

<b>Title</b>	<b>The e-APP: Key Principles and Good Practices</b>
<b>Document</b>	<b>Prel. Doc. No 7 of May 2021</b>
<b>Author</b>	PB Experts' Group on the e-APP and New Technologies
<b>Agenda Item</b>	Item 8.ii.
<b>Mandate(s)</b>	N/A
<b>Objective</b>	A non-binding list of recommendations to assist Contracting Parties to implement the e-APP.
<b>Action to be Taken</b>	For Decision <input type="checkbox"/> For Approval <input checked="" type="checkbox"/> For Discussion <input type="checkbox"/> For Action / Completion <input type="checkbox"/> For Information <input type="checkbox"/>
<b>Annexes</b>	Annex I – The e-APP: Key Principles and Good Practices
<b>Related Documents</b>	Prel. Doc. No 6 of May 2021 – Report from the Chair on the Experts' Group on the e-APP and New Technologies

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# **The e-APP: Key Principles and Good Practices**

## **I. Introduction**

- 1 The Experts' Group on the e-APP and New Technologies met from 3 to 6 May 2021 via videoconference to explore whether the broader use of new technologies, including distributed ledger technology (DLT), may further enhance the electronic Apostille Programme (e-APP), in particular in relation to e-Registers.
- 2 In response to the ongoing discussion, the PB presented a non-paper to the Group proposing some key principles and good practices for the implementation of the e-APP. The Group welcomed the document and made suggestions for its amendment. The document, as adopted by the Group, is included below in Annex I.
- 3 The document will be publicly available to assist Contracting Parties when implementing the e-APP. The PB will also use it as promotional material.

## **II. Proposal for the Special Commission**

- 4 The Special Commission is invited to approve the Key Principles and Good Practices.

## **ANNEXES**

## Annex I

### The e-APP: Key Principles and Good Practices

*Recalling the framework of the Apostille Convention and the value of the e-APP as a tool to enhance the secure and effective operation of the Convention, and reiterating the fundamental principle that an Apostille validly issued in one Contracting Party must be accepted by all other Contracting Parties, the Experts' Group on the e-APP and new technologies has endorsed the following compilation of key principles and good practices. This document is non-binding and Contracting Parties retain full discretion in the implementation of e-APP components in accordance with applicable laws and regulations, including on privacy and data protection.*

#### 1. e-Apostilles, and related services, should be accessible for all users.

Good practices include:

- providing guidance on e-Apostille services to applicants.
- streamlining online submissions for e-Apostille applications.
- issuing e-Apostilles within one working day of application.
- using file formats compatible with commonly used software and web browsers.
- ensuring conformity with the Model Apostille as much as possible.

#### 2. Competent Authorities should preserve the integrity of the e-Apostille and the underlying public document to which it relates.

Good practices include:

- issuing an e-Apostille when the underlying public document is executed in electronic form.
- combining the e-Apostille and the underlying public document in a single file.
- preserving the initial digital signature on the underlying public document when issuing an e-Apostille.
- preserving the digital signature and electronic format of the e-Apostille when presenting to the receiving authority.
- using a process allowing the validity of electronic signatures and digital certificates to be preserved over time.
- securing end-to-end access to ensure only authorised persons can issue and access e-Apostille services.

#### 3. e-Registers should facilitate frequent and reliable verification of Apostilles.

Good practices include:

- having a single e-Register for all Apostilles, irrespective of format or issuing Competent Authority, per Contracting Party.
- providing guidance on how to access and use an e-Register, including adding this information to Apostilles.
- displaying a visual check of the Apostille as issued.
- retaining details regarding Apostille certificates in the e-Register indefinitely.

#### **4. Contracting Parties should have systems in place to facilitate the acceptance of e-Apostilles.**

Good practices include:

- adding information to e-Apostilles instructing users to preserve the electronic format of the file.
- ensuring legal frameworks and procedures are compatible with the acceptance of e-Apostilles and receipt of electronic public documents.
- resolving difficulties in relation to the acceptance of e-Apostilles and receipt of electronic public documents directly with authorities of the issuing Contracting Party, including informing the Permanent Bureau of systemic difficulties.

#### **5. Competent Authorities should regularly update and upgrade their Apostille practices, including e-APP infrastructure.**

Good practices include:

- informing the Permanent Bureau of any developments in relation to the issuance of e-Apostilles and the operation of e-Registers.
- considering whether technical and security developments, including relevant regional and international standards, can improve existing technology.