

ADDITIONAL ENTRY IN THE MARRIAGE CERTIFICATE BASED ON A DECISION REFERRING TO DIVORCE, SEPARATION OR MARRIAGE ANNULMENT UNDER THE PROVISIONS OF THE CODE OF CIVIL PROCEEDINGS

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,
- an official certified copy of the decision relating to divorce, separation or marriage annulment,
- a document stating that the decision has become final, unless the finality of the Decision is apparent from its contents,
- 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, if the decision was given in proceedings in which the defendant did not dispute the merits, a document establishing that the document instituting the proceedings has been served on him must be presented

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 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 new 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 computerization of the activities of public entities requires the use of the ePUAP trusted profile or data verified with a qualified electronic signature certificate.

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 state duty can be paid:
- by wire transfer to the account of the Rzeszów Municipal Office, i. Rynek 1, account no 90 1240 6960 3551 0502 0000 0423,
- in person.

4. Place of submission of documents

Civil Registry Office in Rzeszów
ul. Rynek 1,
35-002 Rzeszów
Phone 8, room 30
tel. 17 788 99 00

5. Manner of and deadline for handling the case

Manner of handling the case:

Based on the provisions of the Act of 17 November 2004 - Code of Civil Proceedings, decisions issued after 1 July 2009 are subject to recognition by the head of the civil registry office. Decisions issued by 1 July 2009 in States that are not members of the European Union (and Denmark) are subject to recognition in judicial proceedings, except for countries with which bilateral agreements on the recognition of decisions by operation of law.

Deadline for handling the case:

Immediately, not 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 on a decision of an authority of a foreign state under Article 1146 of the Code of Civil Proceedings, 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 1146 of the Code of Civil Proceedings to decide whether the decision of the foreign State's authority is or is not subject to recognition.

7. Legal basis

- Act of 17 November 2004 - Code of Civil Proceedings
Act of 20 November 2004 - Civil Status Records Law
Act of 14 June 2008 - Code of Administrative Proceedings
Act of 14 June 2008 - Code of Administrative Procedure
Act of 14 June 2008 - Code of Administrative Procedure
Act of 29 September 2017 - Marriage Act
Act of 14 June 2008 - Marriage Act
Act of 17 November 2004 - Code of Civil Proceedings
Act of 29 September 2017 - Marriage Act
Project: Convention of 5 October 1961 - Abolishing the Requirement of Legalisation for Foreign Public Documents

8. Notes

The above procedure does not apply to decisions of courts of foreign States or to decisions of other bodies of foreign States subject to recognition based on multilateral and bilateral international agreements binding the Republic of Poland.

Based on the provisions of the Code of Civil Proceedings, a decision shall not be recognized if:

- it is void in the State it was issued in, it was issued in a case falling within the exclusive jurisdiction of the Polish courts,
- a defendant was not notified of the merits, with the date attached with the document instituting the proceedings - sufficient time to enable him to defend himself,
- a party was deprived of the opportunity to defend itself during the proceedings,
- a case involving the same claim between the same parties is pending in the Republic of Poland before a court of a foreign State,
- a case involving the same claim between the same parties is pending in the Republic of Poland before a court of a foreign State,
- a contract or an earlier final decision of a Polish court or an earlier final decision of a foreign court meeting the conditions for its recognition in the Republic of Poland, made in a case involving the same claim between the same parties; recognition would be contrary to the fundamental principles of the legal order of the Republic of Poland (public order),
- the obstacles referred to in items 5 and 6 shall apply mutatis mutandis to a case pending before a Polish authority other than a court or an authority of a foreign state, and to a decision issued by a Polish authority other than a court or an authority of a foreign state.

Apoptosis

The head of the Civil Registry Office may submit the Applicant to legalize the document.

Form of legalization:

- full legalization - carried out by a Polish consul,
- apostille - if the document is issued by the authorities of a State which is party to the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, drawn up in Hague on 5 October 1961 (Polish Journal of Laws, No. 12 of 2005, No. 112, Item 938).

Legalization is the primary manner of authenticating foreign documents. It involves declaring the document to be in conformity with the law of its place of issue by the consular officer in order for it to be used in a State other than its State of issue.

An apostille is a clause issued by the competent authority of the State of issue. It is drawn up in accordance with the draft document enclosed to the Convention and is an annotation made on the document. A document certified with an apostille may be submitted to the competent authorities, offices and institutions of another State without additional legalization. In order to obtain the "Apostille" clause on official foreign documents for use in States that are party to the Hague Convention, it is necessary to apply to the authorities of the document's State of origin.

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, 35-004 Rzeszów.

- 2. The Administrator - Municipality of the City of Rzeszów has appointed a Data Protection Officer whom you can contact:
- in person: at the address at ul. Rynek 1, 35-004 Rzeszów,
- by e-mail: ind@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 authorized 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, modify 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

Table with 3 columns: Action (Prepared by, Verified by, Approved by, Person responsible for updating the sheet), Name (Eliżeta GMA/TK-GZ/GC, jerzy WIKTOR), and Date (1 December 2019).