

REPUBLIC OF TURKEY 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)?	[a] Yes, under internal law.
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>	Justice Commission of First Instance in Civil Jurisdiction for Legal Documents Apostille procedures for administrative documents; in 81 Governorates; Governor, Deputy Governor on behalf of the Governor Director/Branch Director of Civil Procedures, Provincial Chief Clerk, Provincial Administrative Board Director and the Heads of these Directorates In 922 District Governor's Offices: conducted by District Governor, Chief of Legal Affairs and Chief Clerks
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>In terms of administrative documents</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?	[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?	[a] Yes, as the State of origin. <i>Because of the fact that it was not clearly indicated which were the commercial and customs documents exempted from the Apostille.</i>
<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&R No 10 of the 2016 SC).	

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		
	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	
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?	[a] Yes, an intermediate certification is required for some categories of public documents.		
For Parties that answered yes to Q12. 12.1. What categories of public document require intermediate certification and why?	Category of public document	Why certification is required	
	Some Administrative Documents		
Requesting an Apostille (Outgoing)			
13. How can an Apostille be requested?	[a] In person.		X
	[b] By post.		
	[c] By email.		
	[d] Through a website.		
	[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?	[c] No.		

Issuing an Apostille (Outgoing)		
17. How is the origin of a public document verified for the purpose of issuing an Apostille (<i>i.e.</i> 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.	
18. How does a Competent Authority address situations where it is unable to verify the origin of the public document?	[d] Other. <i>Option (b) is applied in terms of administrative documents, option (c) is applied in terms of legal documents</i>	
19. In what language(s) are the 10 standard items of your Apostilles available?	[d] Other. <i>Option (d) is applied in terms of administrative documents, option (c) is applied in terms of legal documents.</i>	
20. In what language(s) are the blank fields of your Apostilles filled in?	[d] Other. <i>Option (d) is applied in terms of administrative documents, option (a) is applied in terms of legal documents.</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?	[a] Single Competent Authority.	
23. What particulars are contained in your Apostille register?	[a] Number and date of the Apostille (<i>required</i>).	X
	[b] Name and capacity of the person signing the document and / or the name of authority whose seal or stamp is affixed (<i>required</i>).	X
	[c] Name and / or type of underlying document.	X
	[d] Description of the contents of underlying document.	
	[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. <i>- Apostille registry in terms of legal documents; a,b,c,e,f,g,h,i (power of attorney, identity card and identity card photocopy where necessary)</i> <i>- Apostille registry in terms of administrative documents: a,b,e,f,</i>	X
24. Is there a limit to how long records can be retained on the Apostille register?	[b] Yes, between five and ten years.	
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?	[e] More than 20 times per year.	

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. <i>The Turkish Electronic Signatory Law No.5070 (E-Signature Law) has entered into force as of 14 October 2004 upon its publication in the Official Gazette numbered 253551.</i></p> <p><i>With respect to the E-Signature Law, electronic signature is defined as a signature that:</i></p> <p style="padding-left: 40px;"><i>is exclusively connected to the owner of the signature, is exclusively formed by the electronic signature-forming device that is solely used by the signature owner, allows to identify the signature's owner via qualified electronic certificates and allows to determine whether the electronically signed data is later altered or not.</i></p> <p><i>Electronic signature shall be rely on qualified certificate which can only be provided by an electronic certificate provider ("CSP") certified by Turkish Information and Communication Technologies Authority. Qualified e-certificate shall bear the identification of the CSP and the name of the country in which it is established, the name of the signatory and validity period of the certificate.</i></p> <p><i>With respect to the Article 5 of E-Signature Law; electronic data duly created with secure electronic signature are considered as legally binding. The Civil Procedure Law in force also sets out a provision in line with this. Legal limitations regarding the application of the e-signature application also set forth under the same article. In this regard, using an electronic signature for documents and contracts subject to specific form or procedural requirements and for security agreements except bank guarantees is not possible.</i></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" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 5%;">[a]</td> <td style="width: 85%;">All public documents.</td> <td style="width: 10%;"></td> </tr> <tr> <td>[b]</td> <td>Civil status documents (e.g. birth, death and marriage certificates) and certificates of non-impediment.</td> <td style="text-align: center;">X</td> </tr> <tr> <td>[c]</td> <td>Other administrative documents (including decisions from administrative tribunals or decision-making bodies).</td> <td></td> </tr> <tr> <td>[d]</td> <td>Extracts from commercial registers and other registers.</td> <td></td> </tr> <tr> <td>[e]</td> <td>Notarial authentications of signatures.</td> <td></td> </tr> <tr> <td>[f]</td> <td>Other notarial acts.</td> <td></td> </tr> <tr> <td>[g]</td> <td>Diplomas and other education documents.</td> <td style="text-align: center;">X</td> </tr> <tr> <td>[h]</td> <td>Court documents, including judgments.</td> <td style="text-align: center;">X</td> </tr> <tr> <td>[i]</td> <td>Patents or other documents pertaining to intellectual property rights.</td> <td style="text-align: center;">X</td> </tr> <tr> <td>[j]</td> <td>Documents relating to adoptions.</td> <td></td> </tr> </tbody> </table>	[a]	All public documents.		[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).		[d]	Extracts from commercial registers and other registers.		[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.	X	[j]	Documents relating to adoptions.	
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	[k] Translations.	X
	[l] Medical or health certificates.	X
	[m] Criminal records.	X
	[n] Import or export licences.	
	[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)?		
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?		
<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)?		
<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?		
<i>For Parties that answered yes to Q28.</i>		
28.6. Once issued, how is the e-Apostille transmitted to the applicant?		
29. Are your authorities equipped to accept incoming e-Apostilles?	[b] Yes, but on certain conditions.	
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?		
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.	
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.	X
	[k] No / Not applicable.	
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.	X

	[I] 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?	[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>	[a] Yes. <i>A clear indication of commercial and customs documents that are exempted from the Apostille.</i> <i>Definition of official documents, clarification of official document content by making a common definition of it for the countries member to the Hague Convention. In accordance with the provision set forth in the article 5 of the Hague Convention which reads "the certificate shall be issued at the request of the person who has signed the document or of any bearer", if a person makes Apostille certification on behalf of another person with his/her knowledge it shall bear legal results, therefore, the Apostille certification is made by the person himself/herself or by means of a person assigned as proxy.</i> <i>Even if the Apostille procedures are conducted by the Governorates or District Governorates "without any consideration of the contents", it should be clarified which of the attestations conducted by the notaries shall be Apostilled or not due to the fact that the attestation - being an administrative procedure - shall attribute legal evidential nature to the document (the documents shall become official by any procedure conducted by the notaries as the notaries make the attestation of all kind of documents such as statements, declarations without signatures etc. or photocopy translations which actually are not official documents).</i>	
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>	[a] Yes. <i>See the explanations given under the article 36)</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.	

<p>39. Are there any specific topics or practical issues that you would like discussed at the e-APP Forum?</p> <p><i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i></p>	<p>[a] Yes.</p> <p><i>Determination of e-Apostille application field whose usage shall become widespread along with technological advancements.</i></p> <p><i>Within the scope of the e-Apostille; the electronic approval by signature and seal shall bring forth the obligation to use e-signature and e-seal, thus, the usage of e-Apostille should be generalized. For the member states in which the infrastructure for e-seal usage has not been created, the statement of confirmation by signature, seal of the institution or datamatrix/barcode be added to the concerning articles of the Convention.</i></p> <p><i>A clear indication of commercial and customs documents that are exempted from the Apostille.</i></p> <p><i>Definition of official documents, clarification of official document content by making a common definition of it for the countries member to the Hague Convention.</i></p> <p><i>In accordance with the provision set forth in the article 5 of the Hague Convention which reads "the certificate shall be issued at the request of the person who has signed the document or of any bearer", legal results of the attestation of a document on behalf of another person with his/her knowledge (would it be more appropriate if the certification is made by the person himself/herself or by means of a person assigned as proxy).</i></p> <p><i>Even if the Apostille procedures are conducted by the Governorates or District Governorates "without any consideration of the contents", it should be clarified which of the attestations conducted by the notaries shall be Apostilled or not due to the fact that the attestation -being an administrative procedure - shall attribute legal evidential nature to the document (the documents shall become official by any procedure conducted by the notaries as the notaries make the attestation of all kind of documents such as statements, declarations without signatures etc. or photocopy translations which actually are not official documents).</i></p>
<p>40. The Permanent Bureau is in the process of drafting a 2nd edition of the Apostille Handbook. Are there any specific topics, suggestions for presentation or formatting, or any other proposals for inclusion?</p> <p><i>Please note that answers to this question will not be incorporated into the first draft of the 2nd edition. The PB will take them into account in preparing subsequent drafts.</i></p> <p><i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i></p>	<p>[a] Yes.</p> <p><i>Clarification of the procedural processes to be conducted such as the processes to be followed with regard to the Apostille, type of documents to be valid, approval processes or validity information.</i></p>