

New signatory States to the HCCH Child Support Convention and the HCCH Service Convention

In November 2019, there were a couple of new signatory States to the HCCH Conventions. New Zealand signed the HCCH Child Support Convention and Austria did the same with respect to the HCCH Service Convention.

These HCCH Conventions are not yet in force for New Zealand and Austria as both States would need to ratify them pursuant to the relevant articles under each Convention. Nevertheless, by signing the Conventions both States have acquired the “obligation not to defeat the object and purpose of a treaty prior to its entry into force” in accordance with Article 18 of the Vienna Convention on the Law of Treaties.

With regard to Austria, and given the external competence of the European Union in these matters, it is important to note that the signature was made pursuant to the *Council Decision (EU) 2016/414 of 10 March 2016 authorising the Republic of Austria to sign and ratify, and Malta to accede to, the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in the interest of the European Union*. Interestingly, this decision requires that the ratification of the Service Convention be made by 31 December 2017 at the latest. I am unaware of any updates with respect to this decision.

The HCCH news items are available here (New Zealand) and here (Austria).