

Title	2007 Child Support Convention and Maintenance Protocol: iSupport
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Objective	Report on recent developments in relation to iSupport including the proposal to transfer the iSupport Coordinator position to the Budget of the HCCH.
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	Minutes of the 20 January 2022 online meeting of the iSupport Governing Body
Related Documents	N/A

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2007 Child Support Convention and Maintenance Protocol: iSupport

I. State of play

- 1 Developed by the HCCH and administered by a Governing Body of 20 States,¹ iSupport² is an electronic case management and secure communication system for the international recovery of child support. It can service the *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (2007 Child Support Convention), *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), as well as any other instrument in this field.
- 2 A new version of the software is being finalised, which includes a renovated interface. This new interface will form the basis for new training and information videos. Subject to approval of Prel. Doc. No 18B of December 2021, “Draft statistical report under the 2007 Child Support Convention”,³ by the Special Commission on the practical operation of the Child Support Convention, which is scheduled to meet in March / June 2022 (subject to confirmation by the Council on General Affairs and Policy (CGAP)), the next version of iSupport will also include a statistical report for the 2007 Child Support Convention. Delivery is planned for August 2022. These developments are financed by the European Union (EU) under the current Action Grant for iSupport ISD (Information, Statistics and Design).
- 3 At present, France and Portugal use the system. Amongst members of the iSupport Governing Body, an additional 14 others are working towards its implementation. In addition, 10 HCCH Member States (or jurisdictions in Member States) that are not members of the Governing Body have also shown an interest in implementing iSupport.
- 4 Efforts to extend the number of States actually using iSupport have been hampered by difficulties in relation to e-CODEX, the secure communication technology that iSupport relies upon. Developed by a consortium of EU Member States with EU funding, e-CODEX can be complex to install and configure. This is in spite of recent improvements, such as the introduction of a Configuration Management Tool to facilitate the generation of parameters that are necessary for the operation of e-CODEX.
- 5 There are, however, concrete plans to improve the functioning of e-CODEX in relation to iSupport by furthering the integration of e-CODEX components with the iSupport software. These efforts will be led by Austria, which is currently in charge of the technical management of e-CODEX components. It is hoped that these improvements can be delivered during the first half of 2022.
- 6 With the pandemic, there has been a growing realisation of the important role information technology tools, such as iSupport, can play, by ensuring the continuation of cross-border cooperation between authorities and other operators. Thus, with a view to ensuring continuing progress of the work relating to iSupport, the Secretary General is proposing the transfer of the position of the iSupport Coordinator to the Budget of the HCCH (this position was established more than seven years ago and has until now been financed through a series of EU Action Grants).⁴ This

¹ Austria, Belgium, Brazil, Croatia, Cyprus, the Czech Republic, Estonia, Finland, France, Germany, Hungary, the Netherlands, Norway, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United States of America.

² See the HCCH website at www.hcch.net under “Child Support” then “iSupport”.

³ “Draft statistical report under the 2007 Child Support Convention”, Prel. Doc. No 18B of December 2021 (provisional edition, pending the completion of the French version), available on the HCCH website at www.hcch.net under “Child Support” then “Special Commission of 2022”.

⁴ See the explanations provided in paras 15 and 16 of Draft Budget (1) and Explanatory Notes for Financial Year 1 July 2022 – 30 June 2023 (FY 68), available on the Secure Portal of the HCCH website.

proposed transfer is fully supported by the iSupport Governing Body.⁵ No other operational costs relating to iSupport would be transferred to the Budget; thus, for now, maintenance costs of iSupport will remain apportioned between those States using iSupport. Additionally, further technical developments will be funded by voluntary contributions, such as EU Action Grants (see IV. below) or other sources.

II. EU e-CODEX Regulation

- 7 On 8 December 2021, the Council of the European Union and the European Parliament reached a provisional agreement on the proposal for the Regulation on the e-CODEX system, concluding the legislative process. Once in force, the Regulation will provide for a formal handover of the e-CODEX systems from the Member State consortium to an agency of the EU, eu-LISA, in the second semester of 2023.
- 8 The compromise text provisionally agreed upon by the co-legislators, to which the PB had access, provides for eu-LISA to conclude working arrangements with international organisations or their subordinate bodies in order to allow them to use e-CODEX components and benefit from technical support. The text also creates an e-CODEX Advisory Group, to provide eu-LISA with the necessary expertise related to the e-CODEX system, and allows for HCCH participation in that Advisory Group.
- 9 The iSupport Governing Body welcomed the advent of this Regulation as a very positive signal, as it provides for the sustainability of a key component used by the iSupport system. In this respect, provisions facilitating the involvement of international organisations were most welcome.

III. EU Regulation on the digitalisation of judicial cooperation

- 10 On 1 December 2021, the European Commission adopted 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 authorities⁶ for a range of legal acts (including the EU 2009 Maintenance Regulation) to be conducted digitally by default.⁷ e-CODEX will be used for the access point of the “decentralised IT system” provided by the text of the proposal (Recital 11).
- 11 For the EU 2009 Maintenance Regulation, the proposal 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 2031, after a two-year transition period.
- 12 The proposal also provides the option for communications between natural or legal persons and competent authorities under the EU 2009 Maintenance Regulation to become fully digital according to the same timeframe, either through a European electronic access point or through national portals.

⁵ See minutes of the 20 January 2022 Governing Body in Annex I to this document (available in English only).

⁶ Defined by the proposal as courts, public prosecutors, Union agencies and bodies and other authorities taking part in judicial cooperation procedures in accordance with the provisions of the legal acts listed in the Regulation.

⁷ 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 digitisation.

- 13 Finally, the proposal also provides for a reference implementation software which EU Member States may choose to apply as their back-end system instead of a national IT system, to be created, maintained and developed by the European Commission.
- 14 Although the text still has to follow the ordinary EU legislative procedure, *i.e.*, negotiation by the Council of the European Union and the European Parliament, before formal adoption, it potentially has large implications for iSupport. The PB will continue to monitor developments in respect of this Regulation.

IV. New EU-funded project

- 15 In September 2021, the European Commission informed the PB that it would co-fund a new project for iSupport: iSupport International Transfer of Maintenance Funds (iSupport ITMF). The main objective of the project, which will start in September 2022 for a duration of two years, is to facilitate the transfer of funds by linking bank accounts with iSupport, in coordination with the Conclusions and Recommendations of the relevant HCCH Experts' Group. In collaboration with the European Bailiffs' Foundation (EUBF) and Austria, the project will also implement communication and training activities involving enforcement authorities.

ANNEX

Annex I

Minutes of the 20 January 2022 online meeting of the iSupport Governing Body

Present were representatives from Austria, Belgium, Brazil, Croatia, Cyprus, Finland, France, Germany, Hungary, Norway, Portugal, Slovenia, Spain, Sweden and the United States of America. The meeting was chaired by Paulo Gonçalves (Portugal). Present for the PB were Philippe Lortie (PL) and Jean-Marc Pellet (JMP).

I. Budgetary discussions (HCCH budget 2022-2023)

1. PL reported that discussions are underway for the HCCH budget for the next financial year (July 2022 to June 2023). The process started on 13 January with an informal meeting involving National Organs and / or representatives of the Standing Committee of the Council of Diplomatic Representatives (the Council of Diplomatic Representatives is the HCCH body that adopts the budget – the Council on General Affairs and Policy is also consulted).
2. PL recalled that several States had expressed a wish in the past for the position of iSupport Coordinator to be part of the “regular budget” of the organisation (now “the budget”), as opposed to a specific iSupport budget. [Addition after the meeting: The iSupport coordinator position has been funded by EU Action Grants since September 2014.]
3. The informal budget presented by the Secretary General (SG) at the 13 January meeting includes the position of iSupport coordinator as part of the budget, as well as a new human resources position. Along with other developments, this has an impact on the budget, with about a 6% increase by unit.
4. PL explained that this move will further help consolidating iSupport, which is now used by two Central Authorities, with 14 States working towards implementation and 10 additional States or territories which have shown an interest. In terms of the overall work programme of the organisation, this would also be beneficial. First, having the position of iSupport coordinator for the past few years has allowed a few developments that would not have taken place without that resource such as the statistical report for the 2007 Convention and the Experts’ Group on International Transfer of Maintenance Funds. This has only been possible because these topics are connected to iSupport.
5. Moving the position to the budget would mean that the coordinator could also work on other 2007 Convention topics, especially as 2022 has brought new responsibilities for PL (jointly with his colleague Secretary, Laura Martinez-Mora): the 1980 Child Abduction Convention and the 1996 Child Protection Convention (in addition to pre-existing responsibilities: the 2007 Convention, the 2000 Protection of Adults Convention, the International Hague Network of Judges and the Judges’ newsletter). [Addition after the meeting: It would also allow the coordinator to work on horizontal HCCH issues such as statistics across the Conventions and Country Profiles, for instance.]
6. PL concluded that it would send a strong signal, after the European Union has taken steps towards the sustainability of e-CODEX. He invited participants to contact their National Organ¹ if they supported this initiative. He added that at this stage, support from a few large contributors to the budget (France, Germany, the USA), and a few States outside of the EU (Brazil, Norway, the USA) would be welcome (as opposed to the whole Governing Body). The Standing Committee will meet on 17 February.

¹ <https://www.hcch.net/en/states/hcch-members>.

7. One representative asked if the Permanent Bureau could provide some language to facilitate their contact with their National Organ. PL replied positively.
8. One representative remarked that making voluntary contributions (as opposed to their contribution to the budget) is difficult for their State and enquired about the current cost of the coordinator. PL could not give an exact figure but indicated that it should be less than € 100,000 per year including the contribution of the employee and the organisation to the Pension Fund.
9. One representative enquired about the relation to other budgets such as the EU Action Grants. PL clarified that payments for EU Action Grants can be received at any time before the end of the Grant. That is August 2022 for the current project, and August 2024 for the next project. By contrast, payments to the budget are billed annually in July of each year.
10. One representative enquired about the impact for iSupport if the position could not be transferred to the budget. PL explained that staff rules do not permit to employ staff paid outside of the budget for a period longer than four years (new staff rules came into effect in January 2018).

II. State of play technical work in iSupport

11. JMP provided a brief update. Following vulnerabilities in the Apache log4j software that were identified last year, e-CODEX released new versions of the connector (4.4.x). On 2 February a meeting will take place with Austria, which is managing e-CODEX components, to discuss which versions are recommended for iSupport. The specific middleware that is used between iSupport and e-CODEX components will also be discussed.
12. JMP also invited participants to test the 2021 version that is currently available on the sandbox as much as possible. The first wave of test will end on 28 January, after which Protech will make the necessary amendments. A second (and final) wave of tests will follow.
13. PL added that Austria is installing iSupport in a testing capacity, with a view to demonstrating how e-CODEX components can work in conjunction with iSupport. He welcomed the development.