Civil judicial cooperation: judgments in matrimonial matters and parental responsability, Brussels II Convention

1999/0110(CNS) - 17/11/1999 - Text adopted by Parliament, 1st reading/single reading

In adopting the report drafted by Ms. Evelyne GEBHARDT (PES, D), the European Parliament approved the Commission's proposal subject to a number of amendments. The Parliament also wants automatic recognition should also be valid for nationals of third countries residing legally in the European Union. Where a Member State is required to recognise a divorce, it may not prohibit either of the spouses from remarrying on the grounds that the national law of a third country of which the spouses are nationals does not recognise that divorce. The Parliament considers that the Regulation should be binding on the United Kingdom and Ireland and applicable in their regard. On the other hand, the Regulation would not be binding on Denmark. The Parliament also considers that the protection of children should be strengthened so as to enable their best interests to be taken into account. Other amendments seek to clarify the question of knowing when a court is deemed to be seised. In addition, the definition of 'parental responsibility' should no longer be up to the Member States because this can give rise to discrepancies in interpretation. The Parliament does not want the courts having jurisdiction and the appeal procedures to appear in the body of the Regulation and considers that they should be contained in the annexes. This is in order to avoid that legislative acts are necessary each time that it is necessary to add what are purely technical amendments.