

**No. 16865**

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**POLAND  
and  
GERMAN DEMOCRATIC REPUBLIC**

**Treaty regulating cases of dual nationality. Signed at Berlin  
on 12 November 1975**

*Authentic texts: Polish and German.  
Registered by Poland on 13 July 1978.*

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**POLOGNE  
et  
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Convention portant réglementation des cas de double nationalité. Signée à Berlin le 12 novembre 1975**

*Textes authentiques : polonais et allemand.  
Enregistrée par la Pologne le 13 juillet 1978.*

[TRANSLATION — TRADUCTION]

## TREATY<sup>1</sup> BETWEEN THE POLISH PEOPLE'S REPUBLIC AND THE GERMAN DEMOCRATIC REPUBLIC REGULATING CASES OF DUAL NATIONALITY

The Council of State of the Polish People's Republic and the Council of State of the German Democratic Republic,

Considering that complete agreement exists in the relations between the two States regarding questions of nationality,

With due regard to the law of each Party on this subject,

Desiring to prevent cases of dual nationality from arising,

Have agreed to conclude this Treaty.

For that purpose they have appointed as their plenipotentiaries:

The Council of State of the Polish People's Republic: Bogusław Stachura, Under-Secretary of State in the Ministry of the Interior,

The Council of State of the German Democratic Republic: Dr. Herbert Krolikowski, Secretary of State and First Deputy Minister for Foreign Affairs,

who, having exchanged their full powers, found in good and due form, have agreed as follows:

*Article 1.* 1. Where one parent is a national of one Contracting Party and the other parent is a national of the other Contracting Party, they may opt for the nationality of one of the Contracting Parties on behalf of a child born after the date of the entry into force of this Treaty.

2. The parents shall choose the child's nationality within six months of his birth by submitting a declaration in writing to that effect, in duplicate, to the competent authority of the Contracting Party for whose nationality they opt.

*Article 2.* 1. Where the parents have not submitted a declaration regarding the choice of nationality, the child shall:

- a) If born in the territory of one of the Contracting Parties, retain the nationality of that Party;
- b) If born in the territory of a third State, retain the nationality of the Contracting Party in whose territory his parents had their domicile before travelling to the third State; if the parents had no domicile in the territory of either Contracting Party, the child shall retain the nationality of the Contracting Party of which his mother is a national; where the mother has been deprived of parental authority, the child shall retain the nationality of the Contracting Party of which his father is a national.

2. A child shall retain the nationality of the Contracting Party of which one parent is a national if the other parent dies before the date of the expiry of the time-limit specified in article 1, paragraph 2, or the whereabouts of the said other parent are unknown or the said other parent has been deprived of parental authority.

<sup>1</sup> Came into force on 25 April 1976, after the expiry of 30 days from the date of the exchange of the instruments of ratification, which took place at Warsaw, in accordance with article 16 (1).

3. A child whose parents are dead or the whereabouts of whose parents are unknown or whose parents have been deprived of parental authority shall retain the nationality of the Contracting Party in whose territory he had his domicile on the date of the expiry of the time-limit specified in article 1, paragraph 2.

*Article 3.* Persons who, on the date of the entry into force of this Treaty, are nationals of both Contracting Parties under the law of the Polish People's Republic and that of the German Democratic Republic shall, in accordance with the provisions of this Treaty, retain the nationality of only one of the Contracting Parties.

*Article 4.* 1. The parents of a child under full age born before the date of the entry into force of this Treaty, who has the nationality of both Contracting Parties, may opt on his behalf for the nationality of one of the Contracting Parties by submitting a declaration in writing to that effect in duplicate to the competent authority within one year after the date of the entry into force of this Treaty.

2. A child under full age who, on the date of the entry into force of this Treaty, has the nationality of both Contracting Parties shall retain the nationality of the Contracting Party of which his parents will be nationals under the provisions of this Treaty after the expiry of the time-limit specified in paragraph 1.

*Article 5.* 1. Where the parents of a child under full age have not submitted a declaration regarding the choice of his nationality in accordance with article 4, paragraph 1, and where article 4, paragraph 2, does not apply, the child shall retain the nationality of the Contracting Party in whose territory he has his domicile on the date of the expiry of the time-limit specified in article 4, paragraph 1.

2. Where the parents of a child under full age who has his domicile in the territory of a third State have not submitted a declaration regarding the choice of his nationality in accordance with article 4, paragraph 1, and where article 4, paragraph 2, does not apply, the child shall retain the nationality of the Contracting Party in whose territory his parents had their domicile before travelling to the third State. If the parents had no domicile in the territory of either Contracting Party, the child shall be a national of the Contracting Party of which his mother is a national.

3. A child under full age shall retain the nationality of the Contracting Party of which one of his parents is a national if the other parent dies before the date of the expiry of the time-limit specified in article 4, paragraph 1, or the whereabouts of the said other parent are unknown or the said other parent has been deprived of parental authority.

4. A child under full age whose parents are dead or the whereabouts of whose parents are unknown or whose parents have been deprived of parental authority shall retain the nationality of the Contracting Party in whose territory he has his domicile on the date of the expiry of the time-limit specified in article 4, paragraph 1.

*Article 6.* The authorities competent to receive declarations regarding the choice of nationality in accordance with article 1 and article 4, paragraph 1, are:

- a) The authorities competent for the domicile of the parents if they opt for the nationality of the Contracting Party in whose territory they have their domicile;
- b) The diplomatic mission or competent consular post of the Contracting Party whose nationality is chosen if the parents have their domicile in the territory of the other Contracting Party or of a third State;

- c) The authorities competent for the domicile of the mother if one parent has his domicile in the territory of one Contracting Party and the other parent in the territory of the other Party.

*Article 7.* 1. Persons of full age who, on the date of the entry into force of this Treaty, are under the law of the Polish People's Republic and that of the German Democratic Republic nationals of both Contracting Parties may opt for the nationality of the Contracting Party whose nationality they wish to retain.

2. Declarations regarding the choice of nationality shall be submitted in writing in duplicate, within one year after the date of the entry into force of this Treaty, to the competent authority of the Contracting Party whose nationality is chosen.

3. The persons referred to in paragraph 1 shall submit declarations regarding the choice of nationality to:

- a) The authority competent for their place of domicile if they opt for the nationality of the Contracting Party in whose territory they have their domicile;
- b) The diplomatic mission or competent consular post of the other Contracting Party if they have their domicile in the territory of one of the Contracting Parties and opt for the nationality of the other;
- c) The diplomatic mission or competent consular post of the Contracting Party for whose nationality they opt if they have their domicile in the territory of a third State.

*Article 8.* 1. A person who has not submitted a declaration regarding the choice of nationality, in accordance with article 7, paragraphs 2 and 3, shall retain the nationality of the Contracting Party in whose territory he has his domicile on the date of the expiry of the time-limit for submitting the declaration.

2. A person who has not submitted a declaration regarding the choice of nationality in accordance with article 7, paragraphs 2 and 3, and who has his domicile in the territory of a third State shall retain the nationality of the Contracting Party in whose territory he had his domicile before going abroad.

*Article 9.* 1. For the purposes of this Treaty, "persons of full age" means persons who have attained the age of 18 years or who have the rights of persons of full age under the law of the Contracting Parties.

2. Parental choice of nationality on behalf of a child who has attained the age of 14 years shall require his consent in writing.

*Article 10.* Where the Contracting Party to which a declaration regarding the choice of nationality has been submitted determines that the person who submitted the declaration or on whose behalf the child under full age the declaration was submitted is not its national, the declaration shall be invalid.

*Article 11.* 1. Persons who, in accordance with this Treaty, have submitted a declaration according to the choice of nationality or on whose behalf such a declaration has been submitted shall, as from the date of submission of the declaration, retain only the nationality of the chosen Contracting Party.

2. Persons who have not submitted a declaration regarding the choice of nationality or on whose behalf no such declaration has been submitted shall, after the expiry of the time-limits specified in article 1, paragraph 2, article 4, paragraph 1, and article 7, paragraph 2, retain only the nationality of one of the Contracting Parties in accordance with the provisions of this Treaty.

*Article 12.* 1. Each of the Contracting Parties shall transmit to the other through the diplomatic channel:

- a) Within the first quarter of each year, lists of children on whose behalf declarations regarding the choice of nationality have been submitted in accordance with the provisions of article 1;
- b) Within eighteen months from the date of the entry into force of this Treaty, lists of persons who have submitted declarations regarding the choice of nationality in accordance with the provisions of articles 4 and 7 on whose behalf such declarations have been submitted.

2. One copy of each declaration regarding the choice of nationality shall be annexed to the lists referred to in paragraph 1.

*Article 13.* As from the date of the entry into force of this Treaty, the competent authorities of each Contracting Party shall require, as a condition for the acquisition of the nationality of the said Contracting Party by a national of the other Contracting Party, that the person concerned should produce a document in accordance with the law of the latter Contracting Party certifying that permission has been granted for a change of nationality or for the renunciation of nationality.

*Article 14.* Declarations regarding the choice of nationality which are submitted in accordance with this Treaty shall not be subject to any taxes or charges.

*Article 15.* Questions arising between the Contracting Parties in connection with the application and interpretation of this Treaty shall be settled through the diplomatic channel.

*Article 16.* 1. This Treaty is subject to ratification and shall enter into force after the expiry of 30 days from the date of the exchange of the instruments of ratification, which shall take place at Warsaw.

2. This Treaty is concluded for an indefinite period. It may be denounced by notification by either of the Contracting Parties. In that event, the Treaty shall cease to have effect after the expiry of six months from the date of its denunciation.

DONE at Berlin on 12 November 1975, in duplicate in the Polish and German languages, both texts being equally authentic.

IN WITNESS WHEREOF the plenipotentiaries of the Contracting Parties have signed this Treaty and have thereto affixed their seals.

For the Council of State  
of the Polish People's Republic:

[BOGUSŁAW STACHURA]

For the Council of State  
of the German Democratic Republic:

[Dr. HERBERT KROLIKOWSKI]