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Nodal Issues of Criminal Liability on the Level of Public Procurement

[Kluczowe kwestie odpowiedzialności karnej w zakresie zamówień publicznych]

Abstract

To supplement the extensive discussion of public procurement presented in this monographic issue, it is undoubtedly worth drawing attention to certain areas of criminal law. This branch of law aims to protect the proper course of all social relations, including public procurement procedures, which are discussed at length in this publication. The study therefore characterises the most important criminal law solutions devoted to this matter in Polish law. The author presents the origins and historical and legal shape of the criminal provisions concerning the issue in question; he analyses in detail the current wording of Article 305 of the Criminal Code, which constitutes the foundation of criminal law protection in this regard, and also points out the interrelationship between this provision and Article 6 of the Act of 16 February 2007 on the protection of competition and consumers. The article concludes with a summary.

Keywords: criminal law, Article 305 of the Criminal Code, protection of public procurement, interference in public tenders, protection of competition and consumers.

Introduction

Criminal law is, by definition, the law of last resort (*ultima ratio*). It intervenes when legal relations created on the basis of regulations in force in other branches of law are not sufficient. By definition, it is supposed to safeguard the regularity of these legal relations. One of the areas protected by criminal law is public procurement. It takes place, and it takes place on many levels. This

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protection is comprehensive, as are all criminal laws defining so-called economic crimes[1] . Polish criminal law have taken public procurement, broadly defined, as one of the objects of protection. However, the scope of protection has been somewhat differently shaped, which was probably not without influence from the cultural and legislative traditions of both countries and their individual economic development. It should also be added that the scope of criminal law protection is now broadened, as it is also overlaid by certain EU provisions. To illustrate this issue, it can be pointed out, for example, that unlawful collusion of entrepreneurs in order to obtain the desired result of a tender procedure at the same time also to eliminate other participants or other bids from this procedure constitutes an agreement of unacceptable practices distorting fair competition in the markets of EU countries within the meaning of Article 101(1) TFEU.

Historical and Legal Outline

After Poland regained its independence, the need for criminal law to protect various types of tenders and supplies of goods for the newly formed state was quickly recognized. With the passage of years and economic development, the importance of this protection gradually increased. The reason for this was primarily the steady economic progress associated with the construction of strategically important facilities, such as seaports, airports and numerous public edifices. Initially, protection was based on various types of legal regulations, both of statutory and lower rank in the form of ordinances. However, the so-called First Polish Criminal Code of 1932 introduced the provision of Article 283, which criminalized thwarting or obstructing a public tender and contributing to the diversion of another person from participating in it, as well as lowering the sale price of the property being auctioned. This provision was placed in the group of so-called crimes to the detriment of creditors. The placement of the crime of obstructing or preventing a tender in this very Chapter indicated that the pre-war legislature considered that the crime of Article 283 of the 1932 CC primarily harmed the interests of creditors. These consisted, in this case, of seeking an efficient auction from the debtor's property. What should be emphasized is that this code quite narrowly criminalized behavior now seen as economic crimes, although the principles and areas of criminal responsibility were defined in a universal way and became the foundation for subsequent Polish criminal codifications.[2] Thwarting was

[1] R. Zawłocki, *Economic Turnover As a Subject of Criminal Law Protection* [in:] S. Włodyka (ed.), Commercial Law System, vol. 10, R. Zawłocki (ed.), Economic Criminal Law, Warszawa 2012, pp. 60–62.

[2] I. Zgoliński, *Characteristics and Main Assumptions of Penalization of Economic Crimes in the Criminal Code of 1932* [in:] A. Grześkowiak, K. Wiak, M. Gałązka, R. G. Hałas, S. Hypś, D. Szeleszczuk (eds), Criminal Code

seen here as any action that caused a tender (auction) to fail. In fact, the law did not specify the manner of action of the perpetrator.[3] Contributing to the removal of another person from participation in the auction, albeit without thwarting the auction itself, consisted of providing false information affecting the participation of that person in the proceedings.[4] Determining the perpetrator's motives was legally indifferent. The offense was intentional in all its variations.

This provision, as well as the entire 1932 Code, continued to be in force after World War II, and thus also during the People's Republic of Poland, until the 1969 Criminal (Penal) Code came into force. At that time, the penalization of this crime was modified. The provision of Article 245 of the Criminal Code of 1969 read as follows: 'Whoever, in order to gain a pecuniary benefit, thwarts or obstructs a public tender to the detriment of the owner of property or the person or institution for whose benefit the tender is made.' This provision was included in Chapter XXXII, entitled 'Crimes Against the Activities of State and Social Institutions.' This indicated that the generic object of protection for the crimes located here was the activities of state and social institutions,[5] which had the authority to dispose of certain things by tender. A state institution was understood in this context to include an enterprise in which the state was a shareholder, and, moreover, also a cooperative, a cooperative union, a labor union, other organizations of the working people and military units (Article 120 § 12 of the 1969 Criminal Code). The direct object of protection of Article 245 of the 1969 Criminal Code was the proper functioning of these institutions in terms of the tenders made, and the material interests of other creditors and property owners. The object side consisted of thwarting or obstructing a tender. It was a matter of taking any action that caused the failure of the bidding to take place, and of removing some person from participating in the bidding, albeit without thwarting it. Public tender – auctions were viewed as the public sale of movable or immovable property seized in the course of judicial execution.[6] This was a common crime of exposure. The owner of the property and the person for whose benefit the tender was made could also commit this crime. In a situation where the perpetrators were the above two categories of persons then the crime did not occur on the basis of impunity of the victim.[7] In order for it to be committed, it was necessary that, as a result of the perpetrator's behavior, the owner of the property or the institution for whose benefit the tender was made was harmed. Actual harm, however, was

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of 1932, Lublin 2015, p. 250, see also T. Bojarski, *Construction of the Criminal Code of 1932 and Its Regulations*, [in:] *ibid.*, pp. 9–19.

3 Z. Hofmokl-Ostrowski (*son*), Criminal Code and Jurisprudence of the Supreme Court, Warszawa 1936.

4 M. Siewierski, Criminal Code and Misdemeanour Law: Commentary, Warszawa 1965, pp. 384 and 385.

5 W. Świda, Criminal Law, Warszawa 1986, p. 595.

6 L. Lernell, A. Krukowski, Criminal Law: Particular. Selected issues, Warszawa 1969, pp. 145 and 146.

7 *Ibid.*, p. 146.

not necessary.[8] It was an intentional crime. Criminal liability was conditioned by the presence of a particularly colored intent (*dolus directus coloratus*) on the part of the perpetrator.

Current Legal Status

Turning to the current legal regulation of the criminal protection of the regularity of tenders, it should be pointed out that the fundamental criminal provision in the Polish legal order is Article 305 of the Criminal Code. It is not, of course, an exclusive regulation, that is, one providing protection. In fact, one can distinguish here a whole conglomerate of different types of regulations, for example, from May 20, 2023, collusion in bidding is a prerequisite for the adoption of action within the framework of the so-called cartel, i.e. a prohibited agreement of entrepreneurs, which is the subject of the regulation of Article 4(5a) of the Law on Competition and Consumer Protection (consolidated text OJ 2024, item 1616). Indeed, a cartel is considered to be an agreement between at least two competitors aimed at coordinating competitive activities in the market or influencing significant factors of competition, consisting in particular of fixing or coordinating purchase prices, sales prices or other terms of business transactions, including those relating to intellectual property rights, fixing the level of production or sales, dividing markets and contractors, including collusive bidding, restricting imports or exports or other anti-competitive actions taken against competitors. Polish law is furthermore familiar with the concept of a secret cartel, by which is meant a cartel whose existence is partially or fully concealed. Thus, this protection is guaranteed by various types of regulations, not necessarily belonging to the domain of criminal law. Moreover, the behavior of the perpetrators must not, as it were, 'incidentally' exhaust the elements of other crimes, including so-called code crimes, such as crimes under Article 231 of the Criminal Code (abuse of power by an officer), Articles 228 and 229 of the Criminal Code (passive and active paid patronage) or offenses against documents (Articles 270, 271 of the Criminal Code). All of these criminal provisions should be indicated in the legal qualification of the alleged act of the perpetrator (unless there is a phenomenon of the so-called 'apparent coincidence'), and this in order to properly reflect the overall criminal coloration of the behavior in question and the degree of its social harm. If the perpetrator violated with his actions the dispositions of provisions of another type, they should, on the other hand, be indicated as part of the description of the alleged act. Importantly, the exhaustion by one behavior of the elements of more than one

[8] O. Chybiński, W. Gutekunst, W. Świda (eds), Criminal Law: Particular, Warszawa 1971, p. 374.

crime is important for the assessment of punishment in the case of proving the perpetrator guilty.

Being aware, on the one hand, of the enormous complexity of the matter under discussion, and on the other hand, of the limited framework of this monograph, the further axis of consideration will focus mainly on the analysis of Article 305 of the Criminal Code. This crime is undoubtedly now more developed than its predecessor, which has been influenced most strongly not by the development of criminal law, but by the development of economic relations and the subsequent need for an adequate criminal response. Its object of protection included the property interest of the owner of the property put up for tender, as well as the integrity of the tender.[9] This crime is located in Chapter XXXVI, entitled: 'Crimes Against Economic Turnover and Property Interests in Civil Law Transactions.' This chapter covers so-called economic crimes. In Polish scientific discourse, there are doubts about the rationality of singling out economic crimes as a separate category of criminal acts. This circumstance has many threads.[10] This is because all these provisions also protect individual property interests. However, it is important that the reasons for its separation do not lie in the need to protect supra-individual social and economic interests, but in the fact that they represent a set of the most reprehensible manifestations of violations of the rules of conduct in the broad area of civil law relations and interests. Instead, they can be protected (and often are) also by other criminal law norms.

From the subjective side, the offense under Article 305 of the Criminal Code remains within the circle of intentional crimes. Within the framework of the basic type of the crime, it is necessary to act with direct-directional intent (for financial gain). The normative construction of the crime of obstruction of proceedings – a public tender or any proceedings in the field of public procurement, which was adopted on the basis of the current regulation is complex, as it de facto includes many types of crimes.[11] They have distinct forms and consist of: thwarting or obstructing a public tender or other public procurement procedure; disseminating information relevant to the contract to be concluded as a result of a tender or public procurement procedure; concealing relevant information or entering into an agreement with another person to act to the detriment of the tender organizer; and acting to the detriment of the owner of the auctioned property or to otherwise act to the detriment of the public interest. The latest code amendment has broad-

[9] M. Kulik, *Commentary to Article 305 of the Criminal Code* [in:] M. Mozgawa (ed.), Criminal Code: Commentary, LEX/el. 2024, M. Bojarski, *Commentary to Article 305 of the Criminal Code* [in:] M. Filar (ed.), Criminal Code: Commentary, LEX/el. 2016.

[10] More extensively: I. Zgoliński, *Introduction to Chapter* XXXVI [in:] V. Konarska-Wrzosek (ed.), Criminal Code: Commentary, Warszawa 2023, pp. 1429 and 1430.

[11] Ł. Pohl, *The Inclusion of Provisions Defining the Crime of Interfering with Public Tender in the CC of 6.06.1997* [in:] R. Zawłocki (ed.), Economic Criminal Law, vol. X, System of Commercial Law, S. Włodyka (ed.), Warszawa 2012, pp. 507 and 508.

ened the scope of criminal legal protection, as not only the organizers of the proceedings and the owners of the auctioned property themselves are subject to it anymore, but also the participants in the proceedings. Indeed, in both acts, a separate effect of the perpetrator's behavior may be to the detriment of the public interest. As T. Oczkowski aptly points out[12] "in most such acts, their effect will be both an act to the detriment of the public interest and an act to the detriment of the organizer or beneficiary of the proceedings or the owner of the auctioned property. After all, the public interest in a tender or in any public procurement procedure is to be understood as the conduct of a procedure that is undisturbed in any way and will lead to the selection of the most advantageous offer. But in a tender there may be situations in which unfair practices will take place, but they will not be to the disadvantage of the organizer or owner of the auctioned property. This new prerequisite for the existence of such acts will be met, for example, in the case of 'jacking up' by at least one participant the auctioned price of the thing being sold, so that the real interested buyer is forced to offer an increasingly higher price. In this way, the conduct is fraught with unfairness, because if it were not for the collusion of other bidders, a purchase at a lower price would have occurred. This is undoubtedly an act to the detriment of the public interest by interfering with the participation in the auction of only those genuinely interested in acquiring the thing being auctioned."

It should be emphasized that the criminal provisions protect only one of the possible modes of selecting the best offer in the form of a tender procedure addressed to an unlimited number of potential bidders.[13] The characteristics of a public tender are also assumed in a situation where there is a restriction in the announcement that only entities of a certain type can be participants The point is that the invitation to bid is not addressed individually. The organizer does not affect the criminal legal qualification. It can be either a public or private entity. Nor does the form of the tender itself matter. Thwarting or hindering a tender can occur by any means, what is important here is the mere effect of bringing such an effect. As in the context of previous criminal law regulations, it is assumed that to thwart is to cause the impossibility of carrying out a tender procedure, and to hinder is to disrupt its course. To disseminate false information is to make it public, widely known to an unspecified number of persons interested in participating in a public tender.[14] Obfuscation is the silence of information of significant importance to the tender, which was to be made public.[15] The perpetrator here can only be the

[12] T. Oczkowski, *Commentary to Article 305 of the Criminal Code* [in:] V. Konarska-Wrzosek (ed.), Criminal Code: Commentary, p. 1496.

[13] Judgment of the Court of Appeal [SA] in Warsaw of 11.03.1998, II AKa 247/97, LEX No 33171.

[14] R. Góral, Criminal Code: Practical Commentary, Warszawa 2000, p. 403, A. Marek, Criminal Code: Commentary, Warszawa 2010, p. 657.

[15] R. A. Stefański, Substantive Criminal Law: Particular, Warszawa 2009, p. 631.

entity that was obligated to make the information public. The denomination defined as entering into an agreement is a manifestation of duplicative typification. The scopes of application of the two sanctioning norms in Article 305 § 1 and 2 are the same here.[16] The law indicates that a consensus of at least two persons is necessary for an agreement. This involves an agreement on the circumstances of behavior during the tender.[17] The agreement should be characterized by a negative impact on the outcome. In the case of tenders involving public procurement, there will usually be here a desire to obtain the contract at the highest possible price. This goal is achieved through the submission of bids by colluding entities, where the more favorable bid has some formal deficiencies. Another bid is then selected, but one that is less favorable. It is debatable whether it can now be considered that an agreement to obtain the best possible tender result will not exhaust the elements of a crime. After all, in extreme cases there may be an act to the detriment of the public interest.

What is relevant is that the provision of Article 305 of the Criminal Code does not require actual damage to property. It is sufficient to cause a real exposure of the interests of the property owner, the organiser of the procedure or otherwise unfairly a real threat to the public interest. With regard to thwarting or obstructing a public tender as referred to in Article 305 of the Code of Criminal Procedure, the offence is of an effectual nature. As rightly stated in the case law: 'The effect of the offender's conduct does not necessarily have to be real damage, which usually occurs as a result of the awarding of a tender, but already the mere triggering of a threat to the legally protected interests of the subjects. In other words, for the existence of the offence in question it is not necessary for the damage itself to occur, but it is sufficient that the perpetrator's conduct may realistically threaten to cause such damage. In view of the type of goods protected by the provisions of Chapter XXXVI of the Criminal Code and the essence of public tender, which is an institution through which agreements are concluded in the market economy, Article 305 § 1 of the Criminal Code refers to damage of a pecuniary nature. Admittedly, the legislator did not specify this concept, so – *lege non distinguente* – it should be understood as any pecuniary damage including both *damnum emergens* and *lucrum cessans*, while its extent may vary and – obviously – will affect the assessment of the degree of social harmfulness of the act (Article 115 § 2 of the Code of Criminal Procedure). Thus, there is no question that such pecuniary damage must be expressed in a specific monetary amount. The burden of proving (*onus probandi*) this circumstance, i.e. the extent of the damage conditioning the possibility of attributing guilt at all on the plane of Article 305 § 1 of the Criminal Code, rests – pursuant to Article 5 § 1 of the Criminal Code – on

[16] G. Łabuda, *Commentary to Article 305 of the Criminal Code* [in:] J. Giezek (ed.), Criminal Code: Commentary, LEX/el. 2021.

[17] More extensively Ł. Pohl [in:] R. Zawłocki (ed.), Economic Criminal Law, vol. X, p. 515.

the public prosecutor (...). The phrase 'acting to the detriment' used in Article 305 § 1 of the Code of Criminal Procedure means both the effective occurrence of material damage and the real, and not abstract, danger of its occurrence, while it is necessary here to determine the extent of this material damage, as on this depends – due to the content of Article 115 § 2 of the Code of Criminal Procedure in connection with Article 1 § 1 and 2 of the Code of Criminal Procedure – the possibility of considering the perpetrator's act as a crime."[18]

The wording of the provision also includes a procedural regulation concerning the prosecution aspect (Article 305 § 5 of the Code of Criminal Procedure). It takes place, as a rule, at the request of the victim. It is therefore a so-called motion crime. The exceptions in favour of *ex officio* prosecution are situations where the State Treasury remains the wronged party or where the object of the tender, auction or public procurement was at least in part financed from public funds. In these situations, the offence is prosecuted by public indictment, *ex officio*. This is an expression of concern for the state's finances.

The provision of Article 305 § 6 of the Criminal Code establishes an active regret clause. A perpetrator of an offense specified in Article 305 § 1 or 2 who has notified a law enforcement or competition authority of a European Union member state or the European Commission of the fact of its commission and disclosed all relevant circumstances of the offense before the law enforcement authority became aware of it, will not be subject to punishment. Thus, the perpetrator must disclose to the relevant authority of an EU country that is responsible for combating restrictive practices within the meaning of Article 101(1) TFEU, the fact and circumstances of the cartel, the object of which was collusive bidding. This brings us to the conclusion that the provision of Article 305 of the Criminal Code also protects fair competition in terms of the inadmissibility of collusive bidding. This solution fully highlights the nature of criminal law, mentioned at the outset, materializing as *ultima ratio*. Criminal liability will begin its existence when other types of liability prove insufficient.

The relationship between the criminal provision in question and Article 6 of the Act of 16.02.2007 on competition and consumer protection is also interesting. As indicated in the case law, the very literal wording of both provisions indicates that the premises set out therein are not the same. The functions and objectives of both provisions are also different [19]. Consequently, it is clear that the absence of an offence under Article 305 of the Code of Criminal Procedure does not prejudge the conclusion of an anticompetitive agreement under Article 6 of that Act. This provision, it should be mentioned, generally prohibits the conclusion of agreements the purpose or effect of which is to eliminate,

[18] Order of the Supreme Court of 6.06.2019, III KK 130/18, OSNKW 2019/8/45.
[19] Order of the Supreme Court of 29.03.2023, II NSK 15/23, LEX No 3511646.

restrict or otherwise infringe competition on the relevant market. The view expressed in the case law is correct. Anti-competitive agreements will not always fulfil the elements of the offence under Article 305 of the Criminal Code. The cumulative fulfilment of all the elements discussed above is necessary for this, and this will not occur in every situation. However, the two norms are complementary as regards the scope of arrangements between various entities that may interfere in the course and results of the tender. Both have a preventive and protective role. The most desirable state of affairs in cases of their simultaneous implementation by the perpetrators is that the criminal process is carried out first, as this will result in a smooth and unquestionable establishment of the authoritative premises for the antitrust proceedings. Analysing this relationship of the two norms, on the other hand, it cannot be argued that there is a double punishment here, as in the case of antitrust proceedings no criminal sanction *sensu stricto* is imposed. Therefore, the *ne bis in idem* principle (prohibition of retrial) does not apply here. In the case of adoption of a different approach, it would undoubtedly result in the risk of avoiding antitrust or criminal liability, which would considerably reduce the effectiveness of combating collusive tenders . It is necessary to point out in this respect that Article 11 of the Code of Civil Procedure orders to take into account the findings made in criminal proceedings, in a final and binding conviction, as to the fact of committing an offence. This binds the court in civil proceedings. The scope of binding final convictions concerns the findings as to the circumstances of the commission of the offence contained in the operative part of those convictions. The essential *ratio legis* of Article 11 of the Code of Civil Procedure is to avoid the necessity to conduct additional and at the same time unnecessary evidentiary proceedings in order to establish identical facts. This multiplies the costs of proceedings, causes inefficiency of judicial authorities and consequently also leads to the possibility of mutually contradictory decisions in criminal and civil cases on the basis of the same facts. It therefore destroys the identity of criminal and civil jurisdiction. In other words, the court hearing the civil case must assume that the convicted person committed the offence attributed to him / her by the criminal judgment. These circumstances cannot therefore be the subject of evidence, and also the findings as to the commission of the offence exclude the possibility of proving circumstances contrary to those established by the criminal court. The civil court is obliged to take into account the established elements for the imputation of an offence and to make an appropriate transference of these circumstances to the antitrust proceedings. Once the perpetration of collusive bidding has been proven, it is therefore fully legitimate to apply the regulation provided for in Article 106(1) of the Act on Competition and Consumer Protection. Thus, the President of the Office may then impose on the entrepreneur, by way of a decision, a fine of up to 10% of the revenue generated in the accounting year

preceding the year of imposing the fine, if the entrepreneur, even if unintentionally, committed a breach of the prohibition set out in Article 6 of the Act.[20]

Conclusions

The analysis carried out shows that the offence of disturbing a tender in Polish criminal law has a well-established history, albeit one that has taken variable turns. The modification of this type of offence in relation to the original qualification adopted in the Criminal Code of 1969 was not without influence from different economic relations, resulting from a different regime than before. They were the main reason for the evolution. The legislator systematically refined and extended criminal law protection as economic relations developed. The current legal regulation seems to fulfil its role relatively correctly. However, it is not without fields that raise interpretative doubts in practice. This is also due to the numerous coherences of this subject matter with other civil and commercial laws and regulations. This state of affairs, in turn, dictates that an ongoing doctrinal discussion in this respect is necessary. This will make it possible to specify sensitive areas, to indicate attempts to interpret specific problems arising at the junction of the above-mentioned branches of law and, consequently, to eliminate identified deficiencies in the course of further legislative work.

Abstrakt
Uzupełniając obszerne rozważania dotyczące zamówień publicznych zaprezentowane w niniejszym monograficznym numerze, należy niewątpliwie zwrócić również uwagę na niektóre obszary prawa karnego. Ta gałąź prawa stawia sobie za cel ochronę właściwego toku wszelkich stosunków społecznych – w tym postępowań o udzielanie zamówień publicznych, o czym tak szeroko traktuje prezentowana publikacja. W opracowaniu scharakteryzowano zatem najważniejsze rozwiązania prawnokarne poświęcone tej materii w prawie polskim. Autor przedstawia genezę i historycznoprawny kształt karnych przepisów dotyczących tytułowego zagadnienia; poddaje dogłębniejszej analizie obecne brzmienie przepisu art. 305 kodeksu karnego – stanowiącego w tym względzie fundament ochrony prawnokarnej – a także wskazuje wzajemne relacje tego przepisu oraz art. 6 ustawy z 16 lutego 2007 r. o ochronie konkurencji i konsumentów. Artykuł został zwieńczony podsumowaniem.
Słowa kluczowe: prawo karne, art. 305 kodeksu karnego, ochrona zamówień publicznych, ingerencja w przetargi publiczne, ochrona konkurencji i konsumentów.

[20] Judgment of the Court of Appeal [SA] in Warsaw of 3.02.2020, VII AGa 1121/18, LEX No 3103030.

BIBLIOGRAPHY

Chybiński O., Gutekunst W., Świda W. (ed.), Criminal Law: Particular, Warszawa 1971.

Filar M. (ed.), Criminal Code: Commentary, LEX/el. 2016.

Giezek J. (ed.), Criminal Code: Commentary, LEX/el. 2021.

Góral R., Criminal Code: Practical Commentary, Warszawa 2000.

Grześkowiak A., Wiak K., Gałązka M., Hałas R. G., Hypś S., Szeleszczuk D. (eds), Criminal Code of 1932, Lublin 2015.

Hofmokl-Ostrowski Z. (*son*), Criminal Code and Jurisprudence of the Supreme Court, Warszawa 1936.

Konarska-Wrzosek V. (ed.), Criminal Code: Commentary, Warszawa 2023.

Lernell L., Krukowski A., Criminal Law: Particular. Selected issues, Warszawa 1969.

Marek A., Criminal Code: Commentary, Warszawa 2010.

Mozgawa M. (ed.), Criminal Code: Commentary, LEX/el. 2024.

Siewierski M., Criminal Code and Misdemeanour Law: Commentary, Warszawa 1965.

Stefański R. A., Substantive Criminal Law: Particular, Warszawa 2009.

Świda W., Criminal Law, Warszawa 1986.

Zawłocki R. (ed.), Economic Criminal Law – S. Włodyka (ed.), Commercial Law System, vol. 10, Warszawa 2012.