

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

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Rzeszów Municipal Office

1. Documents required to handle the case

- an application for making an additional entry in the marriage certificate.
- 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 addings)
- certificate/translation, 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,
- in addition, in the case of a natural decision, the entry referring to the decision is required to produce:
- the original or a certified copy of a document that allows the latter to identify the proceedings or an equivalent document has been served to the party who did not appear,
- in documents distributed by the administrative law enforcement to decision to occur in force.

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 authorized to make such translations in Member States of the European Union or the European Economic Area (EEA).

The following shall also be considered documents translated by the court:

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

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 27 February 2005 on the computerization 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: https://pau.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,
- payment of attorney's fee was granted - PLN 100.
A power of attorney granted to an heir(s), parent(s), grandparent(s), descendant(s) (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. 90 1240 0900 1011 0002 0000 0412
- in person, at the Office's cash desk.

4. Place of submission of documents

Civil Registry Office in Rzeszów
Pl. Światy Gaiety 7
70-002 Rzeszów
Phone: 6, room 12
tel. 17 188 99 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 (EEC) 1347/2000 (EUOJ L 28, 23 December 2003 P.0001-0020).

- Regulation of the Council (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 (EEC) 1347/2000 (EUOJ L 28, 23 December 2003 P.0001-0020)
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8. Notes

In the case of Dutch decisions, it is necessary to provide proof of the inclusion of the decision in the civil status register (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 Poland on condition that they are subject to recognition in Denmark under the provisions of the Code of Civil Proceedings as described in a separate information sheet. Draft certificate according to Article 29 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 (EEC) no. 1347/2000. The competent court or authority of the Member State of origin shall, on 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. E-mail
3. Issuing authorities
3.1. Name
3.1.1. First name and last name
3.1.2. Address
3.1.3. Date and place of birth
3.2. Date of birth
3.2.1. Name
3.2.2. Address
3.2.3. Date and place of birth
3.2.4. Date of birth
3.3. Date of (last) divorce and date of marriage
3.3.1. Date of divorce
3.3.2. Date of (last) marriage
3.3.3. Date of marriage
4. Court issuing the decision
4.1. Court name
4.2. Registered seat
5. Referring case
5.1. Date
5.2. Reference number
5.3. Type of case
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. Date
8.2. Duration
Prepared in: _____
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 (EEC) no. 1347/2000.
(2) The documents referred to in Article 27 paragraph 2 shall be attached.

Apexis
The Head of the Civil Registry Office may also request documents bearing the Apexis' stamp. The procedure is distinguished between countries that are party to the Hague Convention of 1 October 2002 Amending the Requirement of Authentication for Foreign Public Documents (Polish Journal of Laws of 2002, No. 111, item 928) 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 format set out in the Annex to the Convention.
Information on Personal Data Processing
Provision of personal data of the Civil Registry Office's applicants
In accordance with Article 30 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, 70-004 Rzeszów.
2. The administrator - Municipality of the City of Rzeszów has appointed a Data Protection Officer (email: pvo@rzeszow.pl)
3. in person - in the building at ul. Curatowska 30, 70-004 Rzeszów,
4. by e-mail: wdz@rzeszow.pl
5. 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.
6. The retention of personal data will be in accordance with the provisions of the Act of 28 November 2014 - Civil Status Records Law.
7. Your personal data will be kept for the time set out in the rules of use, in accordance with the office instructions.
8. You have the right to request the administrator to provide access, verify or restrict the processing of your personal data.
9. You have the right to lodge a complaint with the President of the Personal Data Protection Office.
10. It is mandatory to provide data to the extent required by legislation.

Service Sheet Data

Table with 3 columns: Field (Prepared by, Verified by, Approved by, Person responsible for updating the sheet), Name (Eliška Grubik-Goj, Jerzy Wiktor), and Date (1 December 2019).