

## ISSUING AND ACCEPTING APOSTILLES

### INFORMATION NOTE ISSUED BY THE PERMANENT BUREAU

The Permanent Bureau of the Hague Conference on Private International Law has become aware of certain practical difficulties associated with the acceptance of Apostilles issued under the *Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (Apostille Convention). The purpose of this information note is to advise authorities that issue Apostilles under the Convention (Competent Authorities), as well as recipients of Apostilles in other Contracting States, about the Permanent Bureau's position on the acceptance of Apostilles, and to recall the relevant Conclusions and Recommendations (C&Rs) of recent Special Commissions (SCs) on the practical operation of the Convention.<sup>1</sup>

#### No certification (letters) confirming issuance of Apostilles

Article 3(1) of the Apostille Convention states that the *only* formality that may be required in order to authenticate a public document executed in one State Party and to be produced in another State Party is the addition of an Apostille by a Competent Authority in the State of execution. *No other requirement may be imposed to authenticate the origin of the public document.* In particular, subjecting the acceptance of an Apostille to a confirmation (letter) from the issuing Competent Authority outlining its procedures for issuing Apostilles is contrary to the Apostille Convention, which is designed to simplify the authentication of public documents. The Permanent Bureau strongly discourages Competent Authorities from acceding to requests for such confirmation.

#### Use of (e-)Registers to verify origin of Apostilles

If a recipient of an Apostille (e.g., an authority or a judge in the State where the Apostille is produced) wishes to verify its origin, it may do so by contacting the Competent Authority that purportedly issued the Apostille (see Art. 7(2) of the Apostille Convention). The [Apostille Section](#) of the Hague Conference website provides contact details for the Competent Authorities designated by each Contracting State (follow the link entitled "[Competent Authorities](#)"). Some Competent Authorities maintain an electronic register of Apostilles (e-Register), which may be easily accessed *online* to verify the issuance of an Apostille. For a list of Competent Authorities that maintain an e-Register see the "[Implementation Chart](#)" of the e-APP (electronic Apostille Pilot Program) on the [Apostille Section](#).

#### Form of Apostilles

Apostilles should conform as closely as possible to the Model Apostille Certificate annexed to the Apostille Convention. The purpose of the Model Apostille Certificate 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.

Based on the Model Apostille Certificate, 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 an area with the 10 numbered standard informational items.

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<sup>1</sup> The full text of the C&Rs is available on the [Apostille Section](#) of the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under "Special Commissions".

Apostilles that do not comply with these basic content requirements may be rejected in another Contracting State.<sup>2</sup>

In practice, Apostilles issued by different Competent Authorities vary. Variations in form (*e.g.*, where the Apostille is not square-shaped, where the Apostille has sides that are less or more than nine centimetres long, or where there is no frame around the area with the 10 numbered standard informational items) are alone *not* a basis for rejection as long as the Apostille is clearly identifiable as an Apostille issued under the Convention (C&R No 13 of the 2003 SC and C&R No 92 of the 2009 SC).

An Apostille may also provide additional information *outside* the area with the 10 numbered standard informational items required by the Model Apostille Certificate. Typically, this additional information provides general information about the public document to which the Apostille relates, a notice about the limited effect of an Apostille (*i.e.*, that it only certifies the origin of the public document to which it relates, not its content), a web address (URL) of the register where the origin of the Apostille may be verified (see above), and / or a notice that the Apostille produces no legal effect in the State where it was issued. The addition of text outside this area is not a valid basis for rejection of an Apostille (see C&R No 92 of the 2009 SC).

### **Completing and attaching the Apostille**

Competent Authorities may complete the 10 numbered standard informational items of an Apostille in their official language (Art. 4(2) of the Apostille Convention). The State of production may therefore not reject the Apostille on the basis that it has been completed in a language other than its own official language. To ensure that an Apostille readily produces its effects abroad, the 2009 SC encouraged States to consider completing the Apostille in English or French, if that is not their official language (C&R No 90).

An Apostille must be placed on the public document to which it relates or on a separate slip of paper (called an *allonge*) that is affixed to the document. Both the 2003 and 2009 SCs recognised that there is a variety of means for placing Apostilles on the public document (such as rubber stamp, glue, ribbons, wax seals, impressed seals, self-adhesive stickers, etc.). An *allonge* may be affixed using glue, grommets, staples, etc. It was also noted that all these means are acceptable under the Apostille Convention and that variations cannot be a basis for the rejection of Apostilles (C&R Nos 16 and 91 of the 2003 and 2009 SCs respectively). In addition, an Apostille may not be refused in a Contracting State on the grounds that it does not comply with the State's national formalities and modes of issuance (C&R No 92 of the 2009 SC).

### **Further information**

For more information on issuing and accepting Apostilles, see Part II of the Brief Guide entitled "[How to join and implement the Hague Apostille Convention](#)", which is available on the [Apostille Section](#).

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<sup>2</sup> Copies of unilingual (English or French), bilingual and trilingual Models are available on the [Apostille Section](#).