

EUROPEAN PARLIAMENT

2004



2009

Committee on Petitions

23.03.2007

NOTICE TO MEMBERS

Petition 0450/2006 by François Chevalier (French), on the refusal of the German authorities to recognise his French paternity status

1. Summary of petition

The petitioner who has a three-year-old daughter duly registered in France, objects to the refusal of the German authorities to recognise his paternity status, the child's German mother having returned to Germany and refused to give her written agreement to transcription of the French paternity details with the German authorities, with which the child is apparently registered in the mother's name. The father, whose protests were to no avail, was also denied access to the file. He is now seeking the assistance of the European Union concerning legal proceedings brought by him in Berlin against the decision to disregard French registry documents.

2. Admissibility

Declared admissible on 26 October 2006. Information requested from the Commission under Rule 192(4).

3. Commission reply, received on 23 March 2007.

The Petitioner, of French nationality and residence, complains that the German authorities refuse to accept that his status as the father of Josephine, born on 12 October 2002 in Dieppe to a mother of German nationality and now resident in Germany, should be acknowledged in documents in Germany even though this is clearly vouched by civil status documents issued by the French authorities.

The German authorities refused the transcription of the French paternity details because the mother denied giving her written agreement to the acceptance of the paternity status to a German authority. The papers attached to the Petition appear to indicate that the petitioner is the father of the daughter in question and so, for the purposes of his and his daughter's civil status in France, there is no doubt on the matter. Therefore the child registered in France with

the surname of her father was registered in Germany bearing her mother's surname.

In the first instance the issues raised in the petition deal with matters concerning certificates and other documents declaring the birth and paternity of the petitioner's daughter. The documents attached to the Petition indicate that the petitioner is the father of the daughter in question: On September 24th 2002 both parents signed the acceptance of the Petitioner's paternity and on October 12th 2002 the mother signed the French birth certificate, giving the child her father's surname. Thus the child's mother has already agreed to join parental responsibility with the petitioner in a German court settlement on June 6th 2005.

Civil status as such is not dealt with in a European community instrument and is expressly excluded from the Regulation on Parental responsibility (see Article 1.1(b) of the Regulation - (EC) N° 2201/2003). As a result there is no Community law which deals directly with the subject matter of the Petition.

The same Regulation contains rules of Jurisdictional Competence and of the Recognition and Enforcement of orders of the courts in all the EC Member States except Denmark as regards matters of parental responsibility.

It appears from the papers that the petitioner has already had the benefit of an order of the French court in relation to parental responsibility which is not contested.

In the meantime the Petitioner instituted proceedings before a German court requiring the transcription of his paternity status. In order to fully assess the alleged infringement it is hence necessary to wait for the outcome of the procedure.