

## AZERBAIJAN

### 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?	[b] No.
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>MINSK AND CHISINAU CONVENTIONS ON LEGAL ASSISTANCE AND LEGAL RELATIONS ON CIVIL, FAMILY AND CRIMINAL CASES</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>	Two: in accordance with the Decree of the President of the Republic of Azerbaijan, the authorized bodies for the presentation of apostles are the Ministry of Justice in respect of documents issued by the bodies of justice, the court, the prosecutor's office, notarized and documents on civil registration, and in respect of other types of documents, the authorized body is the Ministry of Foreign Affairs.
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?	[a] Yes.
6. Have you experienced any difficulties in characterising a 'public document' for the purposes of the Apostille Convention?	[a] Yes. <i>1. Documents on wages or place of work, or decisions on any activity made by individuals who are subjects of entrepreneurial activity.</i>  <i>In order to help document flow, the procedure for notarizing the signature of these entities is applied, as well as checking the authority of this individual.</i>  <i>2. Documents executed in electronic form without application of electronic signature. For example, correspondence through e-mail of legal entities that are submitted for apostylation for use outside the country as a basis for determining certain conditions of contractual relations.</i>
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?	[b] Yes, as the State of destination. <i>Civil registration documents, or notarial documents issued by consulates outside the country, are submitted by citizens to the Apostille in connection with the requirements of the destination state.</i>
<i>For Parties that answered yes to Q7.</i>	
7.1. How has previous guidance on the interpretation of the Art. 1(3)(a) exclusion assisted in resolving these difficulties? (E.g. the 'extremely narrow' construction referred to in C&R No 10 of the 2016 SC).	

8. Do you think this Art. 1(3)(a) exclusion is justified in the context of the modern operation of the Convention?	[b] No.		
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?	[b] Yes, as the State of destination. <i>In practice, there are cases when this kind of documents are requested with an Apostille.</i>		
<p><i>For Parties that answered yes to Q9.</i></p> <p>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>			
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
	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	X
	Commercial invoices	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. X
		[b]	By post. X
		[c]	By email.
		[d]	Through a website.
		[e]	Other. <i>Documents can be submitted through notary offices authorized to prepare documents for Apostille, as well as with the help of ASAN services, which provide various kinds of services for preparing documents for Apostille (for example, translation).</i> X
14.	When issuing an Apostille, do you enquire about the State of destination?	[b] Yes, the enquiry is made orally.	
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)
		Within five working days	Within five working days
15.	How long does it take for an Apostille to be issued?	e-Apostille requests	
16.	Does your Competent Authority impose a fee for issuing an Apostille?	[a] Yes, a single price for all Apostilles. <i>The state duty is 10 manats, which is equivalent to about 5 euros.</i>	
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))?	[b] Multiple Competent Authorities. [iii] Multiple separate databases of sample signatures / seals / stamps, all in paper form.	
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?	[b] In two languages. <i>National and English languages</i>	
20.	In what language(s) are the blank fields of your Apostilles filled in?	[a] In one language. <i>English language</i>	
21.	How are the blank fields of your Apostilles filled in?	[b] Using computer software.	
Apostille Registers			
22.	How is your Apostille register, required by Article 7, maintained?	[b] Multiple Competent Authorities. [i] A single, national register in electronic form, publicly accessible online (e-Register).	

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.	
	[g]	Copy of the Apostille.	
	[h]	Copy of the underlying document.	X
	[i]	Other. <i>The register also indicates the type of document, depending on whether the Apostille is placed on the original, on a notarized copy or translation. The register also contains information about the number, date of the main document and the authority that issued this document.</i>	X
24. Is there a limit to how long records can be retained on the Apostille register?	[c]	Yes, other. <i>According to the legislation, archival documents on registries have been stored for 75 years.</i>	
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. <i>"Document on electronic signature and document" dated March 9, 2004</i> <a href="http://e-qanun.az/framework/5916">http://e-qanun.az/framework/5916</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.	
	[f]	Other notarial acts.	

	[g] Diplomas and other education documents.	X
	[h] Court documents, including judgments.	X
	[i] Patents or other documents pertaining to intellectual property rights.	
	[j] Documents relating to adoptions.	X
	[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>Considering that many state bodies have switched to the electronic format of maintaining the register and providing the document to citizens, it is difficult to list everything exactly. However, for example, we can specify electronic documents on social security, wages, insurance, electronic extracts from the state register of real estate, documents on registration of rights to vehicles, bank documents, etc.</i>	X
<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)?	At the moment there are no accurate statistics on this category of information	
28. Do you issue e-Apostilles?	[b] No. [i] We are studying the use of e-Apostilles and plan to implement the e-Apostille component. <i>Since 2019, an electronic register of issued Apostilles has been maintained in the country. To date, a legislative draft has been prepared that allows the use of electronic apostille. This draft is under consideration. Along with this, forms of electronic Apostilles have been developed, which will be used in the future. It should be noted that, unfortunately, the complexity of the circulation of electronic Apostilles in some countries slightly provides state bodies for a complete transition to electronic form.</i>	
<i>For Parties that answered no to Q28.</i> 28.1. What challenges are you facing that may prevent you from implementing the e-Apostille?	[a] Internal law limitations.	X
	[b] Judicial or administrative structure.	
	[c] Implementation challenges (e.g. lack of resources, lack of infrastructure).	X
	[d] Cost.	
	[e] System interoperability / compatibility.	
	[f] Security concerns.	X

	[g] Other. <i>Taking into account the fact that the authorized bodies for affixing the Apostille are not only the Ministry of Justice, then when developing draft laws it is necessary to take into account the opinion of the Ministry of Foreign Affairs.</i>	X
<i>For Parties that answered no to Q28.</i> 28.2. How do you issue an Apostille for a public document executed in electronic form?	[c] Other. <i>Only in the case of notarization of authenticity, a paper copy of an electronic document acquires the force of an official document.</i>	
29. Are your authorities equipped to accept incoming e-Apostilles?	[b] Yes, but on certain conditions. <i>In practice, paper printouts are submitted by citizens, which are identified with the data of the electronic register of the country posted on the website of the Hague Conference.</i>	
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>In order to study the placement of electronic Apostilles, the practice of using the electronic apostles of Latvia was studied, in connection with which last year a delegation of the Ministry of Justice and notaries visited Riga.</i>	
<b>Issues with Apostilles</b>		
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. <i>Some countries, such as Italy, Spain, Austria, Czech Republic, Israel, require an Apostille to be affixed directly to the original document itself, which causes difficulties in its execution. As you know, Azerbaijan joined the Convention in 2004. In this regard, the collection of samples of signatures began in 2004. With regard to old documents issued before this year, the practice of affixing an Apostille to a notarized copy or translation is applied.</i>	X
	[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 (an e-Apostille).	
	[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.	
<p><i>For Parties that answered other than "No" to Q32.</i></p> <p>32.1. If an Apostille was rejected, what action did you take?</p>	[a] The Apostille was reissued.	
	[b] Contacted the receiving authority.	
	[c] Contacted the Competent Authority of the place of destination.	
	[d] Contacted nearest diplomatic mission of the place of destination.	
	[e] Contacted own diplomatic mission accredited to the place of destination.	
	[f] Contacted the Permanent Bureau.	
	[g] No action taken.	
	[h] Other. <i>In case of refusal, the citizen has to update this document for a new date in order for the signature of the authorized person to be recognized and apostilled, which leads to additional costs and loss of time.</i>	X
	[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>In cases of consideration of disputes by foreign courts, sometimes requests are received to confirm the fact of affixing an Apostille.</i>	
34. Has an Apostille <b>received</b> by your authorities ever been refused on the following grounds:	[a] The issuing State was not a Contracting Party to the Apostille Convention. <i>It should be noted that when Azerbaijan joined the Convention, Germany sent a note stating that it does not accept our country as a participant and to this day the practice of legalization is applied to Germany. Although the German Embassy in Azerbaijan confirms that this decision has long lost its relevance due to the fact that over the past 15 years there has not been a single case of falsification or illegally issued document in the country.</i>	X
	[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. <i>Another issue in the complication of document flow is the requirement of some countries to affix an Apostille directly to the original, as mentioned in the answer to question 32.1</i>	X
	[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 (an e-Apostille).	

	[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.	
<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.	
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.	