

§ 2 Minutes arrest or seizure of evidence of property should immediately notify the competent authority of the State ruling. Provision of Art. 589p § 1, second sentence shall apply accordingly.

**Rule 589s.** § 1 Stop evidence and seize property in order to secure enforcement of the forfeiture lasts until a decision on the competent authority of a state court ruling, according to the evidence or the issue of execution of the request for enforcement of a final decree of forfeiture.

§ 2 For the sake of the circumstances the competent court or the prosecutor may, however, after consultation with the competent judicial authority in ruling the State, set a deadline for the authority to forward the request referred to in § 1, after which they may be exempt from arrest or seizure.

§ 3 before the deadline referred to in § 2, the competent court or prosecutor shall inform the competent judicial authority in the enforcement of its intention to exempt from arrest or seizure, allowing him to position the application in writing. If the body is unable to provide sufficient arguments to justify further detention or seizure, a court or prosecutor issues an order of exemption from arrest or seizure. Copy of the order is served on the persons concerned.

§ 4 Order of exemption from arrest or seizure appears to be well if the competent judicial authority in the ruling shall notify its repeal. Provision of § 3, third sentence, shall apply.

**Art 589t.** § 1 The diagnosis of an application for a detention or evidence of execution by a Polish court application for enforcement of forfeiture is made pursuant to the provisions of Chapters 62 and 66, and international agreements on legal assistance in criminal matters involving the Polish Republic.

§ 2 However, you can not refuse requests referred to in § 1, referring to the fact that the action requested, does not constitute a crime under Polish law, where under the law of the ruling is an offense listed in Article. 607w paragraphs 1-33, punishable by imprisonment, a maximum of at least 3 years, or any other means which involve the deprivation of liberty for at least the same dimension.

**Article 589u.** § 1 If the State Treasury shall be liable for damage caused in connection with the execution of the decision to arrest or the evidence intended to safeguard the property, issued by the judicial authority of a Member State of the European Union, the Treasury appears to the competent authority of the state for reimbursement of a sum of money equivalent to the paid compensation.

2 § 1 provision does not apply if the damage is a consequence of acts or omissions only Polish authority.

## **Chapter 63**

### **Acquisition and transfer of criminal proceedings**

**Art 590** § 1 In case of a crime committed abroad by:

- 1) a Polish citizen,
- 2) a person on Polish territory resident,
- 3) a person who is or will be held in the Polish Republic imprisonment,
- 4) the party against whom have been initiated in the Polish Republic in criminal proceedings

- Minister of Justice shall, if the interests of justice, to the competent authority of a foreign state to provide an investigation, or may accept such a request from the competent authority of a foreign state.

§ 2 The acquisition of prosecution shall be deemed to initiate criminal proceedings under Polish law.

§ 3 If the assumption of law enforcement combined with the transfer of the foreign country temporarily arrested, Art. 598 shall apply.

§ 4 The evidence gathered abroad before taking over the prosecution shall apply respectively. 587, even if steps were not taken in evidence at the request of Polish courts or the prosecutor.

§ 5 The Minister of Justice shall notify the competent authority of a foreign state on how the lawful termination of criminal proceedings.

**Art 591** § 1<sup>(405)</sup> In the case of an offense committed on Polish territory by an alien, the Minister of Justice, the office or on the initiative of the court or prosecutor shall, if the interests of justice, to the competent authority:

- 1) the person prosecuted is a national,
- 2) in which the prosecuted person is ordinarily resident,
- 3) in which a person is prosecuted or will take place imprisonment,
- 4) which was initiated against a person prosecuted in criminal proceedings

- The proposal to take over the prosecution, or may accept such a request from the competent authority of a foreign state.

§ 2<sup>(406)</sup> If the victim is a Polish citizen, to request the prosecution can take place only with his consent, unless they obtain such consent is not possible.

§ 3<sup>(407)</sup> Prior to the request referred to in § 1, or settlement of such request from the authority of a foreign state competent authority allows a person prosecuted staying in the Polish territory to take a position orally or in writing concerning the transfer of law enforcement.

§ 4<sup>(408)</sup> In the event of a positive solution to their request for investigation on a person detained on the territory of Polish Minister of Justice calls on the competent authority to take immediate steps to issue and transfer of such person of a foreign state authorities. With the person who transmitted the file, unless they have already been transferred together with the application.

§ 5 The Minister of Justice calls on the competent authority of a foreign state for information on how the final completion of the criminal proceedings.

§ 6 Transmission prosecution shall be deemed discontinuance of criminal proceedings under Polish law, it does not prevent recurrence of criminal proceedings in the event of unjustified failure to prosecute abroad.

**Art 592** <sup>(409)</sup> § 1 If at the same acts by the same person is prosecuted in the Polish Republic and a foreign country, the Minister of Justice shall consult with the competent authority of a foreign country and - if the interests of justice - a request for acquisition or transfer of criminal prosecution. The provisions of Article. 590 § 2-5, and Article. 591 § 2-6 shall apply accordingly.

§ 2 If, on the basis of international agreements which the Republic of Poland is a party in the Polish Republic instituted criminal proceedings for offenses committed abroad, the Minister of Justice may apply to the competent authority of a foreign state to take over law enforcement by the authorities of that country, irrespective of whether the country foreign prosecution was initiated at the same deed. The provisions of Article. 591 § 2, 5 and 6 shall apply mutatis mutandis.

§ 3 In the case of a crime committed abroad by a Polish citizen residing abroad, in the interest of justice, the Minister of Justice may apply to the competent authority of a foreign state to take over law enforcement by the authorities of that country. The provisions of Article. 591 § 2, 5 and 6 shall apply mutatis mutandis.

## **Chapter 64**

### **Occurrence of the issue or the carriage of persons prosecuted or convicted abroad and for an item**

**Art 593**Courts and prosecutors report through the Minister of Justice of the applications submitted by a foreign person against whom criminal charges are filed, for a person to carry out judicial proceedings or the execution of sentences of imprisonment, the carriage prosecuted or convicted persons through the territory of a foreign country and to give from the territory of a foreign country, or items of evidence obtained by the offender as a result of the offense.

**Art 594**§ 1 The application shall be accompanied by a copy of the order of temporary detention, together with the reasons explaining the factual and legal basis for prosecution.

§ 2 In the case of a final conviction to imprisonment shall be accompanied by provisions of the said place in § 1, a copy of the appeal.

§ 3 The provision of Art. 280 § 1 point 2 shall apply accordingly.

**Art 595**In cases of urgency, the court or the prosecutor may apply directly to the competent authority of a foreign state for provisional arrest or detention of persons for which is to be submitted for a preliminary ruling, and shall submit an application in accordance with Article. 593 and 594

**Art 596** <sup>(410)</sup> A person can not be released without the consent of the issuing prosecuted, sentenced or detained in custody in order to comply with penalties for other offenses committed before the date of issue than that, in connection with the delivery took place.

**Art 597** <sup>(411)</sup> In case of reservations on the issue that, in relation to the person issued the penalty has already held will be executed only for those offenses, which has been ruling the court, which finally ruled in the case, it seems, if necessary, at a meeting a decision amending the sentence in such a way that penalties were performed only for those offenses for which the issue was the perpetrator. The Prosecutor and the person extradited shall have the right to participate in the meeting. Provision of Art. 451 shall apply mutatis mutandis.

**Art 598**§ 1 The time limits provided for in Article. 263 run against the person extradited from the date of the transfer of that person by the competent authorities on Polish territory.

§ The provision of Article 2. 265 shall apply also when the arrest took place abroad.

**Art 599** <sup>(412)</sup> If a person issued by a foreign state is not without just cause to leave Polish territory within 45 days from the date of final completion of the procedure in the event of conviction - the date or complete remission of sentence, or if after leaving Polish territory returns to it, the limits of Article . 596 and 597 do not apply.