Ministers adopt Regulation on EU-wide recognition of family law judgments to protect children’s rights.

The Ministers gave last week their final agreement to a Regulation on mutual recognition of judgments on divorce and parental responsibility throughout the European Union. The new Regulation, which will enter into application on 1 March 2005, will create a common judicial area in the field of family law.

The new Regulation ensures that all judgments given in a Member State on parental responsibility matters are recognised and enforceable in other Member States by a simple, uniform procedure, irrespectively of whether they concern children of married or unmarried couples or whether they are issued before, during or after a divorce procedure.

In addition, the new Regulation contains specific rules on child abduction, by imposing stricter obligations to assure the return of the child. It creates also an autonomous system that obliges a court that has decided that the child shall not return to transfer the case to the competent court of the Member State where the child lived before the abduction. This court has the final say to decide whether or not the child shall return and its decision shall be recognised and enforced in the other Member State without any intermediate procedure.

Finally, the Regulation abolishes the intermediate procedure for judgments on visiting rights allowing these judgments to be automatically recognised and enforceable in other Member States. This will reinforce the right of the child to maintain contact with his or her parents also when the family members live in different Member States.