AT PROFESSIONAL TRANSLATIONS

Quick guide to translations

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Translation and interpreting services



Translations with legal validity

In recent years, **certified and sworn translations** have taken on an increasingly important role following the boom in international trade and the rise in migration flows. As a result, demand for this type of service has grown sharply.

These are certification procedures carried out by a translator entered in the **register of court-appointed experts (CTU) of the Court**, and they are essential for the translation to be valid in the country where it is to be used: the translated document takes on the same value as the original document and is given legal value.

The procedures for certification, sworn translation and legalisation vary depending on the document in question, and it is the **client's responsibility** to find out the specific requirements from the requesting authorities. Clients always have many questions about these procedures. Let's try to understand the difference between the terms used.

What is the difference between a **certified** (or **authenticated**) translation, a **sworn** (or **asseverated**) translation, an **apostille** and **legalisation**?

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What is a certified translation?

A **certified** or **authenticated translation** is often confused with a sworn translation, but the two are completely different types of translation. A certified translation simply attests to the **fidelity of the translation to the original text**. It is issued by a translator entered in the register of court-appointed experts (CTU) of the Court, or by associations of interpreters and translators.
Some countries do not require a sworn translation (*asseverata*) to give a document legal and official value; a *certified translation* is sufficient.

What is a sworn translation?

Asseverazione, or **sworn translation**, is a public act performed by a translator entered in the register of **CTU of the Court** who takes an oath at the Court's office for sworn translations and expert reports. By signing a specific oath record (*verbale di asseverazione*), the translator certifies that the translated text corresponds to the original text and **assumes civil and criminal liability for the translation** (reference legislation: Art. 5 Royal Decree no. 1366 of 9 October 1922). Through this procedure, the translated document takes on the same value as the original document.

Documents that are generally sworn include:

- academic qualifications
- driving licences for non-EU citizens
- vehicle registration documents
- marriage, divorce or birth certificates
- documents for citizenship applications

In Italy, a translation can be sworn at the Court, before the Justice of the Peace, or by a Notary.

IMPORTANT: it is NOT permitted to swear translations between foreign languages (i.e. from one foreign language into another). The only official language of the Italian Republic is Italian, so in a sworn translation at least one of the three texts that make up the bundle to be sworn must be in Italian.

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What is legalisation or apostille?

If the sworn translation is to be sent abroad, the signature of the official on the oath record must be **legalised** at the Public Prosecutor's Office (Procura della Repubblica).

Legalisation serves to certify the provenance of documents and the capacity of the person who signed them, and officially attests to the legal status of the Public Official who signed the document. However, numerous international conventions simplify the legalisation procedure.

One example is the states party to the Hague Convention of 5 October 1961, which adopt the apostille in place of legalisation. Just like legalisation, the apostille consists of a special stamp certifying the authenticity of the document and the legal capacity of the issuing authority.

When is legalisation or apostille required?

The original document must always bear legalisation or an apostille, depending on the state in which it is to be used.
If the document is to be used abroad, once translated and sworn, legalisation or an apostille (depending on the state to which the document is to be submitted) must also be affixed to the translation.
The Hague Convention applies to documents issued by an authority or official subject to the jurisdiction of the State, administrative documents, notarial acts and official statements. Documents issued by consulates and documents relating to customs or commercial operations are exempt.

A legalised document bearing an Apostille can be accepted immediately in the territory of all the States party to the Convention, without the need for further legalisation.

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In summary...

Procedure for documents originating abroad to be used in Italy:

- Original foreign document with legalisation or apostille
- Sworn translation
- (Legalisation or apostille on the translation is NOT required)

Procedure for documents issued in Italy to be used abroad:

- Original Italian document with legalisation or apostille
- Sworn translation
- Legalisation or apostille on the translation. A double apostille is required!

NOTE: The cost of the sworn translation also includes the €16.00 revenue stamps to be affixed to the translation for every 4 pages (every 100 lines) and one €16.00 revenue stamp on the oath record.
Under Italian law, there are various cases of exemption from stamp duty, depending on the **intended use** of the sworn translation. Some examples:

- separation and divorce
- adoption
- employment and social security
- civil cases where the unified court fee (contributo unificato) has been paid
- ONLUS (non-profit organisations)
- employment

If exempt from stamp duty, the details of the law providing for the exemption must be stated at the beginning of the document or on the oath record. Annex B) of Presidential Decree (D.P.R.) 642/1972 can be consulted at this link for the laws providing for exemption from stamp duty.

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Are you ready to...

...get in touch with me?!

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