

# Questionnaire in preparation of the Experts' Group meeting of 7 to 10 February 2022 on international transfers of maintenance funds

## Survey response 1

### Identification

For follow-up purposes. This information will not be published as part of the questionnaire response. The term "State" in this Questionnaire includes a territorial unit, where relevant. [Name of State or territorial unit:]

Latvia

### Questionnaire

a. Developments in general regarding the international transfer of maintenance funds

N/A

b. Elimination of the use of cheques (see C&R 2019 No 1; aide-mémoire 2021, paras 11-14)

Has already been implemented.

Please explain:

Latvia does not use or accept cheques as a mean for maintenance payments as it is not possible to cash them (this service is not available in Latvia).

c. Solutions with regard to increased transparency and cost reduction of transfers and currency conversion (see C&R 2019 Nos 2 and 10; aide-mémoire 2021, paras 24-25)

Has already been implemented.

Please explain:

Central national bank rates are used across the board on the day of conversion if the actual amount received by the creditor is unknown. Transaction costs are covered by the debtor.

d. Solutions where creditors would not bear the costs related to the transfer of funds (see C&R 2019 No 2; aide-mémoire 2021, paras 26-29)

Has already been implemented.

Please explain:

According to the national law (Civil Procedure Law) the debtor bears the costs related to the execution of the court decision, including the costs related to the transfer of funds.

e. Requested Central Authority arrangements with their bank to cover transfer fees or other arrangements to that effect (see C&R 2019 No 3; aide-mémoire 2021, para. 32)

Not being considered.

Please explain:

Central Authority is not directly involved with the transfer of maintenance payments among the debtor and the creditor. The payments are made by the debtor himself (bearing the costs of the transfer) or the bailiff. In the latter case there are no costs of the transfer except for the costs of the execution procedure (related both to national and cross-border cases).

f. Requesting Central Authority providing confirmation to the requested Central Authority that the amounts received are the same as the amounts sent and, where applicable, information on the reasons for any difference (see C&R 2019 No 3; aide-mémoire 2021, paras 15-17)

Has already been implemented.

Please explain:
Currently the confirmation can be provided in the form of the updated statement of the arrears. If the requested Central Authority asks for the confirmation, the creditor is requested to submit the newest information regarding the amount of the payments received.
g. Establishment of a centralised point (e.g., bank account, central bank) for international transfers dedicated to both incoming and outgoing transfer of funds (see C&R 2019 Nos 4 and 5; aide-mémoire 2021, paras 33-35)
Not being considered.
Please explain:
In our experience with maintenance funds disbursed and recovered by the public body, there will be situations when the debtor makes the payments to the creditor directly (not through the centralised point). That could lead to even more discrepancies and manual labor for balancing the arrears. Besides, establishment of a centralised point would demand extra resources that might not be commensurate with the gains.
h. Provision of payment transfer services to any debtors transferring payments within the scope of the HCCH 2007 Child Support Convention (see C&R 2019 No 5; aide-mémoire 2021, para. 18)
Not being considered.
Please explain:
Central Authority facilitates the collection and expeditious transfer of maintenance payments by providing the necessary information regarding the payments to the debtor. If the debtor is willing to pay voluntarily, it is doubtful that transfer services provided by the Central Authority would be more efficient and cost-effective than the tools available for the debtor right now. If the decision must be enforced, the collection and the transfer is provided by the bailiff.
i. Implementation of payment transfer monitoring systems (see C&R 2019 No 6; aide-mémoire 2021, paras 36-37)
Has already been implemented.
Please explain:
As long as the case is active, Central Authority (when acting as requesting Central Authority) keeps contact with the creditor regarding the amount of the payments so that the requested Central Authority could be informed when necessary. Internal systems for efficient payment accounting are in place but it depends on the information provided by the creditor. Central Authority compiles information on the amount due, payments received and outstanding debt.
j. Implementation of unique case references, known to both the requesting and requested State, attached to each transfer of funds (see C&R 2019 No 7; aide-mémoire 2021, para. 20)
Has already been implemented.
Please explain:
A unique case number of the execution case is provided by the bailiff for each transfer.
k. Implementation of currency conversion of payments done by the relevant authority in the requested State at the time of transfer (see C&R 2019 No 8; aide-mémoire 2021, paras 21-23)
Has already been implemented.
Please explain:
Central national bank rates are used across the board on the day of conversion if the actual amount received by the creditor is unknown.
l. Implementation of bundled payments to reduce costs of transfers (see C&R 2019 No 11; aide-mémoire 2021, paras 38-40)
Not being considered.
Please explain:
According to the national law (Law on Bailiffs) the funds recovered from a debtor and to be transferred to a creditor shall be transferred to a creditor within ten days from the day when they were paid in the deposit account of a sworn bailiff, if there are no objective reasons because of which the transfer of funds is to be deferred.
m. Any other developments including bilateral solutions put in place between States and ongoing trials between States:
N/A