Civil judicial cooperation: judgments in matrimonial matters and parental responsability, Brussels II Convention

1999/0110(CNS) - 29/05/2000 - Final act

PURPOSE : to improve and speed up the recognition of judgements in relation to the dissolution of the marriage link and in matters of parental responsibility for joint children, with a view to ensuring the sound operation of the internal market. COMMUNITY MEASURE : Council Regulation 1347/2000/EC on jurisdiction and the recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility for children of both spouses. CONTENT : the Council adopted the "Brussels II" Regulation which defines both the rules of jurisdiction and the rules on recognition and enforcement judgements in matrimonial matters. The rules will apply to civil proceedings relating to divorce, legal separation or marriage annulment and to civil proceedings relating to parental responsibility for the children of both spouses. The Regulation makes it possible to determine with which court jurisdiction lies in matters relating to divorce, legal separation or marriage annulment. Such jurisdiction is founded on the habitual residence of both spouces, the habitual residence of one of the spouses - on the conditions specified in the Regulation - or on the common nationality in the other Member States. When the Court in one Member State has handed down a judgement in one of the actions covered by this Regulation, that judgement (e.g. the divorce judgement) will be recognised in other Member States, without the need for any further procedure. Thus, if the judgement is final within the meaning of the Regulation, no special procedures are required in order to update the civil-status records in another Member State. In a limited number of of cases specified in the Regulation any interested party may apply for the judgement not to be recognised. This Regulation also applies to the United Kingdom and Ireland as they wish to take part in its adoption on the basis of their protocol to the Amsterdam Treaty. In accordance with its Protocol, Denmark will not participate. It has, however, indicated that it wishes to apply the same provisions as those laid down in the Regulation on the basis of an agreement to be concluded between it and the Community. ENTRY INTO FORCE : 01/03/2001. ENTRY INTO FORCE :