

Part A - Questions for non-Contracting States

Reasons for not being a Contracting State	
<p>a) Why is YOUR STATE not party to the Apostille Convention?</p> <p>➔ <i>c.f. Q a) of the 2012 questionnaire</i></p>	<p><input type="checkbox"/> The internal law of YOUR STATE does not require foreign public documents to be legalised or subjected to a similar formality before having effect in YOUR STATE (see also Question f))</p> <p><input type="checkbox"/> There are legal obstacles in the internal legal system of YOUR STATE that prevent it from becoming a Party to the Convention – <i>please specify:</i></p> <p><input type="checkbox"/> YOUR STATE is concerned about the loss of revenue currently generated by legalising documents.</p> <p><input type="checkbox"/> There are other specific issues arising out of the Apostille Convention which dissuade YOUR STATE from joining the Apostille Convention – <i>please specify:</i></p> <p><input type="checkbox"/> YOUR STATE does not have the means or resources to properly implement the Apostille Convention</p> <p><input type="checkbox"/> The question of becoming a Party to the Convention has never been examined in detail</p> <p><input type="checkbox"/> Other – <i>please specify:</i></p> <p><i>Comments:</i></p>
Foreign direct investment	
<p>b) Is YOUR STATE aware that international organisations, such as the World Bank and the International Chamber of Commerce, have recognised the importance and efficacy of the Apostille Convention in the promotion and development of international trade and investment and have urged States that have not done so to join the Convention?</p> <p>➔ <i>c.f. Q b) of the 2012 questionnaire</i></p> <p><i>✍ See C&R No 4 of the 2012 SC.</i></p> <p><i>✍ The International Finance Corporation (IFC) of the World Bank Group released the Investing Across Border Report, which is an initiative that compares the regulation of foreign direct investment (“FDI”) around the world. One of the indicators used in the report to measure the ease with which a foreign company can start a business in a given economy was whether or not the Apostille Convention was in force for that economy. Accordingly, by being party to the Apostille Convention, a State can improve its FDI competitiveness. For more information, click here.</i></p> <p><i>✍ The Chamber of Commerce released a news item urging States to join the Apostille Convention, click here.</i></p> <p>➔ see also para. 23 of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><i>Comments:</i></p>

Studying the Apostille Convention							
<p>c) Is YOUR STATE currently studying the Apostille Convention, or does YOUR STATE envisage studying it, with a view to becoming a State Party in the near future?</p> <p>➡ c.f. Q c) of the 2012 questionnaire</p>	<p><input checked="" type="checkbox"/> Yes – please specify (including status and timetable for accession): The timetable and outcome of the study are not determined.</p> <p><input type="checkbox"/> No – please explain why not (then go to Question e):</p>						
<p>Only for States that are studying or envisage studying the Apostille Convention</p> <p>d) Is YOUR STATE taking the e-APP (electronic Apostille Program) into consideration, or does YOUR STATE envisage taking it into consideration, as part of this study?</p> <p>➡ c.f. Q e) of the 2012 questionnaire ✍ Information on the e-APP is available on the Apostille Section of the Hague Conference website. For detailed information, see in particular paras 321-363 of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Yes – please specify which component(s)?</p> <p><input type="checkbox"/> both components</p> <p><input type="checkbox"/> only the e-Apostille component</p> <p><input checked="" type="checkbox"/> only the e-Register component</p> <p><input type="checkbox"/> No</p> <p>Comments:</p>						
Statistics							
<p>e) How many legalisations were performed in 2015 by the authorities of YOUR STATE?</p> <p>If no statistics are kept, please provide a rough estimate</p> <p>➡ c.f. Q f) of the 2012 questionnaire</p>	<table border="1"> <thead> <tr> <th>Outgoing documents</th> <th>Incoming documents</th> </tr> </thead> <tbody> <tr> <td>Legalisations performed by the Ministry of Foreign Affairs on documents executed in YOUR STATE</td> <td>Legalisations performed by consulates/embassies of YOUR STATE located in another State on documents executed in that State</td> </tr> <tr> <td>See attached chart</td> <td>20 000</td> </tr> </tbody> </table>	Outgoing documents	Incoming documents	Legalisations performed by the Ministry of Foreign Affairs on documents executed in YOUR STATE	Legalisations performed by consulates/embassies of YOUR STATE located in another State on documents executed in that State	See attached chart	20 000
Outgoing documents	Incoming documents						
Legalisations performed by the Ministry of Foreign Affairs on documents executed in YOUR STATE	Legalisations performed by consulates/embassies of YOUR STATE located in another State on documents executed in that State						
See attached chart	20 000						
Other instruments							
<p>f) Is the production of foreign public documents in YOUR STATE exempted from / not subject to legalisation or similar formality, or otherwise facilitated, by virtue of:</p> <ul style="list-style-type: none"> any internal law or practice that YOUR STATE has introduced or intends to introduce? Or any bilateral, regional or global instrument to which YOUR STATE is party or to which it intends to become party. <p>➡ c.f. Q g) of the 2012 questionnaire</p>	<p><input checked="" type="checkbox"/> Yes – please specify:</p> <p><input type="checkbox"/> No</p> <p>Comments:</p> <p>Canadian statutes do not require that foreign public documents that are produced in Canada be legalised. In some cases, public authorities before whom foreign public documents are produced have the discretion to determine the applicable authentication requirements. These authorities could require the bearers of foreign public documents to have them legalised. Canada is party to several bilateral treaties that exempt public documents from legalisation.</p> <p>In Quebec, Article 2822 of the Civil Code of Québec exempts foreign public documents from legalisation by providing that neither the quality nor the signature of a foreign officer issuing a document need be proved. The presumption of authenticity provided by article 2822 CCQ is rebuttable as prescribed by article 2825 CCQ.</p> <p>Private-sector organisations and individuals may require the bearers of foreign public documents to have them legalised, as no law prevents them from doing so (with the exception of Québec).</p>						

	While not a requirement under Canadian law, Canadian embassies and consulates legalise foreign public documents when requested to do so.
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The "Apostille Section" and publications	
<p>g) How useful is the information provided on the Apostille Section of the Hague Conference website?</p> <p>➡ <i>c.f. Q i) of the 2012 questionnaire</i></p> <p>✍ <i>In addition to English and French, the Apostille Section is available in German, Portuguese and Spanish (click on the link "other languages" – not all documents have been translated).</i></p> <p>✍ <i>The Special Commission has noted that the Apostille Section continues to be a most useful resource of information (see C&R No 8 of the 2012 SC).</i></p> <p>➡ <i>see also para. 33 of the Apostille HB</i></p>	<p><input checked="" type="checkbox"/> Very useful</p> <p><input type="checkbox"/> Useful</p> <p><input type="checkbox"/> Not useful</p> <p><input type="checkbox"/> The Apostille Section has not yet been consulted</p> <p>Comments or suggestions for improvement:</p>
<p>h) Is YOUR STATE aware of the publications of the Permanent Bureau the ABCs of Apostilles, the Brief Implementation Guide, and the Apostille Handbook, available on the Apostille Section of the Hague Conference website?</p> <p>➡ <i>c.f. Q j) of the 2012 questionnaire</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> Some of them – <i>please specify:</i></p> <p><input type="checkbox"/> No</p>
<p>i) Does YOUR STATE have any suggestions for future publications that could assist the promotion, implementation, or operation of the Apostille Convention?</p> <p>➡ <i>c.f. Q k) of the 2012 questionnaire</i></p>	<p><input checked="" type="checkbox"/> Yes – <i>please specify:</i></p> <p>Canada suggests the publication of a document that examines the security features of the e-Apostille by country of issuance and that compares these security features with those of the paper Apostille. Canada notes that Preliminary Document No. 18, March 2007 examines security features of the e-Apostille and suggests that the document be updated to reflect current practices.</p> <p>Canada also suggests that a document discussing the interoperability of e-Apostille systems established by Contracting States be published. This document could discuss the establishment of information technology systems that could accept, recognize and verify e-Apostilles from all contracting states that use them.</p> <p><input type="checkbox"/> No</p>
Other	
<p>j) Are there any specific topics or practical issues that YOUR STATE would like to have discussed at the 2016 Special Commission?</p> <p>➡ <i>c.f. Q l) of the 2012 questionnaire</i></p> <p>➡ <i>see also paras 38-39 of the Apostille HB</i></p>	<p><input checked="" type="checkbox"/> Yes – <i>please specify:</i></p> <p>Canada would be interested in a discussion on apostille requirements for documents issued by Chambers of Commerce that are not public entities. It would also be interested in learning how Contracting States address requests for apostilles from the bearers of such documents.</p> <p><input type="checkbox"/> No</p>