

REPORTS AND STUDIES

THE LEGAL FRAMEWORK OF BILATERAL COOPERATION OF POLAND AND THE EASTERN PARTNERSHIP COUNTRIES IN COMBATING VARIOUS FORMS OF CRIME

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Abstract

This paper analyzes the provisions of agreements on cooperation in combating various forms of crime that were signed between Poland and the Eastern Partnership countries. The growing international crime, including its organized forms, and terrorist attacks in the US and in Europe as well as Poland's accession to the EU have influenced the development of bilateral cooperation in that sphere. The scope and forms of cooperation regulated in the agreements between Poland and the Eastern Partnership countries are very similar with regard to combating organized crime, preventing criminal activities and detecting offenses. Relatively widest legal regulations of cooperation are provided for in the agreements between Poland, Moldova and Georgia. Common fight against organized crime and other forms of cooperation help achieve the objectives of the Eastern Partnership. The recognition of convergent and divergent aspects of bilateral cooperation can contribute to the creation of a multilateral platform for coordinated cooperation in this field between the European Union and these countries, and within the Eastern Partnership.

Key words: *Poland, Eastern Partnership, Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine, agreements, combating crime*

INTRODUCTION

Political, economic and social changes in Poland and the Eastern Partnership countries have contributed to the development of cooperation in new areas, such as security. Other important factors include changes in the international environment, including Poland's accession to the European Union, and the increasing challenges of regional and global threats. Joint declarations expressing concern for security in

Europe and around the world formed the foundations of mutual cooperation, particularly in combating organized crime and terrorism. All countries are exposed to those risks and their transnational nature determines the development of international cooperation.

The aim of this paper is to show similarities and differences between provisions of bilateral agreements in the field of preventing and combating organized crime and other types of crime concluded between Poland and the countries of the Eastern Partnership. Threats of crime at Polish eastern border determine the development of cooperation with Eastern Partners as it is their citizens that are the dominant group of people committing crimes. This applies above all to Ukrainians and Belarusians and is connected in particular with economic and drugs crimes, illegal migration and unauthorized residence.

For the purpose of this study the institutional and legal method was mainly applied. The analysis of legal norms has important application in the study of the reality of international relations [Chodubski 2005: 126]. However, the supplementary use of the comparative method [Chodubski 2005: 125-126] has made it possible to identify similarities and differences in bilateral agreements. The recognition of convergent and divergent frameworks of bilateral cooperation can contribute to the creation of a multilateral platform for coordinated cooperation in this field between the European Union and the Eastern Partnership countries, and within the Eastern Partnership itself.

Nowadays, organized crime poses the greatest threat. It dates back to the turn of the 18th and 19th centuries [Pływaczewski 1992: 10]. As a result of the evolution of organized criminal groups, their activities today also affect the international sphere [Filipkowski 2004: 32]. The development of international crime, organized crime in particular, and its connections to terrorism have become an important problem not only for Europe. Organized crime often provides terrorists with access to infrastructure and enables them to capitalize on the created links to finance their activities. This generates challenges in terms of legal regulations, especially in the context of rapid technological development, whose solutions are easily available to the offenders [Pływaczewski 2006: 9]. National and international laws constitute one of the instruments for fighting against various forms of transnational crime. They make it possible not only to prevent and combat such crime but also to prosecute perpetrators through cooperation of governments and national parliaments, law enforcement and judicial authorities, and international institutions.

Due to the variability of the phenomenon, there has not yet been developed a single, universal definition of organized crime [Kurowski 2006: 26-43]. What differs it from common crime is its centralized, secret and monolithic system of bureaucratic structure. Acts of corruption in various areas of socio-economic life prompt the creation of many institutional links [Wójcik 2011: 23]. Given the scope of the geographic considerations, it is reasonable to refer to the European model, in which the phenomenon is defined more broadly than in the American model [Michalska-Warias 2006: 30-38]. The specific features of organized crime include: cooperation of at least two people, organized and hierarchical structure of the group, external and internal closure, division of tasks and planned and systematic activity, focus on committing crimes, use of violence, pursuit of financial profit or pursuit of power, numerous and varied spheres of influence, international scope, monopolization of the

market, and money laundering [cf. Filipkowski 2004: 40 and n.; Bułat, Czarniak, Gorzelak et al. 2007: 110 and n.; Rau 2002: 44 and n.; Mądrzejowski 2008: 16 and n.; Krajniak 2011].

Transformation processes in Poland were accompanied by an increase in different forms of crime, including the development of organized crime. This created the need for restructuring the security institutions focused on combating crime, also at international level. Poland's accession to the European Union played a significant role there. On the one hand, this was associated with the opening of borders within the Community, which facilitated criminal activities in other Member States [Pływaczewski 2006: 9,11-15; Skoczek 2006: 47, 49-50]. On the other hand, being a European Union border country Poland was faced with a task to seal the border and deepen the intra-EU cooperation in the fight against all types of crime [Gruszczak 2006: 36-37; Dudzic 2006: 38-40; Tendery-Właszczuk 2009: 141-153]. Despite the systematic development of the EU activity in the fight against organized crime, it is still hard to consider such activity as a coherent policy. The legal solutions constitute rather an expression of an ad hoc decision-making process, the reactivity of the Union, than implementation of a consistent policy [Wójcik 2011: 25]. In this context, the development of cooperation with the countries of the Eastern Partnership has become an important element of Polish security policy.

The need for bilateral and multilateral cooperation in fighting crime at Polish eastern border is further substantiated by relevant statistical data. In 2008-2013 the most frequently committed crimes involving citizens of the Eastern Partnership countries included: economic crimes, particularly smuggling of tobacco, spirits and fuel¹. [MI 2008: 35-36; MI 2009: 106; MI 2010: 94, 174; MI 2011: 172, 184; MI 2012: 186, 188, 201; MI 2013: 176, 178, 188; 194]; transit and illicit trafficking in narcotic drugs and their precursors² [MI 2008: 26, 29; MI 2009: 86-87; MI 2010: 95, 128, 130, 135; MI 2011: 147]; illegal migration and related forgery of documents³ [MI 2008: 54-55; MI

¹ In the years 2008-2013 in smuggling of cigarettes dominated brands from Ukraine and Belarus. The downward trend was observed regarding to the smuggling of Ukrainian cigarettes, but upward trend concerned the Belarusian products to 2012. The value of smuggled cigarettes from Ukraine in 2010 was 28 865 547 PLN (number of cigarettes -71 834 943). In 2011 this amount decreased to 23 856 231 PLN (number of cigarettes - 52 665 499), in 2012 to 18 158 849 PLN (number of cigarettes - 36 291 874) and in 2013 reached 16 294 755 PLN. In the case of Belarus, the value of smuggled cigarettes in 2010 was 7 013 692 PLN (number of cigarettes - 17 592 985). In 2011 it increased to 7 098 395 PLN (numerous cigarettes decreased - 15 620 756) and in 2012 to 7 238 194 PLN (number of cigarettes - 14 466 310). In 2013 their value dropped to 6 020 535 PLN. In 2012 was noted more intense illegal marketing of gas oil derived from Belarusian refineries and transported to the Polish by Latvia and Lithuania, what was also observed in 2013. In that year, on the border with Ukraine declined smuggling alcohol by 65.5% (value of 65 348 PLN) compared to 2012. The opposite effect was observed on the border with Belarus where disclosed smuggling value increased by 68.9% (value of 40 890 PLN) compared to previous year.

² In 2008, Polish Border Guard the most frequently has revealed drugs among the citizens of Ukraine and stateless persons. In 2010 the officers of Central Bureau of Investigation in cases involving drug organized crime has placed the charges 4 Armenians, 2 Ukrainians and 1 Belarusians. In 2011, there were accused 3 Belarusians, 2 Ukrainians and 1 citizen of Armenia.

³ In 2008, the threat of illegal migration increased the most at the Polish-Ukrainian border by 221% (1948 events) compared to 2007. The number of persons detained by the Border Guard for attempting to cross the state border in violation of the law or crossing it were as following: on the border with Ukraine - in 2008 - 2829 persons and in 2009 - 935 people, and on the

2009: 69; MI 2010: 98-99, 101,106, 111; MI 2011: 114-115; MI 2012: 126; MI 2013: 113-114, 116]; trafficking in human beings - mostly related to sexual exploitation and begging [MI 2008: 43; MI 2009: 76; MI 2010: 95, 110, 115; MI 2011: 126; MI 2012: 137, 139; MI 2013: 127]. An important part of crimes concerned corruption. Polish Border Guard assessed that in 2008-2013 the greatest threat of corruption was related to officers serving at the external EU borders, in particular the border with Ukraine [MI 2013: 234]. However, organized crime, especially economic and drug related, remained a particularly significant area. The number of persons investigated by the Central Intelligence Bureau (CIB) and the Border Guard increased in the period 2008-2013, as well as the effectiveness of detection of crime perpetrators and their prosecution⁴ [MI 2008: 51; CBI 2009: 3; CBI 2011: 4; CBI 2012: 4; CBI 2013: 4; CBI 2014: 3]. Generally, in 2008-2013, the provinces in Poland characterized by the lowest crime risk index (with regard to criminal offenses, theft, misappropriation of or damage to property, theft of vehicles, among others) were the eastern voivodeships: Podkarpackie, Podlaskie, Lubelskie and Mazowieckie [MI, 2011: 10; MI 2012: 9; MI 2013: 11]. That was the result, among others, of the efforts of Polish security services as well as cooperation within the EU and with third countries.

MAJOR CRIMES COVERED BY THE AGREEMENTS

border with Belarus in 2008 arrested 469 people. In 2010, 41.1% of detentions made on the border with Ukraine and 7% on the border with Belarus. During next years were observed the same trends: in 2011 were impounded 32.3% persons on border with Ukraine and 9% on border with Belarus; in 2012 it was 24.4% on border with Ukraine and 14.4% on border with Belarus; in 2013 - 25.2% on border with Ukraine and 12.1% on border with Belarus. In the years 2008-2013 among impounded foreigners dominated citizens of Ukraine and Belarus. We have also observed an increase in arrests of citizens Moldova, Georgia and Armenia. In 2008 impounded 2872 Ukrainians, 242 Belarusians, 267 citizens of Moldova, 46 Armenians and 36 Georgians. In 2009 Ukrainians accounted 44% of all foreigners. There were also 123 citizens of Moldova, 150 Belarusians, 273 Georgians and 36 Armenians. In 2010 Ukrainians who illegally crossed the border were 1269 persons (54% of the total), 97 Belarusians, 88 Georgians, and 78 people came from Moldova. In that year 556 Ukrainians were detained because the finding of illegal work. Also the most of them was linked with the falsification of stamps border controls in order to confirm the legitimacy of their periods of residence in the EU and to obtain another visa. In 2011, 1162 people who illegal crossed the border came from Ukraine, 181 of them came from Belarus, 99 came from Georgia and 47 came from Moldova. In 2012, those numbers increased among: Ukrainians to 1388 people, Belarusians to 224 people and Georgians to 217 people. In 2013, among impounded persons dominated people from Ukraine - 1444, next from Belarus - 271, from Georgia were 186, from Armenia - 41 and from Moldova - 34 persons. The most common methods of crossing the state border by foreigners against the law are: lack of a valid travel document; the lack of a valid visa or residence permit; false documents. Fairly common practice, especially among Ukrainians, were defraud D08R type visas issued on the basis of declaration on the intention to employ such nationals.

⁴ In 2008, the officers of Central Bureau of Investigation and Border Guard presented allegations 132 foreigners in connection with organized crime. The most numerous group were citizens of Ukraine. In 2009, those bodies were investigating regarding 115 international groups, 15 groups of Russian, 22 groups of foreigners. The most of the defendants were citizens of Ukraine, Belarus and Armenia. In 2010-2012, the greatest group of people with the allegations were Ukrainians. In 2011-2012, there were also Belarusians.

The scope of cooperation between Poland and the Eastern Partnership countries in combating criminality is not identical with regard to all these countries, but is very similar. The main domain of mutual interests connecting Poland with Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine is the fight against organized crime and terrorism. Most types of crimes and forms of cooperation are convergent. Bilateral agreements on cooperation in combating crime were executed by Poland with six Eastern Partnership countries. Between 1999 – 2008, they were concluded consecutively with Ukraine, Belarus, Moldova, Armenia, Georgia and Azerbaijan. They entered into force in the same period, except the agreement with Azerbaijan (table 1). The agreements were concluded for an indefinite period.

Table 1. Agreements on cooperation in the fight against crime concluded between the governments of Poland and Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine

	Date of Signature	Date of Entry Into Force
Ukraine	3 March 1999	24 August 2003
Belarus	8 December 2003	5 March 2005/12 May 2007
Moldova	22 October 2003	26 July 2004
Armenia	6 September 2004	7 April 2005
Georgia	31 May 2007	3 May 2008
Azerbaijan	4 June 2008	-

Source: based on Internetowy System Aktów Prawnych, [online], <http://isap.sejm.gov.pl/> (dostęp 28.11.2014); *Umowa między Rządem Rzeczypospolitej Polskiej a Rządem Republiki Azerbejdżanu o współpracy w zwalczaniu międzynarodowego terroryzmu, przestępczości zorganizowanej oraz innego rodzaju przestępczości*, sporządzona w Warszawie dnia 4 czerwca 2008 r., Agencja Bezpieczeństwa Wewnętrznego, [online] <https://www.abw.gov.pl/pl/prawo/zwalczanie-terroryzmu/prawo-miedzynarodowe/289,Prawo-miedzynarodowe.html>, (dostęp 1.12.2014).

The comparative analysis of the contents of the agreements is based only on the documents that have entered into force⁵. The agreements with Armenia, Belarus, Georgia, Moldova and Ukraine specified the public administration institutions competent for their implementation⁶. With the exception of Polish and Belarusian

⁵ The content of the Polish-Azerbaijani agreement was only signaled in this paper.

⁶ In the agreement between Poland and Ukraine were listed the following Polish institutions which are competent for cooperation: Minister of Interior and Administration, Chief of the Office for State Protection, Chief Commander of the Police, Chief Commander of the Border Guard, General Inspector of Financial. According to the other agreements competent Polish institutions are: the Minister responsible for internal affairs, minister responsible for financial institutions, minister responsible for public finances, the Head of the Internal Security Agency, Commander in Chief of Police, the Chief Commander of the Border Guard, General Inspector of Financial Information. The Ukrainian institutions are following: Ministry of the Interior, Security Service, the State Committee for State Border Protection, the State Customs Service and the State Administration of Taxation. The Armenian competent institutions are:

authorities, all the other may also conclude additional implementing agreements. The bilateral agreements established direct contacts in relations between Polish and Eastern countries authorities. However, under the relevant agreements cooperation with Belarus and Georgia is also possible through authorized representatives. The exchange of liaison officers is provided for only in relations with Belarus, while Poland and Moldova can create contact points [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007; Porozumienie z dnia 12 maja 2007].

Five bilateral agreements regulate the areas of cooperation in the field of prevention of organized crime and detection of offenders. In case of Polish-Belarusian agreement, the cooperation is formulated most generally – as regarding combating crime, including organized crime. In the Polish-Moldovan agreement the cooperation between the two countries covers prevention and detection of transnational crime [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007]. The set of crimes of particular importance for Poland and its partners is very similar. Despite some differences, the widest cooperation in fighting against diverse crimes is expressed in the agreements with Moldova and Georgia. The reason for the narrowest cooperation with Ukraine may be the fact that the bilateral agreement between Poland and Ukraine was the first one to be concluded – it was signed already in 1999.

The agreements between Poland and Georgia and between Poland and Moldova as one of the most important categories of offenses recognize international organized crime. Crimes linked to terrorist activities occupy a significant position in the cooperation between Poland and the six Eastern Partnership countries. International terrorism is most emphasized in the Polish-Azerbaijani agreement [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007; Umowa z dnia 4 czerwca 2008]. This implies that once the document will enter into force, the area might play a particularly important role in the cooperation between the two countries. On the one hand, it could be justified by bigger threat to Azerbaijan posed by Islamic terrorists, but on the other, by intensive Polish anti-terrorist policy, especially in the light of its engagement in the EU's security policy.

Bilateral cooperation of Poland with Armenia, Belarus, Georgia, Moldova and Ukraine also focuses on theft and illicit trafficking in arms, ammunition, explosives and other dangerous materials, as well as their production⁷. It should be noted that the list of crimes referred to it in the agreements encompasses crimes of theft and illicit

Police of the Republic of Armenia, the National Security Service, the State Central Committee under the Government of the Republic of Armenia. The Belarusian institutions are following: Ministry of Interior, the State Committee Border Protection Forces, the State Customs Committee, the Department of Financial Investigation of State Control Committee and the Prosecutor's Office of the Republic of Belarus. Belarusian Department of Financial Monitoring of State Control Committee was added by bilateral agreement of 2007. The Georgian institutions designated for cooperation are: the Ministry of Internal Affairs of Georgia, Ministry of Finance of Georgia, Prosecutors Office of Georgia, and Moldova are: the Ministry of Internal Affairs, the Office of the Attorney General, Information and Security Service, Centre for Combating Economic Crimes and Corruption, Customs Department and the Department of Guard Border.

⁷ In Poland's agreement with Armenia and Georgia were also listed dual-use goods.

trafficking in nuclear and radioactive materials⁸ and their inappropriate use or threat of use to cause harm. The weapons of mass destruction have been added to the list in the agreement with Armenia while Polish-Moldavian agreement refers to biological, bacteriological, chemical and radioactive and nuclear materials. The most precisely regulated scope of these crimes features in the Polish-Moldovan agreement, which has brought together the crimes of illicit trade and manufacturing, acquisition, possession, import, export and transit of such weapons⁹. In Polish-Armenian relations, joint combat against illegal trade applies also to advanced technologies whereas cooperation with Georgia in general regards technologies as well as goods and services of strategic importance. Furthermore, all five cooperation agreements relate to offenses of forgery or counterfeiting of means of payment and securities and putting them into circulation. Only the agreement with Moldova features also counterfeiting of postage stamps and non-monetary means of payment. All documents provide for fighting against counterfeiting or altering of documents, although in Polish-Ukrainian relations this applies to financial and other official documents. Moreover, Poland's agreements with Armenia, Belarus, Georgia and Moldova provide for cooperation in the fight against use of forged documents and their distribution. The legalization of the proceeds of crime is also covered by Poland's cooperation with the five countries. Combating illegal economic activities is regulated in the agreement with Belarus. Cooperation with Ukraine covers also crimes such as tax evasion. The range of such crimes was extended in agreements with Moldova and Georgia to include financial frauds. Banking crimes were taken into account only in the Polish-Georgian agreement. In addition to that, four of the agreements, except that with Armenia, refer to the crime of corruption; in Poland's relations with Belarus and Georgia it concerns in particular persons holding public offices [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].

Four of the agreements also mention crimes related to human trafficking and illegal restraint. However, in cooperation with Armenia, Belarus and Moldova this was expanded to encompass illegal acquisition and disposal of human cells, tissues and organs. Sexual offenses were listed in four of the agreements, save that with Ukraine. Their scope is the widest in the contract with Armenia¹⁰, which lists pimping, sexual exploitation of minors, distribution of pornographic materials involving minors and their production for this purpose. The agreement with Moldova is limited to pimping while cooperation with Belarus regards crimes against sexual freedom and decency. The Polish-Georgian document, in addition to sexual freedom refers to integrity of a person [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].

The fight against illegal migration has become a common area of interest in Poland's relations with all five countries. The cooperation with Belarus and Georgia has been

⁸ Polish-Ukrainian agreement has restricted it to steal radioactive materials, illegal trading and their misuse or improper use them threatening to cause harm.

⁹ Polish-Georgian agreement also includes a transportation of nuclear materials or radioactive.

¹⁰ These differences arise, among others, from the tradition and the role of the Christian religion in Armenia, which is the state religion since 301.

extended to deal with the issue of organization of illegal migration, with Ukraine - smuggling of people, and with Moldova - illegal residence and related criminal activities [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].

Moreover, Poland and Belarus and Georgia took into account the crimes related to the smuggling of goods. Polish-Belarusian regulations were extended to cover illicit trade in alcohol, tobacco products and tobacco raw materials. Among the crimes of particular interest to the partners, listed in the four agreements, except the Polish-Ukrainian document, the following types were prevalent: offenses against life and health of people, offenses against the environment, theft of all kinds of objects, in particular cultural goods and means of transport¹¹, smuggling and illegal trade in such objects [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].

Another area of cooperation, common to the five partners of Poland, is combating crimes related to illicit traffic in narcotic drugs, psychotropic substances and precursors. This issue is most widely regulated in the agreements with Moldova and Georgia. The agreement with Moldova additionally refers to illegal cultivation of plants used for manufacture of such substances, their production, acquisition, possession, distribution, import, export and transit. The agreement with Georgia lists illegal crops used for manufacture of such substances¹² [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].

Only the agreements with Georgia and Moldova refer to the violation of intellectual and industrial property rights. Both of them also include computer crimes¹³ [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].

TYPES AND METHODS OF BILATERAL COOPERATION

Bilateral cooperation between Poland and the five countries of the Eastern Partnership involves search for persons suspected of committing crimes listed in the agreement or of evading punishment and search for missing persons¹⁴. The agreements with Georgia and Ukraine extend the range of such cooperation to include activities related to the identification of persons and human remains. Cooperation with Belarus, Georgia and Moldova involves also search for proceeds of crime and

¹¹ In agreement between Poland and Moldova accurately classified offenses such as car theft and other illegal conduct to motor vehicles.

¹² Poland, Ukraine and Belarus in addition to the illicit traffic in narcotic drugs, psychotropic substances and precursors also included the fight against their production. Poland and Belarus also prosecute crimes for the possession of narcotic drugs.

¹³ Polish-Georgian agreement clearly indicates that cooperation relates to the illegal production, reproduction and distribution of copyrighted items and licenses and offenses committed by means of a computer, the Internet or other means of distance communication.

¹⁴ In relations with Belarus it is applied either to the search of suspects or accused persons.

instrumentalities of crime. Only in the Polish-Armenian agreement it is stipulated that the document does not regulate the issue of extradition [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].

In preventing, combating and detecting crime, partners are supposed to exchange information, including classified information, on perpetrators of crimes and suspects (including their personal details), on new types of crime, and on methods and forms of crime prevention and detection. Moreover, the agreements provide that parties are to exchange publications and research findings and share experience by organizing internships, consultations, seminars and training. There are some differences in these areas in Poland's agreements with each country. Exchange of information with Ukraine and Armenia includes information on persons belonging to organized criminal groups or suspected of belonging to them. In the agreement with Armenia, this was extended to include organizers and participants of criminal activities. Under the agreements with Belarus, Georgia and Moldova, the countries can provide each other with personal details of perpetrators. Cooperation with Belarus enables exchange of information on personal details of crime organizers and other persons involved while the agreements with Moldova and Georgia go further to include personal details of instigators and leaders of criminal activities. The agreements with these countries also assume exchange of information on criminal organizations, their structures and characteristic behavior of individuals and groups, the circumstances of crimes (time, place, manner of committing a crime, subject), violated laws¹⁵, precautionary measures and their effects as well as modus operandi of particular criminal groups and the relationship between particular perpetrators¹⁶. With respect to international organized crime, the scope of cooperation with Georgia was defined more broadly than with Moldova. In addition to the exchange of information on international criminal groups, people in charge of their activities, relationships with other criminal organizations, and methods of operation, the cooperation also covers bilateral exchange of data on the means of communication, vehicles, payment cards and other tools used in crime commission. Scientific-technical cooperation between Poland and Georgia and Poland and Armenia was extended to encompass exchange of statistical data and legislation. Special interest in the transfer of information and experience in the field of forensic science and criminology is indicated in the agreements with Ukraine, Belarus, Georgia and Moldova - the last two countries are also interested in the exchange of criminal law solutions. The agreements with Belarus, Moldova and Georgia provide also for exchange of experience and information on using special equipment and its development. In the case of Moldova and Georgia such cooperation includes also the possibility of renting relevant equipment [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].

Four agreements, with the exception of the Polish-Armenian one, contain very similar but extended provisions on preventing and combating terrorism, drug trade and

¹⁵ That was limited to criminal violations of the law in cooperation with four countries, except Ukraine.

¹⁶ The last two items are not explicitly included only in the Polish-Ukrainian agreement.

illegal border crossing. With regard to terrorism, cooperation between the parties involves exchange of information about planned and committed attacks against public order and general security and information about *modus operandi* of individual perpetrators and terrorist groups whose activities may prejudice important national interests. The parties to the agreements have also decided to undertake joint actions in the field of preventing and combating terrorism. Under Polish-Ukrainian agreement, the countries are to exchange experience in the fight against this threat. Referring to the prevention and combating of illegal border crossing and illegal migration, the four agreements provide for exchange of information in this area, especially with regard to organizers of these crimes and their methods of operation, types of documents entitling the holder to cross the border, types of seals used in such documents, and types of visas issued by a given country¹⁷. This issue is most precisely regulated in the Polish-Georgian agreement, according to which cooperation between the two countries in that domain includes exchange of data on means of transport used by criminals and routes of illegal migration, on production and use of falsified documents needed to cross the border, on visa requirements, and on the size of illegal migration. In addition to that, the parties have agreed to exchange experience concerning border control, migration issues and the application of the national law on the entry and residence of aliens. The partners have also provided for exchange of information on illegal trading and production of narcotic drugs, psychotropic substances and precursors, methods and locations of their preparation and storage as well as their transport, and information on the applicable legal regulations. They have also decided to share samples of new plants, synthetic materials, precursors and other hazardous substances. Moreover, the parties have recognized the importance of exchange of experience with regard to supervision of the legal trade in such drugs, substances and precursors, as well as starting substances and intermediates used in their production. Only in the Polish-Ukrainian agreement the exchange has been extended to include information on participants in drug trafficking, on drugs concealment, their transportation and sale, methods of their production, origin of such substance, trafficking routes and methods of their illegal international transportation¹⁸. Furthermore, Polish and Ukrainian authorities have declared to share results of research in the field of forensic science and criminology. The two countries are also the only ones that have envisaged joint operations to eliminate international drug groups and to conduct controlled supplies of drugs, psychotropic substances and precursors. The reason why Poland and Ukraine take particular interest in joint combating of narcotic drugs business is the geographical location of the two countries, i.e. on the main drug smuggling routes between Asia and Europe. Besides, only Poland and Ukraine in the bilateral agreement regulated extensively the issue of fight against criminals who counterfeit money and other means of payment as well as financial documents and securities and put them into circulation. Cooperation between the two countries focuses on exchange of

¹⁷ In the agreement with Ukraine was also added the fight against trafficking in human beings, in agreement with Belarus was omitted exchange of symbols.

¹⁸ In agreement with Belarus information exchange includes data about the routes and destinations transported narcotics, psychotropic substances and precursors, in agreement with Georgia just this last point was regulated.

information and experience and undertaking joint ventures in this area [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].

In connection with the transfer of information and personal data, classified information in particular, Poland and its partners have regulated the issue of protection of such information [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007]. The most extensive legal basis in this field exists in the Polish-Ukrainian relations, as they are additionally supported by a treaty on mutual protection of classified information, which was signed on September 4, 2001 and entered into force March 1, 2004 [Umowa z dnia 4 września 2001]. The willingness to sign a similar agreement in the future has also been declared by Poland and Georgia, but as of the end of 2014 this did not happen. For this reason, issues related to protection of personal data are better regulated in the other agreements. The four documents define most rules of conduct in the same way, although some issues are more extensively addressed in the agreement between Poland and Moldova¹⁹.

A crucial element of Poland's cooperation with the five countries of the Eastern Partnership is the undertaking of joint ventures. In relations with Ukraine these have been generally described as operational activities. In case of Belarus, Georgia and Moldova they concern in particular controlled purchase and delivery as well as covert surveillance. However, in the case of Moldova they have been limited to police operations. The implementation of joint undertakings requires that one of the parties submits a proposal. Polish-Armenian cooperation differs from the others in that there is a general obligation to submit proposals of cooperation and that such proposals are specified in detail in the bilateral agreement. The Polish-Azerbaijani agreement also applies to the operational cooperation of competent state authorities in combating and preventing international terrorism, organized crime and other particularly dangerous forms of criminal activity, and in detecting criminal acts. The aim of the agreement is to enhance effectiveness in fighting against crime and to reduce the number of criminal offenses, e.g. by exchanging information and carrying out joint operational activities. Personal scope includes natural persons, legal persons and entities without legal personality to the extent of their involvement in criminal activities covered by this agreement [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].

All agreements provide for the possibility of refusing cooperation or making it subject to certain conditions. However, this is restricted to situations where the sovereignty of one of the parties or the principles of its legal system get violated or where there is a threat to its security or other important national interests. The same rules apply to

¹⁹ In all agreements have specified the issues: the purpose and conditions of use of personal data; information on the methods and the results of their use; handing over data to other public safety entities; responsibility for the accuracy of the data and the terms and rules of their removal. In addition, in the agreements with Belarus and Moldova the institutions are obliged to register and control the transferred personal data. Only Poland and Moldova undertook to protect these data against access by unauthorized persons and unauthorized disclosure of data. These rules also apply to information collected while jointly implemented operational activities.

the exchange of experts, which is specifically emphasized in the agreements with Belarus²⁰, Georgia and Moldova. Moreover, the rules of cooperation with these three countries require that the partners provide the names of experts who are to participate in the exchange at least two weeks before the scheduled date of a visit [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].

CONCLUSIONS

Poland's accession to the EU and the expansion of organized crime and terrorist attacks in the US in 2001 and in Europe in 2004-2005 boosted the development of cooperation in that sphere. These factors played an important role in determining the development of cooperation in the fight against crime with countries that in 2009 were covered by the Eastern Partnership initiative. They are also the reason why the bilateral agreements on cooperation in prevention of organized crime, investigation of offences and detection of crime perpetrators take similar forms and address similar issues. Poland has signed such agreements with all the countries of the Eastern Partnership and until 2014 only the one with Azerbaijan had not entered into force. The agreements in a very similar way classify types of criminal offenses related to economic activity, human trafficking, migration, trade and production of arms, ammunition and explosives, organized crime and terrorism. Only the agreements with Georgia and Moldova refer to violations of intellectual and industrial property rights and computer crimes. The most similar forms of cooperation in preventing, combating and detecting crimes include: search for persons alleged to have committed these crimes or those who evade punishment for them, search for missing persons, exchange of information and personal details, exchange of experience and undertaking joint operational activities. The relatively widest scope of cooperation is provided for in the agreements between Poland and Moldova and Poland and Georgia. This applies both to the list of criminal offenses and to forms of cooperation. The problem of combating drug offenses and the offences related to counterfeiting of money and other means of payment as well as financial documents and securities is regulated in the Polish-Ukrainian agreement much more extensively than in the others. Referring to the limited information on the provisions of the Polish-Azerbaijani agreement, it can be concluded that its scope and the forms of cooperation regulated by it are similar to those covered by the other agreements. However the document places greater emphasis on the fight against international terrorism.

Common problems, similar scope and mechanisms of cooperation in the fight against organized crime and other forms of criminal activity help achieve the objectives of the Eastern Partnership. Therefore, it is important to further enhance cooperation between Poland and the Partnership countries. Due to its location on the main routes of the activity of organized criminal groups dealing mainly with economic crime, drug trafficking and illegal migration, Poland is often regarded as a transit country, though it is also a place of temporary storage of smuggled goods or final destination for illegal immigrants. That is why such types of crime are broadly addressed in the bilateral

²⁰ In cooperation with Belarus is also allowed to propose to designate another person.

agreements. The important issue that remains to be addressed is the intensification of multilateral cooperation between the European Union and the Eastern Partnership countries that would strengthen the European Union's Eastern policy.

REFERENCES

Bułat K., Czarniak P., Gorzelak A. et al. (2007), *Kryminologia: Repetytorium*, Wolters Kluwer Polska S.A., Warszawa.

Chodubski A. (2005), *Wstęp do badań politologicznych*, Wydawnictwo Uniwersytetu Gdańskiego, Gdańsk.

Dudzić A. (2006), *Polska na drodze do Schengen oraz kierunki rozwoju obszaru wolności, bezpieczeństwa i sprawiedliwości w Unii Europejskiej*, in: *Bezpieczni w Europie. Materiały pokonferencyjne*, 14 grudnia 2006 rok Białystok, Zdanowicz M. (Ed.), Wydawnictwo Urząd Komitetu Integracji Europejskiej, Kraków, p. 38-50.

Tendery-Właszczuk H. (ed.) (2009), *Ewolucja i ocena funkcjonowania trzeciego filaru Unii Europejskiej*, Polskie Towarzystwo Ekonomiczne, Kraków.

Filipkowski W. (2004), *Zwalczanie przestępczości zorganizowanej w aspekcie finansowym*, Kantor Wydawniczy Zakamycze Grupa Wolters Kluwer, Kraków.

Gruszczak A. (2006), *Współpraca transgraniczna organów ścigania w Unii Europejskiej*, in: *Bezpieczni w Europie. Materiały pokonferencyjne*, 14 grudnia 2006 rok Białystok, Zdanowicz M. (red.), Wydawnictwo Urząd Komitetu Integracji Europejskiej, Kraków, p.29-37.

Internetowy System Aktów Prawnych, [online] Available at: <http://isap.sejm.gov.pl/> [Accessed November 28, 2014].

Komisja Spraw Zagranicznych, nr 64, Biuletyn 1247/VI z 02.10.2008, [online] Available at: <http://orka.sejm.gov.pl/Biuletyn.nsf/0/21D317F5E8983D0BC12574EF003705C2?OpenDocument>, [Accessed September 05, 2014].

Krajniak O. (2011), *Zorganizowane grupy przestępcze: Studium kryminalistyczne*, Wolters Kluwer business, Warszawa.

Kurowski W. (2006), *Pojęcie organizacji przestępczej i przestępczości zorganizowanej*, „Prokuratura i Prawo”, nr 1, p. 26-43.

Mądrzejowski W. (2008), *Przestępczość zorganizowana. System zwalczania*, Wydawnictwo Akademickie i Profesjonalne, Warszawa.

Michalska-Warias A. (2006), *Przestępczość zorganizowana i prawnokarne formy jej przeciwdziałania*, Lublin .

Pływaczewski E. (1992), *Przestępczość zorganizowana i jej zwalczanie w Europie Zachodniej, ze szczególnym uwzględnieniem Republiki Federalnej Niemiec*, Wydawnictwo Prawnicze, Warszawa.

Pływaczewski E. W. (2006), *Kierunki zagrożeń przestępczością zorganizowaną w nowych krajach członkowskich na przykładzie Polski*, in: *Bezpieczni w Europie*.

Materiały pokonferencyjne, 14 grudnia 2006 rok Białystok, Zdanowicz M. (Ed.), Wydawnictwo Urząd Komitetu Integracji Europejskiej, Kraków, p. 9-16.

Porozumienie z dnia 12 maja 2007, Porozumienie z dnia 12 maja 2007 r. między Rządem Rzeczypospolitej Polskiej a Rządem Republiki Białorusi o zmianie Umowy między Rządem Rzeczypospolitej Polskiej a Rządem Republiki Białorusi o współpracy w zwalczaniu przestępczości, podpisanej w Mińsku dnia 8 grudnia 2003 r., Dz.U. 2008 nr 12 poz. 73.

CBI 2009, CBI 2010, CBI 2011, CBI 2012, CBI 2013, CBI 2014, Sprawozdanie z działalności Centralnego Biura Śledczego Komendy Głównej Policji w 2008 roku, 2009 roku, 2010 roku, 2011 roku, 2012 roku, 2013 roku, [online] Available at: <http://cbsp.policja.pl/cbs/do-pobrania/raporty-z-dzialalnosci/9890,Raporty-z-dzialalnosci.html>, [Accessed December 12, 2014].

MI 2008, MI 2009, MI 2010, MI 2011, MI 2012, MI 2013, *Raport o stanie bezpieczeństwa w Polsce w roku 2008, w roku 2009, w roku 2010, w roku 2011, w roku 2012, w roku 2013*, [online] Available at: <http://bip.msw.gov.pl/bip/raport-o-stanie-bezpie/18405,Raport-o-stanie-bezpieczenstwa.html> [Accessed November 11, 2014].

Rau Z. (2002), *Przestępczość zorganizowana w Polsce i jej zwalczanie*, Kantor Wydawniczy Zakamycze, Kraków.

Skoczek J. (2006), *Bezpieczeństwo Unii Europejskiej w kontekście polityki migracyjnej*, in: *Bezpieczni w Europie. Materiały pokonferencyjne, 14 grudnia 2006 rok Białystok, Zdanowicz M. (Ed.)*, Wydawnictwo Urząd Komitetu Integracji Europejskiej, Kraków, p. 46-50.

Umowa z dnia 6 września 2004, Umowa między Rządem Rzeczypospolitej Polskiej a Rządem Republiki Armenii o współpracy w zwalczaniu przestępczości, podpisana w Warszawie dnia 6 września 2004 r., Dz. U. 2005 nr 125 poz. 1046.

Umowa z dnia 4 czerwca 2008, Umowa między Rządem Rzeczypospolitej Polskiej a Rządem Republiki Azerbejdżanu o współpracy w zwalczaniu międzynarodowego terroryzmu, przestępczości zorganizowanej oraz innego rodzaju przestępczości, sporządzona w Warszawie dnia 4 czerwca 2008 r., Agencja Bezpieczeństwa Wewnętrznego, [online] Available at: <https://www.abw.gov.pl/pl/prawo/zwalczanie-terroryzmu/prawo-miedzynarodowe/289,Prawo-miedzynarodowe.html> [Accessed August 1, 2014].

Umowa z dnia 8 grudnia 2003, Umowa między Rządem Rzeczypospolitej Polskiej a Rządem Republiki Białorusi o współpracy w zwalczaniu przestępczości, podpisana w Mińsku dnia 8 grudnia 2003 r., Dz. U. 2005 nr 125 poz. 1044.

Umowa z dnia 31 maja 2007, Umowa między Rządem Rzeczypospolitej Polskiej a Rządem Gruzji o współpracy w zwalczaniu przestępczości zorganizowanej i innego rodzaju przestępczości, podpisana w Tbilisi dnia 31 maja 2007 r. Dz. U. 2008 nr 146 poz. 925.

Umowa z dnia 22 października 2003, Umowa między Rządem Rzeczypospolitej Polskiej a Rządem Republiki Mołdowy o współpracy w zwalczaniu przestępczości zorganizowanej i innego rodzaju przestępczości, podpisana w Kiszyniowie dnia 22 października 2003 r., Dz. U. 2004 nr 228 poz. 2302.

Umowa z dnia 3 marca 1999, Umowa między Rządem Rzeczypospolitej Polskiej a Rządem Ukrainy o współpracy w zakresie zwalczania przestępczości zorganizowanej, sporządzona w Kijowie dnia 3 marca 1999 r., Dz. U. 2004 nr 38 poz. 343..

Umowa z dnia 4 września 2001, Umowa między Rządem Rzeczypospolitej Polskiej a Gabinetem Ministrów Ukrainy w sprawie wzajemnej ochrony informacji niejawnych, podpisana w Warszawie dnia 4 września 2001 r., Dz. U z 2004 nr 193 poz. 1974.

Wójcik J. W. (2011), Przeciwdziałanie przestępczości zorganizowanej. Zagadnienia prawne, kryminologiczne i kryminalistyczne, Wolters Kluwer Polska Sp. z o.o, Warszawa.