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**Convention on the exemption from legalisation of certain records and documents***signed at Athens on 15 September 1977*

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The signatory States to this Convention, members of the International Commission on Civil Status, being desirous of exempting, among the States party to this Convention, certain records or documents from legalisation or any equivalent formality, have agreed as follows :

**Article 1**

For the purposes of this Convention, legalisation means only the formality intended to certify the authenticity of the signature on a record or document, the capacity in which the person signing it has acted and, where appropriate, the identity of the seal or stamp which it bears.

**Article 2**

Each Contracting State shall accept without legalisation or equivalent formality, provided that they are dated and bear the signature and, where appropriate, the seal or stamp of the authority of another Contracting State which issued them:

1. Records and documents relating to the civil status, capacity or family situation of natural persons or their nationality, domicile or residence, regardless of their intended use,
2. all other records or documents if they are produced with a view to the celebration of a marriage or the establishment of a civil status record.

**Article 3**

If a record or document covered by Article 2 has not been transmitted through diplomatic channels or another official channel, the authority to which it is produced may, in case of serious doubt as to the authenticity of the signature, the identity of the seal or stamp or the capacity of the signatory, have it verified by the issuing authority.

**Article 4**

The request for verification may be made by means of a multilingual form a model whereof is appended to this Convention. This form shall be sent in duplicate directly to the issuing authority and shall be accompanied by the record or document requiring verification.

**Article 5**

Verification shall be effected free of charge, and the reply shall be returned together with the record or document as soon as possible, either directly or through diplomatic channels.

**Article 6**

This Convention shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Swiss Federal Council.

**Article 7**

This Convention shall enter into force on the first day of the third month following the month of deposit of the second instrument of ratification, acceptance or approval.

For a signatory State ratifying, accepting or approving the Convention after its entry into force, the Convention shall take effect on the first day of the third month following the month of deposit by that State of the instrument of ratification, acceptance or approval.

**Article 8**

Any member State of the International Commission on Civil Status which has not signed this Convention and any member State of the Council of Europe may accede to this Convention after its entry into force. The instrument of accession shall be deposited with the Swiss Council. The Convention shall take effect, for the acceding State, on the first day of the third month following the month of deposit of the instrument of accession.

**Article 9**

No reservation to this Convention shall be permitted.

**Article 10**

Any State may, at the time of signature, ratification, acceptance, approval or accession or at any later date, declare that this Convention shall extend to all of the territories for whose international relations it is responsible, or to one or more of them.

The Swiss Federal Council shall be notified of such declaration and the extension shall take effect when the Convention enters into force for that State or, subsequently, on the first day of the third month following the month of receipt of the notification.

Any declaration of extension may be withdrawn by notification to the Swiss Federal Council, and the Convention shall cease to apply to the designated territory on the first day of the third month following the month of receipt of that notification.

**Article 11**

This Convention shall remain in force indefinitely.

However, any State party to this Convention shall have the option of denouncing it at any time after the expiry of a period of one year from the date of the entry into force of the Convention in respect of that State. Denunciation shall be notified to the Swiss Federal Council and shall take effect on the first day of the sixth month following the month of receipt of that notification. The Convention shall remain in force among the other States.

**Article 12**

The Swiss Federal Council shall notify the member States of the International Commission on Civil Status and any other State which has acceded to this Convention of :

- (a) the deposit of any instrument of ratification, acceptance, approval or accession ;
- (b) any date of entry into force of the Convention ;
- (c) any declaration concerning the territorial extension of the Convention or its withdrawal, together with the date on which it will take effect ;
- (d) any denunciation of the Convention and the date on which it will take effect.

The Swiss Federal Council shall inform the Secretary General of the International Commission on Civil Status of any notification made in pursuance of the first paragraph of this Article.

On the entry into force of this Convention, a certified copy shall be transmitted by the Swiss Federal Council to the Secretary General of the United Nations for the purposes of registration and publication, in accordance with Article 102 of the United Nations Charter.

In witness whereof the undersigned, duly authorised to this end, have signed this Convention.

Done at Athens, on 15 September 1977, in a single copy in the French language, which shall be deposited in the archives of the Swiss Federal Council and a certified copy of which shall be transmitted, through diplomatic channels, to each of the member States of the International Commission on Civil Status and to the acceding States. A certified copy shall also be sent to the Secretary General of the International Commission on Civil Status.

**EXPLANATORY REPORT**

adopted by the General Assembly in Strasbourg on 23 March 1977

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*By virtue of rules or custom, a document issued by a foreign authority often cannot be used by a public authority unless it has been legalised, this being an administrative procedure the effect of which is to certify the capacity of the signatory and the authenticity of his or her signature or, where appropriate, the identity of the seal or stamp of the issuing authority.*

*Continued improvements in administration have made the guarantee offered by legalisation superfluous in many cases, and this has enabled it to be abolished gradually for certain official documents and in particular for civil status records. Numerous international conventions, both bilateral and multilateral, exempt from legalisation either a given category of documents, regardless of their intended use, or all documents drawn up for a specific purpose, e.g. concerning judicial proceedings or social security.*

*The International Commission on Civil Status has drawn up several conventions providing for the exemption from legalisation of certain civil status records: Convention on the issue of certain extracts from civil status records for use abroad, signed at Paris on 27 September 1956; Convention on the issue free of charge and the exemption from legalisation of copies of civil status records, signed at Luxembourg on 26 September 1957; Convention extending the competence of authorities empowered to receive declarations acknowledging natural children, signed at Rome on 14 September 1961; Convention on the issue of multilingual extracts from civil status records, signed at Vienna on 8 September 1976; and a convention providing inter alia for such exemption for notices of legitimation and the supporting documents attached thereto (Convention on legitimation by marriage, signed at Rome on 10 September 1970).*

*Furthermore, a convention abolishing the requirement of legalisation for foreign public documents was signed at The Hague on 5 October 1961, enabling traditional legalisation to be replaced by an ad hoc certificate (apostille), while a European Convention on the abolition of legalisation of documents executed by diplomatic agents or consular officers was concluded at Strasbourg on 7 June 1968.*

*Despite the existence of these various multilateral instruments and numerous bilateral agreements, it has come to light that many documents, although used frequently, are still subject to legalisation or an equivalent formality. Such is the case of certain records or documents relating to the civil status, capacity, family situation, domicile, residence and nationality of natural persons. Such is equally the case of administrative, court and notarial documents produced with a view to the celebration of a marriage or the establishment of a civil status record.*

*The aim of this Convention is to eliminate those loopholes and, in the cases envisaged, to simplify and facilitate the administrative procedures to be followed by individuals who have to produce records and documents abroad.*

*First of all, Article 1 explains what is to be understood by "legalisation". This definition, taken from the aforementioned Conventions of 5 October 1961 and 7 June 1968, is generally accepted in international circles. As stated above, legalisation consists solely of certifying the authenticity of the signature on a record or document, the capacity in which the signatory was acting and, where appropriate, the identity of the seal or stamp borne by the record or document. In practice, the seal or stamp is certified only where it is materially impossible to certify the authenticity of the signature, either because the document is very old or because the signature thereon cannot be identified.*

*Legalisation does not certify either the accuracy of the information contained in the document or that the issuing authority was acting within the limits of its powers; neither does it have any effect on the evidential value of the document.*

*Article 2 abolishes, in the Contracting States, the need for legalisation or any formality such as the ad hoc certificate (apostille) provided for by the Hague Convention of 5 October 1961, on the one hand, for records and documents relating to the civil status, capacity or family situation of natural persons or their nationality, domicile or residence, regardless of their intended use (1) and, on the other hand, for all other documents produced with a view to the celebration of a marriage or the establishment of a civil status record (2). However, the record or document must meet certain conditions considered essential in order to justify abandonment of the guarantee constituted by legalisation as defined in Article 1. First, the record or document must have been issued by an authority of one of the Contracting States; secondly, it must bear that authority's signature and its seal or stamp; and finally, it must bear the date of issue.*

*The meaning of the word "record"(acte), when used in matters of civil status, is known to vary from State to State: in some States it means the original record entered in the registers, which elsewhere is called an entry (inscription); in others, a record (acte) is a copy of or even an extract from the original. The Convention uses the word "record" (acte) in this second meaning and therefore covers both copies or literal copies of and extracts from the entries in the registers.*

*In the Convention the word "document" refers to any other official document such as a certificate, judgment or order, decree, decision, instrument of authorisation, exemption or consent, power of attorney or attestation.*

*Exemption from legalisation applies equally to translations of those records or documents provided that they are issued by an authority qualified to undertake such translations.*

*However, the record or document should concern essentially (and not merely in an incidental or secondary way) civil status, capacity, family situation, nationality, domicile or residence.*

*The records and documents must emanate from an "authority" of a Contracting State, whether it be administrative, judicial or other. Although notaries and bailiffs are not generally considered to be "authorities", their official documents fall within the scope of Article 2 of the Convention and must equally be exempted from legalisation. This is because these public officers are empowered to draw up powers of attorney, documents recording matters of common knowledge (actes de notoriété) and instruments of consent and to serve official records or judgments, in particular in matters of status and capacity.*

*Article 3 enables a check to be made in a case where serious doubts exist either as to the authenticity of a signature or the identity of a seal or stamp, or as to the capacity of the signatory. However, recourse should be had to such verification only in exceptional cases and in principle not where the document has been transmitted through diplomatic or consular channels or where the issuing authority has sent it to the foreign authority through another official channel. Should it be necessary to request the checking or verification of other points (the competence of the authority or the accuracy of the document's contents, for example), recourse should be had to existing practice and not to the special procedure provided for in Article 3.*

*In order to facilitate and accelerate direct correspondence between the two authorities concerned, Article 4 provides that a verification request may be made by means of a multilingual form, a model of which is appended to the Convention. This form, accompanied by the document at issue, is to be sent to the issuing authority. This procedure is optional and does not prevent verification being requested in the traditional manner (letters rogatory, procedure through consular channels, direct correspondence).*

*Under Article 5, verification, whether or not requested by means of the form referred to in Article 4, is to be effected free of charge and the reply by the requested authority is to be returned as soon as possible, accompanied by the record or document submitted for verification.*

*The Convention does not make any provision for free postage with regard to correspondence between the authorities concerned. The requesting authority may enclose an international reply coupon with its verification request, thereby pre-paying the postage costs of the reply ; otherwise, the reply can always be transmitted through diplomatic or consular channels.*