II. Questions for Contracting States

Practical information chart appearing on the "Apostille Section"

On the "Apostille Section" of the HCCH website, the Permanent Bureau currently provides contact details and / or practical information for most of the Contracting States to the Apostille Convention. This information was obtained mainly from the responses to the 2003 Questionnaire and from responses to specific requests for information from the Permanent Bureau.

The Permanent Bureau invites your State to peruse the "Apostille Section" and to verify if the information contained in the practical information chart for your State is correct or if it needs to be updated, supplemented or otherwise amended. **The States that currently do not have a chart of practical information on the "Apostille Section" are invited to submit the relevant information to the Permanent Bureau.**

A. "Apostille Section" of the HCCH website

4) Does your State consider that the information provided on the "Apostille Section" of the HCCH website is:

[x] Very useful
[ ] Useful – would you have any suggestions for improvement?

[ ] Not useful – would you have any suggestions for improvement?

B. Contact Details – Competent Authority(ies)

5) Please verify the contact information as provided on the HCCH website with regard to all the **Competent Authority(ies)** designated by your State (Art. 6). If one of the following categories of information is missing, please provide it below (please provide both a postal address and a street address, if these are not identical).

Also, if your State has designated different Competent Authorities for different categories of public documents, please specify for which category(ies) of public documents each Competent Authority has been designated:

Name of Authority: Director General de Legalizaciones
Address: 10 de Agosto 21255 y Carrión, Edificio Solis
Telephone: (593)(2)2560-888
Fax: (593)(2)2560-888
E-mail: dgleg@mmrree.gov.ec
Website:
http://www.mmrree.gov.ec/mre/documentos/pol_internacional/migratoria%20consular/legalizaciones.htm
Language(s) of communication: Spanish
Name of contact person: Ministra Susana Guerra de Freire

Categories of public documents for which Apostilles can be issued: every public document excepting diplomatic, consular and those which are related to commercial or duty operations.
Todos los documentos públicos, excepto los documentos ejecutados por agentes diplomáticos o consulares y los documentos administrativos relacionados directamente con una operación comercial o aduanera

C. Price of an Apostille

6) Does your State charge for the issuance of an Apostille?

[ ] NO
[**x**] YES

a. Please specify the amount: 10 US Dollars

b. Please specify whether the price:

[**x**] is always the same

[ ] differs depending on who is requesting the Apostille (*e.g.*, a company versus an individual) – if so, please explain / specify:

[ ] differs depending on whether the Apostille is being requested for a short or an extensive public document – if so, please explain / specify:

[ ] differs when a series of Apostilles is requested by the same person for various documents at the same time – if so, please explain / specify:

[ ] differs depending for what type of public document the Apostille is being issued - if so, please explain / specify:

D. Statistics

Issuing of Apostilles

7) The following questions relate to the number of Apostilles *issued in your State*:

a. Please complete the following table to indicate *how many Apostilles* the Competent Authority(ies) of your State has(ve) issued in each of the past five years. Please also identify, if possible for each year, the States in which these Apostilles have been used most frequently:

2003	2004	2005	2006	2007
Number: **-** State(s):	Number: **-** State(s):	Number: **433069** State(s): *Spain* *Italy* *USA*	Number: **571484** State(s): *Spain* *Italy* *USA*	Number: **323766** State(s): *Spain* *Italy* *USA*

8) Out of the categories of documents that are listed below (in random order), please indicate, by numbering from 1 to 9 (or 10, 11 or 12 if needed) in the boxes provided, the public documents for which your State issues the most Apostilles (1 representing the highest, 9, 10, 11 or 12 representing the lowest; if your State issues only 3 or 4 main categories of documents, the highest number will be 3 or 4):

[**1**] Civil status documents (birth, death and marriage certificates) and certificates of non-impediment

[**2**] Diplomas and other education documents
[**9**] Extracts from commercial registers and other registers
[**8**] Notarial authentications of signatures
[**4**] Other notarial acts
[**5**] Court documents, including judgments
[**7**] Administrative documents including decisions from administrative tribunals or decision making bodies
[**6**] Documents pertaining to intellectual property rights
[ ] Documents relating to adoptions
[**10**] Other – please specify: *Documents related with the control of illicit substances*
[**3**] Other – please specify: *Policial Record*
[ ] Other – please specify:

Time

9) Please indicate the average time that the Competent Authority(ies) of your State take(s) to issue Apostilles:

[**x**] Less than 1 hour
[ ] On the same day
[ ] The following working day
[ ] Within 1 working week
[ ] Longer – please specify:

Verification of an Apostille in the Register

10) How frequently is / are the Competent Authority(ies) of your State requested to verify whether the details pertaining to an Apostille match those contained in a record in its / their Register (Art. 7)?

[ ] Never
[ ] Once per year
[ ] Twice per year
[**x**] Between 3-5 times per year
[ ] Between 5-10 times per year

Comments:

E. General appreciation of the Apostille Convention

11) Please indicate below how your State rates the general operation of the Apostille Convention:

[**x**] Excellent
[ ] Good
[ ] Satisfactory
[ ] Unsatisfactory

If your State considers that the general operation of the Apostille Convention is good, satisfactory or unsatisfactory, please indicate what particular aspects of the Convention your State considers require improvement or where your State has encountered difficulties. For any areas that your State considers require improvement, please also indicate whether your State considers that solutions could be developed in specific *Conclusions and Recommendations* to be adopted by the Special Commission in February 2009 and / or a *Practical Handbook on the operation of the Apostille Convention* or if a Protocol to the Convention is needed:

F. Case law and reference work

12) The Permanent Bureau invites States Parties to provide copies of any guides or practical information on the operation of the Apostille Convention that may have been produced for the assistance of Competent Authority(ies), other authorities or users of the Convention.

13) The Permanent Bureau invites States Parties to provide copies of decisions rendered since 2003 (or from before this date if these have not already been provided to the Permanent Bureau) in relation to the Apostille Convention. If the decision is in a language other than English or French, a summary into either of these languages would be appreciated.

14) The Permanent Bureau invites States Parties to provide a list of references of articles or books in connection with the Apostille Convention that do not already appear on the bibliography tab on the Apostille Section on the website of the HCCH.

15) The Permanent Bureau invites States Parties to provide a citation for and / or a copy of the domestic legislation which implements the Apostille Convention, as well as any citations for and / or copies of any domestic laws which abolish the requirement for full legalisation of foreign public documents.

16) The Permanent Bureau invites States Parties to provide a list of any other bilateral treaties and / or international instruments to which they are a party and that provide rules for abolishing the requirement for full legalisation of foreign public documents.

PART TWO – SUBSTANTIVE ISSUES

A. Process leading to the issuance of an Apostille: One step vs multiple steps

The process leading to the issuance of an Apostille is not uniform in all States Parties. There seem to be two basic models. Under the first model, the Apostille system replaces any other step or formality in relation to the authentication of public documents. In other words, there is no previous or intermediate certification, authentication, legalisation or formality of any kind[4] and public documents may be presented directly to the relevant Competent Authority for authentication with an Apostille. Under the second model, public documents (or at least some of the public documents) are first subject to a certification by (an) intermediate authority(ies) (*e.g.*, the head of a professional association or a regional authentication authority) that has (have) the actual means to verify the signature, seal and/or stamp on the public document. The certified public document is then presented to the / a relevant Competent Authority. An Apostille issued by that Competent Authority authenticates the intermediate certificate, not the underlying public document itself. The public document is eventually produced abroad with the intermediate certificate as well as the Apostille which authenticates that intermediate certificate.

17) Please specify which type of system your State follows:

[ ] One-step process: public documents may be *presented directly to the / a relevant Competent Authority* for authentication with an Apostille, without the need for any previous or intermediate certification of any kind – if necessary, please specify / explain (see also below under c. for diplomas):

[**x**] Multiple-step process: public documents need to be somehow certified before they may be presented to the / a relevant Competent Authority for authentication with an Apostille – if so, please specify:

a. which public documents (if not all) have to go through a multiple-step process (please indicate in particular whether or not this process applies to the authentication of diplomas and other education documents): every document

b. the number and the names of the intermediate authority(ies) that are involved in any multiple-step processes and the type of certification they perform: the authority who release de document and the authority who certifies the sign.

c. the reasons for adopting a multiple-step process (select as many answers as are relevant):

[**x**] Your State has designated one single (central) Competent Authority but the signatures, seals and stamps of local officials and authorities are subject to a certification by a regional authority, whose certificate is in turn subject to an Apostille issued by the Competent Authority; the goal in this set of circumstances is to

[4] The terminology used in this respect varies greatly among States – for the sake of brevity, this section of the Questionnaire uses the word *certification* as an all-inclusive expression.

ensure that the Competent Authority only deals with a limited number of signatures, seals and stamps whose origin it is requested and in a position to authenticate

[ ] Your State has designated several Competent Authorities but the signatures, seals and stamps of local officials and authorities are nonetheless subject to a certification by a regional authority, whose certificate is in turn subject to an Apostille issued by the relevant Competent Authority; the goal in this set of circumstances is to ensure that the Competent Authorities only deal with a limited number of signatures, seals and stamps whose origin they are requested and in a position to authenticate

[ ] Your State has a special, multi-step procedure for the authentication of diplomas and other education documents that are issued in your State and need to be produced abroad – please explain the nature and content of that process:

[ ] Other – please explain:

The single-step process has obvious advantages: it involves less formalities and authorities and thus is less time-consuming. In fact, it allows for a *"clean-sweep"*.[5] The history of the Convention shows that the single-step process was the model envisaged during the preparations, negotiations and the adoption of the Convention. In the initial Report prepared by the Permanent Bureau in 1959, Georges Droz (then Secretary at the Permanent Bureau) stressed that "[i]f simplification is the goal, we cannot stop half-way: the chain of legalisation, clearly, must be eliminated and replaced by a single legalisation formality."[6] He concludes his Report by emphasising again that "[s]implification cannot be envisaged *unless legalisation is reduced to a* ***single-step formality***."[7] The Explanatory Report by Yvon Loussouarn, published in 1961 after the final text of the Convention had been adopted, equally stresses that the Convention "reduces all of the formalities of legalisation to the simple delivery of a certificate in a prescribed form, entitled "Apostille", by the authorities of the State where the document originates."[8] The Report goes on by explaining that the new formality imposed by the Convention "had […] to be simplicity itself" and that this concern "is resolved in the Convention by the *complete* abolition of diplomatic or consular legalisation and the introduction of a *single check*, the addition of [an Apostille]."[9] And when describing the purpose of the Convention, the Report stresses that "the very object of the Convention is defined with no possible fear of misinterpretation: the waiving of the requirement of legalisation by the country in which the document is produced. On the other hand, there is nothing to stop the country in whose territory the document was drawn up from taking the view that that document could only be produced abroad under certain conditions. On this point,

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[5] The comments in this section may not necessarily apply to diplomas and other education documents. Some States have indeed put in place special procedures to assess the origin and authenticity of diplomas and other education documents. These procedures have been established, in particular, to fight fraud and prevent the use of diplomas issued by diploma mills.

[6] *La légalisation des actes officiels étrangers*, Report by Georges A. L. Droz, Secretary at the Permanent Bureau, Preliminary Document No 1 of March 1959, p. 23 (Chapter II, Section II, A.), [hereinafter the Droz Report], available on the "Apostille Section" of the HCCH website [in French only – the above was translated by the Permanent Bureau].

[7] *Ibid.*, p. 32, Chapter III. [Translation by the PB]. [Emphasis added].

[8] See the Introduction to the offprint of the *Explanatory Report of the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents*, by Mr Yvon Loussouarn [hereinafter the "Explanatory Report"]; the Explanatory Report (with the Introduction) is available in English and French on the "Apostille Section" of the HCCH website, and (without the Introduction and in French only), in the *Actes et documents de la Neuvième Session*, Tome II, Légalisation, The Hague, 1960, pp. 173-185). The above was translated by the Permanent Bureau.

[9] Introduction of the Explanatory Report (section A.), fifth para. [Emphasis added].

the Commission did not want to intervene directly in the domestic law of the Contracting States. *However, it is still true to say that the purpose of the Convention is to simplify the present situation which is certainly complex and to* ***put a stop to the practice of legalisation chains****. It is therefore desirable that in the country where the document is drawn up a* ***single formality*** *[i.e., the Apostille] should suffice. It is difficult to see what would be gained by the country where the document was drawn up setting up a complicated procedure, the ultimate effect of which would be to penalise the production abroad of its own public documents."*[10] The Explanatory Report is equally persuasive when it recalls that the title of the Convention is to *abolish* legalisation, not merely to simplify it.[11] In this respect, it is also important to stress that the definition of legalisation provided in Article 2, second sentence, of the Convention is a definition of the – limited – *effect* of an Apostille, not a definition to indicate that an Apostille should simply be regarded as the final step of a traditional legalisation chain.[12]

18) If your State continues to apply a multi-step process before public documents *(other than diplomas and education documents)* may be apostillised, would your State envisage changing this practice in light of the above comments and explanations and try to speed up the process that leads to the issuance of an Apostille, for example by designating more Competent Authorities (incl. by decentralisation), and / or by designating different Competent Authorities for different kind of public documents, and / or by making more efficient use of modern technology or other means to rely on signature/seal/stamp registers that enable the relevant Competent Authority to quickly check the origin of the document at stake?

[ ] YES – please specify / explain:

[**x**] NO – please explain why not: this is the best way to guarantee that the documents are trustworthy.

[ ] Not applicable (*i.e.*, your State applies the single step process to all public documents)

B. Scope of the Apostille Convention

19) Has your State, as an issuing State, encountered any problems in determining the substantive scope of the Apostille Convention, *i.e.*, in characterising a document as a public document or not?

[ ] YES – please explain what documents have led to difficulties of characterisation, and how the matter has been solved:

[**x**] NO

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[10] *Ibid.*, Comments in Section II, Art. 2, under point 1. [Emphasis added]

[11] *Ibid.*

[12] The Droz Report explained that the term *legalisation* had different meanings in different jurisdictions and that the Convention should only deal with what the Report called *légalisation au sens strict*, as opposed to the *aspects élargis de la légalisation* (see, *e.g.*, p. 3-5 of the Droz Report). The Explanatory Report recalls this important distinction in the comments in Section II, Art. 2, under point 2.

20) Has your State, as a State of destination, rejected foreign Apostilles on the basis that they related to an underlying document which your State could not characterise as public?

[ ] YES – please explain / specify, including any references to efforts made by your State as a State of destination to clarify the nature of the underlying document in the State of origin:

[**x**] NO

21) Has the exception to the applicability of the Apostille Convention, as contained in Article 1(3) *a)* regarding "documents executed by diplomatic or consular agents", given rise to any difficulties being experienced in your State, either as a State of origin or a State of destination?

[**x**] YES – please explain / specify: some consular agents of other States in Ecuador didn't want to legalize commercial documents

[ ] NO

22) Has the exception to the applicability of the Apostille Convention, as contained in Article 1(3) *b)* regarding "administrative documents dealing directly with commercial or customs operations", given rise to any difficulties being experienced in your State, either as a State of origin or a State of destination?

[**x**] YES – please explain / specify:some people expect the application of the Apostilla Convention to that kind of documents.

[ ] NO

23) According to the Explanatory Report on the Apostille Convention, the documents that are excluded from the Convention's scope as a result of Article 1(3) *b)* include certificates of origin and import / export licences.[13] One of the reasons provided by the Explanatory Report (which essentially reflects the situation that prevailed among the eight European States, as well as Japan, which negotiated the Apostille Convention in the late 1950s and early 1960s) for this exclusion is that these documents did not need to be legalised and that the Convention should not impose a (new) formality where no formality existed before. Based on exchanges with a number of States, the Permanent Bureau believes that these exclusions to the scope of the Convention may no longer be appropriate since in a substantial number of States that have become a party to the Convention over recent years, these types of documents are subject to and continue to be subject to legalisation. In these States, the application of the Apostille Convention to such documents would thus be of great benefit. One may note that the application of the Convention to such documents would not impose any new obligations on a State receiving such documents (a receiving State would simply receive an apostillised document instead of a legalised document or a document that is not authenticated at all). Similarly, a State of origin that until now has excluded such documents from the Convention's scope and thus had to legalise such documents if the State of destination insisted on some authentication would now be in a position to start using the much simpler processes that the Apostille Convention establishes. Against this background, does your State agree that the following documents be regarded as falling within the Convention's scope (please select as many as applicable):

[13] Explanatory Report, Yvon Loussouarn, *op. cit.*, pp. 175-176.

[x] Certificates of origin
[x] Export licenses
[x] Import licenses
[x] Health and safety certificates issued by the relevant Government Authorities or Agencies
[x] Certificates of products registration
[x] Certificates of conformity
[x] Other documents – please specify:

C. Original documents / copied documents

The Apostille Convention does not specify whether it applies to *original* public documents only or whether it also applies to *copies* of public documents. The 2003 Special Commission addressed the issue of *certified* copies and confirmed that Article 1 of the Convention does indeed apply to certified copies of public documents (see Conclusion and Recommendation No 11 of the 2003 Special Commission). However, the 2003 Special Commission remained silent on the issue of *simple (uncertified) copies* of public documents.

24) Does your State apply the Convention to simple copies of public documents? In other words, under the laws of your State, may a simple copy of a public document be regarded as a public document falling within the scope of the Convention?

[ ] YES – please specify / explain:

[x] NO – please specify / explain: the copy must be certified by the pubic institution which have released it and by the notary

As regards *certified* copies of public documents, two scenarios can be distinguished. Under the *first scenario*, an Apostille is issued for the *copied document itself* (*e.g.,* a copied judgment or birth certificate). Under the *second scenario*, the Apostille is issued for the (notarial or other) *certificate* stating that the relevant document is a "true copy of the original".

25) Does your State agree that an Apostille may be issued in either of the above scenarios?

[ ] NO – please explain:

[x] YES – do you agree that the Apostille Certificate should clearly state to which document it relates (*i.e.*, to the copied public document or to the (notarial or other) certificate)?

[ ] NO – please explain:

[x] YES – please explain how this is done in your State: it has the certification of the public institucion which relases it

26) In Conclusion and Recommendation No 11, the 2003 Special Commission also noted that "[i]ndividual States [...] may decline to issue an Apostille to the certified copy of a document on the grounds of public policy". Please specify whether your State refuses to issue Apostilles for certified copies of public documents on the grounds of public policy.

[ ] YES – please specify the type of public documents (if not all) to which this refusal applies and the nature of any such public policy:

[**x**] NO

D. Translation of documents

27) Does your State consider that a translation executed in your State is a "public document" according to Article 1 of the Convention and that it may therefore be apostillised?

[ ] NO

[**x**] YES – please specify under what circumstances a translation is considered to be a "public document" (*i.e.*, are translations required to be sworn or otherwise affirmed, must the translator be a member of a specific accredited body or organisation, etc.): when the notary recognizes the sign of the translator

a. What type of documents can be translated under these circumstances and eventually be apostillised?

[ ] Only public documents
[ ] Only private documents
[**x**] Both

b. In these cases, the Apostille authenticates:

[ ] The authenticity of the signature of the *translator*, the capacity in which he or she has acted and his or her seal

[**x**] Other elements / features of the translation – please specify: the notarial act recognising the signature of the translator.

PART THREE – PRACTICAL OPERATIONAL ISSUES

A. Register of Signatures / Stamps / Seals

28) Does the / do all the Competent Authority(ies) of your State maintain a register, card index or database containing samples of signatures / stamps / seals of the authorities / officials of your State that have the power to execute public documents and for which an Apostille may be requested?

[ ] NO – please explain how your Competent Authority(ies) then ascertain(s) whether a signature / stamp / seal on a public document is genuine and comes from an authority / official of your State; please also comment on whether your State would consider instituting such a system of signatures / seals / stamps:

[x] YES –

a) What is the form of this register or database?

[ ] Paper
[ ] Electronic
[x] Both

b) How does the / a Competent Authority compare the signature on the public document with the sample in the register, database or card index?

[x] Simple visual check
[ ] Technological means – please specify:

[ ] Other means – please specify:

Additional comments:

c) How does the / a Competent Authority of your State address situations where the public document it is asked to apostillise bears a signature, stamp or a seal that does not exactly match the sample in any register that it maintains? We contact the authority responsible and verify the information. If the document has a fake sign, it is not accepted. Photocopies of the fake document are sent to the institution which was supposed to emit it.

d) How does the / a Competent Authority of your State address situations where the public document it is asked to apostillise bears a signature, stamp or a seal that is not in any register that it maintains (*e.g.*, when an Apostille is asked for a public document executed by an official who is new in office or a new seal is used)? We ask the authorities to fill the registration forms. After that we register it in our Data Base.

B. Issues relating to the Apostille Certificate

Form and Completion of Apostille Certificate

29) Please specify the form of the Apostille Certificate used by the Competent Authority(ies) of your State:

[x] Apostille Certificate is reproduced on standard (white) paper
[ ] Apostille Certificate is reproduced on security paper
[ ] Apostille Certificate is reproduced on self-adhesive stickers
[ ] Apostille Certificate is reproduced by a rubber stamp
[ ] Apostille Certificate is in electronic form

[ ] Other – please specify:

Please provide a ***sample*** of the Apostille Certificate used by your Competent Authority(ies). This Apostille Certificate will be used for internal purposes only; it will not be uploaded onto the HCCH website or otherwise made public.

30) Please specify the manner in which an Apostille Certificate is completed in your State:

[ ] Apostille Certificate is completed by hand (handwritten information appears on the Certificate)
[ ] Apostille Certificate is completed by using a typewriter
[**x**] Apostille Certificate is completed by using a computer

Numbering of Apostille Certificate

31) Please indicate how the Competent Authority(ies) of your State numbers the Apostilles that it issues:

[**x**] Consecutive order
[ ] Random order
[ ] Other – please specify:

Signing of Apostille Certificate

32) Please indicate what type of signature or method of signing the Competent Authority(ies) of your State use(s) to sign Apostilles:

[ ] Wet (handwritten) signature
[ ] Signature reproduced by rubber stamp
[ ] Signature reproduced by mechanical means (*e.g.*, a mechanical arm)
[**x**] Scanned (PDF or otherwise) image of the handwritten signature
[ ] Electronic signature – please specify whether it is a digital signature (using PKI or other technologies):

[ ] Other – please specify:

***Affixing an* allonge**

33) If and when an Apostille Certificate is placed on an *allonge*, please specify how the *allonge* is attached to the underlying public document:

[**x**] Stapled
[ ] Attached with grommets
[ ] Attached with wax seals
[ ] Attached with ribbons
[ ] Glued
[ ] Other or a combination of the above – please specify:

***Placing the Apostille* (allonge)**

34) In the case of one-page documents, please indicate on which part of the underlying public document the Competent Authority(ies) of your State place(s) the Apostille Certificate, or alternatively, where it affixes the *allonge*:

[ ] Front of the document
[**x**] Back of the document
[ ] Page containing the signature

Comments:

35) In the case of multi-page documents, please indicate where the Competent Authority(ies) of your State place(s) the Apostille Certificate, or alternatively, where it affixes the *allonge*:

[ ] First page
[**x**] Last page
[ ] Page containing the signature
[ ] Placed across the back of several pages, which are folded in a cascade with regular spacing
[ ] Other – please specify:

Rejection of Apostilles for formal reasons

36) Have the Apostilles issued in your State been rejected in a State of destination because of their format, appearance or the method by which they have been attached to the underlying public document?

[ ] YES – please specify:

[**x**] NO

37) Have foreign Apostilles been rejected in your State, as a State of destination, because of their format, appearance or the method by which they have been attached to the underlying public document?

[ ] YES – please specify:

[**x**] NO

Language requirements

38) Pursuant to Article 4(2) of the Convention, the Model Apostille Certificate annexed to the Convention and Conclusion and Recommendation No 19 of the 2003 Special Commission, the language requirements of Apostilles may be summarised as follows:

Title

The reference to the Convention in the title of an Apostille Certificate must be in French *only* (*i.e.*, "Apostille (*Convention de La Haye du 5 octobre 1961*)").

Standard Terms

The standard terms are the 10 required data fields that must be shown on the Apostille Certificate. They must be *either in French* ***or*** *in English*, ***or*** *in the / an official language of the Competent Authority issuing the Apostille*. It is also possible to use *other* languages (*e.g.*, the / an official language of the State of destination of the Apostille) together with any of the first required languages. In other words, the use of any other language is optional and does not replace use of the first required language (*i.e.*, English, French or the/an official language of the issuing Competent Authority). Although Article 4(2) only refers to a "second language", the standard terms may actually be written in more than two languages if the Competent Authority so wishes (see Conclusion and Recommendation No 19 of the 2003 Special Commission). From a strictly practical point of view, if the standard terms are written in several languages, it is useful to use bold characters for the required language and to use regular and/or smaller characters for the other language(s).

Entries added by the Competent Authority

The "entries" are the answers to the standard terms that will be unique to every Apostille. They must be *either in French* ***or*** *in English,* ***or*** *in the / an official language of the Competent Authority issuing the Apostille*.

a. Does / Do the Competent Authority(ies) of your State follow the language requirements described above?

[**x**] YES

[ ] NO – please explain / specify:

b. Does / Do the Competent Authority(ies) of your State have a policy to translate Apostilles into (one of) the language of the State of destination?

[ ] YES – please explain / specify:

[**x**] NO

Additional information provided on Apostille Certificate

39) Does / Do the Competent Authority(ies) of your State add any other information on an Apostilles Certificate (in addition to the entries that are added in response to the standard items)?

[**x**] NO

[ ] YES –

a. Please specify in particular whether any of the following information is provided (select as many as are relevant):

[ ] Information relating to the limited effects of an Apostille (see Art. 3 of the Convention)
[ ] Information relating to the nature or content of the underlying public document
[ ] Information relating to the person who requested the Apostille
[ ] Information relating to the State of destination
[ ] Information relating to the e-Register, in particular the URL of the e-Register
[ ] Other – please specify:

b. Please specify where this information is added (in particular, whether this information is added inside or outside the box of the Apostille Certificate):

C. Registers

40) Does / Do all the Competent Authority(ies) of your State keep a register, card index or database as required by Article 7 of the Convention?

[ ] NO – please explain why not (and then go to Question 44):

[x] YES

41) What is the form of this register or database?

[ ] Paper
[x] Electronic register – accessible only to Competent Authority (*e.g.*, via intranet)
[ ] Electronic register – accessible online by anybody who wants to check the origin of an Apostille (purportedly) issued by the relevant Competent Authority; if applicable, please specify the URL of the register:

42) The 2003 Special Commission noted in Conclusion and Recommendation No 21 that there was no suggested minimum period during which records in a register, card index or database established under Article 7 should be retained and that it was a matter for each State Party to develop objective criteria in this respect. Please indicate below the relevant time period during which the Competent Authority(ies) of your State keep(s) the information in their(its) register, card index or database:

[ ] Less than 1 year
[ ] Between 1 to 5 years
[ ] Between 5 to 10 years
[x] 10 years or longer

43) Under Article 7 there is no need to retain information relating to the underlying public document. Does / Do the Competent Authority(ies) of your State nonetheless keep(s) a copy of or information relating to the underlying public document?

[x] NO
[ ] YES – please explain / specify:

D. Various scenarios relating to the issuance of Apostilles

44) The chart below summarises some of the most frequent scenarios about which Competent Authorities have contacted the Permanent Bureau and asked for advice as to whether or not to issue Apostilles. Please complete this chart and indicate whether or not the Competent Authority(ies) of your State would issue an Apostille in the scenarios listed. The column "Comments / Explanations" may also be used to describe any actions that the Competent Authority(ies) of your State may take in assessing whether or not to issue Apostilles in the relevant scenario.

Scenario	An Apostille is issued	An Apostille is *not* issued	Comments / Explanations
Applicant			
1. An Apostille is not requested by the person who needs to present the public document abroad but by someone else (*e.g.*, by a family member or a friend)	**x**		
Old documents			
2. The public document was issued 5, 10 or 20 years ago and whilst the document looks genuine, the Competent Authority does not have a sample of the signature or stamp on record		**x**	
3. The public document specifies that it is valid for a limited period of time only (*e.g.*, 3 or 6 months); whilst the document looks genuine, the Apostille is requested after the relevant period of time indicated on the document		**x**	
Discrepancies in the signature or name			
4. The signature on the public document does not match the sample signature contained in the Competent Authority's database but the name of the person on record is the same		**x**	
5. The name on the public document does not exactly match the name registered in the Competent Authority's database but the signature of the person on record is the same (*e.g.*, addition of a middle name or last name)		**x**	
Certified copies			
6. The Competent Authority is presented with a certified copy of a passport issued by the relevant authorities of *your* State – the Apostille is requested for the certification of the copy	**x**		**The copy must be certified before by a Notary**
7. The Competent Authority is presented with a certified copy of a passport issued by the relevant authorities of *another* State – the Apostille is requested for the certification of the copy		**x**	

Scenario	An Apostille is issued	An Apostille is *not* issued	Comments / Explanations
8. The Competent Authority is presented with certified copies of ID documents, resident cards, immigration papers or driver's licences issued by the relevant authorities of *your* State – the Apostille is requested for the certification of the copy	x		**The copy must be certified before by a Notary**
9. The Competent Authority is presented with certified copies of ID documents, resident cards, immigration papers or driver's licenses issued by the relevant authorities of *another* State – the Apostille is requested for the certification of the copy		x	
Special cases relating to notarial certificates (the following scenarios all assume that the notarial certificate has been issued by a notary with a valid commission)			
10. The Competent Authority is presented with a notarial certificate that bears the signature and the seal of a notary, but the certificate does not relate to any document (*e.g.*, although the notarial certificate states that the attached is a true copy, there is no attachment) – the Apostille is requested for the notarial certificate		x	
11. The Competent Authority is presented with a notarial certificate that relates to an attached document, but the notarial certificate only bears the notary's seal, not the signature – the Apostille is requested for the notarial certificate		x	**Every notarial certificate must bear the signature**
12. The Competent Authority is presented with a notarial certificate that relates to an attached document, but the notarial certificate only bears the notary's signature, not the seal – the Apostille is requested for the notarial certificate		x	**Every notarial certificate must bear the seal**
13. The Competent Authority is presented with a notarial certificate which states that the attached document is a true copy; the attached document on its face contains statements that appear to be false – the Apostille is requested for the notarial certificate		x	

Scenario	An Apostille is issued	An Apostille is *not* issued	Comments / Explanations
14. The Competent Authority is presented with a notarial certificate which states that the attached document is a true copy; the attached document contains offensive or inflammatory language – the Apostille is requested for the notarial certificate		x	
15. The Competent Authority is presented with a notarial certificate which states that the attached document is a true copy; the attached document appears on its face to be for an illegitimate, fraudulent or otherwise illegal purpose – the Apostille is requested for the notarial certificate		x	
16. The Competent Authority is presented with a notarial certificate that has been executed in your State but which relates to a document that is not written in (one of) the official language(s) of your State – the Apostille is requested for the notarial certificate		x	
17. The Competent Authority is presented with a notarial certificate that relates to a diploma issued by what is commonly known as a diploma mill – the Apostille is requested for the notarial certificate, not the diploma		x	**Can be issued an Apostille to the Notarial authentications of signatures**
Cluster of documents			
18. The Competent Authority is presented with several public documents, all signed by the same official; the applicant insists that only one Apostille be issued for all these public documents		x	
Multiple Apostilles			
19. The Competent Authority is presented with one public document; the applicant insists that multiple Apostilles be issued for the same document		x	
State of destination			
20. An applicant requests an Apostille for a public document without informing the issuing Competent Authority which will be the State of destination of the Apostille	x		
21. An applicant requests an Apostille for a public document and informs the Competent Authority that the public document is to be sent to a State that is *not* party to the Convention		x	

Scenario	An Apostille is issued	An Apostille is *not* issued	Comments / Explanations
22. An applicant requests the Competent Authority to issue an Apostille with ribbons and colours ("bells and whistles") in order for it to resemble the Apostilles issued by the State of destination – applicant claims that otherwise the Apostille will be refused – please specifically state whether the Competent Authority will issue the Apostille in its normal manner or whether it will accede to some or all of the applicant's requests		x	

45) Has your State experienced any particular problems in the operation of the Apostille Convention, either in your State or in its operation with other States Parties?

[ ] YES – explain the nature of these difficulties and in particular whether or not these problems were persistent, whether they were solved, and, if they were solved, how:

[x] NO

E. Time requirements for Apostilles

46) Does your State apply any time limits on the validity of foreign Apostilles – for example, does your State reject foreign Apostilles on the basis that they were issued 6 months, 1 year, 5, 10 (or even more) years ago?

[ ] YES – please indicate what these time limits are and to which underlying public documents (if not all) they relate:

[x] NO

F. Legalisation of Apostilles

47) The Special Commission firmly rejected in Conclusion and Recommendation No 13, as being contrary to the Apostille Convention, isolated practices amongst States Parties that required Apostilles to be legalized. Has your State experienced any difficulties with regard to this Conclusion and Recommendation?

[ ] YES – please explain / specify:

[x] NO

G. The electronic Apostille Pilot Program (e-APP)

The drafters of the Apostille Convention could not envisage – for obvious reasons – the use of modern technologies. In 2003, however, the Special Commission (SC) examining the practical operation of the Apostille Convention emphasised that the Apostille Convention operates "in an environment which is subject to important technical developments" and "that modern technologies are an integral part of today's society and their usage a matter of fact". In this respect, the SC also expressly noted "that the spirit and letter" of the Convention do "not constitute an obstacle to the usage of modern technology" and that its application and operation "can be further improved by relying on such technologies". The SC went on to explain that "the use of information technology (IT) could have a positive impact on the operation of the Convention, in particular through lowering costs and increasing the efficiency of the creation and registration of Apostilles." Finally, the SC "recommended that States party [to the Convention] and the PB [the Permanent Bureau] should work towards the development of techniques for the generation of electronic Apostilles" (the Conclusions and Recommendations of the 2003 SC are available on the "Apostille Section" of the HCCH website at < www.hcch.net >; see in particular Conclusions and Recommendations Nos 4, 7, 23 and 24).

It is against this background that the electronic Apostille Pilot Program (e-APP) was launched by the HCCH (in co-operation with the National Notary Association of the USA) in 2006. This innovative program not only allows for dramatic cost savings, but also offers very effective means to combat fraud and leads to a *level of security of Apostilles which by far exceeds current standards in a paper-only environment*. The e-APP has two components: the issuance of electronic Apostilles (e-Apostilles) and the operation of electronic Registers (e-Registers). These two components are independent from each other; they may be implemented simultaneously or consecutively (in no specific order). Under the e-APP model for e-Apostilles, a Competent Authority may use out-of-the box PDF technology to issue e-Apostilles and digitally sign these Apostilles with the help of a digital Certificate. As regards the operation of e-Registers, the e-APP offers fully open-source software which enables any Competent Authority to register all of the Apostilles that it issues (independently of whether they have been issued in paper or in electronic form) in an e-Register which is accessible online so that anybody presented with an Apostille (purportedly) issued by that Competent Authority may go on-line, access the relevant e-Register and check the origin of the said Apostille with the help of the date and number that the Apostille Certificate bears. It is important to stress that both techniques put forward under the e-APP (*i.e.*, the PDF solution for e-Apostilles and the open-source software for e-Registers) are *suggestions only* – any Competent Authority may of course buy or develop any other (proprietary) software to achieve the same results. For more information on the e-APP, please visit < www.e-APP.info >.

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 result would be very unsatisfactory, all the more so since the use of e-Apostilles is much more secure than paper Apostilles. In addition, the *probative value* of an Apostille (*i.e.*, its admissibility as evidence in courts) has always been and still remains (even under the e-APP) subject to the law of the State of destination.

In this context, please answer the following questions:

48) Has your State studied the e-APP and actively considered the implementation of either or both of its components?

[**x**] YES – please specify which component and, if applicable, the envisaged agenda for implementation: we have our own system which operates in a similar way, in almost 6 months it would be implemented.

[ ] NO – if your State ultimately determined against the use of either or both component of the e-APP, please explain why this decision was made and whether it was as a result of difficulties in the implementation of either (or both) component of the e-APP that your State foresaw:

49) Would your State consider that the information provided on the e-APP website (< www.e-app.info >) is:

[**x**] Very useful
[ ] Useful – do you have any suggestions for improvement?

[ ] Not useful – do you any suggestions for improvement?

Thank you!

* * *