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**APERÇU DES RÉPONSES AU QUESTIONNAIRE ACCOMPAGNANT LES
EXPLICATIONS SUCCINCTES RELATIVES À LA CONVENTION DE LA HAYE DU
5 OCTOBRE 1961 SUPPRIMANT L'EXIGENCE DE LA LÉGALISATION DES
ACTES PUBLICS ÉTRANGERS (Doc. pré. No 3)**

établi par le Bureau Permanent

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**SYNOPSIS OF THE REPLIES TO THE QUESTIONNAIRE ACCOMPANYING THE
SUCCINCT EXPLANATIONS RELATING TO THE HAGUE CONVENTION OF
5 OCTOBER 1961 ABOLISHING THE REQUIREMENT OF LEGALISATION FOR
FOREIGN PUBLIC DOCUMENTS (Prel. Doc. No 3)**

drawn up by the Permanent Bureau

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à l'intention de la Commission spéciale d'octobre / novembre 2003*

*Preliminary Document No 6 (final version)
for the attention of the Special Commission of October / November 2003*

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Aperçu des réponses au Questionnaire accompagnant les explications succinctes relatives à la Convention de La Haye du 5 octobre 1961 supprimant l'exigence de la légalisation des actes publics étrangers (Doc. pré-l. No 3)

Synopsis of the replies to the Questionnaire accompanying the succinct explanations relating to the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (Prel. Doc. No 3)

Afin d'éviter tout contresens, les réponses sont reproduites ci-dessous dans leur langue et présentation originales (suppressions ou corrections indiquées par des crochets [] – texte en caractères gras sélectionné par le BP). Les réponses complètes sont disponibles sur le site Internet de la Conférence (www.hcch.net - sous « Travaux en cours »).

In order to avoid any misrepresentation, the replies are reproduced below in their original form and language (withdrawals or corrections indicated by brackets [] – text in bold selected by PB). The full replies are available on the Conference's website (www.hcch.net - under "Work in progress").

| Question | Réponse / Reply | Etat / State |
|---|---|--------------|
| 1. Docs for which Apostilles are mainly issued | Apostilles are mainly issued in conjunction with notary documents (e.g. sales contracts), commercial register and nautical vessel registry extracts, translations , certificates on the status of a person (birth, marriage and death), judgments (particularly in cases of divorce) and deeds , and – although somewhat less common – school and university diplomas . | Allemagne |
| | Birth, death and marriage certificates, decrees nisi and educational documents . | Australie |
| | Most frequently commercial documents drawn up by a public notary are presented in order to request the issuance of an apostille. Very often the competent authorities are also called upon to issue apostilles for documents granting power of attorney legalized by a notary. | Autriche |
| | Apostilles issued by the Ministry of Justice relate to: - all documents issued by the Courts – judgements, sentences, writs of execution, rulings, injunctions, certificates, etc. - all documents issued by the Notary's Offices – notarizings of signatures and dates, notarial attestations of copies of documents, notarial acts, notarizings of deals contracted, etc. - certificates related to Bulgarian citizenship – for acquiring Bulgarian citizenship, for release from Bulgarian citizenship, for the existence of Bulgarian citizenship, for the absence of Bulgarian citizenship, etc. Apostilles issued by the Ministry of Foreign Affairs relate to : - documents of civil status – birth certificates, marriage certificates, certificates of marital status, certificates of address registration, etc. - documents issued by schools – diplomas, certificates, academic transcripts, other certificates, etc. - all other documents issued or certified by state authorities – ministries, administrations, agencies, offices, incl. those issued by Prosecutor's Offices, by the Prosecutor General and by the Supreme Prosecutor's Office. | Bulgarie |

| Question | Réponse / Reply | Etat / State |
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| | 1) Documents bearing the true signature of an official party such as a Hongkong SAR Government recognized officer: a) Birth and Death Certificate; b) Marriage Certificate; c) Certificate of Absence of Marriage Record; d) Declaration; e) Business Registration Certificate; f) Certificate of Incorporation; g) Certificate of Registered Particulars. 2) Documents signed by a notary public in Hongkong: a) Power of Attorney; b) Certified true copy. | Chine (Hongkong) |
| | The kinds of public documents for which the MSAR competent authorities are most commonly called upon to issue apostilles are birth certificates, marriage certificates, translation certificates and procurations / powers of attorney. | Chine (Macao) |
| | The public documents which are most frequently called upon to issue apostilles are birth certificates, certificates, report cards and diplomas of high school , college and specialized studies as well as judicial and police certificates (criminal record). | Colombie |
| | Apostilles are commonly issued for various documents related to adoption cases, for commercial documents , for official documents related to vital statistics , and for court records, land records, school documents, and patent applications. | Etats-Unis |
| | Local register offices as the competent authorities are most commonly asked to issue apostilles for commercial documents and documents related to international adoption. | Finlande |
| | Les types d'actes publics pour lesquels sont délivrées des apostilles sont principalement : - des actes d'état civil - des actes notariés (attestations, actes de notoriété, procurations, testaments, donations) - des actes administratifs (avis d'imposition, attestation de droits sociaux, diplômes et relevés de notes scolaires et universitaires, des certificats de scolarité ...) - des actes judiciaires (certificats de non-appel de décision, jugements, extraits de casier judiciaire) - des actes commerciaux (listes d'ingrédients de produits, factures, sessions, extraits « Kbis » du registre du commerce, contrats commerciaux ...) - des traductions correspondant d'actes apostillés. La plupart des Parquets généraux des cours d'appel ont souligné la forte proportion de demandes reçues concernant des pièces réunies afin de constituer des dossiers en vue d'une adoption à l'étranger (agrément, compte rendu DDASS rapports psychologiques, copie de passeport, de carte d'identité, attestation d'emploi...). | France |
| | The competent Greek authorities for the issuance of apostilles (i.e. the local Prefecture for public documents issued by the Prefecture authorities, the local District for any other public documents and the local Court of First Instance for judicial documents, pursuant to the relevant Greek legislation – Law 1497/1984 as amended) are most commonly called upon to issue apostilles for certificates by municipalities and other public authorities, regarding public documents, court decisions and relevant judicial certificates , regarding judicial documents. | Grèce |
| | In Hungary, two authorities have the right to issue Apostilles: the Ministry of Justice (hereinafter: MOJ) certifies public documents emanating from judicial authorities (mostly court and notarial documents) and the Ministry of Foreign Affairs (hereinafter: MFA) certifies public documents emanating from other authorities. The MOJ is mostly requested to certify private documents certified by a notary (commercial contracts, powers of attorney) or certificates on extracts of the registry of companies. The MFA is most frequently called upon to issue Apostilles on birth certificates, certificates from the register of citizens' personal data and addresses, certificates issued by the clerk of the local municipalities, university and college degrees. Both Ministries may issue Apostilles to certify the authenticity of the signature and stamp of the Hungarian Office for Translation and Attestation Company (which has the right to prepare authentic translations) in case the translation was made of a public document which itself could be certified by Apostille. | Hongrie |
| | (a) documents signed by persons in their private capacity authenticated by the notary public (e.g., commercial documents) (b) certificates of birth , marriage, death, etc. including family registers (c) certificates of graduation. | Japon |

| Question | Réponse / Reply | Etat / State |
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| | <p>New Zealand is most commonly called upon to issue apostille certificates for broadly two categories of documents:</p> <p>(i) Personal documents to be used by individuals for a specific purpose such as marriage abroad/application for citizenship: including birth certificates, marriage certificates, certificates of no impediment, certificates of search, divorce certificates, adoption certificates.</p> <p>(ii) Commercial documents to be used to facilitate the sale of goods abroad or the purchase of goods from abroad: including certificates of incorporation, certificates of free trade etc.</p> | Nouvelle-Zélande |
| | <p>Legal practice informs that each year the apostille is used hundreds of time to legalise commercial documents like invoices, bills of sale, etc. As to its use in case of other kinds of documents.</p> | Pays-Bas |
| | <p>From a sample taken last year we identified that the top two reasons for apostille requests were notarial acts on trade documents (for example powers of attorney) and verifying signatures on birth certificates.</p> | Royaume-Uni |
| | <p>Our designated authorities are called upon to issue apostilles on both commercial documents and official certificates. Contracts for real estate transactions abroad and power of attorneys are mentioned quite frequently when we are talking about commercial documents. Birth certificates and other public documents issued by the Swedish tax Authorities are also very common.</p> | Suède |
| | <p>In practice, the kind of public documents for which we are most commonly called upon to issue apostilles are commercial documents and recently birth certificates.</p> | Portugal |
| | <p>Les actes notariés (statuts, procurations, certificats etc.) et les actes commerciaux (extraits du registre du commerce, contrats, procurations, factures etc.) semblent être plus nombreux que les actes d'état civil (actes de mariage, naissance, divorce, adoption, décès etc.). Dans certains cantons, c'est toutefois l'inverse. Des apostilles sont aussi délivrées pour des diplômes de fin d'étude, des jugements, voire pour des analyses techniques et des attestations diverses. La Chancellerie fédérale quant à elle est amenée à délivrer des apostilles surtout pour des actes notariés et des documents émanant d'Ambassades, des extraits du casier judiciaire et des documents émanant d'institutions fédérales.</p> | Suisse |
| | <p>Swaziland has not issued apostilles for any public document as yet. It is true that Swaziland declared herself bound by the Convention twenty five years ago. However, lack of resources has delayed the application process, in particular, the designation of an authority and provision of facilities for issuance of an apostille. Your assistance in this regard would be greatly appreciated. Furthermore, there has not been a request by any person or State Party to the Convention to issue an apostille. The current authentication system is apparently satisfactory to the states of production since there has not been request for an apostille. Had this requirement arisen, Swaziland would have accordingly made means within its capabilities to apply the apostille Convention.</p> | Swaziland |
| 2. Statistical info? | <p>Among the 22 states reporting, 347,654 apostilles were issued last year. Numbers range from 400 apostilles per year in North Dakota to 64,400 per year in California. The U.S. Department of State issued 5,580 apostilles during the fiscal year October 1, 2002 – September 30, 2003. Information is not available about numbers by type of document.</p> | Etats-Unis |
| | <p>On average, fifteen hundred (1.500) apostilles are issued daily [PB: equals approx. 360'000 per year].</p> | Colombie |
| | <p>Les éléments statistiques communiqués par les Parquets généraux des cours d'appel sont repris en annexe [voir les réponses complètes sur le site web de la Conférence / see the full replies on the Conference's website]. Ils mettent en évidence une forte augmentation du nombre des apostilles délivrées au cours de ces dernières années. Cependant, le ministère de la justice ne dispose pas de statistiques globales pour la France quant au nombre d'apostilles délivrées par les autorités compétentes. Exemple / exemple - Cour d'appel de Paris : 105.849 entre le 1e janv. 2003 et le 7 oct. 2003</p> | France |

| Question | Réponse / Reply | Etat / State | | | | | | | | | | | | |
|-------------------------------------|--|-------------------------------------|---|-----------------------------|------------------|-------------------|--------------------|------------------|-------------------|--------------------|-----------------------|-----------------------|-----------------------|----------|
| | Plus de 100 000 apostilles par an réparties en quatre catégories : - procédures d'adoption à hauteur de 1/3 (soit 33 000 par an) - les photocopies de diplômes à hauteur de 1/4 (soit 25000 par an) - les actes commerciaux à hauteur de 1/4 (soit 25 000 par an) - autres : à hauteur de 1/6 (soit 17 000 par an). | | | | | | | | | | | | | |
| | <table border="0"> <tr> <td>At the <i>Ministry of Justice</i>:</td> <td>At the <i>Ministry of Foreign Affairs</i></td> <td><i>Total for Bulgaria :</i></td> </tr> <tr> <td>For 2002: 61,089</td> <td>For 2002: 132,023</td> <td>For 2002 - 193,112</td> </tr> <tr> <td>For 2003: 50,147</td> <td>For 2003: 111,623</td> <td>For 2003 - 161,770</td> </tr> <tr> <td><i>Total: 111,236</i></td> <td><i>Total: 243,646</i></td> <td><i>Total: 354,882</i></td> </tr> </table> | At the <i>Ministry of Justice</i> : | At the <i>Ministry of Foreign Affairs</i> | <i>Total for Bulgaria :</i> | For 2002: 61,089 | For 2002: 132,023 | For 2002 - 193,112 | For 2003: 50,147 | For 2003: 111,623 | For 2003 - 161,770 | <i>Total: 111,236</i> | <i>Total: 243,646</i> | <i>Total: 354,882</i> | Bulgarie |
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| <i>Total: 111,236</i> | <i>Total: 243,646</i> | <i>Total: 354,882</i> | | | | | | | | | | | | |
| | We record the numbers of legalisation certificates issued but they are not broken down by type of document. [In previous communications, the PB has been informed hat the competent authority for the UK issues approx. 660 apostilles per day, i.e. approx. 158,400 per year.] | Royaume-Uni | | | | | | | | | | | | |
| | Nous ne disposons pas de statistique nationale regroupant le nombre d'apostilles par type de documents délivrées par chacune des autorités cantonales. Le nombre d'apostilles diffère fortement d'un canton à l'autre. Si le canton de Genève , du fait de sa position internationale, délivre en moyenne près de 25'000 apostilles par année , ou le canton du Tessin 16'500, les cantons de taille moyenne tels que celui d'Argovie, de Neuchâtel, de Soleure ou du Valais en délivrent entre 1'000 et 2'500 et les petits cantons tels que celui d'Obwald une centaine d'apostilles par année . La Chancellerie fédérale délivre par an environ 1'500 apostilles. Le total des apostilles délivrées en Suisse par année doit dès lors avoisiner les 100'000. | Suisse | | | | | | | | | | | | |
| | There are 37 local register offices in Finland, of which the Helsinki office is the largest. Helsinki local register office issued 13 049 apostilles in year 2002. That is approximately half of the number in the whole country (25 000 – 30 000) . Finland does not have exhaustive data from the whole country. During the same year, the Ministry of Foreign Affairs legalised approximately 6 000 documents. | Finlande | | | | | | | | | | | | |
| | The total number of apostilles issued in the financial year 2002 (2002.4.1-2003.3.31) is 30,716 . | Japon | | | | | | | | | | | | |
| | We do not have any statistical data on the number of apostilles issued in Germany. However, the number must be considerable and increasing . In order to serve as an example , a mid-sized regional court (in Oldenburg) was selected. Over the past 5 years, registrations were filed as follows: 1998: 266 cases (221 notary certificates, 29 register extracts, real estate deeds and the like, 12 translations) 1999: 307 cases (251 notary certificates, 41 register extracts etc., 15 translations) 2000: 340 cases (293 notary certificates, 38 register extracts etc., 9 translations) 2001: 426 cases (354 notary certificates, 63 register extracts etc., 9 translations) 2002: 525 cases (453 notary certificates, 66 register extracts etc., 6 translations) 2003: As of 22 August: 376 cases , which is already 20 more than 2002 during the same time period. The aforementioned cases often involve more than one certificate per case. E.g. in 2002, of 525 cases, 768 certificates were attached with apostilles. In Rhineland-Palatinate (Rheinland-Pfalz), e.g. the President of the eight regional courts issues a total of approx. 4800 apostilles annually . | Allemagne | | | | | | | | | | | | |
| | We provide the statistics with respect to the number of apostilles issued in the last three previous years: 2000 – 16 660 2001 – 16 144 2002 – 16 357 | Portugal | | | | | | | | | | | | |

| Question | Réponse / Reply | Etat / State |
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| | <p>15,890 in the 2002-03 Australian financial year (July 2002-June 2003).</p> | Australie |
| | <p>Year 2002 – 6 077 apostilles Year 2003 (January – August) – 4 367 apostilles There is no record by type of document.</p> | Chine (Hongkong) |
| | <p>There are statistics available, which are however not itemised with regard to the type of document. In Austria 16 regional courts are competent for the issuance of apostilles with regard to judicial or notarial documents. Administrative documents are certified by the competent Chief Executive Office in each of the 9 provinces of Austria. For example, in 2002 within the circuit of the Vienna Regional Court (competent for the issuance of apostilles with regard to all judicial and notarial documents produced within the Viennese area) 3.757 apostilles were issued. Within the same period the Vienna Chief Executive Office (competent for the issuance of apostilles with regard to administrative documents produced within the Viennese area) issued 536 apostilles.</p> | Autriche |
| | <p>For judicial documents, the Court of First Instance of Athens, which is the largest Court of First Instance in the country, issued circa 350 apostilles in 2002 (from which around 200 documents were certificates, around 100 documents were court decisions and around 50 documents were various judicial documents). For public Documents, the District of Attica, district of the capital city of Athens, issued, in 2002, approx. 3.500 apostilles (from which circa 2.000 were certificates by municipalities). From January until the end of September 2003, the District of Attica has issued over 4.000 apostilles.</p> | Grèce |
| | <p>The MOJ has statistics only on the number of all legalizations (both Apostilles and the „traditional“ legalization of judicial documents where further diplomatic legalization is necessary). This total number was 892 in 2002 and 923 in 2003 until 15 October. The number of Apostilles is about 80% of the total. The MFA issued 2328 Apostille in 2003 until 30 June (the total number of all certificates was 4180 in this period).</p> | Hongrie |
| | <p>New Zealand began to issue apostille certificates on 22 November 2001: Year 1 (22 November 2001 – 30 June 2002) – 1,199 certificates were issued Year 2 (1 July 2002 – 30 June 2003) – 2,436 certificates were issued Year 3 (1 July 2003 – 30 August 2003) – 739 certificates have been issued to date.</p> | Nouvelle-Zélande |
| | <p>2000: 69; 2001: 80; 2002: 114; 2003 (January-August): 83.</p> | Chine (Macao) |
| | <p>Statistics unknown. Practitioners seem to be very satisfied with this Convention.</p> | Pays-Bas |
| | <p>0</p> | Swaziland |
| | <p>We do not have statistics at our disposal for all the designated authorities.</p> | Suède |
| <p>3. Protocol re Reg Econ Int Org (see Art. 18 Securities Conv)?</p> | <p>The question as to whether an international organisation such as the European Union should become a party to the Hague Convention of 1961 and in what form existing treaties on this should be concluded can only be discussed in the context of the general question of the European Commission's becoming a member of the [HcCH]. Reference is made in this respect to Germany's observations which have already been submitted.</p> | Allemagne |
| | <p>We consider that Article 18 of the Hague 'Securities' Convention is an appropriate (but not necessary) starting point for negotiating a provision on EC membership. However, we reserve our position on the issue of the EC's membership fees and voting rights. Another precedent - for the definition of a REIO - that might be worth looking at is found in the UN Framework Convention on Climate Change: "an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned" (Art 2).</p> | Australie |

| Question | Réponse / Reply | Etat / State |
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| | The adoption of a protocol favouring the adoption of a clause allowing an accession of regional economic-integration organizations, which have competence over matters governed by the "Apostille-Convention", to this legal instrument is in line with the position already taken in previous negotiations within the Hague Conference. No objections are raised with regard to the introduction of a similar clause concerning the "Apostille" Convention. | Autriche |
| | Bulgaria supports the extension of the application of the "Apostille" Convention in respect of the regional economic-integration organizations through a protocol of adoption of a clause similar to that of Article 18 of The Hague Convention on the law applicable to certain rights in respect of securities held with an intermediary. | Bulgarie |
| | Such a clause will enable documents issued by the EC to be covered by the Convention and further facilitate the circulation of EC documents outside the EC. Therefore we do not have any objection to adopting a protocol introducing a clause similar to Article 18 of the Indirectly Held Securities Convention. | Chine (Hongkong) |
| | There would be no problem for the MSAR in the adoption of such a clause. In any event, it is considered that the question of the extension of the Convention – and other Hague Conventions - to regional economic-integration organizations should be addressed in abstract and not specifically regarding the European Community . On the other hand, it is premature to pose the question of the need of a Protocol intended specifically for this question – even though such a clause is considered useful – as, in the context of the revision of the practical operation of the Hague Conventions on Service, Taking of Evidence and Apostille, there may be the need for other amendments which require the adoption of a Protocol. | Chine (Macao) |
| | We have no view on the question of a possible protocol permitting regional economic integration organizations to become party to the Convention. We are unaware of the specific reasons for which the European Union might seek such a protocol. The question of preparing protocols for existing conventions should be considered on a convention-by-convention basis . | Etats-Unis |
| | Finland considers the adoption of such a clause appropriate . | Finlande |
| | We consider it would be appropriate to adopt such a Protocol following the transfer of competence by the Member States to the European Union over matters governed by this Convention. | Portugal |
| | L'article 18 de la Convention de La Haye sur la loi applicable à certains droits sur des titres détenus auprès d'un intermédiaire vise à permettre à la Communauté européenne d'être partie à une Convention multilatérale qui touche à des matières pour lesquelles les États membres lui ont transféré leurs compétences. Une telle clause a une valeur pédagogique certaine pour les États tiers en ce qu'elle précise et explique l'épineuse question du partage des compétences entre d'une part, la Communauté et, d'autre part, les États membres. Faut-il pour autant envisager sa généralisation ? Celle-ci, - en premier lieu, viderait en grande partie de sa substance, le débat sur l'adhésion de la Communauté à la Conférence de La Haye , la Communauté se voyant reconnaître la possibilité de devenir partie des futurs instruments envisagés au cas par cas, - en second lieu, pourrait constituer un frein à la politique de communautarisation du droit international privé , dont la norme élaborée dans l'enceinte multilatérale que constitue la Conférence de la Haye, et sera ensuite proposée à la Communauté pour que cette dernière la fasse sienne. Cette question, porteuse d'un enjeu politique important qui concerne la Communauté, ne peut à notre sens donner lieu à une réponse qui ne soit préalablement concertée avec nos partenaires européens . | France |
| | It would be useful to include a clause similar to that of Article 18 of the Hague Convention on the law applicable to certain rights in respect of securities held with an intermediary, enabling regional economic-integration organizations to participate in the Apostille Convention. In particular, participation by the European Community is essential regarding the issuance of apostilles for Community documents. | Grèce |
| | As EU institutions play an increasing role we would be in favour of a protocol allowing the EU's accession to the Convention. | Hongrie |

| Question | Réponse / Reply | Etat / State |
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| | We do not have an opinion about whether it would be appropriate to adopt such a protocol. However it should be necessary to adopt such a protocol in order that the Hague Conventions apply to regional economic-integration organizations. In addition, we consider it necessary, in practice, to familiarize the matters of which competence has been transferred to the organization to public as well as to notify it to the depositary. | Japon |
| | New Zealand is open to considering this possibility , but would want more information about the practical implications of how this would work in the context of this Convention. | Nouvelle-Zélande |
| | A clause similar to Article 18 is needed . | Pays-Bas |
| | What exactly is meant by "Regional economic integration organisations" and what signatures would we need to verify. | Royaume-Uni |
| | Before giving our final position on this issue we would like to hear more about the need for the European Community to be covered by the rules. | Suède |
| | La nécessité dépend aussi de la pratique . Quels sont les cas de figure dans lesquels une apostille a été exigée pour un acte émanant d'institutions de la CE (tel que, par exemple, un jugement de la Cour européenne), sans pouvoir être attribué à un Etat contractant? Par qui les apostilles ont-elles été délivrées dans ces cas-là? En admettant la nécessité pratique d'une extension de la Convention Apostille aux actes des institutions de la CE et dans l'hypothèse où la CE serait admise comme membre de la Conférence de la Haye, il faudra trouver une solution propre et spécifique à la Convention Apostille. Il s'agira alors en effet de permettre aux institutions de la CE de délivrer une apostille pour des actes publics rédigés par elles, indépendamment de tous les actes rédigés par les Etats contractants. | Suisse |
| | Yes. | Swaziland |
| 4. Protocol re Multi-unit States? | Currently, the Convention applies to Hongkong and Macao within China, but not the rest of China, even though there are no express provisions in the Convention enabling a State with several units to extend the application of the Convention to one or more of its territorial unit. The adoption of a protocol to this effect will serve to confirm the current practice and provide a firm legal basis for continuing that practice. For the above reasons, we are in favour of adopting such a protocol. | Chine (Hongkong) |
| | Please refer to the preceding answer in what concerns the adoption of a Protocol. In any case, the adoption of a specific provision on this question would be very useful . | Chine (Macao) |
| | Un tel Protocole permettrait aux autres États parties de connaître avec précision la véritable portée de leur engagement vis à vis des États à plusieurs unités territoriales, ce qui est loin d'être le cas à l'heure actuelle, à défaut de clauses spécifiques les concernant. Il clarifierait ainsi la question du champ d'application territorial de l'instrument au sein d'un État fédéral, ce qui ne peut qu'être facteur d'amélioration . | France |
| | Art. 13 of the Convention enables a Contracting Party to extend its application to all the territories, to which the Party is liable in the international relations. The adoption of a protocol designed to enable a State consisting of several units to extend the application of the Convention to one or several territorial units would extend to a considerable degree the field of application of the Convention and would contribute to achieving the aims of the Convention . | Bulgarie |
| | In principle, New Zealand would be supportive of such a measure on the basis that it increases coverage of the Convention . | Nouvelle-Zélande |
| | A federal clause could be of use . | Pays-Bas |
| | Yes. This option would enhance the proper application of the Convention in that the Apostille would be issued by the | Grèce |

| Question | Réponse / Reply | Etat / State |
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| | most appropriate authority (the territorial unit's authority), in cases of States with several territorial units. | |
| | We have no objection against such a protocol if that enables States with more territorial units to become party to the Convention and the use of Apostille would be even more widespread. | Hongrie |
| | Yes. | Swaziland |
| | Our preliminary position is that we would not be against looking into the possibility for States with several territorial units to make a declaration resulting in the application of this Convention to all its territorial units or only to one or several of them. | Suède |
| | Dans la mesure où l'art. 13 de la Convention n'est pas suffisant pour régler ce point et que des Etats contractants y montrent un intérêt, la Suisse n'y verrait pas d'inconvénient. | Suisse |
| | While we do not necessarily oppose the application of the Convention to one or several territorial units of a State, we have concerns about the possibility that such application raises the difficulty on applicants and the competent authorities in practice. | Japon |
| | We would not oppose the adoption of a protocol designed to enable a State with several units to extend the application of the Convention to one or several of its territorial units, however, its relevance could be questioned since the Convention already provides for that possibility under article 13. | Portugal |
| | The necessity is not seen to adopt a protocol which is designed to enable a State to extend the application of the Convention to only a portion of its territory. However, if such a desire is voiced on the part of other States, this is not fundamentally objected to. | Allemagne |
| | It is difficult to reply to the question about a possible protocol to permit application of the Convention to one of more national territorial units in a country. We are aware that Canada would find it easier to accede to the Convention on a province-by-province basis, and currently it is not a party. We are not aware, however, of any request by Canada or some other state member of the Hague Conference for such a protocol. | Etats-Unis |
| | We note that Article 29 of the Vienna Convention on the Law of Treaties states that unless a different intention appears from the treaty or is otherwise established, a treaty is binding upon each party in respect of its entire territory. We reserve our position on the substance of this issue. | Australie |
| | To restrict the application of the Convention to one or several units of a State could render the cross-border utilisation of documents , which have to be certified in accordance with the rules of the Hague Convention more difficult and cumbersome . In order to ensure clarity with regard to the precise territories to which the Convention applies, the list of member States would have to indicate in detail the area of application. In special cases it might be difficult to determine whether the place where the apostille was issued (or has to be issued) is situated within this area. | Autriche |
| | Taking into consideration aspects of costs, logistics, security and trustworthiness of the documents, it is considered relevant to maintain the issuance of the apostille in only one national unit. | Colombie |
| | What exactly is meant by "Territorial units". | Royaume-Uni |
| 5. Fees for an Apostille? | La délivrance de l'apostille est effectuée gratuitement. | Chine (Macao), France, Japon |
| | We do not charge , at present, any price for issuance of apostilles, however, the possibility of it becoming a paid service is being evaluated given the high costs involved. | Portugal |

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| | For public documents there is no charge for the issuance of apostilles (by the local District or Prefecture). For judicial documents , there is a charge of 0,50 Euros by the Court of First Instance. | Grèce |
| | The amounts and the ways of payment of the fees at both authorities empowered to issue the apostille are different. At the Ministry of Justice , pursuant to Tariff No 1 to the Stamp Duty Act, the fees charged by the Courts, the Prosecutor's Offices, the Investigation Offices and the Ministry of Justice are at the amount of BGN 2.50 per document [PB: € 1.28; US\$1.51; Yen 164.6737] . No fee is provided for urgent services, as the service is done for maximum 24 hours. The payment is to be done via bank transfer. At the Ministry of Foreign Affairs , pursuant to Tariff No 3, the fees charged for Consular services in the system of the Ministry of Foreign Affairs under the Stamp Duty Act are at the amount of BGN 5.00 [PB: € 2.56; US\$ 3.03; Yen 329.3474] for ordinary service of up to three working days, and BGN 7.50 for urgent service [PB: € 3.85; US\$ 4.54; Yen 494.0211] of up to 8 working hours. The payment is to be done by state tax stamps. In conclusion, we have to emphasize that the fees indicated above are absolutely reasonable because they are quite low. | Bulgarie |
| | The price charged by the Austrian competent regional courts for the issuance of the apostille with regard to judicial and notarial documents is 2,90 € . The Vienna Chief Executive Office charges 16,27 € . | Autriche |
| | The price of the apostille is twenty thousand pesos (\$20.000), equivalent to approximately seven US dollars (USD\$7). | Colombie |
| | An Apostille costs 8 € . | Finlande |
| | The price of an Apostille issued by the MOJ is 2,000 Hungarian Forints (about 8 €). The MFA requires the payment of the general consular fees for the certification of an official's signature and seal which is the equivalent of USD 20 . | Hongrie |
| | Apostille-costs are 13 euro . | Pays-Bas |
| | Fees range in the states from \$2.00 (Alaska) to \$25.00 (New Jersey) . The two states that charge \$25.00 reduce the amount for adoption cases. The U.S. Department of State charges \$6.00 . | Etats-Unis |
| | Hongkong\$125 (around US\$16) per apostille. | Chine (Hongkong) |
| | \$60 Australian per apostille. | Australie |
| | Fees for the issuance of apostilles are governed under numbers 100 and 101 of the fee schedule of the annex to section 2(1) of the Judicial Administration Regulation (Justizverwaltungskostenordnung). They are set on the basis of the value of the certificate . The costs incurred by the applicant are between a minimum of € 10 and a maximum of € 130 . On average , the fees amount to between € 10 and € 20 . | Allemagne |
| | Les prix oscillent entre 15.- et 30.- francs suisses, soit entre 10 et 20 € environ , à quelques exceptions près (Valais 6 francs 60, Argovie 40 francs). | Suisse |
| | The fee for legalisation is £12.00 [PB: € 16.9219; US\$19.9644; Yen 2169.2319] . | Royaume-Uni |
| | NZ \$ 40.00 + Goods and Services Tax = NZ \$ 45.00 [PB: € 22.8795; US\$26.99; Yen 2932.9516] . | Nouvelle-Zélande |
| | The average cost for issuance of the apostille could be estimated to SEK 250 (approx. 27 €), VAT included. But there are examples of authorities not charging more than SEK 60 (approx 7 €) for an apostille. Also some authorities charge per hour and thus the costs will depend on the complexity of the work related to issuing an apostille. The average cost per hour would be SEK 1200 (approx. 130 euro). | Suède |

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| | Since apostilles are not issued, no price is charged. | Swaziland |
| 6. Practical difficulties re formal requirements of Apostille? | No difficulties / Aucune difficulté | Autriche, Bulgarie, Chine (Hongkong), Colombie, Finlande, France, Grèce, Japon, Nouvelle-Zélande, Pays-Bas, Portugal, Royaume-Uni |
| | The vast majority of our designated authorities have not encountered any difficulties connected with the formal requirements provided for under the Convention. Some authorities have found it difficult to determine if a document is a public document to which the Convention applies. | Suède |
| | The main difficulty we have confronted relates to what can be considered a public document . | Australie |
| | For a long time the Hungarian authorities had issued Apostilles on which the standard terms were only in Hungarian and French . With the growing demand for the use of English a three-language form was created in the MOJ, taking of course into account the requirements of the Convention with regard to the size of the Apostille. No other problems have been encountered concerning the formal requirements. The MFA has not yet introduced a three-language version of the Apostille. | Hongrie |
| | Non. Un seul canton ainsi que la Chancellerie fédérale déplore le fait que certains Etats n'accepteraient pas les apostilles rédigées en allemand , pourtant l'une des langues officielles en Suisse, et ce à l'encontre de la teneur de l'article 4 de la Convention . | Suisse |
| | German agencies have reported the following difficulties in the application of the Convention: a) Translation of apostilles In individual cases, foreign consulates and applicants have reported that German agencies have required a translation of not only the document concerned, but also the apostille itself (costs to be borne by the applicant). The reason was apparently that it could otherwise only be ascertained with difficulty whether the apostille had been issued by the competent foreign authority. <i>The respective areas of business are then informed by the competent federal ministries that the translation of an apostille itself cannot be required, as long as there are no specific indications of forgery.</i> b) Recognisability of the issuing German apostille authority According to the German declaration, for court documents, the president of the respectively competent regional or local court is authorised to issue apostilles. In individual cases, foreign authorities who were presented with the document did not accept it at first, if instead of the president the vice president or his deputy signed the apostille . This would appear to be incorrect . Definitions of respective court presidents differs according to domestic law. This means that, under courts constitutional law, deputising is permissible. The respective court president is first deputised by the vice president, and in his absence, by the most senior judge. Therefore there is no cause for alarm if it is not the court president himself, but rather his respective deputies who sign the apostille. c) Requirement of legislation In individual cases it has been reported that a foreign agency has required legislation instead of an apostille for certain documents, although the State presenting the documents is a party to the Convention. This procedure seems unjustified and has been objected to via diplomatic channels. d) Documents which have been produced and signed automatically or electronically. See question 11. | Allemagne |

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| | <p>Although, in practice, the MSAR authorities have not encountered any difficulties with the formal requirements provided for under the Convention, they would be <i>much in favour of the simplification of such requirements, in particular of the possibility of using more sophisticated and secure means, including electronic means of communication.</i></p> | Chine (Macao) |
| | <p>We have not encountered difficulties with apostilles issued by the Department of State, which are still prepared by traditional methods, but <i>apostilles issued by the state secretary of state offices are sometimes arbitrarily rejected by foreign authorities.</i> U.S. states, which are under tremendous budget constraints, are increasingly modernizing and making more efficient their operations. This leads inevitably to the use of <i>computer-generated apostilles, seals, and signatures.</i> Apostilles are typically attached by staple. Although the formal requirements of the convention are still met thereby, some foreign judicial and administrative authorities have rejected these apostilles, which has caused considerable distress to applicants for marriage, adoption, property transactions, etc.</p> | Etats-Unis |
| <p>7. Prac info re affixing Apostille, in part., multi-page docs</p> | <p>Apostilles are printed on a piece of paper whose size is regulated according to the German industry norm, i.e. a <i>DIN A 4 sheet</i>, and is <i>affixed to the certificate with paste.</i> <i>Seals</i> are affixed at the points of attachment. <i>Documents comprising several pages often no longer need to be additionally affixed with an apostille</i>, since the document has already been affixed by the notary, the translator or the court.</p> | Allemagne |
| | <p>The apostille is placed either on the back of the document by a rubber stamp or computer generated image or, where there are several pages, these are bound and <i>the apostille is placed on a covering sheet.</i></p> | Australie |
| | <p>A public document to receive the apostille should be <i>stitched together inextricably</i> by the authority executing the public document. The apostille will then <i>either</i> be placed on the <i>document itself (at the last page) or on an "allonge".</i></p> | Autriche |
| | <p>The apostille, by which the documents are certified is an <i>attachment to the document</i>, and the text should be <i>in English (at the Ministry of Foreign Affairs)</i>, or is <i>affixed on the document itself</i> and the text is <i>in Bulgarian (at the Ministry of Justice)</i>, according to the sample to the Convention. The submitted document is certified by <i>one apostille even if it has more than one page.</i></p> | Bulgarie |
| | <p>(a) A document of several pages is fixed together with a staple and a paper corner. We will provide <i>apostille to the page/pages with true signatures but not to other pages.</i> If there is more than one signature on the document, it will be up to the applicants to decide whether they want the apostille be placed on each and every page with signature or just on a specific page. (b) The apostille form is <i>engraved in a chop which is affixed</i> on the document or page requiring authentication. If the document or the page does not have any space, an apostille will be created by affixing the chop with the apostille form to a blank sheet to be attached to the document or page requiring authentication.</p> | Chine (Hongkong) |
| | <p>The apostille is affixed at the <i>back of the document</i> if there is space. In case there is no space, the apostille is affixed on a supplementary page with the logo of the Central Authority, which is attached to the document. The procedure is exactly the same when the document has several pages, i.e., the apostille is affixed at the back of the last page if there is space; otherwise, it is affixed on a supplementary page with the logo of the Central Authority, which is attached to the document. A white seal is placed on the apostille.</p> | Chine (Macao) |
| | <p>The format of the apostille of Colombia is a <i>sticker</i>, which is <i>fixed manually</i> to the document. On a document consisting of several pages, the apostille is issued on the <i>page which bears the signature</i> to be legalized, which generally can be found on the first or last page of the document. In the case of documents in which each and every page has been signed, the apostille is fixed to the last page. <i>On the apostille itself the number of pages of which the document consists, is specified.</i></p> | Colombie |

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| | The U.S. Department of State prints each apostille on an allonge , and completes it with impressed seal and original signature. If the document has several pages it is secured by grommet or a hole is punched and a ribbon tied to secure it , and the allonge is then attached to the first page by grommet. State secretary of state offices have a variety of practices for preparing an apostille. Many attach an allonge by staple only to the page for which the signature is to be confirmed, but do not make an effort permanently to secure all the pages of the document. We are not aware of any authority in the United States that stamps or glues an apostille onto the document to be authenticated. | Etats-Unis |
| | In practical terms, all documents are bundled up and the apostille is placed as the last paper at the bottom of the pile. Finally, the whole pile is attached together with a signet . | Finlande |
| | Concernant les méthodes utilisées, notamment lorsque l'acte public à apostiller comporte plusieurs pages, les réponses apportées par les Parquets généraux des cours d'appel sont détaillées en annexe [voir les réponses complètes sur le site web de la Conférence / see the full replies on the Conference's website]. Si les pratiques paraissent quelque peu varier d'une Cour à une autre, généralement, quand l'acte à apostiller comporte plusieurs pages, l'apostille est apposée en dernière page, aux côtés de la signature de l'autorité signataire de l'acte . Il est rapporté que dans certains cas, le nombre de pages du document est mentionné ou encore que le sceau du Parquet général est apposé sur chaque page lorsque celles-ci ne sont pas numérotées. | France |
| | Concerning multi-page documents, the apostille is affixed at the end of the document , and the public authority issuing the apostille affixes its stamp between the pages of the document to ensure unity of the document. The Districts and Prefectures affix the apostille by means of a rubber stamp , whereas at the Courts of First Instance the apostille is printed on a separate sheet of paper . | Grèce |
| | Both Ministries place the Apostille on an allonge . The MOJ fixes the Apostille with a ribbon of the colours of the national flag ; the ribbon is fixed with a sticker on the back of the document . The sticker is sealed with the seal of the MOJ in a way that the seal extends onto the paper. The MFA uses a red sticker on the left corner of the document so that it covers the front and the back sheet and the sticker is sealed in a way so that it extends onto the paper. | Hongrie |
| | Where a public document to receive the appostille has several pages, the authority emanating the document affixes seals at the joining of each two pages or perforates the pages and the competent authority issues the apostille on the official seal or stamp which the document bears . | Japon |
| | The apostille is, in all cases, printed out on letterhead paper . The apostille certificate is then bound to the document with blue ribbon , which is affixed to the apostille with the seal of the New Zealand Department of Internal Affairs . | Nouvelle-Zélande |
| | In documents of notaries the pages are held together by a ribbon that is fixed to the page on which the apostille and signature is placed . | Pays-Bas |
| | When the public document to receive the apostille has several pages, it is treated as a single document, and only one apostille is issued . | Portugal |
| | We attach the apostille to the page which has been signed by the appropriate official . | Royaume-Uni |
| | After production of the apostille, it is normally attached to the document . Sometimes the apostille is a separate document and sometimes it is affixed (stapled) on the back of the document. It is also quite common that a label is attached to the public document together with a seal or a ribbon . But the practise varies. If the public document has several pages some authorities attach the apostille only on the first page, but others put an apostille on every page . A very common method is to put the apostille on the front page and then fasten all the documents together with a seal . | Suède |

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| | Lorsque l'acte public comporte plusieurs pages, la pratique varie d'un canton à l'autre. Les pages des documents sont en générale reliées (en les agrafant et en apposant un sceau sur toutes les pages ou en repliant un coin et en apposant ensuite le sceau sur les pages ainsi décalées) , puis l'apostille est apposée sur la dernière page ou sur une allonge . D'autres cantons apposent l'apostille sur la première page ou plus précisément sur celle qui contient la signature à légaliser. La Chancellerie fédérale n'utilise pas de sceau et appose l'apostille sur la page qui comprend la signature originale, ou éventuellement au verso de cette page. | Suisse |
| 8. Frequency of consultation of the register or card index? | Consultation of the apostille register has not arisen . | Allemagne, Nouvelle-Zélande |
| | Au vu des réponses apportées par Parquets généraux des cours d'appel, ci-après reprises, les demandes de consultation du registre à fin de vérification sont inexistantes ou rarissimes . Deux Cours n'en ont pas moins souligné que la tenue d'un registre s'était avérée utile pour permettre de confirmer la fausseté de mentions d'apostilles frauduleusement apposées sur des actes produits à l'étranger . | France |
| | The figure concerning applications filed with the competent regional courts for consultation of the register averages out at 1 per month (for each authority). Verification whether the particulars in the certificate placed on an administrative document correspond with those in the register is only requested by way of an exception. | Autriche |
| | The archives of the register of signatures are sporadically consulted. This method is only used when it concerns documents for which the apostille is rarely solicited. | Colombie |
| | Most registers are kept entirely on electronic media . Despite the fact that rejections of apostilles of state secretaries of state occur from time to time, requests to verify an apostille through the register or card index are almost unknown . | Etats-Unis |
| | No, extremely / very rarely. <i>Australie: We have received two requests over the last year. Chine (Hongkong): We have received such requests very infrequently, just once or twice over the last four years.</i> | Australie, Chine (Hongkong), Chine (Macao), Finlande, Grèce, Hongrie, Japon, Portugal, Royaume-Uni, Suède, Suisse |
| | Consultation of the register index is required very often , both by foreign diplomatic missions accredited to Bulgaria and by concerned authorities and persons. | Bulgarie |
| | No information available. | Pays-Bas |
| 9. Sign. by mech. means, stamp and / or elec. means? Sec. measures? | The apostille itself is not filled in mechanically or electronically . The issuing authority affixes its seal/stamp . Apostilles are always signed by hand by the court president or his appointed deputy (vice president, then the most senior judge). | Allemagne |
| | No – Although we may produce a computer generated copy of the apostille stamp , all details are filled in by hand and it is signed by hand . A wet seal is placed in one corner and in the other a wafer seal , which has the relevant Department of | Australie |

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| | Foreign Affairs and Trade office seal impressed over it. | |
| | Due to the advanced techniques of reproduction apostilles are - for safety reasons - signed personally . Neither signatures by mechanical means, nor stamp, nor electronics are used. The signature is normally accompanied by a stamp indicating the name of the signing person in block letters. | Autriche |
| | The apostille is signed manually by authorized officials of the Ministry of Justice or of the Ministry of Foreign Affairs. Specimens of their signatures have been provided to all diplomatic and consular authorities accredited to Bulgaria, as well as to the diplomatic and consular missions of Bulgaria abroad. The stamps that are affixed on the apostilles, are put on the place provided for that – item 9 of the sample of the application of the Convention. | Bulgarie |
| | No, we do not use mechanical or electronic means to fill in the apostilles. The method of creating an apostille is described in answer 7(b) above. | Chine (Hongkong) |
| | At the moment, the apostilles are filled in manually . Nevertheless, following the electronization of the registry and notary, the MSAR is studying a secure way of electronization of the courts. Most probably, the same security measures will apply to apostilles. | Chine (Macao) |
| | No electronic stamps or signatures are used in Finland. The apostilles carry a mechanical stamp and a handwritten signature , and the apostille is attached to the document with a signet. | Finlande |
| | No. The signature is always affixed manually . | Nouvelle-Zélande |
| | The original signature and the completion of the information on the apostille are made by hand . Neither mechanical nor electronic means are used in this respect. | Grèce |
| | Practice is still very traditional and uses standard procedures and models as set out in the Convention. Legalisation of electronic documents is unknown. Practitioners are very in favour of an extension of the use of the Legalisation Convention, since it extremely helpful. Electronic handling of documents by legalising authorities is welcomed if sufficient guarantees to the authenticity of the electronic signature are available. | Pays-Bas |
| | Signatures by mechanical or electronic means are not used . Hotmelt glue is used, instead of sealing wax, to print the stamp of the competent authority in the apostille. | Portugal |
| | We do not use mechanical signatures. Each apostille has an original signature . | Royaume-Uni |
| | Quite a few authorities are using a stamp, but a handwritten piece of paper is still the most common form of an apostille. Some authorities are starting to fill out the apostille electronically . They have scanned the apostille into their computer as a form. But the signature is always handwritten . | Suède |
| | The signatures are stamped onto the apostille directly by the authorized civil servants. | Colombie |
| | As indicated in the answer to question 7 above, many state secretary of state offices use computer-generated laser-printed apostilles, seals, and signatures . All use limited access/secure systems for electronically generating the seals and signatures. Many add other security methods, including security paper, embossed foil seals, hand-embossed seals, machine signatures, and original signatures. | Etats-Unis |
| | Il ressort des réponses apportées par les Parquets généraux des cours d'appel que dans tous les cas, est utilisé un tampon humide ; que dans presque tous les cas, l'apostille est soumise à la signature manuscrite d'un magistrat . L'apostille est signée par un personnel du greffe dans trois cours d'appel. Dans trois autres Cours, il est recouru à un procédé de signature mécanique ou par tampon ; dans une autre Cour, il est recouru à un procédé de signature mécanique uniquement | France |

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| | quand il s'agit d'apostiller des extraits du casier judiciaire. | |
| | In both Ministries the Apostille is signed and stamped mechanically . | Hongrie |
| | We use a signature by a rubber stamp . We use several colors of ink depending on parts of apostille such as issue date, issue number, name of signee, official seal or stamp as security measures to avoid any fraud. | Japon |
| 10. Electronic register or card index? | There is – in addition to registers on paper as a general rule – also an electronically managed register . However, this differs between courts . For example, the courts of Lower Saxony report that their <i>register for the current year is being kept electronically</i> . At the end of every year, they reported further, the entire register is printed out on paper, put in files and then erased from the electronic data system. On computer, only the most recent register from the current year could be accessed. | Allemagne |
| | Most authorities, including the U.S. Department of State, keep only electronic registers . Some keep electronic and paper registries. | Etats-Unis |
| | Yes, we keep the signatures on a database . We do not keep paper copies of the entries but we can produce a detailed record electronically. This record can be printed. | Royaume-Uni |
| | The register is kept on a computer database . We do not need to keep hard copies because the Australian Government rules regarding computer based records requires all computer systems to have a series of backups . | Australie |
| | Yes, electronic medium is used to keep the register index. A paper copy of the register of entries is only kept at the Ministry of the Foreign Affairs , "Consular Relations" Directorate, "Verifications and Legalizations" Sector. The register is public as required by the Convention. At the Ministry of Justice there is no paper copy of the register of entries. A copy of the register index in its electronic version is kept in the general record on the server of the Ministry of Justice. The creation of a paper copy of the register of entries at the said Ministry is not envisaged. | Bulgarie |
| | None of the Districts or Prefectures keeps a computerized index . The Court of First Instance of Piraeus maintains an electronic index , without keeping a paper copy of the index; on the contrary it maintains, in paper copy, the petition by the applicant for the apostille and a photocopy of the completed and duly signed apostille for every document submitted. The Court of First Instance of Athens is completing the computerization of its archives. Upon completion of this project, the apostille index will also be kept in electronic form with this authority. | Grèce |
| | The MOJ uses an electronic register of all files including those of Apostille requests. The hard copy of the Apostille is not kept but the application form filled in by the client rests in the file. This form includes the name and address of the client, the name of the state in which the document is intended to be used, the name of the official whose signature is to be certified and the number of the document to be certified. In the electronic register the name of the person who signed the Apostille is also fixed. The application forms and the electronic register contains all the relevant information that may be necessary in eventual later consultation therefore we do not intend to change the present system. The MOJ has an updated collection of specimen signatures and stamps of all notaries as well as of the presidents and vice-presidents of each court . The MFA has no electronic register but preparations for a computer-based register have started . The relevant information necessary for eventual later consultation (the name of the official whose signature is to be certified, the type and number of the document to be certified, the number of the Apostille) is registered in a registry-book. The copy of the Apostille is not kept. | Hongrie |
| | Yes . The register is kept on an Excel spreadsheet. A print-out is archived at the end of each month . | Nouvelle-Zélande |
| | It is gradually becoming more common for the authorities to use an electronic medium to keep the register or the card index. If they do so most of them keep a paper copy as a back-up. But a number of authorities still keep the register in a paper format "card index" only. | Suède |

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| | Près de la moitié des cantons ainsi que la Chancellerie fédérale tiennent un registre sous forme électronique ; la plupart de ces autorités conservent toutefois une copie papier par année pour les archives. | Suisse |
| | Un support électronique pour tenir le "registre ou fichier" prévu à l'article 7 de la Convention paraît être utilisé dans trois Cours d'appel, seulement . Si l'une continue de tenir parallèlement un registre papier, les deux autres indiquent ne pas en faire d'édition sur papier, faute de besoin. | France |
| | The card index is filed in folders, in which the official letter is filed, which bears the signature of the civil servant of the office which legalizes the document, as well as an index card on which the heading and the signature of the civil servant are registered. At the moment a system is being developed, which magnetically registers the signatures by way of a scanner, so the signatures can be compared when the document has been received. | Colombie |
| | No , the register is kept in traditional book-form . As 85 to 90 % of the apostilles are placed on the document itself and signed personally, the use of an electronic medium to keep the register or card index would in these cases rather impede an efficient work flow. Only in cases where the apostille is placed on an "allonge" the use of an electronic medium seems to be preferable. The data fed into the computer in order to keep the register or card index may then simultaneously be used for the production of a computer based apostille. This computer printout may be attached as "allonge" to the document. | Autriche |
| | No . We still use the paper form register. | Chine (Hongkong), Portugal |
| | At the moment, electronic medium is not used to keep the "register or card index", but the possibility of using it in the near future is under study. Please refer to the preceding answer. | Chine (Macao) |
| | There is no electronic card index . The apostille card index is a register of paper copies of the apostilles only. | Finlande |
| | We do not use an electronic medium . So far we have no plan to use it in the future but we will consider introducing such method as the need arises. | Japon |
| 11. Apostilles for elec. docs? | <p>In practice, the question repeatedly came up as to whether German documents issued with an automatically produced signature could be affixed with an apostille. This involved, e.g. commercial register extracts or criminal records of the Federal Central Register's office, and also machine produced enforceable default summonses.</p> <p>Pursuant to Article 3(1) of the Hague Apostille Convention of 5 October 1961, apostilles are affixed "in order to certify the authenticity of the signature". Machine-produced comments do not suffice as a "signature". Commentaries on the Convention do not contain any statements as to whether the definition of a signature was even the object of discussions between the Contracting States. An autonomous interpretation of this term has not arisen. Thus, the definition of this term remains a matter which is to be determined according to the law of the issuing State, i.e. domestic law.</p> <p>In the context of section 126 of the German Civil Code (Bürgerliches Gesetzbuch - BGB), a signature in German civil law is always understood to be a hand-written original signature. A machine-produced signature represents another category; it lacks the component of having been done by hand. For the production of such signatures, the text form was added to the BGB as a new category of signature (section 126b BGB) and in appropriate places – e.g. section 57 of the Commercial Register Regulation – existing conditions on written forms under civil law were opened for the text form.</p> <p>In the context of legislation, section 13 of the Consular Act also requires the hand-written signature. Mechanically produced documents, e.g. facsimile name stamps or photocopied signatures cannot be ratified (cf. Hoffmann/Glietsch, Consular law, 68th supplementary edition, dated: 1 September 2001, section 13 Consular Act, number 2.1). A signature within this meaning also rules out signatures which have been scanned. No less requirements should be made in respect of the affixing of apostilles to a document as is made in respect of legislation.</p> <p>Documents which have been produced automatically can therefore only be affixed with an apostille if either the hand-written</p> | Allemagne |

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| | signature is obtained after the fact or the document is certified with a hand-written signature. However, this involves a complicated process, which works at cross-purposes to the improvement of administration efficiency which automation strove to achieve. This process appears to be manageable at present in terms of figures. However, suggestions for better solutions should be discussed for this area, which simultaneously address the danger of falsifying such documents. | |
| | We do not issue apostilles for electronic documents. We would be happy to explore this further , particularly if it provided a better service for customers and could be implemented efficiently . We do however have reservations with respect to the possibility of fraud. | Australie |
| | No. This possibility, however, should be examined. | Grèce |
| | No , for safety reasons apostilles for electronic documents are not issued. There is no intention to introduce this possibility for the near future. | Autriche |
| | No , we have not issued apostilles for electronic documents. Nobody has requested issue of apostilles for such documents so far. | Bulgarie |
| | No . In principle, there is no objection to issuing apostilles for electronic documents but there are many legislative and technological implications. We are in the stage of exploring the use of electronic means for filing documents by applicants and issuing documents by the Courts. But the exercise does not cover documents from abroad or to be used abroad. | Chine (Hongkong) |
| | No , it has never been requested, but the MSAR is contemplating doing so. Please refer to the preceding answers. | Chine (Macao) |
| | At the moment no apostilles are issued for electronic documents. The use of electronic ways to issue public as well as private documents, which is more extensive day by day, makes it necessary to take decisions in the near future in favour of the issuance of apostilles on electronic documents. | Colombie |
| | We are not aware of any authority that issues apostilles for electronic documents, though this is something to consider for the future. Electronic notarization is occurring now in only a few test locations. | Etats-Unis |
| | We have not received any requests for issuance of apostilles inn electronic documents. | Portugal |
| | Apostilles are not issued for electronic documents in Finland. | Finlande |
| | Les Parquets généraux des cours d'appel ont indiqué ne pas avoir délivré d'apostille pour des documents électroniques . Au demeurant, il n'apparaît pas que des demandes en ce sens aient été formulées. | France |
| | At present no Apostille is issued on electronic documents in Hungary. We are open for the use of new technologies in this field. The practical experience of those states that have already used the new forms of communication would of course be very useful. | Hongrie |
| | We do not issue apostilles for electronic documents . Though we think it necessary to take account of the current national system and the necessity in order to introduce such method in the future, we think that it raises some difficulties. | Japon |
| | New Zealand has not issued apostilles for electronic documents . To date, process has not been requested by any clients. New Zealand has not yet considered the possibility of issuing apostilles for electronic documents. | Nouvelle-Zélande |
| | No. | Royaume-Uni |
| | We have no experience of issuing apostilles for electronic documents. Some voices are heard that this would not be | Suède |

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| | <p>secure enough, but our conviction is that this will be the case in the future with the use of electronic signatures. We see no reason why it shouldn't be possible to send a public document to the designated authority via e-mail and then receive an apostille signed with an electronic signature.</p> | |
| | <p>Non. A moins de trouver un système de sécurité satisfaisant, cette hypothèse n'est pas envisagée à l'heure actuelle.</p> | Suisse |