

COLOMBIA

Apostille Questionnaire 2021

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

Joining the Apostille Convention	
1. Did you join the Convention after 2010?	[b] No.
2. Are foreign public documents exempted from legalisation by virtue of your internal law, practice, or any bilateral / multilateral agreements (excluding the Apostille Convention)?	[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>	One, Ministry of Foreign Affairs - Apostille and Legalizations Coordination
4. Do your diplomatic missions abroad play a role in the Apostille issuance process?	[d] No.
Substantive Scope	
5. Is the concept of 'public document' defined in your internal law?	[a] Yes. <i>Public document: It is the document issued and signed by an authority or by a public servant in the exercise of his or her functions or with its intervention. Likewise, a document is defined as public, when it's issued by an individual/civilian/private person in the exercise of public functions recognized by law or with its intervention; Article 2. Definitions. Resolution 1959 of August 3, 2020, which dictates provisions regarding Apostilles and Legalizations of documents.</i>
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?	[b] Yes, as the State of destination. <i>Difficulties have arisen themselves in the actual practice, with the acceptance of documents signed by consular agents, because countries like Spain, request these documents, be apostilled in order to have legal effects, even though they are already valid, with the signature of the consular agent previously accredited before the competent authority of that country. Furthermore, in other cases that have become known to the Permanent Bureau of The Hague, some authorities abroad require the certification of the Apostille to the Colombian Consulate located in the country, where the document is to be presented.</i>
<i>For Parties that answered yes to Q7.</i> 7.1. How has previous guidance on the interpretation of the Art. 1(3)(a) exclusion assisted in resolving these difficulties? (E.g. the 'extremely narrow' construction referred to in C&R No 10 of the 2016 SC).	Unfortunately, the interpretation guides for the article in question have not been adopted by some countries, which continue to require the Apostille or its certification on this type of documents.

8. Do you think this Art. 1(3)(a) exclusion is justified in the context of the modern operation of the Convention?	[b] No.		
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?	[b] Yes, as the State of destination. <i>Depending on the country of destination, an Apostille or Legalization is requested for this type of document, in accordance with its internal regulations, without the existence of documents delimitations, which generates confusions due to its free interpretation. However, Colombia has defined a list of mercantile or customs documents, which can be apostilled or legalized in the online application, according to what it's required to the user abroad.</i>		
<p><i>For Parties that answered yes to Q9.</i></p> 9.1. How has previous guidance on the interpretation of the Art. 1(3)(b) exclusion assisted in resolving these difficulties? (E.g. the 'extremely narrow' construction referred to in C&R No 10 of the 2016 SC).	Unfortunately, the interpretation guidelines for the aforementioned article have not been clear, since some countries request an Apostille for this type of document and there is no uniform list because each Contracting Party, in accordance with its internal law, requires or not the legalization of these documents. This would imply that this category of documents will be formalized as public documents for Apostille to apply in the states parties of the Convention.		
10. Do you think this Art. 1(3)(b) exclusion is justified in the context of the modern operation of the Convention?	[b] No.		
11. Do you issue (outgoing) or accept (incoming) Apostilles for any of the following categories of document?		Issue	Accept
	Certificates of origin	X	
	Export licences	X	
	Import licences	X	
	Health and safety certificates issued by the relevant government authorities or agencies	X	
	Certificates of products registration	X	
	Certificates of conformity	X	
	End user certificates (i.e. documents certifying that the buyer is the end user of acquired goods)	X	
	Commercial invoices	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?	[a] Yes, an intermediate certification is required for some categories of public documents.		

<p><i>For Parties that answered yes to Q12.</i> 12.1. What categories of public document require intermediate certification and why?</p>	Category of public document	Why certification is required	
	Judicial documents	Due to the fact that the exercise and monitoring of judges is regulated and centralized in an official national entity, which is the Superior Council of the Judiciary "Consejo Superior de la Judicatura". A public document granted by a competent authority, does not require an intermediate instance to be apostilled, except in the cases already indicated.	
	Documents related to the protection of children	In view of the fact, that the labor they exercise is supervised by a State Entity, which is the Colombian Institute of Family Welfare "Instituto Colombiano de Bienestar Familiar - ICBF", who is in charge of regulating everything related to the protection of the rights of children and minors.	
Requesting an Apostille (Outgoing)			
13. How can an Apostille be requested?	[a]	In person.	
	[b]	By post.	
	[c]	By email.	
	[d]	Through a website.	X
	[e]	Other.	
14. When issuing an Apostille, do you enquire about the State of destination?	[a]	Yes, in the application form.	
15. How long does it take for an Apostille to be issued?	In-person request (paper Apostille)	Other requests (from the time of receipt) (paper Apostille)	e-Apostille requests
			Other <i>Within three working days, only in fortuitous cases such as power outages or system outages. However, 95% of them are issued the same day they are requested. It is appropriate to clarify, that for electronic documents with a digital signature that are processed automatically in the system, the response is immediate.</i>

16.	Does your Competent Authority impose a fee for issuing an Apostille?	[a] Yes, a single price for all Apostilles. <i>Colombia: \$31.000 colombian pesos</i> <i>Euro zone and Cuba: 7 euro</i> <i>Rest of the world: 10 USD</i>	
Issuing an Apostille (Outgoing)			
17.	How is the origin of a public document verified for the purpose of issuing an Apostille (<i>i.e.</i> 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. [iv] Other. <i>Both, an electronic database of sample signatures / seals / stamps for digitalized documents and automatic digital verification for electronic documents with digital signature.</i>	
18.	How does a Competent Authority address situations where it is unable to verify the origin of the public document?	[b] The Competent Authority will contact the issuing authority to confirm authenticity but will not issue the Apostille until the new signature, stamp or seal is added to the database.	
19.	In what language(s) are the 10 standard items of your Apostilles available?	[c] In three languages. <i>Spanish, english and french</i>	
20.	In what language(s) are the blank fields of your Apostilles filled in?	[a] In one language. <i>In spanish.</i>	
21.	How are the blank fields of your Apostilles filled in?	[b] Using computer software. <i>Apostille and Legalization 100% online web based app, developed by the Technology Directorate of the Ministry of Foreign Affairs, which allows the issuance of the electronic Apostille.</i>	
Apostille Registers			
22.	How is your Apostille register, required by Article 7, maintained?	[a] Single Competent Authority. [i] Electronic form, publicly accessible online (e-Register).	
23.	What particulars are contained in your Apostille register?	[a] Number and date of the Apostille (<i>required</i>).	X
		[b] Name and capacity of the person signing the document and / or the name of authority whose seal or stamp is affixed (<i>required</i>).	X
		[c] Name and / or type of underlying document.	X
		[d] Description of the contents of underlying document.	
		[e] Name of the applicant.	
		[f] State of destination.	
		[g] Copy of the Apostille.	
		[h] Copy of the underlying document.	
		[i] Other. <i>Holder, date, number and pages of the underlying document, when it applies.</i> <i>Number or code of payment procedure.</i>	X
24.	Is there a limit to how long records can be retained on the Apostille register?	[d] No.	
25.	If your register is <i>not</i> publicly accessible, how frequently do your Competent Authorities receive requests to verify an Apostille they have issued in the register?	[g] Not applicable, register is publicly accessible.	

Technology & the e-APP	
26. Under your internal law, do you recognise electronic / digital signatures as functionally equivalent to handwritten signatures (i.e. can a public document be signed electronically)?	[a] Yes. <i>Law 527 of 1999 "By means of which it is defined and regulated, the access and use of data messages, electronic commerce and digital signatures and certification entities are established and other provisions are issued."</i>
27. Under your internal law, are public documents executed, or able to be executed, in electronic form (whether or not they are to be used abroad under the Convention)?	[a] Yes.
<i>For Parties that answered yes to Q27.</i> 27.1. What categories of public documents are executed, or able to be executed, in electronic form (whether or not they are to be used abroad under the Convention)?	[a] All public documents. X
	[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. X
	[e] Notarial authentications of signatures. X
	[f] Other notarial acts.
	[g] Diplomas and other education documents. X
	[h] Court documents, including judgments.
	[i] Patents or other documents pertaining to intellectual property rights. X
	[j] Documents relating to adoptions.
	[k] Translations.
	[l] Medical or health certificates.
	[m] Criminal records. X
	[n] Import or export licences. X
	[o] Certificates of origin.
[p] Certificates of conformity. X	
[q] Other. <i>Documents issued by the Ministry of Foreign Affairs and Consulates.</i> <i>Documents issued by other centralized State Entities.</i> X	
<i>For Parties that answered yes to Q27.</i> 27.2. Approximately what percentage of your public documents are originally executed in electronic form (whether or not they are to be used abroad under the Convention)?	Approximately 50% of the public documentation is processed automatically in electronic format with a digital signature for Apostille purposes.
28. Do you issue e-Apostilles?	[a] Yes.

<p><i>For Parties that answered yes to Q28.</i> 28.3. Under your internal law, which of the following do you consider public documents for the purpose of issuing e-Apostilles?</p>	<p>[a] Electronic public documents. [b] Paper public documents that have been scanned by a public official. [c] Paper public documents that have been scanned by applicants.</p>
<p><i>For Parties that answered yes to Q28.</i> 28.4. How is an e-Apostille signed (i.e. what technology is used to apply an electronic / digital signature)?</p>	<p>[b] Technology from a commercial provider (e.g. Adobe). <i>Digital certificate from a local trusted commercial Certification Authority recognized by the National Accreditation Organ.</i></p>
<p><i>For Parties that answered yes to Q28.</i> 28.5. How is an e-Apostille affixed to / associated with the underlying public document to ensure it is not tampered with?</p>	<p>The Colombian electronic, automatic and semi-automatic Apostille in interoperability, 100% online, has five (5) securities to verify its origin and authenticity by any foreign entity receiving it. Those are as follows:</p> <ol style="list-style-type: none"> 1. The Colombian Apostille is encrypted. Its validity can be consulted through the following link: www.cancilleria.gov.co/apostilla, entering the alphanumeric code and the date of issue. 2. The document that served as basis for generating the Apostille, is attached in the PDF file. To view it, you can consult the apostille at the following link: https://tramites.cancilleria.gov.co/apostillalegalizacion/consulta/documento.aspx, indicating its number and date. As a result, you will obtain the visualization of the apostille, together with the underlying public document on which it was generated. Another option to validate the apostille is download the digital file and open it in a PDF reader, by clicking on the clip located at the bottom left or top left of the PDF, to check the attached document. 3. The connection or link between the underlying public document and the Apostille can be evidenced through the following items: <ol style="list-style-type: none"> a) It has been signed by (name of public official) b) As (Position of the Public Official) c) Document holder d) Type of document e) Document number f) Number of sheets 4. The Apostille can be verified with the QR code (Quick Response) through any mobile device that incorporates this technology, being possible to view both the Apostille and the underlying public document. 5. The verification of the Digital Signature can be carried out by clicking on it, where it appears a pop-up window titled "signature properties", and the clicking on the tab called "show certificate", you can find the digital certificate, allowing the confirmation of the following data: <ol style="list-style-type: none"> a. Name of the public official signing the Apostille.

	<p>b. Name of the Entity of which the signer makes part of.</p> <p>c. Range of validity, which corresponds to the validity to sign (effective time frame of the signature).</p> <p>d. Uses of the signature, refers to the documents for which the signer is authorized.</p> <p>e. Timestamp: The time and date when the use of the digital signature certificate began.</p>	
<p><i>For Parties that answered yes to Q28.</i> 28.6. Once issued, how is the e-Apostille transmitted to the applicant?</p>	[a] Via email (regular).	
29. Are your authorities equipped to accept incoming e-Apostilles?	[a] Yes, all e-Apostilles can be processed.	
30. Do you maintain an e-Register?	[a] Yes.	
<p><i>For Parties that answered yes to Q30.</i> 30.2. What technology is used to maintain your e-Register?</p>	[a] A government-built platform.	
31. Have you been in contact with other Competent Authorities that operate an e-APP component and exchanged information and / or relevant experience?	[b] No.	
Issues with Apostilles		
32. Has an Apostille <i>issued</i> by your Competent Authority ever been refused by the authorities of another Contracting Party on the following grounds:	[a] Form requirements (e.g. square-shaped, sides of at least nine centimetres, border, ink, etc).	
	<p>[b] The manner in which the Apostille was affixed / attached to the underlying document.</p> <p><i>Some countries reject the Electronic Apostille because it's not attached to the original document in a physical form, since it is not necessary to print it, even though the electronic Apostille contains in the PDF the underlying public document on which it was based upon and issued. Additionally, the authenticity of the Apostille can be validated through the 5 securities that connect the underlying public document with its respective Apostille.</i></p>	X
	[c] The Apostille was not signed.	
	[d] One or more of the standard informational items were not filled in.	
	[e] The Apostille was in electronic form (an e-Apostille).	X
	[f] The underlying public document was in electronic form.	X
	[g] The underlying public document had expired / was not issued within a certain timeframe.	
	[h] The underlying document was not a public document under the law of the destination.	

	[i] Other. <i>Rejection of the digital signature of the electronic Apostille due to unfamiliarity of the use of modern technologies and the way in which the digital signature certificate must be validated. It has also been rejected for not being authenticated by an international accreditation organization.</i>	X
	[j] Unknown.	
	[k] No / Not applicable.	
For Parties that answered other than "No" to Q32. 32.1. If an Apostille was rejected, what action did you take?	[a] The Apostille was reissued.	
	[b] Contacted the receiving authority.	
	[c] Contacted the Competent Authority of the place of destination.	
	[d] Contacted nearest diplomatic mission of the place of destination.	X
	[e] Contacted own diplomatic mission accredited to the place of destination.	X
	[f] Contacted the Permanent Bureau.	X
	[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?	[a] Yes. <i>Some competent authorities abroad have contacted us to inquire about the internal procedure for the issuing of the Apostilles, through our Diplomatic Agents or Consular Officers or directly through the Apostille and Legalizations Coordination of the Ministry of Foreign Affairs.</i>	
34. Has an Apostille received 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 (an e-Apostille).	
	[g] The underlying public document was in electronic form.	
	[h] The underlying public document had expired / was not issued within a certain timeframe.	

	[i] The underlying document was not a public document under the law of the destination.	
	[j] Other.	
	[k] Unknown.	
	[l] No / Not applicable.	X
Miscellaneous		
35. Would you be interested in attending the 2021 meeting of the Special Commission on the practical operation of the Apostille Convention?	[b] Yes, via videoconference.	
36. Have you encountered any persistent difficulties, issues, or challenges in the operation of the Apostille Convention that you would like discussed at the 2021 Special Commission? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[a] Yes. <i>1. The application of the exclusions of the Apostille Convention, in particular for documents signed by Diplomatic Agents or Consular Officers, in the sense of not applying and requesting an Apostille for these documents. Regarding administrative documents dealing directly with commercial or customs operations, we consider that they should always be apostilled, to facilitate their acceptance and circulation abroad.</i> <i>2. Regional agreements for mutual recognition of digital signatures.</i>	
38. Would you be interested in attending the 12 th International Forum on the e-APP (to be held in conjunction with the meeting of the Special Commission)?	[b] Yes, via videoconference.	
39. Are there any specific topics or practical issues that you would like discussed at the e-APP Forum? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[a] Yes. <i>The application of the exclusions of the Apostille Convention, in particular for documents signed by Diplomatic Agents or Consular Officers, in the sense of not applying and requesting the Apostille for these documents. Regarding administrative documents dealing directly with commercial or customs operations, we consider that they should always be apostilled, to facilitate their acceptance and circulation. Make a requirement to the competent Authorities that all Apostilles can be able to be validated, promoting this way the massive use of information technologies.</i>	

<p>40. The Permanent Bureau is in the process of drafting a 2nd edition of the Apostille Handbook. Are there any specific topics, suggestions for presentation or formatting, or any other proposals for inclusion? <i>Please note that answers to this question will not be incorporated into the first draft of the 2nd edition. The PB will take them into account in preparing subsequent drafts.</i> <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i></p>	<p>[a] Yes.</p> <ol style="list-style-type: none"> 1. <i>Issue a concept on whether or not the image of the mechanical signature must be included in both the documents issued electronically and in the electronic Apostille (taking into account that the validation of the digital signature does not require the mechanical signature of the public official to be visible), or if it is necessary that it always appear in both documents, for matters of issuance and acceptance by Competent Authorities. The previously mentioned, taking into account that in our internal law digital or electronic signatures are equivalent or have the same legal force as handwritten signatures.</i> 2. <i>The application of the exclusions of the Apostille Convention, in particular for documents signed by Diplomatic Agents or Consular Officers, in the sense of not applying and requesting the Apostille for these documents. Regarding administrative documents dealing directly with commercial or customs operations, we consider that they should always be apostilled, to facilitate their acceptance and circulation abroad.</i> 3. <i>Make a requirement to the Competent Authorities that all Apostilles can be able to be validated, promoting this way the massive use of information technologies.</i> 4. <i>Include Spanish as an official language of the HCCH, taking into account the number of Spanish-speaking countries that are part of the Apostille Convention currently.</i>
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