

## THE NETHERLANDS Apostille Questionnaire 2021

*The responses are reflected as provided by Contracting Parties subject to minor typographical corrections.*

<b>Joining the Apostille Convention</b>	
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)?	
<b>Competent Authorities</b>	
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>	
4. Do your diplomatic missions abroad play a role in the Apostille issuance process?	[d] No.
<b>Substantive Scope</b>	
5. Is the concept of 'public document' defined in your internal law?	
6. Have you experienced any difficulties in characterising a 'public document' for the purposes of the Apostille Convention?	
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?	
<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).	
8. Do you think this Art. 1(3)(a) exclusion is justified in the context of the modern operation of the Convention?	
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?	

<i>For Parties that answered yes to Q9.</i>				
9.1.	How has previous guidance on the interpretation of the Art. 1(3)(b) exclusion assisted in resolving these difficulties? (E.g. the 'extremely narrow' construction referred to in C&R No 10 of the 2016 SC).			
10.	Do you think this Art. 1(3)(b) exclusion is justified in the context of the modern operation of the Convention?			
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		
		Certificates of products registration		
		Certificates of conformity		
		End user certificates (i.e. documents certifying that the buyer is the end user of acquired goods)		
	Commercial invoices			
<b>Apostille Process</b>				
<b>Certification of Public Documents</b>				
12.	Do any of your public documents require some other intermediate certification before the issuance of an Apostille?			
<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	
<b>Requesting an Apostille (Outgoing)</b>				
13.	How can an Apostille be requested?	[a]	In person.	X
		[b]	By post.	X
		[c]	By email.	
		[d]	Through a website.	
		[e]	Other.	
14.	When issuing an Apostille, do you enquire about the State of destination?	[b]	Yes, the enquiry is made orally.	

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. € 21,-		
<b>Issuing an Apostille (Outgoing)</b>			
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))?	[a] Single Competent Authority. [ii] An electronic database of sample signatures / seals / stamps.		
18. How does a Competent Authority address situations where it is unable to verify the origin of the public document?	[a] The Competent Authority will contact the issuing authority to confirm authenticity, issue the Apostille, and then add the new signature, stamp or seal to the database.		
19. In what language(s) are the 10 standard items of your Apostilles available?	[d] Other. <i>Dutch, English, Spanish, French and Italian</i>		
20. In what language(s) are the blank fields of your Apostilles filled in?	[a] In one language. <i>Name and place we fill in the name given in the stamp/seal.</i>		
21. How are the blank fields of your Apostilles filled in?	[b] Using computer software. <i>We have our own Webbased Signature register, where we create the apostille/legalisation (internal use only by all court locations)</i>		
<b>Apostille Registers</b>			
22. How is your Apostille register, required by Article 7, maintained?			
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.		
	[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>How many stamps the applicant required.</i>		X
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?	[a] Never.		

Technology & the e-APP	
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)?	[a] Yes. <i>Notary/sworn translators/public documents from the city hall.</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)?	
<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)?	[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.
	[e] Notarial authentications of signatures.
	[f] Other notarial acts.
	[g] Diplomas and other education documents.
	[h] Court documents, including judgments.
	[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.	
<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)?	
28. Do you issue e-Apostilles?	[b] No. [i] We are studying the use of e-Apostilles and plan to implement the e-Apostille component. <i>The Raad of Rechtspraak has requested at our Ministry of Foreign Affairs, if there are possibilities. We depend from the Ministry of Foreign Affairs.</i>

<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.	X
	[e] System interoperability / compatibility.	
	[f] Security concerns.	
	[g] Other. <i>The court cannot decide to implement e-Apostilles. The Raad of the Rechtspraak has contacted the Ministry of Foreign Affairs about this.</i>	X
<p><i>For Parties that answered no to Q28.</i></p> <p>28.2. How do you issue an Apostille for a public document executed in electronic form?</p>	[a] Public documents are never executed in electronic form.	
29. Are your authorities equipped to accept incoming e-Apostilles?	[c] No. <i>The court cannot decide of the acceptance of incoming e-Apostilles.</i>	
30. Do you maintain an e-Register?	[b] No. [ii] We are not currently planning to implement the e-Register component.	
<p><i>For Parties that answered no to Q30.</i></p> <p>30.1. What challenges are you facing that may prevent you from implementing the e-Register?</p>	[a] Internal law limitations.	
	[b] Judicial or administrative structure.	
	[c] Implementation challenges (e.g. lack of resources, lack of infrastructure).	
	[d] Cost.	X
	[e] System interoperability / compatibility.	
	[f] Security concerns.	
	[g] Other. <i>The court cannot decide to implement an e register.</i>	X
31. Have you been in contact with other Competent Authorities that operate an e-APP component and exchanged information and / or relevant experience?	[b] No.	
<b>Issues with Apostilles</b>		
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> ).	

	[f] The underlying public document was in electronic form.	
	[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.	X
	[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.	
	[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] <b>Yes.</b> <i>Once, in the 13 years I work here. We received an email from an authority in South-America.</i>	
34. Has an Apostille <b>received</b> 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.	X
	[l]	No / Not applicable.	