

Questionnaire

Name of State or territorial unit:^[1]

Central Authority of Poland

For the purpose of the 13 to 15 February 2023 meeting of the EG, Members are invited to report on consideration given to and / or implementation of the following arrangements in their jurisdiction:

- a. Developments in general regarding the international transfer of maintenance funds:

- b. Elimination of the use of cheques (see Report and C&R 2022 No 1)

Not being considered. Please explain:

Cheques are among the traditional but rarely used means of payment today, having been replaced by electronic (cashless) payments.

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

- c. Solutions with regard to increased transparency and cost reduction of transfers and currency conversion (see Report and C&R 2022 Nos 2 and 10)

Not being considered. Please explain:

In the practice to date, Polish authorities within the scope and competence of the Central Authorities do not participate in the transfer of maintenance and have no influence on the cost of transfers and currency exchange.

Is being considered. Please explain:

Please insert text here

^[1] In this questionnaire, references to the term "State", where relevant, are to be considered as also applicable to a territorial unit.

Has already been implemented. Please explain:

[Please insert text here](#)

d. Solutions where creditors would not bear the costs related to the transfer of funds (see Report and C&R 2022 Nos 2 and 11)

Not being considered. Please explain:

[Please insert text here](#)

Is being considered. Please explain:

[Please insert text here](#)

Has already been implemented. Please explain:

In the Polish legal system, the creditor does not bear the costs of enforcement proceedings; this is due to the provisions set forth in statutes, e.g., exemption from court costs Article 96(1)(2) of the Act of 28 July 1997 on Court Fees in Civil Proceedings (as amended). (“They are not required to pay court fees: the party claiming maintenance and the defendant in a maintenance reduction case”) and Article 770(1) of the Code of Civil Procedure of 17 November 1964 (as amended). (“The debtor shall reimburse the creditor for the costs necessary for the expedient conduct of enforcement. These costs shall be collected together with the enforced benefit.”).

e. Requested Central Authority arrangements with their bank to cover transfer fees or other arrangements to that effect (see Report and C&R 2022 No 3)

Not being considered. Please explain:

Currently, this type of solution does not work in Poland. The Polish Central Authority does not participate in the transfer of the enforced maintenance.

Is being considered. Please explain:

[Please insert text here](#)

Has already been implemented. Please explain:

[Please insert text here](#)

f. Requesting Central Authority providing confirmation to the requested Central Authority that the amounts received are the same as the amounts sent and, where applicable, information on the reasons for any difference (see Report and C&R 2022 No 3)

Not being considered. Please explain:

[Please insert text here](#)

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Creditors prepare statements of arrears and these statements reflect the amount of maintenance received and any differences. Such a solution has worked well in practice so far.

g. Establishment of a centralised point (e.g., bank account, central bank) for international transfers dedicated to both incoming and outgoing transfer of funds (see Report and C&R 2022 Nos 4 and 5)

Not being considered. Please explain:

Currently not considered for implementation by the Central Authority.

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

h. Use of the possibilities afforded by the *Universal Postal Union Postal Payment Services Agreement* of 6 October 2016 (see Report and C&R 2022 No 4)

Not being considered. Please explain:

So far, such a solution has not been analysed.

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

i. Provision of payment transfer services to any debtors transferring payments within the scope of the HCCH 2007 Child Support Convention (see Report and C&R 2022 No 5)

Not being considered. Please explain:

Central Authorities do not provide such services.

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

[Please insert text here](#)

j. Implementation of payment transfer monitoring systems (see Report and C&R 2022 No 6)

Not being considered. Please explain:

The implementation of such systems has not been the subject of separate analyses as additional tasks that do not directly arise from the tasks that are imposed on Central Authorities (lack of legislative basis in the field of international banking law, data protection, financial data processing, etc. in the context of their possible further use for the implementation of payment transfer monitoring).

Is being considered. Please explain:

[Please insert text here](#)

Has already been implemented. Please explain:

[Please insert text here](#)

k. Implementation of unique case references, known to both the requesting and requested States, attached to each transfer of funds (see Report and C&R 2022 No 7)

Not being considered. Please explain:

[Please insert text here](#)

Is being considered. Please explain:

[Please insert text here](#)

Has already been implemented. Please explain:

1. The ability to label a case using the signatures assigned to applications in each country by the competent authorities.

2. In order to avoid possible duplication with a number assigned by another court, the reference numbers should additionally contain the name of the debtor and applicant and the period to which the amount to be transferred is to be credited.

3. Bailiffs describe the transfers with the necessary data.

l. Implementation of currency conversion of payments done by the relevant authority in the requested State at the time of transfer (see Report and C&R 2022 No 8)

Not being considered. Please explain:

[Please insert text here](#)

Is being considered. Please explain:

[Please insert text here](#)

Has already been implemented. Please explain:

Not by Central Authorities, but by banks that convert the payment currency.

m. Provision of information about international banking to creditors and debtors (see Report and C&R 2022 No 12)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

1. There is information provided about SWIFT/SEPA/conversion, any possibility of accumulating deposits and transferring once every e.g. 6 months to level fees, etc.

2. In addition, any interested party can obtain information from the bank where their bank account is established / where the payment will be made.

n. Implementation of a legal framework enabling the Central Authority, acting both as requesting and requested Central Authority, to handle the transfer of funds – or at least major parts of the process – in as automated a manner as possible (see Report and C&R 2022 No 13)

Not being considered. Please explain:

The above will be subject to analysis if an international legal framework in this regard is developed. Currently in Poland, a decentralisation of the Central Authority persists (the requesting Central Authority and the requested Central Authority) – neither of these authorities handles the transfer of funds.

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

o. Implementation of an arrangement with banks that are transparent in relation to their fees and / or are part of the SWIFT Global Payment Initiative (GPI) (see Report and C&R 2022 No 14)

Not being considered. Please explain:

We are not aware of any work being carried out to introduce such an agreement.

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

p. Would your State consider contributing to iSupport ITMF in terms of expertise and experience?

Yes

Further detailed information on this initiative is needed to make a final decision.

No

Please insert text here

q. Any other developments in your State including bilateral solutions put in place between States and ongoing trials between States:

Thank you!