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*Plenary sitting*

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**A8-0192/2016**

30.5.2016

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## **RECOMMENDATION**

on the draft 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  
(08112/2016 – C8-0184/2016 – 2016/0061(NLE))

Committee on Legal Affairs

Rapporteur: Jean-Marie Cavada

***Symbols for procedures***

*	Consultation procedure
***	Consent procedure
***I	Ordinary legislative procedure (first reading)
***II	Ordinary legislative procedure (second reading)
***III	Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the draft 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 (08112/2016 – C8-0184/2016 – 2016/0061(NLE))**

**(Consent)**

*The European Parliament,*

- having regard to the draft Council decision (08112/2016),
  - having regard to the request for consent submitted by the Council in accordance with Article 329(1) of the Treaty on the Functioning of the European Union (C8-0184/2016),
  - having regard to the conditions laid down in Article 20 of the Treaty on European Union and in Articles 326 and 327 of the Treaty on the Functioning of the European Union,
  - having regard to Rule 85 and Rule 99(1), first and third subparagraphs, of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Legal Affairs (A8-0192/2016),
1. Consents to the draft 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;
  2. Instructs its President to forward its position to the Council and the Commission.

## SHORT JUSTIFICATION

The decision to have recourse to enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in the matter of property regimes of international couples, covering both matrimonial property regimes and the property consequences of registered partnerships, has been taken since negotiations between all Member States, on the Commission's initial proposals of 2011, reached stalemate.

In the area of family law, legislative acts are adopted by the Council acting unanimously after consulting the European Parliament. Parliament had given its consent in 2013 to the 2011 draft acts, but by the end of 2015 it became clear that it would not be possible for all Member States to agree to the proposals.

Enhanced cooperation was therefore clearly the ideal solution, since 23 Member States agreed in principle to the adoption of these two acts. In early 2016, the Commission therefore drew up, using the enhanced cooperation procedure, new proposals for acts, the substance of which was based on the compromise reached earlier. Enhanced cooperation has to meet several criteria:

- it must be a last resort, when the objectives of such cooperation cannot be attained within a reasonable period by the Union as a whole, and provided that at least nine Member States participate in it;
- it must respect Treaties and Union law, and the competences, rights and obligations of Member States that do not participate in it;
- it must further the objectives of the Union, protect its interests and reinforce its integration process;
- it must not undermine the internal market or economic, social and territorial cohesion, and must not constitute a barrier to or discrimination in trade between Member States or distort competition between them.

It is clear that the criteria are met in this case. The decision is a last resort. The acts to be adopted do not infringe the rights of the Member States that do not participate in it, and do not affect the internal market. This enhanced cooperation in the in the area of the property regimes of international couples is clearly in accordance with the objectives of the Union and in the interest of its citizens.

This recommendation therefore proposes that Parliament assent to enhanced cooperation in this area. As this is a merely procedural decision, readers are invited to consult the reports on the two proposals for regulations as regards their detailed content.

## RESULT OF FINAL VOTE IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	24.5.2016						
<b>Result of final vote</b>	<table><tr><td>+: </td><td>19</td></tr><tr><td>–: </td><td>2</td></tr><tr><td>0: </td><td>2</td></tr></table>	+:	19	–:	2	0:	2
+:	19						
–:	2						
0:	2						
<b>Members present for the final vote</b>	Max Andersson, Marie-Christine Boutonnet, Jean-Marie Cavada, Kostas Chrysogonos, Therese Comodini Cachia, Mady Delvaux, Rosa Estaràs Ferragut, Laura Ferrara, Enrico Gasbarra, Lidia Joanna Geringer de Oedenberg, Sajjad Karim, Dietmar Köster, Gilles Lebreton, Jiří Maštálka, Emil Radev, Julia Reda, Evelyn Regner, József Szájer, Axel Voss, Tadeusz Zwiefka						
<b>Substitutes present for the final vote</b>	Daniel Buda, Angel Dzhambazki, Stefano Maullu						
<b>Substitutes under Rule 200(2) present for the final vote</b>	Jens Nilsson						