



First Regional Meeting on the e-APP for Europe Project

Helsinki (Finland) – 14 February 2011

**Hosted by
The Ministry of Justice, Finland**

**Jointly organised by
The Ministries of Justice and Finance of Finland, the Permanent Bureau of the Hague
Conference on Private International Law, and the Ministry of Justice of Spain**

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CONCLUSIONS & RECOMMENDATIONS

On 14 February 2011, 48 experts from approximately 20 countries and international organisations¹ convened in Helsinki, Finland, to attend the *First Regional Meeting on the electronic Apostille Pilot Program (e-APP) for Europe*.²

¹ See Annex “A” for a list of participants.

² The *e-APP for Europe* project is part of the general e-APP launched in 2006 by the Hague Conference on Private International Law and the National Notary Association of the United States of America. The Permanent Bureau of the Hague Conference has received a grant from the European Commission to undertake the *e-APP for Europe* project with the Ministry of Justice of Spain as a *partner*, and the Ministries of Justice of Finland, the Czech Republic and France as *associate partners*. This is an 18-month endeavour which includes, in particular, the development of a central e-Register of Apostilles for Spain, the promotion of such an e-Register across other EU Member States, the promotion of e-Apostilles across the EU, the 6th *International Forum on the e-APP* (held in Madrid in June 2010), and three regional meetings (one held in each of the associate partners). For more information on the Apostille Convention, the e-APP in general, and the *e-APP for Europe* project, see the “Apostille Section” of the Hague Conference website < www.hcch.net >. The Apostille Section also includes the Conclusions and Recommendations of the 2003 and 2009 Special Commissions on the practical operation of the Apostille Convention, as well as those of the 6th *International Forum on the e-APP*.

The participants expressed their thanks to the organisers, in particular the Ministry of Justice of Finland for generously hosting this meeting. The participants also thanked the European Union for its financial support of the *e-APP for Europe* project. One of the primary aims of the meeting was to present the newly-developed Spanish e-Register and e-Apostille components and to promote and encourage the use of these components in the States of Northern Europe, other EU Member States and other interested Contracting States to the *Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (Apostille Convention).

The participants unanimously adopted the following Conclusions & Recommendations:

e-APP in general

1. The participants noted the good progress with the implementation of the e-APP.³ They congratulated Spain for developing a state-of-the-art system which allows for the operation of a centralised e-Register and the nationwide issuance of e-Apostilles (see para. 4 for more details). The participants were informed of the progress made in several other jurisdictions which are actively preparing the implementation of one or both components of the e-APP, and encouraged them to pursue and finalise these efforts. The participants encouraged all Contracting States to actively consider the implementation of the e-APP as an effective tool to further enhance the secure and effective operation of the Apostille Convention. The participants particularly encouraged those jurisdictions that have put in place e-Registers which are not yet fully compatible with the e-APP to make the relevant changes so as to become fully part of the e-APP jurisdictions.

2. The participants noted in particular the interest shown by States of Northern Europe in the e-APP and their intention to study further and prepare for the implementation of one or both components of the e-APP.

3. The participants also noted that the e-APP in general and all related meetings contribute greatly to promote the Apostille Convention at the global level and to maintain and indeed reinforce the relevance of the Convention.

The implementation of the e-APP in Spain

4. The participants witnessed with great interest a presentation of the new system developed by the Spanish Government which allows for the operation of a centralised e-Register and the nationwide issuance of e-Apostilles. The main features of this system are:

For the central e-Register:

- a) The central e-Register will be used by judicial and administrative Competent Authorities in Spain. The General Council of Notaries will join at a later stage

³ As of February 2011, the e-APP jurisdictions are: Andorra, Belgium, Bulgaria, Colombia, Georgia, Mexico (Federal District), New Zealand, Republic of Moldova, Murcia (Spain), Kansas, Rhode Island and Texas (all USA). Other jurisdictions have implemented e-Registers of Apostilles which are not yet, however, fully compatible with the e-APP.

so that all Associations of Notaries will also be linked to the central e-Register.

- b) The information fields required to access the Spanish e-Register will be the Apostille number, the issuing date, and the validation code, which is a unique alphanumeric code generated by the system (all three inputs are also known as the “unique identifying triplets” and will be included on the Apostille Certificate). The purpose of requiring this information is to prevent “fishing expeditions” (*i.e.* attempts by users of an e-Register to collect information about Apostilles that they have not received).
- c) In the case of a matching record, a full image of the Apostille (either an e-Apostille or a paper Apostille) will be displayed; this image of the Apostille, however, will neither display an electronic signature nor information relating to the underlying public document. This information will not be displayed in the e-Register, as Spanish law on personal data protection and, in the view of the Spanish authorities, *EU Directive 95/46/EC on Protection of Personal Data* (Art. 6e), prohibit storage of such information once it is not needed anymore (*i.e.*, once the applicant has received the Apostille).
- d) Each Apostille issued by any of the Competent Authorities will instantaneously and automatically be recorded in the e-Register.
- e) The URL of the e-Register will be clearly indicated on the Apostille Certificate with a note that the origin of the Apostille may be verified online via the e-Register.
- f) The authenticity of e-Apostilles and the underlying electronic public documents will be able to be verified by uploading them onto the e-Register; the e-Register will then compare the hash value (digital fingerprint) of both documents and indicate whether they are authentic.

For e-Apostilles:

- g) The e-Apostille Certificates will be trilingual (in Spanish, English and French), as recommended by the 2009 Special Commission, and will be based on the model already developed by the Permanent Bureau.
- h) The e-Apostille Certificates will include the recommended additional language outside the box with the ten standardised items.
- i) e-Apostilles will be available for public documents executed either in paper or in electronic form. Paper public documents will be able to be scanned and then be added as an attachment to the e-Apostille; electronic public documents will be directly added as an attachment to the e-Apostille. Once the applicant has obtained the e-Apostille, only an image of the e-Apostille will remain in the system; the underlying public document will be deleted from the system.
- j) e-Apostilles will be signed using advance electronic signatures for PDF files in accordance with *Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures*. To verify these signatures, users will need to have the most recent version of the Adobe Reader (currently Adobe® Reader X (10.0.1)), which can be downloaded for free. While the first version of the system will be based on the use of personal certificates for the electronic signature on e-Apostilles, it is envisaged that in future, officials will use a public institution certificate (which further facilitates automatic processing).

- k) An applicant will be able to download his/her e-Apostille online by logging on to the Ministry of Justice website (“[Sede electrónica](#)”) with his/her username (identity card number) and a password, which is randomly assigned by the system. The applicant will then be able to extract and open the underlying public document.
- l) Printouts of e-Apostilles will be able to be produced by the Competent Authority or the applicant.
- m) Entities and authorities issuing electronic public documents will be able to connect to the e-Apostille component and thus facilitate the issuance of e-Apostilles for their documents.

5. The participants were enthusiastic about the new developments in Spain and the plans to implement this new system in all Spanish Competent Authorities. They were also very appreciative of the Government of Spain’s willingness to put the technology and the experience gained in the development of their system at the disposal of any interested State.

6. The participants were pleased to learn that the Spanish e-Register and e-Apostille components may be easily exportable to other systems in Contracting States. Contracting States may choose to implement either of the two e-APP components. The new system in Spain has been developed in modules which may be replaced or reused by other Contracting States without affecting the functionality of the whole system.

7. The participants recognised the need to have the e-Register webpage available also in English and French. In addition, the participants acknowledged the great practical importance in having the Spanish application of both e-APP components translated into several languages to expand its use, such as English, French and German.

8. The participants took note of the impressive electronic database of signatures created by the Spanish Ministry of Justice, which includes both handwritten and electronic signatures of persons authorised to execute public documents in Spain. This application has been inserted into the e-Apostille component and facilitates the verification of signatures. While not indispensable for the operation of the e-Apostille component, the participants noted its great practical value.

9. The participants noted that the new Spanish system is currently being tested and the plan is for it to be rolled out in two Competent Authorities (Murcia and Albacete) in early March 2011. The plan is then for the new system to be rolled out in other Competent Authorities soon thereafter.

10. The participants noted that under the new Spanish system, applicants, when presenting public documents executed in *paper* form, will have the choice of requesting a paper Apostille or an e-Apostille. For public documents executed in *electronic* form, only e-Apostilles will be issued.

11. The participants also noted with gratitude that the Ministry of Justice of Spain will prepare a memorandum on some technical aspects relating to the new Spanish system; this memorandum will assist other Contracting States with their implementation of the e-APP components.

Second Regional Meeting to take place in Prague, Czech Republic

12. The Ministry of Justice of the Czech Republic announced that the second regional meeting on the *e-APP for Europe* project will take place on 27 May 2011 in Prague, Czech Republic. The participants thanked the Ministry of Justice in advance for their efforts in hosting the meeting.

Conclusion

13. Having benefited from the experience gained by Spain in the development of both components of the e-APP, the participants noted that the new Spanish system complies with the Conclusions & Recommendations adopted at the 6th *International Forum on the e-APP* and should therefore be followed as closely as possible. The participants noted that the Conclusions & Recommendations of the 6th Forum remain valid in their entirety.

ANNEX “A” - LIST OF PARTICIPANTS

1. Antti LEINONEN, Legislative Director
Ministry of Justice, Finland, *Chair*

CHILE

2. Carlos GAJARDO, Consul
Embassy of Chile, Finland

CZECH REPUBLIC

3. Zuzana FISEROVA, Director of the
International Department for Civil Matters
Ministry of Justice
4. Pavla BELLONOVA, Head of the
International Private Law Unit
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DENMARK

5. Connie NORDBERG, Senior Administrative Officer
Ministry of Foreign Affairs, Legalisation Department

ESTONIA

6. Kaspar KARM, Center of Registers and Info systems
Ministry of Justice
7. Ülle-Riin RAJA, Notary
Chamber of Notaries
8. Angelika SARAPUU, Adviser
Department of Judicial Administration
Ministry of Justice

FINLAND

9. Paula OJANIEMI, Legal Adviser
Ministry of Justice, International Affairs
10. Outi KEMPPAINEN, Legal Adviser
Ministry of Justice
11. Harri KARHUNEN, Head of the
Development and Steering Unit for the
Local Register Office

12. Veera AIRIKI, Notary Public, Inspector
Local Register Office of Turku
13. Erja KRONBERG, Director of Register Office
Local Register Office of Lahti
14. Anniina LAISTI, District Registrar and Notary Public
Satakunta Registry Office, Rauma
15. Elina LAITINEN, Advisory Lawyer
Population Register Centre
16. Maria LUNABBA, Director
Local Register Office of Vaasa
17. Mari NIRKKONEN, Notary Public,
Register Officer, Local Register Office of Central Finland
18. Susanna PAAVOLAINEN, Secretary
Local Register Office of Central Finland
19. Toni RUOTSALAINEN, Notary Public
Register Officer, Local Register Office of Helsinki
20. Ari TORKKEL, Director of Register Office
Local Register Office of Lappeenranta

FRANCE

21. Michel RISPE, Chef de bureau
Direction des affaires civiles et du Sceau
Ministère de la justice et des libertés
22. Jocelyne PALENNE, Magistrat
Ministère de la justice et des libertés
23. Jean-François BAUVIN, Vice-President
Chambre nationale des huissiers de justice (CNHJ)
24. Patrick SAFAR, Deputy Secretary
Chambre nationale des huissiers de justice (CNHJ)

HUNGARY

25. Eszter GYIMOTHY, Lawyer
Legal Department, Chamber of Notaries
26. Erzsébet MAGYAROSI, Leader of the Chamber secretariat
Chamber of Notaries

27. Viktor RAK, Lawyer
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28. Kristof SZECSENYI-NAGY, Head of the
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29. Orla COOPER, Executive Officer
Department of Foreign Affairs

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30. Liga USILENOKA, Deputy Director of the
Consular Department
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31. Sandra BRIKAITE, Attaché
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MEXICO

32. Isadora ESPINOZA-GÓMEZ, Attaché (Consular Affairs)
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33. Patrick JOHN HILADO, Consul General
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PORTUGAL

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ROMANIA

35. Elena CHERA, Legal advisor
Ministry of Administration and Interior
36. Ionel MIHAESCU, Director General Infonot Systems
Infonot Systems
37. Tanase TIBERIUS, Secretary General
Chamber of Civil Law Notaries of Bucharest

SLOVAKIA

38. Daniel BEDNAR, *Legat*
Ministry of Defence

SPAIN

39. José DE LA MATA AMAYA, Director-General for the
Modernisation of the Administration of Justice
Ministry of Justice
40. Juan Ignacio CABO PAN, Subdirector General for the
Administrative Information and
General Inspection of Services
Ministry of Justice
41. José Luis HERNÁNDEZ CARRIÓN, Area Manager
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TURKEY

42. Nihan ÇETIN, Attaché
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UNITED KINGDOM

43. Anthony William NORTHEY, President
Notaries Society of England and Wales
44. Michael LIGHTOWLER, Vice-President
Notaries Society of England and Wales

INTERNATIONAL UNION OF JUDICIAL OFFICERS (UIHJ)

45. Mathieu CHARDON, First Secretary, France

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