

## Questionnaire

Name of State or territorial unit: <sup>[1]</sup>	Latvia
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For the purpose of the 13 to 15 February 2023 meeting of the EG, Members are invited to report on consideration given to and / or implementation of the following arrangements in their jurisdiction:

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

In general, no problems with the international transfer of maintenance funds have been detected. The main problem still is the use of cheques since it is not possible to cash them locally. The costs of currency conversion and transfer are borne by the debtor. The payments are handled between the parties themselves therefore they are free to choose from several commercial services for international transfers. When the maintenance order has been enforced, the seized payments are transferred to the creditor by the bailiff via the State Treasury.

- b. Elimination of the use of cheques (see Report and C&R 2022 No 1)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Cheques are not used and cannot be accepted. Local banks do not provide services to receive payment with cheques.

- c. Solutions with regard to increased transparency and cost reduction of transfers and currency conversion (see Report and C&R 2022 Nos 2 and 10)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

In outgoing cases the applicant is asked to provide precise information on the amount of the payment received. When statement of arrears is submitted to the requested

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<sup>[1]</sup> In this questionnaire, references to the term "State", where relevant, are to be considered as also applicable to a territorial unit.

state, the debtor can compare the amount paid with the amount received. In incoming cases the debtor is informed about the outstanding arrears so they can adjust the payment accordingly. It is up to the debtor to choose the most cost-effective payment method, for example, the debtor can open an account in the currency he is required to pay. Regulation regarding enforcement process clearly determine actions of sworn bailiffs in regard to incoming and outgoing payments in foreign currency. In accordance with the Law on Bailiffs, if the funds or other sums from debtor have been received in a foreign currency, they shall be converted into euro in accordance with the foreign exchange rate that is to be used in accounting for the date when the money is received in the deposit account of sworn bailiff. If an outgoing payment is to be made from the deposit account of sworn bailiff, the amount to be paid shall be converted in accordance with the foreign exchange rate to be used in accounting for the day of the payment to be sent out. Therefore, there is a clear regulation provided by the law regarding currency conversion.

- d. Solutions where creditors would not bear the costs related to the transfer of funds (see Report and C&R 2022 Nos 2 and 11)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

The debt is calculated regarding the amount the creditor has received and not the amount the debtor has paid. Therefore, the costs are borne by the debtor. Bundle payments are not encouraged due to the importance of timely maintenance payments. According to national law bailiffs are obliged to transfer money within 10 days.

- e. Requested Central Authority arrangements with their bank to cover transfer fees or other arrangements to that effect (see Report and C&R 2022 No 3)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

When a payment is made by the bailiff, the transfer fees are collected from the debtor in addition to the recovery of the debt. The commission fee applied by credit institutions is a fee that is collected for the provided services, or the operations performed by the credit institution. The determination of any fees charged by the credit institution, its amount and the arrangements for collections are in the discretion of the credit institution as a merchant and are usually discussed with customers signing account service contracts. Consequently, the question of determining the fees charged by the credit institutions and its extent, as well as practical options for the transfers to be

made in the enforcement proceedings, is subject to responsibility of the credit institutes and their supervising institutions. This is not a matter of judicial policy.

- 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 Report and C&R 2022 No 3)

Not being considered. Please explain:

[Please insert text here](#)

Is being considered. Please explain:

[Please insert text here](#)

Has already been implemented. Please explain:

[The payments are confirmed by regularly submitting an updated statement of arrears. When any inconsistencies arise, an explanation can be provided, and the situation can be resolved between both central authorities.](#)

- 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 Report and C&R 2022 Nos 4 and 5)

Not being considered. Please explain:

[When payments are made voluntarily, the creditor provides the banking details whereas the debtor can choose transfer services at their discretion \(presumably choosing the most cost-effective solution\). When payments are made within the enforcement procedure by the bailiff, all payments are transferred via State Treasury.](#)

Is being considered. Please explain:

[Please insert text here](#)

Has already been implemented. Please explain:

[Please insert text here](#)

- h. Use of the possibilities afforded by the *Universal Postal Union Postal Payment Services Agreement* of 6 October 2016 (see Report and C&R 2022 No 4)

Not being considered. Please explain:

[Please insert text here](#)

Is being considered. Please explain:

[Please insert text here](#)

Has already been implemented. Please explain:

The Universal Postal Union Postal Payment Services Agreement of 6 October 2016 is in force since January 1st, 2018.

i. Provision of payment transfer services to any debtors transferring payments within the scope of the HCCH 2007 Child Support Convention (see Report and C&R 2022 No 5)

Not being considered. Please explain:

See point g

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

j. Implementation of payment transfer monitoring systems (see Report and C&R 2022 No 6)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Administration of the Maintenance Guarantee Fund is considering implementation of iSupport.

Has already been implemented. Please explain:

Please insert text here

k. Implementation of unique case references, known to both the requesting and requested States, attached to each transfer of funds (see Report and C&R 2022 No 7)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

A unique reference system is used in both incoming and outgoing cases. The unique reference numbers are shown in each correspondence and are required to be shown in payment details.

- I. Implementation of currency conversion of payments done by the relevant authority in the requested State at the time of transfer (see Report and C&R 2022 No 8)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

If the funds recovered from debtors and other amounts that are due to the interested persons are received in a foreign currency in the bailiff's deposit account, they shall be converted in euros in accordance with the foreign currency exchange rate used in accounting on the day on which the funds are received in the deposit account. If disbursement of funds from the bailiff's deposit account is to be performed in a foreign currency, the amount to be disbursed shall be converted into the foreign currency in accordance with the foreign currency exchange rate used in accounting on the day on which the funds are to be disbursed. Regulation regarding enforcement process clearly determine actions of sworn bailiffs in regard to incoming and outgoing payments in foreign currency. In accordance with the Law on Bailiffs, if the funds or other sums from debtor have been received in a foreign currency, they shall be converted into euro in accordance with the foreign exchange rate that is to be used in accounting for the date when the money is received in the deposit account of sworn bailiff. If an outgoing payment is to be made from the deposit account of sworn bailiff, the amount to be paid shall be converted in accordance with the foreign exchange rate to be used in accounting for the day of the payment to be sent out. Therefore, there is a clear regulation provided by the law regarding currency conversion.

- m. Provision of information about international banking to creditors and debtors (see Report and C&R 2022 No 12)

Not being considered. Please explain:

The use of specific private international banking or money transfer services is at the discretion of creditor/debtor. A state authority cannot promote specific services provided by private enterprises.

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

- n. Implementation of a legal framework enabling the Central Authority, acting both as requesting and requested Central Authority, to handle the transfer of funds – or at least major

parts of the process – in as automated a manner as possible (see Report and C&R 2022 No 13)

Not being considered. Please explain:

Currently demand for such service is not observed.

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Please insert text here

o. Implementation of an arrangement with banks that are transparent in relation to their fees and / or are part of the SWIFT Global Payment Initiative (GPI) (see Report and C&R 2022 No 14)

Not being considered. Please explain:

Please insert text here

Is being considered. Please explain:

Please insert text here

Has already been implemented. Please explain:

Services of banks that are connected to SWIFT are available to the debtors and creditors residing in Latvia.

p. Would your State consider contributing to iSupport ITMF in terms of expertise and experience?

Yes

Please insert text here

No

Central Authority is not involved in international transfers of maintenance funds, therefore its experience is limited.

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

N/A

Thank you!