



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE, FREEDOM AND SECURITY

Directorate E : Justice
Acting Director

Brussels, 20. 07. 2009
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Hague Conference on Private
International Law
Mr Hans Van Loon
Secretary General

e-mail: secretariat@hcch.net

Subject: **Questionnaire on the feasibility of developing a protocol to the Hague 2007 Child Support Convention to deal with the recovery of maintenance in respect of vulnerable persons**

Dear Secretary General,

The European Community¹ is grateful to the Permanent Bureau of the Hague Conference for the opportunity given to the Conference Members to respond to questions concerning the feasibility of developing a protocol to the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance to deal with the international recovery of maintenance in respect of vulnerable persons.

As regards **questions 3, 8, 11 and 14** the answer is "no" since the Community cannot identify any special rules which might need to be added to the 2007 Child Support Convention and does not therefore consider a protocol necessary. As explained in the background note of the Questionnaire, maintenance obligations in respect of vulnerable persons come partly within the compulsory scope of the Convention and may be brought within the scope by a declaration if they arise from a family relationship, parentage, marriage or affinity. The Community does not see a need to extend this solution by a protocol at this stage taking into account that the Convention has not yet been ratified by any State.

¹ The position of the European Community does not cover Denmark as a consequence of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community.

As regards **question 5** the answer is "not yet determined" and therefore **questions 6 and 7** cannot be answered. This matter will be determined by a Council Decision in the future.

As regards **question 12**, in the Community, Council Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations applies to maintenance obligations arising from a family relationship, parentage, marriage or affinity. The Regulation does not deal specifically with maintenance obligations in respect of vulnerable persons but applies to them in the limits of the scope.

The response of the Community may be uploaded onto the HCCH webpage.

The Member States of the Community have responded or will respond individually to questions relating to the content of their national law and to the questions relating to agreements concluded by them.

Yours faithfully,



Alain BRUN
Acting Director
European Commission



Cecilia RENFORS
Chairperson
Civil Law Committee of the Council