

# Questionnaire

<b>Name of State or territorial unit:</b> <sup>[1]</sup>	Germany
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For the purpose of the 13 to 15 February 2023 meeting of the EG, delegates / experts are invited to report on consideration given to and / or implementation of the following arrangements in their jurisdiction:

a. Developments in general regarding the international transfer of maintenance funds:

The German Reserve Bank (Deutsche Bundesbank) no longer processes checks since 1 January 2023. However, the German CA has made a temporary arrangement with a commercial bank in Germany to process checks between 15 December 2022 and 20 March 2023 in order to prevent any disruption in current payment processing. After 20 March 2023 the German CA will no longer accept child support payments by check and all payments must be made electronically.

As the participation of the German CA as test partner in the OCSE's CAP service is concerned, please find more information in the DCL of OCSE under: <https://www.acf.hhs.gov/css/policy-guidance/german-federal-office-justice-not-accepting-checks-after-march-20-2023>

b. Elimination of the use of cheques (see Report and C&R 2022 No 1)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Has already been implemented. Please explain:

The German CA cannot accept checks from 21 March 2023 on and has asked the US States to make either wire payments directly to the German CA or to use OCSE CAP Service (cf.

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<sup>[1]</sup> In this Questionnaire, references to the term "State", where relevant, are to be considered as also applicable to a territorial unit.

<https://www.acf.hhs.gov/css/policy-guidance/german-federal-office-justice-not-accepting-checks-after-march-20-2023>). Prior to enrollment in OCSE's CAP service, US States have to reconcile their caseloads with the German CA.

Mid-January, the German CA received the first weekly electronic bundled payment via SWIFT transaction which included child support payments from the first two US test States.

There are a number of US States and the Canadian province Ontario that continue to send checks. With all other countries, all other Canadian provinces and territories and several US States Germany uses exclusively electronic payment systems.

- c. Solutions with regard to increased transparency and cost reduction of transfers and currency conversion (see Report and C&R 2022 Nos 2 and 10)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

The German Central Authority is mainly involved in international transfer of maintenance funds from the US:

As the OCSE CAP service is concerned, we are not aware of any deductions.

Regarding other electronic payments from the US States to the German CA, apparently no major costs (around 1 %) arise as far as the German CA can compare the sent and the received amounts. Currently, the exchange rate used for the currency conversion of the amount transferred is not transmitted to the German CA. This is only possible for the Federal Treasury ("Bundeskasse", the holder of the bank account of the German CA). It could not be clarified so far whether it can also be given the opportunity to see the exchange rate used for currency conversion.

Has already been implemented. Please explain:

Please insert text here

- d. Solutions where creditors would not bear the costs related to the transfer of funds (see Report and C&R 2022 Nos 2 and 11)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

The German CA has an arrangement with the German Reserve Bank respectively the Federal Treasury to cover own transfer fees. At present, the German CA is not aware of any fees being charged in Germany if payments are forwarded to the recipients via the German CA (SEPA).

- e. Requested Central Authority arrangements with their bank to cover transfer fees or other arrangements to that effect (see Report and C&R 2022 No 3)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

aa. Transfer fees of the German CA (see question f.)

The German CA has an arrangement with the German Reserve Bank respectively the Federal Treasury to cover own transfer fees.

bb. Transfer fees of third parties

At present, the German CA is not aware of any fees being charged in Germany if payments are forwarded to the recipients via the German CA (SEPA). The German Reserve Bank does not charge own fees to the German CA for transfers.

It is not certain whether extra fees are charged in the case of payments made directly to the creditor living in Germany (this may differ depending on the country the payment was sent from and/or the banks involved).

- f. Requesting Central Authority providing confirmation to the requested Central Authority that the amounts received are the same as the amounts sent and, where applicable, information on the reasons for any difference (see Report and C&R 2022 No 3)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

In cases where debtors make electronic payments to the bank account of the German CA (held by the Federal Treasury/Bundeskasse) and the German CA forwards the payments to the recipients abroad, the recipients are informed in writing (by letter or email) of the first payment being made. In most cases, the recipients are asked to confirm receipt of the first payment by letter or email upon the transfer being made. Where recurring payments are in place, the caseworkers of the German CA request confirmation of payments by letter or email from the recipients every few months to ensure that these are in fact being received. Furthermore, the recipients and the other CA are informed that the relevant date for the currency conversion is the day the German CA receives the payment from the debtor. Discrepancies are clarified with the other Central Authority and the recipient.

- g. Establishment of a centralised point (*e.g.*, bank account, central bank) for international transfers dedicated to both incoming and outgoing transfer of funds (see Report and C&R 2022 Nos 4 and 5)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Regarding electronic payments: Most of the payments to creditors in Germany are made by electronic transfer. The majority of those electronic payments go straight to the creditor. A much smaller number of payments is made to the German CA which then forwards the payment to the creditor.

Where electronic payments are made by the debtor to the German CA, the Federal Treasury, holding the CA's banking account provides an electronic payment receipt. The electronically provided payment receipt is necessary for automatic processing of the payment.

Regarding checks: The German Reserve Bank (Deutsche Bundesbank) no longer processes checks since 1 January 2023.

- h. Use of the possibilities afforded by the *Universal Postal Union Postal Payment Services Agreement* of 6 October 2016 (see Report and C&R 2022 No 4)

Not being considered. Please explain:

Due to full deregulation of the German Postal market, Germany has not signed the PPSA 2016. As the "Deutsche Post AG" – the German designated operator under the UPU – does not offer financial banking services anymore. There are no plans to sign the agreement in the future neither.

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

- i. Provision of payment transfer services to any debtors transferring payments within the scope of the HCCH 2007 Child Support Convention (see Report and C&R 2022 No 5)

Not being considered. Please explain:

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

As mentioned above (question g.), in cases in which the German CA receives applications under the HCCH 2007 Child Support Convention, the German CA provides the opportunity for any debtor to make electronic payments to the bank account of the German CA (Federal Treasury/Bundeskasse). The German CA forwards these payments to the creditors abroad.

- j. Implementation of payment transfer monitoring systems (see Report and C&R 2022 No 6)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

As far as the payments are processed via the German CA, the monitoring of the payments is possible. That concerns many incoming cases (e.g. outgoing payments), because the debtor is asked to send his payments to the bank account of the German CA (Bundeskasse/Federal Treasury).

Especially in outgoing cases mainly with EU member states (i.e. incoming payments) the payments cannot be monitored as the debtors / other Central Authorities / bailiffs regularly pay directly (via SEPA) to the creditors in Germany.

- k. Implementation of unique case references, known to both the requesting and requested State, attached to each transfer of funds (see Report and C&R 2022 No 7)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Allocation and automatic procession of electronic payments is already possible if the payment reference number ("Kassenzeichen") is attached to the payment and remains unchanged throughout the transfer.

In incoming cases (i.e. outgoing payments) it seems possible to exchange our case reference number for the iSupport ID. The iSupport ID should be compatible with banking reference conventions (e.g. no special characters).

- l. Implementation of currency conversion of payments done by the relevant authority in the requested State at the time of transfer (see Report and C&R 2022 No 8)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Where debtors make electronic payments via the German CA (Federal Treasury/Bundeskasse), the full payments are forwarded to the recipients. The relevant date for the currency conversion is the day the German CA receives the payment from the debtor.

m. Provision of information about international banking to creditors and debtors (see Report and C&R 2022 No 12)

Not being considered. Please explain:

Is being considered. Please explain:

If needed, the German CA gives advice on international banking options.

Has already been implemented. Please explain:

n. Implementation of a legal framework enabling the Central Authority to handle the transfer of funds - or at least major parts of the process – in as automated a manner as possible (see Report and C&R 2022 No 13)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

iSupport could be a solution in the future.

Has already been implemented. Please explain:

Please insert text here

o. Implementation of an arrangement with banks that are transparent in relation to their fees and / or are part of the SWIFT Global Payment Initiative (GPI) (see Report and C&R 2022 No 14)

Not being considered. Please explain:

The German Reserve Bank (Deutsche Bundesbank) does not charge fees. Pursuant to the German Reserve Bank, it is not part of the SWIFT Global Payment Initiative (GPI).

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

p. Would you consider contributing to iSupport ITMF in terms of expertise and experience?

Yes

The German CA would like to contribute to iSupport ITMF in terms of expertise and experience.

No

Please insert text here

- q. Any other developments including bilateral solutions put in place between States and ongoing trials between States:

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Mid-January 2023, the German CA received the first weekly electronic bundled payment via SWIFT-transaction which included child support payments from the first two US test states.

Thank you!