




Procedure file

Basic information		
NLE - Non-legislative enactments Decision	2009/0100(NLE)	Procedure completed
Hague Convention (2007) on the international recovery of child support and other forms of family maintenance		
See also 2013/0019(NLE)		
Subject 4.10.02 Family policy, family law, parental leave 4.10.03 Child protection, children's rights 7.40.02 Judicial cooperation in civil and commercial matters		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Legal Affairs		
	Committee for opinion	Rapporteur for opinion	Appointed
	 Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	3096	09/06/2011
European Commission	Commission DG	Commissioner	
	Justice and Consumers	MALMSTRÖM Cecilia	

Key events			
28/07/2009	Legislative proposal published	COM(2009)0373	Summary
17/09/2009	Committee referral announced in Parliament		
02/12/2009	Additional information		Summary
28/01/2010	Vote in committee		Summary
01/02/2010	Committee report tabled for plenary, 1st reading/single reading	A7-0005/2010	
11/02/2010	Results of vote in Parliament		
11/02/2010	Decision by Parliament	T7-0027/2010	Summary
09/06/2011	Act adopted by Council after consultation of Parliament		
09/06/2011	End of procedure in Parliament		
22/07/2011	Final act published in Official Journal		

Technical information	
Procedure reference	2009/0100(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Legislative instrument	Decision
	See also 2013/0019(NLE)
Legal basis	Treaty on the Functioning of the EU TFEU 218-p6b-ab; Treaty on the Functioning of the EU TFEU 081-p3-a1
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	JURI/7/00748

Documentation gateway					
Legislative proposal		COM(2009)0373	28/07/2009	EC	Summary
Committee draft report		PE430.372	27/10/2009	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0005/2010	01/02/2010	EP	
Text adopted by Parliament, 1st reading/single reading		T7-0027/2010	11/02/2010	EP	Summary

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Final act
Decision 2011/432 OJ L 192 22.07.2011, p. 0039 Summary

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

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.

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

The Lisbon Treaty, which entered into force on 1 December 2009, amended the EU's two core treaties, the Treaty on European Union (TEU) and the Treaty establishing the European Community (EC Treaty). The latter was renamed the Treaty on the Functioning of the European Union (TFEU).

These changes had various consequences for many ongoing procedures. First of all, the articles of the TEU and of the old EC Treaty that constitute the legal basis of all the proposals founded on those Treaties were renumbered in accordance with the table of equivalences mentioned in Article 5 of the Lisbon Treaty.

In addition, some proposals underwent a change to their legal basis going beyond a mere change to their numbering, and this resulted in changes to the type of procedure.

The Lisbon Treaty also introduced new concepts of decision-making procedure. The old "codecision procedure" was extended to new areas and renamed the "ordinary legislative procedure". A new "consent procedure" replaced the old "assent procedure". New interinstitutional procedures were also set up for the adoption of certain non-legislative acts, for example the conclusion of some international agreements.

The ongoing proposals concerned by these changes were formally modified by the Commission in a Communication published on 2 December 2009 ([COM\(2009\)0665](#)).

In the case of the proposal for a Council Decision on the conclusion by the European Community of the convention on the international recovery of child support and other forms of family maintenance, the entry into force of the Lisbon Treaty had the following impacts:

- the old legal basis ? Treaty/EC/Art.61(c), Art.300(2) and (3) - became Art 81(3), Art 218 (6)(b) of the TFEU. Please note that the numbering of the old legal basis corresponds to the consolidated version of the Treaty that was applicable immediately before the entry into force of the Lisbon Treaty, and may differ from the references in the original Commission proposal;
- the proposal, which had previously fallen under the old consultation procedure (CNS), was classified as an interinstitutional non-legislative procedure (NLE).

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

The Committee on Legal Affairs adopted the report drawn up by Jiří MAJÁLK (GUE/NGL, CZ) approving the proposal for a Council decision on the conclusion by the European Community of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

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

The European Parliament adopted by 591 votes to 10, with 11 abstentions, a legislative resolution approving the proposal for a Council decision on the conclusion by the European Community of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (non-legislative procedure ? Parliament consultation).

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

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.