

Courtesy Translation

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MR JOSÉ MANUEL BARROSO
PRESIDENT OF THE
EUROPEAN COMMISSION

Regarding: Statement of the National Assembly of the Republic of Bulgaria on the *Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes COM(2011)126 and the Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships COM(2011)127*

DEAR MR BARROSO,

At a regular sitting of the Committee on European Affairs and Oversight of the European Funds (CEAOEF), held on 18 May 2011, the above-mentioned proposals for Council Regulations were discussed. The proposals for Council regulations are included in the Annual Working Programme of the National Assembly on European Union Issues (2011) under **section 58**.

Within the framework of the political dialogue, enclosed is a copy of the approved CEAOEF Report, which includes a **positive assessment on the compliance of the draft EU acts with the principles of subsidiarity and proportionality**, as well as some general remarks on the nature of the proposed acts. The CEAOEF Report reflects also the position of the Legal Affairs Committee.

We highly appreciate that the Bulgarian Parliament's position will be considered. In addition, we are convinced that solely legislative initiatives on European level are able to provide solution to problems of transnational couples, thus allowing them to benefit from a common European area without internal borders.

I am confident that our established, fruitful cooperation will continue to grow.

Enclosure:

1. **CEAOEF Report** on the *Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes COM(2011)126 and the Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships COM(2011)127- in Bulgarian language;*
2. **CEAOEF Statement** (an integral part of the CEAOEF Report under section 1) – *working translation in English.*

Yours sincerely,

**PRESIDENT
OF THE NATIONAL ASSEMBLY**

TSETSKA TSACHEVA

STATEMENT
OF THE COMMITTEE ON EUROPEAN AFFAIRS AND OVERSIGHT OF THE EUROPEAN FUNDS
TO THE NATIONAL ASSEMBLY OF THE REPUBLIC OF BULGARIA

After the discussion on the Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes COM(2011) 126 final and the Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships COM(2011) 127 final, the Committee on European Affairs and Oversight of the European Funds (CEAOEF), expresses the following statement, which is to be sent to the European institutions in the framework of the political dialogue:

- 1. CEAOEF considers that the scrutinized proposals for regulations will contribute to the creation of a distinct legal framework in the European Union, providing common rules setting out which courts have jurisdiction, and which law should be applied to property regimes for married couples and registered partnerships. Thus, a free movement of EU citizens will be guaranteed, as well as their possibility to create families and to acquire property without causing them additional obstacles and difficulties.**
- 2. The proposals for Council Regulations are in compliance with the principle of subsidiarity, established in article 5, paragraph 3 of the Treaty on European Union (TEU), because the objectives in the proposed regulations can be better achieved at EU level. The rules, laid down in the proposals are applied only in cases of transnational nature.**
- 3. The proposals for Council Regulations are in compliance with the principle of proportionality, established in article 5, paragraph 4 of the TEU, because it does not exceed what is necessary to achieve the objectives of the Treaties and does not create an additional administrative or financial burden.**
- 4. CEAOEF finds the *Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships, COM(2011) 127*, a stable ground on which a constructive and profound discussions can be held. Meanwhile, CEAOEF considers necessary during further discussions of the draft proposal, to be taken into account that the term “registered partnership”¹ exists only in 14 Member States. Furthermore, not all Member States have substantive laws on this matter and even fewer have adopted jurisdiction rules and conflict of law rules. In spite of the mentioned above, CEAOEF is convinced that solely legislative initiatives on European level can provide solution to problems of transnational couples, thus allowing them to benefit from the common European area without internal borders.**

¹ *The Bulgarian Family Code does not foresee the institute of “registered partnership” and does not constitute property consequences of the “registered partners”.*