

Hague Conference PIL Convention Abolishing The Requirement Of Legalisation For Foreign Public Documents - Concluded October 5, 1961

Hague Conference on Private International Law

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1 **Convention Abolishing The Requirement Of Legalisation For Foreign
Public Documents (Concluded October 5, 1961)**

2 **Preamble**

[Preamble]

3 The States signatory to the present Convention,

4 Desiring to abolish the requirement of diplomatic or consular legalisation for foreign
public documents,

5 Have resolved to conclude a Convention to this effect and have agreed upon the
following provisions:

6 **Substantive text of the Convention**

7 **Article 1**

8 The present Convention shall apply to public documents which have been executed
in the territory of one Contracting State and which have to be produced in the terri-
tory of another Contracting State.

9 For the purposes of the present Convention, the following are deemed to be public
documents:

10 (a) documents emanating from an authority or an official connected with the courts
or tribunals of the State, including those emanating from a public prosecutor, a clerk
of a court or a process-server (“huissier de justice”);

11 (b) administrative documents;

12 (c) notarial acts;

13 (d) official certificates which are placed on documents signed by persons in their
private capacity, such as official certificates recording the registration of a docu-
ment or the fact that it was in existence on a certain date and official and notarial
authentications of signatures.

14 However, the present Convention shall not apply:

(a) to documents executed by diplomatic or consular agents; 15

(b) to administrative documents dealing directly with commercial or customs oper- 16
ations.

17 **Article 2**

18 Each Contracting State shall exempt from legalisation documents to which the
present Convention applies and which have to be produced in its territory. For
the purposes of the present Convention, legalisation means only the formality by
which the diplomatic or consular agents of the country in which the document has
to be produced certify the authenticity of the signature, the capacity in which the
person signing the document has acted and, where appropriate, the identity of the
seal or stamp which it bears.

19 **Article 3**

20 The only formality that may be required in order to certify the authenticity of the
signature, the capacity in which the person signing the document has acted and,
where appropriate, the identity of the seal or stamp which it bears, is the addition of
the certificate described in Article 4, issued by the competent authority of the State
from which the document emanates.

21 However, the formality mentioned in the preceding paragraph cannot be required
when either the laws, regulations, or practice in force in the State where the docu-
ment is produced or an agreement between two or more Contracting States have
abolished or simplified it, or exempt the document itself from legalisation.

22 **Article 4**

23 The certificate referred to in the first paragraph of Article 3 shall be placed on the
document itself or on an “allonge”, it shall be in the form of the model annexed to
the present Convention.

It may, however, be drawn up in the official language of the authority which issues it. The standard terms appearing therein may be in a second language also. The title "Apostille (Convention de La Haye du 5 octobre 1961)" shall be in the French language.

24

has acted, or in the case of unsigned documents, the name of the authority which has affixed the seal or stamp.

At the request of any interested person, the authority which has issued the certificate shall verify whether the particulars in the certificate correspond with those in the register or card index.

36

Article 8

37

When a treaty, convention or agreement between two or more Contracting States contains provisions which subject the certification of a signature, seal or stamp to certain formalities, the present Convention will only override such provisions if those formalities are more rigorous than the formality referred to in Articles 3 and 4.

38

Article 9

39

Each Contracting State shall take the necessary steps to prevent the performance of legalisations by its diplomatic or consular agents in cases where the present Convention provides for exemption.

40

Article 10

41

The present Convention shall be open for signature by the States represented at the Ninth Session of the Hague Conference on Private International Law and Iceland, Ireland, Liechtenstein and Turkey.

42

It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

43

Article 11

44

The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in the second paragraph of Article 10.

45

Article 5

The certificate shall be issued at the request of the person who has signed the document or of any bearer.

When properly filled in, it will certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which the document bears.

The signature, seal and stamp on the certificate are exempt from all certification.

Article 6

Each Contracting State shall designate by reference to their official function, the authorities who are competent to issue the certificate referred to in the first paragraph of Article 3.

It shall give notice of such designation to the Ministry of Foreign Affairs of the Netherlands at the time it deposits its instrument of ratification or of accession or its declaration of extension. It shall also give notice of any change in the designated authorities.

Article 7

Each of the authorities designated in accordance with Article 6 shall keep a register or card index in which it shall record the certificates issued, specifying:

(a) the number and date of the certificate,

(b) the name of the person signing the public document and the capacity in which he

The Convention shall enter into force for each signatory State which ratifies subsequently on the sixtieth day after the deposit of its instrument of ratification. 46

47 **Article 12**

48 Any State not referred to in Article 10 may accede to the present Convention after it has entered into force in accordance with the first paragraph of Article 11. The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

49 Such accession shall have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the six months after the receipt of the notification referred to in subparagraph d) of Article 15. Any such objection shall be notified to the Ministry of Foreign Affairs of the Netherlands.

50 The Convention shall enter into force as between the acceding State and the States which have raised no objection to its accession on the sixtieth day after the expiry of the period of six months mentioned in the preceding paragraph.

51 **Article 13**

52 Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.

53 At any time thereafter, such extensions shall be notified to the Ministry of Foreign Affairs of the Netherlands.

54 When the declaration of extension is made by a State which has signed and ratified, the Convention shall enter into force for the territories concerned in accordance with Article 11. When the declaration of extension is made by a State which has acceded, the Convention shall enter into force for the territories concerned in accordance with Article 12.

Article 14 55

The present Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of Article 11, even for States which have ratified it or acceded to it subsequently. 56

If there has been no denunciation, the Convention shall be renewed tacitly every five years. 57

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five year period. 58

It may be limited to certain of the territories to which the Convention applies. 59

The denunciation will only have effect as regards the State which has notified it. The Convention shall remain in force for the other Contracting States. 60

Article 15 61

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in Article 10, and to the States which have acceded in accordance with Article 12, of the following: 62

(a) the notifications referred to in the second paragraph of Article 6; 63

(b) the signatures and ratifications referred to in Article 10; 64

(c) the date on which the present Convention enters into force in accordance with the first paragraph of Article 11; 65

(d) the accessions and objections referred to in Article 12 and the date on which such accessions take effect; 66

(e) the extensions referred to in Article 13 and the date on which they take effect; 67

(f) the denunciations referred to in the third paragraph of Article 14. 68

Testemonium

69

In witness whereof the undersigned, being duly authorised thereto, have signed the present Convention. 70

71 Done at The Hague the 5th October 1961, in French and in English, the French text prevailing in case of divergence between the two texts, in a single copy which shall be deposited in the archives of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Ninth Session of the Hague Conference on Private International Law and also to Iceland, Ireland, Liechtenstein and Turkey.

72 **ANNEX TO THE CONVENTION**

73 **Model of certificate**

74 The certificate will be in the form of a square with sides at least 9 centimetres long

75 APOSTILLE (Convention de La Haye du 5 octobre 1961)

76 1. Country: _____

77 This public document

78 2. has been signed by _____

79 3. acting in the capacity of _____

80 4. bears the seal / stamp of _____

81 Certified

82 5. at _____ 6. the _____

83 7. by _____

84 8. No _____

85 9. Seal / stamp: 10. Signature:

86 _____

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