

Title	2007 Child Support Convention and Maintenance Protocol: iSupport
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Objective	Report on recent developments in relation to iSupport
Action to be Taken	For Decision <input type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input type="checkbox"/> For Action / Completion <input type="checkbox"/> For Information <input checked="" type="checkbox"/>
Annexes	N/A
Related Documents	N/A

2007 Child Support Convention and Maintenance Protocol: iSupport

I. State of play

- 1 Two new versions of the iSupport software were delivered in 2022: an updated interface in March and a version including both statistical reports for *the Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (2007 Child Support Convention) and *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). These developments were financed by the European Union (EU) and voluntary contributions from a number of HCCH Member States.
- 2 The EU-funded iSupport ITMF (International Transfer of Maintenance Funds) started in September 2022, in partnership with Austria and the European Union Bailiffs' Foundation. The project aims to provide flexible solutions to assist with transfer and monitoring of maintenance funds to ensure a broad application that is compatible with most internal systems, whether States use decentralised collection of maintenance funds or centralised payment points.
- 3 Members will recall that the development of iSupport was hampered by difficulties in relation to e-CODEX, the secure communication technology upon which iSupport relies. Currently managed by a consortium of EU Member States, e-CODEX will be handed over to an agency of the EU, eu-LISA, over the course of 2023 (see below). In that respect 2022 was marked by a breakthrough because, thanks to EU funding, the PB was able to hire a company that reviewed installation documentation. In turn, that documentation was used by two consultants who will provide user support to iSupport participants installing e-CODEX. Initial tests on the sandbox (test installation) were conclusive. Spain was also successful in its internal testing. In addition to Spain, France, Germany, Portugal and Sweden have all completed their installation of iSupport and, at the time of writing, are planning to start connectivity testing within a short timeframe. A number of other HCCH Member States could follow, subject to available resources.

II. Handover of e-CODEX to eu-LISA

- 4 Advances in relation to the use of e-CODEX by iSupport have run parallel to the ongoing handover of the e-CODEX technology to eu-LISA. The takeover by eu-LISA shall, according to *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) be effective at the latest by 31 December 2023.
- 5 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 has been in touch with standing members of the Advisory Group to advocate in favour of the permanent involvement of the HCCH as an observer. The PB understands that the Advisory Group will decide on rules of procedure at its March 2023 meeting.
- 6 Article 17 of the EU 2022 e-CODEX Regulation also has specific provisions in relation to cooperation with international organisations:
 - “1. eu-LISA may conclude working arrangements with international organisations or their subordinate bodies, governed by public international law, or other relevant entities or bodies, which are set up by, or on the basis of, an agreement between two or more countries, in order

to allow them to request and receive technical support when using the e-CODEX system. Those working arrangements shall be concluded in accordance with Article 43 of Regulation (EU) 2018/1726.

2. The working arrangements referred to in paragraph 1 of this Article may allow for the designation of one natural person per international organisation, body or entity to serve as a correspondent who shall be entitled to request and receive technical support as referred to in Article 7(1), point (f), under the terms set out in the implementing acts adopted pursuant to Article 6(1), point (b), provided that such technical support does not affect the costs referred to in Article 20(1).”

- 7 The PB will work on a draft working arrangement with eu-LISA. It understands that such an arrangement will not cover the interaction between e-CODEX and iSupport and will continue to look for solutions in that respect.

III. EU Regulation on the digitalisation of judicial cooperation

- 8 Members will also recall the adoption by the European Commission of a legislative proposal for a Regulation of the European Parliament and of the Council 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). The proposal provides for communications between competent authorities¹ for a range of legal acts (including the EU 2009 Maintenance Regulation) to be conducted digitally by default.² e-CODEX will be used for the access point of the “decentralised IT system” provided by the text of the proposal (Recital 11).

- 9 The Council of the EU has now adopted a political agreement pending the first reading position of the European Parliament, also known as a “general approach”. The text has now been transmitted to the European Parliament for its first reading. The Council agreed on the following Recital 12:

“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).”

- 10 For the EU 2009 Maintenance Regulation, the text provides for implementing acts defining the decentralised IT system to be adopted six years after the entry into force of the Regulation. If the Regulation enters into force in 2023, it will follow that the implementing acts could be adopted in 2029, meaning that communications between Central Authorities under the EU 2009 Maintenance Regulation would have to be fully digital by 2032, after a three-year transition period (according to

¹ Defined in the general approach as courts, public prosecutors’ offices, central authorities and other competent authorities as defined in and, designated or notified in accordance with the legal acts listed in the Regulation.

² 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.

the text of the general approach). The PB will continue to monitor developments towards the adoption of this Regulation.