

PEOPLE'S REPUBLIC OF CHINA (MACAO SPECIAL ADMINISTRATIVE REGION) 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.
2. Are foreign public documents exempted from legalisation by virtue of your internal law, practice, or any bilateral / multilateral agreements (excluding the Apostille Convention)?	<p>[b] Yes, under bilateral / multilateral agreements.</p> <p>1. Agreement between the Macao Special Administrative Region of the People's Republic of China and the Portuguese Republic on Judiciary and Judicial Cooperation, done at Lisbon on 17 January 2001. Please refer to the link below : http://images.io.gov.mo/bo/ij/2001/06/avce-10-2001.pdf (Chinese and Portuguese texts only);</p> <p>2. Agreement between the Macao Special Administrative Region of the People's Republic of China and the Democratic Republic of East Timor on Judiciary and Judicial Cooperation, done at Macao on 21 November 2008. Please refer to the link below: http://images.io.gov.mo/bo/i/2008/50/avce-31-2008.pdf (Chinese and Portuguese texts only);</p> <p>3. Agreement between the Macao Special Administrative Region of the People's Republic of China and Cape Verde on Judiciary and Judicial Cooperation, done at Macao on 7 November 2013. Please refer to the link below: http://images.io.gov.mo/bo/ij/2013/49/avce-40-2013.pdf (Chinese and Portuguese texts only).</p>
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>	At present, the Chief Executive, the Secretary for Administration and Justice and the Director of the Legal Affairs Bureau of the Macao Special Administrative Region (hereinafter referred to as the "Macao SAR") were designated as the Authorities competent.
4. Do your diplomatic missions abroad play a role in the Apostille issuance process?	

Substantive Scope				
5.	Is the concept of 'public document' defined in your internal law?	<p>[a] Yes.</p> <p><i>The Macao Civil Code sets up the criteria to determine the types of documents and their legal value. It is complemented by some provisions of the Macao Civil Procedure Code, Notary Code, Civil Registration Code, Real Estate Registration Code and Commercial Registration Code, as well as by the law on the framework applicable to electronic documents and digital signatures (Law 5/2005).</i></p> <p><i>More specifically, in what refers the criteria to determine whether a written document is a public document falling within the scope of the Convention, the main relevant provision of the Macao Civil Code is its Article 356, which reads as follows:</i></p> <p><i>"1. The written documents can either be authentic or private.</i></p> <p><i>2. The authentic documents are those issued in accordance with legal formalities by a public authority within the limits of its competence or within its scope of activity, by a notary or a public official with public faith.</i></p> <p><i>3. The private documents shall be authenticated documents when confirmed by the parties in the presence of a notary under the terms prescribed by notarial law."</i></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?	[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	X	X
		Export licences	X	X
		Import licences		
		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)		
	Commercial invoices		
Apostille Process			
Certification of Public Documents			
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.		
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.		
	[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 <i>Within 2 working days.</i>		
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.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. [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?	[b] In two languages. <i>Chinese and Portuguese, plus a choice of English translation.</i>		
20. In what language(s) are the blank fields of your Apostilles filled in?	[b] In two languages. <i>Chinese and Portuguese, plus a choice of English translation.</i>		
21. How are the blank fields of your Apostilles filled in?	[b] Using computer software. <i>Java(J2EE).</i>		
Apostille Registers			
22. How is your Apostille register, required by Article 7, maintained?	[b] Multiple Competent Authorities. [vi] Other. <i>Electronic form. Verification service is available online.</i>		

23. What particulars are contained in your Apostille register?	[a]	Number and date of the Apostille (<i>required</i>).	X
	[b]	Name and capacity of the person signing the document and / or the name of authority whose seal or stamp is affixed (<i>required</i>).	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.	
	[g]	Copy of the Apostille.	X
	[h]	Copy of the underlying document.	X
	[i]	Other. <i>A copy of the identity card of the applicant.</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>i.e.</i> can a public document be signed electronically)?	[b]	No.	
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.	
	[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>The Macao SAR has been promoting e-document with the entry into force of Law 2/2020 on Electronic Governance, the following, among others, are documents that are currently executable in e-form:</i> - Birth certificates - Marriage certificates - Certificates of commercial registration - Certificates of property registration - Criminal records	X
<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)?	No relevant statistics available.	
28. Do you issue e-Apostilles?	[b] No. [ii] We are not currently planning to implement the e-Apostille component.	
<i>For Parties that answered no to Q28.</i> 28.1. What challenges are you facing that may prevent you from implementing the e-Apostille?	[a] Internal law limitations.	
	[b] Judicial or administrative structure.	
	[c] Implementation challenges (e.g. lack of resources, lack of infrastructure).	X
	[d] Cost.	
	[e] System interoperability / compatibility.	
	[f] Security concerns.	
	[g] Other.	
<i>For Parties that answered no to Q28.</i> 28.2. How do you issue an Apostille for a public document executed in electronic form?	[c] Other. <i>At present, the Macao SAR competent authorities do not issue an Apostille for a public document executed in electronic form.</i>	
29. Are your authorities equipped to accept incoming e-Apostilles?	[c] No.	
30. Do you maintain an e-Register?	[a] Yes.	
<i>For Parties that answered yes to Q30.</i> 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?	[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>).	
	[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
<i>For Parties that answered other than "No" to Q32.</i> 32.1. If an Apostille was rejected, what action did you take?	[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.	
	[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?	[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.	

	[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.	
	[k] Unknown.	X
	[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.	
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.	
37. Do you have any suggestions that could assist in the promotion, implementation, or operation of the Apostille Convention? <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.	
39. Are there any specific topics or practical issues that you would like discussed at the e-APP Forum? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	

<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? <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> <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.
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