



REGERINGSKANSLIET

Memorandum

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**Ministry of Justice  
Sweden**

The Permanent Bureau at the Hague  
conference on private international law

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**The Hague convention of 5 October 1961 on legalisation -  
questionnaire**

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Please find enclosed our comments and answers to the questionnaire in Preliminary Document No 3 of August 2003.

We have asked the designated authorities in Sweden to provide us with their experience of the Convention. Unfortunately it has not been possible to give them more than a few weeks to answer. Therefore we do not have a complete picture of the activities. But we hope that our answers give a fair overview of the issuance of apostille in Sweden.

**Question 1.**

Our designated authorities are called upon to issue apostilles on both commercial documents and official certificates. Contracts for real estate transactions abroad and power of attorneys are mentioned quite frequently when we are talking about commercial documents. Birth certificates and other public documents issued by the Swedish tax Authorities are also very common.

**Question 2.**

The register at the authorities could in some cases provide statistics by type of documents. But we do not have statistics at our disposal for all the designated authorities. Some authorities have computerized their register and this would make it easier to find statistics for certain types of public documents. But most of the designated authorities still only have a manual register. See also our answer to question 8 and 10.

**Question 3.**

Before giving our final position on this issue we would like to hear more about the need for the European Community to be covered by the rules.

**Question 4.**

Our preliminary position is that we would not be against looking into the possibility for States with several territorial units to make a declaration resulting in the application of this Convention to all its territorial units or only to one or several of them.

**Question 5.**

The average cost for issuance of the apostille could be estimated to SEK 250 (approx. 27 euro), VAT included. But there are examples of authorities not charging more than SEK 60 (approx 7 euro) for an apostille. Also some authorities charge per hour and thus the costs will depend on the complexity of the work related to issuing an apostille. The average cost per hour would be SEK 1200 (approx. 130 euro).

**Question 6.**

The vast majority of our designated authorities have not encountered any difficulties connected with the formal requirements provided for under the Convention. Some authorities have found it difficult to determine if a document is a public document to which the Convention applies.

**Question 7.**

After production of the apostille, it is normally attached to the document. Sometimes the apostille is a separate document and sometimes it is affixed (stapled) on the back of the document. It is also quite common that a label is attached to the public document together with a seal or a ribbon. But the practise varies. If the public document has several pages some authorities attach the apostille only on the first page, but others put an apostille on every page. A very common method is to put the apostille on the front page and then fasten all the documents together with a seal.

**Question 8.**

The register or card index is almost never consulted.

**Question 9.**

Quite a few authorities are using a stamp, but a handwritten piece of paper is still the most common form of an apostille. Some authorities are starting to fill out the apostille electronically. They have scanned the apostille into their computer as a form. But the signature is always handwritten.

**Question 10.**

It is gradually becoming more common for the authorities to use an electronical medium to keep the register or the card index. If they do so most of them keep a paper copy as a back-up. But a number of authorities still keep the register in a paper format “card index” only.

**Question 11.**

We have no experience of issuing apostilles for electronic documents. Some voices are heard that this would not be secure enough, but our conviction is that this will be the case in the future with the use of electronic signatures. We see no reason why it shouldn't be possible to send a public document to the designated authority via e-mail and then receive an apostille signed with an electronic signature.