regulations on the protection of classified information regarding access to information constituting a state secret, classified as ‘top secret’;
- has advanced education degrees;
- did not perform professional service, did not work and was not an associate of the state security authorities, listed in Article 5 of the Act of 18 December 1998 on the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation, nor was she a judge who, while ruling, violated the dignity of the office, embezzling judicial independence (Ustawa o Centralnym Biurze Antykorupcyjnym, 2006).

The function of the Head of the CBA or the Deputy Head of the CBA may not be combined with another public function, the person may not remain in an employment relationship with another employer or take up other paid employment outside of service. The Head of the CBA or the Deputy Head of the CBA may not be a member of a political party or participate in the activities of that party or on its behalf. Each year, the Head of the CBA presents a report on the activities of the CBA for the previous year to the Prime Minister and the Parliamentary Committee for Special Services. The legislature has equipped the CBA with the following powers:

operational and exploratory activities in order to prevent, recognize and detect offences and if there is a justified suspicion of an offence being committed;

within the framework of operational and exploratory activities, officers of the CBA have been vested with the power of operational control, which consists of controlling the content of correspondence, controlling the content of parcels as well as applying technical means enabling the obtaining of information and evidence in a secret manner and their recording, and particularly the content of telephone conversations and other information conveyed via documentary networks. Operational control shall be managed for a period not exceeding 3 months.

- investigative and investigative activities in order to prosecute the perpetrators of crimes;
- control activities to disclose cases of corruption in state institutions and local government, as well as abuses by persons performing public functions and activities detrimental to the state’s economic interests;
- analytical and informational activities in order to obtain and process information essential for combating corruption in state institutions and local government and activities detrimental to the state’s economic interests (Ustawa o Centralnym Biurze Antykorupcyjnym, 2006).

The CBA, based on its powers, performs the following tasks:

- combating corruption in public and economic life, in particular in state and local government institutions, as well as combating activities detrimental

to the state's economic interests; - identification, prevention and detection of crimes against: activity of state institutions and local government, the administration of justice, elections and referendums, reliability of documents, economic turnover, money and securities trading, trading in financial instruments, financing of political parties, tax obligations and settlements for grants and subsidies, rules of sports competition, trading in medicines, foodstuffs for special nutritional purposes, medical products and prosecuting their perpetrators;

- the disclosure and prevention of cases of non-compliance with the provisions on restrictions on the conduct of business activities by persons performing public functions;
- documenting the grounds for and initiating the implementation of regulations on the return of benefits wrongly obtained at the expense of the State Treasury or other state legal persons;
- disclosing cases of non-compliance with the procedures for making and implementing decisions specified by law in the area of: privatisation and commercialisation, financial support, awarding public contracts, disposal of property of public finance sector entities, entities receiving public funds, entrepreneurs with the participation of the Treasury or local government entities, granting concessions, permits, subject and subject exemptions, concessions, preferences, quotas, plafonds, guarantees and bank guarantees;
- control of the correctness and truthfulness of declarations of assets or declarations on conducting business activity of persons performing public functions;
- conducting analytical activity concerning phenomena occurring within the area of competence of the CBA and presenting information in this respect to the Prime Minister, President of the Republic of Poland, Sejm and Senate (Ustawa o Centralnym Biurze Antykorupcyjnym, 2006).

The structure of the CBA consists of the following departments:

- Operative and Investigative Department;
- Security Department;
- Department of Control Proceedings;
- Analysis Department;
- Operations Technology Office;
- Legal Office;
- Finance Office;
- Human Resources and Training Office;
- Logistics Office;
- Information and Communication Technology Office;
- Control and Internal Affairs Office;

- Chief’s Office;
- Internal Audit Team.

The CBA is additionally composed of CBA Delegations located in each voivodship city in Poland. The CBA cooperates with international organisations and law enforcement bodies from other countries (Ustawa o Centralnym Biurze Antykorupcyjnym, 2006). The CBA cooperates with many international organisations and law enforcement agencies from other countries. In order to perform its tasks, the Head of the CBA may undertake cooperation with competent authorities and services of other states and with international organisations. Undertaking such co-operation, in accordance with the Act on the CBA, may take place after obtaining the consent of the Prime Minister. The CBA co-operates with 54 countries and 14 international organisations. The unique position of the CBA is a kind of “hybrid” as a special service, because it is a combination of intelligence, counter-intelligence and police services, as it performs its tasks all over the world, acquiring information, detecting and prosecuting perpetrators of corruption crimes which harm the economic interests of the Republic of Poland. The CBA has intelligence, analytical, administrative and procedural powers. In 2016, the CBA arrested 479 suspects and presented 1,275 charges for corruption offences. In 2017, the agency arrested 710 suspects and presented 3,031 charges. In 2019, 721 detainees were arrested and 2,226 charges were presented. In 2018, the CBA secured property worth almost EUR 100 million (CBA, 2019). This is how the effectiveness of the Central Anti-Corruption Bureau is currently presented.

Discussion

It is clear from the content of the article that there are institutional solutions in Bulgaria, Croatia, Poland, Romania and Slovenia which are designed to prevent, detect and prosecute corruption offences. For fundamental reasons, only the models of anti-corruption institutions have not been assessed. At present, the crime of corruption can be compared to cancer, which is being fought against, and it is mutating again and becoming immune to our medicine, and as a result it is destroying the whole organism (Kamiński & Kamiński, 2004). Today criminals adapt to ever-changing regulations, and when legal regulations prove ineffective, the process of changing them may take years, so the foundation of effectiveness is the functioning of a special institution that is equipped with non-standard powers.

There is a special SANS institution in the Republic of Bulgaria, whose main task is to provide counter-intelligence protection for the Republic of Bulgaria. As a rule, counter-intelligence carries out its constitutive duties in the form of operational and reconnaissance activities and undercover agency. The crime of corruption has been implemented into SANS’s tasks, which is a misunderstanding, because if

a SANS agent obtains evidence in a corruption case in the course of operational and reconnaissance activities or secret undercover activities, then such evidence will not be able to be used in court because the SANS agent would have to deconspire. Deconspiring an intelligence or counter-intelligence officer means professional death. Very time-consuming and expensive training of an intelligence or counter-intelligence officer makes it more important for an agent not to deconspire than to use the evidence obtained in court, which in effect leads to the ineffectiveness of SANS in the case of corruption offences.

In the Republic of Croatia, the USKOK operates at an institutional level, which is a specialised prosecution unit. The director of the USKOK is the Deputy General Prosecutor. As a rule, the public prosecutor's office does not have its own officers but uses police resources, delegating police officers to the task for the duration of a given case. As a rule, the prosecutor's profession consists of detecting and prosecuting crimes and bringing and supporting the indictment before the court. When prosecutors are trained in their profession, they are not trained to carry out operational and exploratory activities, operational control or undercover operations. However, a prosecutor from the USKOK has special powers and can obtain evidence in an anti-corruption case himself. Such evidence obtained personally by the prosecutor is no longer subject to an objective assessment of the evidence as he himself has obtained it. The problem may occur when a prosecutor in the course of intelligence activities is deconspired, in which case he or she may be intimidated by organised criminal groups to withdraw a given anti-corruption case. Such an institutional solution also results in the inefficiency of the USKOK, adding to this the fact of the biased use of police officers who, as a rule, are not trained in intelligence to obtain evidence, it can be said that this institution is a facade.

There are two DNA anti-corruption institutions in Romania, a specialised prosecution unit operating within the Public Prosecutor's Office and an organisational unit of the Romanian Ministry of the Interior and Administration, the "police". DGA, it can be noted at the outset that the two institutions have the same tasks and competences, which causes a clash of activities. The amount of corruption and the size of the position held are decisive for which institution will deal with a given corruption case. In matters which are often linked to other countries, the synchronisation of two autonomously functioning anti-corruption units does not bring positive results. In the case of DNA and DGA, dysfunctions appear for the same reasons as in the case of USKOK. It should be noted here that a good solution in the case of the DNA is to have its own police service, which makes it possible to keep strictly confidential data concerning the case, which cannot be said of the USKOK.

In the Republic of Slovenia, the CPC Corruption Prevention Commission operates at institutional level. It is an ad-hoc institution which has been established and which mainly focuses on analysing asset reports. It analyses legislation in order

to prevent the crime of corruption. At an institutional level, it does not have its own services nor special powers.

The Central Anti-Corruption Bureau of the CBA operates in the Republic of Poland. It is a special service independent of the prosecution, court or ministry. It is answerable directly to the Prime Minister, so it can also successfully track corruption in the ministry, prosecutor's office or courts. The CBA obtains evidence using special powers such as: operational and exploratory activities, an undercover officer, operational control or controlled purchase. If corruption occurred in connection with criminals from another country, CBA officers have the authority to perform their activities outside the country. An officer of the CBA may use a number of identities, and they do not have to fear revenge from organised criminal groups after the disclosure of evidence. The institutional model of the Polish anti-corruption agency constructed in this way allows for detecting and detaining approximately 700 people per year. It can therefore be successfully argued that the solution which would ensure that the Balkans meet European standards on preventing and combating corruption could be to implement the Polish institutional model of the Central Anti-Corruption Bureau.

Conclusion

The high level of corruption in both the Eastern and Western Balkans does not meet European standards, which were codified by GRECO, the Group of States against Corruption, which was established by the Council of Europe in 1999. The Balkan states which participate in the Three Seas initiative are cooperating economically with the Balkan states which do not participate in this initiative, which is why it is important to prevent and combat corruption crime throughout the whole of the Balkans, because since the break-up of Yugoslavia, informal cooperation between the countries of the former Yugoslavia and post-Soviet countries has not broken down.

The Three Seas initiative is the axis of the rack system in the economic dimension of Europe connecting north and south. Along with the development of the Three Seas initiative, infrastructure projects will be implemented: gas, energy, information technology, or critical infrastructure. Such projects usually involve companies from many countries, which will enter into legal and financial relations with many countries belonging to the Three Seas initiative and the Three Seas Fund. There will be a need for lawyers specialising in European law and public and economic international law, because there will be new infrastructure funds to be used. The Three Seas initiative in the Balkans may therefore become an easy corruption target. Adding to this the awareness of Balkan society that anti-corruption institutions exist

only in theory, the perpetrators of the crime of corruption will not feel any resistance to corruption knowing that they will not be punished.

Therefore, due to the lack of effective anti-corruption institutions in the Balkans, not only will the inhabitants of the region lose out, but also all 12 countries of the Three Seas initiative.

The legal system's position of Balkan institutions dealing with corruption is ineffective from the point of view of the Three Seas initiative and should be reformed along the lines of the Polish Central Anti-Corruption Bureau. In the nineties, Poland also faced the problem of corruption, fighting it with institutions such as the prosecutor's office, the police and counterintelligence, with poor results. When the special service of the CBA was created in 2006, the fight against corruption began to take on a practical form, and not just a theoretical one as it was in the nineties. When the first information appeared in the public space that the perpetrators of a crime of corruption were in fact serving sentences of absolute imprisonment and were deprived of property acquired in connection with corruption, society began to perceive the Polish state as really fighting against it. The Balkan states should therefore implement the Polish institutional model of the Central Anti-Corruption Bureau by employing staff of the highest ethical and moral standards, who have so far had nothing to do with the state apparatus of the previous system. A newly created institution with such a criterion would make it possible to avoid potential corruption in the newly created body and to eliminate informal contacts with other state services where corruption undoubtedly exists. The problem of the '*anatomy of the crisis*' in the Balkans, as presented in this way, will allow corruption to be viewed from a different perspective.

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