HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

How to join and implement the Hague Apostille Convention

A Brief Guide

for countries interested in joining the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents

HccH
HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW
CONFÉRENCE DE LA HAYE DE DROIT INTERNATIONAL PRIVÉ

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Introduction

About this Guide

1 This Guide is primarily addressed to States that are interested in joining the *Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents*, commonly known as the Apostille Convention. Its basic purpose is to assist the relevant authorities in their efforts to ensure the successful implementation of the Convention and to lay the foundation for its effective practical operation.

Part I of the Guide identifies various matters that the State should start thinking about, ideally before joining the Apostille Convention;
Part II of this Guide explains how Apostilles are issued; issuing Apostilles is the very essence of the Convention and thus a matter that States also need to think carefully about before joining;
Part III of this Guide describes the actual procedure for acceding to the Apostille Convention.

2 This Guide is not intended to be a comprehensive Handbook on the practical operation of the Apostille Convention. Such a Handbook, which is primarily addressed to Competent Authorities in performing their functions under the Convention, is under development at the time of publication of this Guide. The finalisation of the Handbook is subject to available resources and prior consultation with Contracting States and Members of the Hague Conference.

About the Apostille Convention

3 The Apostille Convention greatly simplifies the authentication of public documents to be used abroad. Where it applies, it abolishes the traditional and often lengthy and cumbersome legalisation process, replacing it with a single formality: an authentication certificate issued by an authority designated by the State where the public document was executed. This certificate is called an *Apostille*.

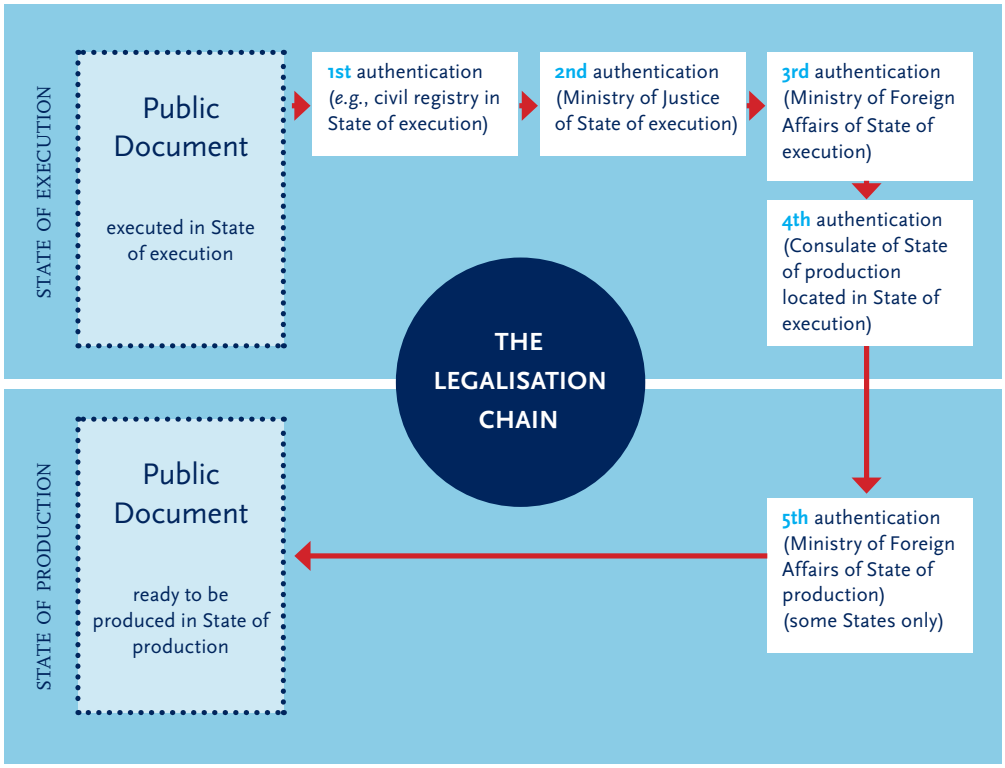
APOSTILLE
(Convention de La Haye du 5 octobre 1961)

1. Country: .....
This public document
2. has been signed by .....
3. acting in the capacity of .....
4. bears the seal/stamp of .....
.....

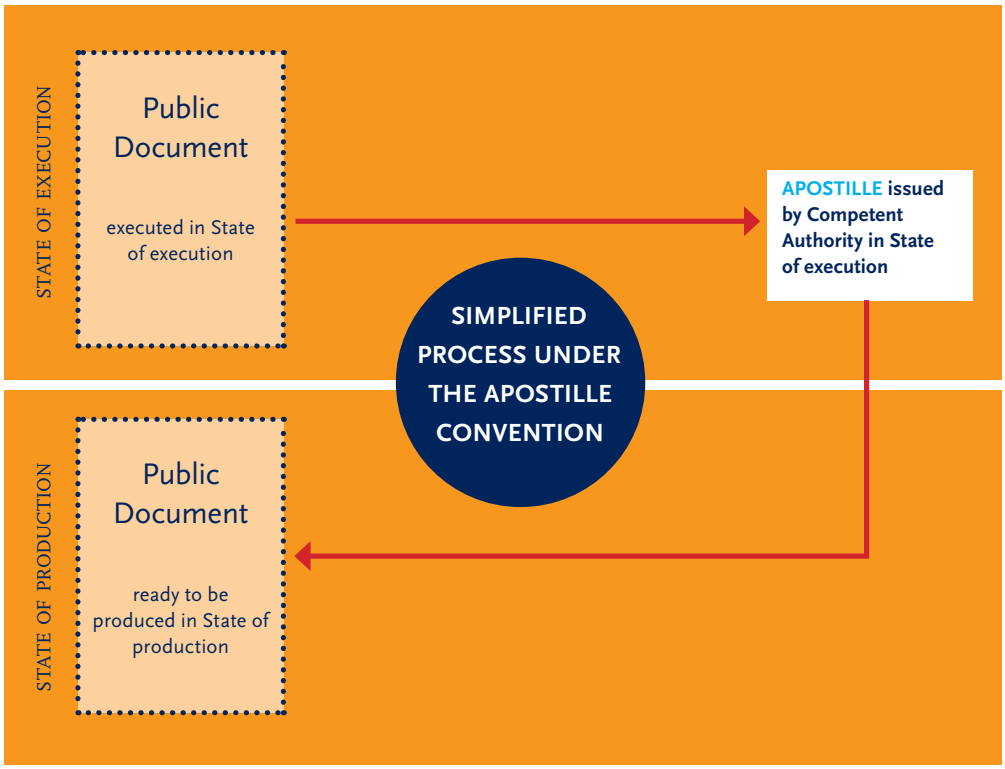
Certified

5. at ..... 6. the .....
7. by .....
.....
8. No .....
9. Seal/stamp: 10. Signature:
....

4 While differences exist among States, the traditional legalisation process typically involves a number of steps, as represented in the following diagram:



Compare this 'legalisation chain' with the simplified process under the Apostille Convention, as represented in the following diagram:



5 Of all the Hague Conventions, the Apostille Convention has attracted the highest number of ratifications and accessions. With several million Apostilles issued each year around the world, it is also undoubtedly the most widely used Hague Convention. States that are not yet party to this useful and effective Convention are strongly encouraged to join it (see para. 8).

An updated list of Contracting States to the Apostille Convention (status table) is available on the Apostille Section of the Hague Conference website www.hcch.net.

6 The Apostille Convention greatly streamlines administrative formalities for individuals and businesses that, in the course of their cross-border movements and activities, need to produce public documents abroad. By cutting the red tape, the Apostille Convention facilitates the international circulation of these documents, which in turn assists in establishing conditions that are more amenable to foreign investment and international trade. At the same time, the Apostille Convention maintains the integrity of public document authentication, as well as revenue streams for States that charge fees for authentication services (on fees, see paras 52 *et seq*.).

The Apostille Convention applies if and when *all* of the following conditions are fulfilled:

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

7 The Convention was open to signature and subsequent ratification by the States represented at the Diplomatic Session of the Hague Conference which concluded the Convention (see Art. 10). All of these States have become States Parties.

Any State now wishing to join the Apostille Convention may do so by *accession*.

Whether a State Party joined the Convention by way of ratification or accession makes no difference to the operation of the Apostille Convention for that State. Unlike ratification, however, a State's accession is subject to the possible objection of another Contracting State: for further details on objections to an accession and how to avoid them, see paras 62 *et seq*.

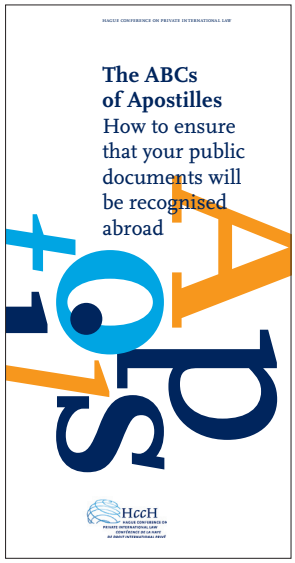
About the Apostille Section of the Hague Conference website

8 States interested in joining the Apostille Convention are strongly encouraged to peruse the 'Apostille Section' of the Hague Conference website **www.hcch.net**. In addition to the full text of the Apostille Convention, the **Apostille Section** provides useful and up-to-date information on the Convention's practical operation, the electronic Apostille Pilot Program (e-APP), as well as other relevant information. In particular, the **Apostille Section** contains the Conclusions and Recommendations (C&R) of the 2003 and 2009 Special Commissions on the practical operation of the Apostille Convention (the 2003 SC and 2009 SC respectively).

The 2009 SC welcomed the very wide use and effectiveness of the Apostille Convention and strongly recommended its promotion among States that have not yet become Party: see C&R No 66.

9 'Special Commissions' are convened by the Permanent Bureau and perform an important function in the operation of the Hague Conference (see Art. 8 of the Statute of the Hague Conference). Special Commissions are convened either to develop and negotiate new Hague Conventions, or to examine and discuss the practical operation of existing Hague Conventions. The Special Commissions on the practical operation of the Apostille Convention are open to Members of the Hague Conference, Contracting States, other interested States (including those that have expressed an interest to the Permanent Bureau in joining the Convention), and relevant international organisations. The C&R of these Special Commissions are extremely valuable and greatly assist the uniform interpretation and application of the Convention around the globe. References to these C&R are made throughout this Guide.

10 The **Apostille Section** also provides access to an informative brochure entitled *The ABCs of Apostilles*, which contains short practical replies to frequently asked questions by users about the Apostille Convention, and serves as a handy complement to this Guide.



Part I Matters to consider before acceding to the Apostille Convention

A summary of the matters to consider is provided in the form of a checklist in Annex I to this Guide.

How will the Apostille Convention be implemented from a legislative point of view?

11 How a treaty (like the Apostille Convention) is brought into force within the legal order of a given State depends on that State's internal legal framework (in particular its constitutional requirements). For some States, the Apostille Convention will become part of internal law upon accession without the need for any additional steps. For other States, the Apostille Convention will need to be incorporated into internal law by a legislative act.

The Permanent Bureau is not in a position to advise States on matters relating to their internal legal framework. Where necessary, advice should be sought from appropriate subject matter experts.

What about inconsistent internal law and international obligations, as well as other implementing measures?

12 There might be obstacles to overcome in an acceding State's internal law. For example, legislation (or other treaties to which the State may be a party) might expressly require foreign public documents to be *legalised* before being considered by the State's authorities. As indicated in its full title, the Apostille Convention *abolishes* legalisation among Contracting States and replaces the traditional legalisation chain with a single, straightforward formality (*i.e.*, issuing an Apostille). Depending in particular on whether or not treaties override internal law under the State's constitutional framework, inconsistent internal law may need to be amended.

13 Other implementing measures (such as the adoption of judicial or administrative procedural rules) may also need to be taken to assist the effective implementation of the Convention. Again, the Permanent Bureau is not in a position to advise States on issues relating to their internal law.

Who should be informed of the accession and why?

14 In addition to designating one or more Competent Authorities to issue and register Apostilles under the Convention (see para. 33), the Apostille Convention contains the following obligations which may affect the activities of authorities of the acceding State:

- **Contracting States may not require legalisation of foreign public documents to which the Apostille Convention applies (Arts 2 and 3, and C&R No 77 of the 2009 SC);**
- **Contracting States must take necessary steps to prevent legalisation of documents to which the Convention applies (Art. 9).**

15 Relevant authorities include those that require foreign public documents to be legalised for official use in the acceding State (*e.g.*, the courts, government service agencies), and those that are involved in the legalisation process, namely:

a officials and authorities of the acceding State that execute public documents, or authenticate outgoing documents as part of the legalisation chain (*e.g.*, the Ministry of Justice);

b embassies and consulates of other Contracting States located in the acceding State that currently provide legalisation services in respect of documents executed in the acceding State for production abroad (outgoing documents); and

c embassies and consulates of the acceding State abroad that currently provide legalisation services in respect of documents executed in other Contracting States for production in the acceding State (incoming documents).

16 With a view to ensuring that the obligations under the Apostille Convention are properly discharged, acceding States should:

a notify all relevant authorities of the upcoming entry into force of the Apostille Convention; and

b provide the relevant authorities of the acceding State with information and training on the purpose and operation of the Apostille Convention, and its impact on existing procedures.

Authorities should also be referred to the practical information on the **Apostille Section** of the Hague Conference website.

17 Acceding States should also inform:

a the general public (*e.g.*, individuals and in particular business groups that will be making use of Apostilles in their cross-border activities); and

b professional groups involved in the circulation of public documents (*e.g.*, lawyers, notaries, patent attorneys),

of the new, simpler procedures for authenticating public documents for production abroad.

18 The Apostille Convention does not affect legalisation procedures that apply between the acceding State and non-Contracting States: see Article 1(1). For this reason, it is recommended that Competent Authorities inquire about the State of destination of the public document sought to be apostillised to ensure that the appropriate procedure is followed (see also C&R No 81 of the 2009 SC).

What are 'public documents'?

19 The Apostille Convention only applies to *public documents*. Whether or not a document is a public document is determined by the law of the State in which the document was executed. Contracting States should therefore have a clear understanding of the types of documents for which an Apostille may be issued (*i.e.*, which may be *apostillised*).

20 The Apostille Convention deems the following to be public documents (Art. 1):

- **a** documents emanating from an authority or an official connected with a court or tribunal, including those emanating from a public prosecutor, a clerk of a court or a process-server (*'huissier de justice'*);
- **b** administrative documents;
- **c** notarial acts; and
- **d** official certificates which are placed on documents signed by persons in their private capacity, such as official certificates recording the registration of a document or the fact that it was in existence on a certain date and official and notarial authentications of signatures.

21 Whilst Apostilles are commonly issued for these documents, this list is not exhaustive. In practice, Contracting States apply the Apostille Convention to a wide variety of documents, including birth, marriage and death certificates, extracts from commercial and other registers, patents, and diplomas issued by public educational institutions.

The 2009 SC recommended that the category of public documents be interpreted *broadly*: C&R No 72.

22 The Apostille Convention does not apply to documents executed by diplomatic or consular agents, or administrative documents dealing directly with commercial or customs operations.

The 2009 SC confirmed that the term 'administrative documents dealing directly with commercial or customs operations' should be interpreted narrowly, and noted that some States issue Apostilles for documents such as import / export licenses, health certificates and certificates of origin or conformity: C&R No 77.

23 As the Apostille Convention is designed to streamline administrative formalities and *abolish* legalisation between Contracting States, it does not introduce additional formalities that did not previously exist. In other words, a document that was not subject to the traditional legalisation chain does not need to be apostillised under the Apostille Convention.

Which authority(ies) should be designated as Competent Authority(ies)?

Under Article 6, the designation of Competent Authorities must be notified to the Depositary: see para. 59.

24 Each Contracting State is required to designate one or more authorities that are competent to issue Apostilles (known as *Competent Authorities*). The designation of Competent Authorities is crucial to the effective operation of the Apostille Convention. Each State is free to determine the *identity* and *quantity* of Competent Authorities.

Identity of Competent Authorities

25 Most of the time, a Contracting State will designate an *existing* authority as a Competent Authority. A few States, on the other hand, have established a *new* authority (generally within a larger existing agency such as the Ministry of Foreign Affairs) as the Competent Authority. Determining whether to create a new authority or to confer competence on an existing authority is likely to depend on the resources expected to be directed to issuing and registering Apostilles, and the financial impact of establishing a new authority.

26 If an acceding State intends to charge a fee for issuing an Apostille (see paras 52 et *seq*.), the identity of its Competent Authorities may also be determined by internal financial regulations.

Quantity of Competent Authorities

27 Some Contracting States have designated only one Competent Authority, such as the Ministry of Foreign Affairs (or a specialised subdivision within that Ministry), the Ministry of Interior or the Ministry of Justice. While the designation of a single Competent Authority may assist in establishing good practices for issuing Apostilles, it may raise challenges in terms of accessibility to Apostille services (in particular in larger States).

The Permanent Bureau recommends that States, which have initially designated a single Competent Authority, consider the possibility of decentralising the provision of Apostille services once good practices have been established. This could be done either by designating additional Competent Authorities, or by opening local offices of the existing Competent Authority (in the latter case, no new designation is made). By doing so, the State can give individuals and businesses easier (local) access to Apostille services, which in turn further facilitates the international circulation of public documents.

28 Other Contracting States have designated several Competent Authorities:

- **a** for some (federal or multi-unit) States, a separate Competent Authority has been designated for each territorial unit (province, state, canton, etc.); and
- **b** for other States, a separate Competent Authority has been designated for each of the main categories of public documents (*e.g.*, the Ministry of Justice may be competent to issue Apostilles for court documents;

the Ministry of Education may be competent to issue Apostilles for diplomas issued by public institutions; the Ministry of Foreign Affairs may be competent to issue Apostilles for civil status records; and the professional body for notaries may be competent to issue Apostilles for notarial acts).

29 The practice of designating different Competent Authorities depending on the category of the public document has proven to be very effective, because the document is apostillised by an authority that is familiar with it.

If a Contracting State adopts this practice, it is recommended that all Competent Authorities in that State operate a joint e-Register of all Apostilles issued by the various Competent Authorities: see paras 54 *et seq*.

Are other certifications required before issuing an Apostille?

30 In most States, a public document may be apostillised *directly* by a Competent Authority. This is to say that the bearer of the public document may take it from the relevant authority or official who executed it straight to the Competent Authority for an Apostille. Since issuing an Apostille is the *only* step in the entire authentication process, this process is known as the *one-step process*.

31 In other States, (certain) public documents must first be certified by one or more separate authorities (*e.g.*, a professional or regional authentication body) before eventually being apostillised by a Competent Authority. Since this kind of authentication process still involves several authorities, it is known as the *multiple-step process*. This process is obviously more cumbersome than the one-step process and results in an Apostille being issued for the (final) certification, and *not the underlying public document*. Accordingly, the public document must be produced together with the apostillised certification in order to be used abroad.

32 Whilst the multiple-step process is not necessarily inconsistent with the Apostille Convention, it was the intention of the Apostille Convention to promote a single and straightforward procedure: the one-step process. After all, the basic purpose of the Apostille Convention is to simplify the authentication of public documents to be used abroad.

The 2009 SC expressed its preference for the one-step process by inviting States to consider removing any unnecessary obstacles to issuing Apostilles while maintaining the integrity of authentications: see C&R No 79.

What is the function of a Competent Authority?

33 Under the Convention, Apostilles may only be issued by Competent Authorities duly designated by a Contracting State. A Competent Authority is also required to record in a register each Apostille that it has issued. Each Competent Authority must be capable of performing both of these functions effectively. In particular, the Competent Authority must:

a be able to identify and verify the *signature* on a public document executed on the territory of the State in question for which it is competent to issue an Apostille, as well as the *capacity* in which the person who signed the document has acted, and, where appropriate, the *seal or stamp* which the document bears;

b have sufficient resources to issue the expected volume of Apostilles (in either paper or electronic form); and

c have the capacity to maintain a register of Apostilles issued (preferably by operating an e-Register that is accessible online).

Issuing and registering Apostilles are discussed in Part II.

Part II How are Apostilles issued?

34 Issuing Apostilles diligently and properly is fundamental to the sound operation of the Convention. Although the Convention essentially leaves it to Contracting States to determine the particulars of how Apostilles are issued and registered (and indeed practice among Contracting States does vary in some respects), there are a number of mandatory formal and substantive requirements that States should consider before acceding to the Convention. By doing so, States can ensure that their designated Competent Authorities are prepared to perform their function under the Convention as soon as it enters into force, thereby offering immediate benefits to those individuals and businesses that are engaged in cross-border activities.

Verifying the authenticity of public documents

35 Each Competent Authority needs to be able to verify the authenticity (origin) of public documents executed in its State and for which it is competent to issue Apostilles. This can be achieved through access to a database (ideally an electronic database) of sample signatures and seals of all the persons and authorities that execute public documents in that State. If a Competent Authority is competent to issue Apostilles only for certain categories of public documents (as mentioned above at paras 24 *et seq.*), it would only need access to sample signatures and seals of the persons and authorities competent to execute those categories of public documents.

36 If a Competent Authority is presented with a public document that bears a signature or seal not appearing in the database, it should consider contacting the relevant person or authority to verify the public document, and, in particular, to ask for a sample signature and seal for the database. Assessing the genuine character of all documents presented as public documents to a Competent Authority for the purposes of obtaining an Apostille is crucial to maintaining the integrity of the Apostille process (see C&R No 83 of the 2003 SC).

The Permanent Bureau recommends that new Contracting States establish a clear procedure for Competent Authorities to verify the authenticity of public documents before issuing Apostilles.

Form of the Apostille

37 The Annex to the Apostille Convention provides the following *Model Apostille Certificate*:

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:

....

The purpose of the Model Apostille Certificate (which is described as a square, with sides at least nine centimetres long) is to ensure that Apostilles issued by the various Contracting States are clearly identifiable in all other Contracting States, thereby facilitating the international circulation of public documents (see C&R No 13 of the 2003 SC).

38 The Model Apostille Certificate has been adopted in both official languages of the Hague Conference, *i.e.*, English and French. In accordance with C&R No 89 of the 2009 SC, the Permanent Bureau has developed a *bilingual* Model Apostille Certificate in English *and* French, which is available on the **Apostille Section** of the Hague Conference website.

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: Pays :			
This public document Le présent acte public			
2. has been signed by a été signé par			
3. acting in the capacity of agissant en qualité de			
4. bears the seal / stamp of est revêtu du sceau / timbre de			
Certified Attesté			
5. at à		**6. the** le	
7. by par			
8. N° sous n°			
9. Seal / stamp: Sceau / timbre :		**10. Signature:** Signature :	

A trilingual Model Apostille Certificate (English, French and Spanish) is also available on the **Apostille Section** of the Hague Conference website.

39 Apostilles should conform as closely as possible to the Model Apostille Certificate. In particular, an Apostille must:
- **a** be identified as an Apostille; and
- **b** include the short version of the French title of the Convention ('Convention de La Haye du 5 octobre 1961'); and
- **c** include a box with the 10 numbered standard informational items.

Apostilles that do not comply with these basic content requirements may be rejected in another Contracting State.

40 In practice, variations in the form of Apostilles do exist between Contracting States in terms of layout (*e.g.*, design, font, and colour) and size (*e.g.*, changes in dimensions, which may be due to the number of languages used for the standard informational items, the accommodation of certain design features, or differences in stationery).

Variations in form (*e.g.*, where the Apostille is not square-shaped, or where the Apostille has sides that are less or more than nine centimetres long) are alone not a basis for rejection as long as the Apostille is clearly identifiable as an Apostille issued under the Convention: see C&R No 13 of the 2003 SC, and C&R No 92 of the 2009 SC. For example, an Apostille should not be rejected just because it is in the form of a rectangle.

41 Variations in the form of Apostilles *within* a Contracting State (particularly those with several Competent Authorities) may pose difficulties for their recognition in other Contracting States. For this reason, the Permanent Bureau encourages States to maintain, where practicable, a common form of Apostille issued by all of their Competent Authorities.

Additional text 'outside the box'

42 In addition to the 10 numbered standard informational items, an Apostille may contain text to convey, among other things:
- **a** information about the public document to which it relates;
- **b** a notice about the limited effect of an Apostille (*i.e.*, that it only certifies the *origin* of the public document to which its relates, not its *content*);
- **c** a web address (URL) of the register where the origin of the Apostille may be verified (see paras 54 *et seq.*); or
- **d** a notice that the Apostille produces no legal effect in the State where it was issued.

Such additional text must be outside the box that holds the 10 numbered standard informational items. The addition of text outside the box is not a valid basis for rejection: see C&R No 92 of the 2009 SC.

43 The Permanent Bureau has developed the following model for additional text outside the box:

This Apostille only certifies the authenticity of the signature and the capacity of the person who has signed the public document, and, where appropriate, the identity of the seal or stamp which the public document bears.
This Apostille does not certify the content of the document for which it was issued.
[This Apostille is not valid for use anywhere within [insert the name of the State of issuance, incl. where possible and relevant, the territories to which the Apostille Convention has been extended].]
[To verify the issuance of this Apostille, see [insert the URL of the e-Register].]

The model additional text (which is also in French and Spanish) is available on the Apostille Section of the Hague Conference website.

Completing the Apostille

44 Apostilles are issued at the request of the person who signed the public document or its bearer. Once the Competent Authority is satisfied about the authenticity of the document, it completes the Apostille by filling in the 10 numbered standard informational items as appropriate (noting that some documents may not bear either a seal / stamp or a signature).

45 The Competent Authority may complete the Apostille in its own official language. If this language is not French or English, the Competent Authority is encouraged to also complete the Apostille in one of these languages to ensure that the Apostille readily produces its effects abroad (see C&R No 90 of the 2009 SC).

46 An Apostille may be issued in paper or electronic form:
- **a** for paper Apostilles, the Competent Authority should as much as possible use current word processing technology (computers) to fill out Apostilles, instead of filling them out by hand (see C&R No 88 of the 2009 SC);
- **b** for electronic Apostilles (*e-Apostilles*), States should consider the electronic Apostille Pilot Program (e-APP).

In either case, the Competent Authority may employ security features to combat fraud (*e.g.*, security watermarks for paper Apostilles and / or digital certificates for e-Apostilles).

As part of the e-APP, all Contracting States are encouraged to explore the possibility of issuing e-Apostilles using digital certificates. One possibility is to use readily available and already widely used PDF technology. This is only a suggestion and Competent Authorities may use any other technology that allows for the use of digital certificates, keeping in mind that using commonly available technology may be of greater assistance to the acceptance of e-Apostilles in other Contracting States.
For further information on issuing e-Apostilles, see the Apostille Section of the Hague Conference website or the website of the e-APP www.e-app.info.

Attaching the Apostille

47 The Apostille must be placed on the document itself, or on a separate slip (called an *allonge*), which is then affixed to the document.

48 For paper Apostilles, the means of placing the Apostille on the document or the allonge vary among Contracting States and include the use of rubber stamps, glue, ribbons, wax seals, impressed seals, or self-adhesive stickers. An allonge may in turn be affixed to the document using glue, grommets, or staples.

49 For e-Apostilles, one recognised way of attaching the Apostille to the document is by using PDF technology to create a single PDF file incorporating the e-Apostille and an electronic version of the underlying document.

50 In all circumstances, States are encouraged to issue Apostilles in a way that would evidence tampering. Apostilles that appear to have been tampered with, or allonges that are not affixed to the underlying document, may be rejected in another Contracting State. However, variations in the means of placing an Apostille or affixing an allonge are not a basis for rejection.

51 For a multi-page document, the Apostille should be placed on the signature page of the document; an allonge may be affixed to the front or the back of the document: see C&R No 17 of the 2003 SC. For practical reasons, Apostilles should be placed on the underlying document in such a way so as not to conceal the matters being certified (*e.g.*, signature), or any contents of the document.

Fees

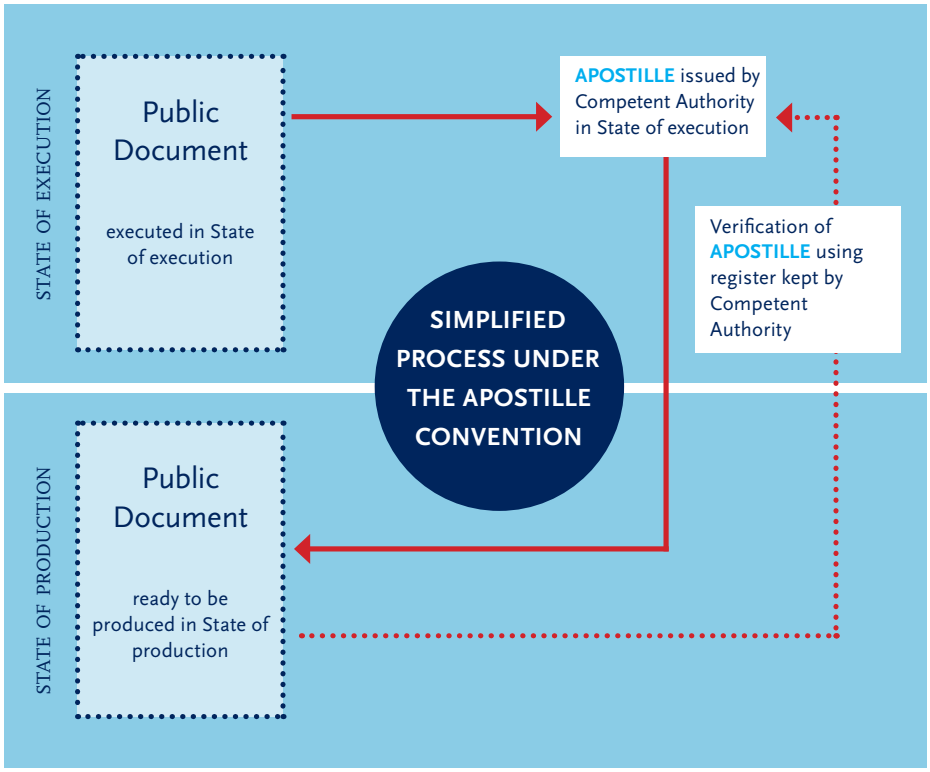
52 The Apostille Convention does not address the fees that Competent Authorities may charge for issuing Apostilles. While some States charge a fee, others do not. It is up to each Contracting State to determine whether or not to charge a fee, whether charging a fee conforms to internal financial regulations, and if so, the fee amount.

Fees charged for issuing Apostilles should be *reasonable*: see C&R No 20 of the 2003 SC.

53 From the information made available by Contracting States, the average fee charged for issuing an Apostille is approximately 15 Euros (20 US dollars).

Registering the Apostille

54 Each Competent Authority is required to keep a register of all Apostilles it has issued. The register is an essential tool to combat fraud and confirm the origin of an Apostille. A recipient of an Apostille may contact the Competent Authority that supposedly issued the Apostille and ask for verification that the Competent Authority did indeed issue the Apostille. The register completes the Apostille process, as represented in the following diagram:



55 Competent Authorities are strongly encouraged to implement an e-Register, which allows a recipient to verify the origin of an Apostille online without contacting officials of the Competent Authority. Where a State has several Competent Authorities, a central e-Register for *all* Competent Authorities is a very efficient and convenient solution.

56 The Hague Conference and the National Notary Association in the United States of America have developed *free and open-source software* as part of the e-APP for the creation and operation of e-Registers by Competent Authorities. See the **Apostille Section** of the Hague Conference website or the e-APP website **www.e-app.info** for more information.

Part III How to join the Apostille Convention: the accession procedure

A flowchart on the accession procedure is set out in Annex II to this Guide.

Depositing the instrument of accession

57 The acceding State must deposit its instrument of accession with the Ministry of Foreign Affairs of the Netherlands, the *Depositary* of the Convention (Art. 12(1)). The full contact details of the Depositary are as follows:

Treaties Division, Ministry of Foreign Affairs
Office address: **DJZ/VE, Bezuidenhoutseweg 67**
2594 AC The Hague
The Netherlands
Postal address: **PO Box 20061**
2500 EB The Hague
The Netherlands
Telephone: **+31 70 348 49 22**
E-mail: **djz-ve@minbuza.nl**
Website: **www.minbuza.nl/treaties**

58 The instrument of accession must be in English or French, or accompanied by a translation into one of these languages. The instrument of accession may be deposited by mail or preferably in person (to avoid risk of loss or delay).

59 At the same time as depositing its instrument of accession, the acceding State must notify the Depositary, in English or French, of each Competent Authority it has designated (Art. 6(2)). This information must include the full name of the Competent Authority, and should also include:

a the full contact details of the Competent Authority (including name and e-mail address of relevant officials); and

b if several Competent Authorities have been designated, the competence of each Competent Authority (so that it is clear which Competent Authority issues Apostilles for which category of public document).

Questions regarding the deposit of an instrument of accession should be directed to the Depositary.

60 If a new Competent Authority is subsequently designated, or an existing Competent Authority ceases to be designated as such, this information must also be notified to the Depositary (Art. 6(2)).

61 Further, States should notify all designations *to the Permanent Bureau* (by e-mail to secretariat@hcch.net) so that this information can be included on the **Apostille Section** of the Hague Conference website. The information sent to the Permanent Bureau should also include, where applicable, the URL of the e-Register(s).

Objections to accession and how to avoid them

62 When a State deposits its instrument of accession with the Depositary, it does not immediately become party to the Convention. Following deposit, the Depositary notifies all Contracting States of:

a the accession (Art. 15 *d*)); and

b a six-month *objection period*, the exact dates for which are determined by the Depositary (Art. 12(2)).

63 During the six-month objection period, any Contracting State may raise an objection to the new accession. A State does not need to provide reasons to support an objection. The objection must be notified to the Depositary, which in turn notifies all Contracting States of the objection after expiry of the objection period.

Objections to a State's accession are relatively rare, particularly considering the overall number of States that have acceded to the Convention. Details about the accessions to which an objection has been raised are available from the 'Updated list of Contracting States (status table)' on the Apostille Section of the Hague Conference website.

64 The effect of raising an objection is that the Convention will not enter into force between the newly acceding State and the objecting State. An objection raised outside the six-month period (a *late objection*) has no effect.

65 A State may withdraw an objection at any time by notification to the Depositary. The effect of withdrawing an objection is that the Convention will enter into force between that State and the acceding State on the day that the Depositary receives notification of withdrawal (see paras 67 *et seq.*).

66 Whilst not guaranteeing the absence of objections, the following actions may nonetheless assist the acceding State in minimising the risk of another Contracting State raising an objection to its accession:

a designating Competent Authorities that are in a position to meet all demands relating to issuing Apostilles (see para. 33);

b providing detailed information about the Competent Authorities, including full contact details;

c publicising the accession on relevant government websites;

d informing all of its embassies and consulates abroad that they will no longer be allowed to legalise public documents executed in another Contracting State upon entry into force of the Convention, except if the public documents are outside the scope of the Apostille Convention; and

e giving serious consideration to implementing the e-APP, in particular the e-Register component (see paras 54 *et seq.*).

The entry into force of the Convention

67 The Convention enters into force between:
a the acceding State; and
b all Contracting States that did not raise an objection to the accession (or that raised a late objection),
on the *60th day after the expiry of the six-month objection period* (Art. 12(3)).

68 The Convention will enter into force between:
a the acceding State; and
b a Contracting State that has withdrawn its objection to the accession,
on the day that the Depositary receives notification of withdrawal of the objection.

In each case, the Depositary will confirm the date of entry into force of the Convention by notification to all Contracting States.

69 It follows that Contracting States, which do not wish to raise an objection to an accession, do not have to expressly accept the accession. So long as a Contracting State has not raised an objection within the six-month objection period, the Convention will enter into force between that State and the newly acceding State.

Annex I

Checklist of matters to consider before acceding to the Apostille Convention

Checklist of matters to consider before acceding to the Apostille Convention

- ☐ **Take** steps to implement the Apostille Convention into internal law (as per internal constitutional and other legal requirements) and / or to remove any obstacles existing in internal law

- ☐ **Publicise** the accession and upcoming entry into force of the Convention among
  - ☐ the acceding State's embassies and consulates abroad
  - ☐ foreign embassies and consulates in the acceding State
  - ☐ officials and authorities in the acceding State that execute and authenticate public documents
  - ☐ the general public and professional groups involved in the circulation of public documents

- ☐ **Determine** what are *public documents* under internal law

- ☐ **Determine** which authority(ies) will be competent to issue Apostilles

- ☐ **Ensure** that sufficient resources have been allocated to each Competent Authority

- ☐ **Prepare** desk instructions and circulate them among officials and authorities that execute public documents

- ☐ **Establish** a database containing sample signatures and seals of officials and authorities that execute public documents

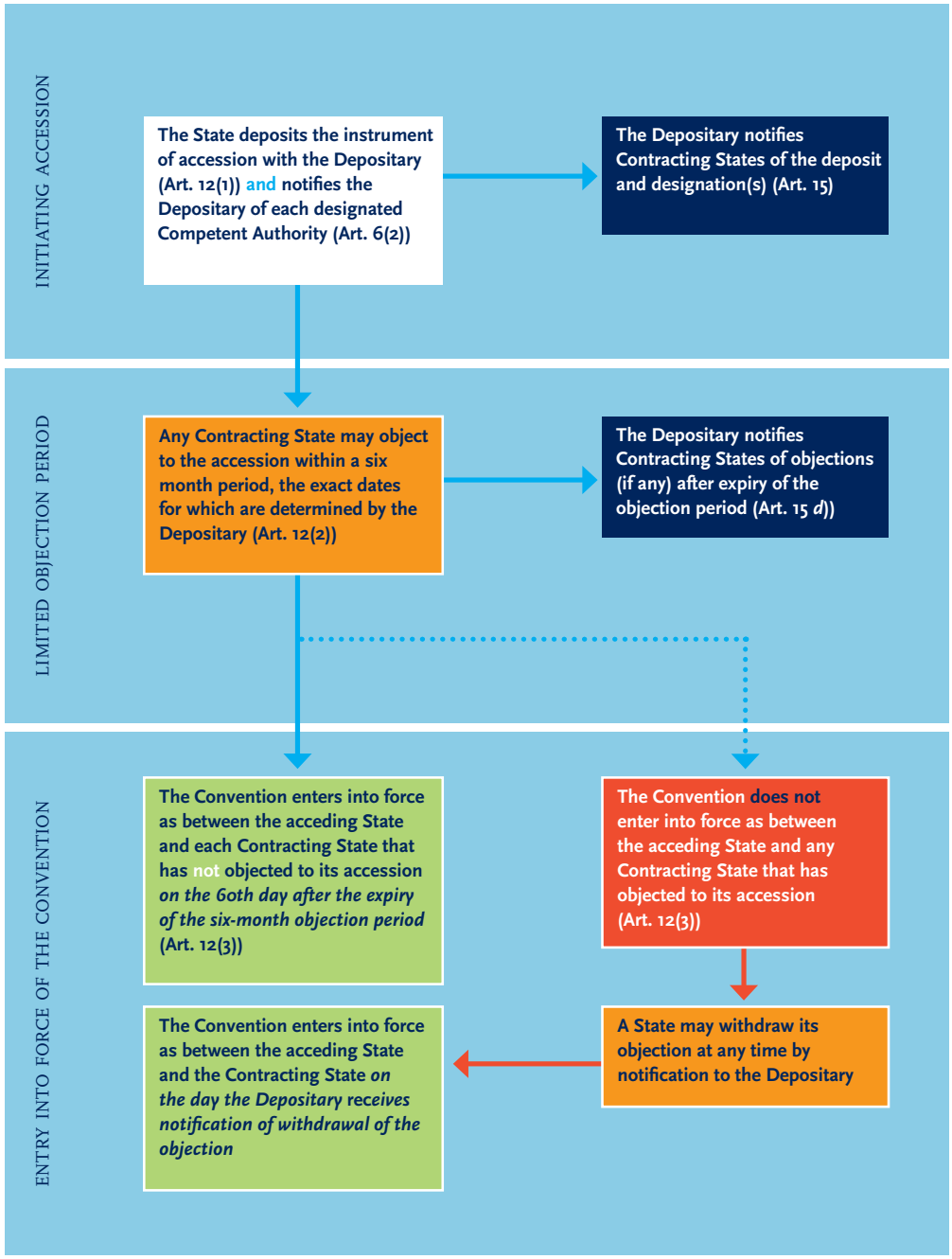
- ☐ **Determine** whether Apostilles will be issued
  - ☐ in paper form, and / or
  - ☐ in electronic form (*e-Apostilles*)

- ☐ **Develop** a common (bilingual or trilingual) Apostille Certificate

- ☐ **Develop** common practices for attaching Apostilles

- ☐ **Establish** a register of Apostilles, preferably one in electronic form that is publicly accessible online (*e-Register*)

Annex II

Flowchart on the accession procedure

Flowchart on the accession procedure