

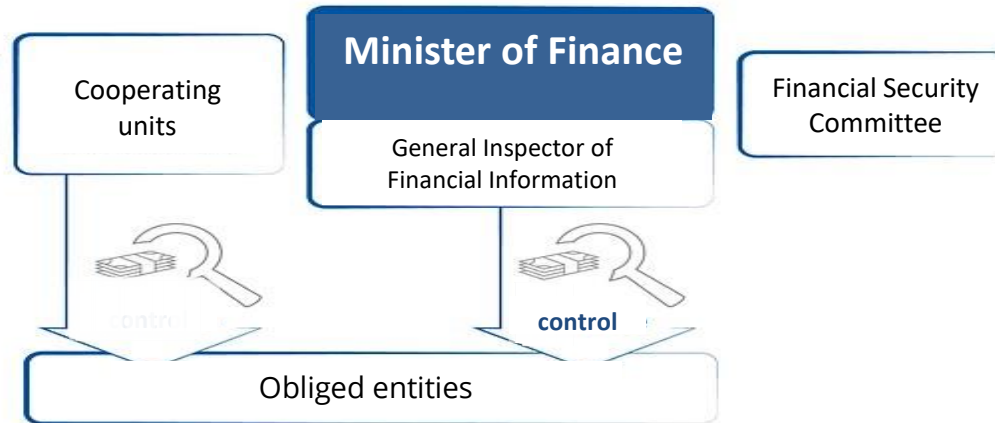


# **SUPREME AUDIT OFFICE OF POLAND (NIK)**

## **Results of the audit of the anti-money laundering and counter-terrorist financing system in Poland**

**18th Annual Meeting of the INTOSAI Working Group on the Fight Against  
Corruption and Money Laundering  
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# Anti-money laundering and counter-terrorist financing system in Poland



The Polish system of anti-money laundering and combating the financing of terrorism consists of:

- the Minister of Finance - as the chief financial authority,
- the General Inspector of Financial Information (GIFI),
- Department of Financial Information of the Ministry of Finance (acts as the Polish Financial Intelligence Unit – PFIU),
- cooperating units – central administration, local government authorities and other state organizational units, also the Central Bank (NBP) and the Commission for Financial Supervision (FSA),
- obliged entities - financial and non-financial institutions.

There is also a consultative and advisory body on AML/CFT operating alongside the GIFI – the Financial Security Committee.

## Reasons for undertaking the audit



1. In the Basel AML Index 2022, Poland was ranked 9th out of 31 European countries in terms of the ML/FT risk.
2. The AML/CFT area has not been audited by NIK since 2015.
3. The audit conducted in 2015 revealed low effectiveness of the control system over obliged entities.

## Audited entities

- Ministry of Finance - in the scope of FIU activities, risk assessment, strategy, legislative issues.
- Polish Financial Supervision Authority – AML/CFT control in supervised entities (banks, insurance institutions, payment institutions, capital market institutions).
- National Bank of Poland - supervision over stationary currency exchange offices.
- Customs and tax offices (4) - control over entrepreneurs that are obliged entities.
- Courts of appeal (4) - control over notaries.
- Voivodeship offices, city offices, county offices (5) - control over associations and foundations.

## Key findings 1/6

- The heads of customs and tax offices covered only some groups of obliged entities with AML/CFT controls. The number of controls in this area was limited.
- Voivodes as well as the Mayor of the City of Warsaw and the District Governor of Lublin took only very limited actions aimed at controlling foundations and associations in the area of AML/CFT.
- The effectiveness of the control over notaries, carried out by the presidents of the courts of appeal covered by the audit was limited. The number of controls over notaries in the area of AML/CFT was low.
- During the period covered by the audit of the Supreme Audit Office, the Polish Financial Supervision Authority carried out significantly fewer inspections of supervised obliged entities than in previous years.

## Key findings 2/6

- Irregularities related to the development of the National Risk Assessment (NRA) and the AML/CFT strategy:
  - The GIFI developed the second edition of the NRA with a delay of more than two years.
  - The GIFI developed a draft AML/CFT strategy corresponding to the 2019 NRA only 13 months after it was signed by the Minister of Finance.
  - A significant part of the actions set out in the above strategy was not implemented.
  - By the end of 2024, the General Inspector had not developed a draft AML/CFT strategy relating to the 2023 NRA.

## Key findings 3/6

- Irregularities concerning the controls carried out by the GIFl and its coordination of controls carried out by other entities:
  - The GIFl in its control plans for 2022 and 2023 did not indicate justifications for undertaking controls, i.e. individual risk analyses based on measurable criteria.
  - The GIFl unreliably coordinated control activities of entities such as: customs and tax offices, voivodes, counties, courts of appeal.

## Key findings 4/6

- Irregularities in the area of obtaining and processing information on suspicious activity (lack of prioritization of notifications, long duration of processing).
- Late initiation and lengthy conduct of administrative proceedings by the GIFI and the FSA regarding the imposition of financial penalties.
- Failure to take adequate and effective measures in relation to the increased risk of money laundering and terrorist financing resulting from the aggression of the Russian Federation against Ukraine and the associated increased migration and cash flow.



## Key findings 5/6

- Irregularities in government AML/CFT legislative work:
  - The FIU and the Minister of Finance did not take effective measures to comprehensively regulate issues related to the identification and control of foundations and associations as obliged entities.
  - The Minister of Finance did not take effective measures to regulate and supervise the activities of online currency exchange offices.
  - The government's legislative process was conducted in a way that prevented the timely and full application of the provisions of Regulation 2018/1672 (temporary retention of funds).

## Key findings 6/6

- The Minister of Finance did not provide fully adequate organisational and technical conditions, i.e. human and IT resources, enabling the implementation of the GIFI tasks specified in the AML/CFT Act in an effective and efficient manner.
  - Control activities were not carried out by employees with appropriate qualifications in the methodology of conducting control and audit activities.
  - It was not until 2022 that work began on the new SIGIIF 2.0 IT system, with planned completion of work by the end of 2028.



**16 post-audit reports**

**The following were formulated:**

- 9 *de lege ferenda* conclusions,
- 49 other post-audit recommendations, including 21 addressed to the Minister of Finance.

## ***De lege ferenda conclusions :***

- Four proposals to take action to regulate AML/CFT control of foundations and associations.
- Taking action to extend industry supervision of the so-called online currency exchange offices.
- Undertaking legislative work aimed at introducing the institution of temporary detention of funds by way of an administrative decision (Article 7 of Regulation 2018/1672) into the Polish legal system.

## ***De lege ferenda* conclusions (cont.):**

- Taking action to regulate the issue of AML/CFT control of foundations and associations.
- Taking steps to involve the Minister of Justice in control activities undertaken against notaries resulting from the provisions of the AML/CFT Act.

## **Other systemic conclusions:**

- Specifying deadlines for fulfilling the obligations of the so-called dynamic obliged entities.
- Provision by GIFI of guidelines and instructions for conduct for entities, in connection with the increased risk of money laundering and terrorism financing as a result of the mass influx of immigrants and refugees to Poland.
- Developing effective solutions to reduce the time elapsing from the date of receipt of notifications of suspicious activity by the Department of Financial Information of the Ministry of Finance to the date of their initial analysis.

## Other systemic conclusions (cont.):

- Ensuring that the work of the Department of Financial Information of the Ministry of Finance is organised in a way that will result in the initiation of administrative proceedings to impose penalties in connection with irregularities identified in the AML/CFT area without undue delay and will prevent the excessive length of these proceedings.
- Intensification of work related to the implementation of the GIFI new IT system SIGIIF 2.0 project together with the implementation of the goAML software/application.
- Providing, by the Director of the Department of Financial Information of the Ministry of Finance, training on the methodology of audit, control and compliance for employees carrying out control activities in obliged entities and selecting candidates for work in the Control Division who have competences in the above-mentioned areas.



# Thank you for your attention!

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