

BOLIVARIAN REPUBLIC OF VENEZUELA 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)?	[c] No.
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>	MINISTRY OF THE PEOPLE'S POWER FOR FOREIGN AFFAIRS - OFFICE OF CONSULAR RELATIONS
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).
Substantive Scope	
5. Is the concept of 'public document' defined in your internal law?	[a] Yes. <i>Article 1.357 of the Venezuelan Civil Codes states: A public or authentic instrument is one that has been authorized with the legal solemnities by a Registrar, by a Judge or other public official or employee who has the power to give it public faith, in the place where the instrument has been authorized.</i>
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?	[a] Yes.
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?	[b] No.

11. Do you issue (outgoing) or accept (incoming) Apostilles for any of the following categories of document?		Issue	Accept
	Certificates of origin		
	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		
	End user certificates (i.e. documents certifying that the buyer is the end user of acquired goods)		
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	
	EDUCATION	Because it authenticates the signature and seal of the public document.	
	CIVIL	Because it authenticates the signature and seal of the public document.	
	SANITARY CONTROLLERS HIP	Because it authenticates the signature and seal of the public document.	
	EPIDEMIOLOGY	Because it authenticates the signature and seal of the public document.	
	TRANSPORT (LAND, AIR AND SEA)	Because it authenticates the signature and seal of the public document.	
Requesting an Apostille (Outgoing)			
13. How can an Apostille be requested?	[a] In person.		
	[b] By post.		
	[c] By email.		
	[d] Through a website.		X
	[e] Other.		
14. When issuing an Apostille, do you enquire about the State of destination?	[a] Yes, in the application form.		

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 same day	On the same day	Within five working days
16. Does your Competent Authority impose a fee for issuing an Apostille?	[c] No.		
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?	[c] In three languages. <i>Spanish, French and English.</i>		
20. In what language(s) are the blank fields of your Apostilles filled in?	[a] In one language. <i>Spanish.</i>		
21. How are the blank fields of your Apostilles filled in?	[b] Using computer software. <i>Through Legalization and Electronic Apostille System (SLAE).</i>		
Apostille Registers			
22. How is your Apostille register, required by Article 7, maintained?	[a] Single Competent Authority. [i] Electronic form, publicly accessible online (e-Register).		
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>Verification Code. QR Bar Code.</i>		X
24. Is there a limit to how long records can be retained on the Apostille register?	[d] No.		

<p>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?</p>	<p>[g] Not applicable, register is publicly accessible.</p>	
<p>Technology & the e-APP</p>		
<p>26. Under your internal law, do you recognise electronic / digital signatures as functionally equivalent to handwritten signatures (i.e. can a public document be signed electronically)?</p>	<p>[a] Yes. <i>Law on Data Messages and Electronic Signatures, since February 10th., 2001</i></p> <p><i>The purpose of the Law is to grant and recognise the effectiveness and legal value to the Electronic Signature, to the Data Message and to all intelligible information in electronic format, regardless of its material support, attributable to natural or legal persons, public or private, as well as to regulate all matters relating to Certification, Certification Service Providers and Electronic Certificates.</i></p> <p><i>This Law shall be applicable to Data Messages and Electronic Signatures, regardless of their technological characteristics or the technological developments that may occur in the future. To this end, its rules shall be progressively developed and interpreted, with a view to recognising the validity and evidentiary effectiveness of Electronic Data Messages and Electronic Signatures.</i></p> <p><i>The certification referred to in this Law does not exclude compliance with the formalities of public or private, or the formalities of public registration or authentication that, in accordance with the law, certain legal acts or transactions require.</i></p> <p>http://www.conatel.gob.ve/wp-content/uploads/2014/10/PDF-Ley-sobre-Mensajes-de-Datos-y-Firmas-Electronicas.pdf</p>	
<p>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)?</p>	<p>[a] Yes.</p>	
<p><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)?</p>	<p>[a] All public documents.</p>	
	<p>[b] Civil status documents (e.g. birth, death and marriage certificates) and certificates of non-impediment.</p>	
	<p>[c] Other administrative documents (including decisions from administrative tribunals or decision-making bodies).</p>	
	<p>[d] Extracts from commercial registers and other registers.</p>	
	<p>[e] Notarial authentications of signatures.</p>	
	<p>[f] Other notarial acts.</p>	
	<p>[g] Diplomas and other education documents.</p>	X
	<p>[h] Court documents, including judgments.</p>	
	<p>[i] Patents or other documents pertaining to intellectual property rights.</p>	
	<p>[j] Documents relating to adoptions.</p>	

	[k] Translations.	
	[l] Medical or health certificates.	X
	[m] Criminal records.	X
	[n] Import or export licences.	
	[o] Certificates of origin.	
	[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)?	18,30%	
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.	

<p><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?</p>	<p>Several levels of security are used to ensure that an e-Apostille is not altered in its pre and post generation process and there is a verification and identification process if it has been altered after its issuance, this through the consultation portal or through any electronic signature verification system, below is a brief explanation of these levels and security processes:</p> <p>1- Relational structure and data replication: The electronic legalization and apostille system does not allow any modification by any user, and if for any reason of brute force or direct access to the servers an alteration is executed, it would have to be modified in the different replicas and match the Checksum that is saved as verification data, if this objective of modification is not achieved in a coherent manner with the data structure and replica, the consultation in the platform of an e-Apostille with this type of alteration generates an invalid apostille message.</p> <p>2- Validation through webservice with underlying public document issuing institutions: The e-Apostille is a digital file in .PDF format electronically signed and composed of two pages, the first one is based on an exact copy of the underlying public document that has been requested by the e-Apostille system to the system of the institution that issued such underlying public document and the second one is the apostille. In the process of building an e-Apostille, a virtual private network (VPN) is used as a means of transmission for the verification of the data, generating a direct relationship between both systems without human intervention, which makes it difficult to alter any alteration in the process of generating it.</p> <p>3- Electronic signature: Once the e-Apostille is electronically signed, a Checksum is generated and stored in the data structure and replica to be used as one of the verification elements when checking the authenticity of an e-Apostille in the validation portal.</p>
<p><i>For Parties that answered yes to Q28.</i> 28.6. Once issued, how is the e-Apostille transmitted to the applicant?</p>	<p>[e] Other. 1.- Via email (regular). 2.- Through electronic transmission via online platform administered by the government.</p>
<p>29. Are your authorities equipped to accept incoming e-Apostilles?</p>	<p>[a] Yes, all e-Apostilles can be processed.</p>
<p>30. Do you maintain an e-Register?</p>	<p>[a] Yes.</p>
<p><i>For Parties that answered yes to Q30.</i> 30.2. What technology is used to maintain your e-Register?</p>	<p>[a] A government-built platform.</p>
<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>	<p>[b] No.</p>

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.	
	[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>).	X
	[f]	The underlying public document was in electronic form.	X
	[g]	The underlying public document had expired / was not issued within a certain timeframe.	X
	[h]	The underlying document was not a public document under the law of the destination.	
	[i]	Other.	
	[j]	Unknown.	
	[k]	No / Not applicable.	
<i>For Parties that answered other than "No" to Q32.</i> 32.1. If an Apostille was rejected, what action did you take?	[a]	The Apostille was reissued.	
	[b]	Contacted the receiving authority.	
	[c]	Contacted the Competent Authority of the place of destination.	
	[d]	Contacted nearest diplomatic mission of the place of destination.	X
	[e]	Contacted own diplomatic mission accredited to the place of destination.	
	[f]	Contacted the Permanent Bureau.	
	[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?	[a]	Yes. <i>The Embassy of Norway accredited to the Bolivarian Republic of Venezuela requested information on the apostille process through the Electronic Legalization and Apostille System. (SLAE)</i>	
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.	
	[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.	X
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.	
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)?	[a] Yes, if possible, in person.	
39. Are there any specific topics or practical issues that you would like discussed at the e-APP Forum? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>		