Enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions on property regimes of international couples, covering both matters of matrimonial property regimes and property consequences of registered partnerships

2016/0061(NLE) - 28/04/2016 - Legislative proposal

PURPOSE: to authorise enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions on the property regimes of international couples, covering both matters of matrimonial property regimes and the property consequences of registered partnerships.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: on 16 March 2011, the Commission adopted a proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes, and a proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships.

Given that it was impossible to reach an agreement within a reasonable period by the Union as a whole for the adoption of the regulations, **18 Member States indicated that they wished to establish enhanced cooperation**: Belgium, Bulgaria, the Czech Republic, Germany, Greece, Spain, France, Croatia, Italy, Cyprus, Luxembourg, Malta, the Netherlands, Austria, Portugal, Slovenia, Finland and Sweden.

CONTENT: the draft Council Decision seeks to **authorise enhanced cooperation between 18 requesting Member States** in the area of jurisdiction, applicable law and the recognition and enforcement of decisions on the property regimes of international couples, covering both matters of matrimonial property regimes and the property consequences of registered partnerships.

Enhanced cooperation aims to **develop judicial cooperation in civil matters having cross-border implications** based on the principle of mutual recognition of judgments, and to ensure the compatibility of the rules applicable in the Member States concerning conflict of laws.

Enhanced cooperation should provide a **clear and comprehensive legal framework** in the area of the property regimes of international couples, covering both matrimonial property regimes and the property consequences of registered partnerships, in the participating Member States, ensure adequate solutions for citizens in terms of legal certainty, predictability and flexibility, and facilitate the circulation of decisions and authentic instruments between the participating Member States.

For further details, please refer to the summary of the Commission's initial legislative proposal from 2.3.2016.