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

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The committee adopted the report by Mary BANOTTI (EPP-ED, IRL) amending the initiative under the consultation procedure. While broadly welcoming the draft regulation, the rapporteur drew attention to various limitations. She was concerned, for example, that the text should specify that the right of access should be for not less than a day, arguing that access should not be limited to a brief meeting. The committee also suggested that the regulation should establish an actual deadline (four days) for the prompt return of a child and provide for sanctions to be attached to the order requiring the return of the child. Although the regulation did not seek to harmonise the enforcement procedures applicable in the different Member States, the committee felt that it was essential to ensure that the procedures were applied in a non-discriminatory manner between EU nationals and that enforceability provided simple, rapid and effective access. It also introduced a provision whereby only children aged 12 years or over could be questioned in court proceedings. In order to avoid delays, it wanted Member States to ensure that regional or lower level courts did not prevent the full enforcement of the rights of access or the prompt return of a child as ordered by the competent authorities. The committee particularly regretted the fact that the scope of the proposed regulation was limited to judgments falling within the scope of the Brussels II Regulation (on parental responsibility for children of both spouses) and that only judgments made in the context of a divorce or legal separation were covered. It pointed out that many cases of rights of access involved unmarried couples and therefore did not fall within the scope of the regulation. The Commission was accordingly urged to make proposals on revising the regulation and, if necessary, the Brussels II Regulation, to include cases where the parents were unmarried.