

Title	2007 Child Support Convention and Maintenance Protocol: Report on the Experts' Group meeting of 3 to 5 February 2025 on International Transfer of Maintenance Funds
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Author	PB
Agenda Item	Item III.1.c
Mandate(s)	C&D No 37 of CGAP 2023
Objective	To report on the 3-5 February 2025 meeting of the International Transfer of Maintenance Funds Experts' Group (ITMFEG) and share the aide-mémoire summarising the discussions.
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	Annex I: Aide-mémoire adopted by the ITMFEG at its meeting of 3-5 February 2025 Annex II: Conclusions & Recommendations adopted by the ITMFEG at its meeting of 7-9 February 2022 Annex III: Agenda of the February 2025 ITMFEG meeting Annex IV: Data from the November 2024 Questionnaire in preparation for the ITMFEG meeting of February 2025
Related Documents	Prel. Doc. No 9D of January 2025 - 2007 Child Support Convention and Maintenance Protocol: Compilation of Questionnaire responses in preparation of the Experts' Group meeting of 3 to 5 February 2025 on international transfer of maintenance funds

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2007 Child Support Convention and Maintenance Protocol: Report on the Experts' Group meeting of 3 to 5 February 2025 on International Transfer of Maintenance Funds

I. Introduction

- 1 From 3 to 5 February 2025, the International Transfer of Maintenance Funds Experts' Group (ITMFEG) met for the sixth time. The meeting was held online, hosted by the Permanent Bureau (PB) in The Hague. It was attended by 50 delegates and other experts, representing 20 HCCH Members and one Observer, as well as by members of the PB of the HCCH.
- 2 In accordance with the 2019 mandate of the Council on General Affairs and Policy (CGAP),¹ the ITMFEG continued its work discussing good practices in relation to the cross-border transfer of maintenance payments. The meeting was also an occasion to take stock of progress achieved and to discuss the future work of the ITMFEG.
- 3 An *Aide-mémoire*, providing an overview of the main points of discussion, can be found in Annex I of this document. The ITMFEG will present a report on the progress of its work to the Council on General Affairs and Policy (CGAP) in March 2025.

II. Proposal for CGAP

- 4 Based on the *Aide-mémoire* of the February 2025 meeting of the ITMFEG, the PB invites CGAP to consider the following Conclusion and Decision:

CGAP took note of the *Aide-mémoire* of the February 2025 meeting of the ITMFEG, including the suggested next steps of its work. The ITMFEG will report to CGAP at its 2026 meeting.

¹ CGAP 2019, C&R No 30: "Council approved the establishment of an Experts' Group on international transfer of maintenance funds which will meet in September 2019. The composition of the Experts' Group should include child support experts and experts from the financial sector. The primary task of the Experts' Group will be to produce an inventory of good practices. After a first in-person meeting, the Experts' Group could meet through videoconferencing. The Experts' Group will report to Council at its 2020 meeting.", available on the HCCH website at www.hcch.net under "Governance", then "Council on General Affairs and Policy", and "Archive 2000-2023"

ANNEXES

Annex I

Aide-mémoire of the Meeting of the Experts' Group on International Transfers of Maintenance Funds

The Experts' Group on International Transfers of Maintenance Funds (ITMFEG) met for a sixth time from 3 to 5 February 2025 to discuss good practices regarding the cross-border transfer of child support, as well as different ways to facilitate the cross-border transfer of funds with a view to identifying possible solutions that are cost-effective, transparent, prompt, efficient and accessible. The meeting was held via videoconference and was attended by 50 participants representing 19 HCCH Member States, one Member Regional Economic Integration Organisation (REIO), one Observer, and members of the Permanent Bureau (PB).

Mr. Arnaldo José Alves Silveira, General Coordinator for International Legal Cooperation in Civil Matters at the Ministry of Justice and Public Security in Brazil, continued in his role as co-Chair of the meeting. Ms Leeanne Spillane, Group Lead, Inland Revenue, New Zealand, was elected co-Chair of the meeting.

This *aide-mémoire*, prepared by the co-Chairs with the support of the PB, and unanimously endorsed by the EG, provides a short overview of the main points of discussion.

Introduction

At its meeting from 5 to 8 March 2019, the Council on General Affairs and Policy (CGAP) of the Hague Conference on Private International Law (HCCH) mandated the establishment of an EG on the international transfer of maintenance funds (see [Conclusion & Recommendation \(C&R\) No 30 of CGAP 2019](#)).

The EG was established in recognition of persisting challenges to the smooth transfer of international maintenance funds, such as high transfer costs and other difficulties of an organisational and logistical nature.

It was noted that Article 35 of the HCCH *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (“2007 Child Support Convention” or “2007 Convention”) provides the following:

“(1) Contracting States are encouraged to promote, including by means of international agreements, the use of the most cost-effective and efficient methods available to transfer funds payable as maintenance.

(2) A Contracting State, under whose law the transfer of funds is restricted, shall accord the highest priority to the transfer of funds payable under this Convention.”

The first meeting of the EG took place in September 2019 at the PB and was attended by experts representing 12 HCCH Members and one Observer. It was followed by an online meeting, held in February 2021, which was attended by experts representing 17 HCCH Members and one Observer. A third meeting of the EG took place from 7 to 9 February 2022 and was attended by experts representing 14 HCCH Member States, one Member REIO and one Observer. A fourth meeting was held online from 13 to 15 February 2023 and was attended by experts representing 23 HCCH Member States, one Member REIO and one Observer. The fifth meeting, also held online from 29 to 31 January 2024, was attended by 54 experts representing 21 HCCH Member States, one Member REIO and one Observer.

The main objective of the February 2025 meeting of the EG was to continue taking stock of the progress achieved regarding international solutions for the transfer of maintenance funds, as well as to discuss technical solutions. Progress in relation to the implementation and use of iSupport was also shared during the meeting. The meeting was also an occasion to discuss the future work and nature of the ITMFEG as

a forum for exchanging on best practices and on the progress achieved on the implementation of solutions in this area and as a forum to facilitate the exchange of information for new Contracting Parties to gain expertise and practical experience.

The discussion was facilitated by the responses of States to a Questionnaire ([Prel. Doc. No 9B of November 2024](#)) developed and distributed by the PB ahead of the meeting, a compilation of which was prepared in advance of the meeting ([Prel. Doc. No 9D of January 2025](#)). Gratitude was expressed towards Australia, Brazil, Canada (British Columbia), the Czech Republic, Ecuador, Estonia, Finland, France, Germany, Hungary, Italy, Kyrgyzstan, Latvia, Lithuania, New Zealand, Norway, Paraguay, Poland, Portugal, Sweden, Switzerland, United Kingdom (England and Wales, Northern Ireland) and the United States of America (USA) for their responses to the Questionnaire.

The structure of this *aide-mémoire* generally follows that of the agenda and the questions set out in the Questionnaire. The outcome of the discussions which took place during this meeting will be reported to CGAP 2025.

I. Summary of responses to the November 2024 questionnaire

- 5 The HCCH iSupport coordinator presented a summary of the responses received to the November 2024 questionnaire ([Prel. Doc. No 9B of November 2024](#)). He explained that, while 24 responses were received from 23 HCCH Members and Contracting Parties, the compilation only contains 23 responses, as the response from one State was received late.
- 6 The iSupport coordinator noted that the responses to the questionnaire served to identify the topics that were of high priority for States to discuss during the ITMFEG meeting. An overview of those responses is provided in Annex III.
- 7 Respondents have a diverse appreciation when it comes to each topic of the questionnaire. For instance, continuing to receive cheques remains a problem for some. Banking secrecy and national data protection legislation are interpreted by some as an obstacle to the monitoring of payments, while others are less restrictive in their practice. Those States that are involved in the monitoring of payments may also encounter issues that are not familiar to others.

II. Developments in the area in general and summary of replies to Prel. Doc. No 9B of November 2024

- 8 The ITMFEG welcomed the participation of States that recently became Contracting Parties to the 2007 Child Support Convention (Ecuador (2022) and Paraguay (2025)).
- 9 The ITMFEG noted that the responses to the Questionnaire showed the diversity of practice among States and the different degrees of advancement in the field of transfer of maintenance funds. It was noted that the ITMFEG is a good platform to share experiences and to find common ground.

III. Elimination of the use of cheques (Prel. Doc No 9D of January 2025, question b.)

- 10 The Central Authority of Germany reported on their progress in the area, reminding participants that the USA is Germany's biggest partner in terms of outgoing applications - the German Central Authority receiving many cheques from the USA monthly in the past. When the use of cheques was phased out in Germany, finding solutions with respect to incoming child support payments from the USA was thus extremely important. The Central Authority of Germany noted that the Central Authority Payment (CAP) service implemented by the Central Authority of the USA has greatly assisted in this regard. The next step in the collaboration between Germany and the USA would be to pilot the transfer of payments from Germany to the USA using the CAP service.

- 11 The Central Authority of New Zealand reported on a meeting with the Central Authority of Australia to discuss their experience with joining and implementing the USA's CAP service for international transfers, given that foreign cheques are no longer being accepted in Australia. New Zealand noted that Australia informed them the CAP service process, from discovery to implementation, was smooth, which is encouraging for New Zealand.
- 12 The Central Authority of New Zealand further noted that cheques were eliminated since 2021, around the same time Inland Revenue was implementing significant changes in their internal electronic / IT systems. Child support was the last area to move into new system. At first, in collaboration with the partner agencies around the world, payments were sent manually via telegraphic transfers, which was rather labour intensive. The system has since been improved to include more automation in the transfer of payments.
- 13 The Central Authority of Portugal reported that they are using the CAP service for incoming payments from the USA, which is running smoothly. To set up the CAP payment, Portugal reported that there was no need for an amendment to domestic law, since the Convention itself provides the legal basis to set up decentralised payment systems. Portugal further reported that the technological / IT related aspect of setting up the CAP service was less complex than expected.
- 14 The Central Authority of Sweden echoed the statement of Portugal noting that setting up the CAP service was not very labour intensive, requiring less than 20 hours of work. In addition, Sweden explained that they set up an SFTP server to receive the disbursement information for the transfers received from the USA. The same solution was implemented between Norway and Sweden.
- 15 The PB informed participants that iSupport can generate this disbursement information regarding bundled payments. This information can then be sent from one iSupport database to another without the need to set up an additional SFTP server.

IV. Solutions with regard to increased transparency and cost reduction of transfer and currency conversion (Prel. Doc No 9D of January 2025, question c.)

- 16 The Central Authority of the Czech Republic informed participants that payments are processed through bank accounts that use different currencies, depending on the preference of the requesting authority, which has eliminated conversion costs for creditors. Further to arrangements made with banks, the Central Authority of the Czech Republic covers transfer / processing fees and not the creditors.
- 17 The Central Authority of the United Kingdom (England and Wales) noted that it is responsible for bearing the conversion costs for both incoming and outgoing payments using cheques using the Bank of England exchange rate of the day.
- 18 The Central Authority of Sweden also reported having accounts in different countries (Finland and the United Kingdom) to ensure that debtors send payments in the most cost-effective manner. The Swedish enforcement agency informed participants that creditors do not have to bear the enforcement fees. If the payment is sent by cheque, the Swedish enforcement agency covers the cost of sending the cheque. However, the creditor is responsible for covering costs related to redeeming the cheque in their country (such as currency conversion).
- 19 The Central Authority of British Columbia (Canada) reported that it is currently in the process of making arrangements to cover the costs of transfers and currency conversions for creditors, noting that the main roadblock in achieving this has been making the relevant arrangements with the local bank.
- 20 Generally, many participants noted that IT related issues hinder or delay arrangements for covering the transfer costs and currency conversion.

21 The Central Authority of New Zealand explained that, in order to reduce the transfer / processing costs for the creditor in a specific case, they were able to hold the weekly payments received from the debtor and release them as a single monthly payment instead.

V. Solutions where creditors would not bear the costs related to the transfer of funds (Prel. Doc No 9D of January 2025, question d.)

22 The Central Authority of Latvia informed participants that, in cases requiring enforcement, it is not involved in the transfer of funds, as the transfers are made by bailiffs. The Central Authority of Latvia is currently in the process of enrolling in the CAP service and is discussing the possibility of centralising payments by establishing a Central Authority bank account from which to transfer and receive payments.

23 The Central Authority of Germany noted that using the mechanism in Article 13 of EU Regulation 2021/1230 could enable creditors in non-euro EU Member States to benefit from reduced charges for cross-border payments and for currency conversion from euro to national currency.

24 The Central Authority of Switzerland noted that it is not always easy to ascertain and pinpoint deducted fees and at which point in the transfer process they were deducted.

25 The Central Authority of Ontario (Canada) informed participants that their commercial bank has indicated that intermediary banks processing SWIFT payments charge fees to the SWIFT receiver which are not visible to the Central Authority's bank on their outgoing wires. A solution to this could be to work towards moving away from SWIFT payments to lower cost payment options.

VI. Requested Central Authority arrangements with their bank to cover transfer fees or other arrangements to that effect (Prel. Doc No 9D of January 2025, question e.)

26 The Central Authority of the United Kingdom (England and Wales) reported that bank arrangements to cover transfer fees or other arrangements to that effect were not currently being considered, as financial arrangements are not part of their mandate, since the Central Authority is not involved in transferring payments.

27 The Central Authority of Brazil noted that they are also not involved with financial arrangements but are interested in making arrangements with banks in order to ensure that transfer fees are covered to the benefit of the creditor. The only constraint to pursuing such arrangements is the lack of human resources at the Central Authority.

28 The Swedish enforcement authority informed participants that Sweden makes payments to creditors in Swedish krona by default but banks in other States, for instance in Portugal and Belgium, do not accept this currency. This results in the payment bouncing back. Since 2022, it has been possible to convert to the creditor's currency manually, upon request or when a payment bounces back. It was noted that Sweden hopes to make this process more automated in the future.

29 The Central Authority of Latvia informed participants of their future plan to issue payments from the State treasury's bank account, enabling the Central Authority to manage all incoming and outgoing payments. Until that plan comes to fruition, the debtors have to approach individual banks, which have varying fees and policies. In cases where the debtor does not pay voluntarily and the bailiff has to get involved, all additional fees that arise as a result of the involvement of the bailiff are charged to the debtor, because the debtor bears the cost of the enforcement procedure.

30 The Central Authority of New Zealand uses International Automated Clearing House (IACH) transfer channels (for payments to many countries such as Australia, Canada, the USA, the UK) or Single Euro Payments Area (SEPA) transfer channels (for payments to countries in Europe), as opposed to

SWIFT. IACH and SEPA channels attract negligible transfer costs which are covered by Inland Revenue. Currency conversion is also done before the transfer. They have arrangements with their banking partner for outgoing maintenance payments and this process is relatively automated.

- 31 The Central Authority of Ontario (Canada) informed participants that it has a banking arrangement with a commercial bank whereby the Central Authority covers the transfer fees in order to ensure the flow of funds between debtor and creditor. Instead of SWIFT using an intermediary bank, which is the status quo in Ontario (Canada) for payments made to locations outside Canada and the USA, channels such as IACH or SEPA could be preferable in terms of cost, if such arrangements were technically feasible in their jurisdiction and able to be negotiated with banking partners.

VII. 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 (Prel. Doc No 9D of January 2025, question f.)

- 32 The Central Authority of the United Kingdom (England and Wales) noted that they send bundled payments to Australia and are considering also doing so with Germany.

- 33 The Central Authority of Portugal noted that it does not handle payments but from time to time will ask the creditor for a statement of arrears to keep track of the payments received and payments pending. While the Portuguese Central Authority shares the same case management system as the courts, they are not able to monitor the payments being made. IT solutions are pending in this regard but are not expected to arrive soon, as other priorities take precedence over this matter. The role of iSupport was highlighted in resolving this issue but the Portuguese Central Authority noted that the implementation of iSupport remains rather difficult due to limited resources.

VIII. Implementation of currency conversion of payments done by the relevant authority in the requested State at the time of transfer (Prel. Doc No 9D of January 2025, question I.)

- 34 The Central Authority of Latvia reported that they are not involved in the transfer of funds but when the debtor is located in Latvia, the bailiffs can seize assets and transfer them to the creditor. Currency exchange should not affect the creditor, and the debtor should keep this in mind when paying in another currency.

- 35 The Central Authority of Brazil noted that they deal with all matters related to international legal cooperation, which encompasses international child support, but their capabilities are limited by a lack of resources. It was noted that the Central Authority facilitates incoming and outgoing payments whenever there is a need, upon request. Brazil does not have a disbursement unit allowing them to be involved in payments. The Central Authority only provides the assistance mandated by the 2007 Convention text, as there is no legal basis for becoming involved in payments and there are also not enough human resources to do so.

- 36 The Central Authority of Latvia shared their experience in a specific case where they were unable to accept an incoming payment, as it was not in euros. To overcome this issue, the amount was received in an intermediary account, after which the amount was converted into euros and transferred to the bank account of the Central Authority.

- 37 The Central Authority of Paraguay informed participants of their plan to open a bank account with the Central Bank of Paraguay to receive payments from other Contracting Parties. The conversion of currency will be made in accordance with the legislation in force. Paraguay intends to pursue

agreements or arrangements between the Central Authority and financial institutions to minimise the tariffs due to currency conversion.

IX. Implementation of a legal framework enabling the Central Authority, acting both as requesting and requested Central Authority, to handle the transfer of funds (Prel. Doc No 9D of January 2025, question n.) and establishment of a centralised point (e.g., bank account, central bank) for international transfer dedicated to both incoming and outgoing transfer of funds (Prel. Doc No 9D of January 2025, question g.)

38 The Central Authority of New Zealand reminded participants that Inland Revenue serves both as the competent authority and the Central Authority under the 2007 Convention. As such, the Central Authority is involved in both incoming and outgoing payments and such payments are received and issued via the bank account held by Inland Revenue. The legal framework that enables Inland Revenue to be involved in the transfer of funds can be found in the Public Finance Act, which applies to all New Zealand government agencies, in conjunction with the New Zealand Child Support Act. The Central Authority manages incoming and outgoing payments in local currency (New Zealand dollars) and converts outgoing payments into the currency of the requesting State, based on the conversion rate set by their partner bank. It was further noted that for the purposes of enforcement and the transfer of payments, international cases are treated as if they were domestic cases. For the purposes of the 2007 Convention, the Child Support Act was amended to bring the text of the Convention into their domestic legislation, allowing Inland Revenue to establish and enforce international maintenance obligations and be involved with the transfer of funds.

39 In order to transfer maintenance funds, the Central Authority of Latvia recalled that the 2007 Convention already provides a legal basis for the Central Authority of their State to process such payments. Latvia also informed participants that they still need to assess the domestic regulation from the Ministry of Justice, which provides a procedure for transferring and receiving funds.

40 The Central Authority of Germany noted that their goal is to have its accounting system connected to iSupport, as the financial system and the case management system is not currently connected.

X. Other topics covered in the questionnaire (Prel. Doc No 9D of January 2025, questions h., i., j., k., m. and o.)

41 The Central Authority of British Columbia (Canada) reported on their internal payment monitoring system. As a requested Central Authority, it records every payment made by debtors located in British Columbia and the conversion rate at the time the funds were transferred. As a requesting Central Authority, if money is received from New Zealand, the Central Authority of British Columbia includes the conversion rate provided by New Zealand, for record keeping purposes. Upon request, it can also provide the parties and most Central Authorities with statements, which include information on the currency of both States involved, case reference numbers as well as client information.

42 The Central Authority of Germany noted that payment monitoring is possible in their State. Although the Central Authority is not involved in all payments, the payments that do go through the Central Authority are subject to a similar record keeping process as explained by the Central Authority of British Columbia.

43 The Central Authority of New Zealand informed participants that it makes use of unique case referencing and can use the reference number of the other State. Due to the nature of international transfers and technological limitations, the inclusion of the reference number of the payment

cannot be guaranteed to be visible for the recipient. It was noted that payments are mostly issued automatically, including when funds are to be sent to another Central Authority. In such cases, the remittance advice stating the information of the intended recipient of the funds and relevant information pertaining to the case is sent where payments are made to an agency. For the moment, this is sent by way of a manual process. Similar issues with the missing case reference were reported in relation to incoming payments, leading to the Central Authority of New Zealand having to intervene manually to resolve the issue.

- 44 The Central Authority of Germany reported having a similar issue with case references being lost in the process of transferring funds. It was noted that perhaps some expertise is needed from individuals involved in the banking sector to understand the various banking standards and technical limitations / solutions.
- 45 The Central Authority of British Columbia (Canada) informed participants that it is currently in the process of programming and testing the sending of bundled payments to be accompanied by an automatic email containing all information pertaining to the case, including reference numbers. It is hoped that this will be in effect as of March 2025.
- 46 The Central Authority of New Zealand noted that they send bundled payments to other Contracting Parties, most notably Australia and British Columbia (Canada) but noted that extending this to other States is possible. New Zealand invited participants who are interested in receiving or sending bundled payments from or to New Zealand to get in contact.
- 47 The PB highlighted that the issues faced with the case reference numbers and pertinent information to the case will be resolved by iSupport, while the upgrading of iSupport's Application Programming Interface (API) will help in relation to links with national systems.

XI. Presentation on recent developments in iSupport

- 48 The iSupport Coordinator presented on recent developments on iSupport, particularly pertaining to the international transfer of maintenance funds.
- 49 The iSupport Coordinator reminded participants that iSupport is a case management system that is compatible with the 2007 Convention, the 2009 EU Regulation, as well as the New York 1956 Convention and any bilateral / regional maintenance frameworks. It is administered by the PB and the iSupport Governing Body, made-up of State representatives. iSupport is open-source and available free of charge. Minimal maintenance costs are involved, and such costs are shared between users. It uses e-CODEX as a secure electronic communication medium which means that there is a transparent encryption mechanism. The interface is currently available in six languages, with the possibility of new languages being added.
- 50 A notable feature of iSupport is that it can generate statistical reports from the 2007 Convention and the 2009 Regulation. Its main use is to fill, send and receive the recommended and mandatory forms for both the Regulation and the Convention in various languages.
- 51 In October 2020, the database was encrypted and the design for the application was updated in 2022 to make it more user-friendly. The most important recent progress made by iSupport was in relation to secure electronic communication, which involved establishing secure communication over e-CODEX. The installation documentation was the subject of considerable work and technical experts are available to provide assistance on e-CODEX and iSupport. Updates are constantly made to iSupport and in early 2024 the first messages were exchanged between Germany and Sweden.
- 52 For payments, up until November 2024, the payment component of iSupport was limited to local processes. There was no way to exchange with another State on the issue of payments apart from informal messaging. Now iSupport generates payment files (a SEPA file and a generic file for other

payments) that can be shared with a bank and sends the details of payments received to the requesting Central Authority, where payments are automatically entered into iSupport.

53 Other States, including Hungary and Spain, have completed the testing for iSupport and it is hoped that they will soon begin utilising iSupport. The EU-funded project iSupport R2G (“Ready to Go”) which is also supported by Germany, Portugal, Switzerland and the European Union Bailiff’s Foundation is currently under way and will result in the upgrade of the API between iSupport and national case management systems. Another aim is to simplify the system in terms of implementation and to hold some training sessions for technical staff at Central Authorities on the installation of iSupport and e-CODEX. The project will end in August 2026. In this regard, the iSupport coordinator invited interested States to approach the PB to make use of the resource of iSupport R2G as long as it is available.

54 In closing, the iSupport coordinator urged participants to consider joining iSupport and to get in contact with the PB as well as the two States already using iSupport (Sweden and Germany), should they have any questions with regards to the implementation of iSupport.

55 Sweden and Germany briefly shared their experience with the installation and use of iSupport. Sweden indicated that the installation and implementation of iSupport and e-CODEX were not particularly time and resource intensive, including the time of inception to the exchange of data with Germany, a feasibility assessment, the preparation of a funding request to the EU in order to carry on the project and testing with several countries. Germany highlighted the benefit and importance of the secure communication feature that iSupport offers. It was noted that the ease and simplicity with which secure electronic communications can take place between Contracting States should be a major consideration for all Central Authorities.

56 The co-Chairs thanked Sweden and Germany for their work in installing and testing the implementation of iSupport.

XII. Priorities for future work of the Group

57 Given that the area of international transfer of maintenance funds is an evolving field, participants agreed that there continues to be a need for the ITMFEG to meet periodically and serve as a forum for discussion and best practices pertaining to the international transfer of funds as well as a forum for new Contracting Parties to exchange experiences with other States.

58 Participants suggested involving experts relevant to the work of the ITMFEG in future meetings, such as banking experts, who could provide the ITMFEG with information about the various technical possibilities regarding the international transfer of maintenance funds and the various relevant banking policies and regulations.

59 In this regard, participants welcomed the suggestion by the PB, subject to the approval of CGAP 2025, to circulate the ITMFEG questionnaire earlier, to identify topics of interest sooner, which would allow the PB, in collaboration with the co-Chairs, to identify relevant subject matter experts to present on the topic(s) of interest highlighted in the questionnaire responses. Such a questionnaire would also invite HCCH Members who would be interested in making a specific presentation to the ITMFEG to communicate such interest.

60 The ITMFEG expressed a preference for continuing to hold meetings on the transfer of maintenance funds in the month of January / February by videoconference. The ITMFEG also welcomed the idea to tailor the content and length of the meetings in light of developments in this area during the given year.

Annex II

Report and Conclusions & Recommendations adopted by the ITMFEG

Experts' Group on international transfer of maintenance funds
The Hague, 7-9 February 2022

Report and Conclusions & Recommendations
for the attention of the 2022 Meeting of the Special Commission

I. Introduction

At its meeting of March 2019, the Council on General Affairs and Policy (CGAP) of the Hague Conference on Private International Law (HCCH) approved the establishment of an Experts' Group (EG) on international transfer of maintenance funds (see Conclusion & Recommendation No 30 of CGAP 2019).

The EG was established in recognition of persisting challenges to the smooth transfer of international maintenance funds, such as high transfer costs and other difficulties of an organisational nature.

It was noted that the *HCCH Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (hereafter the 2007 Child Support Convention) states in its Article 35:

“(1) Contracting States are encouraged to promote, including by means of international agreements, the use of the most cost-effective and efficient methods available to transfer funds payable as maintenance.

(2) A Contracting State, under whose law the transfer of funds is restricted, shall accord the highest priority to the transfer of funds payable under this Convention.”

The first meeting of the EG took place in September 2019 at the Permanent Bureau of the HCCH in The Hague and was attended by experts from 12 Members and one Observer. It was followed in February 2021 by an online meeting, which was attended by experts from 17 Members and one Observer. The third and most recent meeting of the Group took place from 7 to 9 February 2022 and was attended by 33 experts representing 14 Member States, one Member Regional Economic Integration Organisation and one Observer.

The EG elected Mr Arnaldo José Alves Silveira, General Coordinator for International Legal Cooperation at the Ministry of Justice and Public Security in Brazil, as Chairperson. He was joined as Co-chair by Dr Sarah Gerling-Stock, Head of Division II 4 (Cross-border Recovery of Maintenance) at the Federal Office of Justice of Germany, at the February 2022 meeting of the EG.

II. Background to the discussions

- A. Members of the EG came together to learn from each other and identify good practices regarding the cross-border transfer of funds. Members of the EG also discussed different ways to facilitate the cross-border transfer of funds with a view to identifying possible solutions that are low cost, cost-effective, transparent, prompt, efficient and accessible. Discussions at the February 2021 and 2022 meetings of the EG were informed by States' responses to [Prel. Doc. No 11 of October 2020](#) and [Prel. Doc. No 17 of November 2021](#), Questionnaires in preparation of the EG meetings of February 2021 and 2022 (see [Prel. Doc. No 12 of February 2021](#) and [Prel. Doc. No 19 of February 2022](#) for compilation of responses to the Questionnaires).

- B. The EG acknowledged the diversity of models for child support recovery such as direct transfers from the debtor to the creditor, transfers through an institution in the requested State (e.g., bailiff and other enforcement authorities, court and / or Central Authorities) and sometimes through an institution in the requesting State (e.g., public body and / or Central Authorities). It was recognised that the involvement of Central Authorities and the degree of centralisation of payments vary according to different legal systems, domestic and regional banking systems and available means.
- C. In that context, the EG discussed the implementation and operation of Articles 6(2)(d)-(f), 8, 35 and 43 of the 2007 Child Support Convention.
- D. It was recognised that large amounts of child support are currently transferred internationally but also that difficulties persist related to high and non-transparent bank fees and / or currency conversion costs, loss of payment data between different payment formats, occasional communication problems between Central Authorities and lack of payments monitoring. In particular, it was underlined that the use of cheques is a major problem. However, good progress towards a gradual elimination of the use of cheques has been made since the inception of the EG.
- E. It was noted that the solutions and good practices discussed in the context of the 2007 Child Support Convention are equally relevant to the *United Nations Convention of 1956 on the Recovery Abroad of Maintenance Obligations*, 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, other regional or bilateral instruments.
- F. It was underlined that effectively implementing the 2007 Child Support Convention would help States reach the United Nations Sustainable Development Goal No 16.3 (Rule of Law) as it assists parents with meeting their child support obligations in a cross-border context.

III. Conclusions and Recommendations

The EG agreed by consensus on the following Conclusions and Recommendations² for the attention of the 2022 Meeting of the Special Commission:

Cheques

1. Experts acknowledged that eliminating the use of cheques was a worthwhile goal, after an appropriate transition period, considering that certain States can no longer receive cheques or are under time constraints to stop using them. The EG agreed that electronic transfer of funds³ was the way forward. In line with Article 35 of the 2007 Child Support Convention, in addition to multilateral solutions, States are encouraged to discuss bilateral solutions for the elimination of cheques.

Transfer costs

2. All participants agreed that there is a need to find solutions for the international transfer of funds which would result in increased transparency and cost reduction. Creditors should not bear the costs related to the transfer of funds and should receive the full amount in accordance with the maintenance decision. Since the ultimate objective is to eliminate all costs relating to the transfer of maintenance funds, an interim solution could be for courts to stipulate, where possible, in their maintenance decisions, whether the creditor or the debtor is to cover these costs. When these costs are stipulated in the decision, they should be reflected under item 5.1.1. of the Abstract of the Decision.

² These Conclusions and Recommendations (C&Rs) are based on the [C&Rs](#) adopted by the ITMFEG at its September 2019 Meeting and the [Aide-mémoire](#) adopted at its February 2021 Meeting both available in [Prel. Doc. No 15 of June 2021](#) - 2007 Child Support Convention and Maintenance Protocol: Report of the Experts' Group on International Transfers of Maintenance Funds, meeting of 8 to 11 February 2021.

³ The expression "electronic transfer of funds" should be understood as broadly as possible.

3. A good practice is for the requested Central Authority to have arrangements with their bank to cover the fees (“details of charges: OUR”) and for the requested Central Authority to obtain confirmation from the requesting Central Authority that the amount received is the same as the amount sent and, where applicable, information on the reasons for any difference. The EG also noted that some States have made arrangements with government financial institutions for the cost-free transfer of funds. Members of the EG recalled Article 35 of the 2007 Child Support Convention and noted that both the Requesting and Requested States should work bilaterally to reduce the transfer costs.

Centralised point for international transfers

4. Consideration should be given by each Contracting Party to establish a centralised point for international transfers dedicated to both incoming and outgoing transfer of funds. Such centralised point could be as basic as a bank account. When possible, this bank account could be held with a public institution such as a central bank. In this respect, Members of the EG also noted the possibilities afforded by the *Universal Postal Union Postal Payment Services Agreement of 6 October 2016*,⁴ in particular in terms of cost of transfer. Members of the EG are encouraged to enquire about the status of implementation of this Agreement in their respective States.
5. The value of such centralised point was underlined, as it could:
 - help with the standardisation of the international transfer of funds;
 - increase transparency with regard to the costs of such transfers;
 - reduce the costs associated with such transfers;
 - assist the Central Authority in the monitoring of payments;
 - simplify and accelerate the transfer of funds where payments are limited or need to be screened for regulatory purposes.

Consideration should be given also to providing payment transfer services to any debtors transferring payments within the scope of the 2007 Child Support Convention.

Monitoring of payments

6. The monitoring of payments could:
 - ensure an accurate payment record;
 - assist with the enforcement of payments;
 - support communication between Central Authorities to reconcile the amounts sent and received;
 - help establish statistical reports, e.g., to measure efficiency and increase understanding about money flows.

Experts acknowledged that not all Central Authorities are directly involved with the transfer of maintenance payments and, therefore, may not have systematic monitoring or communication in place. They noted, however, that another option in this situation would be to adopt a system where the provision of the collection and expeditious transfer of maintenance payments could be delegated to public bodies and / or other bodies, in accordance with Article 6(3) of the 2007 Child Support Convention. Experts also noted the possibilities afforded by the iSupport software in terms of monitoring of payments.

Data accompanying the transfer

7. Consideration should be given to using unique case references, known to both the requesting and requested State, attached to each transfer of funds. Such unique case references would link the

⁴ The text of which is available under the UPU website at < <https://www.upu.int> > under “Activities” then “Postal Payment Services” then “Postal Payment Services Agreement (PPSA)” or more specifically at the following address: < <https://www.upu.int/UPU/media/upu/files/UPU/activities/PostalFinancialServices/Key%20documents/ppsaAgreementEn.pdf> >.

transfer to an existing case. Consideration should be given, where possible, to use the iSupport case number. This number will be evaluated against banking norms. Experts encouraged the evaluation and adoption of standards which allow for more information to be sent with each payment, such as the ISO-20022 format for electronic data interchange between financial institutions.

Currency conversion

8. Reference was made to the *Practical Handbook for Caseworkers under the 2007 Child Support Convention*⁵ (hereinafter Caseworkers Practical Handbook) which states that a good practice is for the currency conversion of payments to be done by the relevant authority in the requested State at the time of transfer. Members of the EG agreed that over time, due to exchange rate fluctuations, paying the amount stated in a maintenance decision in a different currency may result in under or over payment. To address this, one option could be that the enforcement authority notifies the debtor that the amount to be paid in the debtor's currency will vary from one month to another, based on the exchange rate. Another option could be that, when the maintenance decision is registered for enforcement in another State in that State's currency, the State in question may periodically adjust the amount to be paid by the debtor, in order to avoid the build-up of arrears, which may lead to improper enforcement. The EG also noted that consideration could be given to obtaining the agreement of the debtor (e.g., via a monthly notification) that the amount owed in the foreign currency be directly withdrawn from the debtor's account, with the objective of ensuring the amount paid matches the amount owed. In some cases, this could be the subject of a court decision.
9. Reference was also made to the Caseworkers Practical Handbook in which it is stated that "[t]he maintenance debt is not paid in full until the full amount owing in the currency set out in the maintenance decision has been paid".⁶
10. A good practice should be to promote transparency of currency conversion costs.

Bundled payments

11. It was noted that bundled payments do result in savings on transfer costs, but may involve some delay resulting from processing time. It was noted that automation, also in the context of single payments, can alleviate these delays and could require fewer resources.

Current and future developments

12. It was agreed that it is a good practice for Central Authorities to provide information about international banking to creditors and debtors.
13. The merits of having the Central Authorities involved in the handling of the transfer of funds was discussed, as a means to be proactive. It was agreed that a legal framework, with the appropriate safeguards, enabling requested and requesting Central Authorities to handle the transfer of funds in an automated manner, would assist in this area. It was also highlighted that iSupport could be a solution in the future. The interpretation and extent of the obligations under Articles 6(2)(f) and 11 of the 2007 Child Support Convention were mentioned. To that effect, paragraphs 105-108, 116-117, 154 and 160-161 of the [Explanatory Report](#) were recalled.
14. The EG noted that, while there is currently no known commercial solution that would suit the needs of Central Authorities, advantage should be taken of the possibilities offered by centralised points, whether they are accounts held with a Central Bank, a commercial or a postal bank. It was agreed

⁵ Permanent Bureau of the Hague Conference on Private International Law, *Practical Handbook for Caseworkers under the 2007 Child Support Convention*, 1st ed., The Hague, 2013, at p. 174. Available at < www.hcch.net > under "Child Support Section", then "HCCH publications".

⁶ *Ibid.*

that a good practice would be for States to make arrangements with banks that are transparent in relation to their fees and / or are part of the SWIFT GPI (global payment initiative), which enables the tracking of fees arising along the way. The experts noted the advances of Central Bank Digital Currencies (CBDC).

Further steps and follow-up

15. It was recommended that the EG continue its work and meet on a regular basis through video and / or teleconference to share good practices, experiences implementing the above good practices and solutions and to continue the exploration and implementation of additional solutions.
16. Contracting Parties to the 2007 Child Support Convention should ensure that their Country Profile is up to date in relation to payment information (Part V, 1.) and their implementation of Article 6(2)(d)-(f) (Part I, 6.).
17. The membership of the EG remains open. Any contributions or proposals from States which have not yet participated in the work of the EG are always welcome.
18. The Permanent Bureau will continue to monitor innovations in this area.

Annex III

International Transfer of Maintenance Funds Experts' Group (ITMFEG) 3-5 February 2025 online Meeting

DRAFT AGENDA

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

Monday 3 February 2025	
14:00-14:35	1. Opening of the meeting - New Co-chair for the Group - Welcome remarks by the Co-chairs - <i>Tour de table</i> – delegations / experts introduce themselves
14:35-14:40	2. Presentation of the agenda and objectives of the meeting and housekeeping matters - First Secretary, HCCH
14:40-15:00	3. Developments in the area in general and summary of replies to Prel. Doc. No 9B of November 2024 - First Secretary, HCCH, and iSupport Coordinator, HCCH
15:00-15:10	<i>Health break</i>
15:10-15:30	4. Elimination of the use of cheques (Prel. Doc No 9D of January 2025, question b.) Discussion
15:30-15:50	5. Solutions with regard to increased transparency and cost reduction of transfer and currency conversion (Prel. Doc No 9D of January 2025, question c.) Discussion
15:50-16:10	6. Solutions where creditors would not bear the costs related to the transfer of funds (Prel. Doc No 9D of January 2025, question d.) Discussion
16:10-16:20	<i>Health break</i>
16:20-16:40	7. Requested Central Authority arrangements with their bank to cover transfer fees or other arrangements to that effect (Prel. Doc No 9D of January 2025, question e.) Discussion
16:40-17:00	8. 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 (Prel. Doc No 9D of January 2025, question f.) Discussion
17:00	End of first day

Tuesday 4 February 2025	
14:00-14:20	9. Implementation of currency conversion of payments done by the relevant authority in the requested State at the time of transfer (Prel. Doc No 9D of January 2025, question l.) Discussion
14:20-14:40	10. Implementation of a legal framework enabling the Central Authority, acting both as requesting and requested Central Authority, to handle the transfer of funds (Prel. Doc No 9D of January 2025, question n.) and establishment of a centralised point (e.g., bank account, central bank) for international transfer dedicated to both incoming and outgoing transfer of funds (Prel. Doc No 9D of January 2025, question g.) Discussion
14:40-15:00	11. Other topics covered in the questionnaire ((Prel. Doc No 9D of January 2025, questions h., i., j., k., m., o. and p.) Discussion
15:00-15:10	<i>Health break</i>
15:10-15:30	12. Presentation on recent developments in iSupport iSupport Coordinator, HCCH
15:30-16:00	13. Priorities for future work of the Group Discussion
16:00-16:10	<i>Health break</i>
16:10-17:00	13. Priorities for future work of the Group - continued
17:00	End of second day
Wednesday 5 February 2025	
14:00-14:50	14. Discussion of an <i>aide-mémoire</i> for the Group
14:50-15:00	<i>Health break</i>
15:00-15:50	14. Discussion of an <i>aide-mémoire</i> for the Group – continued
15:50-16:00	<i>Health break</i>
16:00-16:50	14. Discussion of an <i>aide-mémoire</i> for the Group – continued
16:50-17:00	15. Next Steps
17:00	End of meeting

Annex IV

Data from the November 2024 Questionnaire in preparation for the ITMFEG meeting of February 2025

Respondents' views on items that should be discussed

	To be discussed	Priority	No priority
Solutions with regard to increased transparency and cost reduction of transfer and currency conversion	9	2	8
Solutions where creditors would not bear the costs related to the transfer of funds	9	3	9
Elimination of the use of cheques	8	5	8
Arrangements with banks to cover transfer fees	8	2	11
Confirmation of amounts received by requesting CA	8	2	10
Currency conversion done by the relevant authority in the requested State at the time of transfer	8	4	9
CA handling the transfer of funds	8	3	10
Centralised point for international transfer	7	3	9
Implementation of payment transfer monitoring systems	7	4	9
Provision of payment transfer services to any debtors transferring payments within the scope of the 2007 Convention	5	2	11
Provision of information about international banking	5	1	13
Arrangement with banks that are transparent in relation to their fees and / or are part of the SWIFT GPI	5	3	12
Use of UPU agreement	4	1	14
Unique case references	4	4	10

Respondents' views on items that should be a priority for future work

	Priority	To be discussed	No priority
Elimination of the use of cheques	5	8	8
Implementation of payment transfer monitoring systems	4	7	9
Unique case references	4	4	10
Currency conversion done by the relevant authority in the requested State at the time of transfer	4	8	9
Solutions where creditors would not bear the costs related to the transfer of funds	3	9	9
Centralised point for international transfer	3	7	9
CA handling the transfer of funds	3	8	10
Arrangement with banks that are transparent in relation to their fees and / or are part of the SWIFT GPI	3	5	12
Provision of payment transfer services to any debtors transferring payments within the scope of the 2007 Convention	2	5	11
Solutions with regard to increased transparency and cost reduction of transfer and currency conversion	2	9	8
Arrangements with banks to cover transfer fees	2	8	11
Confirmation of amounts received by requesting CA	2	8	10
Use of UPU agreement	1	4	14
Provision of information about international banking	1	5	13

Respondents' views on items that should not be a priority for future work

	No priority	To be discussed	Priority
Use of UPU agreement	14	4	1
Provision of information about international banking	13	5	1
Arrangement with banks that are transparent in relation to their fees and / or are part of the SWIFT GPI	12	5	3
Arrangements with banks to cover transfer fees	11	8	2
Provision of payment transfer services to any debtors transferring payments within the scope of the 2007 Convention	11	5	2
Confirmation of amounts received by requesting CA	10	8	2
Unique case references	10	4	4
CA handling the transfer of funds	10	8	3
Centralised point for international transfer	9	7	3
Implementation of payment transfer monitoring systems	9	7	4
Currency conversion done by the relevant authority in the requested State at the time of transfer	9	8	4
Solutions where creditors would not bear the costs related to the transfer of funds	8	9	3
Elimination of the use of cheques	8	8	5
Solutions with regard to increased transparency and cost reduction of transfer and currency conversion	8	9	2

