



Project co-funded by the
CIVIL JUSTICE PROGRAMME
of the EUROPEAN UNION

iSupport

cross-border recovery
of maintenance obligations
*pour le recouvrement
transfrontière des
obligations alimentaires*

iSupport Advisory Board Meeting of 28 October 2015

List of Participants

Experts	iSupport Team
Leo de BAKKER (The Netherland) Robert BEHR (Austria – excused) Mary BUTLER (United States of America) Natasha BUTLER (France–excused) Simone CUOMO (CCBE) Chiara FIORENTINI (ITTIG) Paulo JORGE GOMES GONCALVES (Portugal) Alisha GRIFFIN (United States of America) Floor de JONG BEKKALI (Norway) Haldi KOIT (Estonia) Nathali NICKEL (e-CODEX–excused) Tanja NIEMI (Finland) Hannah ROOTS (NCSEA) Stefan SCHLAUSS (Germany) Arnaldo JOSE ALVES SILVEIRA (Brazil) Thomas STEIMER (Switzerland – excused)	Philippe LORTIE (Chair) Brigitte VOERMAN Patrick GINGRAS Marie VAUTRAVERS

Introduction

1. Philippe Lortie, First Secretary, opened the meeting. He pointed out that additionally to the original members of the iSupport Advisory Board, representatives of Finland, Estonia, Brazil and Portugal had also been conveyed to the meeting because they will be part of pilot program. He also indicated that the original Advisory Board tasks and duties will be taken over as of 1st September 2016 by the Governing Body which will include representatives of all user States, States contributing financially to iSupport and States Parties or about to become Parties to the 2007 Convention.
2. Philippe Lortie reported that the iSupport project has signed two contracts with Protech Solutions; one for development and one for maintenance. The contracts were signed on 17 July,

2015. The iSupport team of the Permanent Bureau had a kick off meeting with the developer which was extremely fruitful, and they have an extremely good relationship with the developer. He also reported that as a result of the high quality of service provided by Protech Solutions, all time frame indicated on the website will be adhered to. He noted the developer has even provided more than asked for.

3. Philippe Lortie explained that the process of the development was that at the end of two weeks, the Permanent Bureau would provide a demonstration of what had been developed over the previous two weeks, held by video conference with all potential users. All functionalities developed so far are available in an online sandbox (test environment), where one can test and play with the system. An online electronic tool (Jira) also gives the capability for users to comment and suggest changes. The system is currently being tested by members of the Advisory Board and Working groups, and also by trained testers who are providing valuable feedback. He invited all State representatives present who have not gone into the sandbox, to perform tests. Any interested party will be provided with a user name and password. He added that the iSupport team was available to respond and to provide information where needed. He thanked the iSupport Advisory Board members for all the time they have taken to help and to support this project.

iSupport maintenance costs – Perspective for the first two years

4. Philippe Lortie informed the participants that the objective of the meeting was to look into the future and touch upon the financial sustainability of the project and to help States iron out budgetary questions for the next year.

5. Phillipe Lortie gave an overview of the first possible scenario, which entails having a common solution whereby all states share the maintenance costs and save a significant amount compared to each state doing this on their own. This scenario has been developed in a twelve-month time frame for a total budget of €225.000. Additionally to the fixed maintenance costs of €75,000 euros per year, Brigitte Voerman had provided an estimation of how many incidents there will likely be in the first year. He added that he is confident that these numbers are accurate. The salary of an iSupport coordinator has been included in this final total cost. This person will coordinate the project from the Permanent Bureau, and will be responsible inter alia for preparing and organizing meetings of the Governing Body and working groups, and assisting States that newly sign on to the system. The coordinator would also be responsible to promote the 2007 Convention and help secure new iSupport users.

6. Phillipe Lortie displayed a spreadsheet with total estimated costs. He indicated that this total cost will be split among the total number of States that have implemented iSupport. If a State uses iSupport for the first 6 months of the financial year, it will be considered to be using it for a full year, and will be responsible for the full year of payments. In the event where a State implements iSupport in the second semester of the financial year, only half of the costs would be charged. He reminded meeting attendees that the cost is divided by number of units by States, under the UPU system which States have already agreed upon during the Tender, Governance and Maintenance Working Group meetings.

The European Call for proposals for e-Justice projects

7. Philippe Lortie then presented the second scenario where the project would be awarded an action grant under the e-Justice program, and which is based on a 24 months period for a total budget of €649.000. Additionally to the maintenance fixed fees already mentioned, the figure includes all future changes to the system as described in the Deliverables Document (“Should Haves” and “Could Haves”), and an extra amount of €20,000 has also been reserved for additional future changes. The salary for the iSupport coordinator remains the same but other development costs, such as a technical or legal consultancy fees will be incurred in relation with the development of significant new functionalities.

8. Marie Vautravers, Project Legal Officer, presented the Call for Proposals (CFP) released by the European Commission on 29 September. The priority of the call is to fund projects aiming at enhancing or joining existing IT projects to the e-justice program. The CFP mentions specific attention to A priority projects listed by the European Council e-Justice Action Plan, amongst which iSupport as well as e-CODEX are listed. The CFP addresses design and project management as well as promotion and dissemination activities. It lists five criteria, most if not all of which iSupport could meet. 1. Relevance to RFP priorities; 2. Quality of the proposal; 3. EU added value; 4. Sustainability and long term impact of the project; 5. Cost effectiveness.

9. Phillipe Lortie indicated that he has presented progress made on the iSupport project every year for the last three years to the e-Justice Working Group of the Council of the European Union as well as to European Judicial Network meeting of Central Authorities designated under the 2009 Regulation. It has been very well received on each occasion.

10. Brigitte Voerman, Project Director presented projected additional functionalities to the system, which are entitled “changes” in the spreadsheet. These are wishes for additional items which are referred to in the Deliverables Document as “Should Have”, “Could Have”, and “Wont Have”. The amount for the Should Have and Could Have items is €78,000 in total. She indicated that testers also have the ability to require new functionalities. The project would also entail a new functionality providing direct access to the e-Justice Portal, where applicants and courts can fill in forms online and send them through the e-CODEX directly to the relevant requesting State iSupport system, and which will include an e-signature function. She informed the meeting that she will go to Brussels on Friday 30 October 2015 to meet European Portal representatives in that respect.

11. Philippe Lortie pointed out that the EU Action Grant Rules are based on the principle of co-financing, which means that resources which are necessary to carry out the action may not be entirely provided by the EU budget. Third parties have to contribute on a ratio of 20/80 percent. On that basis, he indicated that the contribution of States under scenario 2 would be four times lower than under scenario 1 over a period of two years. He acknowledged and extended his gratitude to Norway, Portugal and Switzerland that have contributed more, further to the Letter Circular of 13 April 2015. He suggested that these contributions would be used to apply for the EU action grant, even though this money was originally intended to go toward the could-haves and should-haves during the development. He added that the project will still need a total contribution from states or organisations of €100,000. He then opened the floor for comments, and asked whether the States that contributed extra funds would agree to have their

contributions from this summer be used toward the EU action grant. He also asked speakers to address their possible functionalities wish list.

Discussion – Next steps

12. Alisha Griffin (United States of America) expressed that applying for the EU Action Grant is an excellent way to marry the EU e-Justice Program with an opportunity to fund maintenance, promotion and additional functionalities. She pointed out that scenario 1 is certainly difficult from a governing perspective, because it would be difficult to decide what on the wish list is implemented.

13. Philippe Lortie clarified that without the EU Action Grant, only maintenance activities would be funded, with the exception of changes funded by the three States previously mentioned contributions. He indicated that the United States of America expressed a desire to have access to both the import and export batch of data from and to another domestic system. He asked if other States also considered this functionality as useful for them.

14. Brigitte Voerman clarified that this functionality was originally called “plug-in” and has been renamed “API” (application programming interface). She explained that it allows one to export but also import data into the iSupport database.

15. Mary Butler (United States of America) mentioned that there was a great need for both import and export functionalities.

16. Stefan Schlauss (Germany) indicated that his State is aiming at introducing the system in 2017. The implementation will be budgeted for 2017 and it will therefore not be possible to start in 2016 September. He added that the export / import functions would in fact be very useful, because this has been a major topic in the federal office of justice. Concerning the EU Action Grant, he expressed his full support and indicated that Germany will be able to grant additional financial support.

17. Philippe Lortie clarified that in relation to the Action Grant, the actual contribution from a State can be transferred to the Hague Conference at any time within the timeframe of the project. The funds do not need to be dispersed at the start of the Project. As a consequence, a State can make a commitment to a contribution at this time but budget it for the next year or even in two years.

18. Haldi Koit (Estonia) indicated that Estonia will probably also be able to fund the project, subject to final approval of the competent authorities. She also expressed her support of the EU Action Grant, and indicated that her State had no particular interest in the import/export function.

19. Tanja Niemi (Finland) reported that that all iSupport related funding questions are still under discussion at the national level. They are clarifying possibilities to fund the project but no decisions are made so far. Their intention is to use the system next fall but it is not possible to make any commitments before the funding questions are clarified at the national level. They also mentioned that they were supportive of the EU Action Grant. In addition Finland informed that they are not going to use the function which allows one to export and import data into the

iSupport database. Leo De Bakker (The Netherlands) indicated that he supports the proposal the EU Action Grant. However he expressed his concerns in relation with the proposal of scenario 1. He explained that a small amount of States were currently contributing to the development of iSupport, for the benefit of a large amount of States that will ratify the Convention in the future. Hence he proposed an alternative, in which funds would be divided in another way: 50% could be divided among the initial States using iSupport, and 50% could be divided among all of the Members of the Hague Conference. This way, it will also be easier for those other countries to connect to the iSupport system in the future.

20. Philippe Lortie pointed out that while it is a very interesting idea, it will be quite a challenge to get this idea passed with the Members of the Hague Conference. Depending on the outcome of the EU Action Grant submission, he suggested to explore this possibility. He also proposed a further alternative solution, in which half of the salary of the iSupport coordinator (who will also be working for the promotion of the 2007 Convention) would be paid by the Members.

21. Floor De Jongh Bekkali (Norway) reported that subject to further verifications, she agreed on using the additional funding provided during last spring to fund an EU Action Grant project. She added that the import / export functionality would certainly be useful.

22. Arnaldo Silveira (Brazil) reported that he had preliminary talks with the relevant officials, and that Brazil will not in a position to make financial contributions to the development of iSupport in 2016 due to budget constraints. He mentioned that it is questionable how soon they will be able to do so. He added they are aware of the importance of the project, and they will update us as soon as they will be able to give a different response.

23. Paulo Goncalves (Portugal) indicated that, regarding the use of their contribution in the framework of an EU Action Grant, he will report to his hierarchy and report back to the Permanent Bureau.

24. Philippe Lortie explained that Scenario 2 that was presented to cover a 24-month period. With a view to limiting the amount of the EU Grant, he proposed that the length of time of the project could be reduced. For example, the action could be carried out over a period of 16 months, which would be 8 months shorter than planned and the cost for incidents, salaries and maintenance would be reduced. This would mean that all States using iSupport after the 16-months period would then have to pay their contribution for iSupport to run as a sustaining project. This would also allow State users to plan now for an iSupport regular budget that will begin in July of 2018, plus a half of that budget that will start on 1st February 1, 2018. The hope will be to have a sufficient amount of users by that time, depending on the promotion actions outcome. He also recalled that a State joining the project during the second semester of the financial year would be charged half of the costs. The amount received will fall into a reserve fund for that year.

Security and data protection assessment

25. Brigitte Voerman discussed the possibility of having a security and data protection assessment. She explained that data protection issues relate to privacy of actors' data saved in the system. More generally the security of the system also needs to be assessed. She asked for volunteers to perform those assessments. She proposed to have one meeting with all experts

involved in this assessment to discuss the needs and the objectives, and then divide the tasks. She suggested to have another meeting for each expert to report to the group.

26. Simone Cuomo (CCBE) indicated that CCBE would be able to work on a data protection assessment, but required a step-by-step description of data processing procedure in iSupport.

27. Phillipe Lortie informed the meeting that the United States of America had already proposed the service of one expert. He added that it would be ideal if a European State would contribute an additional expert.

28. Brigitte Voerman indicated that it would be helpful to have a legal person and a technical person working on that matter. She mentioned that the security and data protection assessment must be completed before the end of the year, to allow the developer to address any question raised.

29. Philippe Lortie indicated that the Permanent Bureau would like to do a follow-up Advisory Board meeting on Wednesday, November 25 at the same time, which is 4:00 pm Hague time. He added that it would be extremely helpful to know before the meeting what contributions States would be able to make, if any. He also indicated that the iSupport team will have a draft proposal for the EU Action Grant submitted by December 3, as was already indicated in the circular letter.

30. Philippe Lortie closed the meeting by thanking all the participants for their availability and for their ongoing support and commitment towards the iSupport project.