

AUSTRIA

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)?	<p>[a] Yes, under internal law. <i>National: inside the adversarial system of Civil Procedure, authenticity of foreign public documents needs only to be proven if it is contested by any party. In other procedural systems (in particular Criminal and Administrative proceedings) the authenticity of foreign public documents needs full proof.</i></p> <p>[b] Yes, under bilateral / multilateral agreements. <i>Cross border: some legal instruments e.g. the 1954, 1996 or 2007 Hague Convention excludes some documents from the requirement of legalisation. The same applies for some Regulations of the EU, e.g. Regulation (EC) 2016/1191 of the European Parliament and the Council.</i></p> <p><i>On certain documents no further legalisation / Apostille is needed due to bilateral agreements:</i> <i>Belgium (BGBL. III 115/1998)</i> <i>Bosnia-Herzegovina (BGBL. 224/1955)</i> <i>Bulgaria (BGBL 268/1969)</i> <i>Croatia (BGBL 224/1955, 474/1996)</i> <i>Germany (BGBL. 139/1924, 220/1994, 111/1995)</i> <i>Finland (BGBL. 244/1988)</i> <i>France (BGBL.236/1980)</i> <i>Italy (BGBL. 433/1977)</i> <i>Liechtenstein (BGBL. 213/1956)</i> <i>Macedonia (BGBL. 224/1955, III 92/1997)</i> <i>Montenegro (BGBL. 224/1955, III 156/1997, III 124/2007)</i> <i>Norway (BGBL. 455/1985)</i> <i>Poland (BGBL. 79/1974)</i> <i>Romania (BGBL. 112/1969)</i> <i>Sweden (BGBL. 555/1983)</i> <i>Switzerland (BGBL. 55/1926)</i> <i>Serbia (BGBL. 224/1955, III 156/1997)</i> <i>Slovakia (BGBL. 309/1962, 1046/1994)</i> <i>Slovenia (BGBL. 224/1955, 714/1993)</i> <i>Spain (BGBL. 280/1981)</i> <i>Czech Republic (BGBL. 309/1962, III 123/1997)</i> <i>Turkey (BGBL. 570/1992)</i> <i>Hungary (BGBL. 305/1967)</i></p>
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>	<p>3 – categories:</p> <ul style="list-style-type: none"> • 1 Federal Ministry for European and International Affairs, <ul style="list-style-type: none"> – with 54 Diplomatic Missions and Consulates • 16 Regional Courts • 9 Regional Governments
4. Do your diplomatic missions abroad play a role in the Apostille issuance process?	[a] Yes, our diplomatic missions issue Apostilles.

Substantive Scope				
5.	Is the concept of 'public document' defined in your internal law?	[a] Yes. § 292 Zivilprozessordnung § 47 Allgemeines Verwaltungsverfahrensgesetz 1991		
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?	[b] No.		
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?			
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		
		Import licences		
		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)		
Commercial invoices	X	X		
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.		

For Parties that answered yes to Q12. 12.1. What categories of public document require intermediate certification and why?	Category of public document	Why certification is required	
	Educational documents - if issued in paper	National legislation	
	Certificates	National / state legislation	
	Criminal record - if issued in paper	National / state legislation	
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?	[b] Yes, the enquiry is made orally.		
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 spot	Within five working days	Other As soon as payment is received (usually within a couple of days).
16. Does your Competent Authority impose a fee for issuing an Apostille?	[a] Yes, a single price for all Apostilles. between € 14,30 - € 40,00		
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))?	[b] Multiple Competent Authorities. [v] Multiple separate databases of sample signatures / seals / stamps, some in paper form, some electronic.		
18. How does a Competent Authority address situations where it is unable to verify the origin of the public document?	[b] The Competent Authority will contact the issuing authority to confirm authenticity but will not issue the Apostille until the new signature, stamp or seal is added to the database.		
19. In what language(s) are the 10 standard items of your Apostilles available?	[d] Other. a= german b= german/english or german/french c= german/english/french		
20. In what language(s) are the blank fields of your Apostilles filled in?	[a] In one language. German		
21. How are the blank fields of your Apostilles filled in?	[c] Other. Where possible with pre-designed templates (drop-down format); Some by hand		

Apostille Registers		
22. How is your Apostille register, required by Article 7, maintained?	[b] Multiple Competent Authorities. [vi] Other. – A separate register for each Competent Authority, mostly in electronic form, but not accessible online. – E-Apostille = Electronic register, not publicly accessible online.	
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. <i>Copies of the Apostille and underlying documents only, if application arrives by mail.</i>	X
24. Is there a limit to how long records can be retained on the Apostille register?	[d] No.	
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?	[c] Between 2 and 10 times per year.	
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)?	[b] No.	
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.	X
	[b] Civil status documents (e.g. birth, death and marriage certificates) and certificates of non-impediment.	X
	[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.	X
	[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.	X
	[n] Import or export licences.	
	[o] Certificates of origin.	X
	[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)?	Unknown	
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?	[a] Electronic public documents.	
<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)?	[a] A government-built certificate.	
<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?	Electronic signed version no print-out. An e-Apostille can only be retrieved electronically together with the underlying document. Since it the e-Apostille is issued on an electronic document, signed and sent electronically, it is not intended to be printed out and attached to the document (no media break). However, Austria issues on top of e-Apostilles on electronic documents, paper apostilles on public paper documents.	
<i>For Parties that answered yes to Q28.</i> 28.6. Once issued, how is the e-Apostille transmitted to the applicant?	[e] Other. <i>Via email regular or secured</i>	
29. Are your authorities equipped to accept incoming e-Apostilles?	[b] Yes, but on certain conditions. <i>Depending on the ability to verification of the e-Apostille and the underlying document.</i> <i>As far as the file management is governed by the electronic case management system of the State (ELAK), the integration of e-Apostilles will not create problems. Some regional authorities, however, may not be in a similar position.</i>	
30. Do you maintain an e-Register?	[a] Yes.	

<p><i>For Parties that answered no to Q30.</i></p> <p>30.1. What challenges are you facing that may prevent you from implementing the e-Register?</p>	[a]	Internal law limitations.	
	[b]	Judicial or administrative structure.	
	[c]	Implementation challenges (e.g. lack of resources, lack of infrastructure).	
	[d]	Cost.	
	[e]	System interoperability / compatibility.	
	[f]	Security concerns.	
	[g]	Other.	
<p><i>For Parties that answered yes to Q30.</i></p> <p>30.2. What technology is used to maintain your e-Register?</p>	[a]	A government-built platform.	
<p>31. Have you been in contact with other Competent Authorities that operate an e-APP component and exchanged information and / or relevant experience?</p>	[a]	Yes. <i>Exchanged experience with a number of countries.</i>	
Issues with Apostilles			
<p>32. Has an Apostille issued by your Competent Authority ever been refused by the authorities of another Contracting Party on the following grounds:</p>	[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.	
	[k]	No / Not applicable.	X
<p>33. Has your Competent Authority ever been requested by external Competent Authorities to certify or confirm your procedure for issuing Apostilles?</p>	[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.	
	[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. <i>Apostilles were placed or affixed over text in a way contents of the public document was not visible any more (university/school diploma f.i.).</i>	X
	[d]	The Apostille was not signed.	
	[e]	One or more of the standard informational items were not filled in. <i>Not refused but request to issuing authority.</i>	X
	[f]	The Apostille was in electronic form (<i>an e-Apostille</i>).	
	[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.	
[l]	No / Not applicable.		
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.	
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? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b]	No.	
37. Do you have any suggestions that could assist in the promotion, implementation, or operation of the Apostille Convention? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b]	No.	
38. Would you be interested in attending the 12 th International Forum on the e-APP (to be held in conjunction with the meeting of the Special Commission)?	[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.