

<b>Title</b>	<b>Report from the Chair on the Experts' Group on the e-APP and New Technologies</b>
<b>Document</b>	<b>Prel. Doc. No 6 of May 2021</b>
<b>Author</b>	PB Chair of the Experts' Group
<b>Agenda Item</b>	Item 8.i.
<b>Mandate(s)</b>	C&D No 33 of 2020 CGAP
<b>Objective</b>	To report on the meeting of the Experts' Group on the e-APP and New Technologies, including recommendations to the Special Commission.
<b>Action to be Taken</b>	For Decision <input type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input checked="" type="checkbox"/> For Action / Completion <input type="checkbox"/> For Information <input type="checkbox"/>
<b>Annexes</b>	Annex I – Report from the Chair on the Experts' Group on the e-APP and New Technologies Annex II – List of Participants
<b>Related Documents</b>	Prel. Doc. No 7 of May 2021 – The e-APP: Key Principles and Good Practices Prel. Doc. No 8 of September 2021 – Development of an online forum on the e-APP Info. Doc. No 4 of August 2021 – e-APP notification system

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# **Report from the Chair on the Experts' Group on the e-APP and New Technologies**

## **I. Introduction**

- 1 The Experts' Group on the e-APP and New Technologies met from 3 to 6 May 2021 via videoconference to explore whether the broader use of new technologies, including distributed ledger technology (DLT), may further enhance the electronic Apostille Programme (e-APP), in particular in relation to e-Registers. The findings of the Experts' Group were intended to inform the work of the meeting of the Special Commission on the practical operation of the Apostille Convention.
- 2 The Report from the Chair of the Experts' Group on deliberations during the meeting is included as Annex I. The List of Participants is included as Annex II (available in English only).

## **II. Proposal for the Special Commission**

- 3 The Group recommends that the Special Commission:
  - a. Approve Prel. Doc. No 7 of May 2021, "The e-APP: Key Principles and Good Practices", as endorsed by the Experts' Group.
  - b. Invite the PB to develop an online forum which enables the exchange of information, experience, and best practices, facilitating ongoing dialogue. Prel. Doc. No 8 of September 2021 outlines options to assist the Special Commission in its consideration of this item.
  - c. Note the notification system whereby the PB informs Contracting Parties of the implementation of e APP components. Info. Doc. No 4 of August 2021 outlines the system.

## **ANNEXES**

## Annex I

### Report from the Chair on the Experts' Group on the e-APP and New Technologies

- 1 At its meeting of 3 to 6 March 2020, the Council on General Affairs and Policy (CGAP) of the HCCH invited the Permanent Bureau (PB) to convene an Experts' Group to further explore whether the broader use of new technologies, including distributed ledger technology (DLT), may further enhance the electronic Apostille Programme (e-APP), in particular in relation to e-Registers. CGAP further noted that the findings of the Experts' Group would inform the work of the meeting of the Special Commission on the practical operation of the Apostille Convention, to be held in October 2021.<sup>1</sup>
- 2 The Group met from 3 to 6 May 2021 via videoconference. It was attended by over 100 participants representing 28 Members, and members of the PB.
- 3 Ms Vesna Bratušek of the Ministry of Justice of the Republic of Slovenia was proposed as Chair of the Group and was elected without opposition.
- 4 This Report, prepared by the Chair, provides a short overview of the main points of discussion.
- 5 States introduced e-APP components currently used by their Competent Authorities and reported on components in development or future implementation plans. Delegations expressed an interest in better understanding how other systems operate and the challenges faced by States.
- 6 Delegations were invited to make presentations on DLT-based use cases, including local, regional, and global solutions. These presentations provided context when discussing whether there are opportunities for new technologies to further enhance the e-APP.
- 7 The Group discussed the value of developing further guidance to assist Contracting Parties with the implementation of the e-APP. The Group emphasised that any such guidance must be non-binding and technology neutral to maintain the flexibility afforded to Contracting Parties by the Convention and the e-APP.
- 8 The PB presented a non-paper for discussion that proposed some key principles and good practices for the implementation of the e-APP. The Group welcomed the document and made suggestions for its amendment. The document, as adopted by the Group, is included below in Annex I and will be submitted to the Special Commission for endorsement.
- 9 Other solutions discussed include a universally available system and smaller-scale cross-border solutions. The Group considered the best way forward was to continue with the current flexible approach whereby Contracting Parties are encouraged to explore their own solutions while increasing efforts to share information and experience.
- 10 Experts suggested the development of an online forum to facilitate intersessional discussion and information-sharing, including in relation to best practices, between meetings of the Special Commission and the International Forum on the e-APP. The Group invited the PB to assess what

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<sup>1</sup> C&D No 33 of CGAP 2020.

form this may take, noting it should be accessible to technical and legal experts from Members and Contracting Parties, enable exchange of resources, and facilitate ongoing dialogue.

- 11 In an effort to raise awareness of the e-APP and prevent rejections of e-Apostilles, the Group also invited the PB to formalise a notification system to inform Contracting Parties of the implementation of e-APP components, as well as continue to offer assistance to Contracting Parties as requested.
- 12 Other subjects that were raised throughout the meeting, which may be considered for further discussion at future meetings of the Special Commission and the International Forum on the e-APP include compliance with data protection laws and the right to be forgotten; reference to international standards (e.g., from the International Organization for Standardization (ISO)); and licensing and third-party accreditation.
- 13 The Group, recognising that further work of the e-APP is best enhanced through information-sharing, recommends that the Special Commission:
  - a. Approve the “The e-APP: Key Principles and Good Practices” as endorsed by the Experts’ Group.
  - b. Invite the PB to develop an online forum which enables the exchange of information, experience, and best practices, facilitating ongoing dialogue.
  - c. Note the notification system whereby the PB informs Contracting Parties of the implementation of e-APP components.
- 14 A Preliminary Document will be prepared by the PB, in consultation with the Group if necessary, to assist the Special Commission in consideration of sub-paragraph (b).

## Annex II

### List of Participants Experts' Group on the e-APP and New Technologies

	<i>Representing</i>	<i>Surname</i>	<i>First name</i>	<i>Job Title</i>	<i>Organisation</i>
<b>Members</b>	Albania	Ziu	Kejsi	Second Secretary	Embassy of the Republic of Albania
	Argentina	Paredes	Sebastián	Associate Professor, Faculty of Law	University of Buenos Aires
	Chile	García González	Diego	Diplomat	Embassy of the Republic of Chile
		Puga	Claudio	Head of the Systems Development and Maintenance	Ministry of Foreign Affairs
	China, People's Republic of	Ci	Liang	General Manager, Division of International Affairs	Sinsoft Co., Ltd
		Feng	Chenwei	Project Manager	Sinsoft Co., Ltd
		Li	Fan	First Secretary, Department of Consular Affairs	Ministry of Foreign Affairs
		Tong	Yan	Second Secretary, Department of Consular Affairs	Ministry of Foreign Affairs
		Zhu	Rongzheng	Staff, Department of Consular Affairs	Ministry of Foreign Affairs
	Ecuador	Arteaga	René	Engineer, General Coordination of Technologies	Ministry of Foreign Affairs

<i>Representing</i>	<i>Surname</i>	<i>First name</i>	<i>Job Title</i>	<i>Organisation</i>
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	<b>Espinoza</b>	Ernesto	<b>Engineer in charge of Process Improvements, Department of Design and Implementation of I.T.</b>	Ministry of Foreign Affairs
	<b>Fuertes</b>	Oscar	<b>General Coordinator I.T.</b>	Ministry of Foreign Affairs
	<b>Guerrero</b>	María Rosa	<b>Travel Documents and Legalization Department</b>	Ministry of Foreign Affairs
	<b>Hidalgo</b>	Javier	<b>Engineer in charge of Technological Projects, Department of Design and Implementation of I.T.</b>	Ministry of Foreign Affairs
	<b>Paredes Valenzuela</b>	Orlando	<b>Travel Documents and Legalization Department</b>	Ministry of Foreign Affairs
	<b>Sandoval Zambrano</b>	José Ramiro	<b>Director of Travel Documents and Legalization Department</b>	Ministry of Foreign Affairs
	<b>Segura Veintimilla</b>	Vanessa	<b>Travel Documents and Legalization Department</b>	Ministry of Foreign Affairs
Estonia	<b>Lõo</b>	Robin	<b>Project Manager of the Estonian e-APP, Head of the Notary Infosystem Division</b>	Ministry of Justice of Estonia
	<b>Sepp</b>	Katrin	<b>Notary Candidate</b>	Chamber of Notaries of the Republic of Estonia
European Union	<b>Marro</b>	Pierre	<b>Policy Officer</b>	European Commission
	<b>Pilos</b>	Spyridon	<b>Principal Manager</b>	European Court of Auditors
	<b>Rodrigues Frade</b>	Joao	<b>Head of Sector</b>	European Commission
France	<b>Bary</b>	François- Xavier	<b>Directeur Général Adjoint</b>	Groupe Association pour le développement du service notarial



<i>Representing</i>	<i>Surname</i>	<i>First name</i>	<i>Job Title</i>	<i>Organisation</i>
	<b>Le Gall</b>	Diane	<b>Magistrate, Rédactrice</b>	Ministère de la Justice
	<b>Maciejewski</b>	Elodie	<b>Greffière</b>	Ministère de la Justice
	<b>Rumeau</b>	Catherine	<b>Magistrate, Cheffe du pôle droit international et coopération civile</b>	Ministère de la Justice
Ireland	<b>Griffin</b>	Assumpta	<b>Head of Authentications and Apostille Office</b>	Department of Foreign Affairs
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	<b>Murphy</b>	Fiona	<b>Manager, Authentications and Apostille Office</b>	Department of Foreign Affairs
Israel	<b>Apter</b>	Itai	<b>Director, Office of the Deputy Attorney General</b>	Ministry of Justice
	<b>Bernstein</b>	Lianna	<b>Law Clerk, Office of the Deputy Attorney General</b>	Ministry of Justice
	<b>Eisenberg</b>	Tal	<b>CTO, Digital Technology &amp; Information</b>	Ministry of Justice
	<b>Weiner</b>	Yael	<b>Senior Director, Office of the Deputy Attorney General</b>	Ministry of Justice
Italy	<b>Barile</b>	Giovanna	<b>DG for Italian Citizens Abroad and Migration Policies</b>	Ministry of Foreign Affairs and International Cooperation
	<b>Carollo</b>	Valentina	<b>Legal Expert and Privacy Specialist</b>	Ministry of Digital Transition
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	<b>Meneghetti</b>	Davide	<b>Legal Officer, Service for Legal Affairs, Diplomatic Disputes and International Agreements</b>	Ministry of Foreign Affairs and International Cooperation

<i>Representing</i>	<i>Surname</i>	<i>First name</i>	<i>Job Title</i>	<i>Organisation</i>
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	<b>Kim</b>	Jong-cheol	<b>Senior Vice President</b>	AI/DX Convergence Business Group
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	<b>Shin</b>	Eun-Jung	<b>Ph.D. Candidate</b>	Hanyang University
	<b>Yoo</b>	Eunjin	<b>Assistant Manager</b>	AI/DX Convergence Business Group
Latvia	<b>Litvins</b>	Gatis	<b>Notary</b>	Council of Sworn Notaries
	<b>Onckule</b>	Anna Marija	<b>Notary</b>	Council of Sworn Notaries
Luxembourg	<b>Da Garça</b>	Stephen	<b>Assistant technicien</b>	Ministry of Foreign and European Affairs
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Russian Federation	<b>Kudelich</b>	Ekaterina	<b>Head of the International Law and Cooperation Department</b>	Ministry of Justice
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	<b>Bayrak</b>	İlknur	<b>Branch Manager</b>	Ministry of Justice
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		<b>Villasmil</b>	Julio	<b>General Director OTIC</b>	Ministry of People's Power for Foreign Relations
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		<b>Goh Escolar</b>	Gérardine	<b>First Secretary</b>	HCCH
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		<b>Wong</b>	Janet	<b>Intern</b>	HCCH