

International Document Legalization Q&A



International trade can require a considerable amount of paperwork and documentation to ensure all requirements set by governments in both the exporting and importing countries are met.

The Hague Conference on Private International Law (HCCH), an intergovernmental organization, convened to discuss the requirement of legalization for foreign public documents. The Hague Convention of 5 October 1961 Abolishing the Requirement of Legalization for Foreign Public Documents, or the **Apostille Convention** for short, laid the groundwork for an international system to reduce the burdensome paperwork involved in certifying document authentication.

Contracting parties (countries) that have signed on to adopt the Apostille Convention only require one document – the Apostille – to certify document authentication. Instead of having to go through a series of authentications and certifications, now only one certificate is needed and accepted across the contracting parties.

Although the scope of the Apostille Convention does not include administrative documents dealing directly with commercial or customs operations, apostilles are still used for documents such as import and export licenses, health certificates, and certificates of origin or conformity.

Generally speaking, if you are doing business with a country that has signed on to the Apostille Convention, document certification requirements are minimal and if required, an Apostille will suffice. However, if you find yourself doing business with a country that has not signed on to adopt the Apostille Convention, you may have some questions...

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Is the United States part of the Apostille Convention?

Yes, but the country you are doing business with may not be. In that case, you would need to meet the appropriate document certification requirements for that specific country. An Apostille would not be an appropriate way to certify your trade documents.

Which countries are part of the Apostille Convention?

View the list of countries that have signed on to the Hague Convention of 1961 here:
<https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

If the country you are doing business with is not on this list, then you will likely require additional certification for your trade documents.

How do I certify my documents if I am doing business with a country that is NOT part of the Hague Convention?

Each country has its own requirements for document certification. While MITC can help you identify the requirements for the countries you are doing business with, often the best source of information is the website for the country's embassy or consulate in the US.

For example, if you are doing business in Indonesia, the documental legalization requirements are:

1. Document(s) need to be notarized by the Notary Public (signature and seal)
2. Seal of the Notary Public must be certified/attested by either the County Clerk or Secretary of State
3. Cover Letter from company requesting the Consulate General of the Republic of Indonesia to legalize the document
4. Complete set of photocopies of the documents to be legalized for the Consulate's file
5. Payment in money order of \$125 (commercial) or \$25 (non-commercial) per document payable to Indonesian Consulate
6. Prepaid self-addressed envelope (if submitted by mail)

Source: Consulate General of the Republic of Indonesia in New York

Resources:

Official HCCH webpage on the Apostille Convention.
<https://www.hcch.net/en/instruments/conventions/specialised-sections/apostille>

Statement from the International Chamber of Commerce on the Apostille Convention
<https://iccwbo.org/media-wall/news-speeches/icc-urges-states-to-ratify-apostille-convention-for-simplified-authentication-of-public-documents/#:~:text=Known%20also%20as%20the%20Apostille,%2Da%2Dvis%20foreign%20administrations.>

Other questions?

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