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(¹) Text with EEA relevance

EN

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I

(Legislative acts)

REGULATIONS

REGULATION (EU) No 691/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 6 July 2011

on European environmental economic accounts

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

(1) Article 3(3) of the Treaty on European Union provides, *inter alia*, that the Union 'shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment'.

(2) Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme ⁽²⁾ confirmed that sound information on the state of the environment, and on the key trends, pressures and

drivers for environmental change, is essential for the development of effective policy, its implementation, and the empowerment of citizens more generally. Instruments should be developed with a view to enhancing public awareness of the environmental effects of economic activity.

(3) A scientifically sound approach to measuring the shortage of resources will, in the future, be crucial to the sustainable development of the Union.

(4) Decision No 1578/2007/EC of the European Parliament and of the Council of 11 December 2007 on the Community Statistical Programme 2008 to 2012 ⁽³⁾ refers clearly to the need for high-quality statistics and accounts in the domain of the environment. Furthermore, under the main initiatives for 2008 to 2012 it states that legal bases should be developed, where appropriate, for core areas of environmental data collection currently not covered by legal acts.

(5) In its Communication of 20 August 2009 entitled 'GDP and beyond: Measuring progress in a changing world', the Commission recognised the need to supplement existing indicators with data that incorporate environmental and social aspects in order to allow more coherent and comprehensive policy making. To that end, environmental economic accounts offer a means of monitoring the pressures exerted by the economy on the environment and of exploring how these might be abated. Environmental economic accounts show the interaction between economic, household and environmental factors and consequently are more informative than national accounts alone. They provide a significant source of data for environmental decisions and the Commission should consult them when drawing up

⁽¹⁾ Position of the European Parliament of 7 June 2011 (not yet published in the Official Journal) and decision of the Council of 21 June 2011.

⁽²⁾ OJ L 242, 10.9.2002, p. 1.

⁽³⁾ OJ L 344, 28.12.2007, p. 15.

impact assessments. In line with the tenets of sustainable development and the drive to achieve a resource-efficient and low-pollution economy, embedded in the Europe 2020 Strategy and various major initiatives, developing a data framework that consistently includes environmental issues along with economic ones becomes all the more imperative.

- (6) The European System of Accounts (ESA), set up by Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community⁽¹⁾ (ESA 95), consistent with the System of National Accounts (SNA), adopted by the United Nations Statistical Commission in February 1993, is the main tool behind the Union's economic statistics as well as many economic indicators (including GDP). The ESA framework can be used to analyse and evaluate various aspects of the economy (e.g. its structure, specific parts, development over time) yet for some specific data needs, such as analysis of the interaction between the environment and the economy, the best solution is to draw up separate satellite accounts.
- (7) In its June 2006 conclusions, the European Council called on the Union and its Member States to extend the national accounts to key aspects of sustainable development. National accounts should therefore be supplemented with integrated environmental economic accounts providing data that are fully consistent.
- (8) It is of great importance that, as soon as the system is fully operational, European environmental economic accounts be actively and accurately used in all Member States and in all relevant Union policy making as a key input to impact assessments, action plans, legislative proposals and other significant results of the policy process.
- (9) More timely data could also be produced by now-casting, which uses statistical techniques similar to those used in forecasting to make reliable estimates.
- (10) Satellite accounts allow the analytical capacity of national accounting to be expanded for selected areas of social concern, such as pressures on the environment stemming from human activity, in a flexible manner, without overburdening or disrupting the central system. Satellite accounts should be made available to the public regularly and in comprehensible form.
- (11) The system of integrated environmental economic accounts (SEEA), developed collectively by the United

Nations, the European Commission, the International Monetary Fund, the Organisation for Economic Cooperation and Development and the World Bank, is a satellite system of the SNA. It brings together economic and environmental information in a common framework to measure the contribution of the environment to the economy and the impact of the economy on the environment. It provides policy-makers with indicators and descriptive statistics to monitor these interactions as well as a database for strategic planning and policy analysis to identify more sustainable paths of development.

- (12) The SEEA synthesises and integrates as far as possible the different categories of environmental economic accounts. In general, all these categories broaden the existing SNA concepts of cost, capital formation and stock of capital by supplementing them with additional data in physical terms in order to encompass environmental cost and the use of natural assets in production, or by amending them through the incorporation of these effects in monetary terms. Within this general orientation, the several existing categories differ considerably in terms of methodology and the environmental concerns addressed.
- (13) The Commission presented its first strategy on 'green accounting' in 1994. Since then the Commission (Eurostat) and the Member States have developed and tested accounting methods to the point where several Member States now regularly provide first sets of environmental economic accounts. Most common are physical flow accounts on air emissions (including greenhouse gases) and on material consumption, and monetary accounts on environmental protection expenditure and on environmental taxes.
- (14) One of the objectives for the period covered by the Community Statistical Programme 2008 to 2012 is to take initiatives to replace agreements with Union legislation in certain areas in which European statistics are regularly produced and have reached sufficient maturity.
- (15) Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European Statistics⁽²⁾ provides a reference framework for European environmental economic accounts. In particular, it requires European statistics to comply with principles of professional independence, impartiality, objectivity, reliability, statistical confidentiality and cost effectiveness.

⁽¹⁾ OJ L 310, 30.11.1996, p. 1.

⁽²⁾ OJ L 87, 31.3.2009, p. 164.

- (16) As the different sets of environmental economic accounts are under development and at different stages of maturity, a modular structure providing adequate flexibility, allowing, inter alia, for the introduction of additional modules, should be adopted.
- (17) A programme of pilot studies should be established to improve reporting and data quality, enhance methodologies and prepare for further developments.
- (18) The introduction of additional reporting requirements should be preceded by a feasibility assessment.
- (19) The Commission should be entitled to grant derogations to Member States during the transitional periods in so far as major adaptations to their national statistical systems are required.
- (20) The Union should encourage the introduction of environmental economic accounts in third countries, particularly in those that share environmental resources (mainly water) with Member States.
- (21) Since the objective of this Regulation, namely the establishment of a common framework for the collection, compilation, transmission and evaluation of European environmental economic accounts, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (22) The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission for the purpose of adjusting the modules to environmental, economic and technical developments, as well as providing methodological guidance. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.
- (23) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general

principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽¹⁾.

- (24) The European Statistical System Committee has been consulted,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes a common framework for the collection, compilation, transmission and evaluation of European environmental economic accounts, for the purpose of setting up environmental economic accounts as satellite accounts to ESA 95, by providing methodology, common standards, definitions, classifications and accounting rules intended to be used for compiling environmental economic accounts.

Article 2

Definitions

For the purposes of this Regulation the following definitions shall apply:

- (1) 'air emission' means the physical flow of gaseous or particulate materials from the national economy (production or consumption processes) to the atmosphere (as part of the environmental system);
- (2) 'environmentally related tax' means a tax whose tax base is a physical unit (or a proxy of a physical unit) of something that has a proven, specific negative impact on the environment, and which is identified in ESA 95 as a tax;
- (3) 'economy-wide material flow accounts (EW-MFA)' means consistent compilations of the material inputs into national economies, the changes of material stock within the economy and the material outputs to other economies or to the environment.

Article 3

Modules

1. The environmental economic accounts to be compiled within the common framework referred to in Article 1 shall be grouped in the following modules:

- (a) a module for air emissions accounts, as set out in Annex I;
- (b) a module for environmentally related taxes by economic activity, as set out in Annex II;

⁽¹⁾ OJ L 55, 28.2.2011, p. 13.

- (c) a module for economy-wide material flow accounts, as set out in Annex III.

2. Each Annex shall contain the following information:

- (a) the objectives for which the accounts are to be compiled;
- (b) the coverage of the accounts;
- (c) the list of characteristics for which data are to be compiled and transmitted;
- (d) the first reference year, frequency and transmission deadlines for the compilation of the accounts;
- (e) the reporting tables;
- (f) the maximum duration of the transitional periods referred to in Article 8 during which the Commission may grant derogations.

3. The Commission shall be empowered to adopt delegated acts, where necessary to take account of environmental, economic and technical developments, in accordance with Article 9:

- (a) to provide methodological guidance; and
- (b) to update the Annexes referred to in paragraph 1 as regards the information referred to in paragraph 2(c) to (e).

In exercising its power pursuant to this paragraph, the Commission shall ensure that its delegated acts do not impose significant additional administrative burdens on the Member States and on the respondent units.

Article 4

Pilot studies

1. The Commission shall draw up a programme for pilot studies to be carried out by Member States on a voluntary basis in order to develop reporting and improve data quality, establish long time series and develop methodology. The programme shall include pilot studies to test the feasibility of introducing new environmental economic account modules. In drawing up the programme, the Commission shall ensure that no additional administrative or financial burdens are placed on the Member States and on the respondent units.

2. The findings of the pilot studies shall be evaluated and published by the Commission, taking into account the benefits

of the availability of the data in relation to the cost of collection and the administrative burden of responding. These findings shall be taken into account in the proposals for introducing new environmental economic account modules that the Commission may include in the report referred to in Article 10.

Article 5

Data collection

1. In accordance with the Annexes to this Regulation, Member States shall collect the necessary data for the observation of the characteristics referred to in Article 3(2)(c).

2. Member States shall collect the necessary data using a combination of the different sources specified below and applying the principle of administrative simplification:

- (a) surveys;
- (b) statistical estimation procedures in cases where some of the characteristics have not been observed for all of the units;
- (c) administrative sources.

3. Member States shall inform the Commission and shall provide details concerning the methods and sources used.

Article 6

Transmission to the Commission (Eurostat)

1. Member States shall transmit to the Commission (Eurostat) the data set out in the Annexes, including the confidential data, within the time limits specified therein.

2. The data shall be transmitted in an appropriate technical format, which is to be laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

Article 7

Quality assessment

1. For the purposes of this Regulation, the quality criteria as referred to in Article 12(1) of Regulation (EC) No 223/2009 shall apply to the data to be transmitted.

2. Member States shall provide the Commission (Eurostat) with a report on the quality of the data transmitted.

3. In applying the quality criteria, referred to in paragraph 1, to the data covered by this Regulation, the Commission shall adopt implementing acts with a view to defining the modalities, structure and periodicity of the quality reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

4. The Commission (Eurostat) shall assess the quality of the data transmitted and may, within 1 month of receipt of the data, request the Member State in question to submit additional information regarding the data or a revised dataset, as appropriate.

Article 8

Derogations

1. The Commission may adopt implementing acts with a view to granting derogations to Member States during the transitional periods referred to in the Annexes in so far as the national statistical systems require major adaptations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

2. For the purposes of obtaining a derogation under paragraph 1, the Member State concerned shall present a duly justified request to the Commission by 12 November 2011.

Article 9

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 3(3) shall be conferred on the Commission for a period of 5 years from 11 August 2011. The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.

3. The delegation of power referred to in Article 3(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 3(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Article 10

Report and review

By 31 December 2013 and every 3 years thereafter, the Commission shall submit a report on the implementation of this Regulation to the European Parliament and the Council. That report shall evaluate in particular the quality of the data transmitted, the data collection methods, the administrative burden on the Member States and on the respondent units, as well as the feasibility and effectiveness of those statistics.

The report shall, if appropriate and taking into account the findings referred to in Article 4(2), be accompanied by proposals:

- for introducing new environmental economic account modules, such as Environmental Protection Expenditure and Revenues (EPER)/Environmental Protection Expenditure Accounts (EPEA), Environmental Goods and Services Sector (EGSS), Energy Accounts, Environmentally Related Transfers (subsidies), Resource Use and Management Expenditure Accounts (RUMEA), Water Accounts (quantitative and qualitative), Waste Accounts, Forest Accounts, Ecosystem services Accounts, Economy-Wide Material Stock Accounts (EW-MSA) and the measurement of unused excavated earthen materials (including soil),
- designed to further improve data quality and data collection methods, thereby improving the coverage and comparability of data and reducing the administrative burden on business and administration.

Article 11

Committee

1. The Commission shall be assisted by the European Statistical System Committee established by Regulation (EC) No 223/2009. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

*Article 12***Entry into force**

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 6 July 2011.

For the European Parliament
The President
J. BUZEK

For the Council
The President
M. DOWGIELEWICZ

ANNEX I

MODULE FOR AIR EMISSIONS ACCOUNTS

Section 1

OBJECTIVES

Air emissions accounts record and present data on air emissions in a way that is compatible with the system of national accounts. They record national economies' emissions to air in a breakdown by emitting economic activity as delineated in ESA 95. Economic activities comprise production and consumption.

This Annex defines the data to be collected, compiled, transmitted and evaluated for air emissions accounts by the Member States. Those data will be developed in a way that links emissions to economic production and consumption activities by industries and households. The direct emissions data reported under this Regulation will be combined with the economic input-output tables, supply and use tables and household consumption data that are already reported to the Commission (Eurostat) as part of ESA 95 reporting.

Section 2

COVERAGE

Air emissions accounts have the same system boundaries as ESA 95 and are also based on the residence principle.

In accordance with ESA 95, the concept of residence is based on the following principle: a unit is said to be a resident unit of a country when it has a centre of economic interest in the economic territory of that country, that is, when it engages for an extended period (1 year or more) in economic activities in that territory.

Air emissions accounts record emissions arising from the activities of all resident units, regardless of where these emissions actually occur geographically.

Air emissions accounts record the flows of residual gaseous and particulate materials originating from the national economy and flowing into the atmosphere. For the purpose of this Regulation, the term 'atmosphere' refers to a component of the environmental system. The system boundary relates to the borderline between the national economy (as part of the economic system) and the atmosphere (as part of the environmental system). After having crossed the system boundary, the emitted substances are out of any human control and become part of natural materials cycles and may induce several types of environmental impacts.

Section 3

LIST OF CHARACTERISTICS

Member States shall produce statistics on the emissions of the following air pollutants:

Name of air emission	Symbol of air emission	Reporting unit
Carbon dioxide without emissions from biomass	CO ₂	1 000 tonnes (Gg)
Carbon dioxide from biomass	Biomass CO ₂	1 000 tonnes (Gg)
Nitrous oxide	N ₂ O	tonnes (Mg)
Methane	CH ₄	tonnes (Mg)
Perfluorocarbons	PFCs	tonnes (Mg) CO ₂ -equivalents
Hydrofluorocarbons	HFCs	tonnes (Mg) CO ₂ -equivalents
Sulphur hexafluoride	SF ₆	tonnes (Mg) CO ₂ -equivalents
Nitrogen oxides	NO _x	tonnes (Mg) NO ₂ -equivalents

Name of air emission	Symbol of air emission	Reporting unit
Non-methane volatile organic compounds	NMVOCs	tonnes (Mg)
Carbon monoxide	CO	tonnes (Mg)
Particulate matter < 10 µm	PM ₁₀	tonnes (Mg)
Particulate matter < 2,5 µm	PM _{2,5}	tonnes (Mg)
Sulphur dioxide	SO ₂	tonnes (Mg)
Ammonia	NH ₃	tonnes (Mg)

All data shall be reported to one decimal place.

Section 4

FIRST REFERENCE YEAR, FREQUENCY AND TRANSMISSION DEADLINES

1. Statistics shall be compiled and transmitted on a yearly basis.
2. Statistics shall be transmitted within 21 months of the end of the reference year.
3. In order to meet user needs for complete and timely datasets, the Commission (Eurostat) shall produce, as soon as sufficient country data becomes available, estimates for the EU-27 totals for the main aggregates of this module. The Commission (Eurostat) shall, wherever possible, produce and publish estimates for data that have not been transmitted by Member States within the deadline specified in point 2.
4. The first reference year is the year in which this Regulation enters into force.
5. In the first data transmission, Member States shall include annual data from 2008 to the first reference year.
6. In each subsequent data transmission to the Commission, Member States shall provide annual data for the years n-4, n-3, n-2, n-1 and n, where n is the reference year.

Section 5

REPORTING TABLES

1. For each of the characteristics referred to in Section 3, data shall be produced by a hierarchical classification of economic activities, NACE Rev.2 (A*64 aggregation level), fully compatible with ESA 95. In addition, data shall be produced for:

- household air emissions,
- bridging items, by which is meant reporting items which clearly reconcile the differences between the air emissions accounts reported under this Regulation and those data reported in official national air emission inventories.

2. The hierarchical classification referred to in paragraph 1 is as follows:

Air emissions by industry — NACE Rev.2 (A*64)

Household air emissions

- Transport
 - Heating/cooling
 - Other
-

Bridging items

Total air emission accounts (industry + households)

Less national residents abroad

– National fishing vessels operating abroad

– Land transport

– Water transport

– Air transport

Plus non-residents on the territory

+ Land transport

+ Water transport

+ Air transport

(+ or –) Other adjustments and statistical discrepancies

= Total emissions of pollutant X as reported to UNFCCC ⁽¹⁾/CLRTAP ⁽²⁾

⁽¹⁾ United Nations Framework Convention on Climate Change.

⁽²⁾ Convention on Long-Range Transboundary Air Pollution.

Section 6

MAXIMUM DURATION OF THE TRANSITIONAL PERIODS

For the implementation of the provisions of this Annex, the maximum duration of the transitional period is 2 years, from the first transmission deadline.

ANNEX II

MODULE FOR ENVIRONMENTALLY RELATED TAXES BY ECONOMIC ACTIVITY**Section 1**

OBJECTIVES

Statistics on environmentally related taxes record and present data seen from the perspective of the entities paying the taxes in a way that is fully compatible with the data reported under ESA 95. They record national economies' environmentally related tax revenues according to economic activity. Economic activities comprise production and consumption.

This Annex defines the data to be collected, compiled, transmitted and evaluated for environmentally related tax revenues by economic activity by the Member States.

The environmentally related tax statistics can make use of the tax statistics and government finance statistics directly, but there are some advantages in using the tax data reported under ESA 95 if this is possible.

The environmentally related tax statistics are based on the amounts evidenced by assessments and declarations or time-adjusted cash receipts, to ensure consistency with ESA 95 and improve international comparability.

The ESA 95 also contains information about which industries and sectors are paying the taxes. Information on taxes reported under ESA 95 can be found in the institutional sector accounts and supply and use tables.

Section 2

COVERAGE

Environmentally related taxes have the same system boundaries as ESA 95 and consist of compulsory, unrequited payments, in cash or in kind, which are levied by general government or by the institutions of the Union.

Environmentally related taxes fall within the following ESA 95 categories:

- taxes on production and imports (D.2),
- current taxes on income, wealth, etc. (D.5),
- capital taxes (D.91).

Section 3

LIST OF CHARACTERISTICS

Member States shall produce statistics on environmentally related taxes according to the following characteristics:

- energy taxes,
- transport taxes,
- pollution taxes,
- resource taxes,

All data shall be reported in million national currency.

Section 4

FIRST REFERENCE YEAR, FREQUENCY AND TRANSMISSION DEADLINES

1. Statistics shall be compiled and transmitted on a yearly basis.
2. Statistics shall be transmitted within 21 months of the end of the reference year.
3. In order to meet user needs for complete and timely datasets, the Commission (Eurostat) shall produce, as soon as sufficient country data becomes available, estimates for the EU-27 totals for the main aggregates of this module. The Commission (Eurostat) shall, wherever possible, produce and publish estimates for data that have not been transmitted by Member States within the deadline specified in point 2.

4. The first reference year is the year in which this Regulation enters into force.
5. In the first data transmission, Member States shall include annual data from 2008 to the first reference year.
6. In each subsequent data transmission to the Commission, Member States shall provide annual data for the years $n-4$, $n-3$, $n-2$, $n-1$ and n , where n is the reference year.

Section 5

REPORTING TABLES

For each of the characteristics referred to in Section 3, data shall be reported from the perspective of the entities paying the taxes.

For producers, data shall be reported on a breakdown by hierarchical classification of economic activities, NACE Rev.2 (A*64 aggregation level as set out in ESA 95).

For consumers, data shall be reported for:

- households,
- non-residents.

Where the tax cannot be attributed to one of the above groupings of activities, the data shall be reported as not allocated.

Section 6

MAXIMUM DURATION OF THE TRANSITIONAL PERIODS

For the implementation of the provisions of this Annex, the maximum duration of the transitional period is 2 years, from the first transmission deadline.

ANNEX III

MODULE FOR ECONOMY-WIDE MATERIAL FLOW ACCOUNTS (EW-MFA)**Section 1**

OBJECTIVES

EW-MFA covers all solid, gaseous, and liquid materials, except for flows of air and water, measured in mass units per year. Like the system of national accounts, EW-MFA serves two major purposes. The detailed material flows provide a rich empirical database for numerous analytical studies. They are also used to compile different economy-wide material flow indicators for national economies.

This Annex defines the data to be collected, compiled, transmitted and evaluated for EW-MFA by the Member States.

Section 2

COVERAGE

The distinction between stocks and flows is a fundamental principle of a material flow system. In general, a flow is a variable that measures a quantity per time period, whereas a stock is a variable that measures a quantity at a certain point in time. EW-MFA is a flow concept. It measures the flows of material inputs, outputs and stock changes within the economy in mass units per year.

EW-MFA is coherent with the principles of the system of national accounts, such as the residence principle. It accounts for material flows associated with the activities of all resident units of a national economy regardless of their geographic location.

In EW-MFA, there are two types of material flows across system boundaries that are relevant:

- (1) material flows between the national economy and its natural environment. This consists of the extraction of materials (i.e. raw, crude or virgin) from and the discharge of materials (often called residuals) to the natural environment;
- (2) material flows between the national economy and the rest of the world economy. This encompasses imports and exports.

All flows that cross these system boundaries are included in EW-MFA, as well as the additions to the man-made stocks. All other material flows within the economy are not represented in EW-MFA. This means that the national economy is treated in its entirety in EW-MFA and e.g. inter-industry deliveries of products are not described. Natural flows within the natural environment are likewise excluded.

Section 3

LIST OF CHARACTERISTICS

Member States shall produce statistics on the characteristics listed in Section 5 for EW-MFA where applicable.

1. Domestic extraction (DE) covers the annual amount of solid, liquid and gaseous materials (excluding air and water) extracted from the natural environment to be used as inputs in the economy.
2. Physical imports and physical exports covers all imported or exported commodities in mass units. Traded commodities comprise goods at all stages of processing from raw products to finished goods.

Section 4

FIRST REFERENCE YEAR, FREQUENCY AND TRANSMISSION DEADLINES

1. Statistics shall be compiled and transmitted on a yearly basis.
2. Statistics shall be transmitted within 24 months of the end of the reference year.
3. In order to meet user needs for complete and timely datasets, the Commission (Eurostat) shall produce, as soon as sufficient country data becomes available, estimates for the EU-27 totals for the main aggregates of this module. The Commission (Eurostat) shall, wherever possible, produce and publish estimates for data that have not been transmitted by Member States within the deadline specified in point 2.

4. The first reference year is the year in which this Regulation enters into force.
5. In the first data transmission, Member States shall include annual data from 2008 to the first reference year.
6. In each subsequent data transmission to the Commission, Member States shall provide annual data for the years $n-4$, $n-3$, $n-2$, $n-1$ and n , where n is the reference year.

Section 5

REPORTING TABLES

Data, expressed in mass units, shall be produced for the characteristics listed in the following tables.

Table A — Domestic extraction (DE)

1 Biomass

1.1 Crops (excluding fodder crops)

- 1.1.1 Cereals
- 1.1.2 Roots, tubers
- 1.1.3 Sugar crops
- 1.1.4 Pulses
- 1.1.5 Nuts
- 1.1.6 Oil-bearing crops
- 1.1.7 Vegetables
- 1.1.8 Fruits
- 1.1.9 Fibres
- 1.1.10 Other crops n.e.c.

1.2 Crop residues (used), fodder crops and grazed biomass

- 1.2.1 Crop residues (used)
 - 1.2.1.1 Straw
 - 1.2.1.2 Other crop residues (sugar and fodder beet leaves, other)
- 1.2.2 Fodder crops and grazed biomass
 - 1.2.2.1 Fodder crops (including biomass harvest from grassland)
 - 1.2.2.2 Grazed biomass

1.3 Wood (in addition, optional reporting of the net increment of timber stock)

- 1.3.1 Timber (industrial roundwood)
- 1.3.2 Wood fuel and other extraction

1.4 Wild fish catch, aquatic plants/animals, hunting and gathering

- 1.4.1 Wild fish catch
- 1.4.2 All other aquatic animals and plants
- 1.4.3 Hunting and gathering

2 Metal ores (gross ores)

2.1 Iron

2.2 Non-ferrous metal

- 2.2.1 Copper (in addition, optional reporting of the metal content)
- 2.2.2 Nickel (in addition, optional reporting of the metal content)
- 2.2.3 Lead (in addition, optional reporting of the metal content)
- 2.2.4 Zinc (in addition, optional reporting of the metal content)

2.2.5 Tin (in addition, optional reporting of the metal content)

2.2.6 Gold, silver, platinum and other precious metals

2.2.7 Bauxite and other aluminium

2.2.8 Uranium and thorium

2.2.9 Other n.e.c.

3 Non-metallic minerals

3.1 Marble, granite, sandstone, porphyry, basalt, other ornamental or building stone (excluding slate)

3.2 Chalk and dolomite

3.3 Slate

3.4 Chemical and fertiliser minerals

3.5 Salt

3.6 Limestone and gypsum

3.7 Clays and kaolin

3.8 Sand and gravel

3.9 Other n.e.c.

3.10 Excavated earthen materials (including soil), only if used (optional reporting)

4 Fossil energy materials/carriers

4.1 Coal and other solid energy materials/carriers

4.1.1 Lignite (brown coal)

4.1.2 Hard coal

4.1.3 Oil shale and tar sands

4.1.4 Peat

4.2 Liquid and gaseous energy materials/carriers

4.2.1 Crude oil, condensate and natural gas liquids (NGL)

4.2.2 Natural gas

Tables B (Imports — Total trade), C (Imports — Extra-EU trade), D (Exports — Total trade), E (Exports — Extra-EU trade)

1 Biomass and biomass products

1.1 Crops, raw and processed

1.1.1 Cereals, raw and processed

1.1.2 Roots, tubers, raw and processed

1.1.3 Sugar crops, raw and processed

1.1.4 Pulses, raw and processed

1.1.5 Nuts, raw and processed

1.1.6 Oil-bearing crops, raw and processed

1.1.7 Vegetables, raw and processed

1.1.8 Fruits, raw and processed

1.1.9 Fibres, raw and processed

1.1.10 Other crops n.e.c., raw and processed

1.2 Crop residues and fodder crops

1.2.1 Crop residues (used), raw and processed

- 1.2.1.1 Straw
 - 1.2.1.2 Other crop residues
 - 1.2.2 Fodder crops
 - 1.2.2.1 Fodder crops
- 1.3 Wood and wood products
 - 1.3.1 Timber, raw and processed
 - 1.3.2 Wood fuel and other extraction, raw and processed
- 1.4 Fish capture and other aquatic animals and plants, raw and processed
 - 1.4.1 Fish capture
 - 1.4.2 All other aquatic animals and plants
- 1.5 Live animals other than in 1.4, and animal products
 - 1.5.1 Live animals other than in 1.4
 - 1.5.2 Meat and meat preparations
 - 1.5.3 Dairy products, birds' eggs, and honey
 - 1.5.4 Other products from animals (animal fibres, skins, furs, leather, etc.)
- 1.6 Products mainly from biomass
- 2 Metal ores and concentrates, raw and processed**
 - 2.1 Iron ores and concentrates, iron and steel, raw and processed
 - 2.2 Non-ferrous metal ores and concentrates, raw and processed
 - 2.2.1 Copper
 - 2.2.2 Nickel
 - 2.2.3 Lead
 - 2.2.4 Zinc
 - 2.2.5 Tin
 - 2.2.6 Gold, silver, platinum and other precious metals
 - 2.2.7 Bauxite and other aluminium
 - 2.2.8 Uranium and thorium
 - 2.2.9 Other n.e.c.
 - 2.3 Products mainly from metals
- 3 Non-metallic minerals, raw and processed**
 - 3.1 Marble, granite, sandstone, porphyry, basalt and other ornamental or building stone (excluding slate)
 - 3.2 Chalk and dolomite
 - 3.3 Slate
 - 3.4 Chemical and fertiliser minerals
 - 3.5 Salt
 - 3.6 Limestone and gypsum
 - 3.7 Clays and kaolin
 - 3.8 Sand and gravel
 - 3.9 Other n.e.c.
 - 3.10 Excavated earthen materials (including soil), only if used (optional reporting)
 - 3.11 Products mainly from non-metallic minerals
- 4 Fossil energy materials/carriers, raw and processed**
 - 4.1 Coal and other solid energy products, raw and processed

- 4.1.1 Lignite (brown coal)
- 4.1.2 Hard coal
- 4.1.3 Oil shale and tar sands
- 4.1.4 Peat
- 4.2 Liquid and gaseous energy products, raw and processed
 - 4.2.1 Crude oil, condensate and natural gas liquids (NGL)
 - 4.2.2 Natural gas
- 4.3 Products mainly from fossil energy products
- 5 Other products**
- 6 Waste imported (Tables B and C)/exported (Tables D and E) for final treatment and disposal**

The following adjustments for the residence principle shall be included in Tables B and D:

Fuel bunkered by resident units abroad (addition to imports Table B) and Fuel bunkered by non-resident units on the national territory (addition to exports Table D)

- 1 Fuel for land transport
- 2 Fuel for water transport
- 3 Fuel for air transport

Section 6

MAXIMUM DURATION OF THE TRANSITIONAL PERIODS

For the implementation of the provisions of this Annex the maximum duration of the transitional period is 2 years, from the first transmission deadline.

REGULATION (EU) No 692/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 6 July 2011
concerning European statistics on tourism and repealing Council Directive 95/57/EC
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) The European Council, in its Presidency Conclusions of 14 December 2007, stressed the crucial role that tourism plays in generating growth and jobs in the Union and called on the Commission, Member States, industry and other stakeholders to join forces in the timely implementation of the Agenda for a sustainable and competitive European tourism.
- (2) The Union's tourism industry occupies an important place in the economy of the Member States with tourist activities representing a large potential source of employment. Any appraisal of its competitiveness requires a good knowledge of the volume of tourism, its characteristics, the profile of the tourist and tourism expenditure and the benefits for the economies of the Member States.
- (3) Monthly data is needed in order to measure the seasonal influences of demand on tourist accommodation capacity and thereby help public authorities and economic operators develop more suitable strategies and policies for improving the seasonal spread of holidays and tourism activities.
- (4) The majority of European businesses operating in the tourism industry are small or medium-sized, and the strategic importance of small and medium-sized enterprises (SMEs) in European tourism is not confined to their economic value and their substantial job-creation

potential. They also underpin the stability and prosperity of local communities, safeguarding the hospitality and local identity that are the hallmark of tourism in Europe's regions. Given the size of SMEs, the potential administrative burden needs to be considered, and a system of thresholds should be introduced so that users' needs can be met, while at the same time reducing the burden of response on the parties responsible for providing statistical data, particularly SMEs.

- (5) The changing nature of tourism behaviour since the entry into force of Council Directive 95/57/EC of 23 November 1995 on the collection of statistical information in the field of tourism ⁽²⁾, with the growing importance of short trips and same-day visits contributing substantially in many regions or countries to the income from tourism, the increasing importance of non-rented accommodation or accommodation in smaller establishments, and the growing impact of the Internet on the booking behaviour of tourists and on the tourism industry, means that the production of tourism statistics should be adapted.
- (6) In order to enable assessment of the macroeconomic importance of tourism in the economies of the Member States based on the internationally accepted framework of tourism satellite accounting, showing the effects of tourism on the economy and jobs, there is a need to improve the availability, completeness and comprehensiveness of the basic tourism statistics as an input for compiling such accounts and, if deemed necessary by the Commission, as a preparation for a legislative proposal for the transmission of harmonised tables for tourism satellite accounts. This requires that the legal requirements which are currently laid down in Directive 95/57/EC be updated.
- (7) In order to examine major issues of economic and social concern in the tourism sector, especially new issues requiring specific research, the Commission needs micro-data. Tourism in the Union has a predominantly intra-European dimension, which means that micro-data emanating from harmonised European statistics on the demand for outbound tourism already provide a source of statistics on inbound tourism demand for the Member State of destination, without imposing additional burden, thus avoiding duplicated observation of tourism flows.

⁽¹⁾ Position of the European Parliament of 6 April 2011 (not yet published in the Official Journal) and decision of the Council of 21 June 2011.

⁽²⁾ OJ L 291, 6.12.1995, p. 32.

- (8) Social tourism allows as many people as possible to participate in tourism, and moreover, it can contribute to combating seasonality, strengthening the notion of European citizenship and promoting regional development, in addition to facilitating the development of specific local economies. To assess the participation of various socio-demographic groups in tourism and to monitor the Union programmes in the area of social tourism, the Commission needs regular data on participation in tourism and on the tourism behaviour of those groups.
- (9) A recognised framework at Union level can help to guarantee reliable, detailed and comparable data, which will in turn enable the structure and development of tourism supply and demand to be properly monitored. Sufficient comparability at Union level is essential as regards methodology, definitions and the programme of statistical data and metadata.
- (10) Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics⁽¹⁾, which constitutes the reference framework for this Regulation, provides that statistics are to be collected to high standards of impartiality, transparency, reliability, objectivity, scientific independence, cost-effectiveness and statistical confidentiality.
- (11) In the production and dissemination of European statistics under this Regulation, the statistical authorities at national and Union level should take account of the principles set out in the European Statistics Code of Practice adopted by the Statistical Programme Committee on 24 February 2005 and attached to the Recommendation of the Commission of 25 May 2005 on the independence, integrity and accountability of national and Community statistical authorities.
- (12) In order to take account of economic, social and technical developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adapting the deadlines for data transmission and the Annexes, except for the optional nature of the required data and the limitation of the scope as defined in the Annexes. The Commission should also be empowered to adapt the definitions to the changes in international definitions. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.
- (13) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers⁽²⁾.
- (14) Since the objective of this Regulation, namely to establish a common framework for the systematic development, production and dissemination of European statistics on tourism cannot be sufficiently achieved by the Member States, due to the absence of common statistical features and quality requirements and a lack of methodological transparency, but can, by applying a common statistical framework, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (15) In the light of changes in the tourism industry and in the type of data required by the Commission and by other users of European statistics on tourism, the provisions of Directive 95/57/EC are no longer relevant. As the legislation in this field needs to be updated, Directive 95/57/EC should be repealed.
- (16) A Regulation is the appropriate way of ensuring the use of common standards and the production of comparable statistics.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,
- HAVE ADOPTED THIS REGULATION:
- Article 1*
- Subject matter**
- This Regulation establishes a common framework for the systematic development, production and dissemination of European statistics on tourism.
- For this purpose, Member States shall collect, compile, process and transmit harmonised statistics on tourism supply and demand.

⁽¹⁾ OJ L 87, 31.3.2009, p. 164.

⁽²⁾ OJ L 55, 28.2.2011, p. 13.

Article 2

Definitions

1. For the purposes of this Regulation:

- (a) 'reference period' means a period to which data refer;
- (b) 'reference year' means a reference period of 1 calendar year;
- (c) 'NACE Rev. 2' means the common statistical classification of economic activities within the Union, as established by Regulation (EC) No 1893/2006 of the European Parliament and of the Council ⁽¹⁾;
- (d) 'NUTS' means the common classification of territorial units for the production of regional statistics within the Union, as established by Regulation (EC) No 1059/2003 of the European Parliament and of the Council ⁽²⁾;
- (e) 'usual environment' means the geographical area, though not necessarily a contiguous one, within which an individual conducts his regular life routines and shall be determined on the basis of the following criteria: the crossing of administrative borders or the distance from the place of usual residence, the duration of the visit, the frequency of the visit, the purpose of the visit;
- (f) 'tourism' means the activity of visitors taking a trip to a main destination outside their usual environment, for less than a year, for any main purpose, including business, leisure or other personal purpose, other than to be employed by a resident entity in the place visited;
- (g) 'domestic tourism' means visits within a Member State by visitors who are residents of that Member State;
- (h) 'inbound tourism' means visits to a Member State by visitors who are not residents of that Member State;
- (i) 'outbound tourism' means visits by residents of a Member State outside that Member State;
- (j) 'national tourism' means domestic and outbound tourism;
- (k) 'internal tourism' means domestic and inbound tourism;
- (l) 'tourist accommodation establishment' means a local kind-of-activity unit, as defined in the Annex to Council Regulation (EEC) No 696/93 of 15 March 1993 on the statistical units for the observation and analysis of the

production system in the Community ⁽³⁾, providing as a paid service — although the price might be partially or fully subsidised — short-stay accommodation services as described in groups 55.1 (hotels and similar accommodation), 55.2 (holiday and other short-stay accommodation) and 55.3 (camping grounds, recreational vehicle parks and trailer parks) of NACE Rev. 2;

- (m) 'non-rented accommodation' means, inter alia, accommodation provided without charge by family or friends and accommodation in owner-occupied vacation homes, including time share properties;
- (n) 'same-day visits' means visits without overnight stay made by residents outside their usual environment and which originated from the place of usual residence.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 11 concerning amendments to the definitions in paragraph 1 of this Article for the purpose of adapting those definitions to changes to international definitions.

Article 3

Subjects covered and characteristics of the required data

1. For the purposes of this Regulation, the data to be transmitted by the Member States in accordance with Article 9 shall relate to:

- (a) internal tourism, in terms of the capacity and occupancy of tourist accommodation establishments, for the variables, periodicity and breakdowns laid down in Sections 1, 2 and 3 of Annex I;
- (b) internal tourism, in terms of tourism nights spent in non-rented accommodation, for the variables, periodicity and breakdowns laid down in Section 4 of Annex I;
- (c) national tourism, in terms of the tourism demand, which concerns the participation in tourism and the characteristics of tourism trips and visitors, for the variables, periodicity and breakdowns laid down in Sections 1 and 2 of Annex II;
- (d) national tourism, in terms of the tourism demand, which concerns the characteristics of same-day visits, for the variables, periodicity and breakdowns laid down in Section 3 of Annex II.

⁽¹⁾ OJ L 393, 30.12.2006, p. 1.

⁽²⁾ OJ L 154, 21.6.2003, p. 1.

⁽³⁾ OJ L 76, 30.3.1993, p. 1.

2. The Commission shall be empowered to adopt, where necessary, delegated acts in accordance with Article 11 concerning adaptation of the Annexes, except for the optional nature of the required data and to the limitation of the scope as defined in the Annexes in order to take account of economic, social or technical developments. In exercising its power pursuant to this provision, the Commission shall ensure that any delegated acts adopted do not impose significant additional administrative burdens on the Member States and on the respondents.

Article 4

Scope of observation

The scope of observation for the requirements laid down in:

- (a) Article 3(1)(a) shall be all tourist accommodation establishments as defined in Article 2(1)(l), unless otherwise specified in Annex I;
- (b) Article 3(1)(b) shall be all tourism nights by residents and non-residents spent in non-rented accommodation;
- (c) Article 3(1)(c), as regards the data on participation in tourism, shall be all individuals residing in the territory of the Member State, unless otherwise specified in Section 1 of Annex II;
- (d) Article 3(1)(c), as regards the data on characteristics of tourism trips and visitors, shall be all tourism trips with at least one overnight stay outside the usual environment by the resident population and which ended during the reference period, unless otherwise specified in Section 2 of Annex II;
- (e) Article 3(1)(d), as regards the characteristics of same-day visits, shall be all same-day visits as defined in Article 2(1)(n), unless otherwise specified in Section 3 of Annex II.

Article 5

Pilot studies

1. The Commission shall draw up a programme for pilot studies which may be carried out by Member States on a voluntary basis in order to prepare the development, production and dissemination of harmonised tables for tourism satellite accounts and to assess the benefits in relation to the cost of the compilation.

2. The Commission shall also draw up a programme for pilot studies which may be carried out by Member States on a voluntary basis in order to develop a system for the compilation of data showing the effects of tourism on the environment.

Article 6

Quality criteria and reports

- 1. Member States shall ensure the quality of the data transmitted.
- 2. For the purposes of this Regulation, the quality criteria as laid down in Article 12(1) of Regulation (EC) No 223/2009 shall apply.
- 3. Every year, Member States shall provide the Commission (Eurostat) with a report on the quality of the data relating to the reference periods in the reference year, and on any methodological changes that have been made. The report shall be provided within 9 months after the end of the reference year.
- 4. In applying the quality criteria referred to in paragraph 2 to the data covered by this Regulation, the arrangements for and structure of the quality reports shall be defined by the Commission in the form of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

Article 7

Evaluation report

By 12 August 2016 and every 5 years thereafter, the Commission shall submit an evaluation report to the European Parliament and to the Council on the statistics compiled pursuant to this Regulation and, in particular, on their relevance and the burden on business.

Article 8

Data sources

As regards the basis on which the data is collected, Member States shall take any measures they deem appropriate to maintain the quality of the results. Member States may produce the necessary statistical data by using a combination of the following different sources:

- (a) surveys, where reporting units are asked to give timely, accurate and complete data;
- (b) other appropriate sources, including administrative data, if these are appropriate in terms of timeliness and relevance;
- (c) appropriate statistical estimation procedures.

Article 9

Transmission of data

- 1. Member States shall transmit the data, including confidential data, to the Commission (Eurostat), in accordance with Article 21 of Regulation (EC) No 223/2009.

2. Member States shall transmit the data listed in Annex I and in Sections 1 and 3 of Annex II in the form of aggregate tables, in accordance with an interchange standard specified by the Commission (Eurostat). The data shall be transmitted or uploaded by electronic means to the single entry point for data at the Commission (Eurostat). The practical arrangements for the transmission of the data shall be adopted by the Commission in the form of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

3. Member States shall transmit the data listed in Section 2 of Annex II in the form of micro-data files — with each observed trip being an individual record in the transmitted dataset — which shall be fully checked, edited and, where necessary, imputed, in accordance with an interchange standard specified by the Commission (Eurostat). The data shall be transmitted or uploaded by electronic means to the single entry point for data at the Commission (Eurostat). The practical arrangements for the transmission of the data shall be adopted by the Commission in the form of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

4. Member States shall transmit:

- (a) the annual data listed in Sections 1 and 2 of Annex I within 6 months after the end of the reference period, unless otherwise specified in Annex I;
- (b) the monthly data listed in Section 2 of Annex I within 3 months after the end of the reference period;
- (c) the rapid key indicators relating to nights spent by residents and non-residents in tourist accommodation establishments, as listed in Section 2 of Annex I, within 8 weeks after the end of the reference period;
- (d) the data listed in Section 4 of Annex I within 9 months after the end of the reference period, if the Member State concerned opts in favour of transmitting them;
- (e) the data listed in Annex II within 6 months after the end of the reference period.

5. The Commission shall be empowered to adopt, where necessary, delegated acts in accordance with Article 11 concerning amendments to the transmission deadlines laid down in paragraph 4 of this Article in order to take account of economic, social or technical developments. Any such amendments shall take into account the existing data collection practices in the Member States.

6. For all data required by this Regulation, the first reference period, unless otherwise specified, shall begin on 1 January 2012.

Article 10

Methodological manual

The Commission (Eurostat) shall, in close cooperation with the Member States, draw up and regularly update a methodological manual which shall contain guidelines on the statistics produced pursuant to this Regulation, including definitions to be applied to the characteristics of the required data and common standards designed to ensure the quality of the data.

Article 11

Exercise of the delegation

1. The power to adopt the delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Articles 2(2), 3(2) and 9(5) shall be conferred on the Commission for a period of 5 years from 11 August 2011. The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.

3. The delegation of power referred to in Articles 2(2), 3(2) and 9(5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles 2(2), 3(2) and 9(5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

*Article 12***Committee**

1. The Commission shall be assisted by the European Statistical System Committee established by Regulation (EC) No 223/2009. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

*Article 13***Repeal**

Directive 95/57/EC is hereby repealed.

Member States shall provide results in accordance with Directive 95/57/EC for all reference periods for 2011.

*Article 14***Entry into force**

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 6 July 2011.

For the European Parliament

The President

J. BUZEK

For the Council

The President

M. DOWGIELEWICZ

ANNEX I

INTERNAL TOURISM

Section 1

CAPACITY OF TOURIST ACCOMMODATION ESTABLISHMENTS

A. Variables and breakdowns to be transmitted

(1) At regional NUTS level 2 and at national level to be transmitted for annual data

Type of accommodation	Variables	Breakdowns
NACE 55.1	Number of establishments Number of bed places Number of bedrooms	Type of locality (a) and (b)
NACE 55.2	Number of establishments Number of bed places	Type of locality (a) and (b)
NACE 55.3	Number of establishments Number of bed places	Type of locality (a) and (b)

(2) [optional] At national level to be transmitted for annual data

Type of accommodation	Variables	Breakdowns
NACE 55.1	Number of establishments Number of bed places Number of bedrooms	Size class

(3) At national level to be transmitted for triennial data

Type of accommodation	Variables	Breakdowns
NACE 55.1	Number of establishments having one or more bedrooms accessible for persons with reduced mobility, including wheelchair users	

B. Limitation of the scope

- (1) For 'hotels and similar accommodation' and for 'holiday and other short-stay accommodation', the scope of observation shall at least include all tourist accommodation establishments having 10 or more bed places.
- (2) For 'camping grounds, recreational vehicle parks and trailer parks', the scope of observation shall at least include all tourist accommodation establishments having 10 or more pitches.
- (3) Member States accounting for less than 1 % of the total annual number of nights spent at tourist accommodation establishments in the European Union may further reduce the scope of observation, to include at least all tourist accommodation establishments having 20 or more bed places (20 or more pitches).

C. Periodicity

The first reference year for the triennial variable listed under heading A(3) shall be 2015.

Section 2

OCCUPANCY OF TOURIST ACCOMMODATION ESTABLISHMENTS (DOMESTIC AND INBOUND)

A. Variables and breakdowns to be transmitted for annual data

(1) At regional NUTS level 2 and at national level

Type of accommodation	Variables	Breakdowns
Total (all types of tourist accommodation establishments)	Number of nights spent by residents at tourist accommodation establishments Number of nights spent by non-residents at tourist accommodation establishments	Type of locality (a) and (b)
NACE 55.1	Number of nights spent by residents at tourist accommodation establishments Number of nights spent by non-residents at tourist accommodation establishments	
	Arrivals of residents at tourist accommodation establishments Arrivals of non-residents at tourist accommodation establishments	
	Net occupancy rates of bed places Net occupancy rate of bedrooms	
NACE 55.2	Number of nights spent by residents at tourist accommodation establishments Number of nights spent by non-residents at tourist accommodation establishments	
	Arrivals of residents at tourist accommodation establishments Arrivals of non-residents at tourist accommodation establishments	
NACE 55.3	Number of nights spent by residents at tourist accommodation establishments Number of nights spent by non-residents at tourist accommodation establishments	
	Arrivals of residents at tourist accommodation establishments Arrivals of non-residents at tourist accommodation establishments	

(2) At national level

Type of accommodation	Variables	Breakdowns
NACE 55.1	Number of nights spent by residents at tourist accommodation establishments Number of nights spent by non-residents at tourist accommodation establishments	Type of locality (a) and (b) Country or geographical area of residence of the guest [optional] Size classes
	Arrivals of residents at tourist accommodation establishments Arrivals of non-residents at tourist accommodation establishments	Country or geographical area of residence of the guest
	Net occupancy rates of bed places Net occupancy rate of bedrooms	[optional] Size classes
NACE 55.2	Number of nights spent by residents at tourist accommodation establishments Number of nights spent by non-residents at tourist accommodation establishments	Type of locality (a) and (b) Country or geographical area of residence of the guest

Type of accommodation	Variables	Breakdowns
	Arrivals of residents at tourist accommodation establishments Arrivals of non-residents at tourist accommodation establishments	Country or geographical area of residence of the guest
NACE 55.3	Number of nights spent by residents at tourist accommodation establishments Number of nights spent by non-residents at tourist accommodation establishments	Type of locality (a) and (b) Country or geographical area of residence of the guest
	Arrivals of residents at tourist accommodation establishments Arrivals of non-residents at tourist accommodation establishments	Country or geographical area of residence of the guest

B. Variables and breakdowns to be transmitted for monthly data at national level

Type of accommodation	Variables	Breakdowns
NACE 55.1	Number of nights spent by residents at tourist accommodation establishments Number of nights spent by non-residents at tourist accommodation establishments	
	Arrivals of residents at tourist accommodation establishments Arrivals of non-residents at tourist accommodation establishments	
	Net occupancy rates of bed places Net occupancy rate of bedrooms	
NACE 55.2	Number of nights spent by residents at tourist accommodation establishments Number of nights spent by non-residents at tourist accommodation establishments	
	Arrivals of residents at tourist accommodation establishments Arrivals of non-residents at tourist accommodation establishments	
NACE 55.3	Number of nights spent by residents at tourist accommodation establishments Number of nights spent by non-residents at tourist accommodation establishments	
	Arrivals of residents at tourist accommodation establishments Arrivals of non-residents at tourist accommodation establishments	

C. Limitation of the scope

- (1) For 'hotels and similar accommodation' and for 'holidays and other short-stay accommodation', the scope of observation shall at least include all tourist accommodation establishments having 10 or more bed places.
- (2) For 'camping grounds, recreational vehicle parks and trailer parks', the scope of observation shall at least include all tourist accommodation establishments having 10 or more pitches.

- (3) Member States accounting for less than 1 % of the total annual number of nights spent at tourist accommodation establishments in the European Union may further reduce the scope of observation, to at least include all tourist accommodation establishments having 20 or more bed places (20 or more pitches).
- (4) Where a limitation to the scope as described under (1), (2) or (3) is applied, an estimate of the total number of nights spent during the reference year by residents and non-residents in the tourist accommodation establishments excluded from the scope of observation shall be transmitted annually.
- (5) For the first reference year for which data is required by this Regulation, the estimate as described under (4) shall be transmitted within 12 months after the end of the reference period.
- (6) Member States may further reduce the scope of observation for the net occupancy rate of bedrooms in hotels and similar accommodation, to include at least all tourist accommodation establishments having 25 or more bedrooms.

D. Rapid key indicators

The rapid key indicators referred to in Article 9(4)(c) of this Regulation are the variables referring to the number of nights spent as listed under heading B of this Section.

Section 3

CLASSIFICATIONS TO BE APPLIED FOR SECTION 1 AND SECTION 2

A. Type of accommodation

The three categories to be used for type of accommodation, referring to NACE groups 55.1, 55.2 and 55.3, are:

- hotels and similar accommodation,
- holidays and other short-stay accommodation,
- camping grounds, recreational vehicle parks and trailer parks.

B. Type of locality (a)

The three categories to be used for type of locality (a), referring to the degree of urbanisation of the municipality (or equivalent local administrative unit) where the tourist accommodation establishments are located, are:

- densely populated area,
- intermediate area,
- thinly populated area.

C. Type of locality (b)

The two categories to be used for type of locality (b), referring to the location close to the sea of the municipality (or equivalent local administrative unit) where the tourist accommodation establishments are located, are:

- coastal,
- non-coastal.

D. Size class

The three categories to be used for size class, referring to the number of bedrooms in the tourist accommodation establishments, are:

- small establishments: less than 25 bedrooms,
- medium-sized establishments: between 25 and 99 bedrooms,
- large establishments: 100 or more bedrooms; to be reported separately on an optional basis: 'between 100 and 249 bedrooms' and '250 or more bedrooms'.

E. Countries and geographical areas

The categories to be used for the country or the geographical area of residence of guests staying at tourist accommodation establishments are:

- European Union (the Union); to be reported separately: each Member State,

- European Free Trade Association (EFTA); to be reported separately: Iceland, Norway, Switzerland (including Liechtenstein),
- other European countries (apart from the Union or EFTA; not including Russia, Turkey, Ukraine),
- Russia,
- Turkey,
- Ukraine,
- Africa; to be reported separately: South Africa,
- North America; to be reported separately: United States of America, Canada,
- South and Central America; to be reported separately: Brazil,
- Asia; to be reported separately: People's Republic of China, Japan, Republic of Korea,
- Australia, Oceania and other territories; to be reported separately: Australia.

Section 4

INTERNAL TOURISM IN NON-RENTED ACCOMMODATION

A. Variables to be transmitted for annual data

[optional] Number of tourism nights spent in non-rented accommodation during the reference year.

B. Breakdown

[optional] The variable listed under heading A shall be broken down by country of residence of the visitors as far as Union residents are concerned, while visitors residing outside the Union shall be grouped in a single additional category.

ANNEX II

NATIONAL TOURISM

Section 1

PARTICIPATION IN TOURISM FOR PERSONAL PURPOSES

A. Variables and breakdowns to be transmitted for annual data

Variables	Breakdowns by duration and by destination of tourism trips for personal purposes	Socio-demographic breakdowns
1. Number of residents, aged 15 or over, participating in tourism for personal purposes during the reference year	(a) Any trip (i.e. having made at least 1 trip of at least 1 overnight stay)	1. Gender
	(b) Domestic trips only (i.e. having made at least 1 domestic trip of at least 1 overnight stay, but no outbound trips)	2. Age group
2. Number of residents, aged 15 or over, not participating in tourism for personal purposes during the reference year	(c) Outbound trips only (i.e. having made at least 1 outbound trip of at least 1 overnight stay, but no domestic trips)	3. [optional] Educational level
	(d) Domestic and outbound trips (i.e. having made at least 1 domestic trip of at least 1 overnight stay and at least 1 outbound trip of at least 1 overnight stay)	4. [optional] Employment situation
	(e) Short trips (i.e. having made at least 1 trip of 1 to 3 overnight stays)	5. [optional] Household income
	(f) Long trips (i.e. having made at least 1 trip of 4 or more overnight stays)	
	(g) Long trips, domestic trips only (i.e. having made at least 1 domestic trip of 4 or more overnight stays, but no outbound trips of 4 or more overnight stays)	
	(h) Long trips, outbound trips only (i.e. having made at least 1 outbound trip of 4 or more overnight stays, but no domestic trips of 4 or more overnight stays)	
	(i) Long trips, domestic and outbound trips (i.e. having made at least 1 domestic trip of 4 or more overnight stays and at least 1 outbound trip of 4 or more overnight stays)	

The breakdowns by duration and by destination of tourism trips for personal purposes shall be combined with the socio-demographic breakdowns.

B. Variables and breakdowns to be transmitted for triennial data

Variables	Breakdowns by main reasons for not participating in tourism for personal purposes during the reference year (with multiple answer possibilities for the respondents)	Socio-demographic breakdowns
1. Number of residents, aged 15 or over, not participating in tourism for personal purposes during the reference year (i.e. not having made any trip with at least 1 overnight stay for personal purposes during the reference year)	(a) Financial reasons (no money available for holiday trips, cannot afford to go on holiday)	1. Gender
	(b) Lack of free time due to family commitments	2. Age group
	(c) Lack of free time due to work or study commitments	3. [optional] Educational level
	(d) Health reasons or reduced mobility	4. [optional] Employment situation
	(e) Prefer to stay at home, no motivation to travel	5. [optional] Household income
	(f) Safety	
	(g) Other reasons	

The breakdowns by main reasons for not participating in tourism for personal purposes during the reference year shall be combined with the socio-demographic breakdowns.

The first reference year for the triennial variables shall be 2013.

C. Classifications to be applied for socio-demographic breakdowns

- (1) *Gender*: male, female.
- (2) *Age group*: less than 15 [optional], 15-24, 25-34, 35-44, 45-54, 55-64, 65 or over, with subtotals for 25-44 and 45-64.
- (3) *Educational level*: lower (ISCED 0, 1 or 2), middle (ISCED 3 or 4), higher (ISCED 5 or 6).
- (4) *Employment situation*: employed (employee or self-employed), unemployed, student (or pupil), other not in the labour force.
- (5) *Household income*: in quartiles.

Section 2

TOURISM TRIPS AND VISITORS MAKING THE TRIPS

A. Variables to be transmitted

	Variables	Categories to be transmitted	Periodicity
1.	Month of departure		Annual
2.	Duration of the trip in number of nights		Annual
3.	[Only for outbound trips] Duration of the trip: number of nights spent on the domestic territory		Triennial
4.	Main country of destination	Following the country list in the methodological manual drawn up under Article 10 of this Regulation	Annual
5.	Main purpose of the trip	(a) Personal: leisure, recreation and holidays (b) Personal: visiting relatives and friends (c) Personal: other (e.g. pilgrimage, health treatment) (d) Professional/business	Annual
6.	[Only for trips for personal purposes] Type of destination, with multiple answer possibilities	(a) City (b) Seaside (c) Countryside (including lakeside, river, etc.) (d) Cruise ship (e) Mountains (highlands, hills, etc.) (f) Other	Triennial
7.	[Only for trips for personal purposes] Participation of children in the travel party	(a) Yes (b) No	Triennial
8.	Main means of transport	(a) Air (flight services, scheduled or chartered, or other air services) (b) Waterway (passenger lines and ferries, cruises, pleasure boat, rented vessel, etc.) (c) Railway (d) Bus, coach (scheduled or non-scheduled) (e) Motor vehicle (private or rented) (f) Other (e.g. bicycle)	Annual
9.	Main means of accommodation	(a) Rented accommodation: hotels or similar accommodation (b) Rented accommodation: campsites, caravan or trailer park (non-residential)	Annual

	Variables	Categories to be transmitted	Periodicity
		(c) Rented accommodation: other rented accommodation (health establishments, youth hostels, marinas, etc.) (d) Non-rented accommodation: own holiday home (e) Non-rented accommodation: accommodation provided without charge by relatives or friends (f) Non-rented accommodation: other non-rented accommodation	
10.	Booking of the trip: use of a tour operator or travel agency to book the main means of transport	(a) Yes (b) No (c) Don't know	Triennial
11.	Booking of the trip: use of a tour operator or travel agency to book the main means of accommodation	(a) Yes (b) No (c) Don't know	Triennial
12.	[Only for trips where no tour operator or travel agency was used to book the main means of transport or the main means of accommodation] Booking of the trip (independent)	(a) The services were booked directly with the service provider (b) No booking was needed	Triennial
13.	Booking of the trip: package trip	(a) Yes (b) No	Triennial
14.	Booking of the trip: Internet booking of the main means of transport	(a) Yes (b) No (c) Don't know	Triennial
15.	Booking of the trip: Internet booking of the main means of accommodation	(a) Yes (b) No (c) Don't know	Triennial
16.	Expenditure of the individual tourist during the trip on transport		Annual
17.	Expenditure of the individual tourist during the trip on accommodation		Annual
18.	[optional] Expenditure of the individual tourist during the trip on food and drinks in cafés and restaurants		Annual
19.	Other expenditure of the individual tourist during the trip; (19a) to be reported separately: durables and valuable goods		Annual
20.	Profile of the visitor: gender, using the following categories	(a) Male (b) Female	Annual
21.	Profile of the visitor: age, in completed years		Annual
22.	Profile of the visitor: country of residence		Annual
23.	[optional] Profile of the visitor: educational level	(a) Lower (ISCED 0, 1 or 2) (b) Middle (ISCED 3 or 4) (c) Higher (ISCED 5 or 6)	Annual

	Variables	Categories to be transmitted	Periodicity
24.	[optional] Profile of the visitor: employment situation	(a) Employed (employee or self-employed) (b) Unemployed (c) Student (or pupil) (d) Other not in the labour force	Annual
25.	[optional] Profile of the visitor: household income in quartiles		Annual

B. Limitation of the scope

The scope of observation shall be all tourism trips with at least one overnight stay outside the usual environment by the resident population aged 15 and over and which ended during the reference period. The data on the population under 15 years of age can be transmitted separately on an optional basis.

C. Periodicity

(1) The first reference year for the triennial variables and categories listed under headings A(3), A(6), A(7) shall be 2013.

(2) The first reference year for the triennial variables and categories listed under headings A(10) to A(15) shall be 2014.

Section 3

SAME-DAY VISITS

A. Variables and breakdowns to be transmitted on an annual basis (outbound same-day visits)

Variables	[optional] Breakdowns	[optional] Socio-demographic breakdowns
1. Number of outbound same-day visits for personal purposes	(a) by country of destination	1. Gender
2. Number of outbound same-day visits for professional reasons		2. Age group
3. Expenditure on outbound same-day visits for personal purposes	(a) by country of destination (b) by expenditure category: transport, shopping, restaurants/café, other	3. Educational level
4. Expenditure on outbound same-day visits for professional reasons		4. Employment situation
		5. Household income

B. Variables and breakdowns to be transmitted on a triennial basis (domestic same-day visits)

Variables	[optional] Breakdowns	[optional] Socio-demographic breakdowns
1. Number of domestic same-day visits for personal purposes		1. Gender
2. Number of domestic same-day visits for professional reasons		2. Age group
3. Expenditure on domestic same-day visits for personal purposes	(a) by expenditure category: transport, shopping, restaurants/café, other	3. Educational level
4. Expenditure on domestic same-day visits for professional reasons		4. Employment situation
		5. Household income

C. Classifications to be applied for socio-demographic breakdowns

The classifications to be applied for socio-demographic breakdowns are those listed in heading C of Section 1 of this Annex.

D. Limitation of the scope

The scope of observation shall be all same-day visits outside the usual environment by the resident population aged 15 and over. The data on the population under 15 years of age can be transmitted separately on an optional basis.

E. Periodicity and first reference periods

- (1) The characteristics of same-day visits listed under heading A shall be transmitted annually, reporting separately the four quarters of the previous calendar year. The first reference period shall begin on 1 January 2014.
 - (2) The characteristics of same-day visits listed under heading B shall be transmitted every 3 years, reporting separately the four quarters of the previous calendar year. The first reference period shall begin on 1 January 2015. For the first reference period only, transmission shall be optional.
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**REGULATION (EU) No 693/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 6 July 2011**

**amending Council Regulation (EC) No 861/2006 establishing Community financial measures for the
implementation of the common fisheries policy and in the area of the Law of the Sea**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European
Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national
parliaments,

Having regard to the opinion of the European Economic and
Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Council Regulation (EC) No 861/2006 ⁽³⁾ provides for financing in the following areas: international relations, governance, data collection and scientific advice and control and enforcement of the common fisheries policy (CFP).
- (2) In each field of action, Regulation (EC) No 861/2006 is supplemented by other related regulations or decisions. Several elements of that related legislation have evolved since the adoption of that Regulation, which should now be amended in order to ensure coherence between all the elements of the legislative framework.
- (3) Experience has also demonstrated the need to amend Regulation (EC) No 861/2006 by slightly adapting some of its provisions to better fit the current situation.
- (4) It is also necessary to clarify, where appropriate, the scope of the measures financed and to improve the drafting of some articles.
- (5) Partnerships in the international field may be concluded at bilateral, regional or multilateral level.
- (6) The fact that Regional Advisory Councils have been granted the status of bodies pursuing an aim of general

European interest in Council Decision 2007/409/EC of 11 June 2007 amending Decision 2004/585/EC establishing Regional Advisory Councils under the Common Fisheries Policy ⁽⁴⁾ should be reflected in this Regulation.

- (7) In respect of the preparatory meetings of the Advisory Committee on Fisheries and Aquaculture (ACFA), the possibility should exist to grant financial support to representatives other than those from the European Trade Organisations and to allow for the financing of the costs of translation, interpretation and room hire. The list of consultative bodies for the meetings of which the ACFA plenary designates a representative should be updated.
- (8) Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy ⁽⁵⁾ has enlarged the scope of data collection in order to cover the collection, the management and the use of data and that should be explicitly acknowledged in this Regulation.
- (9) Commission Decision 2008/949/EC of 6 November 2008 adopting a multiannual Community programme pursuant to Council Regulation (EC) No 199/2008 ⁽⁶⁾ provides that the data to be collected are to comprise socioeconomic variables.
- (10) Eligible measures for Union financial support in the field of data collection and scientific advice are set out in Regulation (EC) No 199/2008, and Regulation (EC) No 861/2006 should be aligned with those provisions.
- (11) The programming measures in the field of data collection and scientific advice are set out in Regulation (EC) No 199/2008 and Commission Regulation (EC) No 665/2008 of 14 July 2008 laying down detailed rules for the application of Council Regulation (EC) No 199/2008 ⁽⁷⁾.
- (12) A number of the provisions of Council Decision 2000/439/EC of 29 June 2000 on a financial contribution from the Community towards the expenditure incurred by Member States in collecting data, and for financing studies and pilot projects for carrying out the common fisheries policy ⁽⁸⁾ were not included in Regulation (EC) No 861/2006, nor were they converted

⁽¹⁾ OJ C 44, 11.2.2011, p. 171.

⁽²⁾ Position of the European Parliament of 6 April 2011 (not yet published in the Official Journal) and decision of the Council of 21 June 2011.

⁽³⁾ OJ L 160, 14.6.2006, p. 1.

⁽⁴⁾ OJ L 155, 15.6.2007, p. 68.

⁽⁵⁾ OJ L 60, 5.3.2008, p. 1.

⁽⁶⁾ OJ L 346, 23.12.2008, p. 37.

⁽⁷⁾ OJ L 186, 15.7.2008, p. 3.

⁽⁸⁾ OJ L 176, 15.7.2000, p. 42.

into implementing rules. This created a legal void for the years 2007 and 2008 during which period the Commission continued to apply the rules previously in force, as laid down in Decision 2000/439/EC. In the interests of legal certainty, it should be provided retroactively that those rules remained applicable during that period.

- (13) Expenditure in the area of scientific advice should include expenditure for partnership contracts with international bodies in charge of stock assessment.
- (14) The indications concerning eligible expenditure in the field of control should be presented in a clearer and more detailed way, and a link should be made with Council Regulations (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy ⁽¹⁾ and (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing ⁽²⁾.
- (15) Participants in training programmes in the area of control and enforcement of the CFP rules, although representing a Member State authority, are not necessarily civil servants. Therefore, expenditure incurred for the training of other personnel should also be eligible for financial measures.
- (16) The Joint Research Centre not only analyses the implementation of control activities, but also gives advice and is involved in developing new technologies.
- (17) The programming rules for the control of expenditure need to be adapted in order to improve sound financial management, notably by bringing closer the date for the submission of the applications for Union financial support and by further specifying the information to be communicated on the projects and the format in which it should be provided.
- (18) The title and the enacting terms of Regulation (EC) No 861/2006 should be changed to take account of the entry into force, on 1 December 2009, of the Treaty of Lisbon.
- (19) In order to ensure uniform conditions for the implementation of the measures in the area of control and enforcement, and more particularly as regards expenditure incurred by Member States in implementing the monitoring and control systems applicable to the CFP, as well as measures in the area of basic data collection, management and use, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules

and general principles concerning mechanisms for control, by Member States, of the Commission's exercise of implementing powers ⁽³⁾.

- (20) Regulation (EC) No 861/2006 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 861/2006 is hereby amended as follows:

- (1) the title shall be replaced by the following:

'Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Union financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea';

- (2) in the enacting terms, with the exception of references to the Community Fisheries Control Agency in Article 4(c), the word 'Community' and the word 'Communities' shall be replaced by the word 'Union'. The words 'Community waters' shall be replaced by the words 'EU waters'. Any necessary grammatical adjustments shall be made;

- (3) in Article 2, point (b) is replaced by the following:

'(b) conservation measures, collection and management of data and use of data to generate scientific advice for the CFP;';

- (4) in Article 3, point (b) is replaced by the following:

'(b) improving the collection, the management and the use of data necessary for the CFP;';

- (5) Article 5 is replaced by the following:

'Article 5

Specific objectives in the area of data collection, management and use and scientific advice

Union financial measures referred to in Articles 9, 10 and 11 shall contribute to the objective of improving data collection, management and use and scientific advice on the state of the resources, on the level of fishing, on the impact that fisheries have on the resources and the marine ecosystem, on the economic aspects of fisheries and aquaculture and on the performance of the fishing industry, within and outside EU waters, by providing financial support to the Member States to establish multiannual aggregated and science based datasets which incorporate biological, technical, environmental and socioeconomic information.;

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 286, 29.10.2008, p. 1.

⁽³⁾ OJ L 55, 28.2.2011, p. 13.

(6) Article 7, paragraph 1, point (c) is replaced by the following:

‘(c) developing, through partnership at a bilateral, regional or multilateral level, the fisheries resource management and control capacities of third countries, in order to ensure sustainable fishing and to promote the economic development of the fisheries sector in those countries by improving the scientific and technical evaluation of the fisheries concerned, the monitoring and control of fishing activities, the health conditions and the business environment in the sector;’;

(7) Article 8 is replaced by the following:

‘Article 8

Measures in the area of control and enforcement

1. In the area of control and enforcement of CFP rules, the following expenditure shall be eligible for Union financial measures:

(a) expenditure incurred by Member States in implementing the monitoring and control systems applicable to the CFP for:

(i) investments, relating to control activities carried out by the competent national authorities, by administrative bodies or by the private sector, in:

— the purchase and/or development of technology, including hardware and software, vessel detection systems (VDS) and IT networks enabling the gathering, administration, validation, analysis and exchange of, and the development of sampling methods for, data related to fisheries, including the development of websites related to control,

— the purchase and/or development of the components necessary to ensure the transmission to the relevant Member State and Union authorities of data from actors involved in fishing and the marketing of fisheries products, including the necessary components for electronic recording and reporting systems (ERS), vessel monitoring systems (VMS) and automatic identification systems (AIS),

— the implementation of programmes for the exchange and analysis of data between Member States,

— the purchase and modernisation of control means;

(ii) programmes for the training and exchange, including between Member States, of personnel responsible for monitoring, control and surveillance of fisheries activities;

(iii) the implementation of pilot projects related to fisheries control;

(iv) cost/benefit analysis as well as assessment of audits performed and expenditure incurred by competent authorities in carrying out monitoring, control and surveillance;

(v) initiatives, including seminars and media tools, aimed at raising awareness, both among fishermen and other players such as inspectors, public prosecutors and judges, and among the general public, of the need to fight illegal, unreported and unregulated fishing and on the implementation of the CFP rules;

(b) expenditure relating to administrative arrangements with the Joint Research Centre or any other Union consultative body for the purpose of assessing and developing new control technologies;

(c) all operational expenditure related to inspection, by Commission inspectors, of the implementation of the CFP by the Member States, and in particular inspection missions, safety equipment and training of inspectors, meetings and the charter or purchase by the Commission of inspection means;

(d) the contribution to the budget of the CFCA in order to cover staff, administrative and operating expenditure relating to the annual work plan of the CFCA.

2. The Commission may adopt detailed rules for the application of point (a) of paragraph 1 by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 30(2).;

(8) Article 9 is replaced by the following:

‘Article 9

Measures in the area of basic data collection, management and use

1. In the area of basic data collection, management and use, the following expenditure shall be eligible for Union financial support in the framework of multiannual national programmes referred to in Article 4 of Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (*):

- (a) expenditure incurred for the collection of biological, technical, environmental and socioeconomic data in relation to commercial and recreational fisheries, including sampling, at-sea-monitoring and research surveys, and the collection of environmental and socioeconomic data on the aquaculture and processing industry, as laid down in the multiannual Union programme referred to in Article 3 of Regulation (EC) No 199/2008;
- (b) expenditure incurred for measures related to the management, development, enhancement and exploitation of data referred to in point (a);
- (c) expenditure incurred for measures related to the use of the data referred to in point (a), such as estimates of biological parameters and the production of data sets for scientific analysis and advice;
- (d) expenditure incurred in connection with participation in regional coordination meetings referred to in Article 5(1) of Regulation (EC) No 199/2008, in the relevant scientific meetings of regional fisheries management organisations of which the Union is a contracting party or observer and in the meetings of international bodies in charge of providing scientific advice.

2. The Commission may adopt detailed rules for the application of paragraph 1 by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 30(2).

(*) OJ L 60, 5.3.2008, p. 1.;

(9) Article 10 is amended as follows:

(a) the heading is replaced by the following:

'Measures in the area of additional data collection, management and use';

(b) in the introduction to paragraph 1, the second sentence is replaced by the following:

'The activities which may be eligible for Union financial support shall include:'

(c) in paragraph 1, point (a) is replaced by the following:

'(a) methodological studies and projects aimed at optimising and standardising methods of collecting data required for giving scientific advice;'

(10) in Article 11, point (a) is replaced by the following:

'(a) expenditure for partnership contracts with national research institutions, or with international bodies in charge of stock assessments, for the provision of scientific advice and data;'

(11) Article 12 is amended as follows:

(a) points (a), (b) and (c) are replaced by the following:

'(a) the travelling and accommodation costs of the members of representative organisations in the ACFA in connection with preparatory meetings in advance of ACFA meetings, and the costs of translation, interpretation and room hire incurred for those preparatory meetings;

(b) the cost of the participation of the representatives designated by the ACFA to represent it at meetings of the RACs, the International Council for the Exploration of the Sea (ICES) and the STECF;

(c) the operating costs of the RACs as provided for in Decision 2004/585/EC;'

(b) in point (d), point (ii) is replaced by the following:

'(ii) providing very wide access to data and explanatory material concerning, in particular, Commission proposals, through developing the Internet websites of the appropriate Commission departments and producing a regular publication, as well as organising information and training seminars for opinion formers;'

(12) in Article 13(1), point (e) is replaced by the following:

'(e) voluntary financial contributions to work or programmes carried out by international organisations which are of special interest to the Union;'

(13) Article 16 is amended as follows:

(a) the heading is replaced by the following:

'Rates of co-financing in the area of basic data collection, management and use';

(b) the words 'Article 23(1)' are replaced by the words 'Article 4 of Regulation (EC) No 199/2008';

(14) the heading of Article 17 is replaced by the following:

'Rates of co-financing in the area of additional data collection, management and use';

(15) in Article 18, paragraphs 2 and 3 are replaced by the following:

'2. Drawing rights shall be allocated under a financing agreement with the Commission to each representative organisation which is a member of the ACFA plenary in proportion to entitlements within the plenary committee of the ACFA and depending on the financial resources available.'

3. Those drawing rights and the average cost of a journey by a member of a representative organisation shall determine the number of journeys for which each organisation may be financially responsible, undertaken for the purpose of preparatory meetings. Within the overall limit of the drawing right, 20 % of the actual eligible expenditure shall be retained as a lump sum by each representative organisation in order to cover those of its organisational and administrative costs which are strictly linked with the organisation of the preparatory meetings.;

(16) Article 20 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

‘1. Applications by Member States for Union financial support shall be submitted to the Commission by 15 November of the year preceding the year of implementation concerned.

Such applications shall be accompanied by an annual fisheries control programme containing the following information:

- (a) the objectives of the annual fisheries control programme;
- (b) the planned human resources available;
- (c) the planned financial resources available;
- (d) the planned number of vessels and aircraft available;
- (e) a list of projects for which a financial contribution is sought;
- (f) the overall expenditure planned for carrying out the projects;
- (g) a schedule for completion in respect of each project listed in the annual fisheries control programme;
- (h) a list of indicators to be used to assess the efficacy of the annual fisheries control programme.

2. For each project, the annual fisheries control programme shall specify the measure referred to in Article 8(a) to which it relates, the aim of the project and a detailed description thereof, including the following particulars: the owner, the location, the estimated cost, the timetable for completion of the project and the public procurement procedure to be followed. When a project is conducted jointly by more than one Member State, the annual fisheries control programme shall also include a list of the Member

States conducting the project, the estimated total costs for the project as well as the estimated costs per Member State.;

(b) in paragraph 3, point (b) is replaced by the following:

‘(b) how many hours or days over the course of a year they are likely to be used for fishery control purposes and which system is in place in the Member State, in order to make it possible for the Commission or the Court of Auditors to check their effective use for control purposes.;

(c) the following paragraph is added:

‘4. Member States shall provide the information requested in paragraphs 1, 2 and 3 by submitting, both electronically and as a hardcopy, the electronic form communicated to them by the Commission.;

(17) the heading of Section 2 of Chapter V is replaced by the following:

‘Procedures in the area of data collection, management and use’;

(18) Article 22 is replaced by the following:

‘Article 22

Introductory provision

The Union financial contribution to the expenditure incurred by the Member States for the collection, management and use of the basic data referred to in Article 9 shall be provided in accordance with the procedures set out in this Section.;

(19) Article 23 is deleted;

(20) Article 24 is amended as follows:

(a) the heading is replaced by the following:

‘Commission financing decision’;

(b) paragraph 1 is replaced by the following:

‘1. On the basis of the multiannual programmes submitted by the Member States in accordance with Article 4(4) of Regulation (EC) No 199/2008 and approved by the Commission in accordance with Article 6(3) of that Regulation, decisions on the Union financial contribution to the national programmes shall be taken each year, in accordance with the examination procedure referred to in Article 30(2).;

(c) paragraph 2 is deleted;

(21) Article 30 is replaced by the following:

'Article 30

Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 30(1) of Regulation (EC) No 2371/2002. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (*).

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

(*) OJ L 55, 28.2.2011, p. 13.;

(22) Article 31 is deleted;

(23) Article 32 is replaced by the following:

'Article 32

Repeal of obsolete acts

Regulation (EC) No 657/2000 and Decisions 2000/439/EC and 2004/465/EC are hereby repealed with effect from 1 January 2007. Nevertheless, the rules set out in the second indent of Article 3 and in Articles 4 and 6 of Decision 2000/439/EC and the Annex thereto, as applicable on 31 December 2006, shall apply by analogy to the national programmes for the collection, management and use of data for the years 2007 and 2008.'

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

Point 23 of Article 1 shall apply from 1 January 2007.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 6 July 2011.

For the European Parliament
The President
J. BUZEK

For the Council
The President
M. DOWGIELEWICZ

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

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**

(2011/432/EU)

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 Parliament ⁽¹⁾,

Whereas:

- (1) The Union is working towards the establishment of a common judicial area based on the principle of mutual recognition of decisions.
- (2) The Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance ('the Convention') 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.
- (3) Article 59 of the Convention allows Regional Economic Integration Organisations such as the Union to sign, accept, approve or accede to the Convention.

(4) Matters governed by the Convention are also dealt with in 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 ⁽²⁾. As agreed when Council Decision 2011/220/EU ⁽³⁾ on the signing of the Convention was adopted, the Union should approve the Convention alone and exercise its competence over all the matters governed by it. Consequently, the Member States should be bound by the Convention by virtue of its approval by the Union.

(5) When approving the Convention, the Union should therefore make the declaration of competence pursuant to Article 59(3) of the Convention.

(6) 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.

(7) 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.

(8) The Union should make the reservation provided for in Article 44(3) of the Convention concerning the languages accepted in communications between Central Authorities. Member States that wish the Union to make that reservation with regard to them should notify the Commission thereof in advance, indicating the content of the reservation to be made.

⁽¹⁾ Opinion delivered on 11 February 2010 (OJ C 341 E, 16.12.2010, p. 98).

⁽²⁾ OJ L 7, 10.1.2009, p. 1.

⁽³⁾ OJ L 93, 7.4.2011, p. 9.

- (9) The Union should make the declarations provided for in point (g) of Article 11(1) and Article 44(1) and (2) of the Convention. Member States that wish the Union to make such declarations with regard to them should notify the Commission thereof in advance, indicating the content of the declarations to be made.
- (10) A Member State that subsequently needs to withdraw the reservation regarding it set out in Annex II or to modify or withdraw the declaration regarding it set out in Annex III or to add a declaration regarding it in Annex III should inform the Council and the Commission thereof. On that basis, the Union should notify the depositary accordingly.
- (11) Member States should inform the Commission of the Central Authorities designated in accordance with Article 4(3) of the Convention and should notify the Commission of the information concerning laws, procedures and services referred to in Article 57 of the Convention. The Commission should forward that information to the Permanent Bureau of the Hague Conference on Private International Law ('the Permanent Bureau') at the time when the Union deposits its instrument of approval, as required by the Convention.
- (12) When notifying the Commission of the relevant information on their Central Authorities and on their laws, procedures and services, Member States should use the Country Profile Form recommended and published by the Hague Conference on Private International Law, if possible, in electronic format.
- (13) A Member State that subsequently needs to modify the information on its Central Authority or on its laws, procedures and services should inform the Permanent Bureau thereof directly and at the same time notify the Commission of the change.
- (14) In accordance with Article 3 of Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom and Ireland are taking part in the adoption and application of this Decision.
- (15) In accordance with Articles 1 and 2 of Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance ('the Convention') is hereby approved on behalf of the European Union.

The text of the Convention is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to deposit, on behalf of the Union, the instrument referred to in Article 58(2) of the Convention.

Article 3

When depositing the instrument referred to in Article 58(2) of the Convention, the Union shall make the declaration of competence pursuant to Article 59(3) of the Convention.

The text of that declaration is attached as part A of Annex I to this Decision.

Article 4

1. When depositing the instrument referred to in Article 58(2) of the Convention, the Union shall 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.

The text of that declaration is attached as part B of Annex I to this Decision.

2. When depositing the instrument referred to in Article 58(2) of the Convention, the Union shall make the unilateral declaration the text of which is attached as Annex IV to this Decision.

Article 5

When depositing the instrument referred to in Article 58(2) of the Convention, the Union shall make the reservation provided for in Article 44(3) of the Convention concerning the Member States that object to the use of either English or French in communications between Central Authorities.

The text of that reservation is attached as Annex II to this Decision.

Article 6

When depositing the instrument referred to in Article 58(2) of the Convention, the Union shall make the declarations provided for in point (g) of Article 11(1) of the Convention concerning the information or documents required by the Member States and in Article 44(1) of the Convention concerning the languages accepted by the Member States other than their official languages, and the declaration provided for in Article 44(2) of the Convention.

The text of those declarations is attached as Annex III to this Decision.

Article 7

1. Member States shall notify the Commission, no later than 10 December 2012, of:

- (a) the contact details of the Central Authorities designated in accordance with Article 4(3) of the Convention; and
- (b) the information concerning laws, procedures and services referred to in Article 57 of the Convention.

2. When forwarding the information set out in paragraph 1 to the Commission, Member States shall use the Country Profile Form recommended and published by the Hague Conference on Private International Law, if possible, in electronic format.

3. The Commission shall forward the individual Country Profile Forms completed by the Member States to the Permanent Bureau of the Hague Conference on Private International Law ('the Permanent Bureau') at the time when the Union deposits the instrument referred to in Article 58(2) of the Convention.

Article 8

A Member State that wishes to withdraw the reservation regarding it set out in Annex II or to modify or withdraw the declaration regarding it set out in Annex III or to add a declaration regarding it in Annex III shall inform the Council and the Commission of the desired withdrawal, modification or addition.

The Union shall subsequently notify the depositary accordingly pursuant to Article 63(2) of the Convention.

Article 9

A Member State that wishes to modify the information given in its Country Profile Form after the initial forwarding of that form by the Commission shall inform the Permanent Bureau directly thereof or shall make the necessary change directly, if the electronic format of the Country Profile Form is being used. It shall inform the Commission at the same time.

Article 10

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

Done at Luxembourg, 9 June 2011.

For the Council

The President

PINTÉR S.

ANNEX I

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**A. DECLARATION REFERRED TO IN ARTICLE 59(3) OF THE CONVENTION CONCERNING THE COMPETENCE OF THE EUROPEAN UNION OVER THE MATTERS GOVERNED BY THE CONVENTION**

1. The European Union declares that it exercises competence over all the matters governed by the Convention. The Member States shall be bound by the Convention by virtue of its approval by the European Union.
2. The current Members of the European Union are the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand-Duchy of Luxembourg, the Republic of Hungary, Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.
3. However, this declaration does not apply to the Kingdom of Denmark, in accordance with Articles 1 and 2 of Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.
4. This declaration is not applicable to territories of the Member States to which the Treaty on the Functioning of the European Union does not apply (see Article 355 of that Treaty) and is without prejudice to such acts or positions as may be adopted pursuant to the Convention by the Member States concerned on behalf of and in the interests of those territories.
5. The application of the Convention in cooperation between Central Authorities will be the responsibility of the Central Authorities of each individual Member State of the European Union. Accordingly, whenever a Central Authority of a Contracting State needs to contact a Central Authority of a Member State of the European Union it should contact the Central Authority concerned directly. The Member States of the European Union, if they deem it appropriate, will also attend all the Special Commissions likely to be tasked with following up the application of the Convention.

B. DECLARATION REFERRED TO IN ARTICLE 2(3) OF THE CONVENTION

The European Union declares that it will extend the application of Chapters II and III of the Convention to spousal support.

ANNEX II

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 Czech Republic, the Republic of Estonia, the Hellenic Republic, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Kingdom of the Netherlands, 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.

ANNEX III

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 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.

The Republic of Poland:**1. 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 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 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 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 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.*).

ANNEX IV

Unilateral declaration 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

The European Union makes the following unilateral declaration:

The European Union wishes to underline the great importance it attaches to the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. 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.

It is in this spirit that the European Union intends to extend the application of Chapters II and III of the Convention to spousal support when the Convention enters into force with regard to the Union.

Furthermore, the European Union undertakes, within 7 years, in the light of experience acquired and possible declarations of extension made by other Contracting States, to examine the possibility of extending the application of the Convention as a whole to all maintenance obligations arising from a family relationship, parentage, marriage or affinity.’.

CONVENTION

on the International Recovery of Child Support and Other Forms of Family Maintenance

(Concluded 23 November 2007)

THE STATES SIGNATORY TO THE PRESENT CONVENTION,

DESIRING TO improve cooperation among States for the international recovery of child support and other forms of family maintenance,

AWARE OF the need for procedures which produce results and are accessible, prompt, efficient, cost-effective, responsive and fair,

WISHING TO build upon the best features of existing Hague Conventions and other international instruments, in particular the United Nations *Convention on the Recovery Abroad of Maintenance* of 20 June 1956,

SEEKING TO take advantage of advances in technologies and to create a flexible system which can continue to evolve as needs change and further advances in technology create new opportunities,

RECALLING that, in accordance with Articles 3 and 27 of the United Nations *Convention on the Rights of the Child* of 20 November 1989,

- in all actions concerning children the best interests of the child shall be a primary consideration,
- every child has a right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development,
- the parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development, and
- States Parties should take all appropriate measures, including the conclusion of international agreements, to secure the recovery of maintenance for the child from the parent(s) or other responsible persons, in particular where such persons live in a State different from that of the child,

HAVE RESOLVED TO CONCLUDE THIS CONVENTION AND HAVE AGREED UPON THE FOLLOWING PROVISIONS:

CHAPTER I

OBJECT, SCOPE AND DEFINITIONS

Article 1

Object

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:

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

Article 2

Scope

- (1) 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 subparagraph a); and
 - (c) with the exception of Chapters II and III, to spousal support.
- (2) Any Contracting State may reserve, in accordance with Article 62, the right to limit the application of the Convention under subparagraph 1 a), to persons who have not attained the age of 18 years. A Contracting State which makes this reservation shall not be entitled to claim the application of the Convention to persons of the age excluded by its reservation.

(3) Any Contracting State may declare in accordance with Article 63 that it will extend the application of the whole or any part of the Convention to any maintenance obligation arising from a family relationship, parentage, marriage or affinity, including in particular obligations in respect of vulnerable persons. Any such declaration shall give rise to obligations between two Contracting States only in so far as their declarations cover the same maintenance obligations and parts of the Convention.

(4) The provisions of this Convention shall apply to children regardless of the marital status of the parents.

Article 3

Definitions

For the purposes of this Convention:

- (a) 'creditor' means an individual to whom maintenance is owed or is alleged to be owed;
- (b) 'debtor' means an individual who owes or who is alleged to owe maintenance;
- (c) 'legal assistance' means the assistance necessary to enable applicants to know and assert their rights and to ensure that applications are fully and effectively dealt with in the requested State. The means of providing such assistance may include as necessary legal advice, assistance in bringing a case before an authority, legal representation and exemption from costs of proceedings;
- (d) 'agreement in writing' means an agreement recorded in any medium, the information contained in which is accessible so as to be usable for subsequent reference;
- (e) 'maintenance arrangement' means an agreement in writing relating to the payment of maintenance which:
 - (i) has been formally drawn up or registered as an authentic instrument by a competent authority; or
 - (ii) has been authenticated by, or concluded, registered or filed with a competent authority;and may be the subject of review and modification by a competent authority;
- (f) 'vulnerable person' means a person who, by reason of an impairment or insufficiency of his or her personal faculties, is not able to support him or herself.

CHAPTER II

ADMINISTRATIVE CO-OPERATION

Article 4

Designation of Central Authorities

(1) A Contracting State shall designate a Central Authority to discharge the duties that are imposed by the Convention on such an authority.

(2) Federal States, States with more than one system of law or States having autonomous territorial units shall be free to appoint more than one Central Authority and shall specify the territorial or personal extent of their functions. Where a State has appointed more than one Central Authority, it shall designate the Central Authority to which any communication may be addressed for transmission to the appropriate Central Authority within that State.

(3) The designation of the Central Authority or Central Authorities, their contact details, and where appropriate the extent of their functions as specified in paragraph 2, shall be communicated by a Contracting State to the Permanent Bureau of the Hague Conference on Private International Law at the time when the instrument of ratification or accession is deposited or when a declaration is submitted in accordance with Article 61. Contracting States shall promptly inform the Permanent Bureau of any changes.

Article 5

General functions of Central Authorities

Central Authorities shall:

- (a) cooperate with each other and promote cooperation amongst the competent authorities in their States to achieve the purposes of the Convention;
- (b) seek as far as possible solutions to difficulties which arise in the application of the Convention.

Article 6

Specific functions of Central Authorities

(1) Central Authorities shall provide assistance in relation to applications under Chapter III. In particular they shall:

- (a) transmit and receive such applications;
 - (b) initiate or facilitate the institution of proceedings in respect of such applications.
- (2) In relation to such applications they shall take all appropriate measures:
- (a) where the circumstances require, to provide or facilitate the provision of legal assistance;
 - (b) to help locate the debtor or the creditor;
 - (c) to help obtain relevant information concerning the income and, if necessary, other financial circumstances of the debtor or creditor, including the location of assets;
 - (d) to encourage amicable solutions with a view to obtaining voluntary payment of maintenance, where suitable by use of mediation, conciliation or similar processes;
 - (e) to facilitate the ongoing enforcement of maintenance decisions, including any arrears;
 - (f) to facilitate the collection and expeditious transfer of maintenance payments;

- (g) to facilitate the obtaining of documentary or other evidence;
- (h) to provide assistance in establishing parentage where necessary for the recovery of maintenance;
- (i) to initiate or facilitate the institution of proceedings to obtain any necessary provisional measures that are territorial in nature and the purpose of which is to secure the outcome of a pending maintenance application;
- (j) to facilitate service of documents.

(3) The functions of the Central Authority under this Article may, to the extent permitted under the law of its State, be performed by public bodies, or other bodies subject to the supervision of the competent authorities of that State. The designation of any such public bodies or other bodies, as well as their contact details and the extent of their functions, shall be communicated by a Contracting State to the Permanent Bureau of the Hague Conference on Private International Law. Contracting States shall promptly inform the Permanent Bureau of any changes.

(4) Nothing in this Article or Article 7 shall be interpreted as imposing an obligation on a Central Authority to exercise powers that can be exercised only by judicial authorities under the law of the requested State.

Article 7

Requests for specific measures

(1) A Central Authority may make a request, supported by reasons, to another Central Authority to take appropriate specific measures under Article 6(2)(b), (c), (g), (h), (i) and (j) when no application under Article 10 is pending. The requested Central Authority shall take such measures as are appropriate if satisfied that they are necessary to assist a potential applicant in making an application under Article 10 or in determining whether such an application should be initiated.

(2) A Central Authority may also take specific measures on the request of another Central Authority in relation to a case having an international element concerning the recovery of maintenance pending in the requesting State.

Article 8

Central Authority costs

(1) Each Central Authority shall bear its own costs in applying this Convention.

(2) Central Authorities may not impose any charge on an applicant for the provision of their services under the Convention save for exceptional costs arising from a request for a specific measure under Article 7.

(3) The requested Central Authority may not recover the costs of the services referred to in paragraph 2 without the prior consent of the applicant to the provision of those services at such cost.

CHAPTER III

APPLICATIONS THROUGH CENTRAL AUTHORITIES

Article 9

Application through Central Authorities

An application under this Chapter shall be made through the Central Authority of the Contracting State in which the applicant resides to the Central Authority of the requested State. For the purpose of this provision, residence excludes mere presence.

Article 10

Available applications

(1) The following categories of application shall be available to a creditor in a requesting State seeking to recover maintenance under this Convention:

- (a) recognition or recognition and enforcement of a decision;
- (b) enforcement of a decision made or recognised in the requested State;
- (c) establishment of a decision in the requested State where there is no existing decision, including where necessary the establishment of parentage;
- (d) establishment of a decision in the requested State where recognition and enforcement of a decision is not possible, or is refused, because of the lack of a basis for recognition and enforcement under Article 20, or on the grounds specified in Article 22(b) or (e);
- (e) modification of a decision made in the requested State;
- (f) modification of a decision made in a State other than the requested State.

(2) The following categories of application shall be available to a debtor in a requesting State against whom there is an existing maintenance decision:

- (a) recognition of a decision, or an equivalent procedure leading to the suspension, or limiting the enforcement, of a previous decision in the requested State;
- (b) modification of a decision made in the requested State;
- (c) modification of a decision made in a State other than the requested State.

(3) Save as otherwise provided in this Convention, the applications in paragraphs 1 and 2 shall be determined under the law of the requested State, and applications in paragraphs 1(c) to (f) and 2(b) and (c) shall be subject to the jurisdictional rules applicable in the requested State.

Article 11

Application contents

(1) All applications under Article 10 shall as a minimum include:

- (a) a statement of the nature of the application or applications;

- (b) the name and contact details, including the address and date of birth of the applicant;
 - (c) the name and, if known, address and date of birth of the respondent;
 - (d) the name and date of birth of any person for whom maintenance is sought;
 - (e) the grounds upon which the application is based;
 - (f) in an application by a creditor, information concerning where the maintenance payment should be sent or electronically transmitted;
 - (g) save in an application under Article 10(1)(a) and (2)(a), any information or document specified by declaration in accordance with Article 63 by the requested State;
 - (h) the name and contact details of the person or unit from the Central Authority of the requesting State responsible for processing the application.
- (2) As appropriate, and to the extent known, the application shall in addition in particular include:
- (a) the financial circumstances of the creditor;
 - (b) the financial circumstances of the debtor, including the name and address of the employer of the debtor and the nature and location of the assets of the debtor;
 - (c) any other information that may assist with the location of the respondent.
- (3) The application shall be accompanied by any necessary supporting information or documentation including documentation concerning the entitlement of the applicant to free legal assistance. In the case of applications under Article 10(1)(a) and (2)(a), the application shall be accompanied only by the documents listed in Article 25.
- (4) An application under Article 10 may be made in the form recommended and published by the Hague Conference on Private International Law.

Article 12

Transmission, receipt and processing of applications and cases through Central Authorities

- (1) 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.
- (2) The Central Authority of the requesting State shall, when satisfied that the application complies with the requirements of the Convention, transmit the application on behalf of and with the consent of the applicant to the Central Authority of the requested State. The application shall be accompanied by the transmittal form set out in Annex 1. The Central Authority of the requesting State shall, when requested by the Central Authority of the requested State, provide a complete copy certified by the competent authority in the State of origin of any document specified under Articles 16(3), 25(1)(a), (b) and (d) and (3)(b) and 30(3).
- (3) The requested Central Authority shall, within 6 weeks from the date of receipt of the application, acknowledge

receipt in the form set out in Annex 2, and inform the Central Authority of the requesting State what initial steps have been or will be taken to deal with the application, and may request any further necessary documents and information. Within the same 6-week period, the requested Central Authority shall provide to the requesting Central Authority the name and contact details of the person or unit responsible for responding to inquiries regarding the progress of the application.

(4) Within 3 months after the acknowledgement, the requested Central Authority shall inform the requesting Central Authority of the status of the application.

(5) Requesting and requested Central Authorities shall keep each other informed of:

- (a) the person or unit responsible for a particular case;
- (b) the progress of the case;

and shall provide timely responses to enquiries.

(6) Central Authorities shall process a case as quickly as a proper consideration of the issues will allow.

(7) Central Authorities shall employ the most rapid and efficient means of communication at their disposal.

(8) A requested Central Authority may refuse to process an application only if it is manifest that the requirements of the Convention are not fulfilled. In such case, that Central Authority shall promptly inform the requesting Central Authority of its reasons for refusal.

(9) The requested Central Authority may not reject an application solely on the basis that additional documents or information are needed. However, the requested Central Authority may ask the requesting Central Authority to provide these additional documents or information. If the requesting Central Authority does not do so within 3 months or a longer period specified by the requested Central Authority, the requested Central Authority may decide that it will no longer process the application. In this case, it shall inform the requesting Central Authority of this decision.

Article 13

Means of communication

Any application made through Central Authorities of the Contracting States in accordance with this Chapter, and any document or information appended thereto or provided by a Central Authority, may not be challenged by the respondent by reason only of the medium or means of communication employed between the Central Authorities concerned.

Article 14

Effective access to procedures

- (1) The requested State shall provide applicants with effective access to procedures, including enforcement and appeal procedures, arising from applications under this Chapter.
- (2) To provide such effective access, the requested State shall provide free legal assistance in accordance with Articles 14 to 17 unless paragraph 3 applies.

(3) The requested State shall not be obliged to provide such free legal assistance if and to the extent that the procedures of that State enable the applicant to make the case without the need for such assistance, and the Central Authority provides such services as are necessary free of charge.

(4) Entitlements to free legal assistance shall not be less than those available in equivalent domestic cases.

(5) No security, bond or deposit, however described, shall be required to guarantee the payment of costs and expenses in proceedings under the Convention.

Article 15

Free legal assistance for child support applications

(1) 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.

(2) Notwithstanding paragraph 1, the requested State may, in relation to applications other than those under Article 10(1)(a) and (b) and the cases covered by Article 20(4), refuse free legal assistance if it considers that, on the merits, the application or any appeal is manifestly unfounded.

Article 16

Declaration to permit use of child-centred means test

(1) Notwithstanding Article 15(1), a State may declare, in accordance with Article 63, that it will provide free legal assistance in respect of applications other than under Article 10(1)(a) and (b) and the cases covered by Article 20(4), subject to a test based on an assessment of the means of the child.

(2) A State shall, at the time of making such a declaration, provide information to the Permanent Bureau of the Hague Conference on Private International Law concerning the manner in which the assessment of the child's means will be carried out, including the financial criteria which would need to be met to satisfy the test.

(3) An application referred to in paragraph 1, addressed to a State which has made the declaration referred to in that paragraph, shall include a formal attestation by the applicant stating that the child's means meet the criteria referred to in paragraph 2. The requested State may only request further evidence of the child's means if it has reasonable grounds to believe that the information provided by the applicant is inaccurate.

(4) If the most favourable legal assistance provided for by the law of the requested State in respect of applications under this Chapter concerning maintenance obligations arising from a parent-child relationship towards a child is more favourable than that provided for under paragraphs 1 to 3, the most favourable legal assistance shall be provided.

Article 17

Applications not qualifying under Article 15 or Article 16

In the case of all applications under this Convention other than those under Article 15 or Article 16:

- (a) the provision of free legal assistance may be made subject to a means or a merits test;
- (b) an applicant, who in the State of origin has benefited from free legal assistance, shall be entitled, in any proceedings for recognition or enforcement, to benefit, at least to the same extent, from free legal assistance as provided for by the law of the State addressed under the same circumstances.

CHAPTER IV

RESTRICTIONS ON BRINGING PROCEEDINGS

Article 18

Limit on proceedings

(1) Where a decision is made in a Contracting State where the creditor is habitually resident, proceedings to modify the decision or to make a new decision cannot be brought by the debtor in any other Contracting State as long as the creditor remains habitually resident in the State where the decision was made.

(2) Paragraph 1 shall not apply:

- (a) where, except in disputes relating to maintenance obligations in respect of children, there is agreement in writing between the parties to the jurisdiction of that other Contracting State;
- (b) where the creditor submits to the jurisdiction of that other Contracting State either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity;
- (c) where the competent authority in the State of origin cannot, or refuses to, exercise jurisdiction to modify the decision or make a new decision; or
- (d) where the decision made in the State of origin cannot be recognised or declared enforceable in the Contracting State where proceedings to modify the decision or make a new decision are contemplated.

CHAPTER V

RECOGNITION AND ENFORCEMENT

Article 19

Scope of the Chapter

(1) This Chapter shall apply to a decision rendered by a judicial or administrative authority in respect of a maintenance obligation. The term 'decision' also includes a settlement or agreement concluded before or approved by such an authority. A decision may include automatic adjustment by indexation and a requirement to pay arrears, retroactive maintenance or interest and a determination of costs or expenses.

(2) If a decision does not relate solely to a maintenance obligation, the effect of this Chapter is limited to the parts of the decision which concern maintenance obligations.

(3) For the purpose of paragraph 1, 'administrative authority' means a public body whose decisions, under the law of the State where it is established:

(a) may be made the subject of an appeal to or review by a judicial authority; and

(b) have a similar force and effect to a decision of a judicial authority on the same matter.

(4) This Chapter also applies to maintenance arrangements in accordance with Article 30.

(5) The provisions of this Chapter shall apply to a request for recognition and enforcement made directly to a competent authority of the State addressed in accordance with Article 37.

Article 20

Bases for recognition and enforcement

(1) A decision made in one Contracting State ('the State of origin') shall be recognised and enforced in other Contracting States if:

(a) the respondent was habitually resident in the State of origin at the time proceedings were instituted;

(b) the respondent has submitted to the jurisdiction either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity;

(c) the creditor was habitually resident in the State of origin at the time proceedings were instituted;

(d) the child for whom maintenance was ordered was habitually resident in the State of origin at the time proceedings were instituted, provided that the respondent has lived with the child in that State or has resided in that State and provided support for the child there;

(e) except in disputes relating to maintenance obligations in respect of children, there has been agreement to the jurisdiction in writing by the parties; or

(f) the decision was made by an authority exercising jurisdiction on a matter of personal status or parental responsibility, unless that jurisdiction was based solely on the nationality of one of the parties.

(2) A Contracting State may make a reservation, in accordance with Article 62, in respect of paragraph 1(c), (e) or (f).

(3) A Contracting State making a reservation under paragraph 2 shall recognise and enforce a decision if its law would in similar factual circumstances confer or would have conferred jurisdiction on its authorities to make such a decision.

(4) A Contracting State shall, if recognition of a decision is not possible as a result of a reservation under paragraph 2, and

if the debtor is habitually resident in that State, take all appropriate measures to establish a decision for the benefit of the creditor. The preceding sentence shall not apply to direct requests for recognition and enforcement under Article 19(5) or to claims for support referred to in Article 2(1)(b).

(5) A decision in favour of a child under the age of 18 years which cannot be recognised by virtue only of a reservation in respect of paragraph 1(c), (e) or (f) shall be accepted as establishing the eligibility of that child for maintenance in the State addressed.

(6) A decision shall be recognised only if it has effect in the State of origin, and shall be enforced only if it is enforceable in the State of origin.

Article 21

Severability and partial recognition and enforcement

(1) If the State addressed is unable to recognise or enforce the whole of the decision, it shall recognise or enforce any severable part of the decision which can be so recognised or enforced.

(2) Partial recognition or enforcement of a decision can always be applied for.

Article 22

Grounds for refusing recognition and enforcement

Recognition and enforcement of a decision may be refused if:

(a) recognition and enforcement of the decision is manifestly incompatible with the public policy ('*ordre public*') of the State addressed;

(b) the decision was obtained by fraud in connection with a matter of procedure;

(c) proceedings between the same parties and having the same purpose are pending before an authority of the State addressed and those proceedings were the first to be instituted;

(d) the decision is incompatible with a decision rendered between the same parties and having the same purpose, either in the State addressed or in another State, provided that this latter decision fulfils the conditions necessary for its recognition and enforcement in the State addressed;

(e) in a case where the respondent has neither appeared nor was represented in proceedings in the State of origin:

(i) when the law of the State of origin provides for notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard; or

(ii) when the law of the State of origin does not provide for notice of the proceedings, the respondent did not have proper notice of the decision and an opportunity to challenge or appeal it on fact and law; or

- (f) the decision was made in violation of Article 18.

Article 23

Procedure on an application for recognition and enforcement

(1) Subject to the provisions of the Convention, the procedures for recognition and enforcement shall be governed by the law of the State addressed.

(2) Where an application for recognition and enforcement of a decision has been made through Central Authorities in accordance with Chapter III, the requested Central Authority shall promptly either:

(a) refer the application to the competent authority which shall without delay declare the decision enforceable or register the decision for enforcement; or

(b) if it is the competent authority take such steps itself.

(3) Where the request is made directly to a competent authority in the State addressed in accordance with Article 19(5), that authority shall without delay declare the decision enforceable or register the decision for enforcement.

(4) A declaration or registration may be refused only on the ground set out in Article 22(a). At this stage neither the applicant nor the respondent is entitled to make any submissions.

(5) The applicant and the respondent shall be promptly notified of the declaration or registration, made under paragraphs 2 and 3, or the refusal thereof in accordance with paragraph 4, and may bring a challenge or appeal on fact and on a point of law.

(6) A challenge or an appeal is to be lodged within 30 days of notification under paragraph 5. If the contesting party is not resident in the Contracting State in which the declaration or registration was made or refused, the challenge or appeal shall be lodged within 60 days of notification.

(7) A challenge or appeal may be founded only on the following:

(a) the grounds for refusing recognition and enforcement set out in Article 22;

(b) the bases for recognition and enforcement under Article 20;

(c) the authenticity or integrity of any document transmitted in accordance with Article 25(1)(a), (b) or (d) or (3)(b).

(8) A challenge or an appeal by a respondent may also be founded on the fulfilment of the debt to the extent that the recognition and enforcement relates to payments that fell due in the past.

(9) The applicant and the respondent shall be promptly notified of the decision following the challenge or the appeal.

(10) A further appeal, if permitted by the law of the State addressed, shall not have the effect of staying the enforcement of the decision unless there are exceptional circumstances.

(11) In taking any decision on recognition and enforcement, including any appeal, the competent authority shall act expeditiously.

Article 24

Alternative procedure on an application for recognition and enforcement

(1) Notwithstanding Article 23(2) to (11), a State may declare, in accordance with Article 63, that it will apply the procedure for recognition and enforcement set out in this Article.

(2) Where an application for recognition and enforcement of a decision has been made through Central Authorities in accordance with Chapter III, the requested Central Authority shall promptly either:

(a) refer the application to the competent authority which shall decide on the application for recognition and enforcement; or

(b) if it is the competent authority, take such a decision itself.

(3) A decision on recognition and enforcement shall be given by the competent authority after the respondent has been duly and promptly notified of the proceedings and both parties have been given an adequate opportunity to be heard.

(4) The competent authority may review the grounds for refusing recognition and enforcement set out in Article 22(a), (c) and (d) of its own motion. It may review any grounds listed in Articles 20, 22 and 23(7)(c) if raised by the respondent or if concerns relating to those grounds arise from the face of the documents submitted in accordance with Article 25.

(5) A refusal of recognition and enforcement may also be founded on the fulfilment of the debt to the extent that the recognition and enforcement relates to payments that fell due in the past.

(6) Any appeal, if permitted by the law of the State addressed, shall not have the effect of staying the enforcement of the decision unless there are exceptional circumstances.

(7) In taking any decision on recognition and enforcement, including any appeal, the competent authority shall act expeditiously.

Article 25

Documents

(1) An application for recognition and enforcement under Article 23 or Article 24 shall be accompanied by the following:

(a) a complete text of the decision;

(b) a document stating that the decision is enforceable in the State of origin and, in the case of a decision by an administrative authority, a document stating that the requirements of Article 19(3) are met unless that State has specified in accordance with Article 57 that decisions of its administrative authorities always meet those requirements;

- (c) if the respondent did not appear and was not represented in the proceedings in the State of origin, a document or documents attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard, or that the respondent had proper notice of the decision and the opportunity to challenge or appeal it on fact and law;
 - (d) where necessary, a document showing the amount of any arrears and the date such amount was calculated;
 - (e) where necessary, in the case of a decision providing for automatic adjustment by indexation, a document providing the information necessary to make the appropriate calculations;
 - (f) where necessary, documentation showing the extent to which the applicant received free legal assistance in the State of origin.
- (2) Upon a challenge or appeal under Article 23(7)(c) or upon request by the competent authority in the State addressed, a complete copy of the document concerned, certified by the competent authority in the State of origin, shall be provided promptly:
- (a) by the Central Authority of the requesting State, where the application has been made in accordance with Chapter III;
 - (b) by the applicant, where the request has been made directly to a competent authority of the State addressed.
- (3) A Contracting State may specify in accordance with Article 57:
- (a) that a complete copy of the decision certified by the competent authority in the State of origin must accompany the application;
 - (b) circumstances in which it will accept, in lieu of a complete text of the decision, an abstract or extract of the decision drawn up by the competent authority of the State of origin, which may be made in the form recommended and published by the Hague Conference on Private International Law; or
 - (c) that it does not require a document stating that the requirements of Article 19(3) are met.

Article 26

Procedure on an application for recognition

This Chapter shall apply *mutatis mutandis* to an application for recognition of a decision, save that the requirement of enforceability is replaced by the requirement that the decision has effect in the State of origin.

Article 27

Findings of fact

Any competent authority of the State addressed shall be bound by the findings of fact on which the authority of the State of origin based its jurisdiction.

Article 28

No review of the merits

There shall be no review by any competent authority of the State addressed of the merits of a decision.

Article 29

Physical presence of the child or the applicant not required

The physical presence of the child or the applicant shall not be required in any proceedings in the State addressed under this Chapter.

Article 30

Maintenance arrangements

(1) A maintenance arrangement made in a Contracting State shall be entitled to recognition and enforcement as a decision under this Chapter provided that it is enforceable as a decision in the State of origin.

(2) For the purpose of Article 10(1)(a) and (b) and (2)(a), the term 'decision' includes a maintenance arrangement.

(3) An application for recognition and enforcement of a maintenance arrangement shall be accompanied by the following:

- (a) a complete text of the maintenance arrangement; and
 - (b) a document stating that the particular maintenance arrangement is enforceable as a decision in the State of origin.
- (4) Recognition and enforcement of a maintenance arrangement may be refused if:
- (a) the recognition and enforcement is manifestly incompatible with the public policy of the State addressed;
 - (b) the maintenance arrangement was obtained by fraud or falsification;
 - (c) the maintenance arrangement is incompatible with a decision rendered between the same parties and having the same purpose, either in the State addressed or in another State, provided that this latter decision fulfils the conditions necessary for its recognition and enforcement in the State addressed.

(5) The provisions of this Chapter, with the exception of Articles 20, 22, 23(7) and 25(1) and (3), shall apply *mutatis mutandis* to the recognition and enforcement of a maintenance arrangement save that:

- (a) a declaration or registration in accordance with Article 23(2) and (3) may be refused only on the ground set out in paragraph 4(a);
- (b) a challenge or appeal as referred to in Article 23(6) may be founded only on the following:
 - (i) the grounds for refusing recognition and enforcement set out in paragraph 4;

- (ii) the authenticity or integrity of any document transmitted in accordance with paragraph 3;
- (c) as regards the procedure under Article 24(4), the competent authority may review of its own motion the ground for refusing recognition and enforcement set out in paragraph 4(a) of this Article. It may review all grounds listed in paragraph 4 of this Article and the authenticity or integrity of any document transmitted in accordance with paragraph 3 if raised by the respondent or if concerns relating to those grounds arise from the face of those documents.
- (6) Proceedings for recognition and enforcement of a maintenance arrangement shall be suspended if a challenge concerning the arrangement is pending before a competent authority of a Contracting State.
- (7) A State may declare, in accordance with Article 63, that applications for recognition and enforcement of a maintenance arrangement shall only be made through Central Authorities.
- (8) A Contracting State may, in accordance with Article 62, reserve the right not to recognise and enforce a maintenance arrangement.

Article 31

Decisions produced by the combined effect of provisional and confirmation orders

Where a decision is produced by the combined effect of a provisional order made in one State and an order by an authority in another State ('the confirming State') confirming the provisional order:

- (a) each of those States shall be deemed for the purposes of this Chapter to be a State of origin;
- (b) the requirements of Article 22(e) shall be met if the respondent had proper notice of the proceedings in the confirming State and an opportunity to oppose the confirmation of the provisional order;
- (c) the requirement of Article 20(6) that a decision be enforceable in the State of origin shall be met if the decision is enforceable in the confirming State; and
- (d) Article 18 shall not prevent proceedings for the modification of the decision being commenced in either State.

CHAPTER VI

ENFORCEMENT BY THE STATE ADDRESSED

Article 32

Enforcement under internal law

- (1) Subject to the provisions of this Chapter, enforcement shall take place in accordance with the law of the State addressed.
- (2) Enforcement shall be prompt.
- (3) In the case of applications through Central Authorities, where a decision has been declared enforceable or registered for enforcement under Chapter V, enforcement shall proceed without the need for further action by the applicant.

(4) Effect shall be given to any rules applicable in the State of origin of the decision relating to the duration of the maintenance obligation.

(5) Any limitation on the period for which arrears may be enforced shall be determined either by the law of the State of origin of the decision or by the law of the State addressed, whichever provides for the longer limitation period.

Article 33

Non-discrimination

The State addressed shall provide at least the same range of enforcement methods for cases under the Convention as are available in domestic cases.

Article 34

Enforcement measures

- (1) Contracting States shall make available in internal law effective measures to enforce decisions under this Convention.
- (2) Such measures may include:
 - (a) wage withholding;
 - (b) garnishment from bank accounts and other sources;
 - (c) deductions from social security payments;
 - (d) lien on or forced sale of property;
 - (e) tax refund withholding;
 - (f) withholding or attachment of pension benefits;
 - (g) credit bureau reporting;
 - (h) denial, suspension or revocation of various licences (for example, driving licences);
 - (i) the use of mediation, conciliation or similar processes to bring about voluntary compliance.

Article 35

Transfer of funds

- (1) Contracting States are encouraged to promote, including by means of international agreements, the use of the most cost-effective and efficient methods available to transfer funds payable as maintenance.
- (2) A Contracting State, under whose law the transfer of funds is restricted, shall accord the highest priority to the transfer of funds payable under this Convention.

CHAPTER VII

PUBLIC BODIES

Article 36

Public bodies as applicants

- (1) For the purposes of applications for recognition and enforcement under Article 10(1)(a) and (b) and cases covered by Article 20(4), 'creditor' includes a public body acting in place

of an individual to whom maintenance is owed or one to which reimbursement is owed for benefits provided in place of maintenance.

(2) The right of a public body to act in place of an individual to whom maintenance is owed or to seek reimbursement of benefits provided to the creditor in place of maintenance shall be governed by the law to which the body is subject.

(3) A public body may seek recognition or claim enforcement of:

(a) a decision rendered against a debtor on the application of a public body which claims payment of benefits provided in place of maintenance;

(b) a decision rendered between a creditor and debtor to the extent of the benefits provided to the creditor in place of maintenance.

(4) The public body seeking recognition or claiming enforcement of a decision shall upon request furnish any document necessary to establish its right under paragraph 2 and that benefits have been provided to the creditor.

CHAPTER VIII

GENERAL PROVISIONS

Article 37

Direct requests to competent authorities

(1) The Convention shall not exclude the possibility of recourse to such procedures as may be available under the internal law of a Contracting State allowing a person (an applicant) to seise directly a competent authority of that State in a matter governed by the Convention including, subject to Article 18, for the purpose of having a maintenance decision established or modified.

(2) Articles 14(5) and 17(b) and the provisions of Chapters V, VI, VII and this Chapter, with the exception of Articles 40(2), 42, 43(3), 44(3), 45 and 55, shall apply in relation to a request for recognition and enforcement made directly to a competent authority in a Contracting State.

(3) For the purpose of paragraph 2, Article 2(1)(a) shall apply to a decision granting maintenance to a vulnerable person over the age specified in that subparagraph where such decision was rendered before the person reached that age and provided for maintenance beyond that age by reason of the impairment.

Article 38

Protection of personal data

Personal data gathered or transmitted under the Convention shall be used only for the purposes for which they were gathered or transmitted.

Article 39

Confidentiality

Any authority processing information shall ensure its confidentiality in accordance with the law of its State.

Article 40

Non-disclosure of information

(1) An authority shall not disclose or confirm information gathered or transmitted in application of this Convention if it determines that to do so could jeopardise the health, safety or liberty of a person.

(2) A determination to this effect made by one Central Authority shall be taken into account by another Central Authority, in particular in cases of family violence.

(3) Nothing in this Article shall impede the gathering and transmitting of information by and between authorities in so far as necessary to carry out the obligations under the Convention.

Article 41

No legalisation

No legalisation or similar formality may be required in the context of this Convention.

Article 42

Power of attorney

The Central Authority of the requested State may require a power of attorney from the applicant only if it acts on his or her behalf in judicial proceedings or before other authorities, or in order to designate a representative so to act.

Article 43

Recovery of costs

(1) Recovery of any costs incurred in the application of this Convention shall not take precedence over the recovery of maintenance.

(2) A State may recover costs from an unsuccessful party.

(3) For the purposes of an application under Article 10(1)(b) to recover costs from an unsuccessful party in accordance with paragraph 2, the term 'creditor' in Article 10(1) shall include a State.

(4) This Article shall be without prejudice to Article 8.

Article 44

Language requirements

(1) Any application and related documents shall be in the original language, and shall be accompanied by a translation into an official language of the requested State or another language which the requested State has indicated, by way of declaration in accordance with Article 63, it will accept, unless the competent authority of that State dispenses with translation.

(2) A Contracting State which has more than one official language and cannot, for reasons of internal law, accept for the whole of its territory documents in one of those languages shall, by declaration in accordance with Article 63, specify the language in which such documents or translations thereof shall be drawn up for submission in the specified parts of its territory.

(3) Unless otherwise agreed by the Central Authorities, any other communications between such Authorities shall be in an official language of the requested State or in either English or French. However, a Contracting State may, by making a reservation in accordance with Article 62, object to the use of either English or French.

Article 45

Means and costs of translation

(1) In the case of applications under Chapter III, the Central Authorities may agree in an individual case or generally that the translation into an official language of the requested State may be made in the requested State from the original language or from any other agreed language. If there is no agreement and it is not possible for the requesting Central Authority to comply with the requirements of Article 44(1) and (2), then the application and related documents may be transmitted with translation into English or French for further translation into an official language of the requested State.

(2) The cost of translation arising from the application of paragraph 1 shall be borne by the requesting State unless otherwise agreed by Central Authorities of the States concerned.

(3) Notwithstanding Article 8, the requesting Central Authority may charge an applicant for the costs of translation of an application and related documents, except in so far as those costs may be covered by its system of legal assistance.

Article 46

Non-unified legal systems — interpretation

(1) In relation to a State in which two or more systems of law or sets of rules of law with regard to any matter dealt with in this Convention apply in different territorial units:

- (a) any reference to the law or procedure of a State shall be construed as referring, where appropriate, to the law or procedure in force in the relevant territorial unit;
- (b) any reference to a decision established, recognised, recognised and enforced, enforced or modified in that State shall be construed as referring, where appropriate, to a decision established, recognised, recognised and enforced, enforced or modified in the relevant territorial unit;
- (c) any reference to a judicial or administrative authority in that State shall be construed as referring, where appropriate, to a judicial or administrative authority in the relevant territorial unit;
- (d) any reference to competent authorities, public bodies, and other bodies of that State, other than Central Authorities, shall be construed as referring, where appropriate, to those authorised to act in the relevant territorial unit;

(e) any reference to residence or habitual residence in that State shall be construed as referring, where appropriate, to residence or habitual residence in the relevant territorial unit;

(f) any reference to location of assets in that State shall be construed as referring, where appropriate, to the location of assets in the relevant territorial unit;

(g) any reference to a reciprocity arrangement in force in a State shall be construed as referring, where appropriate, to a reciprocity arrangement in force in the relevant territorial unit;

(h) any reference to free legal assistance in that State shall be construed as referring, where appropriate, to free legal assistance in the relevant territorial unit;

(i) any reference to a maintenance arrangement made in a State shall be construed as referring, where appropriate, to a maintenance arrangement made in the relevant territorial unit;

(j) any reference to recovery of costs by a State shall be construed as referring, where appropriate, to the recovery of costs by the relevant territorial unit.

(2) This Article shall not apply to a Regional Economic Integration Organisation.

Article 47

Non-unified legal systems — substantive rules

(1) A Contracting State with two or more territorial units in which different systems of law apply shall not be bound to apply this Convention to situations which involve solely such different territorial units.

(2) A competent authority in a territorial unit of a Contracting State with two or more territorial units in which different systems of law apply shall not be bound to recognise or enforce a decision from another Contracting State solely because the decision has been recognised or enforced in another territorial unit of the same Contracting State under this Convention.

(3) This Article shall not apply to a Regional Economic Integration Organisation.

Article 48

Coordination with prior Hague Maintenance Conventions

In relations between the Contracting States, this Convention replaces, subject to Article 56(2), the Hague Convention of 2 October 1973 on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations and the Hague Convention of 15 April 1958 concerning the recognition and enforcement of decisions relating to maintenance obligations towards children in so far as their scope of application as between such States coincides with the scope of application of this Convention.

*Article 49***Coordination with the 1956 New York Convention**

In relations between the Contracting States, this Convention replaces the United Nations Convention on the Recovery Abroad of Maintenance of 20 June 1956, in so far as its scope of application as between such States coincides with the scope of application of this Convention.

*Article 50***Relationship with prior Hague Conventions on service of documents and taking of evidence**

This Convention does not affect the Hague Convention of 1 March 1954 on civil procedure, the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters and the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters.

*Article 51***Coordination of instruments and supplementary agreements**

(1) This Convention does not affect any international instrument concluded before this Convention to which Contracting States are Parties and which contains provisions on matters governed by this Convention.

(2) Any Contracting State may conclude with one or more Contracting States agreements, which contain provisions on matters governed by the Convention, with a view to improving the application of the Convention between or among themselves, provided that such agreements are consistent with the objects and purpose of the Convention and do not affect, in the relationship of such States with other Contracting States, the application of the provisions of the Convention. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention.

(3) Paragraphs 1 and 2 shall also apply to reciprocity arrangements and to uniform laws based on special ties between the States concerned.

(4) This Convention shall not affect the application of instruments of a Regional Economic Integration Organisation that is a Party to this Convention, adopted after the conclusion of the Convention, on matters governed by the Convention provided that such instruments do not affect, in the relationship of Member States of the Regional Economic Integration Organisation with other Contracting States, the application of the provisions of the Convention. As concerns the recognition or enforcement of decisions as between Member States of the Regional Economic Integration Organisation, the Convention shall not affect the rules of the Regional Economic Integration Organisation, whether adopted before or after the conclusion of the Convention.

*Article 52***Most effective rule**

(1) This Convention shall not prevent the application of an agreement, arrangement or international instrument in force

between the requesting State and the requested State, or a reciprocity arrangement in force in the requested State that provides for:

- (a) broader bases for recognition of maintenance decisions, without prejudice to Article 22(f) of the Convention;
- (b) simplified, more expeditious procedures on an application for recognition or recognition and enforcement of maintenance decisions;
- (c) more beneficial legal assistance than that provided for under Articles 14 to 17; or
- (d) procedures permitting an applicant from a requesting State to make a request directly to the Central Authority of the requested State.

(2) This Convention shall not prevent the application of a law in force in the requested State that provides for more effective rules as referred to in paragraph 1(a) to (c). However, as regards simplified, more expeditious procedures referred to in paragraph 1(b), they must be compatible with the protection offered to the parties under Articles 23 and 24, in particular as regards the rights of the parties to be duly notified of the proceedings and be given adequate opportunity to be heard and as regards the effects of any challenge or appeal.

*Article 53***Uniform interpretation**

In the interpretation of this Convention, regard shall be had to its international character and to the need to promote uniformity in its application.

*Article 54***Review of practical operation of the Convention**

(1) The Secretary General of the Hague Conference on Private International Law shall at regular intervals convene a Special Commission in order to review the practical operation of the Convention and to encourage the development of good practices under the Convention.

(2) For the purpose of such review, Contracting States shall cooperate with the Permanent Bureau of the Hague Conference on Private International Law in the gathering of information, including statistics and case law, concerning the practical operation of the Convention.

*Article 55***Amendment of forms**

(1) The forms annexed to this Convention may be amended by a decision of a Special Commission convened by the Secretary General of the Hague Conference on Private International Law to which all Contracting States and all Members shall be invited. Notice of the proposal to amend the forms shall be included in the agenda for the meeting.

(2) Amendments adopted by the Contracting States present at the Special Commission shall come into force for all Contracting States on the first day of the seventh calendar month after the date of their communication by the depositary to all Contracting States.

(3) During the period provided for in paragraph 2 any Contracting State may by notification in writing to the depositary make a reservation, in accordance with Article 62, with respect to the amendment. The State making such reservation shall, until the reservation is withdrawn, be treated as a State not Party to the present Convention with respect to that amendment.

Article 56

Transitional provisions

(1) The Convention shall apply in every case where:

(a) a request pursuant to Article 7 or an application pursuant to Chapter III has been received by the Central Authority of the requested State after the Convention has entered into force between the requesting State and the requested State;

(b) a direct request for recognition and enforcement has been received by the competent authority of the State addressed after the Convention has entered into force between the State of origin and the State addressed.

(2) With regard to the recognition and enforcement of decisions between Contracting States to this Convention that are also Parties to either of the Hague Maintenance Conventions mentioned in Article 48, if the conditions for the recognition and enforcement under this Convention prevent the recognition and enforcement of a decision given in the State of origin before the entry into force of this Convention for that State, that would otherwise have been recognised and enforced under the terms of the Convention that was in effect at the time the decision was rendered, the conditions of that Convention shall apply.

(3) The State addressed shall not be bound under this Convention to enforce a decision or a maintenance arrangement, in respect of payments falling due prior to the entry into force of the Convention between the State of origin and the State addressed, except for maintenance obligations arising from a parent-child relationship towards a person under the age of 21 years.

Article 57

Provision of information concerning laws, procedures and services

(1) A Contracting State, by the time its instrument of ratification or accession is deposited or a declaration is submitted in accordance with Article 61 of the Convention, shall provide the Permanent Bureau of the Hague Conference on Private International Law with:

(a) a description of its laws and procedures concerning maintenance obligations;

(b) a description of the measures it will take to meet the obligations under Article 6;

(c) a description of how it will provide applicants with effective access to procedures, as required under Article 14;

(d) a description of its enforcement rules and procedures, including any limitations on enforcement, in particular debtor protection rules and limitation periods;

(e) any specification referred to in Article 25(1)(b) and (3).

(2) Contracting States may, in fulfilling their obligations under paragraph 1, utilise a country profile form recommended and published by the Hague Conference on Private International Law.

(3) Information shall be kept up to date by the Contracting States.

CHAPTER IX

FINAL PROVISIONS

Article 58

Signature, ratification and accession

(1) The Convention shall be open for signature by the States which were Members of the Hague Conference on Private International Law at the time of its Twenty-First Session and by the other States which participated in that Session.

(2) It shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, depositary of the Convention.

(3) Any other State or Regional Economic Integration Organisation may accede to the Convention after it has entered into force in accordance with Article 60(1).

(4) The instrument of accession shall be deposited with the depositary.

(5) Such accession shall have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the 12 months after the date of the notification referred to in Article 65. Such an objection may also be raised by States at the time when they ratify, accept or approve the Convention after an accession. Any such objection shall be notified to the depositary.

Article 59

Regional Economic Integration Organisations

(1) A Regional Economic Integration Organisation which is constituted solely by sovereign States and has competence over some or all of the matters governed by this Convention may similarly sign, accept, approve or accede to this Convention. The Regional Economic Integration Organisation shall in that case have the rights and obligations of a Contracting State, to the extent that the Organisation has competence over matters governed by the Convention.

(2) The Regional Economic Integration Organisation shall, at the time of signature, acceptance, approval or accession, notify the depositary in writing of the matters governed by this Convention in respect of which competence has been transferred to that Organisation by its Member States. The Organisation shall promptly notify the depositary in writing of any changes to its competence as specified in the most recent notice given under this paragraph.

(3) At the time of signature, acceptance, approval or accession, a Regional Economic Integration Organisation may declare in accordance with Article 63 that it exercises competence over all the matters governed by this Convention and that the Member States which have transferred competence to the Regional Economic Integration Organisation in respect of the matter in question shall be bound by this Convention by virtue of the signature, acceptance, approval or accession of the Organisation.

(4) For the purposes of the entry into force of this Convention, any instrument deposited by a Regional Economic Integration Organisation shall not be counted unless the Regional Economic Integration Organisation makes a declaration in accordance with paragraph 3.

(5) Any reference to a 'Contracting State' or 'State' in this Convention shall apply equally to a Regional Economic Integration Organisation that is a Party to it, where appropriate. In the event that a declaration is made by a Regional Economic Integration Organisation in accordance with paragraph 3, any reference to a 'Contracting State' or 'State' in this Convention shall apply equally to the relevant Member States of the Organisation, where appropriate.

Article 60

Entry into force

(1) The Convention shall enter into force on the first day of the month following the expiration of 3 months after the deposit of the second instrument of ratification, acceptance or approval referred to in Article 58.

(2) Thereafter the Convention shall enter into force:

- (a) for each State or Regional Economic Integration Organisation referred to in Article 59(1) subsequently ratifying, accepting or approving it, on the first day of the month following the expiration of 3 months after the deposit of its instrument of ratification, acceptance or approval;
- (b) for each State or Regional Economic Integration Organisation referred to in Article 58(3) on the day after the end of the period during which objections may be raised in accordance with Article 58(5);
- (c) for a territorial unit to which the Convention has been extended in accordance with Article 61, on the first day of the month following the expiration of 3 months after the notification referred to in that Article.

Article 61

Declarations with respect to non-unified legal systems

(1) If a State has two or more territorial units in which different systems of law are applicable in relation to matters dealt with in the Convention, it may at the time of signature, ratification, acceptance, approval or accession declare in accordance with Article 63 that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

(2) Any such declaration shall be notified to the depositary and shall state expressly the territorial units to which the Convention applies.

(3) If a State makes no declaration under this Article, the Convention shall extend to all territorial units of that State.

(4) This Article shall not apply to a Regional Economic Integration Organisation.

Article 62

Reservations

(1) Any Contracting State may, not later than the time of ratification, acceptance, approval or accession, or at the time of making a declaration in terms of Article 61, make one or more of the reservations provided for in Articles 2(2), 20(2), 30(8), 44(3) and 55(3). No other reservation shall be permitted.

(2) Any State may at any time withdraw a reservation it has made. The withdrawal shall be notified to the depositary.

(3) The reservation shall cease to have effect on the first day of the third calendar month after the notification referred to in paragraph 2.

(4) Reservations under this Article shall have no reciprocal effect with the exception of the reservation provided for in Article 2(2).

Article 63

Declarations

(1) Declarations referred to in Articles 2(3), 11(1)(g), 16(1), 24(1), 30(7), 44(1) and (2), 59(3) and 61(1), may be made upon signature, ratification, acceptance, approval or accession or at any time thereafter, and may be modified or withdrawn at any time.

(2) Declarations, modifications and withdrawals shall be notified to the depositary.

(3) A declaration made at the time of signature, ratification, acceptance, approval or accession shall take effect simultaneously with the entry into force of this Convention for the State concerned.

(4) A declaration made at a subsequent time, and any modification or withdrawal of a declaration, shall take effect on the first day of the month following the expiration of 3 months after the date on which the notification is received by the depositary.

*Article 64***Denunciation**

(1) A Contracting State to the Convention may denounce it by a notification in writing addressed to the depositary. The denunciation may be limited to certain territorial units of a multi-unit State to which the Convention applies.

(2) The denunciation shall take effect on the first day of the month following the expiration of 12 months after the date on which the notification is received by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation shall take effect upon the expiration of such longer period after the date on which the notification is received by the depositary.

*Article 65***Notification**

The depositary shall notify the Members of the Hague Conference on Private International Law, and other States and Regional Economic Integration Organisations which have signed, ratified, accepted, approved or acceded in accordance with Articles 58 and 59 of the following:

- (a) the signatures, ratifications, acceptances and approvals referred to in Articles 58 and 59;
- (b) the accessions and objections raised to accessions referred to in Articles 58(3) and (5) and 59;

(c) the date on which the Convention enters into force in accordance with Article 60;

(d) the declarations referred to in Articles 2(3), 11(1) g), 16(1), 24(1), 30(7), 44(1) and (2), 59(3) and 61(1);

(e) the agreements referred to in Article 51(2);

(f) the reservations referred to in Articles 2(2), 20(2), 30(8), 44(3) and 55(3), and the withdrawals referred to in Article 62(2);

(g) the denunciations referred to in Article 64.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at The Hague, on the twenty-third day of November in the year two thousand and seven, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the Members of the Hague Conference on Private International Law at the date of its Twenty-First Session and to each of the other States which have participated in that Session.

ANNEX I

Transmittal form under Article 12(2)

CONFIDENTIALITY AND PERSONAL DATA PROTECTION NOTICE

Personal data gathered or transmitted under the Convention shall be used only for the purposes for which it was gathered or transmitted. Any authority processing such data shall ensure its confidentiality, in accordance with the law of its State.

An authority shall not disclose or confirm information gathered or transmitted in application of this Convention if it determines that to do so could jeopardise the health, safety or liberty of a person in accordance with Article 40.

☐ A determination of non-disclosure has been made by a Central Authority in accordance with Article 40.

1. Requesting Central Authority

- (a) Address
- (b) Telephone number
- (c) Fax number
- (d) E-mail
- (e) Reference number

2. Contact person in requesting State

- (a) Address (if different)
- (b) Telephone number (if different)
- (c) Fax number (if different)
- (d) E-mail (if different)
- (e) Language(s)

3. Requested Central Authority

Address

4. Particulars of the applicant

- (a) Family name(s)
- (b) Given name(s)
- (c) Date of birth (dd/mm/yyyy)

or

- (a) Name of the public body

5. Particulars of the person(s) for whom maintenance is sought or payable

- (a) ☐ The person is the same as the applicant named in point 4
- (b) (i) Family name(s):
- Given name(s):
- Date of birth: (dd/mm/yyyy)
- (ii) Family name(s):
- Given name(s):
- Date of birth: (dd/mm/yyyy)
- (iii) Family name(s):
- Given name(s):
- Date of birth: (dd/mm/yyyy)

6. Particulars of the debtor ⁽¹⁾

- (a) ☐ The person is the same as the applicant named in point 4

⁽¹⁾ According to Article 3 of the Convention ‘“debtor” means an individual who owes or who is alleged to owe maintenance’.

(b) Family name(s):

(c) Given name(s):

(d) Date of birth:(dd/mm/yyyy)

7. This transmittal form concerns and is accompanied by an application under:

☐ Article 10(1)(a)

☐ Article 10(1)(b)

☐ Article 10(1)(c)

☐ Article 10(1)(d)

☐ Article 10(1)(e)

☐ Article 10(1)(f)

☐ Article 10(2)(a)

☐ Article 10(2)(b)

☐ Article 10(2)(c)

8. The following documents are appended to the application:

(a) For the purpose of an application under Article 10(1)(a) and:

in accordance with Article 25:

☐ Complete text of the decision (Article 25(1)(a))

☐ Abstract or extract of the decision drawn up by the competent authority of the State of origin (Article 25(3)(b)) (if applicable)

☐ Document stating that the decision is enforceable in the State of origin and, in the case of a decision by an administrative authority, a document stating that the requirements of Article 19(3) are met unless that State has specified in accordance with Article 57 that decisions of its administrative authorities always meet those requirements (Article 25(1)(b)) or if Article 25(3)(c) is applicable

☐ If the respondent did not appear and was not represented in the proceedings in the State of origin, a document or documents attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard, or that the respondent had proper notice of the decision and the opportunity to challenge or appeal it on fact and law (Article 25(1)(c))

☐ Where necessary, a document showing the amount of any arrears and the date such amount was calculated (Article 25(1)(d))

☐ Where necessary, a document providing the information necessary to make appropriate calculations in case of a decision providing for automatic adjustment by indexation (Article 25(1)(e))

☐ Where necessary, documentation showing the extent to which the applicant received free legal assistance in the State of origin (Article 25(1)(f))

in accordance with Article 30(3):

☐ Complete text of the maintenance arrangement (Article 30(3)(a))

☐ A document stating that the particular maintenance arrangement is enforceable as a decision in the State of origin (Article 30(3)(b))

☐ Any other documents accompanying the application (e.g. if required, a document for the purpose of Article 36(4)):

.....

(b) For the purpose of an application under Article 10(1)(b), (c), (d), (e), (f) and (2)(a), (b) or (c), the following number of supporting documents (excluding the transmittal form and the application itself) in accordance with Article 11(3):

☐ Article 10(1)(b)

- ☐ Article 10(1)(c)
- ☐ Article 10(1)(d)
- ☐ Article 10(1)(e)
- ☐ Article 10(1)(f)
- ☐ Article 10(2)(a)
- ☐ Article 10(2)(b)
- ☐ Article 10(2)(c)

Name: (in block letters)

Date: (dd/mm/yyyy)

Authorised representative of the Central Authority

ANNEX II

Acknowledgement form under Article 12(3)

CONFIDENTIALITY AND PERSONAL DATA PROTECTION NOTICE

Personal data gathered or transmitted under the Convention shall be used only for the purposes for which it was gathered or transmitted. Any authority processing such data shall ensure its confidentiality, in accordance with the law of its State.

An authority shall not disclose or confirm information gathered or transmitted in application of this Convention if it determines that to do so could jeopardise the health, safety or liberty of a person in accordance with Article 40.

☐ A determination of non-disclosure has been made by a Central Authority in accordance with Article 40.

1. Requested Central Authority

(a) Address

(b) Telephone number

(c) Fax number

(d) E-mail

(e) Reference number

2. Contact person in requested State

(a) Address (if different)

(b) Telephone number (if different)

(c) Fax number (if different)

(d) E-mail (if different)

(e) Language(s)

3. Requesting Central Authority

Contact person

Address

.....

4. The requested Central Authority acknowledges receipt on (dd/mm/yyyy) of the transmittal form from the requesting Central Authority (reference number; dated (dd/mm/yyyy)) concerning the following application under:

☐ Article 10(1)(a)

☐ Article 10(1)(b)

☐ Article 10(1)(c)

☐ Article 10(1)(d)

☐ Article 10(1)(e)

☐ Article 10(1)(f)

☐ Article 10(2)(a)

☐ Article 10(2)(b)

☐ Article 10(2)(c)

Family name(s) of applicant:

Family name(s) of the person(s) for whom maintenance is sought or payable:

.....

Family name(s) of debtor:

5. Initial steps taken by the requested Central Authority:

☐ The file is complete and is under consideration

☐ See attached status of application report

☐ Status of application report will follow

☐ Please provide the following additional information and/or documentation:

.....

.....

☐ The requested Central Authority refuses to process this application as it is manifest that the requirements of the Convention are not fulfilled (Article 12(8)). The reasons:

☐ are set out in an attached document

☐ will be set out in a document to follow

The requested Central Authority requests that the requesting Central Authority inform it of any change in the status of the application.

Name: (in block letters)

Date: (dd/mm/yyyy)

Authorised representative of the Central Authority

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