

1.1 Procedure

1.1.1 Regulation

	A. Outgoing applications and requests for specific measures	Recognition and enforcement	Enforcement	Establishment	Modification	Specific measures
1	Gather and check the necessary documents to proceed (<i>e.g.</i> , maintenance decision, application form, country profile)	X	X	X	X	X
2	Check the information from the applicant for completeness	X	X	X	X	X
3	Check for indications for non-disclosure of the applicant's personal address in accordance with Art. 57(3) and take appropriate measures	X	X	X	X	X
4	Does the Regulation apply & can the application/request through the Central Authorities be made under the Regulation? (In case of a specific measure check conditions under Art. 51)	X	X	X	X	X
5	Seek confirmation of or search for respondent's location if necessary (Use specific request option where appropriate)	X	X	X	X	X
6	Determine which documents need to accompany the application (Art. 57, Art. 20, Art. 28, Art. 48 of the Regulation and Art. 25 of the 2007 Hague Convention & Country Profile ¹)	X	X	X	X	
7(1)	There is an existing maintenance decision and recognition / enforcement is sought	X	X			
a	Determine in which State the decision was made (requested State, requesting State or third State)	X	X			
b	Determine whether the decision has been made in a EU Member State bound by the 2007 Hague Protocol to see whether Section 1 or 2 of Chapter IV apply? Double check the transitional provisions Art. 75 for older decisions	X	X			
c	In case the decision was rendered by an "administrative authority" check that this is an authority in the sense of Art. 2(2) (administrative authorities shall be listed in an Annex X, see Art. 2(2))	X				
d	Is the decision enforceable in the State of origin? If decision was rendered in a third State obtain document stating the decision is enforceable (and where necessary document stating the requirements of Art. 19(3) of the 2007 Hague Convention are met) (see Annex VI point 5).					
e	Obtain the decision extract from the court of origin of the decision - using form Annex I for decisions falling under Chapter IV, Section 1;	X	X			

¹ See Art. 57 (5); the provisions of the 2007 Hague Convention are relevant where the basis for the recognition of a decision is the 2007 Hague Convention.

	- using form Annex II for decisions falling under Chapter IV, Section 2 (for authentic instruments obtain respectively Annex III or IV)					
f	If the decision was rendered in a third State and the respondent did not appear and was not represented in the proceedings of the State of origin, obtain document(s) attesting, as appropriate, either that the defendant had proper notice of the proceedings and an opportunity to be heard, or that the defendant had proper notice of the decision and the opportunity to challenge it or appeal it on fact and law (no form under Regulation)	X	X			
g	Does the decision provide for automatic adjustment indexation? Where necessary provide information necessary to make appropriate calculations	X	X			
7(2)	There is no existing maintenance decision (or one which is not recognisable in the requested State) and establishment is sought, OR There is an existing maintenance decision and modification is requested			X	X	
a	In case of a modification application determine in which State the original decision was made (requested State, requesting State or third State) and whether the creditor still resides in the State of origin of the decision				X	
b	Check whether the authorities of the requested State have jurisdiction in accordance with the Regulation concerning the establishment or modification of a decision; check in particular the negative rule of jurisdiction under Article 8 for decisions modifying or replacing an existing maintenance decision			X	X	
c	Consider whether the resulting modified decision will have to be recognized or enforced in another Contracting State; if yes, ensure that the applicant is aware of the need for that step, and that the materials being provided to the requested State also reflect that request				X	
8	Do materials need to be translated? (Art. 20,28, 40, 66, 59) (Art. 59: The request or application form shall be completed in the official language of the requested Member State ..., or in any other official language of the institutions of the European Union which that Member State has indicated it can accept, unless the Central Authority of that Member State dispenses with translation. Any other communication between Central Authorities shall be in that same language unless the Central Authorities agree otherwise. Documents accompanying the request or application form shall not be translated unless a translation is necessary in order to provide the assistance requested, without prejudice to Articles 20, 28, 40 and 66.	X	X	X	X	X
9	Complete specific application form (mandatory forms: Annex VI for recognition and enforcement / enforcement applications; Annex VII for establishment and modification application) Attention: Annex VI & VII each have a Part A to be filled in by the CA and Part B to be filled in by the applicant – both part need a signature	X	X	X	X	
10	Complete specific request form (mandatory form: Annex V)					X
11	Attach all relevant document (required /additional document) including <u>where appropriate</u> : - information the financial circumstances of creditor / debtor (no form under the Regulation; but relevant fields included in Annex VII form); - document showing the amount of arrears (see recommended form adopted by the EJC in 2014) - documents indicating the entitlement of the applicant for free	X	X	X	X	X

	legal aid					
12	Send to the CA of the requested State	X	X	X	X	X
13	Await confirmation of receipt (mandatory form for all applications Annex VIII)	X	X	X	X	
14	For specific measures request await response Part B of Annex V					X
15	Provide follow-up document as required (within three months of request or within individually specified period)	X	X	X	X	
16	Inform applicant of progress	X	X	X	X	X
	B. Incoming applications and requests for specific measures	Recognition and enforcement	Enforcement	Establishment	Modification	Specific measures
1	Initial review of the documents received from other CA	X	X	X	X	
2	Is it “manifest” that the Regulation requirements are not met? (<i>e.g.</i> , not a maintenance decision): if yes, reject application and promptly inform the requesting CA using Annex IX (Art. 58(8))	X	X	X	X	
3	Is the application used the appropriate application?	X	X	X	X	
4	As concerns requests for specific measures, check whether the requested measure is one of the listed measures and whether it is necessary?					X
5	Check the documents for completeness if not promptly request the necessary documents from the requesting CA	X	X	X	X	X
6	Check whether the requesting CA determined that a non-disclosure of information in accordance with Art. 57(3) is necessary and take appropriate measures	X	X	X	X	X
7	Consider whether the respondent’s address needs to be confirmed, or, if a search of the respondent’s location is necessary?	X	X	X	X	X
8	Within 30 days, send acknowledgment of receipt to the requesting CA (mandatory form for all applications – Annex VIII)	X	X	X	X	
9	Within the same 30 days, provide requesting CA with the name and contact details of the person or unit responsible for responding to inquiries concerning the progress of the application.	X	X	X	X	
10	Take appropriate specific measure; in case exceptional costs will arise that the applicant will be asked to pay, get applicants prior consent (costs regarding locating the debtor are regarded as non-exceptional, see Art. 54)					X
11	Take appropriate steps to process the application; where the CA is not the competent authority for the recognition & enforcement, establishment or modification of a decision refer to the competent authority and follow up	X	X	X	X	
12(1)	For recognition /enforcement applications	X	X			
a	Check whether Chapter IV, Section 1 or Section 2 applies and whether the appropriate extract form (Annex I or II or respectively Annex III or IV for authentic instruments) is attached to the application	X	X			

b	<p>If Section 2 applies</p> <ul style="list-style-type: none"> - take steps to obtain the declaration of enforceability (if not already obtained). If your Central Authority is not the competent authority for the declaration of enforceability send the application and all necessary accompanying documents to the competent authority (Art. 28). - assist, where necessary, with bringing the decision of the competent authority to the notice of the applicant. (Where the declaration of enforceability is not given see appeal options under Art. 32) - once the declaration of enforceability is obtained take steps for the enforcement of the decision; if your Central Authority is not the competent authority for the enforcement send the application and all necessary accompanying documents to the competent authority 	X	X			
c	<p>If Section 1 applies no exequatur is needed,</p> <ul style="list-style-type: none"> - take steps of for the enforcement of the decision; if your Central Authority is not the competent authority for the enforcement send the application and all necessary accompanying documents (Art. 20) to the competent authority 	X	X			
d	Where relevant, take steps to allow for legal aid coverage for cost of the relevant parts of the procedure	X	X			
e	Assist with the transfer of funds where this falls within the tasks of your CA	X	X			
12(2)	For establishment / modification applications			X	X	
a	Take steps for the establishment / modification of the decision; if your CA is not the competent authority transmit the application and all necessary accompanying documents to the competent authority			X	X	
b	Where relevant, take steps to allow legal aid coverage for legal representation and other costs if the applicant is eligible for legal aid; should legal representation be necessary and should the CA members not themselves represent the applicant, assist applicant with finding a lawyer			X	X	
13	Notify the requesting CA of the progress / outcome; send status report within 60 days after the acknowledgement (no forms under Regulation)	X	X	X	X	
14	Inform the requesting CA of outcome of the request for specific measures using Part B of mandatory form Annex V					X

1.1.2 Convention

	A. Outgoing applications and requests for specific measures	Recognition and enforcement	Enforcement	Establishment	Modification	Specific measures
1	Gather and check the necessary documents to proceed (<i>e.g.</i> , maintenance decision, application form, country profile, handbook for caseworkers)	X	X	X	X	X
2	Check the information from the applicant for completeness	X	X	X	X	X
3	Check for reasons for non-disclosure of information in accordance with Art. 40 and take appropriate measures	X	X	X	X	X
4	Does the Convention apply & can the application/request through the Central Authorities be made under the Convention? (In case of a specific measure: either a) one of the listed measures concerning a possible Convention application or b) relating to a domestic maintenance proceeding with an international element)	X	X	X	X	X
5	Seek confirmation of or search for respondent's location if necessary (Use specific request option where appropriate)	X	X	X	X	X
6	Determine which documents need to accompany the application (Art. 11, Art. 25, Country Profile)	X	X	X	X	
7(1)	There is an existing maintenance decision and recognition / enforcement is sought	X	X			
a	Determine in which State the decision was made (requested State, requesting State or third State)	X	X			
b	In case the decision was rendered by an "administrative authority" check whether a document stating the requirements of Art. 19(3) are met is required	X				
c	Is the decision enforceable in the State of origin? Obtain statement of enforceability from competent authority (recommended form, Art. 25(1)b))	X	X			
d	If the respondent did not appear and was not represented in the proceedings of the State of origin, obtain statement of proper notice (recommended form, Art. 25(1)c))	X	X			
e	Does the decision provide for automatic adjustment indexation? Where necessary provide information necessary to make appropriate calculations	X	X			
7(2)	There is no existing maintenance decision (or one which is not recognisable in the requested State) and establishment is sought, OR There is an existing maintenance decision and modification is requested			X	X	
a	In case of a modification application, determine in which State the				X	

	original decision was made (requested State, requesting State or third State) and whether the creditor still resides in the State of origin of the decision					
b	Check insofar as feasible whether international jurisdiction of the judicial or administrative authorities of the requested State can be established; check in particular the limits of jurisdiction Article 18 for decisions modifying or replacing an existing maintenance decision			X	X	
c	Consider whether the resulting modified decision will have to be recognized or enforced in another Contracting State; if yes ensure that the applicant is aware of the need for that step, and that the materials being provided to the requested State also reflect that request				X	
8	Do materials need to be translated? (Art. 44, 45; Check Country Profile) (Art. 44: any application and related documents in the original language, and accompanied by a translation into an official language of the requested State or another language which the requested State has indicated; unless otherwise agreed by the Central Authorities, any other communications shall be in an official language of the requested State or in either English or French.)	X	X	X	X	
9	Determine whether any certified copies of documents are required (Art. 16(3), 25(1)a),b),d),(3), 30(3) - Check Country Profile)	X	X	X	X	
10	Complete specific application form (see recommended forms) or respectively prepare specific request supported by reasons	X	X	X	X	X
11	Attach all relevant document (required /additional document) including <u>where appropriate</u> : <ul style="list-style-type: none"> - for creditor applications the financial circumstances form (recommended form); - document calculating arrears - documentation concerning entitlement of the applicant for free legal aid 	X	X	X	X	X
12	Complete transmittal form (mandatory form Annex 1)	X	X	X	X	
13	Send to the CA of the requested State	X	X	X	X	X
14	Await confirmation of receipt (mandatory form for all applications Annex 2 – informal confirmation for specific measures request)	X	X	X	X	X
15	Provide follow-up document as required (within three months of request or within individually specified period)	X	X	X	X	
16	Inform applicant of progress	X	X	X	X	X

	B. Incoming applications and requests for specific measures	Recognition and enforcement	Enforcement	Establishment	Modification	Specific measures
1	Initial review of the documents received from other CA	X	X	X	X	
2	Is it “manifest” that the convention requirements are not met? (<i>e.g.</i> , not a maintenance decision): if yes reject application and promptly inform the requesting CA (Art. 12)	X	X	X	X	
3	Is the application used the appropriate application?	X	X	X	X	
4	As concerns requests for specific measures, check whether the requested measure is one of the listed measures and whether it is necessary?					X
5	Check the documents for completeness if not, promptly request the necessary documents from the requesting CA	X	X	X	X	X
6	Check whether the requesting CA determined that a non-disclosure of information in accordance with Art. 40 is necessary and take appropriate measures	X	X	X	X	X
7	Consider whether the respondent’s address needs to be confirmed, or, if a search of the respondent’s location is necessary	X	X	X	X	X
8	Within six weeks, send acknowledgment of receipt to the requesting CA (mandatory form for all applications – Annex 2, informal for specific measures request)	X	X	X	X	X
9	Within the same six weeks, provide the requesting CA with the name and contact details of the person or unit responsible for responding to inquiries concerning the progress of the application.	X	X	X	X	
10	Take appropriate steps to process the application; where the CA is not the competent authority for the recognition & enforcement, establishment or modification of a decision refer to the competent authority and follow up	X	X	X	X	
11(1)	For recognition /enforcement applications	X	X			
a	Check whether the standard procedure: Art. 23 or the alternative procedure: Art. 24 applies	X	X			
b	Take steps to obtain declaration of enforceability (if not already obtained). If your Central Authority is not the competent authority for the declaration of enforceability send the application to the competent authority with all necessary documents (Art. 23/Art. 24 – different order of steps). Assist, where necessary, with bringing the decision of the competent authority to the notice of the applicant. (Where the declaration of enforceability is not given, see appeal option under Art. 23 (5) et seq.	X	X			

	/Art.24 (6))					
c	Once the declaration is obtained take steps for the enforcement of the decision; if your Central Authority is not the competent authority for the enforcement send the application and accompanying documents to the competent authority	X	X			
d	Where relevant, take steps to allow for legal aid coverage for cost of the relevant parts of the procedure	X	X			
e	Assist with the transfer of funds where this falls within the tasks of your CA	X	X			
11(2)	For establishment / modification applications			X	X	
a	Take steps for the establishment / modification of the decision; if your CA is not the competent authority transmit the application and all necessary documents to the competent authority			X	X	
b	Where relevant, take steps to allow legal aid coverage for legal representation and other costs if the applicant is eligible for legal aid; should legal representation be necessary and should the CA members not themselves represent the applicant, assist applicant with finding a lawyer			X	X	
c	Where requested by the applicant proceed to the enforcement of the decision (see steps above) (recommended form establishment, tick box 9; recommended form modification, tick box 10)					
12	Take appropriate request for specific measures; in case exceptional costs will arise that the applicant will be asked to pay, get applicants prior consent					X
13	Notify the requesting CA of the progress / outcome; send status report within three months after the acknowledgement (recommended forms)	X	X	X	X	
14	Inform the requesting CA of outcome of the request for specific measures					X