

Title	Questionnaire in preparation of the Experts' Group meeting of 8 to 11 February 2021 on international transfers of maintenance funds
Document	Prel. Doc. No 11 of October 2020
Author	PB
Agenda Item	TBD
Mandate(s)	C&D No 25 of CGAP 2020
Objective	To prepare for the Experts' Group meeting of February 2021 by collecting information on current arrangements regarding international transfers of maintenance funds. Replies to the Questionnaire should be sent to the PB by e-mail to < secretariat@hcch.net > no later than 15 January 2021
Action to be Taken	For Action <input checked="" type="checkbox"/> For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input type="checkbox"/>
Annexes	N/A
Related Documents	Prel. Doc. 11 of November 2019 - Report of the Experts' Group on international transfers of maintenance funds

Questionnaire in preparation of the Experts' Group meeting of 8 to 11 February 2021 on international transfers of maintenance funds

- 1 At its 3 to 6 March 2020 meeting, the Council on General Affairs and Policy (CGAP) of the HCCH concluded and decided as follows regarding the work of the Experts' Group (EG) on international transfers of maintenance funds:

“25. CGAP mandated the Experts' Group on international transfer of maintenance funds to continue its work and invited the PB to make arrangements for a further meeting of the Experts' Group by videoconference. The findings of the Expert's Group will inform the work of the SC.”

- 2 In preparation of the 8 to 11 February 2021 videoconference meeting of the EG, to take place in the afternoon Central European Time, delegates / experts are invited to review the “Report of the Experts' Group on international transfers of maintenance funds”¹ which includes the Conclusions and Recommendations of the first meeting of the EG in September 2019 (C&R EG) that reflect existing good practices found in a number of States. Delegates / experts are also invited to complete the following Questionnaire.
- 3 Membership of the EG is open to all Members of the HCCH regardless of whether they are Contracting Parties to the HCCH 2007 Child Support Convention or not. To ensure the widest possible representation, any contributions or proposals from Members which have not yet participated in the work of the EG are welcome.

Instructions for completion of the Questionnaire

- 4 The Questionnaire is being sent to Central Authorities as well as National and Contact Organs. Central Authorities are asked to co-ordinate as appropriate between themselves and other competent authorities. For Contracting Parties to the Convention, Central Authorities are ultimately responsible for submitting the completed Questionnaire to the Permanent Bureau (PB).
- 5 In order to allow the PB to extract parts of the Questionnaire for a compilation and analysis of the responses, you are kindly requested to use **this Word version** of the document, and **not return a PDF version** of the completed Questionnaire.
- 6 We kindly request that replies to the Questionnaire be sent to the PB by e-mail to < secretariat@hcch.net > **no later than 15 January 2021** with the following subject matter captioned in the heading of the e-mail: “[name of State] Response to transfer of maintenance funds Questionnaire – 2021 Special Commission”. Any questions concerning the Questionnaire may be directed to < secretariat@hcch.net >.
- 7 The PB intends, except where expressly asked not to do so, to place all responses to the Questionnaire on the HCCH website (< www.hcch.net >). Please therefore clearly identify any responses which you do not want to be placed on the website.
- 8 The findings of the EG will inform the work of the Special Commission (SC) tentatively scheduled to take place during the week of 7 to 11 June 2021. The dates of the SC will be discussed and decided at the CGAP 2021 meeting, which is scheduled to take place during the week of 1 to 5 March 2021. Thank you for your kind co-operation as the PB prepares for the meeting of the SC in 2021.

¹ CGAP Prel. Doc. No 11 of November 2019 “Report of the Experts' Group on international transfers of maintenance funds” is available at: < <https://assets.hcch.net/docs/4def3f24-fde9-487a-9396-531105e196d5.pdf> >.

Questionnaire

Name of State or territorial unit:^[1]	Austria
<i>For follow-up purposes</i>	
Name of contact person:	Robert Fucik
Name of Authority / Office:	Bundesministerium für Justiz
Telephone number:	00431521520
E-mail address:	robert.fucik@bmj.gv.at

- 9 For the purpose of the 8 to 11 February 2021 meeting of the EG, delegates / experts are invited to report on consideration given to and / or implementation of the following arrangements in their jurisdiction:
- a. Developments in general regarding the international transfer of maintenance funds
- AT started several attempts to convince US States to change from paper cheques to electronic transfer. We succeeded with some States.
- In general, we want to underline that the entire sum of maintenance has to be paid and any transfer costs completely fall into the responsibility of the debtor.
- b. Elimination of the use of cheques (see C&R EG No 1)
- Not being considered. Please explain:
Please insert text here
- Is being considered. Please explain:
Please insert text here
- Has already been implemented. Please explain:
See answer in point a. However, some requested States are reluctant and not in the state to change their system. For those, we suggested sending the cheques only to our embassy.
- c. Solutions with regard to increased transparency and cost reduction of transfers and currency conversion (see C&R EG Nos 2 and 10)
- Not being considered. Please explain:
We are not responsible for cost reduction (it is the problem of the debtor) and we never encountered problems with the currency conversion
- Is being considered. Please explain:

^[1] The term "State" in this Questionnaire includes a territorial unit, where relevant.

Please insert text here

Has already been implemented. Please explain:

Please insert text here

d. Solutions where creditors would not bear the costs related to the transfer of funds (see C&R EG No 2)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

As said before, only the debtor is responsible for bearing the costs of transfer according to our Law. However, we always try to find the most cost-effective solution with the requested CA.

e. Solutions where the institution(s) facilitating the transfer of funds could cover the costs of such transfers by withholding the amounts for a few days (see C&R EG No 2)

Not being considered. Please explain:

We do not see the need for any arrangements in favour of the debtor. He or she would have been able to avoid those costs by fulfilling his or her debts voluntarily

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

f. Requested Central Authority arrangements with their bank to cover transfer fees or other arrangements to that effect (see C&R EG No 3)

Not being considered. Please explain:

See answer to e.

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

[Please insert text here](#)

g. 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 EG No 3)

Not being considered. Please explain:

[Please insert text here](#)

Is being considered. Please explain:

[We work with case-to-case approach](#)

Has already been implemented. Please explain:

[Please insert text here](#)

h. 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 EG Nos 4 and 5)

Not being considered. Please explain:

[Neither feasible nor desirable](#)

Is being considered. Please explain:

[Please insert text here](#)

Has already been implemented. Please explain:

[Please insert text here](#)

i. Provision of payment transfer services to any debtors transferring payments within the scope of the HCCH 2007 Child Support Convention (see C&R EG No 5)

Not being considered. Please explain:

[As it is the responsibility of the debtor to care for net payment, we do not see the need for further regulations.](#)

Is being considered. Please explain:

[Please insert text here](#)

Has already been implemented. Please explain:

Please insert text here

j. Implementation of payment transfer monitoring systems (see C&R EG No 6)

Not being considered. Please explain:

not feasible.

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

k. Implementation of unique case references, known to both the requesting and requested State, attached to each transfer of funds (see C&R EG No 7)

Not being considered. Please explain:

We would see that as to burdensome and we cannot see the advantage compared to a case-to-case-solution

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

l. Implementation of currency conversion of payments done by the relevant authority in the requested State at the time of transfer (see C&R EG No 8)

Not being considered. Please explain:

No problems encountered in that field.

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

m. Implementation of bundled payments to reduce costs of transfers (see C&R EG No 11)

Not being considered. Please explain: [

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

If a pro-bono-Lawyer proposes a bundled transfer to reduce the costs, we agree as CA and we suggest the same to the requested Authority in cases where we are the requesting authority.

n. Any other developments:

Inspired by NOR and CH, we arranged - as an interim solution - that paper cheques, where inevitable - should only be sent to our Washington Embassy (consular section). The Embassy cares for reimbursement and cables the money (and a list of payments case by case) to AT.

Thank you!