



24.7.2019

## NOTICE TO MEMBERS

**Subject: Petition No 0592/2018 by M.K. (Austrian) on outstanding maintenance payments for a child**

### 1. Summary of petition

The petitioner is making a complaint regarding the non-recognition of paternity and outstanding maintenance payments. The father of the child, who lives in the United Kingdom, was called upon to provide maintenance payments, which he has not done according to the petitioner.

### 2. Admissibility

Declared admissible on 5 November 2018. Information requested from Commission under Rule 227 (6).

### 3. Commission reply, received on 24 July 2019

Union law on the recovery of maintenance is contained in Council Regulation (EC) No 4/2009 (hereinafter ‘the Regulation’)<sup>1</sup>. The Regulation focuses on the cross-border elements of recovery of maintenance proceedings by laying down common rules to determine which Member States’ courts are competent to deal with a case, which national law applies, rules on the recognition and enforcement in one Member State of a judgment on maintenance given in another Member State and rules on cooperation between Member State authorities. The procedure for the enforcement of a maintenance claim does not fall under Union competence. These matters, governed by national law, are the sole responsibility of Member States. The law of the Member State of enforcement governs the procedures to have a judicial decision issued in one Member State enforced in another Member State.

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<sup>1</sup> Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations, *OJ L 7, 10.1.2009, p. 1–79*.

On the basis of the documents provided by the petitioner, in particular the document of the Maintenance Enforcement Decision Centre of Suffolk of 2 October 2017 (reference: 17004318E/SE/R), it does not appear that recognition of the maintenance decision is problematic in the United Kingdom. The Commission considers that the United Kingdom authorities have undertaken appropriate steps to facilitate the enforcement of a petitioner's claim – including the recognition of the decision and the commencement of the enforcement procedure.

Against this background, the Commission has not been able to identify any breach of Union law in this matter.

### Conclusion

The Commission finds no evidence of an infringement of Union law and cannot therefore intervene in the petitioner's case.