

Estonian Ministry of Education and Research

1. **Criterion for characterising diplomas as public documents:** Do the competent authorities of your State issue Apostilles for diplomas and any other education documents (see comments in footnote **Error! Bookmark not defined.**)? If so, do the competent authorities make a distinction between diplomas issued by 'private' institutions and diplomas issued by 'public' institutions? If any, what are the other criteria under the law of your State to determine whether or not a diploma is a public document falling within the scope of the Apostille Convention? Please describe any relevant State practice in this respect.

In Estonia the Ministry of Education and Research has the authority to certify documents certifying education by apostil. The following original documents certifying education are certified by apostil:

- 1) Certificates, graduation certificates, result reports;
- 2) Diplomas, academic reports;
- 3) Certificates of proficiency in Estonian;
- 4) Documents of the Ministry of Education and Research and documents of other authorities within the area of government of the Ministry.

The Ministry of Education and Research does not differentiate between documents certifying education issued by state and private educational institutions. Unified requirements apply to documents certifying education issued by both state and private educational institutions and documents issued by authorities which operate with an education licence (basic schools, upper secondary schools, vocational educational institutions) and documents which have been issued on the basis of an accredited curriculum (institutions of professional higher education, universities) are certified by apostil. Arising from the aforementioned, the official of the Ministry of Education and Research who deals with the proceedings of apostils verifies the existence of an education licence or whether curricula are accredited.

2. **Procedure leading to an Apostille in relation to diplomas – Nature of the public document to which the Apostille relates:** Has your State adopted special rules / procedures / policies for the issuing of Apostilles in relation to diplomas (see the comments above on the relevant practices in the United Kingdom and the Netherlands)? In particular, are diplomas apostilled directly or does the relevant procedure require a prior **certification** of the diploma (by a Notary, Solicitor, Agency, or any other competent authority or person) and the Apostille is then being issued for this certificate? Please describe the full procedure to get an Apostille in relation to a diploma (whether directly or for a prior certificate). If any, which authorities are competent to certify the diploma prior to the issuance of an Apostille?

The Ministry of Education and Research certifies original documents certifying education, i.e. original diplomas, original graduation certificates and original certificates, etc., are certified by apostil. After the certification of an original document by apostil citizens make at their request and according to the need for use of the document a copy of the document which has been authenticated by a notary public and which is in turn certified by apostil at the Ministry of Justice (institutions have the authority to authenticate judicial documents and notarial acts, copies of documents authenticated by a notary public and translations authenticated by a notary public).

3. **Competent authority to issue Apostilles:** Some States (such as Estonia, Kazakhstan, Slovakia, Ukraine) have designated one or more specific competent authority to issue Apostilles in relation to diplomas only. For these States, what were the reasons for the designation of a distinct body to deal with these documents? What is your experience with respect to the practical operation of this body? If your State has not (yet) designated a specific competent authority

for the issuing of Apostilles in relation to diplomas, does it intend to do so? Please explain.

In Estonia the Ministry of Education and Research, which develops the policy of education and research and in this framework issues laws, regulations and other legislation regulating this sphere and establishes the standard formats and forms of the graduation documents issued by educational institutions, has the authority to certify documents certifying education by apostil. Hence, the Ministry of Education and Research certifies documents in the domain of its authority by apostil.

4. **Original or certified copy?** The 2003 Special Commission concluded that an Apostille may also be issued on a certified copy of a public document; however, States may decline to issue an Apostille for a certified copy of a document on the grounds of public policy (see Conclusion and Recommendation No 11 of the 2003 SC meeting). Does your State consider that diplomas fall within the public policy exception and that, therefore, Apostilles may not be issued in relation to certified copies of diplomas (whether directly or indirectly)?

According to the practice of the Estonian state in case of documents certifying education it is recommended that original documents be certified by apostil first, and after that copies authenticated by a notary public, which are in turn certified at the Ministry of Justice, may be made (see also question 2).

5. **On-line diplomas:** Do the competent authorities in your State issue Apostilles in relation to on-line diplomas? If so, what are the means and procedures to ensure that an on-line diploma has indeed been issued by an institution of your State?

Internet diplomas are not certified by apostil.

6. **Raising the public awareness?** To the general public, it may not always be clear what the Apostille certifies. People tend to overlook the fact that an Apostille only authenticates "the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears" (see Arts. 2 and 3 of the Convention). If, for example, the Apostille relates to a notarial certificate, it may not always be clear to the general public that it is the notary's signature that is certified by the Apostille, not the signature(s) on the underlying diploma to which the notarial certificate relates. Do you think it is necessary or, if not, at least desirable, to emphasise for diplomas in particular that an Apostille does not relate to the content of the underlying public document (*e.g.*, by adding a special Note or caveat to the Apostille certificate, see comments in footnote **Error! Bookmark not defined. in fine**)?

According to the opinions of the Ministry of Education and Research in case of diplomas it is important to point out the fact that the certification of documents by apostil certifies the truthfulness of the signature of the head of the institution which has issued the public document, and the truthfulness of the seal of this institution. At the same time the certification of the aforementioned document by apostil does not certify the authenticity of the content of the public document.

7. Do you have **any other comments or suggestions** relating to the issuance of Apostilles in relation to diplomas?

No, we don't.