

First Meeting of the Special Commission to review the practical operation of the 2007 Child Support Convention and 2007 Protocol on Applicable Law

Academy Building, Peace Palace, The Hague, Netherlands

17-19 May 2022

9.30 a.m. – 5.30 p.m. (CEST)

DRAFT ANNOTATED AGENDA

*The draft annotated agenda will be treated with some flexibility
and may need to be modified in the light of ongoing discussions.*

Tuesday 17 May 2022	
Time	Item
9.30 a.m.	<p>I. Opening of the Special Commission</p> <ol style="list-style-type: none"> 1. Opening of the meeting by Mr Paul Vlas, President of the Netherlands Standing Government Committee on Private International Law 2. Election of the Chair(s) of the Special Commission 3. Welcome remarks by Dr Christophe Bernasconi, Secretary General 4. Introduction to the draft agenda by Mr Philippe Lortie, First Secretary, and documentation by Mr Jean-Marc Pellet, iSupport Coordinator 5. Adoption of the agenda 6. Practical announcements
10.15 a.m.	<p>II. General operation of the 2007 Child Support Convention</p> <ol style="list-style-type: none"> 1. General assessment of the operation of the 2007 Convention <i>Prel. Doc. No 4 of October 2020 (second revised version)</i>¹ 2. Interpretation of the term “residence” (Art. 9) <i>Prel. Doc. No 4: Responses of Latvia, Germany (CA, Gov.) and Romania to Question 3.2. at pp. 29-30</i> <i>See Arts 9 and 53,² and paras 228 and 665-667 of the ER.</i>³

¹ Hereinafter Prel. Doc. No 4.

² Unless otherwise specified, referenced articles are from the 2007 Child Support Convention.

³ ER is the [Explanatory Report](#) on the 2007 Child Support Convention by Alegria Borrás and Jennifer Degeling with the assistance of William Duncan and Philippe Lortie (Permanent Bureau). At its 7-9 April 2010 Meeting, CGAP welcomed the completion and publication of the ER further to the consultation of all Members and non-Members which attended the Twenty-First Session of the HCCH.

	<p>3. Applications made in the name of a “creditor child” – information about the “custodial parent” <i>Prel. Doc. No 4: Responses of Germany (CA, Gov.), Germany (DIJuF, NGO) and the United States of America to Question 3.3. at pp. 31-33, response of Germany (CA, Gov.) and Germany (DIJuF, NGO) to Question 6.1. at p. 54, and response of the United States of America to Question 6.9. at p. 67</i> <i>See Art. 3(a), para. 66 of the ER, para. 85 of the PHC,⁴ and Prel. Doc. No 7 of April 2022 (fifth revised version) - Draft Guidance to complete the Mandatory and Recommended Forms under the 2007 Child Support Convention, at pp. 6, 30, 40, 57, 64, 68, 74, 78, 91 and 109.</i></p> <p>4. Public bodies as applicant (Art. 36) <i>Prel. Doc. No 4: Responses of Germany (CA, Gov.), Germany (DIJuF, NGO), Latvia, Lithuania, Norway, Romania and Ukraine to Question 3.4. at pp. 33-35, and responses to Question 3.6. at pp. 37-38</i> <i>See Arts 3(a) and 36, paras 66-67, 384 and 598 of the ER, and para. 1129 of the PHC.</i></p>
11.00 a.m.	Break
11.15 a.m.	<p>5. Transmission of applications within States with a non-unified legal system (Art. 4(2)) <i>Prel. Doc. No 4: Responses of Austria, Germany (CA, Gov.) and Germany (DIJuF, NGO) to Question 3.8. at pp. 40-41</i> <i>See Art. 4(2), and para. 89 of the ER.</i></p> <p>6. Time frame for the acknowledgment of receipts of applications (Art. 12(3)) <i>Prel. Doc. No 4: Responses to Question 3.1. at p. 28</i> <i>See Art. 12(3), Annex 2 of the 2007 Convention, paras 317-318 and 327-330 of the ER, and para. 426 of the PHC.</i></p> <p>7. Conditions to access legal aid in the requested State, particularly the examination of the debtor’s resources (Art. 17(b)) <i>Prel. Doc. No 4: Responses of Austria, Bulgaria, Colombia (1956 New York Convention), Germany (CA, Gov.), Germany (DIJuF, NGO), Romania and Slovenia to Question 3.5. at pp. 35-37</i> <i>See Arts 2(1)(a), 15(1) and 17(b), and paras 45-46, 381-383 and 408-414 of the ER, and paras 214, 216, 222, 859-860 of the PHC.</i></p> <p>8. Application of the 2007 Convention to children regardless of the marital status of their parents (Arts 1, 2(4), 6(1) and 6(2)(h), 7(1), 10(1)(c) and 10(3), 15(2) and 22(a)) <i>Prel. Doc. No 4: Response of the United States of America to Question 14.1. at p. 130</i> <i>Prel. Doc. No 13 of June 2021, ACWG Report, Attachment to Annex I at pp. 7-10</i> <i>See Arts 1, 2(4), 6(1) and 6(2)(h), 7(1), 10(1)(c) and 10(3), 15(2), 19(2) and 22(a), paras 2, 5, 41, 45, 58-59, 78-79, 86, 95-96, 98, 102, 105-109, 111, 120-125, 170-175, 190, 234, 244-245, 247-250, 252, 275-276, 385, 391-392, 438, 477-479 of the ER, para. 385 of the PHC, and Stage 1.I.6.i., Stage 1.III.1.b. and Stage 1.III.1.j. of the CP.⁵</i></p>
1.00 p.m.	Lunch break

⁴ PHC is the [Practical Handbook for Caseworkers](#) under the 2007 Convention. The PHC was adopted by the Meeting of the Special Commission of 10-17 November 2009 on the implementation of the 2007 Child Support Convention and of the 2007 Protocol on the Law Applicable to Maintenance Obligations, C&R No 6.

⁵ CP is the Country Profile under the 2007 Convention. The CP was adopted by the Meeting of the Special Commission of 10-17 November 2009 on the implementation of the 2007 Child Support Convention and of the 2007 Protocol on the Law Applicable to Maintenance Obligations, C&R No 8. See [Prel. Doc. No 3 \(final\) of September 2011](#) – Country Profile 2007 Child Support Convention.

2.00 p.m.	<p>III. Restrictions on access to personal data</p> <ol style="list-style-type: none"> 1. Location of the respondent (debtor) (Art. 6(2)(b)) <i>Prel. Doc. No 4: Responses of Brazil and Germany (DIJuF, NGO) to Question 4.1. at pp. 43-44, and response of Romania (1) to Question 14.1. at p. 129</i> <i>See Art. 6(2)(b), para. 138 of the ER, paras 340 and 584 of the PHC, and Stage 1.1.6.b. of the CP.</i> 2. Information regarding the income and other financial circumstances of the debtor or creditor (Art. 6(2)(c)) <i>Prel. Doc. No 4: Responses of Cyprus and Romania to Question 4.1. at pp. 44-45</i> <i>See Arts 6(2)(c) and 40(3), paras 142-147 and 613 of the ER, paras 242 and 950 of the PHC, and Stage 1,1,6.c. of the CP.</i> <p>IV. Recognition and enforcement of maintenance decisions</p> <ol style="list-style-type: none"> 1. Recognition and enforcement of maintenance decisions concerning relationships not provided by the law of the requested State (Art. 22(a)) <i>Prel. Doc. No 4: Response of Romania to Question 8.3. at p. 88</i> <i>See Arts 19(2), 21 and 22(a), and paras 438, 475-479 of the ER.</i> 2. Grounds for refusing recognition and enforcement – in a case where the respondent has neither appeared nor was represented in the proceedings in the State of origin (Art. 22(e)) <i>Prel. Doc. No 4: Response of Latvia to Question 14.1. at p. 129</i> <i>See Art. 22(e), and paras 486-488 of the ER.</i>
3.45 p.m.	Break
4.00 p.m.	<p>V. Enforcement matters under the 2007 Child Support Convention</p> <ol style="list-style-type: none"> 1. Enforcement of decisions that set the amount of child support in percentage <i>Prel. Doc. No 4: Responses of Argentina, Finland, France, Germany (CA, Gov.), Germany (DIJuF, NGO), Hungary, Latvia, Netherlands, Norway, Poland, Slovenia, Switzerland and the United States of America to Question 5.1. at pp. 46-50, and response of Romania to Question 4.1. at p. 44</i> <i>See Arts 6(2)(d) and 10(1)(d), and paras 253-255 of the ER.</i> 2. Enforcement of child support arrears after the creditor has reached the age of 21 years <i>Prel. Doc. No 4: Responses of Germany (CA, Gov.), Germany (DIJuF, NGO), Romania and Slovenia to Question 3.5. at pp. 36-37, and response of Norway to Question 3.8. at p. 41</i> <i>See Arts 2(1)(a), 15(1), 19(1) and 32-33, paras 45-46, 233, 381-383, 428, 430, and 433-436 of the ER, and para. 62 of the PHC.</i> 3. Interruption or suspension of the enforcement of child support for creditors under the age of 18 years <i>Prel. Doc. No 4: Response of Romania (2) to Question 14.1. at p. 129</i> <i>See Art. 6(2)(e), paras 155-159 of the ER, and para. 713 of the PHC.</i> 4. Enforcement of decisions against the assets of a debtor in a State where they are not habitually resident <i>Prel. Doc. No 4: Responses of Bulgaria, Germany (CA, Gov.), Germany (DIJuF, NGO), Latvia, Lithuania, Luxembourg, Portugal, Romania, Switzerland and the United States of America to Question 5.2. at pp. 50-52</i> <i>See Art. 6(2)(c) and 6(2)(i), paras 144, 176-177 and 179 of the ER, and paras 37, 252, 256, 359-360, 371, 411, 431, 434-436, 483 and 674 of the PHC.</i> 5. Currency conversion and transfer of maintenance funds <i>Prel. Doc. No 4: Response of Lithuania to Question 3.8. at p. 41</i>

	See Art. 6(2)(f) and 35(1), paras 160-162 and 584 of the ER, paras 722-727 of the PHC, and CGAP Prel. Doc. No 13C of February 2022 – Report of the Experts’ Group on International Transfer of Maintenance Funds, meeting of 7 to 9 February 2022 at paras D. and 8.
5.30 p.m.	Welcome reception offered by the Permanent Bureau
Wednesday 18 May 2022	
Time	Item
9.30 a.m.	<p>VI. Mandatory and recommended forms under the 2007 Child Support Convention Annex I and Annex II of the 2007 Convention Prel. Doc. No 2A of July 2009 & Prel. Doc. No 2B (revised) of August 2010</p> <ol style="list-style-type: none"> 1. Use of the Status of Application Reports <i>Prel. Doc. No 4: Responses of Germany (CA, Gov.) and the United States of America (1) to Question 3.8. at pp. 40-43</i> See Art. 12(4), paras 317, 330-331, 333, 337-338 of the ER, and paras 877 and 1131-1134 of the PHC. 2. Signature of applications when filed with competent authorities in accordance with their domestic law (Art. 42) <i>Prel. Doc. No 4: Responses to Questions 6.2. and 6.3. at pp. 55-57, and to Questions 6.10. and 6.11. at pp. 67-69</i> <i>Declarations of Croatia, Poland and Portugal at the time of the European Union acceptance of the 2007 Convention</i> See Art. 42, paras 23-26 and 617-618 of the ER, and paras 202-203 and 476 of the PHC. 3. Certification of applicants via telephone and authenticity of signatures <i>Prel. Doc. No 4: Response of Romania to Question 3.3. at pp. 31-32</i> See Art. 41, paras 614-616 of the ER, and paras 103 and 201 of the PHC. 4. Acceptance of an abstract or an extract in place of the complete text of the decision <i>Prel. Doc. No 4: Responses to Question 6.4. at pp. 58-60, responses to Question 6.12. at pp. 69-73, and response of the United States of America to Question 14.1. at p. 130</i> See Art. 25(3)(b), paras 526, 541, 543-544 of the ER, and paras 309-310 and 1123 of the PHC.
11.00 a.m.	Break
11.15 a.m.	<ol style="list-style-type: none"> 5. Availability of Mandatory and Recommended Forms in languages other than English and French (Art. 44) <i>Prel. Doc. No 4: Responses to Question 10.3. at pp. 94-96, response of Ukraine (1) to Question 3.8. at p. 42, response of Lithuania to Question 6.12. at p. 72, and response of Slovenia to Question 8.3. at p. 88</i> See Item VIII.1.b. of this agenda See Arts 25(1)(a)-(f), 44(1) and 45(1), paras 526, 529, 625-628 and 632-633 of the ER, and para. 194 of the PHC. 6. Processing handwritten application forms <i>Prel. Doc. No 4: Responses to Question 6.6. at pp. 61-63, and response of Germany (CA, Gov.) to Question 6.9. at p. 66</i> 7. Processing non-certified documents for the purpose of recognition and enforcement <i>Prel. Doc. No 4: Responses to Question 6.7. at pp. 63-64, and to Question 6.13. at pp. 73-74</i>

	<p>See Arts 12(2), 23(7)(c), 25(3)(a), 30(5)(b) and 57(1)(e), paras 23-26, 326, 509-511, 541-542, 562 and 685 of the ER, and paras 203-204 of the PHC.</p> <p>8. Acceptance of Recommended Forms for direct requests under Article 37 <i>Prel. Doc. No 4: Responses to Question 6.14. at pp. 74-75</i> See Art. 37, Stage 2.I.5.c. of the CP, and Implementation Checklist under the 2007 Child Support Convention at p. 19 (last bullet).</p> <p>9. Non-secure transmission of confidential information <i>Prel. Doc. No 4: Response of the United States of America to Question 3.8. at p. 43</i> See Arts 38-40, paras 605-613 of the ER, and para. 208 of the PHC.</p>
1.00 p.m.	Lunch break
2.00 p.m.	<p>VII. General issues</p> <p>1. Temporal application of the 2007 Convention - Transmission of applications to Central Authorities v. competent authorities (Arts 12(6), 37(1) and 56(1)(b)) <i>Prel. Doc. No 4: Response of Germany (CA, Gov.) to Question 14.1. at p. 126</i> See Arts 12(6), 37(1) and 56(1)(b), and paras 677-680 of the ER.</p> <p>2. Completion and update of the Country Profile (Art. 57) <i>Prel. Doc. No 4: Response of Finland, Germany (CA, Gov.), Germany (DIJuF, NGO), Norway, Slovenia and the United States of America to Question 8.1. at pp. 86-87</i> See Art. 57, paras 684 and 686-687 of the ER, and paras 81-84 of the PHC.</p> <p>3. Regular updates to the HCCH website including updating Central Authorities' contact details (Art. 4(3)) <i>Prel. Doc. No 4: Response of Germany (CA, Gov.) to Question 14.1. at p. 126</i> See Art. 4(3), and paras 92-94 of the ER.</p> <p>4. Possible model declarations and reservations</p> <p>VIII. Experts' and Working Groups – Adoption of Reports and other matters</p> <p>1. Report of the Administrative Cooperation Working Group (ACWG), meeting of 14 to 17 December 2020</p> <p>a. Possible future forms <i>Prel. Doc. No 13 of June 2021 – Annex I: Aide-mémoire, paras 20-21</i></p> <p>b. Possible future fillable forms including in other languages <i>Prel. Doc. No 13 of June 2021 – Annex I: Aide-mémoire, paras 22-23</i></p> <p>c. Country Profile for spousal support <i>Prel. Doc. No 13 of June 2021 – Annex I: Aide-mémoire, para. 25</i></p>
3.45 p.m.	Break
4.00 p.m.	<p>2. Report of the 2007 Protocol Working Group (PWG), meeting of 25 to 27 January 2021 <i>Prel. Doc. No 14 of June 2021</i></p> <p>3. Report of the Experts' Group (EG) on International Transfer of Maintenance Funds (ITMF), meetings of 16 to 18 September 2019, 8 to 11 February 2021 and 7 to 9 February 2022 <i>Prel. Doc. No 13C of February 2022 of CGAP 2022</i></p> <p>4. Membership of the Forms Working Group (Forms WG) <i>Prel. Doc. No 2A of July 2009 – Forms Working Group Report at p. 5</i></p>

	<ol style="list-style-type: none"> 5. Future meetings of Experts' and Working Groups <ol style="list-style-type: none"> a. ACWG – When needed b. PWG – No need to meet c. ITMF EG – February 2023 d. Forms WG – Starting in early 2023
5.30 p.m.	<i>End of day 2</i>
Thursday 19 May 2022	
Time	Item
9.30 a.m.	IX. Adoption of Prel. Docs <ol style="list-style-type: none"> 1. Draft Guidance to complete the Mandatory and Recommended Forms under the 2007 Child Support Convention <i>Prel. Doc. No 7 of April 2022 (fifth revised version)</i> 2. Working Practices of Central Authorities under Articles 5 and 6 of the 2007 Convention <i>Prel. Doc. No 8 of April 2022 (sixth revised version)</i> 3. Request for Specific Measures & Response (Art. 7(1)) <i>Prel. Doc. No 9 of December 2020 (final version)</i> 4. Statistical Report for the 2007 Child Support Convention <i>Prel. Docs Nos 18A & 18B of April 2022 (revised version)</i>
11.00 a.m.	<i>Break</i>
11.15 a.m.	X. iSupport <ol style="list-style-type: none"> 1. Presentation of iSupport by the Permanent Bureau and Protech 2. Presentation of e-CODEX including EU Regulation on a computerised system for communication in cross-border civil and criminal proceedings (e-CODEX system) 3. Experience of States operating iSupport 4. Experience of States implementing iSupport and e-CODEX 5. Questions & Answers
1.00 p.m.	<i>Lunch break</i>
2.00 p.m.	XI. Adoption of Conclusions & Recommendations
3.45 p.m.	<i>Break</i>
4.00 p.m.	XI. Adoption of Conclusions & Recommendations (Cont.)
5.30 p.m.	<i>End of Special Commission meeting</i>