

ADDITIONAL ENTRY IN THE MARRIAGE CERTIFICATE BASED ON A DECISION REFERRING TO DIVORCE, SEPARATION OR MARRIAGE ANNULMENT ISSUED IN AN EU MEMBER STATE

Service Sheet

Approval date
2019-01-01
**ADDITIONAL ENTRY
IN THE MARRIAGE CERTIFICATE
BASED ON A DECISION
REFERRING TO DIVORCE, SEPARATION OR MARRIAGE ANNULMENT ISSUED IN AN EU MEMBER STATE**

Rzeszów Municipal Office

1. Documents required to handle the case

- an application for making an additional entry in the marriage certificate.
 - a certified copy of the decision referring to divorce, legal separation or marriage annulment which meets the conditions necessary to establish its probative value (original copy with certified validity).
 - a certificate/attestation, drawn up by the competent authority of an EU Member State, issued in accordance with Article 39 of the Regulation of the Council (EC) no. 2201/2003, using the prescribed form (for more information, see the "NOTES" box).
 - proof of payment of stamp duty.
 - valid proof of identity - available for review.
 - a certified translation into Polish of documents issued in a foreign language.
- In addition, in the case of a default decision, the party seeking recognition of the decision is required to produce:
- the original or a certified copy of a document establishing that the letter instituting the proceedings or an equivalent document has been served to the party who did not appear,
 - or a document stating that the defendant has accepted the decision in no uncertain terms.

Documents in a foreign language shall be submitted with an official translation into Polish made by:

- a sworn translator entered into the list kept by the Minister of Justice,
- a sworn translator authorised to make such translations in Member States of the European Union or the European Economic Area (EEA),
- the consul.

The following shall also be considered documents translated by the consul.

- documents in a foreign language translated into Polish by a translator in the host country and certified by the consul.
- documents translated from a rare language into a language known to the consul, and then translated into Polish by the consul.

2. Online application submission

The application for making an additional entry in the marriage certificate may be sent electronically if the Applicant can confirm it with a qualified electronic signature or a signature confirmed by the ePUAP trusted profile. According to the law, the authentication of ICT system users using online services provided by the entities specified in the Act of 17 February 2005 on the computerisation of the activities of public entities requires the use of the ePUAP trusted profile or data verified with a qualified electronic signature certificate. Address of the ePUAP trusted profile: <http://epuap.gov.pl>

The appendices required by law (especially the court documents and their translations) must be submitted as original hard copies.

3. Fees

Stamp duty is payable for the following:

- making the additional entry - PLN 11.
 - power of attorney, if one has been granted - PLN 17.00.
- A power of attorney granted to ascendants (parents, grandparents), descendants (children, grandchildren), siblings and spouse is not subject to stamp duty.
- The stamp duty can be paid:
- by wire transfer to the account of the Rzeszów Municipal Office, ul. Rynek 1, account no. 17 1020 4391 2018 0062 0000 0423
 - in person, at the Office's cash desk, ground floor, room no. 4.

4. Place of submission of documents

Civil Registry Office in Rzeszów
Pl. Ofiar Giełdy 7
35-002 Rzeszów
Floor II, room 22
tel. 17 788 92 00

5. Manner of and deadline for handling the case**Manner of handling the case:**

Based on the Regulation of the Council (EC) no. 2201/2003 of 27 November 2003, decisions of the Member States issued after 1 May 2004 are subject to recognition by the head of the civil registry office. Decisions issued in the European Union before 1 May 2004, which became final after that date are subject to judicial recognition, except for States with which there was a bilateral agreement for their recognition by authority of law. The provisions of the Regulation will also not provide a basis for the recognition and enforcement in Poland of decisions of Member States if the proceedings in those States were initiated before 1 May 2004.

Deadline for handling the case:

Immediately, and up to two months in particularly complex cases.

6. Appeal procedure

The Head of the Civil Registry Office who refuses to perform an act based a decision shall notify the Applicant in writing of the reasons for the refusal, informing him or her of the right to apply to a common court under Article 21 paragraph 3 of the aforementioned Regulation to decide whether the decision of the foreign State's authority is or is not subject to recognition.

7. Legal basis

Council Regulation (EC) no. 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) 1347/2000 (EU OJ L 338, 23 December 2003 P.0001-0029).

[Act of 17 November 1964 on Civil Proceedings](#)

[Act of 26 November 2014 - Civil Status Records Law](#)

[Act of 14 June 1966 - Code of Administrative Proceedings](#)

[Act of 17 February 2005 on the computerisation of the activities of public entities](#)

[Act of 5 September 2016 on trust services and electronic identification](#)

[Act of 24 June 2015 - Computer Law](#)

[Act of 4 August 2016 on identity cards](#)

[Act of 13 July 2012 on passports](#)

[Act of 16 November 2006 on stamp duty](#)

[Act of 29 August 1997 - Banking Law](#)

8. Notes

In the case of Dutch decisions, it is necessary to provide proof of the inclusion of the decision in the civil status registration (a Dutch certified copy of the marriage certificate annotated with the decision). Denmark, which is a Member State of the European Union, did not take part in the adoption of this Regulation. Decisions issued in Denmark after 1 July 2009 are subject to recognition by authority of law under the provisions of the Act of 17 November 1964 - Code of Civil Proceedings. Decisions issued earlier are subject to recognition in a judicial procedure. (The rules for attaching additional information in marriage certificates under the provisions of the Code of Civil Proceedings are described in a separate information sheet). Draft certificate according to Article 39 of the Council Regulation (EC) no. 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) no. 1347/2000. The competent court or authority of the Member State of origin shall, at the request of the party concerned, issue the certificate using a standard form.

CERTIFICATE REFERRED TO IN ARTICLE 39 CONCERNING DECISIONS IN MATRIMONIAL MATTERS [1]

1. Member State of origin
 2. Court or body issuing the certificate
 - 2.1. Name
 - 2.2. Address
 - 2.3. Tel./fax/e-mail
 3. Marital relationship
 - 3.1. Wife
 - 3.1.1. First name and last name
 - 3.1.2. Address
 - 3.1.3. State and place of birth
 - 3.1.4. Date of birth
 - 3.2. Husband
 - 3.2.1. First name and last name
 - 3.2.2. Address
 - 3.2.3. State and place of birth
 - 3.2.4. Date of birth
 - 3.3. State, place (if known) and date of marriage
 - 3.3.1. State of marriage
 - 3.3.2. Place (if known) of marriage
 - 3.3.3. Date of marriage
 4. Court issuing the decision
 - 4.1. Court name
 - 4.2. Registered seat
 5. Ruling
 - 5.1. Date
 - 5.2. Reference number
 - 5.3. Type of ruling
 - 5.3.1. Divorce
 - 5.3.2. Marriage annulment
 - 5.3.3. Separation
 - 5.4. Was the decision issued by default?
 - 5.4.1. No
 - 5.4.2. Yes [2]
 6. Names of parties to whom legal aid has been granted
 7. Is the judgment subject to appeal under the law of the Member State of origin?
 - 7.1. No
 - 7.2. Yes
 8. Date on which the decision takes effect in the Member State where the judgment was issued
 - 8.1. Divorce
 - 8.2. Separation
- Prepared in on

Signature and/or stamp

[1] Council Regulation (EC) no. 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) no. 1347/2000.

[2] The documents referred to in Article 37 paragraph 2 shall be attached.

Apostille

The Head of the Civil Registry Office may also request documents bearing the Apostille clause. The procedure is distinguished between countries that are party to the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (Polish Journal of Laws of 2005, Dz.U. of 2005, No. 112, item 938) and those that are not party to this Convention. This validation is issued by the competent authority of the country from which the document originates. It is drawn up in accordance with the draft document enclosed to the Convention and is an annotation made on the document. In order to obtain the "Apostille" clause on a document issued by a foreign State authority for use in States that are party to the Hague Convention, it is necessary to apply to the authorities of the State of origin. An up-to-date list of State parties to the Hague Convention is available on the website of the Ministry of Foreign Affairs: https://www.mz.gov.pl/pl/informacje_konsularne/apostille.

Information on Personal Data Processing

Processing of personal data of The Civil Registry Office's applicants

In accordance with Article 13 of the General Data Protection Regulation of 27 April 2016 (Official Journal of the EU, L 119 of 4 May 2016), I hereby inform that:

1. The administrator of your personal data is the Municipality of the City of Rzeszów, Rynek 1, 35-064 Rzeszów.
2. The Administrator - Municipality of the City of Rzeszów has appointed a Data Protection Officer whom you can contact:
 - in person: in the building at ul. Grunwaldzka 38, 35 - 064 Rzeszów.
 - in writing: to the inspector's seat address,
 - by e-mail: iod@rzeszow.pl.
3. Your personal data will be processed for the purpose of performing civil status registration tasks, based on the provisions set out in the Act of 28 November 2014 - Civil Status Records Law.
4. The recipients of personal data will only include entities authorised to obtain personal data based on rules of law.
5. Your personal data will be kept for the time set out in the rules of law, in accordance with the office instructions.
6. You have the right to request the Administrator to provide access, rectify or restrict the processing of your personal data.
7. You have the right to lodge a complaint with the President of the Personal Data Protection Office.
8. It is mandatory to provide data in the extent required by legislation.

Service Sheet Data

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