

Hague Convention (2007) on the international recovery of child support and other forms of family maintenance

2009/0100(NLE) - 28/07/2009 - Legislative proposal

PURPOSE: to conclude the Convention on International Recovery of Child Support and Other Forms of Family Maintenance.

PROPOSED ACT: Council Decision.

CONTENT: the European Community has set itself the objective of creating a genuine judicial area based on the principle of mutual recognition of judicial decisions.

Two international instruments were concluded on 23 November 2007 under the Hague Conference on Private International Law namely, the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance and the **Protocol** on the Law Applicable to Maintenance Obligations.

The Protocol is designed to offer greater legal certainty and predictability to maintenance creditors and debtors. On 23 February 2009, the Commission adopted a [proposal for a Council Decision](#) on the conclusion by the European Community of the Protocol.

The objective of the Convention is to ensure the effective international recovery of child support and other forms of family maintenance. Since the vast majority of maintenance claims involve children, the Convention is first and foremost a measure to protect children. This proposal concerns the conclusion by the European Community of the Convention.

On 18 December 2008 the Council adopted [Regulation \(EC\) No 4/2009](#) on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations. Conclusion of the Convention by the Community would bolster existing Community rules on the recognition and enforcement of maintenance decisions and administrative cooperation between the central authorities, by creating a harmonised set of rules within the Community in respect of third countries which will become Contracting Parties to the Convention.

No reservations should be made to the Convention. All the necessary declarations should be made by the Community, as should any later modifications and withdrawals of these declarations.

The Commission proposes that the scope of the Convention should be extended so that the whole Convention would apply to all maintenance obligations arising from a family relationship, parentage, marriage or affinity, in order to guarantee effective recovery of maintenance with respect to any Contracting Parties in so far as their declarations cover the same maintenance obligations and parts of the Convention.

By 18 September 2010, Member States shall: (i) notify the Commission, of their Central Authority or Central Authorities as referred to in the Convention; (ii) communicate to the Commission the information concerning laws, procedures and services referred to in the Convention. The Commission will provide the Permanent Bureau of the Hague Conference on Private International Law with this information by the time the instrument referred to in the Convention is deposited.