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) - 09/06/2016 - Final act

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.

NON-LEGISLATIVE ACT: Council Decision (EU) 2016/954 authorising 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.

CONTENT: the Council Decision authorises **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: Belgium, Bulgaria, Czech Republic, Germany, Greece, Spain, France , Croatia, Italy, Cyprus, Luxembourg, Malta, the Netherlands, Austria, Portugal, Slovenia, Finland and Sweden.

To recall, 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 concluded that it would not be possible to reach an agreement within a reasonable period by the Union as a whole for the adoption of the regulations, the 18 Member States requested enhanced cooperation.

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;
- facilitate the circulation of decisions and authentic instruments between the participating Member States.

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. It respects: (i) the Treaties and

Union law in this area; (ii) the competences, rights and obligations of those Member States that do not participate in it; (iii) principles enshrined in the Charter of Fundamental Rights of the European Union.

Enhanced cooperation shall be **open, at any time**, to all Member States, in accordance with Article 328 TFEU.

ENTRY INTO FORCE: 9.6.2016.