



The role of the Permanent Bureau in the implementation of the e-APP

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13th International Forum on the electronic Apostille Programme (e-APP)
Maqsut Narikbayev University, Astana, Kazakhstan
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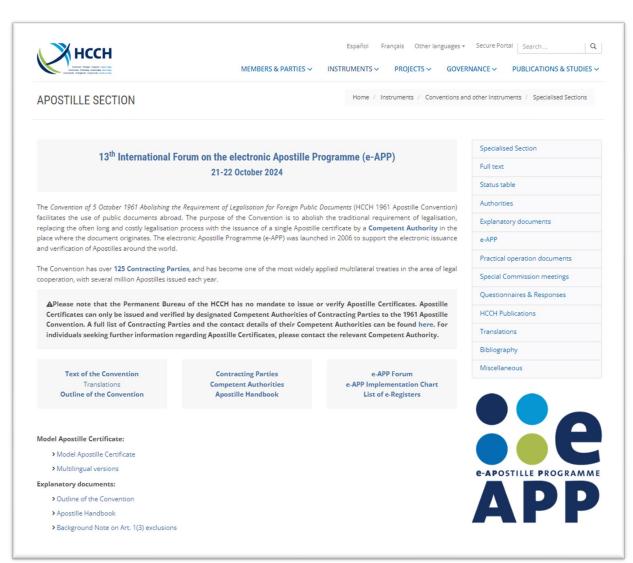
CONTENTS

- Resources available to Contracting Parties wishing to implement the e-APP
- The role of the Permanent Bureau in facilitating the implementation of the e-APP





APOSTILLE SECTION OF THE HCCH WEBSITE



< <u>WWW.HCCH.NET</u> >



CONCLUSIONS & RECOMMENDATIONS

SC 1961 APOSTILLE OCTOBER 2021

C&R

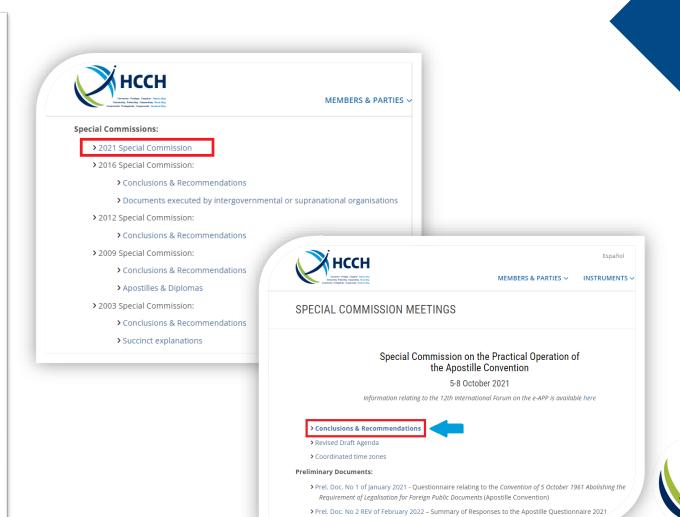


Conclusions & Recommendations (C&R)

- 1 The Special Commission (SC) on the practical operation of the Convention of 5 October 1961. Abolishing the Requirement of Legalisation for Foreign Public Documents (Apostille Convention) met online from 5 to 8 October 2021. It was attended by over 350 delegates, representing HCCH Members, non-Member Contracting Parties, and Observers from non-Member States, intergovernmental and international non-governmental organisations, as well as members of the Permanent Bureau (PB).
- This Fifth Meeting of the SC was held on the occasion of the 60th Anniversary of the Convention, following meetings in 2003, 2009, 2012, and 2016.¹
- 3 The SC witnessed the deposit of the instrument of accession to the Apostille Convention by the Republic of Indonesia. Delegates welcomed the accession and congratulated Indonesia on becoming the 121st Contracting Party to the Convention.
- 4 The SC also welcomed the eight accessions since its last meeting in 2016 and the resulting increased global coverage.² The SC noted the updates from the People's Republic of China and the Islamic Republic of Iran of their plans to accede to the Convention.
- 5 The SC recalled that the entry into force of the Convention between two Contracting Parties cannot prejudice the position of States that have objected, including based on the issue of statehood, to the accession of one of them.³

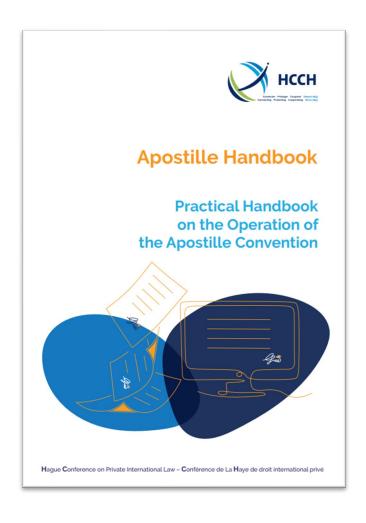
I. Promotion and Post-Convention Monitoring

- 6 Noting the use of public documents under the Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (Adoption Convention) and Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (Judgments Convention), and that such documents are not exempt from legalisation requirements, the SC encouraged Contracting Parties to both the Adoption and Judgments Conventions to join the Apostille Convention.
- 7 The SC noted the results of the Apostille Questionnaire 2021. It called upon Contracting Parties which have not yet done so to answer the Questionnaire by the end of 2021.
- At the meetings in 2003 and 2009, the Apostille Convention was reviewed in conjunction with other HCCH Conventions on legal cooperation.
- Guatemala (19 January 2017), Tunisia (10 July 2017), Bolivia (6 September 2017), Guyana (30 July 2018), Philippines (12 September 2018), Palau (17 October 2019), Jamaica (2 November 2020), and Singapore (18 January 2021).
- Over 20 States have objected to the accession of Kosovo, including on the basis of statehood and with reference to United Nations Security Council Resolution 1244 of 10 June 1999, under Article 12 or in a formal declaration to the Depositary. In this context, see also C&R No 4 of CGAP 2016, which reads as follows: "New ratifications," accessions: role of the Depositary and the Permanent Bureau
- 4. The Council took note of the different views expressed on the subject matter. It recalled the relevance of the Vienna Convention of 1969 on the law of Treatise, in particular its Articles 76(2) and 77 on the functions of depositaries, and the provisions and requirements of the relevant Hague Convention. When, following the deposit of an instrument of ratification, approval, or accession, the Depositary subsequently receives an objection from a Contracting States including based on the issue of statehood, the Depositary brings the matter to the attention of all Contracting States to the Convention concerned.



THE APOSTILLE HANDBOOK

SECOND EDITION (2023)



The Apostille Handbook is available in three versions: English, French, and Spanish.

It has also been translated to:

- Georgian
- Portuguese



e-APP BACKGROUND NOTE





Background Note on the e-APP

I. Introduction

- 1 The electronic Apostille Programme (e-APP) was launched in 2006 to promote and assist in the implementation of technology under the Convention of 5 October 1961. Abolishing the Requirement of Legalisation for Foreign Public Documents (Apostille Convention). It is designed to ensure the continued effective operation of the Convention through the issuance of electronic Apostilles (e-Apostilles) and the operation of electronic registers of Apostilles that can be accessed online by recipients to verify an Apostille they have received (e-Registers).
- 2 The Apostille Convention has over 120 Contracting Parties of which over 20 issue e-Apostilles and over 40 have implemented an e-Register. In addition, there are a number of Contracting Parties which are actively developing one or both elements.
- 3 This document is intended to provide a brief history and overview of the e-APP, providing context for those unfamiliar with the programme.

II. Histor

- In 2003, the Special Commission on the practical operation of the Apostille, Evidence and Service Conventions recognised that "the spirit and letter of the Conventions do not constitute an obstacle to the usage of modern technology and that their application and operation can be further improved by relying on such technologies." These findings were subsequently endorsed by the First International Forum on e-Notarization and e-Apostilles, the first meeting of what has become the International Forum on the e-APP.
- 5 With this support, the HCCH and the National Notary Association of the United States of America (NNA) launched the electronic Apostille Pilot Programme in April 2006 at the Special Commission on General Affairs and Policy of the HCCH, now the Council on General Affairs and Policy (CGAP).³ Following the success of the programme, the use of the word "pilot" was discontinued in 2012.
- 6 The International Forum on the e-APP continues to meet and discuss best practices and experiences. There have been 12 meetings of the Forum, with the most recent held in October 2021. At the 10th meeting, convened in The Hague in 2016, Conclusions & Recommendations (C&R) from previous meetings were compiled into a single omnibus.⁴ Any developments on the e-APP continue to be reported to and overseen by CGAP, together with other developments in the Apostille portfolio.
- In light of discussions at the 11th meeting of the Forum, held in 2019, CGAP mandated the establishment of an Experts' Group on the use of new technologies in implementing the e-APP.5 In 2021, the Special Commission asked the PB to organise, in addition to meetings of the Forum, more frequent opportunities for informal dialogue relating to e-APP implementation.6 These
- See C&R No 4 of 2003 SC.
- See C&R No 1 of the First (Las Vegas) Forum.
- See Prel. Doc. No 10 of March 2006 for the attention of the Special Commission of April 2006 on General Affairs and Policy of the Conference.
- 4 Available on the HCCH website at www.hcch.net under "Apostille" then "Previous e-APP Meetings".
- See C&R No 9 of the Eleventh (Fortaleza) Forum and C&D No 33 of the 2020 meeting of CGAP.
- See C&R No 25 of the 2021 SC.



MEMBERS & PARTIES >

e-APP (electronic Apostille Programme):

- > e-APP Background Note
- > e-APP Principles and Practices
- > Explanatory documents
- > Implementation Chart (e-Apostilles and e-Registers)
- > List of e-Registers
- > e-APP Notifications
- > 13th International Forum on the e-APP (2024)
- > Previous e-APP Meetings

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e-APP PRINCIPLES AND GOOD PRACTICES





The e-APP: Key Principles and Good Practices

Recalling the framework of the Apostille Convention and the value of the e-APP as a tool to enhance the secure and effective operation of the Convention, and reiterating the fundamental principle that an Apostille validly issued in one Contracting Party must be accepted by all other Contracting Parties, the Experts' Group on the e-APP and new technologies has endorsed the following compilation of key principles and good practices. This document is non-binding and Contracting Parties retain full discretion in the implementation of e-APP components in accordance with applicable laws and regulations, including on privacy and data protection.

1. e-Apostilles, and related services, should be accessible for all users.

Good practices include:

- a) providing guidance on e-Apostille services to applicants.
- b) streamlining online submissions for e-Apostille applications.
- c) issuing e-Apostilles within one working day of application.
- using file formats compatible with commonly used software and web browsers.
- e) ensuring conformity with the Model Apostille as much as possible.

Competent Authorities should preserve the integrity of the e-Apostille and the underlying public document to which it relates.

Good practices include:

- issuing an e-Apostille when the underlying public document is executed in electronic form.
- b) combining the e-Apostille and the underlying public document in a single file.
- preserving the initial digital signature on the underlying public document when issuing an e-Apostille.
- preserving the digital signature and electronic format of the e-Apostille when presenting to the receiving authority.
- using a process allowing the validity of electronic signatures and digital certificates to be preserved over time.
- securing end-to-end access to ensure only authorised persons can issue and access e-Apostille services.

3. e-Registers should facilitate frequent and reliable verification of Apostilles.

Good practices include:

- having a single e-Register for all Apostilles, irrespective of format or issuing Competent Authority, per Contracting Party.
- providing guidance on how to access and use an e-Register, including adding this information to Apostilles.
- displaying a visual check of the Apostille as issued.
- d) retaining details regarding Apostille certificates in the e-Register indefinitely.

Contracting Parties should have systems in place to facilitate the acceptance of e-Apostilles.

Good practices include:

- a) adding information to e-Apostilles instructing users to preserve the electronic format of the file.
- ensuring legal frameworks and procedures are compatible with the acceptance of e-Apostilles and receipt of electronic public documents.
- resolving difficulties in relation to the acceptance of e-Apostilles and receipt of electronic public documents directly with authorities of the issuing Contracting Party, including informing the Permanent Bureau of systemic difficulties.

Competent Authorities should regularly update and upgrade their Apostille practices, including e-APP infrastructure.

Good practices include:

- a) informing the Permanent Bureau of any developments in relation to the issuance of e-Apostilles and the operation of e-Registers.
- considering whether technical and security developments, including relevant regional and international standards, can improve existing technology.



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IMPLEMENTATION CHART OF THE e-APP





Implementation Chart of the e-APP

This chart identifies Competent Authorities that have implemented one or both of the e-APP components.¹
Please note that a Party listed may have designated other Competent Authorities which have not yet implemented the e-APP.

	Contracting Party	Competent Authority (ies)		e-Register		e-Apostille	Notes
1	Andorra	Ministry of Foreign Affairs	1	Available Here			
2	Argentina	Ministry of Foreign Affairs and Worship	2	Available Here	1	April 2019	There are two e-Registers: the first for Apostilles issued between 17 November 2017 and 14 April 2019; the second for Apostilles issued from 15 April 2019.
3	Armenia	Ministry of Justice	3	Available Here	2	April 2021	
4	Australia	Department of Foreign Affairs and Trade	4	Available Here			
5	Austria	Federal Ministry for Europe, Integration and Foreign Affairs	5	Available Here	3	June 2015	
6	Azerbaijan	Ministry of Justice	6	Available Here			
7	Bahrain	Ministry of Foreign Affairs	7	Via QR code	4	December 2015	No specific link is available as the e-Register operates by using Quick Response (QR) codes to generate unique URLs.

While the Permanent Bureau makes every effort to ensure this chart is updated, the content is provided by Contracting Parties and there may be a delay in receiving this information.



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- > Previous e-APP Meetings

Bibliography



LIST OF e-REGISTERS



E-REGISTERS

Current list of operational e-Registers

- 1. Andorra
- 2. Argentina
 - > Ministry of Foreign Affairs and Worship (from 21 November 2017 to 14 April 2019)
 - > Ministry of Foreign Affairs and Worship (from 15 April 2019)
- 3. Armenia
- 4. Australia
- Austria
- 6. Azerbaijan*
- 7. Bahrain**
- 8. Belgium
- 9. Bolivia
- 10. Brazil
 - > National Council of Justice (before 3 August 2020)
 - > National Council of Justice (from 3 August 2020)
- 11. Bulgaria
 - > Ministry of Education and Science
 - > Ministry of Foreign Affairs
 - > Ministry of Justice
 - > Regional Administrations
- 12. Canada
 - > Ministry of Public and Business Service Delivery of Ontario
 - > Minister of Justice of Quebec
- 13. Chile

- 14. China (Mainland) | China (Hong Kong SAR) | China (Macao SAR)
- 15. Colombia
- 16. Costa Rica
- 17. Denmark
- 18. Dominican Republic
- 19. Ecuador
- 20. El Salvador**
- 21. Estonia
- 22. Georgia
 - > Ministry of Justice
 - > Ministry of Internal Affairs
- 23. Greece
- 24. Guatemala
- 25. India
- 26. Indonesia
- 27. Ireland
- 28. Israel
- 29. Kazakhstan
- 30. Korea, Republic of
- 31. Kosovo
- 32. Latvia
- 33. Mexico
 - > Ministry of Interior
 - > Federal District
 -) Jalisco
 - > Baja California Sur
- 34. Morocco
- 35. New Zealand
- 36. Nicaragua
- 37. Pakistan**
- 38. Panama** 39. Paraguay
- 40. Peru

- 41. Philippines: e-Apostilles e-Register | Apostilles e-Register
- 42. Republic of Moldova
- 43. Romania
- 44. Russian Federation Ministry of Justice**
- 45. Saint Kitts and Nevis
- 46. Singapore
- 47. Slovenia
- 48. Spain
- 49. Tajikistan
- 50. Türkiye
- 51. Ukraine
 - > Ministry of Education and Science e-Register
 - > Ministry of Justice e-Register
- 52. United Kingdom of Great Britain and Northern Ireland
 - > Foreign and Commonwealth Office
 - > Cayman Islands: Passport & Corporate Services Office
- 53. United States of America
 - > Arkansas
 - > California
 - > Colorado
 - > Delaware
 - _____
 - > Minnesota
 - > Montana
 - > New York
 - > North Carolina*
 - > Rhode Island
 - > Tennessee
 - > Texas
 - > West Virginia
 - > Washington
- 54. Uruguay
- 55. Uzbekistan
- 56. Venezuela



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e-APP (electronic Apostille Programme):

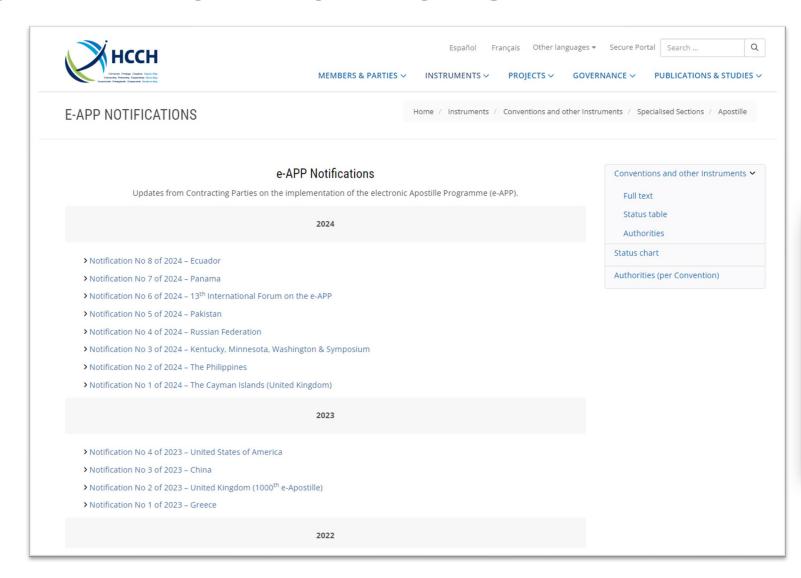
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- **Bibliography**



^{*} The implementation of this component is not yet fully e-APP compatible.

^{**} No specific link is available as the e-Register operates by using Quick Response (QR) codes to generate unique URLs.

e-APP NOTIFICATIONS





EXAMPLE OF A NOTIFICATION





Notification regarding the electronic Apostille Programme (e-APP)

The Permanent Bureau of the HCCH is pleased to inform the Competent Authorities designated under the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (Apostille Convention) of a new implementation of the e-APC

Fcuador

Ecuador has begun issuing e-Apostilles, with the following conditions:

- An e-Apostille may be issued on all public documents.
- e-Apostilles will be issued by the Ministry of Foreign Affairs and Human Mobility as the Competent Authority for Ecuador.
- 3. e-Apostilles have been issued since 1 July 2024.
- 4. From 1 July 2024 onwards, Ecuador will only issue e-Apostilles. An e-Apostille may be requested in person or online through the Apostille and Legislastion Portal, available at http://serviciosdigitales.cancilleria.go.be.e > Regardless of whether the request was made in person or online, the e-Apostille is sent to the applicant via e-mail. e-Apostilles can be verified online through secure and reliable mechanisms, such as a QR code, a bar code and an official verification link.

Ecuador has implemented an e-Register, with the following conditions:

- The e-Register is available at < <u>MREMH Servicios Ciudadanos (cancilleria.gob.ec)</u> >.
- 2. All Apostilles issued by Ecuador will be available for verification on the e-Register.
- 3. e-Apostilles may also be verified by reading the QR code.

For more information on the e-APP, please visit the Apostille Section of the HCCH website.

The Hague, 14 October 2024 No. 8 of 2024

Hague Conference on Private International Law Conférence de La Haye de droit international privé Conferencia de La Haya de Derecho Internacional Privado

secretariat@hcch.net
The Hague | Buenos Aires | Hong Kong SAR





Notification concernant le Programme Apostille électronique (e-APP)

Le Bureau Permanent de la HCCH a le plaisir d'informer les Autorités compétentes désignées en vertu de la Convention du 5 octobre 1961 supprimant l'exigence de la légalisation des actes publics étrangers (Convention Apostille) d'une nouvelle mise en œuvre de l'e-APP.

Équateur

L'Équateur a commencé à émettre des Apostilles électroniques, selon les conditions suivantes :

- Une e-Apostille peut être émise sur tous les actes publics.
- Les e-Apostilles seront émises par le ministère des Affaires étrangères et de la mobilité humaine en tant qu'autorité compétente pour l'Équateur.
- 3. Les e-Apostilles sont émises depuis le premier juillet 2024.
- 4. À partir du premier juillet 2024, seules les e-Apostilles seront émises en Équateur. Le processus d'émissions des e-Apostilles s'effectue en personne ou en liègre via le Portail d'Apostille et de Légalisation, disponible à l'adresse http://serviclosdigitales.cancilleria gob.ec. Que la demande ait été faite en personne ou en liggne, l'e-Apostille est ensuite envoyée au demandeur par courrier électronique. La vérification des e-Apostilles peut se faire en ligne grâce à des mécanismes sécurisés et fiables. Its duru orde OR, un code-barres et un lien de vérification officiel.

L'Équateur a mis en place un e-Registre, selon les conditions suivantes :

- 1. L'e-Registre est disponible à l'adresse MREMH Servicios Ciudadanos (cancilleria.gob.ec).
- Toutes les Apostilles émises par l'Équateur peuvent être vérifiées dans l'e-Registre.
- 3. Les e-Apostilles peuvent également être vérifiées à l'aide d'un code QR.

Pour plus d'informations sur l'e-APP, veuillez consulter l'<u>Espace Apostille</u> du site web de la HCCH.

La Haye, le 14 octobre 2024 No 8 de 2024

Hague Conference on Private International Law Conférence de La Haye de droit international privé Conferencia de La Haya de Derecho Internacional Privado www.hcch.net secretariat@hcch.net La Haye | Buenos Aires | Hong Kong SAR





Notificación relativa al Programa Apostilla Electrónica (e-APP)

La Oficina Permanente de la HCCH se complace en informar a las Autoridades Competentes designadas en virtud del Convenio de 5 de octubre de 1961 por el que se Suprime la Exigencia de Legalización de los Documentos Públicos Extranjeros (Convenio sobre la Apostilla) de una nueva implementación del e.APP

Ecuador

El Ecuador ha comenzado a expedir Apostillas electrónicas, según las siguientes condiciones:

- Se pueden expedir Apostillas electrónicas para todos los documentos públicos.
- Las Apostillas electrónicas son expedidas por el Ministerio de Relaciones Exteriores y Movilidad Humana, en calidad de Autoridad Competente del Ecuador.
- Se expiden Apostillas electrónicas desde el 1 de julio de 2024.
- Desde el 1 de julio de 2024, en el Ecuador se expiden únicamente Apostillas electrónicas. El proceso de emisión de la Apostilla electrónica se realiza por medio de atención presencial y en atención en línea a través del Portal de Apostilla y Legalizaciones Electrónicas, en el siguiente enlace: < http://serviciosdigitales.cancilleria.gob.ec > Independientemente de la modalidad de atención, sea esta presencial o en línea, la Apostilla electrónica se enviada al correo electrónico del ciudadano. La Apostilla electrónica cuenta con mecanismos seguros y conflables de verificación en línea, tales como: el código QR, código de barras y enlace oficial de verificación.

El Ecuador ha implementado un registro electrónico, según las siguientes condiciones:

- El registro electrónico está disponible en < <u>MREMH Servicios Ciudadanos</u> (cancilleria.gob.ec) >.
- Todas las Apostillas expedidas por el Ecuador pueden verificarse en el registro electrónico.
 Las Apostillas electrónicas también pueden verificarse a través del código QR.

Español

Para más información sobre el e-APP, visite la Sección Apostilla del sitio web de la HCCH.

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La Haya, 14 de octubre de 2024 N.º 8 de 2024

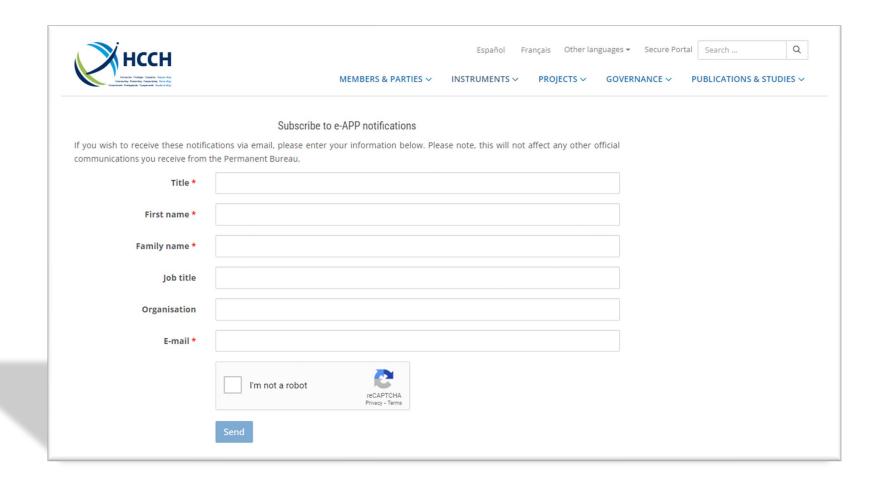
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English Français

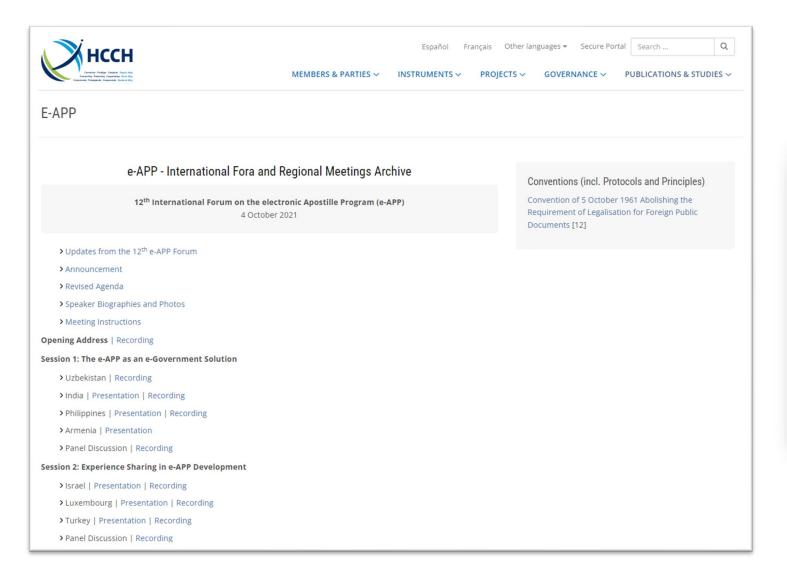


HOW TO SUBSCRIBE





INTERNATIONAL FORA & REGIONAL MEETINGS ARCHIVE





ROLE OF THE PERMANENT BUREAU (PB) IN FACILITATING THE IMPLEMENTATION OF THE e-APP



ROLE OF THE PB

- Participation in the e-APP <u>does not require</u> a formal agreement nor does it require a binding commitment to the programme.
- No requirement to have the PB approve or otherwise endorse the implementation of the e-APP before it becomes operational.
- The PB is ready to assist interested authorities in contacting experienced Contracting Parties that have implemented the e-APP.
- Exchange of expertise and experience.



ROLE OF THE PB

- The PB oversees the e-APP and is available to answer questions relating to the Apostille Convention and offer good practices based on experiences of other Contracting Parties (as discussed and recommended at meetings of the Special Commission and e-APP Forum).
- The PB <u>does not</u> provide information technology (IT) infrastructure or technical support.
- The development and implementation of the components of the e-APP remains the responsibility of Contracting Parties.
- Importantly, the e-APP was neither intended nor designed to favour any specific technology and Contracting Parties retain discretion as to if and how they implement the e-Apostille and e-Register components.







Thank you

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