

CHILE

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.</p> <p>- Decree No. 228, Promulgates the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents. Date of entry into force: August 30, 2016.</p> <p>- Law No. 20,711, Implements the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (Apostille Convention), Adopted On 5 October 1961 in The Hague, The Netherlands. Date of entry into force: August 30, 2016.</p> <p>- Decree 81, approves the regulation of Law No. 20,711 that implements the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents. Date of entry into force: August 30, 2016.</p> <p>- http://bcn.cl/2bj3r</p> <p>- http://bcn.cl/2bj3o</p> <p>- http://bcn.cl/2bj3q</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)?	[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>	Five: Ministry of Justice, Ministry of Education, Ministry of Health, Ministry of Foreign Affairs and the Civil Registry and Identification Service.
4. Do your diplomatic missions abroad play a role in the Apostille issuance process?	<p>[b] Yes, our diplomatic missions act as intermediaries between the applicant and Competent Authority (e.g. forwarding applications and transmitting Apostilles once issued).</p> <p><i>A petitioner may request the Apostille of a Chilean public document issued with an electronic signature. The Apostille is granted by the Ministry of Foreign Affairs and sent by email to the Chilean Consulate indicated by the applicant.</i></p>

Substantive Scope				
5.	Is the concept of 'public document' defined in your internal law?	<p>[a] Yes.</p> <p>- "Public or authentic instrument is the authorized with the legal solemnities by the competent official". (Civil Code, Article 1699, http://bcn.cl/2f8ub)</p> <p>- "For the purposes of this Regulation, those that receive said qualification by the Apostille Convention will be considered public documents." (Decree 81, Article 4, http://bcn.cl/2bj3q)</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?	<p>[b] Yes, as the State of destination.</p> <p><i>It has generated a certain degree of confusion. Users do not always differentiate the Apostille and legalization procedures. In some cases, we have received documents issued by a Consul that are apostilled instead of legalized.</i></p>		
<p><i>For Parties that answered yes to Q7.</i></p> <p>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).</p>		The acceptability of apostilles for documents issued by consular agents is being evaluated by the Legal Directorate of the Ministry of Foreign Affairs.		
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?	<p>[a] Yes, as the State of origin.</p> <p><i>Some countries only receive them if they are apostilled.</i></p>		
<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&R No 10 of the 2016 SC).</p>		In these cases, we have applied a criterion that is not extremely narrow.		
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	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	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?	[a] Yes, an intermediate certification is required for some categories of public documents.		
<p><i>For Parties that answered yes to Q12.</i></p> <p>12.1. What categories of public document require intermediate certification and why?</p>	Category of public document	Why certification is required	
	- Health documents issued by officials of the Public Health Services require the prior validation of the Director or the Commissioner of Oath of the Service.	Certification is required due to the high number of officials.	
	- Health documents issued by municipal officials require the prior validation of the Mayor or the Municipal Secretary (Commissioner of Oath).	Certification is required due to the high number of officials.	
	- Documents issued by police officers require the prior validation of the Commissioner of Oath of the corresponding Undersecretariat of the Ministry of the Interior.	Certification is required due to the high number of officials.	

	- The documents issued by officials of the Armed Forces require the prior validation of the Commissioner of Oath of the Undersecretariat for the Armed Forces.	Certification is required due to regulatory provisions.	
	- The documents issued by officials of the Public Prosecutor's Offices require the prior validation of the Commissioner of Oath of the Public Ministry.	Certification is required due to the high number of officials.	
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.		X
	[e] Other.		
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)	e-Apostille requests
	On the spot	Within five working days	On the spot
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. [ii] A single, centralised, database of sample signatures / seals / stamps, maintained in electronic 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?	[c] In three languages. <i>Spanish, English and French</i>		

20.	In what language(s) are the blank fields of your Apostilles filled in?	[a] In one language. <i>Spanish</i>	
21.	How are the blank fields of your Apostilles filled in?	[b] Using computer software. <i>Unique Electronic Apostille System</i>	
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.	
		[e] Name of the applicant.	
		[f] State of destination.	
		[g] Copy of the Apostille.	X
		[h] Copy of the underlying document.	
		[i] Other. <i>Number of pages; series/other.</i>	X
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.	
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)?	[a] Yes. <i>Law N° 19.799 on electronic documents, electronic signature and certification services of such signature. Date of entry into force: April 12, 2002.</i> <i>This law regulates electronic documents and their legal effects, the use in them of electronic signatures, the provision of services of certification of these signatures and the accreditation procedure to which the providers of said certification service may be subject, in order to guarantee safety in their use.</i> <i>http://bcn.cl/2a14v</i>	
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> 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>	[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.	
	[j] Documents relating to adoptions.	
	[k] Translations.	
	[l] Medical or health certificates.	
	[m] Criminal records.	
	[n] Import or export licences.	
[o] Certificates of origin.		
[p] Certificates of conformity.		
[q] Other. <i>All public documents, except those actions of State bodies for which the Political Constitution or the law requires a solemnity that is not capable of being fulfilled by an electronic document or requires the personal concurrence of the authority or official who must intervene in them.</i>	X	
<p><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)?</p>	An important and growing part of public documents are issued in electronic format.	
28. Do you issue e-Apostilles?	[a] Yes.	
<p><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?</p>	[a] Electronic public documents. [b] Paper public documents that have been scanned by a public official.	
<p><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)?</p>	[b] Technology from a commercial provider (e.g. Adobe). <i>e-Sign</i>	
<p><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?</p>	The apostille includes as additional information: type of document, holder, number of pages and serie/other.	

<p><i>For Parties that answered yes to Q28.</i> 28.6. Once issued, how is the e-Apostille transmitted to the applicant?</p>	<p>[e] Other. <i>It is delivered to the applicant in a printed copy of the Apostille; via email (regular) (only for Apostilles of translations done by the Ministry of Foreign Affairs); or Electronic transmission via online platform administered by the government (only for Apostilles of electronic documents issued by the Ministry of Education).</i></p>	
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.	
<p><i>For Parties that answered yes to Q30.</i> 30.2. What technology is used to maintain your e-Register?</p>	[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>).	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.	
	[i] Other.	
	[j] Unknown.	
[k] No / Not applicable.		
<p><i>For Parties that answered other than "No" to Q32.</i> 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.	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>Within the framework of a procedure of random verification of documents presented for the recognition of a professional title.</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>).	
	[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. <i>The Apostille could not be verified online; the Apostille did not include the name of the holder of the underlying document.</i>	X
	[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.	

<p>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?</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>	[b] No.
<p>38. Would you be interested in attending the 12th International Forum on the e-APP (to be held in conjunction with the meeting of the Special Commission)?</p>	[b] Yes, via videoconference.
<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>	[b] No.