Matrimonial matters: jurisdiction, recognition and enforcement of judgements. Convention and Protocol

1997/0918(CNS) - 16/04/1998

The Committee adopted, subject to a number of amendments, the draft convention on competences, recognition and implementation in respect of judgments in matrimonial matters (consultation procedure under Article K.6, second paragraph, of the TEU, third pillar). The rapporteur, Mr VERDE I ALDEA (PES, E), stressed that this convention must enshrine the principle of non-discrimination on grounds of nationality.The convention is to apply to civil proceedings relating to divorce, legal separation and annulment, as well as to civil proceedings relating to parental responsibility in respect of the children of the marriage arising from any of the above.The committee adopted amendments specifying that parental responsibility includes custody of children and visiting rights, and that where a Member State is obliged to recognize a divorce under the convention it may not debar either of the former spouses from remarrying on the grounds that the divorce is not recognized by the national law of a non-EU country.The committee also introduced a specification concerning language: legal authorities should be flexible on the matter of the translation of documents, and should issue their decisions in the language of the Member State in which they are located.