

International divorces: new rules on whose courts settle property disputes

Plenary sessions [23-06-2016 - 12:23]

New rules for deciding which country's courts should settle property disputes in divorce or death cases involving international couples or registered partnerships were approved by MEPs on Thursday. These rules should end parallel proceedings – costing around €1.1bn annually – in various member states whose courts have to settle such property disputes. They will apply in 18 EU countries which were willing to join this “enhanced cooperation” initiative.

"It was about time that we had a European instrument for the property consequences of matrimonial regimes and registered partnerships. From now, international couples in all forms of marriages will benefit from legal security, better access to justice and harmonised rules that will fit the nearly 16 million international couples who live in the EU", said rapporteur [Jean-Marie Cavada](#) (ALDE, FR).

The two regulations, one on matrimonial property regimes and the other on the property consequences of registered partnerships, determine which court has jurisdiction and which law applies in proceedings concerning the property of international couples. They will also facilitate the recognition and enforcement of a judgment given in one member state on property matters in another member state.

The regulation on matrimonial property regimes was approved by 498 votes to 58, with 35 abstentions, and the regulation on property consequences of registered partnerships was adopted by 490 votes to 68, with 34 abstentions.

The institutions of marriage and partnership nonetheless remain matters that are defined by the national laws of the member states. The regulations include a series of safeguards to ensure respect for national legal systems. For example, nothing obliges participating member states whose law does not recognise the institution of a registered partnership either to provide for it, or to assume jurisdiction for such partnerships.

Background information

According to the European Commission, there are an estimated 16 million international couples in the EU.

The eighteen member states participating in the enhanced cooperation are Belgium, Bulgaria, Cyprus, the Czech Republic, Germany, Greece, Spain, France, Croatia, Italia, Luxembourg, Malta, Netherlands, Austria, Portugal, Slovenia, Finland and Sweden. Other member states are free to join at any time after its adoption. Estonia, for example, has announced its intention to take part in the cooperation after its adoption.

On 7 June 2016 the European Parliament gave its consent to this enhanced cooperation procedure.

Procedure: Consultation

Press release

Further information

- Adopted texts (2016/0059(CNS) and 2016/0060(CNS)) will soon be available here (23.06.2016)
: <http://www.europarl.europa.eu/plenary/en/texts-adopted.html>
- Video recording of debate (click on 22.06.2016)
: <http://www.europarl.europa.eu/ep-live/en/plenary/search-by-date>
- EbS+ (22.06.2016)

: <http://ec.europa.eu/avservices/ebs/schedule.cfm?sitelang=en&page=3&institution=0&date=06/22/2016>
- Procedure file on property consequences of registered partnerships.

: <http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2016/0060%28CNS%29>
- Procedure file on matrimonial property regimes
:
<http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2016/0059%28CNS%29>
- Council press release: "18 EU countries agree to clarify rules on property regimes for international couples" (09.06. 2016)

: http://www.consilium.europa.eu/en/press/press-releases/2016/06/09-property-regimes-for-international-couples/?utm_source=dsms-auto&utm_medium=email&utm_campaign=18+EU+countries+agree+to+clarify+rules+on+property+regimes+for+international+couples
- EP Think Tank background info: "Rules on cross-border property regimes of spouses and registered partners"

: http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_ATA%282016%29583835
- Audiovisual material for media

: <http://audiovisual.europarl.europa.eu/Page.aspx?id=2871>

Political groups

- News pages of the EPP group: <http://bit.ly/1WuQLqB>
- News pages of the S&D group: <http://bit.ly/1WWG6F4>
- News pages of the ECR group: <http://bit.ly/1Y0YFrj>
- News pages of the ALDE group: <http://bit.ly/1XbSQs6>
- News pages of the GUE/NGL group: <http://bit.ly/1UrAIM9>
- News pages of the Greens/EFA group: <http://bit.ly/1TV9vvr>
- News pages of the EFDD group: <http://bit.ly/1TUnDFU>

Contact

Armin WISDORFF

BXL: (+32) 2 28 40924

STR: (+33) 3 881 73780

PORT: +32 498 98 13 45

EMAIL: lega-press@europarl.europa.eu

TWITTER: EP_Legal