

*INGLES*

## **INFORMATION ABOUT APOSTILLE OF BOLIVIAN DOCUMENTS**

The Plurinational State of Bolivia by Law No. 967 of August 2, 2017, acceded to the "Convention Suppressing the Requirement of Legalization of Foreign Public Documents" (Hague Apostille Convention), adopted on October 5, 1961, in The Hague, Netherlands. The Ministry of Foreign Affairs in accordance with the Bolivian legislation and in accordance with the Convention, is designated as the Competent Authority to issue the Apostille; as of May 7, 2018, public documents in Bolivian territory will be Apostilled.

Having as first characteristic, the "DIGITAL ISSUANCE OF THE APOSTILLE", Bolivia issues digital Apostilles. , Bolivia issues digital Apostilles according to the "Manual on the Practical Operation of the Apostille Convention" of the Hague Conference on Private International Law, which is known to all signatory States of the Convention, within its invalid Grounds for rejecting Apostilles, in its item 308, paragraph D, states that: "An Apostille should not be rejected for the sole reason that it has been issued in electronic format (e-Apostille)". This position was confirmed by the following statement which was adopted at the Sixth Forum (Madrid) (C&R No. 6) and reaffirmed at the Seventh Forum (Izmir) (C&R No. 9):

"Echoing the conclusions and recommendations of previous e-APP Forums, participants underlined the fundamental principle of the Convention that an Apostille validly issued in one State Party must be accepted in other States Parties; participants at the Lighthouse qualified that this principle applies to e-Apostilles issued under the domestic law of the issuing State. To do otherwise would be to give the receiving State more power in the electronic environment than it has in the case of paper documents. Such a situation will be highly unsatisfactory since the use of electronic Apostilles offers higher security standards than paper Apostilles. Moreover, the recognition of electronic Apostilles issued in another State is reinforced by the fact that most States have adopted standards that consider electronic signatures to be the functional equivalent of handwritten (holographic) signatures. Finally, the Lighthouse participants emphasized the great advantage of parallel use of an electronic Register in cases where the Competent Authority issues e-Apostilles; the possibility of verifying the origin of an e-Apostille in the relevant electronic Register should provide the recipients of e-Apostilles with all the necessary guarantees".

Thus, the Special Commission of the Hague Conference on Private International Law recognizes that modern technologies are an integral part of today's society and that they have a positive impact on the operation of the Convention, which is why it encourages the issuance of electronic Apostilles and their electronic registration by the States Parties.

Likewise, the second main feature of the Apostille issued by the Plurinational State of Bolivia is the "DIGITAL SIGNATURE". This is the signature that is reviewed and recognized by the Ministry of Foreign Affairs of the Plurinational State of Bolivia as the Competent Authority to issue the Apostille and that is in compliance with the provisions of the International Convention, concordant with Supreme Decree N°3541 dated April 25, 2018, national regulation that establishes the regulations for the implementation of the Hague Apostille Convention in Bolivian territory, stating in its FIRST FINAL PROVISION. - "For the accreditation before the Competent Authority and use of the integrated system of Apostille, the operators that administer registries or public services delegated by the State must have a digital signature".

In Bolivia, in order to issue an Apostille, only the Digital Signature is recognized and the physical signature is not recognized in any public document; The physical signature of the public document to be Apostilled may or may not be in the Apostille certification, because although the regulation above establishes the accreditation of the designated operators for the access to the Integrated Apostille System, it does not limit the number of them, it does not state that they are the only ones who must authenticate the document and the Apostille (linking of signatures, chain or correlation of signatures), The highest executive authority of each entity that issues public documents for the apostille in Bolivia has the power to designate an operator different from the one that issues or certifies the physical document to be apostilled (it can be a public servant different from the one that digitally certifies the Apostille and the underlying public document). )

The Digital Signature is completely valid to issue an Apostille certification, since it is understood as a technological security mechanism that offers higher security standards than those issued on paper. The Digital Signature is not an element that can be found or visualized in the physical documentation of the Apostille or the underlying public document, since the Digital Signatures must be reviewed through the official website of the Apostille of the Plurinational State of Bolivia: (<http://apostilla.rree.gob.bo/>) in the "VERIFY" section.

Similarly, Article 3 of the Hague Convention provides that: "The only formality which may be required to certify the authenticity of the signature, the capacity in which the signatory of the document has acted and, where appropriate, the identity of the seal or stamp with which the document is covered, shall be the affixing of the Apostille described in Article 4, issued by the Competent Authority of the State from which the document emanates (...)", consistent with point 12 of the "Handbook on the practical operation of the Apostille Convention" which states: "When applied, the Apostille Convention abolishes the legalization process and replaces it with a single formality: the issuance of a certificate of authentication (the "Apostille" issued by an authority designated by the State of origin (the "Competent Authority")). As this is all that is required to establish the origin of the public document, no additional requirements can be demanded.

Therefore, the Digital issuance of the Bolivian Apostille with the digital signature is completely valid and legal since it is in accordance with the national and international regulations in force for its validity in all the member States of the Hague Convention, therefore, if the receiving State wishes to verify the genuineness of the Digital Apostilles and the underlying document Apostilled with the digital signature, it must enter the following page: (<http://apostilla.rree.gob.bo/>) in the section "VERIFY, electronic registry that allows a quick online consultation, being also a technological information that places us in the category N°3 of the ADVANCED INFORMATION of the 121 countries Members of the Convention, allowing THE VISUAL - DIGITAL VERIFICATION OF THE ISSUED APOSTILLE, THE UNDERLYING APOSTILLED DOCUMENT AND THE DIGITAL SIGNATURE INTEGRELY.