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**CONCLUSIONS AND RECOMMENDATIONS OF THE 2009 AND 2012 SPECIAL COMMISSIONS  
ON THE PRACTICAL OPERATION OF THE APOSTILLE CONVENTION  
(COMPILATION)**

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**CONCLUSIONS ET RECOMMANDATIONS DES COMMISSIONS SPÉCIALES DE 2009 ET  
DE 2012 SUR LE FONCTIONNEMENT PRATIQUE DE LA CONVENTION APOSTILLE  
(COMPILATION)**

*Information Document No 2 of October 2016  
for the attention of the Special Commission of November 2016  
on the practical operation of the Apostille Convention*

*Document d'information No 2 d'octobre 2016  
à l'attention de la Commission spéciale de novembre 2016  
sur le fonctionnement pratique de la Convention Apostille*

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**Conclusions and Recommendations  
of the Special Commission on the practical operation  
of the Hague Apostille, Service, Evidence and  
Access to Justice Conventions  
(2 to 12 February 2009)**

1. A Special Commission met in The Hague from 2 to 12 February 2009 to review the practical operation of the Hague Conventions of *5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (Apostille Convention), of *15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* (Service Convention), of *18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters* (Evidence Convention), and of *25 October 1980 on International Access to Justice* (Access to Justice Convention). The Special Commission (SC), which was attended by 203 experts from 64 States and Organisations representing Members of the Hague Conference on Private International Law, States Party to one or more of the Conventions under review, non-Contracting States that are actively exploring the possibility of joining at least one of the Conventions under review, and observers, as well as from the Permanent Bureau, unanimously approved the following Conclusions and Recommendations.

**I. General comments**

2. The SC reaffirms the importance of effective cross-border judicial and administrative co-operation. In this regard, the SC notes with great satisfaction the continued practical importance of the Apostille, Service and Evidence Conventions. The SC also notes with great satisfaction that a number of States are examining accession to the Access to Justice Convention.
3. The SC recalls Conclusion and Recommendation No 4 of the 2003 Special Commission, and reemphasises that not only the Apostille, Evidence and Service Conventions but also the Access to Justice Convention all operate in an environment which is subject to important technological developments. Although this evolution could not be foreseen at the time of the adoption of the four Conventions, the SC underlines that modern technologies are an integral part of today's society and their usage is a matter of fact. In this respect, the SC reiterates that the spirit and letter of the Conventions do not constitute an obstacle to the usage of modern technology and their application and operation can be further improved by relying on such technology.
4. The SC notes and encourages co-operation among States and International Organisations in further exploring the use of modern technologies in relation to the Conventions so as to further improve their practical operation. The SC notes and warmly welcomes co-operation between the European Community and the Hague Conference in sharing their experiences in the field of e-Justice.

*Successor States*

5. The SC encourages States that are successors to a State Party to one of the above-mentioned Conventions to deposit an instrument of succession with the depositary in order to sustain, absent objections, treaty relationships with the other States Parties.

[...]

**V. Apostille Convention**

*General Considerations*

66. The SC welcomes the Convention's very wide use and effectiveness, and the absence of any major obstacle to its practical operation. Against this background, the SC recommends strongly that States Parties to the Convention continue to promote the Convention to other States. In particular, Member States of the Hague Conference which are not already Party to the Convention are encouraged to consider actively becoming Party to the Convention.

67. The SC notes that some States have objected to some accessions and invites those States to continue assessing whether the conditions for withdrawing their objections are met.
68. The SC recalls Conclusion and Recommendation No 6 of the 2003 Special Commission and recommends that States that are Party to the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* but not to the Apostille Convention consider actively becoming Party to the latter.
69. The SC recalls that Article 9 does not permit legalisation by diplomatic or consular agents when the Apostille Convention applies. The SC reminds States Parties of their obligation to take the necessary steps to ensure compliance with the provisions of this Article.

*"Apostille Section" of the Hague Conference website*

70. The SC notes that the "Apostille Section" of the Hague Conference website is a very helpful source of current practical information relating to the Apostille Convention. The SC strongly encourages States Parties to provide the Permanent Bureau with yearly updates of information relating to their State which is available in the "Apostille Section". The SC also encourages States Parties to take steps to promote the "Apostille Section".
71. The SC invites the Permanent Bureau to include information as to previously designated Competent Authorities in the "Apostille Section". The SC invites the Permanent Bureau to explore the possibility of using automated e-mail alerts to inform Competent Authorities (or other designated contact points) about new Contracting States.

*Scope*

72. The SC notes that it is for the law of the State of origin to determine the public nature of a document. Keeping in mind the purpose of the Convention, the SC suggests that States Parties give a broad interpretation to the category of public documents. The SC recalls the statement in the Explanatory Report that "[a]ll the Delegates were in agreement that legalisation should be abolished for all documents other than documents signed by persons in their private capacity (*sous seing privé*)."<sup>1</sup> Finally, the SC also recalls that the list of public documents identified in Article 1 is not exhaustive.
73. The SC notes that the domestic law of one State provides that simple photocopies of administrative documents are public documents for the purposes of the Convention if certain legal conditions are met.
74. As regards certified copies, the SC notes that States Parties have different approaches in addressing the following situations:
  - (i) Where the certified copy is issued by the same authority that issued the original document, some States regard the certified copy as a duplicate original and others treat it as a certified copy. In the first instance, the Apostille relates to the authenticity of the original document, in the second instance, the Apostille relates to the authenticity of the certificate.
  - (ii) Where the certified copy is issued by a third party (such as a notary), most States regard the certificate as the public document to be apostilled; some States, however, do allow for an Apostille to be issued for the copied document itself.

These differences do not seem to cause problems in practice.

75. The SC notes that it is also for the law of the State of origin to determine who has the authority to issue public documents. The SC notes that translations and medical documents fall within the scope of the Convention if their execution by persons authorised by law makes them public documents.
76. The SC notes that the question whether and how to bring documents issued by Intergovernmental Organisations, including Regional Economic Integration Organisations, into the scope of the Convention, needs further study.
77. The SC recalls that the purpose of the Apostille Convention is to abolish the requirement of legalisation and to facilitate the use of public documents abroad. The SC also recalls that according to Article 3(2) no Apostille may be required when either the laws,

regulations, or practice in force in the State of destination, or a treaty or other agreement in force between the State of origin and the State of destination has abolished or simplified the requirement of an Apostille or exempt the document from any legalisation requirement. The SC further reconfirms that the exception for “administrative documents dealing directly with commercial or customs operations” (Art. 1(3) *b*)) is to be interpreted narrowly. In this connection, the SC notes that some States issue Apostilles for documents such as import / export licenses, health certificates and certificates of origin or conformity.

#### *Competent Authorities*

78. The SC notes that it is for each State Party to designate and organise its Competent Authority(ies). The SC notes the different practices in this respect and recalls Conclusion and Recommendation No 12 of the 2003 Special Commission, inviting States Parties to make full contact details (including, where applicable, the URL of the e-Register) of the Competent Authorities available to the Permanent Bureau. States Parties are also invited to inform the Permanent Bureau about the specific competences of each Competent Authority.

#### *Issuance of Apostilles*

79. The SC invites States Parties to inform the Permanent Bureau about their procedures for issuing Apostilles, in particular whether or not intermediate certifications are needed before Apostilles would be issued (one-step vs multiple-step process). Recalling the purpose of the Convention to simplify the process of authentication, the SC invites States Parties to consider removing any unnecessary obstacles to the issuance of Apostilles while maintaining the integrity of authentications.
80. The SC recalls that, under the Convention, it is not the responsibility of the Competent Authorities to assess the content of public documents for which they are requested to issue an Apostille. Similarly, when asked to issue an Apostille for a notarial certificate, Competent Authorities should not consider or assess the content of the document to which the notarial certificate relates. At the same time, Competent Authorities may take steps outside the process of issuing an Apostille to deal with instances of fraud or other violations of relevant domestic law.
81. The SC recalls that the Convention applies to public documents “which have been executed in the territory of one Contracting State and which have to be produced in the territory of another Contracting State” (Art. 1(1)). In order to assist applicants and avoid unnecessary delays and complications in producing the public document abroad, the SC notes that it is often helpful for Competent Authorities to inquire about the State of destination of the public document to be apostilled.

#### *Effect of an Apostille*

82. The SC recalls the limited effect of an Apostille. An Apostille only authenticates the *origin* of the public document to which it relates and not its *content* (reliability or accuracy). The acceptance, admissibility and probative value of apostilled public documents, however, remain subject to the law of the State of destination.

#### *Maintaining confidence in Apostilles*

83. The SC reminds States Parties of the importance of assessing the genuine character of all documents presented as public documents to the Competent Authorities for the issuance of an Apostille.
84. The SC is deeply concerned about the real danger of damage to the Apostille Convention caused by the increasing use of Apostilles by diploma mills in attempts to legitimise themselves or to give an air of legitimacy or validity to their phoney diplomas. Recalling Conclusion and Recommendation No 80 above, the SC also notes that Competent Authorities may take steps outside the process of issuing an Apostille to deal with instances of fraud or other inappropriate uses of Apostilles, such as in relation to diploma mills.

*Additional text outside the box of an Apostille*

85. The SC recommends that Competent Authorities add a statement outside the box with the standard terms along the following lines to indicate the limited effect of an Apostille:
- This Apostille only certifies the signature, the capacity of the signer and the seal or stamp it bears. It does not certify the content of the document for which it was issued.*
86. If a Competent Authority operates an e-Register which is accessible online, the SC recommends that the URL of the relevant website also be mentioned outside the box of the Certificate.

*Formal requirements*

87. The SC recalls the basic principle that an Apostille that has been issued according to the requirements of the Convention in the State of issuance must be accepted and produce its effects in any other Contracting State where it is produced.
88. The SC encourages Competent Authorities to use modern technologies as much as possible to fill out their Apostilles, as opposed to merely filling them out by hand.
89. The SC invites the Permanent Bureau, subject to available resources, to develop bilingual models of the Apostille Certificate (in English and French). The SC invites States Parties to send a copy of the Apostille Certificate in their own language to the Permanent Bureau, for the latter to develop multilingual versions of the Apostille Certificate. The SC suggests that these model Certificates be made available on a secured page of the "Apostille Section" of the Hague Conference website that is only accessible by Competent Authorities.
90. With a view to facilitating the circulation of Apostilles, and keeping in mind that an Apostille is designed to produce effects abroad, the SC encourages States to consider that, in addition to a language used by the State of origin, if not English or French, the information in Apostilles also be completed in one of these languages.
91. The SC notes the variety of means for affixing Apostilles to the public document as referred to in Conclusion and Recommendation No 16 of the 2003 Special Commission; without excluding any specific means of affixing an Apostille, the SC encourages the use of methods that would evidence any tampering with the method of affixation.
92. The SC stresses that variations in the form and size of Apostilles among Competent Authorities should not be a basis for rejection as long as the Apostilles are clearly identifiable as Apostilles issued under the Convention. In particular, Apostilles may not be refused in the State of destination on the grounds that they do not comply with that State's national formalities and modes of issuance. The SC further stresses that the addition of text outside the box on the Certificate is not a valid basis for rejection of a foreign Apostille.
93. The SC firmly rejects as contrary to the Convention isolated practices among States Parties that require Apostilles to be legalised.

*Price of an Apostille*

94. The SC notes that the price of an Apostille varies greatly among States Parties. The SC encourages States Parties to ensure that Apostilles are reasonably priced.

*Register of Apostilles*

95. The SC recalls the mandatory nature of the Register referred to in Article 7.

*Electronic Apostille Pilot Program (e-APP)*

96. The SC welcomes the continuing development of the e-APP, initiated by the Hague Conference and the National Notary Association of the United States of America, and notes with great satisfaction its entry into practical use in various jurisdictions (Belgium, Bulgaria, Colombia, Spain, Kansas, Rhode Island), in particular Spain where the e-Apostille component of the e-APP has been fully implemented (issuance of e-Apostilles for public documents executed in electronic form). The SC further notes with satisfaction that several States are actively pursuing implementation of one or both

components of the Pilot Program. The SC invites States Parties who have not yet done so to consider implementation.

97. The SC invites the Permanent Bureau to further develop and promote the e-APP, including facilitating the exchange of technical and legal information among States Parties and Members of the Hague Conference.
98. The SC recognises that the implementation of the e-Apostille component of the e-APP presents questions that are not raised by traditional paper Apostilles and encourages States Parties, Members of the Hague Conference and the Permanent Bureau to continue considering these questions through the exchange of technical and legal information.

*Future work*

99. The SC encourages the Permanent Bureau to finalise, subject to available resources, a Practical Handbook on the Operation of the Apostille Convention, and to do so in consultation with States Parties and Members of the Hague Conference. The SC recommends that an electronic version of the Handbook be made available in the "Apostille Section" of the Hague Conference website.
100. The SC suggests that in the future the practical operation of the Apostille Convention not be considered in conjunction with the Service and Evidence Conventions or any other Hague Convention. The SC further suggests that the next Special Commission on the practical operation of the Apostille Convention be held in approximately three years' time.

**Conclusions and Recommendations of the Special Commission  
on the Practical Operation of the Apostille Convention  
(6-9 November 2012)**

A Special Commission met in The Hague from 6 to 9 November 2012 to review the practical operation of the *Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (Apostille Convention or the Convention). The practical operation of the Convention was previously reviewed by the Special Commission in 2003 and 2009 in conjunction with other Hague Conventions, and this was the first time that it had met to dedicate itself entirely to the Apostille Convention. The Special Commission (SC) was attended by 162 participants from 75 States and international organisations.<sup>1</sup> Participants comprised experts from 45 Members of the Hague Conference on Private International Law, experts from States Parties to the Convention, observers from non-Contracting States actively exploring the possibility of joining the Convention and interested international organisations, as well as members and consultants of the Permanent Bureau. The SC unanimously approved the following Conclusions and Recommendations.

**Evaluating and taking stock of the Apostille Convention**

*Status of the Apostille Convention*

1. The SC notes with great satisfaction that the Convention currently has 104 Contracting States, comprising a majority of the world's States, making it the most widely ratified / acceded to of all of the Conventions adopted under the auspices of the Hague Conference on Private International Law. With many millions of Apostilles issued and accepted annually, the Convention is the most widely used Hague Convention. The SC reiterates the Convention's effectiveness and the absence of any major obstacles to its practical operation.
2. The SC welcomes the nine States that have joined the Convention since its last meeting in 2009. The SC continues to recommend that States Parties to the Convention promote it to other States. Member States of the Hague Conference which are not already Party to the Convention are also invited to actively consider becoming Party. Because the Apostille Convention facilitates the circulation of public documents necessary for the completion of intercountry adoptions, States Parties to the 1993 Hague Intercountry Adoption Convention that have not already done so are invited to join the Apostille Convention as well.
3. The SC also acknowledges remarkable progress in the implementation of the electronic Apostille Program (e-APP) since 2009, thereby enhancing the effective and secure operation of the Convention. Over 150 Competent Authorities from 15 Contracting States around the world have presently implemented at least one component of the e-APP.

*Apostille as a tool to facilitate international trade and investment*

4. The SC notes with great satisfaction that other international organisations, including the World Bank and the International Chamber of Commerce, recognise the importance and efficacy of the Convention in the promotion and development of international trade and investment, and urge States that have not done so to join the Convention.

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<sup>1</sup> These included the following Members of the Hague Conference on Private International Law: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China (People's Republic of), Costa Rica, Cyprus, Czech Republic, Ecuador, the European Union, Finland, France, Georgia, Germany, Hungary, India, Israel, Japan, Korea (Republic of), Latvia, Luxembourg, Mexico, the Netherlands, New Zealand, Paraguay, Peru, the Philippines, Romania, the Russian Federation, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Turkey, Ukraine, the United States of America, Uruguay and Venezuela; the following non-Member Contracting States to the Convention: Azerbaijan, Colombia, the Dominican Republic, El Salvador, Honduras, Moldova, Republic of, Mongolia, Namibia and Oman; the following interested States: Algeria, Bahrain, Bolivia, Burkina Faso, Burundi, Cuba, Guatemala, Iran, Nicaragua, Nigeria, Pakistan, Rwanda, Viet Nam, Zambia; and the following interested international organisations: Australian and New Zealand College of Notaries (ANZCN), European Patent Office (EPO), International Criminal Police Organization (ICPO-INTERPOL), International Commission on Civil Status, International Union of Judicial Officers, United Kingdom and Ireland Notarial Forum (UKINF), World Bank.

*Implementation of the Conclusions & Recommendations (C&R) of the 2009 meeting*

5. The SC welcomes the completed draft of the *Handbook on the Practical Operation of the Apostille Convention* prepared by the Permanent Bureau with the valuable assistance of an Experts Group to assist Competent Authorities in performing their functions under the Convention. The SC also notes that the Handbook project led to the development and publication of two additional works directed at specific audiences – *The ABCs of Apostilles* aimed at the general public and a *Brief Implementation Guide* for relevant authorities of States considering accession to the Convention.
6. In further reviewing the C&R of the 2009 meeting, the SC notes:
  - a. that the C&R of the 2009 meeting provided clear guidance on topics for consideration and action to be taken by Contracting States and the Permanent Bureau in support of continuing improvements to the implementation and operation of the Convention;
  - b. that the Permanent Bureau has completed all of the tasks assigned to it by the 2009 meeting, including the implementation of an automated e-mail system to alert States when new instruments of accession are deposited and when dates of entry into force are added to the status table on the Hague Conference website;
  - c. the practical utility of the information requested by the C&R of the 2009 meeting and provided by Contracting States.
7. The SC notes that some States that had objected to the accessions of others have withdrawn those objections since the 2009 meeting and continues to encourage objecting States to assess whether the conditions for withdrawing the objections are met.

*The "Apostille Section" of the Hague Conference website*

8. The SC welcomes the redesign of, and inclusion of additional information on, the "Apostille Section", which continues to be a most useful resource, and notes that this specialised section is the most visited page of the Hague Conference website. The SC notes the importance of the States Parties providing the Permanent Bureau with regular updates of information concerning their Competent Authorities.

*Regional developments*

9. The SC is informed that the European Union is considering the possibility of abolishing authentication requirements for public documents between its Member States. The SC is also informed that the Association of Southeast Asian Nations (ASEAN) is currently exploring ways to simplify the authentication requirements for public documents (legalisation), whether by accession to the Convention or by the development of a regional agreement modelled on the Convention. Through one of its Member States, ASEAN has asked the Permanent Bureau for technical assistance with regard to this matter.
10. The SC notes the significant impact of the Convention in Latin America, where several regional integration processes, such as MERCOSUR and Associate States, and the Central American Integration System (SICA), are working towards the use of the Convention as the sole tool to facilitate the circulation of public documents at both regional and global levels. In that regard, the SC notes with satisfaction the entry into force of the Convention in four Latin American States since 2009, the upcoming entry into force for another, and the ongoing efforts of the remaining non-Contracting States in the region towards possible accession. Several of these States highlight the value of the support provided by the Permanent Bureau and its Regional Office in Latin America, which facilitates their analysis and the implementation of the Convention.
11. The SC looks forward to the official opening of the Asia Pacific Regional Office of The Hague Conference on Private International Law in the Hong Kong Special Administrative Region of the People's Republic of China and encourages that Office and the Regional Office in Latin America to offer support in their respective regions to assist Contracting States in implementing the Convention and non-Contracting States in becoming Parties to the Convention.



## **Applicability of the Convention**

### *The notion of "public documents"*

12. The SC reiterates and confirms C&R Nos 72 to 75 of the 2009 meeting:

"The SC notes that it is for the law of the State of origin to determine the public nature of a document. Keeping in mind the purpose of the Convention, the SC suggests that States Parties give a broad interpretation to the category of public documents. The SC recalls the statement in the Explanatory Report that "[a]ll the Delegates were in agreement that legalisation should be abolished for all documents other than documents signed by persons in their private capacity (*sous seing privé*)."  
Finally, the SC also recalls that the list of public documents identified in Article 1 is not exhaustive."

"The SC notes that the domestic law of one State provides that simple photocopies of administrative documents are public documents for the purposes of the Convention if certain legal conditions are met."

"As regards certified copies, the SC notes that States Parties have different approaches in addressing the following situations:

- (i) Where the certified copy is issued by the same authority that issued the original document, some States regard the certified copy as a duplicate original and others treat it as a certified copy. In the first instance, the Apostille relates to the authenticity of the original document, in the second instance, the Apostille relates to the authenticity of the certificate.
- (ii) Where the certified copy is issued by a third party (such as a notary), most States regard the certificate as the public document to be apostilled; some States, however, do allow for an Apostille to be issued for the copied document itself.

These differences do not seem to cause problems in practice."

"The SC notes that it is also for the law of the State of origin to determine who has the authority to issue public documents. The SC notes that translations and medical documents fall within the scope of the Convention if their execution by persons authorised by law makes them public documents."

13. The SC recalls the limited effect of an Apostille, which is to authenticate the origin of the underlying public document and not its content.

14. The State of destination may not refuse to give effect to an Apostille on the sole ground that it does not regard the underlying document as public in nature. However, while it is for the law of the State of origin to determine the public nature of a document, it is for the law of State of destination to determine the admissibility and probative value of the document in that State.

### *Excluded documents*

15. The SC reconfirms that the exceptions in Article 1(3) a) and b) are to be interpreted narrowly. In this connection, the SC notes that some States issue Apostilles for documents such as import / export licenses, health certificates and certificates of origin. While recognising that this raises the question about the scope of the Convention and not the public nature of the document, the SC encourages States to accept, to the extent possible, Apostilles issued for these documents even if that State would not itself issue Apostilles for such documents.

### *Extradition requests*

16. Recognising that the Convention may apply to extradition requests, the SC recommends that the Permanent Bureau continue its dialogue with INTERPOL and other law enforcement agencies to explore possible synergies between the application of the Apostille Convention, including the e-APP, and the secure and swift transmission and execution of extradition requests.

*Documents executed by international organisations*

17. The SC notes that the authentication of documents issued by international organisations continues to raise practical difficulties and is informed of particular issues of concern regarding documents issued by the European Patent Organisation and the European Union. The SC recommends that the Permanent Bureau continue to study the questions raised as they relate to the possible application of the Apostille Convention to these documents, and to suggest solutions. These could include the possibility of developing a Protocol to the Convention, designed to enable international organisations to issue Apostilles for their documents.

**Operation of the Convention***Decentralisation of the services offered by Competent Authorities*

18. The SC recognises the efforts of Contracting States to facilitate access to Apostille services to the public. In that regard the SC welcomes and encourages efforts designed to decentralise the provision of Apostille services. Such efforts have been shown to increase efficiency in the provision of services while reducing the burden on the public.

*"One-step" process*

19. The SC reaffirms C&R No 79 of the 2009 meeting:

"The SC invites States Parties to inform the Permanent Bureau about their procedures for issuing Apostilles, in particular whether or not intermediate certifications are needed before Apostilles would be issued (one-step vs multiple-step process). Recalling the purpose of the Convention to simplify the process of authentication, the SC invites States Parties to consider removing any unnecessary obstacles to the issuance of Apostilles while maintaining the integrity of authentications."

*Multilingual Model Apostilles*

20. The SC welcomes the development of multilingual Model Apostilles by the Permanent Bureau and encourages their use by Competent Authorities. The SC also encourages Contracting States to incorporate their own language(s) into multilingual Model Apostilles and to share them with the Permanent Bureau.

*Filling in the 10 numbered standard informational items*

21. The SC emphasises the importance of completing the 10 numbered standard informational items in every Apostille. No item should be left blank. Where an item is not applicable this should be indicated by writing "not applicable" or "n/a".

*Law governing the signing of Apostilles*

22. Recognising the variety of means used in signing Apostilles, both paper and electronic, the SC affirms the principle that the validity of the signature is determined by the law applicable to the Competent Authority issuing the Apostille.

*Additional text*

23. The SC notes the usefulness of additional text outside the area of the 10 numbered standard informational items of the Apostille. However, additional text should not interfere with the integrity of those 10 standard items (*e.g.*, in an Apostille with a closed frame, additional text should not be located within that frame). The SC recognises that many States have successfully employed such text in order to emphasise the limited effect of an Apostille, or to direct bearers of the Apostille to the Competent Authority's e-Register. While the Permanent Bureau, at the request of the SC, has drafted and published sample text to this effect, the SC recognises that States are free to employ text as necessary to provide clarifications regarding the Apostilles they issue (*e.g.*, where an Apostille is affixed to a certified copy, text to indicate whether the Apostille relates to the signature on the certificate or the underlying copy). States are encouraged to share with the Permanent Bureau any additional text they intend to use.

*Tamper-evident methods of attaching Apostilles*

24. The SC recalls and reaffirms C&R No 91 of the 2009 meeting noting the variety of means for affixing Apostilles and encourages the use of tamper-evident methods.

*Obligation to establish and maintain a Register*

25. The SC recalls that Article 7 of the Convention requires each Competent Authority to establish and maintain a Register of Apostilles containing the information required by that Article. The SC recognises the utility of maintaining an e-Register that is accessible online in order to facilitate recipients' ability to verify the issuance of Apostilles.

*Obligation to prevent legalisation where the Convention applies*

26. The SC reaffirms that requiring legalisation instead of an Apostille and requiring legalisation of an Apostille are contrary to Articles 3 and 5 of the Convention, and reminds States Parties of their obligation under Article 9 to take all necessary steps to prevent the performance of legalisations by their diplomatic or consular agents in cases where the Convention provides for exemption.

*Requests for confirmation of issuance procedures*

27. The SC notes with concern reports from Competent Authorities that have received requests emanating from other Contracting States, or from their diplomatic or consular posts, to confirm issuance procedures or provide specimen signatures. The SC strongly recommends that Competent Authorities refuse to comply with such requests and notify the Permanent Bureau if they receive them. The Permanent Bureau has developed and published standard replies that Competent Authorities may use when formulating their responses.

*The electronic Apostille Program (e-APP)*

28. The SC recognises the value of the e-APP as a tool to further enhance the secure and effective operation of the Apostille Convention and notes with satisfaction the continued implementation of the e-APP and the expanding use of e-Apostilles and e-Registers. The SC applauds the efforts of a number of States actively engaged in implementing one or both components of the e-APP and strongly encourages other Contracting States that have not yet done so to actively consider implementation. The SC encourages further exchanges of information among States about the implementation of the e-APP, in particular at the 8<sup>th</sup> International Forum on the e-APP scheduled for 2013 in Montevideo. The SC thanks the Government of Uruguay for its generous offer to host the next in this series of important events.

*Endorsement of the Apostille Handbook*

29. The SC endorses the *Handbook on the Practical Operation of the Apostille Convention* (Apostille Handbook) and invites the Permanent Bureau to finalise the text, taking into account the issues addressed during the meeting.

*Next meeting of the Special Commission*

30. The SC recommends to the Council on General Affairs and Policy of the Conference that the next meeting of this SC be held within the next three to five years, depending on the overall work programme of Conference and the Permanent Bureau. In light of the very positive experience of the present meeting, the SC also recommends that the next meeting again be dedicated exclusively to the practical operation of the Apostille Convention and not be paired with the analysis of the practical operation of another Hague Convention.