

### Council on General Affairs and Policy of the Conference – March 2018

<b>Document</b>	Preliminary Document <input checked="" type="checkbox"/> Information Document <input type="checkbox"/>	No 7 of December 2017
<b>Title</b>	Report of the Working Group on the Authentication of Documents Generated by Supranational and Intergovernmental Organisations	
<b>Author</b>	Working Group on the Authentication of Documents Generated by Supranational and Intergovernmental Organisations	
<b>Agenda item</b>	Reporting on post-Convention activities	
<b>Mandate(s)</b>	C&R No 27 of the 2017 meeting of the Council on General Affairs and Policy	
<b>Objective</b>	To report on the C&R adopted by the Working Group on the Authentication of Documents Generated by Supranational and Intergovernmental Organisations.	
<b>Action to be taken</b>	For Approval <input checked="" type="checkbox"/> For Decision <input type="checkbox"/> For Information <input type="checkbox"/>	
<b>Annexes</b>	Final list of participants.	
<b>Related documents</b>	n.a.	

**Report of the Working Group  
on the Authentication of Documents  
Generated by Supranational and  
Intergovernmental Organisations**

**(1 December 2017)**



## **Introduction**

1. On 1 December 2017, the Working Group on the Authentication of Documents Generated by Supranational and Intergovernmental Organisations (hereafter, "the Group") met in The Hague. The Group was attended by 36 experts, representing 22 States, one supranational organisation and one intergovernmental organisation, as well as members of the Permanent Bureau. The list of participants is annexed to this report.
2. The mandate of the Group, as recommended by the 2016 meeting of the Special Commission on the practical operation of the Apostille Convention and endorsed by the Council on General Affairs and Policy (hereafter, "the Council"), was "to study [issues in relation to the process of authenticating documents generated by supranational and intergovernmental organisations] and make recommendations regarding the possible application of the Convention to those documents" (C&R No 27 of the 2017 meeting of the Council and C&R No 11 of the 2016 meeting of the Special Commission).

## **Conclusions & Recommendations**

3. Having reviewed the different practices across Contracting Parties with respect to authenticating documents generated by supranational and intergovernmental organisations in their territory, the Group recommended the following options, if and when a need to authenticate such documents for use in another Contracting Party arises:
  - i. the relevant Competent Authority of the host State, in possession of the required sample signatures and seals of the officials that issue such documents for the organisation in question, may directly apostillise the documents;
  - ii. a notary of the host State may first authenticate the document or a copy of the document and this notarial authentication is subsequently apostillised by the relevant Competent Authority;
  - iii. a government office or authority, which holds the required sample signatures and seals of the officials that execute such documents for the organisation in question, may be designated by the host State to act as an intermediary for the purposes of authenticating such documents and this authentication is subsequently apostillised by the relevant Competent Authority.
4. The Group further recalled that an Apostille validly issued by one Contracting Party must be accepted in other Contracting Parties and, in particular, cannot be rejected on the sole ground that it relates to a document of a supranational or intergovernmental organisation.
5. The Group concluded that, at this stage, it was not necessary to develop a protocol to the Convention, nor for Contracting Parties to consider designating entities within a supranational or intergovernmental organisation as Competent Authorities.
6. The Group recommended that the Council approve the above Conclusions & Recommendations.

## ANNEX A

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### Final list of participants Liste définitive des participants

#### AFRIQUE DU SUD / SOUTH AFRICA

Mr Pieter André STEMMET, Legal Counsellor, Embassy of South Africa, The Hague

#### ALBANIE / ALBANIA

Mr Adi HOXHA, Department for Consular Affairs, Ministry for Europe and Foreign Affairs, Tirana

Mrs Xhuljeta KEKO, Minister Counsellor, Embassy of the Republic of Albania, The Hague

#### BRÉSIL/ BRAZIL

Mrs Fabiana Arazini GARCIA KANADOGLU, First Secretary, Embassy of Brazil, The Hague

#### CHINE, RÉPUBLIQUE POPULAIRE DE / CHINA, PEOPLE'S REPUBLIC OF

Mr James DING, Deputy Principal Government Counsel (Treaties and Law), International Law Division, Department of Justice, Hong Kong SAR  
*(Chair of the meeting)*

Mr Guoshun SUN, Counsellor, Legal Adviser, Embassy of China, The Hague

#### CORÉE, RÉPUBLIQUE DE / KOREA, REPUBLIC OF

Ms Ji-I CHO, Second Secretary, Ministry of Foreign Affairs, Seoul

#### EQUATEUR / ECUADOR

Mr Nicolás ORTIZ, Intern, Embassy of Ecuador, The Hague

#### ESPAGNE / SPAIN

M. José Simeón RODRÍGUEZ, Régistrateur collaborateur, Direction générale des registres et du notariat, Registre de la propriété, Murcie

Ms María Belén BARRIOS GARRIDO-LESTACHE, notario de El Barco de Ávila, Ávila

#### ÉTATS-UNIS D'AMÉRIQUE / UNITED STATES OF AMERICA

Mr William FRITZLEN, Supervisory Attorney-Adviser, Overseas Citizen Services, Bureau of Consular Affairs, Office of Legal Affairs, U.S. Department of State, Washington, DC

*(Participating by video-conference)*

#### INDE / INDIA

Mrs Kajal BHAT, First Secretary (Legal), Embassy of India, The Hague

#### ISRAËL / ISRAEL

Mr David GOLDFARB, Lawyer, Director, Diplomatic and Civil Law Department, Office of the Legal Adviser, Ministry of Foreign Affairs, Jerusalem

**JAPON / JAPAN**

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Ms Yukiko HARIMOTO, First Secretary / Legal Adviser, Embassy of Japan, The Hague

**LETTONIE / LATVIA**

Ms Aelita CAKURE, Third Secretary, Embassy of the Republic of Latvia, The Hague

**LITUANIE / LITHUANIA**

Mr Dainius PALAIMA, Notary, representative of Lithuanian Chamber of Notaries, Vilnius

**LUXEMBOURG**

Mme Cristina RIBEIRO, Bureau des passeports, visas et légalisations, Ministère des Affaires étrangères et européennes, Luxembourg

**MEXIQUE / MEXICO**

Mrs Victoria PACHECO JIMÉNEZ, Deputy Director General of Legal Affairs, Monitoring and Control, Ministry of the Interior, Ciudad de México

Ms Martha Teresa URRUTIA CÁRDENAS, Director of Political Co-ordination with the Branches of Government, Ministry of the Interior, Ciudad de México

Mr Jorge Antonio DELGADO SUMANO, Second Secretary, Embassy of the United Mexican States, The Hague

**PAYS-BAS / NETHERLANDS**

Ms V.O. (Odette) TIMMERMAN, Central Office Staff, Court of The Hague, The Hague

**ROUMANIE / ROMANIA**

Mr Nicolae Florin DUMITRAȘCU, Counselor, General Directorate for the Relations with the Prefect Institutions, Ministry of Internal Affairs of Romania, Bucharest

Ms Valeria NEAGU, Legal Counselor, National Union of Civil Law Notaries of Romania, Bucharest

Ms Romelia DRAGOMIR, Vice-President of the Chamber of Civil Law Notaries in Bucharest, Bucharest

**ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD / UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

Mr Philip MCKENZIE, Head of Legalisation Office, Corporate Services Centre, Foreign and Commonwealth Office, Milton Keynes

**RUSSIE, FÉDÉRATION DE / RUSSIAN FEDERATION**

Mr Vladimir CHRYSSANTHOV, Deputy Director, Department of International Law and Cooperation, Ministry of Justice, Moscow

Ms Victoria GONCHAROVA, Legal Advisor, Embassy of the Russian Federation, The Hague

#### **SUÈDE / SWEDEN**

Mr Johan LUNDOQVIST, Legal Adviser, Division for Constitutional Law, Ministry of Justice, Stockholm

#### **TURQUIE / TURKEY**

Ms Çiğdem ÖNGEÇ PEKKAYA, Judge, General Directorate of International Law and Foreign Relations, Ministry of Justice, Ankara

#### **UNION EUROPÉENNE / EUROPEAN UNION**

Ms Maria Vilar BADIA, Legislative Officer, DG Justice and Consumers, European Commission, Brussels

Ms Antje SÖDER, Litigation Services, International Co-operation and Legal Affairs Department, European Union Intellectual Property Office (EUIPO), Alicante

#### **VENEZUELA**

Ms Geiroy CHIRINOS, Director-General of the Foreign National Consular Service, Office of Consular Affairs, Ministry of People's Power of Foreign Affairs, Caracas

Mr Edluis RODRIGUEZ, Second Secretary, Embassy of the Bolivarian Republic of Venezuela, The Hague

Mr Elías GONCALVES, Legalization and Apostille Area Coordinator, Office of Consular Affairs, Ministry of People's Power of Foreign Affairs, Caracas

#### ***Représentants d'organisations intergouvernementales / Representatives for Intergovernmental Organisations***

#### **OFFICE EUROPÉEN DES BREVETS (OEB) / EUROPEAN PATENT OFFICE (EPO)**

Mr Stefan LUGINBUEHL, PhD, Lawyer, European & International Legal Affairs, PCT | Dir. 5.2.2, European Patent Office, Munich

#### **SECRÉTARIAT / SECRETARIAT**

Dr Christophe BERNASCONI, Secretary General

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