

EN
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Answer given by Ms Reding
on behalf of the Commission
(7.3.2013)

The Commission fully shares the views expressed by the Honourable Member that children are the most vulnerable parties in the event of family conflicts and that their rights as enshrined in Article 24 of the Charter of Fundamental Rights need to be protected.

The definition of joint custody belongs to substantive family law. As such, it does not fall within the EU's competence but remains under the sole responsibility of the Member States. This explains why there may be differences in the national systems as regards the definition of joint custody and how it works in practice.

The Commission is not aware of any studies, best practices or data collected in respect of children in joint custody or co-parenting. However, with the financial support of the European Parliament, the Commission launched on 1 September 2012, a two-year study to collect data on children's involvement in criminal, administrative and civil judicial proceedings in the 27 Member States of the EU and in Croatia.

The Commission is aware of organisations that safeguard parent-child relations in the event of a separation, such as The International Social Service, as a result of the consultations it conducts concerning its rights-of-the-child policy.