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

2000/0818(CNS) - 03/07/2000 - Legislative proposal

PURPOSE : to present an initiative of the French Republic on the mutual enforcement of judgments on rights of access to children. CONTENT : The Tampere European Council of October 1999 highlighted the need to establish a genuine European judicial area in which judgments relating to the rights of access in the case of children of separated or divorced couples would be directly enforceable in the Member States. This Regulation applies to any judgment given in a Member State in proceedings under the Brussels II Regulation granting rights of access to one parent to a child: -when these rights are to be exercised in the territory of a Member State other than that of the authorities that granted them and; -the child is under the age of 16 when the enforcement of the judgment is sought. In addition, there are provisions in the Regulation for the following: -a single procedure enabling suspension of enforcement in exceptional circumstances where it would risk the child's interests or where there is another irreconcilable judgment. -provisions to safeguard the rights of the parent with custody, so that the authorities of the Member State where the child is staying has powers to enforce the child's return. -the establishment of close cooperation between the central bodies responsible for implementing mutual administration and judicial assistance. These bodies are listed in an annex to the Regulation, and must be accessible to the parents concerned. The central bodies are to exchange information and use any means at their disposal under the internal law of their States to encourage voluntary exercise of rights of access or to guarantee enforcement of those rights through coercive means. -the United Kingdom, Ireland and Denmark are not bound by this Regulation.