

<b>Title</b>	Questionnaire in preparation of the Experts' Group meeting of 8 to 11 February 2021 on international transfers of maintenance funds
<b>Document</b>	Prel. Doc. No 11 of October 2020
<b>Author</b>	PB
<b>Agenda Item</b>	TBD
<b>Mandate(s)</b>	C&D No 25 of CGAP 2020
<b>Objective</b>	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 < <a href="mailto:secretariat@hcch.net">secretariat@hcch.net</a> > <b>no later than 15 January 2021</b>
<b>Action to be Taken</b>	For Action <input checked="" type="checkbox"/> For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input type="checkbox"/>
<b>Annexes</b>	N/A
<b>Related Documents</b>	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”<sup>1</sup> 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](mailto: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](mailto: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](http://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.

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<sup>1</sup> 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

<b>Name of State or territorial unit:<sup>[1]</sup></b>	Portugal
<i>For follow-up purposes</i>	
Name of contact person:	Paulo Gonçalves
Name of Authority / Office:	Direção-Geral da Administração da Justiça / Divisão de Cooperação Judiciária Internacional (Central Authority)
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- 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
- In Portugal the rule is that maintenance is paid directly between debtor and creditor. Sometimes when maintenance is enforced by courts and these amounts are paid into the court's bank account, they are then transferred to the creditor
- b. Elimination of the use of cheques (see C&R EG No 1)
- 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 most situations bank transfer is used. However, there are some situations of payments abroad where a cheque still needs to be issued.
- 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:  
Please insert text here
- Is being considered. Please explain:

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

We are trying to organise meetings with government entities in the financial area to see how best to act.

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:

As a rule, the debtor will bear the costs of the payments. However, when payments are made between central authorities, it is not always possible to avoid costs for creditors.

We already have the situation that when we received US cheques we assume the costs associated with the bank discount of these cheques, transferring the full amount to the creditor.

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:

Please insert text here

Is being considered. Please explain:

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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:

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

In some way, the procedure we have with cheques from the US is in line with the recommendations.

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:

It will depend on future decisions and the system that will be adopted.

Has already been implemented. Please explain:

Please insert text here

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:

Please insert text here

Is being considered. Please explain:

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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:

Please insert text here

Is being considered. Please explain:

We are trying to organise meetings with government entities in the financial area to see how best to act.

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:

[Please insert text here](#)

Is being considered. Please explain:

We are trying to organise meetings with government entities in the financial area to see how best to act.

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:

[Please insert text here](#)

Is being considered. Please explain:

[Please insert text here](#)

Has already been implemented. Please explain:

Either our internal case management system or iSupport is possible to provide a unique reference number

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 exchange rate used is the rate on the day of the transfer, with reference to the Central Bank.

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

Not being considered. Please explain: [

Please insert text here

Is being considered. Please explain:

We are trying to organise meetings with government entities in the financial area to see how best to act.

Has already been implemented. Please explain:

Please insert text here

n. Any other developments:

Please insert text here

Thank you!