



The electronic Apostille Pilot Program (e-APP)

General Presentation & Update

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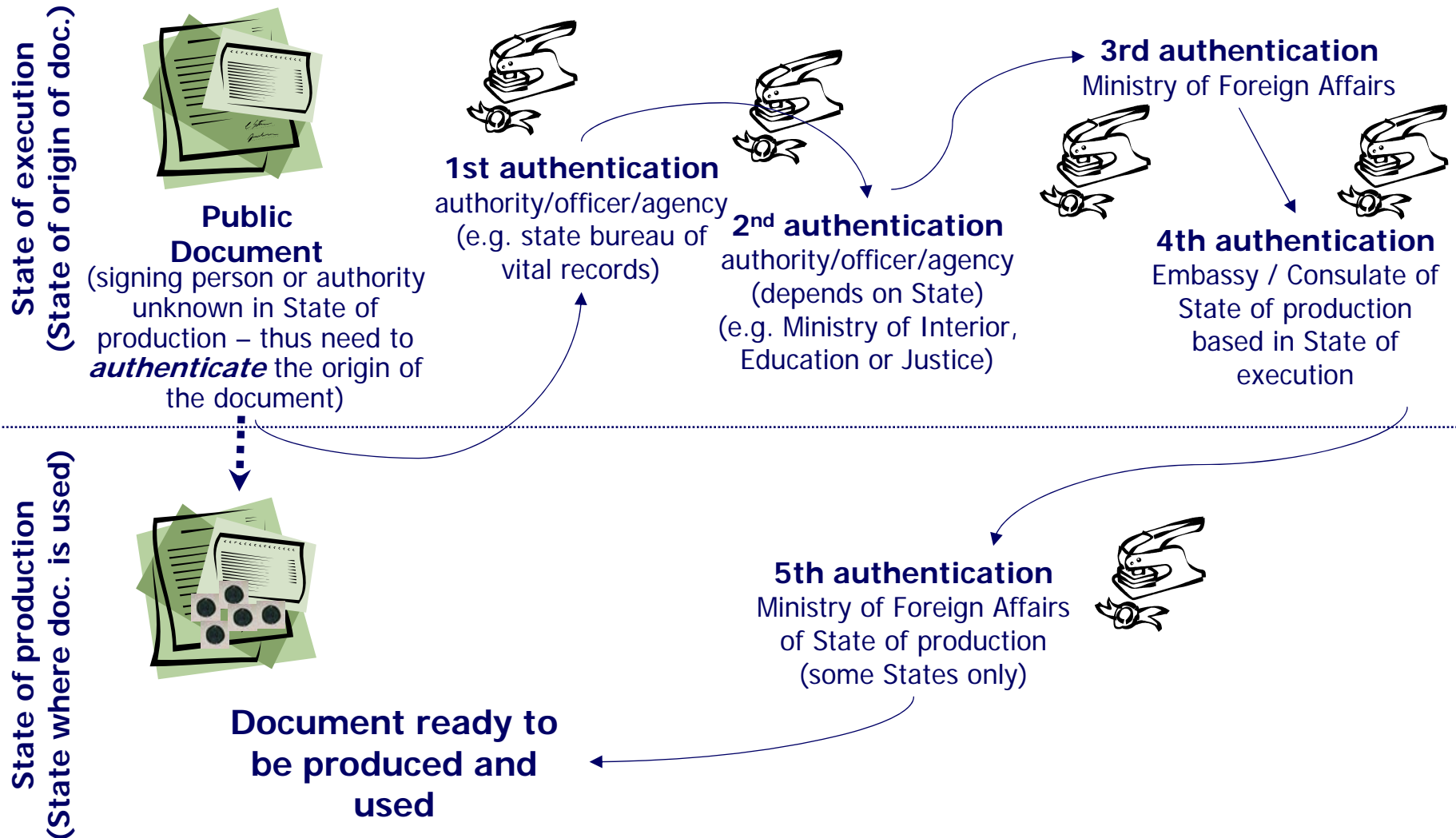
**5th International Forum on the electronic Apostille Pilot Program (e-APP)
and Digital Authentication**

London, 13 June 2009

What is an Apostille?

What purpose does it serve?

Production of public documents abroad *without* the Apostille Convention: the long, cumbersome and costly legalisation procedure (model)



Production of public documents abroad with the Hague Apostille Convention

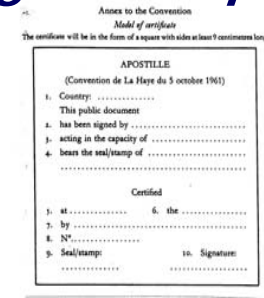
State of execution
(State of origin of doc.)



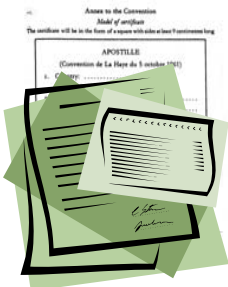
Document public
(signing person or authority unknown in State of production – thus need to authenticate the origin of the document)

Competent Authority: issues, affixes and registers Apostille

One-stop process
(single check)



State of production
(State where doc. is used)



Document ready to be produced and used

Origin of Apostille may be verified by contacting Competent Authority that (allegedly) issued Apostille – this Comp Auth then checks its Register and confirms whether or not it really issued the Apostille in question

The Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (Apostille Convention)

- Greatly facilitates international circulation of public documents issued by a State Party to the Convention and to be produced in another State Party to the Convention
- 96 Contracting States from around the world:

Apostille Convention (cont.)

- Most widely ratified Hague Convention – despite its age, the Convention continues to attract new Contracting States – from 1 January 2000 to present: 30 States joined (>30%!) – latest Contracting State: Dominican Republic
- Applied *millions* of times a year – more than 6000 *per day* in Venezuela; approx. 3000 *per day* in UK and Colombia; approx. 300'000 *per year* in Paris
- Makes people's lives easier (direct impact) – frees up resources at Embassies and Consulates (while still generating revenue)
- Straightforward and uncontroversial Convention
- *Limited effect*: The ONLY effect of an Apostille is to certify the authenticity of the signature, the capacity in which the person who signed the document has acted, and where appropriate, the identity of the seal or stamp which the document bears – an Apostille does not relate to the content of underlying document!
- PB closely monitors practical operation of Convention – see “*Apostille Section*” on HCCH website at www.hcch.net – includes Conclusions & Recommendations of the *2009 Special Commission* which reviewed the practical operation of the Apostille Convention

So then... what's the big deal?

- In majority of States, most of Apostille-related work is still done... *manually!*
- In some States, Apostilles are... *stapled* (!) to underlying document
- The *Registers* are hardly used in practice
- Which is why in 2006 the HCCH launched the e-APP, in cooperation with the National Notary Association of the USA
- *One day, most (all?) Apostilles will be issued electronically and all Competent Authorities will operate an electronic Register*

Are visions of the future boring you?

Well, consider this:

- **“I think there’s a world market for about five computers.”**
(Thomas J. Watson, Chairman of the board of IBM, 1943)
- **“It will be years – not in my time – before a woman will become Prime Minister.”** (Margaret Thatcher, 1974)
- **“There is no reason anyone would want a computer in their home.”** (Ken Olson, President of Digital Equipment Corp., 1977)

An equivalent (and very ironic...) statement would have been:

- ***“There is no reason and indeed no need anyone would ever want to use electronic Apostilles or electronic Registers of Apostilles – so let’s stick to paper, staplers, grommets, stickers, stamps and card indexes which all are perfectly acceptable and totally secure.”*** (Christophe Bernasconi, First Secretary, HCCH, 2005)

Of course, I never said this!

The e-APP in a nutshell

Two Components:

- 1) Issuance and use of electronic Apostilles
(e-Apostilles)
- 2) Creation and Operation of electronic Registers of
Apostilles
(e-Registers)

➤ Visit www.e-APP.info

The e-APP in a nutshell (cont.)

- Issuance of **e-Apostilles:**

- Comp Auth may, for ex., use Adobe® Acrobat® out-of-the-box PDF technology (professional edition) – Comp Auth sign e-Apostilles by using a *digital certificate*
 - ✓ e-Apostilles may be issued for public documents executed:
 - in electronic form (and which bear a digital signature of the authority that executed the electronic public document)
 - in paper form and which are then scanned (subject to possible restrictions imposed by the law of the State of execution)
 - ✓ Use of digital certificates provides, in particular,
 - *integrity* (assurance that the doc has not been altered)
 - *authentication* (assurance as to where the doc comes from)
 - *non-repudiation* (Comp Auth cannot deny having signed doc)
 - ✓ Status of digital signature can easily be verified by any person who receives an e-Apostille
 - ✓ Digital certificates should be issued by Certificate Authority to Competent Authorities according to highest standards (incl. requirement of physical appearance)

Move from this ...



- 1. y
- 2. n
- 3. y
- 4. n
- 5. B
- 7. K
- 8. 3
- 9. I

APOSTILLE # AHOCTE3IB



REPUBLICA DE COLOMBIA
MINISTERIO DE RELACIONES EXTERIORES
APOSTILLE
 (Convention de La Haye du 5 Octobre 1961)

País: REPUBLICA DE COLOMBIA
 (Country - Pays)
El presente documento público
 (This public document - Le présent acte public)
Ha sido firmado por: RODRIGUEZ ORTEGA DORIS AMANDA
 (Has been signed by - A été signé par)
Actuando en calidad de: DIRECTOR DE GESTION NOTARIAL
 (Acting in the capacity of - Agissant en qualité de)
Lleva el sello/estampilla de: SUPERINTENDENCIA DE NOTARIADO Y REGISTRO
 (Carries the stamp of the - Porte le sceau de)
En: BOGOTA D.C.
 (At - A)
El: 10/9/2007
 (On - Le)
Por: MINISTERIO DE RELACIONES EXTERIORES
 (By: The Ministry of Foreign Affairs of Colombia - Par: Ministère des Affaires Étrangères de la Colombie)
No: AHKJ1017
 (Order Number - Sous le numéro)
Digitally Signed by:
 Ministerio de Relaciones Exteriores de Colombia
 SAUL GIOVANNI PEREZ GUTIERREZ
 Reason: DOCUMENT AUTHENTICITY
 Location: Bogota - Colombia
 Date: Martes, 09 de Octubre de 2007, 12:46:31 p.m.
 (Name of the holder of document - Nom du titulaire)
 (Type of document - Type du document)
 (Number of pages - Nombre de pages)

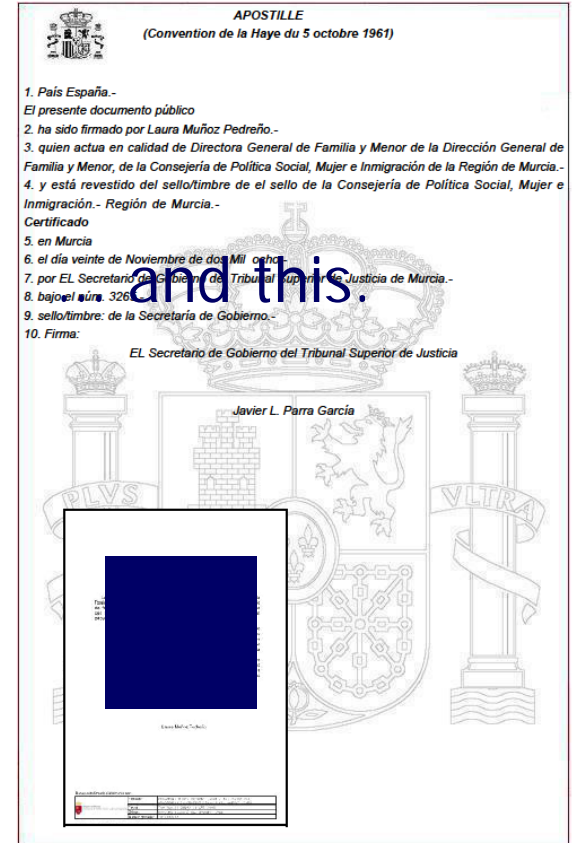
710984628240

La autenticidad de esta apostilla puede ser verificada en el Registro Electrónico que se encuentra en la siguiente página web:
 The authenticity of this Apostille may be verified by accessing the e-Register on the following web site:
 L'authenticité de cette Apostille peut être vérifiée en accédant l'e-Registre sur le site web suivant:

www.cancilleria.gov.co/apostilla



... to this ...



and this.

The e-APP in a nutshell (cont.)

Operation of *e-Registers*:

- Open source software of HCCH/NNA (incl. PHP and MySQL)
 - ✓ Works for both *e-Apostilles* and *paper Apostilles*
 - ✓ Enables final recipient of an Apostille to easily verify origin of the Apostille online without CA having to answer these queries individually by phone, email or otherwise
 - Query based on date and number of Apostille – No “fishing expeditions” possible!
 - ✓ Since it is open-source, software can easily be adapted to any particular need of CA
 - ✓ Also serves as logbook
 - ✓ Option to store digital fingerprint of underlying public document (for e-Apostilles) or copy of public document
 - ✓ URL of the e-Register should be mentioned on Apostille Certificate, but outside the magic box with 10 standard items – URL should also be communicated to the Permanent Bureau
- e-Registers should encourage greater use of Apostilles Registers as a public convenience and a deterrent to forgery and fraud – brings major benefits to CA *and* end-users of the Convention!

Move from this...



... to something more like ...



Log out

NL

FR

EN

#Users Online: 1

Contact

LEGALiNET

Search Engine

Search

Look up register entry to check Legalisation

Number of Legalisation:*

Date of Legalisation (dd/mm/yyyy): * ...



REPUBLIC OF BULGARIA MINISTRY OF JUSTICE

CERTIFICATION BY APOSTILLE OF DOCUMENTS TO BE PRESENTED ABROAD

In conformity with the Declaration of the Republic of Bulgaria under Article 6, paragraph 1 of the Hague Convention of 1961, laid down in the Law on Ratification of the said Convention (published in SG No. 47/09.06.2000), the Ministry of Justice certifies by Apostille acts of the courts and the notaries only.

Under Article 1, letter "a" of the Convention, acts of the court are the documents issued by an authority or an official connected with the courts or tribunals of the State. The same should be submitted in original form or as a certified transcript and should contain the following attributes: date of issuance, first name and surname, signature of a chairperson or a judge and a secretary and seal of the court which has issued it.

The acts of the notaries under Article 1, letter "c" and "d" of the Convention are the notarial acts; the official certifications such as records in the register or authentications of a date or signature on a private document.

Authorizations concerning disposing of real estates which are attested by mayors and secretaries of municipalities are not subject to certification by Apostille.

The documents with Apostille applied on them may be obtained from 11.15 a.m. to 12.00 a.m. within three working days from the presentation thereof in the Ministry of Justice, and where their number exceeds 10 – after 5 working days.

Documents on which Apostille and a code have been applied: xxxxxxxxxxxxxx could be checked herein.



Code :

Apostille

Documents for certification by Apostille are accepted upon presentation of a documentary proof of stamp duty amounting to BGN 2.50 paid and transferred to the account of the Ministry of Justice:

IBAN account: BG09BNBG 96613000173701

BIC: BNBGBGSD

Documents for application of Apostille are accepted every working day from 9 a.m. to 11 a.m. and from 2 p.m. to 4.00 p.m.

tel. : (+359 2) 92 37 354



MINISTERUL JUSTITIEI AL REPUBLICII MOLDOVA
**BAZA DE DATE
A ACTELOR APOSTILATE**

- Legislația în domeniu
- Informații publice
- Link-uri utile

caută documentul apostilat

search apostilled document

după codul apostilei

by apostille code:

Search



- Ministerio
- Contratación
- Decretos y Leyes
- Prensa
- Trámites

Bogotá D.C., Jueves 11 de Junio de 2009, 02:05 pm English Frances Inicio

- Política Exterior
- Relaciones Bilaterales
- Relaciones Multilaterales
- DDHH DIH
- Cooperación Internacional
- Medio Ambiente
- Soberanía Territorial y Desarrollo Fronterizo
- Directorio Misiones
- Culturales
- Servicio al ciudadano
- Guía de Participación Ciudadana
- Quejas y reclamos
- Trámites y servicios
- Consulta Apostilla/ Consul Apostille

VERIFICACION DE APOSTILLAS APOSTILLE VERIFICATION

Por favor ingrese el numero de la APOSTILLA, la fecha de expedición y pulse "Buscar"
Please type the Apostille number, the date of issuance and press "Buscar"

Número de Apostilla /
Apostille Number

Fecha de la Apostilla / Date
of issuance (mm/dd/aaaa) / /

La apostilla presentada en físico es una impresión en blanco y negro, la apostilla consultada en la web es a color como se muestra en la figura.

Si usted tiene alguna inquietud acerca de la autenticidad de la Apostilla Electrónica por favor contacte los siguientes correos electrónicos:
apostillaci@cancilleria.gov.co
y/o
lgcoord@cancilleria.gov.co



The e-APP in a nutshell (cont.)

- Both components (e-Apostilles and e-Registers) are addressed to / used by:
 - 1) **Competent Authorities:**
 - i. Issue e-Apostilles*
 - ii. Register paper or e-Apostilles in e-Register*
 - 2) **Receiving authority or person** in State of destination:
 - i. Verify origin of e-Apostilles via digital Certificate*
 - ii. Verify origin of paper or e-Apostilles via e-Registers*
- Software is a **suggestion** only – other technologies possible!
- e-Register software is **for free!**
- **Two components are independent** – one can be implemented before the other (typically e-Register is implemented first)
- No need for a new Convention – no need to amend the existing Convention – keep all States (>90) on board!



NATIONAL
NOTARY
ASSOCIATION

e-APP



HCCCH
HAGUE CONFERENCE ON
PRIVATE INTERNATIONAL LAW
CONFÉRENCE DE LA HAYE
DE DROIT INTERNATIONAL PRIVÉ

Links

- [Home](#)
- [Status of the e-APP](#)
- [FAQ](#)
- [Archive](#)
- [HCCH - Apostille Section](#)
- [NNA](#)

Other Related Links

- [UNeDocs](#)

Welcome to the e-APP Web Site

Under the electronic Apostille Pilot Program (e-APP), the Hague Conference on Private International Law (HCCH) and the National Notary Association of the United States (NNA) are, together with any interested State (or any of its internal jurisdictions), developing, promoting and assisting in the implementation of low-cost, operational and secure software technology for

- the issuance of and use of electronic Apostilles (e-Apostilles), and
- the creation and operation of electronic Registers of Apostilles (e-Registers).

Educational Material

Click the hyperlinks below to view the relevant educational material

The e-APP in General

- View the brief e-APP informational [brochure](#) (March 2006)
- Closer and Closer to Reality: the e-Apostille Pilot Program of the HCCH and the NNA ([Prel. Doc. No 10](#) of March 2006 for the attention of the Special Commission of April 2006 on general affairs and policy of the Conference)
- A comprehensive and updated [online description](#) of the e-APP (May 2007)

e-Apostilles

- Memorandum on some of the technical aspects underlying the suggested model for the issuance of e-Apostilles ([Prel. Doc. No 18](#) of March 2007 for the attention of the Council of April 2007 on General Affairs and Policy)
- View the [PDF template](#) of an e-Apostille as suggested under the e-APP
- Read the [step-by-step instructions](#) for issuing an e-Apostille using the suggested PDF template
- View the pages of the online description relating to [e-Apostilles](#)

e-Registers

- Download [e-Register Software](#)
- Access the comprehensive [e-Register Installation Guide](#)
- Access the comprehensive [e-Register User's Guide](#)
- View the pages of the online description relating to [e-Registers](#)
- View a [list of operational e-Registers](#)

Thank you for visiting!

Latest Developments

- [Agenda of the 5th International Forum on the electronic Apostille Pilot Program \(e-APP\) and Digital Authentication \(UK\)](#)
- [New Zealand issues first e-Apostille](#)
- [5th International Forum on eNotarization, eSecurity and eApostilles \(U.S.\)](#)
- [5th International Forum on the electronic Apostille Pilot Program \(e-APP\) and Digital Authentication \(U.K.\)](#)
- [2009 Special Commission on practical operation of Apostille](#)

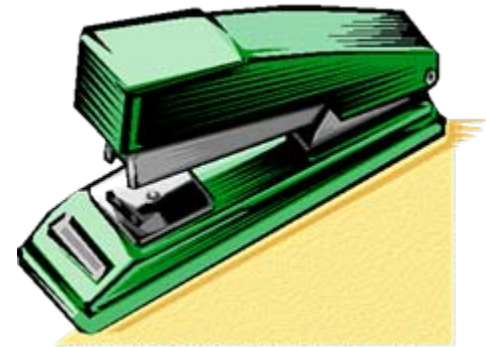
Should foreign e-Apostilles be recognised in State of destination ?

- **YES, why not ?!**
- Pragmatic component (“reality check”):

If

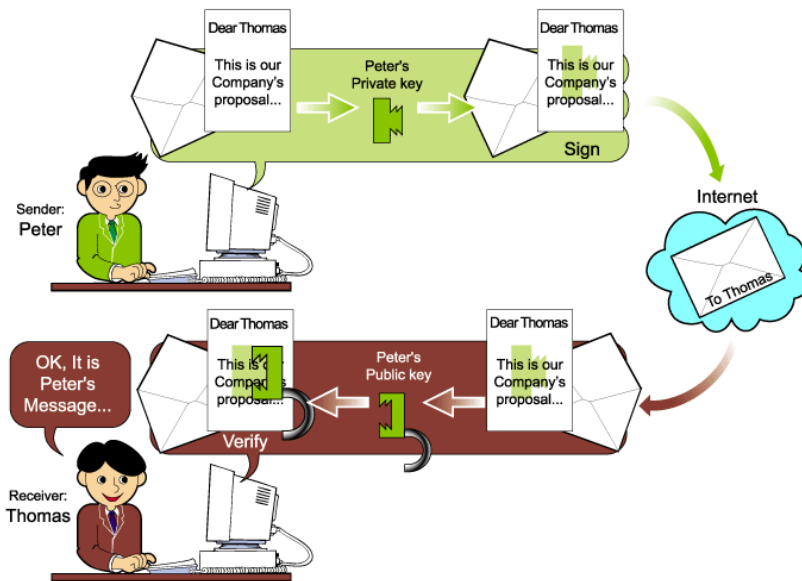


+

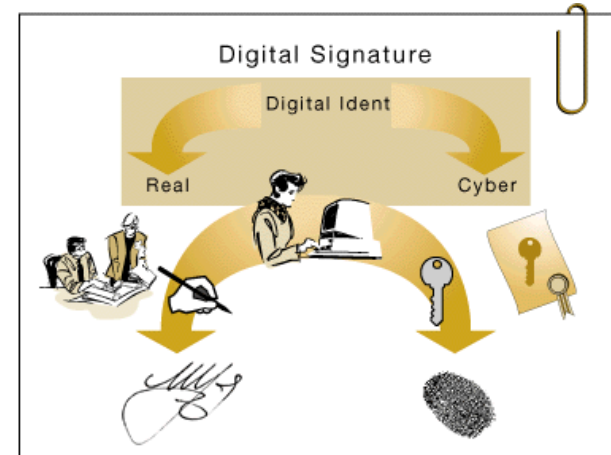


are acceptable means for issuing and affixing an Apostille (and they have been so far...), then ...

... why should an e-Apostille with a digital certificate, which offers **far higher security and certainty**, ...



... not be possible and acceptable?



Should foreign e-Apostilles be recognized? (cont.)

- **YES, why not ?!**
- Legal component:
 - Under the Convention, an Apostille validly issued in one Contracting State must be accepted in another Contracting State
 - Not extending this basic principle to e-Apostilles would provide the receiving Contracting States with more power in the electronic world than they have in the paper world!
 - Such a double standard would be very unsatisfactory as the use of e-Apostilles is much more secure than paper Apostilles

Should foreign e-Apostilles be recognized? (cont.)

- Convention text is neutral as to form of Apostille – allows for functional equivalence and thus for the Convention to keep up with technological developments
- Domestic legislations that expressly allow use of e-documents and e-signature – more and more courts allow or even require e-filing
- In addition, the probative value of an Apostille (i.e., its admissibility and the weight it is given as proof) has always been and remains (even under the e-APP) subject to the *law of the State of destination* – that being said the vast majority of Apostilles never see a courtroom

Where do we stand?

State	e-Apostille	e-Register
Kansas (US)	Feb 07 (sent to Colombia)	
Rhode Island (US)		Feb 07
Belgium		Oct 07
Colombia	Oct 07 (simple printouts)	Oct 07
Murcia (Spain)	Nov 08	
Bulgaria		Nov 08
Moldova		Jan 09
New Zealand	May 09	

Where do we stand? (cont.)

- Belgium: actively working toward issuing e-Apostilles
- Georgia: about to launch e-Register
- Turkey: officially informed us of its interest in the e-APP
- Andorra: confirmed its intention to implement the e-APP
- Liberia: plans to have an e-Register in near future for Special Agent Competent Authorities in relation to the Liberian International Ship & Corporate Registry (LISCR)
- Finland, Ireland, Germany and Netherlands, as well as the Philippines (not yet State Party) have all shown strong interest
- UK, Bermuda (UK), Delaware: we will hear more this afternoon... it better be good news!



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e-APP



**The e-APP:
*Enabling the Apostille
Convention to grow
from strength to
strength!***

Questions?

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