



EUROPEAN COMMISSION

*Brussels, 13.7.2016
C(2016) 4474 final*

Dear President,

The Commission would like to thank the Senato della Repubblica for its Opinion on the proposal for a Council Decision authorising enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions on the property regimes of international couples, covering both matters of matrimonial property regimes and the property consequences of registered partnerships {COM(2016) 108 final}, the proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes {COM(2016) 106 final} and the proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships {COM(2016) 107 final}.

The Commission welcomes that the Senato della Repubblica considers that the Regulations are in line with the principle of subsidiarity set out in the current Treaty on European Union.

The Commission notes that Union citizens, making use of their right to free movement, increasingly move across national borders and that this leads to a greater number of couples with an international dimension. In the absence of common rules in the Member States on the matters covered by the enhanced cooperation, international couples face difficulties when managing their property or when sharing it in case of separation or the death of one of their members.

The Commission is pleased that the Senato della Repubblica shares the view that action at Union level is required to facilitate the free movement of citizens by granting international couples, including both spouses and registered partners, greater predictability and legal certainty to manage their property relations in respect of themselves and others during their life as a couple and when liquidating their property.

*Mr Pietro GRASSO
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After the European Parliament gave its consent on 8 June, the Council adopted the Decision authorising enhanced cooperation on 9 June. At the Council meeting, Estonia announced its intention to join soon the enhanced cooperation, which will bring to 19 the number of Member States participating therein. Following the opinion of the European Parliament, the Council adopted the Regulations implementing the enhanced cooperation on 24 June. The Regulations will fill an important gap in the field of Union family law.

The Senato della Repubblica considers that the current wording of Article 19 of the proposed regulations creates uncertainty in the determination of the law applicable to provisional and protective measures. The Commission notes that the wording of Article 19 in the proposed regulations mirrors the wording of existing instruments of Union family law, namely Regulation No 2201/2003 on matrimonial and parental responsibility matters, Regulation No 4/2009 on maintenance obligations and Regulation No 650/2012 on succession.

The Commission welcomes the support of the Senato della Repubblica to the enhanced cooperation and the Regulations implementing it and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Věra Jourová
Member of the Commission*