



HCCH

Connecter Protéger Coopérer Depuis 1893
Connecting Protecting Cooperating Since 1893

The Legal Cooperation Conventions & Technology

14 October 2019 | Brasilia

Mr Brody Warren
Legal Officer

Legal Cooperation Conventions



International protection of
children, matrimonial and
familial relations

International litigation
and civil procedure

International
commercial and
financial law

1961 Apostille Convention

1965 Service Convention

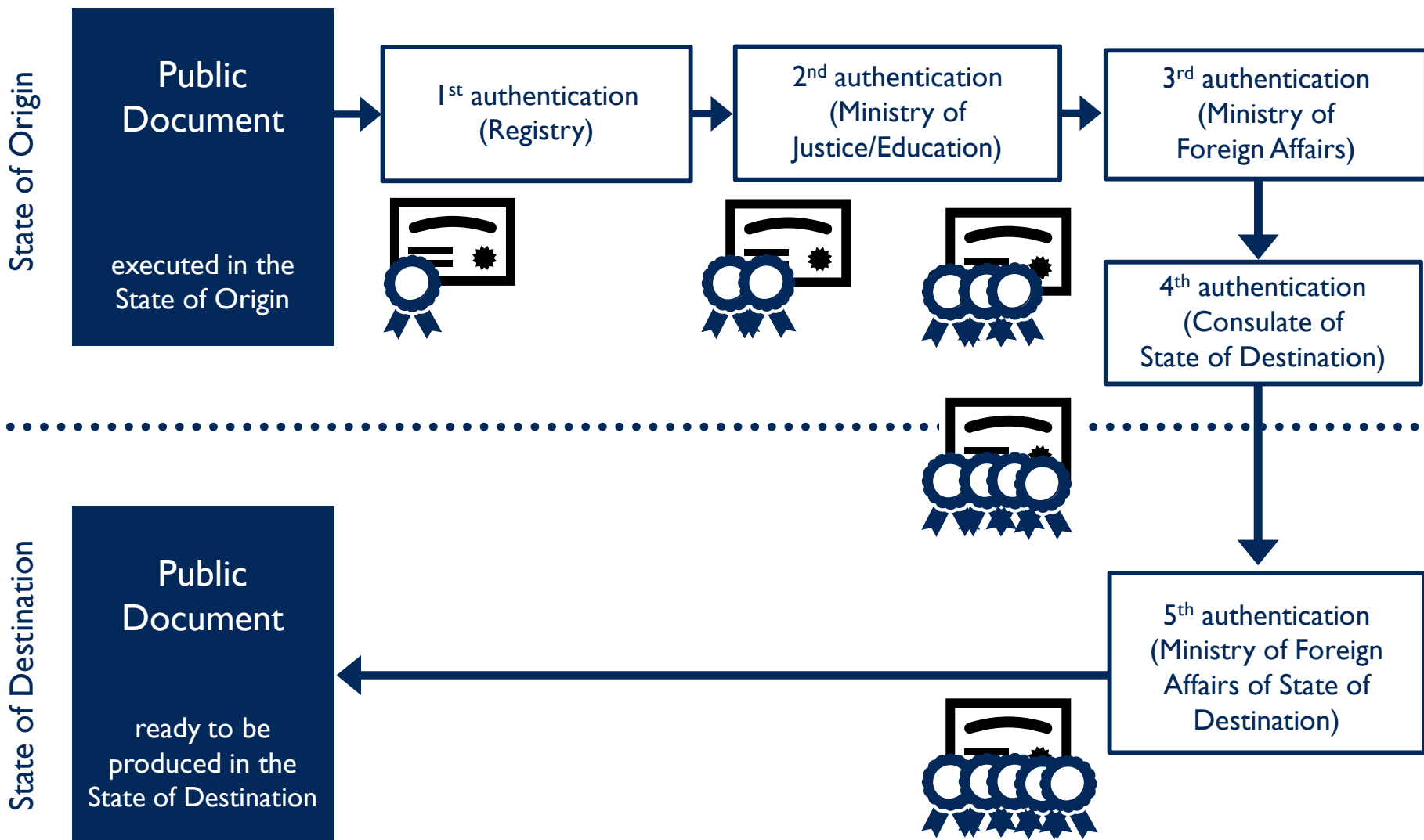
1970 Evidence Convention

Apostille Convention

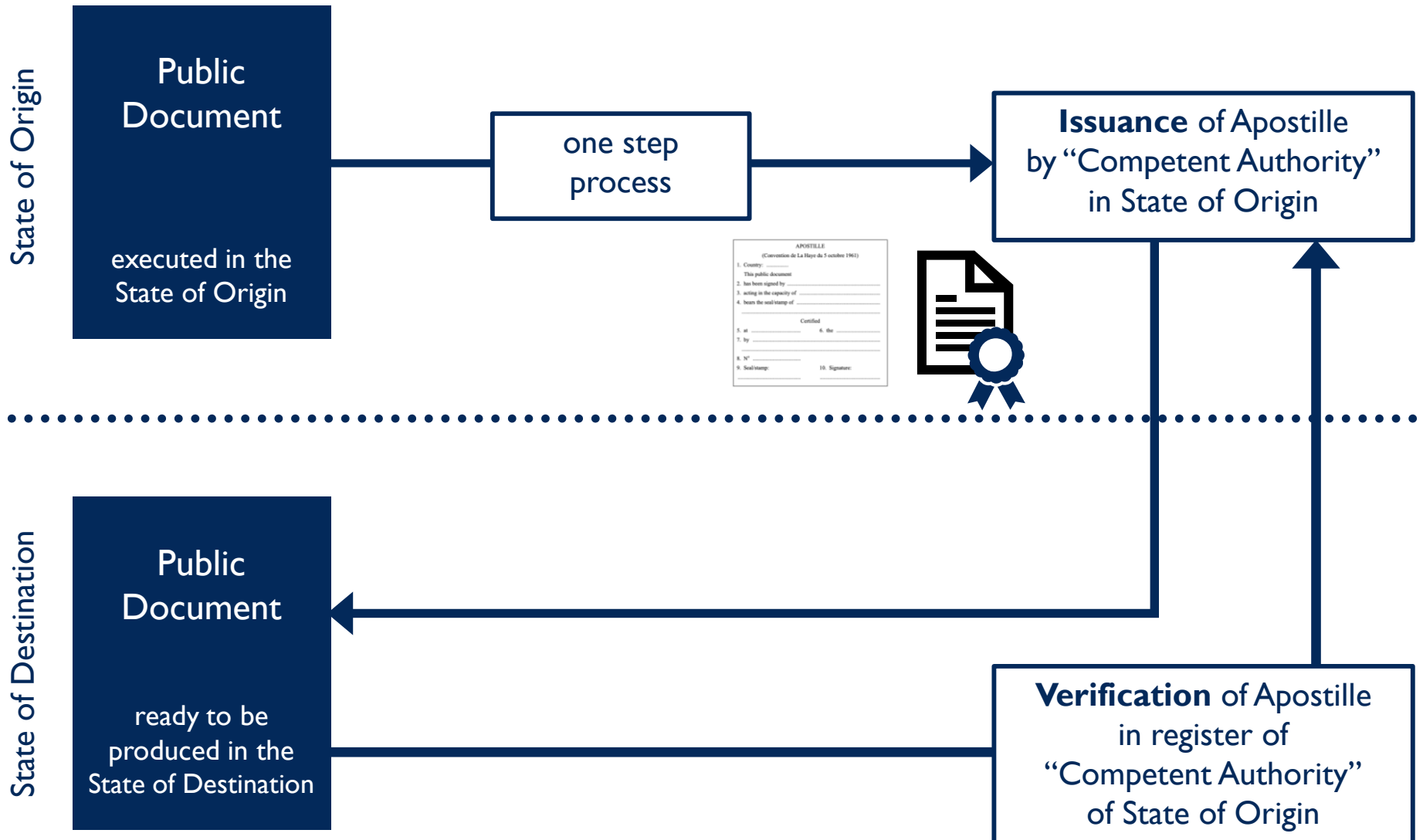
*HCCH Convention of 5 October 1961 Abolishing the
Requirement of Legalisation for Foreign Public Documents*



Legalisation Chain



Simplified Procedure



Apostille



APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country:
- This public document
2. has been signed by
3. acting in the capacity of
4. bears the seal/stamp of
-

Certified

5. at 6. the
7. by
-
8. N°
9. Seal/stamp: 10. Signature:
-

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Pays :
- Le présent acte public
2. a été signé par
3. agissant en qualité de
4. est revêtu du sceau/timbre de
-

Attesté

5. à 6. le
7. par
-
8. sous N°
9. Sceau/timbre : 10. Signature :
-

Legal Requirements



... “on the territory of” ...



Verifies only the origin
(signature, capacity, seal/stamp)



Must be attached

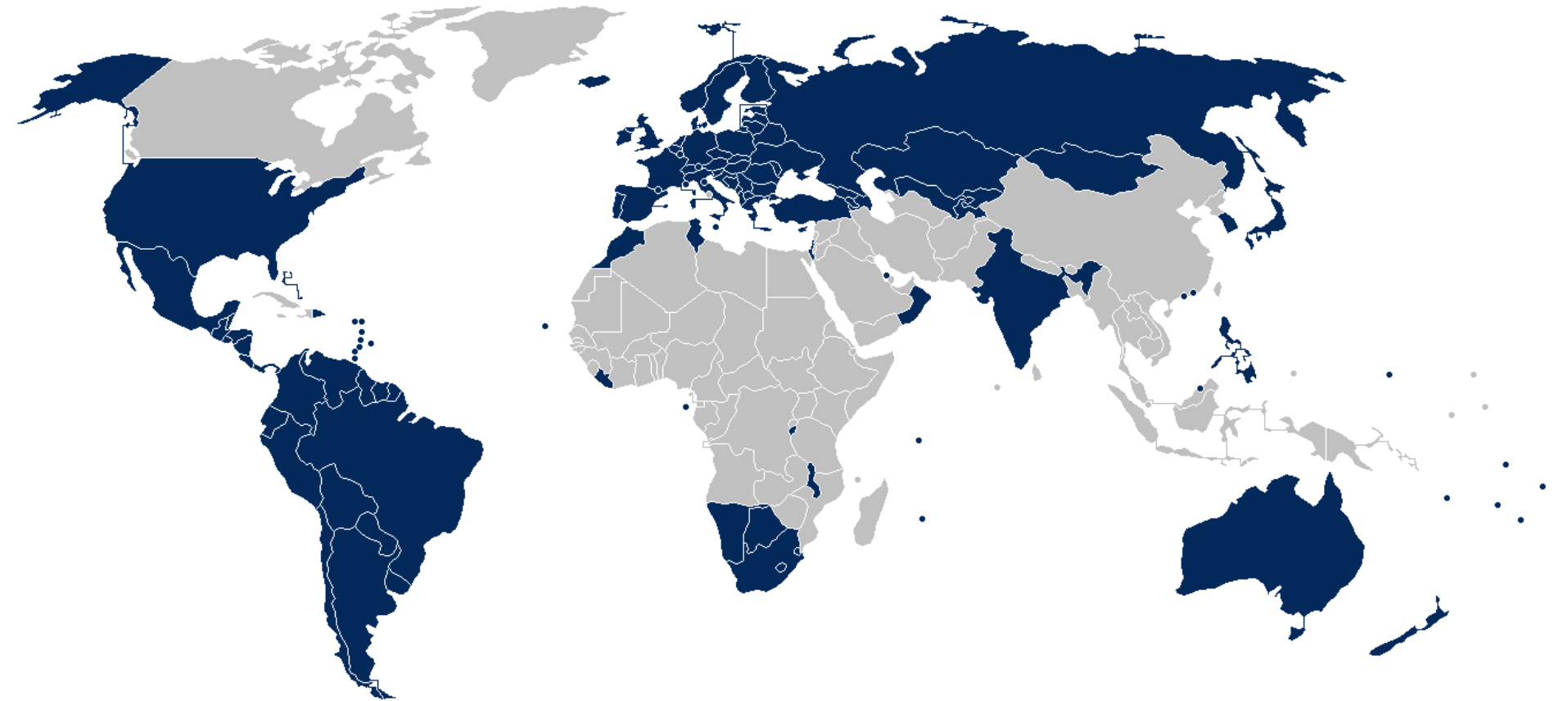


Model with 10 standard items



Register
(Apostille number, date, names, capacity, authority)

117 Contracting Parties

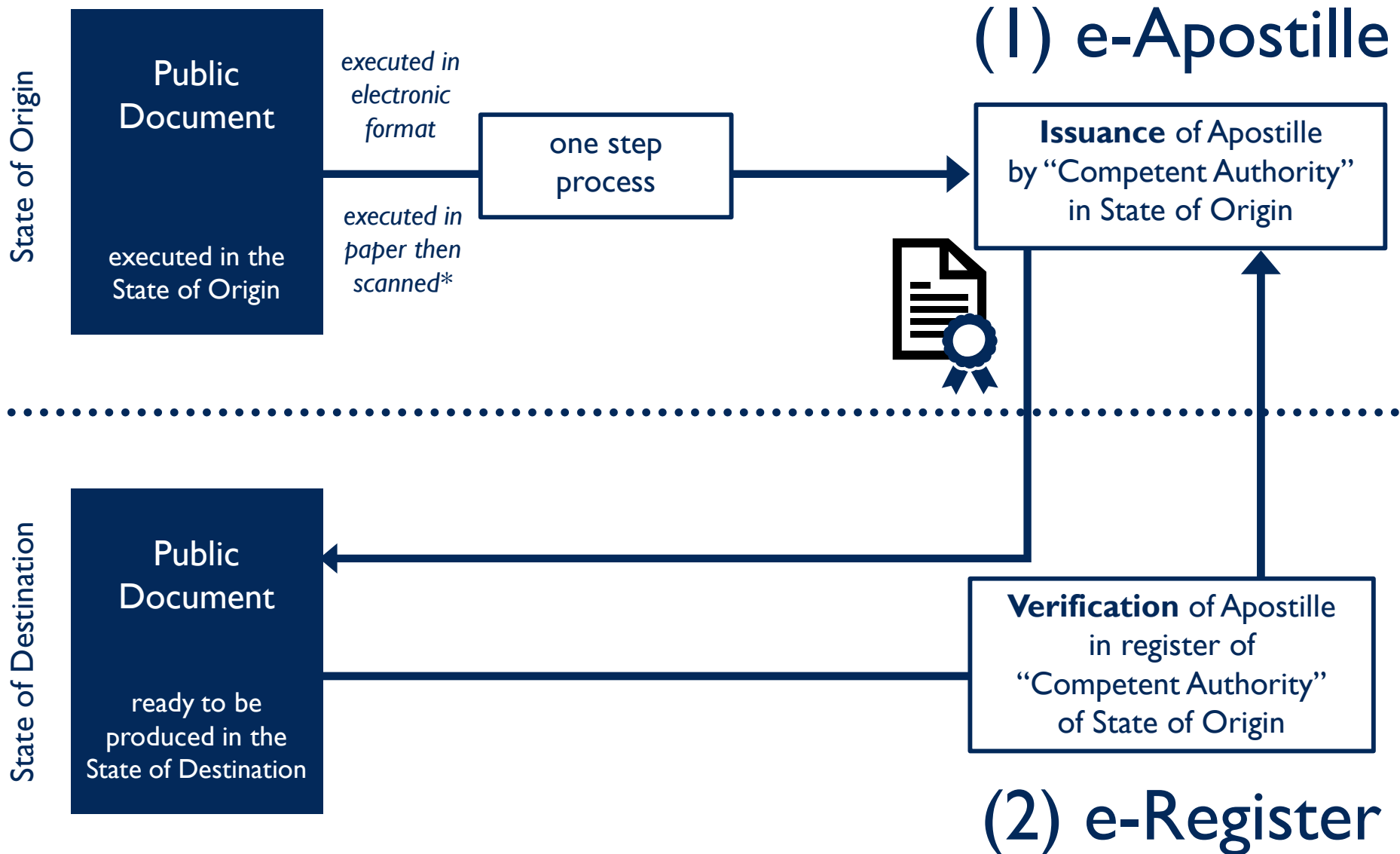




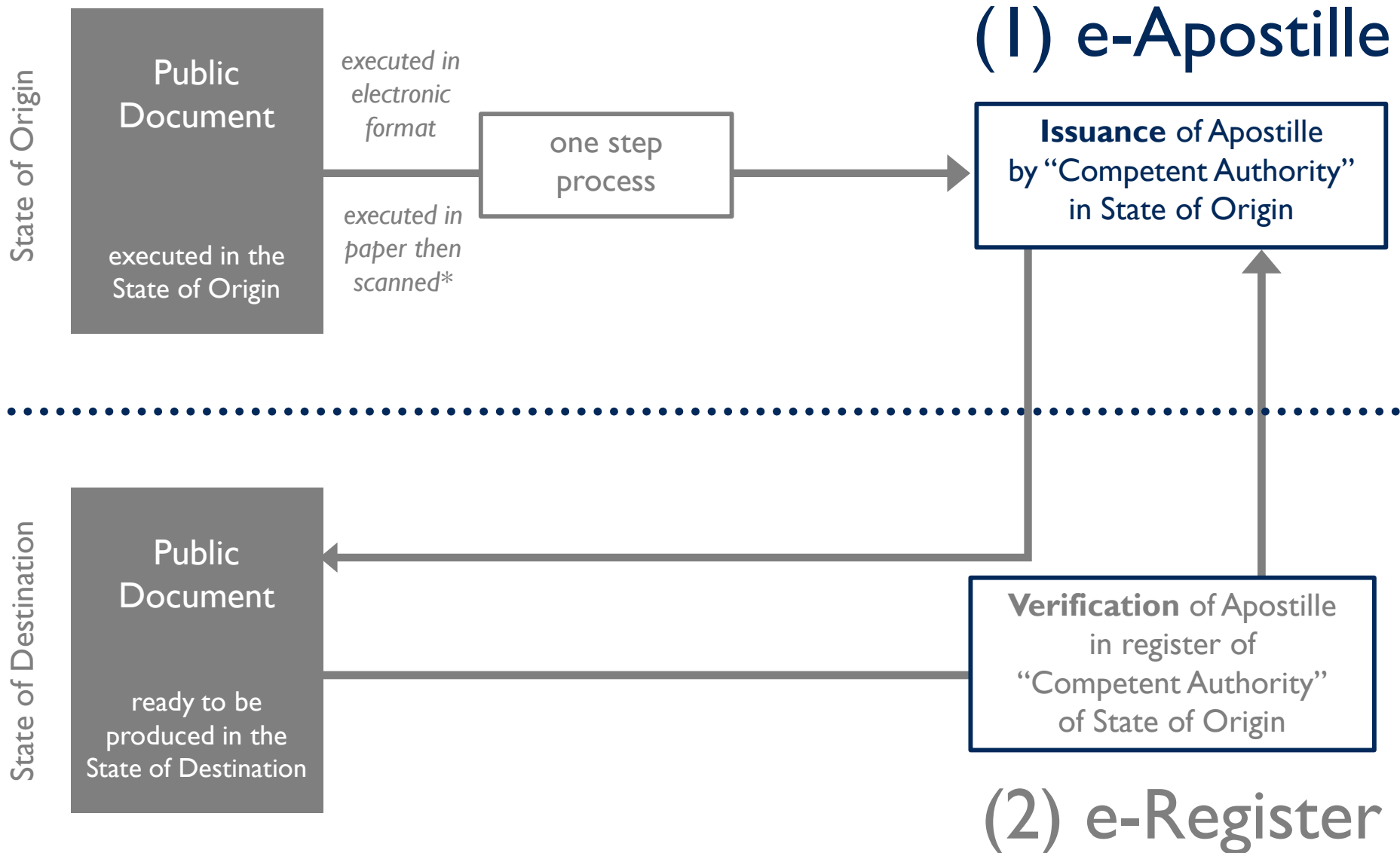
Functional Equivalence

“an Apostille **validly issued** in one Contracting Party to to the Convention **must be accepted** in another Contracting Party to the Convention”

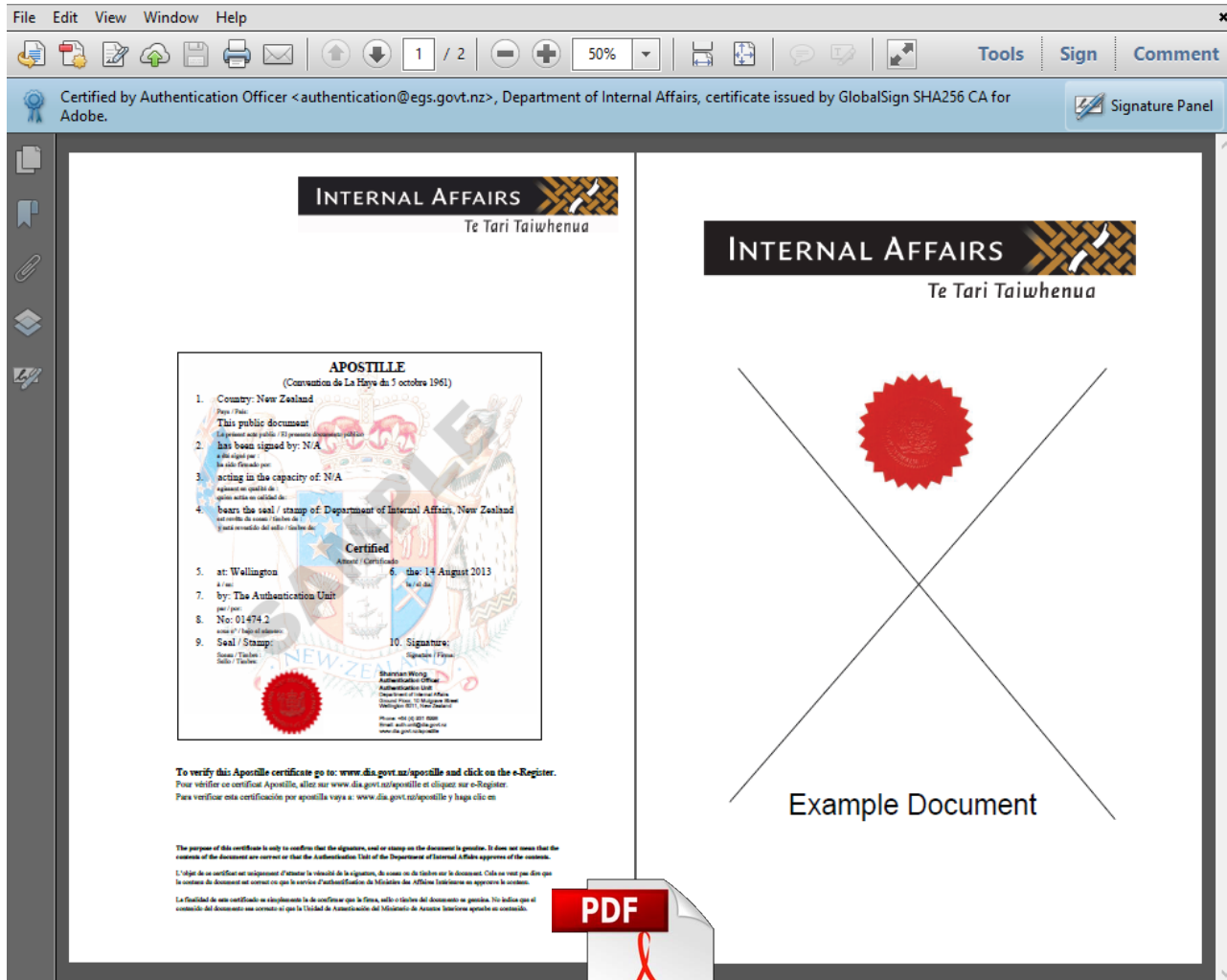
Two Components



Two Components



e-Apostille



The screenshot shows a PDF viewer window with a menu bar (File, Edit, View, Window, Help) and a toolbar. The status bar at the top indicates the document is certified by an Authentication Officer from the Department of Internal Affairs, New Zealand, issued by GlobalSign SHA256 CA for Adobe. The main content area is split into two panels. The left panel displays an Apostille certificate from the New Zealand Department of Internal Affairs, Te Tari Taiwhenua. The certificate includes a list of 10 items: 1. Country: New Zealand; 2. This public document has been signed by: N/A; 3. acting in the capacity of: N/A; 4. bears the seal / stamp of Department of Internal Affairs, New Zealand; 5. at: Wellington; 6. the: 14 August 2013; 7. by: The Authentication Unit; 8. No: 01474.2; 9. Seal / Stamp; 10. Signature. A red circular seal is visible at the bottom left of the certificate. Below the certificate, there is a verification URL: www.dia.govt.nz/apostille. The right panel shows an 'Example Document' with a large red circular seal and a large 'X' drawn over it. A PDF icon with the Adobe logo is positioned at the bottom center of the viewer window.

e-Signature

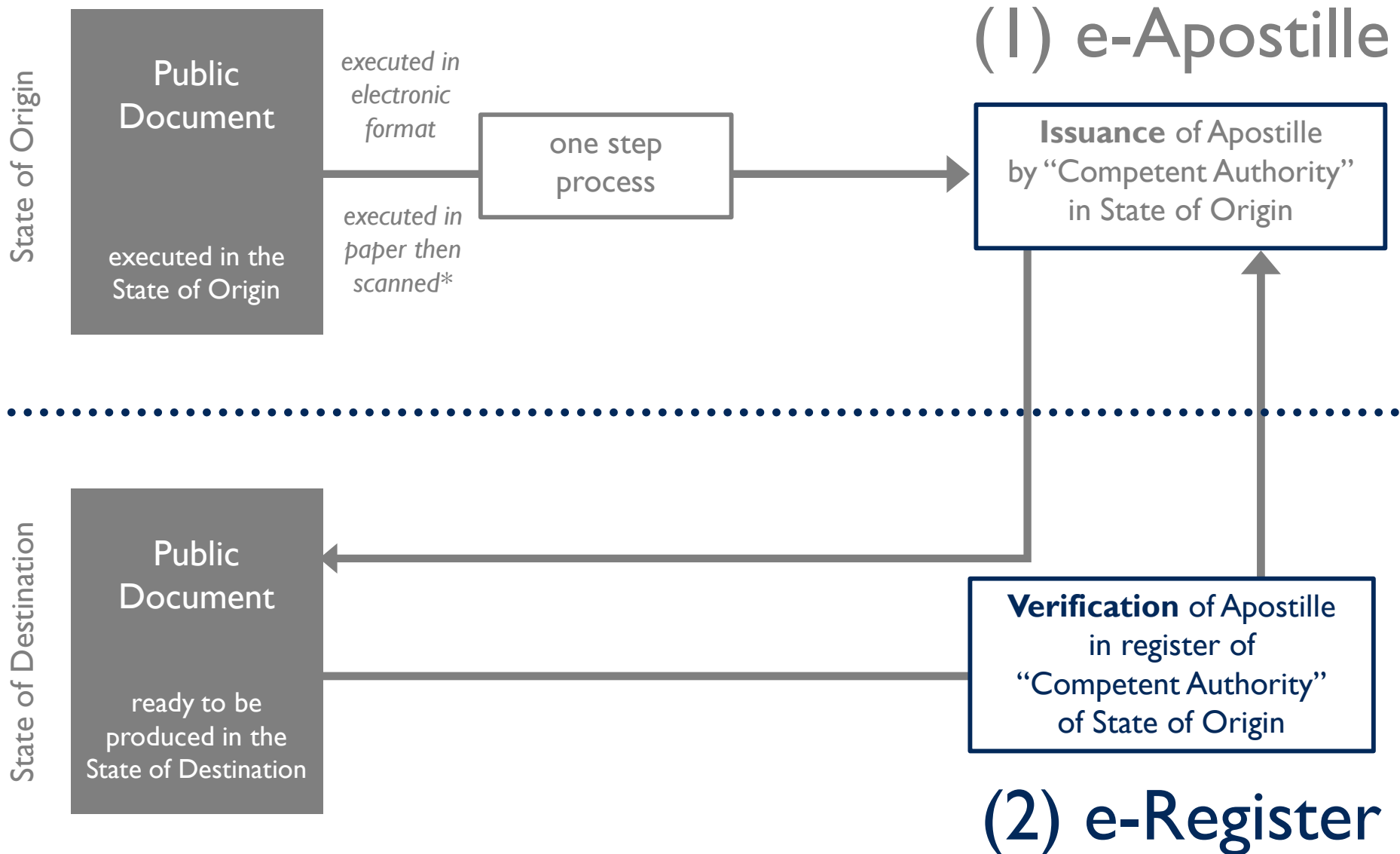
Underlying
Public
Document

Apostille

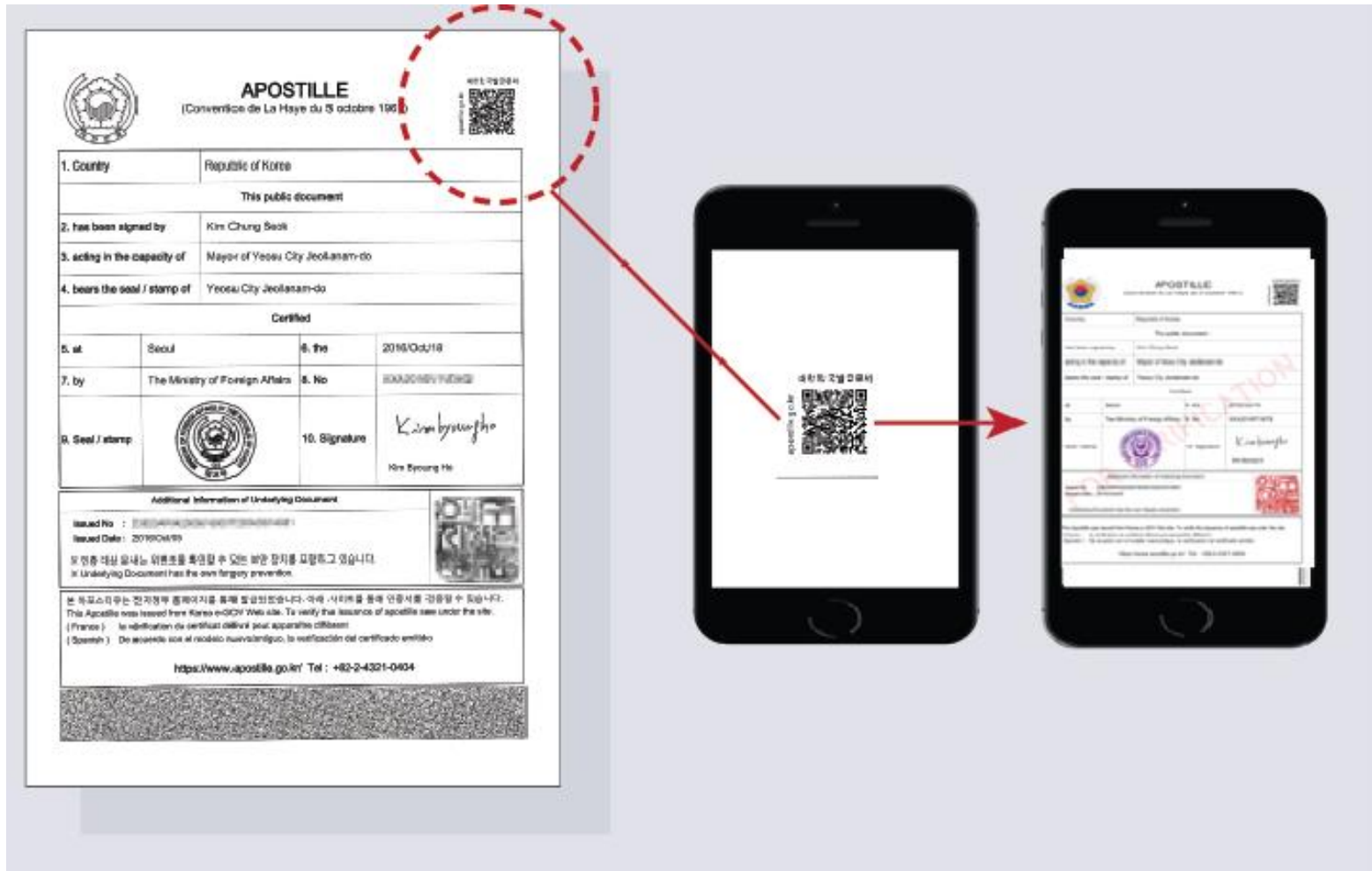


New Zealand

Two Components



e-Register



e-Register


SEGOB

SECRETARÍA DE
GOBERNACIÓN

Type the A

A

Río Amazonas #6

**MÉXICO**
APOSTILLE
(Convention de La Haye du 5 octobre 1961)

SECRETARÍA DE GOBERNACIÓN

1. País (country/pays): **México** **El presente documento público**
(This public document / Le présent acte public)

2. ha sido firmado por: **DR. GUILLERMO SOBERÓN ACEVEDO**

3. quien actúa en calidad de: **RECTOR DE LA UNIVERSIDAD NACIONAL AUTÓNOMA DE MÉXICO**
(acting in the capacity of / agissant en qualité de)

4. y está firmado por: **MÉXICO**
(bears the seal of / porte la signature de)

5. en (at) **MÉXICO**

7. por (by) **SECRETARÍA DE LA UNIÓN,
SECRETARÍA DE GOBIERNO,
SECRETARÍA DE LA SECRETARÍA**

8. No. (N°) **MÉXICO**
(seal/stamp / sceaur/stompre) (signature)

Tipo de Documento: TITULO BIOLOGO
(Type of document / Type d'acte)

Nombre del Titular: FERNANDO DOMINGO ROMAN GARCIA
(Name of holder of document / Nom du titulaire)

La presente Apostilla sólo certifica la firma, la capacidad del signatario y el sello o el timbre que ostenta. La Apostilla no certifica el contenido del documento para el cual se expide.
The Apostille only certifies the signature, the capacity of the signer and the seal or stamp it bears. It does not certify the content of the document for which it was issued.
Cette Apostille ne certifie que la signature, la qualité en laquelle le signataire de l'acte a agi, et le sceau ou le timbre dont cet acte est revêtu. Elle ne certifie pas le contenu du document pour lequel elle a été émise.

La autenticidad de esta Apostilla y su firma electrónica puede ser verificada en:
The authenticity of this Apostille and its electronic signature may be verified at:
L'autenticité de cette Apostille et de sa signature électronique peut être vérifiée sur:
www.ficospu.gob.mx/registro

Código: (code) BXMD505HA

Lic. César Plascencia Salcedo **Firmado Electrónicamente:**
Secretaría de Gobernación
Razón: Autorización de autenticidad de documento
Localización: México D.F.

Atation documents

ostille
alization
tification

ct. 35175 y 35069

Growth of the e-APP



2006

Launch

2009

9 States

2019

38 States

(one or both components,
i.e. e-Apostille and/or e-Register)

11th International Forum on the electronic Apostille Programme



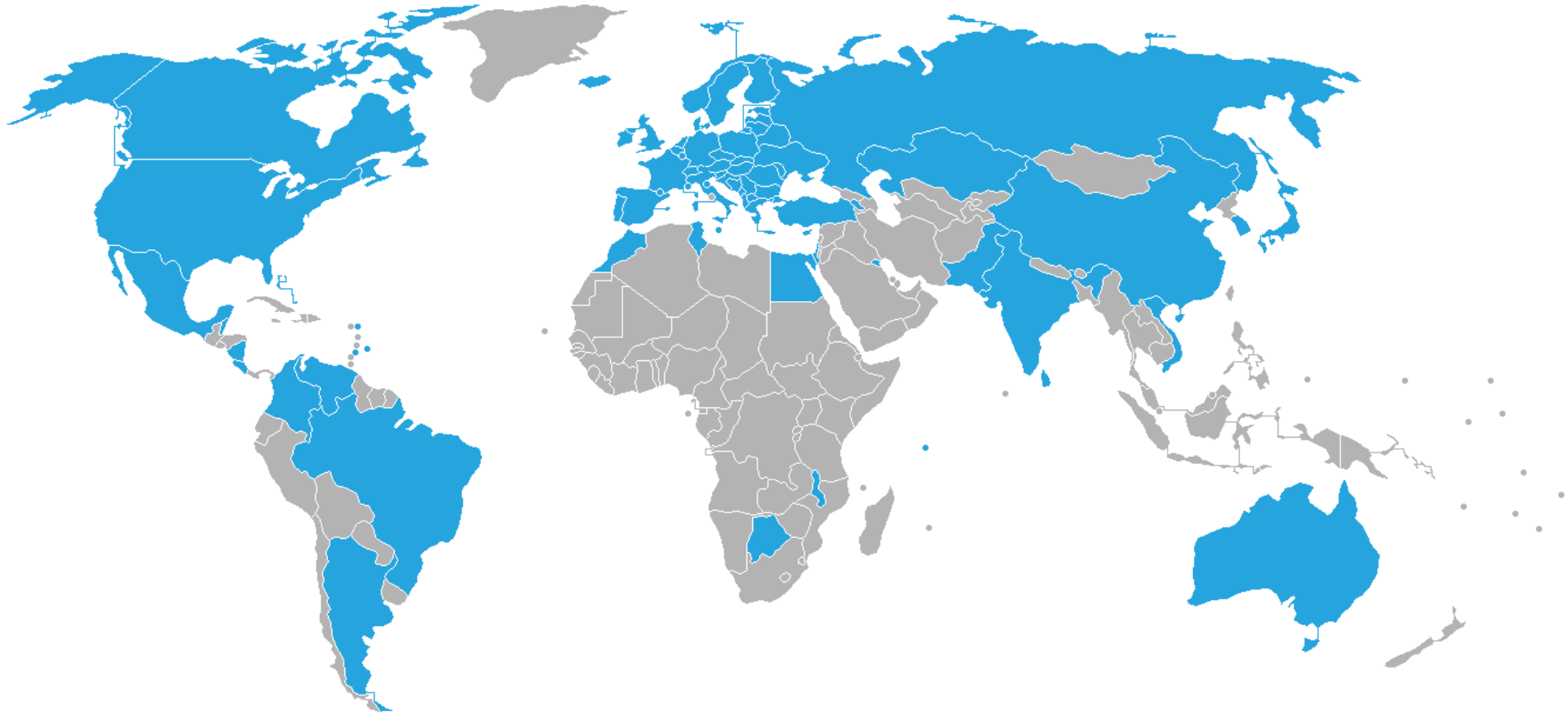
16-18 October 2019 | Fortaleza, Brazil



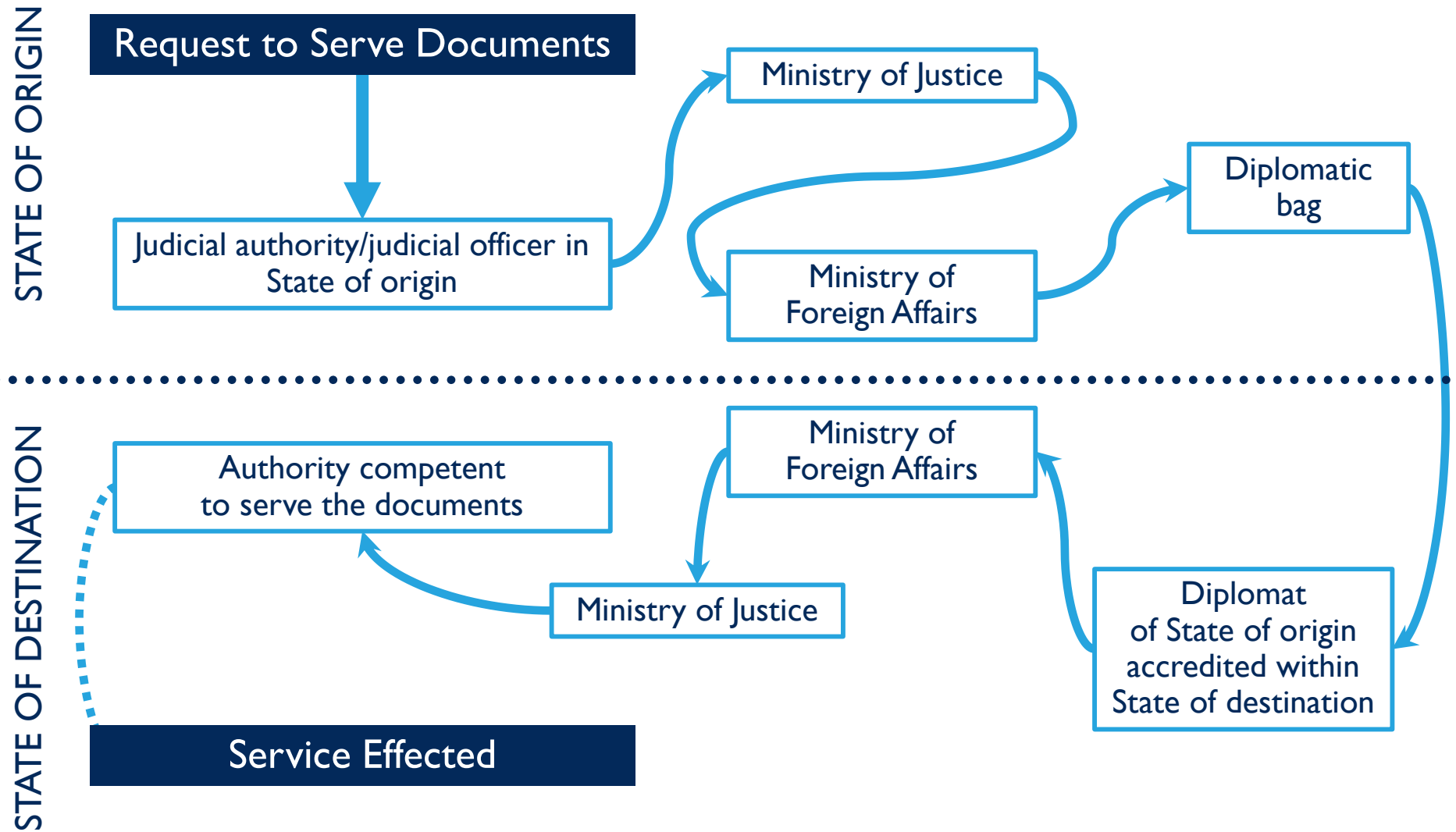
Service Convention

*HCCH Convention of 15 November 1965 on the Service Abroad
of Judicial and Extrajudicial Documents in Civil or Commercial Matters*

75 Contracting Parties



Service abroad *without* a Treaty



Service abroad *with* the Convention



REQUESTING STATE

Request to Serve Documents



Forwarding Authority
“Requesting State”



REQUESTED STATE

Certificate of Service



Service Effected

Central Authority
of the “Requested State”



Competent Authority
of the “Requested State”



Service abroad *with* the Convention



Main channel (art. 5)

Central Authority | Model Form | Certificate of Service



Alternative channels (arts 8, 9, 10)

Diplomatic/consular channels | Postal channels | Direct communication



Derogatory channels (11, 19, 24, 25)

Bilateral and multilateral agreements

Conditions of Application



1 Transmission for service from one Contracting Party to another

2 Judicial or extra-judicial in nature

3 Relating to a civil or commercial matter

4 Address of the person to be served must be known

e-Transmission vs e-Execution



Transmitting
a document
by electronic means

(as provided for by the Convention)



Executing
the request
by electronic means

(as provided for by domestic law)

Ongoing Work:

*Questionnaires on Use of Information Technology
under the Service and Evidence Conventions*



Edition 2019:
The HCCH Service Convention
in the Era of Electronic and
Information Technology



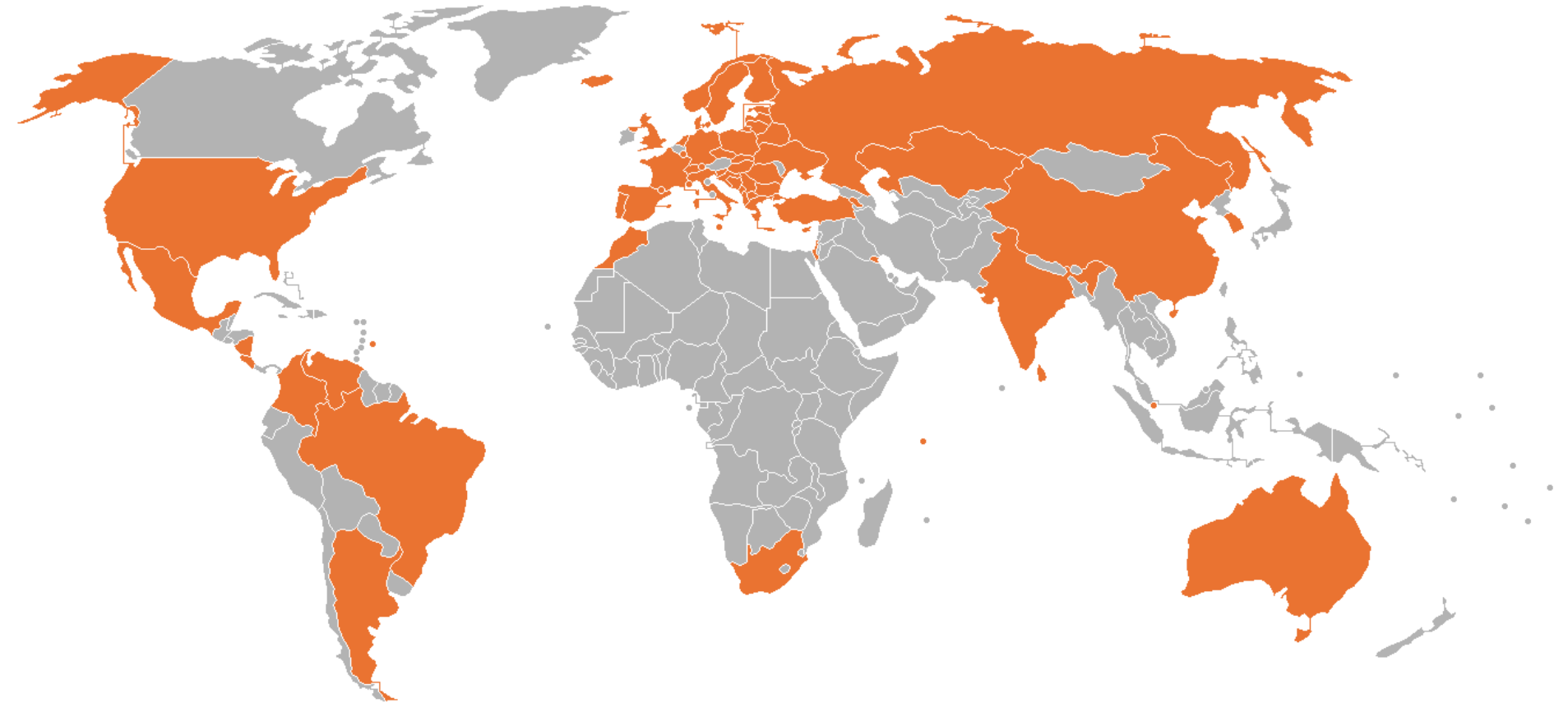
11 December 2019 | The Hague, Netherlands

A large, stylized number '3' is positioned on the left side of the slide. The top and bottom loops of the '3' are filled with a light blue color, while the middle bar is white. The background of the slide is a gradient of blue, transitioning from a lighter shade at the top to a darker shade at the bottom. A thin orange horizontal line runs across the slide, passing behind the text.

Evidence Convention

*HCCH Convention of 18 March 1970 on the Taking
of Evidence Abroad in Civil or Commercial Matters*

62 Contracting Parties



Evidence abroad *with* the Convention



Chapter I

Letters of Request



Chapter II

Diplomatic officers | Consular agents | Commissioners



Derogatory channels

Other Channels | Less restrictive conditions | Bilateral/multilateral agreements

Chapter I – Indirect Taking of Evidence

By Letter of Request



REQUESTING STATE

Letter of Request



Judicial Authority
“Requesting State”



REQUESTED STATE



Taking of
Evidence



Central Authority
of the “Requested State”



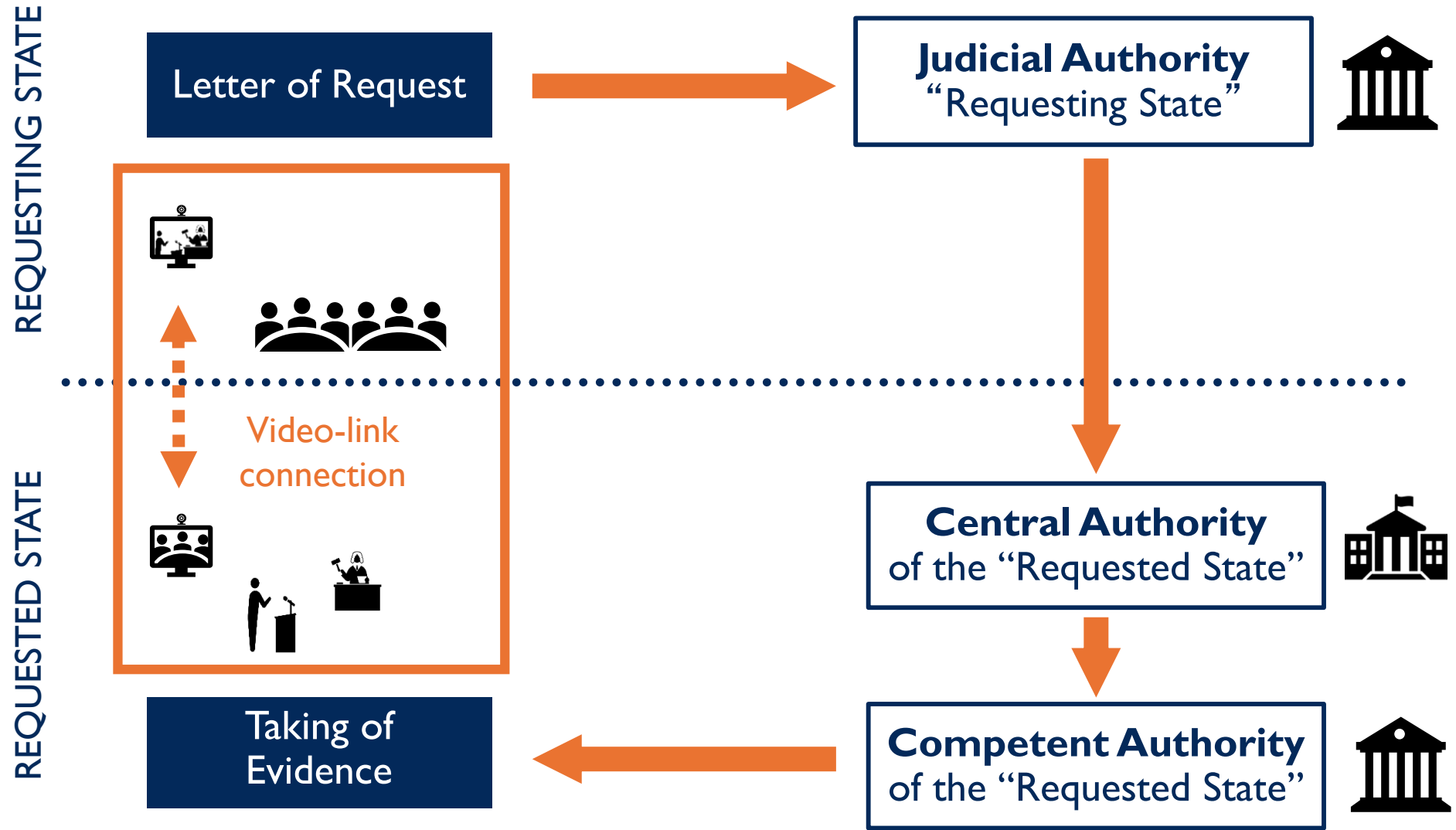
Competent Authority
of the “Requested State”



Chapter I – Indirect Taking of Evidence



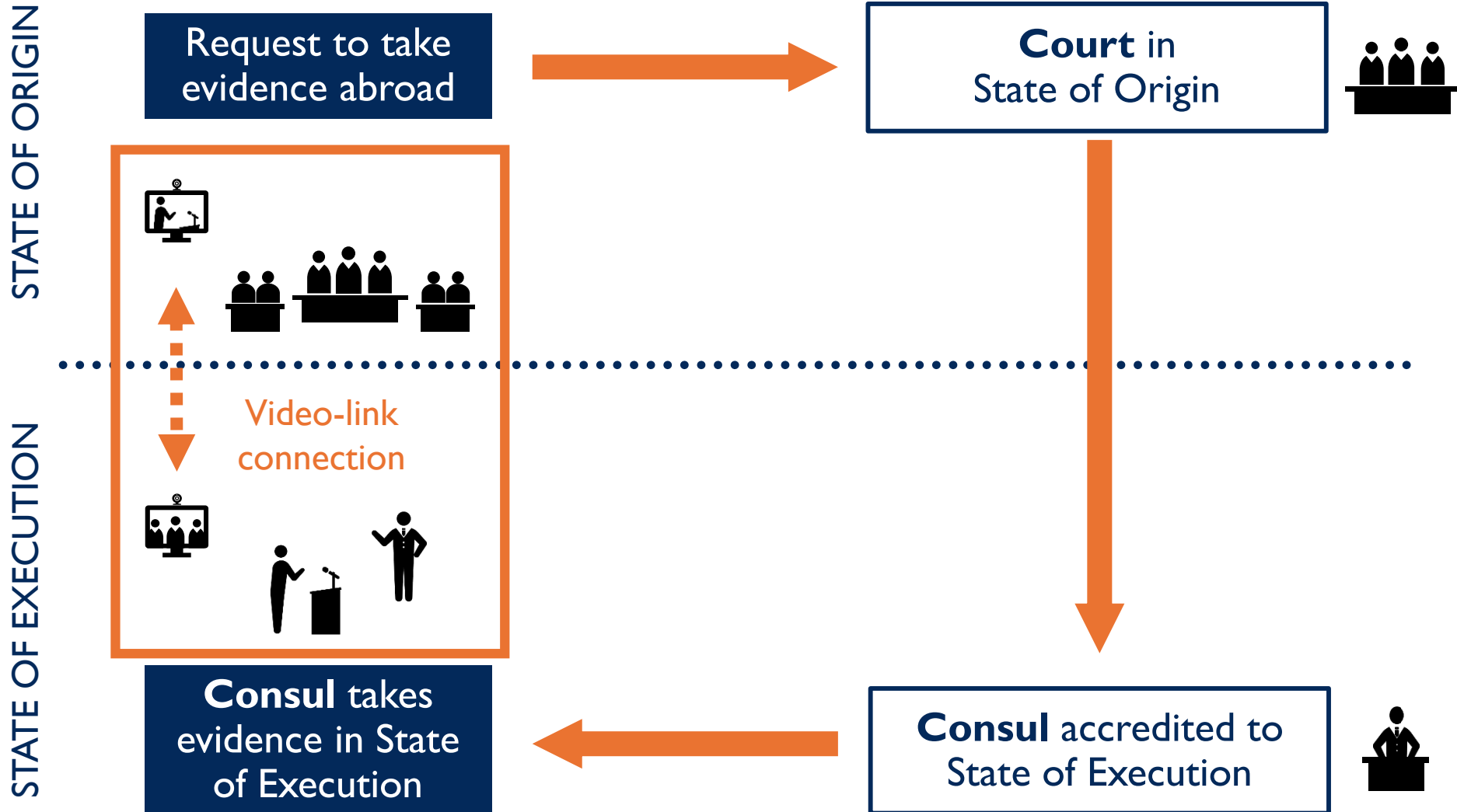
By Letter of Request



Chapter II – Direct Taking of Evidence



By a Consul



Chapter II – Direct Taking of Evidence

By a Commissioner



STATE OF ORIGIN

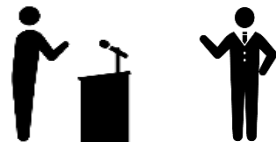
Request to take evidence abroad



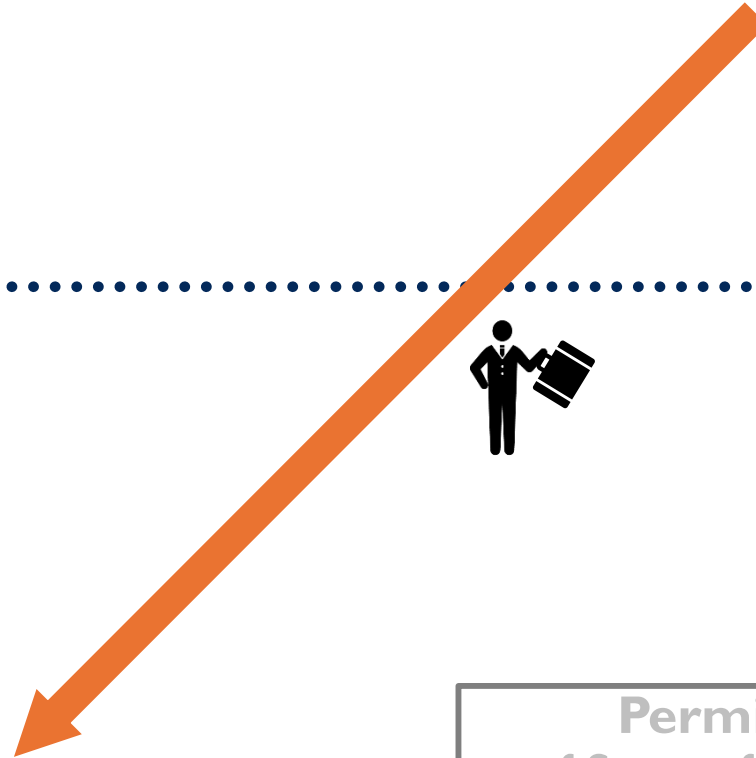
Court in State of Origin appoints **Commissioner** to take evidence



STATE OF EXECUTION



Consul takes evidence in State of Execution



Permission of State of Execution may be required



Chapter II – Direct Taking of Evidence

By a Commissioner



STATE OF ORIGIN

Request to take evidence abroad



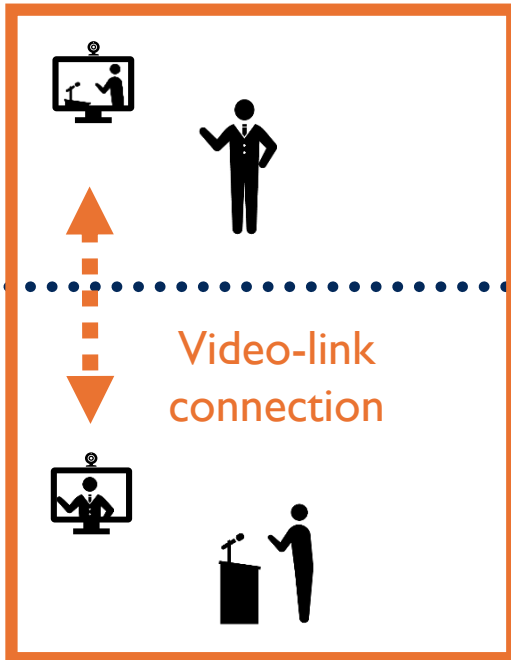
Court of Origin appoints Commissioner to take evidence



Commissioner takes evidence by video-link in the State of Origin



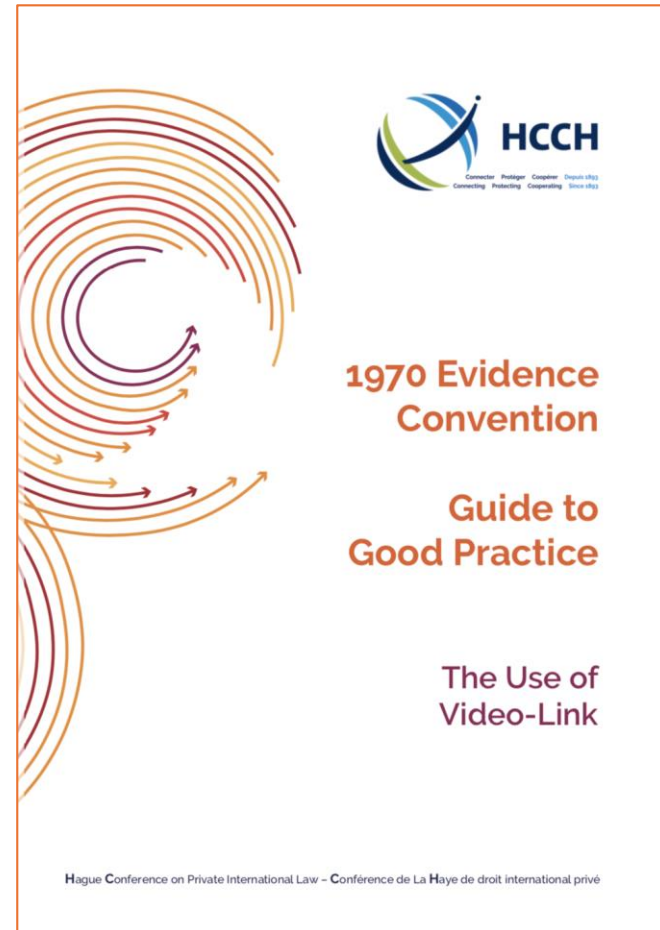
STATE OF EXECUTION



Permission of State of Execution may be required



Guide to Good Practice on the Use of Video-Link



(Forthcoming, 2019)

A large white cross graphic is centered on the left side of the slide, extending across the width of the page. The background is a blue gradient, transitioning from a lighter blue at the top to a darker blue at the bottom. A thin green horizontal line is positioned below the text.

Final Thoughts

Technology and HCCH Conventions



Drafted to be **technologically neutral**



Regular review of practices



More **efficient**, more **effective**, and more **accessible** operation



Calls for a **proactive** and **cultural shift**



Facilitating **better access to justice** for all



Mr Brody Warren
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