



EUROPEAN COMMISSION

Brussels, 13.7.2016
C(2016) 4438 final

Dear President,

The Commission would like to thank the Senat 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 Senat considers that the Regulations are in line with the principle of subsidiarity set out in the current Treaty on European Union.

The Commission recalls 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 Regulations implementing the enhanced cooperation aim at reducing these difficulties.

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.

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The Commission notes that the application in Romania of the Regulations is under reservation in view of the provisions of the Romanian Civil Code referred to in the Opinion of the Senate and of Article 21 of the Charter of Fundamental Rights of the European Union. In this connection, the Commission would like to emphasise that the Regulations do not harmonise the substantive family law of the Member States nor do they provide for the recognition of marriages and registered partnerships concluded in another Member State.

The Commission hopes that the above clarifications address the issues raised by the Senat and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Věra Jourová
Member of the Commission*