

CONVENTION
ABOLISHING THE LEGALIZATION OF DOCUMENTS
IN THE MEMBER STATES OF THE EUROPEAN COMMUNITIES

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CONVINCED of the desirability of ensuring the free movement of documents between their States,

DESIRING for this purpose to adopt uniform rules concerning the abolition of all forms of legalization of documents,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

1. This Convention shall apply to public documents which are drawn up in the territory of a contracting State and which have to be produced in the territory of another contracting State or shown to the diplomatic or consular agents of another contracting State even if those agents are acting in the territory of a State which is not party to this Convention.

2. The following are deemed to be public documents:

- a) Documents emanating from an authority or an official connected with the courts or tribunals of the State, including those emanating from a public prosecutor, a clerk of the court or a process server ("huissier de justice");
- b) Administrative documents;
- c) Notarial acts;
- d) Official certificates which are placed on documents signed by persons in their private capacity, such as official certificates recording the registration of a document or the fact that it was in existence on a certain date, and official and notarial authentications of signatures.

3. This Convention shall also apply to documents drawn up in their official capacity by the diplomatic or consular agents of a contracting State acting in the territory of any State, where such documents have to be produced in the territory of another contracting State or shown to the diplomatic or consular agents of another contracting State acting in the territory of a State which is not party to this Convention.

ARTICLE 2

Each contracting State shall exempt the documents to which this Convention applies from all forms of legalization or other equivalent or similar formality.

ARTICLE 3

For the purposes of this Convention legalization means only the formal procedure for certifying the authenticity of a signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears.

ARTICLE 4

1. If the authorities of the State in whose territory the document is produced have serious doubts, with good reason, as to the authenticity of the signature, the capacity in which the person signing the document has acted or the identity of the seal or stamp, they may request information directly from the relevant central authority, designated in accordance with Article 5, of the State from which the act or document emanated. Requests for information may be made only in exceptional cases and shall set out the grounds on which they are based.

2. Whenever possible, requests for information shall be accompanied by the original document or by a photocopy thereof. Such a request and the reply thereto shall not be subject to any tax, duty or charge.

ARTICLE 5

Each contracting State shall, at the time of signature, ratification, acceptance or approval of this Convention, designate the central authority responsible for receiving and forwarding the requests for information referred to in Article 4. It shall indicate the language(s) in which the authority will accept requests for information.

ARTICLE 6

1. This Convention shall be open for signature by the Member States. It shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of Belgium.

2. This Convention shall enter into force 90 days after the deposit of the instruments of ratification, acceptance or approval by all the States which are members of the European Communities on the date on which it becomes open for signature.

3. Each State may, when depositing its instrument of ratification, acceptance or approval, or at any later date until the entry into force of the Convention, declare that the Convention will apply to it, in its relations with other States which have made the same declaration, 90 days after the date of deposit.

ARTICLE 7

1. This Convention shall be open for accession by any State which becomes a member of the European Communities. The instruments of accession shall be deposited with the Ministry of Foreign Affairs of Belgium.

2. This Convention shall enter into force for any State acceding thereto 90 days after the deposit of its instrument of accession.

ARTICLE 8

1. Each Member State may, at the time of signature or when depositing its instrument of ratification, acceptance or approval, specify the territory or territories to which this Convention shall apply.

2. Each Member State may, when depositing its instrument of ratification, acceptance or approval or at any later date, by declaration addressed to the Ministry of Foreign Affairs of Belgium extend this Convention to any other territory specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorized to give undertakings.

3. Any declaration made in pursuance of paragraph 2 may, as regards any territory specified in that declaration, be withdrawn by means of a notification addressed to the Ministry of Foreign Affairs of Belgium.

The withdrawal shall have effect immediately or at such later date as may be specified in the notification.

ARTICLE 9

The Foreign Ministry of Belgium shall notify all the Member States of any signature, deposit of instruments, declaration or notification.

ARTICLE 10

This Convention replaces between contracting States the provisions of other treaties, conventions or agreements on the simplification or abolition of legalization of documents except when these treaties, conventions or agreements concern documents:

- a) which are not covered by this Convention;
- b) which have been drawn up in territories to which this Convention does not apply.

The Ministry of Foreign Affairs of Belgium shall transmit a certified copy to the Government of each Member State.