NBP 2024, Vol. 29, Issue 1, pp. 56–66
https://doi.org/10.5937/nabepo29-44868
Original scientific paper

Actual Coverage of the Funds in the Account by Order on Physical Evidence under Polish Criminal Procedure

[1]**Damian Robert Jaworski**[1], [2]**Kamil Samiczak**[2]

[1]*Cardinal Stefan Wyszynski University, Doctoral School, Warsaw, Poland*
National School of Judiciary and Public Prosecution, Kraków, Poland

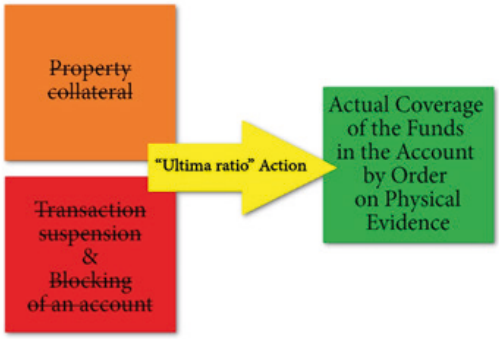
[2]*Police School in Katowice, Department of Criminal Service, Poland*
SB University, Dąbrowa Górnicza, Poland

Submitted: 2023-06-05 • Accepted: 2023-11-20 • Published: 2024-02-08

Abstract: The subject of this article is a consideration of recent changes to the current Polish criminal procedure. The changes concern in particular the investigation. Initially, the Supreme Court issued two resolutions, which eliminated the actual coverage of the funds in the account by order on physical evidence (this is a legal fiction – funds in an account are not physical objects). At that time, the public prosecutor could only use the "transaction suspension" or "blocking of an account" to freeze the funds. Later, the Polish legislator added Art. 236b to the Code of Criminal Procedure. The purpose of this provision is to outdate the above-mentioned resolutions. Instead of a suspension or blockade, the actual coverage of the funds in the account by order on physical evidence may take place. However, in the authors' opinion, this should only take place in the case of an ultima ratio action. This means, firstly, the end of the maximum duration of the "transaction suspension" or "blocking of an account" and, secondly, the impossibility to apply property collateral. These restrictions are not currently in Polish law. This means that the Polish public prosecutor can theoretically omit the provisions on the "transaction suspension" or "blocking of an account". This possibility applies to fiduciary currencies and virtual currencies. This paper may be useful in considering the options currently available to the public prosecutor in relation to a request for legal assistance to Polish law enforcement authorities which concerns the seizure of funds in an account.

Keywords: transaction suspension, blocking of an account, physical evidence, fiduciary and virtual currency, demand for surrender of items, search.

Graphical abstract



1 Corresponding author: d.jaworski.dzialalnosc.naukowa@gmail.com • https://orcid.org/0000-0002-1069-6916 • PhD student and trainee public prosecutor.
2 kamil_samiczak@op.pl • https://orcid.org/0000-0002-9486-6168 • Instructor and lecturer.

Citation: Jaworski, D. R., & Samiczak, K. (2024). Actual coverage of the funds in the account by order on physical evidence under Polish criminal procedure. *NBP. Nauka, bezbednost, policija*, *29*(1), pp. 56–66. https://doi.org/10.5937/nabepo29-44868

eISSN 2620-0406

INTRODUCTION

The institutions of the "suspending transaction" and "blocking of an account" are extra-code coercive measures at the disposal of the Polish public prosecutor. Their purpose is to realise the further application of property collateral in criminal proceedings (Grzegorczyk, 2008). The purpose of property collateral is to seize the execution of future penalties, measures and court fees that may be ordered after the end of criminal proceedings against the perpetrator of a criminal act. Furthermore, property collateral may only be used if there is a well-founded fear that, without this collateral, the execution of the final judgment will be impossible or significantly more difficult.

Taking into account (1) the authority applying the measure and (2) its duration, the "transaction suspension" and "blocking of an account" may be divided into "short" and "long" measures. The "short suspension" and "short blockade" are measures applied by an entity, other than the Polish public prosecutor, authorised under a special law, with a duration of up to a few dozens of hours. This is the first impulse, the effects of which are similar to another Polish coercive measure of temporary seizure of movable property carried out by the police or other Polish authorised services (Karnat, 2016). The "long suspension" and "long blockade" are legitimate, extra-code coercive measures used by the public prosecutor in pre-trial proceedings, i.e. the investigation.

In the opinion of the authors, it is worth emphasising that Polish criminal proceedings mainly consist of two stages. One is pre-trial proceedings, i.e. investigations. An investigation may be conducted by the public prosecutor (Pol. "śledztwo") or the police or another authorised service (Pol. "dochodzenie"). Each investigation is divided into two phases. The first is the "*in rem* investigation", when there is not yet a suspect in the case. The second is the "investigation in *ad personam* phase", when a suspect is already present and charged with a crime. Once an indictment is brought before the court, the pre-trial proceedings convert into court proceedings.

The description of the topic of this paper also requires the introduction of the concept of "actual coverage of funds in the account", which is used in the title of this article. Pursuant to Art. 725 of the Polish Civil Code (hereinafter referred to as: CC), by means of a bank account agreement, the bank undertakes towards the account holder, for a definite or indefinite period of time, to hold his funds and, if the agreement so provides, to carry out monetary settlements on his behalf. In return, according to Art. 726 CC, the bank can turn over temporarily free funds accumulated in the bank account with the obligation to return them in whole or in part at any request of the account holder, unless the agreement makes the obligation to return conditional on termination of the agreement. According to the Polish jurisprudence of the Supreme Court, the above-mentioned regulations should be understood to mean that the holder of a bank account is entitled to a claim against the bank keeping the account for the payment of the funds accumulated therein. This claim is determined by an entry in the account made by the bank (account balance). The significance of an entry in a bank account is that it determines the account holder's claim on the bank, which is obliged to pay him a certain amount of money at his request or to execute a transfer order, direct debit or other order. The entry is not a statement of intent by the bank to the account holder and may be subject to rectification. As long as this does not happen, the record has a constitutive function, which is the material legal condition for the holder

to dispose of the accumulated funds (Sąd Najwyższy, 2021a). In this context, "actual coverage of funds in the account" means their removal from the account holder's disposal as well as bank's authority and the possibility of their free disposal within the limits set by the legal institution authorising this action. In the light of the Polish criminal procedure, this possibility is provided by order on physical evidence[3] (i.e. demand for surrender of items and search – of course this is a legal fiction – funds in an account are not physical objects) as well as the decision on property collateral. It is worth emphasising that the "transaction suspension" and "blocking of an account" do not constitute an "actual coverage", as they do not allow for the disposition of the seized funds (e.g. by transferring them to the deposit sums account of the procedural authority), but only oblige the bank to "freeze" them.

While there is no doubt that the "actual coverage of funds in the account" may take place on the basis of property collateral (the "transaction suspension" and "blocking of an account" serve this purpose), procedural decisions regarding physical evidence may seem controversial. In the Polish literature, this action is sometimes referred to as an unacceptable manifestation of *praeter legem* action (Karnat, 2016). In this context, the Supreme Court issued two resolutions (Sąd Najwyższy, 2021b; 2021c). In them, the Supreme Court referred to the Counteracting Money Laundering and Terrorist Financing Act (hereinafter referred to as: CMLTF) and Banking Law (hereinafter referred to as: BL). In both cases, the Supreme Court excluded the possibility of applying the provision on physical evidence in such a way that it allows the actual coverage of the funds in the account (Sąd Najwyższy, 2021b; 2021c).

The Supreme Court's categorical exclusion of the possibility of the controversial (Izydorczyk, 2022), but still used in practice variant of the transformation the "transaction suspension" and "blocking of an account", has not only met with the approval of the doctrine, but also with its criticism (Kurowski, 2022; Duży, 2022). In view of the above and content of Art. 236b of the Polish Code of Criminal Procedure (hereinafter referred to as: CCP), the authors of this article decided to consider whether the "actual coverage of the funds in the account" by order on physical evidence has regained relevance in Polish prosecutorial practice and, if so, what should be the criteria for the admissibility of issuing such a decision in relation to the consistent views of the Supreme Court, expressed in particular in one of its decisions (Sąd Najwyższy, 2022).

THREE STAGES REGARDING THE APPLICATION OF THE "TRANSACTION SUSPENSION" AND "BLOCKING OF AN ACCOUNT"

Ochnio (2015) points out that in the process of adapting Polish law to European and international standards, the "transaction suspension" and "blocking of an account" have been dispersed over the following Polish Acts: (1) CMLTF, (2) Capital Market Supervision Act (hereinafter referred to as: CMS), (3) BL, (4) Cooperative Savings and Credit Unions Act (hereinafter referred to as: CSCU), (5) Trading in Financial Instruments Act and (6) Tax Ordinance Act (hereinafter referred to as: TO)[4].

3 The Polish criminal procedure does not provide for the possibility of making an order on physical evidence *sensu stricto*. It is only a collective term for various decisions on evidence.
4 Originally Ochnio mentioned in place No. 6 the act entitled Customs Service from 2015, but since 2017 it is no longer in force. For this reason, the authors replaced it with TO.

On the basis of the above-mentioned legal acts, the Polish public prosecutor can act with regard to the "transaction suspension" and "blocking of an account" on the basis of Art. 86 of the CMLTF, Art. 40 and 44 of the CMS, Art. 106a of the BL as well as Art. 16 of the CSCU.

In light of the recent amendments, under the Polish amending certain laws in connection with the establishment of the Central Office for Combating Cybercrime Act (hereinafter referred to as: Amending Act), a maximum of three stages may be distinguished in each of the above-mentioned modes on the subject of the application of extra-code coercive measures by the Polish public prosecutor, which aim to seize funds in the account. These are "application", "extension" and "transformation".

Depending on the type of Act, the first stage provides for different grounds (legal qualification of crimes) which authorise the "transaction suspension" or "blocking of an account". However, focusing on the connotations, each of the acts allows the Polish public prosecutor to act after the appropriate notification of the Inspector General (Art. 86(8) of the CMLTF), the credit union or the National Credit Union (Art. 16(1) of the CSCU), the bank (Art. 106a(1) of the BL) or the Chairman of the Commission or his deputy (Art. 39(1) CMS). With the exception of the CMS, the public prosecutor can also act without prior notice (Art. 86(10) of the CMLTF, Art. 16(4) of the CSCU, Art. 106a(3a) of the BL). "Short blockade" and, in the case of the CMLTF, also the "short suspension"[5] may last 72 (Art. 16(5) of the CSCU, Art. 106a(4) of the BL) or 96 hours (Art. 86(5) of the CMLTF, Art. 39(1) of the CMS). Subsequently, the public prosecutor can apply the "transaction suspension" and "blocking of an account" for a limited period of time not exceeding six months (Art. 86(9) of the CMLTF, Art. 16(7) of the CSCU, Art. 106a(6) of the BL, Art. 40(1) of the CMS).

The next stage refers to the possibility of extending the period of the "transaction suspension" and "blocking of an account". In any case, on the basis of the abovementioned acts, it amounts to another six months at most in each case (Art. 86(11a) of the CMLTF, Art. 16(8a) of the CSCU, Art. 106a(7a) of the BL, Art. 40(1) CMS). However, in the case of the CMS, only the National Prosecutor is authorized to extend the "blocking of an account".

The final step is the "transformation" common to all four of the above-mentioned Acts. It is only possible before "collapse" (in other words, expire) of the "transaction suspension" and "blocking of an account". "Transformation" is possible on the basis of the CCP institutions, i.e. a property collateral decision or an order on physical evidence (Art. 86(13) of the CMLTF, Art. 16(9) of the CSCU, Art. 106a(8) of the BL), Art. 40(4) of the CMS). These provisions make it clear that "transformation" prevents the collapse of the "transaction suspension" and "blocking of an account", as well as guarantees the "actual coverage of the funds in the account". It is very important that under the current rules, in order for a "transformation" to take place, the rules do not oblige the Polish public prosecutor to apply "long coercive measures" (or to extend them). Both decisions on physical evidence and, under certain conditions, on the property collateral may be taken during any phase of the pre-trial proceedings (i.e. *in rem* and *ad personam*). The stages of "transformation" from "short suspension" or "short blockade" into a subject of property collateral or physical evidence order may generally include the following procedural moments:

5 In the strict sense, it concerns the request of the Inspector General to the obligated institution to suspend the transaction.

Table 1. *Stages of Transformation of "Short Suspension" and "Short Blockade" Into a Subject of A Property Collateral or Physical Evidence Order*

No.	In Three Stages	In Two Stages	Directly
1)	"long suspension" or "long blockade" for up to six months	"long suspension" or "long blockade" for up to six months	issuance of an order on property collateral or physical evidence
2)	extension of the application of the above measures for a further maximum period of six months	issuance of an order on property collateral or physical evidence	
3)	issuance of an order on property collateral or physical evidence		

Source: Authors' own elaboration.

There is also a procedural variant that does not deal with the "transformation" of the "transaction suspension" or "blocking of an account", because these coercive measures may be completely omitted. This variant concerns the situation where the Polish public prosecutor can act in the *in rem* phase of the investigation without notification from the relevant authority. Then there is no "short suspension" or "short blockade" and the public prosecutor has the possibility to directly apply "long coercive measures". Instead, the public prosecutor can immediately make use of the institution of a demand for the surrender of items under Art. 217 CCP (at present, it is not even necessary to issue a decision on the qualification of the funds in the account as physical evidence[6]), and then (or instead of this) still make use of the property collateral in the *in rem* phase of the investigation (Art. 291, paragraph 2, point 2, letter a of the CCP). Pursuant to this provision, in the case of the offence which makes it possible to issue a "confiscation" under Art. 291, paragraph 1, point 3 of the CCP or a "return" under Art. 291, paragraph 1, point 5 of the CCP, securing the execution of the decision may take place already after the initiation of criminal proceedings (*in rem* phase of the investigation) on the property which would be subject to "confiscation" or "return" under Art. 45a, paragraph 1 or 2 of the Penal Code (hereinafter referred to as: PC) and Art. 43, paragraph 1 or 2 or Art. 43a of the Fiscal Penal Code. Looking through the prism of the provisions of the Art. 45a, paragraphs 1 and 2 of the PC, this kind of "confiscation" or "return" concerns situations when:

1) the social harmfulness of the offender's act is negligible;
2) the court issued a decision on conditional discontinuance of criminal proceedings;
3) it is established that the offender committed a criminal act in the state of incapacity referred under Art. 31, paragraph 1 of the PC;
4) there is a circumstance excluding the punishment of the offender;
5) the defendant died;
6) the criminal proceedings are discontinued because of:
    a) the failure to detect the offender,

6 This obligation followed from the currently expired paragraph 177 of the Polish Regulation of the Minister of Justice on regulations of the internal office of common organizational units of the prosecutor's office.

b) the failure to catch the offender,
c) the fact that the defendant cannot participate in the proceedings because he is mentally ill or suffers from another serious illness (also physical).

Once the investigation has moved into the *ad personam* phase, the funds in the account (classified as physical evidence) may be subject to a property collateral order in the "ordinary mode", i.e. under Art. 291, paragraph 1 of the CCP.

All things considered, in the reality of the current provisions of the Polish criminal procedure, extra-code coercive measures, i.e. the "long suspension" and "long blockade", are only facultative for the Polish public prosecutor. In theory, the public prosecutor can, but does not have to, make use of them. This conclusion applies not only to fiduciary currencies (FIAT), but also to virtual currencies. Pursuant to Art. 2 point 17 of the CMLTF, whenever the CMLTF refers to an account, it is also understood as an electronically stored set of identification data which provides authorised persons with the possibility to use virtual currency units, including to carry out exchange transactions. Considering that the Polish legal definition of virtual currencies includes cryptocurrencies, the "transaction suspension" or "blocking of an account" from CMLTF as well as decisions on physical evidence may apply to Bitcoin or Ethereum, for example. The possibility of using the above-mentioned measures on virtual currencies will most often take place when virtual currencies are in the possession of an "obliged institution". It is the kind of institution that is under the regulations of the CMLTF. In the case of Bitcoin cryptocurrency, this would be, e.g., the administrator of a cryptocurrency exchange who remains in possession of the private keys of its users. However, this does not exclude the situation of a search or a demand for surrender of items in the form of units of virtual currency held in a non-custodial wallet.

THE ESSENCE OF THE PROBLEM – AN AXIOLOGICAL DISPUTE

Counteracting the use of the financial system for money laundering is the original purpose of introducing the "transaction suspension" and "blocking of an account" into the Polish legal system (Ochnio, 2015). Money laundering is a particularly harmful practice on a global scale, with negative consequences including destabilisation of the state's economy (through disruptions to the financial and tax system), deformation of the mechanism for determining economic parameters as well as violation of the principles of economic competition (Wójcik, 2004). At the later stage, the above-mentioned measures started to be used in countering terrorist financing as well as stock market crime, treasury and other crimes (Ochnio, 2015).

There is no doubt that the aforementioned measures are intended to protect the public against the most serious types of crime. Furthermore, the jurisprudence of the Supreme Court points out that the "blocking of an account" may cause far-reaching disadvantages for the person affected, certainly limiting economic freedom and (in an extreme case) directly making it impossible to carry out business activities (Sąd Najwyższy, 2021b). Moreover, in the Supreme Court's opinion (Sąd Najwyższy, 2021b), the "blocking of an account" is linked to far-reaching disadvantages, especially in terms of economic freedom, for a person who has not yet been charged in a criminal trial.

In view of the above, before Art. 236b of the CCP came into force, the Supreme Court, in its resolutions (Sąd Najwyższy, 2021b; 2021c), stated that:

1) the "transformation" of the funds in the account into the object of an order on physical evidence or a property collateral (pursuant to Art. 86(13) of the CMLTF) must be interpreted strictly and taking into account the guarantee function of this provision;
2) funds stored in a bank account:
    a) do not have the characteristics of physical evidence (in the sense of the transformative mode of Art. 86(13) of the CMLTF), because they do not exist as physical things but are only records in an information system,
    b) do not have the characteristics of physical evidence (in light of the transformative mode of Art. 106a(8) of the BL).

Given that the transformative mode is drafted in the same way in all of the above-mentioned four Acts allows for the possibility of the Polish public prosecutor to apply the "transaction suspension" and "blocking of an account". The view of the Supreme Court (Sąd Najwyższy, 2021b) also applied to the CMS (Art. 40(4) of the CMS) and CSCU (Art. 16(9) of the CSCU). In practice, this view meant that the issuing of an order for physical evidence did not prevent the collapse of the "transaction suspension" and "blocking of an account", but only made it possible to seize documentation, especially an account statement or confirmation of the deposit or withdrawal of funds (Sąd Najwyższy, 2021b). Without duplicating the detailed considerations of the Supreme Court, to take this way of interpretation and to make the transformative mode partly "empty", i.e. not allowing (in the context of a demand for the surrender of items or a search) for the actual coverage of the funds in the account, the following statement was crucial. Well, the Supreme Court stated that the concept of the "physical evidence" is not the same term as the "movable property" and, therefore, the fulfilment of the legal fiction criteria of Art. 115, paragraph 9 of the PC does not imply the simultaneous identification of the designator of the "movable property" as the "physical evidence" (Sąd Najwyższy, 2021b). For this reason, from the date of promulgation of the Supreme Court's resolution, there was a different treatment of funds in an account under the PC and CCP. This point of view effectively excluded the intention expressed in the draft PC amendment, which was intended to remove doubts as to whether funds in a bank or payment account could be qualified as movable property and therefore as physical evidence in a case – pursuant to Art. 115, paragraph 9 of the PC (Uzasadnienie, 2016). In the authors' opinion, it was also difficult at that time to undertake any constructive criticism in this sphere. Therefore, a dispute of an axiological character (the interest of criminal proceedings versus the protection of an individual secured by the presumption of innocence from excessive intervention in the constitutional right to property) came to an end. The Supreme Court stated (against the intention of the legislator) that the transformative mode is partly "empty" and does not allow the funds in the account to be actually covered by order on physical evidence. In the Supreme Court's opinion, according to the construction of the "rational legislator", this interpretation of the provisions was more systemically coherent than allowing an unlimited exception that would allow the guarantee deadlines for the "transaction suspension" or "blocking of an account" to be completely omitted (Sąd Najwyższy, 2021b).

Therefore, a space was created to introduce a legal definition of a "thing" and "object" to the CCP, which was implemented in Art. 236b of the CCP, introduced under the Amending Act. This provision has been in force since January 12, 2022 and since that date it "fills" partially the "empty" above-mentioned transformative mode. In other words, it has restored to Polish criminal procedure the possibility of "actual coverage of the funds in the account by order on physical evidence". This regulation also has restored the possibility of completely omitting the extra-code coercive measures described above and directly applying a demand for the surrender of items or a search.

According to Art. 236b, paragraph 1 and 2 of the CCP (i.e. a legal fiction applicable on the basis of criminal procedural law) a "thing" or "object" within the meaning of the provisions of this chapter is also the funds in the account. Moreover, the order on physical evidence may apply to funds in the account if they have been retained as evidence in the case (Art. 230, paragraph 2 of the CCP), e.g. when funds must be returned immediately after they have been declared unnecessary for criminal proceedings.

Therefore, the legislator decided that the interest of criminal proceedings is a value that deserves higher protection than the protection of an individual who is presumed innocent against excessive interference with the constitutional right to property. *Prima facie* this legislative measure may be subject to criticism from the doctrine, because it excludes the necessity to undergo the regime of the "transaction suspension" or "blocking of an account". On the other hand, the existence of the possibility of longer than only twelve-month seizure of funds discovered in a particular account is necessary for the proper course of the pre-trial proceedings.

The point is that economic and financial crime are fields for serious abuse. These types of cases require much more time at the pre-trial proceedings than usual (often *in rem* phase). For example, a suspect account has been identified with funds (including funds of significant or even great value) from an offence with a high degree of probability, but, despite a well-focused investigation, there is no objective possibility to establish the base offence and (as a consequence) to move to the *ad personam* phase. Moreover, this situation may also happen if (in the reality of a particular case), the Polish public prosecutor cannot use Art. 291, paragraph 2 CCP. In the authors' opinion, the legislator has therefore decided to re-evaluate the dispute described above in favour of the interests of criminal proceedings.

However, without losing the focus on the Supreme Court's arguments, in the opinion of the authors, it is recommended that the order on physical evidence should be an *ultima ratio* action and therefore follow only when:

1) the maximum time limit for the "transaction suspension" or "blocking of an account" has expired,
2) there are no grounds for the use of property collateral (including on the basis of Art. 291, paragraph 2 CCP),
3) the funds in the account are real evidence in the case.

This is an important recommendation for the reason that the Supreme Court (2022) confirmed the admissibility of the actual coverage of the funds in the account by order on physical evidence, but with the restriction that a possible judicial review requires a detailed assessment of whether the case is really about leaving at the disposal of the law enforcement authority an asset that may be used as evidence in the case in accordance

with Art. 217 § 1 CPP, or rather an impermissible blocking of the account holder's free disposal of funds that may only become the subject of property collateral in the future. In the authors' opinion, this restriction also concerns property collateral under Art. 291, paragraph 2 CCP.

CONCLUSION

An analysis of the current legislation and jurisprudence of the Supreme Court leads to the conclusion that the Polish prosecutorial practice of "actually covering the funds in the account by order on physical evidence" (i.e. by order demanding the surrender of items and by a search order) has reclaimed its actuality under Polish Criminal Procedure. The possibility of such measures applies not only to fiduciary currencies, but also to virtual currencies, including cryptocurrencies. The extra-code coercive measures in the form of the "long suspension" and "long blockade" are only optional for the public prosecutor. However, looking through the consequent views of the Supreme Court (Sąd Najwyższy, 2021b; 2021c), the issue of an order on physical evidence should be an *ultima ratio* action.

The above postulate strongly supports the legitimacy of the Polish public prosecutor's procedural decisions, especially on the grounds of possible judicial control. However, it does not remove the axiological dispute.

Considering that the fight against crime should be as effective as possible, as well as respect the procedural guarantees as much as possible at each stage of criminal proceedings, the current mode of transformation should be amended. First of all, the possibility of the "actual coverage of the funds in the account by order on physical evidence" should be removed and replaced by the possibility of extending the "transaction suspension" and "blocking of an account" for a period of more than twelve months. Extension should be carried out by the court at the request of the Polish public prosecutor in particularly justified cases, when the evidence taken since the last extension would not allow the use of the transformation procedure. Moreover, further application of non-code measures should be for periods of up to three months. This solution would remove the possibility of omitting the need for the "long suspension" and "long blockade" under the physical evidence order. It also would concentrate the activities of law enforcement authorities and guarantee a regular judicial control. Furthermore, it would be similarly effective in countering offences.

The authors of this article hope that the presented considerations will be useful in assessing what means are currently at the disposal of the Polish public prosecutor to seize funds in an account. This may be helpful in connection with a request for legal assistance to Polish law enforcement authorities.

REFERENCES

Amending Act, *Polish Journal of Laws*, 2447/2021.

Banking Law (BL), *Polish Journal of Laws*, 2324/2022.

Capital Market Supervision Act (CMS), *Polish Journal of Laws*, 837/2022.

Civil Code (CC), *Polish Journal of Laws*, 1360/2022.

Code of Criminal Procedure (CCP), *Polish Journal of Laws*, 1375/2022.

Cooperative Savings and Credit Unions Act (CSCU), *Polish Journal of Laws*, 924/2022.

Counteracting Money Laundering and Terrorist Financing Act (CMLTF), *Polish Journal of Laws*, 593/2022.

Customs Service, *Polish Journal of Laws*, 1404/2013.

Duży, J. (2022). Commentary Glosa do uchwały Sądu Najwyższego z dnia 13 października 2021 r., sygn. I KZP 1/21 [Commentaries to the Supreme Court Resolution of 13 October 2021, I KZP 1/21 (concerns money placed in a bank account)]. *Prokuratura i Prawo*, (4), 157–164.

Fiscal Penal Code, Art. 43 and 43a, *Polish Journal of Laws,* 859/2022.

Grzegorczyk, T. (2008). *Kodeks postępowania karnego oraz Ustawa o świadku koronnym, Komentarz*. Wolters Kluwer.

Izydorczyk, J. (2022). Obowiązek ścisłego i gwarancyjnego interpretowania przepisów Prawa bankowego oraz ustawy o przeciwdziałaniu praniu pieniędzy i finansowaniu terroryzmu – glosa do uchwały Sądu Najwyższego z 13.10.2021 r., I KZP 1/21 [Obligation to interpret the provisions of the Banking Law and the Act on Counteracting Money Laundering and Terrorist Financing in a strict and guarantee-like manner. Commentary on Resolution of the Supreme Court of 13 October 2021, I KZP 1/21]. *Glosa – Prawo gospodarcze w orzeczeniach i komentarzach*, (4), 57–62.

Karnat, J. (2016). Blokada środków na rachunku bankowym w związku z podejrzeniem wykorzystania działalności banku do gromadzenia środków związanych z przestępstwem innym niż pranie pieniędzy albo finansowanie terroryzmu w praktyce prokuratorskiej [Blockade of a bank account in connection with the suspicion of using bank's activity to gather funds connected with a crime other than money laundering or terrorist financing in a prosecutor's practice]. *Prokuratura i Prawo*, 6, 142–158.

Kurowski, M. (2022). Glosa do uchwały Sądu Najwyższego z dnia 13 października 2021 r., sygn. I KZP 1/21 [Commentaries to the Supreme Court Resolution of 13 October 2021, I KZP 1/21 (concerns physical evidence)]. *Prokuratura i Prawo*, (2), 131–142.

Ochnio, A. H. (2015). *Blokada rachunku i wstrzymanie transakcji jako środki przymusu w procesie karnym* [Blockade of account and suspension of transaction as coercive measures in criminal proceedings]. Wolters Kluwer.

Penal Code (PC), *Polish Journal of Laws*, 1138/2022.

Regulation of Minister of Justice on regulations of the internal office of common organizational units of the prosecutor's office, *Polish Journal of Laws*, 1206/2017.

Sąd Najwyższy [Polish Supreme Court Judgement of February 24, 2021a], III CSKP 59/21. https://www.sn.pl/sites/orzecznictwo/orzeczenia3/iii%20cskp%2059-21.pdf

Sąd Najwyższy [Polish Supreme Court Resolution of October 13, 2021b], I KZP 1/21. https://www.sn.pl/sites/orzecznictwo/OrzeczeniaHTML/i%20kzp%201-21.docx.html

Sąd Najwyższy [Polish Supreme Court Resolution of November 9, 2021c], I KZP 3/21. https://www.sn.pl/sites/orzecznictwo/orzeczenia3/i%20kzp%203-21.pdf

Sąd Najwyższy [Polish Supreme Court Decision of May 18, 2022], I KZP 7/21. https://www.sn.pl/sites/orzecznictwo/OrzeczeniaHTML/i%20kzp%207-21.docx.html

Tax Ordinance Act (TO), *Polish Journal of Laws*, 2651/2022.

Trading in Financial Instruments Act, *Polish Journal of Laws*, 1500/2022.

Uzasadnienie [Justification to the Government Draft Act No. 1186 on amending the Act – Criminal Code and some other acts from 2016]. (2016). https://orka.sejm.gov.pl/Druki-8ka.nsf/0/C4429F535A936943C125809D004C3C7C/%24File/1186-uzasadnienie.docx.

Wójcik, J. W. (2004). *Przeciwdziałanie praniu pieniędzy*. Wolters Kluwer.