



Newsletter 2021, No. 47

Newsletter of the Global Network: “Child Support Worldwide”

**Dear network members and child support experts
all over the world,**

No accession to the Lugano Convention for UK

The EU-Commission denied the accession of the United Kingdom (UK) to the [Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters of 2007](#), which was applicable in the UK until 31 December 2020 through its EU membership. This [decision](#) was based on the fact that the UK is a third country without a special link to the internal market. As the UK's accession to the Lugano Convention required the consent of all Contracting Parties (Denmark, EU, Iceland, Norway, Switzerland), the consequence of the EU's refusal is that the UK's accession is now excluded, also in relation to other Contracting Parties. In February 2021 the district court of Zurich already refused the recognition of a UK [judgement](#) made in September 2020.

Regarding the field of maintenance recovery, the Commission's decision is going to complicate the recognition and enforcement of maintenance orders in states which are not yet parties of the 2007 Hague Convention or the EU-Maintenance Regulation (chapter IV), as the Lugano Convention was the only international rule applicable in this area. It is namely the case in Switzerland, Iceland.

European Platform for Access to Personal and Familial Rights (EPAPFR)

The European Platform for Access to Personal and Familial Rights (www.epapfr.com) is set up and available. It was inaugurated with two live-online seminars on 19 February and 26 February 2021, and was attended by an audience of over 300 people.

The Platform aims to inform and connect practitioners and families by compiling technical information and a cartography of governmental and non-governmental organizations active in the various fields of international family law. Its ultimate goal is to provide increasingly effective support to families in the international context. Any structure interested in being listed on the platform is welcome to contact the coordinator.

In addition to the presentation of the English- and French-language platform itself, the seminars provided an interesting overview of the most current topics in international family law, such as unaccompanied minors and the 1996 Hague Convention, kafala, surrogacy, international mediation, international child abduction and child maintenance. The presentations of the speakers can be



accessed on the platform.

In his presentation on maintenance law, Prof. Dr. Dieter Martiny emphasized not only the significant improvement in the chances of cross-border maintenance enforcement in the EU through Regulation EC No. 4/2009, but also the continuing need for information for the people concerned, as well as for further training and networking of practitioners in this area.

The comparative report, which will soon be available under the heading "Resources", contains an experience report on the application of the European Maintenance Regulation EC No. 4/2009.

Both the *EPAPFR platform* and the *child support worldwide network* successfully contribute to the fulfilment of these goals with different approaches.

Meetings of the Administrative Co-operation Working Group on the 2007 Child Support Convention (14 – 17 December 2020 & 10-11 May 2021)

From 14 to 17 December 2020, the Administrative Cooperation Working Group (ACWG) on the Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (2007 Child Support Convention) met via videoconference. The meeting was attended by 60 participants representing 20 Members, 1 Observer, and members of the Permanent Bureau (PB).

As recommended by the November 2007 Twenty-First Session of the HCCH which adopted the 2007 Child Support Convention and the Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations (2007 Protocol), the mandate of the ACWG is to provide guidance to the Permanent Bureau on issues relating to administrative co-operation and to facilitate the exchange of views and discussions. The meeting was convened to explore matters in anticipation of the First Meeting of the Special Commission on the practical operation of the 2007 Convention and Protocol to be held in 2021. The ACWG provided guidance to the PB in relation to the development of a standard statistical report under the 2007 Child Support Convention, including the use of the iSupport case management system, and other administrative cooperation matters such as recommended forms and country profiles.

During the meeting, presentations were delivered by staff members of the Permanent Bureau on the collection of statistics under other HCCH Conventions. Presentations by representatives from participating States were also delivered, on the subject of data collection on child support from their respective national perspectives. All this information facilitated a constructive discussion of the collection of statistics under the 2007 Child Support Convention, accompanied by a presentation of how the iSupport case management system could assist in that respect. Other administrative cooperation matters were also discussed, such as the development of future recommended model forms and possible fillable forms as well as forms to be made available in languages other than English, French and Spanish. Finally, before moving on to the discussion of other issues within the mandate of the ACWG, views about the possibility of organising information sessions and bilateral meetings online ahead of the First Meeting of the Special Commission were exchanged in a very positive way. An aide-mémoire summarising the results of the meeting is available [here](#).

The ACWG met again on 10 and 11 May 2021 via videoconference. The meeting was attended by over 60 participants representing 20 Members, two Observers and members of the Permanent Bureau. At this meeting, the ACWG made significant progress on a Draft Statistical Report under the 2007 Child Support Convention. The Draft Statistical Report is now with Members of the HCCH for comments by 13 August 2021 in the form of [Prel. Doc. No 16 of June 2021](#) – Draft statistical report under the 2007 Convention.

More information on the 2007 Child Support Convention and the iSupport project is available on the Child Support Section of the HCCH website.

Meeting of the Applicable Law Working Group on the 2007 Protocol on the Law Applicable to Maintenance Obligations (22, 25 - 27 January 2021)

On 22 and from 25 to 27 January 2021, the Applicable Law Working Group (ALWG) on the Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations (2007 Protocol) met via videoconference. The meeting was attended by 38 participants representing 18 Members as well as by members of the Permanent Bureau.

The experts explored issues arising from different approaches to applicable law under the 2007 Protocol and discussed possible ways forward in that regard, in anticipation of the First Meeting of the Special Commission (SC) on the practical operation of the 2007 Child Support Convention and Protocol, currently scheduled to be held in 2021.

The ALWG provided guidance in relation to issues of applicable law arising from certain family relationships (same-sex unions, social family / parentage), the law applicable to preliminary / incidental questions (e.g., establishment of parentage, establishment of certain family relationships), the law applicable to the modification of a maintenance decision, the law applicable to limitation periods with regard to enforcement of maintenance orders, as well as the interpretation and scope of articles 4, 5, 8, 11, 18 of the Protocol. Experts also discussed and clarified the meaning of several terms under the Protocol, such as habitual residence and domicile.

Underlying the discussion of most items on the agenda of the meeting, was the notion that the 2007 Protocol is designed to favour the maintenance creditor. Experts agreed that a potential way to address some of the issues of applicable law discussed during the ALWG meeting, could be to implement the approach most beneficial to the creditor, in particular with regard to preliminary / incidental questions.

The Conclusions and Recommendations summarising the outcomes of the meeting are available [here](#).

More information on the 2007 Child Support Convention, the 2007 Protocol, and the iSupport project is available on the Child Support Section of the HCCH website.

Enforcing Maintenance despite the Coronavirus Measures

The ["Operational status of child maintenance authorities during the covid-19 restrictions"](#) table has been and continues to be used extensively over the last months. Thank you for your positive feedback and cooperation!

Please remember to inform us of any changes in your State's situation.



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