



Romanian Parliament
Senate

Bucharest, 9 May 2016

OPINION

of the SENATE

regarding 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 Senate examined 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* - according to the provisions of the Treaty of Lisbon (Protocol no. 2).

Taking into account the joint report of May 5, 2016 of the permanent Committee for European Affairs and the permanent Legal Committee for appointments, discipline, immunities and validations, **the Plenum of the Senate**, during its session of May 9, 2016, decided as follows:

- I. The proposal complies with the principles of subsidiarity and proportionality**
- II. The following are noted:**
 1. The exclusive reference to the property consequences of registered partnerships;
 2. The institution of registered partnership is not defined;
 3. The recognizing of the partnerships registered in another Member State is not imposed
 4. The existence or the validity of a registered partnership or recognition under national law in a Member State of a partnership registered in another Member State are not affected
 5. The importance of introducing a series of guarantees for the protection of legal traditions and the minimal "detriment" of the national system in this area;
 6. The legal basis and legal instrument are correctly chosen;
- III. The application of this European legislative measure in Romania is under reservation:**
 1. Because of the following provisions of national law:
 - a.art. 48 of the Romanian Constitution:

- i. Family is created through free marriage between spouses, their full equality and the right and duty of parents to ensure the upbringing, education and instruction of children;
 - ii. The conditions for entering into marriage dissolution and nullity of marriage shall be established by law. Religious wedding may be celebrated only after civil marriage;
 - b. art. 259 of the Civil Code:
 - i. Marriage is freely consented union between a man and a woman, concluded under the law;
 - ii. Men and women have the right to marry in order to start a family;
 - c. and in particular par. (3) art. 277 of the Civil Code: Civil partnerships between persons of the opposite sex or same sex concluded or contracted abroad, by Romanian citizens or foreign citizens, are not recognized in Romania.
- 2. And taking into account the provisions of Article 21 of the Charter of Fundamental Rights of the European Union, under which any discrimination based on any ground such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation is prohibited.

President of the Senate



Călin POPESCU-TĂRICEANU