

ITALIAN REPUBLIC

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.
<i>For Parties that joined the Convention after 2010.</i>	
1.1. Did you require implementing legislation to give the Apostille Convention the force of law?	
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. <i>Regulation (EU) 2016/1191</i> [b] Yes, under bilateral / multilateral agreements. <i>See Attachment 1.</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>	Depending on the type of document, public prosecutors at the courts in the jurisdiction in which the documents were issued and prefects with territorial competence; for the Valle d'Aosta the President of the Region, and for the provinces of Trento and Bolzano the Government Commissioner.
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. <i>Art. 2699 civil code; see also art. 3 (1)(a) Regulation EU 2016/1191</i>
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?	[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?	[c] No.
10. Do you think this Art. 1(3)(b) exclusion is justified in the context of the modern operation of the Convention?	[a] Yes.

11. Do you issue (outgoing) or accept (incoming) Apostilles for any of the following categories of document?		Issue	Accept
	Certificates of origin		
	Export licences		
	Import licences		
	Health and safety certificates issued by the relevant government authorities or agencies		X
	Certificates of products registration		
	Certificates of conformity	X	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	
	Sworn translation	Request from a foreign authority	
Requesting an Apostille (Outgoing)			
13. How can an Apostille be requested?	[a] In person.		X
	[b] By post.		X
	[c] By email.		X
	[d] Through a website.		
	[e] Other. <i>Proxy/delegate</i>		X
14. When issuing an Apostille, do you enquire about the State of destination?	[c] Sometimes. <i>May be application form, orally or not</i>		
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
	Other <i>Depending, 2/3 days up to a week</i>	Other <i>Up to 6 working days</i>	
16. Does your Competent Authority impose a fee for issuing an Apostille?	[a] Yes, a single price for all Apostilles. <i>Two authorities answered: E.19,87 and E. 16 if tax stamp is applied to the document.</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. [v] Multiple separate databases of sample signatures / seals / stamps, some in paper form, some electronic.	
18. How does a Competent Authority address situations where it is unable to verify the origin of the public document?	[d] Other. <i>Contacts the national applicant; informs the applicant that the Authority is not competent and indicates the competent Authority; contacts the issuing authority to confirm authenticity.</i>	
19. In what language(s) are the 10 standard items of your Apostilles available?	[d] Other. <i>Italian, English, Spanish, French; depending on the request</i>	
20. In what language(s) are the blank fields of your Apostilles filled in?	[b] In two languages. <i>Italian and French</i>	
21. How are the blank fields of your Apostilles filled in?	[c] Other. <i>By hand and with printed stamp; stamps. Software used Word, Filemaker Pro, Excel, web app by clerk</i>	
Apostille Registers		
22. How is your Apostille register, required by Article 7, maintained?	[b] Multiple Competent Authorities. [v] A separate register for each Competent Authority, some in paper form, some electronic.	
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.	X
	[f] State of destination.	X
	[g] Copy of the Apostille.	
	[h] Copy of the underlying document.	
	[i] Other.	
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?	[f] Unknown.	
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>Legislative Decree n.82 of 7/3/05, integrated and modified by Legislative Decree n. 179 of 22/8/16 and n.217 of 13/12/2017 (Codice Amministrazione Digitale); see also Regulation EU 910/2014 (art. 2 e 25).</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.	
<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).	
	[d] Extracts from commercial registers and other registers.	X
	[e] Notarial authentications of signatures.	X
	[f] Other notarial acts.	X
	[g] Diplomas and other education documents.	
	[h] Court documents, including judgments.	X
	[i] Patents or other documents pertaining to intellectual property rights.	X
	[j] Documents relating to adoptions.	
	[k] Translations.	X
	[l] Medical or health certificates.	X
	[m] Criminal records.	X
	[n] Import or export licences.	
[o] Certificates of origin.		
[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)?	Not available	
28. Do you issue e-Apostilles?	[b] No. [ii] We are not currently planning to implement the e-Apostille component.	

<p><i>For Parties that answered no to Q28.</i></p> <p>28.1. What challenges are you facing that may prevent you from implementing the e-Apostille?</p>	[a] Internal law limitations.	X
	[b] Judicial or administrative structure.	X
	[c] Implementation challenges (e.g. lack of resources, lack of infrastructure).	X
	[d] Cost.	
	[e] System interoperability / compatibility.	X
	[f] Security concerns.	X
	[g] Other.	
<p><i>For Parties that answered no to Q28.</i></p> <p>28.2. How do you issue an Apostille for a public document executed in electronic form?</p>	[b] By paper Apostille, attached to a hard copy of the electronic public document.	
29. Are your authorities equipped to accept incoming e-Apostilles?	[c] No. <i>No legal provisions</i>	
30. Do you maintain an e-Register?	[b] No. [i] We are studying the use of an e-Register and plan to implement the e-Register component. <i>Answer given by one authority, mainly not planning.</i>	
<p><i>For Parties that answered no to Q30.</i></p> <p>30.1. What challenges are you facing that may prevent you from implementing the e-Register?</p>	[a] Internal law limitations.	X
	[b] Judicial or administrative structure.	X
	[c] Implementation challenges (e.g. lack of resources, lack of infrastructure).	X
	[d] Cost.	
	[e] System interoperability / compatibility.	X
	[f] Security concerns.	
	[g] Other.	
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		
<p>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:</p>	[a] Form requirements (e.g. square-shaped, sides of at least nine centimetres, border, ink, etc).	X
	[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. <i>Different signature from the one deposited</i>	X
	[j] Unknown.	
	[k] No / Not applicable.	X
For Parties that answered other than "No" to Q32. 32.1. If an Apostille was rejected, what action did you take?	[a] The Apostille was reissued.	X
	[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] 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>Request to confirm date and issuing</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).	X
	[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.	X
	[i] The underlying document was not a public document under the law of the destination.	
	[j] Other.	
	[k] Unknown.	
	[l] No / Not applicable.	X
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.	
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>	[b] No.	
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)?	[b] Yes, via videoconference.	

Additional Information

The answers provided in this questionnaire concern only documents apostilled by public prosecutors. The above does not include documents apostilled by other central authorities

When multiple answers have been received from the Competent Authorities on some questions, all the answers have been entered, e.g. see questions 14, 16, 17, 18, 19, 27.1, 28.2, 30, 32, 33, 34].

Different answers received on question 25 did not allow to give a specific answer; therefore the answer given is f) unknown

Bilateral Agreements abolishing legalization:

- Convention of friendship and good neighbourliness between Italy and San Marino, signed in Rome on 31 March, 1939, as amended by the Additional Agreement to the Convention, on administrative assistance, dual citizenship and military service, with an exchange of letters between Italy and San Marino, signed in San Marino on 28 October, 1980
- Agreement between Italy and Belgium relating to the reciprocal free release of documents concerning civil status and the abolition of their legalization signed, by exchange of Notes, in Rome on 24 October, 1950.
- Convention on the issue of certain extracts from civil status records to be used abroad, signed in Paris on 27 September 1956 // *Convention relative à la délivrance de certains extraits d'actes de l'état civil destinés à l'étranger, faite à Paris le 27 septembre 1956*
- Convention for the free issue and exemption from legalization of civil status documents and annex, signed in Luxembourg on 26 September, 1957 // *Convention relative à la délivrance gratuite et à la dispense de légalisation des expéditions d'actes de l'état civil, Faite à Luxembourg le 26 septembre 1957*
- Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, signed in the Hague on 5 October, 1961
- Agreement between the Italian Republic and the Swiss Confederation on the exemption from legalization, on the exchange of documents related to civil status and on the presentation of the certificates needed to get married, signed in Bern on November 16, 1966 // *Accord entre la Confédération Suisse et la République Italienne sur la dispense de légalisation, l'échange des actes de l'état civil et la présentation des certificats requis pour contracter mariage, conclu le 16 novembre 1966*
- European Convention on the Abolition of Legalisation of Documents executed by Diplomatic Agents or Consular Officers, signed in London on 7 June, 1968;
- Convention between the Italian Republic and the Federal Republic of Germany on exemption from the legalization of documents, signed in Rome on 7 June, 1969.
- Convention on the issue of multilingual extracts from civil status records , signed in Vienna on 8 September, 1976 // *Convention du 8 septembre 1976 relative à la délivrance d'extraits plurilingues d'actes de l'état civil*).
- Convention on Mutual Assistance in Civil Matters between the Italian Republic and the Hungarian People's Republic, signed in Budapest on 26 May, 1977.
- Convention on the Exemption from Legalization for Certain Acts and Documents, signed in Athens on 15 September, 1977 // *Convention portant dispense de légalisation pour certains actes et documents, signée à Athènes le 15 septembre 1977*
- Convention on the issue of a certificate of legal capacity to marry, signed in Munich on 5 September, 1980 // *Convention relative à la délivrance d'un certificat de capacité matrimoniale signée à Munich le 5 septembre 1980*
- Agreement between the Italian Republic and the Kingdom of Spain on the exchange of documents related to civil status the exemption from legalization for certain documents, signed in Madrid on 10 October, 1983.
- Convention abolishing the legalization of documents in the Member States of the European Communities, signed in Brussels on 25 May, 1987.
- Agreement between the Italian Republic and the Argentine Republic on the exchange of civil status documents and the exemption from legalization for certain documents, signed in Rome on 9 December, 1987.
- Agreement between the Republic of Austria and the Italian Republic on the waiver of legalization, the transmission of extracts from civil status and simplification of the Preliminary Formalities Preceding Marriage, signed in Vienna on 21 April, 1967

Definition of "public deed" pursuant to 2699 civil code

The public deed is the document drawn up, with the required formalities, by a notary or other public official authorized to attribute public faith to it in the place where the deed is formed