Civil judicial cooperation: parental responsibility, recognition and enforcement of judgments

2001/0204(CNS) - 27/03/2001 - Document attached to the procedure

This working document aims at structuring further discussion in view of presenting a Commission proposal for a regulation on parental responsibility. The Commission is fully conscious of the need accelerate work in this direction, which was considered by Justice and Home Affairs Council of 30 November 2000 as a prerequisite for the French initiative on rights of access. In the light of the Council's mandate for the equal treatment of children, the Commission considers that the scope of the Brussels II Regulation should now be extended to encompass all decisions on parental responsibility. As regards jurisidiction, this working document opens the debate as to whether a simple rules based on the child's habitual residence would be adequate for this purpose. This work is situated in the framework of the programme of mutual recognition, whose final objecive is the abolition of the exequatur in the civil and commercial law area. The extension of the scope of the Brussels II Regulation figures in the first stage of measures in the family area, together with the abolition of the exequatur in limited fields currently under way (the other targeting the area of uncontested claims in the commercial ("Brussels I") law area as dicussed in the informal Justice and Home Affairs Council meeting on 8 February 2001). However laudable the objective of abolishing exequatur within the Community, issues of parental responsibility often transcend the boundaries of the EC and solutions must therefore be sought at international level. The issue of a possible Community accession to the 1996 Hague Convention on parental responsibility must be addressed in parallel to elaborating Community legislation. To the same end, a dialogue with countries which do not participate in the Hague framework must be sought in other regional fora, for instance as part of the Barcelona process with our Mediterranean partners. A coherent Community framework within the EU can only move this international dialogue forward.