



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 January 2013

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PROPOSAL

from:	European Commission
dated:	29 January 2013
No Cion doc.:	COM(2013) 35 final
Subject:	Proposal for a Council decision amending Annexes II and III of Council Decision of 9 June 2011 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

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

Encl.: COM(2013) 35 final



Brussels, 29.1.2013
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Proposal for a

COUNCIL DECISION

amending Annexes II and III of Council Decision of 9 June 2011 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

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The objective of the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance 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.

On 31 March 2011, the Council adopted the decision on the signing, on behalf of the European Union, of the 2007 Hague Maintenance Convention. The Convention was signed by the European Union on 6 April 2011.

On 9 June 2011, the Council adopted the decision on the approval, on behalf of the European Union, of the 2007 Hague Maintenance Convention. The deposit of the instrument of approval was foreseen after the deadline of 10 December 2012 established by Article 7 of the Council Decision for the notification to the Commission by the Member States of the contact details of the Central Authorities designated under the Convention and the information concerning laws, procedures and services referred to in Article 57 of the Convention.

Articles 5 and 6 of the Council Decision provide also for the Union to make the reservation under Article 44 (3) and the reservations under point (g) of Article 11(1) and Article 44 (1) and (2). The text of the declaration and of the reservations is attached in Annex II and III to the Council Decision.

During negotiations, the deadline of 16 May 2011 was set in order to allow Member States to provide information for the declaration and reservations to be made by the Union at the time of the deposit of the instrument of approval.

However, after the adoption of the Council Decision on 9 June 2011, some Member States have felt the necessity to amend their previous statement (Latvia) or to make *ex novo* the declaration and reservations under Article 5 and 6 of the Council Decision (Cyprus, Luxembourg and Portugal).

Before depositing the instrument of approval, Annexes II and III need therefore to be amended accordingly.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES

The issue was discussed in the Council during the meetings of the Working Party on Civil Law Matters (General Questions), in particular on 11 June 2012. The last requests of amendment of the annexes were received end of July 2012 and the English translations on 20 August 2012. The Commission informed the Member States that the proposal amending the Council Decision of 9 June 2011 would have not been adopted before the end of November 2012, at the earliest.

Proposal for a

COUNCIL DECISION

amending Annexes II and III of Council Decision of 9 June 2011 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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 81(3), in conjunction with point (b) of the second subparagraph of Article 218(6) and the first sentence of the second subparagraph of Article 218(8) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament¹,

Whereas:

- (1) Annex II to Council Decision 2011/432/EU indicates the reservation to be made by the European Union at the time of the approval of The Hague Convention of 23 November 2007, on the International Recovery of Child Support and Other Forms of Family Maintenance in accordance with its Article 62 thereof.
- (2) Annex III to Council Decision 2011/432/EU indicates the declarations to be made by the European Union at the time of the approval of The Hague Convention of 23 November 2007, on the International Recovery of Child Support and Other Forms of Family Maintenance in accordance with its Article 63 thereof.
- (3) Member States have notified the Commission of additional amendments to the reservation and declarations set out in Annexes II and III. It therefore appears appropriate to amend these annexes before depositing the instrument of approval of The Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance,

HAS ADOPTED THIS DECISION:

Article 1

Annexes II to III to Council Decision 2011/432/EU are replaced by the corresponding Annexes to this Decision.

Article 2]

This Decision shall enter into force on the day of its adoption.

¹

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council
The President*

**European Union reservation
at the time of the approval of the Hague Convention of 23 November 2007
on the International Recovery of Child Support
and Other Forms of Family Maintenance ("the Convention")
in accordance with Article 62 thereof**

The European Union makes the following reservation provided for in Article 44(3) of the Convention:

The Republic of Cyprus, the Czech Republic, the Republic of Estonia, the Hellenic Republic, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Poland, the Slovak Republic, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland object to the use of French in communications between Central Authorities.

The Grand Duchy of Luxembourg objects to the use of English in communications between Central Authorities.

**European Union declarations
at the time of the approval
of the Hague Convention of 23 November 2007
on the International Recovery of Child Support
and Other Forms of Family Maintenance
("the Convention") in accordance with Article 63 thereof**

1. Declaration referred to in point (g) of Article 11(1) of the Convention

The European Union declares that, in the Member States listed below, an application other than an application under Article 10(1)(a) and (2)(a) of the Convention shall include the information or documents specified for each of the listed Member States:

The Kingdom of Belgium:

- For applications under Article 10(1)(e) and (f) and (2)(b) and (c), the complete text of the decision or the decisions in certified copy or copies.

The Czech Republic:

- The power of attorney granted to the Central Authority by the applicant pursuant to Article 42.

The Federal Republic of Germany:

- The creditor's nationality, profession or occupation and, where appropriate, his legal representative's name and address.
- The debtor's nationality, profession or occupation, inasmuch as they are known to the creditor.
- In the case of an application by a public law service provider asserting transferred-right maintenance claims, the name and contact data of the person whose claim has been transferred.
- In the case of indexation of an enforceable claim, the method of calculating the indexation and, in the event of an obligation to pay legal interest, the legal interest rate and the starting date for the mandatory interest.

The Republic of Latvia:

- The application includes the information specified in the relevant forms recommended and published by the Hague Private International Law Conference and is accompanied by a receipt for payment of state tax in cases where the applicant is not exempt from payment of

state tax or does not receive legal assistance, as well as documents which confirm the information included in the application.

– The application includes the applicant's personal code (if assigned in the Republic of Latvia) or identification number, if assigned; the respondent's personal code (if assigned in the Republic of Latvia) or identification number, if assigned; the personal codes (if assigned in the Republic of Latvia) or identification numbers, if assigned, of all the persons for whom maintenance is sought.

– Applications referred to in Article 10(1)(a), (b), (d) and (f) and 2(a) and (c) of the Convention which do not concern child support (within the meaning of Article 15 of the Convention) are accompanied by a document showing the extent to which the applicant received free legal assistance in the State of origin, containing information on the type and amount of legal assistance already called upon and indicating what further legal assistance will be needed.

– Applications referred to in Article 10(1)(b) of the Convention are accompanied by a document indicating the applicant's chosen means of enforcement (proceedings to recover the debtor's movable assets, funds and/or immovable property).

– Applications referred to in Article 10(1)(b) of the Convention are accompanied by a document containing a calculation of the debt.

– Applications referred to in Article 10(1)(c), (d), (e) and (f) and 2(b) and (c) of the Convention are accompanied by documents which substantiate the information concerning the financial situation and expenses of the creditor and/or debtor.

The Republic of Poland:

I. Application under Article 10(1)(b)

1. An application for enforcement of a decision should contain the name of the court which issued the judgment, the date of the judgment and the forename and surname of the parties to the proceedings.

2. The following documents should be enclosed:

- original of the enforceable title (certified copy of the judgment together with the order for its enforcement),
- detailed list of arrears,
- details of the bank account to which the enforced amounts should be transferred,
- copy of the application together with annexes,
- translation of all documents into Polish by a (professional) sworn translator.

3. The application, grounds for the application, list of arrears and information on the financial situation of the debtor must be signed personally by the creditor(s) or, in the case of minors, by their legal representative.

4. Where the creditor is not in possession of the original of the enforceable title, the reason must be stated in the application (e.g. document lost or destroyed, or enforceable title not established by the court).

5. In the event of loss of the enforceable title, an application for a further establishment of the enforceable title to replace the one lost should be enclosed.

II. Applications under Article 10(1)(c) and (d)

1. An application for the establishment of a decision awarding child support should contain an indication of the monthly amount requested in the title as child support for each creditor.

2. The application and grounds for the application must be signed personally by the creditor(s) or, in the case of minors, by their legal representative.

3. In the grounds for an application for establishment of a decision, it is necessary to state all facts justifying the request, and in particular to supply information concerning:

a. the relationship between the creditor and debtor: child (child from a marriage/child formally recognised by the debtor/paternity of the child established by court proceedings), other relative, spouse, former spouse, related,

b. information regarding the financial situation of the creditor should contain data concerning:

– the age, health and level of education of the creditor,

– the monthly outgoings of the creditor (food, clothes, personal hygiene, prevention, medicine, rehabilitation, training, leisure, exceptional expenditure, etc.),

– (where child support is requested for more than one entitled person – the above data should be supplied for each of these persons),

– education of the parent taking care of the under-age creditor, their acquired profession and their actual profession,

– sources and amount of monthly income of the parent taking care of the creditor,

– monthly outgoings of the parent caring for the under-age creditor for the maintenance of himself/herself and others, in addition to the creditor, dependent on him/her for support,

c. information on the financial situation of the debtor should also contain data on the education of the debtor, their acquired profession and their actual profession.

4. It should be indicated which of the facts described in the grounds are to be stated in the taking of evidence (e.g. reading the document at the hearing, hearing the witness(es), hearing the creditor or his/her legal representative, hearing the debtor, etc.).

5. It is necessary to indicate each piece of evidence required and all information necessary to enable the court to take such evidence.

6. Documents should be written and attached to the application in the original or in the form of certified copies; documents drawn up in a foreign language should be accompanied by a certified translation into Polish.

7. Witnesses: the first name, surname and address of each witness should be included.

III. Application provided for in Article 10(1)(e) and (f)

1. An application for modification of a decision awarding maintenance must include:

a. the name of the court issuing the judgment, the date of the judgment and the first name and surname of the parties to the proceedings,

b. an indication of the monthly amount of maintenance claimed on behalf of each creditor instead of the maintenance previously awarded.

2. The reasons given in the application should set out the change in circumstances justifying the claim for a change to the amount of maintenance.

3. The application and grounds for the application must be signed personally by the creditor(s) or, in the case of minors, by their legal representative.

4. It should be indicated which of the facts described in the grounds are to be stated in the taking of evidence (e.g. reading the document at the hearing, hearing the witness(es), hearing the creditor or his/her legal representative, hearing the debtor, etc.).

5. It is necessary to indicate each piece of evidence requested and all information necessary to enable the court to take such evidence.

6. Documents should be written and attached to the application in the original or in the form of certified copies; documents drawn up in a foreign language should be accompanied by a certified translation into Polish.

7. Witnesses: the first name, surname and address of each witness should be included.

IV. Application provided for in Article 10(2)(b) and (c)

1. An application for modification of a decision awarding maintenance must include:

a. the name of the court issuing the judgment, the date of the judgment and the first name and surname of the parties to the proceedings,

b. an indication of the monthly amount of maintenance claimed on behalf of each creditor instead of the maintenance previously awarded.

2. The reasons given in the application should set out the change in circumstances justifying the claim for a change to the amount of maintenance.
3. The application and grounds for the application must be signed personally by the debtor.
4. It should be indicated which of the facts described in the grounds are to be stated in the taking of evidence (e.g. reading the document at the hearing, hearing the witness(es), hearing the creditor or his/her legal representative, hearing the debtor, etc.).
5. It is necessary to indicate each piece of evidence requested and all information necessary to enable the court to take such evidence.
6. Documents should be written and attached to the application in the original or in the form of certified copies; documents drawn up in a foreign language should be accompanied by a certified translation into Polish.
7. Witnesses: the first name, surname and address of each witness should be included.

The Republic of Portugal:

I. Application under point (b) of Article 10(1):

– An application for enforcement of a decision must be accompanied, in addition to the documents referred to in Article 25, by:

1. a detailed list of arrears and, in the case of indexation of an enforceable claim, the method of calculating that indexation; in the event of an obligation to pay legal interest, an indication of the legal interest rate and the date of commencement of the obligation;
2. full identification of the bank account to which the amounts must be transferred.

II. Application under points (c) and (d) of Article 10(1):

– An application for establishment of a decision awarding child support, within the meaning of Article 15, must be accompanied by the following supporting documents:

1. monthly amount of child support applied for on behalf of each creditor;
2. grounds for the application for establishment of a decision, which must report all the facts in support of the application and provide information on:
 - a. the relationship between the creditor and debtor: child (child from a marriage/child formally recognised by the debtor/paternity of the child established by court proceedings), including submission of a certificate attesting to parentage/adoption;
 - b. the financial situation of the legal representative of the creditor(s) (parent or guardian), which must include data on:

– monthly maintenance expenses: food, health, clothing, accommodation, education (where child support is requested for more than one entitled person, the above data should be

supplied for each of these persons);

- sources and amount of monthly income of the parent taking care of the creditor;
- monthly outgoings of the parent caring for an under-age creditor, for the maintenance of himself/herself and others for whom he/she is responsible;

3. application and grounds for application, signed personally by the creditor(s) or, in the case of minors, by his/her/their legal representative;

III. Application under points (e) and (f) of Article 10(1):

– An application for modification of a decision awarding maintenance must include:

1. the name of the court issuing the judgment, the date of the judgment and identification of the parties to the proceedings;
2. an indication of the monthly amount of maintenance claimed on behalf of each creditor instead of the maintenance previously awarded;
3. in its grounds, an indication of the change in circumstances justifying the claim for a change to the amount of maintenance;
4. supporting documents, which should be listed and attached to the application – originals or certified copies;
5. on the application and its grounds, the personal signature of the creditor(s) or, in the case of minors, of their legal representative;

IV. Application under points (b) and (c) of Article 10(2):

– An application for modification of a decision awarding maintenance (submitted by the debtor) must include:

1. the name of the court issuing the judgment, the date of the judgment and identification of the parties to the proceedings;
2. an indication of the monthly amount of maintenance claimed on behalf of each creditor instead of the maintenance previously awarded;
3. in its grounds, an indication of the change in circumstances justifying the claim for a change to the amount of maintenance;
4. supporting documents, which should be listed and attached to the application – originals or certified copies;
5. on the application and its grounds, the personal signature of the debtor(s).

The Slovak Republic:

- Information about the nationality of all the parties involved.

The United Kingdom of Great Britain and Northern Ireland:

Application under Article 10(1) b)

England and Wales

Original and/or certified copy of decision; Certificate of enforceability; Statement of Arrears; Document stating that the debtor appeared at the original hearing and if not, document attesting that debtor had been notified and served of those proceedings or that he was notified of the original decision and was given opportunity to defend or appeal; Statement as to whereabouts of debtor – residential and employment; Statement as to identification of debtor; Photograph of debtor, if available; Document indicating the extent that the applicant has benefited from free legal aid; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Certified copy of Marriage Certificate if applicable. Certified copy order or other instrument evidencing the dissolution of the marriage or other relationship, if applicable.

Scotland

Original and/or certified copy of decision; Certificate of enforceability; Statement of Arrears; Document stating that the debtor appeared at the original hearing and if not, document attesting that debtor had been notified of those proceedings or that he was notified of the original decision and was given opportunity to appeal; Statement as to whereabouts of debtor; Statement as to identification of debtor; Photograph of debtor, if available; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable.

Northern Ireland

Original and/or certified copy of decision; Certificate of enforceability; Statement of Arrears; Document stating that the debtor appeared at the original hearing and if not, document attesting that debtor had been notified of those proceedings or that he was notified of the original decision and was given opportunity to appeal; Statement as to whereabouts of debtor – residential and employment; Statement as to identification of debtor; Photograph of debtor, if available; Document indicating the extent that the applicant has benefited from free legal aid; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Certified copy of Marriage Certificate if applicable.

Application under Article 10(1) c)

England and Wales

Documents relevant to financial situation – income/outgoings/assets; Statement as to whereabouts of defendant – residential and employment; Statement as to identification of defendant; Photograph of defendant, if available; Certified copy of Birth or Adoption

Certificate of child(ren) if applicable; Certificate from school/college if applicable; Certified copy of Marriage Certificate if applicable; Certified copy order or other instrument evidencing the dissolution of the marriage or other relationship, if applicable. Copy of any relevant court orders; Legal aid application; Document proving parentage if applicable; Any other specified documents under Articles 16(3), 25(1)a, b) and d) and (3) b) and 30(3) if relevant.

Scotland

Documents relevant to financial situation – income/outgoings/assets; Statement as to whereabouts of defendant; Statement as to identification of defendant; Photograph of defendant, if available; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Certified copy of Marriage Certificate if applicable; Legal aid application; Document proving parentage if applicable.

Northern Ireland

Documents relevant to financial situation – income/outgoings/assets; Statement as to whereabouts of defendant – residential and employment; Statement as to identification of defendant; Photograph of defendant, if available; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Certified copy of Marriage Certificate if applicable; Certified copy of Decree Nisi (interim divorce certificate) if applicable; Copy of any relevant court orders; Legal aid application; Document proving parentage if applicable; Any other specified documents under Articles 16(3), 25(1)a, b) and d) and (3) b) and 30(3) if relevant.

Application under Article 10(1) d)

England and Wales

Certified copy of decision relevant to Article 20 or Article 22 *b)* or *e)* together with documents relevant to the making of that decision; Document indicating the extent that the applicant has benefited from free legal aid; Documents relevant to financial situation – income/outgoings/assets; Statement as to whereabouts – residential and employment of defendant; Statement as to identification of defendant; Photograph of defendant, if available; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Certified copy of Marriage Certificate if applicable; Certified copy of order or other instrument evidencing the dissolution of the marriage or other relationship, if applicable. Copy of any relevant court orders; Document proving parentage if applicable; Any other specified documents under Articles 16(3), 25(1)a), b) and d) and (3) b) and 30(3) if relevant.

Scotland

As at Article 10(1) *c* above.

Northern Ireland

Certified copy of decision relevant to Article 20 or 22b) or e) together with documents relevant to the making of that decision; Document indicating the extent that the applicant has benefited from free legal aid; Documents relevant to financial situation – income/outgoings/assets; Statement as to whereabouts – residential and employment of defendant; Statement as to identification of defendant; Photograph of defendant, if available; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Certified copy of Marriage Certificate if applicable; Certified copy of Decree Nisi (interim divorce certificate) if applicable; Copy of any relevant court orders; Document proving parentage if applicable; Any other specified documents under Articles 16(3), 25(1)a), b) and d) and (3) b) and 30(3) if relevant.

Application under Article 10(1) e)

England and Wales

Copy of decision to be modified; Documents relevant to financial situation of applicant/defendant – income/outgoings/assets; Legal aid application; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation; Documents relevant to marital status of applicant/defendant, if applicable; Copy of any relevant court orders; Any other specified documents under Articles 16(3), 25(1)a), b) and d) and (3) b) and 30(3) if relevant. Written statement that both parties appeared in the proceedings and if only the applicant appeared the original or certified copy of the document establishing proof of service of the notice of the proceedings on the other party.

Scotland

Copy of decision to be modified; Documents relevant to financial situation of applicant/defendant – income/outgoings/assets; Legal aid application; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation.

Northern Ireland

Copy of decision to be modified; Documents relevant to financial situation of applicant/defendant – income/outgoings/assets; Legal aid application; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation; Documents relevant to marital status of applicant/defendant, if applicable; Copy of any relevant court orders; Any other specified documents under Articles 16(3), 25(1)a), b) and d) and (3) b) and 30(3) if relevant.

Application under Article 10(1) f)

England and Wales

Original and/or certified copy of decision to be modified; Document stating that the debtor appeared at the original hearing and if not, document attesting that debtor had been notified of those proceedings or that he was notified of the original decision and was given opportunity to appeal; Document indicating the extent that the applicant has benefited from free legal aid; Documents relevant to financial situation of applicant/defendant – income/outgoings/assets; Certificate of enforceability; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation; Certified copy of Marriage Certificate if applicable; Certified copy of order or other instrument evidencing the dissolution of the marriage or other relationship, if applicable; Documents relevant to marital status of applicant/defendant, if applicable; Copy of any relevant court orders; Statement as to whereabouts of debtor – residential and employment; Statement as to identification of debtor; Photograph of debtor, if available; Any other specified documents under Articles 16(3), 25(1)a), b) and d) and (3) b) and 30(3) if relevant. Written statement that both parties appeared in the proceedings and if only the applicant appeared the original or certified copy of the document establishing proof of service of the notice of the proceedings on the other party.

Scotland

Original and/or certified copy of decision to be modified; Document attesting that debtor had been notified of those proceedings or that he was notified of the original decision and was given opportunity to appeal; Document indicating the extent that the applicant has benefited from free legal aid; Documents relevant to financial situation of applicant/defendant – income/outgoings/assets; Certificate of enforceability; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation; Documents relevant to marital status of applicant/defendant, if applicable; Statement as to whereabouts of debtor; Statement as to identification of debtor; Photograph of debtor, if available.

Northern Ireland

Original and/or certified copy of decision to be modified; Document stating that the debtor appeared at the original hearing and if not, document attesting that debtor had been notified of those proceedings or that he was notified of the original decision and was given opportunity to appeal; Document indicating the extent that the applicant has benefited from free legal aid; Documents relevant to financial situation of applicant/defendant – income/outgoings/assets; Certificate of enforceability; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation; Certified copy of Marriage Certificate if applicable; Certified copy of Decree Nisi (interim divorce certificate) if applicable; Documents relevant to marital status of applicant/defendant, if applicable; Copy of any relevant court orders; Statement as to whereabouts of debtor – residential and employment; Statement as to identification of debtor; Photograph of debtor, if available; Any other specified documents under Articles 16(3), 25(1)a), b) and d) and (3) b) and 30(3) if relevant.

Application under Article 10(2) b)

England and Wales

Copy of decision to be modified; Documents relevant to financial situation of applicant/defendant – income/outgoings/assets; Legal aid application; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation; Documents relevant to marital status of applicant/defendant, if applicable; Copy of any relevant court orders; Any other specified documents under Articles 16(3), 25(1)a, b) and d) and (3) b) and 30(3) if relevant.

Scotland

Copy of decision to be modified; Documents relevant to financial situation of applicant/defendant – income/outgoings/assets; Legal aid application; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation.

Northern Ireland

Copy of decision to be modified; Documents relevant to financial situation of applicant/defendant – income/outgoings/assets; Legal aid application; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation; Documents relevant to marital status of applicant/defendant, if applicable; Copy of any relevant court orders; Any other specified documents under Articles 16(3), 25(1)a, b) and d) and (3) b) and 30(3) if relevant.

Application under Article 10(2) c)

England and Wales

Original and/or certified copy of decision to be modified; Certificate of enforceability; Document indicating the extent that the applicant has benefited from free legal aid; Documents relevant to financial situation of applicant/defendant – income/outgoings/assets; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation; Certified copy of Marriage Certificate if applicable; Certified copy order or other instrument evidencing the dissolution of the marriage or other relationship if applicable; Documents relevant to marital status of applicant/defendant, if applicable; Copy of any relevant court orders; Statement as to whereabouts of creditor – residential and employment; Statement as to identification of creditor; Photograph of creditor, if available; Any other specified documents under Articles 16(3), 25(1)a), b) and d) and (3) b) and 30(3) if relevant.

Scotland

Original and/or certified copy of decision to be modified; Document indicating the extent that the applicant has benefited from free legal aid; Documents relevant to financial situation of applicant/defendant – income/outgoings/assets; Certificate from school/college if applicable; Documents relevant to change in applicant's financial situation; Statement as to whereabouts of creditor; Statement as to identification of creditor; Photograph of creditor, if available.

Northern Ireland

Original and/or certified copy of decision to be modified; Certificate of enforceability; Document indicating the extent that the applicant has benefited from free legal aid; Documents relevant to financial situation of applicant/defendant – income/outgoings/assets; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation; Certified copy of Marriage Certificate if applicable; Certified copy of Decree Nisi (interim divorce certificate) if applicable; Documents relevant to marital status of applicant/defendant, if applicable; Copy of any relevant court orders; Statement as to whereabouts of creditor – residential and employment; Statement as to identification of creditor; Photograph of creditor, if available; Any other specified documents under Articles 16(3), 25(1)a, b) and d) and (3) b) and 30(3) if relevant.

General

For applications under Article 10, including Articles 10(1) *a*) and 10(2) *a*), the England and Wales Central Authority would be grateful to receive three copies of each document, accompanied by translations into English (if necessary).

For applications under Article 10, including Articles 10(1) *a*) and 10(2) *a*), the Northern Ireland Central Authority would be grateful to receive three copies of each document, accompanied by translations into English.

2. Declaration referred to in Article 44(1) of the Convention

The European Union declares that the Member States listed below accept applications and related documents translated into, in addition to their official language, the languages specified for each of the listed Member States:

The Czech Republic: Slovak

The Republic of Estonia: English

The Republic of Lithuania: English

The Republic of Cyprus: English

The Slovak Republic: Czech

3. Declaration referred to in Article 44(2) of the Convention

The European Union declares that in the Kingdom of Belgium documents shall be drawn up in or translated into French, Dutch or German depending on the part of the Belgian territory in which the documents are to be submitted.

Information on which language is to be used in any given part of the Belgian territory can be found in the Manual of receiving agencies under Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents). This Manual can be accessed on the website of http://ec.europa.eu/justice_home/judicialatlascivil/html/index_en.htm

Click on:

"Serving documents (Regulation 1393/2007)"/"Documents"/"Manual"/"Belgium"/"Geographical areas of competence" (pp. 42 *et seq.*).

or go directly to the following address:

http://ec.europa.eu/justice_home/judicialatlascivil/html/pdf/manual_sd_bel.pdf

and click on "Geographical areas of competence" (pp. 42 *et seq.*).
