

**Report of the Working Group
on the Authentication of Documents
Generated by Supranational and
Intergovernmental Organisations**

(1 December 2017)



Introduction

1. On 1 December 2017, the Working Group on the Authentication of Documents Generated by Supranational and Intergovernmental Organisations (hereafter, “the Group”) met in The Hague. The Group was attended by 36 experts, representing 22 States, one supranational organisation and one intergovernmental organisation, as well as members of the Permanent Bureau. The list of participants is annexed to this report.
2. The mandate of the Group, as recommended by the 2016 meeting of the Special Commission on the practical operation of the Apostille Convention and endorsed by the Council on General Affairs and Policy (hereafter, “the Council”), was “to study [issues in relation to the process of authenticating documents generated by supranational and intergovernmental organisations] and make recommendations regarding the possible application of the Convention to those documents” (C&R No 27 of the 2017 meeting of the Council and C&R No 11 of the 2016 meeting of the Special Commission).

Conclusions & Recommendations

3. Having reviewed the different practices across Contracting Parties with respect to authenticating documents generated by supranational and intergovernmental organisations in their territory, the Group recommended the following options, if and when a need to authenticate such documents for use in another Contracting Party arises:
 - i. the relevant Competent Authority of the host State, in possession of the required sample signatures and seals of the officials that issue such documents for the organisation in question, may directly apostillise the documents;
 - ii. a notary of the host State may first authenticate the document or a copy of the document and this notarial authentication is subsequently apostillised by the relevant Competent Authority;
 - iii. a government office or authority may be designated by the host State, and which holds the required sample signatures and seals of the officials that execute such documents for the organisation in question, to act as an intermediary for the purposes of authenticating such documents and this authentication is subsequently apostillised by the relevant Competent Authority.
4. The Group further recalled that an Apostille validly issued by one Contracting Party must be accepted in other Contracting Parties and, in particular, cannot be rejected on the sole ground that it relates to a document of a supranational or intergovernmental organisation.
5. The Group concluded that, at this stage, it was not necessary to develop a protocol to the Convention, nor for Contracting Parties to consider designating entities within a supranational or intergovernmental organisation as Competent Authorities.
6. The Group recommended that the Council approve the above Conclusions & Recommendations.

ANNEX A

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Final list of participants Liste définitive des participants

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Mr Pieter André STEMMET, Legal Counsellor, Embassy of South Africa, The Hague

ALBANIE / ALBANIA

Mr Adi HOXHA, Department for Consular Affairs, Ministry for Europe and Foreign Affairs, Tirana

Mrs Xhuljeta KEKO, Minister Counsellor, Embassy of the Republic of Albania, The Hague

BRÉSIL/ BRAZIL

Mrs Fabiana Arazini GARCIA KANADOGLU, First Secretary, Embassy of Brazil, The Hague

CHINE, RÉPUBLIQUE POPULAIRE DE / CHINA, PEOPLE'S REPUBLIC OF

Mr James DING, Deputy Principal Government Counsel (Treaties and Law), International Law Division, Department of Justice, Hong Kong SAR
(Chair of the meeting)

Mr Guoshun SUN, Counsellor, Legal Adviser, Embassy of China, The Hague

CORÉE, RÉPUBLIQUE DE / KOREA, REPUBLIC OF

Ms Ji-I CHO, Second Secretary, Ministry of Foreign Affairs, Seoul

EQUATEUR / ECUADOR

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ESPAGNE / SPAIN

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Ms María Belén BARRIOS GARRIDO-LESTACHE, notario de El Barco de Ávila, Ávila

ÉTATS-UNIS D'AMÉRIQUE / UNITED STATES OF AMERICA

Mr William FRITZLEN, Supervisory Attorney-Adviser, Overseas Citizen Services, Bureau of Consular Affairs, Office of Legal Affairs, U.S. Department of State, Washington, DC

(Participating by video-conference)

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LUXEMBOURG

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MEXIQUE / MEXICO

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Ms Martha Teresa URRUTIA CÁRDENAS, Director of Political Co-ordination with the Branches of Government, Ministry of the Interior, Ciudad de México

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PAYS-BAS / NETHERLANDS

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UNION EUROPÉENNE / EUROPEAN UNION

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SECRÉTARIAT / SECRETARIAT

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