

6th International Forum on the e-APP

Madrid – 29 & 30 June 2010



The electronic Apostille Pilot Program (e-APP)

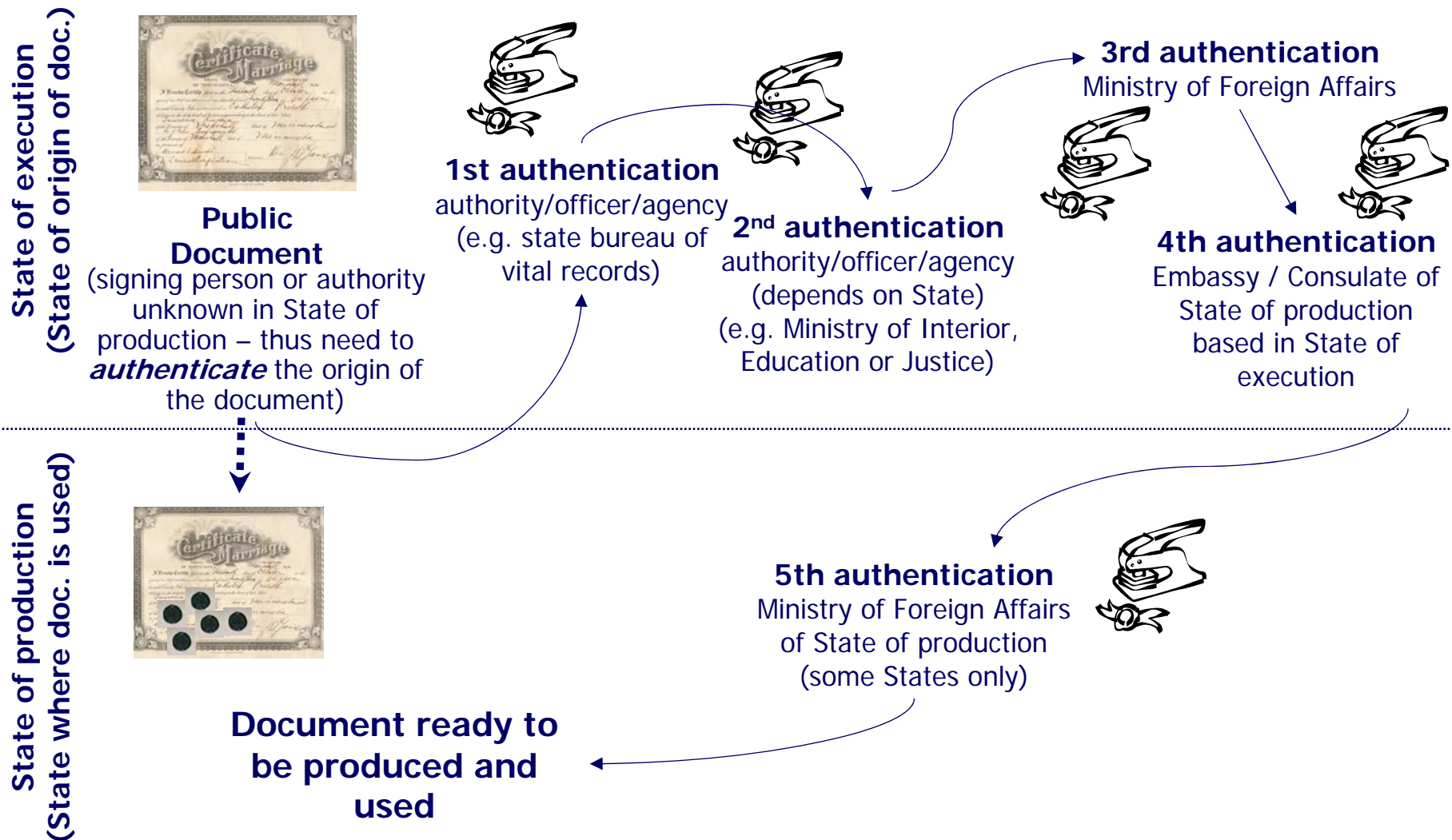
General Introduction | Update |
e-APP for Europe

Christophe Bernasconi
First Secretary, HCCH

What is an Apostille?

What purpose does it serve?

Production of public documents abroad without the Apostille Convention: the long, cumbersome and costly legalisation procedure (model)



Production of public documents abroad with the Hague Apostille Convention

State of execution
(State of origin of doc.)



Public Document
(signing person or authority unknown in State of production – thus need to authenticate the origin of the document)

Competent Authority: issues, affixes and registers Apostille

One-stop process
(single check)



Annex to the Convention
Model of certificate
The certificate will be in the form of a square with sides at least 9 centimetres long

APOSTILLE (Convention de La Haye du 5 octobre 1961)	
1. Country:	This public document
2. has been signed by	
3. acting in the capacity of	
4. bears the seal/stamp of	
Certified	
5. at	6. the
7. by	
8. N°	
9. Seal/stamp:	10. Signature:

Origin of Apostille may be verified by contacting Competent Authority that (allegedly) issued Apostille – this Comp Auth then checks its Register and confirms whether or not it really issued the Apostille in question (Art. 7)

State of production
(State where doc. is used)

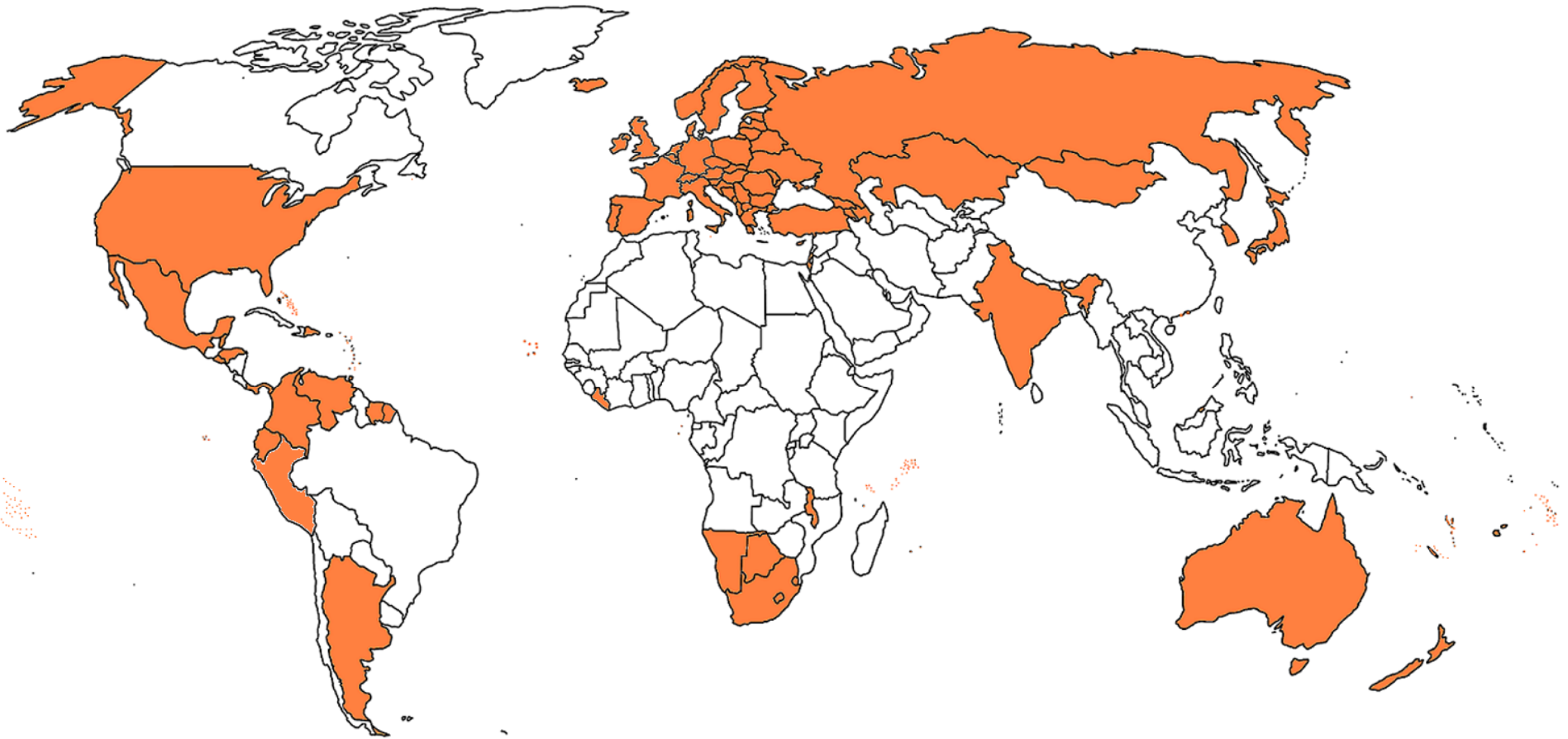


Document ready to be produced and used

The Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (Apostille Convention)

- Greatly facilitates international circulation of public documents issued by a State Party to the Convention and to be produced in another State Party to the Convention
- 98 Contracting States from around the world:

98 Contracting States



Apostille Convention: a very successful treaty, ...

- Most widely ratified Hague Convention
- Despite its age, the Convention continues to attract new Contracting States at an impressive rate – from 1 January 2000 to present: more than 30 countries joined (>30%!) – latest Contracting States: Dominican Republic, Vanuatu, Mongolia, Cape Verde, Peru
- Others are actively studying the Convention (Chile, Canada, Philippines, Indonesia, Iran, etc.)

... a very popular treaty, ...

- Applied *millions* of times a year:
 - more than 6000 *per day* in Venezuela;
 - approx. 6000 *per day* in Colombia (June 2010)
 - more than 3000 *per day* in UK;
 - approx. 400'000 *per year* in France
- 42 States that provided answers to 2008 Questionnaire issued 4'823'860 Apostilles in total

... and a very useful one, too!

- Makes people's lives easier (direct impact) – frees up resources at Embassies and Consulates (while still generating revenue)
- Price:
 - A few States issue Apostilles for free
 - Most States charge a reasonable price
 - Average is approx. € 15 / US\$ 20
 - UK: £ 28.80 (standard service)
£ 71 (premium service) (€ 86...)

Limited effect of an Apostille

- The **ONLY** effect of an Apostille is to certify the *authenticity of the signature, the capacity in which the person who signed the document has acted*, and where appropriate, the *identity of the seal or stamp* which the document bears
- An Apostille does **not** relate to the **content** of underlying document!

“Apostille Section”

- PB closely monitors practical operation of Convention – see “Apostille Section” on HCCH website at www.hcch.net – look for the link: [Apostille Section](#) (incl. e-APP)

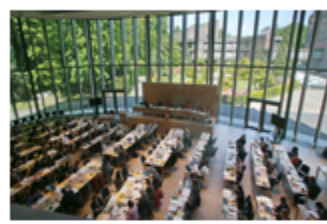
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- Centre
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- Vacancies / Internships

Home



Since 1893, the Hague Conference on Private International Law, a melting pot of different legal traditions, has developed and serviced Conventions which respond to global needs in the following areas:

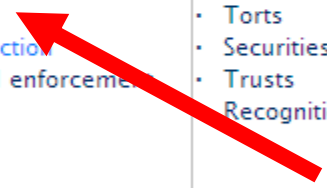


International protection of children, family and property relations:

- International protection of children
 - Child Abduction Section
 - INCADAT
 - Intercountry Adoption Section
- International child support and other forms of family maintenance
- International protection of adults
- Relations between (former) spouses
- Wills, trusts, estates

International legal co-operation and litigation:

- International legal and administrative co-operation
 - Apostille Section (incl. e-APP)
 - Service Section
- Jurisdiction and enforcement of judgments



International commercial and finance law:

- Contracts
 - Choice of law in international contracts
- Torts
- Securities
- Trusts
- Recognition of companies

Latest developments *Annual Report 2009 Proceedings XXth Session*



Launch of the new International Child Abduction Database (INCADAT) [\[more\]](#)



Morocco accedes to two Hague Conventions [\[more\]](#)



Co-operation with and presence in Latin America [\[more\]](#)



The 6th International e-APP Forum (Madrid 29-30 June 2010) [\[more\]](#)

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Welcome to the Apostille Section

Latest updates



The ABCs of Apostilles

Brochure with short answers to frequently asked questions, including *when*, *where* and *how* the Convention applies, *who* issues Apostilles and *what* the effects of an Apostille are.

To order hard copies of the brochure, please use the order form (DOC or PDF).

-
- ▶ **Text of the Convention**
 - Translations
 - ▶ **Updated list of Contracting States**
 - How to read the status table
 - ▶ **How to get an Apostille**
 - ▶ **Competent Authorities**
 - (contact details, practical information, etc.)
-
- ▶ **Model Apostille Certificate**
 - = Model Apostille Certificate
 - = Trilingual versions
 - ▶ **Explanatory documents**
 - = Outline of the Convention
 - = Explanatory Report 1960
 - = *La légalisation des actes officiels étrangers* by Georges A.L. Droz (Prel. Doc. No 1 of March 1959)
 - ▶ **Special Commissions**
 - = 2009 Special Commission
 - Conclusions & Recommendations
 - Apostilles & Diplomas
 - = 2003 Special Commission
 - Conclusions & Recommendations
 - Succinct explanations

“Apostille Section” (cont.)

- PB closely monitors practical operation of Convention – see “Apostille Section” on HCCH website at www.hcch.net – look for the link: [Apostille Section](#) (incl. e-APP)
- Offers a wealth of information, including
 - Conclusions & Recommendations of the 2009 Special Commission which reviewed the practical operation of the Apostille Convention
 - e-APP
 - New Brochure: “ABCs of Apostille”



So then... why is there the e-APP?!

- In numerous States, most of Apostille-related work is still done... *manually!*
- *Origin* of public document is *not always verified* adequately before Apostille is issued...
- In some States, Apostilles are... *stapled* to underlying document
- Use of *stamped signatures* on Apostilles
- “Register? What Register?!” – almost no requests for verifications
- Which is why the HCCH launched the *electronic Apostille Pilot Program (e-APP)*, in cooperation with the National Notary Association of the USA (2006)

So then... why is there the e-APP?!

Use of “modern technology” to:

- *Improve effective operation of Apostille Convention*
- *Increase secure operation of Apostille Convention*
- Make Apostille Convention fit for 21th Century without having to amend the Convention or adopt a Protocol

The e-APP in a nutshell

Two Components:

- 1) Issuance and use of electronic Apostilles
(e-Apostilles)
 - 2) Creation and Operation of electronic Registers of Apostilles
(e-Registers)
- One day, most (all?) Apostilles will be issued electronically and all Competent Authorities will operate an electronic Register
 - Visit www.e-APP.info

Links

[Home](#)
[Status of the e-APP](#)

[FAQ](#)
[Archive](#)

[HCCH - Apostille](#)
[Section](#)
[NNA](#)

Other Related Links

[UNeDocs](#)

Welcome to the e-APP Web Site

Under the electronic Apostille Pilot Program (e-APP), the Hague Conference on Private International Law (HCCH) and the National Notary Association of the United States (NNA) are, together with any interested State (or any of its internal jurisdictions), developing, promoting and assisting in the implementation of low-cost, operational and secure software technology for

- the issuance of and use of electronic Apostilles (e-Apostilles), and
- the creation and operation of electronic Registers of Apostilles (e-Registers).

Educational Material

Click the hyperlinks below to view the relevant educational material

The e-APP in General

- View the brief e-APP informational [brochure](#) (March 2006)
- Closer and Closer to Reality: the e-Apostille Pilot Program of the HCCH and the NNA ([Prel. Doc. No 10](#) of March 2006 for the attention of the Special Commission of April 2006 on general affairs and policy of the Conference)
- A comprehensive and updated [online description](#) of the e-APP (May 2007)

e-Apostilles

- Memorandum on some of the technical aspects underlying the suggested model for the issuance of e-Apostilles ([Prel. Doc. No 18](#) of March 2007 for the attention of the Council of April 2007 on General Affairs and Policy)
- View the [PDF template](#) of an e-Apostille as suggested under the e-APP
- Read the [step-by-step instructions](#) for issuing an e-Apostille using the suggested PDF template
- View the pages of the online description relating to [e-Apostilles](#)


e-Registers

- Download [e-Register Software](#)
- Access the comprehensive [e-Register Installation Guide](#)
- Access the comprehensive [e-Register User's Guide](#)
- View the pages of the online description relating to [e-Registers](#)
- View a [list of operational e-Registers](#)

Latest Developments

- [6th International Forum on the electronic Apostille Pilot Program \(e-APP\)](#)
- [European Union supports the e-Apostille Pilot Program \(e-APP\)](#)

Languages

English 

The e-Register component

➤ Enable a recipient of an Apostille to verify its origin easily and securely:

- *Online*

URL of e-Register should be indicated on Apostille – but outside the box with 10 standard items

- *Using number and date of Apostille*

no “fishing expeditions” possible (avoid consequential numbering of Apostilles)

- *Automatic response*

- “Yes” or “No”

- or instead of/in addition to “Yes”: (PDF-)image of the entire Apostille

- plus possibly additional information about underlying document

The e-Register component (cont.)

- e-Registers work for both *e-Apostilles* and *paper Apostilles* !
- Where there are several Competent Authorities in a Contracting State, explore possibility of having **ONE central e-Register** for all Competent Authorities

The e-Register component (cont.)

- Open source e-Register software available – for free – on www.e-APP.info (incl. PHP and MySQL)
- Option to store digital fingerprint of underlying public document (for e-Apostilles) or copy of public document
- All this should encourage greater use of Apostilles Registers as a public convenience and a deterrent to forgery and fraud – brings major benefits to CA *and* end-users of the Convention!

**...to something
more like...**





Welcome to the register of apostilles issued in Andorra

Please introduce the register number and click on Search to verify the existence of the apostille.

Search by register number

▶ Register number



▶ Date



19/08/2009



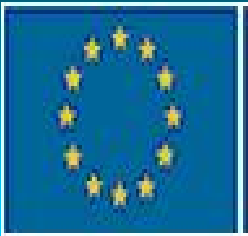


Welcome to the register of apostilles issued in Andorra

The apostille with register number 069334745U (08/07/2009) exists in register.



[Back to the main page](#)

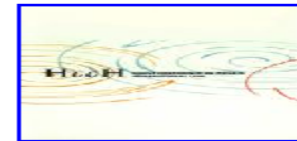


e-App



Ministry of Justice

 Български



CERTIFICATION BY APOSTILLE OF DOCUMENTS TO BE PRESENTED ABROAD

In conformity with the Declaration of the Republic of Bulgaria under Article 6, paragraph 1 of the Hague Convention of 1961, laid down in the Law on Ratification of the said Convention (published in SG No. 47/09.06.2000), the Ministry of Justice certifies by Apostille acts of the courts and the notaries only.

Under Article 1, letter "a" of the Convention, acts of the court are the documents issued by an authority or an official connected with the courts or tribunals of the State. The same should be submitted in original form or as a certified transcript and should contain the following attributes: date of issuance, first name and surname, signature of a chairperson or a judge and a secretary and seal of the court which has issued it.

The acts of the notaries under Article 1, letter "c" and "d" of the Convention are the notarial acts; the official certifications such as records in the register or authentications of a date or signature on a private document.

Authorizations concerning disposing of real estates which are attested by mayors and secretaries of municipalities are not subject to certification by Apostille.

The documents with Apostille applied on them may be obtained from 11.15 a.m. to 12.00 a.m. within three working days from the presentation thereof in the Ministry of Justice, and where their number exceeds 10 – after 5 working days.

Documents on which Apostille and a code have been applied: xxxxxxxxxxxxxxxx could be checked herein.



Check apostille

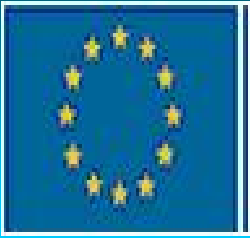
Documents for certification by Apostille are accepted upon presentation of a documentary proof of stamp duty amounting to BGN 5.00 paid and transferred to the account of the Ministry of Justice:

IBAN account: BG09BNBG 96613000173701

BIC: BNBGBGSD

Documents for application of Apostille are accepted every working day from 9 a.m. to 11 a.m. and from 2 p.m. to 4.00 p.m.

tel. : (+359 2) 92 37 354



e-App

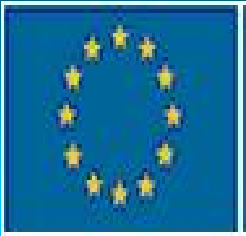


REPUBLIC OF BULGARIA MINISTRY OF JUSTICE



Apostille with code :721060061124008

Apostille number	9008
Apostille date	24.6.2010 г.
Document name	ДЕКЛАРАЦИЯ
Legal name	НИНА ГЕНОВА ДОБЧЕВА-КАЛЧЕВА
Legal capacity	НОТАРИУС № 36
Legal stamp/seal	НОТ. 36 НИНА ГЕНОВА ДОБЧЕВА-КАЛЧЕВА - ПЛОВДИВ
Register number	2157
Register date	17.6.2010 г.
Scanned document	721060061124008.pdf (79К)



e-Апрр

ДЕКЛАРАЦИЯ

Долноу подписаната, **ЕКАТЕРИНА ТАНЕВА КОЕВА**, ЕГН 8203304478, български гражданин, лол женски, родена на 30.03.1982 г. в гр. Пловдив, окр. Пловдив, дъщеря на Таньо и на Снежана, с местожителство в гр. Раковски, Иван Йосков №9, общин Пловдивска, притежател на ЛК № 141886043 издадена на 24.07.2000 г. от МВР Пловдив, декларирам на собствена отговорност, като съм запознат с предвиденията на чл. 292 от Наказателния кодекс, по отношение на декларирането на неерни данни, че спазвам законовите изисквания предвидени от законодателството в сила по отношение на притежаването и удраживането на качеството на съдружник Търговско Дружество „КАТЯ ДИСТРИБУШЪН НЕТУОРК“ ООД /KATIA DISTRIBUTION NETWORK SRL/, дружество в процес на учредяване, със запазено наименование съгласно доказателство относно наличието и уникалността на фирмата № 40925 от 16.06.2010 г. издадено от Отдел Търговски Регистър към Съдебна палата Букурещи.

Давам настоящата декларация, която ще ми бъде необходима пред Отдел Търговски Регистър.

Декларатор,

Екатерина Танева Коева

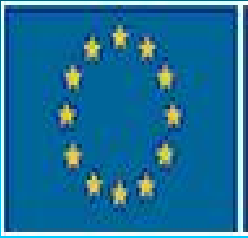
14.06.2010
 Помощник-нотариус
 Светлана Девикова-Атанасова

Помощник-нотариус
 по задължение
 Светлана
 Девикова-Атанасова



APOSTILLE (Convention de La Haye du 8 octobre 1961)	
1. Държава: Република България	
2. Този публичен акт е подписан от НИНА ГЕНОВА ДОБЧЕВА-КАЛЧЕВА	
3. В качеството му на НОТАРИУС № 36	
4. И е поставен печат/марка НОТ. № НИНА ГЕНОВА ДОБЧЕВА-КАЛЧЕВА - ПЛОВДИВ	
Заверен	
5. в София, България	6. на 24.6.2010 г.
7. от Министерство на правосъдието	
8. под №	9008
9. Печат	10. Подпис <i>[Signature]</i>
http://www.justice.government.bg/new/Apostille/	
Код : 721060061124008	



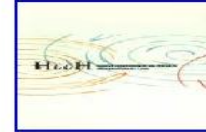


e-App



Ministry of Justice

 Български



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Docum
herein



91192306362409

Check apostille

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IBAN account: BG09BNBG 96613000173701

BIC: BNBGBGSD

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tel. : (+359 2) 92 37 354

The e-Apostilles component

- Encourage Competent Authorities to issue secure e-Apostilles
- By using, *for example*, Adobe® Acrobat® out-of-the-box PDF technology (prof. ed.) – enables CA to issue e-Apostilles in PDF and to sign these e-Apostilles by using a *digital certificate*
 - *Origin of e-Apostille can easily be verified by recipient by checking origin and status of digital signature*
- Implementation of e-Apostilles component is ideally (but not necessarily) combined with implementation of electronic means to verify origin of underlying public document (via electronic databases)

Move from ...

APOSTILLE * АПОСТИЛЬ
(Convention de La Haye du 5 octobre 1961
Гаазька Конвенція від 5 жовтня 1961 року)

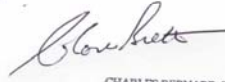
1. Україна
2. підписаний *Згурійко В.А.*
3. у якості *ректора Одеського інституту інженерів морського флоту*
4. містить проставлену печатку/штамп *Одеський інститут інженерів морського флоту*
5. в м. *Київ*
6. дата *09.11.2007*
7. ким *Рохман В.О. Головний спеціаліст*
8. за № *31198*
9. Печатка/штамп
10. Підпис



[Handwritten signature]

... or ...

This original Deed was produced to me
on 18th August 2008 and is hereby duly
notarised.



CHARLES BERNARD GORE BRETT
NOTARY PUBLIC
LEVEL 1, 12 COLLINS STREET
MELBOURNE VIC
AUSTRALIA



APOSTILLE
(Convention de La Haye du 5 octobre 1961)

1. Country: Australia
This public document

2. has been signed by CHARLES BRETT

3. acting in the capacity of NOTARY PUBLIC


4. bears the seal/stamp of CHARLES BERNARD GORE BRETT NOTARY PUBLIC

Certified

5. at MELBOURNE 6. 19-08-2008

7. by PAUL VATANA

8. No. M00024739

9. Seal/Stamp: 10. Signature 



56227

... to ...


Libertad y Orden

REPUBLICA DE COLOMBIA
MINISTERIO DE RELACIONES EXTERIORES

APOSTILLE
(Convention de La Haye du 5 Octobre 1961)

Pais: **REPUBLICA DE COLOMBIA**
(Country - Pays:)

El presente documento público
(This public document - Le present acte public)

Ha sido firmado por: **RODRIGUEZ ORTEGA DORIS AMANDA**
(Has been signed by: - A été signé par:)

Actuando en calidad de: **DIRECTOR DE GESTION NOTARIAL**
(Acting in the capacity of: - Agissant en qualité de:)

Lleva el sello/estampilla de: **SUPERINTENDENCIA DE NOTARIADO Y REGISTRO**
(Bears the seal/stamp of: - Est revêtu du sceau de / timbre de:)

Certificado
(Certified - Atteste)

En: **BOGOTA D.C.**
(At - À:)

El: **10/9/2007**
(On - Le:)

Por: **MINISTERIO DE RELACIONES EXTERIORES**
(By: The Ministry of Foreign Affairs of Colombia - Par: Ministère des Affaires Étrangères de la Colombie)

No: **AHKJ11017**
(Under Number: - Sous le numéro:)

Digitally Signed by:
Ministerio de Relaciones Exteriores de Colombia
SAUL GIOVANNI PEREZ GUTIERREZ
Reason: DOCUMENT AUTHENTICITY
Location: Bogota - Colombia
Date: Martes, 09 de Octubre de 2007, 12:46:31 p.m. 
Firma: (Signature:)

Nombre del Titular: **JOHVANA GONZALEZ// FERDINAN VELEZ**
(Name of the holder of document: - Nom du titulaire:)

Tipo de documento: **ESCRITURA MATRIMONIO CIVIL**
(Type of document: - Type du document:)

Número de hojas apostilladas: **7**
(Number of pages: - Nombre de pages:)

710984628240

La autenticidad de esta apostilla puede ser verificada en el Registro Electrónico que se encuentra en la siguiente página web:

The authenticity of this Apostille may be verified by accessing the e-Register on the following web site:

L'authenticité de cette Apostille peut être vérifiée en accédant l'e-Registre sur le site web suivant:

www.cancilleria.gov.co/apostilla

... and eventually ...



APOSTILLE
(Convention de la Haya du 5 octobre 1961)

1. País España.-
El presente documento público
2. ha sido firmado por *Laura Muñoz Pedreño.-*
3. quien actua en calidad de *Directora General de Familia y Menor de la Dirección General de Familia y Menor, de la Consejería de Política Social, Mujer e Inmigración de la Región de Murcia.-*
4. y está revestido del sello/timbre de el sello de la *Consejería de Política Social, Mujer e Inmigración.- Región de Murcia.-*
5. en *Murcia*
6. el día *veinte de Noviembre de dos Mil ocho.-*
7. por *EL Secretario de Gobierno del Tribunal Superior de Justicia de Murcia.-*
8. bajo el núm. *3265.-*
9. sello/timbre: de la *Secretaría de Gobierno.-*
10. Firma:

EL Secretario de Gobierno del Tribunal Superior de Justicia

Javier L. Parra García

El Director General de Familia y Menor, de la Comunidad Autónoma de la Región de Murcia, en virtud de la Orden de Fecundación y Movimiento del Oviducto en Valencia de Quince para la creación de un nuevo punto de control del L. Abuel -nieto- Tías -nieto- y del Plan de Salud -Fondo de Cita-, tal y como se describe en el texto correspondiente:

- Promover el desarrollo de la actividad de este fondo a su nivel de la Región de Murcia, en el marco de la colaboración con el Servicio de Registro Civil de la Comunidad Valenciana, en el ámbito de la Ley 2/2006, de 2 de Abril, de la Ley de Registro Civil de la Comunidad Valenciana.
- En el caso de que se produjera cualquier tipo de incidencia de desarrollo de la actividad de este fondo, en el marco de la Ley 2/2006, de 2 de Abril, de la Ley de Registro Civil de la Comunidad Valenciana, en el marco de la Ley 2/2006, de 2 de Abril, de la Ley de Registro Civil de la Comunidad Valenciana.

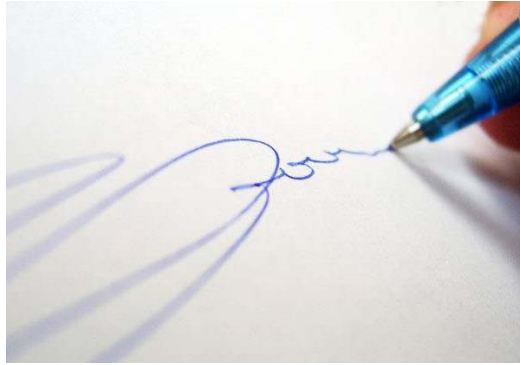
Lugar, fecha y firma del Secretario de Gobierno del Tribunal Superior de Justicia de Murcia

(Firma)

Fecha de inscripción		Fecha de inscripción	
Clase		Clase	
Clase		Clase	

Should foreign e-Apostilles be recognised in State of destination ?

- **YES of course, why not ?!**
- Pragmatic component (“reality check”):



If

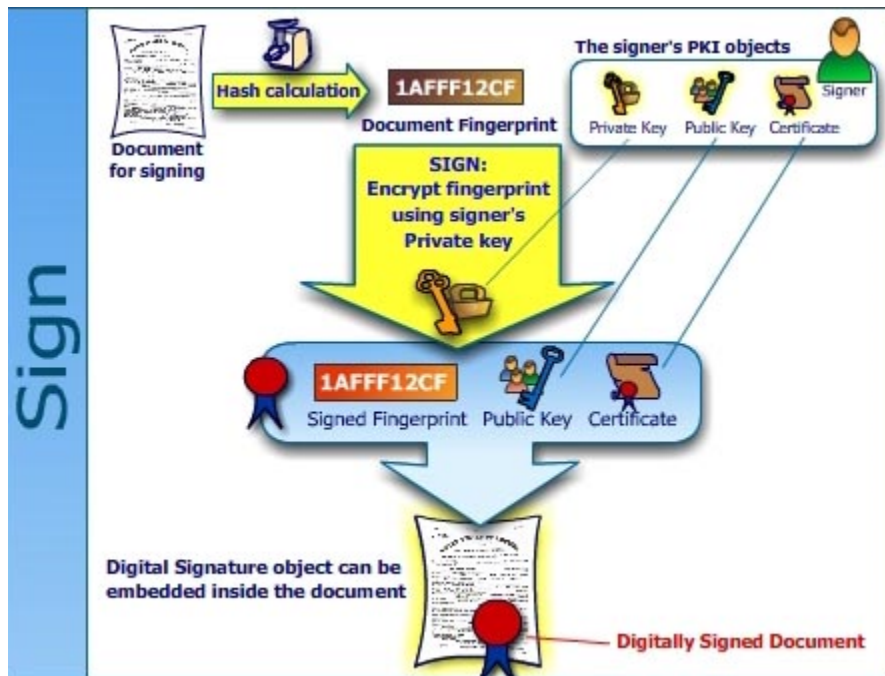
or

+



are acceptable means for issuing and affixing an Apostille (and they have been so far...!), then ...

... why should an e-Apostille with a digital certificate, which offers far higher security and certainty, ...



... not be possible and acceptable?

Should foreign e-Apostilles be recognized? (cont.)

- **YES, of course, why not ?!**
- Legal component:
 - 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 double standard would be very unsatisfactory as the use of e-Apostilles is much more secure than paper Apostilles

Should foreign e-Apostilles be recognized? (cont.)

- Convention text is neutral as to form of Apostille – allows for functional equivalence and thus for the Convention to keep up with technological developments
- Domestic legislations that expressly allow use of e-documents and e-signature – more and more courts allow or even require e-filing
- No need to amend Convention or adopt Protocol!

Don't forget...

- Both components (e-Apostilles and e-Registers) are addressed to / used by:
 - 1) **Competent Authorities:**
 - i. Issue e-Apostilles*
 - ii. Register paper or e-Apostilles in e-Register*
 - 2) **Recipient** in State of destination:
 - i. Verify origin of e-Apostilles via digital Certificate*
 - ii. Verify origin of paper or e-Apostilles via e-Registers*
- Software is a **suggestion** only – other technologies possible!
- **Two components are independent** – one can be implemented before the other (typically e-Register is implemented first)
- No need for a new Convention – no need to amend the existing Convention – keep all States (almost 100!) on board

e-APP: Status of implementation

Jurisdiction	e-Apostilles	e-Register
Andorra		July 2009
Belgium		Oct 2007
Bulgaria		Nov 2008
Colombia	Oct 2007 (providing printouts of e-Apostilles)	Oct 2007
Georgia		July 2009
Mexico – Fed District		Feb 2010 (plus possib. to verify e-signature on Apostille)
New Zealand	May 2009	April 2010
Rep of Moldova		Jan 2009
Spain – Murcia	Nov 2008	
USA – Kansas	Feb 2007	
USA – R.I.		Feb 2007
USA – Texas (currently only for Apostilles issued by Corporations Section of SoS)		Nov 2008

e-APP: Status of implementation

From "Pilot Program" to reality!

e-APP: Status of implementation

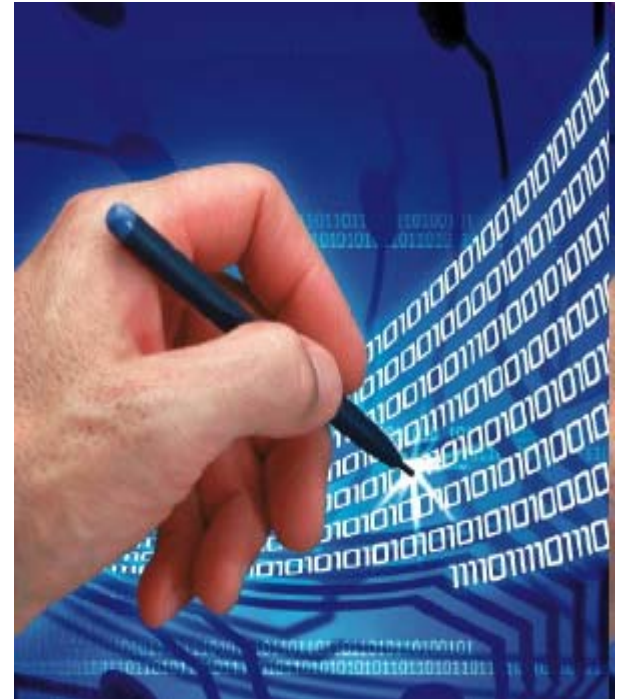


Who is next?

The e-APP for Europe Project

- Hague Conference as applicant
 - Spain as partner
 - Czech Republic, Finland, France as associate partners
- Development of central e-Register for Spain – will be combined with State-wide issuance of e-Apostilles
- Promotion throughout Europe and beyond:
 - 6th International e-APP Forum
 - 3 Regional Meetings (Helsinki, Prague, Paris), open not only to European Contracting States
- 18-month project; project coordinator/manager

Times are changing...





The e-APP: Enabling the Apostille Convention to grow from strength to strength!

Questions?

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