

No. 48606

**Poland
and
United States of America**

Agreement between the Republic of Poland and the United States of America on the Application of the Treaty between the Republic of Poland and the United States of America on Mutual Legal Assistance in Criminal Matters signed 10 July 1996, pursuant to Article 3 (2) of the Agreement on Mutual Legal Assistance 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'entraide judiciaire en matière pénale 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'entraide judiciaire 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 Treaty between the Republic of Poland and the
United States of America on Mutual Legal Assistance in Criminal
Matters signed 10 July 1996, pursuant to Article 3(2) of the Agreement
on Mutual Legal Assistance 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 Parties” referred to in the Annex to this Agreement),

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

- a) Article 1 bis of the Annex to this Agreement shall be applied to supplement the provisions of the Poland-U.S. Mutual Legal Assistance Treaty, pursuant to Article 8 of the EU-U.S. Mutual Legal Assistance Agreement;
- b) Article 3 bis of the Annex to this Agreement shall be applied to supplement the provisions of the Poland-U.S. Mutual Legal Assistance Treaty, pursuant to Article 4 of the EU-U.S. Mutual Legal Assistance Agreement;
- c) Article 4(1) of the Annex to this Agreement shall be applied in place of Article 4(1) of the Poland-U.S. Mutual Legal Assistance Treaty, pursuant to Article 7 of the EU-U.S. Mutual Legal Assistance Agreement;
- d) Article 6(e) of the Annex to this Agreement shall be applied to supplement Article 6 of the Poland-U.S. Mutual Legal Assistance Treaty, pursuant to Article 6(2) of the EU-U.S. Mutual Legal Assistance Agreement;

- e) Article 7 of the Annex to this Agreement shall be applied in place of Article 7 of the Poland-U.S. Mutual Legal Assistance Treaty, pursuant to Article 9 of the EU-U.S. Mutual Legal Assistance Agreement;
- f) Article 8 bis of the Annex to this Agreement shall be applied to supplement the provisions of the Poland-U.S. Mutual Legal Assistance Treaty, pursuant to Article 6 of the EU-U.S. Mutual Legal Assistance Agreement;
- g) Article 9 bis of the Annex to this Agreement shall be applied to supplement the provisions of the Poland-U.S. Mutual Legal Assistance Treaty, pursuant to Article 5 of the EU-U.S. Mutual Legal Assistance Agreement;
- h) In view of Article 5 of this Agreement, Article 19(1) and (2) of the Poland-U.S. Mutual Legal Assistance Treaty shall be deleted. Accordingly, Article 19(3) of the Poland-U.S. Mutual Legal Assistance Treaty shall be renumbered as Article 19 of the Annex, which shall be entitled "Termination."

Article 2

The Annex reflects the integrated text of the provisions of the Poland-U.S. Mutual Legal Assistance Treaty and the EU-U.S. Mutual Legal Assistance 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 12 of the EU-U.S. Mutual Legal Assistance Agreement, this Agreement shall apply to offenses committed before as well as after it enters into force.

Article 4

This Agreement shall apply to requests made after its entry into force. Nonetheless, in accordance with Article 12 of the EU-U.S. Mutual Legal Assistance Agreement, Articles 4(1), 6(e), and 8 bis of the Annex shall apply to requests pending in the Requested State at the time this Agreement enters into force.

Article 5

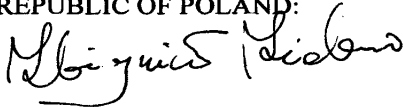
1. This Agreement shall be subject to ratification, and the instruments of ratification shall be exchanged as soon as possible. This Agreement shall enter into force on the date of entry into force of the EU-U.S. Mutual Legal Assistance Agreement.

2. In the event of termination of the EU-U.S. Mutual Legal Assistance Agreement, this Agreement shall be terminated as of the date of termination of the EU-U.S. Mutual Legal Assistance Agreement and the Mutual Legal Assistance 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.

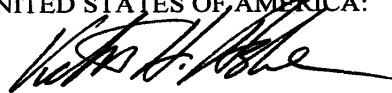
IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Instrument.

DONE at Warsaw, in duplicate, this 9th day of June, 2006, 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

TREATY BETWEEN THE REPUBLIC OF POLAND AND THE UNITED
STATES OF AMERICA ON MUTUAL LEGAL ASSISTANCE IN
CRIMINAL MATTERS

Article 1
Scope of Assistance

1. The Contracting Parties shall provide mutual assistance, in accordance with the provisions of this Treaty, in connection with the investigation, prosecution, and prevention of offenses. The Contracting Parties shall also provide such assistance for forfeiture and other proceedings directly related to criminal offenses, where such assistance is not prohibited by the laws of the Requested State.

2. Assistance shall include:

- a) taking the testimony or statements of persons;
- b) providing documents, records, and articles of evidence;
- c) locating or identifying persons or items;
- d) serving documents;
- e) transferring persons in custody for testimony or other purposes;
- f) executing requests for searches and seizures;
- g) assisting in proceedings related to immobilization and forfeiture of assets, restitution to the victims of crime, collection of fines; and
- h) any other form of assistance not prohibited by the laws of the Requested State.

3. Assistance shall be provided without regard to whether the conduct that is the subject of the investigation, prosecution, or proceeding in the Requesting State would constitute an offense under the laws of the Requested State.

4. This Treaty is intended solely for mutual legal assistance between the Parties. The provisions of this Treaty shall not give rise to a right on the part of any private person to obtain, suppress, or exclude any evidence, or to impede the execution of a request.