

ISRAEL

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)?	[a] Yes, under internal law. <i>Hague Convention (Abolishing the Requirement of Legalization for Foreign Legal Documents) Implementing Regulations, 5737- 1977</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>	Israel has so far designated two Competent Authorities; the Ministry of Foreign Affairs (MFA) and the Courts Administration. However, under the latest amendment to the Regulations implementing the convention, the Minister of Justice may designate more Competent Authorities.
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>In certain situations, documents such as criminal records are transferred from the Competent Authority to a diplomatic mission abroad so that citizens that are currently abroad can pick them up from there. Israeli law stipulates that citizens cannot use a criminal record domestically and therefore, by sending the criminal record abroad, the MFA deters citizens from requesting criminal records for domestic purposes.</i>
Substantive Scope	
5. Is the concept of 'public document' defined in your internal law?	[a] Yes. <i>The Evidence Ordinance, 5731-1971, Article 29: "public document" means a document of one of the bodies enumerated hereunder, forming an act or record of an act (whether legislative, judicial or executive), or part of the official records, of that body and includes a document kept for record purposes, whether made officially or otherwise: (1) the State of Israel or the sovereign authority of any territory outside Israel; (2) a government department, a municipal authority, a court, a tribunal, another body having judicial or quasi-judicial powers, a notary or any other official body of Israel or of any territory outside Israel (any of these hereinafter referred to as an "official body"); (3) a public official, an official of the sovereign authority of any territory outside Israel or an employee of an official body (any of these hereinafter referred to as an "officer")</i>
6. Have you experienced any difficulties in characterising a 'public document' for the purposes of the Apostille Convention?	[b] No.

<p>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?</p>	<p>[b] Yes, as the State of destination. <i>Regarding documents issued by foreign diplomatic or consular agents, whether in Israel or abroad, due to the aforementioned exclusion, it is many times difficult to receive an Apostille on such documents, and there are issues with using such documents in Israel.</i></p>		
<p><i>For Parties that answered yes to Q7.</i> 7.1. How has previous guidance on the interpretation of the Art. 1(3)(a) exclusion assisted in resolving these difficulties? (E.g. the ‘extremely narrow’ construction referred to in C&R No 10 of the 2016 SC).</p>	<p>There have been issues in the past with the Article, and the construction referred to in the C&R assisted in finding creative solutions when issues arose.</p>		
<p>8. Do you think this Art. 1(3)(a) exclusion is justified in the context of the modern operation of the Convention?</p>	<p>[b] No.</p>		
<p>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?</p>	<p>[c] No.</p>		
<p>10. Do you think this Art. 1(3)(b) exclusion is justified in the context of the modern operation of the Convention?</p>	<p>[a] Yes.</p>		
<p>11. Do you issue (outgoing) or accept (incoming) Apostilles for any of the following categories of document?</p>		Issue	Accept
	Certificates of origin		
	Export licences		
	Import licences		
	Health and safety certificates issued by the relevant government authorities or agencies		X
	Certificates of products registration		X
	Certificates of conformity		X
	End user certificates (i.e. documents certifying that the buyer is the end user of acquired goods)		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	
	Army documents	Requires the signature of the officer responsible for citizenship requests	
	Marriage certificates, Divorce certificates and divorce settlements from the rabbinical courts	Requires the signature of the relevant religious clerk (all marriages in Israel are conducted in religious courts)	
	Inheritance orders from the Registrar of Inheritance and the courts	Requires the signature from the Registrar of Inheritance	
	Matriculation certificate, academic documents	Requires the signature of the Ministry of Education	
	Court decisions and judgments	Requires the signature of the Chief Clerk/Deputy Chief Clerk of the court where the decision or judgment was given	
Requesting an Apostille (Outgoing)			
13. How can an Apostille be requested?	[a] In person.	X	
	[b] By post.	X	
	[c] By email.		
	[d] Through a website.	X	
	[e] Other.		
14. When issuing an Apostille, do you enquire about the State of destination?	[c] Sometimes. <i>Sometimes the enquiry is made orally, but not always.</i>		
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	
16. Does your Competent Authority impose a fee for issuing an Apostille?	[a] Yes, a single price for all Apostilles. <i>35 NIS (about 11 USD)</i>		

Issuing an Apostille (Outgoing)		
17. How is the origin of a public document verified for the purpose of issuing an Apostille (<i>i.e.</i> 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?	[b] In two languages. <i>Hebrew and English.</i>	
20. In what language(s) are the blank fields of your Apostilles filled in?	[b] In two languages. <i>Hebrew and English.</i>	
21. How are the blank fields of your Apostilles filled in?	[b] Using computer software. <i>The Apostille is filled out entirely on the computer.</i>	
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 (<i>required</i>).	X
	[b] Name and capacity of the person signing the document and / or the name of authority whose seal or stamp is affixed (<i>required</i>).	X
	[c] Name and / or type of underlying document.	
	[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?	[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?	[f] Unknown.	
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>Electronic Signature Law, 5761 - 2001, entry into force: 4.10.2011</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.	
<p><i>For Parties that answered yes to Q27.</i></p> <p>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)?</p>	[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.	X
	[h] Court documents, including judgments.	X
	[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.	
<p><i>For Parties that answered yes to Q27.</i></p> <p>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)?</p>	Unknown.	
28. Do you issue e-Apostilles?	<p>[b] No.</p> <p>[i] We are studying the use of e-Apostilles and plan to implement the e-Apostille component.</p> <p><i>Israel is currently near finalization of the implementation of e-Apostille and is expecting to complete it in the near future. The necessary legislative amendments are in place. Following consultation with the PB and other member states, work is now focused on the technical development of the e-Apostille.</i></p>	
<p><i>For Parties that answered no to Q28.</i></p> <p>28.1. What challenges are you facing that may prevent you from implementing the e-Apostille?</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. <i>The most significant challenge is to develop a system which would work for all kinds of certificates regulated by different laws and issued by various government departments.</i>	X
<i>For Parties that answered no to Q28.</i> 28.2. How do you issue an Apostille for a public document executed in electronic form?	[b] By paper Apostille, attached to a hard copy of the electronic public document.	
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?	[b] No. [i] We are studying the use of an e-Register and plan to implement the e-Register component. <i>Alongside the implementation of the e-Apostille, Israel is finalizing the implementation of the e-Register.</i>	
<i>For Parties that answered no to Q30.</i> 30.1. What challenges are you facing that may prevent you from implementing the e-Register?	[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.	
31. Have you been in contact with other Competent Authorities that operate an e-APP component and exchanged information and / or relevant experience?	[a] Yes. <i>For the past few months Israel has been in contact with various Competent Authorities of Contracting Parties to the Convention in order to learn from the experience and exchange information both in the technical and the practical operation of the e-Apostilles.</i>	
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.	

	<p>[d] One or more of the standard informational items were not filled in.</p> <p><i>On several occasions, Israeli Apostilles were rejected in French courts on the ground that the field 'this public document was signed by..' has been filled with a dashed line (—) where it was not possible to fill these fields as the documents were issued by the public authority and not a specific official. After noticing that according to the Special Commission C&Rs of 2012 and to the Apostille Handbook, where it is not possible to fill an item it should be written 'not applicable' or 'N/A', the Apostilles were reissued. We have since been in touch with the French Competent Authority and hope that past Apostilles that still appear with the dashed line will be referred to us for validation, rather than rejected.</i></p>	X
	[e] The Apostille was in electronic form (an e-Apostille).	
	[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.	
<p><i>For Parties that answered other than "No" to Q32.</i></p> <p>32.1. If an Apostille was rejected, what action did you take?</p>	[a] The Apostille was reissued.	X
	[b] Contacted the receiving authority.	
	[c] Contacted the Competent Authority of the place of destination.	X
	[d] Contacted nearest diplomatic mission of the place of destination.	
	[e] Contacted own diplomatic mission accredited to the place of destination.	
	[f] Contacted the Permanent Bureau.	X
	[g] No action taken.	
	[h] Other.	
	[i] Unknown.	
33. Has your Competent Authority ever been requested by external Competent Authorities to certify or confirm your procedure for issuing Apostilles?	<p>[a] Yes.</p> <p><i>There have been a few occasions where there were requests to confirm the issuance of an Apostille.</i></p>	

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).	
	[c]	The manner in which the Apostille was affixed / attached to the underlying document.	X
	[d]	The Apostille was not signed.	
	[e]	One or more of the standard informational items were not filled in.	
	[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?	[a]	Yes, if possible, in person.	
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)?	[a]	Yes, if possible, in person.	
40. The Permanent Bureau is in the process of drafting a 2 nd edition of the Apostille Handbook. Are there any specific topics, suggestions for presentation or formatting, or any other proposals for inclusion? <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> <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b]	No.	