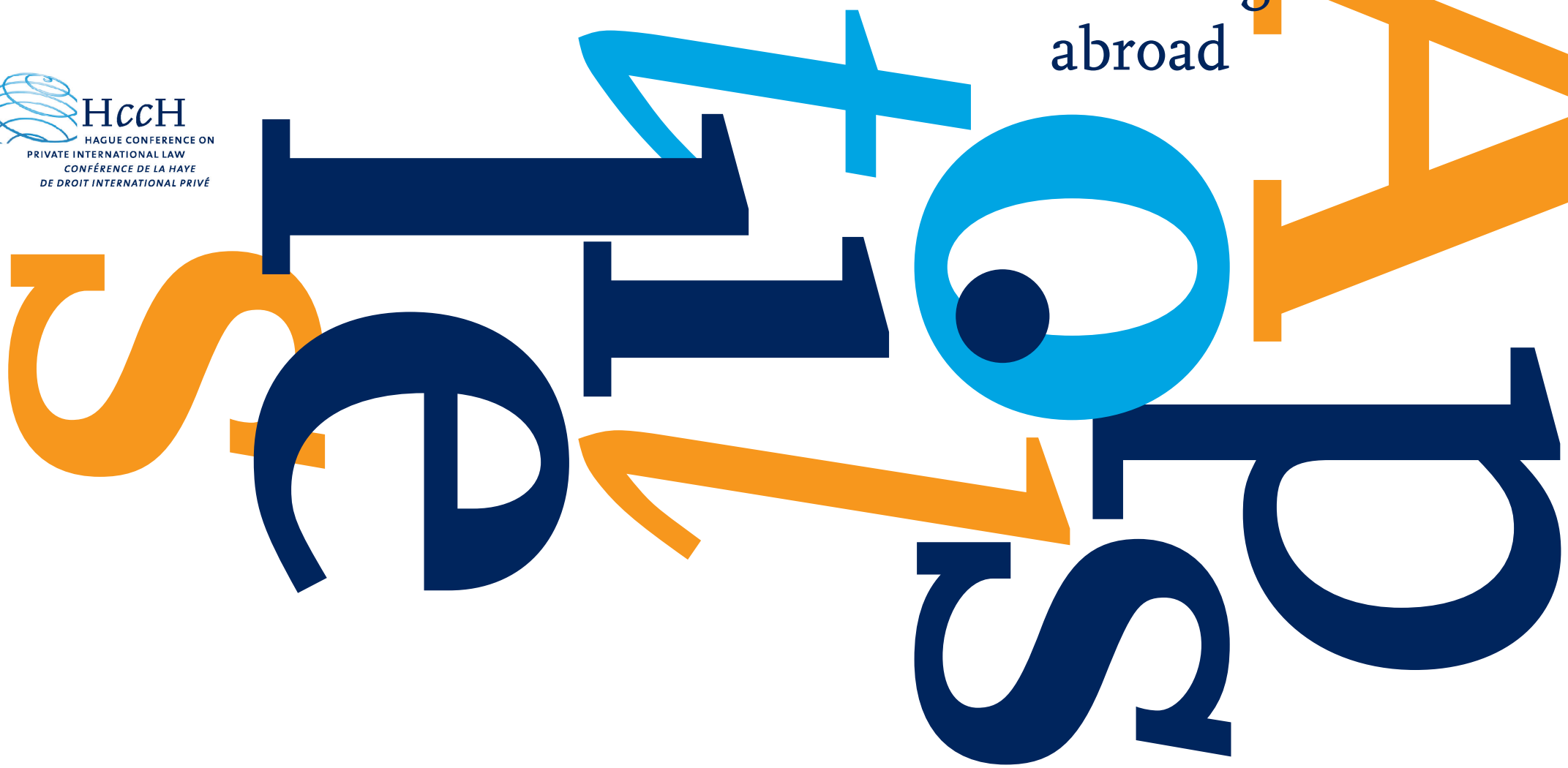
The ABCs of Apostilles

How to ensure that your public documents will be recognised abroad



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This brochure provides practical replies to the following frequently asked questions about the Apostille Convention:

1 > What is an Apostille and when do I need one?

2 > In which countries does the Apostille Convention apply?

3 > What do I do if either the country where my public document was issued or the country where I need to use my public document is not a party to the Apostille Convention?

4 > To which documents does the Apostille Convention apply?

5 > Where do I get an Apostille?

6 > What do I need to know before requesting an Apostille?

7 > How much does an Apostille cost?

8 > Do all Apostilles have to look exactly the same?

9 > How are Apostilles affixed to public documents?

10 > What are the effects of an Apostille?

11 > Once I have an Apostille, do I need anything else to show that the signature or seal on my public document is genuine?

12 > If the recipient of my Apostille wants to verify my Apostille, what should I suggest?

13 > Can Apostilles be rejected in the country where they are to be used?

14 > What about electronic Apostilles and electronic Registers of Apostilles?

Model of an Apostille as annexed to the Convention

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: .....

This public document

2. has been signed by .....
3. acting in the capacity of .....
4. bears the seal/stamp of .....

.....

Certified

5. at ..... 6. the .....
7. by .....

.....

8. No .....
9. Seal/stamp: 10. Signature:

....

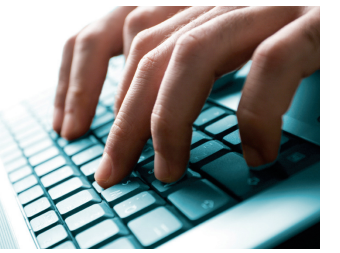
Public documents, such as birth certificates, judgments, patents or notarial attestations (acknowledgments) of signatures, frequently need to be used abroad. However, before a public document can be used in a country other than the one that issued it, its origin must often be authenticated. The traditional method for authenticating public documents to be used abroad is called *legalisation* and consists of a chain of individual authentications of the document. This process involves officials of the country where the document was issued as well as the foreign Embassy or Consulate of the country where the document is to be used. Because of the number of authorities involved, the legalisation process is frequently slow, cumbersome and costly.

www.hcch.net > Apostille Section

A large number of countries all over the world have joined a treaty that greatly simplifies the authentication of public documents to be used abroad. This treaty is called the *Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents*. It is commonly known as *the Apostille Convention*. Where it applies, the treaty reduces the authentication process to a single formality: the issuance of an authentication certificate by an authority designated by the country where the public document was issued. This certificate is called an *Apostille*.

The Apostille Convention has proven to be extremely useful and is applied millions of times each year throughout the world. It greatly facilitates the circulation of public documents issued by a country party to the Convention and that are to be used in another country also party to the Convention.

This brochure provides basic information about the Apostille Convention. It explains in particular *when*, *where* and *how* the Convention applies, *who* issues Apostilles, *what* the effects of an Apostille are and *what* you need to think about before you ask for an Apostille.



For further details, please see the website of the Hague Conference on Private International Law (Hague Conference) at **www.hcch.net**. The Hague Conference is the Organisation that developed the Apostille Convention (see the info at the end of this brochure). All relevant and updated information about the Apostille Convention is available in the 'Apostille Section' of the Hague Conference website – look for the link entitled:

Apostille Section (incl. e-APP)

question 1

What is an Apostille and when do I need one?

www.hcch.net > Apostille Section

Question 1 What is an Apostille and when do I need one?

An Apostille is a certificate that authenticates the origin of a *public document* (e.g., a birth, marriage or death certificate, a judgment, an extract of a register or a notarial attestation). The Model Apostille Certificate is reproduced at the beginning of this brochure.

Apostilles can only be issued for documents issued in one country party to the Apostille Convention and that are to be used in another country which is also a party to the Convention.

You will need an Apostille if all of the following apply:

- **the country where the document was issued is party to the Apostille Convention; and**
- **the country in which the document is to be used is party to the Apostille Convention; and**
- **the law of the country where the document was issued considers it to be a public document; and**
- **the country in which the document is to be used requires an Apostille in order to recognise it as a foreign public document.**

An Apostille may never be used for the recognition of a document in the country where that document was issued – Apostilles are strictly for the use of public documents abroad!

An Apostille may not be required if the laws, regulations, or practice in force in the country where the public document is to be used have abolished or simplified the requirement of an Apostille, or have exempted the document from any legalisation requirement. Such simplification or exemption may also result from a treaty or other agreement that is in force between the country where the public document is to be used and the country that issued it (*e.g.*, some other Hague Conventions exempt documents from legalisation or any analogous formality, including an Apostille).

If you have any doubts, you should ask the intended recipient of your document whether an Apostille is necessary in your particular case.

question 2

In which countries does the Apostille Convention apply?

Question 2 In which countries does the Apostille Convention apply?

The Apostille Convention only applies if both the country where the public document was issued and the country where the public document is to be used are parties to the Convention. A comprehensive and updated list of the countries where the Apostille Convention applies, or will soon apply, is available in the Apostille Section of the Hague Conference website – look for the link entitled Status table of the Apostille Convention.

The Status table of the Apostille Convention has two parts: the first part lists countries that have *joined the Apostille Convention* and are *also Members* of the Hague Conference (i.e., the Organisation that developed the Convention); the second part lists countries that have *joined the Apostille Convention but are not Members* of the Hague Conference. **In other words, a country does not need to be a Member of the Hague Conference to be party to the Apostille Convention.**

When checking the Status table of the Apostille Convention, always keep the following in mind:

1. Check if *both* the country where the public document was *issued* and the country where the document is to be used are listed in either part of the Status table.
2. It does not matter whether a country appears in the first or the second part of the Status table – the Convention applies equally to Members and non-Members of the Organisation.
3. Check the *date of entry into force* of the Convention for both countries. Look for the column entitled 'EIF' – only after that date can the relevant country issue and receive Apostilles.
4. There are different ways for a country to become a party to the Convention (*ratification, accession, succession* or *continuation*), but these differences have no impact on how the Convention operates in a country.
5. If one of the countries has *acceded* to the Convention, check that the other country has not *objected* to that accession; to find out, see the column entitled 'Type' next to the acceding country's name and check if there is a link entitled 'A**' – if so, click on it and check whether the other country is listed.
6. Check whether the Convention applies to the entire territory of a country or only to parts of it; to find out, see if there is a link in the columns entitled 'Ext' and 'Res/D/N' – if so, click on it and read the relevant information.

Do not confuse the Status table of the Apostille Convention with other lists of countries on the Hague Conference website, such as the list of Members of the Hague Conference on Private International Law or status tables of other Hague Conventions. A country may be party to one or several of the many other Hague Conventions but not to the Apostille Convention, or a country may be party to the Apostille Convention without being party to any other Hague Conventions.

question 3

What do I do if either the country where my public document was issued or the country where I need to use my public document is not a party to the Apostille Convention?

Question 3 What do I do if either the country where my public document was issued or the country where I need to use my public document is not a party to the Apostille Convention?

If your public document was issued or is to be used in a country where the Apostille Convention does not apply, you should contact the Embassy or a Consulate of the country where you intend to use the document in order to find out what your options are. The Permanent Bureau (Secretariat) of the Hague Conference does not provide assistance in such cases.

question 4

To which documents does the Apostille Convention apply?

Question 4 To which documents does the Apostille Convention apply?

The Convention only applies to public documents. Whether or not a document is a public document is determined by the law of the country in which the document was issued. Countries typically apply the Convention to a wide variety of documents. Most Apostilles are issued for documents of an administrative nature, including birth, marriage and death certificates; documents emanating from an authority or an official connected with a court, tribunal or commission; extracts from commercial registers and other registers; patents; notarial acts and notarial attestations (acknowledgments) of signatures; school, university and other academic diplomas issued by public institutions.

The Apostille Convention does not apply to documents executed by diplomatic or consular agents.
The Convention also excludes from its scope certain administrative documents related to commercial or customs operations.

If you are not sure whether a particular document is a public document, you should contact the relevant Competent Authority of the country that issued the document (as discussed in the next question).

question 5

Where do I get an Apostille?

Question 5 Where do I get an Apostille?

Each country that is party to the Convention must designate one or several authorities that are entitled to issue Apostilles. These authorities are called Competent Authorities – only they are permitted to issue Apostilles.

The list of all Competent Authorities designated by each country that has joined the Apostille Convention is available in the Apostille Section of the Hague Conference website.

Some countries have designated only *one* Competent Authority. Other countries have designated *several* Competent Authorities either to ensure that there are Competent Authorities in different regions of the country or because different government entities are responsible for different kinds of public documents; in some federal systems, the national Government may be responsible for certain types of documents whereas a component state or local government may be responsible for others.

If a country has designated various Competent Authorities, make sure you identify the relevant Competent Authority for your request.

Most Apostilles are issued on the same day they are requested.

The Apostille Section of the Hague Conference website provides full contact details of most Competent Authorities, including links to the websites of Competent Authorities where available.

A public document can only be apostillised by the relevant Competent Authority of the country that issued the document. While the Permanent Bureau (Secretariat) of the Hague Conference provides a broad range of services to support Contracting States in the effective implementation and practical operation of the Apostille Convention, it does *not* issue any Apostilles, does *not* maintain any register of Apostilles and does *not* keep any copies of Apostilles.

question 6

What do I need to know before requesting an Apostille?

www.hcch.net > Apostille Section

Question 6 What do I need to know before requesting an Apostille?

Before you approach a Competent Authority about getting an Apostille, you should consider questions such as:

- Does the Apostille Convention apply in both the country that issued the public document and the country where I intend to use it?
- If the country that issued the public document has designated several Competent Authorities, which one is the relevant Competent Authority to issue an Apostille for my public document?
- Can I get an Apostille for my public document, i.e., is my document considered a public document under the law of the country where it was issued?
- Can I request an Apostille by mail or must I appear in person? This is particularly relevant if you are living in a country other than the country that issued your public document.
- If I have multiple documents, will I need multiple Apostilles?
- Are there other documents (in addition to the public document) or additional information that I need to provide to get an Apostille (e.g., a document establishing my identity or a stamped envelope in the case of requests by mail)?
- How much does an Apostille cost and what forms of payment are available?
- How long will it take to get the Apostille?

If you cannot find the answers to these questions in this brochure, see the information available in the Apostille Section of the Hague Conference website. If you still cannot find an answer, contact the relevant Competent Authority.
The Apostille Section provides full contact details of most Competent Authorities, including links to the websites of Competent Authorities where available.

question 7

How much does an Apostille cost?

www.hcch.net > Apostille Section

Question 7 How much does an Apostille cost?

The Apostille Convention is silent on the cost of Apostilles. As a result, the practice among Competent Authorities varies greatly.

Many Competent Authorities do charge for Apostilles; when they do, the prices vary greatly. For practical information on the prices that individual countries charge, see the information available in the Apostille Section of the Hague Conference website.

question 8

Do all Apostilles have to look exactly the same?

Question 8 Do all Apostilles have to look exactly the same?

No. An Annex to the Apostille Convention provides a Model Apostille Certificate (which is reproduced at the beginning of this brochure). Apostilles should conform as closely as possible to this Model Certificate.

In particular, an Apostille must:

- **be identified as an Apostille; and**
- **include the short version of the French title of the Convention (Convention de La Haye du 5 octobre 1961); and**
- **include a box with the 10 numbered standard informational items.**

An Apostille may also provide *additional* information. For example, an Apostille may:

- provide extra information about the public document to which it relates;
- recall the limited effect of an Apostille *(i.e.*, that it only certifies the origin of the public document to which it relates);
- provide a web-address (URL) of a register where the origin of the Apostille may be verified; or
- specify that the Apostille is not to be used in the country that issued it.

However, such additional information must be *outside the box* that holds the 10 numbered standard informational items.

While an Apostille should conform as closely as possible to the Model Certificate, in practice Apostilles issued by different Competent Authorities vary. These variations may be in design, size and colour as well as in any additional elements mentioned outside the box that holds the 10 numbered standard informational items. *Such variations in appearance are not a basis for refusal of an Apostille by the intended recipient!*

question 9

How are Apostilles affixed to public documents?

Question 9 How are Apostilles affixed to public documents?

An Apostille must be placed directly on the public document itself or on a separate attached page (called an *allonge*). Apostilles may be affixed by various means, including rubber stamps, self-adhesive stickers, impressed seals, etc.

If an Apostille is placed on an *allonge*, the latter can be attached to the underlying public document by a variety of means, including glue, grommets, staples, ribbons, wax seals, etc. While all of these means are acceptable under the Convention, Competent Authorities are encouraged to use more secure methods of affixation so as to safeguard the integrity of the Apostille.

Failure to affix an Apostille in a particular manner is not a basis for refusing the Apostille.

You should *never* detach an Apostille, regardless of whether it is placed directly on the public document or on an *allonge!*

question 10

What are the effects of an Apostille?

Question 10 What are the effects of an Apostille?

An Apostille only certifies the *origin* of the public document to which it relates: it certifies the authenticity of the signature or seal of the person or authority that signed or sealed the public document and the capacity in which this was done.

An Apostille does *not certify the content* of the public document to which it relates.

Apostilles are not grants of authority and do not give any additional weight to the content of underlying documents.

An Apostille may never be used for the recognition of a document in the country where that document was issued – Apostilles are strictly for use of public documents abroad.

It is up to the country where the Apostille is to be used to decide how much weight to give to the underlying public document.

An Apostille only certifies the *origin* of the public document to which it relates, *never the content* of that document.

question 11

Once I have an Apostille, do I need anything else to show that the signature or seal on my public document is genuine?

Question 11 Once I have an Apostille, do I need anything else to show that the signature or seal on my public document is genuine?

No. An Apostille issued by the relevant Competent Authority is all that is required to establish that a signature or seal on a public document is genuine and to establish the capacity of the person or authority that signed or sealed the public document.

If the Convention applies, an Apostille is the *only* formality that is required to establish the origin of the public document – no additional requirement may be imposed to authenticate the origin of the public document.

question 12

If the recipient of my Apostille wants to verify my Apostille, what should I suggest?

www.hcch.net > Apostille Section

Question 12 If the recipient of my Apostille wants to verify my Apostille, what should I suggest?

Each Competent Authority is required to keep a *register* in which it records the date and number of every Apostille it issues, as well as information relating to the person or authority that signed or sealed the underlying public document.

Recipients may contact the Competent Authority identified on the Apostille and ask whether the information on the Apostille corresponds with the information in the register.

In order to verify a particular Apostille, recipients may contact the Competent Authority. Contact information for the Competent Authorities, including phone numbers and website information, such as the URL of e-Registers where applicable, is available in the Apostille Section of the Hague Conference website.

Many Competent Authorities have started to operate online electronic Registers (e-Registers). These e-Registers allow for easy online queries to verify the origin of an Apostille without Competent Authorities having to answer these queries individually by phone, e-mail or otherwise. If a Competent Authority operates such an e-Register, the web address of the e-Register is mentioned on the Apostille.

While the Permanent Bureau (Secretariat) of the Hague Conference provides a broad range of services to support Contracting States in the effective implementation and practical operation of the Apostille Convention, it does *not* issue any Apostilles, does *not* maintain any register of Apostilles and does *not* keep any copies of Apostilles.

If the intended recipient of your apostillised public document has doubts about the origin of the Apostille, you should encourage him or her to immediately contact the Competent Authority mentioned on the Apostille and ask the latter to verify whether it really issued the Apostille. If available, an e-Register allows for a quick online query.

question 13

Can Apostilles be rejected in the country where they are to be used?

Question 13 Can Apostilles be rejected in the country where they are to be used?

Apostilles issued in accordance with the requirements of the Convention must be recognised in the country where they are to be used.

Apostilles may only be rejected if and when:

- **their origin cannot be verified (i.e., if and when the particulars on the Apostille do not correspond with those in the register kept by the Competent Authority that allegedly issued the Apostille); or**
- **their formal elements differ radically from the Model Certificate annexed to the Convention.**

While an Apostille should conform as closely as possible to the Model Certificate annexed to the Convention, in practice Apostilles issued by different Competent Authorities vary in design, size and colour as well as in any additional elements that may be included on the Certificate. **Such variations in appearance are not a basis for refusal of an Apostille.**

Failure to affix an Apostille to the public document in a particular manner is not a basis for refusing the Apostille. The mere fact that an Apostille has been affixed by a method that differs from the method(s) employed by the country where it is to be used is not a reason for the rejection of the Apostille.

Additional text on an Apostille outside the box with the 10 numbered standard informational items is not a basis for rejection of an Apostille.

'Apostille Certificates' issued by countries that are not party to the Convention must be rejected in all other States as being contrary to the Convention.

question 14

What about electronic Apostilles and electronic Registers of Apostilles?

www.hcch.net > Apostille Section

Question 14 What about electronic Apostilles and electronic Registers of Apostilles?

The Convention does allow Competent Authorities to issue Apostilles in electronic form (e-Apostilles) and to maintain electronic registers of Apostilles (e-Registers).

Many Competent Authorities are developing and implementing e-Apostilles and e-Registers, as suggested by the Permanent Bureau (Secretariat) of the Hague Conference under the *electronic Apostille Pilot Program (e-APP)*. For more information about the e-APP in general, and on whether a particular Competent Authority issues e-Apostilles and/or maintains an e-Register, **see the e-APP website at www.e-APP.info (in particular the Status of the e-APP).**

About the Hague Conference on Private International Law

The Hague Conference on Private International Law was established in 1893 and became a permanent intergovernmental organisation in 1955. Today, the Hague Conference is the pre-eminent World Organisation dealing with cross-border legal issues in civil and commercial matters. Its mission is to work towards a world in which individuals and companies can enjoy a high degree of legal certainty in cross-border situations.

Responding to the needs of a globalising international community, the Hague Conference develops multilateral Conventions (45 since 1893) and assists with their implementation and practical operation. These Hague Conventions deal with such diverse fields as Apostilles; service of process abroad; taking of evidence abroad; shares, bonds and other securities; child abduction, intercountry adoption, maintenance obligations, etc. These Conventions serve to build bridges between various legal systems while respecting their diversity. The Secretariat of the Hague Conference is called the Permanent Bureau.

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