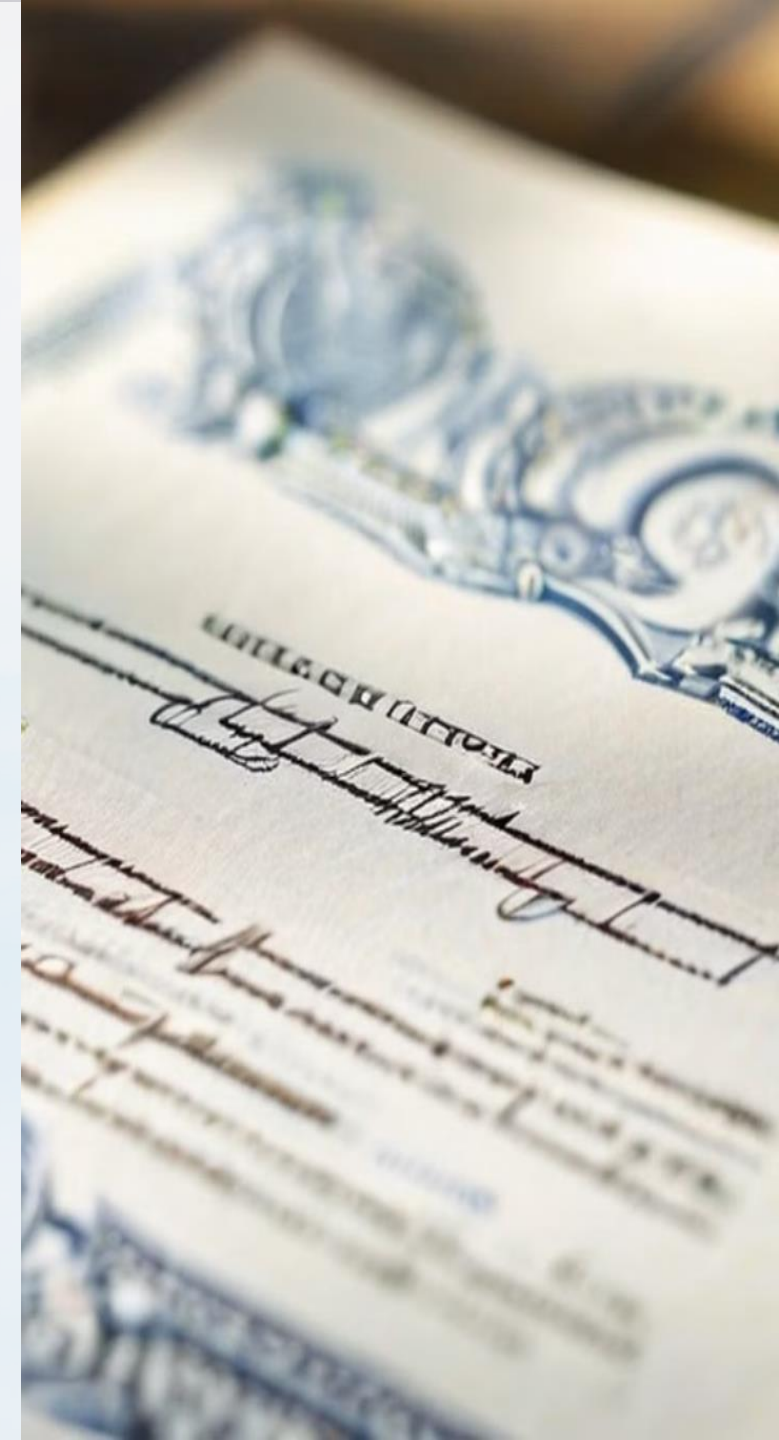


# HCCH 1961 Apostille Convention and electronic Apostille Programme (e-APP)

15 August 2024

e-APP Symposium, Montana

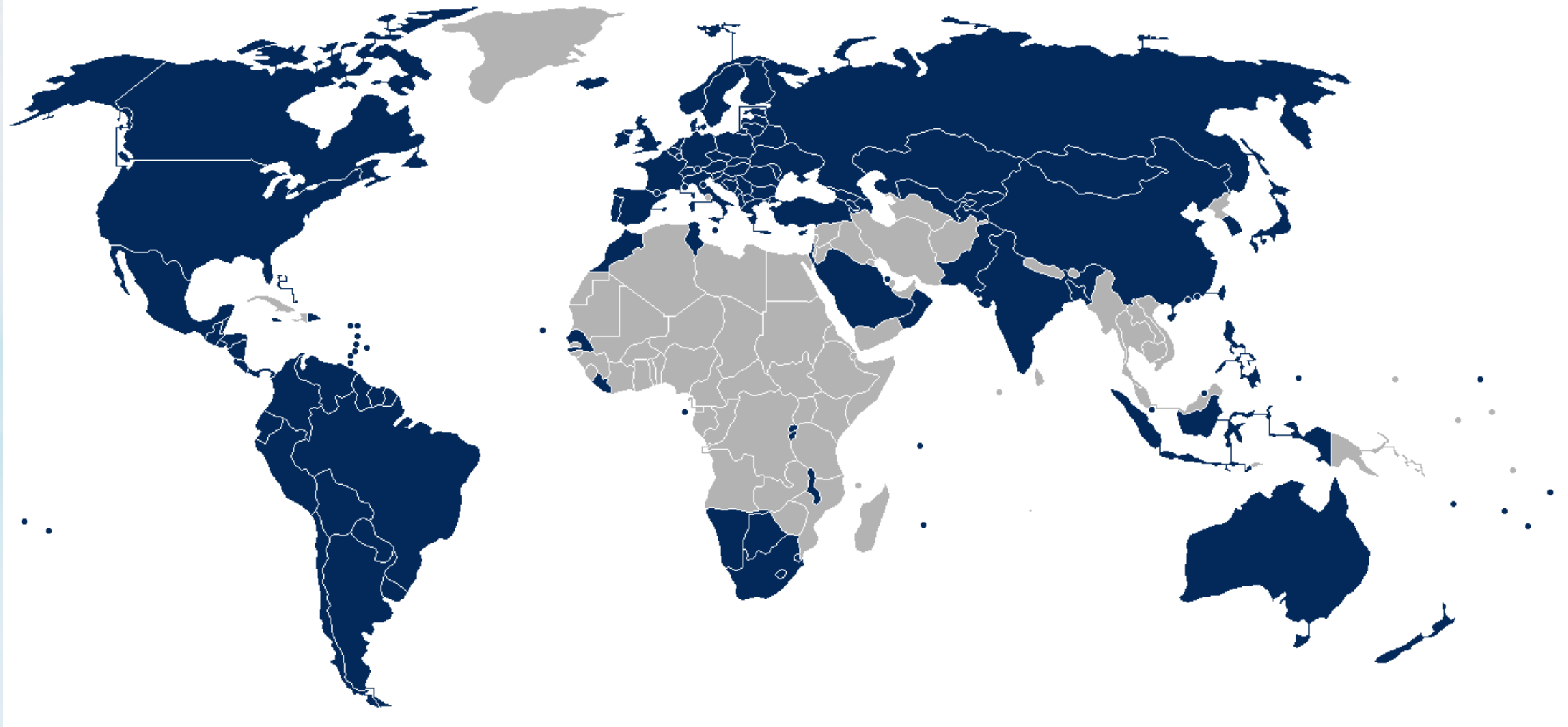
Melissa Ford  
Secretary - HCCH



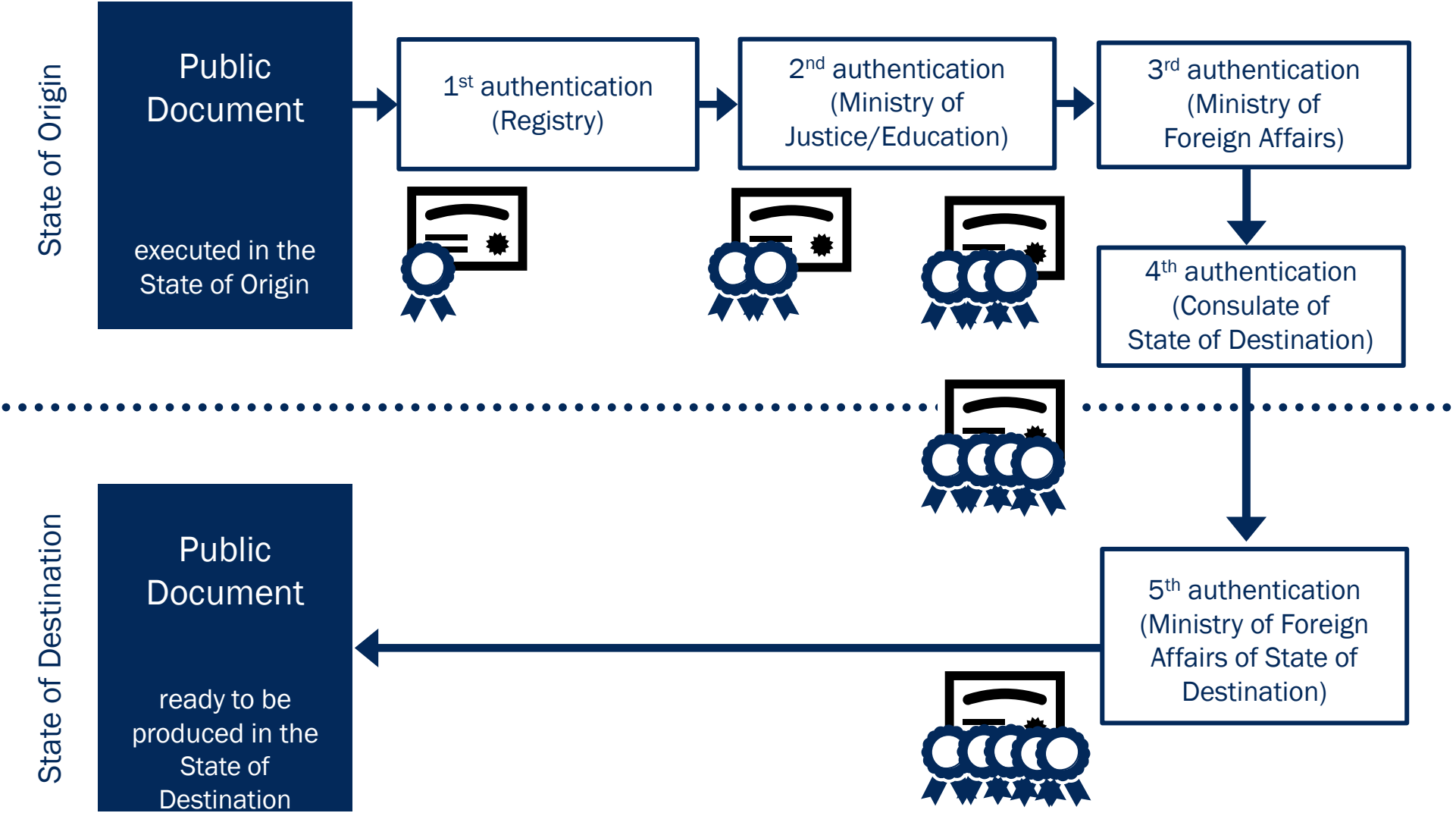
# 1961 Apostille Convention

- Replaces legalisation with a simple, one-step procedure - same effect as legalisation
- 127 Contracting Parties and a single, universal system
- Used several millions of times every year with a direct impact on people's lives / commercial operators' transaction
- Facilitates cross-border trade, commerce, and investment
- Alleviates pressure on consular officials
- Importantly, supported by **e-APP (electronic Apostille Programme)**

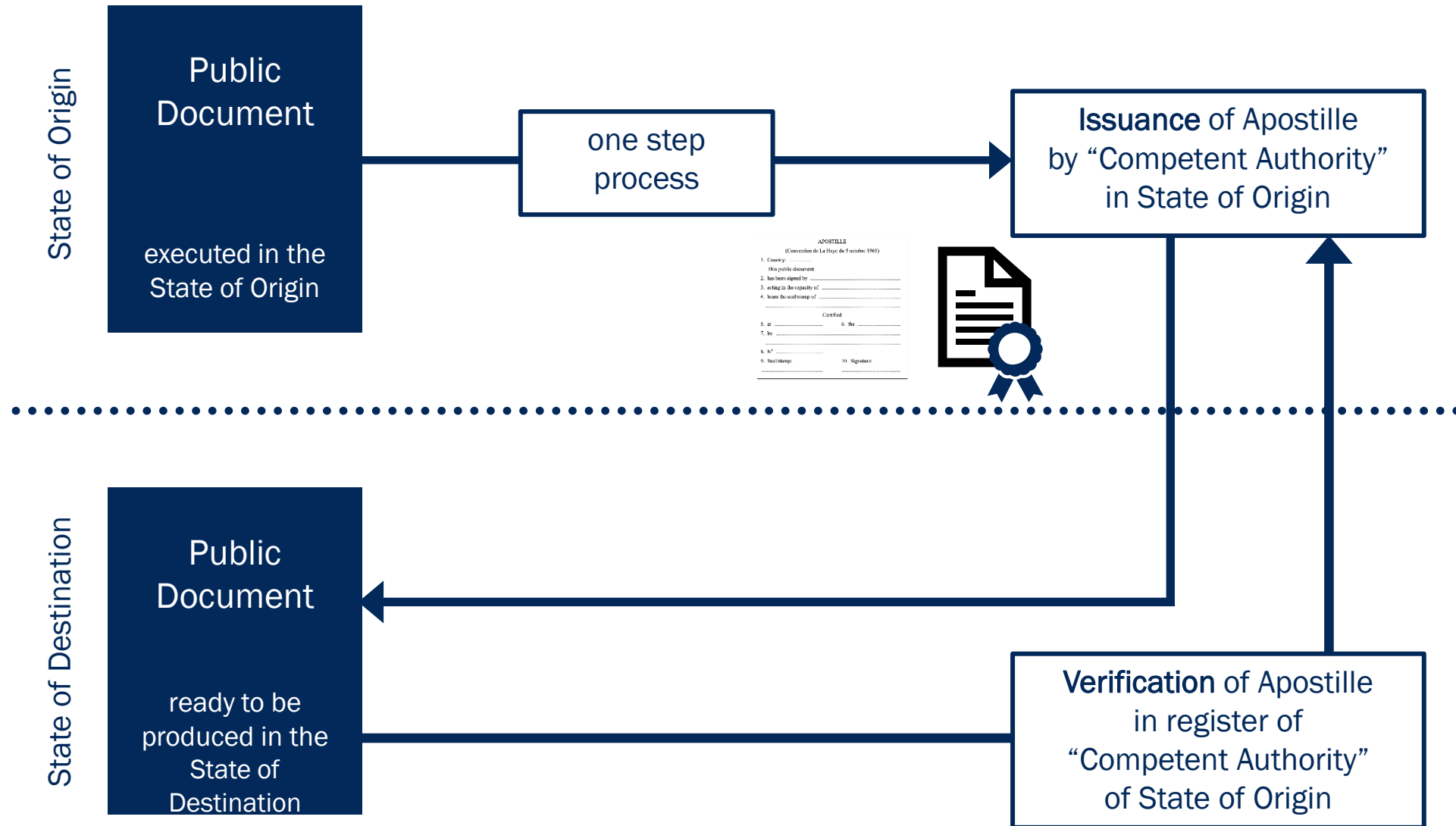
# 127 Contracting Parties



# Legalisation Chain (without the Convention)



# Simplified Procedure (*with the Convention*)



# Scope of the Convention: Public Documents

# What is a public document?

- All documents other than those issued by persons in their private capacity = any document executed by an **authority** or person in an **official capacity**
- General rule: if a document was subject to legalisation in a State before the entry into force of the Apostille Convention, it will now have to be apostilled
- The law of the **State of Origin** determines the **public nature** of a document, and whether an Apostille should be issued
- The law of the **State of Destination** determines the **probative value of the public document**

# What is a public document?

## Categories in the Convention

- Documents emanating from an authority or an official connected with the courts or tribunals of the State, including those emanating from a public prosecutor, a clerk of a court or a process-server (“*huissier de justice*”)
- Administrative documents
- Notarial acts
- Official certificates which are placed on documents signed by persons in their private capacity, such as official certificates recording the registration of a document or the fact that it was in existence on a certain date and official and notarial authentications of signatures

## Common public documents

- Civil status documents (e.g., birth, death and marriage certificates) and certificates of non-impediment
- Diplomas and other education documents
- Notarial authentications of signatures
- Documents issued by a court or tribunal
- Extracts from commercial registers
- Patents



# Competent Authorities

# Competent Authority Functions

- 1. Verifying**  
the authenticity (origin) of public documents
- 2. Issuing**  
(and attaching) Apostilles
- 3. Recording**  
Apostilles in a register

## **Location of a Competent Authority:**

Importance of proximity to users (public) – online options (e-APP)

# Model Apostille Certificate

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: .....

.....

Use of the Model Certificate (Art. 4, Annex to Convention)

- **Title** in French: “*Apostille (Convention de La Haye du 5 octobre 1961)*”
- 10 numbered **standard informational items**
- Square **frame** with sides at least 9cm
- Drawn up in **English, French, of an official language** of the issuing Competent Authority
- **Attached** to, or logically associated with, the underlying public document (incl. *allonge*)

# UNIVERSAL CERTIFICATE (SINGAPORE EXAMPLE)

If this document is to be used in a country not party to the Hague Convention of the 5th of October 1961, it should be presented to the consular section of the mission representing that country.



**APOSTILLE**  
(Convention de La Haye du 5 Octobre 1961)

This **Apostille** only certifies the authenticity of the signature, seal or stamp and the capacity of the person who has signed the attached Singapore public document, and, where appropriate, the identity of the seal or stamp. It does not certify the authenticity of the underlying document.

To verify this **Apostille**, go to <https://legalisation.sal.sg> or scan QR code:



Verification code: 351

If this document is to be used in a country not party to the Hague Convention of the 5th of October 1961, it should be presented to the consular section of the mission representing that country.

1. Country:	Singapore
<b>This public document</b>	
2. Has been signed by:	Veronica Aret
3. Acting in the capacity of:	Notary Public
4. Bears the seal/stamp of:	Notary Public
<b>Certified</b>	
5. At:	Singapore Academy of Law
6. The:	24th September 2021
7. By:	Melissa Goh, Deputy Director, SAL
8. No.:	2021/09/24
9. Seal/Stamp:	10. Signature: 



# Invalid grounds of rejection

- Underlying document not a public document under the law of the State of destination
- Size, shape, and design
- Additional text
- e-Apostille
- Method of attachment
- No translation
- Old Apostilles
- Underlying public document has been legalised
- Apostille has not been legalised
- Apostilles issued before entry into force in the State of destination



electronic Apostille  
Programme (**e-APP**)

# What is the e-APP?

- Seeks to promote and encourage the **use of technology** under the Apostille Convention
- Improves **accessibility and usability** of the Convention using commonly available technologies
- **Streamlines** work processes of Competent Authorities, **generates** more user-friendly Apostilles, and **enhances** security of cross-border transfer of documents

# e-APP COMPONENTS

## e-Apostille

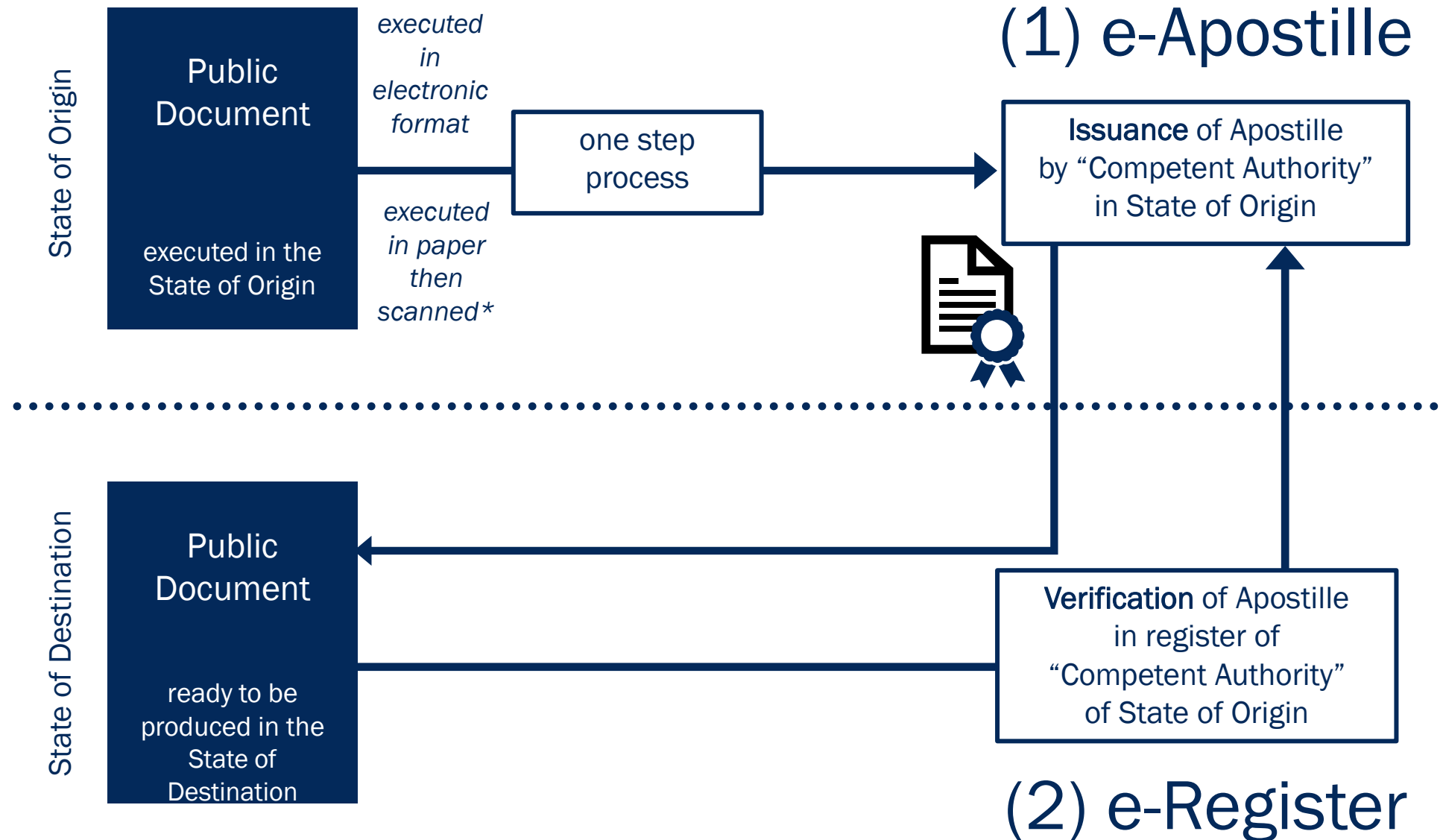
- An Article 3(1) Certificate issued in electronic form
- Signed by electronic signature with a digital certificate
- e-Apostilles may be issued on electronic documents or on paper documents that have been scanned/converted into electronic form

## e-Register

- The Article 7(1) register maintained in a publicly accessible, electronic form
- Allows any interested person to verify their Apostille online
- While many Contracting Parties maintain an electronic register, the publicly accessible element is what determines whether it will be classified as an e-Register



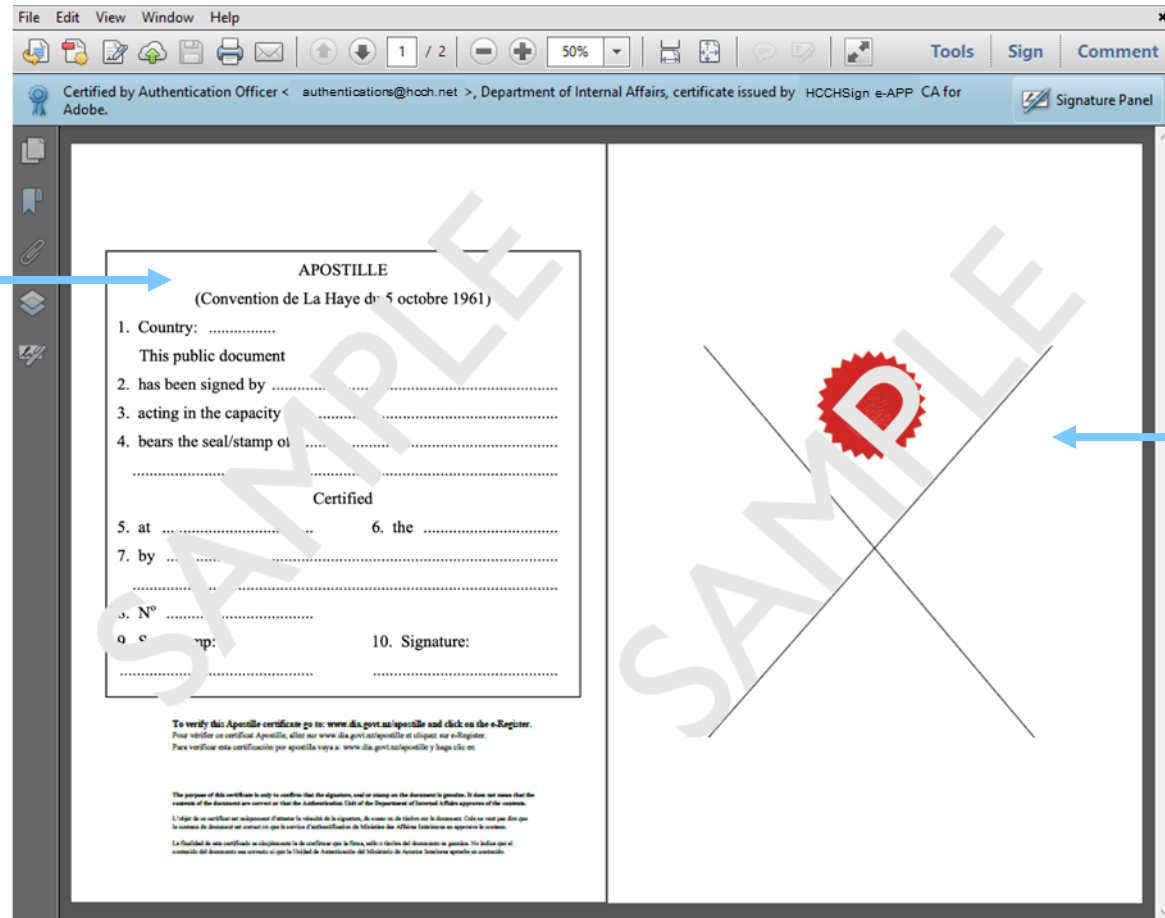
# TWO COMPONENTS



# FUNCTIONAL EQUIVALENCE

- “an Apostille **validly issued** in one Contracting Party to to the Convention **must be accepted** in another Contracting Party to the Convention”

# e-APOSTILLE



e-Apostille



Digital signature



Underlying public document

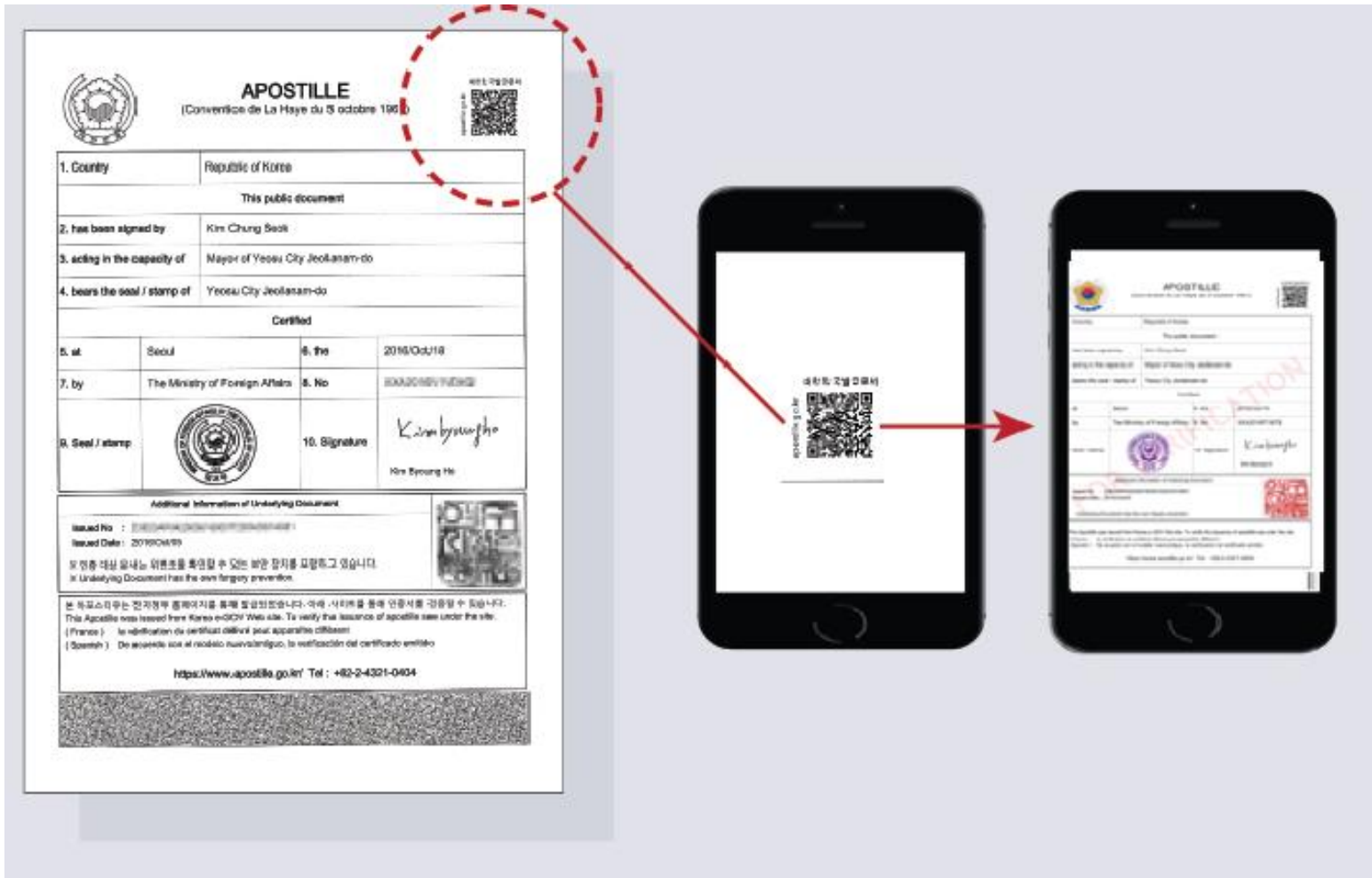


# Other e-Apostille aspects

- Validly issued Apostilles must be accepted
- No rejection for lack of regulation or legislation
- Receiving authority may have specific requirements for underlying public document (admissibility, form or probative value)
- Resolve rejections quickly and efficiently
- Technologies to facilitate e-Apostille services



# e-REGISTER (Republic Of Korea example)



The diagram illustrates the e-REGISTER process. On the left, a physical apostille document is shown. A red dashed circle highlights the QR code in the top right corner. A red arrow points from this QR code to a smartphone in the center, which displays the QR code. Another red arrow points from the smartphone to a second smartphone on the right, which displays the digital version of the apostille document.

**APOSTILLE**  
(Convention de La Haye du 5 octobre 1961)

1. Country: Republic of Korea

This public document

2. has been signed by: Kim Chung Seok

3. acting in the capacity of: Mayor of Yeosu City Jeollanam-do

4. bears the seal / stamp of: Yeosu City Jeollanam-do

Certified

5. at: Seoul 6. the: 2016/Oct/18

7. by: The Ministry of Foreign Affairs 8. No: B04205V19E02

9. Seal / stamp: [Seal] 10. Signature: Kim Byoung He

Additional Information of Unlawful Document

Issued No : [Number]  
Issued Date : 20160419

모건중 서명 문서는 위변조를 확인할 수 있는 보안 장치를 포함하고 있습니다.  
An Unlawful Document has the anti-forgery prevention.

본 아포스티유는 전자정부 홈페이지를 통해 발급되었습니다. 국제 사이트를 통해 인증서를 검증할 수 있습니다.  
This Apostille was issued from Korea e-GOV Web site. To verify the issuance of apostille seen under the site.  
(France) la vérification de l'authenticité du certificat délivré peut apparaître difficilement.  
(Spanish) De averiguar sobre el modo de su verificación, la verificación del certificado emitido.

<https://www.apostille.go.kr/> Tel : +82-2-4321-0404

# e-REGISTER EXAMPLE

<https://apostilla.minex.gob.gt/public/consultar/apostilla>



Repubblica de Guatemala  
MINISTERIO DE RELACIONES EXTERIORES

APOSTILLE  
(Convention de La Haye du 5 octobre 1961)

1. País: República de Guatemala  
(country / Pays)

El presente documento público  
(this public document / le présent acte public)

2. Ha sido firmado por:  
(has been signed by / a été signé par.) JUAN RAMIRO TOLEDO MONTENEGRO

3. Quien actúa en la calidad de:  
(acting in capacity of / agissant en qualité de.) SUBDIRECTOR DEL REGISTRO CENTRAL DE LAS PERSONAS

4. Y está revestido del sello / timbre de:  
(Bears the seal / stamp of / est revêtu du sceau / timbre de.) REGISTRO NACIONAL DE LAS PERSONAS

Certificado  
Certificate / Attesté

5. En: CIUDAD DE GUATEMALA, GUATEMALA

6. El día: 31/10/2019

7. Por: GIOVANI DE PAZ ACEVEDO - JEFE DEL DEPARTAMENTO DE AUTÉNTICAS

8. Bajo el número: 1547462019

9. Sello / timbre

10. Firma

Verification

Código de verificación: 2S1Li0  
Verification code / Code de vérification

Certificate number

8. Bajo el número:  
(number / sous n°)

1547462019

# Global Update

## **2021-24 – new Contracting Parties to Apostille Convention (10 new)**

- Jamaica
- Singapore – e-Register
- Indonesia – e-Register
- Saudi Arabia
- Pakistan – e-Register
- Senegal
- China – e-Register
- Canada
- Rwanda
- Bangladesh (EIF – 30 March 2025)

# Global Update – e-APP

## **2021-24 – new implementation of e-APP (e-Apostille)**

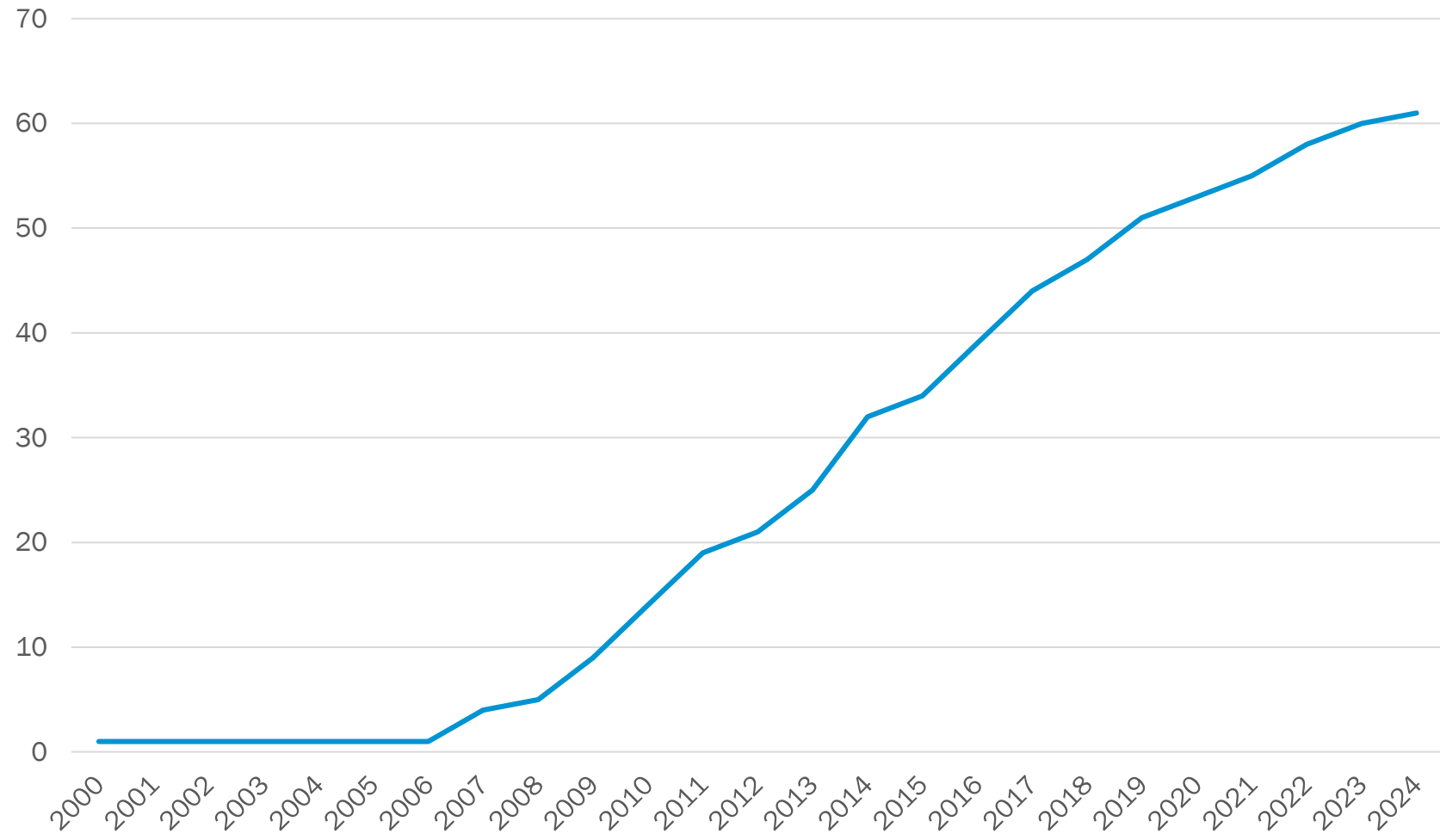
- Armenia – 2021
- Brazil – 2021
- Guatemala – 2021
- Israel – 2021
- Peru – 2021
- United Kingdom - 2021
- El Salvador – 2022
- Kazakhstan – 2022
- Uzbekistan - 2022
- Georgia – 2023
- Greece – 2023
- Panama – 2023
- Russia - 2023
- Ecuador – 2024
- Philippines - 2024

## **2021-24 – new implementation of e-APP (e-Apostille) – United States**

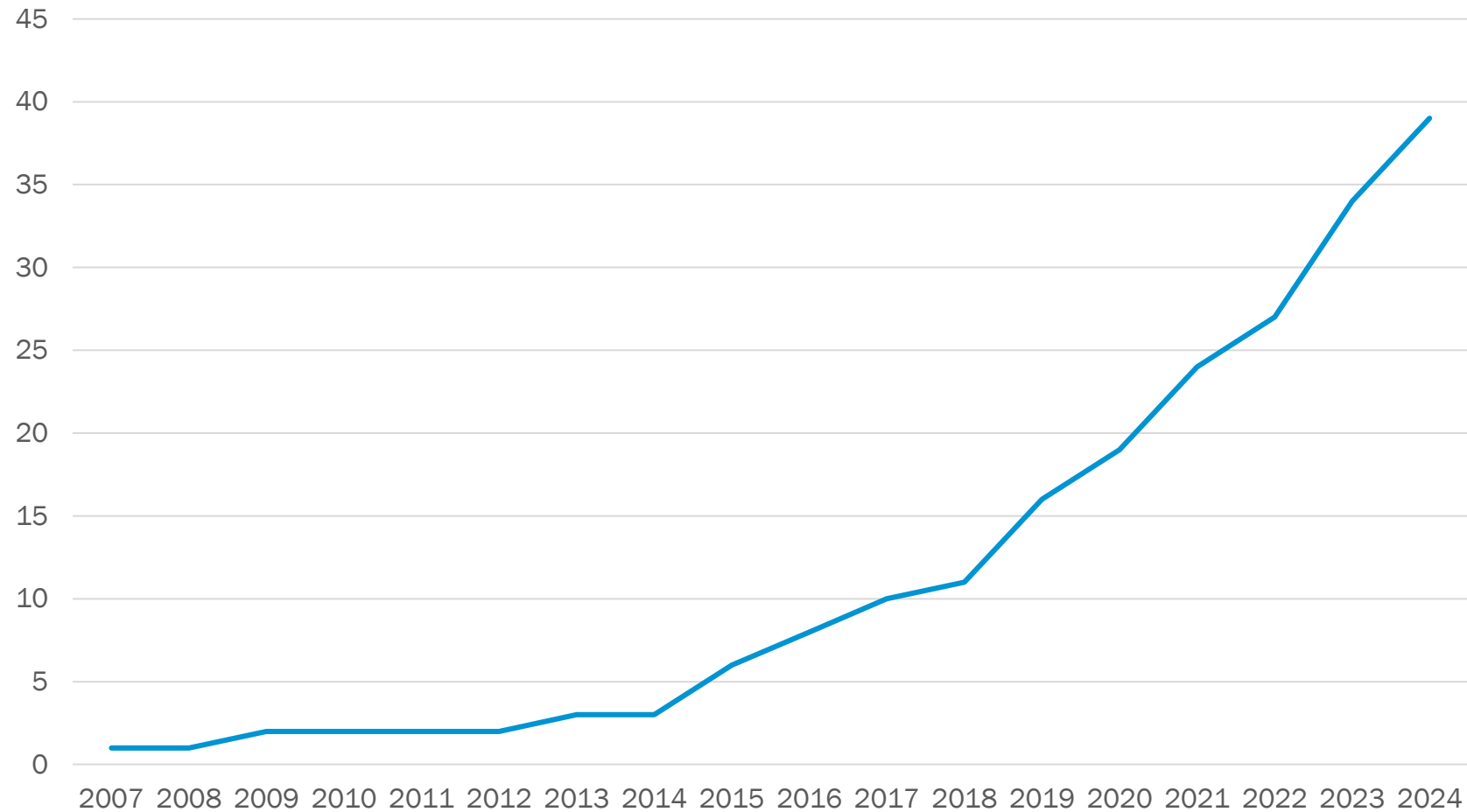
- Connecticut – 2023
- Montana – 2023
- Rhode Island – 2023
- Utah – 2023
- Kentucky – 2024
- Minnesota – 2024
- Washington - 2024



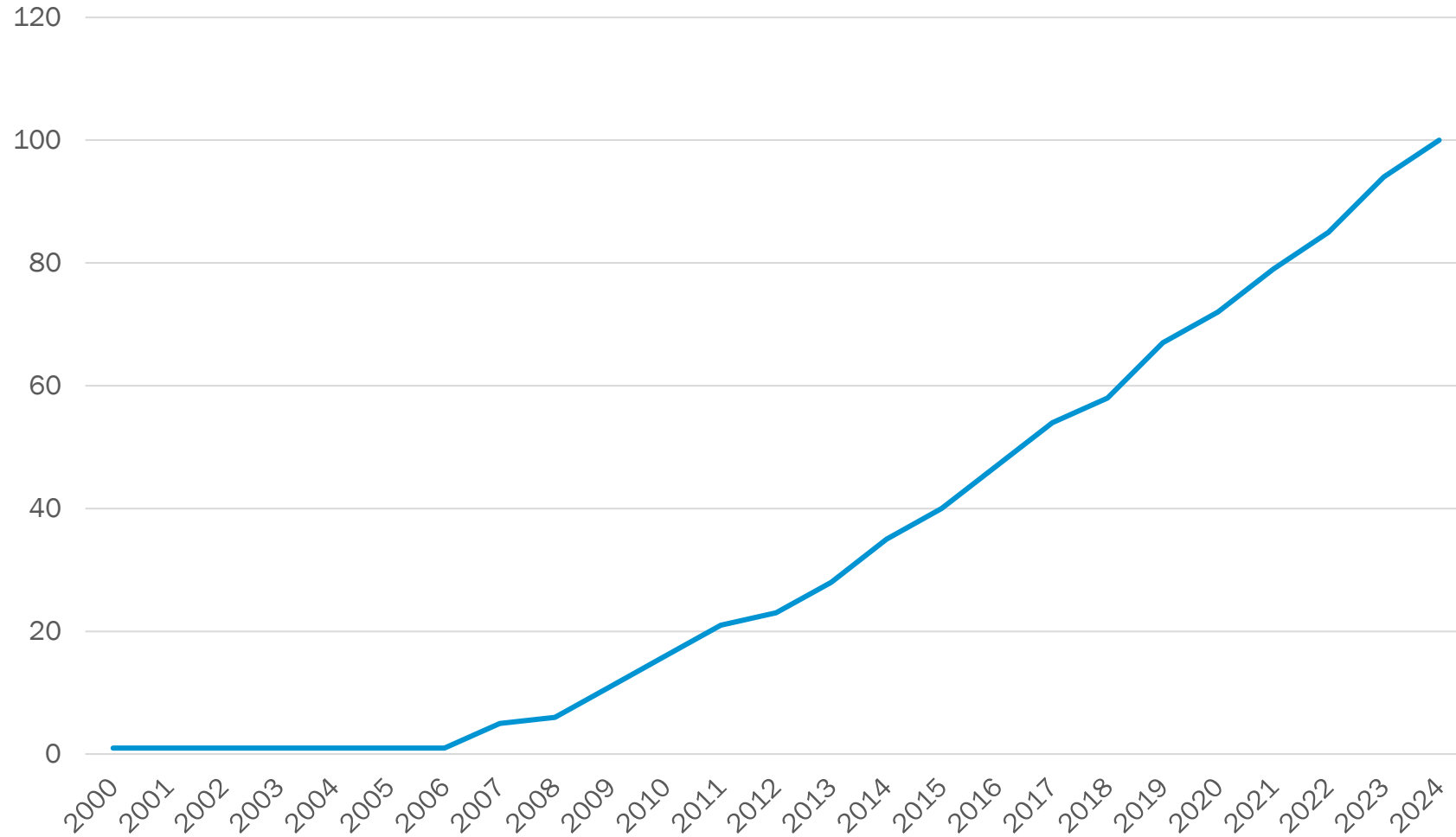
# e-Register implementation 2006 - 2024



# e-Apostille implementation 2006 - 2024



# e-APP implementation 2006 - 2024



# Developing the e-APP – 2021 Special Commission

We are studying the use of e-Apostilles and plan to implement the e-Apostille component.

67%

We are studying the use of an e-Register and plan to implement the e-Register component

64%

# Statistics

Apostilles issued in 2019 =

12,945,885

(covering 62 Contracting Parties)

# Handbook

- The 2<sup>nd</sup> edition was published in January 2023
- Primary source on the practical operation of the Convention
- Containing details on Competent Authorities, scope of the Convention, process in State of origin and destination, and the e-APP
- Is available in [English, French and Spanish](#)

More info about the Convention:  
[HCCH | Apostille Section](#)

