



Organized by the Department of Justice of Hong Kong, China
in collaboration with the Asia Pacific Regional Office of the Hague Conference on Private
International Law (HCCH)

**REPORT ON THE APEC WORKSHOP ON SIMPLIFIED AUTHENTICATION PROCESS
FOR PRODUCTION OF PUBLIC DOCUMENTS ABROAD THROUGH THE USE OF
THE HAGUE APOSTILLE CONVENTION
Medan, Indonesia
27 June 2013**

The Department of Justice of Hong Kong, China, in collaboration with the Asia Pacific Regional Office of the Hague Conference on Private International Law ("HCCH"), organised under the auspices of the APEC Economic Committee a Workshop on Simplified Authentication Process for Production of Public Documents Abroad through the Hague Apostille Convention (*i.e.*, the *Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents*) in Medan, Indonesia on 27 June 2013.

The Hague Apostille Convention was concluded on 5 October 1961 and entered into force on 24 January 1965. With currently 105 Contracting Parties, it is the most widely ratified or acceded to Hague Convention; with several million Apostilles issued every year around the globe, it is also the most widely used of all Hague Conventions.

This meeting gathered over 40 delegates and participants from the APEC member economies and international organizations. Among these APEC member economies, Australia, Brunei, Hong Kong China, Japan, Korea, Mexico, New Zealand, Peru, Russia and United States, already are parties to the Hague Apostille Convention while some member economies such as the Philippines and Viet Nam are actively considering to become parties to the Convention. A number of member economies also implement one or more components of the electronic Apostille Program ("e-APP") while several member economies are actively considering implementation of the e-APP.

This Workshop aimed to a) introduce the Hague Apostille Convention and demonstrate how it may complement APEC's Ease of Doing Business (EoDB) initiative by facilitating cross-border transactions through a simplified authentication process which may also form part of the structural reform of an APEC economy to strengthen its economic and legal infrastructure, as well as to b) share experience concerning the implementation and operation of the Hague Apostille Convention and the e-APP among the APEC member economies.

THE WORKSHOP:

Having regard to the fact that cross-border transactions usually require a considerable amount of paperwork, the origin of which needs authenticating by foreign officials and other third parties;

Considering the importance of cross-border movement of goods and services as critical facilitators of economic growth and job creation in the Asia-Pacific region;

Noting that the World Bank has endorsed the value of the Hague Apostille Convention in its *Investing Across Border Report* by improving foreign direct investment competitiveness and facilitating start-up of a foreign business;¹

Noting that the International Chamber of Commerce is also encouraging governments to accede to the Hague Apostille Convention as it greatly simplifies authentication formalities to produce public documents abroad;²

Recognising and reaffirming the value of the Apostille system as a global standard recognized – and expected – by parties involved in cross-border transactions as a means to facilitate cross-border movement of goods and services;

Noting the benefits of the electronic Apostille Program (e-APP), which encourages and supports efforts by Contracting Parties to apply the Apostille Convention in an electronic environment through the issuance of electronic Apostilles (“e-Apostilles”) and the operation of electronic Registers of Apostilles (“e-Registers”) that can be accessed online to verify the issuance of Apostilles;

CONCLUDED AND RECOMMENDED:

JOINING THE HAGUE APOSTILLE CONVENTION

1. The Hague Apostille Convention greatly facilitates the international circulation of public documents. The delegates and participants note the important advantages that it brings to individuals and businesses in the course of their cross-border movements and activities.
2. In particular, the Hague Apostille Convention greatly facilitates authentication formalities that may apply to cross-border commercial transactions and foreign direct investments. The delegates and participants acknowledge that bringing into effect and using the Apostille Convention may contribute to achieving the goal of improvement by 25 percent by 2015 in the five key areas under EoDB. Therefore, the delegates and participants strongly encourage APEC member economies to use the Apostille system as widely as possible and to accede to the Convention, as applicable.
3. The delegates and participants welcome the publication of the *Handbook on the Practical Operation of the Apostille Convention*, which is a very useful reference tool for all Contracting Parties, in particular their Competent Authorities. The delegates and participants also noted the other informative documents (such as the *ABCs of Apostilles* and the *Brief Implementation Guide of the Apostille Convention*) and other relevant practical information available on the [Apostille Section](http://www.hcch.net) of the Hague Conference website at www.hcch.net.

e-APP

4. The delegates and participants acknowledge that the e-APP greatly enhances the secure and efficient operation of the Apostille Convention. They also note the rapid growth in the number of jurisdictions that have implemented one or both of the components of the e-APP, and the continued interest of other jurisdictions to join. It is also noted that new Contracting Parties are increasingly taking the e-APP into account in their efforts to join the Hague Apostille Convention.

¹ <http://iab.worldbank.org/~media/FPDKM/IAB/Documents/IAB-report.pdf>

² <http://www.iccwbo.org/News/Articles/2012/ICC-urges-States-to-ratify-Apostille-Convention-for-simplified-authentication-of-public-documents/>

5. It is further noted that the issuance of electronic public documents is increasing at a rapid pace. e-APP will allow Competent Authorities to issue Apostilles for these documents in their original format; e-Apostilles offer the only solution for apostillising electronic public documents, thereby maintaining the advantages of these documents in terms of security, efficiency and ease of transmission. The delegates and participants also noted with great satisfaction that e-Registers, by facilitating easy and swift verification of the origin of Apostilles, are an essential and effective tool to combat fraud.

FUTURE WORK

6. The delegates and participants underline the proven value of technical assistance offered by the Permanent Bureau of the HCCH including through its Asia Pacific Regional Office to some APEC member economies and welcome activities similar to this Workshop in the future as well as further opportunity for collaboration between HCCH and APEC.
7. APEC member economies are encouraged to actively participate to the extent practicable in the work of the Hague Conference concerning the Apostille Convention, in particular as regards the 8th International Forum on the e-APP to be held in Montevideo, Uruguay, from 17-18 October 2013, future Special Commission meetings on the practical operation of the Apostille and other Hague Conventions, the Asia-Pacific Regional Conferences, and any activity organized by the Asia Pacific Regional Office in Hong Kong.