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CONSEIL DE L'EUROPE

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UPDATE

CONFERENCE OF THE PARTIES

**Council of Europe Convention on Laundering, Search,
Seizure and Confiscation of the Proceeds from Crime and
on the Financing of Terrorism (CETS No. 198)**

UPDATED FOLLOW UP REPORT

POLAND¹

Directorate General of Human Rights and Rule of Law - DGI

¹To be discussed by the Conference of the Parties to CETS 198 at its 9th meeting, (Strasbourg, 21-22 November 2017).

A. UPDATED FOLLOW-UP

I. SOURCE

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Date of submission of the report	30th September 2017

II. INTRODUCTION

This tailor-made questionnaire has been drawn up by the Secretariat of the Conference of the Parties to seek the progress made by the Poland in respect of the mandatory provisions of the Convention, as to remedy the deficiencies identified in the analysis report adopted during the 8th plenary meeting.

Note: where no recommendation or comment was formulated in the report, the relevant section of this template should be disregarded.

III. SPECIFIC QUESTIONS

Article 9:

In view of the conclusions of the analysis², please provide case examples which demonstrate that all elements provided in Article 9 paragraph 1 of the CETS N° 198 are covered, in particular the “**disguise** of the proceeds’ illicit origin”.

Please support the demonstration of the effectiveness of Polish AML legal system through the provision of statistics, including on predicate offences.

The Polish prosecution service is finalizing an investigation into the activities of an international organized crime group dealing with cybercrime and subsequent laundering of the proceeds of crime. The investigation, which started in 2014, revealed a multilayered criminal organization composed inter alia of: malware coders and hackers who spammed a Trojan horse type malware known as ZEUS to large numbers of individuals through fake e-mails imitating correspondence of well-known banking companies. The Zeus Trojan horse enabled grabbing credentials of account owners including logins and mobile phone numbers. Then the owners were requested to install an E-security applet on their mobile phones. That in turn enabled the perpetrators to overtake the authorization codes sent by the bank and perform fraudulent transactions. Stolen money was transferred to the banking accounts opened in Poland and then immediately withdrawn from ATMs located in Poland, the Slovak Republic, Spain and the United Kingdom. Cash was immediately remitted to Latvia, Ukraine or the Russian Federation by Moneygram or Western Union services. Some amount of cash was also delivered by couriers directly to the coordinators of the criminal scheme who stayed in territory of one of the EU countries. So far, the investigation has covered nearly 2000 criminal offences and nearly 1500 banking accounts opened exclusively for criminal purposes. The losses of the victims amounted approximately to 10 000 000 EUR. In the course of the investigation 110 people have been charged with ML offence and/or facilitating cybercrime. Several dozen orders on blocking the banking accounts were issued which resulted in the seizure of 4 000 000 EUR. 47 people have been accused of either fraud or money laundering. The first court judgment was rendered

² Updated Follow-up report of the Conference of the Parties to CETS No. 198 on Poland adopted at its 8th plenary meeting (Strasbourg, 25-26 October 2016).

on June 30, 2017. 16 people were found guilty of money laundering and cybercrime and sentenced to imprisonment.

In the course of criminal conduct the following physical aspects of money laundering were identified: accepting, concealment, possession, transferring, taking abroad and conversion of stolen money. The case did not cover the disguise of the proceeds of illicit origin.

In **2016** the following predicate offences were identified by the Polish law enforcement authorities:

- 1 offence against public safety (Art.165 § 1 CC)
- 2 Offences against the functioning of the state and local government institutions (Art. 228 § 1 CC, Art 229 CC)
- 1 offence against protection of information (Art. 267 CC -1)
- 3 offences against public order (Art. 258 § 1 or 3 CC- 3)
- 14 offences against credibility of documents (Art. 270 § 1 CC - 3 ; Art. 271 § 1 and 3 CC - 9, ; Art. 273 CC - 2)
- 66 offences against property (Art. 278 § 1 CC - 1 ; Art.279 § 1 CC -8; Art.284 § 1 or 2 CC –4; Art. 286 § 1 CC -37; Art.287 § 1 CC - 15 , art.291§1 - 1)
- 4 offences against business turnover (Art. 296 § 1 CC -4;)
- 139- offences against fiscal obligation and settlements of donation or subsidy (Art. 54 § 1 of the Fiscal Criminal Code (FCC) –15; Art. 55 § 1 FCC -5 ; Art.56 § 1 FCC -57; Art.61 § 1 FCC – 1 ; Art.62 § 2 FCC –30; Art.63 § 1 I 3 FCC -3 ; Art. 65 § 1 FCC -9 ; Art.69a § 1 FCC - 1 ; art.73a kks- 1, Art. 76 § 1 FCC -17 ;)
- 1 offence against customs obligation and rules of foreign trade in goods and services (Art.90 § 1 FCC)
- 1 offence against rules of organizing games of chance (art.107 § 1 FCC -1)
- 9 offences against the Law on counteracting drug addiction (art. 53 § 2 – 1, Art. 55 §1 or 3 of the Law on counteracting drug addiction – 2 ; Art. 56 § 1 or 3 of the Law on counteracting drug addiction – 5; art.62 ust 2 of the Law on counteracting drug addiction - 1)
- 15 offences against the Pharmaceutical Law (Art. 124 of the Pharmaceutical Law –14 ; art.125 of the Pharmaceutical Law – 1)
- 1 offence against the law on manufacturing alcohol and tobacco products (art. 12a § 1 and 2, - 1)
- 1 offence against the Law on copyright and related rights (Art.116 § 1 and 3 of the Law

on copyright and related rights - 1)

- 2 offences against the Industrial Property Law (Art. 305 § 1 and 3 of the Industrial Property Law –2)

The total number of the detected predicate offences was 260.

In 2015 the Polish law enforcement authorities detected 409 predicate offences, including:

- 1 offence against public safety (Art.165 § 1 CC)
- 2 Offences against the functioning of the state and local government institutions (Art. 228 § 1 CC)
- 1 offence against protection of information (Art. 267 CC)
- 14 offences against public order (Art. 258 § 1 or 3 CC)
- 117 offences against credibility of documents (Art. 270 § 1 CC - 26; Art. 271 § 1 and 3 CC - 79; Art. 273 CC - 11; Art.275 § 1 CC -1)
- 119 offences against property (Art. 278 § 1 CC - 8; Art.279 § 1 CC - 16; Art.284 § 1 or 2 CC – 2; Art. 286 § 1 CC - 73; Art.287 § 1 CC - 20)
- 10 offences against business turnover (Art. 296 § 1 CC - 4; Art.297 § 1CC - 4; Art. 305 CC – 2)
- 124 offences against fiscal obligation and settlements of donation or subsidy (Art. 54 § 1 of the Fiscal Criminal Code (FCC) - 23; Art. 55 § 1 FCC - 5; Art.56 § 1 FCC - 40; Art. 60 § 1 or 2 FCC – 2; Art.61 § 1 FCC – 3 ; Art.62 § 2 FCC – 31; Art.63 § 1 FCC - 2 ; Art. 65 § 1 FCC - 2; Art.69a § 1 FCC - 1 ; Art. 76 § 1 FCC - 14; Art. 86 § 1 FCC – 1)
- 1 offence against customs obligation and rules of foreign trade in goods and services (Art.90 § 1 FCC)
- 5 offences against the Law on counteracting drug addiction (Art. 55 §1 or 3 of the Law on counteracting drug addiction – 1; Art. 56 § 1 or 3 of the Law on counteracting drug addiction – 3; Art. 59 § 1 or 3 of the Law on counteracting drug addiction – 1)
- 10 offences against the Pharmaceutical Law (Art. 124 of the Pharmaceutical Law – 9; Art. 129 of the Pharmaceutical Law -1)
- 4 offences on the Law on copyright and related rights (Art.116 § 1 and 3 of the Law on copyright and related rights - 4)
- 1 offence against the Industrial Property Law (Art. 305 § 1 and 3 of the Industrial Property Law – 1)

The following data show the effectiveness of the Polish AML legal system in 2016

Total number of the ongoing investigation: **817**

Number of the new investigations launched in 2016 : **278**

Total number of suspects for ML: **2388**

Number of suspects for ML in cases started in 2016 : **206**

Value of property seized in 2016 (in ML cases): **5 800 614 PLN (1 361 646 EUR)**

Number of convicted persons in 2016: **255**

Value of forfeited property: **45 166 368 PLN (10 602 433 EUR)**

Article 10:

Please provide an updated timetable for the legislative procedures envisaged and current status of legislative measures amending the Act of 28 October 2002 on the liability of corporate entities for punishable acts. Please also provide relevant legal provisions, including amendments relating to the removal of the pre-condition for establishing the liability of a natural person before holding a legal person liable.

The legislative procedure will start probably in the second half of this year. A new system of criminal liability for corporate entities will be introduced resulting in more advanced changes and not only in the removal of the pre-condition for establishing the liability of a natural person before holding a legal person liable. An international conference is planned to take place in autumn this year in Warsaw - probably in November – with experts from Europe and Poland discussing this topic. In consequence more advanced legislative works will start later.

Article 3:

Please provide an updated timetable for the legislative procedures envisaged and current status of legislative measures initiated on 23 May 2016 related to the forfeiture of a business and the confiscation in rem. Please also explain whether these measures cover the confiscation of the instrumentalities used or intended for use in the commission of a money laundering offence.

Please provide current statistics which include data on the application of confiscation and provisional measures (i.e. details on crimes, nature of property seized or confiscated, lowest and highest amounts of seizures/confiscation and amount of seizures ending with confiscation).

The statistics regarding application of confiscation and provisional measures is kept only with regard to money laundering/terrorist financing property. The relevant data has been presented above in the answer to specific question under article 9 of the CETS 198.

e.g. in 2016 the highest amount of forfeiture (confiscation): **8 437 581 PLN (approximately 2 008 947 EUR)**, and the lowest amount of forfeiture (confiscation) : **300 PLN (approximately 71 EUR)**

Generally speaking, the underlying predicate offences generating proceeds seized and/or confiscated in 2015-2016 were as follows: obtaining tax reimbursement under false premises; tax fraud; tax evasion; participation in or leading a criminal group; phishing; intellectual forgery; labeling goods with forged trademarks, drug trafficking.

In 2015-2016 the Polish prosecution office seized a wide variety of assets including :immovable property, cash, precious stones and metals, shares and movable property (cars , watches, etc.)

Forfeiture of a business:

The law of 23 March 2017 amending the Act - Criminal Code and of Certain Other Acts of Law

The Polish Parliament completed its works on the law amending the Act - Criminal Code and of Certain Other Acts of Law on 23 March (This Act, to the extent of its regulation, implements Directive No. 2014/42/EU of the European Parliament and the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127 of 29.04.2014, p. 39). The mentioned law has been signed by the President on April 11, 2017. After the signature of the President and its publication it entered into force after a two weeks' period.

The main new regulations provide for: new confiscation measures (forfeiture of a business even in the case when its owned by a third person), amendment of Article 165a of the Penal Code (now, the TF offence covers all types of TF including financing legitimate needs of individual terrorists) and new obligations for banks.

In many instances the main instrument that serves money laundering offence is the actual business-company, and therefore to be in line with the confiscation recommendations it is sufficient to enable the confiscation of an business used to commit an ML offence.

The main instrument while committing a money laundering offence is the businesses. Therefore the new regulation allows to confiscate the whole business (that means all elements of an factual enterprise e.g. computers) when it was used as an instrumentality

Confiscation in rem:

The project is currently awaiting further proceedings. Specific deadlines have not yet been determined.

Article 6:

Please indicate if a comprehensive procedure for managing seized assets to comply with the requirements of Article 6 of CETS N° 198 is introduced.

A new norm was introduced. Article 292a § 8 of the Polish criminal procedure code, that stipulates: *“The trustee ensures the continuity of the work of the secured business and provides the court or prosecutor with information relevant to the proceedings in progress, in particular the manner and circumstances of use of the business for committing the offense or concealing its benefits and the items and documents which may constitute evidence in the case”*.

Please provide information on the effective valorization of confiscated assets, including relevant rules of procedures in these processes and any other relevant documents.

No new provisions were introduced

Article 7:

Please indicate if the necessary measures are in place to implement Article 7 of CETS N°198, which shall ensure that: a) prosecutorial or law enforcement bodies have adequate and timely access to information (especially non-bank financial information not related to a direct suspect) for the purposes of tracing, identifying, confiscating and securing criminal assets; b) monitoring of accounts is introduced as a special investigative technique; c) adequate provisions to prevent financial institutions from informing their customers and third persons of any investigative step or enquiry.

- a) Prosecutorial or law enforcement bodies have adequate and timely access to information (especially non-bank financial information not related to a direct suspect)**

No new provisions were introduced

b) Monitoring of accounts is introduced as a special investigative technique;

The law of 23 March 2017 amending the Act - Criminal Code and of Certain Other Acts of Law provides for the novelization of art. 20 of the Act on Police aiming at extending the Police access to information about perpetrators' assets, protected by other acts.

c) Adequate provisions to prevent financial institutions from informing their customers and third persons of any investigative step or enquiry.

No new provisions were introduced

Article 23(5) and 25(3):

Please provide an updated timetable for the legislative procedures envisaged and current status of draft legislative measures introducing forfeiture of instrumentalities if the criminal proceedings are discontinued due to specific circumstances³. Please describe if any other steps have been taken to introduce a mechanism for execution of measures equivalent to confiscation of property, which are not criminal sanctions, as part of international cooperation.

Please describe if any steps have been taken to introduce the possibility to conclude agreements or arrangements on sharing confiscated property with other Parties, on a regular or case-by-case basis, in accordance with domestic law or administrative procedures.

The law of 23 March 2017 amending the Act - Criminal Code and of Certain Other Acts of Law introduced the new article 45a of the Polish criminal code which in § 2 stipulates that: *If collected evidence indicates that in the case of a conviction forfeiture would be imposed, the court may impose it also in the case of the offender's death, discontinuation of the case due to non-detection, and suspension of the proceedings in the case where the accused cannot be arrested or the accused cannot take part in the proceedings because of a mental illness or other serious illness*"

Article 19:

Please describe if any steps have been taken to introduce the ability to monitor, during a specified period, the banking operations that are being carried out through one or more accounts specified in the request.

³ Due to failure to identify the perpetrators, their death, insanity, or inability to participate to the proceedings due to severe illness, or the statute of limitations

No new provisions were introduced

Article 34:

Please provide statistics on number and nature of information exchange and direct communication between judicial authorities of the Parties based on CETS N°198 provisions.

In 2015 and 2016 CETS 198 was not applied for purposes of direct communication between prosecution services of Poland and other parties to the Convention.

Article 46:

Please provide an updated timetable for the legislative procedures envisaged and current status of legislative measures concerning the proper cooperation between the FIUs stipulated by the Article 46. Please also provide an update on the number of signed MOUs which reflect the paragraphs 6-7-8-9 and 12 of the Article 46.

Please provide the modality of cooperation with non-EU countries and the number of requests for assistance received/send from/to non-EU countries for the last 5 years which have been refused on the basis of not having a MOU or agreement.

The proper cooperation between the FIUs is regulated by the Act on counteracting money laundering and financing of terrorism (the AML/CFT Act). Poland is currently processing a new AML/CFT law, which will replace the aforementioned act. So far the draft new AML/CFT Act has been consulted internally within the Ministry Of Finance and interdepartmentally, with other competent authorities. On September 21st 2017 it was adopted by the Permanent Committee of the Council of Ministers and now it is to be submitted for adoption by the Council of Ministers. According to the updated schedule, the Council of Ministers shall approve the new law till the end of October 2017, which will finalize governmental consultations on the draft law. The next stage is the submission of the draft AML/CFT Act for parliamentary debate. The legislative procedure shall be finalized by the end of year.

The GIFI has signed 90 MOUs so far. The latest one, signed in 2017 are MOUs with Bangladesh, Belarus, Iceland and New Zealand.

The provisions of article 46, paragraphs 6,7,8,9 and 12 thereof are stipulated by the following articles of the draft new AML/CFT Act:

• **Article 46 paragraph 6 of the Convention**

An FIU may refuse to divulge information which could lead to impairment of a criminal investigation being conducted in the requested Party or, in exceptional circumstances, where divulging information would be clearly disproportionate to the legitimate interests of a natural or legal person or the Party concerned or would otherwise not be in accordance with fundamental principles of national law of the requested Party:

“Article 112.1 The General Inspector refuses to divulge information to the foreign financial intelligence unit, if:

- 1) The request of foreign financial intelligence unit for disclosing information does not concern information referred to in article 108 paragraph 1 or obtained information are to be used for purposes other than these referred to in article 108 paragraph 2; [article 108 para 1 & 2 is also translated further below]
- 2) Information is protected in line with the Act of 5 August 2010 on protection of classified information (Journal of Laws of 2016, items 1167 and 1948);
- 3) Disclosure of information could disrupt the realizing the tasks of services or institutions responsible for protection of public order, security of citizens or prosecuting the perpetrators of crimes or fiscal crimes, as well as of the judicial authorities;
- 4) Disclosing information could threaten the security or constitutional order in the Republic of Poland.
- 5) The third country does not guarantee the suitable level of personal data protection”.

Any such refusal shall be appropriately explained to the FIU requesting the information, in line with the following provision:

“Article 112. 2. Refusal to divulge information to the foreign financial intelligence needs to be justified. The provision of article 97 paragraph 7, except for provisions of the Act of 5 August 2010 on protection of classified information, shall not apply to information disclosed to foreign financial intelligence units.”

• **Article 46 paragraph 7 of the Convention**

Information or documents obtained under this article shall only be used for the purposes laid down in paragraph 1.

“Article 108. 1 The General Inspector discloses, for request or on its own initiative, to foreign financial intelligence units and obtains from these units the information connected with money laundering or financing of terrorism, including information on illegal acts,

which the property values may stem from.

2. The disclosure of information, referred to in paragraph 1 shall result in using it while realizing duties proper for the competent financial intelligence units, referred to in Directive 2015/849, national legislation issued on the basis thereof or in international legal provisions on functioning financial intelligence units.”

Information supplied by a counterpart FIU shall not be disseminated to a third party, nor be used by the receiving FIU for purposes other than analysis, without prior consent of the supplying FIU.

Article 111. 2. The General Inspector may request permission from the foreign financial intelligence unit to forward the information received from it to the courts, cooperating units, other financial intelligence units or to use the received information for purposes other than performance of its duties. In case of granting permission by the foreign financial intelligence unit the General Inspector forwards or uses the received information exclusively within the scope and for the purposes indicated by the foreign intelligence unit.

- **Article 46 paragraph 8**

When transmitting information or documents pursuant to this article, the transmitting FIU may impose restrictions and conditions on the use of information for purposes other than those stipulated in paragraph 7. The receiving FIU shall comply with any such restrictions and conditions.

The General Inspector has discretion as to which authorities the information may be further transmitted, or for what purposes in line with the following provision of the draft AML/CFT Act:

”Article 111.1 On a reasoned request of foreign financial intelligence unit the General Inspector may allow for forwarding the disclosed information to other authorities or financial intelligence units or for using the information for other purposes than those referred to in article 108 paragraph 2. The General Inspector indicates the authorities or financial intelligence units to which the disclosed information may be forwarded and specifies the purposes for which the information may be used. The provision of article 109 paragraph 5 is applied respectively.

Whereas:

Article 108.2. The disclosure of information, referred to in paragraph 1 shall result in using it while realizing duties by the competent financial intelligence units, referred to in Directive 2015/849, national legislation issued on the basis thereof or in international legal provisions on functioning financial intelligence units.”

Article 109.5. The provision of article 97 paragraph 7, except for the provisions of

the Act of 5 August 2010 on protection of classified information, shall not apply to information disclosed to the foreign financial intelligence units.

Article 97.1. Information gathered and disclosed by the authorities of financial information in accordance with the procedure laid down in the Act is covered by financial information confidentiality.”

Article 97.7. Information referred to in paragraph 1, that is a legally protected secret according to separate legal provisions, is disclosed by the financial information authorities to the extent and in accordance with the principles laid down in these provisions”.

- **Article 46 paragraph 9**

Where a Party wishes to use transmitted information or documents for criminal investigations or prosecutions for the purposes laid down in paragraph 7, the transmitting FIU may not refuse its consent to such use unless it does so on the basis of restrictions under its national law or conditions referred to in paragraph 6. Any refusal to grant consent shall be appropriately explained.

The draft AML/CFT Act provides for the possibility of granting permission for using the transmitted information for other purposes than realizing duties of FIU in line with article 111.1, as follows:

“Article 111.1 On a reasoned request of foreign financial intelligence unit the General Inspector may allow for forwarding the disclosed information to other authorities or financial intelligence units or for using the information for other purposes than those referred to in article 108 paragraph 2. The General Inspector indicates the authorities or financial intelligence units to which the disclosed information may be forwarded and specifies the purposes for which the information may be used. The provision of article 109 paragraph 5 is applied respectively.”

Whereas:

“Article 108.2. The disclosure of information, referred to in paragraph 1 shall result in using it while realizing duties by the competent financial intelligence units, referred to in Directive 2015/849, national legislation issued on the basis thereof or in international legal provisions on functioning financial intelligence units.”

Article 109.5. The provision of article 97 paragraph 7, except for the provisions of the Act of 5 August 2010 on protection of classified information, shall not apply to information disclosed to the foreign financial intelligence units.

Article 97.1. Information gathered and disclosed by the authorities of financial information in accordance with the procedure laid down in the Act is covered by financial information confidentiality.

Article 90. 7. Information referred to in paragraph 1, that is a legally protected

secret according to separate legal provisions, is disclosed by the financial information authorities to the extent and in accordance with the principles laid down in these provisions.

• **Article 46 paragraph 12**

The transmitting FIU may make reasonable enquiries as to the use made of information provided and the receiving FIU shall, whenever practicable, provide such a feedback.

The draft AML/CFT Act does not stipulate any provision imposing obligation for FIU to provide feedback to foreign FIU on usage of disclosed information. However, the practice is that the General Inspector provides feedback on case by case basis.

Please find below the following statistics on GIFI’s refusals for foreign request for information received (reason - lack of MOU):

Year	Refusals
2012	5
2013	6
2014	15
2015	11
2016*	13
Total	50

****Note: Mongolia, Samoa, Bangladesh (3 applications, MOU signed in 2017), Costa Rica, Guatemala, Gambia, Azerbaijan, Belarus (MOU signed in 2017), New Zealand (MOU signed in 2017), Iceland (MOU signed in 2017), Cameroon.***

Article 47:

Please provide statistics⁴ on the level of co-operation for postponement of transactions with Parties to the Convention and also, in order to have a complete view, indicate how many of these postponements were prolonged by the prosecutor and also indicate how many reports on suspension of transactions sent to the prosecutor resulted in indictments.

⁴ If possible, please provide precise figures.

The draft AML/CFT Act provides for the following provision, enabling the General Inspector to require from obligated institution the suspension of transaction or blocking the account on request of foreign financial intelligence unit, as follows:

“Article 111.3. On a reasoned request of foreign financial intelligence unit, which enables to make plausible the suspicion of money laundering or financing of terrorism, the General Inspector may request from the obliged institution to block the account or to suspend transaction, referred to in article 87 paragraph 1.

Whereas:

“Article 87. 1. The General Inspector in case he/she concludes that the particular transaction or particular assets may be linked with money laundering or financing of terrorism, provides by means of electronic communication, the obliged institution with the request to block the account or to suspend the transaction. In the request to block the account, the General Inspector determines the assets that are covered by the request.”

However so far, Polish FIU may request from obliged institution to suspend suspicious transaction or to block the account on request of foreign FIU on the basis of Article 18a of AML/CFT Act in force, as follows:

*“18a. 1. The General Inspector may submit a written request to the obliged institution to suspend a transaction or block the account **without having previously received the notification referred to in Article 16 paragraph 1**, if the information in possession of which he indicates the conduct of activities aimed at money laundering or terrorist financing.*

*2. In the case referred to in paragraph 1, **the General Inspector may request the suspension of a transaction or block the account for no more than 72 hours after the receipt of the request by the obliged institution.***

Polish FIU receives annually roughly several dozen of requests from foreign FIUs to suspend transactions or to block accounts, most often these cases concern frauds. Polish FIU does not keep detailed statistics in this regard. In all cases transaction suspension/blockade of account procedure was initiated, but it in more than 90% of the cases at the time of initiating the suspension or blockade procedure there were no asset values on the bank accounts or the accounts had already been blocked in line with art 106 of the Act of Banking Law. In case of the above mentioned suspension of transactions or blocking of the accounts on request of a foreign FIU, there were no cases conducted with reference to the Warsaw Convention, but they did in some proportion concern the State Parties to the Convention.

B. Poland: AML/CFT system – updated statistics

1.1 Statistics on reported criminal offences in designated categories

Designated categories of offences based on the FATF Methodology	01.03.2017-31.07.2017
Participation in an organized criminal group and racketeering <i>Udział w zorganizowanej grupie przestępczej i wymuszanie haraczy (art. 258, 282 CC)</i>	990
Trafficking in human beings and migrant smuggling <i>Handel ludźmi i przemyt imigrantów (Razem handel ludźmi)</i>	157
Sexual exploitation, including sexual exploitation of children <i>Wykorzystywanie seksualne, w tym wykorzystywanie seksualne dzieci (art. 197-200 CC, 200a CC, 203, 204 CC)</i>	1879
Illicit trafficking in narcotic drugs and psychotropic substances <i>Nielegalny obrót środkami odurzającymi i substancjami psychotropowymi (ustawa o przeciwdziałaniu narkomanii)</i>	30336
Illicit arms trafficking <i>Nielegalny handel bronią (art. 263 par. 1 CC)</i>	61
Corruption and bribery <i>Korupcja bierna i czynna (grupa aktów prawnych - przestępstwa korupcyjne)</i>	19202
Fraud Oszustwo (art. 286 CC)	53659
Counterfeiting currency <i>Falszowanie pieniędzy (art. 310 par. 1CC)</i>	1448
Counterfeiting and piracy of products <i>Podrabianie produktów i piractwo przemysłowe (ustawa prawo własności przemysłowej, ustawa o prawach autorskich)</i>	13289
Environmental crime <i>Przestępczość przeciwko środowisku naturalnemu (grupa aktów prawnych - przestępstwa p-ko środowisku)</i>	1182
Murder <i>Zabójstwa (art. 148 CC)</i>	236
Kidnapping, illegal restraint and hostage-taking <i>Porwanie, bezprawne pozbawienie wolności i wzięcie zakładników (art. 189, 252 CC)</i>	101
Robbery or theft <i>(Razem rozboje, kradzież i wymuszenia)</i>	3439
Extortion <i>Wymuszenie (art. 282 CC)</i>	726
Forgery <i>Falszerstwo (art. 270 CC)</i>	12166
Piracy Piractwo (art. 166 CC)	-
Insider trading and market manipulation <i>Handel wewnątrzny i manipulacje rynkiem (ustawa o obrocie instrumentami finansowymi, ustawa o ofercie publicznej)</i>	4

1.2 Number of convictions for predicate offences

	2016	
	Cases	Persons
Participation in an organized criminal group and racketeering		1 006
Terrorism, including terrorist financing ^{*)}		0
Trafficking in human beings and migrant smuggling		178
Sexual exploitation, including sexual exploitation of children		1 425
Illicit trafficking in narcotic drugs and psychotropic substances		2 076
Illicit arms trafficking		89
Illicit trafficking in stolen and other goods		4 010
Corruption and bribery		2 076
Fraud		27 935
Counterfeiting currency		242
Counterfeiting and piracy of products		711
Environmental crime		53
Murder, grievous bodily injury		917
Kidnapping, illegal restraint and hostage-taking		61
Robbery or theft		43 561
Smuggling		941
Extortion		509
Forgery		6 914
Piracy		0
Insider trading and market manipulation		1
Other: Please Specify		

2.1 Investigations, prosecutions and convictions (numbers refer to all convicted persons regardless which authority initiated the proceedings)

	ML/TF Investigations by law enforcement carried out independently without prior STR			Prosecutions commenced			Convictions (first instance)			Convictions (final)		
	Cases	Natural persons	Legal persons	Cases	Natural persons	Legal persons	Cases ¹	Natural persons	Legal persons	Cases	Natural persons	Legal persons
2016												
ML							115	287			255	
FT							0	0			0	

¹ Number of all initiated court proceedings

2.2.2 Type of sentence imposed following a conviction for a financing of terrorism offence by a court of competent jurisdiction

Year	Non-custodial sentences			Custodial sentences			
	Fines (average in EUR)	Other than fines	Total number	Imposed prison sentence (average in months)	Suspended prison sentence (average in months)	Other measures	Total number
2016	0	0	0	0	0	0	0

2.3 Analysis of convictions for AML/CFT cases by a court of competent jurisdiction

Cases	Total number of ML convictions	Number of convictions for self-laundering	Number of convictions for third party laundering ⁺	Number of convictions for laundering proceeds of crime committed abroad	Number of convictions for fiscal predicate offences	Number of convictions for non-fiscal predicate offences
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	(a)	(b)	(c)	(d)	(e)	(f)
2016	255					

3.1 Property frozen, seized and confiscated

Article of Criminal Code	No of persons in proceedings initiated	Number of initiated criminal proceedings	Property values in PLN: (1 EUR= 4,26 PLN as of 4 Sept 2017)			
			Transaction suspension and blocking of the accounts	Property seized	Property confiscated	
2016						
165a CC	01	0	3	0	0	
299 CC	02	234	115	<ul style="list-style-type: none"> - 22 suspension of transactions for the amount of 31,200,000 PLN (7,323,943 EUR) - 325 blockades of the accounts for the amount of 171,300,000 PLN (40,211,267 EUR) 	5 800 614 (1,361,646 EUR)	45 166 368 (10,602,433 EUR)

3.2 Cases of persons or entities and amount of property frozen pursuant to or under UN resolutions relating to terrorist financing

Property frozen					
Year	Number of Cases	Natural persons	Legal persons	Amount in EUR and/or type of assets	Legal basis (relevant UN resolution)
2016	0	0	0	0	