

1) The findings from the REFIT exercise should be presented at the beginning of the report. Such a section should include a presentation of the results of the evaluation study and highlight the Commission services' conclusions from the REFIT exercise. It should clarify how the areas for simplification were identified and how the proposed solutions will simplify and/or modernise the existing instrument to reflect today's context (e.g. explaining whether the proposal also covers registered partnerships). Finally, the anticipated burden reduction should be quantified. If this is not possible, it should be clearly explained why not.

2) The report should better present the evidence base that led to the proposed amendments. After clarifying the overall EU (e.g. Rome III Regulation, Brussels I Regulation) and international family law context (e.g. the Hague Convention), key findings from the evaluation of the existing Brussels IIa Regulation should be presented. In view of the limited amount of available hard evidence, the report should better trace back problems with the source from which they were identified (case law, evaluation, stakeholder consultations,...).

3) The baseline scenario, as a dynamic and not static concept, should incorporate likely developments and evolutions in the context of EU family law. The description of options should also take into account this diverse and dynamic context. When presenting the options, the report should explain how the proposed modifications are articulated coherently with other existing instruments and practices already in place in some Member States (e.g. how would the proposed measures to prevent a "rush to court" coexist with the provisions of the Rome III regulation in force in 16 Member States). The argumentation for specific options should also be strengthened by including an explanation of the effectiveness of some of the proposed measures that are already in place in some Member States (e.g. use of specialist courts) and how they could benefit other Member States.

4) The report should better distinguish between minor adjustments and substantial changes proposed. It should summarise the concrete implications of such changes for different Member States. The need for the more intrusive measures should be further substantiated, together with an analysis of their proportionality and Member States' willingness to accept such changes. In this respect, the report should also clarify the possibility and implications of having potentially different regimes in some Member States when dealing with domestic or cross-border cases (e.g. in parental responsibility matters, as regards hearing of the child).

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

(D) Procedure and presentation

The report could be further shortened, with a view to make it more accessible. In addition, the language could be rendered less technical / legalistic in order to better bring out the underlying objectives of the initiative and the evidence base. Given the currently limited provision of quantified evidence, the basis and rationale for the proposed amendments should be summarised for each option.

(E) RSB scrutiny process

Reference number	2013/JUST/003
External expertise used	No
Date of RSB meeting	2 December 2015