European Commission

The Brussels IIa Regulation (2201/2003)

November 2018

Disclaimer: These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union

Scope

The Regulation applies, since 2005, to questions of jurisdiction of the courts and recognition and enforcement of decisions in cross-border

- matrimonial matters (divorce, separation, marriage annulment);
- parental responsibility matters (custody, access rights); and
- child abduction

Jurisdiction rules

- parental responsibility (habitual residence)

- matrimonial matters (7 alternative grounds; habitual residence & nationality)

Recognition and enforcement

Custody decisions: intermediate proceedings for enforcement of judgments (exequatur)

Access rights / Return orders: Abolition of intermediate proceedings for recognition and enforcement of judgments (abolition of *exequatur*)

= *automatic recognition and enforceability of all judgments from other Member States while maintaining procedural safeguards (e.g. protection of the rights of defence)*

International child abduction

- *the interplay with the 1980 Hague Convention on Civil Aspects of International Child Abduction*

- *stricter rules between the EU Member States: the overriding mechanism*

Cooperation between Central Authorities

- all Member States appoint Central Authorities to support parents in proceedings concerning parental responsibility

- annual meetings of Central Authorities at EU level

- exchange of information about specific cases

Thank you!

Any questions?