unmittelbar, durch ihre Staatsangehцrigen oder in ihrem Hoheitsgebiet mit der Absicht oder in Kenntnis dessen, dass diese Gelder zur Finanzierung der Reisen von Personen verwendet werden, die in einen Staat reisen, der nicht der Staat ihrer Ansдssigkeit oder Staatsangehцrigkeit ist, um terroristische Handlungen zu begehen, zu planen, vorzubereiten oder sich daran zu beteiligen oder Terroristen auszubilden oder sich zu Terroristen ausbilden zu lassen“.

Die Neuregelung ist recht unübersichtlich, was allerdings auch den vцlker- und europarechtlichen Vorgaben geschuldet ist. Die Bezugnahme auf unterschiedliche Definitionen der terroristischen Straftaten in § 89c Abs. 1 Nr. 1-7 und Nr. 8 StGB ist in der Sache nicht begründet, sondern beruht darauf, dass § 89c Abs. 1 Nr. 8 StGB auf Abs. 2a des § 89a StGB verweist und die Einfügung dieses Absatzes durch das GVVG-Дndg in den ansonsten unverдnderten § 89a StGB, der die Vorbereitung schwerer staatsgefдhrdender Gewalttaten mit Strafe bedroht, erfolgte. § 89c StGB vermeidet die Unklarheiten der Vorgдngerregelung, indem nun das Sammeln, Entgegennehmen und Zurverfügungstellen eines jeglichen – auch geringen – Vermцgenswertes erfasst. Diese Ausdehnung mag überzogen erscheinen, die Herabsetzung des Strafrahmens bei geringfügigen Vermцgenswerten und die Mцglichkeit der – weiteren – Milderung bzw. des Absehens von Strafe bei geringer Schuld erlaubt aber in der Praxis angemessene Ergebnisse. Die Beschrдnkung der Strafbarkeit auf die Fдlle, in denen der Tдter hinsichtlich der Verwendung der Vermцgenswerte wissentlich oder absichtlich handelt, trifft zu. Die Einführung einer Regelung der tдtigen Reue ist ebenfalls zu begrüЯen, obwohl sie praktikabler hдtte ausgestaltet werden kцnnen.

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EUROJUST

Circumstances in society are changing and legislation should be adapted according to such changes. With the amendments to the national legislation it would be wise to provide the possibility of cooperation with other states and international organisations and bodies. In continuation I present the competences and objectives of Eurojust and the possibility of non - Member states for the cooperation with this body of the European Union.

Eurojust is a body of the European Union, whose task is to encourage and improve the coordination and cooperation between competent judicial authorities of Member States. This body has its legal personality and was

established by the EU Council Decision in 2002.[96] This Decision was amended in 2003[97] and 2009.[98]

Eurojust does not deal with all sorts of crime, because it was established with a view to reinforcing the fight against serious crime. The general competence of Eurojust covers all types of crime and offences in respect of which Europol is at all times competent. The competence of Europol is defined in the Article 4 of the EU Council Decision setting up the European Police Office (Europol) and in the Annex to this decision.[99] Pursuant to this provision and its annex, the Europol is competent for organised crime, terrorism and other serious forms of crime, listed in the Annex to the Decision and which affect in such a degree two or more Member States that it urges, due to the extent, importance and consequences of criminal offences a joint action of Member States. In the Annex to the Decision are listed criminal offences which are within the competence of Europol and consequently also within the competence of Eurojust. These are the following criminal offences:

- unlawful drug trafficking,
- illegal money-laundering activities,
- crime connected with nuclear and radioactive substances,
- illegal immigrant smuggling,
- trafficking in human beings,
- motor vehicle crime,
- murder, grievous bodily injury,
- illicit trade in human organs and tissue,
- kidnapping, illegal restraint and hostage taking,
- racism and xenophobia,
- organized robbery,
- illicit trafficking in cultural goods, including antiquities and works of art,
- swindling and fraud,
- racketeering and extortion,
- counterfeiting and product piracy,
- forgery of administrative documents and trafficking therein,
- forgery of money and means of payment,
- computer crime,
- corruption,
- illicit trafficking in arms, ammunition and explosives,

[96] Council decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime, 2002/187/JHA, Official Journal of the European Communities L 63, 6.3.2002.

[97] Council Decision 2003/659/JHA of 18 June 2003 amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, OJ L 245, 25.9.2003.

[98] Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, OJ L 138, 4.6.2009.

[99] Council Decision of 6 April 2009 establishing the European Police Office (Europol), 2009/371/JHA, OJ L 121, 15.5.2009.

- illicit trafficking in endangered animal species,
- illicit trafficking in endangered plant species and varieties,
- environmental crime,
- illicit trafficking in hormonal substances and other growth promoters.

Europol's competence covers also related criminal offences. The following offences are regarded as related criminal offences:

(a) Criminal offences committed in order to procure the means of perpetrating acts in respect of which Europol is competent;

(b) Criminal offences committed in order to facilitate or carry out acts in respect of which Europol is competent;

(c) Criminal offences committed to ensure the impunity of acts in respect of which Europol is competent.

The general competence of Eurojust covers also other offences committed together with the types of crime and the offences in respect of which Europol is at all times competent to act.

Eurojust is competent for the offences on the territory of all Member States. Eurojust may assist also in criminal matters at the request of a Member State's competent authority in which is involved a non-Member State, but only in the case when an agreement establishing cooperation with a non-Member state has been concluded or when this assistance is absolutely necessary.

In the context of its functioning, Eurojust pursues the following objectives:

(a) To stimulate and improve the coordination between the competent authorities of the Member States in the investigations and prosecutions in the Member States, taking into

account any request emanating from a competent authority of a Member State and any information provided by any body competent by virtue of provisions adopted within the framework of the Treaties;

(b) to improve cooperation between the competent authorities of the Member States, in particular by facilitating the execution of international mutual legal assistance and the implementation of legal instruments which implement the principle of the mutual recognition**;**

(c) to support otherwise the competent authorities of the Member States in order to render their investigations and prosecutions more effective.

Eurojust is composed of 28 members who consists the College. Eurojust is composed of one national member seconded by each Member State in accordance with its legal system, being a prosecutor, judge or police officer of equivalent competence. Member States have to ensure a continual and efficient participation in achieving objectives of Eurojust pursuant to Article 3. Eurojust has proved successful since its establishment and has gained a high degree of trust among the Member States. It is important that it enables besides the cooperation between the Member States also the cooperation with the institutions, authorities and agencies of the European Union and also the cooperation with the third states (non-Members) and organisations. It has to be

specially stressed that the cooperation between different organisations and states in the prosecution of international crime is of utmost importance.

UDC 343

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MIXED PUNISHMENT – A NEW CONSTRUCTION IN POLISH CRIMINAL LAW

As a result of the amendment from 20th February 2015[100] (which came into force on 1st July 2015) a new art. 37b was introduced to the Polish Criminal Code. It sounds as follows: "In a case concerning a misdemeanor punished with deprivation of liberty, regardless of the minimum statutory punishment provided for such an act, the court may impose simultaneously deprivation of liberty up to 3 months, and in cases when the maximum punishment is at least 10 years of imprisonment – up to 6 months and the punishment of restriction of liberty up to 2 years. The punishment of deprivation of liberty is to be executed first, unless the statute states otherwise".

In the motives of the law-maker the term 'mixed punishment" was used, which does not seem to be quite appropriate as it may suggest that just one punishment is imposed (with mixed features), while on the basis of art. 37b two punishments, which remain separate entities, are in fact imposed.

The provision of art. 37b enlarges the "punishment boundaries" mentioned in art. 53 § 1 of the Criminal Code by making it possible to impose two punishments simultaneously for every misdemeanor punished with deprivation of liberty, regardless of the minimum statutory punishment: short-term deprivation of liberty and restriction of liberty. This means that the court may impose simultaneously:

1. the punishment of deprivation of liberty from 1 to 3 months (when the maximum statutory punishment is less than 10 years of imprisonment) and the punishment of restriction of liberty from 1 month to 2 years;
2. the punishment of deprivation of liberty from 1 to 6 months (when the maximum statutory punishment is at least 10 years of imprisonment) and the punishment of restriction of liberty from 1 month to 2 years.

On the basis of art. 37b – as there are no exclusions whatsoever – the punishment of restriction of liberty may be imposed in any of its forms described in art. 34 § 1a of the Criminal Code, so it may mean:

100 Statute from 20th February introducing amendments to the statute – Criminal Code and some other statutes (Official Journal 2015, position 396).