

Title	1961 Apostille Convention: Update
Document	Prel. Doc. No 13 <u>REV</u> of December 2023 <u>February 2024</u>
Author	PB
Agenda Item	Item TBDIII.2.b
Mandate(s)	C&D Nos 40 and 41 of CGAP 2023
Objective	To report on ongoing work carried out in relation to the 1961 Apostille Convention
Action to be Taken	For Decision <input type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input type="checkbox"/> For Action / Completion <input type="checkbox"/> For Information <input checked="" type="checkbox"/>
Annexes	N/A
Related Documents	N/A

1961 Apostille Convention: Update

I. Introduction

- 1 The Transnational Litigation & Apostille Division at the Permanent Bureau (PB) supports the *Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (1961 Apostille Convention or Convention), including through raising awareness of the Convention, assisting with its implementation and operation, as well as providing post-Convention assistance.
- 2 This document reports on work carried out, and progress made, in relation to the 1961 Apostille Convention. Section II covers treaty actions in relation to the Convention, publications, the implementation of the electronic Apostille Programme (e-APP), promotional activities, and assistance provided by the PB. Section III sets out proposals for the consideration of the Council on General Affairs and Policy (CGAP).

II. Work carried out

A. Treaty actions

- 3 The 1961 Apostille Convention has 126 Contracting Parties following the accession of three new Contracting Parties in 2023. The Convention entered into force for the People's Republic of China¹ on 7 November 2023, following the People's Republic of China's accession on 8 March 2023; the Convention ~~will enter~~entered into force for Canada on 11 January 2024, following Canada's accession on 12 May 2023; the Convention will enter into force for Rwanda on 5 June 2024, following Rwanda's accession on 6 October 2023.
- 4 The PB would like to take this opportunity to recall Conclusion and Recommendation (C&R) No 54, adopted by the Fifth Meeting of the Special Commission (SC) on the Practical Operation of the *Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (1993 Adoption Convention). In light of the high number of public documents included in intercountry adoption procedures, the SC invited Contracting Parties to the 1993 Adoption Convention but not to the 1961 Apostille Convention to consider the possibility of becoming a Party to the latter.²

B. Publication and translation of the Apostille Handbook

- 5 In January 2023, following CGAP's approval in 2022,³ the PB published the 2nd edition of the Practical Handbook on the Operation of the Apostille Convention (Apostille Handbook) in English, French, and Spanish.⁴ The Apostille Handbook is now also available in Georgian, thanks to the generous contribution of the Georgian Government.
- 6 The Apostille Handbook is a primary source of guidance for Contracting Parties and their Competent Authorities on the practical operation of the Convention. With a view to further enhancing the

¹ The People's Republic of China's accession to the Convention on 8 March 2023 is only relevant for the People's Republic of China (Mainland). The Convention already applied by way of succession (and continues to apply) to the Hong Kong Special Administrative Region (SAR) and Macao SAR.

² "Conclusions and Recommendations of the Fifth Meeting of the *Special Commission on the practical operation of the Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (4-8 July 2022)", C&R No 54, available on the HCCH website at www.hcch.net under "Adoption" then "5th Special Commission meeting (2022)".

³ Conclusion & Decision (C&D) No 31 of CGAP 2022, available on the HCCH website at www.hcch.net under "Governance" then "Archive (2000-2023)".

⁴ The second edition of the Apostille Handbook is available on the HCCH website at www.hcch.net under "Apostille" then "HCCH Publications".

implementation and operation of the Convention, the PB encourages Contracting Parties and any HCCH Member which is not yet a Contracting Party to the Convention to consider making a translation of the Apostille Handbook into their official language(s). Interested Contracting Parties and Members that wish to undertake translations are invited to contact the PB in advance to receive further information on copyright issues and key steps that may assist in arranging translations.⁵

C. The e-APP implementation

7 The e-APP continued to generate significant interest from a range of Contracting Parties to the 1961 Apostille Convention in 2023. The PB was also pleased to learn of some key milestones for well-established implementers of the e-APP.

8 In 2023, ~~two-three~~ Contracting Parties implemented one or both components of the e-APP. ~~Of Two of them, Greece and Panama~~ implemented both components, *i.e.*, issuing e-Apostilles and establishing an e-Register. The People's Republic of China (Mainland) implemented one component of the e-APP by establishing an e-Register. Four states in the United States of America (USA), Connecticut, Montana, Rhode Island, and Utah have also commenced pilot programmes for the issuance of e-Apostilles.⁶ ~~The Cayman Islands (UK) also implemented an e-Register.~~ With these developments, the total number of Contracting Parties that have implemented one or both components of the e-APP is now ~~532~~, among which ~~342~~ have implemented both components.⁷

9 In 2023, the Competent Authority of the United Kingdom (UK) reached a milestone having issued its 1000th e-Apostille and subsequently reported great satisfaction with the e-APP as an efficient and effective solution to providing Apostilles in a digital era.

10 The PB encourages Contracting Parties that have not yet implemented the e-APP to explore and study the possibility of implementing the e-APP. The PB invites Contracting Parties to consult the Apostille Handbook and to contact the PB for further information and assistance.

D. 13th International Forum on the e-APP

11 The PB organises the International Forum on the e-APP (e-APP Forum) which is generally held every two years. Thanks to the Republic of Kazakhstan's generous support and willingness to host the next event, the 13th e-APP Forum will take place in Astana, Kazakhstan. ~~At Kazakhstan's request, for logistical reasons, the Forum will now be held on 21 and 22 October 2024 postponed and will not take place on 24 and 25 April 2024 as previously announced, on 24 and 25 April 2024. The PB will provide new dates as soon as possible.~~ This will be the first e-APP Forum in Central Asia. ~~The PB invites Contracting Parties to the 1961 Apostille Convention and HCCH Members interested in participating in the Forum to register for this event on the HCCH website as soon as possible and no later than Wednesday 17 April 2024.~~⁸

⁵ See also C&D No 40 of CGAP 2023, available on the HCCH website at www.hcch.net (see path indicated in note 3).

⁶ Pilot programmes are not a requirement of the e-APP. Interested prospective or existing Contracting Parties to the Convention are welcome and encouraged to fully implement either or both components of the e-APP.

⁷ The Implementation Chart is available on the HCCH website at www.hcch.net under "Apostille" then "e-APP Implementation Chart".

⁸ Registration is available on the HCCH website at www.hcch.net under "Apostille" then "e-APP Forum".

E. Assistance and promotion

12 The PB has carried out activities to raise awareness of the 1961 Apostille Convention and to promote its use, either individually or jointly with other HCCH Conventions and in different formats depending on the needs of stakeholders involved.

1. Assistance and support

13 Throughout the year, the PB provided the following assistance:

- The PB met, in person and online, with officials from Canada, the People’s Republic of China, Indonesia, Pakistan, and Rwanda to discuss the operation of the 1961 Apostille Convention in the lead-up to and / or following each State’s respective accession to the 1961 Apostille Convention.
- The PB provided various Contracting Parties with information about the implementation of the e-APP. This included meeting with officials from Sweden to provide information for a broader study of legalisation, Apostilles, and the operation of the e-APP. The PB also participated in meetings with officials and stakeholders from the USA and Ukraine to discuss the implementation of the e-APP. The PB also facilitated bilateral meetings between government officials including from Thailand, the UK, Ukraine, and the USA, to share practical information and experience on the e-APP.
- With a view to strengthening cooperation and exchanging best practices, the PB stayed connected with Competent Authorities of Contracting Parties, including by visiting the premises of some Competent Authorities to observe the practical application of the Convention, where appropriate.

14 The PB would like to thank Contracting Parties who continue to share their domestic experiences regarding the implementation and operation of the e-APP with other interested Contracting Parties. This form of practical exchange is particularly useful for Contracting Parties who are seeking to implement the e-APP.

2. Promotional Activities

15 The PB also participated in a number of workshops, conferences, and events to promote the 1961 Apostille Convention and the e-APP:

- The PB hosted delegations from Viet Nam, Thailand, the Democratic Republic of Congo, and Namibia to discuss the Convention.
- In March 2023, the Regional Office for Asia and the Pacific (ROAP) hosted the webinar “HCCH 1961 Apostille Convention – Application and Future Prospects in the Asia Pacific Region”. Speakers from the Philippines, Singapore, and the People’s Republic of China joined with members of the PB to share their perspectives on the operation of the Convention in the Asia Pacific region.
- The PB participated in various online seminars and workshops organised by universities or institutions to promote the Convention and the e-APP.
- The PB joined discussions at various regional events regarding the operation of the Convention and the implementation of the e-APP, such as the meeting of the Asian Society of International Law (ASIL), held in Bandung, Indonesia; the HCCH Asia Pacific Week 2023, held in Hong Kong SAR, China; and the Annual Session of the Asian African Legal Consultative Organization (AALCO) 2023, held in Bali, Indonesia.

- The PB cooperated with other stakeholders to promote the Convention and the e-APP. Notable events included attending and moderating a session on the Convention at the 2023 Half-Year May Conference of the International Association of Young Lawyers (AIJA), which took place in The Hague in May 2023, and presenting at the 2023 Notary Public Administrators' Summer Conference, which was held in Washington, DC, USA, in July 2023.

III. Proposals for CGAP

16 Based on the above report, the PB proposes the following Conclusions and Decisions:

- CGAP welcomed the PB's promotion and assistance activities with respect to the 1961 Apostille Convention and the e-APP.
- CGAP encouraged Contracting Parties and Members interested in translating the Apostille Handbook to contact the PB.
- CGAP welcomed the announcement of the 13th International Forum on the electronic Apostille Programme (e-APP), to be held ~~on 24 and 25 April 2024~~, in Astana, Kazakhstan. CGAP thanked Kazakhstan for its generous offer to host the event and encouraged Contracting Parties and Members to participate in the forthcoming Forum. The PB will provide new dates for this event as soon as possible and will report on the Forum to CGAP at its 2025 meeting.