

**QUESTIONNAIRE ON THE APPLICATION OF THE HAGUE CONVENTION
OF 5 OCTOBER 1961 ABOLISHING THE REQUIREMENT OF
LEGALISATION FOR FOREIGN PUBLIC DOCUMENTS**

HUNGARY

The Convention was promulgated in Hungary by an act in 1973. The Minister of Justice and the Minister of Foreign Affairs in the same year jointly issued a decree (9/1973) on the implementation of the Convention fixing exactly the responsibilities of the relevant authorities.

1. In Hungary, two authorities have the right to issue Apostilles: the Ministry of Justice (hereinafter: MOJ) certifies public documents emanating from judicial authorities (mostly court and notarial documents) and the Ministry of Foreign Affairs (hereinafter: MFA) certifies public documents emanating from other authorities.
The MOJ is mostly requested to certify private documents certified by a notary (commercial contracts, powers of attorney) or certificates on extracts of the registry of companies.
The MFA is most frequently called upon to issue Apostilles on birth certificates, certificates from the register of citizens' personal data and addresses, certificates issued by the clerk of the local municipalities, university and college degrees.
Both Ministries may issue Apostilles to certify the authenticity of the signature and stamp of the Hungarian Office for Translation and Attestation Company (which has the right to prepare *authentic* translations) in case the translation was made of a public document which itself could be certified by Apostille.
2. The MOJ has statistics only on the number of all legalizations (both Apostilles and the „traditional” legalization of judicial documents where further diplomatic legalization is necessary). This total number was 892 in 2002 and 923 in 2003 until 15 October. The number of Apostilles is about 80% of the total.
The MFA issued 2328 Apostille in 2003 until 30 June (the total number of all certificates was 4180 in this period).
3. As EU institutions play an increasing role we would be in favour of a protocol allowing the EU's accession to the Convention.
4. We have no objection against such a protocol if that enables States with more territorial units to become party to the Convention and the use of Apostille would be even more widespread.
5. The price of an Apostille issued by the MOJ is 2,000 Hungarian Forints (about 8 EUR). The MFA requires the payment of the general

- consular fees for the certification of an official's signature and seal which is the equivalent of USD 20.
6. For a long time the Hungarian authorities had issued Apostilles on which the standard terms were only in Hungarian and French. With the growing demand for the use of English a three-language form was created in the MOJ, taking of course into account the requirements of the Convention with regard to the size of the Apostille. No other problems have been encountered concerning the formal requirements. The MFA has not yet introduced a three-language version of the Apostille.
 7. Both Ministries place the Apostille on an allonge. The MOJ fixes the Apostille with a ribbon of the colours of the national flag; the ribbon is fixed with a sticker on the back of the document. The sticker is sealed with the seal of the MOJ in a way that the seal extends onto the paper. The MFA uses a red sticker on the left corner of the document so that it covers the front and the back sheet and the sticker is sealed in a way so that it extends onto the paper.
 8. Consultation of the register is very rarely requested.
 9. In both Ministries the Apostille is signed and stamped mechanically.
 10. The MOJ uses an electronic register of all files including those of Apostille requests. The hard copy of the Apostille is not kept but the application form filled in by the client rests in the file. This form includes the name and address of the client, the name of the state in which the document is intended to be used, the name of the official whose signature is to be certified and the number of the document to be certified. In the electronic register the name of the person who signed the Apostille is also fixed. The application forms and the electronic register contains all the relevant information that may be necessary in eventual later consultation therefore we do not intend to change the present system.
The MOJ has an updated collection of specimen signatures and stamps of all notaries as well as of the presidents and vice-presidents of each court.
The MFA has no electronic register but preparations for a computer-based register have started. The relevant information necessary for eventual later consultation (the name of the official whose signature is to be certified, the type and number of the document to be certified, the number of the Apostille) is registered in a registry-book. The copy of the Apostille is not kept.
 11. At present no Apostille is issued on electronic documents in Hungary. We are open for the use of new technologies in this field. The practical experience of those states that have already used the new forms of communication would of course be very useful.

