

Basic information	
1999/0110(CNS) CNS - Consultation procedure Regulation	Procedure completed
Civil judicial cooperation: judgments in matrimonial matters and parental responsibility, Brussels II Convention Repealed by 2002/0110(CNS) Subject 4.10.02 Family policy, family law, parental leave 4.10.03 Child protection, children's rights 7.40.02 Judicial cooperation in civil and commercial matters	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	LIBE	Citizens' Freedoms and Rights, Justice and Home Affairs	GEBHARDT Evelyne (PSE)	29/07/1999
	Committee for opinion		Rapporteur for opinion	Appointed
	JURI	Legal Affairs and Internal Market	LEHNE Klaus-Heiner (PPE-DE)	23/09/1999
Council of the European Union	Council configuration		Meetings	Date
	Justice and Home Affairs (JHA)		2266	2000-05-29
	Justice and Home Affairs (JHA)		2251	2000-03-27
	Justice and Home Affairs (JHA)		2184	1999-05-27
European Commission	Commission DG		Commissioner	
	Justice and Consumers			

Key events			
Date	Event	Reference	Summary
04/05/1999	Legislative proposal published	COM(1999)0220 	Summary
27/05/1999	Debate in Council		

23/07/1999	Committee referral announced in Parliament		
09/11/1999	Vote in committee		Summary
09/11/1999	Committee report tabled for plenary, 1st reading/single reading	A5-0057/1999	
16/11/1999	Debate in Parliament		
17/11/1999	Decision by Parliament	T5-0105/1999	Summary
17/03/2000	Modified legislative proposal published	COM(2000)0151 	Summary
29/05/2000	Act adopted by Council after consultation of Parliament		
29/05/2000	End of procedure in Parliament		
30/06/2000	Final act published in Official Journal		

Technical information	
Procedure reference	1999/0110(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealed by 2002/0110(CNS)
Legal basis	EC Treaty (after Amsterdam) EC 067 Rules of Procedure EP 050
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/11108

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0057/1999 OJ C 189 07.07.2000, p. 0005	09/11/1999	
Text adopted by Parliament, 1st reading/single reading		T5-0105/1999 OJ C 189 07.07.2000, p. 0056-0091	17/11/1999	Summary
European Commission				
Document type		Reference	Date	Summary
Legislative proposal		COM(1999)0220  OJ C 247 31.08.1999, p. 0001 E	04/05/1999	Summary
Modified legislative proposal		COM(2000)0151  OJ C 274 26.09.2000, p. 0013 E	17/03/2000	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0940/1999 OJ C 368 20.12.1999, p. 0023	20/10/1999	
EU	Implementing legislative act	32002R1185 OJ L 173 03.07.2002, p. 0003	01/07/2002	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

[Regulation 2000/1347](#)
[OJ L 160 30.06.2000, p. 0019](#)

[Summary](#)

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

1999/0110(CNS) - 29/05/2000 - Final act

PURPOSE : to improve and speed up the recognition of judgements in relation to the dissolution of the marriage link and in matters of parental responsibility for joint children, with a view to ensuring the sound operation of the internal market. **COMMUNITY MEASURE :** Council Regulation 1347 /2000/EC on jurisdiction and the recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility for children of both spouses. **CONTENT :** the Council adopted the "Brussels II" Regulation which defines both the rules of jurisdiction and the rules on recognition and enforcement judgements in matrimonial matters. The rules will apply to civil proceedings relating to divorce, legal separation or marriage annulment and to civil proceedings relating to parental responsibility for the children of both spouses. The Regulation makes it possible to determine with which court jurisdiction lies in matters relating to divorce, legal separation or marriage annulment. Such jurisdiction is founded on the habitual residence of both spouses, the habitual residence of one of the spouses - on the conditions specified in the Regulation - or on the common nationality in the other Member States. When the Court in one Member State has handed down a judgement in one of the actions covered by this Regulation, that judgement (e.g. the divorce judgement) will be recognised in other Member States, without the need for any further procedure. Thus, if the judgement is final within the meaning of the Regulation, no special procedures are required in order to update the civil-status records in another Member State. In a limited number of cases specified in the Regulation any interested party may apply for the judgement not to be recognised. This Regulation also applies to the United Kingdom and Ireland as they wish to take part in its adoption on the basis of their protocol to the Amsterdam Treaty. In accordance with its Protocol, Denmark will not participate. It has, however, indicated that it wishes to apply the same provisions as those laid down in the Regulation on the basis of an agreement to be concluded between it and the Community. **ENTRY INTO FORCE :** 01/03/2001. **ENTRY INTO FORCE :**

Civil judicial cooperation: judgments in matrimonial matters and parental responsibility, 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.

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

1999/0110(CNS) - 04/05/1999 - Legislative proposal

PURPOSE: the improvement of the recognition of judgments in relation to the dissolution of the marriage link and in matters of parental responsibility for joint children, with a view to ensuring the sound operation of the internal market. **CONTENT:** the proposal for a Regulation falls within the ambit of the new provisions of the Amsterdam Treaty concerning judicial co-operation in civil matters (Arts. 61 and 65 of the EC Treaty). It seeks to uniformise the rules of private international law in the Member States relating to jurisdiction and to improve the recognition and enforcement of judgments in relation to the dissolution of the marriage link and parental responsibility for joint children. The proposed Regulation incorporates most of the content of the 28 May 1968 Convention on jurisdiction and the recognition and enforcement of judgments in matrimonial matters (known as 'Brussels Convention II'), while ensuring continuity in the results of the negotiations. Because the Convention was not ratified by the Member States before the Amsterdam Treaty entered into force, its provisions are not applicable. Like the Convention that it seeks to replace, the proposed Regulation fills a gap in the application of the 1968 Brussels Convention, Article 1 of which expressly excludes matters relating to the law of persons. The Regulation seeks to: - introduce uniform modern standards for jurisdiction on annulment, divorce and separation and to facilitate the rapid and automatic recognition among Member States of judgments on such matters given in the Member States; - lay down rules of jurisdiction concerning parental responsibility over the children of both spouses on the occasion of such proceedings and therefore simplify the formalities governing the rapid and automatic recognition and enforcement of the relevant judgments. The grounds for determining the jurisdiction of a State's courts to rule on matrimonial matters coming within the scope of the regulation are based on the principle that there is a genuine connection between the person and a Member State: jurisdiction lies with the courts of the Member State in whose territory one of the spouses is resident or in that of the nationality of the two spouses. The courts of a Member State shall have jurisdiction in a matter relating to parental responsibility over a child of both spouses where the child is habitually resident in that Member State. In the event of the abduction of a child by one of the spouses, the lawful habitual residence is safeguarded as the ground of jurisdiction where, as a result of wrongful removal or retention, there has in fact been a change in habitual residence. The Regulation does not affect issues such as, for example, fault of the spouses, property consequences of the marriage, the maintenance obligation or other possible accessory measures. It should be noted that the rules governing jurisdiction are direct; in other words, the rules must be respected by the court of origin in front of which an action that falls within the scope of the Regulation is brought. Such provisions do not, however, affect the distribution of territorial jurisdiction within each State or the situations of States the legal systems of which have not been unified. Lastly, the proposed Regulation, like the Convention it seeks to replace, allows for specific schemes.

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

1999/0110(CNS) - 17/03/2000 - Modified legislative proposal

The amended proposal reflects the Parliament's opinion, taking over most of the amendments. It also incorporates changes linked to developments since the original proposal was adopted. It also incorporates certain amendments agreed in the Council to which the Commission can also agree. The Commission accepts in total amendments 1, 3 to 8, 14 to 18 and 20 proposed by the Parliament and incorporates them purely and simply in its proposal. These amendments relate to: - the Nordic Agreement of 1931 which is amended to take account of amendment No 1 relating to compliance with the principle of non-discrimination; - the German version of recital 5 to the proposal for a Regulation is amended in response to amendment No 3; - recital 10 is amended in response to amendment No 4. The Commission shares in Parliament's view that the concept of parental responsibility must be given autonomous interpretation; - recital 20 relating to the power of the Council to amend the annexes is deleted, in response to amendment No 5. It will be for the Commission to amend the annexes; - recital 22 is amended and a new recital 23 is inserted in response to Parliament's amendments Nos 6 and 7. Recital 22 has been reworded as the United Kingdom and Ireland have declared their intention of participating in the adoption of this Regulation; - a new paragraph 4 is added to Article 11 in response to amendment No 8. It determines the date when a court is deemed to be seised for the purpose of the lis pendens rules. The provision corresponds to the one in the proposal for a Regulation on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters; - a new paragraph is added to Article 17 in response to amendment No 13, which seeks to promote the free movement of persons; - Articles 21 and 26 are amended in response to amendments Nos 14 to 18. The list of courts and redress procedures in these Articles are now in Annexes I to III; - Article 43 is amended in response to amendment No 20. There is no reason why the annexes should be amended by Council Decision as there are no more than a reference to purely national provisions. The new paragraph 1 accordingly provides that the annexes will be adapted by the Commission. In addition, the Commission accepts in part the amendments relating to: - the inclusion of the reference to the Hague Convention of 1980 on the civil aspects of international child abduction; - the insertion of a new paragraph which clarifies the scope in time of provisional, including protective measures; - the replacing of the words "in sufficient time" are replaced by "in sufficient time and in such a way as". The amendments rejected by the Commission relate to: - amendment 11, taking the child's best interests into account would presuppose an examination of the judgement given on the merits, and the Regulation prohibits this; - amendment 12 as it would have the effect of given privileged status to mechanical enforcement of a possibly old judgement rather more than recent judgement given by another court also having jurisdiction by reason of a change in the child's personal situation; - amendment 19 would introduce a translation rule that would be out of place in an instrument on jurisdiction and the recognition of judgements.