

APOSTILLE PROCESS IN TURKEY

As a rule, public documents issued in a foreign country are official in the country in which they are issued. In order for a public document to be used as an official document outside of the country in which it is issued, the document must be certified by the consulate of the state where the document will be processed. In this context, in accordance with Article 204 of the Code of Civil Procedure (HMK), in order for a public document prepared by a foreign state authority to be used as an official document in Turkey, it must be approved by the competent authority of the state in which the document is issued or by the relevant Turkish Consulate. Furthermore, the provisions of the international conventions to which Turkey is a party regarding the certification of foreign public documents are reserved.

The most important of these contracts is the La Haye Convention of October 5, 1961, which was concluded on Abolishing the Requirement of Legalization for Foreign Public Documents. The convention in question regulates the procedure that must be followed in order for a public document, issued in one of the contracting states and listed in the convention text, to be used in another country. This International Convention entered into force on 29.09.1985 in our country. Article 1 of the Convention specifies that it will apply to "public documents which have been issued in the territory of a Contracting State and which will be used in the territory of another Contracting State". The aim of the Convention is to enable the citizens of the contracting countries to use the documents issued in their own countries directly in the other contracting countries and thus provide ease and speed in the necessary procedures.

In this context, the Convention states that the documents listed below are within the scope of the public document:

- Documents issued by an authority or official of a judicial body or Court of the state, including documents issued by a public prosecutor, a clerk of a court or a court officer,

- Administrative documents,
- Notarial deeds,
- 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 Convention specifically does not apply to certain public documents. Those are the documents executed by diplomatic or consular agents and the administrative documents dealing directly with commercial or customs operations.

In the 3rd article of the convention, it is stated that the only procedure that may be required in order to certify the authenticity of the signature, the title of the person signing the document and, if necessary, that it is the same as the seal or original, is the addition of the certificate ("Apostille") described in Article 4, issued by the competent authority of the State from which the document is issued. In this context, it is understood that apostille is a certificate that enables the official documents to be accepted by the other contracting state authority without the need for any further processing.

Each contracting state will designate that authorities empowered to issue the Apostille. In this context, governorates and district governorships are authorized for administrative documents and notarial deeds; the Presidencies of the Judicial Justice Commission in the centers with the High Criminal Court are authorized for judicial documents.

A document with an apostille is considered a valid document in all countries party to the Convention. An important issue in this context is that an apostille only confirms the authenticity of the signatures in the official document in question and the capacity of the person who signed this document, and the presence

of an apostille on a foreign official document does not confirm the content of the document to which it refers.

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