

REPUBLIC OF PANAMA Apostille Questionnaire 2021

The official languages of the HCCH are English and French. A courtesy translation has been provided for responses in Spanish. The responses are otherwise 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)?	
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>	<p>1. Department of Authentication and Legalization of the Ministry of Foreign Affairs. 2. Treasury Department of the Directorate of Administration and Finance of the Ministry of Government. 3. Secretariat of the Supreme Court of Justice.</p> <p>ES: 1. Departamento de Autenticación y Legalización del Ministerio de Relaciones Exteriores. 2. Departamento de Tesorería de la Dirección de Administración y Finanzas del Ministerio de Gobierno. 3. Secretaría de la Corte Suprema de Justicia.</p>
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?	<p>[a] Yes. <i>Article 834 of the Judicial Code:</i> <i>"A Public Document is the one granted by an official holding a position by public authority, regarding the exercise of their duties.</i> <i>When it is granted by a notary or whoever acts as one and is incorporated into the respective protocol, it is known as a public deed, public documents can be:</i></p> <ol style="list-style-type: none"> 1. Public Deeds; 2. Certificates issued by public officials, regarding the exercise of their duties, including minutes, proofs, drawings, pictures, photographs, cadastres and records; 3. Proofs of the actions of public, judicial and administrative entities; 4. Certificates issued by directors of public officials on existence or status of the actions or processes as regulated by law; and 5. The other acts to which the law recognizes their character of such. <p>ES: <i>Artículo 834 del Código Judicial:</i> <i>" Documento Público es el otorgado por los funcionarios que ejercen un cargo por autoridad pública, en lo que se refiere al ejercicio de sus funciones.</i></p>

	<p><i>Cuando es otorgado por un notario o quien haga sus veces y es incorporado en el respectivo protocolo, se denomina escritura pública, tienen carácter de documento públicos:</i></p> <ol style="list-style-type: none"> <i>1. Escrituras Públicas;</i> <i>2. Los certificados expedidos por los funcionarios públicos, en lo que se refiere al ejercicio de sus funciones, incluyendo actas, constancias, planos, cuadros, fotografías, catastros y registros;</i> <i>3. Las constancia de las actuaciones de las entidades públicas, judiciales y administrativas;</i> <i>4. Los certificados que expidan los directores de oficinas públicas sobre existencia o estado de actuaciones o procesos conforme a lo que regule la ley; y</i> <i>5. Los demás actos a los cuales la ley les reconozca el carácter de tal.</i> 		
<p>6. Have you experienced any difficulties in characterising a ‘public document’ for the purposes of the Apostille Convention?</p>	<p>[b] No.</p>		
<p>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?</p>			
<p><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).</p>			
<p>8. Do you think this Art. 1(3)(a) exclusion is justified in the context of the modern operation of the Convention?</p>			
<p>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?</p>			
<p><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).</p>			
<p>10. Do you think this Art. 1(3)(b) exclusion is justified in the context of the modern operation of the Convention?</p>			
<p>11. Do you issue (outgoing) or accept (incoming) Apostilles for any of the following categories of document?</p>		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		
Apostille Process			
Certification of Public Documents			
12. Do any of your public documents require some other intermediate certification before the issuance of an Apostille?			
For Parties that answered yes to Q12. 12.1. What categories of public document require intermediate certification and why?	Category of public document	Why certification is required	
Requesting an Apostille (Outgoing)			
13. How can an Apostille be requested?	[a] In person.		X
	[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 spot	
16. Does your Competent Authority impose a fee for issuing an Apostille?	[a] Yes, a single price for all Apostilles. <i>One-time price for all Apostilles: USD/2.00 for the paperwork</i> <i>ES: Precio único para todas las Apostillas: USD/2.00 por el trámite</i>		
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))?	[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?	[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?	[a] In one language. <i>Spanish</i> <i>ES: Español</i>		

20. In what language(s) are the blank fields of your Apostilles filled in?	[a] In one language. <i>Spanish</i> <i>ES: Español</i>	
21. How are the blank fields of your Apostilles filled in?	[b] Using computer software. <i>SIGOB</i>	
Apostille Registers		
22. How is your Apostille register, required by Article 7, maintained?	[a] Single Competent Authority. [ii] Electronic form, not publicly accessible online.	
23. What particulars are contained in your Apostille register?	[a] Number and date of the Apostille (<i>required</i>).	X
	[b] Name and capacity of the person signing the document and / or the name of authority whose seal or stamp is affixed (<i>required</i>).	X
	[c] Name and / or type of underlying document.	
	[d] Description of the contents of underlying document.	
	[e] Name of the applicant.	
	[f] State of destination.	
	[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?	[a] Yes, up to five 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?	[b] Once per year.	
Technology & the e-APP		
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)?	[b] No.	
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)?	[b] No, public documents are never executed in electronic form.	
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>Panama is in the process of creating the mechanism for the implementation of the electronic apostille. We have received the collaboration of the HCCH Regional Office, to achieve the best practices of the region in the implementation of the electronic apostille.</i> <i>ES: Panamá esta en proceso de creación del mecanismo para la implementación de la apostilla electrónica. Hemos recibido la colaboración de la Oficina Regional de HCCH, para la consecución de las mejores prácticas de la región en la implementación de la apostilla electrónica.</i>	

<p><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?</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.	
	[g] Other.	
<p><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?</p>	[a] Public documents are never executed in electronic form.	
<p>29. Are your authorities equipped to accept incoming e-Apostilles?</p>	<p>[c] No. <i>We do not have a electronic system of registration, unlike the countries that issue electronic Apostilles.</i></p> <p><i>ES: No contamos con sistema de registro electrónico en líneas de los países que emiten apostillas electrónicas.</i></p>	
<p>30. Do you maintain an e-Register?</p>	[a] Yes.	
<p><i>For Parties that answered yes to Q30.</i> 30.2. What technology is used to maintain your e-Register?</p>	<p>[c] Other. <i>We have the Information and Management System for Governance (PNUD-SIGOB).</i></p> <p><i>ES: Contamos con el Sistema de Información y Gestión para la Gobernabilidad (SIGOB-PNUD).</i></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>	[b] No.	
Issues with Apostilles		
<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.	
	[j] Unknown.	
	[k] No / Not applicable.	X
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.	
	[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.	
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? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	

<p>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></p>	<p>[a] Yes. <i>Countries that are not part of the Convention should be called upon for a dialogue to find a way for them to join and thus strengthen the Apostille mechanism.</i></p> <p><i>ES: Se debe convocar a un dialogo a los países que no forman parte de la Convención para encontrar la manera para que se sumen y así fortalecer dicho mecanismo de apostilla.</i></p>
<p>38. Would you be interested in attending the 12th International Forum on the e-APP (to be held in conjunction with the meeting of the Special Commission)?</p>	<p>[a] Yes, if possible, in person.</p>
<p>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></p>	<p>[b] No.</p>
<p>40. The Permanent Bureau is in the process of drafting a 2nd edition of the Apostille Handbook. Are there any specific topics, suggestions for presentation or formatting, or any other proposals for inclusion? <i>Please note that answers to this question will not be incorporated into the first draft of the 2nd edition. The PB will take them into account in preparing subsequent drafts.</i> <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i></p>	