

Title	Compilation of responses received to the August 2019 Questionnaire on the 2007 Maintenance Obligations Protocol
Document	Prel. Doc. No 5 of June 2020 – available in English only with responses showing in the language they were received
Author	PB
Agenda item	TBD
Mandate(s)	C&R No 28 of the 2019 CGAP; C&D Nos 22-24 of the 2020 CGAP
Objective	To share responses received until 11 June 2020 from Members of the HCCH to Prel. Doc. No 2 of August 2019
Action to be taken	For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input checked="" type="checkbox"/>
Annexes	N.A.
Related documents	Prel. Doc. No 2 of August 2019 – Questionnaire on the practical operation of the <i>Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations</i>

**COMPILATION OF RESPONSES TO QUESTIONNAIRE CONCERNING THE PRACTICAL OPERATION OF THE
PROTOCOL OF 23 NOVEMBER 2007 ON THE LAW APPLICABLE TO MAINTENANCE OBLIGATIONS**

Last update: 11-06-2020

States or territorial units included in this compilation:

Australia, Austria, Brazil, Bulgaria, Canada, Cyprus, Germany, Germany (DIJuF), Finland, Hungary, Latvia, Lithuania, Norway, Poland, Portugal, Romania, Sweden, Switzerland, United Kingdom

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Name of Authority / Office:

Australia	Department of Human Services, Australia
Austria	Federal Ministry of Justice/Central Authority
Brazil	Ministry of Justice and Public Security
Bulgaria	Ministry of Justice, "International Legal Child Support And Intercountry Adoptions" Directorate
Canada	Department of Justice Canada
Cyprus	UNIT FOR INTERNATIONAL LEGAL COOPERATION, MINISTRY OF JUSTICE AND PUBLIC ORDER
Germany	Bundesamt für Justiz/Federal Office of Justice (Central Authority)
Germany (DIJuF)	German Institute for Youth Human Services and Family Law
Finland	Ministry of Justice, Finland
Hungary	Ministry of Justice Department of Private International Law
Latvia	The Administration of the Maintenance Guarantee Fund (Uzturledzelu garantiju fonda administracija)
Lithuania	Mazeikiai division of the State Social Insurance Fund Board
Norway	Directorate of Labour and Welfare

Poland	Requesting State: 45 Regional Courts Requested State: The Ministry of Justice of Republic of Poland
Portugal	Central Authority of Portugal / Direção-Geral da Administração da Justiça - Divisão de Cooperação Judiciária Internacional
Romania	Ministry of Justice
Sweden	Försäkringskassan (Swedish Social Insurance Agency)
Switzerland	Autorité centrale en matière de recouvrement international d'aliments
United Kingdom	Ministry of Justice

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PART I – FOR THE ATTENTION OF CONTRACTING PARTIES

1. Scope of the Protocol (Art. 1):

1.1. Have issues arisen before the authorities and / or courts or tribunals of your State with respect to the definition of the relationships that are within the scope of the Protocol?

a. As regards the definition of a family relationship?

No:

Austria, Brazil, Bulgaria, Cyprus, Germany, Germany (DIJuF), Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Sweden

Yes:

-No responses-

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Relationship between biological and social family.
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

b. As regards the definition of a parentage relationship?**No:**

Austria, Brazil, Bulgaria, Cyprus, Germany, Germany (DIJuF), Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Sweden

Yes:

-No responses-

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Regarding biological and social parentage.
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

c. As regards the definition of a marriage relationship?**No:**

Austria, Brazil, Bulgaria, Cyprus, Germany, Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Sweden

Yes:

-No responses-

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here

Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Regarding recognition of the form of marriage in different Member States when it is entered into between persons of the same sex in the absence of a partnership.
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

d. As regards the definition of a registered-partnership relationship?

No:

Austria, Brazil, Bulgaria, Cyprus, Germany, Hungary, Latvia, Lithuania, Poland, Portugal, Sweden

Yes:

Romania

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	The Bulgarian legislation does not provide registered-partnership.
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	The registered partnership is not recognised in the domestic law.
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

e. As regards the definition of an affinity relationship?**No:**

Austria, Brazil, Bulgaria, Cyprus, Germany, Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Sweden

Yes:

-No responses-

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Regarding assessment of kinship by blood relations.
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

f. As regards the definitions of other relationships?**No:**

Austria, Brazil, Bulgaria, Cyprus, Germany, Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Sweden

Yes:

-No responses-

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here

Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

1.2. Have issues arisen before the authorities and / or courts or tribunals of your State with respect to the definition of the maintenance obligations that are within the scope of the Protocol?

No:

Austria, Brazil, Bulgaria, Cyprus, Hungary, Latvia, Lithuania, Poland, Portugal, Sweden

Yes:

Germany, Romania

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Issues have occurred with regard to legal institutes that contain elements of maintenance as well as of other property claims, such as matrimonial property or compensation for personal suffering in connection with the divorce.
Germany (DIJuF)	
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	The relation between the State Allowance and the child support. The relation between the State Allowance and the child support when they are paid by a public institution. The relation between the State Allowance and the child support when the state allowance is deducted from the child support. In RO the State allowance is not deducted. The relation between the State Allowance

	and the child support when the child support is established in a lower amount due to the fact that the child lives in a less developed country.
Sweden	Please insert text here
Switzerland	Veuillez insérer le texte ici
United Kingdom	Please insert text here

1.3. Which law have the competent authorities of your State applied to preliminary / incidental questions relating to the existence of the family relationship raised in connection with a proceeding having the maintenance debt as its principal subject-matter?

a. The law designated by the Protocol as governing the principal issue relating to maintenance obligations?

No:

Austria, Lithuania, Portugal

Yes:

Bulgaria, Germany, Germany (DIJuF), Latvia, Poland, Romania, Sweden

b. The law designated as being applicable to the issue arising on a preliminary / incidental basis by the generally-applicable rules of conflict of laws in your State?

No:

Bulgaria, Poland, Portugal

Yes:

Austria, Germany, Germany (DIJuF), Hungary, Latvia, Lithuania

Please specify:

Australia	Please insert text here
Austria	Preliminary questions are governed by national Law (Austrian Code on Applicable Law = Internationales Privatrechts-Gesetz - IPRG) or Union Law, in particular: Art 16, 17 IPRG (form and conditions of marriage), Regulation Rome III (divorce), Art 21, 25, 26 IPRG (establishment of paternity via marriage, judgement or recognition, respectively via adoption)
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Specifically concerning the preliminary question of parentage, the Federal Court of Justice of Germany has yet to rule on this matter, i.e. if the law designated by the Protocol or the law designated by the generally-applicable rules of conflict of laws is applicable. This is why there is no uniform approach by German courts.
Germany (DIJuF)	This question is subject of discussions in the German doctrine and jurisprudence. A clarification by the special commission could be helpful. - see extract of comment from Heiderhoff, Beck OK BGB, HUP Art. 1, Rn. 48 - see also Looschelders, Boos, Das grenzüberschreitende Unterhaltsrecht in der

	internationalen und europäischen Entwicklung, FamRZ 2006, p. 374 (concerning Hague Convention 1973 but still actual, also in German Generally there is a clear preference to apply the national rules of conflict. Exceptions are admitted for child maintenance claims.
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Maintenance Guarantee Fund Law, Civil Law of Latvia
Lithuania	The following legal acts of the European Union are applicable in disputes regarding adjudging financial support (with a foreign element): 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, Council Regulation (EC) No. 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No. 1347/2000. It should be noted that the Hague Protocol of 2007 is applicable universally (ergo omnes), i.e. even in cases when a state associated with a dispute is not a party to the protocol, the rules of the protocol are applicable and the laws of the state, which is not a party to the protocol, chosen according to it, must be applicable to identifying obligations (Art. 2 of the Hague Protocol of 2007), even if the states in question are not parties to another international private legal act.
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

c. Others?

-No responses-

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	NO FEEDBACK
Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	not applicable
Portugal	Please insert text here

Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

2. Access to foreign law (Art. 2) :

2.1. Have the competent authorities of your State encountered difficulties in determining and applying the contents of the foreign law applicable to maintenance obligations designated under the Protocol?

No:

Austria, Brazil, Bulgaria, Cyprus, Latvia, Lithuania, Poland, Portugal, Romania, Sweden

Yes:

Germany, Germany (DIJuF), Hungary, Romania

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	German courts are required to determine and apply the contents of foreign law ex officio. However, this is regularly connected to in-depth research on the applicable foreign law which may include contacting - if applicable - the National Contact Points of the European Judicial Network or the International Hague Network of Judges or ordering an expert opinion on the contents of the foreign law. Germany strives for a high expertise of courts by establishing centralised jurisdiction for international maintenance cases and therefore a specialization of the judges handling these cases.
Germany (DIJuF)	We regularly encounter difficulties in applying the contents of the foreign law applicable according to the protocol, particularly when the law of African or Asian states is applicable because it is very difficult to find information on the contents of the rules and even if we find it, it is even more difficult to find jurisprudence or guidelines in order to apply the law properly. This issue concerns however also European or other states as the implementation/application of maintenance systems is very often not accessible for practitioners. In our practice problems occur particularly in the following situations (cf annotations Art. 11) - The debtor is financially not able to comply with his maintenance obligations toward several children living in different countries. According to German law the payable amount has to be shared proportionally between the children. The question is which maintenance amount is going to be taken into account for each child in order to calculate each part? - The debtor is living abroad and has a maintenance obligation towards family members, who's maintenance claim compared to the children's claim is secondary according to German law. The question is which ranking is going to be applicable given that the debtor is not able to comply with both maintenance obligations.
Finland	Please insert text here

Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	For the foreign law of the EU MS there was no difficulty encountered, because it is published on the web site of E-Justice. If the contracting state is not a contracting party to the 1968 London Convention the foreign law is obtained via diplomatic channel.
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

3. General rule relating to applicable law (Art. 3):

3.1. Have issues arisen before the authorities and / or courts or tribunals of your State with respect to the definition of the creditor's habitual residence?

No:

Austria, Brazil, Bulgaria, Cyprus, Hungary, Latvia, Lithuania, Poland, Portugal, Sweden

Yes:

Germany, Romania

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Issues arise in certain constellations that make it difficult to define the creditor's habitual residence, i.e. child abduction, creditor studying/working abroad for a limited period of time, creditor with two equal residences,...
Germany (DIJuF)	
Finland	Please insert text here
Hungary	In some instance the authenticity of the information on foreign law is problematic, In some cases (in relation to some states) there is no mechanism which could be used for obtaining information on foreign law as Central Authorities do not provide such service and information is not available publicly or in a language that is widely known and there is no treaty under which a request could be made.
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here

Romania	The creditors (RO students which are studying temporarily abroad) have the domicile in RO, but the habitual residence abroad. They choose to lodge the application for the establishment of the child support in RO, before the RO court or at the court from the habitual residence of the debtor. They do not lodge the application before the court from their habitual residence. The RO debtors workers which are working temporarily abroad, but have their domicile in Romania, prefer to be sued before the RO court, invoking that they do not realise revenues in RO. The parties choose to divorce in Romania, before the RO court or a RO notary, even if their habitual residence and the habitual residence of the children is abroad, invoking that their domicile is in RO.
Sweden	Please insert text here
Switzerland	Veuillez insérer le texte ici
United Kingdom	Please insert text here

3.2. If applicable, how have the competent authorities of your State defined the concept of habitual residence?

Please specify :

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Within the meaning given by the Private International Law Code habitual residence of a natural person" shall denote the place where the said person has settled predominantly to live without this being related to a need of registration or authorization of residence or settlement. For determination of this place, special regard must be had to circumstances of personal or professional nature arising from sustained connections of the person with the said place or from the intention of the said person to establish such connections."
Canada	Please insert text here
Cyprus	Please insert text here
Germany	According to the case law of the ECJ an autonomous definition is required.
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Habitual residence of a person means the place where that person actually lives having regard to all circumstances of the case on hand, for the purposes of definition thereof the intention of the person affected must also be taken into account" (Section 3 b) of Act No XXVIII of 2017 on Private International Law) "
Latvia	Under the given information in Population Register of Latvia or the place of the debtor's real estate
Lithuania	No inaccuracies regarding the definition of the regular place of residence of a creditor in the application of Art. 3 of the Hague Protocol arise in court. Art. 3 of the Hague Protocol establishes that the laws of the state, where the regular place of residence of the creditor is located in, are applicable to financial support obligations. The aforementioned general rule is not applicable in cases when the protocol establishes different options for choosing applicable law (see Art. 8-4 of the Hague protocol of 2007). The Hague Protocol of 2007 establishes special rules for determining law applicable to privileged creditor groups in cases, when such creditors cannot be adjudged financial support from a debtor (Art. 4 of the Hague Protocol of 2007) according to the laws of

	the their habitual (regular) residence (Art. 3 of the Hague Protocol of 2007). The place of residence of a natural person, meaning the legal relations of the person with the state or territory thereof, is in the state or territory thereof, where he/she permanently or mostly resides, considering such state or territory thereof to be the place where his/her personal, social and economic interests are located in (Art. 2.12 of the Civil Code of the Republic of Lithuania)
Norway	Please insert text here
Poland	a place of concentration of life interests, integration with the environment, location of the life centre
Portugal	Please insert text here
Romania	According to the art. 2570 from the civil code, the determination and proof of ordinary residence, the habitual residence of the natural person is in the state where the person has his main residence, even if he has not fulfilled the legal registration formalities. The usual residence of a natural person acting in the exercise of his professional activity is the place where this person has his main establishment. In determining the main dwelling, those personal and professional circumstances will be taken into account which indicate lasting links with the respective state or the intention to establish such links. Proof of ordinary residence may be made by any means of proof.
Sweden	Please insert text here
Switzerland	Veuillez insérer le texte ici
United Kingdom	Please insert text here

3.3. Have the competent authorities of your State encountered an impossibility in determining the creditor's habitual residence, or encountered the creditor's lack of a habitual residence?

No:

Austria, Brazil, Bulgaria, Cyprus, Hungary, Poland, Portugal, Sweden

Yes:

Germany, Germany (DIJuF), Latvia, Lithuania, Romania

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Determining the creditor's habitual residence has sometimes proven impossible in cases of child abduction, where it was unclear whether a habitual residence was established at the place the child was abducted to or whether the habitual residence remained with the left-behind parent. Another scenario that might make it impossible to determine the habitual residence concerns cases where the duration of a stay is unclear (habitual residence vs. temporary residence).
Germany (DIJuF)	Maintenance situations where the multiple habitual residences of maintenance creditors or debtors living in border regions or having time shared residences provoke the question where the emphasis of a person's ties

	and thus the habitual residence is given. German jurisprudence and literature refuse rather the idea of multiple residences with the consequence that different maintenance systems are applicable (Staudinger/Mankowski, Haager Unterhaltsprotokoll, revised edition 2016, Art. 3 Fn. 64) Above that, for international maintenance cases it would principally be helpful if the Special Commission could confirm a uniform concept for the habitual residence of children in family law (child's wishes, habitual residence of younger children, abduction cases).
Finland	Please insert text here
Hungary	Please insert text here
Latvia	If no address is given or no real estate the plea cannot be considered in court
Lithuania	After a dispute is initiated the place of residence of the applicant changes for the period of determining the shortcomings in the action and setting a period for eliminating the shortcomings in the action.
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Locate a person and obtain the national identification code of a person. The debtor keeps moving every year in a different state and changes his address periodically in order to avoid the enforcement. The debtor (RO or foreigner) is registered with the domicile in Romania, but he is not living physically at that domicile, but to another address (without being registered) or abroad. The debtor (RO or foreigner) is registered with the domicile abroad, but he is not living at that domicile, but to another address (without being registered) or abroad.
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

4. Special rules relating to applicable law (Arts. 4 and 5):

As regards application of Article 4:

4.1. Have the competent authorities of your State encountered challenges in the application of Article 4(1)?
Have issues arisen in this respect?

No:

Austria, Brazil, Bulgaria, Cyprus, Germany, Germany (DIJuF), Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Sweden

Yes:

-No responses-

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here

Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	No German jurisprudence found.
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

4.2. Have the competent authorities of your State encountered challenges in the application of Article 4(2)? Have issues arisen in this respect?

No:

Austria, Brazil, Bulgaria, Cyprus, Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Sweden

Yes:

Germany, Germany (DIJuF)

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	The ECJ ruling of 7 June 2018 in case C-83/17 suggests an extensive application of Art. 4(2) which may lead to forum shopping.
Germany (DIJuF)	A decision of the CJEU is given consideration in German maintenance practice: The question if Art. 4 sec 2 is applicable was relevant in a case in which time limits for commencing proceedings had expired and no maintenance for the past could be claimed according to the maintenance system of the creditor's initial habitual residence. The perspective of the Special Commission in relation to the interpretation of Art. 4 sec 2 would be appreciated in this respect.
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here

Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

As regards application of Article 5:

4.3. Have the competent authorities of your State encountered challenges in the application of Article 5? Have issues arisen in this respect?

No:

Austria, Brazil, Bulgaria, Cyprus, Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Sweden

Yes:

Germany

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	The party raising the objection of Art. 5 has to prove the requirements which often causes problems.
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	There were no disputes regarding applicable law when the matters regarding dissolution of marriage by agreement of both spouses have been addressed. After the court decision becomes res judicata, and the matter of applicable law may arise if after some time one of the former spouses applies to court with an application to change the conditions of the agreement on dissolution of marriage by mutual agreement under dispute procedure. The case has not evolved to the matter of choosing applicable law because an objection to the jurisdiction of Lithuanian courts has been expressed in the statement of defence.
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

4.4. Have the competent authorities of your State encountered difficulties in the determination of the criteria defining the "closer connections" with the marriage required by those provisions?

No:

Austria, Brazil, Bulgaria, Cyprus, Hungary, Latvia, Poland, Portugal, Sweden

Yes:

Germany, Lithuania

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	The definition of "closer connections" may be difficult especially in cases set in a border region in which the spouses work in one State but live in another or in cases in which the spouses have lived in several States together."
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	In the assessment of the concept of a "closer connection" in marriage, evaluative questions arise – what influences and has a greater probative value – social or economic connection, balance thereof?
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

Please specify, in practice, the connecting factors required by the competent authorities of your State for the implementation of these provisions:

Cyprus, Germany, Lithuania

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	The "closer connections" are determined individually for each case, if it is unclear the courts might fall back on the current habitual residence. "
Germany (DIJuF)	Please insert text here

Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	The reference of “the last habitual residence” in Art. 5 of the protocol is not an assumption, it only shows how significantly such law may be associated with marriage. According to the wording of Art. 5 the possibility that the law of another place of residence, not the last habitual residence, may be closer associated with the marriage should not be ruled out. A habitual residence is defined by the life elements of the parties of the case – place of entering the marriage, last place of residence, place of residence of underage child, etc. All the connections of the marriage concerned, such as the spouses’ habitual residence and/or domicile during the marriage, their nationalities, the location where the marriage was celebrated and the location of the legal separation or divorce.
Norway	Please insert text here
Poland	last common place of residence, common nationality of the parties, location of common assets
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

4.5. Has the express, though non-exclusive, mention of the spouses’ last common habitual residence given rise to issues in the implementation of these provisions?

No:

Austria, Brazil, Bulgaria, Cyprus, Hungary, Latvia, Poland, Portugal, Romania, Sweden

Yes:

Germany, Lithuania

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	A common residence can easily be created, but it can prove difficult to define the moment in time when it becomes habitual".
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Problematic aspects – regular (habitual) residence and the last place of residence are different. The category of a habitual residence is associated with declaration of a person’s place of residence in the Republic of Lithuania.

Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

5. Special defence of the debtor (Art. 6):

5.1. Have the competent authorities of your State encountered challenges in the application of Article 6? Have issues arisen in this respect?

No:

Austria, Brazil, Bulgaria, Cyprus, Germany (DIJuF), Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Sweden

Yes:

Germany

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	The special rule of defence of Art. 6 is rarely invoked. When it is, German courts are required to determine the contents of the foreign-law (see question 2) and compare it to the applicable law.
Germany (DIJuF)	The provision's scope is very limited. So DIJuF has not encountered a practical case in which this provision has got relevance - besides a converse case: A German debtor lived in Germany and had to pay maintenance for stepchildren in the Netherlands as well as for a child living in Germany. The debtor was however not interested in bringing an objection pursuant to Art. 6 against the children in the Netherlands. So, in case that the provision is kept, it could be discussed if the objection pursuant to Art. 6 could also be granted to the creditor.
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici

United Kingdom	Please insert text here
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5.2. More specifically, has the concurrent existence of the rules in Article 4 and in Article 6 caused difficulties in the implementation of these provisions?

No:

Austria, Brazil, Bulgaria, Cyprus, Germany, Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Sweden

Yes:

-No responses-

Please specify:

Australia	Please insert text here
Austria	in particular because Article 6 is not applicable in cases of Article 4
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

6. Designation of the applicable law by the parties for the purposes of a particular proceeding (Art. 7):

6.1. Have the competent authorities of your State encountered challenges in the application of Article 7? Have issues arisen in this respect?

No:

Austria, Brazil, Bulgaria, Cyprus, Germany, Hungary, Latvia, Poland, Portugal, Romania, Sweden

Yes:

Lithuania

Please specify:

Australia	Please insert text here
------------------	-------------------------

Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Regarding the agreement for application of foreign law or applying to a relevant court before the dispute actually begins it is considered that the electronic correspondence between the parties is sufficient fulfilment of the requirement for submitting a written form.
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

6.2. In this respect, when the law of the forum is designated by the parties, is the parties' choice interpreted as being based on Article 7(1) (with effects restricted to a particular proceeding) or on Article 8(1) (with effects for the future as well)?

No:

Austria, Brazil, Bulgaria, Cyprus, Germany, Hungary, Latvia, Lithuania, Portugal, Romania, Sweden

Yes:

-No responses-

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	It depends on the particular arrangement between the parties.
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	* both Articles 7.1 and 8.1.

Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

6.3. Do the competent authorities of that State make the validity of that procedural agreement contingent upon specific formalities under domestic law in excess of the minimum requirements of Article 7(2)?

No:

Austria, Brazil, Bulgaria, Cyprus, Germany, Hungary, Lithuania, Poland, Portugal, Romania, Sweden

Yes:

Latvia

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Under the Civil Procedure Law of Latvia https://likumi.lv/ta/en/en/id/50500-civil-procedure-law
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

6.4. Have issues arisen with respect to the terms and the timing of the choice when it is made in the course of the proceeding, as these matters are not determined by the Protocol?

No:

Austria, Brazil, Bulgaria, Cyprus, Germany, Hungary, Latvia, Poland, Portugal, Romania, Sweden

Yes:

Lithuania

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	The choice has to be made at the latest within the respond of the defendant to the application.
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	The vagueness of applicable law may cause delay in the proceedings, abuse of procedural rights. According to procedural rules, if a party in a dispute chooses the law of a state different than that in which the court is located or law applicable to the applicant (creditor), it becomes necessary to postpone examination of the case and further examine both, factual circumstances, and the law requested to be applied. A procedural situation may arise due to the necessity to renew or stop the proceedings. It is proportionate and appropriate to identify the position of the parties regarding the law applicable in the dispute and before the final speeches.
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

6.5. Have the competent authorities of your State considered that for the purposes of Article 7, initiation of the proceeding is required to occur within a specific time after the parties' designation of the applicable law?

No:

Austria, Brazil, Bulgaria, Cyprus, Germany, Hungary, Poland, Portugal, Romania, Sweden

Yes:

Latvia, Lithuania

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here

Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	All terms is noted in Civil Procedure Law of Latvia https://likumi.lv/ta/en/en/id/50500-civil-procedure-law
Lithuania	It is considered that the parties should agree on the law applicable to a dispute before starting the examination of the dispute in court according to judicial procedure.
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

7. Designation of the applicable law by the parties at any time (Art. 8):

7.1. Have the competent authorities of your State encountered challenges in the application of Article 8(1), and in particular Article 8(1)(c) and (d)?

No:

Austria, Brazil, Bulgaria, Cyprus, Germany, Hungary, Latvia, Poland, Portugal, Sweden

Yes:

Lithuania

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	The expression "Any time" is not sufficiently clear as to the moment of indicating applicable law. It should be defined more specifically, for example: until the end of the stage of examining the merits of the case or making a court decision (exit to the meeting room).
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here

Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

7.2. Have the competent authorities of your State encountered challenges in the application of Article 8(2) to (5)? Have issues arisen in this respect?

No:

Austria, Brazil, Bulgaria, Cyprus, Germany, Hungary, Latvia, Lithuania, Poland, Portugal, Sweden

Yes:

-No responses-

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

7.3. More specifically, how do the competent authorities of your State ensure that the parties are fully informed and aware of the consequences of their choice?

Please specify:

Australia	Please insert text here
Austria	No data
Brazil	Please insert text here
Bulgaria	By sending the application for respond, an opportunity to make a choice is given to the defendant.
Canada	Please insert text here
Cyprus	Please insert text here

Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	It is the attorneys' responsibility to inform parties of the legal consequences, if no legal attorney is hired the court informs the parties about the possibility of hiring attorney for legal representation.
Latvia	It is regulated by the law, Civil Law - https://likumi.lv/ta/en/en/id/225418-the-civil-law Civil Procedure Law https://likumi.lv/ta/en/en/id/50500-civil-procedure-law and if it effect the child maintenance also the Maintenance Guarantee Fund Law https://likumi.lv/ta/en/en/id/287534-maintenance-guarantee-fund-law
Lithuania	The parties of the case should be informed about application of the chosen provisions of law within the scope of the examination of the dispute (District Court of Klaipda) Parties are informed about their rights and consequences of their choice (District Court of Plunge) To inform about the right of a party to choose the law applicable to the dispute during preparation for verbal examination of the case, or to correspondingly inform in writing – before appointing examination of the case in a court hearing.
Norway	Please insert text here
Poland	Website, legal information
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

7.4. Has the determination of manifestly unfair or unreasonable consequences for any of the parties raised difficulties before the competent authorities of your State, including in particular inconsistencies in case-law?

No:

Austria, Brazil, Bulgaria, Cyprus, Germany, Hungary, Latvia, Lithuania, Poland, Portugal, Sweden

Yes:

-No responses-

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here

Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

8. Interpretation of the concepts of "nationality" and "domicile" for the purposes of Articles 4(4), 6 and 9 of the Protocol:

8.1. Have the competent authorities of your State encountered challenges connected with the existence of several nationalities common to the debtor and creditor (Arts. 4(4) and 6):

No:

Austria, Brazil, Bulgaria, Cyprus, Hungary, Latvia, Poland, Portugal, Sweden

Yes:

Germany, Lithuania

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	It is unclear whether to rely on the effective or the ineffective nationality.
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	The matter of citizenship may be associated with having a dual citizenship. Having a dual citizenship is possible in some Member States.
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

If so, please specify the criteria applied to determine the prevailing nationality:

Germany

Australia	Please insert text here
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Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	In most cases the effective nationality is given priority.
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

8.2. Have the competent authorities of your State made use of the provisions of Article 9?

No:

Austria, Brazil, Bulgaria, Cyprus, Germany, Hungary, Lithuania, Poland, Portugal, Sweden

Yes:

Latvia

8.3. If so, does your State generally make use of the concept of domicile in matters of conflict of laws, even on an accessory basis, in accordance with the spirit of these provisions?

No:

Austria, Brazil, Bulgaria, Cyprus, Lithuania, Poland, Portugal

Yes:

Hungary, Latvia

9. Public bodies (Art. 10):

9.1. Have the competent authorities of your State encountered challenges in the application of Article 10? Have issues arisen in this respect?

No:

Austria, Brazil, Bulgaria, Cyprus, Germany, Hungary, Latvia, Poland, Portugal, Sweden

Yes:

Lithuania, Romania

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	In the event that the regular place of residence of the debtor changes after the main court decision for adjudging financial support and does not correspond to the law of the public institutions.
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	The court requires that this quality be explained in detail and the foreign law be provided, when the public institution requests the determination of the child support before the competent RO court from the habitual residence of the debtor. The RO court asked for the foreign law, when the public institution requests the determination of the child support.
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

10. Scope of the applicable law (Art. 11):

10.1. Have the competent authorities of your State encountered challenges in the application of Article 11? Have issues arisen in this respect?

No:

Brazil, Bulgaria, Cyprus, Hungary, Latvia, Poland, Portugal, Sweden

Yes:

Austria, Germany, Germany (DIJuF), Lithuania, Romania

Please specify:

Australia	Please insert text here
Austria	questions regarding the limitation periods (Article 11 c)
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here

Germany	It is unclear whether limitation periods for enforcement/execution of a decision and forfeiture fall within the scope of Art. 11 and are therefore governed by the law designated by the Protocol.
Germany (DIJuF)	<p>Concerning the scope of the applicable law, the German jurisprudence follows the large jurisprudence issued with respect to the old instruments, particularly the Hague Convention 1973. As under the Hague Convention 1973 conflicts can for example arise in case that different maintenance systems are applicable with different proposals for solution (cf. issues mentioned under point 2 or also issues of retroactive maintenance). In 2014 the German High Court (Bundesgerichtshof) had for example to make a decision about a modification application filed by a minor child concerning a maintenance decision obtained in Ireland by his mother (BGH, 10.12.2014, XII ZB 662/13, BGHZ 203, 372). It was decided that the child was entitled to apply for the modification as according to the lex fori in Germany he was the one entitled to claim (and not his mother). Furthermore the court considered that the law applicable to the modification's requirements was German law, as the habitual residence of the child was Germany when he applied for the variation of order. Maintenance law of the child's new residence does however not apply in case that the child/the child's parents have instituted maintenance proceedings and the child changed residence after the last hearing. Above that currently a discussion is existing in the German jurisprudence and practice as to the question how differences of standards of living can be taken into account in the calculation of maintenance. Basically the German High Court requires a concrete calculation taking the concrete needs of the child and the concrete financial possibilities of the debtor into account on a case by case basis. This being said, in most cases the necessary information to proceed to such a calculation is not provided. This is why the practice is asking for general rules of conversion in order to make foreign income compatible" to the German calculation system. In this regard the German High Court has authorised a conversion of a Swiss income according to the Eurostat factor (http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tec00120&plugin=1). See: BGH FamRZ 2014, p. 1536, OLG Karlsruhe FamRZ 2017, p. 282. Regarding states situated outside of the Eurostat zone, considerations were made using the factors published by the World Bank but even this statistic does not contain information about all states. Finally, the main challenge for applying Art. 11 are practical issues as for example - the establishment of financial circumstances and obligations to take into considerations, - under which conditions a child is in need in other States in case it has own income, -maintenance calculation in case of insufficient means of the debtor, -relevance of child and family benefits and their amounts, - calculation of child support in other systems. A harmonisation of practice for example through the publication of country reports, maintenance tables and schemes as well as of case law would be helpful. Highly appreciated would also be the elaboration of guidelines for the assessment of maintenance in cross border cases. "</p>
Finland	Please insert text here
Hungary	Please insert text here
Latvia	All is regulated by the Civil Law in Latvia
Lithuania	Art. 11 of the Hague Protocol of 2007 establishes what falls within the scope of the law applicable to financial support relations, i.e. the law applicable to financial support relations governs: 1) the terms of the financial support obligations and the potential debtor, i.e. defines when a creditor can expect financial support, depending on his/her family ties to the debtor, age, and so on, 2) the amount of financial support arrears, 3) the basis for calculating

	financial support arrears and indexing procedure, 4) who has the right to bring an action for financial support, i.e. who has the right to bring an action for adjudging financial support, 5) periods when it is possible to apply for adjudging financial support, 6) the scope of the financial support obligations of a debtor if a public institution seeks to recover benefits paid to the creditor in lieu of financial support.
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	the limitation period The enforcement court applies the limitation period according to the enforcement law from the requested state even if according to the Romanian law the limitation/prescription (substantive right), the right to recovery of the child supports claims does not elapse or, if it started to elapse, it is suspended (the Civil Code, art. 2532). In this case, the major creditor (the creditor over 18 years) could ask for the recovery of the maintenance claims (due by the debtor until he/ she reaches 18 years) 3 years after she became major.
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

11. Exclusion of renvoi (Art. 12):

11.1. Have the competent authorities of your State encountered challenges in the application of Article 12? Have issues arisen in this respect?

No:

Austria, Brazil, Bulgaria, Cyprus, Germany, Germany (DIJuF), Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Sweden

Yes:

-No responses-

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here

Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

12. Public policy (Art. 13):

12.1. Have the competent authorities of your State encountered challenges in the application of Article 13? Have issues arisen in this respect, in particular as regards interpretation of the term "manifestly"?

No:

Austria, Brazil, Bulgaria, Cyprus, Germany, Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Sweden

Yes:

-No responses-

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

12.2. If applicable, in your State, what situations have resulted in the implementation of these provisions?

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here

Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	not applicable
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

13. Internal conflicts and non-unified legal systems (Arts. 15, 16 and 17):

13.1. Have the competent authorities of your State encountered challenges in the application of Articles 15, 16 and 17? Have issues arisen in this respect?

No:

Austria, Brazil, Bulgaria, Cyprus, Germany, Latvia, Lithuania, Poland, Portugal, Romania, Sweden

Yes:

-No responses-

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

14. Coordination with earlier Hague Conventions and other instruments (Arts. 18 and 19):

14.1. Have the competent authorities of your State encountered challenges in the application of Articles 18 and 19? Have issues arisen in this respect?

No:

Austria, Brazil, Bulgaria, Cyprus, Latvia, Lithuania, Poland, Portugal, Romania, Sweden

Yes:

Germany, Germany (DIJuF)

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Regarding Art. 18, there is disagreement whether the Protocol should also prevail with regard to Contracting States to the Convention of 2 October 1973 on the Law Applicable to Maintenance Obligations and the Hague Convention of 24 October 1956 on the law applicable to maintenance obligations towards children that are not Contracting States to the Protocol.
Germany (DIJuF)	In the German doctrine there is a discussion on the question as to the coordination of the protocol time scope with the Hague Convention 1973 (cf: Heiderhoff, Beck OK BGB, HUP Art. 1, point 28).
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

PART II – FOR THE ATTENTION OF NON-CONTRACTING PARTIES

1. Are there particular reasons for your State not having ratified / acceded to the Protocol?

No:

Switzerland

Yes:

Australia, Canada, Norway, United Kingdom

Please specify:

Australia	As Australia already has a developed framework of applicable law in relation to cross jurisdictional maintenance obligations, it is not deemed necessary that Australia become a signatory to the 2007 protocol.
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Canada is not a Party to the 2007 Child Support Convention
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Due to our national legal system it is not practical for our caseworkers to apply the rules on applicable law in the protocol.
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	As the UK courts usually apply the law of the forum in this type of family case, it was decided that the Protocol could not apply to the UK jurisdictions.

2. Is your State currently contemplating signing, ratifying or acceding to the 2007 Protocol?

No:

Australia, Canada, Norway, United Kingdom

Yes:

-No responses-

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Canada is not currently contemplating signing, ratifying or acceding to the 2007 Protocol. From the perspective of Canadian common law provinces and territories, the Protocol would add an additional and unnecessary level of complication to processing applications. However, we would note the following regarding applicable law in Quebec: • Articles 3094 to 3096 C.C.Q.

	(Civil Code of Quebec) set out the applicable law with respect to maintenance obligations. • These rules are based on The Hague Convention of 2 October 1973 on the Law Applicable to Maintenance Obligations. • The Protocol on the Law Applicable to Maintenance Obligations (Protocol), concluded on November 23, 2007, replaced the Hague Convention of October 2, 1973. • Therefore, implementation of the Protocol's provisions in Québec should be assessed.
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Nous sommes en train d'analyser le Protocole, une décision interviendra à un stade ultérieur.
United Kingdom	Please insert text here

3. Are there any amendments / improvements of the Protocol that would make its ratification / accession more attractive to your State?

No:

Australia, Canada, Norway, Switzerland, United Kingdom

Yes:

-No responses-

Please specify:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	Please insert text here
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	Please insert text here
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here

Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veillez insérer le texte ici
United Kingdom	Please insert text here

PART III – FOR THE ATTENTION OF CONTRACTING PARTIES AND NON-CONTRACTING PARTIES

1. Are there particular issues relating to the Protocol that your State wishes to address during the meeting of the Special Commission?

No:

Australia, Brazil, Bulgaria, Canada, Cyprus, Hungary, Latvia, Lithuania, Norway, Poland, Portugal, United Kingdom

Yes:

Austria, Germany, Germany (DIJuF), Switzerland

Please specify:

Australia	Please insert text here
Austria	Austria would be in favour of eliminating useless formalism
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	
Cyprus	Please insert text here
Germany	Amendment of a decision - Which law governs the requirements for the possibility to request an amendment (lex fori or the law designated by the Protocol)? - Are additional requirements for the amendment of a decision (apart from the change of the habitual residence) necessary to limit the possibility of forum shopping (e.g. change in financial circumstances)?
Germany (DIJuF)	From our perspective the Protocol is in most cases easily to apply and does not furnish any relevant legal difficulty to handle with. The assessment of maintenance is however impeded by the lack of information in relation to other maintenance systems. This information is relevant in order to reach appropriate maintenance solutions as far as different maintenance systems are concerned. As a result maintenance titles risk not to be accepted by all parties involved (= obligor).. It should not be issue of upcoming variation proceedings. In so far we would appreciate if the next Special Commission could focus on practical issues as - the elaboration of maintenance profiles for countries, - establishment of a database for case law/jurisprudence. We would further appreciate if under Art. 11 the issue of how different standard of livings in different states can be balanced would be dealt with. Another issue is the conflict of different maintenance systems with creditors in different states combined with different rankings and the debtor's insufficient financial means.
Finland	Please insert text here
Hungary	Please insert text here
Latvia	Please insert text here
Lithuania	Please insert text here

Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Il serait intéressant de savoir si les changements intervenus dans le domaine de la loi applicable avec le Protocole par rapport à la situation antérieure (droit national ou Convention de la Haye de 1973 sur le droit applicable aux obligations alimentaires, CLaH73) ont conduit à une augmentation des demandes d'obtention ou de modification des titres d'entretien dans les pays à haut produit intérieur brut et à une réduction du nombre de telles demandes dans les pays à produit intérieur brut plus bas. La réponse à cette question permettra de mieux pouvoir estimer le besoin en personnel dans les Autorités centrales en vue d'une ratification du Protocole. En effet, en vertu de l'art. 4(3) du Protocole, la loi du for s'applique lorsque le créancier a saisi l'autorité compétente de l'État où le débiteur a sa résidence habituelle, alors qu'en vertu de la CLaH73, c'était souvent le droit applicable à la résidence habituelle du créancier. Est-ce que les Autorités centrales des pays à haut produit intérieur brut ont constaté une augmentation des demandes pour l'obtention ou la modification d'une décision, vu que l'application de la loi de la résidence habituelle du débiteur résidant dans un pays à haut produit intérieur brut pourrait être estimée avantageuse pour les créanciers (p.ex. s'ils estiment pouvoir obtenir plus d'aliments en cas de saisine d'un tribunal dans un pays à haut produit intérieur brut)?
United Kingdom	Please insert text here

Miscellaneous: respondents are also requested to make known their comments about any other matter they regard as being relevant to the practical application of the Protocol and to make known, if applicable, any other particular difficulties that have arisen when their courts have been called upon to apply or interpret the Protocol:

Australia	Please insert text here
Austria	Please insert text here
Brazil	Please insert text here
Bulgaria	Please insert text here
Canada	N/A
Cyprus	Please insert text here
Germany	Please insert text here
Germany (DIJuF)	
Finland	The Finnish Central Authority is not able to give replies to this questionnaire, due to the following reasons: The application of the 2007 Protocol has not emerged in cases pending in the Finnish Central Authority and the Central Authority has not become aware of difficulties related to the application of the 2007 Protocol. In order to receive information regarding the application of the Protocol in the Finnish courts, the Finnish Central Authority sent the questionnaire to the civil justice network judges in Finland and asked experiences regarding the application of the Protocol. Based on the replies, there does not seem to be much experiences in applying the Protocol. The courts did not provide the Central Authority with experiences to be reported in the questionnaire. In addition, there are no prejudicates by the Supreme Court of Finland on the application of the Protocol. The judgments by the lower courts are not published in the internet, which makes it difficult to get an

	overall picture of the court practice and caseload at the district court level. Parents can also make an agreement on child maintenance outside the court. An agreement confirmed by the social welfare board is enforceable as a court order. In major part of the cases, the child maintenance obligation is established this way.
Hungary	Please insert text here
Latvia	Nothing to be added
Lithuania	Please insert text here
Norway	Please insert text here
Poland	Please insert text here
Portugal	Please insert text here
Romania	Please insert text here
Sweden	Please insert text here
Switzerland	Veuillez insérer le texte ici
United Kingdom	Not applicable