

Courtesy translation

Please be informed that the directive 2014/41/UE of the European Parliament and the Council of 3 April 2014 on European Investigation Order in criminal matters has been implemented by the law of 10 January 2018 on the amendment of the law – Code of Criminal Procedure and certain other laws (Dz. U. of 2018, item 201). Please find enclosed the text of the law. The law came into force on 8 February 2018.

Moreover, please find below the following information in accordance with Article 33(1), Article 33(2) and Article 34(4) of the Directive.

In accordance with Article 33(1)(a), the competent authorities are:

1) Issuing authorities:

- a) district, circuit, appeal courts and the Supreme Court
- b) district, circuit and regional Public Prosecutor's Office
- c) The National Public Prosecutor's Office,
- d) other investigating authorities, or authorities entitled to conduct covered investigations, i.e.: authorities of the Police, Border Guard, Internal Security Agency and the National Revenue Administration, the Central Anticorruption Bureau, the Military Police, the Trade Inspectorate and the State Sanitary Inspectorate, the President of the Office of Electronic Communications, State Hunting Guard, Forest Service, heads of Customs and Revenue Offices as well as heads of Revenue Offices, the Military Counter-Intelligence Service and Military Intelligence Service. EIO issued by those authorities shall be authorised by the public prosecutor or the court.

2) The executing authorities (deciding on the recognition and execution) the EIO:

- a) district courts - at the trial stage (the addresses attached)
- b) circuit Public Prosecutor's Office - at the pre-trial stage (the addresses attached),

and regardless of the stage of the proceeding:

- a) circuit courts (the addresses attached):

-In matters concerning the temporary transfer of a person held in custody to the issuing State or to Poland to carry out investigative measures;

b) district courts (the addresses as above)

- In matters relating to interception of telecommunications

In accordance with Article 33(1)(b), I inform you that the Polish authorities will accept EIO translated into Polish. Only in urgent cases it will be possible to accept the EIO translated into English.

In accordance with Article 33(1)(c), I inform you that for the purposes of Article 7(3) the central authority only for cases at the pre-trial stage is:

International Cooperation Office of the National Public Prosecutor's Office, ul. Rakowiecka 26/30, 02528 Warsaw, Tel. + 48 22 1251490, fax: + 48 22 1251422, e-mail: sekretariat.bwm@pk.gov.pl

Please also note that Poland does not establish a central authority for cases at the judicial stage of the proceeding. However, if an EIO was issued at the judicial stage of the proceeding, and establishing the competent court in Poland was not possible (even via contact points of the European Judicial Network in Criminal Matters), the transmission of an EIO will be possible via the Ministry of Justice. In such case, the EIO can be sent to the following address:

The Ministry of Justice, Department of International Cooperation and Human Rights, ul. Chopina 1, 00-950 Warsaw, tel. + 48 22 23-90-870, fax: + 48 22 62-80-949, e-mail: dwmipc@ms.gov.pl

In accordance with Article 33(2) in order to obtain authorisations for the transit of persons covered by the EIO via the territory of Poland as a state of transit, it is necessary to apply to the Minister of Justice with a motion including the following information: the applicant authority, the date and place of issue of the EIO, the identity and nationality of the person to be transferred and the investigative measure for execution of which the person is temporarily transferred. Such a request should be sent to the following address:

The Ministry of Justice, Department of International Cooperation and Human Rights, ul. Chopina 1, 00-950 Warsaw, tel. + 48 22 23-90-870, fax: + 48 22 62-80-949, e-mail: dwmipc@ms.gov.pl

In the case of the use of air routes without a planned landing in the territory of Poland, it will be sufficient to inform the Ministry of Justice about the temporary transit of a person held in

custody. However, if an unscheduled landing occurs, the issuing State should immediately provide the abovementioned information.

In accordance with Article 34(4), Poland wishes to continue applying the following agreements on cooperation in criminal matters with the Member States of the EU (list annexed).

Please also note that the agreements concluded by Poland with the Member States of the European Union on police cooperation shall remain in force, as the European Investigation Order directive, which relates to judicial cooperation in criminal matters, does not affect their application. This applies to agreements existing on the date of notification and concluded in the future. The list of agreements on police cooperation, that remain in force between Poland and other Member States of the European Union at the date of notification, is attached below.

**List of legal agreements concerning criminal matters which will continue to apply after
the entry into force of the European Investigation Order**

(Article 34(4) of the Directive)

1. Agreement between the Republic of Poland and the Federal Republic of Germany on the follow-up and facilitation of the application of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959.
2. Agreement between the Republic of Poland and the Republic of Austria on follow-up and facilitation of the application of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959.
3. Agreement between the Republic of Poland and the Slovak Republic on follow-up and facilitation of the application of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959.
4. The Agreement between the People's Republic of Poland and the Republic of Austria on Mutual Assistance in Criminal Matters, signed at Vienna on 27 February 1978.
5. The Convention between the Polish People's Republic and the Czechoslovak Socialist Republic on legal assistance and legal relations in civil, family, labour and criminal matters signed in Warsaw on 21 December 1987 r.