

Court of the Tomsk Oblast
Per. Makushin, 8
634003 TOMSK
Russian Federation

THE HAGUE, 21 January 2011

Your ref. :

Our ref. : 50815(11)CB/MW

Dear Sir, Madam,

I am writing to the Court in my capacity as First Secretary of the Hague Conference on Private International Law with primary responsibility for the Hague Conference's work in relation to the *Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* ("Apostille Convention").

The Permanent Bureau has been informed that in recent adoption proceedings, the Court requested that a letter be obtained from the Secretary of State of California in the United States of America confirming the procedure for issuing Apostilles. We understand that this request was made in relation to certain foreign public documents executed and apostilled in the United States of America that had been filed with the Court.

Whilst the Permanent Bureau does not seek to intervene in the proceedings, it would like to inform the Court of its view that subjecting the acceptance of Apostilles to the issuance of such confirmation letters is *contrary* to the Apostille Convention, which is designed to simplify the authentication of public documents abroad. In this regard, the following points are relevant:

- the Russian Federation and United States of America are both Contracting States to the Apostille Convention;
- Article 3(1) of the Apostille Convention states that the *only* formality that may be required in order to authenticate a foreign public document is the addition of an Apostille;
- the Secretary of State of California has been duly designated by the United States of America pursuant to Article 6(1) of the Convention as an authority competent to issue Apostilles for public documents executed in the State of California; and
- Article 5(3) states that the Apostille is itself exempt from any further certification.

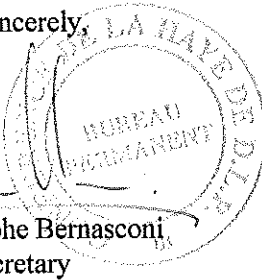

Under these circumstances, the Court will understand that the Permanent Bureau encourages Competent Authorities *not* to issue such confirmation letters.

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If an official in a Contracting State wishes to verify the issuance of an Apostille, Article 7(2) of the Apostille Convention establishes a procedure to contact the issuing authority directly. In the case of Apostilles issued by the Secretary of State of California after 1 October 2006, this can be done simply by entering the Apostille number and issue date into the online register at < <http://www.sos.ca.gov/business/notary/apostille-search> >.

The Permanent Bureau remains at the disposal of the Court to discuss this matter further if required.

Yours sincerely,



Christophe Bernasconi
First Secretary