HCCH Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents

Purpose of the Convention

The Apostille Convention facilitates the circulation of public documents executed in one Contracting Party to the Convention and to be produced in another. It replaces the cumbersome and often costly formalities of a full legalisation process (chain certification) with the mere issuance of an Apostille. The Convention has also proven very useful for countries that do not require foreign public documents to be legalised, or that do not know the concept of legalisation in their domestic law: the citizens in these countries enjoy the benefits of the Convention whenever they intend to produce a domestic public document in another Contracting Party which, for its part, requires authentication of the document concerned.

Public documents

The Convention applies only to public documents. As the Convention does not define “public document”, the “public” nature of a document is left to be determined by the law of the place where the document originates (i.e. the State of origin). Nonetheless, Article 1 provides some guidance as to types of documents that can be considered “public”. These examples include documents emanating from an authority or official connected with a court or tribunal of the Contracting Party (including documents issued by an administrative, constitutional or ecclesiastical court or tribunal, a public prosecutor, a clerk or a process-server); administrative documents; notarial acts; and official certificates which are placed on documents signed by persons in their private capacity, such as official certificates recording the registration of a document or the fact that it was in existence on a certain date and official and notarial authentications of signatures. The main examples of public documents for which Apostilles are issued in practice include birth, marriage and death certificates; extracts from commercial registers and other registers; patents; court rulings; notarial acts and attestations of signatures; academic diplomas issued by public institutions. Apostilles may also be issued for certified copies of a public document. Although the Convention does not strictly apply to documents executed by diplomatic or consular agents or to administrative documents dealing directly with commercial or customs operations, these Article 1(3) exclusions are to be interpreted extremely narrowly.

Who may issue an Apostille and how to verify the origin of an Apostille?

Apostilles may only be issued by a Competent Authority designated by the Contracting Party from which the public document emanates. The Permanent Bureau (Secretariat) of the Hague Conference on Private International Law (HCCH) does not issue Apostilles.

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1 The Apostille Convention only applies as between Contracting Parties. For a comprehensive and updated list of Contracting Parties, see the "Updated list of Contracting Parties (status table)", which is available on the "Apostille Section" of the HCCH website at <www.hcch.net>.
2 This approach has been confirmed in Conclusions & Recommendations No 72 of the 2009 Special Commission, and in Conclusions & Recommendations No 14 of the 2012 Special Commission.
3 Diplomas issued by private institutions may not be apostillised directly; a ‘private’ diploma may, however, bear an official certificate issued by any person or authority competent under the law of the State of origin of the diploma to authenticate the signature on the diploma. This official certificate is a public document under the Convention and thus may be apostillised. In such a case the Apostille does not relate to the diploma itself; instead it certifies the authenticity of the certificate on the diploma.
4 For more information, including the list of designated Competent Authorities, contact details of Competent Authorities and other practical information such as the price for an Apostille, see the “Apostille Section” of the HCCH website.
The Apostille is placed by the Competent Authority on the public document itself or on an allonge, and should conform as closely as possible to the Model annexed to the Convention. In addition, each Competent Authority is required to keep a Register in which it records the Apostilles it has issued. The Registers, which may be accessed by any interested person, are an essential tool to combat fraud and verify the origin of an Apostille in case of doubt.

**The effect of an Apostille**

The only effect of an Apostille is to certify the authenticity of the signature, the capacity in which the person signing the document has acted, and where appropriate, the identity of the seal or stamp which the document bears. The Apostille does not relate to the content of the underlying document itself (i.e., the apostilled public document).


The Apostille Handbook is a comprehensive reference tool that offers detailed explanations and commentary, addressing issues arising in the contemporary operation of the Convention. It is also designed to assist Competent Authorities designated by Contracting Parties with practical guidance in issuing Apostilles and performing their functions under the Convention. It is available for download from the “Apostille Section” of the HCCH website.

**Monitoring of the Convention**

The practical operation of the Apostille Convention was last reviewed by a Special Commission in 2016. The Special Commission has reiterated at several meetings that the spirit and letter of the Convention 'do not constitute an obstacle to the usage of modern technology' and that the Convention’s application and operation can be further improved by relying on such technology. This finding was confirmed by the 2016 International Forum on the e-APP.

**The e-APP (electronic Apostille Program)**

In April 2006, the HCCH and the National Notary Association of the United States of America (NNA) officially launched the (then) electronic Apostille Pilot Program. The aim of the e-APP is to promote and assist with the implementation of low-cost, operational and secure software technology for (i) the issuance of electronic Apostilles (e-Apostilles) and (ii) the operation of electronic Registers of Apostilles (e-Registers) that can be accessed online by recipients to verify the origin of (both paper and electronic) Apostilles they have received. In light of the success of the Program, the word “Pilot” was removed from the title of the e-APP in January 2012, though the original “P” is retained in the acronym.

The e-APP is an effective tool to further enhance the secure and effective operation of the Apostille Convention; it dramatically increases security and offers a very powerful and effective deterrent to fraud. The e-APP is technology neutral and it does not privilege the use of one specific technology over another, Contracting Parties are free to choose the technology that best suits their needs. The e-APP (the e-Apostille and/or e-Register component) has been implemented in many countries around the globe, with others actively pursuing or considering implementation. The HCCH regularly organises International Fora on the e-APP to discuss and promote the implementation of the e-APP, the last of which was the 10th Forum, held in 2016 to coincide with the meeting of the Special Commission.

For any further information on the Apostille Convention and the e-APP, please visit the HCCH website at <www.hcch.net> or contact the Permanent Bureau of the HCCH.

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5 An e-Register under the e-APP allows for easy online queries by recipients of Apostilles who wish to verify the origin of an Apostille without Competent Authorities having to answer these queries individually by phone, email or otherwise. However, it does not allow for “fishing expeditions” (i.e. persons do not have unlimited access to all of the information stored in the e-Register) but only enough information as is necessary to verify whether an Apostille they have received was issued by the Competent Authority purporting to have done so.