

PLURINATIONAL STATE OF BOLIVIA ESTADO PLURINACIONAL DE BOLIVIA Apostille Questionnaire 2021

The responses are 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.
<p><i>For Parties that joined the Convention after 2010.</i></p> 1.1. Did you require implementing legislation to give the Apostille Convention the force of law?	<p>Yes. <i>Law No. 967 of August 4, 2017 and Supreme Decree No. 3541 of April 25, 2018</i></p> <p>https://www.cancilleria.gob.bo/apostilla/sites/default/files/2018-11/LEY%20967%20DE%2002%20DE%20AGOSTO%20201720180626094908.pdf</p> <p>https://www.cancilleria.gob.bo/apostilla/sites/default/files/2018-05/DECRETO%203541%20EN%20PDF%20-%20APOSTILLA.pdf</p>
2. Are foreign public documents exempted from legalisation by virtue of your internal law, practice, or any bilateral / multilateral agreements (excluding the Apostille Convention)?	[b] Yes, under bilateral / multilateral agreements. <i>In customs and commercial documents.</i>
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>	Only one competent authority, the Ministry of Foreign Relations of the Plurinational State of Bolivia.
4. Do your diplomatic missions abroad play a role in the Apostille issuance process?	[c] No, but the involvement of diplomatic missions in the Apostille issuance process is being considered.
Substantive Scope	
5. Is the concept of 'public document' defined in your internal law?	<p>[a] Yes. <i>Article number 1287 of the Bolivian Civil Code defines the public document as:</i> <i>Art. 1287 (Concept) .- I. Public or authentic document is the one issued with the legal solemnities by an official authorized to give public faith. (Law No. 12760. Official Gazette of the Plurinational State of Bolivia, August 6, 1975)</i> <i>Interpreting this article of national regulations, what makes a document public is that it is issued by an authorized or designated official, under the formalities required by domestic law.</i></p>
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?	[a] Yes.		
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?	[c] No.		
10.	Do you think this Art. 1(3)(b) exclusion is justified in the context of the modern operation of the Convention?	[b] No.		
11.	Do you issue (outgoing) or accept (incoming) Apostilles for any of the following categories of document?		Issue	Accept
		Certificates of origin		X
		Export licences		X
		Import licences		X
		Health and safety certificates issued by the relevant government authorities or agencies	X	X
		Certificates of products registration		X
		Certificates of conformity		X
		End user certificates (i.e. documents certifying that the buyer is the end user of acquired goods)		X
		Commercial invoices	X	X
Apostille Process				
Certification of Public Documents				
12.	Do any of your public documents require some other intermediate certification before the issuance of an Apostille?	[b] No, an intermediate certification is not required for any public document; Apostilles are issued directly upon the public document.		
Requesting an Apostille (Outgoing)				
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?	[d] No.		
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 spot

16. Does your Competent Authority impose a fee for issuing an Apostille?	<p>[b] Yes, but the price is dependent on, for example, the category of public document(s), the Competent Authority, or the type of application.</p> <p><i>Through Ministerial Resolution No. 146/2018 of May 14, 2018, three tariffs are established for the different public documents issued by the different Bolivian Entities.</i></p> <p>1.- 70 Bs 2.- 130 Bs 3.- 300 Bs</p>	
Issuing an Apostille (Outgoing)		
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>[b] Multiple Competent Authorities. [vii] Other.</p> <p><i>Automatic digital verification with database and digital signature</i></p>	
18. How does a Competent Authority address situations where it is unable to verify the origin of the public document?	<p>[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.</p>	
19. In what language(s) are the 10 standard items of your Apostilles available?	<p>[c] In three languages. <i>In English, French and Spanish languages</i></p>	
20. In what language(s) are the blank fields of your Apostilles filled in?	<p>[a] In one language. <i>In Spanish language</i></p>	
21. How are the blank fields of your Apostilles filled in?	<p>[b] Using computer software. <i>Through the official system of the Bolivian Ministry of Foreign Affairs - Integrated Apostille System</i></p>	
Apostille Registers		
22. How is your Apostille register, required by Article 7, maintained?	<p>[a] Single Competent Authority. [i] Electronic form, publicly accessible online (e-Register).</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.	
	[d] Description of the contents of underlying document.	
	[e] Name of the applicant.	
	[f] State of destination.	
	[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?	<p>[c] Yes, other. <i>Due to the storage capacity, the apostilled documents issued in Bolivia can be verified and downloaded in PDF format from the Integrated Apostille System within 4 years from the day of their issuance.</i></p>	

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.																		
Technology & the e-APP																			
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)?	<p>[a] Yes.</p> <p><i>The Regulation to Law No. 164, of August 8, 2011, for the Development of Information and Communication Technologies, of November 13, 2013 at Title IV, Certificate and digital signature and certifying entities established in the Chapter I, the regulation of the digital signature in Article 34.- (Validity of the digital signature)</i></p> <p><i>When a digital signature has been inscribed in a digital document or electronic data message, the will of the owner of the digital signature is presumed to accredit that digital document or electronic data message, and is attached and linked to the content of the information of the same.</i></p> <p><i>Electronic data messages or digital documents both with digital signature acquire full legal probative validity under the following conditions:</i></p> <ul style="list-style-type: none"> - Be individual and be linked exclusively to its owner; - That allows to unequivocally verify the authorization and identity of the signatory, through authentication and security procedures and is in accordance with current regulations; - That its method of creation and verification is reliable, secure and unalterable for the purpose for which the message was generated or communicated; - That at the time of the creation of the digital signature, the data with which they are created are under the exclusive control of the signatory; - That the signature is controlled by the person to whom it belongs. <p><i>The same regulation establishes in the final part that:</i></p> <p><i>A digital signature loses validity when the validity of the digital certificate has expired or has been revoked.</i></p> <p>https://www.lexivox.org/norms/BO-RE-DSN1793.html</p>																		
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.																		
<p><i>For Parties that answered yes to Q27.</i></p> <p>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)?</p>	<table border="1"> <tr> <td data-bbox="810 1415 1366 1469">[a] All public documents.</td> <td data-bbox="1372 1415 1442 1469"></td> </tr> <tr> <td data-bbox="810 1478 1366 1568">[b] Civil status documents (e.g. birth, death and marriage certificates) and certificates of non-impediment.</td> <td data-bbox="1372 1478 1442 1568"></td> </tr> <tr> <td data-bbox="810 1576 1366 1666">[c] Other administrative documents (including decisions from administrative tribunals or decision-making bodies).</td> <td data-bbox="1372 1576 1442 1666"></td> </tr> <tr> <td data-bbox="810 1675 1366 1765">[d] Extracts from commercial registers and other registers.</td> <td data-bbox="1372 1675 1442 1765"></td> </tr> <tr> <td data-bbox="810 1774 1366 1827">[e] Notarial authentications of signatures.</td> <td data-bbox="1372 1774 1442 1827"></td> </tr> <tr> <td data-bbox="810 1836 1366 1890">[f] Other notarial acts.</td> <td data-bbox="1372 1836 1442 1890"></td> </tr> <tr> <td data-bbox="810 1899 1366 1953">[g] Diplomas and other education documents.</td> <td data-bbox="1372 1899 1442 1953"></td> </tr> <tr> <td data-bbox="810 1962 1366 2016">[h] Court documents, including judgments.</td> <td data-bbox="1372 1962 1442 2016"></td> </tr> <tr> <td data-bbox="810 2024 1366 2078">[i] Patents or other documents pertaining to intellectual property rights.</td> <td data-bbox="1372 2024 1442 2078"></td> </tr> </table>	[a] All public documents.		[b] Civil status documents (e.g. birth, death and marriage certificates) and certificates of non-impediment.		[c] Other administrative documents (including decisions from administrative tribunals or decision-making bodies).		[d] Extracts from commercial registers and other registers.		[e] Notarial authentications of signatures.		[f] Other notarial acts.		[g] Diplomas and other education documents.		[h] Court documents, including judgments.		[i] Patents or other documents pertaining to intellectual property rights.	
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	[j] Documents relating to adoptions.	
	[k] Translations.	
	[l] Medical or health certificates.	X
	[m] Criminal records.	
	[n] Import or export licences.	
	[o] Certificates of origin.	
	[p] Certificates of conformity.	
	[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)?	Only a percentage of 15 percent. Currently as a State we are managing the consolidation of the Electronic Government and we are in the process of implementing the full use of Information and Communication Technologies.	
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?	[b] Paper public documents that have been scanned by a public official.	
<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)?	[a] A government-built certificate.	
<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 electronic apostille is associated with the public document through the Integrated Apostille System by means of a digital signature of the Entity that issues the public document and for the issuance of the Apostille the Ministry of Foreign Affairs also digitally signs, as a security measure.	
<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?	[a] Yes. <i>With the State of Georgia and with the United Mexican States</i>	
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>).	X
	[f] The underlying public document was in electronic form.	X
	[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.	X
	[i] Other.	
	[j] Unknown.	
	[k] No / Not applicable.	
For Parties that answered other than "No" to Q32. 32.1. If an Apostille was rejected, what action did you take?	[a] The Apostille was reissued.	
	[b] Contacted the receiving authority.	X
	[c] Contacted the Competent Authority of the place of destination.	
	[d] Contacted nearest diplomatic mission of the place of destination.	X
	[e] Contacted own diplomatic mission accredited to the place of destination.	X
	[f] Contacted the Permanent Bureau.	
	[g] No action taken.	
	[h] Other.	
	[i] Unknown.	
33. Has your Competent Authority ever been requested by external Competent Authorities to certify or confirm your procedure for issuing Apostilles?	[a] Yes. <i>With the States of the Argentine Republic and with the Federative Republic of Brazil</i>	
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>).	X
	[g] The underlying public document was in electronic form.	X
	[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.	
Miscellaneous		
35. Would you be interested in attending the 2021 meeting of the Special Commission on the practical operation of the Apostille Convention?	[b] Yes, via videoconference.	
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>		
38. Would you be interested in attending the 12 th International Forum on the e-APP (to be held in conjunction with the meeting of the Special Commission)?	[a] Yes, if possible, in person.	