Judicial cooperation: rights of access to children, mutual enforcement of judgments. Initiative France

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The Council held an in-depth discussion on questions of mutual enforcement as regards rights of access to children. The draft under consideration provides for a Regulation which excludes any checks by the courts in the requested State, in the case of judgments on the exercise of rights of access to the children of divorced or separated parents. During the debate, some delegations asked that the scope of the draft should be widened to cover all children for whom rights of access are exercised. At the end of this policy debate, the Council noted the Presidency's intention to present a new draft Regulation on the subject in the light of the positions taken by the delegations. It also outlined the strong feeling that the Council's deliberations should cover, simultaneously and in parallel: · the French initiative, which would be limited to judgments concerning the joint children of the spouses handed down at the time of divorce or separation in accordance with the Brussels II Regulation; · work on drawing up an instrument to cover all the children for whom rights of access exist and who are not covered by the instrument proposed by France.