

<b>Title</b>	<b>1961 Apostille Convention: Update</b>
<b>Document</b>	<b>Prel. Doc. No 9 of December 2022</b>
<b>Author</b>	PB
<b>Agenda Item</b>	Item III.2.b.
<b>Mandate(s)</b>	C&D Nos 29 and 31 of CGAP 2022
<b>Objective</b>	To report on ongoing work carried out in relation to the 1961 Apostille Convention
<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 checked="" type="checkbox"/>
<b>Annexes</b>	N/A
<b>Related Documents</b>	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), including raising awareness of the Convention, assisting with the Convention's 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 post-Convention assistance. Section III sets out proposals for CGAP's consideration.

## II. Work carried out

### A. Status

- 3 In 2022, three more States, Saudi Arabia, Pakistan and Senegal, acceded to the 1961 Apostille Convention. With these new accessions, the Convention has now reached a total of 124 Contracting Parties. The Convention entered into force for Saudi Arabia on 7 December 2022. The Convention will enter into force for Pakistan on 3 March 2023 and for Senegal on 23 March 2023.

### B. Publication of the Apostille Handbook

- 4 Following CGAP's approval at its meeting in 2022,<sup>1</sup> the PB will publish the second edition of the Practical Handbook on the Operation of the Apostille Convention (Apostille Handbook) in January 2023. As a primary source of guidance for Contracting Parties and their Competent Authorities in the practical operation of the Convention, the second edition of the Apostille Handbook will be available in English and French.<sup>2</sup>
- 5 The second edition will also be available in Spanish. With a view to further enhancing the implementation and operation of the Convention, the PB invites Contracting Parties (or Members) to consider translating the Apostille Handbook into different languages. Interested Contracting Parties (or Members) that wish to undertake translations should contact the PB for further information.

### C. The e-APP implementation

- 6 In 2022, four Contracting Parties implemented one or both components of the e-APP. Among them, three Contracting Parties, Kazakhstan, Israel, and Uzbekistan, have implemented both components, *i.e.*, issuing e-Apostilles and establishing an e-Register. Indonesia has implemented one component of the e-APP by establishing an e-Register. With these developments, the total number of Contracting Parties that have implemented one or both components of the e-APP is 50, among which, 28 have implemented both components.<sup>3</sup>

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<sup>1</sup> C&D No 31 of CGAP 2022.

<sup>2</sup> The first edition of the Apostille Handbook is available on the HCCH website at [www.hcch.net](http://www.hcch.net) under "Apostille" then "Apostille Handbook".

<sup>3</sup> The Implementation Chart is available on the "Apostille" webpage (see path indicated in note 2).

- 7 The PB organises the International Forum on e-APP (e-APP Forum) which has generally been held every two years. The 12<sup>th</sup> e-APP Forum was held in October 2021 in The Hague, immediately preceding the meeting of the Special Commission (SC) on the practical operation of the 1961 Apostille Convention.<sup>4</sup> In addition to those organised in The Hague, the Forum has been held in different regions, including in Hong Kong SAR, China in 2014 and in Fortaleza, Brazil in 2018.
- 8 In relation to the location and timing of the 13<sup>th</sup> e-APP Forum, the PB invites Members interested in hosting a future meeting of the Forum to contact the PB.

#### **D. Promotional activities and post-Convention assistance**

- 9 The PB has carried out diverse activities to raise awareness of the 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. Throughout the year the following assistance and activities were undertaken:
- the PB attended online workshops for interested States, such as Iran and the Philippines;
  - the PB participated in various seminars and workshops to promote the e-APP and the operation of the Convention to the relevant authorities of the Contracting Parties, including Brazil, the Netherlands and Spain;
  - the PB provided post-Convention assistance to countries, including Saudi Arabia;
  - the PB also joined discussions at the regional level regarding the operation of the Convention and the implementation of the e-APP, including with the Asian African Legal Consultative Organization (AALCO);
  - the PB attended the DXB Final Conference “Identities on the move - Documents cross borders” and discussed the 1961 Apostille Convention. This conference was organised as part of the broader EU project on EU Regulation 2016/1191.

### **III. Proposal to CGAP**

- 10 Based on the above report, the PB proposes the following Conclusions and Decisions:
- CGAP welcomed the PB’s post-Convention activities with respect to the Apostille Convention and the e-APP. CGAP encouraged Contracting Parties or Members interested in translating the Apostille Handbook to contact the PB.
  - CGAP encouraged Contracting Parties or Members interested in hosting the e-APP Forum in 2023 to contact the PB.

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<sup>4</sup> In circumstances where a Forum and a meeting of the Special Commission on the Apostille Convention are planned to occur in the same year, these meetings are held in conjunction.