

POLAND

Apostille Questionnaire 2021

The responses are reflected as provided by Contracting Parties subject to minor typographical corrections.

Joining the Apostille Convention	
1. Did you join the Convention after 2010?	[b] No.
2. Are foreign public documents exempted from legalisation by virtue of your internal law, practice, or any bilateral / multilateral agreements (excluding the Apostille Convention)?	<p>[b] Yes, under bilateral / multilateral agreements.</p> <p><i>1. bilateral agreements on mutual legal assistance (e.g. Ukraine, Belarus, Russia, Lithuania)</i></p> <p><i>2. Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012</i></p> <p><i>3. Internal law: Article 1138 of the Code of Civil Procedure expresses the general principle, that foreign public documents are exempted from legislation and use the power of Polish official documents. Exceptions to the above rule are provided for in the sentence 2 and 3 of Article 1138. Legalisation is required in the case of all documents relating to the transfer of the ownership of the real estate located in Poland and if the authenticity of the document has been denied by the party.</i></p> <p>[c] No.</p>
Competent Authorities	
3. How many Competent Authorities have you designated under the Apostille Convention? <i>If unknown, please specify the reason for this and provide an approximate number.</i>	<p>1. Ministry of Foreign Affairs, Legalisation Section</p> <p>2. Ministry of Culture and National Heritage, The Department of Art and Culture Education</p> <p>3. National Agency for Academic Exchange</p> <p>4. Ministry of National Education</p> <p>5. School superintendents appropriate for the seat of the school</p> <p>6. Directors of regional exam commissions</p>
4. Do your diplomatic missions abroad play a role in the Apostille issuance process?	[d] No.
Substantive Scope	
5. Is the concept of 'public document' defined in your internal law?	<p>[a] Yes.</p> <p><i>Article 76 of the Code of Administrative Procedure of 14 June 1960</i></p> <p><i>Article 244 of the Code of Civil Procedure of 17 November 1964</i></p> <p><i>Public document is an official document done in the prescribed form and issued by designated public authorities and other state bodies within the scope of their activities</i></p>
6. Have you experienced any difficulties in characterising a 'public document' for the purposes of the Apostille Convention?	[b] No.
7. Has the exclusion of 'documents executed by diplomatic or consular agents' (Art. 1(3)(a)) from the scope of the Apostille Convention given rise to any difficulties?	[c] No.

8.	Do you think this Art. 1(3)(a) exclusion is justified in the context of the modern operation of the Convention?	[a] Yes.		
9.	Has the exclusion of 'administrative documents dealing directly with commercial or customs operations' (Art. 1(3)(b)) from the scope of the Apostille Convention given rise to any difficulties?	[c] No.		
10.	Do you think this Art. 1(3)(b) exclusion is justified in the context of the modern operation of the Convention?	[a] Yes.		
11.	Do you issue (outgoing) or accept (incoming) Apostilles for any of the following categories of document?		Issue	Accept
		Certificates of origin	X	X
		Export licences	X	X
		Import licences	X	X
		Health and safety certificates issued by the relevant government authorities or agencies	X	X
		Certificates of products registration	X	X
		Certificates of conformity	X	X
		End user certificates (i.e. documents certifying that the buyer is the end user of acquired goods)		
	Commercial invoices		X	
Apostille Process				
Certification of Public Documents				
12.	Do any of your public documents require some other intermediate certification before the issuance of an Apostille?	[a] Yes, an intermediate certification is required for some categories of public documents.		
<i>For Parties that answered yes to Q12.</i> 12.1. What categories of public document require intermediate certification and why?		Category of public document	Why certification is required	
		Notarial acts		
		Court documents		
		Documents relating to qualifications in medical professions		
		Commercial documents		
		Master's diplomas and craft certificates; doctoral and postdoctoral diplomas		

Requesting an Apostille (Outgoing)			
13. How can an Apostille be requested?	[a]	In person.	X
	[b]	By post.	X
	[c]	By email.	
	[d]	Through a website.	
	[e]	Other.	
14. When issuing an Apostille, do you enquire about the State of destination?	[a]	Yes, in the application form.	
15. How long does it take for an Apostille to be issued?	In-person request (paper Apostille)	Other requests (from the time of receipt) (paper Apostille)	e-Apostille requests
	On the spot	Other <i>Up to 14 working days but due to the pandemic it can take up to 30 days.</i>	
16. Does your Competent Authority impose a fee for issuing an Apostille?	[a]	Yes, a single price for all Apostilles. 60,00PLN	
Issuing an Apostille (Outgoing)			
17. How is the origin of a public document verified for the purpose of issuing an Apostille (i.e. verification of the authenticity of the signature, the capacity of the signer, and the identity of the seal / stamp (Art. 5(2))?	[b]	Multiple Competent Authorities. [v] Multiple separate databases of sample signatures / seals / stamps, some in paper form, some electronic.	
18. How does a Competent Authority address situations where it is unable to verify the origin of the public document?	[b]	The Competent Authority will contact the issuing authority to confirm authenticity but will not issue the Apostille until the new signature, stamp or seal is added to the database.	
19. In what language(s) are the 10 standard items of your Apostilles available?	[b]	In two languages. <i>Polish and English</i>	
20. In what language(s) are the blank fields of your Apostilles filled in?	[a]	In one language. <i>Polish</i>	
21. How are the blank fields of your Apostilles filled in?	[b]	Using computer software. <i>Apostille computer software</i>	
Apostille Registers			
22. How is your Apostille register, required by Article 7, maintained?	[b]	Multiple Competent Authorities. [iv] A separate register for each Competent Authority, all in electronic form, but not all publicly accessible online.	
23. What particulars are contained in your Apostille register?	[a]	Number and date of the Apostille (required).	X
	[b]	Name and capacity of the person signing the document and / or the name of authority whose seal or stamp is affixed (required).	X
	[c]	Name and / or type of underlying document.	
	[d]	Description of the contents of underlying document.	

	[e] Name of the applicant.	
	[f] State of destination.	
	[g] Copy of the Apostille.	
	[h] Copy of the underlying document.	
	[i] Other.	
24. Is there a limit to how long records can be retained on the Apostille register?	[a] Yes, up to five years.	
25. If your register is <i>not</i> publicly accessible, how frequently do your Competent Authorities receive requests to verify an Apostille they have issued in the register?	[c] Between 2 and 10 times per year.	
Technology & the e-APP		
26. Under your internal law, do you recognise electronic / digital signatures as functionally equivalent to handwritten signatures (i.e. can a public document be signed electronically)?	[a] Yes. 1. <i>Ustawa z 5 września 2016 o usługach zaufania oraz identyfikacji elektronicznej (Dz.U. z 2020 r. poz. 1173); Act of 5 September 2016 on trust services and electronic identification services.</i> 2. <i>Ustawa z dnia 17 lutego 2005 r. o informatyzacji działalności podmiotów realizujących zadania publiczne (Dz.U. 2005 nr 64 poz. 565); Act of 17 February 2005 on the computerisation of the activities of entities carrying out public tasks</i> 3. <i>Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC</i> http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20160001579/U/D20161579Lj.pdf http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu20050640565	
27. Under your internal law, are public documents executed, or able to be executed, in electronic form (whether or not they are to be used abroad under the Convention)?	[a] Yes.	
<i>For Parties that answered yes to Q27.</i> 27.1. What categories of public documents are executed, or able to be executed, in electronic form (whether or not they are to be used abroad under the Convention)?	[a] All public documents.	
	[b] Civil status documents (e.g. birth, death and marriage certificates) and certificates of non-impediment.	X
	[c] Other administrative documents (including decisions from administrative tribunals or decision-making bodies).	
	[d] Extracts from commercial registers and other registers.	X
	[e] Notarial authentications of signatures.	
	[f] Other notarial acts.	
	[g] Diplomas and other education documents.	
	[h] Court documents, including judgments.	

	[i] Patents or other documents pertaining to intellectual property rights.	
	[j] Documents relating to adoptions.	
	[k] Translations.	
	[l] Medical or health certificates.	
	[m] Criminal records.	X
	[n] Import or export licences.	
	[o] Certificates of origin.	
	[p] Certificates of conformity.	
	[q] Other. 1. Documents issued by National Court Register 2. Documents issued by Central Registration and Information on Business 3. Documents issued by Central Registry of land and mortgage registers	X
<i>For Parties that answered yes to Q27.</i> 27.2. Approximately what percentage of your public documents are originally executed in electronic form (whether or not they are to be used abroad under the Convention)?	No data available	
28. Do you issue e-Apostilles?	[b] No. [ii] We are not currently planning to implement the e-Apostille component.	
<i>For Parties that answered no to Q28.</i> 28.1. What challenges are you facing that may prevent you from implementing the e-Apostille?	[a] Internal law limitations.	
	[b] Judicial or administrative structure.	
	[c] Implementation challenges (e.g. lack of resources, lack of infrastructure).	X
	[d] Cost.	X
	[e] System interoperability / compatibility.	X
	[f] Security concerns.	
	[g] Other.	
<i>For Parties that answered no to Q28.</i> 28.2. How do you issue an Apostille for a public document executed in electronic form?	[c] Other. <i>By paper Apostille, attached to a hard copy of the electronic public document only if the electronic document is supplemented with the signature and the stamp of the competent authority</i>	
29. Are your authorities equipped to accept incoming e-Apostilles?	[c] No. <i>Not able to answer due to unclarity of the question</i>	
30. Do you maintain an e-Register?	[b] No. [ii] We are not currently planning to implement the e-Register component.	
<i>For Parties that answered no to Q30.</i> 30.1. What challenges are you facing that may prevent you from implementing the e-Register?	[a] Internal law limitations.	
	[b] Judicial or administrative structure.	
	[c] Implementation challenges (e.g. lack of resources, lack of infrastructure).	X

	[d] Cost.	X
	[e] System interoperability / compatibility.	X
	[f] Security concerns.	
	[g] Other.	
31. Have you been in contact with other Competent Authorities that operate an e-APP component and exchanged information and / or relevant experience?	[b] No.	
Issues with Apostilles		
32. Has an Apostille <i>issued</i> by your Competent Authority ever been refused by the authorities of another Contracting Party on the following grounds:	[a] Form requirements (e.g. square-shaped, sides of at least nine centimetres, border, ink, etc).	
	[b] The manner in which the Apostille was affixed / attached to the underlying document.	
	[c] The Apostille was not signed.	
	[d] One or more of the standard informational items were not filled in. <i>Lack of the personal stamp and information "acting in the capacity of.." on the electronic document (document issued by National Court Register)</i>	X
	[e] The Apostille was in electronic form (an e-Apostille).	
	[f] The underlying public document was in electronic form.	
	[g] The underlying public document had expired / was not issued within a certain timeframe.	
	[h] The underlying document was not a public document under the law of the destination.	
	[i] Other.	
	[j] Unknown.	
[k] No / Not applicable.		
<i>For Parties that answered other than "No" to Q32.</i> 32.1. If an Apostille was rejected, what action did you take?	[a] The Apostille was reissued.	
	[b] Contacted the receiving authority.	
	[c] Contacted the Competent Authority of the place of destination.	
	[d] Contacted nearest diplomatic mission of the place of destination.	
	[e] Contacted own diplomatic mission accredited to the place of destination.	
	[f] Contacted the Permanent Bureau.	

	[g] No action taken.	
	[h] Other. <i>The documents was completed with the personal stamp and signature and Apostille was reissued</i>	X
	[i] Unknown.	
33. Has your Competent Authority ever been requested by external Competent Authorities to certify or confirm your procedure for issuing Apostilles?	[b] No.	
34. Has an Apostille received by your authorities ever been refused on the following grounds:	[a] The issuing State was not a Contracting Party to the Apostille Convention.	
	[b] Form requirements (e.g. square-shaped, sides of at least nine centimetres, border, ink, etc).	
	[c] The manner in which the Apostille was affixed / attached to the underlying document.	
	[d] The Apostille was not signed.	
	[e] One or more of the standard informational items were not filled in.	
	[f] The Apostille was in electronic form (<i>an e-Apostille</i>).	
	[g] The underlying public document was in electronic form.	
	[h] The underlying public document had expired / was not issued within a certain timeframe.	
	[i] The underlying document was not a public document under the law of the destination.	
	[j] Other.	
	[k] Unknown.	
	[l] No / Not applicable.	X
Miscellaneous		
35. Would you be interested in attending the 2021 meeting of the Special Commission on the practical operation of the Apostille Convention?	[b] Yes, via videoconference.	
36. Have you encountered any persistent difficulties, issues, or challenges in the operation of the Apostille Convention that you would like discussed at the 2021 Special Commission? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	

<p>37. Do you have any suggestions that could assist in the promotion, implementation, or operation of the Apostille Convention? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i></p>	[b] No.
<p>38. Would you be interested in attending the 12th International Forum on the e-APP (to be held in conjunction with the meeting of the Special Commission)?</p>	[b] Yes, via videoconference.
<p>39. Are there any specific topics or practical issues that you would like discussed at the e-APP Forum? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i></p>	[b] No.
<p>40. The Permanent Bureau is in the process of drafting a 2nd edition of the Apostille Handbook. Are there any specific topics, suggestions for presentation or formatting, or any other proposals for inclusion? <i>Please note that answers to this question will not be incorporated into the first draft of the 2nd edition. The PB will take them into account in preparing subsequent drafts.</i> <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i></p>	[b] No.