Title	2007 Child Support Convention and Maintenance Protocol: iSupport
Document	Prel. Doc. No 11B of January 2024
Author	PB
Agenda Item	Item III.1.f
Mandate(s)	C&D No 36 of CGAP 2023
Objective	Report on recent developments in relation to iSupport
Action to be Taken	For Decision ☐ For Approval ☐ For Discussion ☐ For Action / Completion ☐ For Information ☒
Annexes	N/A
Related Documents	N/A

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2007 Child Support Convention and Maintenance Protocol: iSupport

I.   Background

1   iSupport, coordinated by the Permanent Bureau (PB) and directed by a Governing Body of participating States, is an electronic case management and secure communication system for the cross-border recovery of maintenance obligations. It is funded by voluntary contributions from the European Union (EU), HCCH Member States and partner organisations.

2   e-CODEX is the secure communication technology used by iSupport. It has been developed by EU Member States and partner organisations and funded by the EU. Data transmitted through e-CODEX are protected against the risk of loss, theft, or any unauthorised alterations. e-CODEX provides evidence relating to the handling of the transmitted data, including proof of sending and receiving the data.

3   Both iSupport and e-CODEX are decentralised systems. They are installed and operated locally, by each participating State. Data are exchanged from State to State and do not transit through a centralised point.

4   The use of iSupport and e-CODEX is intended to replace existing paper processes and provide productivity gains in the international recovery of child support, in order "to take advantage of advances in technologies and to create a flexible system which can continue to evolve as needs change and further advances in technology create new opportunities".[1]

II.   State of Play

5   Members will recall developments in relation to e-CODEX. At the end of 2022, the installation documentation was reviewed, in addition to a few technical changes. By February 2023 tests on the PB's test environment ("sandbox") were successful. Germany was able to establish communication between its test environment and the sandbox in June 2023. This was followed by successful tests between Sweden and the sandbox in November 2023. November and December 2023 were marked by efforts between Sweden and Germany, which culminated on 9 January 2024, with the sending of the first production messages (official requests for specific measures under *Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations* (EU 2009 Maintenance Regulation)).

6   In December 2023, a new version of the iSupport software was released. It includes audit logging capabilities to export iSupport audit details and thus make it easier for users to meet their data protection requirements. The new version also relies on a more recent version of the Java software (Java 17), thereby reducing potential vulnerabilities.

7   The EU-funded iSupport ITMF (International Transfer of Maintenance Funds) project continued, in partnership with Austria and the European Union Bailiffs' Foundation (EUBF). At the time of writing, a first series of requirements had been finalised and handed over to the contractor (Protech Solutions) for an evaluation of their feasibility. Requirements include the production of an output file with payment instructions and the generation of an overview of payments that could in turn be integrated into iSupport as used by the requesting State.

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[1]   Preamble, HCCH *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.*

8   Members will also recall the complexity of the e-CODEX set-up that has made installation and testing difficult. At present, exchanged files are loaded onto a file system before going through a series of four e-CODEX components prior to being sent. This entails saving files locally, which means they must be encrypted to respect requirements adopted by participants and involves an exchange of iSupport partner keys. In 2024, this will be simplified through the integration of e-CODEX components with iSupport, dispensing with the file system (and therefore with these particular encryption requirements, as the files will no longer be saved locally – data remain encrypted in the database and during transit) and going from four to three e-CODEX components. It is planned for these developments to be completed in March 2024, with a view to facilitating installation and operation by further States, including the Czech Republic, France, Portugal and Spain. As inquiries are regularly received, a number of other HCCH Member States could follow, subject to available resources.

9   In this respect, further funding was granted by the EU and supported by voluntary contributions from Germany, the Netherlands, Portugal, Switzerland and EUBF. The project will commence in September 2024 and end in August 2026. The aim of the project is to encourage as many States as possible to use iSupport and actively support them to this end. This will be pursued through work on the ease of installation and operation of technical components, including the iSupport application and e-CODEX. In parallel, the project aims to increase the user friendliness of iSupport. Both streams of work will be complemented by the creation of a community of users (and other stakeholders in the recovery of international child support). This funding will in particular make it possible to continue offering technical support to iSupport participants installing e-CODEX through the consultants that have already proved instrumental in 2023 (subject to the availability of the individuals concerned).

III.   Handover of e-CODEX to eu-LISA

10   In accordance with Article 10(4) of *Regulation (EU) 2022/850 of the European Parliament and of the Council of 30 May 2022 on a computerised system for the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters (e-CODEX system), and amending Regulation (EU) 2018/1726* (EU 2022 e-CODEX Regulation), a joint request to the European Commission to declare the successful completion of the handover and takeover process of the e-CODEX system was sent by the entity managing e-CODEX and eu-LISA on 8 December 2023.

11   The EU 2022 e-CODEX Regulation provides for the establishment of an e-CODEX Advisory Group, which "shall involve relevant stakeholders and experts in its work, including members of the judiciary, legal practitioners and professional organisations, which are affected by, use, or participate in the e-CODEX system" (Art. 12(5)). The PB was invited to a meeting of the e-CODEX Advisory Group in September 2023.

12   Members will also recall the specific provisions in Article 17 of the EU 2022 e-CODEX Regulation in relation to cooperation with international organisations. The PB has initiated work in this regard.

IV.   EU Regulation on the digitalisation of judicial cooperation

13   The EU adopted *Regulation (EU) 2023/2844 of the European Parliament and of the Council of 13 December 2023 on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation* (EU Digitalisation Regulation).[2] Recital 4 explains the purpose of the Regulation:

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[2]   Denmark is not bound by the Regulation.

> "This Regulation seeks to improve the efficiency and effectiveness of judicial procedures and to facilitate access to justice by digitalising the existing communication channels, which should lead to cost and time savings, a reduction of the administrative burden, and improved resilience in force majeure circumstances for all authorities involved in cross-border judicial cooperation. The use of digital channels of communication between competent authorities should lead to reduced delays in the processing of cases, in the short term as well as in the long term. That should benefit individuals, legal entities and Member States' competent authorities, and strengthen confidence in justice systems."

14   The Regulation provides for communications between competent authorities[3] for a range of legal acts (including the EU 2009 Maintenance Regulation) to be conducted digitally by default.[4] The access points of the decentralised IT system provided for by the Regulation should be based on e-CODEX (Recital 20).

15   Recital 21 sets out the technical means that can be used by EU Member States for the implementation of the Regulation:

> "For the purposes of this Regulation, Member States could use a software developed by the Commission (reference implementation software) instead of a national IT system. This reference implementation software should be based on a modular setup, meaning that the software is packaged and delivered separately from the e-CODEX components needed to connect it to the decentralised IT system. This setup should enable Member States to reuse or enhance their existing national judicial communication infrastructures for the purpose of crossborder use. For matters relating to maintenance obligations, Member States could also use a software developed by the Hague Conference on Private International Law (iSupport)."

16   The Regulation also provides for the establishment of a European electronic access point that may be used for electronic communication between natural or legal persons or their representatives and competent authorities in the following instances:

- procedures related to the issuance, rectification and withdrawal of extracts provided for in the EU 2009 Maintenance Regulation;
- communication between natural or legal persons or their representatives with the Central Authorities under the EU 2009 Maintenance Regulation.

17   For the EU 2009 Maintenance Regulation, the Regulation provides for implementing acts defining the decentralised IT system to be adopted by 17 January 2029. This means that communications between Central Authorities under the EU 2009 Maintenance Regulation will have to be fully digital by January 2031, after a two-year transition period, as provided for by Article 26(3) of the Regulation.

V.   Proposal to CGAP

18   Based on the above report, the PB proposes the following Conclusion & Decision:

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[3]   Defined in Art. 2 as "court, public prosecutor's office, central authority and other competent authorities defined in, designated or which are the subject of notification" in accordance with the legal acts listed in the Regulation.

[4]   Other instruments include *Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction*. Both *Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters* (service of documents) (recast) and *Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters* (taking of evidence) (recast) include similar provisions in respect of digitalisation.

- CGAP noted the official exchange of data using iSupport between Germany and Sweden and their continued use of iSupport. CGAP also noted the continued efforts towards improving the ease of installation and user-friendliness of iSupport. CGAP encouraged Members to learn from the experience of Germany and Sweden with a view to assessing the possibility of implementing iSupport in their respective States.