

ECUADOR Apostille Questionnaire 2021

The official languages of the HCCH are English and French. A courtesy translation has been provided for responses in Spanish. The responses are otherwise reflected as provided by Contracting Parties, subject to minor typographical corrections.

Joining the Apostille Convention	
1. Did you join the Convention after 2010?	[a] Yes.
<i>For Parties that joined the Convention after 2010.</i>	
1.1. Did you require implementing legislation to give the Apostille Convention the force of law?	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)?	[c] No.
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>	Ministry of Exterior Relations and Human Mobility ES: Ministerio de Relaciones Exteriores y Movilidad Humana
4. Do your diplomatic missions abroad play a role in the Apostille issuance process?	[a] Yes, our diplomatic missions issue Apostilles.
Substantive Scope	
5. Is the concept of 'public document' defined in your internal law?	[a] Yes. <i>CIVIL CODE</i> <i>Art. 1717.- The public instrument is itself complete evidence as to the fact that it has been executed and as to its date, but not as to the truth of the statements that the interested parties have made therein. In this respect, not evidence against anyone other than those making the declaration. The obligations and discharges contained therein are complete proof regarding the executing parties and the persons to whom said obligations and discharges are transferred by universal or singular title.</i> <i>CIVIL CODE</i> <i>Art. 1723.- The public or private instrument is evidence between the parties even in the merely enunciative, as long as it is directly related to the device of the act or contract.</i> <i>ORGANIC ADMINISTRATIVE CODE (COA)</i> <i>Art. 266.- Source and title of executable obligations. The public administration is holder of the credit rights originated in: 1. Administrative act whose effectiveness is not suspended in conformity with this Code. 2. Executive title(s). 3. Determinations or liquidations realized by the public administration or by its order. 4. Cadastres, accounting records, or any other register of similar nature.</i> <i>ORGANIC ADMINISTRATIVE CODE (COA):</i> <i>Art. 94.- Electronic signature and digital certificates. The activity of the administration will be emitted through digital certificates carrying electronic signature. Individuals will be able to use certificates carrying electronic signatures in their relations with the public administrations.</i>

	<p><i>GENERAL ORGANIC CODE OF PROCESSES (COGEP)</i> <i>Art. 193.- Documentational proof. Is every private or public document that collects, contains, or represents any fact or declares, constitutes, or incorporates a right. The documents may be apportioned without prejudice to their being presented again when required.</i></p> <p><i>ES: CODIGO CIVIL</i> <i>Art. 1717.- El instrumento público hace plena fe en cuanto al hecho de haberse otorgado y su fecha, pero no en cuanto a la verdad de las declaraciones que en él hayan hecho los interesados. En esta parte no hace plena fe sino contra los declarantes. Las obligaciones y descargos contenidos en él hacen plena prueba respecto de los otorgantes y de las personas a quienes se transfieran dichas obligaciones y descargos por título universal o singular.</i> <i>CODIGO CIVIL</i> <i>Art. 1723.- El instrumento público o privado hace fe entre las partes aún en lo meramente enunciativo, con tal que tenga relación directa con lo dispositivo del acto o contrato.</i> <i>CÓDIGO ORGÁNICO ADMINISTRATIVO COA</i> <i>Art. 266.-Fuente y título de las obligaciones ejecutables. La administración pública es titular de los derechos de crédito originados en: 1. Acto administrativo cuya eficacia no se encuentra suspendida de conformidad con este Código.</i> <i>2. Título ejecutivo s. 3. Determinaciones o liquidaciones practicadas por la administración pública o por su orden.</i> <i>4. Catastros, asientos contables y cualquier otro registro de similar naturaleza.</i> <i>CÓDIGO ORGÁNICO ADMINISTRATIVO COA</i> <i>Art. 94.- Firma electrónica y certificados digitales. La actividad de la administración será emitida mediante certificados digitales de firma electrónica. Las personas podrán utilizar certificados de firma electrónica en sus relaciones con las administraciones públicas.</i> <i>CODIGO ORGANICO GENERAL DE PROCESOS, COGEP</i> <i>Art. 193.- Prueba documental. Es todo documento público o privado que recoja, contenga o represente algún hecho o declare, constituya o incorpore un derecho. Se podrán desglosar los documentos sin perjuicio de que se vuelvan a presentar cuando sea requerido.</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	X	X
	Health and safety certificates issued by the relevant government authorities or agencies	X	X
	Certificates of products registration	X	X
	Certificates of conformity		
	End user certificates (i.e. documents certifying that the buyer is the end user of acquired goods)	X	X
Commercial invoices	X	X	
Apostille Process			
Certification of Public Documents			
12. Do any of your public documents require some other intermediate certification before the issuance of an Apostille?	[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?	[b] Yes, the enquiry is made orally.		
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
	On the spot		
16. Does your Competent Authority impose a fee for issuing an Apostille?	[a] Yes, a single price for all Apostilles. <i>The price per Apostille is \$ 20 (USD) and certain exemptions are applied; seniors 50% and individuals with disability 100%.</i> <i>ES: El valor por apostilla es de veinte dólares americanos y se aplica exoneraciones; Tercera edad 50% y persona con discapacidad 100%.</i>		
Issuing an Apostille (Outgoing)			
17. How is the origin of a public document verified for the purpose of issuing an Apostille (i.e. verification of the authenticity of the signature, the capacity of the signer, and the identity of the seal / stamp (Art. 5(2))?	[a] Single Competent Authority. [ii] An electronic database of sample signatures / seals / stamps.		

18.	How does a Competent Authority address situations where it is unable to verify the origin of the public document?	[a] The Competent Authority will contact the issuing authority to confirm authenticity, issue the Apostille, and then add the new signature, stamp or seal to the database.	
19.	In what language(s) are the 10 standard items of your Apostilles available?	[a] In one language. <i>Spanish</i> <i>ES: Español</i>	
20.	In what language(s) are the blank fields of your Apostilles filled in?	[a] In one language. <i>Spanish</i> <i>ES: Español</i>	
21.	How are the blank fields of your Apostilles filled in?	[b] Using computer software. <i>Esigex system with exclusive use by the Ministry of External Relations and Human Mobility</i> <i>ES: Sistema Esigex de uso exclusivo del Ministerio de Relaciones Exteriores y Movilidad Humana</i>	
Apostille Registers			
22.	How is your Apostille register, required by Article 7, maintained?	[a] Single Competent Authority. [iii] Paper form.	
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.	
		[d] Description of the contents of underlying document.	
		[e] Name of the applicant.	
		[f] State of destination.	
		[g] Copy of the Apostille.	
		[h] Copy of the underlying document.	
		[i] Other.	
24.	Is there a limit to how long records can be retained on the Apostille register?	[d] No.	
25.	If your register is <i>not</i> publicly accessible, how frequently do your Competent Authorities receive requests to verify an Apostille they have issued in the register?	[b] Once per year.	

Technology & the e-APP		
26. Under your internal law, do you recognise electronic / digital signatures as functionally equivalent to handwritten signatures (i.e. can a public document be signed electronically)?	<p>[a] Yes.</p> <p><i>Law for the Optimisation and Efficiency of Administrative Formalities or Official Supplementary Registry 353 of 23 October 2018.</i></p> <p><i>Law of electronic commerce, electronic signatures, and data messages (Law No. 2002-67) National Congress.</i></p> <p><i>Executive Decree No. 981, of the Constitutional President of the Republic of Ecuador.</i></p> <p><i>ES: Ley para la Optimización y Eficiencia de Trámites Administrativos Ley o Registro Oficial Suplemento 353 de 23-oct.-2018.</i></p> <p><i>Ley de comercio electrónico, firmas electrónicas y mensajes de datos (Ley No. 2002-67) Congreso Nacional.</i></p> <p><i>Decreto ejecutivo Nro. 981, del Presidente Constitucional de la República del Ecuador.</i></p>	
27. Under your internal law, are public documents executed, or able to be executed, in electronic form (whether or not they are to be used abroad under the Convention)?	[a] Yes.	
<p><i>For Parties that answered yes to Q27.</i></p> <p>27.1. What categories of public documents are executed, or able to be executed, in electronic form (whether or not they are to be used abroad under the Convention)?</p>	[a] All public documents.	
	[b] Civil status documents (e.g. birth, death and marriage certificates) and certificates of non-impediment.	X
	[c] Other administrative documents (including decisions from administrative tribunals or decision-making bodies).	
	[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.	X
	[n] Import or export licences.	
	[o] Certificates of origin.	
	[p] Certificates of conformity.	
	[q] Other.	

<p><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)?</p>	<p>15% of public documents are originally executed in electronic form.</p> <p>ES: 15% de documentos públicos se expiden originalmente en formato electrónico.</p>	
<p>28. Do you issue e-Apostilles?</p>	<p>[b] No. [i] We are studying the use of e-Apostilles and plan to implement the e-Apostille component.</p> <p><i>The implementation of the e-Apostilles is planned, and we are working on the definitions in order to emit manual and electronic documents. The country is implementing interoperability between the databases between the Institutions of the Organism of the State.</i></p> <p>ES: Se tiene planificado la implementación de la Apostillas-e, se está trabajando en las definiciones para emitir documentos manuales y electrónicos. El país está realizando interoperabilidad entre las bases de datos entre las Instituciones del Organismo del Estado.</p>	
<p><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?</p>	<p>[a] Internal law limitations.</p>	
	<p>[b] Judicial or administrative structure.</p>	
	<p>[c] Implementation challenges (e.g. lack of resources, lack of infrastructure).</p>	X
	<p>[d] Cost.</p>	
	<p>[e] System interoperability / compatibility.</p>	X
	<p>[f] Security concerns.</p>	
	<p>[g] Other.</p>	
<p><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?</p>	<p>[b] By paper Apostille, attached to a hard copy of the electronic public document.</p>	
<p>29. Are your authorities equipped to accept incoming e-Apostilles?</p>	<p>[a] Yes, all e-Apostilles can be processed.</p>	
<p>30. Do you maintain an e-Register?</p>	<p>[a] Yes.</p>	
<p><i>For Parties that answered yes to Q30.</i> 30.2. What technology is used to maintain your e-Register?</p>	<p>[a] A government-built platform.</p>	
<p>31. Have you been in contact with other Competent Authorities that operate an e-APP component and exchanged information and / or relevant experience?</p>	<p>[a] Yes. <i>Republic of Colombia</i> <i>Republic of Chile</i> ES: <i>República de Colombia</i> <i>República de Chile</i></p>	
<p>Issues with Apostilles</p>		
<p>32. Has an Apostille <i>issued</i> by your Competent Authority ever been refused by the authorities of another Contracting Party on the following grounds:</p>	<p>[a] Form requirements (e.g. square-shaped, sides of at least nine centimetres, border, ink, etc).</p>	
	<p>[b] The manner in which the Apostille was affixed / attached to the underlying document.</p>	
	<p>[c] The Apostille was not signed.</p>	

	[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.	X
	[h] The underlying document was not a public document under the law of the destination.	
	[i] Other.	
	[j] Unknown.	
	[k] No / Not applicable.	
<p><i>For Parties that answered other than "No" to Q32.</i> 32.1. If an Apostille was rejected, what action did you take?</p>	[a] The Apostille was reissued.	X
	[b] Contacted the receiving authority.	
	[c] Contacted the Competent Authority of the place of destination.	
	[d] Contacted nearest diplomatic mission of the place of destination.	
	[e] Contacted own diplomatic mission accredited to the place of destination.	
	[f] Contacted the Permanent Bureau.	
	[g] No action taken.	
	[h] Other.	
	[i] Unknown.	
33. Has your Competent Authority ever been requested by external Competent Authorities to certify or confirm your procedure for issuing Apostilles?	[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.	X
	[i] The underlying document was not a public document under the law of the destination.	
	[j] Other.	
	[k] Unknown.	
	[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?	[a] Yes, if possible, in person.	
36. Have you encountered any persistent difficulties, issues, or challenges in the operation of the Apostille Convention that you would like discussed at the 2021 Special Commission? <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)?	[a] Yes, if possible, in person.	
39. Are there any specific topics or practical issues that you would like discussed at the e-APP Forum? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	
40. The Permanent Bureau is in the process of drafting a 2 nd 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>	[a] Yes. <i>Standardize commercial documents.</i> <i>ES: Estándarizar documentos comerciales</i>	