

# 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 This information will not be published as part of the questionnaire response.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:]

Italia

### Questionnaire

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

continuous encouragement of electronic transfer's instruments

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:

detering use of cheques, that indeed appears extremely rare. Italian CA invites in each proceeding both creditors and debtors to use electronic transfer's instruments, specifying the reasons of the request

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)

Is being considered.

Please explain:

The Italian Ministry of Justice aims to arrange a general agreement with the national banks association on currency transfers and conversion costs

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)

Not being considered.

Please explain:

According to Italian law, these costs' burden is on the debtor; thus, each reduction of the amounts transferred implies an incomplete payment

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:

Italian AC has no its own bank account

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)

Is being considered.

Please explain:

Italian CA is not involved in payments. Therefore, the only information about it may come from the parties or others CCAA, who are invited to advise

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:

Italian CA has no right neither possibility to collect money on behalf of the parties; also, has no bank account, nor staff able to manage payments and order money transfers

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:

Voluntary or compulsory payments instruments are selected, respectively, by debtors or Courts involved in enforcement procedures

i. Implementation of payment transfer monitoring systems (see C&R 2019 No 6; aide-mémoire 2021, paras 36-37)

Is being considered.

Please explain:

Only for voluntary payments, according to information granted by parties. In the enforcement procedures the payments of sums foreclosed on a regular base or in a single transfer are ordered by the Courts with a single decision

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)

Is being considered.

Please explain:

The Italian CA may require debtors or Courts to apply the unique case reference on requesting CA demand

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)

Is being considered.

Please explain:

Courts and debtors will be required to foreclose or pay, if possible, the amount corresponding to the sum due in foreign currency at the exchange rate of the day of transfer

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:

Italian CA is not involved in payments

m. Any other developments including bilateral solutions put in place between States and ongoing trials between States: