Basic information

1997/0918(CNS) CNS - Consultation procedure Decision	Procedure completed
Matrimonial matters: jurisdiction, recognition and enforcement of judgements. Convention and Protocol **Subject** 7.40.02 Judicial cooperation in civil and commercial matters	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs, Citizens' Rights	VERDE I ALDEA Josep (PSE)	25/02/1998

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Civil Liberties and Internal Affairs	D'ANCONA Hedy (PSE)	18/03/1998

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2099	1998-05-28

Key events

Date	Event	Reference	Summary
11/12/1997	Legislative proposal published	13245/1997	Summary
16/02/1998	Committee referral announced in Parliament		
16/04/1998	Vote in committee		Summary
16/04/1998	Committee report tabled for plenary, 1st reading/single reading	A4-0131/1998	
29/04/1998	Debate in Parliament		
28/05/1998	Act adopted by Council after consultation of Parliament		
28/05/1998	End of procedure in Parliament		
16/07/1998	Final act published in Official Journal		

Technical information

Procedure reference	1997/0918(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	Treaty on European Union (after Amsterdam) M K.6-p2 Rules of Procedure EP 050
Stage reached in procedure	Procedure completed
Committee dossier	JURI/4/09704

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0131/1998 OJ C 152 18.05.1998, p. 0004	16/04/1998	
Text adopted by Parliament, 1st reading/single reading		T4-0243/1998 OJ C 152 18.05.1998, p. 0019-0072	30/04/1998	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	13245/1997	11/12/1997	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Justice and Home Affairs act 1998/0716(01)
OJ C 221 16.07.1998, p. 0001-0001

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

1997/0918(CNS) - 11/12/1997 - Legislative proposal

OBJECTIF : to establish a draft Convention on jurisdiction, recognition and enforcement of judgments in matrimonial matters (divorce, legal separation, marriage annulment and custody of children). CONTENT : The present draft Convention seeks to complement the Brussels Convention of 1968 on the recognition and enforcement of judgments in civil and commercial matters. Under the draft Convention, couples of mixed nationality must divorce in the Member State in which they reside and the divorce judgment must be recognised and accepted, with a minimum of formalities, throughout the European Union. The same shall apply to decisions on the custody of the children as well as to legal separation and marriage annulment. Spouses

who are resident in a Member State other than their country of origin may opt for a hearing in the courts of their country of origin. The draft Convention also rules on conflicts of jurisdiction: the first jurisdiction referred to shall pronounce on competence in matrimonial matters, while the second shall in theory suspend its judgment. It is also proposed to restrict jurisdiction to the Court of Justice of the European Communities in matters of interpretation. The text provides a list of national jurisdictions which are open to European judges. Before it can come into force, the Convention must be ratified by the national Parliaments of the 15 Member States. The Convention includes certain derogations : - for Ireland, which has recently recognised divorce and which is to be granted a transitional period for application of the Convention; -for the United Kingdom, in order that the decisions taken by the British Courts in respect of "children of the family" (children born of a first marriage, for example) can be accepted in the Union from the moment that these children are living with one or other of their parents-in-law.

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

1997/0918(CNS) - 30/04/1998 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mr Josep VERDE I ALDEA (PSE, E), the European Parliament approved, with certain amendments, the draft Convention on jurisdiction, recognition and enforcement of judgements in matrimonial matters. It firstly recalled that it was essential to protect the fundamental interests of children, in conformity in particular with the Hague Convention of 1980 on the Civil Aspects of International Child Abduction. Parliament considered it important to guarantee respect for the principle of non-discrimination on grounds of nationality, and that compliance with this principle should be monitored by the Court of Justice. It excluded from the scope of the Convention proceedings relating to the status and legal capacity of natural persons, matrimonial property and financial obligations between the spouses or between the latter and their children. However, it considered that the Convention should apply to civil proceedings relating to divorce, legal separation and marriage annulment, irrespective of the nationality of the spouses. Parental responsibility included the right to custody of the children and visiting rights. The matters relating to parental responsibility included the exercise and the total or partial withdrawal of parental responsibility, as well as any measures adopted by the public authorities in relation to the minor concerned. When a Member State was required to recognize a divorce pursuant to the provisions of this Convention, it could not prohibit either of the spouses from contracting a new marriage on the grounds that the national law of a third country, of which the spouses were nationals, did not recognize that divorce. As regards languages, courts must show the requisite flexibility with regard to the translation of documents, and must deliver their judgments in the language prescribed by the Member State in which they sit.