

Mutual recognition of protection measures in civil matters

2011/0130(COD) - 12/06/2013 - Final act

PURPOSE : to establish rules for a simple and rapid mechanism for the recognition of protection measures ordered in a Member State in civil matters

LEGISLATIVE ACT : Regulation (EU) No 606/2013 of the European Parliament and of the Council on mutual recognition of protection measures in civil matters.

CONTENT : the Regulation establishes rules for a simple and rapid mechanism for the recognition of protection measures ordered in a Member State in civil matters.

It shall apply to **cross-border cases** where a protection measure needs to be recognised in a Member State other than the Member State of origin. It does not concern protection measures in criminal matters.

Recognition and enforcement of protection measures: the Regulation states that a protection measure ordered in one Member State must be recognised in all other Member States without any special procedure being required and will be enforceable without a declaration of enforceability being required.

The Regulation will apply to protection measures ordered with a view to protecting a person when there exist serious grounds for considering that that person's life, physical or psychological integrity, personal liberty, security or sexual integrity is at risk. For example, it will apply to prevent any form of gender-based violence and violence in close relationships, such as physical violence, harassment, sexual aggression, stalking, intimidation or other forms of indirect coercion.

Recognition will cover the duration of a protection measure. Irrespective of whether the protection measure has a longer duration, the effects of recognition shall be **limited to a period of 12 months**, starting from the date of the issuing of the certificate.

Certificate: in order to facilitate the free movement of protection measures within the Union, the Regulation introduces a uniform model of certificate and provides for the establishment of a multilingual standard form for that purpose. The issuing of the certificate will not be subject to appeal.

The certificate shall contain all information necessary for enforcement of the protection measure, including, where applicable, the type of the measure and the obligation imposed by it on the person causing the risk and specifying the function of the place and/or the circumscribed area which that person is prohibited from approaching or entering.

The certificate may only be issued if the protection measure has been brought to the notice of the person causing the risk in accordance with the law of the Member State of origin.

The place of residence and the contact details of the person protected must not be communicated to the person causing the risk, unless their disclosure is necessary for compliance with, or the enforcement of, the protection measure.

The certificate may be rectified or withdrawn under certain circumstances.

Adjustment of the protection measure: the competent authority in the Member State addressed should be allowed to adjust the factual elements of the protection measure where such adjustment is necessary in order for the recognition of the protection measure to be effective in practical terms in the Member State addressed.

An appeal against the adjustment of the protection measure may be lodged by the protected person or the person causing the risk.

Refusal of recognition or enforcement: upon application by the person causing the risk, the recognition and, where applicable, the enforcement of the protection measure shall be refused, to the extent such recognition is: (a) manifestly contrary to public policy in the Member State addressed; or (b) irreconcilable with a judgment given or recognised in the Member State addressed.

Information made available to the public: Member States shall provide, within the framework of the European Judicial Network in civil and commercial matters established by Decision 2001/470/EC a description of the national rules and procedures concerning protection measures in civil matters, including information on the type of authorities which are competent in the matters falling within the scope of the Regulation.

Review: by 11 January 2020, the Commission shall submit a report on the application of the Regulation, accompanied by proposals for amendments if necessary.

ENTRY INTO FORCE : 19/07/2013.

APPLICATION : the Regulation shall apply to protection measures **ordered on or after 11 January 2015**, irrespective of when proceedings have been instituted. The United Kingdom and Ireland have decided to take part in the application and the adoption of this instrument.

Denmark will not be bound by it or subject to its application.