

## CZECH REPUBLIC 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)?	<p>[b] Yes, under bilateral / multilateral agreements.</p> <p><i>1) Bilateral treaties (the abolishment depends on types of documents):</i></p> <p><i>Afghanistan</i>  <i>Albania</i>  <i>Algeria</i>  <i>Austria</i>  <i>Belarus - exemption only for documents related to mutual legal (judicial) assistance under the Treaty</i>  <i>Belgium - exemption only for documents related to mutual legal (judicial) assistance under the Treaty</i>  <i>Bosnia and Hercegovina</i>  <i>Bulgaria</i>  <i>Croatia</i>  <i>Cuba</i>  <i>Cyprus</i>  <i>France</i>  <i>Georgia - exemption only for documents related to mutual legal (judicial) assistance under the Treaty</i>  <i>Greece - exemption only for documents related to mutual legal (judicial) assistance under the Treaty</i>  <i>Hungary</i>  <i>Italy - exemption only for documents related to mutual legal (judicial) assistance under the Treaty</i>  <i>Korea Democratic People's Republic of (North Korea)</i>  <i>Kosovo</i>  <i>Kyrgyzstan</i>  <i>Macedonia (FYROM)</i>  <i>Moldavia</i>  <i>Mongolia</i>  <i>Montenegro</i>  <i>Poland - exemption for certain documents</i>  <i>Portugal</i>  <i>Romania</i>  <i>Russian Federation</i>  <i>Serbia</i>  <i>Slovakia</i>  <i>Slovenia</i>  <i>Spain</i>  <i>Syria</i>  <i>Switzerland</i>  <i>Ukraine</i>  <i>Uzbekistan</i>  <i>Yemen - suspension of the operation of the Treaty from the 11th April 2019</i>  <i>Vietnam</i></p> <p><i>2) EU legislation (exemption from all forms of legalisation for certain documents used in the context of the particular Regulation)</i></p>

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>	Two Competent Authorities: - Ministry of Justice - Ministry of Foreign Affairs
4. Do your diplomatic missions abroad play a role in the Apostille issuance process?	[d] No.
Substantive Scope	
5. Is the concept of 'public document' defined in your internal law?	[a] Yes. <i>There is not one complex definition, slightly different definitions may be found in different laws (e.g. Civil Procedure Code, Administrative Code). In general, according to the Czech law the public documents are documents issued by courts or other public authorities, as well as local government bodies, within their powers and also documents declared public by special regulations (e.g. diplomas and other certificates of education, notarial acts, military acts, civil status documents, etc.)</i>  <i>(definition in Civil Code - Act 89/2012 Coll. - a public document is a document issued by a public body within the scope of its powers or a document declared to be a public document by a statute; this does not apply if it is vitiated by such defects that it is considered not to be a public document)</i>
6. Have you experienced any difficulties in characterising a 'public document' for the purposes of the Apostille Convention?	[a] Yes. <i>Sometimes problems arise when there is not a same interpretation of a public document between States (this concerns e.g. translations). Occasionally, there are misunderstandings when Apostille is required even for private documents (as it is not possible to issue an Apostille for a private document, applicants sometimes submit certified copies of a private document - usually established by a notary. The certified copy may be apostilled, however, in this case the Apostille refers only to the notarial certification).</i> <i>Translations of public documents executed by sworn translators are not public documents under the Czech law. However, we were repeatedly asked to apostille them. Therefore, pursuant to a new practice, we apostille certified translations (translations executed by sworn translators) under the condition they are attached to a public document and the translator was previously certified by a public notary. The Apostille then refers only to the public notary certification, not to the translator's certification.</i>
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?	[a] Yes.

11. Do you issue (outgoing) or accept (incoming) Apostilles for any of the following categories of document?		Issue	Accept
	Certificates of origin	X	
	Export licences	X	
	Import licences	X	
	Health and safety certificates issued by the relevant government authorities or agencies	X	
	Certificates of products registration	X	
	Certificates of conformity	X	
	End user certificates (i.e. documents certifying that the buyer is the end user of acquired goods)	X	
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?	[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	
	Civil status document	Seals and stamps of some local officials and authorities are subject to a certification by a superior/designated authority	
	Taxation documents	Seals and stamps of some local officials and authorities are subject to a certification by a superior/designated authority	
	Criminal Record	Seals and stamps of some local officials and authorities are subject to a certification by a superior/designated authority	
	Diplomas and other educational documents	Seals and stamps of some local officials and authorities are subject to a certification by a superior/designated authority	
	Medical or health certificates	Seals and stamps of some local officials and authorities are subject to a certification by a superior/designated authority	
<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	Other <i>Paper Apostille is usually issued within 14 days of receiving the application and documents from the applicant.</i>	Other <i>e-Apostille - not applicable</i>
16. Does your Competent Authority impose a fee for issuing an Apostille?	[a] Yes, a single price for all Apostilles. <i>The fee is in the amount of 100, - CZK (approximately 4 EUR) - it can be paid in form of revenue stamps or by a credit card.</i>		
<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))?	[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?	[b] In two languages. <i>Czech and English</i>		
20. In what language(s) are the blank fields of your Apostilles filled in?	[a] In one language. <i>in Czech language</i>		
21. How are the blank fields of your Apostilles filled in?	[b] Using computer software.		
<b>Apostille Registers</b>			
22. How is your Apostille register, required by Article 7, maintained?	[b] Multiple Competent Authorities. [vi] Other. <i>A separate register for each Competent Authority, only in paper form.</i>		
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.	
24. Is there a limit to how long records can be retained on the Apostille register?	[b] Yes, between five and ten years.	
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?	[c] Between 2 and 10 times per year.	
<b>Technology &amp; the e-APP</b>		
26. Under your internal law, do you recognise electronic / digital signatures as functionally equivalent to handwritten signatures ( <i>i.e.</i> can a public document be signed electronically)?	<p>[a] Yes.</p> <p>- <i>Electronic signatures were previously regulated by Act No. 227/2000 Coll., Act on Electronic Signatures (repealed by Act No. 297/2016 Coll., on trust services for electronic transactions);</i></p> <p>- <i>Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC, referred to as eIDAS;</i></p> <p>- <i>Act No. 297/2016 Coll., on trust services for electronic transactions (the "ATSET"), which repealed the Act on Electronic Signatures and supplements the Regulation (EU) No 910/2014 (eIDAS) in the necessary scope with national rules for procuring documents with electronic signatures, seals, and time stamps.</i></p> <p><i>Under the Regulation (EU) No 910/2014 (eIDAS), the highest form of an electronic signature is a qualified electronic signature, which requires the use of qualified means for the creation of electronic signatures. In practice, this means, for example, chip cards or tokens. The Regulation deems qualified signatures to be authentic handwritten signatures.</i></p> <p><i>Act No. 297/2016 Coll., on trust services for electronic transactions (the "ATSET"), supplements the Regulation (EU) No 910/2014 (eIDAS) in the necessary scope with national rules for procuring documents with electronic signatures, seals and time stamps.</i></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)?	[a] Yes.	
<p><i>For Parties that answered yes to Q27.</i></p> <p>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>	[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>More categories of public documents are gradually being issued and accepted in electronic form.</i>	X
<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)?	This information is not monitored.	
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>For Parties that answered no to Q28.</i> 28.1. What challenges are you facing that may prevent you from implementing the e-Apostille?	[a] Internal law limitations.	
	[b] Judicial or administrative structure.	
	[c] Implementation challenges (e.g. lack of resources, lack of infrastructure).	X
	[d] Cost.	
	[e] System interoperability / compatibility.	
	[f] Security concerns.	
	[g] Other.	
<i>For Parties that answered no to Q28.</i> 28.2. How do you issue an Apostille for a public document executed in electronic form?	[b] By paper Apostille, attached to a hard copy of the electronic public document.	
29. Are your authorities equipped to accept incoming e-Apostilles?	[b] Yes, but on certain conditions.	
30. Do you maintain an e-Register?	[b] No. [i] We are studying the use of an e-Register and plan 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).	X
	[d]	Cost.	
	[e]	System interoperability / compatibility.	
	[f]	Security concerns.	X
	[g]	Other.	
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>			
<p>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:</p>	[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.	
	[h]	The underlying document was not a public document under the law of the destination.	
	[i]	Other. <i>The signature of the official differed from the signature specimen.</i>	X
	[j]	Unknown.	X
	[k]	No / Not applicable.	
<p><i>For Parties that answered other than "No" to Q32.</i></p> <p>32.1. If an Apostille was rejected, what action did you take?</p>	[a]	The Apostille was reissued.	X
	[b]	Contacted the receiving authority.	X
	[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?	[b] No.	
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.	X
[l] No / Not applicable.		
<b>Miscellaneous</b>		
35. Would you be interested in attending the 2021 meeting of the Special Commission on the practical operation of the Apostille Convention?	[b] Yes, via videoconference.	



<p>36. Have you encountered any persistent difficulties, issues, or challenges in the operation of the Apostille Convention that you would like discussed at the 2021 Special Commission?</p> <p><i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i></p>	[b] No.
<p>37. Do you have any suggestions that could assist in the promotion, implementation, or operation of the Apostille Convention?</p> <p><i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i></p>	[b] No.
<p>38. Would you be interested in attending the 12<sup>th</sup> International Forum on the e-APP (to be held in conjunction with the meeting of the Special Commission)?</p>	[b] Yes, via videoconference.
<p>39. Are there any specific topics or practical issues that you would like discussed at the e-APP Forum?</p> <p><i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i></p>	[b] No.
<p>40. The Permanent Bureau is in the process of drafting a 2<sup>nd</sup> edition of the Apostille Handbook. Are there any specific topics, suggestions for presentation or formatting, or any other proposals for inclusion?</p> <p><i>Please note that answers to this question will not be incorporated into the first draft of the 2<sup>nd</sup> edition. The PB will take them into account in preparing subsequent drafts.</i></p> <p><i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i></p>	[b] No.