

# Asset Planning without Borders Polish Perspective

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# Foreign legal forms of cohabitation in Poland

→ different sex marriages: foreign law applicable to matrimonial property applied *ex officio*

applicable law determined by PIL 2011

Poland does not apply the EU-regulation

→ no regulation on effects of foreign homosexual marriages or registered partnerships  
application of *ordre public*-clause likely

# Registers in matrimonial property law in Poland

- no special register for matrimonial agreements or choice of law in Poland
- separation of assets can be made public in business registers for entrepreneurs and partnerships

# No property agreement

Applicable law:

→ PIL 2011: choice of law

→ PIL 2011: current common nationality of the spouses

→ PIL 2011: current common residence or habitual residence of the spouses

→ bilateral agreements with **France**, **Austria**, Hungary, **Bulgaria**, Romania, **Czechia**, Slovakia, Lithuania, Latvia, Estonia, Ukraine, Russia, Belarus, **Croatia**, **Slovenia**, Serbia, Montenegro, Bosnia and Herzegovina, Macedonia, Vietnam, Mongolia, Cuba, North Korea

# Property agreements vs applicable law

- PIL 2011: choice of law can be made expressly or can be implicate
- matrimonial property agreements as a source of implicit choice of law

# Matrimonial property situation

- PIL 2011: choice of law can be made expressly or can be implicate
- matrimonial property agreements as a source of implicit choice of law