

# 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

ADDITIONAL ENTRY IN THE MARRIAGE CERTIFICATE  
BASED ON A DECISION  
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Approval date  
2019-01-01

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 referring 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 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 non-Polish 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 Getta 7  
35-002 Rzeszów  
Floor II, room 32  
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 1964 - 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, 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 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 1148 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 1964 - Code of Civil Proceedings](#)
- [Act of 26 November 2014 - Civil Status Records Law](#)
- [Act of 14 June 1969 - 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 26 June 2015 - Consular Law](#)
- [Act of 8 August 2010 on identity cards](#)
- [Act of 13 July 2002 on passports](#)
- [Act of 16 November 2006 on stamp duty](#)
- [Act of 22 August 1957 - Bismarck Law](#)
- Hague 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 recognised if:

- it is not final in the State it was issued in, it was issued in a case falling within the exclusive jurisdiction of the Polish courts;
- a defendant who did not dispute on the merits, was not duly served with the document instituting the proceedings in 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;
- is contrary to 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 policy clause).

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.

Apostille

The Head of the Civil Registry Office may summon the Applicant to legalise the document.

Forms of legalisation:

- full legalisation - 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, Dz. U. of 2005, no. 112, Item 938).

Legalisation 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 legalisation. 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.

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.msz.gov.pl/pl/informacje\\_konsularne/apostille](https://www.msz.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:

- The administrator of your personal data is the Municipality of the City of Rzeszów, Rynek 1.35-064 Rzeszów.
- 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@grzeszow.pl](mailto:iod@grzeszow.pl).
- 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.
- The recipients of personal data will only include entities authorised to obtain personal data based on rules of law.
- Your personal data will be kept for the time set out in the rules of law, in accordance with the office instructions.
- You have the right to request the Administrator to provide access, rectify or restrict the processing of your personal data.
- You have the right to lodge a complaint with the President of the Personal Data Protection Office.
- It is mandatory to provide data in the extent required by legislation.

Service Sheet Data

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