

SUMMARY OF PROPOSALS FOR CONSIDERATION

drawn up by the Permanent Bureau

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RÉSUMÉ DES PROPOSITIONS PRÉSENTÉES

établi par le Bureau Permanent

(disponible en anglais uniquement)

*Document for the attention of the Working Group on the
Authentication of Documents generated by
Supranational and Intergovernmental Organisations
(meeting of December 2017)*

*Document à l'attention du Groupe de travail sur
l'authentification des actes établis par
des Organisations supranationales et intergouvernementales
(réunion de décembre 2017)*

Introduction

The following six proposals were those that were presented during the 2016 meeting of the Special Commission on the Practical Operation of the Apostille Convention and intended to guide discussions of this Working Group. It may be beneficial for participants to consider the advantages and disadvantages of each of these proposals, to be able to make a recommendation to both the Council on General Affairs and Policy of the Conference and the Special Commission as to the preferred approach, which will ultimately assist those implementing the Convention, as well as the end users.

Options for further consideration

1) *Authentication via a notary*

The signature on the document may be authenticated by a notary, in which case the notarial authentication may then be apostilled by the Competent Authority of the host jurisdiction. In such cases, the Apostille will relate only to the notarial certification and not to the underlying public document.

2) *Treatment as a public document that may be apostilled by the Competent Authority of the host jurisdiction*

The document of the organisation is considered to be a public document (possibly on the basis of an agreement between the Contracting Party to the Apostille Convention and the organisation) for which the Competent Authority of the host jurisdiction may issue an Apostille. This presumes that the host jurisdiction would have sample signatures and seals of the people who issue the public-like documents for the organisation.

3) *Designation of an entity within the organisation as a Competent Authority*

The host jurisdiction designates, on the basis of the host agreement, an entity within the relevant intergovernmental or supranational organisation as a Competent Authority under Article 6 of the Apostille Convention, which may thus issue Apostilles for its own documents.

4) *Protocol to the Convention*

A more formal option would be to develop a protocol to the Convention. It should be noted that the possible nature and content of the scope of such protocol was never discussed in detail, nor was the issue of who would be able to become a party to such a protocol, at either the 2012 or 2016 meetings of the Special Commission.

5) *Designation of a government authority as an intermediary*

The host jurisdiction designates a specific government office or authority to act as an intermediary to oversee the interactions with any significant office of an intergovernmental or supranational organisation seated within its territory for the purposes of the Convention. This government office or authority could hold specimen signatures of certain authorised officials in order to authenticate certain documents generated by that intergovernmental or supranational organisation. This authentication by the local government office or authority could then in turn be apostilled by the relevant Competent Authority.

6) *Maintaining the status quo*

Preserving the practices that are currently in place, which to the knowledge of the Permanent Bureau, may comprise the authentication via a notary (option 1) and legalisation.