

BRAZIL

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?	[a] Yes.
<i>For Parties that joined the Convention after 2010.</i>	
1.1. Did you require implementing legislation to give the Apostille Convention the force of law?	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] Yes, under bilateral / multilateral agreements. <i>a) Brazil-Italy: "Mutual Treaty of 17 October 1989 on Recognition and Enforcement of Foreign Judgments in Civil Matters".</i> <i>b) Brazil-France: "Mutual Treaty of 28 May 1996 on Mutual Cooperation in Civil Matters".</i>
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>	
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?	[b] No.
6. Have you experienced any difficulties in characterising a 'public document' for the purposes of the Apostille Convention?	[a] Yes. <i>In Brazil, any document can have its signature notarized by a public notary - "reconhecimento de firma". This notarization is a sort of public document. There are demands for apostillisation of the notarization.</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?	[b] No.
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		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			
Apostille Process			
Certification of Public Documents			
12. Do any of your public documents require some other intermediate certification before the issuance of an Apostille?	[b] No, an intermediate certification is not required for any public document; Apostilles are issued directly upon the public document.		
Requesting an Apostille (Outgoing)			
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?	[d] No.		
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
	Within five working days		
16. Does your Competent Authority impose a fee for issuing an Apostille?	[b] Yes, but the price is dependent on, for example, the category of public document(s), the Competent Authority, or the type of application. <i>State law regulates the fee, in a range of USD\$ 20 to 25.</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))?	[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?	[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?	[c] In three languages. <i>Portuguese, English, French</i>	
20.	In what language(s) are the blank fields of your Apostilles filled in?	[a] In one language. <i>Portuguese</i>	
21.	How are the blank fields of your Apostilles filled in?	[b] Using computer software. <i>There is a software that deals with the issuance and registration.</i> https://apostil.cnj.ius.br/pt/login	
Apostille Registers			
22.	How is your Apostille register, required by Article 7, maintained?	[b] Multiple Competent Authorities. [i] A single, national register in 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.	
		[g] Copy of the Apostille.	X
		[h] Copy of the underlying document.	X
		[i] Other.	
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?	[g] Not applicable, register is publicly accessible.	

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)?	<p>[a] Yes.</p> <p>a) <i>Medida Provisória (Executive Order) n° 2.200-2, of 24 August 2001, art. 10, § 1°. Entry into force: 24 August 2001</i></p> <p>b) <i>Lei (Act) 11.419, of 19 December 2006. Entry into force: 19 March 2007.</i></p> <p>c) <i>Lei (Act) 14.063, of 23 September 2020. Entry into force: 24 September 2020.</i></p> <p>a) <i>Applies to any public or private document and party</i></p> <p>b) <i>Applies to judicial documents</i></p> <p>c) <i>Applies to public documents and interactions between private parties and public parties.</i></p> <p>a)</p> <p>http://www.planalto.gov.br/ccivil_03/MPV/Antigas_2001/200-2.htm#art10%C2%A71</p> <p>b) http://www.planalto.gov.br/civil_03/Ato2004-2006/2006/Lei/L11419.htm</p> <p>c) http://www.planalto.gov.br/ccivil_03/ato2019-2022/2020/Lei/L14063.htm</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.	X
	[b] Civil status documents (e.g. birth, death and marriage certificates) and certificates of non-impediment.	X
	[c] Other administrative documents (including decisions from administrative tribunals or decision-making bodies).	X
	[d] Extracts from commercial registers and other registers.	X
	[e] Notarial authentications of signatures.	X
	[f] Other notarial acts.	X
	[g] Diplomas and other education documents.	X
	[h] Court documents, including judgments.	X
	[i] Patents or other documents pertaining to intellectual property rights.	X
	[j] Documents relating to adoptions.	X
	[k] Translations.	X
	[l] Medical or health certificates.	X
	[m] Criminal records.	X
	[n] Import or export licences.	X
[o] Certificates of origin.	X	
[p] Certificates of conformity.	X	
[q] Other.		

For Parties that answered yes to Q27. 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)?	90%	
28. Do you issue e-Apostilles?	<p>[b] No.</p> <p>[i] We are studying the use of e-Apostilles and plan to implement the e-Apostille component.</p> <p><i>We do have software and know how to issue e-Apostilles. Our Apostilles and the document are available for conference through internet.</i></p> <p><i>Small changes in the regulation, to be approved by the Board for National Courts (Conselho Nacional de Justiça), would be needed.</i></p> <p><i>We plan to submit a draft to the Board these semester.</i></p>	
For Parties that answered no to Q28. 28.1. What challenges are you facing that may prevent you from implementing the e-Apostille?	[a] Internal law limitations.	X
	[b] Judicial or administrative structure.	
	[c] Implementation challenges (e.g. lack of resources, lack of infrastructure).	
	[d] Cost.	
	[e] System interoperability / compatibility.	
	[f] Security concerns.	
	[g] Other.	
For Parties that answered no to Q28. 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?	[a] Yes, all e-Apostilles can be processed.	
30. Do you maintain an e-Register?	[a] Yes.	
For Parties that answered yes to Q30. 30.2. What technology is used to maintain your e-Register?	[a] A government-built platform.	
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.	
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>).	

	[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.	X
	[k] No / Not applicable.	
For Parties that answered other than "No" to Q32. 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.	
	[e] Contacted own diplomatic mission accredited to the place of destination.	
	[f] Contacted the Permanent Bureau.	
	[g] No action taken.	
	[h] Other.	
	[i] Unknown.	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.	X
	[l] No / Not applicable.	
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>		
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>	[b] No.	
40. The Permanent Bureau is in the process of drafting a 2 nd 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>	[b] No.	