

Legalization of public documents for use abroad

Public documents issued in Serbia shall be legalized only if this is required by law of the state where the document will be used.

Foreign public documents shall be legalized for use in Serbia only if so required by the law.

Legalization is a formal procedure, as prescribed by law, by which the attention of a foreign official is brought to the fact that a certain written document is a public document of the originating state and that it has been executed, issued or affixed a seal by the relevant authority of the given state.

Legalization is a formality as it does not check and confirm the document's content veracity in the proper procedure.

Through legalization, a foreign public document gets the same *nervus probationis* (power of evidence) of a public document as if it were issued by the authorities of the state where it will be used.

The multilingual extracts from civil status records

According to the Convention on the issue of multilingual extracts from civil status records, the multilingual extracts from civil status records issued in one state party are accepted in other state parties without legalization.

The list of the state parties can be find [HERE](#) .

A. DIPLOMATIC/CONSULAR LEGALIZATION

Authorities of the issuing state and the diplomatic or consular mission of Serbia accredited in the respective country legalize a foreign public document to be used in Serbia.

The competent authorities of Serbia and the diplomatic or consular mission of the respective foreign country accredited in Serbia legalize documents issued in Serbia for their use in a foreign country.

Diplomatic/consular legalization, or simply consular legalization (Note: the term "full legalization" is often used in ordinary speech) is a formality whereby diplomatic or consular representatives of the state where the foreign public document will be used, confirm the authenticity of signature, the capacity in which the document signatory acted and the identity of the seal or stamp on the document.

According to the order of legalization, the competent authorities are: courts of first instance, Ministry of Justice, Ministry of Foreign Affairs and the diplomatic or consular mission of the state where the document will be used.

The president of the court of first instance, or a judge designated by the president of the court,

verifies the signature of the authorized person, his/her capacity in the respective body and the affixed court's seal by setting his/her hand thereunto and affixing the court's seal on the document issued or verified by the authorities seated in the court's jurisdiction.

The Ministry of Justice verifies the signature of the president of the court, or authorized judge and the affixed court's seal by signature of the authorized person and by affixing the seal of the Ministry of Justice.

The Ministry of Foreign Affairs verifies the signature of the authorized person and the seal of the Ministry of Justice by signature of its authorized person and by affixing the seal of the Ministry of Foreign Affairs.

Diplomatic/consular legalization of a public document issued in Serbia is completed when the diplomatic or consular mission of the state in which the document will be used, verifies the signature of the authorized person and the affixed seal of the Ministry of Foreign Affairs of Serbia.

Only then will a public document issued in Serbia acquire the *nervus probationis* (power of evidence) of a public document in the state where it will be used, as if it were issued by the authorities of that state.

When a foreign public document is to be used in the Republic of Serbia, the legal procedure is carried out according to the legislation of the originating state. It acquires the power of evidence of a public document in Serbia through its certification in the diplomatic or consular mission of Serbia.

B. APOSTILLE CERTIFICATE

Apostille is a certificate issued by the State authorities who issued the document

Over time it turned out that, although only being a formality, a complicated procedure of legalization could not keep up with the development of international legal instruments and the exigencies of the present-day world, which resulted in an agreement between a number of countries to sign the Convention Abolishing the Requirement of Legalization for Foreign Public Documents in the Hague on 5 October 1961.

Apostille is the only formality that, under the Convention, may be required so that public documents which have been executed in the territory of one Contracting State may be produced in the territory of all Contracting States, with the power of evidence of public documents of these states.

Apostille shall be issued at the request of any bearer.

Contracting States are free to designate the appropriate authority, in charge of issuing the Apostille.

The Convention determines to which public documents it is applied, and to which it cannot be

applied.

It applies to the documents emanating from an authority or an official connected with the courts or tribunals of the State, including those emanating from a public prosecutor, a clerk of a court or a process-server, administrative documents, notarial acts, official certificates recording the registration of a document and official certificates which are placed on documents signed by persons in their private capacity.

The present Convention shall not apply to documents executed by diplomatic or consular agents and to administrative documents dealing directly with commercial or customs operations. Apostille shall be made according to the regular form, placed on the document itself or on an allonge, may be drawn up in the official language of the authority which issues it but the title "Apostille (Convention de La Haye du 5 octobre 1961)" shall be in the French language, so that the authorities of the Contracting States recognize and accept it.

In Serbia, ordinary (basic) court is authorized for issuing the certificate of Apostille, for public documents drawn up, issued or certified by the authorities having the seat in this court's jurisdiction.

Apostille is signed by the president of the Municipal Court or a judge authorized by him/her and is supplied with the seal of that court.

Contracting States to the Convention

C. WHEN THE LEGALIZATION IS NOT REQUIRED

The legalization of public documents and Apostille is not required:

a) When there is a ratified international agreement on the exemption of certain public documents from any kind of legalization between Serbia and the country where the public document will be produced.

The list of countries with which Serbia has ratified bilateral agreements on reciprocal exemption from legalization of public documents can be found [here](#).

b) When documents issued in Serbia, based on de facto reciprocity, are not subject to legalization for use in some country, as well as documents of that country for use in Serbia,

c) When the state authority before which the public document issued in Serbia will be used, does not require legalization;

d) When legalization is not possible due to the nature, character, or type of public documents (travel documents, identity cards, etc.), and when public documents relate to commercial, foreign trade or customs operations, i.e. accompanying the exported or imported goods, and are issued or verified by the competent Chamber of Commerce or customs authorities (customs declarations, invoices, certificates of customs supervision, origin, direct shipment, the end-user, etc.).

D. CASES WHEN CERTIFIED TRANSLATION IS NEEDED

In order that a public document may be produced in another country using a language different from the language in which the document was executed, it is necessary to translate the document to the language of the country where it will be used. The document can be translated in the issuing state or in the country where it will be used. Translated document is a supplementary document and is valid only if affixed to the original document.

If the translation is done in the country where the document was issued, it should be legalized in the same manner as the original document.

Signature of the authorized person and imprint of a seal or stamp of the issuing authority is verified on the original document. On the translated document, the signature of certified translator and imprint of his/her seal, if any, are verified.

By legalizing translation, foreign authorities are informed that the translator of a given state is officially authorized by the law of that state to translate to a specific language (certified court interpreter, authorized agency, bureau for translation, etc.).