

Legalisation of Public Documents within the EU Member States

CYPRUS

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PART I – Documents operating cross-border: Current legal practice as regards legalisation or other similar or equivalent requirements

OVERVIEW OF PART I

PART I.A. General

I.A.1. European Community Law

I.A.1.1. Introduction

I.A.1.2. Implementation of specific measures

Area of Justice - judicial cooperation in civil matters (Article 61(c) EC)

Article 19 of Regulation (EC) No 1346/2000

By becoming a member of the European Union, the Republic of Cyprus is bound by the Regulation (EC) No. 1346/2000. No measures are required nor have been taken to implement the said EC Legislation in the national law because an EC Regulation is considered as a binding law for the member states. Therefore, documents by which a liquidator in the sense of the Regulation is appointed in a Member state and translations of such documents are exempt from legalization requirements or other similar or equivalent requirements pursuant to Article 19 of Regulation (EC) No 1346/2000.

Article 4(4) of Regulation (EC) No 1348/2000

By becoming a member of the European Union, the Republic of Cyprus is bound by the Regulation (EC) No. 1348/2000. No measures are required nor have been taken to implement the said EC Legislation in the national law because an EC Regulation is considered as a binding law for the member states. Therefore, all documents, requests, confirmations, receipts, certificates and any other papers used in the process of the service of judicial and extrajudicial documents in civil and commercial matters are exempt from Cyprus' national legalisation requirements and other similar or equivalent requirements pursuant to Article 4(4) of Regulation (EC) No 1348/2000. Also, the Republic of Cyprus has ratified the Hague Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil and Commercial matters by the Ratification Law 40/1982. In particular pursuant to Article 3 of the said Convention,

ratified by the aforesaid Ratification Law the authority or judicial officer competent under the law of the state in which the documents originate shall forward to the Central Authority of the state addressed a request confirming to the model annexed to the Convention without any requirement of legalisation or other equivalent formality. The Central Authority designated in the Republic of Cyprus is the Ministry of Justice and Public Order.

Article 56 of Regulation (EC) No 44/2001

By becoming a member of the European Union, the Republic of Cyprus is bound by the Regulation (EC) No. 44/2001. No measures are required nor have been taken to implement the said EC Legislation in the national law because an EC Regulation is considered as a binding law for the member states. Therefore, judgments in civil and commercial matters which satisfy the conditions necessary to establish their authenticity are exempt from the Republic of Cyprus' national legalisation requirement and other similar or equivalent requirements pursuant to Article 56 of Regulation (EC) No 44/2001.

Also, the Republic of Cyprus is a signatory of the Hague Convention on the recognition and enforcement of foreign judgments in civil and commercial matters and supplementary protocol thereto with the Ratification Law No. 11/76. However this Convention has only entered into force between Portugal and the Kingdom of The Netherlands, countries that has acceded to the Convention because pursuant to Article 21 of the Convention decisions rendered in one contracting state will not be recognised or enforced in another contracting state unless the two states being parties to the Convention have concluded a supplementary agreement to this effect. Pursuant to Article 13 (1) of the Hague Convention ratified with the aforesaid Ratification Law a party seeking recognition [or applying for enforcement] shall furnish among others

- (1) a complete and authenticated copy of the decision
- (2) if the decision was rendered by default, the originals or certified true copies of the documents required to establish that the summons was duly served on the defaulting party
- (3) all documents required to establish that the decision fulfils the conditions of subparagraph 2 of paragraph 1 of Article 4
- (4) unless the authority addressed otherwise requires, translations of the documents referred to above, certified as correct either by a diplomatic or consular agent or by a sworn translator or by any other person so authorized in either state. It is expressly provided in Article 13 that no further no legalisation or other like formality may be required.

Also the Republic of Cyprus has acceded to the European Convention on the Recognition and Enforcement of Foreign Arbitral Awards signed New York on 10/06/1958 by the Ratification Law 84/79. Pursuant to Article IV (1) of the said Law the party applying for recognition and enforcement shall at the time of application supply the duly authenticated original award or a duly certified copy thereof, the original agreement referred to in article II or duly certified copy thereof. There is no need for legalisation. For the simplification of procedures for enforcement and execution of foreign judgment in the Republic of Cyprus, Law 121(1)/2000 was passed with regard to the Decisions of Foreign Courts (Recognition, Registration and Enforcement). The Law 121(1)/2000 applies to all the cases in which recognition,

registration and enforcement of decision of foreign court is requested. Pursuant to A. 3(1) of the said Law decision of foreign court is the decision of the court or arbitral organ or organ of foreign country with which the Republic of Cyprus has concluded or is connected with an agreement for mutual recognition and enforcement of judicial decisions and arbitral awards and which is enforceable in the country issuing such decision.

Further the registration of judgments obtained in the UK is governed by the Foreign Judgments (Reciprocal Enforcement) Law, Cap 10 and the rules made thereunder by means of an Order in Council under section 3. In effect the said Law is applicable only to judgments obtained in England and Wales, Scotland, and Northern Ireland. Pursuant to the said Law the foreign judgment is not required to be legalised. Such judgments are placed on the same footing as judgments of the courts of the Republic of Cyprus.

Nevertheless, the Republic of Cyprus is bound by a number of bilateral treaties concluded with different states with regard to recognition and enforcement of foreign judgments which may have conflicting provisions with Article 56 of Regulation (EC) No 44/2001. For example pursuant to Article 24(3) of the Agreement between the Republic of Cyprus and the Republic of Greece on Legal Assistance in Civil, Commercial, Family and Criminal Matters (Law 55/1985) the application for the recognition and enforcement of judgment in each contracting state shall be accompanied by a legalised copy of the judgment.

Article 57 of Regulation (EC) No 44/2001

The Republic of Cyprus by becoming a member of the European Union is bound by Regulation (EC) No. 44/2001. No measures are required nor have been taken to implement the said EC Legislation in the national law because an EC Regulation is considered as a binding law for the member states. Therefore, authentic instruments in civil and commercial matters in the sense of the said Article are to be placed on the same footing as a judgment in civil and commercial matters. In view of the latter documents used for its certification are exempt from the Republic of Cyprus' (and every member state's) national legalisation requirements and other similar or equivalent requirements.

As it has been noted aforesaid the Republic of Cyprus, as explained aforesaid, is signatory to the Hague Convention on the recognition and enforcement of foreign judgments in civil and commercial matters and supplementary protocol thereto with the Ratification Law No. 11/76. Pursuant to Article 4 of the Ratification Law decision rendered in one of the contracting states shall be entitled to recognition and enforcement in another contracting party under the terms of the Convention if the decision was given by a court considered to have jurisdiction within the meaning of the Convention and if it is no longer subject to ordinary forms of review in the state of origin. In addition to be enforceable in the state addressed, a decision must be enforceable in the state of origin.

Further Cyprus has acceded to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards signed New York on 10/06/1958 by the Ratification Law 11/76 as explained aforesaid. Pursuant to Article III of the Convention, ratified with the aforesaid Ratification Law each contracting state shall recognise arbitral awards as

binding and enforce them in accordance with the rules of procedure of the territory where the award is relied upon, under the conditions laid down in the relevant articles of the Convention. There shall not be imposed substantially more onerous conditions or higher fees or charges on the recognition or enforcement of arbitral award to which this Convention applies than are imposed on the recognition or enforcement of domestic arbitral awards. For the simplification of procedures for enforcement and execution of foreign judgment in Cyprus, Law 121(1)/2000 was passed as explained aforesaid.

Article 58 of Regulation (EC) No 44/2001

The Republic of Cyprus by becoming a member of the European Union is bound by Regulation (EC) No. 44/2001. No measures are required nor have been taken to implement the said EC Legislation in the national law because an EC Regulation is considered as a binding law for the member states. Therefore, court settlements in civil and commercial matters in the sense of the said Article are placed on the same footing as a judgment in civil and commercial matters and are exempt from Cyprus's legalisation requirements pursuant to Article 58 Regulation (EC) No 44/2001.

In particular pursuant to Article 21(1)(c) of the Agreement between the Republic of Cyprus and the Republic of Greece on Legal Assistance in Civil, Commercial, Family and Criminal Matters (Law 55/1985) each contracting state recognises and enforces court settlements in civil and commercial matters if the conditions laid does for such recognition and enforcement are recognised. Pursuatn to the said Law such settlements are placed on the same footing as judgment in cvil and commercial matters.

Article 46 Regulation (EC) No 2201/2003

The Republic of Cyprus by becoming a member of the European Union is bound by Regulation (EC) No. 2201/2003. No measures are required nor have been taken to implement the said EC Legislation in the national law because an EC Regulation is considered as a binding law for the member states. Therefore, documents which have been formally drawn up or registered as authentic instruments and are enforceable in one member state in which they were concluded are recognised and declared enforceable under the same conditions as judgments in matrimonial matters or matters concerning parental responsibility pursuant to Article 46 Regulation (EC) No 2201/2003. In particular, Cyprus has acceded to the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of parental responsibility and matters for the protection of children with the Ratification Law No. 24(III)/2004. Pursuant to Article 23(1) of the Convention, ratified with the aforesaid Ratification Law the measures taken by the authorities of a Contracting State shall be recognized by operation of law in all other Contracting States.

Article 52 of Regulation (EC) No 2201/2003

The Republic of Cyprus by becoming a member of the European Union is bound by Regulation (EC) No. 2201/2003. No measures are required nor have been taken to

implement the said EC Legislation in the national law because an EC Regulation is considered as a binding law for the member states. Therefore, judgments in matrimonial matters or in matters concerning parental responsibility are exempt from Cyprus' national legalisation requirements and other similar or equivalent requirements pursuant to Article 52 of Regulation (EC) No 2201/2003. Further, Cyprus has acceded to the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of parental responsibility and matters for the protection of children with the Ratification Law No. 24(III)/2004, as it has been already stated.

Nevertheless, the Republic of Cyprus is bound by a number of bilateral treaties concluded with different states with regard to recognition and enforcement of foreign judgments which may have conflicting provisions with Article 52 of Regulation (EC) No 2201/2003. For example pursuant to Article 26(1) of the Agreement between the Republic of Cyprus and the Republic of Greece on Legal Assistance in Civil, Commercial, Family and Criminal Matters (Law 55/1985) the application for the recognition and enforcement of judgments or orders of alimony in each contracting shall be accompanied by a legalised copy of the judgment.

Article 52 Regulation (EC) No 2201/2003, certificates drawn up in the standard forms of ANNEX I (Article 39), II (Article 39), III (Article 41) or IV (Article 42)

The Republic of Cyprus by becoming a member of the European Union is bound by Regulation (EC) No. 2201/2003. No measures are required nor have been taken to implement the said EC Legislation in the national law because an EC Regulation is considered as a binding law for the member states. Therefore, documents appointing a representative ad litem in matrimonial matters or in matters concerning parental responsibility are exempt from Cyprus's national legalisation requirements or equivalent requirements.

Article 27 of Regulation (EC) No 805/2004

The Republic of Cyprus by becoming a member of the European Union is bound Regulation (EC) No. 805/2004. No measures are required nor have been taken to implement the said EC Legislation in the national law because an EC Regulation is considered as a binding law for the member states. In view of the latter judgments, court settlements or authentic instruments on uncontested claims which fulfil the requirements of Regulation (EC) No. 44/2001 are exempt from Member State's national legalisation requirements and other similar or equivalent requirements where they are enforced by means of a European enforcement order certificate pursuant to Article 27 of Regulation (EC) No 805/2004.

ANNEXES I (Article 9 - judgments), II (Article 24 – court settlements) and III (Article 25 – authentic instruments) of Regulation (EC) No 805/2004

The Republic of Cyprus by becoming a member of the European Union is bound Regulation (EC) No. 805/2004. No measures are required nor have been taken to implement the said EC Legislation in the national law because an EC Regulation is considered as a binding law for the member states. European enforcement order certificates drawn up in accordance with Annexed I, II, and III should be deemed to be exempt from Cyprus' national legalisation requirements and other similar

requirements.

Article 13(5) of Directive 2002/8/EC

Directive 2003/8/EC has been implemented in Cyprus via the Law 22(1) 2005. Pursuant to s.7B(4) no legalisation is required for the transmitting documents, meaning the legal aid request forms and their supporting documents.

Free movement of goods (Article 23 EC)

Article 250 of Regulation (EEC) No 2913/92

The Republic of Cyprus by becoming a member of the European Union is bound by Regulation (EC) No. 2913/92. No measures are required nor have been taken to implement the said EC Legislation in the national law because an EC Regulation is considered as a binding law for the member states. In view of the latter certificates of origin within the meaning of the said regulation are to be considered to be exempt from any legalization requirements or other similar equivalent requirements at the member state level.

Free movement of workers - social security (Article 42 EC)

Article 85 Regulation (EEC) No 1408/71 read in conjunction with Regulation (EEC) No 574/72

The Republic of Cyprus by becoming a member of the European Union is bound by Regulation (EEC) No. 1408/71. No measures are required to implement the said EC Legislation in the national law. The EC social security provisions for people moving between member states are covered by Regulations 1408/71 and 574/72. In view of the latter all statements, documents and certificates of any kind whatsoever required to be produced for the purposes of the coordination of the national social security schemes of the member states are exempt from legalization by the Republic of Cyprus where their production is required in the process of ensuring that persons moving within the community and their dependants and survivors retain the social security rights and advantages acquired and in course of being acquired.

There are special arrangements, called reciprocal agreements in social security, between Cyprus and other countries. If a person is not covered by the EC regulations, (and, in very limited circumstances even when you are covered by these regulations), he may be able to get cash benefits because of the reciprocal agreements.

The Republic of Cyprus has concluded social security bilateral agreements with United Kingdom, Greece, Egypt, Canada, Quebec, Australia, Austria, Slovakia, Switzerland, the Czech Republic and the Netherlands. Under the said agreements all statements, documents and certificates of any kind whatsoever required to be produced for the purposes of the coordination of the national social security schemes of the member states are exempt from legalization.

I.A.1.3. Judicial control

There is no case law relevant to the functioning of the relevant provisions of Community law in the Republic of Cyprus.

I.A.2. Hague Convention of 5 October 1961 (the 'Apostille' Convention)

I.A.2.1. Status

The information on the status of the Convention in the Republic of Cyprus is verified.

I.A.2.2. Scope

Geographical Scope: The scope of application of the provisions of the 'Apostille' Convention has not been extended beyond the states party to the Convention neither by the legislator nor the competent authorities nor the judiciary of the Republic of Cyprus. In particular pursuant to s.5(2)(b) of the Ratification Law 50/72 of the 'Apostille' Convention the provisions of the Ratification Law apply in relation to the public document which is subject to the conditions of the Apostille Convention and is coming from a contracting state which did not oppose to the accession of the Republic to the Apostille Convention pursuant to Article 12 of the Apostille Convention.

Material Scope: The scope of application of the Convention *ratione materiae*, ie the categories to which it applies, has not been limited either by the competent authorities, the legislator or the judiciary. In general the material scope of the Convention applies to virtually all public documents originating from states party to the Convention. Indisputably subparagraph of the second paragraph of Article 1 has a wide scope, applying not only to documents emanating from judicial courts and tribunals, but also to administrative and constitutional tribunals, and even of ecclesiastical courts. Even though the Apostille Convention and thus the Ratifying Law 50/72 in Cyprus do not apply to private documents, a document concerning a private legal matter authenticated by a certifying officer becomes a public document. The Ministry of Justice and Public Order in Cyprus, which is the Competent Authority in the Republic of Cyprus, adopts in practice the scope of the Convention, which is wide enough as explained.

I.A.2.3. Legislative implementation

The Republic of Cyprus has acceded to the 'Apostille' Convention with the Ratification Law 50/72 (Schedule 1).

Since the Ratification Law 50/72 has ratified the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents its important provisions are the important provisions of the Convention.

One important provision is s. 5(1) of the Law 50/72 which provides that legalisation of any public document [subject to Article 2 of the 'Apostille' Convention], which is going to be used in the Republic of Cyprus is abolished provided that it comes with the certificate described in Articles 3, 4, and 5 of the 'Apostille' Convention issued by the competent authority of the country of origin of the document. In view of s. 5(1) the public document which has the 'Apostille' Certificate is acceptable in the Republic of Cyprus without any

other authentication. Further, any public document which has the 'Apostille' Certificate issued in the Republic of Cyprus is acceptable in any other contracting party to the 'Apostille' Convention. The main issue is that legalisation of diplomatic or consular legalisation of foreign legal documents is no more required. However, pursuant to Article 3 of the 'Apostille' Convention ratified with the Ratification Law 50/72 'Apostille' is not required in cases where the laws, regulations, practice of the Republic of Cyprus and or any agreement between the Republic of Cyprus and any other contracting states have abolished or simplified the 'Apostille' or exempted the document itself from legalisation. In particular number of bilateral agreements have been concluded between the Republic of Cyprus and other contracting states which simplify and or exempt legalisation, as have been set forth in 1 A. 4 under the heading 'Bilateral Agreements'.

There is no key travaux preparatoires. The legislator's intention and motivation for the ratification and implementation of the Apostille Convention is revealed in s. 3 of the Law 50/72 the Republic of Cyprus which provided that the Republic of Cyprus has acceded to the 'Apostille' Convention pursuant to the decision of the Council of Ministers No. 10.974 of 2 December 1971 and is ratified with the Law 50/72.

For the implementation of the Convention, the Ministry of Justice and Public Order has been assigned as the Competent Authority pursuant to Article 6.

I.A.2.4. Practical implementation

Issuance of an Apostille

1. Apostille can be requested by the person, who has signed the document or the bearer. It can also be requested in person through post with addressed letter to the competent authority enclosing the document for which apostillation is requested.
2. The Ministry of Justice and Public Order, which is the competent authority, verifies the authenticity of the signature, the capacity in which the person signing the document has acted, and the identify of the seal or stamp which the document bears by examing the specimen signatures of the officers of the Republic of Cyprus signing the public documents and specimen seals which are retained in its possession for the purpose of such examination.
3. The form of 'Apostille' used is a pre-printed form prescribed by the Convention. A specimen is attached as Schedule 2.
4. The Apostille issued by the Ministry of Justice and Public Order is placed on an 'allonge'.
5. In the event where the public document consists of multiple pages the Apostille is issued on the place where the signature is.
6. The language used on the Apostille is the English language. However, the title of Apostille is in French.
7. The system used for the issuance of an Apostille is mechanical.
8. The main measures taken in order to avoid fraud is that a register is maintained manually at the Ministry of Justice and Public Order of the Republic of Cyprus and at the request of any interested person the Ministry of Justice of the Republic of Cyprus shall

verify whether the particulars in the certificate corresponds with those in the register.

9. There plans to modernize the system used to issue Apostille. In particular the responsible officer at the Ministry of Justice and Public Order, Ms Maria Iasonos, has informed me that they are thinking to place the 'Apostille' on the public document by using 'Apostille' rubber stamps.

10. The total process generally takes 3-4 minutes.

11. The fee payable for the issuance of an Apostille is the fee determined by the Council of Ministers' Order, published at the Official Gazette pursuant to s.6 of the Ratification Law 50/72. Pursuant to s. 6 of the Ratification Law 50/72 the fee payable is the fee of CYP 2 (for stamps) unless it is otherwise determined by order of the Council of Ministers published at the Official Gazette. The level of fees does not cover costs.

The same procedure for placing the Apostille applies to all documents to all states party to the Hague Convention.

Registration or card index requirement

1. The system used to comply with the registration or card index requirement is manual.
2. At present there are no plans to modernize the system used.
3. A register is kept manually in which the certificates issued are recorded specifying the number and date of the certificate, the name of the person signing the public document and the capacity in which the person has acted.

Competent Authorities

The competent authority is the Ministry of Justice and Public Order.

Address is as follows: 125 Athalassa Avenue, 1461 Nicosia-Cyprus
Telephone: +357 22805953/51
Fax: +357 22 518356
Email: permsec@mjpo.gov.cy
General website: <http://www.mjpo.gov.cy>

Contact Person: Mrs Maria Iasonos

I.A.2.5. Judicial control

There is no significant case law relevant to the functioning of the Convention in the Republic of Cyprus.

I.A.2.6. Empirical analysis

See Annex II

I.A.3. Parallel international agreements

I.A.3.1. Status

1. The 1968 Council of Europe Convention for the Abolition of Legalisation of Documents Executed by Diplomatic Agents or Consular officers has been ratified in Cyprus with the **Ratification Law No. 6/1969**.
2. The 1987 Brussels Convention Abolishing the Legalisation of Documents in the Member States of the European Union has been ratified in Cyprus with the **Ratification Law No. 32 (III) 2002**. However, the latter law has been freezed on the basis that the 1987 Brussels Convention Abolishing the Legalisation of Documents in the Members States shall only enter into force upon ratification of all member states. Since the 1987 Brussels Convention has not yet been ratified by all member states the Ministry of Justice and Public Order has requested to be informed by the Council of the European Union whether the Ratification law No. 32 (III) 2002 shall be put in force again.
3. Agreements abolishing the requirement of legalisation for foreign public documents generally between two or more countries with regard to the Republic of Cyprus are the following (See also 1.A.4.1):
 - 3.1 the Agreement between the Republic of Cyprus and the Socialist Federal Republic of Yugoslavia on Legal Assistance in Civil and Criminal Matters ratified by the Ratification Law No. 179/86. Since the dissolution of the Socialist Federal Republic of Yugoslavia, only Serbia and Montenegro have ratified the agreement; and
 - 3.2 Agreement between the Republic of Cyprus and Ukraine on Legal Assistance in Civil Matters ratified by the Ratification Law 8(III)/2005
 - 3.3 Agreement between the Republic of Cyprus and the Republic of Greece on Legal Assistance in Civil, Family, Commercial and Criminal Law ratified by the Ratification Law N. 55/84
 - 3.4 Agreement between the Republic of Cyprus and the German Democratic Republic on Legal Assistance in Civil, Family, Labour Law and Criminal Matters, ratified with the Ratification Law 5/84. After the unification of the two German states, the fate of this agreement is uncertain, as the Federal Republic of Germany has yet to ratify it.
 - 3.5 Agreement between the Republic of Cyprus and the Czechoslovak Socialist Republic on Legal Assistance in Civil and Criminal Matters ratified with the Ratification Law No. 68/82
 - 3.6 Convention between the Republic of Cyprus and the People's Republic of Bulgaria on Legal Assistance in Civil and Criminal Matters ratified with the Ratification Law No. 18/84
 - 3.7 Agreement between the Republic of Cyprus and the Hungarian People's Republic on Legal Assistance in Civil and Criminal Matters ratified with the Ratification Law No. 7/83.
 - 3.8 the Treaty between the Republic of Cyprus and the Union of Soviet Socialist Republics on Legal Assitance in Civil and Criminal Matters ratified with the Ratification Law 172/86. After the dissolution of the Union of Soviet Socialist Republics, the agreement was ratified by the Russian Federation, Ukraine and Belarus
 - 3.9 Agreement between the Republic of Cyprus and the Syrian Arab Republic on Legal Assistance in Civil and Criminal Matters, ratified with the Ratification Law 160/86.
 - 3.10 Agreement between the Republic of Cyprus and Egypt on Judicial

and Legal Assistance, ratified with the Ratification Law 32 (III)/92.

- 3.11 Agreement between the Republic of Cyprus and the People's Republic of China on Legal Assistance Matters of Civil, Commercial and Criminal Law ratified by the Ratification Law N. 19(III)/95.
- 3.12 The Agreement between the Republic of Cyprus and the Republic of Poland on Legal Assistance in Civil and Criminal Matters, ratified with the Ratification Law 10 (III)/97
- 3.13 The Agreement between the Republic of Cyprus and Libya on Legal Assistance in Civil, Commercial and Criminal Matters, ratified with the Ratification Law 32(III)/2005

4. The Republic of Cyprus is not party to the Hague Convention concerning the Recognition and Enforcement of Decisions Relating to Maintenance Obligations Towards Children. Cyprus has acceded to the Convention on the Recovery Abroad of Maintenance, signed in New York on 20/6/56 with **the Ratification Law 50/78**. Also, by entering the European Union, EC Regulation 2201/2003 applies concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing EC Regulation 1347/2000. However, there are other derogatory channels (bilateral permitting other transmission channels). For example there are the bilateral agreement on judicial co-operation with China, Czech Republic, Egypt, Greece, Poland, Slovak Republic and other countries. Please see note 3 above.

5. The Republic of Cyprus has acceded to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil of Commercial Matters, signed in The Hague on 15.11.1965 by **the Ratification Law 40/1982**. Also with the entrance of Cyprus in the European Union, the EC Regulation 1348/2000 on the Service in the member States of Judicial and Extrajudicial Documents in Civil or Commercial matters, applies. In practice in Cyprus they use they follow the EC Regulation.

6. The Republic of Cyprus has acceded to the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters on 13-I-1983 with the **Ratification Law No. 67/1982**. Even though the EC 1206/2001 applies since Cyprus is a member of the EU in practice the provisions of the EC Regulation has not yet been put in effect in Cyprus and they still follow the Hague Convention.

7. Cyprus has not signed nor ratified nor acceded nor succeeded to the Hague Convention concerning the International Administration of the Estates of Deceased Person.

8. The Republic of Cyprus has acceded to the Convention on Civil Aspects of International Child Abduction signed in The Hague on 25.10.1980. The ratification law is the **Ratification Law 11(III)/94**.

9. Cyprus is a member to the Hague Convention on International Access to Justice. The Hague Convention on International Access to Justice has been ratified with the **Ratification Law 4(III)/2000**.

10. Cyprus has signed the Hague Convention on Jurisdiction, Applicable

Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (2002). The law in the Republic of Cyprus by which the said Convention has been ratified is the **Ratification Law No. 24(III)/2004**.

I.A.3.2. Scope

Geographical Scope

1. The geographical scope of application of the 1968 Council of Europe Convention for the Abolition of Legalisation of Documents Executed by Diplomatic Agents or Consular officers, which has been ratified in Cyprus with the Ratification law 6/1969 has not been limited nor extended.
2. The geographical scope of the 1987 Brussels Convention abolishing the Legalisation of Documents in the Member States of the European Communities, which has been ratified with the Ratification Law 32(III) 2002 has not been limited nor extended.
3. The geographical scope of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil of Commercial Matters, which has been ratified by the Ratification Law 40/1982 has not been limited nor extended.
4. The geographical scope of the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, which has been ratified with the Ratification Law 67/1982 has been limited. The accession of Cyprus in the said Convention has effect only as regards the relations between Cyprus and such Contracting States, which declared the acceptance of the accession.
5. The geographical scope of the Convention on Civil Aspects of International Child Abduction, which has been ratified with the Ratification Law 11(III)/94, has been limited. In accordance with article 38, paragraph 4, accession will have effect only as regards the relations between an acceding State and such Contracting States as will have declared their acceptance of the accession.
6. The scope of the Convention on International Access to Justice, which has been ratified with the Ratification Law 4 (III)/2000 has been limited. The Republic of Cyprus reserves the right to exclude the application of Chapter II as regards the non-requirement for security for costs for persons who are habitually resident in a Contracting State and who are plaintiffs or parties in proceedings in another Contracting State
7. The geographical scope of the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, which has been ratified with the Ratification Law 24(III)/2004 has not been modified or amended.

Material Scope

1. The material scope of application of the 1968 Council of Europe Convention for the Abolition of Legalisation of Documents Executed by Diplomatic Agents or Consular officers which has been ratified in Cyprus with the Ratification law 6/1969 has not been limited nor extended.
2. The geographical scope of the 1987 Brussels Convention abolishing the Legalisation of Documents in the Member States of the European Communities, which has been ratified with the Ratification Law 32(III) 2002 has not been limited nor extended.
3. The material scope of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters which has been ratified by the Ratification Law 40/1982 has not been limited nor extended.
4. The scope of the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters which has been ratified with the Ratification Law 67/1982 has been limited. In accordance with Article 23, the Government of the Republic of Cyprus declares that the Republic of Cyprus will not execute Letters of Request issued for the purpose of obtaining pre-trial discovery documents. The Government of the Republic of Cyprus further declares that the Republic of Cyprus understands 'Letters of Request issued for the purpose of obtaining pre-trial discovery documents' for the purposes of the foregoing declaration as including any Letter of Request which requires a person to state what documents relevant to proceedings to which the Letter of Request relates are, or have been, in his possession, custody or power; or to produce any documents other than particular documents specified in the Letter of Request as being documents appearing to the requested court to be, or likely to be, in his possession, custody or power. In accordance with the provisions of Article 33 the Republic of Cyprus will not accept a Letter of Request in French.
5. The material scope of the Convention on Civil Aspects of International Child Abduction which has been ratified with the Ratification Law 11(III)/94, has been not been limited nor extended.
6. The material scope of the Access to Justice Convention which has been ratified with the Ratification Law 4(III)/2000 has been limited. The Republic of Cyprus reserves the right to exclude the application of paragraph 2 of Article 13 as regards the grant of legal aid without examination of the circumstances of the person seeking endorsement or recognition of a judgment.
7. The material scope of the Hague Convention on the Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children, which has been ratified with the Ratification Law No. 24(III)/2004 has not been modified nor extended.

Interrelation of the Agreements

The Access to Justice Convention, ratified with the Ratification Law 67/1982 is seen as a supplement to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, ratified with the Ratification Law 40/1982 and Convention on the Taking of Evidence, ratified with the Ratification Law 67/1982. The said Conventions together with the Apostille Convention, ratified with the Ratification Law 50/1972 combined accordingly cover all the main international aspects relating to cooperation in civil and commercial proceedings.

I.A.3.3. Legislative implementation

Each Parallel International Agreement has been implemented into the national legal order of the Republic of Cyprus with the relevant Ratification Law set forth in 1. A.3.1.

Important Provisions

Since the Parallel International Agreements have been ratified in Cyprus with Ratifications Laws as explained aforesaid the important provisions of the Ratifications Law are the important provisions of the Parallel International Agreements respectively.

1968 Council of Europe Convention for the Abolition of Legalisation of Documents Executed by Diplomatic Agents or Consular officers, Ratification law 6/1969

Pursuant to Article 3 of the aforesaid Convention, ratified with the aforesaid Ratification law, the documents which are subject to the provisions of the Convention are exempted from legalisation.

Convention abolishing the legalization of documents in the Member States of the European Communities, Ratification Law in Cyprus 32(III)2002

Pursuant to Article 2 of the Convention, ratified with the aforesaid Ratification Law, the Republic of Cyprus shall exempt the public documents to which this Convention relates from all forms of legalization or of equivalent or similar formality. Pursuant to Article 3 of the Convention legalization means only the formal procedure for certifying the authenticity of a signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears.

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil of Commercial Matters, Ratification Law 40/1982

Pursuant to Article 3 of the aforesaid Convention, ratified with the aforesaid ratification law, the authority or judicial officer competent under the law of the state in which the documents originate shall forward to the Central Authority of the State addressed a request conforming to the model annexed to the present Convention, without any requirement of legalization other equivalent formality.

Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, Ratification Law No. 67/1982

Pursuant to Article 3 of the aforesaid Convention, ratified by the aforesaid

Ratification Law, no legalization or other like formality may be required with regard to the Letter of Request.

Convention on Civil Aspects of International Child Abduction, Ratification Law 11(III)/94.

Pursuant to Article 23 of the aforesaid Convention, ratified by the aforesaid Ratification Law, no legalization or similar formality may be required in the context of the said Convention.

Convention on International Access to Justice, Ratification Law 4(III)/2000.

Pursuant to Article 10 of the Convention, ratified with the Ratification Law, 'all documents forwarded under this Chapter shall be exempt from legalization or any analogous formality'.

Relevant Legislative Acts

1. 1968 Council of Europe Convention for the Abolition of Legalisation of Documents Executed by Diplomatic Agents or Consular officers, Ratification law 6/1969 (Schedule 3)
2. Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil of Commercial Matters, s Ratification Law 40/1982 (Schedule 4)
3. Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil of Commercial Matters, Ratification Law 40/1982 (Schedule 5)
4. Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, Ratification Law No. 67/1982 (Schedule 6)
5. Civil Aspects of International Child Abduction signed in The Hague on 25.10.1980. The ratification law is the Ratification Law 11(III)/94 (Schedule 7)
6. Hague Convention on International Access to Justice, Ratification Law 4(III)/2000 (Schedule 8)
7. Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (2002), Ratification Law No. 24(III)/2004 (Schedule 9)

Travaux Préparatoires

There no key travaux préparatoires

Legislator's Intention

1968 Council of Europe Convention for the Abolition of Legalisation of Documents Executed by Diplomatic Agents or Consular officers, Ratification law 6/1969

Pursuant to s. 3 of the Ratification Law the signing of the said Ratification Law ratifies the aforesaid Convention, which is attached in the Appendix of the Law.

Convention abolishing the legalization of documents in the Member States of the European Communities, 32(III)2002

s. 3 of the Ratification Law 32(III)2002 provides that the aforesaid Convention is ratified with the aforesaid Ratification law and that the document of the Convention

is attached in the Appendix of the said Ratification Law.

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil of Commercial Matters, Ratification Law 40/1982

s. 3 of the Ratification law provides that the Convention is ratified by the aforesaid Ratification Law.

Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, Ratification Law No. 67/1982.

s. 3 of the Ratification law provides that the Convention is ratified with the aforesaid Ratification Law.

Convention on Civil Aspects of International Child Abduction, Ratification Law 11(III)/94.

s. 3 of the aforesaid Ratification Law provides that the said Convention, in which the Republic of Cyprus has acceded pursuant to the decision of the Council of Ministers No. 39.284, dated 12 May 1993, is ratified with the aforesaid Ratification Law.

Convention on International Access to Justice, Ratification Law 4(III)/2000.

s. 4 of the aforesaid Ratification Law provides that the said Convention, in which the Republic of Cyprus has acceded pursuant to the decision of the Council of Ministers No. 50.833, dated 17 December 1999, is ratified with the aforesaid Ratification Law.

Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, Ratification Law No. 24(III)/2004.

s.3(1) of the aforesaid Ratification Law provides that the aforesaid Convention is ratified with the aforesaid Ratification Law, the signature of which has been approved with the decision of the Council of Ministers with No. 58.276 dated 23 July 2003

I.A.3.4. Practical implementation

In general the practical implementation process of the relevant agreement(s) is carried out by the Ministry of Justice and Public Order which has been assigned as the Central Authority.

1968 Council of Europe Convention for the Abolition of Legalisation of Documents Executed by Diplomatic Agents or Consular officers, Ratification law 6/1969

The Ministry of Justice and Public Order has been assigned as the Competent Authority.

Convention abolishing the legalization of documents in the Member States of the European Communities, 32(III)2002

Pursuant to s.4 of the Ratification Law for the purposes of the implementation of Article 5 of the Convention the competent authority is the Ministry of Justice and Public Order.

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil of Commercial Matters, Ratification Law 40/1982

The Ministry of Justice and Public Order has been designated as the Central Authority pursuant to Article 2 of the Convention. Further, pursuant to Article 18 of the Convention the Courts of the Republic have been designated as competent authority for the service of documents through their Registries. By Note dated 7 August 1997 the Embassy of the Republic of Cyprus informed the Ministry of Foreign Affairs that the new title of the Ministry of Justice of the Republic of Cyprus, which has been designated as the National Organ of the Republic is Permanent Secretary, Ministry of Justice and Public Order. The competent authority pursuant to Articles 7 and 9 is the Permanent Secretary of the Ministry of Justice and Public Order.

Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, Ratification Law No. 67/1982.

Further, under Articles 2 the Central Authority which has been designated is the Ministry of Justice and Public Order. The competent authority designated under Articles 16 and 17 of the Convention is Ministry of Justice and Public Order and the competent authority designated under Article 18 is the Supreme Court.

Convention on Civil Aspects of International Child Abduction, Ratification Law 11(III)/94.

Pursuant to s. 4 of the Ratification Law the Minister of Justice and Public Order is designated as the Central Authority to carry out all the powers and duties set forth in the Convention.

Convention on International Access to Justice, Ratification Law 4(III)/2000.

Pursuant to s. 3 of the Ratification Law the Ministry of Justice and Public Order has been assigned as the Central Authority to transmit and receive requests pursuant to the Convention.

Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, Ratification Law No. 24(III)/2004

Pursuant to s. 4 of the Ratification Law for the purposes of the implementation of Article 1 of the Convention the Minister of Justice and Public Order is designated as the Central Authority.

Agreements abolishing the requirement of legalisation for foreign public documents generally between two or more countries

Pursuant to Article 14 of the Agreement between the Republic of Cyprus and the Czechoslovak Socialist Republic on Legal Assistance in Civil and Criminal Matters,

Ratification law 68/82 in executing the said Agreement the judicial authorities of the Contracting Parties shall maintain contacts through their competent central authorities unless otherwise provided in the present Agreement.. Further pursuant to Article 1 of the said Agreement the judicial authorities of the Contracting Parties shall proved each other with mutual legal assistance in matters regulated by the present Agreement. This is the case also under the Agreement between the Republic of Cyprus and the Syrian Arab Republic on Legal Assistance in Civil and Criminal Matters, Ratification Law 160/86.

The same procedure applies to all documents. A different procedure is not applied with regard to a specific document.

Contact Details

Ministry of Justice and Public Order
Address: 125 Athalassa Avenue, 1461 Nicosia-Cyprus
Telephone: +357 22805953/51
Fax: +357 22 518356
Email: permsec@mjpo.gov.cy
General website: <http://www.mjpo.gov.cy>

Contact Person: Ioanna Anastasiadou.

I.A.3.5. Judicial control

There are no relevant case law with regard to the functioning of the relevant agreement(s) in the Republic of Cyprus. A relevant case in relation to the application of the Hague Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters (Ratification Law 40/82), which may be of interested is the case of the Kean Soft Drinks Ltd as Plaintiff and 1. Safmarine Container Lines N.V., from Belgium and 2. The Ship 'S.A. HELDERBERG, A707' as Defendants. See ANNEX 1.

I.A.4. National Law

I.A.4.1. Legislative framework

There is no singly legislative act and or relevant law providing for the legalisation of the incoming and outgoing public documents which fall outside the scope of community law, the Apostille Convention and any other relevant international agreement. However, the practice is as follows:

Outgoing Documents

The public document to be used outside the Republic of Cyprus which does not fall within the provisions the 'Apostille' Convention or scope of community law or other relevant international agreement shall be legalized. The procedure to take place is the following.

1. The Permanent Secretary of the Ministry of Foreign Affairs of the Republic of Cyprus will certify pursuant to s.6 the Certifying Officers Law, Cap 10 (Schedule 10) that the signature appearing in the public document or the seal affixed on the document is the signature of the person who is considered to be the signatory and is the seal which is considered to be the seal of the person affixing it on the document. The power of the Permanent Secretary to effect the aforesaid certification is granted by the Ministry of Internal Affairs of the Republic of Cyprus pursuant to Article 3 of the Certifying Officers Law, Cap. 39.
2. The diplomatic or consular agent of the country in which the document has to be produced certifies the authenticity of the signature of the Permanent Secretary of the Ministry of Foreign Affairs, the capacity in which has acted and the identify of the seal or the stamp which it bears. In view of the latter, the legalization of the foreign document ends with the seal of the foreign embassy or consulate of the country of destination.

The procedure as aforesaid is a matter of practice.

However, if the outgoing document is a private document signed by a person and certified by a certifying officer it is then considered as a public document and the procedure of legalization is as follows:

1. The private document which is certified by a Certifying Officer pursuant to the Certifying Officers Law, Cap. 39 is delivered and or sent to the District Officer of the town in which the Certifying Officer resides, in order to certify the signature and stamp of the Certifying Officer.
2. The Permanent Secretary of the Ministry of Foreign Affairs of the Republic of Cyprus certifies pursuant to s.6 the Certifying Officers Law, Cap 10 (Schedule 10) that the signature appearing in the public document or the seal affixed on the document is the signature of the person who is considered to be the signatory and is the seal which is considered to be the seal of the person affixing it on the document. The power of the Permanent Secretary to effect the aforesaid certification is granted by the Ministry of Internal Affairs of the Republic of Cyprus pursuant to Article 3 of the Certifying Officers Law, Cap. 39.
3. The diplomatic or consular agent of the country in which the document has to be produced certifies the authenticity of the signature of the Permanent Secretary of the Ministry of Foreign Affairs, the capacity in which has acted and the identify of the seal or the stamp which it bears. In view of the latter, the legalization of the foreign document ends with the seal of the foreign embassy or consulate of the country of destination.

Incoming Documents

The production of public documents in the Republic of Cyprus from countries not being members of the 'Apostille' Convention is conditional on legalization by a Cyprus authority (diplomatic or consular). Like the consulates of foreign states in the Republic of Cyprus, the mission of the Republic of Cyprus abroad also relies on prior certification and validation of documents by agencies of the host country. Legalization is performed by the consular officers and or diplomatic agents of the Republic Cyprus embassies and consulates. The procedure as aforesaid is a matter of practice.

However, the Republic of Cyprus has ratified a various number of bilateral agreements with various countries (set forth in 1.A.3.1, Note 3) pursuant to which documents issued or certified in the prescribed form by a court of Justice or some other competent authority of one contracting party and duly signed and sealed with an official seal of the competent state authority shall not require any form of authentication in the Republic of Cyprus and in the other contracting state. Further in the said agreements it was agreed to do without legalization for certain types of documents or to replace it with a provisional legalization procedure.

Bilateral Agreements

Pursuant to Article 19 (1) of the Agreement between the Republic of Cyprus and the Socialist Federal Republic of Yugoslavia on Legal Assistance in Civil and Criminal Matters ratified by the Ratification Law No. 179/86 documents issued or certified in the prescribed form by a Court of Justice or some other competent authority of one contracting party and duly signed with an official seal of the competent state authority shall not require any form of authentication in the territory of the other contracting state. Further, the provisions of paragraph 1 of Article 19 shall apply to copies and transcriptions certified as aforesaid by a Court of Justice or other competent authority.

Also, pursuant to Article 13(1) of the Agreement between the Republic of Cyprus and Ukraine on Legal Assistance in Civil Matters ratified by the Ratification Law 8(III)/2005 documents drawn up, issued or certified and officially sealed in one of the Contracting Parties' territory or other authenticated copies shall not be subject to legalization.

Furthermore, pursuant to Article 12 of the Agreement between the Republic of Cyprus and the Republic of Greece in Matters of Civil, Family, Commercial and Criminal Law ratified by the Ratification Law N. 55/84 documents of any competent authority of either of the contracting parties in due form form, are acceptable in the other contracting party. It is inferred from the said Article that no legalization is required for such public documents. In accordance with the said Agreement certification of signatures in Greece from notary officers , police departments re acceptable in Cyprus without a request of legalization.

Moreover, pursuant to Article 19 (1) of the Convention between the Republic of Cyprus and the German Democratic Republic on Legal Assistance in Civil, Family, Labour Law and Criminal Matters, ratified with the Ratification Law 5/84 documents registered, issued or drawn up in due form by a court or another authority or a person authorized to do so according to the legal provisions of one contracting state within the framework of the competence shall not be subject to diplomatic or consular legalization if sued before the courts or other authorities of each contracting party provided they are signed and officially sealed. Also paragraph 1 of Article 19 applies to the authentication of signatures and copies of documents.

Pursuant to Article 14(1) of the Agreement between the Republic of Cyprus and the Czechoslovak Socialist Republic on Legal Assistance in Civil and Criminal Matters ratified with the Ratification Law No. 68/82 documents issued or certified in the prescribed form and provided with an official seal of the competent state authority or official person/translator, expert/of one of the Contracting Parties shall not require any form of authentication in the territory of the other Contracting Party. The same applies to signatures on documents and to signatures verified according to the regulations of one

of the Contracting Parties.

Pursuant to Article 14(1) of the Convention between the Republic of Cyprus and the People's Republic of Bulgaria on Legal Assistance in Civil and Criminal Matters, ratified with the Ratification Law No. 18/84, documents issued or certified in the prescribed form and provided with an official seal of the competent state authority or official person of one of the Contracting Parties shall not require any form of authentication in the territory of the other Contracting Party.

Pursuant to Article 8(1) of the Convention between the Republic of Cyprus and the Hungarian People's Republic on Legal Assistance in Civil and Criminal Matters ratified with the Ratification Law No. 7/83, documents drawn up in the territory of either contracting party, or attested and furnished with a seal by its authorities within their competence in conformity with the prescribed formalities, shall be accepted without any further legalization.

Pursuant to Article 15 (1) of the Treaty between the Republic of Cyprus and the Union of Soviet Socialist Republics on Legal Assistance in Civil and Criminal Matters ratified with the Ratification Law 172/86 documents issued or certified in the prescribed form and sealed with an official seal of the competent state authority or official person of one of the Contracting Parties shall not require any form of authentication in the territory of the other Contracting Party. The same applies to signatures on documents and to signatures verified according to the regulations of one of the Contracting Parties.

Vienna Convention on Consular Relations

Further pursuant to Clause 5 (f) of the Vienna Convention on Consular Relations, ratified with the Ratification Law 7/76 consular functions consists in acting as notary and civil registrar and in capacities of a similar kind and performing a certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving state.

Moreover, the Republic of Cyprus has concluded a number of Consular Conventions with different countries pursuant to which the Consular of that state has the right to legalise documents. Examples follow.

Consular Conventions

Pursuant to Clause 30 (1) of the Law 65/77 ratifying the Consular Convention between the Republic of Cyprus and the Republic of Czechoslovakia the consular agent has the right to legalise documents requested by a person domiciled in the sending state for use outside the territory of the receiving accepted state or requested by any person for use in the accepted state provided that they are not in conflict with the legislation of this state.

Pursuant to Article 31 (1) of the Law 49/78 ratifying the Consular Convention between the Republic of Cyprus and the Union of Soviet Socialist the consular agent has the right to legalise public documents from the sending and receiving state.

Pursuant to Article 19 (1) of the Law 39/79, ratifying the Consular Convention between the Republic of Cyprus and the Socialist Democracy Romania the consular agent has the right to legalise certificates and seals of the courts of the accepted stated for use in

the sending state.

Pursuant to Article 33(1) of the Law 9/83 ratifying the Consular Convention between the Republic of Cyprus and the Republic of Poland the Consular agent has the right to legalise documents issued by the respective authority of the accepted and sending state.

Pursuant to Article 35 (1) of the Ratification Law 19/82 ratifying the Consular Convention between the Republic of Cyprus and the Republic of Bulgaria the Consular agent has the right

1. to certify signatures of the persons domiciled in its contracting state
2. to legalise any kind of document issued from the authorities of the receiving contracting state or of the sending state and also to certify copies of such documents

Even though the status of some of the contracting parties may have altered they are still in force between the new contracting parties and the Republic of Cyprus.

Travaux preparatoires

There are not any travaux preparatoires.

I.A.4.2. Scope

Geographical Scope

Since there is no legislative act and or relevant law providing for the legalisation of the incoming and outgoing public documents which fall outside the scope of community law, the Apostille Convention and any or other relevant international, we can not examine the scope of the national law.

I.A.4.3. Practical implementation

In general a public document which needs to be legalized in the Republic of Cyprus and does not fall within the provisions of the Community law, the Apostille Convention and or any other relevant agreement shall be taken at the Ministry of Foreign Affairs for Certification and then to the Embassy of the country in which the document will be produced.

The procedure for legalization is in person or by post. In particular the request of legalisation is addressed at the Permanent Secretary of the Ministry of Foreign Affairs.

The same procedure applies to all documents and to all (member) states.

The documents to be provided are the documents for which legalization is requested.

The Permanent Secretary of the Ministry of Foreign Affairs certifies, as explained aforesaid, that the signature appearing in any document or the seal affixed on the document is the signature of the person who is considered to be the signatory and is the

seal which is considered to be the seal of the person affixing it on the document. The seal of the Ministry Foreign Affairs is inserted on the document and and stamp of CYP 1 on the top of the seal.

The procedure takes approximately 2-3 minutes at the Department of Certifications at the Ministry of Foreign Affairs. After this procedure the document is delivered and or sent to the Embassy of the country in which the document will be produced. It takes again 2-3 minutes.

I.A.4.4. Judicial control

Since there is no legislative act and or relevant law providing for the legalisation of the incoming and outgoing public documents which fall outside the scope of community law, the Apostille Convention and any other relevant international, there is no relevant case law.

PART I.B. Specific

I.B.1. Introduction

I.B.2. Specific documents

1. Documents proving involuntary unemployment

The document proving involuntary unemployment is the E301 form issued by the European Department of Social Insurance of the Republic of Cyprus. The E301 form constitutes part of the E 300 form for entitlement to unemployment benefits pursuant to EU Regulation 1408/71/EC. It specifies the period under which the person was employed in the Republic of Cyprus and the reasons of being unemployed. The forms contain all the necessary information for determining and proving the entitlement to benefits. In particular E301 form verifies transferable unemployment benefit rights earned in another member state.

The E301 form is a community document. It is issued by the European Department of Social Insurance Services of the Ministry of Labour and Social Insurance.

Even though pursuant to Articles 8 and 9 of Directive 2004/38 EC a number of public documents need to be produced in the process of either obtaining a registration certificate or a residence card, Directive 2004/38 EC has not yet been implemented in the Republic of Cyprus. However, the law implementing the said directive has been submitted to the Parliament and is in the process of being approved by the Parliament.

If the E301 form will be produced in an EU country it will be apostilled pursuant to the 'Apostille Convention, Ratification Law 50/72 unless there is no such requirement by the laws of the receiving country. However, if the E301 form will be used in a country, which is a non contracting state to the Hague Convention and does not fall within the provisions of the 'Apostille' scope of community law or other relevant international agreement (including bilateral agreement) it shall be legalized pursuant to the procedure explained in 1.A.4.1 unless there is no such requirement in the receiving country. If the E301 form will be produced in the Republic of Cyprus the original form is required to be submitted.

2. Documents proving a family relationship or other durable relationship

E302 form issued by the European Department of Social Insurance Services of the Ministry of Labour and Social Insurance. This is a community document. This form verifies how many children of the applicant under the age of 18 living in a member state are dependants of the applicant. The E302 form is a community document. It is issued by the European Department of Social Insurance Services of the Ministry of Labour and Social Insurance.

E401 form issued by the Ministry of Finance, Grants and Benefits Service. This form is a Certificate concerning composition of a family for the purpose of the granting of family benefits. This is a Community document. E401 is a standardised form used throughout the European Union, European Economic Area (Iceland, Norway and Liechtenstein) and Switzerland to speed up the process of claiming social security benefits when a person goes abroad. This form is obtained from the social security institution of the country where a person is insured before he travels abroad, ie the department of social security of the Republic of Cyprus.

If either E302 form or E401 form respectively will be produced in an EU country it will be apostilled pursuant to the 'Apostille Convention, Ratification Law 50/72 unless there is no such requirement by the laws of the receiving country. However, if the E301 form will be used in a country, which is a non contracting state to the 'Apostille' Convention and does not fall within the provisions of the 'Apostille' scope of community law or other relevant international agreement (including bilateral agreement) it shall be legalized pursuant to the procedure explained in 1.A.4.1 unless there is no such requirement in the receiving country. If the E302 form will be produced in the Republic of Cyprus the original form is required to be submitted.

3. Documents proving or contesting a parent-child relationship

Judgment in matrimonial matters or matters concerning parental responsibility issued by the Family Court of the Republic of Cyprus. It is a judicial domestic document.

If the document is to be used in an EU country it is exempted from legalisation pursuant to Article 52 of Regulation EC No.2201/2003. If the document will be used in a non EU country, not being member to the Apostille Convention, the document will be legalised pursuant to the procedure set forth in 1.A.4.1 unless that particular country abolished the legalisation as regards such documents and or concluded a bilateral agreement with the Republic of Cyprus pursuant to which the said document is not required any form of legalisation.

4. Documents proving the name and forenames of a child or adult

Passport: Passports are issued at the District Administrations which have been specially authorised for this purpose. Each citizen makes an application for the issue of a Passport to the District Administration of the District where he resides.

Certificate of Birth: It is a domestic public document. Obtainable from the District Officer of the district in which the event occurred. For a birth certificate, applicant should provide name, date and place of birth, and parents' names. Birth certificates usually

issued by the "Mukhtar" or president of the village community concerned are not accepted as secondary evidence.

The Certificate of Birth proves the date of birth and if going to be used in a European country it will be apostilled unless it is exempted pursuant to an EC Regulation (1.A.2.1). If it is going to be used in any other foreign country (member of Apostille Convention), an apostille verifying its authenticity may be required and or legalisation (for a country not being member of the Apostille Convention) unless the country of destination does not require legalisation of such document or a bilateral agreement concluded between the Republic of Cyprus and the country of destination exempts and or abolishes legalisation of such document.

5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship

Marriage Certificate: It is a domestic public document. Civil marriage certificates are obtainable from the municipality where the marriage was performed, issued by the Marriage Officer. Certified true copies are available by application to the Ministry of Interior. Certificates for marriages performed by Christian clergy are available. Greek Orthodox rite certificates are available from the appropriate Bishopric in Nicosia (Nicosia and Famagusta districts); Kitium (Larnaca district); Limassol (Limassol district); Paphos (Paphos district); Kyrenia (in care of Kykko Monastery), Nicosia (Morphou district). The Marriage Certificate is a domestic public document.

Divorce Certificate: It is a domestic public document. For termination of a civil marriage or a divorce processed through the civil authorities, a divorce decree is obtainable from the Family Court, which terminated the marriage. Fee varies. For termination of a marriage in the Greek Orthodox rite, certificates are obtainable from the appropriate Bishopric, as are marriage certificate. Since July 1974, civil records for the Districts of Kyrenia and Famagusta have been under Turkish-Cypriot control. The Government of Cyprus cannot issue birth, death, civil marriage or divorce certificates for these districts unless a new registration is made in the Republic of Cyprus controlled area of the island. Republic of Cyprus police certificates are also not available for periods of residence in the Cypriot-controlled area. Posts should contact the United States Embassy in Nicosia for assistance in individual cases involving an applicant who has lived in the Cypriot-controlled areas of Cyprus.

The Marriage Certificate and the Divorce Certificate respectively will be apostilled for use in a European country unless it is exempted pursuant to an EC Regulation (1.A.2.1). If it is going to be used in any other foreign country (member of Apostille Convention), an apostille verifying its authenticity may be required and or legalisation (for a country not being member of the Apostille Convention) unless the country of destination does not require legalisation of such document or a bilateral agreement concluded between the Republic of Cyprus and the country of destination exempts and or abolishes legalisation of such document.

6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities

Permission issued by Civil Registration and Migration Department. This is a domestic public document.

In case nationals of E.U. Member States wish to pursue a profession that is regulated in Cyprus such as lawyer, medical doctor, accountant, engineer, electrician e.t.c, by legislation determining the specific necessary qualifications and the procedure for acquiring the right to pursue the profession, then the person concerned should contact the Civil Registration and Migration Department responsible to receive and examine applications for the specific profession to acquire the relevant permit, the same way that exists for the Cypriot nationals.

If there is an intention to stay and take up employment one has to:

- a) apply within 8 days for an Alien Registration Certificate (ARC) at the local Immigration Branch of the Police (issued automatically for monitoring purposes). The documents to be provided are the following
 - valid passport
 - 4 photographs
 - photocopy of the entry permit
 - a declaration by her whether she has worked in the Republic before
- b) apply for a social insurance number upon securing employment in Cyprus
- c) apply for a residence permit in case one intends to stay longer than 3 months and take up employment in Cyprus. This application must be submitted before the expiration of this 3-month period to the Civil Registration and Migration Dept. through the local Immigration Branch of the Police and the residence permit or document is issued within six months from the date of application and the submission of the required documents by the applicant (please note that a fine is imposed in case of non-compliance).

The aforesaid documents are not required to be legalized in the Republic of Cyprus.

7.Documents proving a person's professional qualifications (diplomas)

Certificate of Professional qualifications issued by the Cyprus Council for the Recognition of Higher Education Qualifications (KY.S.A.T.S)

For the harmonization with the Directives on the General System for the Recognition of Professional Qualifications (Directives 89/48/EEC, 92/51/EEC and 99/42/EC, the Parliament of the Republic of Cyprus has introduced the relevant legislation in order to apply the General System. For example Law 179(I)2002 was introduced for the Directive 89/48/EEC as amended, the Law 121(I)2003 for the Directive 92/51/EEC and the Law 157(I)2004 for the Directive 99/42/EE.

8. Documents proving a person's death

Certificate of Death: This is a domestic public document. Obtainable from the District Officer of the district in which the event occurred. For death certificate, furnish name of deceased, date and place of death. Death certificates usually issued by the "Mukhtar" or president of the village community concerned are not accepted as secondary evidence.

The Certificate of Death will be apostilled for use in a European country unless it is exempted pursuant to an EC Regulation (1.A.2.1). If it is going to be used in any other foreign country (member of Apostille Convention), an apostille verifying its authenticity may be required and or legalisation (for a country not being member of the Apostille Convention) unless the country of destination does not require legalisation of such document or a bilateral agreement concluded between the Republic of Cyprus and the country of destination exempts and or abolishes legalisation of such document.

9. Documents proving a person's date of birth

Certificate of Birth: This is a domestic public document. Obtainable from the District Officer of the district in which the event occurred. For a birth certificate, applicant should provide name, date and place of birth, and parents' names. Birth certificates usually issued by the "Mukhtar" or president of the village community concerned are not accepted as secondary evidence. For its legalisation see point 4 aforesaid.

10. Documents proving the establishment by incorporation of a company

Certificate of Incorporation. This is a domestic public document issued by the Registrar of Companies, Nicosia, Cyprus. The certificate of Incorporation be apostilled for use in a European country unless it is exempted pursuant to an EC Regulation (1.A.2.1). If it is going to be used in any other foreign country (member of Apostille Convention), an apostille verifying its authenticity may be required and or legalisation (for a country not being member of the Apostille Convention) unless the country of destination does not require legalisation of such document or a bilateral agreement concluded between the Republic of Cyprus and the country of destination exempts and or abolishes legalisation of such document.

11. Documents proving the constitution of a company, including any official translation thereof

Memorandum and Articles of Association of the Company. Obtainable from the Registrar of Companies, Nicosia-Cyprus. If obtained by the Registrar of Companies is considered to be a domestic public document. It will be apostilled for use in a European country unless it is exempted pursuant to an EC Regulation (1.A.2.1). If it is going to be used in any other foreign country (member of Apostille Convention), an apostille verifying its authenticity may be required and or legalisation (for a country not being member of the Apostille Convention) unless the country of destination does not require legalisation of such document or a bilateral agreement concluded between the Republic of Cyprus and the country of destination exempts and or abolishes legalisation of such document.

Official translation is obtainable by the Press and Information Office, issued by its

director.

12. Documents proving the latest banking accounts of a company

Bank Reference/Reference Letter/Allocation Letter: Private Documents issued by the respective bank in which the company retains a bank account.

If apostillation is required for use in a European country and or in a country being member to the Apostille Convention it will be certified by a certifying officer in the Republic of Cyprus. After being certified by the Certifying Officer it will be certified by the District Officer of the town in which the certifying officer resides. It will then be apostilled. However, if legalisation is exempted pursuant to an EC Regulation (1.A.2.1) it will not be apostilled for use in the EU. Nevertheless, the country of destination may not require legalisation of such document due bilateral agreement concluded between the Republic of Cyprus and the country of destination.

13. Documents proving the deposit of cash or certificates of deposit

Bank Reference/Reference Letter/Letter of Proof of Funds/Credit Advice which indicate the value, the date the specific amount, the sender, receiver. Issued by the relevant bank in which the company and or the physical person has an account. This a private document.

If apostillation is required for use in a European country and or in a country being member to the Apostille Convention it will be certified by a certifying officer in the Republic of Cyprus. After being certified by the Certifying Officer it will be certified by the District Officer of the town in which the certifying officer resides. It will then be apostilled. However, if legalization is exempted pursuant to an EC Regulation (1.A.2.1) it will not be apostilled for use in the EU. Nevertheless, the country of destination may not require legalization of such document due bilateral agreement concluded between the Republic of Cyprus and the country of destination.

PART II – Incoming documents: Effects in the Member State’s legal order

OVERVIEW OF PART II

II.A.1. European Community Law

II.A.1.1. The effect of the implementation of Community law

The foreign public documents described in the community instruments referred to on Part 1.A.1 have a legal status equivalent to a comparable domestic public document provided that they are admissible documents.

A foreign public document which falls under the scope of the Community law provisions as evaluated in Part I is equally admissible in administrative matters as equivalent domestic public documents provided of course that the court does not refuse its admissibility on grounds of public policy pursuant to the common law. However, public policy is not defined in any legislative act. Pursuant to the case of *Pilavachi & Co. Ltd v International Chemical Co Ltd (1965) 1 CLR 97* public policy means the totality of values, perceptions and ideas on which the ethical, financial and political order which regulates Cypriot society is based from time to time.

In general in the Republic of Cyprus mostly all kind of documents are admissible because the hearsay rule has been abolished.

In general pursuant to the provisions of the Evidence Law, Cap. 119 a foreign public document is admissible as proof in any court of the Republic of Cyprus or in any procedure or transaction pursuant to any law being in force without proof of the seal, or signature of the person signing the document and or of the capacity of this person unless there is a special provisions with regard to any matter and or issue under any law being in force. In particular s 17 of the Evidence Law, Cap. 9 expressly provides that the following documents shall, unless any other specific provision is made in respect of any matter or thing in any Law in force for the time being, be admitted in evidence in any Court of the Colony or in any proceedings or transaction under any Law in force for the time being, without proof of the seal or signature of any such person, or of his official character:

1. any document executed in the United Kingdom or in any other place of Commonwealth (other than the Republic of Cyprus) and purporting to have affixed, impressed, or subscribed thereon or thereto
 - (i) in the case of powers of attorney the seal and signature of a notary public or an officer authorized by law in any such place to perform the functions of a notary public;
 - (ii) in the case of documents other than powers of attorney, the seal and signature of any justice of the peace, or any commissioner for oaths, notary public or other officer authorized by law in any part of the United Kingdom or any such other place of Commonwealth exercises jurisdiction to administer an oath or to do any notarial act
2. any document executed in any foreign country or place and purporting to have affixed, impressed or subscribed thereon or thereto the seal and signature of any of the following persons, namely any ambassador of the Republic of Cyprus, envoy, minister charge d' affaires, or any secretary of embassy or legation exercising his functions in any foreign country, or any Cyprus' consul-general consul, vice-consul, pro-consul and consular agent exercising his functions in any foreign place, in testimony of any oath, affidavit or act administered, taken or done by or before any such person as aforesaid.

Further, pursuant to s.35 (1) of the Cap. 9 any document which is part of the registry of public or ecclesiastical authority is admissible evidence without any further proof. Reference to the registry means any kind of registry. Also reference to public authority means any governmental service including legal person of public law and authority of local government. It is inferred from this section that no distinction is made between foreign and domestic public documents.

Further pursuant to s.34 (1) of Cap. 9 a statement contained in a document which is admissible can be proved as to its contents by submitting the original document or by submitted copy of the original provided that the non submission of the original is justified. It is inferred from this section that no distinction is made between foreign and domestic public documents.

However, it has to be noted that pursuant to s.36 of Cap. 9 the Court has the right for the purposes of the administration of justice not to accept as testimony any specified document or registry or any kind of document or registry. It also inferred from this section that no distinction is made between foreign and domestic public documents.

Nevertheless, it has to be noted with regard to foreign judgments that such judgments obtained by fraud either on the part of the court or on the part of the party seeking to enforce it, will not be recognised in a Cypriot court. Further, a foreign judgment is impeachable on the grounds that its recognition or enforcement would be contrary to Cypriot public policy.

Considering that the foreign public document is admissible, as explained aforesaid, its evidential weight in judicial proceedings depends on the quality of the evidence. It is up to the court's discretion to judge the evidence weight to be attributed to such document unless there is a particular law and or bilateral agreement which provides for the evidential weight of such documents.

II.A.1.3. Admissibility and evidentiary weight in administrative matters

A foreign public document which falls under the scope of the Community law provisions as evaluated in Part I is equally admissible in administrative matters as equivalent documents public documents pursuant to s.17, 35 (1) and 34 (1) Evidence Law, Cap.9, as explained aforesaid because the said sections are not limited to judicial proceedings, unless its admissibility is refused on the grounds of public policy.

The evidential weight of the foreign public documents depends on the weight attributed by the administrative authorities who during the exercise of their discretionary power pursuant to s. 50 of Law 158(i)/99 (with regard to the general principles of Public Law) shall act justifiably in order to prevent any unfair results.

II.A.2. Hague Convention of 5 October 1961 (the 'Apostille' Convention)

II.A.2.1. The effect of completion of the requirements of the Hague Convention

The implementation of the 'Apostille' Convention simplified the complex situation of legalisation and put a stop to the practice of legalisation chain. In particular it substituted the legalisation process with the apostille system with regard to public documents only. A single autonomous formality that of the 'Apostille' suffices in Cyprus

However, the formality 'Apostille' can not be required when either the laws, regulations, or practice in force in the Republic of Cyprus and or an agreement between Cyprus and another contracting state has abolished or simplified it, or exempt the document itself from legalisation.

The effect of an Apostille pursuant to Article 5(2) of the Apostille Convention, ratified with Law 50/72 is to certify the authenticity of the signature, the capacity in which the person signing the document has acted, and where appropriate the identify of the seal or stamp which it bears. The Apostille confirms the authenticity of a public document. Indisputable the Article 5(2) seeks to preserve legalisation's probative function. However, the effect of an Apostille does not extend to the content of the public document to which it is attached

Even though the Apostille Convention and thus the Ratifying Law 50/72 in Cyprus do not apply to private documents, a document concerning a private legal matter authenticated by a certifying officer becomes a public document.

A foreign public document which has been processed in accordance with the rules of the Convention is recognised as a public document in the legal order of the Republic of Cyprus notwithstanding that legalisation under the Apostille Convention does not certify the contents of the documents legalised.

II.A.2.2. Admissibility and evidentiary weight in judicial proceedings

The same situation as in the case of European community law. See II.A.1.2

II.A.2.3. Admissibility and evidentiary weight in administrative matters

The same situation as in the case of European community law. See II.A.1.3

II.A.3. Parallel international agreements

II.A.3.1. The effect of implementation of the requirements of parallel agreements

1968 Council of Europe Convention for the Abolition of Legalisation of Documents Executed by Diplomatic Agents or Consular officers, Ratification Law No. 6/1969

The implementation of the aforesaid Convention by the Republic of Cyprus enables the Republic of Cyprus with regard to incoming public documents to accept the circulated public documents executed by diplomatic agents or consular officers in other contracting states without requiring to be legalised. The foreign public document which has been processed in accordance with the rules of the said Convention is recognised as a public document in the legal order of the Republic of Cyprus.

Convention abolishing the legalization of documents in the Member States of the European Communities, Ratification Law in Cyprus 32(III)2002

The implementation of the aforesaid Convention by the Republic of Cyprus enables the Republic of Cyprus with regard to incoming documents to receive and accept such public documents from the member states of the European Communities without being legalised. The foreign public document which has been processed in accordance with the rules of the said Convention is recognised as a public document in the legal order of the Republic of Cyprus.

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil of Commercial Matters, Ratification Law 40/1982

A request conforming to the model annexed to the present Convention is forwarded to the Central Authority of the State addressed, without any requirement of legalization other equivalent formality. Therefore, the Republic of Cyprus can receive requests and or make requests through a simplified method of transmission without any requirement of legalization. The foreign public document which has been processed in accordance with the rules of the said Convention is recognised as a public document in the legal order of the Republic of Cyprus.

Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, Ratification Law No. 67/1982

No legalization or other like formality is required with regard to the Letter of Request. The implementation of the Convention enables the Republic of Cyprus to use the established method of taking evidence abroad by means of letters of request between the contracting states. This simplified method of taking evidence indisputably is a much more effective method of taking evidence overcoming any problems arising before due to the different systems (common/civil) of each contracting state. The foreign public document which has been processed in accordance with the rules of the said Convention is recognised as a public document in the legal order of the Republic of Cyprus.

Convention on Civil Aspects of International Child Abduction, Ratification Law 11(III)/94.

No legalization or similar formality may be required in the context of the said Convention. Further, the implementation of the aforesaid Convention enables the Republic of Cyprus to secure the prompt return of children wrongfully removed to or retained in other Contracting State. The foreign public document which has been processed in accordance with the rules of the said Convention is recognised as a public document in the legal order of the Republic of Cyprus.

Convention on International Access to Justice, Ratification Law 4(III)/2000.

All documents forwarded under this Convention are exempted from legalization or any analogous formality. The implementation of this Convention enables residents or nationals of the Republic of Cyprus to have access to justice in all contracting parties in which judicial proceedings have been or will be commenced. In this way there are no discriminations in respect of residency and or nationality . The foreign public document which has been processed in accordance with the rules of the said Convention is recognised as a public document in the legal order of the Republic of Cyprus.

Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, Ratification Law No. 24(III)/2004

The effect of implementation of the aforesaid Convention for the Republic of Cyprus is that the Republic of Cyprus can now enjoy the benefits of international co-operation between the Republic of Cyprus and the other state parties to the Convention in the interests of protecting children. In this way parents domiciled in the Republic of Cyprus will be in a position to know which country's courts will make decisions about their children. In this way there are no uncertainty problems arising from conflicting parenting orders from different courts in different countries. The foreign public document which has been processed in accordance with the rules of the said Convention is recognised as a public document in the legal order of the Republic of Cyprus.

The Agreements concluded between Republic of Cyprus and various contracting states with regard to the legal assistance as set forth in note 1.A.3 have the effect of abolishing and or simplifying the legalisation for foreign public documents thus facilitating the cross-border use of such documents.

II.A.3.2. Admissibility and evidentiary weight in judicial proceedings

The admissibility and evidentiary weight in judicial proceedings is the same as the one with regard to European Community Law, and Apostille Convention.

Furthermore, there are various agreements concluded between the Republic of Cyprus and different contracting parties with regard to the legal assistance (as set forth in A.1.3), which have special provisions with regard to evidential weight in judicial proceedings.

For example pursuant to Convention between the Republic of Cyprus and Greece in Matters of Civil, Family, Commercial and Criminal Law ratified by the Ratification Law N. 55/84 documents considered as public in the territory of one of the Contracting parties shall have the evidential force of public documents also in the territory of the other contracting party.

Pursuant to Article 14 (2) of the Agreement between the Republic of Cyprus and the Czechoslovak Socialist Republic on Legal Assistance in Civil and Criminal Matters ratified with the Ratification Law No. 68/82 documents considered as public in the territory of one of the Contracting parties shall have the evidential force of public documents also in the territory of the other contracting party.

Pursuant to Article 14(2) of the Convention between the Republic of Cyprus and the Democracy of Bulgaria on Legal Assistance in Civil and Criminal Matters ratified with the Ratification Law No. 18/84 documents considered as public in the territory of one of the Contracting parties shall have the evidential force of public documents also in the territory of the other contracting party.

Pursuant to Article 15(2) of the Treaty between the Republic of Cyprus and the Union of Soviet Socialist Republics on Legal Assistance in Civil and Criminal Matters ratified with the Ratification Law 172/86 documents considered as public in the territory of one of the Contracting parties shall have the evidential force of public documents also in the territory of the other contracting party. No distinction is made between judicial and administrative matters.

II.A.3.3. Admissibility and evidentiary weight in administrative matters

The issue of admissibility and evidential weight in administrative matters is the same as in the cases of European Community Law and Apostille Convention, explained aforesaid.

Further, documents considered as public in the territory of one of the Contracting parties shall have the evidential force of public documents also in the territory of the other contracting party pursuant to a number of bilateral agreements concluded by the Republic of Cyprus.

For example pursuant to Article 14 (2) of the Agreement between the Republic of Cyprus and the Czechoslovak Socialist Republic on Legal Assistance in Civil and Criminal Matters ratified with the Ratification Law No. 68/82 documents considered as public in the territory of one of the Contracting parties shall have the evidential force of public documents also in the territory of the other contracting party. No distinction is made between judicial and administrative matters.

Pursuant to Article 14(2) of the Convention between the Republic of Cyprus and the Laikis Democracy of Bulgaria on Legal Assistance in Civil and Criminal Matters ratified with the Ratification Law No. 18/84 documents considered as public in the territory of one of the Contracting parties shall have the evidential force of public documents also in the territory of the other contracting party. No distinction is made between judicial and administrative matters. It can therefore be inferred from the said clause that administrative matters are covered by the said Article.

Pursuant to Article 15(2) of the Treaty between the Republic of Cyprus and the Union of Soviet Socialist Republics on Legal Assistance in Civil and Criminal Matters ratified with the Ratification Law 172/86 documents considered as public in the territory of one of the Contracting parties shall have the evidential force of public documents also in the territory of the other contracting party. No distinction is made between judicial and administrative matters. It can therefore be inferred from the said clause that administrative matters are covered by the said Article.

II.A.4. National Law

II.A.4.1. The effect of the completion of the requirements of national law

As we have explained in I.A.4.1 there is no single national law. However, an incoming public document legalised by a consulate of Cyprus is recognised as a public document in the legal order of the Republic of Cyprus provided it is an admissible document.

II.A.4.2. Admissibility and evidentiary weight in judicial proceedings

The same situation as it is in the case with regard to European Community Law, Parallel Agreements and Apostille Convention.

II.A.4.3. Admissibility and evidentiary weight in administrative matters

The same situation as it is in the case with regard to European Community Law, Parallel Agreements and Apostille Convention.

PART III – Incoming documents: Difficulties

OVERVIEW OF PART III

PART III.A. General

III.1. Hague Convention of 5 October 1961 (the ‘Apostille’ Convention)

III.A.1.1. Legal

Even though Apostille Convention has been fully implemented in the national legal order of the Republic of Cyprus there are some difficulties with the effective use of incoming Apostille public documents.

Even though the Registers are accessed to any interested person who wishes to examine the origin of the Apostille document, this provision does not prevent the circulation of forged Apostille documents circulated.

III.A.1.2. Practical

There is no major practice obstacle. However, a practical problem is the duration required for verification of the authenticity of the ‘Apostille’ public document. The origin of an Apostille can not be assessed upon obtaining the incoming document. The process is a time consuming one because a request shall be sent to the competent authority of the state of origin of the document. Further the practical problem of the access by the Republic of Cyprus in the Registers of the contracting states.

Also another practical problem is the fact that some particular countries of the ‘Apostille’ Convention do not issue certificates in English language but only in their mother language. In such cases even if the incoming document is apostilled it needs to be sent to the Press and Information Office of the Republic of Cyprus in order to be translated before being use in the Republic of Cyprus. This is a time consuming process. For example Apostille Corporate Certificates from the Registrar of Companies of Serbia and Romania are issued in their mother language.

III.2. Parallel international agreements

III.A.2.1. Legal

There are no major particular difficulties of legal nature which natural or legal persons experience as a result of any process administered by the authorities of the Republic of Cyprus or another member state in relation to a foreign public document in circumstances where it is the Member State of that foreign public document’s destination.

III.A.2.2. Practical

There are no major practical problems apart from the practical problem set forth in III.A.1.2 which is evident also in cases where we receive a legalised document in the domestic language of the country of origin.

Even though the Convention on the Service Abroad of Judicial and Extra-judicial Documents in civil and commercial matters aims to simplify the method of transmission there are various methods of transmission as well as alternative methods (Appendix 2 of the Convention) and there is the right to object to the use of some of the alternative methods of transmission.

III.3. National law

III.A.3.1. Legal

There are no particular difficulties of legal nature which natural or legal persons experience as a result of any process administered by the authorities of the Republic of Cyprus or another member state in relation to a foreign public document in circumstances where it is the Member State of that foreign public document's destination.

III.A.3.2. Practical

The practical problems are the chain of certifications which shall be effected for the legalisation of the document as explained in I.A.4.1. This process causes difficulties because legalisation can not be effected by the fulfilment of one formality as it is in the case of the 'Apostille' Convention. In this way the cross border use of these documents in the Republic of Cyprus is delayed until the document is duly legalised.

Further, another practical problem is the problem caused by receiving legalised documents in their mother language.

PART III.B. Specific

1. Documents proving involuntary unemployment

There are no particular difficulties of legal and or practical nature which natural or legal persons experience as a result of any process administered by the authorities of the Republic of Cyprus in relation to a foreign public documents proving involuntary unemployment in circumstances where it is the member state of that foreign public document's destination because of the admissibility and evidential weight attributed to the foreign public documents in the Republic of Cyprus, as explained in Part II. The only difficulty is for such documents to be rejected either in administrative or judicial proceedings because of public policy reasons.

2. Documents proving a family relationship or other durable relationship

There are no particular difficulties of legal and or practical nature which natural or legal persons experience as a result of any process administered by the authorities of the

Republic of Cyprus in relation to a foreign public documents proving a family relationship or other durable relationship in circumstances where it is the member state of that foreign public document's destination because of the admissibility and evidential weight attributed to the foreign public documents in the Republic of Cyprus, as explained in Part II. The only difficulty is for such documents to be rejected either in administrative or judicial proceedings because of public policy reasons.

3. Documents proving or contesting a parent-child relationship

There are no particular difficulties of legal and or practical nature which natural or legal persons experience as a result of any process administered by the authorities of the Republic of Cyprus in relation to a foreign public documents proving involuntary unemployment in circumstances where it is the member state of that foreign public document's destination because of the admissibility and evidential weight attributed to the foreign public documents in the Republic of Cyprus, as explained in Part II. The only difficulty is for such documents to be rejected either in administrative or judicial proceedings because of public policy reasons.

4. Documents proving the name and forenames of a child or adult

There are no particular difficulties of legal and or practical nature which natural or legal persons experience as a result of any process administered by the authorities of the Republic of Cyprus in relation to a foreign public documents proving the name and forenames of a child or adult in circumstances where it is the member state of that foreign public document's destination because of the admissibility and evidential weight attributed to the foreign public documents in the Republic of Cyprus, as explained in Part II. The only difficulty is for such documents to be rejected either in administrative or judicial proceedings because of public policy reasons.

5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship

There are no particular difficulties of legal and or practical nature which natural or legal persons experience as a result of any process administered by the authorities of the Republic of Cyprus in relation to a foreign public documents proving or annulling/terminating a marriage/civil partnership or other durable relationship in circumstances where it is the member state of that foreign public document's destination because of the admissibility and evidential weight attributed to the foreign public documents in the Republic of Cyprus, as explained in Part II. The only difficulty is for such documents to be rejected either in administrative or judicial proceedings because of public policy reasons.

6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities

There are no particular difficulties of legal and or practical nature which natural or legal persons experience as a result of any process administered by the authorities of the

Republic of Cyprus in relation to a foreign public proving a person's legal establishment for the purpose of pursuing specific regulated professional activities in circumstances where it is the member state of that foreign public document's destination because of the admissibility and evidential weight attributed to the foreign public documents in the Republic of Cyprus, as explained in Part II.

However, the 92(I) of 2003 "Law on Free Movement and Residence of Nationals of the Member States of the European Union and their Families", which regulates the employment of European citizens, the freedom of free movement and residence in the Republic can be restrict such freedom on the grounds of reasonable threat of public order, safety or health.

7. Documents proving a person's professional qualifications (diplomas)

There are no particular difficulties of legal and or practical nature which natural or legal persons experience as a result of any process administered by the authorities of the Republic of Cyprus in relation to a foreign public proving a person's legal establishment for the purpose of pursuing specific regulated professional activities in circumstances where it is the member state of that foreign public document's destination because of the admissibility and evidential weight attributed to the foreign public documents in the Republic of Cyprus, as explained in Part II. The only difficulty is for such documents to be rejected either in administrative or judicial proceedings because of public policy reasons.

Even though s. 6 of the aforesaid law lays downs conditions for the recognition of professional qualifications on the basis of professional experience acquired in another member state, where an applicant holds a nationally recognised certificate obtained in member state attesting to knowledge of and ability in the activity in question equivalent to at least two or three years, as appropriate of professional training, that certificate may be treated in the same way as a certificate attesting to training of the duration required pursuant to the relevant articles of the said law.

8. Documents proving a person's death

There are no particular difficulties of legal and or practical nature which natural or legal persons experience as a result of any process administered by the authorities of the Republic of Cyprus in relation to a foreign public proving a person's death in circumstances where it is the member state of that foreign public document's destination because of the admissibility and evidential weight attributed to the foreign public documents in the Republic of Cyprus, as explained in Part II. The only difficulty is for such documents to be rejected either in administrative or judicial proceedings because of public policy reasons.

9. Documents proving a person's date of birth

There are no particular difficulties of legal and or practical nature which natural or legal persons experience as a result of any process administered by the authorities of the Republic of Cyprus in relation to a foreign public proving a person's date of birth for the purpose of pursuing specific regulated professional activities in circumstances where it is the member state of that foreign public document's destination because of the admissibility and evidential weight attributed to the foreign public documents in the Republic of Cyprus, as explained in Part II. The only difficulty is for such documents to be rejected either in administrative or judicial proceedings because of public policy reasons.

10. Documents proving the establishment by incorporation of a company

There are no particular difficulties of legal and or practical nature which natural or legal persons experience as a result of any process administered by the authorities of the Republic of Cyprus in relation to a foreign public proving the establishment by incorporation of a company in circumstances where it is the member state of that foreign public document's destination because of the admissibility and evidential weight attributed to the foreign public documents in the Republic of Cyprus, as explained in Part II. The only difficulty is for such documents to be rejected either in administrative or judicial proceedings because of public policy reasons.

11. Documents proving the constitution of a company, including any official translation thereof

There are no particular difficulties of legal and or practical nature which natural or legal persons experience as a result of any process administered by the authorities of the Republic of Cyprus in relation to a foreign public proving the constitution of a company, including any official translation thereof, in circumstances where it is the member state of that foreign public document's destination because of the admissibility and evidential weight attributed to the foreign public documents in the Republic of Cyprus, as explained in Part II. The only difficulty is for such documents to be rejected either in administrative or judicial proceedings because of public policy reasons.

12. Documents proving the latest banking accounts of a company

There are no particular difficulties of legal and or practical nature which natural or legal persons experience as a result of any process administered by the authorities of the Republic of Cyprus in relation to a foreign public proving the latest banking accounts of a company in circumstances where it is the member state of that foreign public document's destination because of the admissibility and evidential weight attributed to the foreign public documents in the Republic of Cyprus, as explained in Part II. The only difficulty is for such documents to be rejected either in administrative or judicial proceedings because of public policy reasons.

13. Documents proving the deposit of cash or certificates of deposit

There are no particular difficulties of legal and or practical nature which natural or legal persons experience as a result of any process administered by the authorities of the Republic of Cyprus in relation to a foreign public proving the deposit of cash or certificates of deposit in circumstances where it is the member state of that foreign public document's destination because of the admissibility and evidential weight attributed to the foreign public documents in the Republic of Cyprus, as explained in Part II. The only difficulty is for such documents to be rejected either in administrative or judicial proceedings because of public policy reasons.

PART IV – Outgoing documents: Difficulties

OVERVIEW OF PART IV

PART IV.A. General

IV.A.1. Hague Convention of 5 October 1961 (the 'Apostille' Convention)

IV.A.1.1. Legal

No particular difficulties.

IV.A.1.2. Practical

Practical difficulties in relating to outgoing documents are that the 'Apostille' shall be placed in each the signatory page. Sometimes there is a massive huge of public documents required to be apostilled and it takes three to four minutes in practice to apostille each document. That is why in some cases for example where the corporate documents of a company shall be sent in a contracting party the lawyer entrusted with the incorporation of the company makes an affidavit attaching as copies the corporate documents. In this case, the Apostille Certificate is placed only on the Affidavit.

Another problem is the fact that sometimes the receiving country requires the Apostille document to take a particular form and have a particular seal affixed. For example a full set of corporate Apostille documents sent to Kazakhstan shall be sent in a bundle and be sealed with a confirmation of the number of pages consisting the bundle.

IV.A.2. Parallel international agreements

IV.A.2.1. Legal

No particular difficulties.

IV.A.2.2. Practical

The difficulty set forth in IV.A.1.2.

IV.A.3. National law

IV.A.3.1. Legal

No particular difficulty.

IV.A.3.2. Practical

In relation to the legalisation of outgoing documents to be used in countries which do not have a diplomatic and or consular agent in the Republic of Cyprus the procedure of legalisation is much more complicated. If the document is certified by a certifying officer it will then be certified by a district officer and then by the Ministry of Foreign Affairs in

the Republic of Cyprus notwithstanding that in the event where the document is not certified by a certifying officer it will be certified by the Ministry of Foreign Affairs. Afterwards the document needs to be sent to a neighbourhood country where a consular agent and or diplomatic agent of that country resides. For example we do not have a consulate of Moldavia in the Republic of Cyprus. A foreign public document to be used in Moldavia is sent for legalisation at the consulate of Moldavia in Athens, Greece. This time is time consuming and costly.

PART IV.B. Specific

1. Documents proving involuntary unemployment

There are no major difficulties of a legal and or practical nature which natural or legal persons experience as a result of process administered by the authorities of the Republic of Cyprus in relation to a public document proving involuntary unemployment where it is the member state of public document's origin. However, if such a document is to be used in a country which is not a party to the Apostille Convention and which does not have a consulate or diplomatic agent in Cyprus the problem explained in I.V.A.3.2 will arise.

2. Documents proving a family relationship or other durable relationship

There are no major difficulties of a legal and or practical nature which natural or legal persons experience as a result of process administered by the authorities of the Republic of Cyprus in relation to a public document proving a family relationship or other durable relationship where it is the member state of public document's origin. However, if such a document is to be used in a country which is not a party to the Apostille Convention and which does not have a consulate or diplomatic agent in Cyprus the problem explained in I.V.A.3.2 will arise.

3. Documents proving or contesting a parent-child relationship

There are no major difficulties of a legal and or practical nature which natural or legal persons experience as a result of process administered by the authorities of the Republic of Cyprus in relation to a public document proving or contesting a parent-child relationship where it is the member state of public document's origin. However, if such a document is to be used in a country which is not a party to the Apostille Convention and which does not have a consulate or diplomatic agent in Cyprus the problem explained in I.V.A.3.2 will arise.

4. Documents proving the name and forenames of a child or adult

There are no major difficulties of a legal and or practical nature which natural or legal persons experience as a result of process administered by the authorities of the Republic of Cyprus in relation to a public document proving the name and forenames of a child or adult relationship where it is the member state of public document's origin. However, if such a document is to be used in a country which is not a party to the Apostille Convention and which does not have a consulate or diplomatic agent in Cyprus the problem explained in I.V.A.3.2 will arise.

5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship

There are no major difficulties of a legal and or practical nature which natural or legal persons experience as a result of process administered by the authorities of the Republic of Cyprus in relation to a public document proving or annulling/terminating a marriage/civil partnership or other durable relationship where it is the member state of public document's origin. However, if such a document is to be used in a country which is not a party to the Apostille Convention and which does not have a consulate or diplomatic agent in Cyprus the problem explained in I.V.A.3.2 will arise.

6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities

There are no major difficulties of a legal and or practical nature which natural or legal persons experience as a result of process administered by the authorities of the Republic of Cyprus in relation to a public document proving a person's legal establishment for the purpose of pursuing specific regulated professional activities where it is the member state of public document's origin. However, if such a document is to be used in a country which is not a party to the Apostille Convention and which does not have a consulate or diplomatic agent in Cyprus the problem explained in I.V.A.3.2 will arise.

7. Documents proving a person's professional qualifications (diplomas)

There are no major difficulties of a legal and or practical nature which natural or legal persons experience as a result of process administered by the authorities of the Republic of Cyprus in relation to a public document proving a person's professional qualifications where it is the member state of public document's origin. However, if such a document is to be used in a country which is not a party to the Apostille Convention and which does not have a consulate or diplomatic agent in Cyprus the problem explained in I.V.A.3.2 will arise.

8. Documents proving a person's death

There are no major difficulties of a legal and or practical nature which natural or legal persons experience as a result of process administered by the authorities of the Republic of Cyprus in relation to a public document proving a person's death where it is the member state of public document's origin. However, if such a document is to be used in a country which is not a party to the Apostille Convention and which does not have a consulate or diplomatic agent in Cyprus the problem explained in I.V.A.3.2 will arise.

9. Documents proving a person's date of birth

There are no major difficulties of a legal and or practical nature which natural or legal persons experience as a result of process administered by the authorities of the

Republic of Cyprus in relation to a public document proving a person's date of birth where it is the member state of public document's origin. However, if such a document is to be used in a country which is not a party to the Apostille Convention and which does not have a consulate or diplomatic agent in Cyprus the problem explained in I.V.A.3.2 will arise.

10. Documents proving the establishment by incorporation of a company

There are no major difficulties of a legal and or practical nature which natural or legal persons experience as a result of process administered by the authorities of the Republic of Cyprus in relation to a public document proving a where it is the member state of public document's origin. However, if such a document is to be used in a country which is not a party to the Apostille Convention and which does not have a consulate or diplomatic agent in Cyprus the problem explained in I.V.A.3.2 will arise.

11. Documents proving the constitution of a company, including any official translation thereof

There are no major difficulties of a legal and or practical nature which natural or legal persons experience as a result of process administered by the authorities of the Republic of Cyprus in relation to a public document proving the constitution of a company, including any official translation thereof where it is the member state of public document's origin. However, if such a document is to be used in a country which is not a party to the Apostille Convention and which does not have a consulate or diplomatic agent in Cyprus the problem explained in I.V.A.3.1 will arise.

12. Documents proving the latest banking accounts of a company

There are no major difficulties of a legal and or practical nature which natural or legal persons experience as a result of process administered by the authorities of the Republic of Cyprus in relation to a document proving the latest banking accounts of a company where it is the member state of public document's origin. However, if such a document is to be used in a country which is not a party to the Apostille Convention and which does not have a consulate or diplomatic agent in Cyprus the problem explained in I.V.A.3.2 will arise.

13. Documents proving the deposit of cash or certificates of deposit

There are no major difficulties of a legal and or practical nature which natural or legal persons experience as a result of process administered by the authorities of the Republic of Cyprus in relation to a document proving the deposit of cash or certificates of deposit where it is the member state of public document's origin. However, if such a document is to be used in a country which is not a party to the Apostille Convention and which does not have a consulate or diplomatic agent in Cyprus the problem explained in I.V.A.3.2 will arise.

PART V – Justification of legalisation or other similar or equivalent requirements identified in Part I

OVERVIEW OF PART V

PART V.A. General

V.A.1. Hague Convention of 5 October 1961 (the ‘Apostille’ Convention)

1. Requirements and procedures

1. The legalisation requirements as regards incoming or outgoing public documents as identified in Part I do not overtly discriminate on grounds of nationality.
2. There are no requirements and procedures that appear discriminatory or operate in a discriminatory matter.
3. The requirements and procedures may hinder or make less attractive the free movement of goods, persons, services or capital between the member states of the European Union because the Republic of Cyprus and every contracting state in which the Apostille document is produced may refuse to recognize the authenticity of the signature, the capacity in which the signatory of the public document acted or the identity of the seal or stamp which the public document bears if after inspection of the register or card index, a doubt remains as to the authenticity of the apostille. However, since the apostille system is based on the principle of trust in the competent authority in the State of execution as long as trust is not disputed the Apostille Convention will be effective. Further, an outgoing or incoming Apostille document issued in the mother language of the country of origin shall be officially translated for use in the destination country, which is a time consuming process, as explained aforesaid.
4. The rationale for the requirements and procedures is that they replace the cumbersome and frequently costly formalities of a full legalization process by the mere issuance of an Apostille Certificate. It replaces the time consuming chain certification process used so far, where you had to go to different authorities to get a document certified. They reduced all of the formalities of legalisation to the simple delivery of a certificate in a prescribed form, entitled "Apostille", by Ministry of Justice and Public Order.
5. There are no particular situations in which the requirements and procedures appear irrational.
6. The requirements and procedures are to some extent effective because they guarantee their aims achieve, i.e. they replaced the cumbersome formalities of a full legalisation process by the mere issuance of an Apostille Certificate. The particular case in which the requirements and procedures appear ineffective is in the case where they prevent or make less attractive the free movement of goods, services or capital as explained aforesaid. However, one could argue that the method of keeping the Register, being manual is ineffective because it is difficult to retrieve the records.
7. The requirements and procedures do not appear ineffective in general. However, the apostille system is based on a principle of trust in the competent authority in the state of execution of the document. In the event where such trust is disputed inevitably the requirements and procedures will end up being ineffective.
8. The requirements and procedures are necessary to effect their aim achieved.
9. The requirements and procedures are proportionate to the objectives pursued, as explained aforesaid.

10. The only alternative requirement and procedure adopted is the use of rubber Apostille stamp in relation to the documents issued by the Commissioner of the Income Tax Office. There is a thought to use only Apostille rubber stamp for all public documents in the future.
11. The only development is the one described in note 10 aforesaid.

2. Effects rules

1. The effects rules do not overtly discriminate on grounds of nationality.
2. There are no effects rules that appear discriminatory or operate in a discriminatory matter.
3. The effects rules are not liable to hinder or make less attractive the free movement of goods, persons, services or capital between the member states of the European Union because they facilitate the cross border use of Apostille public documents in the European Union.
4. The rationale for the effects rule is that a document apostilled under the Hague Convention is recognised in all member states of the 'Apostille' Convention. An 'Apostille' that has been established according to the requirements of the Convention in the State of issuance must be accepted and produce its effects in any State of production
5. There are no particular situations in which the effects rules appear irrational.
6. The effect rules are effective because they guarantee their aims achieve, i.e. they certify the authenticity of the signature, the capacity in which the person signing the document has acted and where appropriate the identity of the seal or stamp which it bears. A document with an Apostille Certificate is recognised in all the countries being members of the Hague Convention
7. There are no particular cases in which the effects rules appear ineffective.
8. The effects rules are necessary to effect their aim achieved, as explained aforesaid.
9. The effects rules are proportionate to the objectives pursued.
10. The consequences flowing from a failure to comply with the effects rules is that the Republic of Cyprus as any other party member to the Hague Convention will be in breach of the effects rules of the said Convention.
11. There are no alternative effects rules, which provide a general solution to reduce the administrative burdens.
12. The effects rules had not been added, modified or abolished in Cyprus. No developments in the field of the effects rules have been made in Cyprus.

V.A.2. Parallel international agreements

V.A.2.1 Requirements and procedures

1. The legalisation requirements as regards incoming or outgoing public documents as

identified in Par I do not overtly discriminate on grounds of nationality.

2. There are no requirements and procedures that appear discriminatory or operate in a discriminatory matter. On the contrary one of the main aims is to prevent discriminatory requirements. For example the Access to Justice Convention's, (ratified by the Ratification Law 4(III)/2000) requirements and procedures ensure that the non residency or domicile in a contracting state is not a ground for discrimination in access to that contracting state's justice.
3. The requirements and procedures are not liable to hinder or make less attractive the free movement of goods, persons, services or capital between the member states of the European Union because the Republic of Cyprus.
4. The rationale for the requirements and procedures is that they replace the cumbersome and frequently costly formalities of a full legalization process and or exempt and or simplify such a process.
5. There are no particular situations in which the requirements and procedures appear irrational.
6. The requirements and procedures are to some extent effective because they guarantee their aims achieve to a great extent.
7. There are no particular cases in which the requirements and procedures appear ineffective apart from the fact the new methods of technology shall be adopted with regard to the implementation of the requirements and procedures.
8. The requirements and procedures are necessary to effect their aim achieved.
9. The requirements and procedures are proportionate to the objectives pursued.
10. No alternative requirements and procedures have been adopted.
11. No developments in this field in the Republic of Cyprus.

V.A.2.2 Effects rules

1. The rules concerning the effects of foreign public documents do not overtly discriminate on grounds of nationality.
2. There are no effects rules that appear discriminatory or operate in a discriminatory matter.
3. The effects rules are not liable to hinder or make less attractive the free movement of goods, persons, services or capital between the member states of the European unless the effects rules are not implemented due to public policy reasons.
4. There are no particular situations in which the effects rules appear irrational.
5. The effects rules are effective because they guarantee their aims achieve to a great extent.

6. There are no particular cases in which the effects rules appear ineffective.
7. The effects rules are necessary to effect their aim achieved, as explained aforesaid.
8. The effects rules are proportionate to the objectives pursued.
9. The effects rules have not been added, modified or abolished in Cyprus.
10. No developments in the field of the effects rules have been made in Cyprus.

V.A.3. National law

V.A.3.1 Requirements and procedures

Since there is no single legislative act we can not review the requirements and procedures of National Law.

V.A.3.2 Effects rules

Since there is no single legislative act we can not review the effects rules of National Law.

PART V.B. Specific

1. Documents proving involuntary unemployment

If the document will be used in a country of EU, and is not exempted from legalisation due to any EC Regulation, the document will be apostilled pursuant to the Ratification Law 50/72 unless the receiving country does not require the said documents to be apostilled and or legalized. In particular if the aforesaid document is required to be produced for the purposes of the coordination of the national social security schemes of either the Republic of Cyprus or a member state is covered by Regulations 1408/71 and 547/72 is exempted from legalization.

On the other had if the aforesaid document is to be used in a country with which the Republic of Cyprus has concluded a reciprocal agreement in social security such document will be exempted from legalisation provided that it is required to be produced for the purposes of the coordination of the national social security schemes of the Republic of Cyprus or of the member states. However, if the aforesaid document is to be used in a country not being party to the 'Apostille' Convention and with whom Cyprus did not conclude a bilateral agreement as aforesaid the document shall be legalized as per the procedure set forth in I.A.4.1

2. Documents proving a family relationship or other durable relationship

If the document will be used in a country of EU, and is not exempted from legalisation due to any EC Regulation, the document will be apostilled pursuant to the Ratification Law 50/72 unless the receiving country does not require the said documents to be apostilled and or legalized. In particular if the aforesaid document is required to be

produced for the purposes of the coordination of the national social security schemes of either the Republic of Cyprus or a member state is covered by Regulations 1408/71 and 547/72 is exempted from legalization.

On the other had if the aforesaid document is to be used in a country with which the Republic of Cyprus has concluded a reciprocal agreement in social security such document will be exempted from legalisation provided that it is required to be produced for the purposes of the coordination of the national social security schemes of the Republic of Cyprus or of the member states. However, if the aforesaid document is to be used in a country not being party to the 'Apostille' Convention and with whom Cyprus did not conclude a bilateral agreement as aforesaid the document shall be legalized as per the procedure set forth in I.A.4.1

3. Documents proving or contesting a parent-child relationship

If the document is to be used in an EU country and is not exempted from legalisation pursuant to an EU Regulation, the document will be apostilled pursuant to the Ratification law 50/72 for use in this country. If the document will be used in a non EU country, not being member to the Apostille Convention the document will be legalised as per the procedure set forth in I.A.4.1 unless that particular country abolished the legalisation as regards such documents and or concluded a bilateral agreement with the Republic of Cyprus pursuant to which the said document is not required any form of legalisation.

If the aforesaid documents is to be used in the Republic of Cyprus by a European Citizen for the purposes of obtaining a registration certificate no legalisation is required pursuant to by Law no. 92(I) of 2003 "Law on Free Movement and Residence of Nationals of the Member States of the European Union and their Families".

4. Documents proving the name and forenames of a child or adult

If the document is to be used in an EU country which requires such documents to be legalised, the document will be apostilled pursuant to the Ratification law 50/72 for use in this country unless legalisation is exempted due to an EC Regulation. If the document will be used in a non EU country, not being member to the Apostille Convention the document will be legalised unless that particular country abolished the legalisation as regards such documents and or concluded a bilateral agreement with the Republic of Cyprus pursuant to which the said document is not required any form of legalisation. Nevertheless, if the aforesaid documents is to be used in the Republic of Cyprus by a European Citizen for the purposes of obtaining a registration certificate no legalisation and or apostillation is required pursuant to by Law no. 92(I) of 2003 "Law on Free Movement and Residence of Nationals of the Member States of the European Union and their Families".

If the aforesaid document is produced by a European country the document shall be apostilled unless legalisation is exempted due to an EC Regulation.

If the aforesaid document is produced by a country not being member to the 'Apostille' Convention the document shall be legalised unless the Republic of Cyprus and the country of origin have concluded any bilateral agreement pursuant to which legalisation

is exempted and or simplified

5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship

If the aforesaid documents will be used in any member state and or in the Republic of Cyprus with regard to matrimonial matter or matters concerning parental responsibility with regard to divorce, legal separation or marriage annulment, delegation restriction or termination of parental responsibility they are exempted from national legalisation requirements pursuant to Regulation (EC) No. 2001/2003. If the aforesaid documents will be used in a European country and is legalisation is not exempted due to an EC Regulation it will be apostilled. If it will be used in a non EU country, not being member to the Apostille Convention the document shall be legalised as per the procedure set forth in I.A.4.1 unless that particular country abolished the legalisation as regards such documents and or concluded a bilateral agreement with the Republic of Cyprus pursuant to which the said document does not require any form of legalisation.

If the aforesaid document is produced by a European country the document shall be apostilled unless legalisation is exempted due to an EC Regulation.

If the aforesaid document is produced by a country not being member to the 'Apostille' Convention the document shall be legalised unless the Republic of Cyprus and the country of origin have concluded any bilateral agreement pursuant to which legalisation is exempted and or simplified.

6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities

Outgoing

If the document will be used in an EU country, the document will be apostilled pursuant to the Ratification law 50/72 for use in this country unless legalisation is exempted pursuant to an EC Regulation. If the document will be used in a non EU country, not being member to the Apostille Convention the document will be legalised unless that particular country abolished the legalisation as regards such documents and or concluded a bilateral agreement with the Republic of Cyprus pursuant to which the said document is not required any form of legalisation.

Incoming

If the aforesaid documents is produced by a European country for the purposes of pursuing an EU citizen a profession that is regulated in the Republic of Cyprus the document is not required to be legalised. However, if the document is to be produced by a European country and is not exempted from legalisation pursuant to an EC Regulation, it will be apostilled.

If the aforesaid document is produced by a country not being member to the Apostille

Convention the document shall be legalised unless the Republic of Cyprus and the country of origin have concluded any bilateral agreement pursuant to which legalisation is exempted and or simplified

7. Documents proving a person's professional qualifications (diplomas)

Outgoing

If the document will be used in an EU country, the document will be apostilled pursuant to the Ratification law 50/72 for use in this country unless legalisation is exempted pursuant to an EC Regulation. If the document will be used in a non EU country, not being member to the Apostille Convention the document will be legalised unless that particular country abolished the legalisation as regards such documents and or concluded a bilateral agreement with the Republic of Cyprus pursuant to which the said document is not required any form of legalisation.

Incoming

If the aforesaid documents are produced by a European country for the purposes of pursuing an EU citizen a profession that is regulated in the Republic of Cyprus the document is not required to be legalised. However, if the document is to be produced by a European country and is not exempted from legalisation pursuant to an EC Regulation, it will be apostilled.

If the aforesaid document is produced by a country not being member to the Apostille Convention the document shall be legalised unless the Republic of Cyprus and the country of origin have concluded any bilateral agreement pursuant to which legalisation is exempted and or simplified

8. Documents proving a person's death

Outgoing

If the document will be used in an EU country, the document will be apostilled pursuant to the Ratification law 50/72 for use in this country unless legalisation is exempted pursuant to an EC Regulation. If the document will be used in a non EU country, not being member to the Apostille Convention the document will be legalised unless that particular country abolished the legalisation as regards such documents and or concluded a bilateral agreement with the Republic of Cyprus pursuant to which the said document is not required any form of legalisation.

Incoming

If the aforesaid documents is to be produced by a European country for the purposes of pursuing an EU citizen a profession that is regulated in the Republic of Cyprus the document is not required to be legalised. However, if the document is to be produced by a European country and is not exempted from legalisation pursuant to an EC Regulation, it will be apostilled.

If the aforesaid document is produced by a country not being member to the Apostille Convention the document shall be legalised unless the Republic of Cyprus and the country of origin have concluded any bilateral agreement pursuant to which legalisation is exempted and or simplified

9. Documents proving a person's date of birth

Outgoing

If the document will be used in an EU country, the document will be apostilled pursuant to the Ratification law 50/72 for use in this country unless legalisation is exempted pursuant to an EC Regulation. If the document will be used in a non EU country, not being member to the Apostille Convention the document will be legalised unless that particular country abolished the legalisation as regards such documents and or concluded a bilateral agreement with the Republic of Cyprus pursuant to which the said document is not required any form of legalisation.

Incoming

If the aforesaid documents are produced by a European country for the purposes of pursuing an EU citizen a profession that is regulated in the Republic of Cyprus the document is not required to be legalised. However, if the document is to be produced by a European country and is not exempted from legalisation pursuant to an EC Regulation, it will be apostilled.

If the aforesaid document is produced by a country not being member to the Apostille Convention the document shall be legalised unless the Republic of Cyprus and the country of origin have concluded any bilateral agreement pursuant to which legalisation is exempted and or simplified

10. Documents proving the establishment by incorporation of a company

Outgoing

If the document will be used in an EU country, the document will be apostilled pursuant to the Ratification law 50/72 for use in this country unless legalisation is exempted pursuant to an EC Regulation. If the document will be used in a non EU country, not being member to the Apostille Convention the document will be legalised unless that particular country abolished the legalisation as regards such documents and or concluded a bilateral agreement with the Republic of Cyprus pursuant to which the said document is not required any form of legalisation.

Incoming

If the aforesaid document is produced by a European country the document shall be apostilled unless legalisation is exempted due to an EC Regulation.

If the aforesaid document is produced by a country not being member to the 'Apostille'

Convention the document shall be legalised unless the Republic of Cyprus and the country of origin have concluded any bilateral agreement pursuant to which legalisation is exempted and or simplified

11. Documents proving the constitution of a company, including any official translation thereof

Outgoing

If the document will be used in a country being member to the Apostille Convention, the document will be apostilled pursuant to the Ratification law 50/72 for use in this country. If the document will be used in a non EU country, not being member to the Apostille Convention the document will be legalised unless that particular country abolished the legalisation as regards such documents and or concluded a bilateral agreement with the Republic of Cyprus pursuant to which the said document is not required any form of legalisation.

Incoming

If the aforesaid document is produced by a European country the document shall be apostilled unless legalisation is exempted due to an EC Regulation.

If the aforesaid document is produced by a country not being member to the 'Apostille' Convention the document shall be legalised unless the Republic of Cyprus and the country of origin have concluded any bilateral agreement pursuant to which legalisation is exempted and or simplified

12. Documents proving the latest banking accounts of a company

Outgoing

If the document will be used in a country in a European Union country, the document will be certified by certifying officer, then certified by a district officer and then apostilled pursuant to the Ratification law 50/72 for use in this country unless the legalisation of the document is exempted pursuant to an EC Regulation. If the document will be used in a non EU country, not being member to the Apostille Convention the document will be legalised unless that particular country abolished the legalisation as regards such documents and or concluded a bilateral agreement with the Republic of Cyprus pursuant to which the said document is not required any form of legalisation.

Incoming

If the aforesaid document is produced by a European Union country, the document shall be apostilled unless legalisation is exempted due to an EU Regulation.

If the aforesaid document is produced by a country not being member to the Apostille Convention the document shall be legalized unless the Republic of Cyprus and the

country of origin have concluded any bilateral agreement pursuant to which legalisation is exempted and or simplified

13. Documents proving the deposit of cash or certificates of deposit

Outgoing

If the document will be used in a European country, the document will be certified by certifying officer, then certified by a district officer and then apostilled pursuant to the Ratification law 50/72 for use in this country. If the document will be used in a non EU country, not being member to the Apostille Convention the document will be legalised unless that particular country abolished the legalisation as regards such documents and or concluded a bilateral agreement with the Republic of Cyprus pursuant to which the said document is not required any form of legalisation.

Incoming

If the aforesaid document is produced by a European country the document shall be apostilled unless legalisation is exempted due to an EC Regulation.

If the aforesaid document is produced by a country not being member to the 'Apostille' Convention the document shall be legalised unless the Republic of Cyprus and the country of origin have concluded any bilateral agreement pursuant to which legalisation is exempted and or simplified

PART VI – Suggested action

OVERVIEW OF PART VI

VI.1. European

Due to the developments in new technologies a computerized European Register shall be established comprised of the registers of each contracting state. Each competent authority of each contracting state shall have a password for entering into the computerized European Register for the purpose of recording the 'Apostille' documents executed in the contracting state and or examine whether a particular incoming 'Apostille' document is an authenticated one.

Further electronic apostille needs to be adopted. In this issuance of electronic apostille will be allowed since the Convention does not provide the issuance of apostilled for documents existing or recorded electronically.

VI.2. Intergovernmental

The English Language shall be adopted as the universal language for both the apostillation and legalisation of public documents in order to overcome (i) the problems created by those countries

issuing public documents in their mother language which need to be officially translated for use abroad as well as (ii) the problems created by the countries of destination which require the apostille and or legalise documents produced to be officially translated in their national language. The public of authorities of those countries which do not accept English certificates and or do not issue English certificates shall simplify their local procedures in order to be entitled to issue and receive original certificates in English language. In this way if the country where the document will be used is a party to the 'Apostille' Convention as well as the country of origin the English certificate will be apostilled for use in the said country. On the other hand if the country where the document will be used is not a party to the 'Apostille' Convention the public document will be legalised for use in that country. However, if the country of production of the document is member to the 'Apostille Convention' and is going to send the public document in a contracting state to the Apostille Convention then the document will be apostilled. However, if the country of production of the document will use the document in a country not being member to the Apostille Convention the document will be legalised. In this way the problems created with the requirement of translation of apostille and legalised documents will be overcome.

VI.3. National

To adopt the proposal set forth in V1.2.