



Second Regional Meeting on the e-APP for Europe Project

Prague (Czech Republic) – 27 May 2011

Hosted by
the Ministry of Justice, Czech Republic

Jointly organised by
the Ministry of Justice of the Czech Republic,
the Permanent Bureau of the Hague Conference on Private International Law,
and the Ministry of Justice of Spain

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CONCLUSIONS & RECOMMENDATIONS

On 27 May 2011, approximately 40 experts from nearly 20 countries and international organisations¹ convened in Prague, Czech Republic, to attend the *Second Regional Meeting on the electronic Apostille Pilot Program (e-APP) for Europe Project*.²

¹ See [Annex A](#) for a list of participants.

² The *e-APP for Europe* project is part of the general e-APP launched in 2006 by the Hague Conference on Private International Law and the National Notary Association of the United States of America. In May 2010, the Permanent Bureau of the Hague Conference received a grant from the European Commission to undertake the *e-APP for Europe* project with the Ministry of Justice of Spain as a *partner*, and the Ministries of Justice of Finland, the Czech Republic and France as *associate partners*. This 18-month project includes, in particular: 1) holding of the 6th International Forum on the e-APP (which took place on 29 and 30 June 2010); 2) development and implementation of an e-APP system in Spain; and 3) the holding of three regional meetings across Europe (in Helsinki, Prague, and Paris) to encourage all participating States to implement the e-APP, in particular e-Registers. The first regional meeting took place in Helsinki on 14 February 2011; the Conclusions & Recommendations of this meeting are accessible [here](#).

For more information on the Apostille Convention, the e-APP in general, and the *e-APP for Europe* project, see the “[Apostille Section](#)” of the Hague Conference website < www.hcch.net >.

The participants expressed their gratitude to the organisers, in particular the Ministry of Justice of the Czech Republic, for generously hosting the meeting, and to the European Commission for its financial support of the *e-APP for Europe* project.

The main purpose of the meeting was to provide an update on the implementation of the e-APP system in Spain. The meeting was also designed to promote and encourage the use of e-APP components in the States of Central and Eastern Europe, other European Union (EU) Member States, as well as other interested Contracting States to the *Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (Apostille Convention), and to explore the exportability of existing e-APP systems, in particular the system developed by Spain. In addition, the meeting aimed at discussing the e-APP as a means to effectively and securely authenticate public documents and facilitate their swift and secure transmission in the European Union and beyond, particularly against the background of the Green Paper³ released by the European Commission on 14 December 2010 entitled *Less bureaucracy for citizens: promoting free movement of public documents and recognition of the effects of civil status records*.

The participants unanimously adopted the following Conclusions & Recommendations:

e-APP in general

1. The participants noted the steady progress in the implementation of the e-APP⁴ and the continuing interest of various jurisdictions in the e-APP. The participants strongly reaffirmed Conclusion & Recommendation No 1 of the Helsinki meeting which encourages Contracting States to actively consider the implementation of the e-APP as an effective tool to further enhance the secure and effective operation of the Apostille Convention.
2. The participants noted with great interest the innovations in the area of e-communication in the Czech Republic and the preparatory work undertaken by the Government of the Czech Republic with a view to implementing an e-Register of Apostilles. They also noted the interest of various other States of Central and Eastern Europe in the e-APP and their continuing assessment of a possible implementation of one or both components of the e-APP.

The implementation of the e-APP in Spain

3. The participants congratulated the Spanish authorities on the near completion of the implementation of the state-of-the-art e-APP system in Spain. This new system provides for the secure and efficient issuing of both paper Apostilles and e-Apostilles; it also allows for the operation of the first e-Register worldwide to connect all Competent Authorities of a Contracting State across multiple domestic jurisdictions

³ COM(2010) 747 final; see in particular Part 3 of the Green Paper, which is available [here](#) (together with additional information). For a description of the nature of Green Papers, see [here](#). The Permanent Bureau of the Hague Conference on Private International Law submitted a response to the Green Paper on 10 May 2011, which is available [here](#). All responses will be made available on the EU-Commission website (unless the respondent has objected to its publication).

⁴ As of May 2011, 10 States have implemented one or both of the e-APP components in all or in part of their territory: Andorra, Belgium, Bulgaria, Colombia, Georgia, Mexico, New Zealand, Republic of Moldova, Spain and the United States of America. As a result, there are approximately 50 jurisdictions which have implemented the e-APP. The implementation in 3 jurisdictions is not yet fully compatible with the e-APP.

(for a detailed description of the Spanish e-APP system, see Conclusion & Recommendation No 4 of the Helsinki meeting). Following the initial launch of the new system in Murcia and Albacete on 13 May 2011, the system has been rolled out in 30 out of 44 judicial and administrative Competent Authorities in Spain. The remaining 14 Competent Authorities are in the process of implementing the system. The General Council of Notaries will take the necessary steps to join the e-Register component in the near future.

4. The participants welcomed the issuance of the first e-Apostilles in Spain by the Competent Authority of Murcia using the new technology developed under the *e-APP for Europe* project.⁵

5. The participants also welcomed the creation and operation of a section in the “[Sede electronica](#)” of the Ministry of Justice website, which allows users and recipients of Apostilles to perform the following tasks:

- Check the status of and download e-Apostilles (only available for applicants; the relevant e-Apostille, which is attached to the underlying public document, can be downloaded within 30 calendar days after the date the applicant is notified that the e-Apostille is available for download; if not downloaded within this timeframe, the e-Apostille expires and the applicant must apply for a new Apostille if s/he still intends to produce one abroad);
- Verify Apostilles in the [central e-Register of Apostilles](#) (information needed to verify the origin of an Apostille is stored in the e-Register for a minimum of 25 years);
- Verify the digital signature on e-Apostilles;
- Verify the integrity of an apostilled public document (only valid for electronic documents or paper documents which have been scanned to an electronic form by the Spanish Competent Authorities).

6. Guidelines have been developed to assist applicants and recipients of Apostilles in using the Ministry of Justice website to perform these tasks. Relevant staff in all judicial and administrative Competent Authorities have also been trained. Technical support has been provided to judicial and administrative Competent Authorities under the purview of the Ministry of Justice during the initial days of operation of the new Spanish e-APP system.

7. The participants further noted with interest that the Spanish Ministry of Justice has enacted [Ministerial Order No JUS/1207/2011](#) of 4 May 2011, published in the Spanish Official Gazette on 14 May 2011, which regulates the e-Register and the procedure for issuing paper and e-Apostilles under the new system. This Order also includes a provision regarding the acceptance of e-Apostilles issued abroad.

8. Finally, the participants very much welcomed the release of an excellent promotional video by the Ministry of Justice of Spain on the Spanish e-APP system. The video can be accessed [here](#). Participants strongly encouraged its wide dissemination.

Exportability of the Spanish e-APP system

9. The participants noted with great interest the information shared at the meeting regarding the possibility to export the Spanish e-APP system to other jurisdictions.

⁵ Murcia has already been issuing e-Apostilles under a previous system since December 2008.

10. The Spanish e-APP system takes the form of various modules (building-blocks). It is therefore very flexible in that other countries can decide to use either the full system or only specific parts of it. Some of the modules may be substituted by others, subject to meeting certain technical requirements. Furthermore, the system is based on “connectors” which operate as interfaces between any of the modules of the Spanish system and any national element that the implementing jurisdiction wants to use. The connectors act as a standardised communication gateway between both parts, allowing for a “connection” between the system and the national element without having to change the system source code.⁶ The participants very much welcomed the explanations provided by Spain to support interested States in identifying the technical requirements that have to be met in order to implement the Spanish system. The participants were also pleased to hear that efforts are ongoing to translate the user interface of the Spanish system, as well as the user manual, into English and French.

11. The participants noted with great interest that a draft memorandum on technical aspects of the exportability of the new Spanish system has been finalised in Spanish. The final version of this memorandum in Spanish, together with a translation in English and, subject to available resources, in French, will be made available on the “[Apostille Section](#)” of the Hague Conference website.

12. The participants also noted with interest that a memorandum on legal aspects of the exportability of the new Spanish system is under preparation. The final version of this memorandum will be made available to any State interested in exploring the possibility of implementing the Spanish system.

13. The participants noted that the Czech Republic is actively exploring the possibility of implementing the Spanish e-APP system, and that several other States are considering this possibility as well.

Third Regional Meeting to take place in Paris, France

14. The Ministry of Justice of France announced that the Third Regional Meeting on the *e-APP for Europe* project will take place in Paris, France, on 4 and 5 October 2011, coinciding with the 50th anniversary of the conclusion of the Apostille Convention. The Paris meeting is an exceptional opportunity to celebrate this momentous occasion. The participants thanked the Ministry of Justice for offering to host this important event.

Final Conclusion

15. The participants concluded that the implementation of the Spanish e-APP system in almost all judicial and administrative Competent Authorities in Spain is a most significant milestone for the *e-APP for Europe* project. In addition, they noted that the possibility to adopt and adapt the Spanish e-APP system in other jurisdictions was welcomed by several interested States.

⁶ More details will be available in the technical memorandum mentioned in para. 11.

Annex A - LIST OF PARTICIPANTS

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