

ROMANIA

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)?	[b] Yes, under bilateral / multilateral agreements. <i>Romania has signed bilateral conventions and treaties exempting public documents from legalisation with: Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Czech Republic, China, Croatia, France, Hungary, North Macedonia, Moldova, Mongolia, Montenegro, Poland, Russian Federation, Serbia, Slovakia, Slovenia, Ukraine</i>
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>	Tribunals (42), Chambers of Civil-law Notaries (15) and Prefectures (42)
4. Do your diplomatic missions abroad play a role in the Apostille issuance process?	[b] Yes, our diplomatic missions act as intermediaries between the applicant and Competent Authority (e.g. forwarding applications and transmitting Apostilles once issued). <i>The documents lodged by applicants at the Romanian diplomatic missions and consular posts abroad are sent to the Prefecture of Bucharest. After the Apostille is issued these are sent back to the Romanian diplomatic missions/consular posts.</i>
Substantive Scope	
5. Is the concept of 'public document' defined in your internal law?	[a] Yes. <i>Article 269 of the Code of civil procedure – Authentic 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?	[c] No.
8. Do you think this Art. 1(3)(a) exclusion is justified in the context of the modern operation of the Convention?	[a] Yes.
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?	[c] No.

10. Do you think this Art. 1(3)(b) exclusion is justified in the context of the modern operation of the Convention?	[a] Yes.		
11. Do you issue (outgoing) or accept (incoming) Apostilles for any of the following categories of document?		Issue	Accept
	Certificates of origin	X	X
	Export licences	X	X
	Import licences	X	X
	Health and safety certificates issued by the relevant government authorities or agencies	X	X
	Certificates of products registration	X	X
	Certificates of conformity	X	X
	End user certificates (i.e. documents certifying that the buyer is the end user of acquired goods)	X	X
Commercial invoices			
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.		
<i>For Parties that answered yes to Q12.</i> 12.1. What categories of public document require intermediate certification and why?	Category of public document	Why certification is required	
	Translations notarized by the civil-law notary of public documents	This shall be performed only if the document to be translated and notarized is a document issued, certified, or confirmed by Romanian authorities, or by another person authorized by them. A copy of the original document shall be enclosed with the notarized translation, upon which an Apostille is required.	
	Copies notarized by the civil-law notary	This operation shall be performed only if the document from which the legalized copy was made is an official document issued, certified and confirmed by Romanian authorities or by another person authorized by them.	
	Study documents	According to national procedures, to facilitate the process of verification of authenticity	
	Medical documents	According to national procedures, to facilitate the process of verification of authenticity	

Requesting an Apostille (Outgoing)			
13. How can an Apostille be requested?	[a]	In person.	X
	[b]	By post.	X
	[c]	By email.	X
	[d]	Through a website.	
	[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
	On the same day	On the following working day	
16. Does your Competent Authority impose a fee for issuing an Apostille?	[a]	Yes, a single price for all Apostilles. <i>For notarial acts, 35 RON + VAT for each document</i> <i>For judicial documents, the judicial stamp fee is of 10 LEI for each document that the Apostille is applied to (art. 22 letter a) of the Emergency Ordinance no. 80/2013) plus 10 LEI for the application.</i>	
Issuing an Apostille (Outgoing)			
17. How is the origin of a public document verified for the purpose of issuing an Apostille (i.e. 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. [i] A paper-based database of sample signatures / seals / stamps.	
18. How does a Competent Authority address situations where it is unable to verify the origin of the public document?	[c]	The Competent Authority rejects the document.	
19. In what language(s) are the 10 standard items of your Apostilles available?	[a]	In one language. <i>In Romanian, with the title also in French</i>	
20. In what language(s) are the blank fields of your Apostilles filled in?	[a]	In one language. <i>In Romanian</i>	
21. How are the blank fields of your Apostilles filled in?	[a]	By hand.	
Apostille Registers			
22. How is your Apostille register, required by Article 7, maintained?	[b]	Multiple Competent Authorities. [v] A separate register for each Competent Authority, some in paper form, some electronic.	
23. What particulars are contained in your Apostille register?	[a]	Number and date of the Apostille (required).	X
	[b]	Name and capacity of the person signing the document and / or the name of authority whose seal or stamp is affixed (required).	X
	[c]	Name and / or type of underlying document.	X
	[d]	Description of the contents of underlying document.	
	[e]	Name of the applicant.	X

	[f] State of destination.	X
	[g] Copy of the Apostille.	
	[h] Copy of the underlying document.	
	[i] Other.	
24. Is there a limit to how long records can be retained on the Apostille register?	[c] Yes, other. <i>For tribunals – 3 years</i>	
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>i.e.</i> can a public document be signed electronically)?	[a] Yes. <i>Law No. 455/2001 on digital signature, Official Gazette No. 429/31 July 2001</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.	
	[b] Civil status documents (e.g. birth, death and marriage certificates) and certificates of non-impediment.	
	[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.	
	[f] Other notarial acts.	
	[g] Diplomas and other education documents.	
	[h] Court documents, including judgments.	
	[i] Patents or other documents pertaining to intellectual property rights.	
	[j] Documents relating to adoptions.	
	[k] Translations.	
	[l] Medical or health certificates.	
	[m] Criminal records.	
	[n] Import or export licences.	
	[o] Certificates of origin.	
	[p] Certificates of conformity.	

	[q] Other.	
<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)?	5%	
28. Do you issue e-Apostilles?	[a] Yes.	
<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?	[b] Paper public documents that have been scanned by a public official.	
<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)?	[b] Technology from a commercial provider (e.g. Adobe). <i>National company providing qualified electronic signatures (DigiSign)</i>	
<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?	In the same electronically signed PDF document	
<i>For Parties that answered yes to Q28.</i> 28.6. Once issued, how is the e-Apostille transmitted to the applicant?	[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.	
<i>For Parties that answered yes to Q30.</i> 30.2. What technology is used to maintain your e-Register?	[c] Other. <i>The electronic application for issuing the Apostille for administrative documents was developed by implementing a project with European funding. Currently the application is being modernised by implementing another project.</i>	
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).	
	[b] The manner in which the Apostille was affixed / attached to the underlying document.	
	[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 (<i>an e-Apostille</i>).	
	[f] The underlying public document was in electronic form.	

	[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.	
	[j] Unknown.	X
	[k] No / Not applicable.	X
33. Has your Competent Authority ever been requested by external Competent Authorities to certify or confirm your procedure for issuing Apostilles?	[b] No.	
34. Has an Apostille <i>received</i> by your authorities ever been refused on the following grounds:	[a] The issuing State was not a Contracting Party to the Apostille Convention.	X
	[b] Form requirements (e.g. square-shaped, sides of at least nine centimetres, border, ink, etc).	X
	[c] The manner in which the Apostille was affixed / attached to the underlying document.	
	[d] The Apostille was not signed.	X
	[e] One or more of the standard informational items were not filled in.	X
	[f] The Apostille was in electronic form (an e-Apostille).	X
	[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.	X
[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.	

<p>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?</p> <p><i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i></p>	[b] No.
<p>37. Do you have any suggestions that could assist in the promotion, implementation, or operation of the Apostille Convention?</p> <p><i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i></p>	[b] No.
<p>38. Would you be interested in attending the 12th International Forum on the e-APP (to be held in conjunction with the meeting of the Special Commission)?</p>	[b] Yes, via videoconference.
<p>39. Are there any specific topics or practical issues that you would like discussed at the e-APP Forum?</p> <p><i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i></p>	[b] No.
<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?</p> <p><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></p> <p><i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i></p>	[b] No.