

## GUATEMALA Apostille Questionnaire 2021

The official languages of the HCCH are English and French. A courtesy translation has been provided for responses in Spanish. The responses are otherwise reflected as provided by Contracting Parties, subject to minor typographical corrections.

Joining the Apostille Convention	
1. Did you join the Convention after 2010?	[a] Yes.
<i>For Parties that joined the Convention after 2010.</i>	Yes.
1.1. Did you require implementing legislation to give the Apostille Convention the force of law?	<a href="https://www.congreso.gob.gt/detalle_pdf/decretos/13397">https://www.congreso.gob.gt/detalle_pdf/decretos/13397</a>
2. Are foreign public documents exempted from legalisation by virtue of your internal law, practice, or any bilateral / multilateral agreements (excluding the Apostille Convention)?	[c] No.
Competent Authorities	
3. How many Competent Authorities have you designated under the Apostille Convention? <i>If unknown, please specify the reason for this and provide an approximate number.</i>	1 Competent Authority: Ministry of Foreign Affairs  ES: 1 Autoridad Competente: MINISTERIO DE RELACIONES EXTERIORES
4. Do your diplomatic missions abroad play a role in the Apostille issuance process?	[d] No.
Substantive Scope	
5. Is the concept of 'public document' defined in your internal law?	[b] No.
6. Have you experienced any difficulties in characterising a 'public document' for the purposes of the Apostille Convention?	[b] No.
7. Has the exclusion of 'documents executed by diplomatic or consular agents' (Art. 1(3)(a)) from the scope of the Apostille Convention given rise to any difficulties?	[c] No.
8. Do you think this Art. 1(3)(a) exclusion is justified in the context of the modern operation of the Convention?	[b] No.

<p>9. Has the exclusion of 'administrative documents dealing directly with commercial or customs operations' (Art. 1(3)(b)) from the scope of the Apostille Convention given rise to any difficulties?</p>	<p>[a] Yes, as the State of origin.  <i>MANY TIMES SUCH DOCUMENTS ARE NOT APOSTILLED DUE TO CONFUSION REGARDING THE SUBJECT OF INVOICES, TRADEMARK REGISTRATIONS, AMONG OTHER ISSUES OF COMMERCIAL CHARACTER, FROM THIS ACCOUNT DIPLOMATIC MISSIONS MUST CONTINUE THE PROCESS OF TRADITIONAL LEGALIZATION PROCESS FOR THE DOCUMENTS TO BE ADMISSIBLE IN THE COUNTRY.</i></p> <p>ES: MUCHAS VECES NO SE APOSTILLAN ESTE TIPO DE DOCUMENTOS POR EXISTIR CONFUSIÓN EN CUANTO A TEMA DE FACTUTAS, REGISTROS DE MARCAS, ENRRE OTROS TEMAS DE CARACTER COMERCIAL, DE ESTA CUENTA LAS MISIONES DIPLOMATICAS DEBEN CONTINUAR EL PROCESO DE LEGALIZACIÓN TRADICIONAL PARA QUE LOS DOCUMENTOS SEAN ADMISIBLES EN EL PAIS.</p>		
<p><i>For Parties that answered yes to Q9.</i>            9.1. How has previous guidance on the interpretation of the Art. 1(3)(b) exclusion assisted in resolving these difficulties? (E.g. the 'extremely narrow' construction referred to in C&amp;R No 10 of the 2016 SC).</p>	<p><b>ONLY THE SIGNATURES CERTIFYING THE DOCUMENTS SHOULD CORRESPOND TO PUBLIC OFFICIALS TO GIVE CERTAINTY.</b></p> <p>ES: UNICAMENTE QUE LAS FIRMAS QUE CERTIFICACAN LOS DOCUMENTOS CORRESPONDAN A FUCINONARIOS PÚBLICOS PARA DAR CERTEZA.</p>		
<p>10. Do you think this Art. 1(3)(b) exclusion is justified in the context of the modern operation of the Convention?</p>	<p>[a] Yes.</p>		
<p>11. Do you issue (outgoing) or accept (incoming) Apostilles for any of the following categories of document?</p>		Issue	Accept
	Certificates of origin	X	X
	Export licences	X	X
	Import licences	X	X
	Health and safety certificates issued by the relevant government authorities or agencies	X	X
	Certificates of products registration	X	X
	Certificates of conformity	X	X
	End user certificates (i.e. documents certifying that the buyer is the end user of acquired goods)	X	X
	Commercial invoices	X	X
<p><b>Apostille Process</b></p>			
<p><b>Certification of Public Documents</b></p>			
<p>12. Do any of your public documents require some other intermediate certification before the issuance of an Apostille?</p>	<p>[a] Yes, an intermediate certification is required for some categories of public documents.</p>		
<p><i>For Parties that answered yes to Q12.</i></p>	<p>Category of public document</p>	<p>Why certification is required</p>	

12.1. What categories of public document require intermediate certification and why?	<b>NOTARIAL ACTS, BETWEEN LEGALISATION OF COPIES AND SIGNATURES</b> ES: DOCUMENTOS NOTARIALES, ENTRE LEGALIZACION DE COPIAS Y FIRMAS	<b>FOR THE NOTARY REGISTRAR IN GUATEMALA, GENERAL PROTOCOLS ARCHIVE</b> ES: POR EL REGISTRO NOTARIAL EN GUATEMALA, ARCHIVO GENERAL DE PROTOCOLOS
	<b>SCHOOL AND UNIVERSITY EDUCATION DOCUMENTS</b> ES: DOCUMENTOS DE EDUCACIÓN ESCOLAR Y UNIVERSITARIOS	<b>REGISTERING EDUCATIONAL INSTITUTIONS, MINISTRY OF EDUCATION, FOR UNIVERSITY RECORDS IS THE DUTY OF THE ISSUING UNIVERSITY</b> ES: REGISTRO ENTIDADES EDUCATIVAS, MINISTERIO DE EDUCACIÓN, PARA DOCUMENTACIÓN UNIVERSITARIA ES LA AUTORIDAD CORRESPONDIENTE DE LA UNIVERSIDAD EMISORA
	<b>BIRTH, DEATH, MARRIAGE, SINGLE-STATUS AND IDENTIFICATION CERTIFICATES</b> ES: CERTIFICADOS DE NACIMIENTO, DEFUNCIÓN, MATRIMONIO, SOLTERIA, IDENTIFICACIÓN	<b>NATIONAL REGISTRY OF PERSONS, COMPETENT AUTHORITY</b> ES: REGISTRO NACIONAL DE LAS PERSONAS AUTORIDAD COMPETENTE
	<b>IMPORT AND EXPORT CERTIFICATES</b> ES: CERTIFICADOS DE IMPORTACIÓN, EXPORTACIÓN	<b>HEALTH RECORDS, MINISTRY OF HEALTH, MINISTRY OF AGRICULTURE</b> ES: REGISTROS SANITARIOS, MINISTERIO DE SALUD, MINISTERIO DE AGRICULTURA
	<b>CRIMINAL AND POLICE RECORDS, AMONG OTHER ACTIVITIES</b> ES: ANTECEDENTES PENALES, POLICIALES, ENTRE OTRAS ACTIVIDAD	<b>JUDICIAL AND POLICE AUTHORITY</b> ES: AUTORIDAD JUDICIAL Y DE POLICIA
<b>Requesting an Apostille (Outgoing)</b>		
13. How can an Apostille be requested?	[a] In person.	
	[b] By post.	
	[c] By email.	
	[d] Through a website.	X
	[e] Other.	

14. When issuing an Apostille, do you enquire about the State of destination?	[a] Yes, in the application form.		
15. How long does it take for an Apostille to be issued?	In-person request (paper Apostille)	Other requests (from the time of receipt) (paper Apostille)	e-Apostille requests
			On the same day
16. Does your Competent Authority impose a fee for issuing an Apostille?	<p>[a] Yes, a single price for all Apostilles.  <i>ONLY THE CORRESPONDING TAX OF Q.10.00 IN NATIONAL CURRENCY          DECREE 37-92 OF THE CONGRESS OF THE REPUBLIC.</i></p> <p><i>ES: UNICAMENTE EL IMPUESTO CORRESPONDIENTE DE Q.10.00 EN MONEDA NACIONAL          DECRETO 37-92 DEL CONGRESO DE LA REPÚBLICA.</i></p>		
<b>Issuing an Apostille (Outgoing)</b>			
17. How is the origin of a public document verified for the purpose of issuing an Apostille (i.e. verification of the authenticity of the signature, the capacity of the signer, and the identity of the seal / stamp (Art. 5(2))?	<p>[a] Single Competent Authority.          [ii] An electronic database of sample signatures / seals / stamps.</p>		
18. How does a Competent Authority address situations where it is unable to verify the origin of the public document?	[b] The Competent Authority will contact the issuing authority to confirm authenticity but will not issue the Apostille until the new signature, stamp or seal is added to the database.		
19. In what language(s) are the 10 standard items of your Apostilles available?	<p>[c] In three languages.  <i>SPANISH, ENGLISH AND FRENCH          ES: ESPAÑOL, INGLÉS Y FRANCÉS</i></p>		
20. In what language(s) are the blank fields of your Apostilles filled in?	<p>[a] In one language.  <i>SPANISH          ES: ESPAÑOL</i></p>		
21. How are the blank fields of your Apostilles filled in?	<p>[b] Using computer software.  <i>PREDETERMINED IN THE SYSTEM, e-APP WHICH ARE LINKED TO THE ISSUING AUTHORITY, THE SIGNING OFFICIAL, TYPE OF DOCUMENT, ETC.</i></p> <p><i>ES: PREDETERMINADOS EN EL SISTEMA, e-APP LOS CUALES SE VINCULAN AL LA AUTORIDAD EMISORA, EL FUNCIONARIO FIRMANTE, TIPO DE DOCUMENTO, ETC.</i></p>		
<b>Apostille Registers</b>			
22. How is your Apostille register, required by Article 7, maintained?	<p>[a] Single Competent Authority.          [ii] Electronic form, not publicly accessible online.</p>		
23. What particulars are contained in your Apostille register?	[a] Number and date of the Apostille (required).		X
	[b] Name and capacity of the person signing the document and / or the name of authority whose seal or stamp is affixed (required).		X
	[c] Name and / or type of underlying document.		X
	[d] Description of the contents of underlying document.		X
	[e] Name of the applicant.		X
	[f] State of destination.		X

	[g] Copy of the Apostille.	X
	[h] Copy of the underlying document.	X
	[i] Other.	
24. Is there a limit to how long records can be retained on the Apostille register?	[d] No.	
25. If your register is <i>not</i> publicly accessible, how frequently do your Competent Authorities receive requests to verify an Apostille they have issued in the register?	[g] Not applicable, register is publicly accessible.	
<b>Technology &amp; the e-APP</b>		
26. Under your internal law, do you recognise electronic / digital signatures as functionally equivalent to handwritten signatures (i.e. can a public document be signed electronically)?	[a] Yes. <a href="https://www.minfin.gob.gt/images/archivos/leyes/tesoreria/Decretos/DECRETO%2047-2008.pdf">https://www.minfin.gob.gt/images/archivos/leyes/tesoreria/Decretos/DECRETO%2047-2008.pdf</a>  <a href="https://www.minfin.gob.gt/images/archivos/leyes/tesoreria/Acuerdos%20Gubernativos/ACUERDO%20GUBERNATIVO%20135-2009.pdf">https://www.minfin.gob.gt/images/archivos/leyes/tesoreria/Acuerdos%20Gubernativos/ACUERDO%20GUBERNATIVO%20135-2009.pdf</a>  <a href="https://www.minfin.gob.gt/images/archivos/leyes/tesoreria/Decretos/DECRETO%2047-2008.pdf">https://www.minfin.gob.gt/images/archivos/leyes/tesoreria/Decretos/DECRETO%2047-2008.pdf</a>	
27. Under your internal law, are public documents executed, or able to be executed, in electronic form (whether or not they are to be used abroad under the Convention)?	[a] Yes.	
<i>For Parties that answered yes to Q27.</i> 27.1. What categories of public documents are executed, or able to be executed, in electronic form (whether or not they are to be used abroad under the Convention)?	[a] All public documents.	X
	[b] Civil status documents (e.g. birth, death and marriage certificates) and certificates of non-impediment.	X
	[c] Other administrative documents (including decisions from administrative tribunals or decision-making bodies).	X
	[d] Extracts from commercial registers and other registers.	X
	[e] Notarial authentications of signatures.	X
	[f] Other notarial acts.	X
	[g] Diplomas and other education documents.	X
	[h] Court documents, including judgments.	X
	[i] Patents or other documents pertaining to intellectual property rights.	X
	[j] Documents relating to adoptions.	
	[k] Translations.	X
	[l] Medical or health certificates.	X
	[m] Criminal records.	X
	[n] Import or export licences.	X
[o] Certificates of origin.	X	

	[p] Certificates of conformity.	X
	[q] Other.	
<i>For Parties that answered yes to Q27.</i> 27.2. Approximately what percentage of your public documents are originally executed in electronic form (whether or not they are to be used abroad under the Convention)?	BETWEEN 600 AND 800 DOCUMENTS PER DAY. ES: ENTRE 600 Y 800 DOCUMENTOS POR DIA.	
28. Do you issue e-Apostilles?	[a] Yes.	
<i>For Parties that answered yes to Q28.</i> 28.3. Under your internal law, which of the following do you consider public documents for the purpose of issuing e-Apostilles?	[a] Electronic public documents. [b] Paper public documents that have been scanned by a public official. [c] Paper public documents that have been scanned by applicants.	
<i>For Parties that answered yes to Q28.</i> 28.4. How is an e-Apostille signed (i.e. what technology is used to apply an electronic / digital signature)?	[c] Other. <i>To SIGN AN e-Apostille there are a number of important factors, among these the Certification of an Entity of Certification Service Providers (<a href="https://www.ccg.com.gt/web-ccg/">https://www.ccg.com.gt/web-ccg/</a>) registered in (<a href="https://www.rpsc.gob.gt/">https://www.rpsc.gob.gt/</a>); in addition to the Superintendency of Tax Administration (<a href="https://portal.sat.gob.gt/portal/">https://portal.sat.gob.gt/portal/</a>) with this information as competent authority we issue and electronically sign the Apostilles.</i>  <i>ES: PARA FIRMAR UNA e-Apostilla existe una serie de factores importantes entre estos la Certificación de una Entidad de Prestadores de Servicios de Certificación (<a href="https://www.ccg.com.gt/web-ccg/">https://www.ccg.com.gt/web-ccg/</a>) la cual se encuentra registrada en (<a href="https://www.rpsc.gob.gt/">https://www.rpsc.gob.gt/</a>); además de la Superintendencia de Administración Tributaria (<a href="https://portal.sat.gob.gt/portal/">https://portal.sat.gob.gt/portal/</a>) con esta información como Autoridad Competente emitimos y firmamos electrónicamente las apostillas.</i>	
<i>For Parties that answered yes to Q28.</i> 28.5. How is an e-Apostille affixed to / associated with the underlying public document to ensure it is not tampered with?	THE APOSTILLE AND THE DOCUMENT ARE ASSOCIATED WITH THE CORRESPONDING ELECTRONIC RECORD, BOTH OF WHICH CAN BE DISPLAYED AT THE TIME OF VERIFICATION SO THAT THERE IS NO MANIPULATION.  ES: LA APOSTILLA Y EL DOCUMENTO VAN ASOCIADOS AL REGISTRO ELECTRONICO QUE CORRESPONDE, AMBOS SE PUEDEN VISUALIZAR AL MOMENTO DE LA VERIFICACIÓN PARA QUE NO HAYA MANIPULACIÓN.	
<i>For Parties that answered yes to Q28.</i> 28.6. Once issued, how is the e-Apostille transmitted to the applicant?	[c] Electronic transmission via online platform administered by the government.	
29. Are your authorities equipped to accept incoming e-Apostilles?	[a] Yes, all e-Apostilles can be processed.	
30. Do you maintain an e-Register?	[a] Yes.	
<i>For Parties that answered yes to Q30.</i> 30.2. What technology is used to maintain your e-Register?	[a] A government-built platform.	
31. Have you been in contact with other Competent Authorities that operate an e-APP component and exchanged information and / or relevant experience?	[b] No.	

Issues with Apostilles			
32. Has an Apostille <i>issued</i> by your Competent Authority ever been refused by the authorities of another Contracting Party on the following grounds:	[a]	Form requirements (e.g. square-shaped, sides of at least nine centimetres, border, ink, etc).	
	[b]	The manner in which the Apostille was affixed / attached to the underlying document.	
	[c]	The Apostille was not signed.	
	[d]	One or more of the standard informational items were not filled in.	
	[e]	The Apostille was in electronic form ( <i>an e-Apostille</i> ).	
	[f]	The underlying public document was in electronic form.	
	[g]	The underlying public document had expired / was not issued within a certain timeframe.	
	[h]	The underlying document was not a public document under the law of the destination.	
	[i]	Other.	
	[j]	Unknown.	
	[k]	No / Not applicable.	X
33. Has your Competent Authority ever been requested by external Competent Authorities to certify or confirm your procedure for issuing Apostilles?	[b]	No.	
34. Has an Apostille <i>received</i> by your authorities ever been refused on the following grounds:	[a]	The issuing State was not a Contracting Party to the Apostille Convention.	
	[b]	Form requirements (e.g. square-shaped, sides of at least nine centimetres, border, ink, etc).	
	[c]	The manner in which the Apostille was affixed / attached to the underlying document.	
	[d]	The Apostille was not signed.	
	[e]	One or more of the standard informational items were not filled in.	
	[f]	The Apostille was in electronic form ( <i>an e-Apostille</i> ).	
	[g]	The underlying public document was in electronic form.	

	[h] The underlying public document had expired / was not issued within a certain timeframe.	
	[i] The underlying document was not a public document under the law of the destination.	
	[j] Other.	
	[k] Unknown.	
	[l] No / Not applicable.	X
<b>Miscellaneous</b>		
35. Would you be interested in attending the 2021 meeting of the Special Commission on the practical operation of the Apostille Convention?	[a] Yes, if possible, in person.	
36. Have you encountered any persistent difficulties, issues, or challenges in the operation of the Apostille Convention that you would like discussed at the 2021 Special Commission? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	
37. Do you have any suggestions that could assist in the promotion, implementation, or operation of the Apostille Convention? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	
38. Would you be interested in attending the 12 <sup>th</sup> International Forum on the e-APP (to be held in conjunction with the meeting of the Special Commission)?	[a] Yes, if possible, in person.	
39. Are there any specific topics or practical issues that you would like discussed at the e-APP Forum? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	
40. The Permanent Bureau is in the process of drafting a 2 <sup>nd</sup> edition of the Apostille Handbook. Are there any specific topics, suggestions for presentation or formatting, or any other proposals for inclusion? <i>Please note that answers to this question will not be incorporated into the first draft of the 2<sup>nd</sup> edition. The PB will take them into account in preparing subsequent drafts.</i> <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	