

Title	2007 Child Support Convention and Maintenance Protocol: Report of the Working Group on the operation of the 2007 Protocol
Document	Prel. Doc. No 14 of June 2021
Author	PB
Agenda Item	TBD
Mandate(s)	C&D Nos 22-24 of CGAP 2020 and C&R No 28 of CGAP 2019
Objective	To report on the 22 and 25-27 January 2021 meeting of the Applicable Law Working Group (ALWG) and share the Conclusions and Recommendations resulting from the meeting
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	<ul style="list-style-type: none"> - Annex I: Conclusions and Recommendations of the ALWG meeting - Annex II: Agenda of the ALWG meeting - Annex III: List of Participants of the ALWG meeting
Related Documents	<ul style="list-style-type: none"> - 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> - Prel. Doc. No 3 of November 2020 (revised version) – Planning for the First Meeting of the Special Commission - Prel. Doc. No 5 of June 2020 – Compilation of responses received to the August 2019 Questionnaire on the 2007 Maintenance Obligations Protocol and a response from Croatia of January 2021.

Title	2007 Child Support Convention and Maintenance Protocol: Report of the Working Group on the operation of the 2007 Protocol
Document	Prel. Doc. No 9 of February 2021
Author	PB
Agenda Item	Item IV.1.d.
Mandate(s)	C&D Nos 22-24 of CGAP 2020 and C&R No 28 of CGAP 2019
Objective	To report on the 22 and 25-27 January 2021 meeting of the Applicable Law Working Group (ALWG) and share the Conclusions and Recommendations resulting from the meeting
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	<ul style="list-style-type: none"> - Annex I: Conclusions and Recommendations of the ALWG meeting - Annex II: Agenda of the ALWG meeting - Annex III: List of Participants of the ALWG meeting
Related Documents	<ul style="list-style-type: none"> - 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> - Prel. Doc. No 3 of November 2020 (revised version) – Planning for the First Meeting of the Special Commission - Prel. Doc. No 5 of June 2020 – Compilation of responses received to the August 2019 Questionnaire on the 2007 Maintenance Obligations Protocol and a response from Croatia of January 2021.

Table of Contents

I.	Introduction	1
II.	Next steps.....	1
	Annex I – Conclusions and Recommendations of the Applicable Law Working Group meeting.....	4
	Annex II – Agenda of the 22 and 25-27 January 2021 meeting of the ALWG	9
	Annex III – List of participants of the 22 and 25-27 January 2021 meeting of the ALWG.....	13

2007 Child Support Convention and Maintenance Protocol: Report of the Working Group on the operation of the 2007 Protocol

I. Introduction

- 1 On 22 and from 25 to 27 January 2021, the Applicable Law Working Group (ALWG) on the *Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations* (2007 Maintenance Obligations Protocol) met via videoconference. The meeting was attended by 34 participants representing 16 Members, and by members of the Permanent Bureau (PB).¹
- 2 Pursuant to the 2020 mandate of the Council on General Affairs and Policy (CGAP),² the ALWG resumed work to promote common understanding of the 2007 Maintenance Obligations Protocol on the part of judges, lawyers and administrative authorities, as well as creditors and debtors using the Protocol. The experts explored applicable law issues in anticipation of the First Meeting of the Special Commission (SC) on the practical operation of the 2007 Child Support Convention and Maintenance Obligations Protocol, currently scheduled to be held in 2021.
- 3 The ALWG provided guidance in relation to issues of applicable law arising from certain family relationships, the law applicable to preliminary / incidental questions, as well as the interpretation and scope of certain Articles of the Protocol. Experts also discussed and clarified the meaning of several terms under the 2007 Maintenance Obligations Protocol.³

II. Next steps

- 4 The Conclusions and Recommendations (C&Rs) summarising the outcomes of the meeting were unanimously adopted by the ALWG.⁴ The C&Rs will be brought to the attention of the First Meeting of the SC with a view to endorse these C&Rs in the light of the matters discussed by the ALWG.
- 5 Underlying the discussion of most items on the agenda was the notion that the 2007 Maintenance Obligations Protocol is designed to favour the maintenance creditor. Experts agreed that a potential way to address the issues of applicable law discussed during the ALWG meeting could be to implement approaches most beneficial to the creditor, particularly in cases of child support.⁵
- 6 Issues of limitation periods and arrears with regard to enforcement of maintenance orders will be discussed at the First Meeting of the SC.⁶
- 7 Subject to the endorsement of the First Meeting of the SC and CGAP, the PB will address the Governments of States which are Contracting Parties to the HCCH 1956 and / or 1973 Conventions, but have not yet become Contracting Party to the 2007 Maintenance Obligations Protocol, and invite them to do so.⁷

¹ See Annex III – List of participants of the 22 and 25-27 January 2021 meeting of the ALWG (available in English only).

² Council on General Affairs and Policy of the HCCH, 3-6 March 2020, C&D No 22: “CGAP mandated the PB to continue the preparations for the first meeting of the SC on the practical operation of the 2007 Child Support Convention and its Protocol. CGAP invited the PB to make arrangements for a meeting of a Working Group prior to the SC to discuss applicable law issues. The findings of the Working Group will inform the work of the SC.”

³ See Annex II – Agenda of the 22 and 25-27 January 2021 meeting of the ALWG (available in English only).

⁴ See Annex I – Conclusions and Recommendations of the Applicable Law Working Group meeting.

⁵ Para. No 8 of Annex I.

⁶ Para. No 32 of Annex I.

⁷ Para. No 33 of Annex I.

Error! Reference source not found.

- 8 The Administrative Cooperation Working Group and then the First Meeting of the SC will consider the addition of topics to the Country Profiles under the 2007 Child Support Convention, to facilitate further access to foreign legal information.⁸

⁸ Para. No 36 of Annex I.

ANNEXES

Annex I – Conclusions and Recommendations of the Applicable Law Working Group meeting

- 1 The Applicable Law Working Group (ALWG) on the *Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations* (2007 Maintenance Obligations Protocol) met on 22 January and from 25 to 27 January 2021 to review the practical operation of the Protocol. The meeting was held via videoconference and was attended by 34 participants representing 16 Members and members of the Permanent Bureau (PB).
- 2 Mr Andrea Bonomi (Switzerland) was proposed as Chair and was elected by consensus.
- 3 Participants to the ALWG unanimously approved the following Conclusions and Recommendations (C&Rs) prepared by the Chair:

I. Introduction

- 4 In the light of the responses received to [Prel. Doc No 2 of August 2019](#) – Questionnaire on the practical operation of the *Protocol of 23 November 2007 on the Law applicable to Maintenance Obligations* – compiled in [Prel. Doc. No 5 of June 2020](#) – Compilation of responses received to the August 2019 Questionnaire on the 2007 Maintenance Obligations Protocol – it was agreed that in general, the 2007 Maintenance Obligations Protocol works well.
- 5 Nonetheless, it is recognised that efforts need to be made in order to promote common understanding of the 2007 Maintenance Obligations Protocol on the part of judges, lawyers and administrative authorities, as well as creditors and debtors using the Protocol.
- 6 It was underlined that the 2007 Maintenance Obligations Protocol should be interpreted having regard to its autonomous nature and in the light of its purpose, taking into account that it supplements the *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (2007 Child Support Convention).
- 7 The continuing importance of the Explanatory Report was emphasised as an aid to the interpretation and understanding of the 2007 Maintenance Obligations Protocol.

II. The law applicable to preliminary / incidental questions (e.g., establishment of parentage, establishment of certain family relationships)

- 8 The 2007 Maintenance Obligations Protocol is silent on this matter. Two trends were noted in this respect in accordance with State practice, namely the application to preliminary / incidental questions:
 - of the law governing the principal issue relating to maintenance obligations as designated by the 2007 Maintenance Obligations Protocol; and,
 - of the law applicable to the issue arising on a preliminary / incidental basis as designated by the generally applicable rules of conflict of laws of the forum.(see also Explanatory Report, para. 24, and C&R of the 1995 Special Commission meeting on the operation of the Hague and New York (1956) Conventions on maintenance obligations ([C&R No 29](#)) and of the 1999 Special Commission meeting on Maintenance Obligations ([C&R No 6](#))).

It was noted that legal doctrine is to the effect that, if possible, between the two options, the one most favourable to the creditor should be used, especially in the case of child support.

- 9 Article 1(2) of the 2007 Maintenance Obligations Protocol, which provides that “[d]ecisions rendered in application of this Protocol shall be without prejudice to the existence of any of the relationships referred to in paragraph 1” was recalled.

III. Issues concerning applicable laws that do not provide for certain relationships (e.g., same sex unions, social family / parentage)

- 10 It was recalled that the 2007 Maintenance Obligations Protocol does not expressly refer to relationships such as same sex unions, social family / parentage, and that the question of its applicability to those relationships was left open (Explanatory Report, para. 31).
- 11 The application of the 2007 Maintenance Obligations Protocol to such relationships is to be encouraged, as is already the case in a number of States, based on the understanding that it is for the applicable law to determine whether, to what extent and from whom the creditor may claim maintenance (Art. 11(a)), and that decisions rendered in application of the Protocol shall be without prejudice to the existence of any of the relationships referred to in the Protocol (Art. 1(2)).
- 12 The public policy exception (Art. 13) should be used in a cautious and limited way. To that effect, some experts recalled the relevant supranational courts decisions concerning such relationships.
- 13 In order to avoid difficulties arising from the non-application of the 2007 Maintenance Obligations Protocol to such relationships, the creditor seeking maintenance is recommended to seize - subject to the applicable rules of jurisdiction - the court of the State where the specific relationship is provided for under domestic law.

IV. Interpretation and scope of “habitual residence”

- 14 The determination of what is the “habitual residence” must respect the principle of uniform interpretation (Art. 20) based on the purpose of the 2007 Maintenance Obligations Protocol and not on internal law (Explanatory Report, para. 41).
- 15 The State of habitual residence is the State which is the focal point of a person’s life. The question of habitual residence is one of factual interpretation to be determined by a combination of factors which denote a certain stability of residence and sufficient connection to the State in question. It was agreed that, at any given time, a person can only have one habitual residence.
- 16 A mere presence or temporary residence in a State, for example for work or study purposes only, does not amount to habitual residence and is not sufficient to determine the applicable law to a maintenance obligation. This is confirmed by the fact that the 2007 Child Support Convention makes a distinction between “residence” and “habitual residence” and excludes mere “presence” (Art. 9 of the Convention and Explanatory Report, para. 43).
- 17 In the case of a request to establish child support in the context of a child abduction, the location of the habitual residence of the child is determined in accordance with the *Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* (1980 Child Abduction Convention) and / or the *Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children* (1996 Child Protection Convention). The importance of Article 16 of the 1980 Child Abduction Convention was recalled. In this case, urgent or provisional financial support can be ordered under Articles 11 and 12 respectively of the 1996 Child Protection Convention (see e.g., para. 62 of the Guide to Good Practice Child Abduction Convention: Part VI – Article 13(1)(b)) with the understanding that the law applicable is the law designated in accordance with rules of the 1996 Convention.

V. Difference between “domicile” and “habitual residence”

18 In the 2007 Maintenance Obligations Protocol the use of the concept of “domicile” is limited to Article 9 where it is used to replace the concept of “nationality” in Articles 4 and 6. Thus far, only Ireland has made use of Article 9.

19 Domicile does not necessarily coincide with habitual residence (Explanatory Report, para. 139).

VI. Interpretation of “unable to obtain maintenance” under Article 4

20 Article 4(2)-(4) allow for the application of subsidiary connecting factors when the creditor is “unable to obtain maintenance” under the laws designated in the first place. This condition is not only fulfilled when such laws do not provide for any maintenance obligation arising from the relevant family relationship, but also when they make that obligation “subject to a condition that it is not satisfied in the case at hand” (Explanatory Report, para. 61).

21 It was noted that the CJEU, in case C-83/17, has ruled that this condition is also fulfilled when the creditor is precluded from obtaining maintenance for the past under the law designated in the first place, due to the fact that he or she failed to put the debtor on formal notice. This interpretation appears to be consistent with the purpose of Article 4, which is to favour the maintenance creditor.

VII. Interpretation of “closer connection with the marriage” under Article 5

22 When raised, the objection based on the law which has a closer connection with the marriage has to be determined by the court in each individual case. It was generally accepted that the spouse who raises the objection should assist the court by providing sufficient factual elements supporting the application of the escape clause.

23 The decision on the application of Article 5 should be taken in conformity with the purpose of the rule, which consists of safeguarding the debtor’s legitimate expectations in case of a change of the habitual residence of the creditor (Explanatory Report, para. 78).

24 While Article 5 expressly mentions the law of the last common habitual residence of the spouses, the possibility that the law of the State of another place of common habitual residence, as opposed to the last common habitual residence, may be more closely associated with the marriage should not be ruled out.

25 Where there was no common habitual residence during the marriage, the general rule of Article 3 of the 2007 Maintenance Obligations Protocol should normally apply unless the circumstances clearly show a closer connection of the marriage with the law of another State.

VIII. The modification of a decision

26 The procedure to modify a decision should be available in each Contracting Party to the 2007 Child Support Convention.

27 The law applicable to the modification of maintenance obligations should be the law identified in accordance with the 2007 Maintenance Obligations Protocol. It was recalled that Article 4(3) of the Protocol is not applicable to an application for modification made by the debtor.

28 It was recognised that the applicable law usually requires a change of circumstances to make a modification and that the fact that another law might apply should not be considered as such a change of circumstances for the purpose of the modification of a maintenance obligation.

IX. Time of a choice of law under Article 8

29 The term “any time” under Article 8 should be interpreted according to its regular meaning. Thus, in the case of maintenance obligations between spouses or ex-spouses, the applicable law can be designated under Article 8 before the marriage, during the marriage or following the breakdown of the marriage (Explanatory Report, para. 126).

30 It was recalled that under Article 22 of the 2007 Maintenance Obligations Protocol, “[t]his Protocol shall not apply to maintenance claimed in a Contracting State relating to a period prior to its entry into force in that State”. In that regard, it was recognised that case law under the Protocol is to the effect that choice of law provisions in marriage contracts made prior to the entry into force of the Protocol are upheld by courts.

X. The law applicable to limitation periods with regard to enforcement of maintenance orders

31 Paragraphs 1, 4 and 5 of Article 32 of the 2007 Child Support Convention, which provide for enforcement under internal law, were recalled. They provide as follows:

“(1) Subject to the provisions of this Chapter, enforcement shall take place in accordance with the law of the State addressed”.

[...]

(4) Effect shall be given to any rules applicable in the State of origin of the decision relating to the duration of the maintenance obligation”.

(5) Any limitation on the period for which arrears may be enforced shall be determined either by the law of the State of origin of the decision or by the law of the State addressed, whichever provides for the longer limitation period.”

32 Specific issues concerning limitation periods and arrears with regard to enforcement of maintenance orders will be subject of discussion at the meeting of the Special Commission ([Prel. Doc. No 3 of November 2020 \(revised version\)](#) - Planning for the First Meeting of the Special Commission, p. 2).

XI. Operation of Article 18 – Coordination with prior HCCH Conventions

33 States which are Parties to the HCCH 1956 and / or 1973 Conventions, but have not yet become Party to the 2007 Maintenance Obligations Protocol, should be encouraged to do so. If the Council on General Affairs and Policy were to endorse a proposal from the Special Commission to that effect, the Secretary General of the HCCH should address the Governments of the States concerned and invite them to join the Protocol.

34 Until all Contracting States to the HCCH 1956 and 1973 Conventions have joined the 2007 Maintenance Obligations Protocol, the interpretation of Article 18 and more specifically the term “as between the Contracting States” rests with competent authorities.

XII. Practical issues with regard to the application of Article 11 – access to legal information

35 Solutions with regard to access to legal information include consultation of the Country Profiles under the 2007 Child Support Convention, the EU Justice Portal, contacting for information members of the International Hague Network of Judges or National Contact Points of the European Judicial Network or making use of the *European Convention of 7 June 1968 on Information on Foreign Law*.

- 36 Consideration should be given to add topics to the Country Profiles under the 2007 Child Support Convention to facilitate further access to foreign legal information.

Annex II – Agenda of the 22 and 25-27 January 2021 meeting of the ALWG

Friday 22 January 2021	
<u>14:00-14:30</u>	Connection and testing with participants
<u>14:30-17:30</u>	Session I
14:30-15:30	<ul style="list-style-type: none"> - Introductory remarks, Secretary General, HCCH - Election of the Chair - Tour de table – delegations / experts introduce themselves - Presentation of the agenda and objectives of the meeting, First Secretary, HCCH - Practical information, Mathilde Prénas, Senior Administrative Assistant, HCCH
15:30-15:40	<i>Health break</i>
15:40-16:30	1. Special expectations from participants apart from the agenda items listed below
16:30-16:40	<i>Health break</i>
16:40-17:30	<p>2. The law applicable to preliminary / incidental questions (<i>e.g.</i>, establishment of parentage, establishment of certain family relationships)</p> <ul style="list-style-type: none"> - See, Prel. Doc. No 5 of June 2020 at pp. 9-10, comments from Austria, Germany, Latvia and Lithuania. - The Protocol is silent on this matter. Two trends are noted as in 1995 (C&R No 29) and 1999 (C&R No 6): <ul style="list-style-type: none"> - The law designated by the Protocol as governing the principal issue relating maintenance obligations - The law designated as being applicable to the issue arising on a preliminary / incidental basis by the generally-applicable rules of conflict of laws of the forum - “Decisions rendered in application of this Protocol shall be without prejudice to the existence of any of the relationships referred to in paragraph 1” (Art. 1(2) of the Protocol).
Monday 25 January 2022	
<u>13:30-15:20</u>	Session II
13:30-14:20	<p>3. Issues concerning applicable laws that do not provide for certain relationships (<i>e.g.</i>, same sex partnerships, biological and social family / parentage)</p> <ul style="list-style-type: none"> - See, Prel. Doc. No 5 of June 2020 at pp. 4-8, comments from Bulgaria, Lithuania (4) and Romania. - A Contracting Party is not obliged to apply the Protocol to a maintenance obligation arising out of a family relationship which is not provided for under its domestic law. - “The law applicable to the maintenance obligation shall determine <i>inter alia</i> whether, to what extent and from whom the creditor may claim maintenance” (Art. 11(a) of the Protocol). - “Decisions rendered in application of this Protocol shall be without prejudice to the existence of any of the relationships referred to in paragraph 1” (Art. 1(2) of the Protocol).
14:20-14:30	<i>Health break</i>

14:30-15:20	<p>4. Interpretation and scope of “habitual residence”</p> <ul style="list-style-type: none"> - See, Prel. Doc. No 5 of June 2020 at pp. 12-15, comments from Bulgaria, Germany (3), Hungary (2), Latvia (2), Lithuania (2), Poland and Romania (3). - The Convention makes a distinction between “residence” and “habitual residence” and excludes mere “presence” (Art. 9 of the Convention and Protocol Explanatory Report, para. 43). - The Protocol supplements the Convention (third paragraph of the Preamble of the Protocol). - The determination of what is the “habitual residence” must respect the principle of uniform interpretation (Art. 20 of the Protocol) based on the Protocol’s purpose and not on internal law (Protocol Explanatory Report, para. 41). - See Protocol Explanatory Report, para. 42 for additional explanations.
<u>15:20-15:40</u>	Break
<u>15:40-17:30</u>	Session III
15:40-16:30	<p>5. Difference between “domicile” and “habitual residence”</p> <ul style="list-style-type: none"> - See, Prel. Doc. No 5 of June 2020 at pp. 13 and 15, comments from Romania (2). - The law of the domicile is not necessarily identical to the law of the habitual residence (Protocol Explanatory Report, para. 139). - In the Protocol the use of the concept of “domicile” is limited to Article 9 when it is used to replace the concept of “nationality” in Articles 4 and 6. Only Ireland is making use of Article 9 of the Protocol.
16:30-16:40	<i>Health break</i>
16:40-17:30	<p>6. Interpretation of “closer connection with the marriage” under Article 5</p> <ul style="list-style-type: none"> - See, Prel. Doc. No 5 of June 2020 at pp. 17-19, comments from Germany (2), Lithuania (3) and Poland. - When raised, the objection based on the law which has a closer connection with the marriage has to be determined in each individual case. - It should be done in conformity with the purpose of the rule, see Protocol Explanatory Report at par. 78, “the possibility for one of the spouses to influence the existence and substance of the maintenance obligation through a unilateral change of residence may lead to a result that is less than fair and contrary to the debtor’s legitimate expectations”. - The possibility that the law of the State of another place of common habitual residence, not the last common habitual residence, may be closer associated with the marriage should not be ruled out. - Where there was no common habitual residence during the marriage, the general rule of Article 3 should normally apply unless the circumstances clearly show a closer connection of the marriage with the law of another State.
Tuesday 26 January 2021	
<u>13:30-15:20</u>	Session IV
13:30-14:20	<p>7. Interpretation of Article 4(2) with regard to forum shopping</p> <ul style="list-style-type: none"> - See, Prel. Doc. No 5 of June 2020 at p. 16, comment from Germany.

	<ul style="list-style-type: none"> - See Protocol Explanatory Report, paras 59-63. - The only provisions to which the debtor has recourse to when making an application for modification are Articles 3 and 4(2) depending on the circumstances.
14:20-14:30	<i>Health break</i>
14:30-15:20	<p>8. Which law governs the modification of a decision?</p> <ul style="list-style-type: none"> - See, Prel. Doc. No 5 of June 2020 at p. 38, comment from Germany. - The procedure to modify a decision should be available in each Contracting Party to the 2007 Convention. - The law applicable to the modification of maintenance obligation should be the law identified in accordance with the Protocol. - The applicable law usually requires a change of circumstances to make a modification. - The fact that another law might apply should not be considered a change of circumstances for the purpose of the modification of a maintenance obligation.
<u>15:20-15:40</u>	Break
<u>15:40-17:30</u>	Session V
15:40-16:30	<p>9. Interpretation of “any time” under Article 8</p> <ul style="list-style-type: none"> - See, Prel. Doc. No 5 of June 2020 at p. 25 comment, from Lithuania. - The term “any time” should be interpreted according to its regular meaning, in that the applicable law can be designated before the marriage or the registered partnership, during the marriage / partnership or following the breakdown of the marriage / partnership (Protocol Explanatory Report, para. 126). - Article 22 provides that “[t]his Protocol shall not apply to maintenance claimed in a Contracting State relating to a period prior to its entry into force in that State”. - Case law under the 2007 Protocol is to the effect that choice of law and choice of forum provisions in marriage contracts made prior to the entry into force of the Protocol are upheld by courts. Doing otherwise would result in uncertainties for the parties involved.
16:30-16:40	<i>Health break</i>
16:40-17:30	<p>10. Which is the law applicable to limitation periods with regard to enforcement / execution of maintenance obligations?</p> <ul style="list-style-type: none"> - See, Prel. Doc. No 5 of June 2020 at pp. 31-32, comments from Germany and Romania. - “Subject to the provisions of this Chapter, enforcement shall take place in accordance with the law of the State addressed” (Art. 32(1) of the 2007 Convention). - “Effect shall be given to any rules applicable in the State of origin of the decision relating to the duration of the maintenance obligation” (Art. 32(4) of the 2007 Convention). - “Any limitation on the period for which arrears may be enforced shall be determined either by the law of the State of origin of the decision or by the law of the State addressed, whichever provides for the longer limitation period” (Art. 32(5) of the 2007 Convention). <p>11. Operation of Article 18 – Coordination with prior Hague Conventions</p>

	<ul style="list-style-type: none"> - See, Prel. Doc. No 5 of June 2020 at p. 35, comment from Germany. - See, Proceedings of the Twenty-First Session, Tome II, Applicable Law, Minutes No 6, Meeting of Thursday 22 November 2007 (morning), at paras 122-141, at pp. I-197-I-198, for a discussion of Article 18 (what was then Art. 15). - Party autonomy in determining the applicable law is not incompatible with the 1973 Applicable Law Convention (C&R No 37 of the 1999 SC). - See, the lists of Contracting Parties to 1956, 1973 and 2007. - States which are Parties to the 1956 and / or 1973 HCCH Conventions, but have not yet become Party to the 2000 Protocol on the Law Applicable to Maintenance Obligations, should be encouraged to do so. Consequently, the Secretary General of the HCCH should address the Governments of the States concerned and invite them to follow the recommendation of the Special Commission if the Special Commission so agrees.
Wednesday 27 January 2021	
<u>13:30-15:20</u>	Session VI
13:30-15:15	<p>12. Practical issues with regard to the application of Article 11 – access to legal information</p> <ul style="list-style-type: none"> - See, Prel. Doc. No 5 of June 2020 at pp. 11-12 and 20, comments from Germany (2) and Romania. - Solutions with regard to access to legal information include consultation of the EU Justice Portal, contacting for information Members of the International Hague Network of Judges or National Contact Points of the European Judicial Network or making use of the London Convention of 1968 on Information on Foreign Law.
14:20-14:30	<i>Health break</i>
14:30-15:20	13. Conclusions & Recommendations
<u>15:20-15:40</u>	Break
<u>15:40-17:30</u>	Session VII
15:40-16:30	13. Conclusions & Recommendations (cont.)
16:30-16:40	<i>Health break</i>
16:40-17:30	13. Conclusions & Recommendations (cont.)

Annex III – List of participants of the 22 and 25-27 January 2021 meeting of the ALWG

MEMBERS				
Brazil	Arnaldo José Alves Silveira	General Coordinator, General Coordination for International Legal Cooperation, Department of Assets Recovery and International Legal Cooperation	Ministry of Justice and Public Security, National Secretariat of Justice	
	Lalisa Froeder Dittrich	Specialist in Public Policy and Government Management, Chief of Child Support Unit, Department of Asset Recovery and International Legal Cooperation	Ministry of Justice and Public Security, National Secretariat of Justice	
Bulgaria	Kalina Kaludina	Chief Expert, International Legal Child Support And Intercountry Adoptions Directorate	Ministry of Justice	
	Rositsa Draganova	Junior Expert, International Legal Child Support and Intercountry Adoptions Directorate	Ministry of Justice	
Canada	Manon Dostie	Senior Counsel, Constitutional, Administrative and International Law Section - PIL Unit	Department of Justice Canada	
	Laurence Bergeron	Avocate, Direction du soutien aux orientations, des affaires législatives et de la refonte	Ministère de la Justice - Québec	
Croatia	Tijana Kokić	Judge and Head of the Family Department; member of the IHNJ	Municipal Civil Court of Zagreb	
	Mirela Župan	Full Professor of Private International Law	J. J. University Strossmayer of Osijek	
	Sunčica Lončar	Head of the Service for International Cooperation in the field of Protection of Children	Ministry of Labour, Pension System, Family and Social Policy	
Estonia	Andra Olm	Adviser, Division of Private Law	Ministry of Justice of Estonia	
	Marii-Elisa Pärna	Adviser, International Judicial Cooperation Unit	Ministry of Justice of Estonia	

	Anastasia Antonova	Adviser, International Judicial Cooperation Unit	Ministry of Justice of Estonia
European Union	Hrvoje Grubisic	Policy Officer, DG Justice and Consumers, Civil Justice Unit	European Commission
Germany	Claudia Thurn	Legal Officer	Federal Ministry of Justice and Consumer Protection
Ireland	Jihan Shabani	Executive Officer, Central Authority for Maintenance Recovery from Abroad	Department of Justice and Equality
Italy	Guiseppe Vinciguerra	Magistrate / Director of the Central Authorities Division	Ministry of Justice
Malta	Lynn Faure	Professional Officer, Social Care Standards Authority	Ministry for the Family, Children's Rights and Social Solidarity
	Anthony Degiovanni	Legal Officer, Social Care Standards Authority	Ministry for the Family, Children's Rights and Social Solidarity
Mexico	Dulce María Mejía Cortés	Director General for Legal Representation and Recovery of Rights for Girls, Boys and Teenagers	National System for Comprehensive Development of the Family
	Ociel Lua	Head of Department at Unit for Transparency in the Directorate General for Legal Affairs	National System for Comprehensive Development of the Family
	Sergio Solano García	Head of Department for Information, Policies and Follow-up	National System for Comprehensive Development of the Family
	Alejandro León-Vargas	Second Secretary, Legal Adviser	Embassy of the United Mexican States

Poland	Luiza Nadstazik	Senior Specialist (receiving authority)	Ministry of Justice
	Aneta Ludwiczak	Chief Specialist (receiving authority)	Ministry of Justice
	Marta Pisarska	Chief Specialist	Ministry of Justice
	Renata Majszczyk	Chief Specialist	Ministry of Justice
	Dawid Kaczmarzyk	Chief Specialist for cross-border affairs (transmitting authority)	Regional Court of Katowice
	Magdalena Aksamitowska-Kobos	Head of Independent Division of Foreign Affairs (transmitting authority)	Regional Court in Gliwice
Romania	Florentina Apostolescu	Legal Adviser	Ministry of Justice Romania
	Ioana Burduf	Legal Adviser	Ministry of Justice Romania
Switzerland	Andrea Bonomi	Full Professor of Comparative Law and Private international Law, Faculty of Law and Criminal Justice (Chair of the ALWG)	University of Lausanne
Ukraine	Kateryna Shevchenko	Deputy Head Directorate for International Law / Head of Department on International Legal Assistance	Ministry of Justice
Venezuela	Eudys Almeida Gaona	Director of Foreign Consular Service	Ministry of People's Power for Foreign Relations
	Rosa Isabel Reyes Rebolledo	Superior Court Judge / Co-ordinating Judge for the Judicial Circuit of Child Protection, Children; member of the IHNJ	Supreme Court of Justice

HCCH	Permanent Bureau	Christophe Bernasconi	Secretary General	HCCH
		Philippe Lortie	First Secretary	HCCH
		Jean-Marc Pellet	iSupport Coordinator	HCCH
		Nietta Keane	Intern	HCCH
		Stuart Hawkins	Website / IT Officer	HCCH
		Mathilde Prénas	Senior Administrative Assistant	HCCH