

No. 48605

**Poland
and
United States of America**

Agreement between the Republic of Poland and the United States of America on the application of the Extradition Treaty between the Republic of Poland and the United States of America signed 10 July 1996, pursuant to Article 3 (2) of the Agreement on Extradition between the European Union and the United States of America signed at Washington 25 June 2003 (with annex). Warsaw, 9 June 2006

Entry into force: *1 February 2010, in accordance with article 5*

Authentic texts: *English and Polish*

Registration with the Secretariat of the United Nations: *Poland, 1 June 2011*

**Pologne
et
États-Unis d'Amérique**

Accord entre la République de Pologne et les États-Unis d'Amérique relatif à l'application du Traité d'extradition signé le 10 juillet 1996 entre la République de Pologne et les États-Unis d'Amérique, conformément au paragraphe 2 de l'article 3 de l'Accord d'extradition entre l'Union européenne et les États-Unis d'Amérique signé à Washington le 25 juin 2003 (avec annexe). Varsovie, 9 juin 2006

Entrée en vigueur : *1^{er} février 2010, conformément à l'article 5*

Textes authentiques : *anglais et polonais*

Enregistrement auprès du Secrétariat des Nations Unies : *Pologne, 1^{er} juin 2011*

[ENGLISH TEXT – TEXTE ANGLAIS]

**Agreement
between the Republic of Poland and the United States
of America on the application of the Extradition Treaty between
the Republic of Poland and the United States of America signed
10 July 1996, pursuant to Article 3(2) of the Agreement on Extradition
between the European Union and the United States of America signed
at Washington 25 June 2003**

The Republic of Poland and the United States of America (the “Contracting States” referred to in the Annex to this Agreement),

In view of Article 3(2) of the Agreement on Extradition between the European Union and the United States of America signed at Washington 25 June 2003,

Have agreed as follows:

Article 1

As contemplated by Article 3(2) of the Agreement on Extradition between the European Union and the United States of America signed at Washington 25 June 2003 (hereafter “the EU- U.S. Extradition Agreement”), the Republic of Poland and the United States of America acknowledge that, in accordance with the provisions of this Agreement, the bilateral Extradition Treaty between the Republic of Poland and the United States of America signed at Washington on 10 July 1996 (hereafter “The Poland.-U.S Extradition Treaty”) is applied in relation to the EU- U.S. Extradition Agreement, under the following terms:

- (a) Article 6 of the Annex to this Agreement shall be applied in place of Article 6 of the Poland- U.S. Extradition Treaty, pursuant to Article 13 of the EU- U.S. Extradition Agreement;
- (b) Article 9(1) of the Annex to this Agreement shall be applied in place of Article 9(1) of the Poland- U.S. Extradition Treaty, pursuant to Article 5(1) of the EU- U.S. Extradition Agreement;
- (c) Article 9 bis of the Annex to this Agreement shall be applied to supplement the provisions of the Poland-U.S. Extradition Treaty, pursuant to Article 14 of the EU-U.S. Extradition Agreement;
- (d) Article 10 of the Annex to this Agreement shall be applied in place of Article 10 of the Poland-U.S. Extradition Treaty, pursuant to Article 5(2) of the EU-U.S. Extradition Agreement;
- (e) Article 12(4) of the Annex to this Agreement shall be applied to supplement the provisions of the Poland-U.S. Extradition Treaty, pursuant to Articles 5(1) and 7(1) of the EU-U.S. Extradition Agreement; the previous Article 12(4) and 12(5) shall be renumbered as Articles 12(5) and 12(6) respectively;

(f) Article 17 of the Annex to this Agreement shall be applied in place of Article 17 of the Poland-U.S. Extradition Treaty, pursuant to Article 10 of the EU-U.S. Extradition Agreement;

(g) In view of Articles 3 and 5 of this Agreement, Articles 24 and 26 of the Poland-U.S. Extradition Treaty shall be deleted. Accordingly, Article 25 of the Poland-U.S. Extradition Treaty shall be renumbered as Article 24 of the Annex, and Article 27 of the Poland-U.S. Extradition Treaty shall be renumbered as Article 25 of the Annex.

Article 2

The Annex reflects the integrated text of the provisions of the Poland-U.S. Extradition Treaty and the EU-U.S. Extradition Agreement as a result of Article 1 of this Agreement. This integrated text shall apply upon entry into force of this Agreement.

Article 3

In accordance with Article 16 of the EU-U.S. Extradition Agreement, this Agreement shall apply to offenses committed before as well as after it enters into force.

Article 4

This Agreement shall not apply to requests made prior to its entry into force.

Article 5

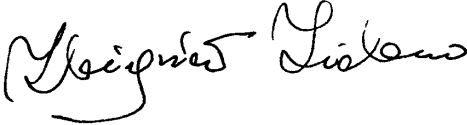
1. This Agreement shall be subject to ratification and the instruments of ratification shall be exchanged as soon as possible. This Agreement shall enter into force on the date of entry into force of the EU-U.S. Extradition Agreement.

2. In the event of termination of the EU-U.S. Extradition Agreement, this Agreement shall be terminated as of the date of termination of the EU-U.S. Extradition Agreement, and the Poland-U.S. Extradition Treaty shall be applied instead. The Republic of Poland and the United States of America nevertheless may agree to continue to apply some or all of the provisions of this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Warsaw, this 9th day of June, 2006, in duplicate, in the Polish and English languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
REPUBLIC OF POLAND:



FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



ANNEX

EXTRADITION TREATY BETWEEN THE REPUBLIC OF POLAND AND
THE UNITED STATES OF AMERICA

Article 1
Obligation to Extradite

The Contracting States agree to extradite to each other, pursuant to the provisions of this Treaty, persons whom the authorities in the Requesting State seek for prosecution or have found guilty of an extraditable offense.

Article 2
Extraditable Offenses

1. An offense shall be an extraditable offense if it is punishable under the laws in both Contracting States by deprivation of liberty for a maximum period of more than one year or by a more severe penalty.

2. An offense shall also be an extraditable offense if it consists of an attempt to commit, or participation in the commission of, an offense described in paragraph 1 of this Article. Any type of association to commit offenses described in paragraph 1 of this Article, as provided by the laws of Poland, and conspiracy to commit an offense described in paragraph 1 of this Article, as provided by the laws of the United States, shall also be extraditable offenses.

3. For the purposes of this Article, an offense shall be an extraditable offense:

- (a) whether or not the laws in the Contracting States place the offense within the same category of offenses or describe the offense by the same terminology; or
- (b) whether or not the offense is one for which United States federal law requires the showing of such matters as interstate transportation, or use of the mails or of other facilities affecting interstate or foreign commerce, such matters being merely for the purpose of establishing jurisdiction in a United States federal court.

4. If the offense has been committed outside the territory of the Requesting State, extradition shall be granted if the laws in the Requested State provide for the punishment of an offense committed outside its territory in similar circumstances. If the laws in the Requested State do not so provide, the executive authority of the Requested State may, in its discretion, grant extradition.