

2013/SOM3/EC/WKSP/008

The electronic Apostille Program (e-APP)

Submitted by: Hong Kong, China



Workshop on Simplified Authentication Process for Production of Public Documents Abroad Through the Use of the Hague Apostille Convention Medan, Indonesia 27June 2013







The electronic Apostille Program (e-APP)

APEC Workshop on Simplified Authentication Process for Production of Public Documents Abroad through the use of the Hague Apostille Convention Medan, Indonesia 28-29 June 2013

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Deputy Secretary General
The Hague Conference on Private International Law

Why the e-APP

- In many States, most of the Apostille-related work is still done manually (without any assistance from modern office technology)
- The origin of a public document is not always verified adequately before the Apostille is issued
- In some States, Apostilles are stapled to the underlying document
- "Register, what register??!" almost no requests for verification of Apostilles issued

Why the e-APP

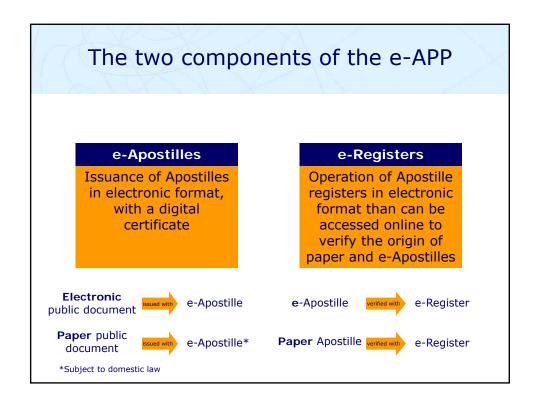
- Convention must keep pace with e-Government initiatives to remain relevant:
 - More and more public documents are executed in electronic format (incl. e-notarial acts)
 - 2003 Special Commission on the practical operation of Apostille Convention acknowledged that the Convention operates in an environment which is subject to important technical developments
 - 2003 Special Commission also noted that the spirit and letter of the Apostille Convention are not obstacles to the use of modern technology and that its operation can be further improved by relying on such technologies

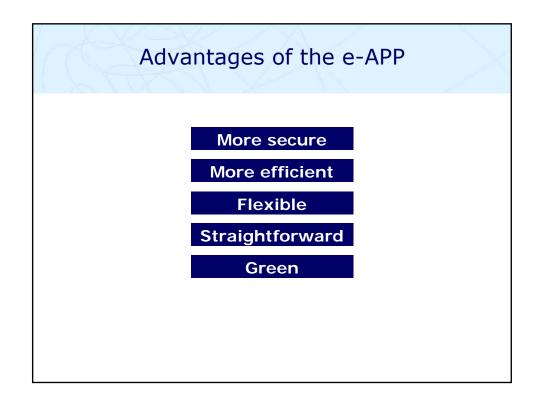
Launch of the e-APP

 In 2006, the Hague Conference, in co-operation with the National Notary Association of the United States of America, launched:

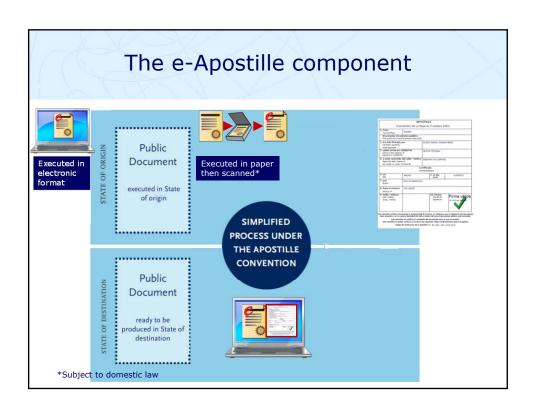
2012 electronic **Ap**ostille **P**rogram

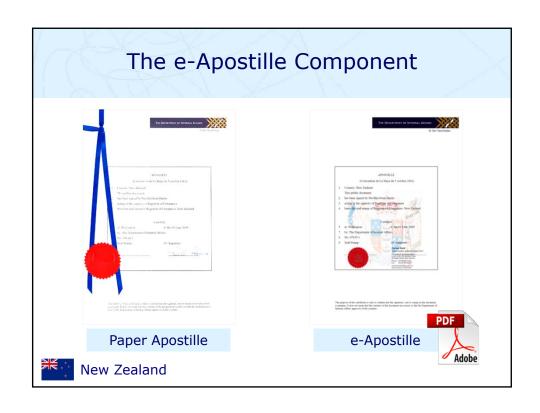
 In view of the subsequent success of the e-APP, the name was changed in January 2012 to simply the "electronic Apostille Program"

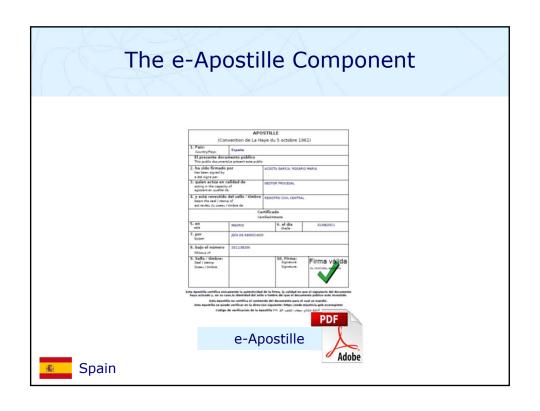




The e-Apostille component



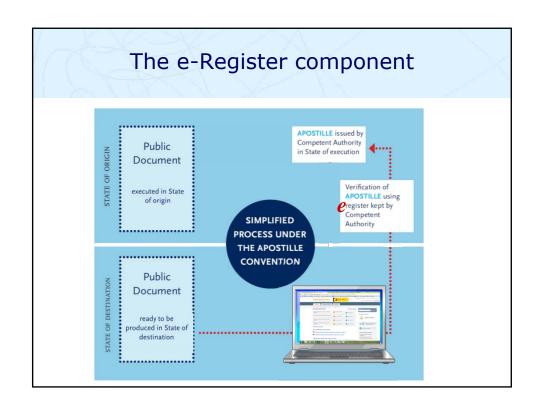


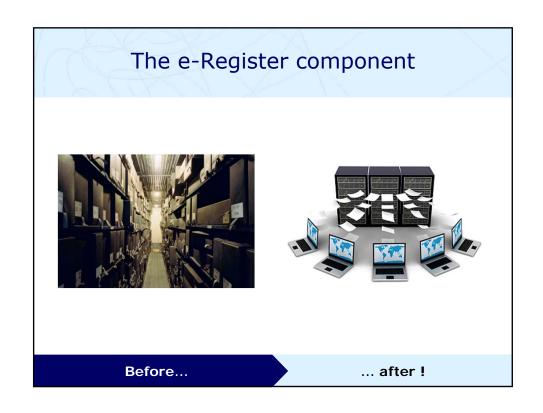


Recognition of e-Apostilles

- An Apostille may not be rejected on grounds alone that it is has been issued electronically
 - Convention text is neutral as to the form of Apostilles it allows for functional equivalence and thus for the Convention to keep up with technological developments
 - It is a fundamental principle of the Convention that an Apostille validly issued in one State Party must be accepted in other States Party – not extending this basic principle to e-Apostilles would provide States of destination with more power in the electronic environment than they have in the paper environment
 - In 2012, the Special Commission reaffirmed that the law of the State of execution determines how the Apostille may be signed (incl. electronically signed)

The e-Register component





The e-Register component

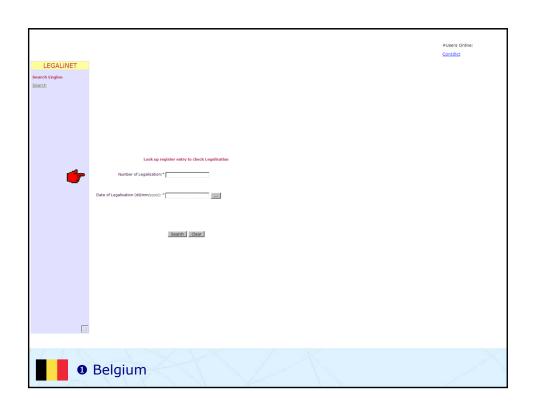
- Enables recipient to verify the origin of an Apostille easily and securely online (typically via the website of the Competent Authority)
- To avoid misuse, an e-Register should only be of use to persons who have actually received an Apostille and want to verify its issuance (no "fishing expeditions")
- e-Register is used to record the particulars of all Apostilles issued by the Competent Authority (i.e., paper and electronic Apostilles)

Categories of e-Registers							
Functionality	Category	Information displayed					
Basic	0	"Yes" / "No" [Permanent Bureau recommends Categories 2 and 3]					
Additional	2	"Yes" / "No" + information on Apostille and/or underlying document (possibly visual check)					
Advanced	8	"Yes" / "No" + information on Apostille and/or underlying document (possibly visual check) + digital verification of Apostille and/or underlying document					

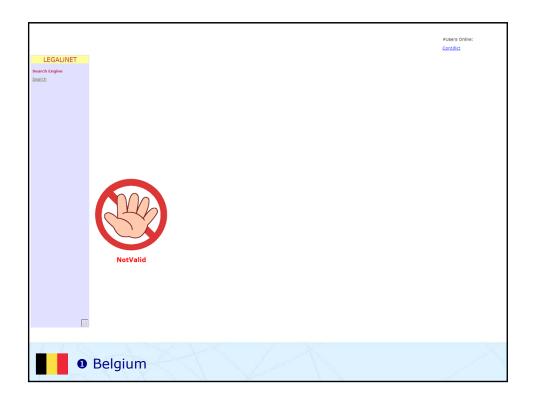
Category ① (Basic) [Permanent Bureau recommends Categories 2 and 3]











Category 2 (Additional)

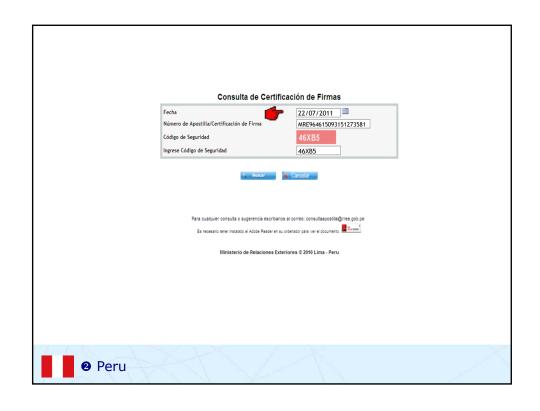


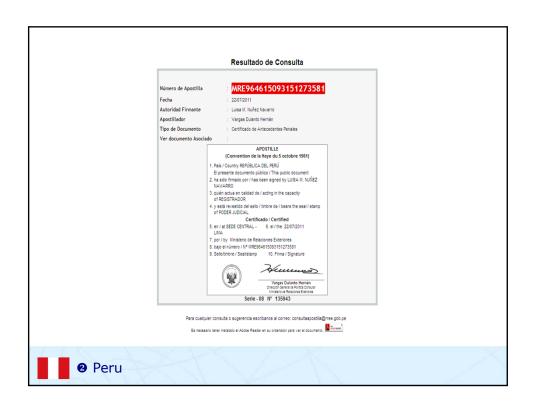


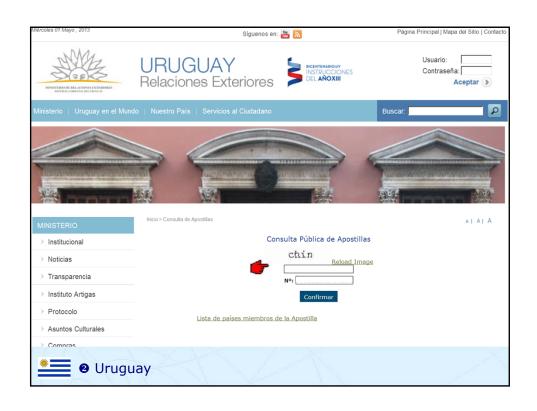




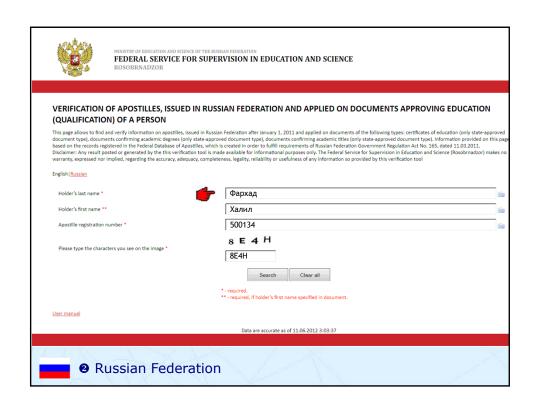


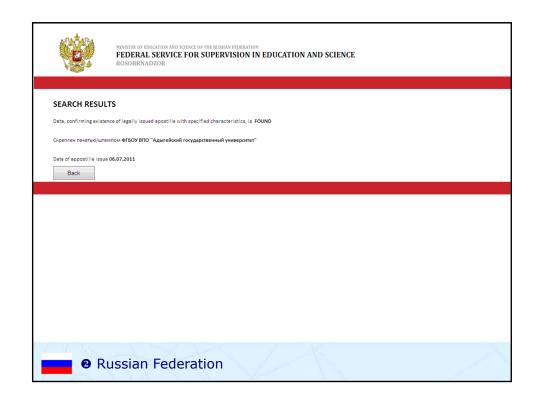










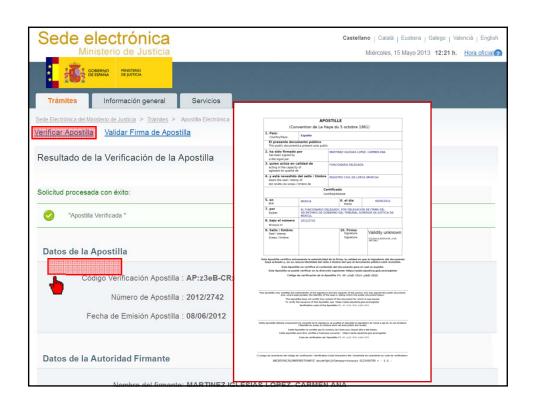


Other Category 2 e-Registers Costa Rica Dominican Republic Ireland Moldova New Zealand United States (various states)

Category 8 (Advanced)

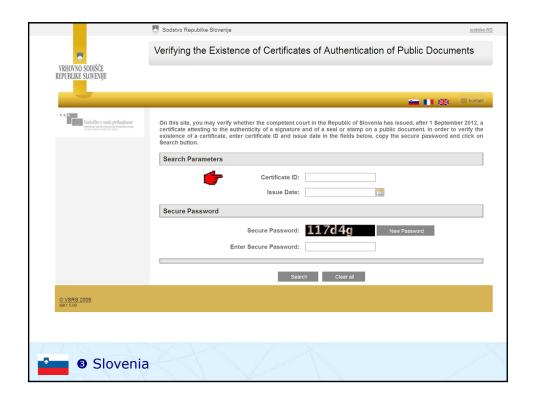


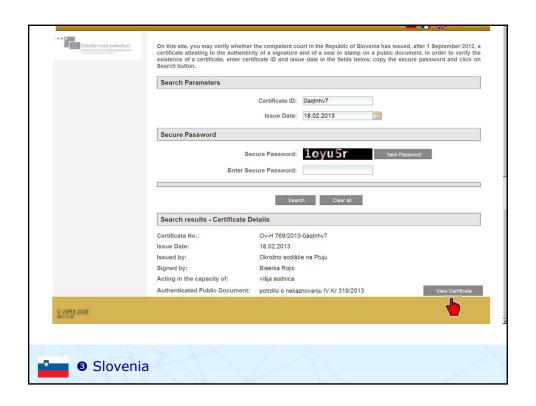


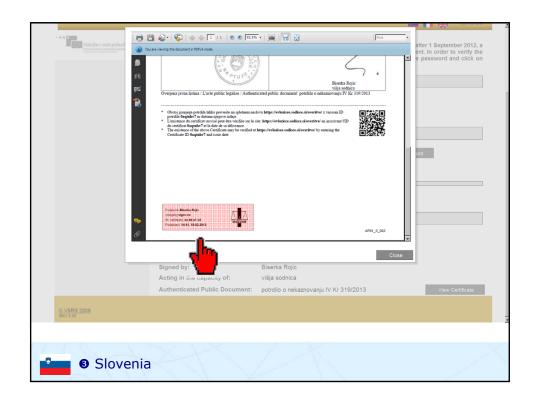


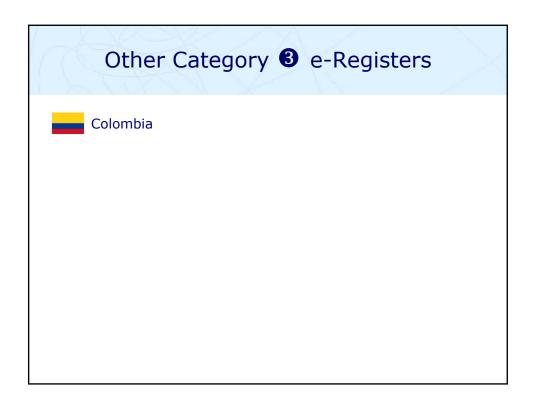












Status of the e-APP Table 1 of 2							
States	Competent Authority(ies)	e-Apostilles (implementation date)	e-Register (implementation date)	Notes			
Andorra	Ministry of Foreign Affairs		July 2009				
Belgium	Ministry of Foreign Affairs		October 2007				
Bulgaria	Ministry of Justice		November 2008				
Colombia	Ministry of Foreign Affairs	October 2007	October 2007	Colombia provides print-outs of e-Apostilles.			
Costa Rica	Ministry of Foreign Affairs		December 2011				
Dominican Republic	Ministry of Foreign Affairs		Operational [implementation date to be confirmed]	The implementation of the e-Register i not yet fully e-APP compatible.			
Georgia	Ministry of Justice (including 7 Regional Offices)		July 2009				
Ireland	Department of Foreign Affairs		March 2013				
Mexico	Ministry of Interior		February 2010				
New Zealand	Department of Internal Affairs	May 2009	April 2010				
Peru	Ministry of Foreign Affairs (including 7 Regional Offices)		October 2010				
Republic of Moldova	Ministry of Justice		January 2009				

Status of the e-APP

Table 2 of 2

States	Competent Authority(ies)	e-Apostilles (implementation date)	e-Register (implementation date)	Notes
Russian Federation	83 executive bodies of constituent entities ("federal subjects")	(implementation dute)	April 2012	The e-Register records all Apostilles issued for education documents
Slovenia	11 District Courts		September 2012	
Spain	43 judicial and administrative Competent Authorities	May 2011	May 2011	Murcia had already implemented the e- Apostille component in November 2008. A nationwide implementation of the e-Apostille component was completed in May 2011. Central e-Register used by all Competent Authorities under the purview of the Ministry of Justice.
Uruguay	Ministry of Foreign Affairs		October 2012	
USA	California - Secretary of State		December 2010	
	Colorado - Secretary of State		April 2011	
	Kansas - Secretary of State	February 2007		
	North Carolina - Secretary of State		June 2010	The implementation of the e-Register is not yet fully e-APP compatible.
	Rhode Island - Secretary of State		February 2007	
	Texas - Secretary of State		November 2008	The e-Register only records Apostilles issued by the Corporations Section of the Secretary of State.
	Washington - Secretary of State		September 2011	The implementation of the e-Register is not yet fully e-APP compatible.
	West Virginia - Secretary of State		February 2011	

e-APP Fora

- The international fora on the e-APP provide an opportunity for States to exchange information and experience on the e-APP and the practical operation of its components
- The e-APP fora also provide an opportunity for States to discuss related matters such as electronic notarisation, digital evidence and digital authentication



e-APP Fora

- 6th Forum in Madrid
 - 29-30 June 2010
 - Attended by 70 experts from 20 States
- 7th Forum in Izmir
 - 14-15 June 2012
 - Attended by 120 experts from 31 States







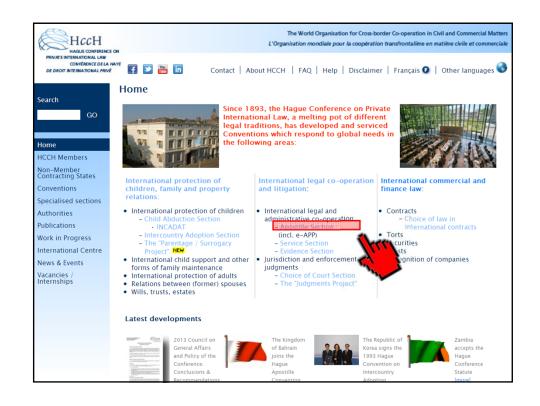


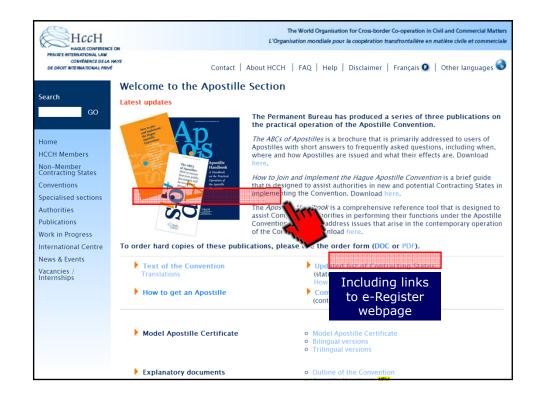


Additional information

- Dedicated 'Apostille Section' of the Hague Conference website
- Soon, a dedicated e-APP page of the 'Apostille Section'







Quick wrap

- Both components of the e-APP (e-Apostilles and e-Registers) are aimed at:
 - Competent Authorities in State of origin:
 - Issue e-Apostilles
 - Operate e-Registers
 - Recipients in State of destination
- Each component can be implemented separately
- No need for a new convention/protocol so all Contracting States are kept on board!

Support from the 2012 Special Commission

"The SC recognises the value of the e-APP as a tool to further enhance the secure and effective operation of the Apostille Convention and notes with satisfaction the continued implementation of the e-APP and the expanding use of e-Apostilles and e-Registers. The SC applauds the efforts of a number of States actively engaged in implementing one or both components of the e-APP and strongly encourages other Contracting States that have not yet done so to actively consider implementation. The SC encourages further exchanges of information among States about the implementation of the e-APP, in particular at the 8th International Forum on the e-APP scheduled for 2013 in Montevideo. The SC thanks the Government of Uruguay for its generous offer to host the next in this series of important events."



Thank you

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