NOTARIES – AFFIXING OF APOSTILLES – REGULATORY FRAMEWORK



NEWS,
LATEST,
CURRENT TOPICS

"AN APOSTILLE IS THE FORMALITY BY WHICH A COMPETENT AUTHORITY OF THE PORTUGUESE STATE CERTIFIES THE AUTHENTICITY OF THE SIGNATURE, THE CAPACITY IN WHICH THE SIGNATORY OF THE PUBLIC DOCUMENT HAS ACTED AND, WHERE APPLICABLE, THE AUTHENTICITY OF THE SEAL OR STAMP APPEARING ON THE DOCUMENT."

WRITTEN BY



MÁRCIA FARIAS
Associate

DANIELA MARCOS
Trainee

Following the publication of Ministerial Order No. 452/2026/1 of 12 October 2026, the procedure for legalizing documents through the affixing of apostilles by notaries has been regulated, marking a significant change in the legalization of documents intended for international use.

"An apostille is the formality by which a competent authority of the Portuguese State certifies the authenticity of the signature, the capacity in which the signatory of the public document has acted and, where applicable, the authenticity of the seal or stamp appearing on the document." Ministerial Order No. 452/2026/1 of 12 October 2026.

Established under the Hague Convention of 5 October 1961, the apostille system simplifies the cross-border circulation of public documents by enabling their mutual recognition between Contracting States, without the need for lengthy and costly diplomatic formalities.

Overcoming Cross-Border Bureaucratic Barriers

The current system for issuing apostilles in Portugal is based on the centralization of applications within the Office of the Prosecutor General and the Regional Offices of Prosecutor General. However, despite the use of digital tools and the prior registration of entities, the system still faces certain limitations, particularly in terms of processing times, difficulties in securing appointments and the limited number of daily appointment slots.

These limitations directly affect the ability to meet the needs of individuals and the demands of international trade. Timely processing therefore becomes essential.

In response to this pressing need for greater efficiency, Ministerial Order No. 452/2026/1 of 12 October 2026, which will enter into force on 1 January 2027, introduced a decentralized system for the provision of this service.

Accordingly, the notarial network and the digital portal will work together to provide access to apostille services, both in person and online, as from 2027.

Under this new framework, accessibility and convenience are significantly enhanced, as applications may be submitted in person at any notarial office in the country or electronically through the portal of the Portuguese Notaries Association, which will be responsible for the integrated processing of the entire procedure.



The security of the system is ensured through a QR code and an alphanumeric code, which are immediately provided to the applicant to enable instant online verification of the apostille's authenticity. However, documents originating from judicial authorities or the Public Prosecutor's Office are excluded from the notarial procedure and will continue to follow the existing procedures.

As regards fees, an important change should be highlighted. Unlike the fixed fee currently charged by the Office of the Prosecutor General, which stands at €10.20, the new regime allows each notary to freely determine the fee, which is expected to exceed the traditional public fee, reflecting the nature of a private service provided in a competitive market. This increase in cost is, in turn, offset by the greater convenience, flexibility in service provision and faster processing available to applicants.

Digital Trust: Protected Data, Monitored Access and Professional Confidentiality

The Portuguese Notaries Association is also responsible for ensuring the lawful processing of personal data, which is used exclusively for the electronic preparation and issuance of apostilles, as well as for maintaining the centralized electronic register.

" (...) MINISTERIAL ORDER NO. 452/2026/1 (...) PROVIDES FOR THE DECENTRALISATION OF THE SERVICE THROUGH NOTARIES, ENABLING THE SWIFT OR SAME-DAY ISSUE OF THE APOSTILLE, WHETHER IN HARD COPY OR ELECTRONIC FORM (...)"

This register includes information contained in the apostilled document, the identification of the applicant and their representative, the information required to verify the authenticity of the signatory and the authenticity of the seal or stamp appearing on the document to be apostilled.

In addition to ensuring data subjects rights to information, access and rectification, the Portuguese Notaries Association must ensure that all access to and disclosure of information is lawful. The electronic platform must incorporate security measures designed to prevent the unauthorized consultation, modification, deletion, addition or disclosure of data. Accordingly, anyone who becomes aware of the data contained in the electronic platform while performing their duties is bound by a professional duty of confidentiality.

Furthermore, all access to the system is subject to an individual electronic log recording the date, time, user and operations performed. This log must be retained for a period of two years for the purposes of auditing and regular monitoring by the Portuguese Notaries Association.

In summary, transferring the issuance of apostilles to the notarial sector represents a milestone in the modernization of the international circulation of bureaucracy in Portugal. This apostille issuance model was already in place in certain States party to the Hague Convention and now been introduced in Portugal.

More than simply decentralizing the service geographically through a network of over 450 notarial offices and a single digital portal, this reform seeks to address the demands of international mobility and trade through a faster, more secure system adapted to the mobility requirements of the 21st century.