Maciej Serowaniec

The Polish Supreme Audit Office in the Light of International Standards of Organization and Operation of State Audit Institutions*

1. The first recommendations regarding the determination of the standards of organization and operation of supreme audit institutions were formulated under the auspices of the International Organization of Supreme Audit Institutions (later referred to as INTOSAI[1]), which brings together the highest audit bodies from over 190 countries around the world. The process of developing standards in the organization and operation of supreme audit institutions was initiated in 1977 during the 9th INTOSAI Congress in Lima, when the "Lima Declaration of Guidelines on Auditing Precepts" was adopted (later referred to as the "Lima Declaration")[2]. The document characterizes, inter alia, the basic objectives, the concept and types of audit; the relations of the supreme audit institution with the parliament, government and other state bodies;

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1 The International Organisation of Supreme Audit Institutions – a non-governmental organization established in 1953, affiliated with the United Nations, whose aim is to exchange ideas and experiences in the field of state audit. INTOSAI develops International Standards for Supreme Audit Institutions (ISSAI), methodology for various audit areas, conducts trainings, and fosters the exchange of information and experiences between its members. Cf. I. Sierpowska, *Funkcje kontroli państwowej. Studium prawnoporównawcze* [The Functions of State Audit. A Comparative Study], Wrocław 2003, p. 193–195.

2 Cf. The Lima Declaration of Guidelines on Auditing Precepts, adopted during the 9th INTOSAI Congress which took place in Lima in 1977, < http://www.intosai.org/fileadmin/downloads/downloads/4_documents/publications/eng_publications/E_Lima_Mexico_2013.pdf >.

the scope of competences and the procedure for developing and presenting audit reports[3]. Subsequent INTOSAI documents (including the "Code of Ethics"[4] or "Fundamental Principles of Financial Auditing"[5]) systematically developed the provisions contained in the "Lima Declaration". For instance, they allowed for further specification of qualifications, powers and duties of auditors and audit bodies, principles of planning, exercising and supervising audit activities, as well as instructions with respect to the form and content of audit reports. In the analyzed documents much space was also devoted to the independence of supreme audit institutions (SAI). The "Mexico Declaration on SAI Independence", adopted during the 19th Congress of the International Organization of Supreme Audit Institutions in 2007 (later referred to as the "Mexico Declaration")[6] also contributed to strengthening of legal position of supreme audit institutions, enhancing the scope of their competences and development of auditing procedures and methods. The document formulates a number of recommendations regarding the legal status of supreme audit institutions, which will be discussed in detail in the further part of this study. Despite its nonbinding nature, INTOSAI documents and recommendations resulting therefrom have allowed to develop best solutions and practices to implement the principles of transparency and responsibility of governments and the entire administration for proper and effective use of public funds.

2. In the light of the provisions of the "Lima Declaration" and the "Mexico Declaration", the first of the analyzed postulates refers to the scope of constitutional regulation of the status of supreme audit institutions

3 Cf. J. Mazur, *Stosowanie międzynarodowych standardów dotyczących statusu prawnego najwyższego organu kontroli w krajach Unii Europejskiej i w Polsce (próba porównania)* [The Application of International Standards…], "Kontrola Państwowa" 2002, nr 2, p. 58.

4 The INTOSAI's code of ethics, which is based on the Lima Declaration, should be seen as its necessary supplementation emphasizing the principles contained in the INTOSAI Auditing Standards, published by the INTOSAI Commission on Audit Standards in June 1992, < http://www.issai.org/issai-framework/2-prerequisites-for-the-functioning-of-sais.htm >.

5 General auditing standards define qualifications of auditors and/or audit institutions, which enable them to competently and effectively fulfil tasks related to auditing and reporting standards, online access: < http://www.issai.org/issai-framework/3-fundamental-auditing-priciples.htm >.

6 Cf. Mexico Declaration on SAI Independence, adopted during the XIX INTOSAI Congress, which took place in Mexico in 2007, < http://www.intosai.org/fileadmin/downloads/downloads/4_documents/publications/eng_publications/E_Lima_Mexico_2013.pdf >.

(Principle 1 of the "Mexico Declaration"). As J. Mazur rightly points out, this postulate refers to the superior position of the constitution in the system of sources of law, which implies an obligation to specify and develop its provisions in statutes and a prohibition to pass acts being contrary to it. Thus, if the supreme audit organ is to be treated as one of supreme state organs, general assumptions defining its legal status should be included in the constitution. In turn, lack of such provisions, and lack of constitutional regulation – raises the question whether in a given country the supreme audit institution has the character of a supreme state body[7]. In the light of the INTOSAI guidelines, the minimum standard is to regulate issues related to the procedure of establishing the supreme audit institution at the constitutional level (Section 5 of the "Lima Declaration")[8]. The fundamental guarantees of independence of the supreme audit institution should also be formulated on constitutional grounds, including the procedure for dismissal of its head (Section 6 of the "Lima Declaration") and basic provisions specifying the audit powers of the supreme audit institution (Section 18 of the "Lima Declaration")[9].

3. The INTOSAI documents also emphasized the need to ensure constitutional guarantees of independence of the supreme audit institution. Such an organ can fulfil its tasks in an objective and effective manner only if it is independent of audited entities and protected from external pressures. The independence of the institution is therefore inextricably linked to the independence of its members, i.e. members of the decisive collegiate body, or the head of the supreme audit institution should the management be entrusted to one person (Principle 2 of the "Mexico

7 Cf. J. Mazur, *Stosowanie…*, p. 59–60.

8 In accordance with the provisions of the "Lima Declaration", the establishment of a supreme audit institution and the required degree of its autonomy should be specified in the Constitution; details may be specified in statutes.

9 In the light of the provisions of the "Lima Declaration", the independence of the supreme audit institution, guaranteed by the constitution and statutes, ensures a very high degree of autonomy, even if the supreme audit body acts as a representative of the parliament and undertakes audits at its request. The relations between the Supreme Audit Institution and the Parliament should be defined in the Constitution, in accordance with the conditions and requirements of the state concerned.

Declaration"). The constitutional regulation should therefore specify in detail the procedure for the appointment (election) of the head (members) of the supreme audit institution and the possibility of their premature removal from office (Sections 5 and 6 of the "Lima Declaration"). The independence of the supreme audit institution also depends on the manner in which and for what reasons the head or members of that body may be dismissed before the end of the term of office or reaching the retirement age. The possibility of premature removal of superiors is often limited to specific, strictly indicated circumstances, such as: resignation from office, permanent inability to perform duties due to health reasons, committing a crime (confirmed by a final court judgment) or another serious violation of the law adjudicated with regard to constitutional responsibility.

A precondition for implementing principles of transparency of activity and government's responsibility for proper and effective use of public funds is to ensure independence of supreme audit institutions necessary for realization of their tasks, including the right to decide on matters, dates and methods of audit (Section 3 of the "Mexico Declaration"). For this reason, it is postulated that supreme audit institutions should be guaranteed with both functional and organizational independence required for the fulfilment of their tasks (Section 5 of the "Lima Declaration"). The sphere of independence manifests itself above all in the right of the supreme audit institution to a broad initiative and autonomy even when they act as representatives of the parliament and carry out audits on its behalf (Section 8 of the "Lima Declaration"). The nature of the functions and tasks of supreme audit institutions shows that they should act independently of other state authorities and carry out audits on the basis of a program that they determine themselves. In most EU countries, however, there are mechanisms by which the parliament, and sometimes also the government, may turn to the supreme audit institution with a request to carry out a concrete audit and report its results, provided that this does not impede audit implementation on its own initiative. However, such authorities do not have an influence on the methods of audit or the content of its findings[10].

10 J. Mazur, *Stosowanie…*, p. 66–67.

In the light of international standards, supreme audit institutions should also have the right to audit all aspects of public finance management, regardless of whether and how they are included in the state budget (Principle 3 of the "Mexico Declaration"). When analyzing the problem related to the scope of state audit, it should be noted that INTOSAI documents postulate that the scope of activities of supreme audit institutions should include activities of the government and administrative bodies, as well as other subordinate institutions (Section 9 of the "Lima Declaration"). In relation to the substantive aspect of audits, all elements of public finance management should be subject to audit, irrespective of whether and how they are covered by general national budget (Sections 18–24 of the "Lima Declaration"). The traditional task of supreme audit institutions is to audit the legality and regularity of financial management and accounting. The full scope of public finance audits should also include both regularity and performance audits. However, the mandate of the supreme audit institution should always clearly define its powers and responsibilities in relation to the audit of performance of tasks in all areas of government activity, inter alia, to foster the application of appropriate auditing standards[11].

The INTOSAI guidelines also point to the need to guarantee financial independence to supreme audit institutions. This independence is manifested above all in providing the audit bodies with the means necessary to perform their tasks and authorizing them to apply for funds directly to the parliament (Principle 8 of the "Mexico Declaration"). The supreme audit institutions should therefore be authorized to allocate the obtained funds as a separate part of the budget (Section 7 of the "Lima Declaration"). This means that the draft budget of the supreme audit institution prepared by this body should be submitted directly to the parliament or to the government and be included in the draft of general national budget without alterations[12].

11 M. Sieklucka, *Status najwyższych organów kontroli krajów Unii Europejskiej w świetle postanowień Deklaracji z Limy w sprawie zasad kontroli finansów publicznych* [The Status of Supreme Audit Institutions of European Union Member States…], "Kontrola Państwowa" 2008, nr 2, p. 26.

12 F. Fiedler, *Niezależność Najwyższego Organu Kontroli* [The Independence of the Supreme Audit Institution], "Kontrola Państwowa" 2005, nr 1, p. 87.

A *sine qua non* condition of effective state audit also lies in the need to provide the supreme audit institutions with full access to documents and information of interest to them (Principle 4 of the "Mexico Declaration"). The supreme audit institution must have access to sources of information and data, as well as the possibility of contacting officers and employees of the audited unit so that it will be able to properly perform its audit duties. The introduction of statutory solutions defining auditors' access to such information and contact with personnel can therefore contribute to increasing the efficiency of the supreme audit institutions. In this respect, the INTOSAI standards postulate that the supreme audit institutions should have access to all files and documents related to financial management and should be authorized to request from the audited entity any information they deem necessary (Section 10 of the "Lima Declaration"). On the other hand, it is postulated that audited entities should be obliged to respond to the findings of the supreme audit institution within the period specified by law or by the supreme audit institution and to report on actions taken following audit findings (Section 11 of the "Lima Declaration", Principle 7 of the "Mexico Declaration"). In accordance with the adopted practice, in the Member States of the European Union, the results of the audit are first presented to the entity whose activity was subject to audit[13].

The analyzed international documents also highlighted that the legislator should authorize and oblige the supreme audit institution to annually submit independent reports on the results of its activities to the parliament or other competent state authority; said reports should be made public (Principles 5 and 6 of the "Mexico Declaration"). Such a practice is to ensure broad dissemination of information, foster discussion of the content of reports and create a more favourable climate for the implementation of findings of the supreme audit institution. The annual report should encompass all activities of the supreme audit institution. Only in the case of interests requiring protection or protected by law, the supreme audit institution performs an assessment whether the importance of these interests does not militate against the disclosure of audit findings.

13 Cf. INTOSAI Guidelines and Good Practices Related to SAI Independence (ISSAI 11), p. 8–9, < http://www.issai.org/issai-framework/2-prerequisites-for-the-functioning-of-sais.htm >.

The supreme audit institutions should also be authorized to submit additional reports referring to particularly significant findings (Section 16 of the "Lima Declaration"). The most important findings and conclusions from audits are usually collectively submitted to the Parliament in the form of an annual report, together with the opinion on the report on the implementation of the state budget.

4. Thus, it is worth posing the question about the position of the Supreme Audit Office (NIK) against the background of the international organizational and operational standards of audit institutions. The Constitution of the Republic of Poland of April 2, 1997[14] establishes the Supreme Audit Office as the supreme state audit body, characterizes its relations with the Sejm, lists the main competences of the Supreme Audit Office, specifies the audit reports submitted to the Sejm, defines the mode of appointing its president, his immunity and incompability, establishes the principle of collegial activities of the Audit Office.

The basis for establishing the legal and political status of the Supreme Audit Office is laid down in Article 202 of the Constitution of the Republic of Poland. Pursuant to that provision, the Supreme Audit Office is a supreme organ of state audit (Article 202, Sec. 1), which reports to the Sejm (Article 202, Sec. 2) and acts on a collegial basis (Article 202, Sec. 3). The literature indicates that the "supreme" character of the Supreme Audit Office means that this body constitutes a separate division in the system of state organs, therefore it makes independent and final decisions, without the possibility of their repeal or change by another state authority[15]. At the same time, it is pointed out that the audit carried out by NIK is conducted for the purpose of proper functioning of the entire system of state authorities, while the NIK's audit powers are of general character and cover the majority of the state's activity in all areas. The Supreme Audit Office has special powers over the audit,

14 The Constitution of the Republic of Poland of 2 April 1997, Dziennik Ustaw (Official Journal of Laws of the Republic of Poland, hereinafter referred to as: "Dz.U.") 1997, No. 78, item 483, as amended; hereinafter referred to as: "Constitution".

15 Cf. Z. Witkowski, *Pozycja ustrojowa i zadania Najwyższej Izby Kontroli w okresie 80-lecia* [The Political Position and Tasks of the Supreme Chamber of Audit in the Period of 80 Years], "Kontrola Państwowa" 1999, r. 2, p. 47–58.

revision and inspection organs operating within the governmental administration and local self-governments[16].

5. The principle of subordination of NIK to the Sejm set out in Article 202 Sec. 2 is to be understood in a multifaceted manner. The Sejm has a limited personal authority in relation to the NIK, related to the procedure of appointing (and dismissing) the NIK's President, Vice-Presidents and the Director General. Moreover, on an annual basis the Supreme Audit Office is to present the Sejm with: an analysis of the implementation of the state budget and the purposes of monetary policy; an opinion concerning the acceptance vote for the Council of Ministers and information on the results of audits, conclusions and submissions specified by statute (Article 204 Sec. 1 of the Constitution)[17]. The annual obligation to submit information on the results of audits to the Sejm needs to be linked to the provision stipulated in Article 204 Sec. 2 of the Constitution which obliges NIK to annually present to the Sejm reports on its activities[18]. This report is then considered at the sitting of the Sejm [19]. In the light of the provisions of the Act of 23 December 1994 on the Supreme Audit Office (later referred to as the Act on NIK)[20] the subordination to the Sejm must also be understood as the right of the lower house of parliament to influence the determination of the direction of actions of the Supreme Audit Office. The Sejm has a competence to commission the execution of audit over the activities of the Chancellery of the President, the Chancellery of the Sejm, the Chancellery of the Senate and other units. In addition, the Supreme Audit Office performs its tasks on the basis of periodic work

16 Cf. A. Sylwestrzak, *Najwyższa Izba Kontroli. Studium prawnoustrojowe* [Supreme Audit Office. Systemic and Legal Study], Warszawa 2006, p. 170–171.

17 Cf. H. Zięba-Załucka, *Najwyższa Izba Kontroli – kontynuacja konstytucyjnej roli czy nowe wyzwania* [Supreme Chamber of Audit – the Continuation of Constitutional Role or the New Challenges], in: *Minikomentarz dla Maksiprofesora. Księga jubileuszowa profesora Leszka Garlickiego* [A Mini-Commentary for a Maxi-Professor. The Jubilee Book of Professor Leszek Garlicki], red. M. Zubik, Warszawa 2017, p. 843–853.

18 Cf. A. Kustra, *Najwyższa Izba Kontroli* [Supreme Audit Office], in: *Prawo konstytucyjne* [Constitutional Law], red. Z. Witkowski, A. Bień-Kacała, Toruń 2015, p. 598.

19 Cf. Art. 169 Sec. 2 pt 12 of the Resolution of the Sejm of the Republic of Poland of July 30, 1992 Regulamin Sejmu Rzeczypospolitej Polskiej, M.P. 2012, item 32, as amended.

20 Cf. Act of December 23, 1994 on the Supreme Audit Office, Dz.U. 2019, item 489, consolidated text.

plans submitted to the lower house of the Polish parliament. The Sejm also regulates certain matters related to NIK organization. This aspect of subordination should be linked, inter alia, to the authority of the Marshal of the Sejm to issue the statute of the Supreme Audit Office by way of an order on the request of the President of the Supreme Audit Office (Article 25 paragraph 2 of the Act on NIK)[21].

Collegiality, as a rule of functioning of the Supreme Audit Office, further defines the legal status of this body pursuant to Article 202 of the Constitution of the Republic of Poland. The interpretation of the wording used in Sec. 3 of this provision clearly indicates that collegiality is to concern the method of state audit performed by NIK. Hence, it concerns such a way of implementing the functions of the Supreme Audit Office that is based on joint acceptance of positions[22]. The doctrine also draws attention to the fact that it concerns the positions on the most important issues, which are of strategic importance for the activities of the Supreme Audit Office[23]. Article 202 Sec. 3 of the Constitution of the Republic of Poland does not determine that collegiality is the only and exclusive form of taking decisions by NIK. However, it establishes the basic model of operation of this body, and thus orders the legislator to adopt such decisions, which will implement this model in practice[24]. A manifestation of the principle of collegiality is the existence of the College of the Supreme Audit Office (Articles 22–24a of the Act on NIK). For the purposes of this study, it should only be signaled that the NIK Council is formed by the President of the Supreme Audit Office as its chairman, vice president and general director of the Supreme Audit Office as well as 14 members of the College – 7 representatives of legal or economic sciences and 7 directors of organizational units of the Supreme Audit Office or councilors of the President of the Supreme Audit Office from among whom the President appoints

21 Cf. Z. Dobrowolski, *Naczelne organy kontroli państwowej w krajach członkowskich Unii Europejskiej. Ciągłość i zmiana. Studium porównawcze* [Supreme Organs of State Audit in the Member States of the European Union. The Continuity and Changes. A Comparative Study], Zielona Góra 2008, p. 138–139.

22 Cf. M. Stębelski, in: *The Constitution of the Polish Republic of Poland*, vol. 2: *Commentary to Art. 87–243*, eds. M. Safjan, L. Bosek, Warsaw 2016, commentary to Art. 202.

23 Cf. W. Sokolewicz, in: *The Constitution of the Polish Republic of Poland. Commentary*, vol. 3, ed. L. Garlicki, Warsaw 2003, p. 19.

24 Cf. M. Stębelski, in: *The Constitution…*, commentary to Art. 202.

the secretary of the Supreme Audit Office. The members of the NIK Council are independent in the performance of their functions. The competences of the NIK Council include the settlement of all most important issues related with the implementation of state audit by the NIK, including the approval of the analysis of the execution of the state budget, monetary policy guidelines and reports on the activities of the Supreme Audit Office in the previous year. Furthermore, the NIK Council adopts, inter alia, opinions on the acceptance vote for the Council of Ministers, as well as the draft statute, draft budget and annual work plans of the Supreme Audit Office.

The Constitution also regulates the most important issues related to the legal and political position of the President of the Supreme Audit Office by introducing a series of procedures guaranteeing his independence. The President of the Supreme Audit Office is appointed by the Sejm with the consent of the Senate for a 6-year term with the possibility of a single re-election (Article 205 of the Constitution). Candidates are nominated by the Marshal of the Sejm or a group of at least 35 deputies (Article 14 Sec. 1 of the Act on NIK). For the validity of a resolution, an absolute majority of votes is required in the Sejm. The Senate adopts a resolution regarding the appointment of the NIK President within one month from the day of receiving the resolution of the Sejm (Article 14 Sec. 2 of the Act on NIK). An absence of a resolution within this period is understood as the Senate's consent. The term of office of the President of NIK begins on the day of taking the oath before the Sejm.

The President directs the Supreme Audit Office and is responsible before the Sejm for its activities (Article 13 of the Act on NIK). In the exercise of his functions, the President of the Supreme Audit Office is independent. In order to guarantee the said independence, the legislator introduced a prohibition concerning the affiliation of the President of the Supreme Audit Office to a political party, a trade union and performance of public activities incompatible with the dignity of his office (Article 205 Sec. 3 of the Constitution). The procedural guarantee of the independence of the President of the Supreme Audit Office is formal immunity granted to him along with the privilege of inviolability (Article 206 of the Constitution). According to the classical constitutional formula the President of NIK cannot be held criminally liable or deprived of liberty without

prior consent granted by the Sejm. Moreover, the President of the Supreme Audit Office cannot be detained or arrested unless he has been apprehended in the commission of an offence and in which his detention is necessary for securing the proper course of proceedings[25]. In such a case, the Marshal of the Sejm should be immediately notified and may order an immediate release of the person detained. In turn, Article 17 of the Act on the Supreme Audit Office indicates the procedure and reasons for dismissing the President of the Supreme Audit Office from office before the end of the term of office. In accordance with the provisions of the said regulation, the Sejm shall dismiss the President of the Supreme Audit Office if: 1) he has resigned; 2) he has determined that he is permanently unable to perform his duties as a result of an illness; 3) he has been found guilty of committing a crime by a final court judgement; 4) he has filed an untrue lustration declaration confirmed by a final court decision; 5) the Tribunal of State has ruled against him to prohibit him from holding managerial positions or performing functions involving a special responsibility in state bodies. The motion for dismissal may be filed by the Marshal of the Sejm or a group of at least 35 deputies, and in order to become final it requires an absolute majority in the Sejm and the consent of the Senate.

In accordance with the provisions of the Act on the Supreme Audit Office and the Act of 27 August 2009 on public finances[26], the Supreme Audit Office is also guaranteed with financial independence. The draft budget adopted by the Council of the Supreme Audit Office is submitted to the Sejm and then examined by the State Audit Committee and the Public Finance Committee. Following any corrections made by these committees, the draft budget of the Audit Office is included by the minister in charge of the budget into the overall draft of the state budget (Article 139 (2) of the Act on public finances). The adoption of the budget act by the Sejm of the Republic of Poland constitutes the approval of NIK's financial plan at the same time. In the implementation of the budget

25 See more A. Szmyt, *Wybór drogi wymiaru sprawiedliwości (w sprawie odpowiedzialności Prezesa Najwyższej Izby Kontroli)* [Choosing the Path of Justice…], "Gdańskie Studia Prawnicze" 2016, t. 35, p. 413–416.

26 Cf. the Act of August 27, 2009 on public finances, Dz.U. 2017, item 2077, consolidated text, as amended.

of the Audit Office the President of the Supreme Audit Office is entitled to the rights of the minister in charge of the budget. The Sejm receives a report on the implementation of NIK's budget (Article 26 of the Act on the Supreme Audit Office). It is then reviewed by the State Audit Committee and the Public Finance Committee. Next, it becomes the subject of debates in the plenary session of the Sejm. Every year, detailed information on the implementation of NIK's budget together with the auditor's opinion are published in the Audit Office's activity report. It is rendered available to the public by the President of NIK after submitting the document to the Sejm of the Republic of Poland, which audits the implementation of the budget of the Audit Office[27].

Under Article 203 of the Constitution, the Polish legislator also clarified the entitative and subjective jurisdiction of audit activities of the Supreme Audit Office. In the light of the provisions of Article 203 Sec. 1 the Supreme Audit Office exercises obligatory audit over the activities of: government administration bodies, the National Bank of Poland, state legal persons and other state organizational units. Such a audit is performed from the point of view of the following criteria: legality, economic prudence and diligence. On the other hand, the subjective scope of optional audit is regulated in Sec. 2 and 3 of Article 203. Optional auditing may be performed from the point of view of three criteria: legality, economic prudence and diligence of local self-government bodies, communal legal persons and other communal organizational units (Article 203 Sec. 2). In concord with the provisions of Article 203 Sec. 3 of the Constitution, the Supreme Audit Office may also audit other units and economic subjects in relation to the two criteria: legality and economic prudence to the extent in which they utilize state or communal property or resources or satisfy financial obligations to the state[28].

Pursuant to the provisions of the Act on the Supreme Audit Office, audit proceedings are aimed at establishing the actual state of affairs of the entities subject to audit, its reliable documentation and assessment of an audited activity (Article 28 of the Act). To achieve this goal, managers of audited entities are required to submit without delay at the request

27 Cf. The budget of the Supreme Chamber of Audit, < https://www.nik.gov.pl/o-nik/budzet-nik > (7 May 2018).

28 Cf. A. Sylwestrzak, *Najwyższa*…, p. 178–179.

of the Supreme Audit Office all documents and materials, including electronic media, necessary to prepare or carry out inspections, as well as allow access to databases, in keeping with the provisions of secrecy protected by law. Therefore, authorized representatives of the Supreme Audit Office are legally guaranteed, among others, with the right to: a free access to facilities and premises of audited units; inspection of all documents related to the operation of audited units, collection and securing of documents and other evidence, in accordance with the provisions on secrecy protected by law; summon and interrogate witnesses as well as demand explanations from persons who perform or have performed work on the basis of an employment relationship or any other agreement in the audited entities[29]. The access of the Supreme Audit Office to documents and materials necessary to establish the actual state of affairs in the area of the audited activity which contain information constituting secrets protected by law, may be excluded or limited only on the basis of other acts.

Both the audited entities and other bodies which have received post-audit submissions are also obliged, within the time limit specified in the submission, and not shorter than within 14 days, to inform the Supreme Audit Office on the method of complying with the comments and conclusions drawn from the audit as well as actions taken or reasons for lack of their implementation. It should be pointed out that the post-audit submission of the Supreme Audit Office includes, inter alia: a brief description of the established facts and assessment of the audited activity, including the irregularities and their causes, scope and effects, as well as the persons responsible; comments and conclusions regarding the removal of irregularities found and instruction on the right to raise objections (Article 53 of the Act on NIK). The head of the audited entity is also entitled to submit justified objections to the post-audit submission within 21 days from the date of its delivery (Article 54 Sec. 1 of the Act on the Supreme Audit Office).

6. Already a cursory analysis of the existing legal regulations defining the legal and political status of the Supreme Audit Office indicates that the legislator has fully implemented international recommendations

29 More on the legal status of the body of auditors of the Supreme Chamber of Audit cf. M. Serowaniec, *The Legal Status of the Polish Supreme Audit Office's Corps of Auditors*, "Toruńskie studia polsko-włoskie / Studi polacco-italiani di Toruń" 2017, vol. 13, p. 51–57.

regarding the standards of organization and operation of state audit bodies. Indeed, the Constitution of the Republic of Poland of April 2, 1997 establishes the Supreme Audit Office as a functionally separate, competent state audit authority. Therefore, the Basic Law grants the Audit Office a constitutional guarantee of independence from the executive power, regulates the scope of NIK's audit powers, specifies the duties of the Audit Office towards the Sejm and determines the position of its President.

Summary

The supreme audit institutions have now become an indispensable element of any democracy. By conducting independent audits on the management of public funds and the related activities of the government, government administration and other authorising officers for said funds these bodies provide the Parliament with information, formulate opinions on issues related to financial statements and implementation of programmes, projects and other government activities. The fact that authorities appointed to perform a similar systemic function are present in many countries has become an incentive to undertake the development of uniform standards regarding the organization and operation of supreme audit institutions in the conditions of functioning of a democratic state and free market economy, as well as establish their place in the system of state authorities. The aim of the article is to illustrate the place of the Supreme Audit Office of Poland on the background of international standards of organization of and activities performed by audit authorities.

Keywords: state audit, Supreme Audit Office of Poland, independence of Supreme Audit Institution of Poland

Maciej Serowaniec – Assistant Professor, PhD; Faculty of Law and Administration, Nicolaus Copernicus University in Toruń

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