

Poland – national procedures for mutual legal assistance in criminal matters
Updated 30/10/2015

The information contained in this table should be updated on a yearly basis.

<p>The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for mutual legal assistance:</p>	<p>Mutual legal assistance requests may be sent to Poland via Central Authority or directly to the competent judicial authority executing such requests as provided for in the European Convention on Mutual Assistance in Criminal Matters of 1959 and in the Second Additional Protocol to that convention of 2001.</p> <p>Competent judicial authorities in Poland may be located through the use of the EJN-criminal Atlas webpage.</p> <p>In case the request deals with the evidence or information which is requested in the investigative stage of criminal proceedings, the MLA requests should be directed to the competent prosecutorial unit having territorial jurisdiction or to the Central Authority which is: General Prosecutor's Office</p> <p>Address: General Prosecutor's Office Department of International Cooperation Ul. Rakowiecka 26/30 02- 528 Warsaw POLAND tel. +48 22 12 51 490 fax. +48 22 12 51 422 e-mail: sekretariat.dwm@pg.gov.pl</p> <p>In case the request deals with the evidence or information which is requested in the court hearing, the MLA requests should be directed to the competent court having territorial jurisdiction or to the Central Authority which is: The Ministry of Justice</p> <p>Address: Ministry of Justice Department of International Cooperation and Human Rights Al. Ujazdowskie 11 00-950 Warsaw POLAND tel. +48 22 23 90 870 fax. +48 22 628 09 49 e-mail: dwmpe@ms.gov.pl</p>
---	--

	<p>Pursuant to Poland's declaration deposited to the Second Additional Protocol to the European Convention on mutual assistance in criminal matters, all requests concerning the hearing of witnesses or experts by video conference or telephone conference, should be transmitted via the Ministry of Justice.</p> <p>In this declaration, Poland also appointed the Chief of Staff of the Police ("Komendant Główny Policji") as Central Authority competent to receive and execute requests for controlled delivery and covert investigation.</p>
<p>If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):</p>	<p>-</p>
<p>Channels of communication for the request for mutual legal assistance (directly, through diplomatic channels or other):</p>	<p>Directly to the competent Polish judicial authority, Ministry of Justice or General Prosecutor's Office.</p>
<p>Means of communication (e.g. by post, fax, e-mail¹):</p>	<p>As a rule, Poland accepts requests (together with supporting documents and supplementary information) sent by post in paper form. However, it can accept also faxed or e-mailed versions of the aforementioned documents provided that originals will be sent later by post in due time or upon request.</p>
<p>Language requirements:</p>	<p>Pursuant to Poland's declaration deposited on 19.03.1996 to art. 16 of the European Convention on mutual assistance in criminal matters: <i>"The requests and other documents being transmitted shall be accompanied by a translation into the Polish language or into an official language of the Council of Europe; the translation of the documents which are to be transmitted is not necessary if the transmission has the form of a</i></p>

¹ Please indicate if encryption or electronic signature is required.

	<i>simple service. In other cases they shall be translated into the Polish language if the receiver is a Polish national or if his permanent residence is in Poland."</i>
Double criminality requirement, if applicable:	Double criminality may in certain cases be invoked as optional ground for refusal. The application of this ground is the discretionary power of the executing judicial authority – prosecutor or court.
Limitation of use of evidence obtained:	Not applicable
Other particularly relevant information (e.g. documentation required for special types of assistance):	Especially for those requests that relate to search and seizure, it would be practicable and advisable to attach the certified copies of the domestic decisions on search and seizure. In case the request is for interviewing witnesses or suspects, the list of questions to be asked should also be annexed to the letter of request.
Links to national legislation, national guides on procedure:	
Parties to the Second Additional Protocol: Link to database with contact details of competent authorities for the purpose of direct transmission of MLA requests	Competent judicial authorities in Poland may be located through the use of the EJN-criminal Atlas webpage.