



# Evaluation of the Integrity Pact Pilot Final Report

---

**Marek Dudkiewicz**

## Preliminary Remarks

The *Integrity Pact* is a tool for preventing fraud in public procurement, created and promoted in the European Union by Transparency International. Its basic principle is an agreement between the public entity and bidders (and later the contractor) on the rules of transparent conduct at the stage of tendering and project implementation, and the whole process is monitored by a Civil Society Observer. These principles include a commitment to higher standards than those defined by law.

In Poland, the Integrity Pact, as a pilot of this tool, was implemented within the framework of the project Integrity Pacts – Civil Control Mechanism for Safeguarding EU Funds, Phase II, and covered the project “Works on Railway Line No. 1 on the Częstochowa–Zawiercie Section” implemented by the PKP PLK S.A. company and funded by the EU. The function of Civil Society Observer was performed by the Stefan Batory Foundation. The implementation of the project began in the summer of 2016 and continues to this day.

The Integrity Pact aims to protect EU funds against corruption more effectively. The project implemented in Poland is part of a broader undertaking – analogous projects are carried out jointly in 11 EU countries and cover 17 different projects.

As part of the implementation of the Integrity Pact, regular meetings were held between all the stakeholders involved in the project: representatives of the Contracting Authority (PKP PLK S.A), the Ministry of Investment and Development (now Ministry of Development Funds and Regional Policy), the Centre for EU Transport Projects (CUPT), the Contractor (the ZUE S.A. company, selected in a tender), the Civil Society Observer (the Stefan Batory Foundation and its consultants), and other entities involved in the implementation of the project and its supervision (Project Engineer, local companies/

PKP branches). Project documentation, including minutes of all the meetings, and correspondence between the parties is available at [www.paktuczciwosci.pl](http://www.paktuczciwosci.pl) (accessed on 28 September 2021.).

The Batory Foundation commissioned MMD Milanowa S.C. Magdalena Dudkiewicz, Marek Dudkiewicz to evaluate the implementation of the Integrity Pact pilot project in Poland.

## Evaluation Objective

The basic aim of the evaluation was to check how the Integrity Pact pilot in Poland had progressed and what outcomes it had produced, and whether or not it had achieved the objectives and confirmed the theory of change behind this tool, as formulated by Transparency International.

The information available to evaluators has allowed them to accomplish the first objective, the evaluation of the pilot's process and identification of outcomes. The second objective turned out to be unattainable. The fact that the Integrity Pact covers only one project in a country as large as Poland, with its long-established public procurement legislation,<sup>1</sup> makes it impossible to identify whether the Integrity Pact is capable of making a major difference. The expectation appears to have been unrealistic from the outset and could only apply to a country with far less developed legal infrastructure in the area of public procurement.

For this reason, the Evaluation Report focuses only on the process of the Integrity Pact pilot in Poland, the implementation challenges, the outcomes achieved (more precisely: the outcomes perceived by its stakeholders) and ideas concerning how a tool like the Integrity Pact could or should be implemented in Poland in the future.

## Evaluation Techniques

Two techniques were used in the evaluation:

- Desk research: the analysis of project files and records: Transparency International outline, the European Commission's objectives, project documentation, including the contract, correspondence, minutes of meetings, findings and any other documents related to the project;
- In-depth individual interviews (IDI) conducted with key people involved in the project representing all the important stakeholders: PKP PLK, ZUE (the contractor), the Ministry of Development Funds and Regional Policy, CUPT, the Batory Foundation and Batory Foundation consultants (lawyer, engineer).

In-depth individual interviews allow maximum flexibility during the research process. This technique can be used in different places, at different times, with different respondents groups and by many research team members. The interviews conducted in this evaluation study were:

- Qualitative in nature: *"flexible, interactive, continuous rather than rigid and unchanging"*,<sup>2</sup> which allowed interaction between the interviewer and the respondent;<sup>3</sup>

---

1 The Public Procurement Act was enacted in 1994 and was amended several times before 2003. In 2004, the Public Procurement Law was passed, also with multiple subsequent amendments. A new law on public procurement has been in force since 1 January 2021 [cf. Appendix: Dissenting opinion and comments by PKP PLK S.A.].

2 H.J. Rubin, R.S. Rubin, *Qualitative Interviewing: The art of Hearing Data*, Sage, Thousand Oaks, CA 1995, after E. Babbie, *Badania społeczne w praktyce*, PWN, Warsaw 2003, p. 327.

3 E. Babbie, *op. cit.*, p. 327.

- Casual, i.e. similar to an ordinary conversation, “stripped of formal language, giving way to colloquial language easily understood by the respondent”;<sup>4</sup>
- “Partially guided”, where “the researcher uses a list of issues to be addressed during the interview”. The list creates “more room for manoeuvre during the interview yet supports standardisation of data obtained in interviews on the same topic”;<sup>5</sup>
- Tailored to particular categories of interviewees, e.g. for many of them, the interview contained elements of narrative expert interviewing, so it was possible to ask questions about both the knowledge and professional experience of the interviewees, as well as their personal views and assessments.

Semi-guided in-depth interviews were conducted based on a specific sequence of carefully-worded questions. Additional questions were asked to explore selected topics further. The interview scenario was designed to mitigate the impact of the interviewer often being perceived by the interviewee as “a distractor pulling him or her away from other very important and urgent business,” an effect frequently experienced by the Evaluator and described in research literature. A well designed in-depth interview scenario must not only help identify respondents’ opinions, some of which they may not even be aware of, but also “ensure that the interviewee’s time is not wasted”.<sup>6</sup>

The Evaluator conducted a total of 10 individual in-depth interviews. Some were in the form of dyads or even triads, if an organisation was represented by more than one person. A total of 15 people took part in the interviews. Only one organisation from the list refused to participate in the evaluation study.

All the interviews were conducted remotely using the Zoom communication platform. The Evaluator had attended an online quarterly meeting (12 April 2021) prior to the interviews, i.e. some interviewees had the opportunity to meet virtually first, and the interviewees were then informed about the start of the evaluation and had the opportunity to meet the Evaluator.

Interviews were conducted in May and June 2021. All the interviews were recorded and these recordings were used by the Evaluator to analyse the collected material. Since all the respondents knew each other, having taken part in multiple Integrity Pact meetings, the Evaluator decided, after consulting the Batory Foundation, not to include illustrative quotations from the statements of individual respondents to avoid issues with compromised anonymity.

The Evaluation Report was presented by the Evaluator to all the Integrity Pact pilot stakeholders. Each of the parties involved in the Integrity Pact could present a dissenting opinion and comments on any part of the Evaluation Report. Three organisations decided to do so: ZUE S.A., the Ministry of Development Funds and Regional Policy, and PKP Polskie Linie Kolejowe S.A. All the three dissenting opinions are presented at the end of the Evaluation Report, in the Appendix. The places referred to in the dissenting opinions/comments of individual stakeholders are footnoted to ensure the integrity and transparency of the Evaluation Report.

4 K. Konecki, *Studia z metodologii badań jakościowych. Teoria ugruntowana*, Warsaw 2000, PWN, p. 169.

5 J. Sztumski, *Wstęp do metod i technik badań społecznych*, „Śląsk” Scientific Publishing House, Katowice 1999, pp. 132–133.

6 Radomir Miński, *Wywiad pogłębiony jako technika badawcza. Możliwości wykorzystania IDI w badaniach ewaluacyjnych*, in: *Przegląd Socjologii Jakościowej*, Vol. XIII, No. 3, pp. 30–51.



## Findings

Nearly all the stakeholders [cf. Dissenting Opinion]<sup>7</sup> involved in the Integrity Pact pilot in Poland were originally uncertain about the nature and the expected outcomes of the Pact. Expectations related to the Pact fell into two categories.

Some respondents had no specific expectations of the Pact. It could be argued they were neutral or even defensive about it. This was due to the fact that they had not participated in decisions to implement the Pact in Poland or to select the infrastructure project to be covered by the Pact. Organisations represented by these people had been included in the Pact for reasons arising from their mandate or had been seconded to participate in the Pact. This may have created a perception that the Pact covered projects at risk of irregularities and that inclusion in the Pact was, as it were, a vote of no confidence. This is probably why there were some defensive reactions.

Some respondents expected or even hoped that the Integrity Pact would draw the senior decision-makers' attention to bad practices believed to be well known in the public procurement community, but never openly discussed in public. The Integrity Pact was expected to become a useful tool for launching a public debate on the matter.

A common view among most respondents was that the Integrity Pact would not effectively reveal corrupt practices. Some respondents felt that these kinds of practices are relatively rare in Poland today and that corruption is not a systemic problem in public procurement. Others added that, even if corruption does exist, the Integrity Pact is incapable of revealing it. In fact, some respondents suggested that, if they do occur, corrupt practices are too sophisticated for a tool like the Integrity Pact to be able to detect them.

However, the preventive power of the Integrity Pact itself was emphasised. The fact that an investment is included in this type of project ensures that parties will not undertake any corrupt activities, as they know that the entire process is being monitored by the civil society observer. No one, at any point, suggested or expressed doubts about the integrity of the parties to the project covered by the Integrity Pact pilot. General comments were made about possible corruption risks in the public procurement system. They should be interpreted as an indication that any corruption would be more likely to occur in projects not covered by the Integrity Pact [cf. Dissenting Opinion].<sup>8</sup>

Stakeholders' initial lack of understanding of the concept of the Integrity Pact caused the role of the Civil Society Observer<sup>9</sup> to change over the course of the project. The role's initial limitation to simply observing and monitoring the project evolved. Pilot stakeholders gradually involved the Civil Society Observer in the role of a project participant with the capacity to issue opinions, especially with regard to contested issues in the Contracting Authority/Contractor relations. This led to questions about the impartiality of the Civil Society Observer later in the project. These allegations were naturally linked to findings or recommendations disclosed by the Observer; the Observer's impartiality was questioned when its position was not in favour of the party in question [cf. Dissenting Opinion].<sup>10</sup>

7 See Appendix: dissenting opinion and observations of PKP PLK S.A.

8 See Appendix: dissenting opinion and observations of PKP PLK S.A.

9 The phrase "Civil Society Observer" in capital letters refers to the Batory Foundation fulfilling this role in the pilot in question. On the other hand, whenever the term "civil society observer" is written in lower case letters it refers to a role in the concept of the Integrity Pact, and not to any specific organisation that assumes the role.

10 Cf. Appendix: dissenting opinion of ZUE S.A.

Some systemic weaknesses in infrastructure projects were indeed revealed over the course of the Integrity Pact, as expected and hoped by some respondents. However, they are legal or procedural, rather than corrupt or fraudulent in nature. They may lead to fraud indirectly because some of them open the door to these kinds of practices.

First, there was the issue of price indexation during the project. Projects lasting several years (a railway line upgrade covered by the Integrity Pact in Poland lasted almost five years [cf. Dissenting Opinion])<sup>11</sup> may turn out to be unprofitable for contractors due to sudden price hikes; for example, the price of products or materials needed to complete the project, or an increase in wages (affected by the increase of the minimum wages). This may not be foreseeable for contractors, as the COVID-19 pandemic has clearly demonstrated. It is in the interest of all parties, i.e. Contracting Authority, Contractor, Managing Authority, and indeed the European Commission, that mechanisms are put in place to respond to these kinds of developments to secure project continuity, prevent delays, and so on. More or less dramatic developments, including the abandonment of a project by the contractor, or compromised quality resulting from the purchase of lower-quality materials or the employment of workers with lower qualifications, may generate higher costs that exceed the impact of price adjustments. The Integrity Pact has revealed gaps in the laws and regulations, but has led to the introduction of policy rules to deal with these kinds of problems.

Secondly, the Pact has helped raise public awareness of a practice that is apparently widespread in public projects; namely, when works are completed “by notification” rather than on the basis of a building permit. Some respondents explained that the practice was common in the past in many infrastructural projects, not just railway ones. The root cause is perceived to be the weakness of construction oversight services and long or very long delays in issuing building permits. The parties to the investment process in question faced the following choice:

- Follow all the laws and regulations meticulously and probably see their project delayed, which means an increase in project costs and, in extreme cases, may lead to difficulties in securing the payment of EU subsidies;
- Find a way to circumvent procedures (notification of works) [cf. Dissenting Opinions]<sup>12</sup> and complete the project without obtaining a building permit [cf. Dissenting Opinion]<sup>13</sup> and thereby meet all the deadlines and budgets while running the risk that the completed works will be found to breach building permit requirements [cf. Dissenting Opinion].<sup>14</sup>

Effectively, parties proceed to ensure that their project is completed on time and within budget, but in violation of government procedures. This may be interpreted in at least two ways:

- It is an act of creative non-compliance with counterproductive legislation and a way to deal with the weaknesses of the government administration in Poland, pursued, as it were, in the public interest to secure the sensible spending of EU money on projects essential for the country;
- It is a potential source of fraud and possibly corruption. This is the nature of any behaviour where people circumvent the applicable laws and regulations. Note that the Civil Society Observer did not actually find any cases of either in the monitored project.

---

11 Cf. Appendix: dissenting opinion of ZUE S.A.

12 See Appendix: Dissenting opinion of ZUE S.A. and Dissenting opinion and comments of PKP PLK S.A.

13 See Appendix: dissenting opinion and observations of PKP PLK S.A.

14 Cf. Appendix: dissenting opinion of the Ministry for Development Funds and Regional Policy

If this kind of circumvention leads to actual problems later, when the project deliverable is found to breach a building permit issued subsequently, the employees working directly on the project, rather than the managers, will be held accountable. According to some respondents, this approach is common in many projects. Many project decisions are made orally and the relevant documents are created afterwards [cf. Dissenting Opinion]<sup>15</sup> and it is extremely unlikely that this practice would be possible without senior managers' tacit knowledge and, perhaps, consent.

Some respondents suggested that if the monitored project had not been covered by the Integrity Pact pilot, various issues during its implementation would have been resolved faster and without problems using routine ways of dealing with these kinds of situations. Meanwhile, the Integrity Pact had an impact by making the parties to the project more alert to compliance and forcing them to follow the law more closely. While some laws and regulations are admittedly bad and make it harder to complete projects, the value of the Integrity Pact lies in how it can expose practices that are considered natural project routines but, objectively speaking, are not good routines at all.

The Integrity Pact has made the Managing Authority officials aware of the significance of this problem and, most probably, of how common it is in Poland. As a result, a policy decision has been made to increase funding for construction oversight services to ensure faster procedures (the Evaluator is not in a position to confirm the actual impact of the policy decision). Furthermore, the Construction Law has been amended by simplifying some procedures and removing, in certain cases, the requirement that a building permit be obtained. Some interviewees said that the amendment is a direct effect of the Integrity Pact, while others see this as a mere coincidence, in which the Pact may have mildly influenced the legislative process, rather than caused it.

A number of formal and legal issues with the Integrity Pact were identified in the pilot project. First and foremost, some of the interviewees emphasised that the operation of the Integrity Pact had no backing in Polish legislation, including the law on public procurement. For this reason, much of the work of the Integrity Pact was based on the good faith of its participants. This was particularly true in the case of the exchange of documents; each party could, at any time, hide behind legislation on trade secrets, personal data protection, and so on. A detailed Integrity Pact agreement containing specific mutual obligations was signed between the Civil Society Observer and the Contracting Authority (PKP PLK). Neither the project Contractor nor the public administration (the Ministry, CUPT) were parties to this agreement, even though they were full-fledged and active project actors throughout. Formally, they could have ceased to be involved in the Integrity Pact at any time, without any formal consequences. The Contractor operated under a slightly different legal regime: the obligation to participate in the Integrity Pact was part of its contract with the Contracting Authority.

The contract for the Integrity Pact pilot was signed in parallel to the tender for the project to be monitored. The Civil Society Observer began its monitoring work on the project as soon as the tender procedure had started. Several respondents stressed that, for the Integrity Pact to be more effective, it would be advisable for the civil society observer to be involved earlier [cf. Dissenting Opinion].<sup>16</sup> The process of designing the tender may affect the shortlist of bidders or decisions with consequences that will only become apparent several years into the project; for example, environmental decisions or the selection of types of track crossing to be used in the project. Furthermore, it appears the period covered by the Integrity Pact contract (until the issuance of Acceptance Certificates) was too short. The

---

15 Cf. Appendix: dissenting opinion of ZUE S.A.

16 See Appendix: dissenting opinion and observations of PKP PLK S.A.

Acceptance Certificates was not been seen as a potential source of conflict between the Contracting Authority and the Contractor, and there were no complaints afterwards.

This definition of the duration of the contract, solely binding the Contracting Authority and the Civil Society Observer, means that the Civil Society Observer would face a potential conflict of interest if there were to be a dispute between the Contracting Authority and the Contractor right before the contract ended. This issue had been raised officially by the Contractor (on file), and some interviewees admitted that the problem had indeed existed. The Observer rejected the Contractor's conflict-of-interest allegations, a position accepted by some and rejected by others. Regardless of which position is legitimate in this particular dispute, it must be emphasised that the dispute would not have arisen if the contract had had a different end date and if more parties had been involved in the Integrity Pact, other than the Contracting Authority and the Civil Society Observer.

This conflict revealed yet another weakness in the current Integrity Pact formula: there is no complaints body and procedure for processing objections to the civil society observer's actions when the parties are unable to resolve the dispute on their own. Whether or not the Contractor's allegations against the Civil Society Observer are legitimate, the position of the Contractor was admittedly weak as it had no legal means whatsoever of countering the Observer's firm rejection of the allegations and defending its position. The Contractor did not have access to any formal body to seek a resolution in the dispute, either. What the Contractor could do, and actually did, was file a complaint about the Civil Society Observer's conduct to both the European Commission and Transparency International. However, this is not a legal dispute resolution process that can decide who is – and who is wrong – in this dispute.

The definition of the civil society observer role may give rise to serious problems in future Integrity Pacts. Actually, the Integrity Pact pilot in Poland demonstrated that this role evolved throughout the project and that the parties had divergent expectations when it comes to the Observer. On occasion, this has placed the Observer in awkward situations and forced it to go beyond the limits of its mandate.

The Civil Society Observer started out as a neutral observer collecting files and records, and monitoring the project in terms of transparency and fraud risk. The agreement signed between PKP PLK S.A. and the Batory Foundation on 8 November 2016 included PKP PLK's right to request an opinion from the Batory Foundation "on a given activity related to the procured project"<sup>17</sup> at any time during their formal relationship. As time progressed, there were growing expectations that the Observer would actively join in the monitoring and supervision of the project management, often in the role of a party that was supposed to favour the Contracting Authority [cf. Dissenting Opinion].<sup>18</sup> This attitude involved expecting the Observer to provide an opinion on matters that were the subject of a dispute between the Contracting Authority and the Contractor. Legal opinions inherently leave one of the parties dissatisfied. The Observer moved closer and closer to the position of a mediator and conciliator. There were attempts by one or the other party to use the Observer and its opinion as an argument in mutual disputes.

---

17 The term "procurement" is understood as "proceedings for the award of a public procurement contract (...) the object of which is the execution of works including the design of line no. 1 (...) in the Częstochowa–Zawiercie section", cf. Module One of the Integrity Pact: the agreement between the Stefan Batory Foundation and PKP Polskie Linie Kolejowe S.A. (8.11.2016), <https://paktuczciwosci.pl/o-pakcie/dokumenty/>, accessed 28 September 2021.

18 See Appendix: dissenting opinion and observations of PKP PLK S.A.

This evolution was naturally supported by the long timeframe for project implementation and inherent group processes. It is hard to remain an independent observer when you are involved in regular meetings with a similar group of people and observe a project that you want to succeed because it solves a problem that you want solved and/or you support the efficient spending of EU money on sensible projects. It is very easy to take on the role of a coach, mediator and conflict solver, sometimes imperceptibly.

These processes were not impeded by any external mechanism embedded in the documents defining the Integrity Pact and the role of the civil society observer (the Pact Implementation Manual), or in the underlying agreement on the Civil Society Observer's involvement in the Integrity Pact pilot. While a provision in the Integrity Pact Implementation Manual indicates that the civil society observer does not have to step out of its role as the project monitor, it is a best practices recommendation, rather than an explicit prohibition: "The monitoring process carried out in accordance with the Integrity Pact does not have to include the monitoring of the provision of services or quality control. The inclusion of these activities may complicate the task of the monitoring entity and ultimately lead to a conflict of interest, since, as a rule the monitoring entity upholds the integrity of the auditors and supervisors who control the quality and performance of the contract during the execution of the contract."<sup>19</sup> However, it is reasonable to ask whether the civil society observer's analysis of the quality and implementation of the project is in fact needed to identify possible irregularities. This question should be answered before implementing further Integrity Pacts in Poland.

The Evaluator does not recommend any specific approach, but firmly believes that a better definition of the civil society observer role will be key to the success of Integrity Pact as tools for monitoring public projects in Poland.

The opinions collected during the evaluation of the Integrity Pact participants are very diverse. They refer to possible future Integrity Pacts and focus on the perceived essence of the role of the civil society observer:

- Some respondents emphasised the importance of the neutrality and impartiality of the civil society observer, who should be as objective and reliable an expert as possible. The role of the observer is simply to observe and document the project, with a focus on fraud. The observer should not duplicate other functions in the project and not take on the role of a conciliator – there are institutions that have this capacity. Some respondents believe the observer should be an expert on the subject of the project. This implies the expectation that he should sign contracts with professionals and specific associations such as SIDiR (Consulting Engineers and Experts Association) or FIDIC (International Federation of Consulting Engineers), which are sometimes recommended as a source of professionals to be employed by organisations assuming the role of civil society observer in the future. However, an observer's limited expertise on the subject of the project being monitored may be a value. This weakness may be a strength because it can enable the Observer to see things from a fresh perspective, unlike professionals who might take them for granted or consider them a routine part of the process. In fact, some of these things should not be considered obvious or routine at all. Respondents also stated that, while the observer should remain impartial, the contracting authorities' increasing power means that the observer

---

<sup>19</sup> Cf. Integrity Pacts in Public Procurement. Implementation manual. P. 70, material available at [https://www.uzp.gov.pl/\\_data/assets/pdf\\_file/0025/29833/Podrecznik-TI-dot.-Paktow-uczciwosci-w-zamowieniach-publicznych-pl-23.12.2014.pdf](https://www.uzp.gov.pl/_data/assets/pdf_file/0025/29833/Podrecznik-TI-dot.-Paktow-uczciwosci-w-zamowieniach-publicznych-pl-23.12.2014.pdf) (accessed 26 September 2021).



will be well advised to slightly favour contractors and act as a shield against any unjustified or exaggerated expectations by the contracting authorities.

- Other interviewees stressed the importance – or even necessity – of involving the observer in the project being monitored to a much greater extent. It was pointed out that an observer that remains a mere observer and does not delve into disputes may produce conclusions that will be unfair to both parties in the investment process. It was emphasised that, to increase motivation to participate in the Integrity Pact, incentives should be offered to the project parties, rather than additional obligations to report and write documents or emails. The observer should add value to the project. One respondent actually defined the observer as a mediator, a peacemaker for parties to use to reach an agreement, instead of waiting for lengthy court procedures. Another respondent suggested that the observer could be merged with the Project Engineer (however, the respondent stressed that Project Engineers' current market practice leaves much to be desired). The observer and technical consultants should explore details when monitoring a project: they should be present in the field (on site of the project) and examine the process of selecting and paying subcontractors. Relegating the civil society observer to the position of mere observer may lead it to focus solely on the formalities and the bureaucracy of quarterly meetings, rather than on solving problems that arise during the project's implementation.

This overview of the two approaches to the expected role of the civil society observer in future Integrity Pacts shows a major difference in opinion on whether, and to what extent, the civil society observer should get involved in disputes and take a stand, or rather remain a mere observer who describes the investment process. Choices must be made to define the role clearly. This is vital, both for institutions that perform the role in the future and for all the other participants in Integrity Pacts, to ensure that they know what to expect from civil society observers. Otherwise, Integrity Pact stakeholders' unrealistic expectations will be perpetuated and disappointment will be inevitable.

The definition of the civil society observer's role must include a definition of its level of impartiality. Expectations of the Civil Society Observer and feedback on its activity in the pilot may reveal that impartiality is not actually appreciated in real life. Most stakeholders in the Integrity Pact pilot apparently have or had specific issues that they thought the Civil Society Observer should take care of during the pilot. Some of the respondents expressed this expectation when speaking about future civil society observers. Hence, there is a demand for an impartial civil society observer, but one that leans towards protecting contractors against the inherently-stronger contracting authorities. This line of thinking is also visible beyond the Integrity Pact pilot itself. During the pilot, there were several requests from contractors implementing other public procurement projects for them to be covered by the pact, with the clear intention that the pact should protect contractors. The Integrity Pact is also a tool for contractors to draw public attention to what they see as bad practices routinely applied in investment projects. This expectation was met during the pilot project. Another expectation revealed during the evaluation concerns how the Integrity Pact can be a tool that enables managing institutions to gain an insight into the investment process to better understand certain mechanisms that come to light during project implementation. One isolated opinion indicated that the Integrity Pact would protect the Contracting Authority against actions by contractors taking advantage of the Contracting Authority's ignorance in certain areas, especially if the role of the civil society observer were to be to go deeper into the project at the level of the project site and contractors' relations with subcontractors.

It seems rather obvious that maintaining the civil society observer's impartiality amid such divergent expectations will be a serious challenge for any organisation performing this role in any Integrity Pact. This makes respondents' opinions that stress the importance of measures to strengthen the civil

society observer's independence, primarily the call for independent funding, all the more noteworthy. In this context, it was pointed out that even financing from the managing institution's resources might be problematic. It was pointed out that funding should perhaps even come from outside a given country, directly from the European Commission. We recommend defining impartiality in a form that could become part of the model contract for future Integrity Pacts.

All the interviewees would essentially be willing to participate in further Integrity Pacts. This commitment can certainly be interpreted as positive feedback concerning the pilot project. Based on their experience during the Integrity Pact pilot, respondents formulated recommendations for the application of tool in the future:

- It is not a tool to be used frequently, as a standard for many projects. In this approach to Integrity Pacts, the tool should be used as a kind of a case study to learn about project delivery mechanisms, spot problems and solve them. Integrity Pacts would thereby serve to identify systemic problems and help amend national legislation. Many respondents consider the Integrity Pact a tool for making national officials aware of systemic problems;
- Alternatively, Integrity Pacts should cover large and important projects or those that attract considerable public attention or have a major social and environmental impact; for example, the Vistula Spit Canal or the Central Transportation Hub project in Poland.

The belief in the selective application of Integrity Pacts corresponded to the view that Poland does not have enough potential civil society observers and technical consultants to monitor all or even most major projects. The pilot revealed that a civil society observer has to engage significant resources of its own and use the experience and knowledge of external consultants. It also showed that the project is long-term, which places an additional institutional burden on the civil society observer. There are few civil society organisations in Poland capable of undertaking these kinds activities. It was pointed out that universities have the potential to be observers (however, public universities could face a conflict of interest and be somewhat too reliant on public funding), as do some consultancies.

Respondents expressed their hope that Integrity Pacts would increase the transparency of the investment process and encourage local communities to take a greater interest in projects that affect them directly or indirectly. However, it has been suggested that providing every citizen with online access to project documentation could do the job more easily and better. Respondents cited a solution implemented in Ukraine called prozorro as an example.

In general, respondents shared the belief that Integrity Pacts will not be an effective tool for detecting corruption. This because this tool is an effective anti-corruption tool in countries with a less developed legal culture than Poland and other EU countries, and where there is no well-established public procurement legislation. According to the respondents, Integrity Pacts can help uncover serious cases of corruption. However, a widespread opinion suggests that there is little corruption in the current legal environment in Poland and that it is of a different nature, immune to tools like the Integrity Pact.

Some respondents have doubts about whether the full transparency of the investment process was ensured during the pilot. Delays in providing information were cited (this is confirmed by the review of the content and correspondence posted on the Integrity Pact website). Some respondents believe that this is because the Integrity Pact was not enshrined in Polish legislation and that there were no real sanctions for these kinds of delays or for avoiding disclosing information. In addition, the pilot revealed that some or many project decisions were habitually made orally and formalised in writing

afterwards. The Civil Society Observer may have found out about some aspects of the investment process belatedly.

This is how some of the respondents explained the late detection of the Poraj subway case [cf. Dissenting Opinion].<sup>20</sup> The Civil Society Observer sees this case as its own failure, as it reacted too late to a serious problem that was growing rapidly.

It appears that the Integrity Pact has not contributed to a significant increase in local communities' interest in the project. Promotional activities were conducted, local meetings were held and the website was operational, but these did not produce significant outcomes. However, some respondents believe that a tool like the Integrity Pact is incapable of generating interest locally. In contrast, posting correspondence between the parties to the project on the website reveals the inside details of the project and encourages the public to get involved.

One of the features of the pilot was that the Integrity Pact's activities were only visible when something happened, such as conflicts or problems with the implementation of the project. It seems that most stakeholders were unaware of the Integrity Pact's impact on the day-to-day running of the project. This fact has an impact on the assessment of the activities of the Civil Society Observer, which is assessed for its response to conflicts. Similar developments are likely to be observed during future Integrity Pacts.

The pilot has shown that an Integrity Pact is a difficult and complex process, especially when it is linked to such a large project. A single model for monitoring projects may be a challenging proposition. The experience of the pilot suggests that many parts of the Integrity Pact should be flexible and allow the parties to adapt to the specificities of the project. For Integrity Pacts to be an effective tool, they must involve a fixed set of actions and procedures that do not change, regardless of the type of the project being monitored. It is essential that this set of rules, tools and procedures be developed in the form of a manual before further Integrity Pacts are implemented in Poland. The manual should definitely build on the experience of the pilot. However, the results of the pilot should be approached with caution, as the experience of a single pact and project cannot influence the evaluation of every public project in Poland. Nonetheless, it is not worth starting next Integrity Pacts without drawing on the experience of the pilot. This would be irrational socially, economically and in terms of the management of resources.

---

<sup>20</sup> Cf. Appendix: Dissenting Opinion of ZUE S.A.

## Conclusions and Recommendations

The Integrity Pact pilot has revealed some formal and legal problems:

- First and foremost, the Integrity Pact is not anchored in Polish law, including the law on public procurement. Consequently, the exchange of files between institutions involved in the Integrity Pact is not mandatory, so certain documents can be omitted or sent with a delay, which may affect the knowledge and effectiveness of the civil society observer.
- The main agreement concerning the Integrity Pact was bilateral and only signed between the Contracting Authority (PKP PLK) and the Civil Society Observer (Batory Foundation). Meanwhile, many more organisations were involved in the implementation of the Integrity Pact: the Contractor (ZUE S.A.) and the government administration (the Ministry of Development Funds and Regional Policy and the Centre for EU Transport Projects). The Contractor and the Project Engineer also had obligations towards the Civil Society Observer under their own contracts signed with PKP PLK. These contracts were part of model contracts in the tender procedure and were not subject to negotiation. The Integrity Pact's other participants did not have any formal obligations under the Integrity Pact pilot scheme;
- The agreement was concluded at too late a stage of the investment process, when the tender for the project was being launched and the tender committee appointed. Meanwhile, earlier activities (such as preparing the tender documentation) could potentially determine the shape of the project at a later stage (for example, narrowing down the list of potential contractors or technical solutions that could be questioned by local communities) [cf. Dissenting Opinion];<sup>21</sup>
- The length of the contract was too short (it ended with the issuance of the Acceptance Certificate), which meant that the Civil Society Observer faced a potential conflict of interest if there was a dispute between the Contracting Authority and the Contractor. There were material reasons for the observation to continue, but also grounds to question the legal basis for the Civil Society Observer's continued involvement. Defining the end of the project precisely seems important for the success of future Integrity Pacts.

The Integrity Pact pilot revealed certain established mechanisms in the investment process that may be detrimental to the public interest. However, exposed, they prompted the public authorities to take corrective action. These include contract price indexation due to changes in the price of products needed for the project during the course of the project, or the inefficiency of construction oversight services and the widespread practice of completing construction works by notification, instead of obtaining a building permit (which happened later, in some cases afterwards). These outcomes should be seen as the Integrity Pact pilot's success [cf. Dissenting Opinion].<sup>22</sup>

At the same time, the pilot shows that the monitoring mechanism did not always work properly. For example, the Civil Society Observer had failed to detect the problem with the subway in Poraj before it escalated into a major conflict between the Contracting Authority and the Contractor. In addition, this had a detrimental impact on the local community. This must be regarded as the Integrity Pact pilot's failure.

Integrity Pacts have a preventive effect. The mere fact that that a project is covered by a pact helps minimise the risk of corruption [cf. Dissenting Opinion].<sup>23</sup> The very presence of an observer and the fact

21 See Appendix: dissenting opinion and observations of PKP PLK S.A.

22 See Appendix: dissenting opinion and observations of PKP PLK S.A.

23 See Appendix: dissenting opinion and observations of PKP PLK S.A.

that correspondence is made public forces people to reflect and some problems get resolved quickly. In general, however, respondents warn that Integrity Pacts must not be expected to be a tool for detecting corruption. This shows that the Integrity Pact's primary objective as a tool for preventing corruption has not been achieved [cf. Dissenting Opinion].<sup>24</sup>

It seems, however, that it would be difficult to expect this kind of effect in a country with many years of experience managing public projects and with long-established public procurement and anti-corruption legislation. Even more so, one would not expect a pilot of a single project to uncover corrupt practices and lead to systemic changes when it comes to counteracting fraud and corruption [cf. Dissenting Opinion].<sup>25</sup>

Needless to say, Integrity Pacts are worth mainstreaming in Poland as a tool for monitoring spending in major public projects. Practically all pilot stakeholders, irrespective of their comments and reservations concerning the Integrity Pact or its implementation, consider this tool worth developing in the future and an attempt to incorporate it into the Polish practice of infrastructure projects.

The following actions are recommended in future Integrity Pacts:

- Extend the duration of the contract. The civil society observer should start its work before the start of the tender process and the end of the contract should cover a period beyond the completion of the fieldwork, confirmed by the issuance of acceptance certificates, and also cover the period afterwards, including any complaints and disputes related to final payments;
- Include more stakeholders in the Integrity Pact; in particular, the Contractor and the Managing Authority;
- Ensure the independent financing of the civil society observer's work; it should not be funded by the Managing Authority. It is worth providing a separate budget for hiring highly qualified professionals to resolve issues arising during the Integrity Pact ad hoc or on a short-term basis;
- Remove the potential odium of a vote of no confidence from involvement in the Integrity Pact. Counteract the view that this tool offers a cover for projects suspected of fraud, mismanagement and corruption. Apart from educational and promotional activities (such as highlighting projects, contracting authorities and contractors involved in Integrity Pacts as examples of best practices), at least several projects should be covered by an Integrity Pact at the same time and must be selected based on clear and well-understood criteria. There could even be a random system where projects that meet certain criteria (such as the budget, the share of EU funding, the project's duration and its impact on local communities) are shortlisted and then a few of them chosen to be covered by the Integrity Pacts;
- Seek to adopt provisions on Integrity Pacts in national legislation; for instance, in the Public Procurement Law. These provisions should set out the civil society observer's right to full and timely access to all the files and records generated by all the parties involved in the project. The provisions should also specify the deadline for responding to the civil society observer's requests for information. Considering the long legislative process, this recommendation should not be seen as a condition that prevents upcoming Integrity Pacts. The pilot project has shown that it is possible to implement an Integrity Pact despite the lack of these kinds of legal provisions.
- Develop a minimum set of compliance standards and procedures for Integrity Pacts and Civil Society Observers. These kinds of core principles are essential if sufficient room is left for flexibility

---

24 See Appendix: dissenting opinion and observations of PKP PLK S.A.

25 See Appendix: dissenting opinion and observations of PKP PLK S.A.

in responding to project specificities, if necessary. The experience of the pilot project in Poland should help develop these kinds of core principles.

When developing the Integrity Pacts in Poland, potential shortages of organisations capable of playing the role of civil society observer should be taken into account. Not only civil society organisations, but also academia and perhaps consultancies should be considered, even though the latter group could face a conflict of interest.

The challenge for the future of Integrity Pacts will be to get local governments and communities much more involved than in the pilot. This will bring public projects closer to the public and increase their transparency.

## Appendix

The Appendix contains the dissenting opinions or comments submitted by stakeholders in the Integrity Pact pilot. They have been included in the order in which they were sent to the Evaluator:

- The dissenting opinion submitted by ZUE S.A. was an official letter in PDF format and was attached to the Evaluation Report in this format. Its content was included in this Appendix (3 pages).
- The dissenting opinion from the Ministry of Development Funds and Regional Policy, sent by e-mail. In agreement with and with the consent of the Ministry's representative, it was transformed into a separate PDF file and attached to the Evaluation Report in this form. Its content was included in this Appendix.
- Dissenting opinions or comments from PKP Polskie Linie Kolejowe S.A., sent as a PDF file containing the original Evaluation Report with inserted comments and remarks in track-changes mode. The original PDF file was attached to the Evaluation Report and individual comments and remarks were included in this Appendix.

### Dissenting opinion from ZUE S.A.

ZUE S.A. Site Office, 42-200 Częstochowa, ul. Faradaya 53

Ref: ZAW/2021/10/7892/AW

Częstochowa, 4 October, 2021

Marek Dudkiewicz  
MMD Milanowa S.C  
05-822 Milanówek, ul. Miła 7

**Contract:** Development of Design Documentation and Completion of Construction Works in the Design and Build Formula in Project : I&EOP 5.2-6 "Works on Railway Line No. 1 on the Częstochowa-Zawiercie Section".

**Subject:** Report on the evaluation of the Integrity Pact pilot project: Mechanism of Civic Control for the Protection of EU Funds, Phase II

Dear Sir or Madam,

Please find enclosed the Contractor's comments on the final Evaluation Report.

I. We raise an objection to the following statement:

"This was obviously related to the findings contained in the Observer's opinions – impartiality was questioned whenever a finding was not in line with the thinking of the party concerned".

By way of justification, we would like to point out that:

- Impartiality was questioned only once, i.e. in connection with the circumstances of issuing a legal opinion on the Certificate of Acceptance, where the Contractor sees a clear conflict of interest. While the Observer voiced a number of other allegations against the Contractor (e.g. completion

of works based on a notification, instead of a building permit), the Contractor – despite disagreeing with the Foundation’s position and even in the face of very sharp criticism, including in the press – did not report a conflict of interest;

- The wording used may belittle the substantive and formal justification of the allegation of a conflict of interest, by (arbitrarily) prejudging that it had been the Contractor’s intention to use the allegation of a conflict of interest to serve its agenda; note that, even if the allegation had hypothetically been made only because the finding of the legal opinion was not in the Contractor’s favour, this would in no way indicate that it was unfounded or justify its trivialisation.

At the same time, the Contractor recognises that the rest of the report presents, in a balanced manner, the rationale of the Contractor and the Observer with regard to the dispute concerning the conflict of interest, and correctly identifies broader problems of a systemic nature (inadequate timing of the Integrity Pact; lack of legal tools and formal bodies that could resolve the conflict with the Observer), which emerged against the backdrop of the allegation of conflict of interest raised by the Contractor.

II. We object to the following wording: "and relevant documents are produced afterwards".

This wording may suggest that documents were backdated, which was not the case. The author may have had situations where the Contracting Authority’s oral decisions or recommendations were later formalised in writing in mind.

III. We object to the wording: "late detection of the Poraj subway issue".

We note that the Contracting Authority had announced its intention to build a subway in Poraj at the signing of the public procurement contract, and that this intention was public (see website of the Silesian Provincial Office, where it is still available: <https://www.katowice.uw.gov.pl/aktualnosci/kolej-nabiera-tempa>). Representatives of the Stefan Batory Foundation were present at the signing.

In addition, the subway in Poraj was discussed transparently at the quarterly meetings of the Integrity Pact, as shown by the minutes of these meetings (for example, see the minutes of the 6th quarterly meeting of 5 March 2020).

The construction of the subway was completely transparent. PKP PLK S.A. approved the design documentation, notified the office about the start of construction work based on a building permit, provided the Contractor with a site logbook stamped with its seal, approved agreements with subcontractors, applied for track closures for the purpose of the construction, made entries in the site log, discussed the progress of the work at minuted site councils, received progress reports with photo documentation, etc.

According to the Polish Language Dictionary, "to detect" can be understood as "to reveal a thing that was secret". This was not the case with the subway in Poraj. After all, it is difficult to imagine physically hiding the construction of a large subway located at a railway station, either from the residents of Poraj or from the investor’s inspectors.



IV. We note that the contract was signed on 20 July 2017, so the project lasted three, rather than five, years.

V. We object to the wording: "Or finding a way to circumvent the procedures (notification of works)", used in various configurations.

As the Contractor, we provided extensive comments on the Foundation's report with regard to the "notification of works". Our points included the following:

"ZUE S.A. takes the position that it can hardly be argued that works were carried out in breach of the laws and regulations or the contract. The Contractor and the other Parties to the investment process had the right to adopt this interpretation of the laws and regulations and carry out works in confidence to decisions made by public administration bodies. It is the Contractor's firm belief that administrative decisions made with respect to the project confirmed that the work was carried out properly. The provisions of administrative law should not be interpreted 'formalistically', but rather in light of public objectives within the broader public interest. One important, legitimate and socially-approved public purpose is the need for the efficient implementation of infrastructure projects. The reconstruction of the railway line is not a private undertaking; it is a public-purpose project carried out to meet the needs of the local community, region and country. Article 29(2) of the Construction Law (in its wording at the time) allowed work consisting in reconstruction of roads, railway tracks and railway equipment to be carried out by notification. There is a conflict between Article 29(2) and Article 29(3) of the Construction Law. The way it is resolved does not result in legal certainty in cases where an environmental conditions decision does not require an environmental impact assessment and, according to Art. 72(1a) of the Act on Access to Information about the Environment and its Protection, Public Participation in Environmental Protection and Environmental Impact Assessments, an environmental conditions decision may also be issued prior to notification about construction or carrying out construction works. In the Contractor's opinion, the conflict-of-laws rules and interpretation directives justified the admissibility of works by notification, based on the legal basis provided in Article 29(2) of the Construction Law. Thus, to sum up, the Contractor indicates that, while the dispute may be considered in the context of the conflict of public interest goals and the correctness of interpretative choices, presenting it as a legal breach is ungrounded and unauthorised".

The Contractor's intention was not to circumvent the procedures, but to take advantage of legal solutions that the Contractor believed warranted the completion of works by notification. The wording suggesting an intention to circumvent procedures does not reflect the Contractor's intention or the complexity of the problem, which was not at all clear and obvious.

In essence, despite feeling wronged in connection with the circumstances in which the legal opinion on the Certificate of Acceptance was issued (in which, in the Contractor's opinion, the Observer acted hastily and unfortunately made a mistake), the Contractor appreciates the Integrity Pact project and the Observer's overall performance. From our perspective as the Contractor, the following positive aspects of the Programme must be emphasised:

- The project provided inspiration and assistance in the development and implementation of a new, comprehensive Ethical Management Policy;
- The Observer encouraged the Contracting Authority and the Contractor to resolve contractual disputes amicably and endeavoured, to the best of its abilities, to propose formats of conciliatory resolution;

- The Observer endeavoured not to lose sight, in the maze of formal and legal conditions that participants in the investment process usually focus on, of the interests and needs of the local community.

## Dissenting Opinion of the Ministry of Development Funds and Regional Policy

Thank you for drafting and submitting the Evaluation Report regarding the implementation of the Integrity Pact pilot project in Poland. The opinions and conclusions collected by the Evaluator are a very important resource that will certainly inspire decisions to include more EU projects in the Integrity Pact mechanism and refine the tool, if necessary. We would like to draw your attention to some statements in the report that the representatives of the Ministry of Development Funds and Regional Policy involved in the pilot consider inaccurate and possibly misleading. Our biggest concern is the following excerpt from the report:

*Secondly, the Pact has helped raise public awareness of a practice that is apparently widespread in public projects, namely where works are completed “by notification”, rather than on the basis of a building permit. Some respondents have explained that the practice was common in the past in many infrastructural projects, not just railway ones. The root cause is perceived to be the weakness of construction oversight services and long or very long delays in issuing building permits. The parties to the investment process in question faced the following choice:*

- *Follow all the laws and regulations meticulously and see their project likely delayed, which means an increase in project costs and, in extreme cases, may lead to difficulties in securing the payment of EU subsidies;*
- *Find a way to circumvent procedures (notification of works) [cf. Dissenting Opinions] and complete the project without obtaining a building permit [cf. Dissenting Opinion] and thus meet all the deadlines and budgets while risking that the completed works will be deemed to breach building permit requirements [cf. Dissenting Opinion].*

These statements are inaccurate. The Evaluator indeed pointed out that “the fact that the Integrity Pact covers only one project in such a large country as Poland [...], makes it impossible to identify whether the Integrity Pact is capable of making a major difference”. A similar statement should apply to the point regarding works by notification: general conclusions should not be drawn on the basis of one contract.

While construction works by notification, rather than based on a building permit, are a fact in this project, it was certainly not a common practice used in many infrastructure projects. Following the disclosure of the practice in this project, the Managing Authority of I&EOP reviewed the case carefully and submitted comments on the draft provisions of the Construction Law designed to waterproof the system. Meanwhile, the Centre for EU Transport Projects analysed the extent of the problem in I&EOP projects and concluded that such practices were exceptional. The minister responsible for the government administration department of construction issued a statement indicating that the Chief Office of Construction Oversight has not received any reports of cases where contracting authorities would implement railway projects subject to a mandatory environmental impact assessment using the notification procedure, rather than applying for a building permit. It has not received any reports

of cases where an application for a building permit was filed after the works were completed by notification, either.

We would also like to point out that the amendment of the Construction Law in the context of the issues revealed in the monitored project seeks to clarify the list of documents that need to be attached to the notification (e.g. the environmental conditions decision). The purpose is to waterproof the system and prevent works that require a building permit from being completed by notification and not to eliminate the obligation to obtain a building permit.

The statement referring to the alleged inefficiency of Construction Oversight Services at the provincial level and the long delays in issuing building permits also seems incorrect. Firstly, the Construction Oversight Services are not involved in issuing building permits – this is the responsibility of Provincial Governors. Secondly, the process of obtaining a building permit did not take particularly long this time. According to the letter of the Ministry of the Interior and Administration of 7 May 2019 addressed to the Stefan Batory Foundation, the decision was obtained within 42 days on average. Furthermore, a large number delays in the issuance of building permit are caused by clients submitting incomplete or incorrect project documents.

We consider some of the opinions presented in the report inaccurate and unfounded. Note that the Construction Oversight Services were already receiving EU funds during the Integrity Pact and that the relevant EC decision was made early in 2018. The Construction Oversight Services have contributed to solving the issue of work beginning without a building permit significantly. The EU's new multiannual budget for 2021–2027 will support capacity building in architectural and construction administration services at the regional level, where building permits are issued.

### **Dissenting Opinion/Remarks of PKP Polskie Linie Kolejowe S.A.**

As mentioned before, the dissenting opinion of PKP Polskie Linie Kolejowe S.A. has the form of comments written on the original text of the Evaluation Report. To make it easier to read, all these comments were copied into the table below, which indicates the passages in the report that they refer to, with footnotes inserted in those places. Note the shifts in content on the pages compared to the original text due to the inserted square bracketed references to dissenting opinions (on page 3) and footnotes indicating dissenting opinions. The page numbers in the table below refer to the current document, while the PDF file containing PKP PLK S.A.'s remarks and comments refers to the same content, which is included on other pages.

<b>Place / sentence in the report</b>	<b>Remarks / comment by PKP PLK S.A.</b>
Page 2, footnote 1	I suggest naming the acts indicated correctly. Procurement legislation existed prior to 1994, too. Go to the Public Procurement Office where you can find out about the 1933 Procurement Act.
Page 4, general comment	General comment. I feel that the study does not show the positive aspects of the Pact in the project. Were there none? It is about the positive actions and best practices adopted by the project parties.

Page 4, sentence: They should be interpreted as an indication that corruption, if any, would sooner occur in projects not covered by the Integrity Pact	This statement can be misread by an outsider. It suggests that corruption will not occur in projects monitored by a civil society observer and that corruption can occur in projects that are not monitored. I suggest deleting or changing the wording
Page 5, extract: complete the project without obtaining a building permit	The construction law allows for work to be carried out by notification: Article 29
Page 5, extract: circumvent procedures	The use of the words "circumvent procedures" suggests that these actions may be regarded as unlawful. Is this what the author had in mind? A better term would be "alternative solutions".
Page 6, sentence: The contract for the Integrity Pact pilot was signed in parallel to the tender for the project to be monitored. The Civil Society Observer began its monitoring work on the project as soon as the tender procedure had started. Several respondents stressed that for the Integrity Pact to be more effective, it would be advisable for the civil society observer to be involved earlier.	The Integrity Pact agreement had been concluded with the Batory Foundation more than a month before the tender for the construction works was announced.
Page 7, extract: supervising the project management, often in the role of a party that was supposed to favour the Contracting Authority	Is this a subjective feeling or a fact?
Page 12, extract: e.g. narrowing down the list of potential contractors or technical solutions that could be questioned by local communities	I suggest removing the example, as it may be interpreted in a negative way and this was probably not the author's intention.
Page 12, paragraph: The Integrity Pact pilot revealed certain established mechanisms of the investment process that may be detrimental to the public interest. When publicly exposed they prompted public authorities to take corrective action, however. For example, the contract price indexation due to changing prices of products necessary to carry out the project in the course of the project, or the inefficiency of construction oversight services and the widespread practice of completing construction works by notification instead of obtaining a building permit (which occurred later, sometimes afterwards). These outcomes should be seen as a success of the Integrity Pact pilot	Comment to the paragraph:  How can you be sure that the Integrity Pact contributed to this? In my view, the Pact may have been one of the stimuli, but hardly the only one.
Page 12, word: corruption	I suggest using the word "irregularities"
Page 13, sentence: This shows that that the primary objective of the Integrity Pact as a tool to prevent corruption has not been achieved.	In this context the sentence sounds negative, i.e. as if there were corruption, but it was not detected by the pact
Page 13, sentence: Even more so, one could not expect that a pilot of a single project would uncover corrupt practices and lead to systemic changes in the area of counteracting fraud and corruption.	as above

**Marek Dudkiewicz:** a psychologist and social scientist with experience in planning, implementing, analysing and reporting quantitative and qualitative social and marketing studies. He has led a number of evaluation projects for public and non-governmental organisations and been involved in studies on intersectoral collaboration (he co-authored the Local Government/NGO Collaboration Quality Index), social economy, and corporate social responsibility. He manages research company MMD Milanowa S.C. with his wife Magdalena Dudkiewicz (<http://www.dudkiewicz-milanowa.pl>). Formerly, Marek worked as a manager at several Polish and international market research agencies.

This publication has been developed in the framework of the project: Integrity Pacts – Civil Control Mechanism for Safeguarding EU Funds, Phase 2 funded by the European Commission. The publication exclusively reflects the views of its authors and does not constitute an expression of the European Commission's views. The European Commission is not liable to or answerable for any use of the content herein.



Funded by  
the European Union

**Stefan Batory Foundation**

Sapieżyńska 10a  
00-215 Warsaw  
tel. (48-22) 536 02 00  
fax (48-22) 536 02 20  
[batory@batory.org.pl](mailto:batory@batory.org.pl)  
[www.batory.org.pl](http://www.batory.org.pl)

Publication is licensed under  
the Creative Commons  
Attribution-ShareAlike 3.0  
Poland Unported Licence (cc BY-SA 3.0)



Translated from Polish by Tomasz Zając  
Proofreading by Annabelle Chapman  
Warsaw 2021  
ISBN 978-83-66544-17-8