

Title	Questionnaire in preparation of the Experts' Group meeting of 8 to 11 February 2021 on international transfers of maintenance funds
Document	Prel. Doc. No 11 of October 2020
Author	PB
Agenda Item	TBD
Mandate(s)	C&D No 25 of CGAP 2020
Objective	To prepare for the Experts' Group meeting of February 2021 by collecting information on current arrangements regarding international transfers of maintenance funds. Replies to the Questionnaire should be sent to the PB by e-mail to < secretariat@hcch.net > no later than 15 January 2021
Action to be Taken	For Action <input checked="" type="checkbox"/> For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input type="checkbox"/>
Annexes	N/A
Related Documents	Prel. Doc. 11 of November 2019 - Report of the Experts' Group on international transfers of maintenance funds

Questionnaire in preparation of the Experts' Group meeting of 8 to 11 February 2021 on international transfers of maintenance funds

- 1 At its 3 to 6 March 2020 meeting, the Council on General Affairs and Policy (CGAP) of the HCCH concluded and decided as follows regarding the work of the Experts' Group (EG) on international transfers of maintenance funds:

“25. CGAP mandated the Experts' Group on international transfer of maintenance funds to continue its work and invited the PB to make arrangements for a further meeting of the Experts' Group by videoconference. The findings of the Expert's Group will inform the work of the SC.”

- 2 In preparation of the 8 to 11 February 2021 videoconference meeting of the EG, to take place in the afternoon Central European Time, delegates / experts are invited to review the “Report of the Experts' Group on international transfers of maintenance funds”¹ which includes the Conclusions and Recommendations of the first meeting of the EG in September 2019 (C&R EG) that reflect existing good practices found in a number of States. Delegates / experts are also invited to complete the following Questionnaire.
- 3 Membership of the EG is open to all Members of the HCCH regardless of whether they are Contracting Parties to the HCCH 2007 Child Support Convention or not. To ensure the widest possible representation, any contributions or proposals from Members which have not yet participated in the work of the EG are welcome.

Instructions for completion of the Questionnaire

- 4 The Questionnaire is being sent to Central Authorities as well as National and Contact Organs. Central Authorities are asked to co-ordinate as appropriate between themselves and other competent authorities. For Contracting Parties to the Convention, Central Authorities are ultimately responsible for submitting the completed Questionnaire to the Permanent Bureau (PB).
- 5 In order to allow the PB to extract parts of the Questionnaire for a compilation and analysis of the responses, you are kindly requested to use **this Word version** of the document, and **not return a PDF version** of the completed Questionnaire.
- 6 We kindly request that replies to the Questionnaire be sent to the PB by e-mail to < secretariat@hcch.net > **no later than 15 January 2021** with the following subject matter captioned in the heading of the e-mail: “[name of State] Response to transfer of maintenance funds Questionnaire – 2021 Special Commission”. Any questions concerning the Questionnaire may be directed to < secretariat@hcch.net >.
- 7 The PB intends, except where expressly asked not to do so, to place all responses to the Questionnaire on the HCCH website (< www.hcch.net >). Please therefore clearly identify any responses which you do not want to be placed on the website.
- 8 The findings of the EG will inform the work of the Special Commission (SC) tentatively scheduled to take place during the week of 7 to 11 June 2021. The dates of the SC will be discussed and decided at the CGAP 2021 meeting, which is scheduled to take place during the week of 1 to 5 March 2021. Thank you for your kind co-operation as the PB prepares for the meeting of the SC in 2021.

¹ CGAP Prel. Doc. No 11 of November 2019 “Report of the Experts' Group on international transfers of maintenance funds” is available at: < <https://assets.hcch.net/docs/4def3f24-fde9-487a-9396-531105e196d5.pdf> >.

Questionnaire

Name of State or territorial unit:^[1]	Bulgaria
<i>For follow-up purposes</i>	
Name of contact person:	Kalina Kaludina
Name of Authority / Office:	Ministry of justice, "International Legal Child Protection and Intercountry Adoptions" Directorate
Telephone number:	+359 2 9237469
E-mail address:	K_Kaludina@justice.government.bg

9 For the purpose of the 8 to 11 February 2021 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

According to the Bulgarian legislation, the jurisdiction of the Ministry of Justice as a Central Authority under the Convention does not include the implementation of actions on transfer of maintenance funds. When Bulgaria is the requested State, the competent authority for enforcement is the State Bailiff and all amounts accruing under the enforcement case should be firstly credited to the account of the District Court where the State Bailiff is assigned and subsequently the amounts due should be paid on the creditor's account. When Bulgaria is the requesting State, the maintenance payments should be sent directly to the creditor, taking into consideration the procedure in the requested State.

b. Elimination of the use of cheques (see C&R EG No 1)

Not being considered. Please explain:

There are provisions in force regarding cheques in the Commerce Act of the Republic of Bulgaria. Nevertheless payments by cheque are not applicable in practice on the maintenance cases received by the Bulgarian Central Authority. In this cases the maintenance funds should be transferred into the bank account of the District court where the State Bailiff is assigned.

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

^[1] The term "State" in this Questionnaire includes a territorial unit, where relevant.

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

Not being considered. Please explain:

The fees for services on a payment accounts and currency conversion depends on the terms of the Banks sending and receiving the payments.

Is being considered. Please explain:

Please insert text here

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 C&R EG No 2)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

According to art. 79 of the Code of Civil Procedure the costs of enforcement shall be borne by the debtor.

- e. Solutions where the institution(s) facilitating the transfer of funds could cover the costs of such transfers by withholding the amounts for a few days (see C&R EG No 2)

Not being considered. Please explain:

In practice in certain enforcement cases the State Bailiff awaits a higher amount to be collected on the bank account of the District court before sending it to the account of the creditor in order to reduce costs of transfers.

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

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

Not being considered. Please explain:

According to art. 79 of the Code of Civil Procedure the costs of enforcement shall be borne by the debtor.

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

g. 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 C&R EG 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 our practice on the outgoing cases we exchange information with the creditors and the requested Central Authorities about the amount of the payments and the reasons if there is any difference. On the incoming cases we exchange this information with the appointed lawyers of the creditors and the requesting Central Authorities.

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

Not being considered. Please explain:

On the incoming cases the maintenance funds should be transferred into the bank account of the District court where the State Bailiff is assigned - there are 28 District Courts in Bulgaria. On the outgoing cases the maintenance payments should be sent directly to the creditor, taking into consideration the procedure in the requested State.

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 C&R EG No 5)

Not being considered. Please explain:

There is a general provision in art. 455 of the Code of Civil Procedure according to which all amounts accruing under the enforcement case from the debtor shall be credited to the account of the Bailiff (i.e. the account of the District Court where the State Bailiff is assigned).

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

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

Not being considered. Please explain:

The jurisdiction of the Bulgarian Central Authority does not include the implementation of actions on transfer of maintenance funds, respectively - of payment transfer monitoring systems.

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

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

Not being considered. Please explain:

Usually the enforcement case reference number is attached to the transfer of funds from the account of the District court to the account of the creditor. An additional reference could be attached, if required by the requested State.

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

- l. Implementation of currency conversion of payments done by the relevant authority in the requested State at the time of transfer (see C&R EG 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:

The currency conversion of payments should be done by the Bank sending the payments (the Bank to the District court in Bulgaria) and the Bank receiving the payments at the time of transfer.

- m. Implementation of bundled payments to reduce costs of transfers (see C&R EG No 11)

Not being considered. Please explain: [

In practice in certain enforcement cases the State Bailiff awaits a higher amount to be collected on the bank account of the District court before sending it to the account of the creditor in order to reduce costs of transfers.

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

- n. Any other developments:

Please insert text here

Thank you!