

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

2009/0100(NLE) - 09/06/2011 - Final act

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

**NON-LEGISLATIVE ACT:** Council Decision 2011/432/EU on the approval, on behalf of the European Union, of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.

**BACKGROUND:** the Union is working towards the establishment of a common judicial area based on the principle of mutual recognition of decisions.

The Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance constitutes a good basis for a worldwide system of administrative cooperation and for recognition and enforcement of maintenance decisions and maintenance arrangements, providing for free legal assistance in virtually all child support cases and for a streamlined procedure for recognition and enforcement.

Article 59 of the Convention allows Regional Economic Integration Organisations such as the Union to sign, accept, approve or accede to 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.

It is therefore appropriate that the EU approves the Convention and has jurisdiction over all matters governed by it and that Member States are bound by the Convention by virtue of its approval by the Union.

**CONTENT:** under this Decision, the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance is hereby approved on behalf of the European Union.

**Objective and scope:** the object of the present Convention is to ensure the effective international recovery of child support and other forms of family maintenance, in particular by:

- establishing a comprehensive system of cooperation between the authorities of the Contracting States;
- making available applications for the establishment of maintenance decisions;
- providing for the recognition and enforcement of maintenance decisions; and
- requiring effective measures for the prompt enforcement of maintenance decisions.

This Convention shall apply:

(a) to maintenance obligations arising from a parent-child relationship towards a person under the age of 21 years;

(b) to recognition and enforcement or enforcement of a decision for spousal support when the application is made with a claim within the scope of the Decision; and

(c) with the exception of Chapters II and III, to spousal support.

**Cooperation:** a Contracting State shall designate a Central Authority to discharge the duties that are imposed by the Convention on such an authority.

**Transmission, receipt and processing of applications and cases through Central Authorities:** the Central Authority of the requesting State shall assist the applicant in ensuring that the application is accompanied by all the information and documents known by it to be necessary for consideration of the application.

**Free legal assistance for child support applications:** the requested State shall provide free legal assistance in respect of all applications by a creditor under this Chapter concerning maintenance obligations arising from a parent-child relationship towards a person under the age of 21 years.

**Recognition and enforcement:** the Convention further provides a set of provisions on the recognition and enforcement of maintenance obligations (including settlement or agreement concluded before or approved by such an authority).

**EU competence and reservations:** when approving the Convention, the Union should therefore make the declaration of competence pursuant to Article 59(3) of the Convention. Moreover, the Union should, when approving the Convention, make all the appropriate reservations and declarations allowed under Articles 62 and 63 respectively of the Convention that it deems necessary. In this respect, the Union should declare, pursuant to Article 2(3) of the Convention, that it will extend the application of Chapters II and III of the Convention to spousal support. It should at the same time make a unilateral declaration in which it undertakes to examine, at a later stage, the possibility of further extending the scope of application. 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.

**Unilateral EU Declaration:** the EU Declaration stipulates that the Union recognises that extending the application of the Convention to all maintenance obligations arising from a family relationship, parentage, marriage or affinity is likely to increase considerably its effectiveness, allowing all maintenance creditors to benefit from the system of administrative cooperation established by the Convention.

**Territorial provisions:** in conformity with relevant provisions of the Treaty, the United Kingdom and Ireland shall participate in the adoption and the implementation of this Decision. Denmark shall not participate in the adoption of this Decision and shall not be bound by it or subject to its application.

**ENTRY INTO FORCE:** 09/06/2011. Member States shall notify the Commission, no later than 10 December 2012, of the contact details of the Central Authorities designated and the information concerning laws, procedures and services.