

APOSTILLE

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**LE STATUT ET L'IMPORTANCE PRATIQUE DE LA CONVENTION APOSTILLE
ET DE L'E-APP**

(disponible en anglais uniquement)

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**THE STATUS AND PRACTICAL IMPORTANCE OF THE APOSTILLE CONVENTION
AND THE E-APP**

*Document d'information No 7 de novembre 2012
à l'attention de la Commission spéciale de novembre 2012
sur le fonctionnement pratique de la Convention Apostille*

*Information Document No 7 of November 2012
for the attention of the Special Commission of November 2012
on the practical operation of the Apostille Convention*

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Special Commission of November 2012 on the
Practical Operation of the Apostille Convention

*Commission spéciale de novembre 2012 sur le
fonctionnement pratique de la Convention Apostille*



The status and practical importance of the Apostille Convention and the e-APP

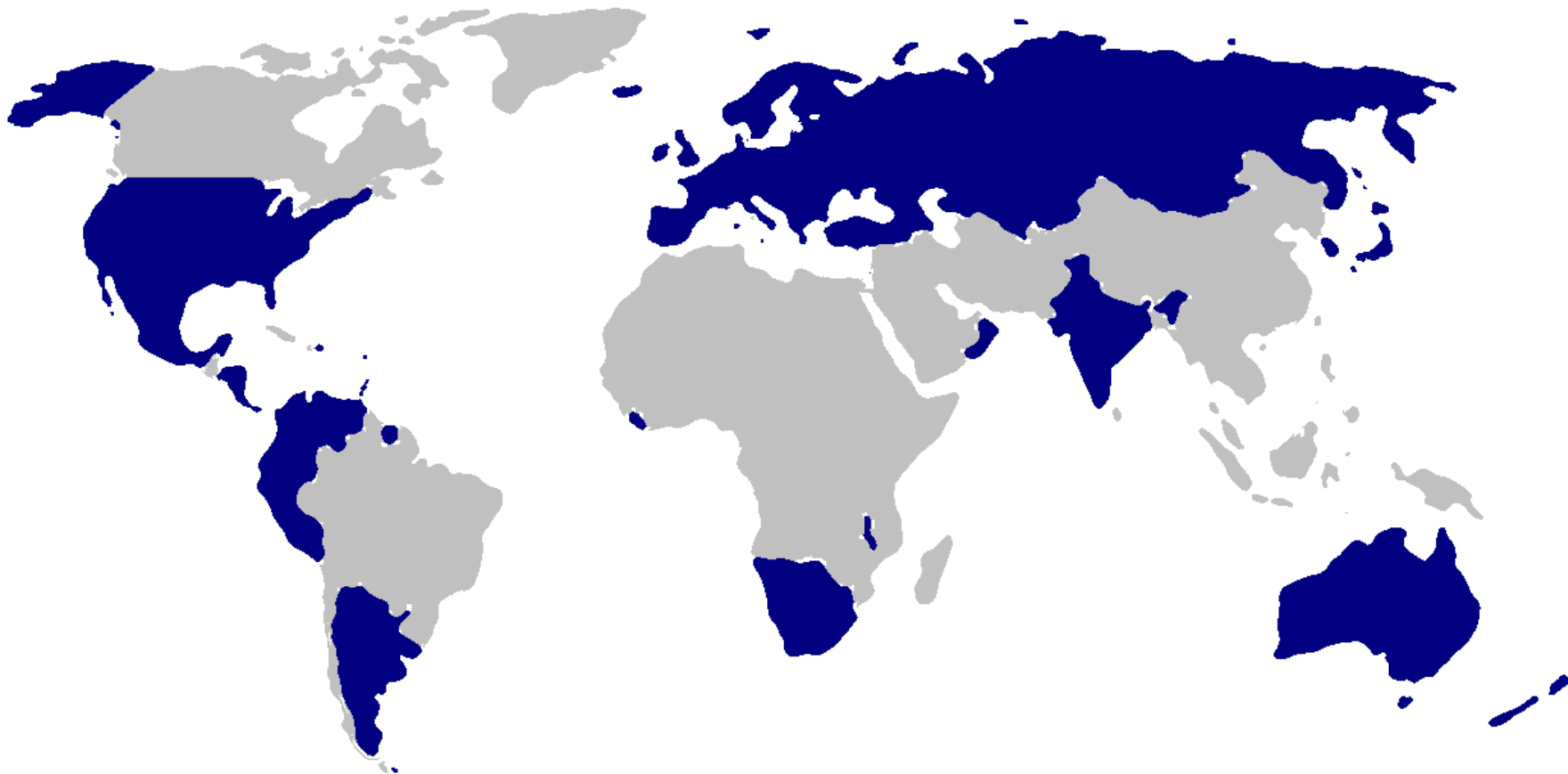
Le statut et l'importance pratique de la Convention Apostille et de l'e-APP

Christophe Bernasconi
Deputy Secretary General
Secrétaire général adjoint

104 Contracting States

104 États contractants

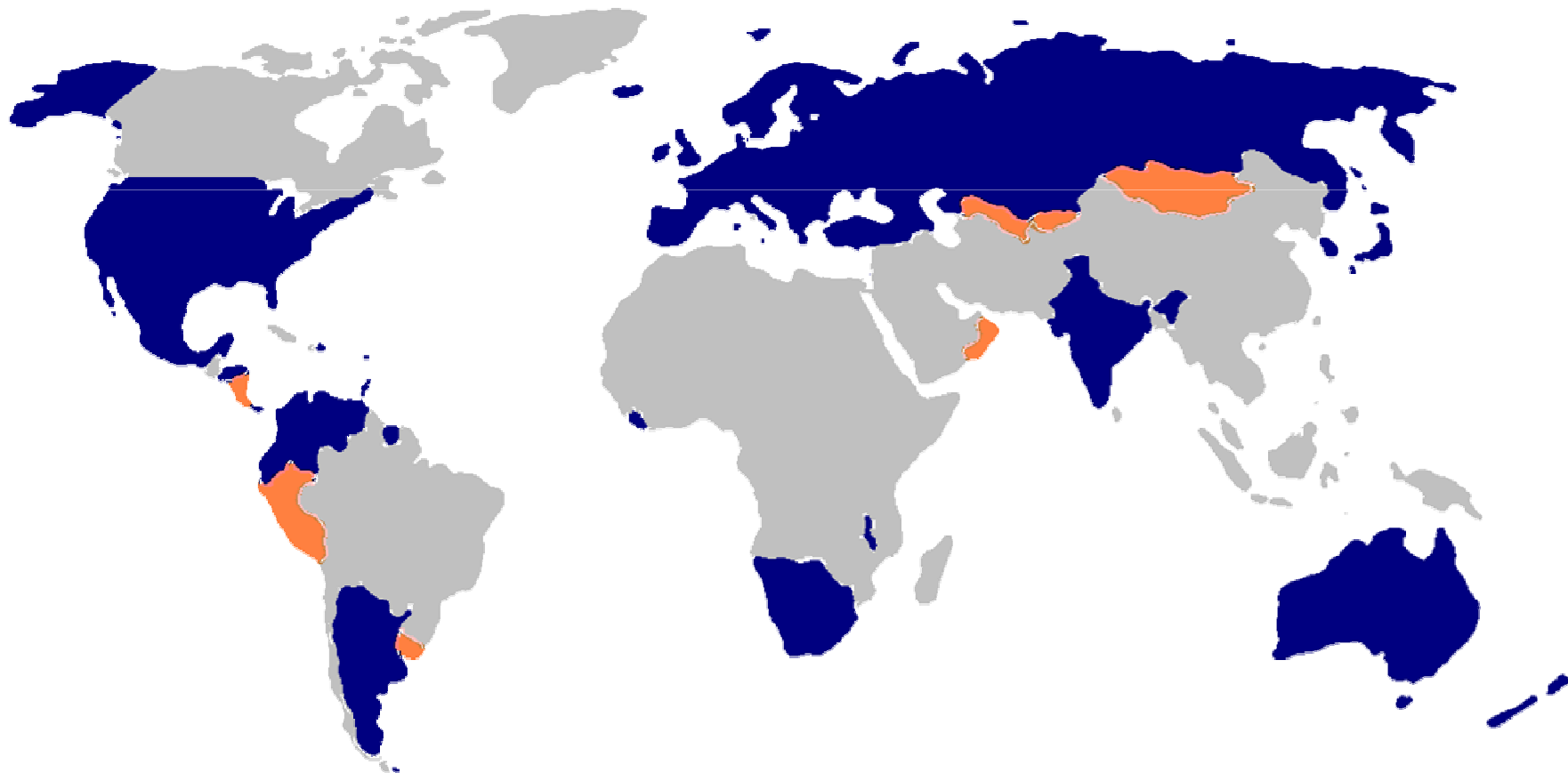
Most widely ratified/acceded to
of all the Hague Conventions



Nine new States since the 2009 SC

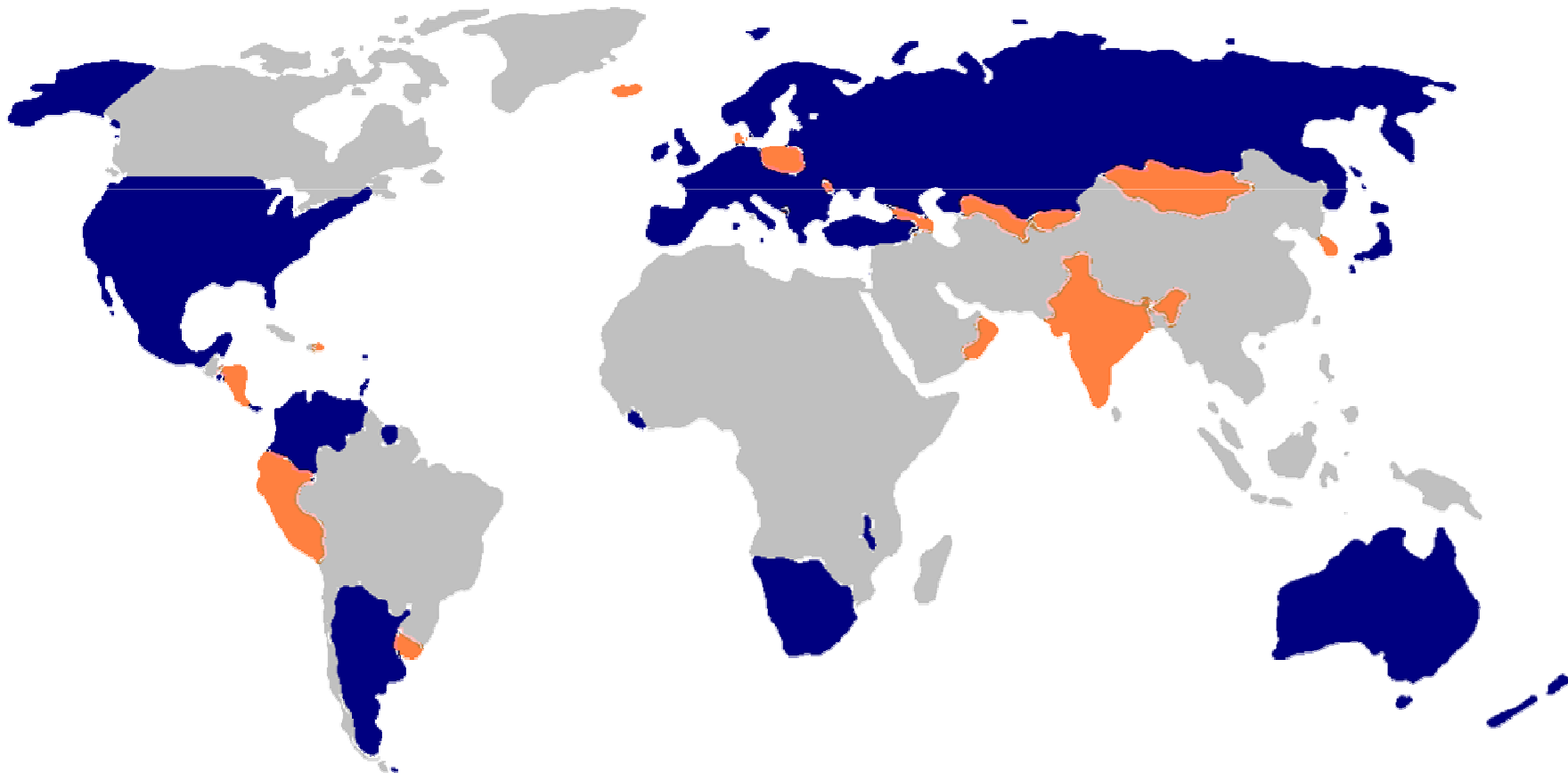
Neuf nouveaux États depuis la CS de 2009

Cape Verde, Costa Rica, Kyrgyzstan, Mongolia,
Nicaragua, Oman, Peru, Uruguay, Uzbekistan (9)



and even more since the 2003 SC
et même plus depuis la CS de 2003

Azerbaijan, Cook Islands, Denmark, Dominican Republic, Ecuador,
Georgia, Honduras, Iceland, India, Korea, Moldova, Montenegro,
Poland, São Tomé & Príncipe, Vanuatu (15 more)



Non-Party Member States *États membres non parties*

“Member States of the Hague Conference which are not already Party to the Convention are encouraged to consider actively becoming Party to the Convention.” (C&R No 66 of the 2009 SC)



Intercountry Adoption Convention

Convention Adoption Internationale

“The Special Commission... recommends that States that are Party to the [Intercountry Adoption Convention] but not to the Apostille Convention consider actively becoming Party to the latter.”

(C&R No 68 of the 2009 SC)



Recognised international standard

Un standard international reconnu



International Chamber of Commerce
The world business organization



WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES

Effective and widespread operation

Un fonctionnement efficace et répandu

- Most widely applied Hague Convention with **millions** of Apostilles issued every year
 - Over 4 million Apostilles issued in 2011 by the Competent Authorities in the 34 Contracting States that responded to the Apostille Questionnaire
- Over 1000 offices issuing Apostilles around the world – Competent Authorities and their (decentralised) offices

Effective and widespread operation

Un fonctionnement efficace et répandu

- Almost all of the Contracting States that responded to the Apostille Questionnaire rated the overall operation of the Apostille Convention as either “excellent” (19) or “good” (18). The rest rated it as “satisfactory” (3).
- Most frequently apostilled documents:
 - civil status documents (birth certificates)
 - notarial authentications of signature
 - diplomas and other education documents

Non-intrusive operation

Fonctionnement non-intrusif

- Does not affect domestic law
- Not designed to create a new formality but rather to simplify procedures where authentication of a foreign public document is required
- State free to identify and organise designated Competent Authority(ies)
- Charging a fee or not for issuing Apostilles is left to each Contracting State

The limited effect of an Apostille

L'effet limité d'une Apostille

- The *only* effect of an Apostille is to certify the:
 - authenticity of the signature;
 - capacity in which the person signing the document has acted; and
 - where appropriate, identity of the seal or stamp which document bears
- The Apostille authenticates the **origin** of a public document, **not the content** of that document (C&R No 82 of the 2009 SC)
- Same important and practical effect as legalisation, but the result of a much more efficient process

The electronic Apostille Program ("e-APP")

Le Programme Apostille électronique

e-Apostilles

Issuance of Apostilles
in electronic format,
with a digital
certificate

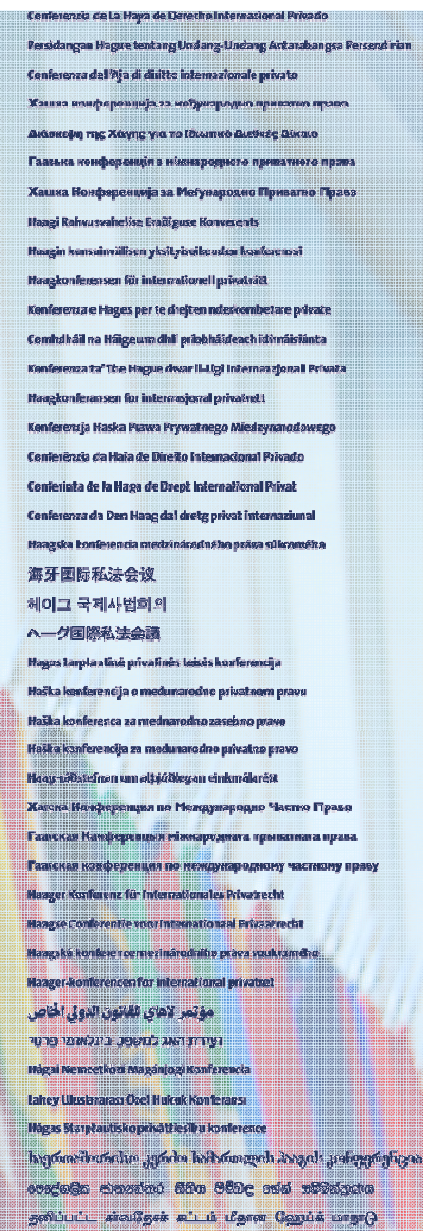
e-Registers

Operation of Apostille
registers in electronic
format than can be
accessed online to
verify the origin of
paper and e-Apostilles

The electronic Apostille Program ("e-APP")

Le Programme Apostille électronique

- Over 150 Competent Authorities from 15 Contracting States have implemented at least one component of the e-APP
- 3.8 million e-Apostilles issued since 2008
- Sharp increase of verification of Apostilles by means of e-Registers



Special Commission of November 2012 on the practical operation of the Apostille Convention