

Estado actual

12: Convenio de 5 de octubre de 1961 Suprimiendo la Exigencia de Legalización de los Documentos Públicos Extranjeros

Entrada en vigor: 24-I-1965

Miembros de la Organización

Estados	F ¹	R/A/Su ²	Tipo ³	VIG ⁴	Ext ⁵	Aut ⁶	Res/D/N ⁷
Albania		3-IX-2003	A**	9-V-2004		1	
Alemania	5-X-1961	15-XII-1965	R	13-II-1966		1	N
Argentina		8-V-1987	A	18-II-1988		1	D 13
Australia		11-VII-1994	A	16-III-1995		1	D 13
Austria	5-X-1961	14-XI-1967	R	13-I-1968		1	
Belarús		16-VI-1992	Su	25-VIII-1991		1	
Bélgica	10-III-1970	11-XII-1975	R	9-II-1976		1	
Bosnia y Herzegovina		23-VIII-1993	Su	6-III-1992		1	D
Bulgaria		1-VIII-2000	A	29-IV-2001		1	
China, República Popular			C			2	D,N
Chipre		26-VII-1972	A	30-IV-1973		1	
Corea, República de		25-X-2006	A	14-VII-2007		1	
Croacia		23-IV-1993	Su	8-X-1991		1	
Dinamarca	20-X-2006	30-X-2006	R	29-XII-2006		1	D
Ecuador		2-VII-2004	A	2-IV-2005		1	D
Eslovaquia		6-VI-2001	A	18-II-2002		1	
Eslovenia		8-VI-1992	Su	25-VI-1991		1	
España	21-X-1976	27-VII-1978	R	25-IX-1978		1	D
Estados Unidos de América		24-XII-1980	A	15-X-1981		1	D

Estonia		11-XII-2000	A	30-IX-2001		1	
Finlandia	13-III-1962	27-VI-1985	R	26-VIII-1985		1	
Francia	9-X-1961	25-XI-1964	R	24-I-1965		1	D
Georgia		21-VIII-2006	A**	14-V-2007		1	D
Grecia	5-X-1961	19-III-1985	R	18-V-1985		1	
Hungría		18-IV-1972	A	18-I-1973		1	D 13
India		26-X-2004	A**	14-VII-2005		1	
Irlanda	29-X-1996	8-I-1999	R	9-III-1999		1	
Islandia	7-IX-2004	28-IX-2004	R	27-XI-2004		1	
Israel		11-XI-1977	A	14-VIII-1978		1	
Italia	15-XII-1961	13-XII-1977	R	11-II-1978		1	
Japón	12-III-1970	28-V-1970	R	27-VII-1970		1	
La ex República Yugoslava de Macedonia		20-IX-1993	Su	17-XI-1991		1	
Letonia		11-V-1995	A	30-I-1996		1	
Lituania		5-XI-1996	A	19-VII-1997		1	
Luxemburgo	5-X-1961	4-IV-1979	R	3-VI-1979		1	
Malta		12-VI-1967	A	3-III-1968		1	
México		1-XII-1994	A	14-VIII-1995		1	
Mónaco		24-IV-2002	A	31-XII-2002		1	
Montenegro		30-I-2007	Su	3-VI-2006		1	
Noruega	30-V-1983	30-V-1983	R	29-VII-1983		1	
Nueva Zelandia		7-II-2001	A	22-XI-2001		1	D 13
Países Bajos	30-XI-1962	9-VIII-1965	R	8-X-1965	2	1	
Panamá		30-X-1990	A	4-VIII-1991		1	
Perú		13-I-2010	A**	30-IX-2010		1	
Polonia		19-XI-2004	A	14-VIII-2005		1	

Portugal	20-VIII-1965	6-XII-1968	R	4-II-1969		1	D 13
Reino Unido de Gran Bretaña e Irlanda del Norte	19-X-1961	21-VIII-1964	R	24-I-1965	13	1	D 13
República Checa		23-VI-1998	A	16-III-1999		1	
Rumania		7-VI-2000	A	16-III-2001		1	
Rusia, Federación de		4-IX-1991	Su	31-V-1992		1	N 15
Serbia		26-IV-2001	Su	27-IV-1992		1	D
Sudáfrica		3-VIII-1994	A	30-IV-1995		1	
Suecia	2-III-1999	2-III-1999	R	1-V-1999		1	
Suiza	5-X-1961	10-I-1973	R	11-III-1973		1	
Suriname		29-X-1976	Su	25-XI-1975		1	
Turquía	8-V-1962	31-VII-1985	R	29-IX-1985		1	
Ucrania		2-IV-2003	A**	22-XII-2003		1	
Venezuela		1-VII-1998	A	16-III-1999		1	

Type

Albania Tipo [A**]

Belgium, Germany, Greece, Italy and Spain raised an objection to the accession of Albania within the period of six months specified in Article 12, paragraph 2, and expiring on 10 March 2004. The Convention will not enter into force between Albania and these five countries.

Belarús Tipo [Su]

On 16 June 1992 the Republic of Belarus declared itself to be bound by the Convention, being one of the successor States of the USSR.

Bosnia y Herzegovina Tipo [Su]

One of the successor States to the former Socialist Federal Republic of Yugoslavia which became a Party to the Convention on 24 January 1965. On 23 August 1993 the Republic of Bosnia and Herzegovina declared itself to be bound by the Convention.

No objection has been received from the Contracting States.

China, República Popular Tipo [C]

This Convention applies to the *Special Administrative Regions of Hong Kong and Macao* only, as a result of extensions made by the United Kingdom of Great Britain and Northern Ireland and Portugal, respectively.

When Hong Kong and Macao were restored to the People's Republic of China on 1 July 1997 and 20 December 1999, respectively, China declared that the Convention will continue to apply for Hong Kong and Macao.

Date of entry into force of the Convention for Hong Kong: 25 April 1965; date of entry into force for Macao: 4 February 1969.

Declarations / notifications:

The Ministry of Foreign Affairs of the Kingdom of the Netherlands, depositary of the Convention, gave notice that on 16 June 1997, the Minister for Foreign Affairs of the Kingdom of the Netherlands received a Note dated 11 June 1997 from the Ambassador of the United Kingdom of Great Britain and Northern Ireland at The Hague and a Note dated 3 June 1997 from the Ambassador of the People's Republic of China at The Hague concerning Hong Kong.

The Note from the Ambassador of the United Kingdom reads as follows:

"Your Excellency,

I am instructed by Her Britannic Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs to refer to the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at The Hague on 5 October 1961 (hereinafter referred to as the Convention) which applies to Hong Kong at present.

I am also instructed to state that, in accordance with the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong signed on 19 December 1984, the Government of the United Kingdom will restore Hong Kong to the People's Republic of China with effect from 1 July 1997. The Government of the United Kingdom will continue to have international responsibility for Hong Kong until that date. Therefore, from that date the Government of the United Kingdom will cease to be responsible for the international rights and obligations arising from the application of the Convention to Hong Kong.

I should be grateful if the contents of this Note could be placed formally on record and brought to the attention of the other Parties to the Convention.

(...)

(signed Rosemary Spencer)".

The Note from the Ambassador of the People's Republic of China reads as follows:

(Translation)

"Your Excellency,

In accordance with the Joint Declaration of the Government of the People's Republic of China and the Government of the United Kingdom of Great Britain and Northern Ireland on the Question of Hong Kong signed on 19 December 1984 (hereinafter referred to as the 'Joint Declaration'), the People's Republic of China will resume the exercise of sovereignty over Hong Kong with effect from 1 July 1997. Hong Kong will, with effect from that date, become a Special Administrative Region of the People's Republic of China and will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People's Government of the People's Republic of China.

It is provided both in Section XI of Annex I to the Joint Declaration, 'Elaboration by the Government of the People's Republic of China of its Basic Policies Regarding Hong Kong', and Article 153 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, which was adopted on 4 April 1990 by the National People's Congress of the People's Republic of China, that international agreements to which the People's Republic of China is not a Party but which are implemented in Hong Kong may continue to be implemented in the Hong Kong Special Administrative Region.

In accordance with the above provisions, I am instructed by the Minister of Foreign Affairs of the People's Republic of China to make the following notification:

The Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at The Hague on 5 October 1961 (hereinafter referred to as the "Convention"), by which the Government of the Kingdom of the Netherlands is designated as the depositary, which applies to Hong Kong at present, will continue to apply to the Hong Kong Special Administrative Region with effect from 1 July 1997. The Government of the People's Republic of China also makes the following declaration:

In accordance with Article 6 of the Convention, it designates each of the following as the competent

authorities in the Hong Kong Special Administrative Region to issue the certificates referred to in paragraph 1 of Article 3 of the Convention for the Hong Kong Special Administrative Region: the Administrative Secretary, the Registrar of the High Court, the Deputy Registrar of the High Court and the Assistant Registrar of the High Court. Within the above ambit, responsibility for the international rights and obligations of a Party to the Convention will be assumed by the Government of the People's Republic of China.

It would be appreciated if the contents of this Note could be placed formally on record and brought to the attention of the other Parties to the Convention.

(...)

(signed Zhu Manli, Ambassador Extraordinary and Plenipotentiary of the People's Republic of China to the Kingdom of the Netherlands)".

By letter dated 26 November 1999, the Ambassador of Portugal to the Netherlands informed the Minister of Foreign Affairs of the Netherlands of the following:

"Upon instructions from my Government and referring to the Convention abolishing the requirement of legalisation for foreign public documents concluded at The Hague on 5 October 1961 (hereinafter referred to as the Convention) which currently applies to Macao, I have the honour to inform Your Excellency of the following:

In accordance with the Joint Declaration of the Government of the Portuguese Republic and of the Government of the People's Republic of China on the question of Macao, signed in Beijing on 13 April 1987, the Government of the Portuguese Republic will remain internationally responsible for Macao until 19 December 1999, the People's Republic of China resuming from that date the exercise of sovereignty over Macao, with effect from 20 December 1999.

From 20 December 1999 the Portuguese Republic will cease to be responsible for the international rights and obligations arising from the application of the Convention in Macao. (...)."

By letter of 10 December 1999, the Ambassador of the People's Republic to the Netherlands informed the Minister of Foreign Affairs of the Netherlands of the following:

(Courtesy translation)

"In accordance with the Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macao (hereinafter referred to as the Joint Declaration) signed on 13 April 1987, the Government of the People's Republic of China will resume the exercise of sovereignty over Macao with effect from 20 December 1999. Macao will from that date become a Special Administrative Region of the People's Republic of China and will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People's Government of the People's Republic of China.

It is provided both in Section VIII of Elaboration by the Government of the People's Republic of China of its Basic Policies Regarding Macao, which is annex I to the Joint Declaration, and Article 138 of the Basic Law of Macao Special Administrative Region of the People's Republic of China, which was adopted on 31 March 1993 by the National People's Congress of the People's Republic of China, that international agreements to which the Government of the People's Republic of China is not yet a Party but which are implemented in Macao may continue to be implemented in the Macao Special Administrative Region.

In accordance with the provisions mentioned above, I am instructed by the Minister of Foreign Affairs of the People's Republic of China to inform Your Excellency of the following:

The Convention abolishing the requirement of legalisation for foreign public documents, done at The Hague on 5 October 1961 (hereinafter referred to as the Convention), which applies to Macao at present, shall continue to apply to the Macao Special Administrative Region with effect from 20 December 1999. (...) Within the above ambit, the Government of the People's Republic of China will assume the responsibility for the international rights and obligations that place on a Party to the Convention. (...)."

Croacia Tipo [Su]

One of the successor States to the former Socialist Federal Republic of Yugoslavia which became a Party to the Convention on 24 January 1965. On 5 April 1993 the Republic of Croatia declared itself to be bound by the Convention.

No objection has been received from the Contracting States.

Eslovenia Tipo [Su]

One of the successor States to the former Socialist Federal Republic of Yugoslavia which became a Party to the Convention on 24 January 1965. On 8 June 1992 the Republic of Slovenia declared itself to be bound by the Convention.

No objection has been received from the Contracting States.

Georgia Tipo [A]**

Two Contracting States raised an objection to the accession of Georgia, namely Germany* and Greece. Therefore, the Convention will not enter into force between Georgia and these two States.

Germany (14-III-2007):

"Georgia has declared its accession to the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents of 5 October 1961. The Federal Republic of Germany raises an objection to the accession of Georgia with reference to Article 12, paragraph 2, of the Convention."

*** By Note of 2 February 2010 the Embassy of Germany informed the depositary that the Federal Republic of Germany withdraws the objection to the accession of Georgia to the Convention. Therefore, the Convention has entered into force between the Federal Republic of Germany and Georgia on 3 February 2010.**

Greece (15-III-2007):

"In accordance with Article 12, paragraph 2, of the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents of October 1961, the Government of the Hellenic Republic hereby raises an objection such that the said Convention shall not enter into force between the Hellenic Republic and the Republic of Georgia."

India Tipo [A]**

Belgium *, Finland **, Germany, the Netherlands *** and Spain **** raised an objection to the accession within the period of six months specified in Article 12, paragraph 2, and expiring on 15 May 2005. Therefore, the Convention will not enter into force between India and the above-mentioned Contracting States.

Belgium, 20-04-2005

(Translation)

The Embassy hereby notifies that Belgium believes it is necessary to make a reservation in connection with India's accession to the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents.

* By Note dated 9 January 2008, the Embassy of Belgium informed the depositary of the withdrawal of Belgian's objection effective immediately.

Germany, 21-04-2005

(Translation)

India has declared its accession to the Hague Convention abolishing the requirement of legalisation for foreign public documents of 5 October 1961.

The Embassy hereby raises an objection to India's accession with reference to article 12, paragraph 2, of the Convention.

Finland, 02-05-2005

Pursuant to Article 15, second paragraph, of that Convention Finland hereby objects to the accession of India. Consequently, pursuant to Article 15, third paragraph, the Convention shall not enter into force between India and Finland.

** On 5 October 2009, Finland has withdrawn the objection in accordance with article 12, paragraph 2, of the Convention. Therefore, the Convention has entered into force between Finland and India on 5 October 2009.

Netherlands, 13-05-2005

(Translation)

... the Kingdom of the Netherlands (the Kingdom in Europe, the Netherlands Antilles and Aruba) raises an objection to the accession of India to the Convention abolishing the requirement of legalisation for foreign public documents.

*** On 16 September 2008, the Kingdom of the Netherlands (the Kingdom in Europe, the Netherlands Antilles and Aruba) has withdrawn the objection in accordance with article 12, paragraph 2, of the Convention. Therefore, the Convention has entered into force between the Kingdom of the Netherlands and India on 16 September 2008.

Spain, 13-05-2005

(Translation)

In accordance with Article 12, paragraph 2, of the Convention, Spain hereby declares that the Convention shall not enter into force between the Republic of India and the Kingdom of Spain.

**** On 12 February 2008, Spain has withdrawn the objection in accordance with article 12, paragraph 2, of the Convention. Therefore, the Convention has entered into force between Spain and India on 12 February 2008.

NOTICE FROM THE DEPOSITARY

On 25 May 2005 the depositary received an objection from Portugal concerning India's accession. Since the objection was received after the time limit for filing objections had expired, it will have no legal consequences.

La ex República Yugoslava de Macedonia Tipo [Su]

One of the successor States to the former Socialist Federal Republic of Yugoslavia which became a Party to the Convention on 24 January 1965. On 20 September 1993, The former Yugoslav Republic of Macedonia declared itself to be bound by the Convention.

No objection has been received from the Contracting States.

Montenegro Tipo [Su]

One of the successor States to the former Socialist Federal Republic of Yugoslavia which became a Party to the Convention on 24 January 1965.

By letter received by the depositary on 26 April 2001, the Federal Republic of Yugoslavia (since 4 February 2003 called "Serbia and Montenegro") declared itself to be bound by the Convention. No objection has been received from the Contracting States.

The Ministry of Foreign Affairs of the Netherlands, depositary of the Hague Conventions, has notified the Member States of the Hague Conference on 5 July 2006 that "Following the declaration of the state independence of Montenegro, and under the Article 60 of the Constitutional Charter of the state union of Serbia and Montenegro, the Republic of Serbia is continuing international personality of the state union of Serbia and Montenegro, which was confirmed also by the National Assembly of the Republic of Serbia at its session held on 5 June 2006." On 30 January 2007 the Republic of Montenegro declared itself to be bound by the Convention:

"... the Government of the Republic of Montenegro succeeds to the Convention abolishing the requirement of legalisation for foreign public documents, adopted at The Hague on October, 5th, 1961, and takes faithfully to perform and carry out the stipulations therein contained as from June 3rd 2006, the date upon which the Republic of Montenegro assumed responsibility for its international relations."

Perú Tipo [A]**

On 15 July 2010, the Ministry of Foreign Affairs of the Netherlands was informed of the objection of the Federal Republic of **Germany** to the accession of Peru to the Convention Abolishing the Requirements of Legalisation for Foreign Public Documents. The Convention will, in accordance with its Article 12, third paragraph, not enter into force between the Federal Republic of Germany and Peru.

On 28 July 2010, the Ministry of Foreign Affairs of the Netherlands was informed of the objection of **Greece** to the accession of Peru to the Convention Abolishing the Requirements of Legalisation for Foreign Public Documents. The Convention will, in accordance with its Article 12, third paragraph, not enter into force between Greece and Peru.

Serbia Tipo [Su]

One of the successor States to the former Socialist Federal Republic of Yugoslavia which became a Party to the Convention on 24 January 1965. By letter received by the depositary on 26 April 2001, the Federal Republic of Yugoslavia declared itself to be bound by the Convention.

No objection has been received from the Contracting States.

The Ministry of Foreign Affairs of the Netherlands, depositary of the Hague Conventions, has notified the Member States of the Hague Conference on 5 July 2006 that "Following the declaration of the state independence of Montenegro, and under the Article 60 of the Constitutional Charter of the state union of Serbia and Montenegro, the Republic of Serbia is continuing international personality of the state union of Serbia and Montenegro, which was confirmed also by the National Assembly of the Republic of Serbia at its session held on 5 June 2006."

Suriname Tipo [Su]

Suriname declared on 29 October 1976 that it considers itself bound by the Convention, which had been extended to its territory by the Kingdom of the Netherlands on 16 May 1967. The date of entry into force of the Convention is the date of independence of Suriname.

Ucrania Tipo [A]**

Belgium and Germany raised an objection to the accession of Ukraine within the period of six months specified in Article 12, paragraph 2, and expiring on 23 October 2003.

Belgium withdrew its objection on 5 July 2004; the Convention entered into force between Ukraine and Belgium on 5 July 2004.

Germany withdrew its objection on 22 July 2010; the Convention entered into force between Ukraine and Germany on 22 July 2010.

Res/D/N

Alemania: Notificaciones

On 22 November 1994, the Government of the Federal Republic of Germany gave notice to the depositary of the Convention of the following:

"With the reunification of Germany on 3 October 1990 the Hague Convention of 5 October 1961 applies to the entire territory of the Federal Republic of Germany."

Argentina: Declaraciones

Artículos [13]

"La República Argentina rechaza la extensión de la aplicación de la Convención Suprimiendo la Exigencia de Legalización de los Documentos Públicos Extranjeros, adoptada en La Haya el 5 de octubre de 1961 a las islas Malvinas, Georgias del Sur y Sandwich del Sur que fue notificada por el Reino Unido de Gran Bretaña e Irlanda del Norte al Ministerio de Asuntos Extranjeros del Reino de los Países Bajos el 24 de febrero de 1965, y reafirma sus derechos de soberanía sobre las islas Malvinas, Georgias del Sur y Sandwich del Sur, que forman parte integrante de su territorio nacional.

La Asamblea General de las Naciones Unidas ha adoptado las resoluciones 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21 y 41/40 en las que se reconoce la existencia de una disputa de soberanía referida a la cuestión de las islas Malvinas y se urge a la República Argentina y al Reino Unido de Gran Bretaña e Irlanda del Norte a mantener las negociaciones a fin de encontrar lo antes posible, una solución pacífica y definitiva de la disputa, con la interposición de los buenos oficios del Secretario General de las Naciones Unidas, quien deberá informar a la Asamblea General acerca de los progresos realizados.

La República Argentina rechaza, asimismo, la extensión de la Convención al llamado "Territorio Antártico Británico", formulada en la misma fecha, a la par que reafirma los derechos de la República al Sector Antártico Argentino, incluyendo los relativos a su soberanía o jurisdicción marítima correspondiente. Recuerda, además, las salvaguardias sobre reclamaciones de soberanía territorial en la Antártida previstas en el artículo IV del Tratado Antártico, suscripto en Washington el 1° de diciembre de 1959, del cual son Partes la República Argentina y el Reino Unido de Gran Bretaña e Irlanda del Norte".

Referring to the above declaration, the Government of the Kingdom of Great Britain and Northern Ireland communicated the following on 27 August 1987:

"The Government of the United Kingdom of Great Britain and Northern Ireland cannot accept the declaration made by the Argentine Republic as regards the Falkland Islands and South Georgia and the South Sandwich Islands. The Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to United Kingdom sovereignty over the Falkland Islands and South Georgia and the South Sandwich Islands and, accordingly, their right to extend the application of the Convention to the Falkland Islands and South Georgia and the South Sandwich Islands.

The Government of the United Kingdom of Great Britain and Northern Ireland also cannot accept the declaration made by the Argentine Republic as regards the British Antarctic Territory. The Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to the sovereignty of the United Kingdom over the British Antarctic Territory and, accordingly, their right to extend the application of the Convention to the British Antarctic Territory. The Government of the United Kingdom draw attention to Article IV of the Antarctic Treaty, to which the Governments of the United Kingdom and Argentina are parties. Article IV freezes claims to Antarctic territory South of 60 degrees South latitude."

Australia: Declaraciones

Artículos [13]

"Pursuant to Article 13, the Convention shall extend to all the territories for the international relations of which it is responsible."

Bosnia y Herzegovina: Declaraciones

"In the certificate annexed to the Convention (apostille), in the line entitled "1. Country" shall be filled with Bosnia and Herzegovina without any entities marks in order to produce the public document to be fully legitimated."

China, República Popular: Declaraciones Notificaciones

This Convention applies to the *Special Administrative Regions of Hong Kong and Macao* only, as a result of extensions made by the United Kingdom of Great Britain and Northern Ireland and Portugal, respectively. When Hong Kong and Macao were restored to the People's Republic of China on 1 July 1997 and 20 December 1999, respectively, China declared that the Convention will continue to apply for Hong Kong and Macao.

Date of entry into force of the Convention for Hong Kong: 25 April 1965; date of entry into force for Macao: 4 February 1969.

Declarations / notifications:

The Ministry of Foreign Affairs of the Kingdom of the Netherlands, depositary of the Convention, gave notice that on 16 June 1997, the Minister for Foreign Affairs of the Kingdom of the Netherlands received a

Note dated 11 June 1997 from the Ambassador of the United Kingdom of Great Britain and Northern Ireland at The Hague and a Note dated 3 June 1997 from the Ambassador of the People's Republic of China at The Hague concerning Hong Kong.

The Note from the Ambassador of the United Kingdom reads as follows:

"Your Excellency,

I am instructed by Her Britannic Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs to refer to the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at The Hague on 5 October 1961 (hereinafter referred to as the Convention) which applies to Hong Kong at present.

I am also instructed to state that, in accordance with the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong signed on 19 December 1984, the Government of the United Kingdom will restore Hong Kong to the People's Republic of China with effect from 1 July 1997. The Government of the United Kingdom will continue to have international responsibility for Hong Kong until that date. Therefore, from that date the Government of the United Kingdom will cease to be responsible for the international rights and obligations arising from the application of the Convention to Hong Kong.

I should be grateful if the contents of this Note could be placed formally on record and brought to the attention of the other Parties to the Convention.

(...)

(signed Rosemary Spencer)".

The Note from the Ambassador of the People's Republic of China reads as follows:

(Translation)

"Your Excellency,

In accordance with the Joint Declaration of the Government of the People's Republic of China and the Government of the United Kingdom of Great Britain and Northern Ireland on the Question of Hong Kong signed on 19 December 1984 (hereinafter referred to as the 'Joint Declaration'), the People's Republic of China will resume the exercise of sovereignty over Hong Kong with effect from 1 July 1997. Hong Kong will, with effect from that date, become a Special Administrative Region of the People's Republic of China and will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People's Government of the People's Republic of China.

It is provided both in Section XI of Annex I to the Joint Declaration, 'Elaboration by the Government of the People's Republic of China of its Basic Policies Regarding Hong Kong', and Article 153 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, which was adopted on 4 April 1990 by the National People's Congress of the People's Republic of China, that international agreements to which the People's Republic of China is not a Party but which are implemented in Hong Kong may continue to be implemented in the Hong Kong Special Administrative Region.

In accordance with the above provisions, I am instructed by the Minister of Foreign Affairs of the People's Republic of China to make the following notification:

The Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at The Hague on 5 October 1961 (hereinafter referred to as the "Convention"), by which the Government of the Kingdom of the Netherlands is designated as the depositary, which applies to Hong Kong at present, will continue to apply to the Hong Kong Special Administrative Region with effect from 1 July 1997. The Government of the People's Republic of China also makes the following declaration:

In accordance with Article 6 of the Convention, it designates each of the following as the competent authorities in the Hong Kong Special Administrative Region to issue the certificates referred to in paragraph 1 of Article 3 of the Convention for the Hong Kong Special Administrative Region: the Administrative Secretary, the Registrar of the High Court, the Deputy Registrar of the High Court and the Assistant Registrar of the High Court. Within the above ambit, responsibility for the international rights and obligations of a Party to the Convention will be assumed by the Government of the People's Republic of China.

It would be appreciated if the contents of this Note could be placed formally on record and brought to the attention of the other Parties to the Convention.

(...)

(signed Zhu Manli, Ambassador Extraordinary and Plenipotentiary of the People's Republic of China to the Kingdom of the Netherlands)".

By letter dated 26 November 1999, the Ambassador of Portugal to the Netherlands informed the Minister of Foreign Affairs of the Netherlands of the following:

"Upon instructions from my Government and referring to the Convention abolishing the requirement of legalisation for foreign public documents concluded at The Hague on 5 October 1961 (hereinafter referred to as the Convention) which currently applies to Macao, I have the honour to inform Your Excellency of the following:

In accordance with the Joint Declaration of the Government of the Portuguese Republic and of the Government of the People's Republic of China on the question of Macao, signed in Beijing on 13 April 1987, the Government of the Portuguese Republic will remain internationally responsible for Macao until 19 December 1999, the People's Republic of China resuming from that date the exercise of sovereignty over Macao, with effect from 20 December 1999.

From 20 December 1999 the Portuguese Republic will cease to be responsible for the international rights and obligations arising from the application of the Convention in Macao. (...)."

By letter of 10 December 1999, the Ambassador of the People's Republic to the Netherlands informed the Minister of Foreign Affairs of the Netherlands of the following:

(Courtesy translation)

"In accordance with the Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macao (hereinafter referred to as the Joint Declaration) signed on 13 April 1987, the Government of the People's Republic of China will resume the exercise of sovereignty over Macao with effect from 20 December 1999. Macao will from that date become a Special Administrative Region of the People's Republic of China and will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People's Government of the People's Republic of China.

It is provided both in Section VIII of Elaboration by the Government of the People's Republic of China of its Basic Policies Regarding Macao, which is annex I to the Joint Declaration, and Article 138 of the Basic Law of Macao Special Administrative Region of the People's Republic of China, which was adopted on 31 March 1993 by the National People's Congress of the People's Republic of China, that international agreements to which the Government of the People's Republic of China is not yet a Party but which are implemented in Macao may continue to be implemented in the Macao Special Administrative Region.

In accordance with the provisions mentioned above, I am instructed by the Minister of Foreign Affairs of the People's Republic of China to inform Your Excellency of the following:

The Convention abolishing the requirement of legalisation for foreign public documents, done at The Hague on 5 October 1961 (hereinafter referred to as the Convention), which applies to Macao at present, shall continue to apply to the Macao Special Administrative Region with effect from 20 December 1999. (...)

Within the above ambit, the Government of the People's Republic of China will assume the responsibility for the international rights and obligations that place on a Party to the Convention. (...)."

Declaration Hong Kong, 3 March 2006:

(...) that the Apostille Service Office of the Judiciary of the Hong Kong Special Administrative Region has recently computerized the Apostille system.

As a result of the computerization of the system, there will be a change in the way that the Apostille Certificate is produced. At present, the Apostille Certificate is in the form of a chop stamped on the document requiring Apostille service with blanks completed in handwriting. After computerization, the Certificate will be generated from the computer and be affixed to the document requiring Apostille.

As the current practice, the Certificate will be signed by the Registrar, High Court, and sealed with the Seal of the Court. This new system will commence operation with effect from 20 March 2006.

Apart from the above, all existing practice and procedure remain unchanged.

Dinamarca: Declaraciones

(...) that the Convention as yet does not apply for Greenland and the Faro Islands.

Ecuador: Declaraciones

"(...) , the above-mentioned Ecuadorian Ministry has decided to change the design of the current "Apostille" used in Ecuador for a new design, more practical and simplified. This new seal will be issued with a 10 American dollar stamp and will be implemented as from the second quarterly of 2006."

España: Declaraciones

By Note No 89 dated 4 August 1997, the Embassy of Spain informed the depositary of the following declaration concerning Gibraltar:

"La Embajada de España saluda atentamente al Ministerio Real de Asuntos Exteriores y tiene el honor de poner en su conocimiento que la Colonia de Gibraltar viene expidiendo apostillas del Convenio de La Haya número XII de 5.10.1961 en las que, como "país", figura el nombre del citado territorio.

El Reino de España considera que el modelo de apostilla utilizado por las Autoridades del Reino Unido en Gibraltar implica una clara violación del Convenio de La Haya citado, cuyo artículo 13 sólo permite a los Estados-parte del mismo extender dicho Convenio a todos los territorios de cuyas relaciones internacionales estén encargados, pudiendo en consecuencia estos territorios expedir apostillas, pero nunca como "países", tal y como aparece en las expedidas por Gibraltar.

Gran Bretaña, en efecto, extendió en su momento la aplicación territorial del Convenio a Gibraltar, que tiene la consideración, según las propias Autoridades británicas, de territorio dependiente y no de "país". La autoproclamación en el modelo de apostilla citado de Gibraltar como "país" no sólo no es aceptable por España, sino que no refleja el actual estatuto que dicho territorio posee desde el punto de vista del Derecho Internacional.

En consecuencia, el Reino de España declara que no acepta la validez de las apostillas expedidas por el Reino Unido en Gibraltar en las que aparezca el nombre de la Colonia como "país".

El Reino de España solicita al Ministerio de Asuntos Exteriores de los Países Bajos que comunique esta decisión a los Estados-parte del citado Convenio. (...)"

Estados Unidos de América: Declaraciones

The instrument of accession was accompanied by the following statement:

"On the occasion of the deposit by the United States of America of its instrument of accession to the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, concluded October 5, 1961 (1961 Convention), the Department of State wishes to draw the attention of States currently Parties to the Convention, and eventually of those becoming so in the future, to the provisions of Title 18, United States Code, Section 3190 relating to documents submitted to the United States Government in support of extradition requests. It does so for the purpose of preventing possible misunderstandings by stipulating that the 1961 Convention does not supersede or override the provisions of Section 3190.

Section 3190 provides:

Section 3190 Evidence on (Extradition) hearing

Depositions, warrants, or other papers or copies thereof offered in evidence upon the hearing of any extradition case shall be received and admitted as evidence on such hearing for all the purposes of such hearing if they shall be properly and legally authenticated so as to entitle them to be received for similar purposes by the tribunals of the foreign country from which the accused party shall have escaped, and the certificate of the principal diplomatic or consular officer of the United States resident in such foreign country shall be proof that the same, so offered, are authenticated in the manner required.

The requirement of Section 3190 is satisfied by the certification of the principal United States diplomatic or consular officer resident in the state requesting extradition that the documents are in such form as to be admissible in the tribunals of that State. The certification by apostille under the 1961 Convention does not satisfy this requirement, as it only certifies the signature, the capacity of the signer, and the seal on the documents. It does not certify the admissibility of the documents. Thus, the requirement of section 3190 is not deemed by the United States to be overridden by operation of Article 8 of the 1961 Convention.

It should be noted, however, that a certification by the principal diplomatic or consular officer of the United States as set out in section 3190 has also served to legalize such documents, and will continue to do so without the need for any other legalization by United States officials or certification by the apostille under the 1961 Convention.

In light of the above, it is recommended that States Party to the 1961 Convention continue as before to cover documents supporting extradition requests directed to the United States with the special certification provided for by section 3190. Failure to cover extradition documents in this recommended manner could regrettably result in a finding by the United States judge or magistrate hearing the extradition request that the documents do not meet the requirements of section 3190 and thus are not entitled to be received and admitted as evidence. Such a finding could, in turn, result in the irrevocable rejection of the extradition request."

Francia: Declaraciones

On depositing their instrument of ratification the French Government declared that the Convention applies to the entire territory of the French Republic.

France has declared in agreement with the Government of the United Kingdom to extend the application of the Convention to the Anglo-French Condominium of the New Hebrides on 17 December 1965. (The Convention entered into force for the New Hebrides on 15 February 1966.)

In Notes of 1 April 1970, the British Embassy and the French Embassy notified that the Government of the United Kingdom and the Government of the French Republic have reached an agreement whereby the extension of the Convention to the Anglo-French Condominium of the New Hebrides with effect from 15 February 1966, has been confirmed, and the competent authorities to issue the certificate designated. The New Hebrides achieved independence on 30 July 1980 and became the Republic of Vanuatu.

Georgia: Declaraciones

This Convention does not apply to the documents issued by the *de facto* illegitimate authorities and officials of the regions of Georgia: Autonomous Republic of Abkhazia and the former Autonomous District of South Ossetia.

Hungría: Declaraciones

Artículos [13]

The Republic of Hungary declares that the provisions of Article 13 of the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, done at The Hague on October 5, 1961, are contrary to resolution 1514/XV on the granting of independence to colonial countries and peoples, adopted by the General Assembly of the United Nations on December 14, 1960.

Nueva Zelandia: Declaraciones

Artículos [13]

(...) this accession shall not extend to Tokelau unless and until a declaration to that effect is lodged by the Government of New Zealand with the depositary, in accordance with Article 13 of the Convention; and designates the New Zealand Department of Internal Affairs as its competent authority for the purposes of Article 6 of the Convention.

Portugal: Declaraciones

Artículos [13]

Portugal has declared to extend the application of the Convention to the entire territory of the Republic of Portugal on 22 October 1969. (The Convention entered into force for the entire territory of the Republic of Portugal on 21 December 1969.)

Reino Unido de Gran Bretaña e Irlanda del Norte : Declaraciones

Artículos [13]

Extension of the Convention to former British territories on 24 February 1965 (the Convention entered into force for those territories on 25 April 1965):

Antigua*
 Bahama Islands*
 Barbados*
 Basutoland*
 Bechuanaland Protectorate*
 British Guyana**
 British Solomon Islands Protectorate**
 Brunei*
 Dominica*
 Fiji*
 Gilbert and Ellice Islands**
 Grenada*
 Hong Kong***
 Mauritius*
 New Hebrides**
 Saint Christopher, Nevis*
 Saint Lucia*
 Saint Vincent*
 Seychelles*
 Southern Rhodesia**
 Swaziland*
 Tonga*

* This country achieved independence and declared that it considers itself bound by the Convention or acceded to the Convention.

** This country achieved independence. No declaration has been made on the continuation in force of the Convention.

Dates of independence: British Guyana became the Republic of Guayana (26 May 1966); British Solomon Islands Protectorate became Solomon Islands (7 July 1978); Gilbert and Ellice Islands became respectively Kiribati (12 July 1979) and Tuvalu (1 October 1978); New Hebrides (see also [France: declarations](#)) became the Republic of Vanuatu (30 July 1980); Southern Rhodesia became the Republic of Zimbabwe (18 April 1980).

*** On 1 July 1997, the Government of the United Kingdom of Great Britain and Northern Ireland restored Hong Kong to the People's Republic of China. See under "CHINA, Hong Kong Special Administrative Region".

Rusia, Federación de: Notificaciones

Artículos [15]

As the Union of Soviet Socialist Republics does not exist any more and since the Russian Federation according to its declaration contained in its Note of 13 January 1992 to the Heads of the Diplomatic Representations at Moscow (see below) continues to perform the rights and fulfil the obligations following from the international agreements signed by the Union of Soviet Socialist Republics, the depositary has asked the Russian Federation to let him know whether this declaration applies also to the present Convention and, in the affirmative, to inform him of the adaptations to be made in the notification made by the Soviet Union on 4 September 1991.

Declaration made by the Russian Federation:

"The Ministry of Foreign Affairs of the Russian Federation presents its compliments to the Heads of Diplomatic Representations in Moscow and has the honour to request them to inform their Governments about the following.

The Russian Federation continues to perform the rights and fulfil the obligations following from the

international agreements signed by the Union of the Soviet Socialist Republics.

Accordingly the Government of the Russian Federation shall perform the functions of a depository in conformity with the corresponding multilateral agreements instead of the Government of the USSR.

Therefore, the Ministry kindly requests to consider the Russian Federation as a Party to all international agreements in force instead of the USSR.

The Ministry avails itself of this opportunity to renew to the Heads of Diplomatic Representations the assurances of its highest consideration.

Moscow, January 13, 1992."

Please [click here](#) to read the depository's *Notification in conformity with Article 15 of the Convention*, dated 15 May 1992.

Additional information (5-VIII-2008)

For the purposes of Article 6 of the Convention the Russian Side declares that, alongside with the competent authorities declared earlier by the Russian Side, the Ministry of Defense of the Russian Federation is the authority competent to issue the Certificate (Apostille), referred to in Article 3 of the Convention, on official archive documents on military service (employment) in the Armed Forces of the Russian Federation, the Armed Forces of the USSR and the Joint Armed Forces of the Commonwealth of Independent States (CIS), issued in the Russian Federation.

Serbia: Declaraciones

By Note dated 24 January 2003, the Embassy of the Federal Republic of Yugoslavia informed the depository of the following:

"The Embassy of the Federal Republic of Yugoslavia presents its compliments to the Ministry of Foreign Affairs of the Kingdom of The Netherlands and with the reference to the misunderstandings concerning the application of the Convention Abolishing the Requirement of Legalization for Foreign Public Documents, signed at The Hague on 5 October 1961 and ratified by the Federative People's Republic of Yugoslavia on 21 May 1961, and the Convention On the Issue of Multilingual Extracts from Civil Status Records, signed in Vienna on 8 September 1976 and ratified by the Socialist Federal Republic of Yugoslavia, to the succession of which the Federal Republic of Yugoslavia signed the declarations on 19 April 2001 and 16 October 2001 respectively, and, in that connection, the competencies of Yugoslav institutions to legalize public documents, has the honour to inform of the following:

1) Yugoslavia has legalized public documents in the sense of the Hague Convention under the Law on the Legalization of Public Documents in International Traffic ("Official Gazette of the SFRY", No.6, 8 February, 1973) since its adoption.

Under the article. 8 of the said Law, the courts of the first instance and the Ministries of Justice of the constituent Yugoslav Republics provide apostilles, i.e. authorize Yugoslav documents, for use in the States Parties to the Hague Convention. Under the Law, municipal courts have primary competence to certify documents issued by institutions resident in the areas under the jurisdiction of the courts. Republican and Provincial justice administration authorities are competent to authorize, as an alternative, documents issued by institutions resident in the areas under their jurisdiction if not authorized by competent courts of the first instance.

Bearing that in mind, only one authorization, i.e. apostille, by the competent court of the first instance or, exceptionally, by a Republican or Provincial justice administration authority will suffice for the authorization/acceptance of Yugoslav documents in international legal traffic. The insistence therefore on a cumulative authorization of documents by one or more Yugoslav institutions is in contravention of the provisions of the Hague Convention and the goals for the promotion of which it was signed and acceded to by a large number of countries, Yugoslavia included, as a source of international law.

2) Furthermore, and with reference to the said Note, the Embassy has noticed that the competent authorities of the Kingdom of the Netherlands frequently request that multilingual extracts from Yugoslav civil status records be legalized by alternative Yugoslav authorities (Ministries of Justice of the Republic of Serbia and the Republic of Montenegro).

That practice is contrary to the provisions of Article 8, para 2, of the Vienna Convention and Article 6, para 1, of the Hague Convention. They also request that extracts from Yugoslav civil status records in Serbian undergo the entire gamut of possible legalizations by various Yugoslav and Dutch authorities, which runs counter to the letter and spirit of Article 1 of The Hague Convention which provides for the obligation of the

States Parties to accept extracts from civil status records of all States Parties, defined as public documents, if they are supplied by an apostille alone.

In advising the Ministry of the above, the Embassy of the Federal Republic of Yugoslavia would appreciate if it interceded with the competent authorities of the Kingdom of the Netherlands, as the depository of the Hague Convention, to change the existing practice and align it with the provisions of the Hague Conventions and to advise thereof the other States Parties to the Convention. (...)"

Note received on 9 June 2006:

"... following the declaration of the state of independence of Montenegro, and under the Article 60 of the Constitutional Charter of the state union of Serbia and Montenegro, the Republic of Serbia is continuing international personality of the state union of Serbia and Montenegro, which was informed also by the National Assembly of the Republic of Serbia at its session held on 5 June 2006."

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