



Newsletter 2017, No. 35

## Newsletter of the Global Network: “Child Support Worldwide” Dear network members and child support experts all over the world,

### European Court of Justice: Decision on Direct Application for Enforcement



Court of Justice of the  
European Union

With its judgement of 9 February 2017 (ECLI:EU:C:2017:104), the European Court of Justice (ECJ) reinforced the rights of maintenance creditors. A maintenance creditor who has obtained a decision regarding child support in one EU member state and who seeks the declaration of enforceability and execution of the decision in another member state may

contact the appropriate authority of this latter state directly, according to Art. 23 ff., 41 Maintenance Regulation (EC) No. 4/2009. The maintenance creditor may not be required to file an application via the Central Authority or to fulfil other requirements which do not apply to domestic applicants.

The aim of the EU Child Support Regulation – and that of the Hague 2007 Child Support Convention – is to enable the effective and quick realization of child support claims in cross-border cases. Systems for legal assistance are provided for under both legal instruments, which can be characterized as optional. The European Court of Justice clarifies that the international legal instruments do not establish formal barriers in addition to those already provided for by law. Applicants can choose as to whether they find it beneficial to make use of the support offered by the Central Authority in order to advance their cross-border applications. However, this is not mandatory.

The decision of 9 February 2017 is pertinent for the EU 2009 Maintenance Regulation. The relevant provisions (Art. 23 ff., 41) can also be found in the Hague Child Support Convention of 2007 (Art. 20 or 32 Hague Convention 2007). In addition, Art. 37 (1) of the Hague Convention explicitly provides for the possibility of direct applications.

### Canada signs the 2007 Hague Child Support Convention and the 1996 Hague Child Protection Convention

On 23 May 2017, Canada signed the *Hague Convention of 23 November 2007 on*





*the International Recovery of Child Support and Other Forms of Family Maintenance* (2007 Child Support Convention). With Canada's signature, the 2007 Child Support Convention now has 37 States and one Regional Economic Integration Organisation (the EU) that have signed, or are Parties to the instrument. Canada on the same day also signed the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (1996 Child Protection Convention).

### **Belarus Signs the 2007 Hague Child Support Convention**

On 15 March 2017, Belarus signed the *Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance*. Belarus has been a Member of the Hague Conference since 2001 and is bound by eight Hague Conventions.



### **Child Support Worldwide Web Guide**

Did you know that information regarding child support and family law in Belarus as well as in many other States can be found in the [Child Support Worldwide Web Guide](#)? Moreover, you can find useful tools, such as the [Interactive Terminology for Europe and Encyclopedia of the Nations](#) that will help you with international child support matters.



### **HCCH Asia Pacific Week 2017**

The HCCH Asia Pacific Week 2017 will take place from Monday 3 to Thursday 6 July 2017, in Seoul, Korea. The symposium has a main focus on the Hague Conventions concerning children and includes sessions on the 1961 Apostille Convention, the electronic Apostille Program (e-APP), and sessions on international litigation. The objectives of the Symposium are to introduce relevant Hague Conventions to the wider Asia Pacific region of, to share and exchange information on Hague Convention-related practices and experiences and to strengthen co-operation amongst participating States. More information regarding the Symposium will be available [here](#) shortly. If interested, please contact [hcchapweek2017@korea.kr](mailto:hcchapweek2017@korea.kr).

### **Andorra joins Hague Service and Evidence Conventions**



On 26 April 2017, the Principality of Andorra deposited its instrument of accession to the *Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* (Service Convention), and the *Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters* (Evidence Convention). Andorra thus became the 72nd and 61st Contracting State to the Service and Evidence Conventions, respectively.

### **Kazakhstan joins the Hague Evidence Convention and the Hague Maintenance**

## Protocol

On 26 September 2016, the Republic of Kazakhstan deposited its instrument of accession to the *Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters* (Evidence Convention), making it the 60th Contracting State to the Convention. The Evidence Convention then entered into force for Kazakhstan on 25 November 2016.



Furthermore, on 1 April 2017, the *Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations* entered into force for Kazakhstan. After having deposited its instrument of accession to the Protocol on 12 December 2016, Kazakhstan became the 28th State to be bound by the Protocol.



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