

Questionnaire for Contracting Parties to the 1961 Apostille Convention



Chile

Table of Contents

I.	Implementation of the e-APP.....	1
A.	First component: e-Apostille.....	1
B.	Second component: e-Register.....	2
II.	Technology and the e-APP (including the use of digital signatures)	2
III.	Issuance of e-Apostilles	4
IV.	Operation of an e-Register.....	5
V.	Issues with e-Apostilles.....	5
VI.	Education and training.....	6
VII.	Miscellaneous.....	6
VIII.	Additional information & supporting documents	7

Questionnaire for Contracting Parties to the 1961 Apostille Convention

Please note that not all questions require a response from all Contracting Parties; some are directed only at Contracting Parties that have not implemented one or both components of the e-APP. Likewise, other questions are addressed solely to those who have implemented and operate the e-APP.

I. Implementation of the e-APP

The questions below are intended to identify all Contracting Parties that have implemented one or both components of the e-APP (*i.e.*, those that issue e-Apostilles and/or operate an e-Register). Likewise, for Contracting Parties that have implemented neither component, the questions seek to clarify the stage they have reached in considering the e-APP, as well as the challenges that may be preventing its implementation.

A. First component: e-Apostille

1 Does your State issue e-Apostilles?

- ☒ Yes, e-Apostilles have been issued since *september 2016*
- ☐ No, e-Apostilles have not been implemented yet.
- If not, please specify:
- ☐ We are studying the use of e-Apostilles and plan to implement the e-Apostille component.
Please specify, if relevant: N/A
- ☐ We are not currently planning to implement the e-Apostille component.

For Parties that answered “No, e-Apostilles have not been implemented yet”, please answer question 1.1

1.1 What challenges is your State facing that may prevent it from implementing e-Apostilles?

More than one answer is possible.

- ☐ Internal law limitations.
- ☐ Judicial or administrative structure.
- ☐ Implementation challenges (e.g., lack of resources, lack of infrastructure).
- ☐ Cost.
- ☐ System interoperability / compatibility.
- ☐ Security concerns.
- ☐ Other – please specify: N/A

If relevant, please explain any of the options above: N/A

2 Regardless of whether your State currently issues e-Apostilles, are your receiving agencies equipped or able to accept and process incoming e-Apostilles (*i.e.*, e-Apostilles issued by other Contracting Parties)?

- ☒ Yes, all e-Apostilles can be processed.
- ☐ Yes, but on certain conditions – please specify: N/A
- ☐ No – please explain why not: N/A
- ☐ Unknown.

Please explain further any of the items above, if relevant: N/A

B. Second component: e-Register

3 Does your State maintain an e-Register?

☒ Yes, an e-Register has been implemented on 2016

If yes, please indicate any specific features of your e-Register (e.g., whether your State maintains multiple e-Registers, different types of e-Registers for various Competent Authorities, or separate registers for paper and e-Apostilles, etc.): *A single electronic system for the generation of apostilles by our five competent authorities, with a repository for each apostille and underlying public document. Verification of the authenticity of the apostille on the corresponding website, with the visualization of the underlying public document.*

☐ No, an e-Register has not been implemented yet.

If not, please specify:

☐ We are studying the use of an e-Register and plan to implement the e-Register component.

Please specify, if relevant: N/A

☐ We are not currently planning to implement the e-Register component.

For Parties that answered “No, an e-Register has not been implemented yet”, please answer question 3.1:

3.1 What challenges is your State facing that may prevent it from implementing an e-Register?

More than one answer is possible.

☐ Internal law limitations.

☐ Judicial or administrative structure.

☐ Implementation challenges (e.g., lack of resources, lack of infrastructure).

☐ Cost.

☐ System interoperability / compatibility.

☐ Security concerns.

☐ Other – please specify: N/A

If relevant, please explain any of the options above: N/A

II. Technology and the e-APP (including the use of digital signatures)

The questions below are intended to further understand how Contracting Parties recognise and use electronic or digital signatures, and how electronic public documents interact with the Apostille process, particularly in cases where the e-Apostille component has not yet been implemented.

For the purposes of this questionnaire, an **electronic signature** is a name, initial, mark or symbol that is affixed to, or logically associated with, a document or other record in electronic form, to evidence the signing of that document or record. A **digital signature** is a special type of electronic signature which works with encryption technology and can be authenticated using a digital certificate.

4 Under your internal law, for your own domestic public documents, do you recognise electronic / digital signatures as functionally equivalent to handwritten (wet) signatures (i.e., allowing your public documents to be signed electronically)?

☒ Yes, please specify (including whether there are any requirements or technical standards for using electronic / digital signatures): *Electronic documents that qualify as public instruments must be signed using an advanced digital signature to have that status.*

☐ No.

☐ Other – for example, electronic signatures are only permissible for certain categories of documents. Please specify: N/A

☐ Unknown.

For Parties that answered Q.4 affirmatively, please answer question 4.1:

4.1 For incoming electronic public documents (i.e., those issued by other Contracting Parties), does your State impose specific requirements or technical standards for accepting electronic / digital signatures?

- ☐ Yes – please specify the applicable requirements or technical standards: N/A
☒ No.
☐ Other – please specify: N/A
☐ Unknown.

5 Under your internal law, do foreign electronic public documents have the same probative value as paper public documents?

- ☐ Yes – Please specify (including whether your receiving agencies are able to accept and process incoming electronic public documents): N/A
☐ No.
☒ It depends – please specify: *(Law 19799 - Art. 5) Electronic documents may be submitted in court and, if invoked as a means of evidence, the following rules shall apply: 1. Those referred to in the preceding article (public documents) shall constitute full proof in accordance with the general rules; and 2. Those having the status of private instruments, insofar as they have been signed with an advanced digital signature, shall have the same evidentiary value indicated in the preceding paragraph. However, they shall not constitute proof as to their date unless such date is recorded by means of an electronic timestamp issued by an accredited service provider. In the case of electronic documents having the status of private instruments and signed by means of an electronic signature, they shall have the evidentiary value that corresponds to them in accordance with the general rules.*
☐ Other – please specify: N/A
☐ Unknown.

If relevant, please explain further any of the options above: N/A

6 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 1961 Apostille Convention)?

- ☐ Yes, all public documents are executed or able to be executed in electronic form.
☒ Yes, certain categories of public documents are executed or able to be executed in electronic form.
☐ No, public documents are never executed in electronic form.

If relevant, please explain any of the options above: *Exceptions: a) Those in which the law requires a formality that cannot be fulfilled by means of an electronic document; b) Those in which the law requires the personal appearance of one of the parties; and c) Those relating to family law.*

For Parties that answered affirmatively and execute, or are able to execute, public documents in electronic form, please answer question 6.1:

6.1 Can electronic public documents issued in your State be verified by foreign receiving agencies?

- ☒ Yes – please specify how they can be verified: *Each public document-issuing authority defines a mechanism for verifying authenticity, for example: a QR code, an alphanumeric code, or a barcode.*
☐ No.
☐ Other – please specify: N/A
☐ Unknown.

- 6.2 If your State executes, or is able to execute, electronic public documents but has not implemented the e-Apostille component, how is an Apostille issued for such electronic documents?
- ☐ The public document must first be *executed* in paper format.
- ☐ A hard *copy* of the electronic public document is printed and a paper Apostille is issued and attached.
- ☐ Other – please specify: N/A

III. Issuance of e-Apostilles

The questions below are intended to identify any requirements or conditions that Contracting Parties may impose for issuing e-Apostilles, as well as to understand the procedures followed by the Competent Authorities and how the underlying public document is treated.

- 7 Does your State have any requirements, conditions, or limitations for issuing e-Apostilles? If so, please describe them (e.g., requirements concerning the identity of the applicant; the use of specific platforms or digital solutions for applications; the nature or the form of the underlying public document; etc.).

- ☐ Yes – please specify: N/A
- ☒ No.

Please explain further any of the items above, if relevant: N/A

- 8 Under your internal law, which of the following formats of public documents are eligible for the issuance of e-Apostilles?
More than one answer is possible.

- ☒ Electronic public documents.
- ☒ Paper public documents that have been scanned by a public official.
- ☐ Paper public documents that have been scanned by applicants.

If relevant, please explain any of the options above: N/A

- 9 Does your State issue paper Apostilles alongside e-Apostilles?

- ☐ Yes.
- ☒ No, we only issue e-Apostilles.

- 9.1 If yes, please indicate the proportion of e-Apostilles issued in comparison to paper Apostilles. If known, provide any specific reasons that may explain the difference in proportions.

N/A

- 9.2 If yes, what are the criteria for issuing paper Apostilles versus e-Apostilles (e.g., is the nature or the form of the underlying public document decisive, or can applicants choose between the two formats)?

N/A

- 9.3 If not, how does your State issue e-Apostilles for paper-based documents?

Uploading and filing of a digital image (scanned document) in the Single Electronic Apostille System

- 10 When issuing e-Apostilles for electronic public documents, does your State preserve the electronic / digital signature of the underlying document?

☒ Yes, the electronic / digital signature is preserved. Please explain how this is done: *The process consists of uploading to the Single Electronic Apostille System the electronic document file bearing the advanced digital signature, separately from the apostille file.*

☐ No, only the electronic / digital signature of the e-Apostille is preserved.

If relevant, please explain any of the options above: N/A

- 11 **When issuing e-Apostilles, how does your Competent Authority complete the standard informational items on the Certificate? Please indicate whether there are any differences compared with issuing paper Apostilles or authenticating paper public documents.**

☒ The Competent Authority completes all standard informational items in the same manner as when issuing paper Apostilles or authenticating paper public documents.

☐ The Competent Authority completes the items differently as follows:

- Items 2-4: N/A
- Items 7 and/or 10: N/A

- 12 **In addition to the digital signature, does your e-Apostille include any other security or technical features, such as QR codes, encryption, digital watermarks, or similar measures?**

The apostille contains a QR code and a verification code, which can be used to check its authenticity on the website <https://consulta.apostilla.gob.cl/consulta>

IV. Operation of an e-Register

- 13 **What particulars are contained in your e-Register?**

More than one answer is possible.

- ☒ Number and date of the Apostille (required).
- ☒ Name and capacity of the person signing the document and / or the name of authority whose seal or stamp is affixed (required).
- ☒ Name and / or type of underlying document.
- ☐ Description of the contents of underlying document.
- ☒ Name of the applicant.
- ☒ State of destination.
- ☒ Copy of the Apostille.
- ☒ Copy of the underlying public document.
- ☐ Other – please specify: N/A

If relevant, please explain any of the options above: N/A

V. Issues with e-Apostilles

The questions below are intended to assess the practical acceptance of e-Apostilles among Contracting Parties to the 1961 Apostille Convention. They aim to identify whether e-Apostilles issued or received by a Contracting Party have ever been refused, the reasons for any such refusals, and the actions taken in response.

- 14 **Has an e-Apostille issued by your Competent Authority ever been refused by the authorities of another Contracting Party?**

- ☒ Unknown.
- ☐ No.
- ☐ Yes, please provide any further information, in particular the reasons why the e-Apostille was refused, if known: N/A

- 15 **If an e-Apostille has been rejected, what actions were taken in response?**

More than one answer is possible.

- ☐ A paper Apostille was issued instead.
- ☐ Contacted the receiving authority.

- ☐ Contacted the Competent Authority of the place of destination.
- ☐ Contacted nearest diplomatic mission of the place of destination.
- ☐ Contacted own diplomatic mission accredited to the place of destination.
- ☐ Contacted the Permanent Bureau.
- ☐ No action taken.
- ☐ Other, please specify: N/A
- ☐ Unknown.

If relevant, please explain any of the options above: N/A

16 Has an e-Apostille received by your authorities ever been refused?

- ☐ Unknown.
- ☐ No.
- ☒ Yes, please provide any further information, in particular the reasons why the e-Apostille was refused, if known: *[lack of information]*

If relevant, please explain any of the options above: N/A

VI. Education and training

17 Has your State implemented training activities or issued any guidelines on the operation of the e-APP for officers in the Competent Authority(ies)?

- ☐ No.
- ☐ Yes, please specify: *[Training of officials]*

18 Has your State implemented training activities or issued any guidelines on the acceptance of e-Apostilles and the operation of e-Registers for receiving authorities?

- ☒ No.
- ☐ Yes, please specify: N/A

If your State has issued guidelines or supporting documentation for receiving authorities, please indicate the format used, the type of information included, how the documents have been distributed, and how frequently they are issued, if known: N/A

19 Is / Are your Competent Authority(ies) willing and able to meet with other Competent Authorities to discuss the implementation and operation of the e-APP and to exchange experiences?

- ☒ Yes, please specify: *[but there are not enough resources]*.
- ☐ No, please specify: N/A.
- ☐ Unknown.

VII. Miscellaneous

20 Do you have any suggestions that could assist in the promotion, implementation, and / or operation of the e-APP?

- ☐ No.
- ☒ Yes – please specify: *[to promote training activities, guides and exchange of experiences with another competent authorities]*

21 Are there any specific topics or practical issues related to the e-APP that your State would like have discussed at the 14th International Forum on the e-APP?

- ☐ No.
- ☒ Yes – please specify: *[Verification of e-apostille and problems with apostilles that can't be verified]*

22 Please confirm whether your responses to this questionnaire can be published on the HCCH website.

☐ No.

☒ Yes – please specify whether certain questions should not be published: *[No]*

VIII. Additional information & supporting documents

23 Please indicate any additional information or documentation to support your response. This may include resources for the general public or guidelines for Competent Authority staff, as well as any recent judicial decisions, legislative developments, books, articles, or published works relevant to the operation of the 1961 Apostille Convention.

[Ley 20.711, 2014 and Decreto N°81, de 2015. Ley 19.799, 2002 and Decreto N°181, de 2002

Please attach any relevant documents when submitting the questionnaire to secretariat@hcch.net.

Thank you for taking the time to complete this questionnaire.