

7. International e-APP Forum

● OPINION OF NOTARY INSTITUTION ON,

E-APP

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- 15.6.2012 - YAŞAR UNIVERSITY-IZMIR

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- Distinguished Guests,
- Distinguished Colleagues,
- I salute distinguished guests coming from 23 countries to attend 7th International e-APP Forum held in Izmir today with my sincere love and respect, on behalf of myself and Turkish notaries.
- I hope this forum will provide fruitful outcomes for our countries and our profession.

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- **Apostille is a legal document certification system which ensures legality of the use of document in countries other than the one where it is produced and its originality is certified.**
- **Presence of apostille certification in public documents is required in accordance with the Hague Convention Abolishing the Requirement for Legalization for Foreign Public Documents (dated 8.5.1962) which was produced at the end of Hague Conference on Private International Law. Turkey became a signatory party to this Convention in pursuant to the enactment of the Law which was dated 20.06.1984, numbered 3028 and issued in the Official Gazette dated 16.09.1984 and numbered 18517.**
- **The Convention was put into force in Turkey on 29.09.1985.**

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- “Article 1
- The present Convention shall apply to public documents which have been executed in the territory of one Contracting State and which have to be produced in the territory of another Contracting State.
- For the purposes of the present Convention, 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 a 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.
- However, the present Convention shall not apply:
 - a) to documents executed by diplomatic or consular agents;
 - b) to administrative documents dealing directly with commercial or customs operations.”

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- **In Turkey, apostille certification of notarized documents are still certified by Governorships, Local Governorships and General Directorate of Consulates in the Ministry of Foreign Affairs.**
- **In our country, General Directorate of International Law and Foreign Affairs of the Ministry of Justice was assigned as the official accreditation authority in line with the Hague Convention.**

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- We still demand that the Union of Turkish Public Notaries is assigned as the e-apostille authority particularly for the documents certified by the notaries and the notarial deeds in the future in accordance with the decision of Hague Convention was approved in 1984 in our country.
- As TNB KEPHS A.Ş. Which has been recently founded for this purpose will start to distribute electronic emails on 1.7.2012, signature and stamp samples of all public notaries are available in their updated and scanned form in its existing technological infrastructure of our system.
- A significant step was taken when the 41th General Assembly accepted my proposal concerning uploading the scanned samples of all signature and stamps so that they can be used in projects such as e-App in the future in the meeting dated June 9, 2012. Thus it will be possible for TNB to certify e-apostille by using secure electronic signature and time stamp by this system.

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- **After a study is conducted to evaluate the e-Apostille project being implemented jointly by Spanish Ministry of Justice and Union of Spanish Public Notaries in Spain, efforts required for e-APP in our country will be initiated.**
- **Following the determination of the best e-app model among the ones currently implemented by other countries, studies should be conducted on the concerned model.**
- **The way the price tariff is established for E-APP should be researched.**

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- TNB is planning to start activities in line with the development strategy for e-APP as stated in the World Bank's report in 2010.
- The types of measures needed for the cyber security of the project shall be determined as a result of the study to be conducted by the Information Technologies Commission under TNB.
- Determination of the length of period to store the document certified with apostille electronically is very important.
- We want to benefit from the experiences of the countries still applying the system and those of the Hague Convention Secretariat's in respect to which technology to apply for archiving the apostille transactions.

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- We wish that our country will also have the master project existing both all around the world and European Union countries. We are planning to establish a working group under the body of TNB to conduct research on the subject.
- We want to solve the problems encountered in respect to the implementation of these projects, in advance, by contacting the countries who realized e-application and take necessary precautions.
- We will take steps to establish a joint working group with HCHH in respect to e-apostille and e-register. I hope that Dear Mr. Christophe Bernasconi, Secretary General of Hague Convention and my Dear Colleague Assistant Professor Leyla Keser Berber will be helping us with this.

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This is all I can tell you about e-Apostille, which is still a new application in the world.

I hope and believe that e-Apostille application shall be realized by KEPHS A.Ş. under the body of TNB in our country, just like the Electronic Signature and Electronic Notary-ship which I have been trying to explain to my colleagues for years and which has made me happy when I saw that it was put into force.

I would like to express that I do expect for all parties concerned and for the General Secretariat of Hague Convention to kindly support us and help the Information Technologies Commission of TNB

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- Thank you for your kind attention.
- I am available for your questions.
- I thank you with my best regards and respect.

- Orhan Turan
- 56th Notary of Ankara
- Member of Information Technologies Commission of TNB

- Izmir - 15.6.2012 Yaşar University