

**Memorandum of Understanding**  
**between**  
**the Ministry of Justice of the Republic of Poland**  
**and**  
**the Ministry of Justice and Home Office of the United Kingdom of Great Britain and Northern Ireland on Cooperation in Criminal Matters**

*The Ministry of Justice of the Republic of Poland and the Ministry of Justice and Home Office of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as “the Participants”),*

*Having in mind the strong commitment of the Participants to strengthen the promotion, protection and implementation of human rights, and the respect for the democratic principles and good governance,*

*Desiring to promote the friendly relations in the spirit of respect for democracy, human rights, rule of law and equality,*

*Desiring to improve the effective cooperation in criminal matters based on the principles of mutual respect,*

*Desiring to streamline cooperation, particularly through maximising opportunities provided by digital means,*

*Drawing on the positive experience of cooperation between the National Prosecutor’s Office of the Republic of Poland and the Crown Prosecution Service, the Crown Office and Procurator Fiscal Service, and the Public Prosecution Service Northern Ireland, whilst recognising and respecting their operational independence,*

*Desiring to promote effective cooperation between respective prosecutors,*

*Taking into account their functions, competences and national legislations in their respective States,*

*HAVE DECIDED as follows:*

**Paragraph 1. General Provisions**

This Memorandum of Understanding (hereinafter referred to as the “MoU”) provides an understanding for forms of cooperation in criminal matters between the Participants.

This MoU is without prejudice to the cooperation through the provisions of agreements, applicable national and international law, principles of reciprocity or any other arrangement, or practice which may be applicable.

This MoU is without prejudice to the commitments of the Republic of Poland arising from its membership in the European Union.

This MoU is without prejudice to the commitments of the Participants in relation to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (hereinafter referred to as “the Trade and Cooperation Agreement”). This MoU is intended to complement the *Trade and Cooperation Agreement* and support effective bilateral cooperation between the Participants on cooperation in criminal matters.

Cooperation under this MoU will be carried out in accordance with applicable national and international law, policies, and processes.

### **Paragraph 2. *Fields of Cooperation***

The Participants wish to underscore the importance of promotion and protection of human rights, alongside cooperation in criminal matters of common concern, including but not limited to, mutual legal assistance, surrender of persons on the basis of an arrest warrant, victim support, exchange of information extracted from criminal records, and the transfer of sentenced persons. They wish to make a joint commitment to enhance cooperation in these fields.

### **Paragraph 3. *Protection and Promotion of Human Rights***

The Participants wish to underscore their commitment to the respect, protection and fulfilment of human rights as well as to the further promotion of democratic principles and values. In particular, the Participants commit to tackle key issues of concern including hate crime.

### **Paragraph 4. *The Transfer of Sentenced Persons***

The Participants will ensure effective prisoner transfer arrangements with the aim of maximising the return of convicted and imprisoned persons to their home State to provide better rehabilitation, supervision and management of release, thereby reducing the risk of reoffending, promoting the prospects of the offender and better protecting the communities into which they will be released.

To that end, the Participants commit to removing obstacles to, and facilitating, effective prisoner transfers, through every means possible, including practical and legislative means. In addition, both Participants commit to consultations on a bilateral prisoner transfer agreement.

The Participants will use digital means of cooperation wherever possible to facilitate the transfer of sentenced persons within the parameters of applicable national and international law.

### **Paragraph 5. *Mutual Legal Assistance***

The Participants, with the aim of ensuring the proper and effective administration of justice take appropriate measures to facilitate cooperation in the field of mutual legal assistance, in accordance with the applicable national and international law, in particular the *European Convention on Mutual Assistance in Criminal Matters* done at Strasbourg on 20<sup>th</sup> April 1959 and Additional Protocols thereto and the appropriate provisions of the *Trade and Cooperation Agreement*.

### **Paragraph 6. *Surrender of Persons on the basis of an arrest warrant***

The Participants, with the aim of preventing impunity from justice for any requested person, take appropriate measures to facilitate cooperation in the field of surrender of persons on the basis of an arrest warrant, including their own nationals, in accordance with the applicable national and international law, in particular the appropriate provisions of the *Trade and Cooperation Agreement* and, in respect of the Ministry of Justice of the Republic of Poland, Article 55, Paragraph 2 of the Constitution of the Republic of Poland of 2<sup>nd</sup> April 1997.

**Paragraph 7. *Victim Assistance***

The Participants commit to take appropriate measures, in accordance with the applicable national and international law, to assist the victims, their families, and witnesses of crime within their own jurisdiction, regardless of nationality, particularly with regard to how those proceedings are conducted. In addition, both Participants commit to share, when requested, best practice regarding approaches to victim assistance in their respective States and domestic legislative frameworks.

**Paragraph 8. *Exchange of Information Extracted from Criminal Records***

The Participants commit to afford each other the widest measure of cooperation in the field of exchange of information extracted from criminal records, in accordance with the applicable national and international law, in particular the appropriate provisions of the *Trade and Cooperation Agreement*.

**Paragraph 9. *Forms of Cooperation***

The Participants may carry out cooperation foreseen in this MoU, including in the form of:

1. An exchange of information, including information on criminal law and judicial practice in their respective States,
2. An exchange of views on measures which may be carried out in order to facilitate the cooperation in criminal matters between their respective States,
3. Meetings and exchange of experts and other personnel,
4. Joint training, seminars and conferences.

**Paragraph 10. *Prosecution Service***

The Participants declare their willingness and readiness to promote effective cooperation between respective prosecutors in the Republic of Poland and the United Kingdom of Great Britain and Northern Ireland. The operational aspects of cooperation are matters which fall within the remit of independent prosecution authorities.

**Paragraph 11. *Organisation and Costs***

The Participants will pay their own costs in performing cooperative activities that arise directly from this MoU.

No provision of this MoU may be construed as conferring financial commitments upon the Participants.

All issues concerning the organisation and any exceptional costs of the conduct of the cooperation between the Participants as a result of this MoU, will be decided in advance by consultation.

**Paragraph 12. *Consultations***

The Participants may organise, at times jointly decided by them, meetings of experts, including via electronic means of communication, with a view to promoting the most effective cooperation in the areas covered by this MoU and to implement the best practical measures to facilitate this cooperation. In order to implement and operate this MoU, the Participants may contact each other directly.

**Paragraph 13. *Dispute Resolution***

The Participants commit to resolve any disputes regarding the interpretation and application of this MoU by entering into consultations in good faith with the aim of reaching a jointly decided solution.

**Paragraph 14. *Validity, Amendments, and Termination***

This MoU will come into effect on the date of its signature by both Participants and is concluded for an unlimited period of time.

The Participants may at any time amend this MoU by mutual consent and in writing.

Each Participant may at any time inform the other by means of a written notification of the will to terminate the application of this MoU. In such a case, this MoU will terminate on the last day of the month following the month in which the second Participant received the written notification.

**Paragraph 15. *Final Provisions***

This MoU embodies the understanding of the Participants and is not a legally binding agreement.

Nothing in this MoU will be construed as creating or conferring rights, privileges or benefits or creating legal obligations on any person or participant, private or public.

The foregoing record represents the understanding reached between the Ministry of Justice of the Republic of Poland and the Ministry of Justice and Home Office of the United Kingdom of Great Britain and Northern Ireland upon the matters referred to therein.

Signed in duplicate at ..... on ..... in the Polish and English languages, both texts having equal validity.

For the Ministry of Justice  
of the Republic of Poland:

For the Ministry of Justice  
of the United Kingdom  
of Great Britain and Northern  
Ireland:

For the Home Office  
of the United Kingdom  
of Great Britain and Northern  
Ireland:

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