

XVIII. POLAND

Articles	Competent national authorities
EPPO Regulation	
5(6), 28(1)–(2)/(4), 31(4), 91(6)	<p>The national authorities, including police authorities, on which the EPPO can rely for its investigations, notably for the execution of coercive measures are:</p> <ol style="list-style-type: none">1. Policja [Polish National Police] <p>and within their respective fields of competence:</p> <ol style="list-style-type: none">2. Straż Graniczna [the Border Guard],3. Krajowa Administracja Skarbowa [National Revenue Administration],4. Centralne Biuro Antykorupcyjne [the Central Anti-Corruption Bureau],5. Żandarmeria Wojskowa [the Military Police], <p>According to article 312 of the Code of Criminal Procedure</p>

10(3)(d), 24(2)–(3), 25(1) to (5), 26(7), 27(2) to (8), 34(1) to (3)/(5) to (7)	<p>The national judicial and law enforcement authorities that are competent to initiate and conduct a criminal investigation concerning criminal offences for which the EPPO is competent are:</p> <ol style="list-style-type: none"> 1. Powszechne jednostki organizacyjne prokuratury (Public prosecutor offices) 2. Policja [Polish National Police] <p>and within their respective fields of competence:</p> <ol style="list-style-type: none"> 3. Straż Graniczna [the Border Guard], 4. Agencja Bezpieczeństwa Wewnętrznego [the Internal Security Agency], 5. Krajowa Administracja Skarbowa [National Revenue Administration], 6. Centralne Biuro Antykorupcyjne [the Central Anti-Corruption Bureau], 7. Żandarmeria Wojskowa [the Military Police],
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24(1)	<p>The obligation of state and local government institutions to notify prosecutor and law enforcement authorities of crimes committed, results from Article 304(2) of the Code of Criminal Procedure. State and local government institutions which, in connection to their operations, learn that a criminal offence prosecuted ex officio has been committed shall be obliged to immediately inform a public prosecutor or the Police thereof. In addition, they are obliged to take necessary steps until the arrival of the officials of a body authorised to prosecute such criminal offences, or until that body issues a suitable order, so as to prevent the effacing of traces and evidence of the criminal offence.</p> <p>The national authorities that are obliged to report to the EPPO any criminal conduct in respect of which the EPPO could exercise its competence are all authorities with law enforcement functions:</p> <ol style="list-style-type: none"> 1. Policja [Polish National Police] 2. Straż Graniczna [the Border Guard], 3. Agencja Bezpieczeństwa Wewnętrznego [the Internal Security Agency], 4. Krajowa Administracja Skarbowa [National Revenue Administration], 5. Centralne Biuro Antykorupcyjne [the Central Anti-Corruption Bureau], 6. Żandarmeria Wojskowa [the Military Police], <p>Regarding offences that European Public Prosecutor's Office is competent of, the most likely (the list is not exhaustive) to report crimes, but other than law enforcement institutions, bodies, offices and agencies are:</p> <ol style="list-style-type: none"> 1. Ministerstwo Spraw Wewnętrznych i Administracji, [Ministry of the Interior and Administration]. 2. Ministerstwo Obrony Narodowej [Ministry of National Defence] 3. Służba Kontrwywiadu Wojskowego (SKW) [Military Counterintelligence Service]
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	<p>4. Ministerstwo Funduszy i Polityki Regionalnej [Ministry of Development Funds and Regional Policy]</p> <p>5. Ministerstwo Aktywów Państwowych [Ministry of State Assets]</p> <p>6. Ministerstwo Finansów [Ministry of Finance] oraz Generalny Inspektor Informacji Finansowej (GIIF) [FIU - General Inspector of Financial Information]</p> <p>7. Komisja Nadzoru Finansowego (UKNF) [The Polish Financial Supervision Authority]</p> <p>8. Najwyższa Izba Kontroli (NIK) [Supreme Audit Office]</p> <p>9. Agencja Restrukturyzacji i Modernizacji Rolnictwa. (ARMA) [The Agency for Restructuring and Modernisation of Agriculture]</p> <p>10. Organy jednostek samorządu terytorialnego {Local government bodies}</p>
24(8)	<p>The national authorities to which the EPPO should report criminal offences outside the scope of its competence are Powszechne jednostki organizacyjne prokuratury (Public prosecutor offices)</p>

25(6) (cross-referenced in Art. 39(3))	The competence dispute referred to in Article 25 (6) of Regulation 2017/1939 shall be resolved by the Prosecutor General [Prokurator Generalny] . The decision of the Prosecutor General may be challenged to the Regional Court [Sąd Okręgowy] having territorial jurisdiction over office of the European Delegated Prosecutor involved in the dispute – art. 577b par. 3 of the Code of Criminal Procedure
33(2)	<p>The national authorities that are competent to issue a European Arrest Warrant are Regional Courts [Sąd Okręgowy] having territorial jurisdiction.</p> <p>During investigation phase - upon motion of a European Delegated Prosecutor and during trial phase - ex officio, upon motion of the competent district court [Sąd Rejonowy] or upon motion of a European Delegated Prosecutor</p>
36(6)	<p>The national authorities to which the EPPO Central Office shall notify the decision to prosecute, where necessary for the purposes of recovery, administrative follow-up or monitoring are:</p> <ol style="list-style-type: none"> 1. Policja [Polish National Police] - Komenda Główna Policji > [National Police Headquarters] – Polish Asset Recovery Office 2. Territorially competent head of the tax office - The authority responsible for the execution of the forfeiture (confiscation) orders

39(4)	<p>The national authorities that shall be officially notified when the EPPO dismisses a case, as well as the national administrative or judicial authorities to which the dismissed case may be referred by the EPPO for recovery or other administrative follow-up are:</p> <ol style="list-style-type: none"> 1. State or local government institution which has informed the EPPO of the criminal offence 2. Powszechne jednostki organizacyjne prokuratury (Public prosecutor offices) which has informed the EPPO of the criminal offence <p>Cases may also be referred for recovery or other administrative follow-up to:</p> <ol style="list-style-type: none"> 3. Court competent for adjudication of forfeiture according to art. 323 par. 3 of Code of Criminal Procedure 4. Policja [Polish National Police] - Komenda Główna Policji > [National Police Headquarters] – Polish Asset Recovery Office 5. Territorially competent head of the tax office - The authority responsible for the execution of the forfeiture (confiscation) orders
96(6)	<p>The national authorities that are competent to decide on the resources, equipment, and working conditions of the European Delegated Prosecutors are Powszechne jednostki organizacyjne prokuratury (Public prosecutor offices) in particular:</p> <ol style="list-style-type: none"> 1. Prokuratura Krajowa [National Public Prosecutor's Office] <p>and offices where European Delegated Prosecutor will be performing their duties:</p> <ol style="list-style-type: none"> 2. Prokuratura Regionalna w Gdańsku [Regional Prosecutor's Offices in Gdańsk] 3. Prokuratura Regionalna w Katowicach [Regional Prosecutor's Offices in Katowice] 4. Prokuratura Regionalna w Lublinie [Regional Prosecutor's Offices in Lublin]

	5. Prokuratura Regionalna w Warszawie [Regional Prosecutor's Offices in Warsaw]
104(7)	The national authorities that can issue an extradition request upon a request of the handling European Delegated Prosecutor made in accordance with the national law is Minister of Justice - according to art. 593 of Code of Criminal Procedure

Articles EPPO Regulation	Competent national authorities
5(6), 28(1)–(2)/(4), 31(4), 91(6)	The national authorities, including police authorities, on which the EPPO can rely for its investigations, notably for the execution of coercive measures.
10(3)(d), 24(2)–(3), 25(1) to (5), 26(7), 27(2) to (8), 34(1) to (3)/(5) to (7)	The national judicial and law enforcement authorities that are competent to initiate and conduct a criminal investigation concerning criminal offences for which the EPPO is competent.
24(1)	The national authorities that are obliged to report to the EPPO any criminal conduct in respect of which the EPPO could exercise its competence.
24(8)	The national authorities to which the EPPO should report criminal offences outside the scope of its competence.
25(6) (cross-referenced in Art. 39(3))	The national judicial authorities that are competent to decide on the attribution of competence among different public prosecutor's offices (see Recital 62).
33(2)	The national authorities that are competent to issue a European Arrest Warrant upon the request of the handling European Delegated Prosecutor (during investigation and trial phase).
36(6)	The national authorities to which the EPPO Central Office shall notify the decision to prosecute, where necessary for the purposes of recovery, administrative follow-up or monitoring.

39(4)	The national authorities that shall be officially notified when the EPPO dismisses a case, as well as the national administrative or judicial authorities to which the dismissed case may be referred by the EPPO for recovery or other administrative follow-up.
96(6)	The national authorities that are competent to decide on the resources, equipment, and working conditions of the European Delegated Prosecutors.
104(7)	The national authorities that can issue an extradition request upon a request of the handling European Delegated Prosecutor made in accordance with the national law.