



## **11<sup>th</sup> International Forum on the electronic Apostille Programme (e-APP) Conclusions & Recommendations**

1. From 16 to 18 October 2019, over 350 experts from over 40 Contracting and non-Contracting Parties, convened in Fortaleza, Brazil to attend the 11<sup>th</sup> International Forum on the electronic Apostille Program (e-APP). To date, this is the highest ever number of participants to attend a Forum in the history of the e-APP.
2. The Forum was jointly organised by the Permanent Bureau (PB) of the Hague Conference on Private International Law (HCCH), together with the Brazilian National Council of Justice (CNJ), Brazilian Ministry of Foreign Affairs, the Association of Notaries and Registrars of Brazil (ANOREG), the Federal Council of the Notarial College of Brazil (CNB-CF) and the National Association of Registrars of Natural Persons of Brazil (ARPEN). Participants thanked and congratulated the organisers on yet another successful meeting of the Forum, the second to be held in the Latin American region.

### *Global Significance and Promotion of the e-APP*

3. It was with great satisfaction that participants noted the continuing global interest in both the *HCCH Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (HCCH Apostille Convention) and the e-APP specifically. Participants praised the firm resolve of Competent Authorities to ensure the secure and effective operation of the Convention through the e-APP.
4. Recognising the significant positive impact that the e-APP has on facilitating procedures for Apostille issuance and verification, as well as improving access to services for citizens worldwide, Competent Authorities of current and future Contracting Parties to the HCCH Apostille Convention are encouraged to consider implementing both components of the e-APP (*i.e.* the e-Apostille and e-Register components).<sup>1</sup>
5. In addition to the promotional work of the PB, participants acknowledged the great importance of promotional activities which are driven by the Competent Authorities which have already implemented the e-APP. These Competent Authorities are able to share their positive experiences and can testify to the true value and impact of the e-APP, inspiring other Contracting

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<sup>1</sup> The e-APP comprises two components, the e-Apostille and the e-Register. The e-Apostille component is the actual issuance of the Apostille certificate in electronic form, with an electronic signature. The e-Register component is the same register required by Art. 7 of the Convention, but when entries in the register are able to be consulted electronically (typically online) and the Apostille verification takes place electronically.

Parties in the region or across the globe. In this regard, Competent Authorities are encouraged to record statistical data, and to share it with the PB on a regular basis. Such information would include not only the number of Apostilles issued and the type of underlying documents, but also information in relation to savings made in terms of time and resources, as compared to previous Apostille procedures (e.g. paper issuance/verification) and traditional legalisation. This information should be made available on the Apostille Section of the HCCH website. The PB was further invited to consider standardising statistical criteria with a view to ensuring quantitative and qualitative analysis aimed at supporting related and relevant policy analysis.

### *Implementation Practices*

6. Recalling that the participants at the previous meeting of the Forum marked the occasion of the tenth meeting by compiling an authoritative omnibus of e-APP Forum Conclusions and Recommendations (C&R), the participants of this 11<sup>th</sup> Forum took the opportunity to reaffirm the C&R of the 10<sup>th</sup> Forum and encouraged Contracting Parties to refer to these C&R when considering implementation of either or both components of the e-APP, in particular C&R Nos 20-22 on digital mechanisms of certification.

7. Participants recommended that Competent Authorities which are considering e-APP implementation explore the use of the latest technological developments and solutions, including, where possible, distributed ledger technologies. Participants further recommended that Competent Authorities which have already implemented the e-APP monitor developments and consider, where possible, updating or upgrading their e-APP infrastructure as appropriate, to keep pace with technology.

8. When either component of the e-APP is implemented, or if Contracting Parties make changes to e-APP practices and procedures, the importance of informing the PB, other Contracting Parties (and in some cases the depositary for the Convention, *i.e.* the Ministry of Foreign Affairs of the Kingdom of the Netherlands) was recalled, as well as making information available for the general public.

9. In light of the discussions during the 11<sup>th</sup> Forum, participants also invited the PB to consider including a number of topics in the agenda for discussion at the next meeting of the Special Commission on the practical operation of the Apostille Convention. These topics, as suggested by the Forum participants, include:

- a. an assessment of whether broader use of distributed ledger technologies, may further support and enhance the e-APP in the practical operation of the Convention, in particular in relation to e-Registers. With a view to preparing these discussions, the participants invited the Council on General Affairs and Policy (CGAP) to consider the possibility of establishing an Experts' Group, which would also include IT experts, to further explore these matters;
- b. possible efforts to further promote the consistent interpretation and application of the Article 1(3) exclusions;
- c. ways in which the PB could make more information about the practices of Contracting Parties, including digital mechanisms of certification, available on the Apostille Section of the HCCH website.

### *Next Forum*

10. As mandated by the CGAP of the HCCH (in C&R No. 35 of its 2019 meeting), the 12<sup>th</sup> e-APP Forum will be held in The Hague to coincide with the next meeting of the Special Commission, tentatively scheduled for October 2021 on the occasion of the 60<sup>th</sup> anniversary of the HCCH Apostille Convention.