

## GEORGIA

### Apostille Questionnaire 2021

*The responses are reflected as provided by Contracting Parties subject to minor typographical corrections.*

| Joining the Apostille Convention  |   |
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| 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)?               | [b] Yes, under bilateral / multilateral agreements. <i>Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (signed in 1993 and in force as between the following states: Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Turkmenistan, Tajikistan, Ukraine, Uzbekistan)</i>   |
| Competent Authorities   |   |
| 3. How many Competent Authorities have you designated under the Apostille Convention?<br><i>If unknown, please specify the reason for this and provide an approximate number.</i>                   | Two.<br>1. LEPL Public Service Development Agency of Ministry of Justice of Georgia.<br>2. LEPL Service Agency of Ministry of Internal Affairs of Georgia   |
| 4. Do your diplomatic missions abroad play a role in the Apostille issuance process?  | [b] Yes, our diplomatic missions act as intermediaries between the applicant and Competent Authority (e.g. forwarding applications and transmitting Apostilles once issued).<br><i>Our diplomatic missions forward applications to the Ministry of Foreign Affairs of Georgia, which then forwards the applications to the LEPL Public Service Development Agency, and once Apostilles are issued, the LEPL Public Service Development Agency transmits the apostilled document to the Ministry of Foreign Affairs of Georgia, which further transmits the apostilled documents to our diplomatic missions.</i> |
| Substantive Scope   |   |
| 5. Is the concept of 'public document' defined in your internal law?  | [b] No.   |
| 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.   |

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| 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   | X   | X   |
|  | Export licences  | X   | X   |
|  | Import licences  | X   | 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   | X   |
|  | End user certificates (i.e. documents certifying that the buyer is the end user of acquired goods)   | X   | X   |
| Commercial invoices  |  | X   |   |
| <b>Apostille Process</b>   |  |   |   |
| <b>Certification of Public Documents</b>   |  |   |   |
| 12. Do any of your public documents require some other intermediate certification before the issuance of an Apostille? | [b] No, an intermediate certification is not required for any public document; Apostilles are issued directly upon the public document.          |   |   |
| <b>Requesting an Apostille (Outgoing)</b>  |  |   |   |
| 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?  | [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  |
|  | Other<br><i>On the same day, on the following working day, within four working days, and within eight working days, within ten working days.</i> | On the following working day                                | Other<br><i>On the same day, on the following working day, within three working days, within four working days, and within eight working days, within ten working days.</i> |

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| 16.                                    | Does your Competent Authority impose a fee for issuing an Apostille?   | <p>[a] Yes, a single price for all Apostilles.<br/> <i>20 GEL within 10 working days (for educational documents)</i><br/> <i>20 GEL within 8 working days</i><br/> <i>40 GEL within 4 working days</i><br/> <i>40 GEL within 3 working days (for e-Apostille requests made through a web-site)</i><br/> <i>70 GEL within 2 working days</i><br/> <i>100 GEL on the same day</i></p> |   |
| <b>Issuing an Apostille (Outgoing)</b> |  |   |   |
| 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))? | <p>[a] Single Competent Authority.<br/>         [ii] An electronic database of sample signatures / seals / stamps.</p>  |   |
| 18.                                    | How does a Competent Authority address situations where it is unable to verify the origin of the public document?  | <p>[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.</p>   |   |
| 19.                                    | In what language(s) are the 10 standard items of your Apostilles available?  | <p>[b] In two languages.<br/> <i>Georgian</i><br/> <i>English</i></p>   |   |
| 20.                                    | In what language(s) are the blank fields of your Apostilles filled in?   | <p>[b] In two languages.<br/> <i>Georgian</i><br/> <i>English</i></p>   |   |
| 21.                                    | How are the blank fields of your Apostilles filled in?   | <p>[b] Using computer software.<br/> <i>A computer software developed by the LEPL Public Service Development Agency for Apostille authentication of documents.</i></p>  |   |
| <b>Apostille Registers</b>             |  |   |   |
| 22.                                    | How is your Apostille register, required by Article 7, maintained?   | <p>[a] Single Competent Authority.<br/>         [i] Electronic form, publicly accessible online (e-Register).</p>   |   |
| 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.  |   |
|  |  | [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.  | X |
|  |  | [i] Other.  |   |
| 24.                                    | Is there a limit to how long records can be retained on the Apostille register?  | <p>[d] No.</p>  |   |

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| 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.   |   |
| <b>Technology &amp; the e-APP</b>   |  |   |
| 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.<br/> <i>LAW OF GEORGIA ON ELECTRONIC DOCUMENTS AND ELECTRONIC TRUST SERVICES</i><br/> <i>The date of entry: 21/04/2017</i></p> <p>1. <i>This Law sets forth the legal grounds for using electronic documents, electronic signatures and electronic trust services.</i></p> <p>2. <i>This Law shall not restrict the right of natural persons and legal entities under private law to use tangible documents and/or handwritten signatures according to their choice, as well as electronic documents and/or electronic signatures, made according to conventions that are different from this Law.</i></p> <p>3. <i>This Law shall not restrict the right of the National Bank of Georgia and the representatives of the financial sector to use electronic documents and/or electronic signatures, made according to conventions that are different from this Law.</i></p> <p>4. <i>This Law shall not apply to information that is recognised as a state secret by the legislation of Georgia and is subject to state protection.</i></p> <p><a href="https://www.matsne.gov.ge/en/document/view/3654557?publication=0">https://www.matsne.gov.ge/en/document/view/3654557?publication=0</a></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> | [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).  | X |
|   | [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.  |   |
|   | [i] Patents or other documents pertaining to intellectual property rights.   | X |
|   | [j] Documents relating to adoptions.   | X |
|   | [k] Translations.  | X |

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|   | [l] Medical or health certificates.   |  |
|   | [m] Criminal records.   |  |
|   | [n] Import or export licences.  |  |
|   | [o] Certificates of origin.   |  |
|   | [p] Certificates of conformity.   |  |
|   | [q] Other.  |  |
| <i>For Parties that answered yes to Q27.</i><br>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)? | All documents issued by administrative authorities are executed in electronic form.   |  |
| 28. Do you issue e-Apostilles?  | [a] Yes.  |  |
| <i>For Parties that answered yes to Q28.</i><br>28.3. Under your internal law, which of the following do you consider public documents for the purpose of issuing e-Apostilles?   | [a] Electronic public documents.<br>[b] Paper public documents that have been scanned by a public official.   |  |
| <i>For Parties that answered yes to Q28.</i><br>28.4. How is an e-Apostille signed (i.e. what technology is used to apply an electronic / digital signature)?   | [a] A government-built certificate.   |  |
| <i>For Parties that answered yes to Q28.</i><br>28.5. How is an e-Apostille affixed to / associated with the underlying public document to ensure it is not tampered with?  | The underlying document and the e-Apostille are combined in a single PDF document through the special software developed by the LEPL Public Service Development Agency  |  |
| <i>For Parties that answered yes to Q28.</i><br>28.6. Once issued, how is the e-Apostille transmitted to the applicant?   | [e] Other.<br><i>Via email (regular) and electronic transmission via online platform administered by the government</i>   |  |
| 29. Are your authorities equipped to accept incoming e-Apostilles?  | [b] Yes, but on certain conditions.<br><i>We accept incoming e-Apostilles only after we verify the authenticity of incoming e-Apostille in the e-Register of the respective foreign country</i>                         |  |
| 30. Do you maintain an e-Register?  | [a] Yes.  |  |
| <i>For Parties that answered yes to Q30.</i><br>30.2. What technology is used to maintain your e-Register?  | [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?   | [a] Yes.<br><i>In the process of implementation of e-Apostille in Georgia, we were in contact with Competent Authorities of the following countries: Bolivia, Columbia, Moldova, Chile, Austria, Slovenia, Estonia.</i> |  |
| <b>Issues with Apostilles</b>   |   |  |
| 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.   |  |

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|   | [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.  |   |
|   | [k] No / Not applicable.  | X |
| 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.                    | X |
|   | [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.   | X |
|   | [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.  |   |   |

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|  | [i] No / Not applicable.         |  |
| <b>Miscellaneous</b>   |                                  |  |
| 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?<br><i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>   | [b] No.                          |  |
| 37. Do you have any suggestions that could assist in the promotion, implementation, or operation of the Apostille Convention?<br><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 <sup>th</sup> International Forum on the e-APP (to be held in conjunction with the meeting of the Special Commission)?   | [a] Yes, if possible, in person. |  |
| 39. Are there any specific topics or practical issues that you would like discussed at the e-APP Forum?<br><i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>  | [b] No.                          |  |
| 40. The Permanent Bureau is in the process of drafting a 2 <sup>nd</sup> edition of the Apostille Handbook. Are there any specific topics, suggestions for presentation or formatting, or any other proposals for inclusion?<br><i>Please note that answers to this question will not be incorporated into the first draft of the 2<sup>nd</sup> edition. The PB will take them into account in preparing subsequent drafts.</i><br><i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i> | [b] No.                          |  |