

Questionnaire for Contracting Parties to the 1961 Apostille Convention



Latvia

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Questionnaire for Contracting Parties to the 1961 Apostille Convention

Please note that not all questions require a response from all Contracting Parties; some are directed only at Contracting Parties that have not implemented one or both components of the e-APP. Likewise, other questions are addressed solely to those who have implemented and operate the e-APP.

I. Implementation of the e-APP

The questions below are intended to identify all Contracting Parties that have implemented one or both components of the e-APP (*i.e.*, those that issue e-Apostilles and/or operate an e-Register). Likewise, for Contracting Parties that have implemented neither component, the questions seek to clarify the stage they have reached in considering the e-APP, as well as the challenges that may be preventing its implementation.

A. First component: e-Apostille

1 Does your State issue e-Apostilles?

- Yes, e-Apostilles have been issued since *July 1, 2019*.
- No, e-Apostilles have not been implemented yet.
If not, please specify:
- We are studying the use of e-Apostilles and plan to implement the e-Apostille component.
Please specify, if relevant: N/A
- We are not currently planning to implement the e-Apostille component.

For Parties that answered “No, e-Apostilles have not been implemented yet”, please answer question 1.1

1.1 What challenges is your State facing that may prevent it from implementing e-Apostilles?

More than one answer is possible.

- Internal law limitations.
- Judicial or administrative structure.
- Implementation challenges (e.g., lack of resources, lack of infrastructure).
- Cost.
- System interoperability / compatibility.
- Security concerns.
- Other – please specify: N/A

If relevant, please explain any of the options above: N/A

2 Regardless of whether your State currently issues e-Apostilles, are your receiving agencies equipped or able to accept and process incoming e-Apostilles (*i.e.*, e-Apostilles issued by other Contracting Parties)?

- Yes, all e-Apostilles can be processed.
- Yes, but on certain conditions – please specify: *if a notary has information regarding a specified website where it is possible to check the e-Apostille.*
- No – please explain why not: N/A
- Unknown.

Please explain further any of the items above, if relevant: *no additional information.*

B. Second component: e-Register

3 Does your State maintain an e-Register?

Yes, an e-Register has been implemented on *July 1, 2019*.

If yes, please indicate any specific features of your e-Register (e.g., whether your State maintains multiple e-Registers, different types of e-Registers for various Competent Authorities, or separate registers for paper and e-Apostilles, etc.): *one e-Register, one competent authority maintaining the e-Register - Council of Sworn Notaries of Latvia.*

No, an e-Register has not been implemented yet.

If not, please specify:

We are studying the use of an e-Register and plan to implement the e-Register component.

Please specify, if relevant: N/A

We are not currently planning to implement the e-Register component.

For Parties that answered “No, an e-Register has not been implemented yet”, please answer question 3.1:

3.1 What challenges is your State facing that may prevent it from implementing an e-Register?

More than one answer is possible.

Internal law limitations.

Judicial or administrative structure.

Implementation challenges (e.g., lack of resources, lack of infrastructure).

Cost.

System interoperability / compatibility.

Security concerns.

Other – please specify: N/A

If relevant, please explain any of the options above: N/A

II. Technology and the e-APP (including the use of digital signatures)

The questions below are intended to further understand how Contracting Parties recognise and use electronic or digital signatures, and how electronic public documents interact with the Apostille process, particularly in cases where the e-Apostille component has not yet been implemented.

For the purposes of this questionnaire, an **electronic signature** is a name, initial, mark or symbol that is affixed to, or logically associated with, a document or other record in electronic form, to evidence the signing of that document or record. A **digital signature** is a special type of electronic signature which works with encryption technology and can be authenticated using a digital certificate.

4 Under your internal law, for your own domestic public documents, do you recognise electronic / digital signatures as functionally equivalent to handwritten (wet) signatures (i.e., allowing your public documents to be signed electronically)?

Yes, please specify (including whether there are any requirements or technical standards for using electronic / digital signatures): *According to Section 3 of Electronic Documents Law there are a few requirements and technical standarts: 1) An electronic document shall be considered to have been signed by hand if it has a secure electronic signature. An electronic document shall be considered to have been signed by hand also in such cases where it has an electronic signature and the parties have agreed in writing regarding the signing of electronic documents with an electronic signature. In such case, the written agreement shall be drawn up and signed on paper or electronically with a secure electronic signature.*

2) If laws and regulations provide that, in addition to other requisites for a document to acquire legal effect, it also requires the imprint of a seal, then this requirement in relation to an electronic document shall be fulfilled if the electronic document has a secure electronic signature and a time stamp or electronic signature if the parties have agreed in writing regarding the signing of electronic documents with an electronic signature.

3) In the circulation of electronic documents between State and local government institutions or between these institutions and natural persons and legal persons, the electronic document shall be considered to be signed if it has a secure electronic signature and time stamp or electronic signature if the parties have agreed in writing regarding the signing of electronic documents with an electronic signature.

No.

Other – for example, electronic signatures are only permissible for certain categories of documents. Please specify: N/A

Unknown.

For Parties that answered Q.4 affirmatively, please answer question 4.1:

4.1 For incoming electronic public documents (i.e., those issued by other Contracting Parties), does your State impose specific requirements or technical standards for accepting electronic / digital signatures?

Yes – please specify the applicable requirements or technical standards: *In accordance with Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC. Paragraph 4 of Cabinet Regulation No. 267 (28 May 2018) "Regulations on the Legalisation of Public Documents with an Apostille" states: "If the document to be legalised has been signed electronically, a sworn notary shall verify that the document to be legalised complies with the requirements set out in the Document Legalisation Law and shall check whether the signatory's signature is valid, whether the given name, surname and personal identity number included in the signatory's signature certificate correspond to the given name, surname and personal identity number of the official indicated in the document, whether the document contains a time stamp, and whether the personal data – including the given name, surname and status indicated in the document – correspond to the official's data available to the notary."*

No.

Other – please specify: N/A

Unknown.

5 Under your internal law, do foreign electronic public documents have the same probative value as paper public documents?

Yes – Please specify (including whether your receiving agencies are able to accept and process incoming electronic public documents): *notaries are able to accept and process incoming electronic public documents.*

No.

It depends – please specify: N/A

Other – please specify: N/A

Unknown.

If relevant, please explain further any of the options above: N/A

6 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 1961 Apostille Convention)?

Yes, all public documents are executed or able to be executed in electronic form.

- Yes, certain categories of public documents are executed or able to be executed in electronic form.
- No, public documents are never executed in electronic form.

If relevant, please explain any of the options above: *no additional information.*

For Parties that answered affirmatively and execute, or are able to execute, public documents in electronic form, please answer question 6.1:

6.1 Can electronic public documents issued in your State be verified by foreign receiving agencies?

- Yes – please specify how they can be verified: N/A
- No.
- Other – please specify: *electronic public documents can be verified only by reaching out to the issuer of the document, but E-Apostilles can be verified at the e-Register maintained by the Council of Sworn Notaries of Latvia at <https://notary.lv/apostille/verify>. To verify the apostille, the certification number must be used or ASICE file must be uploaded.*
- Unknown.

6.2 If your State executes, or is able to execute, electronic public documents but has not implemented the e-Apostille component, how is an Apostille issued for such electronic documents?

- The public document must first be executed in paper format.
- A hard copy of the electronic public document is printed and a paper Apostille is issued and attached.
- Other – please specify: N/A

III. Issuance of e-Apostilles

The questions below are intended to identify any requirements or conditions that Contracting Parties may impose for issuing e-Apostilles, as well as to understand the procedures followed by the Competent Authorities and how the underlying public document is treated.

7 Does your State have any requirements, conditions, or limitations for issuing e-Apostilles? If so, please describe them (e.g., requirements concerning the identity of the applicant; the use of specific platforms or digital solutions for applications; the nature or the form of the underlying public document; etc.).

- Yes – please specify: *.The applicant must submit a specified form (please see the attachment "Form_for_apostille_LV_and_ENG") and the document that needs to be Apostilled. The notary verifies whether the document to be Apostilled complies with the requirements set forth in the Document Legalisation Law, and checks the status of the official who signed the document, as well as the conformity of the signature and the seal or stamp impression with the information available to the notary, the sample signature of the official, and the sample seal or stamp. The signature and/or seal impression sample of the person who signed the public document must be available in a specific e-Register. The notary does not have to verify the identity of the applicant. E-Apostille is drawn up in English, signed with a secure electronic signature, with a time stamp attached*
- No.

Please explain further any of the items above, if relevant: N/A

8 Under your internal law, which of the following formats of public documents are eligible for the issuance of e-Apostilles?

More than one answer is possible.

- Electronic public documents.
- Paper public documents that have been scanned by a public official.

Paper public documents that have been scanned by applicants.

If relevant, please explain any of the options above: *it is required that a person is able to present the original document for which issuance of e-Apostille is needed.*

9 Does your State issue paper Apostilles alongside e-Apostilles?

Yes.

No, we only issue e-Apostilles.

9.1 If yes, please indicate the proportion of e-Apostilles issued in comparison to paper Apostilles. If known, provide any specific reasons that may explain the difference in proportions.

N/A

9.2 If yes, what are the criteria for issuing paper Apostilles versus e-Apostilles (e.g., is the nature or the form of the underlying public document decisive, or can applicants choose between the two formats)?

N/A

9.3 If not, how does your State issue e-Apostilles for paper-based documents?

In that case, the paper document is scanned, uploaded to the e-Register of e-Apostilles, and a written information is provided to the applicant, indicating where the specific e-Apostille can be accessed (QR code and a link to view the e-Apostille is indicated).

10 When issuing e-Apostilles for electronic public documents, does your State preserve the electronic / digital signature of the underlying document?

Yes, the electronic / digital signature is preserved. Please explain how this is done: *the entire electronic public document along with the signature is stored in the e-Register.*

No, only the electronic / digital signature of the e-Apostille is preserved.

If relevant, please explain any of the options above: *no additional information.*

11 When issuing e-Apostilles, how does your Competent Authority complete the standard informational items on the Certificate? Please indicate whether there are any differences compared with issuing paper Apostilles or authenticating paper public documents.

The Competent Authority completes all standard informational items in the same manner as when issuing paper Apostilles or authenticating paper public documents.

The Competent Authority completes the items differently as follows:

- Items 2-4: N/A
- Items 7 and/or 10: N/A

12 In addition to the digital signature, does your e-Apostille include any other security or technical features, such as QR codes, encryption, digital watermarks, or similar measures?

There are no additional security or technical features. The e-Apostille itself is not printed and handed out to the applicant, but instead a written information is provided to the applicant, indicating where the specific e-Apostille can be accessed (QR code and a link to view the e-Apostille is indicated).

IV. Operation of an e-Register

13 What particulars are contained in your e-Register?

More than one answer is possible.

- Number and date of the Apostille (required).
- Name and capacity of the person signing the document and / or the name of authority whose seal or stamp is affixed (required).
- Name and / or type of underlying document.
- Description of the contents of underlying document.
- Name of the applicant.
- State of destination.
- Copy of the Apostille.
- Copy of the underlying public document.
- Other – please specify: *e-Register also contains: for a natural person - personal identity number or an identification number assigned in a foreign country (if no such number has been assigned – the year, day and month of birth); for a legal person – the name and registration number; the method of receipt of the document; applicants contact information (address, email address, telephone number); information regarding the notary who issued e-Apostille.*

If relevant, please explain any of the options above: *no additional information.*

V. Issues with e-Apostilles

The questions below are intended to assess the practical acceptance of e-Apostilles among Contracting Parties to the 1961 Apostille Convention. They aim to identify whether e-Apostilles issued or received by a Contracting Party have ever been refused, the reasons for any such refusals, and the actions taken in response.

14 Has an e-Apostille issued by your Competent Authority ever been refused by the authorities of another Contracting Party?

- Unknown.
- No.
- Yes, please provide any further information, in particular the reasons why the e-Apostille was refused, if known: *e-Apostille is not recognized and a paper form Apostille is required.*

15 If an e-Apostille has been rejected, what actions were taken in response?

More than one answer is possible.

- A paper Apostille was issued instead.
- Contacted the receiving authority.
- Contacted the Competent Authority of the place of destination.
- Contacted nearest diplomatic mission of the place of destination.
- Contacted own diplomatic mission accredited to the place of destination.
- Contacted the Permanent Bureau.
- No action taken.
- Other, please specify: *in that case, we have issued an certificate of informative nature explaining the applicable Latvian legal framework, clarifying that only e-Apostilles are issued in Latvia, and providing information on how their authenticity may be verified.*
- Unknown.

If relevant, please explain any of the options above: *no additional information.*

16 Has an e-Apostille received by your authorities ever been refused?

Unknown.

No.

Yes, please provide any further information, in particular the reasons why the e-Apostille was refused, if known: N/A

If relevant, please explain any of the options above: *no additional information.*

VI. Education and training

17 Has your State implemented training activities or issued any guidelines on the operation of the e-APP for officers in the Competent Authority(ies)?

No.

Yes, please specify: *seminar for notaries and their employees was conducted when document legalization (apostille) function was transferred to notaries. Materials of this seminar in Latvian are available to notaries.*

18 Has your State implemented training activities or issued any guidelines on the acceptance of e-Apostilles and the operation of e-Registers for receiving authorities?

No.

Yes, please specify: N/A

If your State has issued guidelines or supporting documentation for receiving authorities, please indicate the format used, the type of information included, how the documents have been distributed, and how frequently they are issued, if known: N/A

19 Is / Are your Competent Authority(ies) willing and able to meet with other Competent Authorities to discuss the implementation and operation of the e-APP and to exchange experiences?

Yes, please specify: *Council of Sworn Notaries of Latvia is open to meet with other Competent Authorities and discuss matters related to e-Apostille.*

No, please specify: N/A.

Unknown.

VII. Miscellaneous

20 Do you have any suggestions that could assist in the promotion, implementation, and / or operation of the e-APP?

No.

Yes - please specify: N/A

21 Are there any specific topics or practical issues related to the e-APP that your State would like have discussed at the 14th International Forum on the e-APP?

No.

Yes - please specify: N/A

22 Please confirm whether your responses to this questionnaire can be published on the HCCH website.

No.

Yes - please specify whether certain questions should not be published: *no additional information.*

VIII. Additional information & supporting documents

23 Please indicate any additional information or documentation to support your response. This may include resources for the general public or guidelines for Competent Authority staff, as well as any recent judicial decisions, legislative developments, books, articles, or published works relevant to the operation of the 1961 Apostille Convention.

**Electronic Documents Law available here <https://likumi.lv/ta/en/en/id/68521>.*

**Division R of Notariate Law available here <https://likumi.lv/ta/id/59982-notariata-likums>.*

**Document Legalisation Law available here <https://likumi.lv/ta/en/en/id/155411>.*

**Cabinet Regulation No. 267 (28 May 2018) "Regulations on the Legalisation of Public Documents with an Apostille" available (only in Latvian) here <https://likumi.lv/ta/id/307693-noteikumi-par-publisku-dokumentu-legalizaciju-ar-apliecinajumu-iapostillei>.*

**Specific form which the applicant must submit to receive an e-Apostille - "Form_for_apostille_LV_and_ENG".*

Please attach any relevant documents when submitting the questionnaire to secretariat@hcch.net.

Thank you for taking the time to complete this questionnaire.