


**Abolition of Exequatur – Experience under Brussels II bis**



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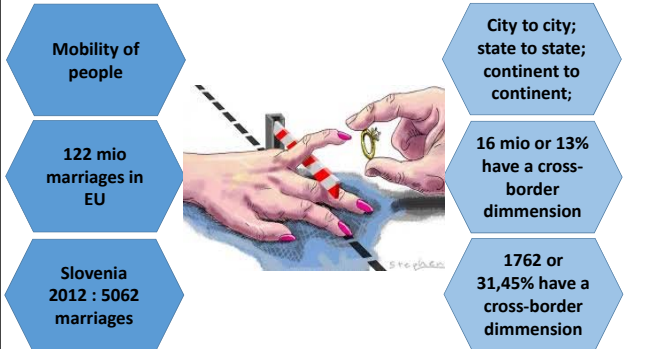
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Mobility of people

122 mio marriages in EU

Slovenia 2012 : 5062 marriages

City to city; state to state; continent to continent;

16 mio or 13% have a cross-border dimension

1762 or 31,45% have a cross-border dimension

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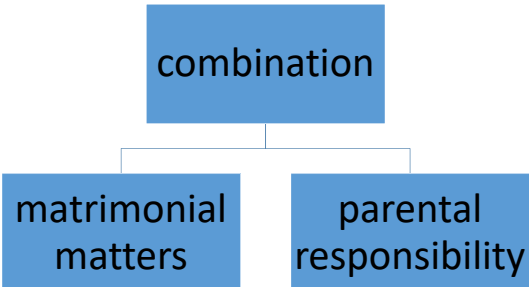
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• Brussels IIbis has been in force since 1 March 2005 – 12 years



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graph TD; A[combination] --> B[matrimonial matters]; A --> C[parental responsibility];
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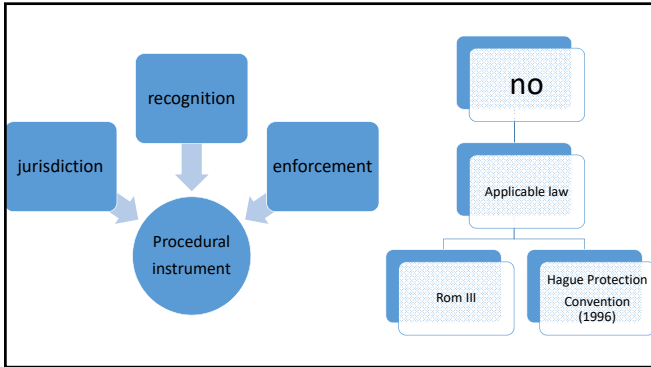
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**What is exequatur?**

- The **value of a court judgment** is not high if the judgment can not be enforced or can be enforced just with the difficulties and delays
- **Exequatur**, is a concept specific to the private international law and refers to the decision by a court authorising the enforcement in that country of a judgment, arbitral award, authentic instrument or court settlement given abroad.

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- The exequatur represents the **obstacle to the free movement** of the court decisions
- **Abolition of the exequatur** procedure between Member States for all judgments in civil and commercial matters is the **ultimate objective** of the mutual recognition programme adopted by the Commission and the Council in December 2000.

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68% (judges, parents, lawyers...) believe that all judgments, authentic instruments and agreements concerning parental responsibility should circulate freely between EU countries without exequatur

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**Abolition in the light of EU Regulations:**

- a) 2004 - European Enforcement Order Regulation (805/2004)
- b) 2006 - Payment Order Regulation (1896/2006)
- c) 2007 - Small Claims Regulation (861/2007)
- d) 2009 - Maintenance Regulation (4/2009)
- e) 2012 - Brussels I Recast (1215/2012)

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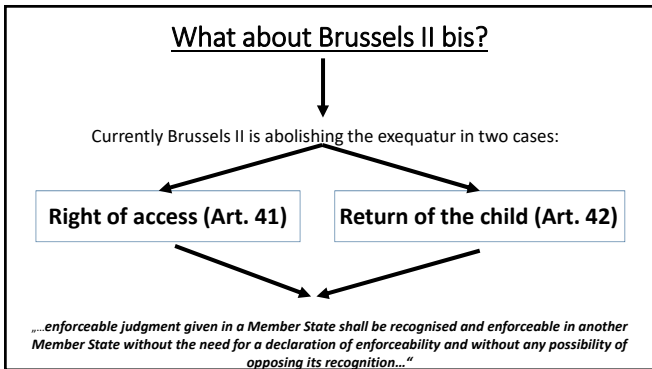
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### Problems???

In matters concerning parental child abduction, cross-border placement of children and cooperation between (central and other) national authorities : the enforcement of decisions given in another Member State was identified as problematic.

The requirement of *exequatur* generated:

- average delays per case of several months;
- costs reaching up to 4,000 Euro for parents (e.g. for the work of specialized lawyers).

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This has had a negative impact on:

- parent-child relationships
- the best interests of children



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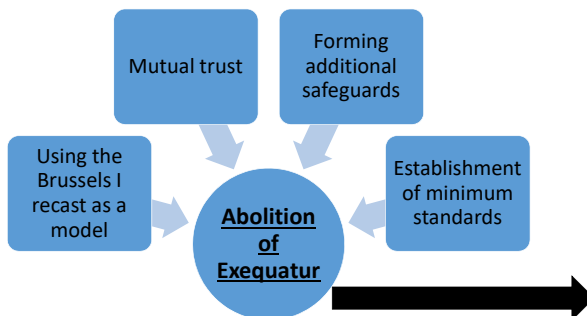
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### CONCLUSIONS



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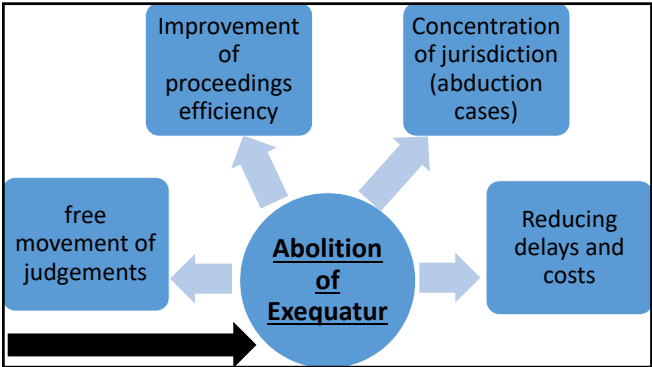
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