

HAGUE CONVENTION OF 5 OCTOBER 1961
ABOLISHING THE REQUIREMENT OF LEGALISATION FOR FOREIGN PUBLIC
DOCUMENTS
(HAGUE APOSTILLE CONVENTION)

Questionnaire:
Diplomas and other education documents within the framework
of the Apostille Convention

Response of Finland

Questions

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.

Answer:

Yes, Finnish authorities do issue Apostilles for educational documents even though they are quite rarely requested. There are very few private institutions in Finland and an apostille is typically applied for a high school or university diploma issued by a public institution. Therefore the distinction between "public and private" institutions has not become a problem.

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?

Answer:

There are no special rules or policies regarding Apostilles and diplomas. The fact is that the applicant is not normally willing to send the original document abroad.

Normally, the procedure goes as follows: A competent authority (a public notary) issues an authenticated copy of the original diploma. Then an Apostille is issued for this signature. In this way, the original document is left untouched and may be used for other purposes.

In some cases an original diploma is Apostilled directly. An authenticated copy is then issued thereof and an Apostille is again issued for this signature.

If the applicant informs the competent authority that the foreign authority or institution concerned has special formal requirements regarding the Apostille they are, as far as possible, taken into account when preparing an Apostille.

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.

Answer:

There are no such intentions.

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)?

Answer: The issue has not yet arisen. Anyway, the public policy exception is very rarely applied in practice.

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?

Answer: No experience.

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 5 *in fine*)?

Answer:

This kind of note might be useful but it should be included in all Apostilles, relating to other documents as well.

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

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