

BRUSSELS II-TER

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Cross-border Marriage Dissolution,
Parental Responsibility Disputes
and Child Abduction in the EU

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Brussels II-ter. Cross-border Marriage Dissolution, Parental Responsibility
Disputes and Child Abduction in the EU
© Nigel Lowe, Costanza Honorati, Michael Hellner 2024

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*To Madoc, Mostyn and Maya
Marco, Gregorio and Guglielmo
Ann and Jacob*

PREFACE

Council Regulation (EU) No 2019/1111 of 25 June 2019, referred to in this work as ‘Brussels II-ter’, is the pre-eminent EU cross-border family law instrument. It provides the EU’s rules on jurisdiction, recognition and enforcement of matrimonial matters, matters of parental responsibility and international child abduction, and governs the placement of children between Member States.

Brussels II-ter is the third and latest version of the so-called ‘Brussels II Regulations’, which originated as the Brussels II Convention of 28 May 1998. This Convention never entered into force. Instead, following the Amsterdam Treaty and the communitarisation of judicial cooperation in civil matters, the Commission’s proposal made in 1999 was converted, remarkably quickly, into a Regulation (Council Regulation (EC) No 1347/2000 of 29 May 2000) which came fully into force in March 2001. It was the EU’s first entry into mainstream cross-border family law matters.

So far as matters of parental responsibility were concerned, the 2000 Regulation only applied to children of both spouses on the occasion of matrimonial proceedings. It contained no specific provisions concerning international child abduction (although it was expressed to take precedence over the 1996 Child Protection Convention). It did not deal with placements of children from one Member State to another and it contained no provisions for cooperation between Member States. These restrictions and omissions were addressed by Council Regulation No 2201/2003 (‘Brussels II-bis’), but only after protracted and hard-fought negotiations (particularly in relation to child abduction). Brussels II-bis became fully applicable on 1 March 2005. In 2016, after ten years of application and with 13 Member States applying a Regulation to which they had not been party in relation to its drafting, the EU Commission published its Proposal for recasting Brussels II-bis. There followed lengthy negotiations which resulted in Brussels II-ter, which became fully applicable on 1 August 2022.

Brussels II-ter has made substantial and, at times, fundamental changes with regard to matters of parental responsibility. None is more fundamental than the abolition of the need for an *exequatur* for *all* decisions on matters of parental responsibility. Alongside this development, Brussels II-ter makes major, but complicated, changes to the recognition and enforcement provisions (see further below).

Another important change made by Brussels II-ter concerns the jurisdictional rules on parental responsibility with regard to choice of court,

transfer of jurisdiction and jurisdiction to take provisional measures in urgent cases. Key changes, too, are made in relation to international child abduction on which there is now a separate chapter rather than a single article, as was the case previously. Of particular note are the new provisions concerning the timing of abduction proceedings, the more limited application of the 'override provision' and clarifying that a return order ranks as a 'decision' for the purposes of the Regulation. The importance attached to international child abduction is reflected by the fact that it is now included in the title of the Regulation.

Other notable changes include: making express and separate provision for listening to children in proceedings concerning matters of parental responsibility; having a separate chapter (rather than a single article, as was the case previously) dealing with authentic instruments and agreements; enhancing the provisions concerning cooperation between Central Authorities; introducing express provision for cooperation and communication between courts; and substantially revamping the provisions governing the placement of children from one Member State to another. Finally, mention should be made of the new provisions that helpfully clarify the relationship between Brussels II-ter and the 1996 Hague Child Protection Convention.

Welcome though most of these changes are, they come at a cost, not least in the sense that Brussels II-ter now comprises 105 Articles and 98 Recitals compared to 72 Articles and 33 Recitals in Brussels II-bis. But on top of this expansion, Brussels II-ter has become more complex, particularly following the decision to maintain the distinction between what are now termed privileged and non-privileged decisions with regard to recognition and enforcement. While the pros and cons of this decision can be debated, what cannot be justified is the convoluted structure of Chapter 4, which is hard to negotiate.

It cannot go without comment that in contrast to all the changes made to matters of parental responsibility, Brussels II-ter makes no substantial changes with regard to matrimonial matters. Indeed, the provisions concerning matrimonial matters have essentially remained the same since the 2000 Brussels II Regulation. Notwithstanding the criticisms that it is unsatisfactory to have multiple non-hierarchical grounds of jurisdiction and that there is no power of the parents to agree on jurisdiction or of the courts to transfer proceedings, in its 2016 Proposals to recast Brussels II-bis, the Commission refrained from making any recommendations for substantive changes with regard to matrimonial matters. This was not because the Commission necessarily considered the provisions relating to matrimonial matters to be beyond reproach, but, rather, because it did not want to run the risk of opening up the whole topic of matrimonial matters, given the probable divergent views of the new Member States that had not been party either to the 2000 Brussels II Regulation or the Brussels II-bis negotiations, in particular concerning same-sex marriages. It is suggested that when Brussels II-ter next comes to be reviewed, the EU legislature

must bite the bullet about re-examining the provisions relating to matrimonial matters.

The book aims to provide an in-depth discussion of this complex Regulation. It endeavours to provide not only a clear exposition of the Regulation's provisions but also a critical evaluation of them. Rather than an article-by-article analysis, the book comprises separate chapters on discrete parts covered by the Regulation, namely: the history and scope of Brussels II-ter, common rules on court proceedings, jurisdiction in matrimonial matters, jurisdiction in matters of parental responsibility, coordination of proceedings, international child abduction, the hearing of the child, recognition, enforcement and authentic instruments and agreements, and cooperation in matters of parental responsibility. The book concludes with a chapter on the relationship between the EU and the UK following Brexit. This chapter discusses, among other issues, the often problematic inter-relationship between Brussels II-ter and the 1996 Hague Child Protection Convention.

The book was originally planned by Nigel Lowe and Costanza Honorati, who participated in the Expert's Group supporting the Commission in the preparatory work. Nigel drafted Chapters 1, 6, 7, 11 and 12, and Costanza drafted Chapters 2, 3, 4 and 5. Michael Hellner joined at a later stage and drafted Chapters 8, 9 and 10. All the authors have read and commented on each other's chapters and have had the benefit of a fruitful and stimulating debate and exchange of views, which they hope will be transferred to the reader.

We have sought to consider the law as we understand it to be as of 31 July 2023.

Like Brussels II-ter itself, the book has been a long time in its preparation and the authors are grateful to Intersentia for their patience and commitment to the work.

Nigel Lowe
Costanza Honorati
Michael Hellner

10 November 2023

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CJEU, 6 July 2022, *BM*, C-462/22

* At the time of going to press no decision has yet been given by way of preliminary ruling on Brussels II-ter.

¹ It should be noted that although corresponding Articles in Brussels II-ter are given, these might have changed quite substantially in relation to their counterparts in Brussels II-bis.

Article 6 (see Article 6(2) Brussels II-ter)

ECJ, 29 November 2007, *Sundelind Lopez* C-68/07

Article 7 (see Article 6(1) and (3) Brussels II-ter)

ECJ, 29 November 2007, *Sundelind Lopez*, C-68/07

CJEU, 1 August 2022, *M P A*, C-501/20

Article 8 (see Article 7 Brussels II-ter)

ECJ, 2 April 2009, *A*, C-523/07

CJEU, 23 December 2009, *Detiček*, C-403/09 PPU

CJEU, 22 December 2010, *Mercredi*, C-497/10 PPU

CJEU, 1 October 2014, *E v. B*, C-436/13

CJEU, 9 October 2014, *C v. M*, C-376/14 PPU

CJEU, 15 February 2017, *Wand V*, C-499/15

CJEU, 8 June 2017, *OL*, C-111/17 PPU

CJEU, 28 June 2018, *HR*, C-512/17

CJEU, 17 October 2018, *UD*, C-393/18 PPU

CJEU, 14 July 2022, *CC*, C-572/21

CJEU, 1 August 2022, *M P A*, C-501/20

Article 9 (see Article 8 Brussels II-ter)

CJEU, 27 April 2023, *CM*, C-372/22

Article 10 (see Article 9 Brussels II-ter)

ECJ, 2 April 2009, *A*, C-523/07

CJEU, 1 July 2010, *Povse*, C-211/10 PPU

CJEU, 22 December 2010, *Mercredi*, C-497/10 PPU

CJEU, 9 October 2014, *C v. M*, C-376/14 PPU

CJEU, 10 April 2018 (order), *CV*, C-85/18 PPU

CJEU, 17 October 2018, *UD*, C-393/18 PPU

CJEU, 24 March 2021, *SS*, C-603/20 PPU

Article 11 (see Articles 22, 23 and 26 Brussels II-ter)

ECJ, 11 July 2008, *Rinau*, C-195/08 PPU

CJEU, 1 July 2010, *Povse*, C-211/10 PPU

CJEU, 9 October 2014, *C v. M*, C-376/14 PPU

CJEU, 9 January 2015, *RG*, C-498/14 PPU

CJEU, 8 June 2017, *OL*, C-111/17 PPU

CJEU, 2 August 2021, *A*, C-262/21 PPU

CJEU, 16 February 2023, *T.C. and Others*, C-638/22 PPU

Article 12 (see Article 10 Brussels II-ter)

CJEU, 1 October 2014, *E v. B*, C-436/13

CJEU, 12 November 2014, *L v. M*, C-656/13

CJEU, 21 October 2015, *Gogova*, C-215/15

CJEU, 15 February 2017, *W, V*, C-499/15

CJEU, 16 January 2018 (order), *PM*, C-604/17

CJEU, 19 April 2018, *Saponaro*, C-565/16
CJEU, 3 October 2019 (order), *OF*, C-759/18

Article 13 (see Article 11 Brussels II-ter)

CJEU, 22 December 2010, *Mercredi*, C-497/10 PPU

Article 14 (see Article 11 Brussels II-ter)

CJEU, 24 March 2021, *SS*, C-603/20 PPU
CJEU, 1 August 2022, *M P A*, C-501/20

Article 15 (see Articles 12 and 13 Brussels II-ter)

CJEU, 27 October 2016, *Child and Family Agency*, C-428/15
CJEU, 4 October 2018, *IQ*, C-478/17
CJEU, 10 July 2019 (order), *EP*, C-530/18
CJEU, 27 April 2023, *CM*, C-372/22
CJEU, 13 July 2023, *TT*, C-87/22

Article 16 (see Article 17 Brussels II-ter)

CJEU, 22 December 2010, *Mercredi*, C-497/10 PPU
CJEU, 16 July 2015 (order), *P*, C-507/14
CJEU, 6 October 2015, C-489/14
CJEU, 22 June 2016 (order), *MH*, C-173/16

Article 17 (see Article 18 Brussels II-ter)

ECJ, 29 November 2007, *Sundelind Lopez*, C-68/07
CJEU, 16 January 2019, *Liberato*, C-386/17
CJEU, 3 October 2019 (order), *OF*, C-759/18

Article 19 (see Article 20 Brussels II-ter)

CJEU, 9 November 2010, *Purrucker II*, C-296/10
CJEU, 22 December 2010, *Mercredi*, C-497/10 PPU
CJEU, 6 October 2015, *A*, C-489/14
CJEU, 16 January 2019, *Liberato*, C-386/17

Article 20 (see Article 15 Brussels II-ter)

ECJ, 2 April 2009, *A*, C-523/07
CJEU, 23 December 2009, *Detiček*, C-403/09 PPU
CJEU, 15 July 2010, *Purrucker I*, C-256/09
CJEU, 9 November 2010, *Purrucker II*, C-296/10
CJEU, 26 April 2012, *Health Service Executive*, C-92/12 PPU
CJEU, 19 September 2018, *Hampshire County Council*, C-325/15 PPU and C-375/18 PPU

Article 21 (see Article 30 Brussels II-ter)

ECJ, 11 July 2008, *Rinau*, C-195/08 PPU
CJEU, 9 November 2010, *Purrucker II*, C-296/10
CJEU, 26 April 2012, *Health Service Executive*, C-92/12 PPU
CJEU, 15 November 2022, *Senatsverwaltung für Inneres und Sport*, C-646/20

Article 22 (see Article 38 Brussels II-ter)

CJEU, 16 January 2019, *Liberato*, C-386/17

Article 23 (see Article 39 Brussels II-ter)

ECJ, 11 July 2008, *Rinau*, C-195/08 PPU

CJEU, 22 December 2010, *Aguirre Zarraga*, C-491/10 PPU

CJEU, 19 November 2015, *P*, C-455/15 PPU

CJEU, 16 January 2019, *Liberato*, C-386/17

Article 24 (see Article 69 Brussels II-ter)

CJEU, 15 July 2010, *Purrucker I*, C-256/09

CJEU, 16 January 2019, *Liberato*, C-386/17

Article 26 (Article 71 Brussels II-ter)

CJEU, 9 November 2010, *Purrucker II*, C-296/10

CJEU, 19 September 2018, *Hampshire County Council*, C-325/15 PPU and C-375/18 PPU

Article 28 (no corresponding provision in Brussels II-ter)

CJEU, 26 April 2012, *Health Service Executive*, C-92/12 PPU

CJEU, 9 September 2015, *Bohez*, C-4/14

Article 31 (no corresponding provision in Brussels II-ter)

ECJ, 11 July 2008, *Rinau*, C-195/08 PPU

Article 33 (no corresponding provision in Brussels II-ter)

CJEU, 19 September 2018, *Hampshire County Council*, C-325/15 PPU and C-375/18 PPU

Article 40 (see Articles 42 and 47(1) Brussels II-ter)

ECJ, 11 July 2008, *Rinau*, C-195/08 PPU

CJEU, 19 September 2018, *Hampshire County Council*, C-325/15 PPU and C-375/18 PPU

Article 41(1) (see Article 43(1) Brussels II-ter)

CJEU, 9 September 2015, *Bohez*, C-4/14

Article 42 (see Articles 43(1) and 47(3) Brussels II-ter)

ECJ, 11 July 2008, *Rinau*, C-195/08 PPU

CJEU, 1 July 2010, *Povse*, C-211/10 PPU

CJEU, 22 December 2010, *Aguirre Zarraga*, C-491/10 PPU

Article 46 (see Article 65 Brussels II-ter)

CJEU, 15 November 2022, *Senatsverwaltung für Inneres und Sport*, C-646/20

Article 47 (see Article 51 Brussels II-ter)

CJEU, 1 July 2010, *Povse*, C-211/10 PPU

CJEU, 22 December 2010, *Aguirre Zarraga*, C-491/10 PPU

CJEU, 9 September 2015, *Bohez*, C-4/14

Article 55 (see Article 79 Brussels II-ter)

ECJ, 2 April 2009, A, C-523/07

Article 56 (see Article 82 Brussels II-ter)

CJEU, 26 April 2012, *Health Service Executive*, C-92/12 PPU

Article 59 (see Article 94 Brussels II-ter)

ECJ, 27 November 2007, C, C-435/06

Article 61 (see Article 97(1) Brussels II-ter)

CJEU, 24 March 2021, SS, C-603/20 PPU

CJEU, 14 July 2022, CC, C-572/21

CORRELATION TABLE BETWEEN ARTICLES AND RECITALS IN THE BRUSSELS IIB REGULATION*

Article	Recital(s)	Topic
–	Recital 1 Recital 3 Recital 90	The need to recast Brussels IIa Regulation
ARTICLE 1(1)	Recital 2 Recital 4 Recital 5 Recital 8	Scope of the Regulation, the notion of ‘civil matters’ – general
ARTICLE 1(1)(a)	Recital 9 Recital 12	Scope of matrimonial matters
ARTICLE 1(1)(b), 1(2)	Recital 4 Recital 5 Recital 7 Recital 10 Recital 11 Recital 17 Recital 18 Recital 92	Scope of matters of parental responsibility
ARTICLE 1(3)	Recital 2 Recital 5 Recital 16 Recital 17 Recital 40 Recital 73	The circulation of return decisions
ARTICLE 1(4)	Recital 11 Recital 12 Recital 13 Recital 92	Matters falling outside the scope
ARTICLE 2(1)	Recital 14 Recital 16 Recital 59	Definition of ‘decision’
ARTICLE 2(2)(1)	Recital 7 Recital 14	Definition of ‘court’

* The Correlation Table is provided in Annex I to the *Practice Guide for the Application of the Brussels Iib Regulation*.

Correlation Table between Articles and Recitals in the Brussels IIB Regulation

Article	Recital(s)	Topic
ARTICLE 2(2)(2)	Recital 5 Recital 14 Recital 15	Definition of 'authentic instrument'
ARTICLE 2(2)(3)	Recital 5 Recital 14	Definition of 'agreement'
ARTICLE 2(2)(4), (5)	–	Definitions of 'Member State of origin' and 'Member State of enforcement'
ARTICLE 2(2)(6)	Recital 7 Recital 17	Definition of 'child'
ARTICLE 2(2)(7)	Recital 7 Recital 10 Recital 11 Recital 16 Recital 18	Definition of 'parental responsibility'
ARTICLE 2(2)(8)	Recital 18	Definition of 'holder of parental responsibility'
ARTICLE 2(2)(9)	Recital 18	Definition of 'rights of custody'
ARTICLE 2(2)(10)	Recital 18	Definition of 'rights of access'
ARTICLE 2(2)(11)	Recital 16 Recital 17	Definition of 'wrongful removal or retention'
–	Recital 19	Notion of 'best interests of the child'
ARTICLE 3	Brussels II Regulation Recital 8 and Recital 12	General jurisdiction in matrimonial matters
ARTICLE 4	Brussels II Regulation Recital 8 and Recital 12	Counterclaim
ARTICLE 5	Brussels II Regulation Recital 8 and Recital 12	Conversion of legal separation to divorce
ARTICLE 6	Brussels II Regulation Recital 8 and Recital 12	Residual jurisdiction
ARTICLE 7	Recital 19 Recital 20 Recital 21	General jurisdiction in matters of parental responsibility
ARTICLE 8	Recital 20	Continuing jurisdiction in relation to access rights
ARTICLE 9	Recital 22	Jurisdiction in cases of the wrongful removal or retention of a child
ARTICLE 10	Recital 20 Recital 22 Recital 23 Recital 24 Recital 38 Recital 43	Choice of court

Correlation Table between Articles and Recitals in the Brussels IIb Regulation

Article	Recital(s)	Topic
ARTICLE 11	Recital 25	Jurisdiction based on presence of the child
ARTICLES 12 AND 13	Recital 21 Recital 26 Recital 27 Recital 28 Recital 37 Recital 79	Transfer of jurisdiction
ARTICLE 14	Recital 29 Recital 34	Residual jurisdiction
ARTICLE 15	Recital 30 Recital 31 Recital 44 Recital 46 Recital 59 Recital 79	Provisional, including protective, measures in urgent cases
ARTICLE 16	Recital 32 Recital 33	Incidental questions
ARTICLE 17	Recital 35 Recital 36 Recital 38	Seising of a court
ARTICLE 18	Recital 31 Recital 37	Examination as to jurisdiction
ARTICLE 19	Recital 36	Examination as to admissibility
ARTICLE 20	Recital 35 Recital 38 Recital 79	<i>Lis pendens</i> and dependent actions
ARTICLE 21	Recital 39 Recital 53 Recital 57 Recital 71	Right of the child to express his or her views
ARTICLE 22	Recital 16 Recital 40 Recital 73	Return of the child under the 1980 Hague Convention
–	Recital 41 Recital 43	Concentration of jurisdiction for return proceedings
ARTICLE 23	Recital 73	Receipt and processing of applications by Central Authorities
ARTICLE 24	Recital 41 Recital 42	Expeditious court proceedings
ARTICLE 25	Recital 42 Recital 43	Alternative dispute resolution
ARTICLE 26	Recital 39 Recital 53	Right of the child to express his or her views in return proceedings
ARTICLE 27(1)	Recital 53	The right of the person seeking the return of the child to be heard
ARTICLE 27(2)	–	Access arrangement during return proceedings

Correlation Table between Articles and Recitals in the Brussels IIB Regulation

Article	Recital(s)	Topic
ARTICLE 27(3), (4)	Recital 44 Recital 45 Recital 46 Recital 79	Adequate arrangements
ARTICLE 27(5)	Recital 30 Recital 44 Recital 45 Recital 46 Recital 59 Recital 79	Provisional measures to protect the child from grave risk
ARTICLE 27(6)	Recital 47 Recital 66	Provisional enforceability of a return decision
ARTICLE 28	Recital 60 Recital 65 Recital 66 Recital 67	Enforcement of decisions ordering the return of a child
ARTICLE 29(1)	Recital 48 Recital 49	Scope of the 'overriding mechanism'
ARTICLE 29(2), (3), (4)	Recital 49 Recital 50	'Overriding mechanism' where parental responsibility proceedings are pending
ARTICLE 29(2), (5)	Recital 49 Recital 51	'Overriding mechanism' where no parental responsibility proceedings are pending
ARTICLE 29(6)	Recital 52	Overriding effect
ARTICLE 30(1), (2), (3)	Recital 54	Recognition of a decision
ARTICLE 31	–	Documents to be produced for recognition
ARTICLE 32	–	Absence of documents
ARTICLE 33	–	Stay of proceedings
ARTICLE 34(1)	Recital 58 Recital 66	Enforceable decisions
ARTICLE 34(2)	Recital 66	Provisional enforceability of decisions granting rights of access
ARTICLE 35(2)	–	Documents to be produced for enforcement
ARTICLE 36	Recital 64	Issuance of the certificate
ARTICLE 37	–	Rectification of the certificate
ARTICLE 38	Recital 54 Recital 55 Recital 56	Grounds for refusal of recognition of decisions in matrimonial matters
ARTICLE 39	Recital 54 Recital 55 Recital 56 Recital 62	Grounds for refusal of recognition of decisions in matters of parental responsibility
ARTICLE 39(2)	Recital 39 Recital 57	Ground for refusal of recognition of decisions in matters of parental responsibility where the child did not have an opportunity to express his or her views

Correlation Table between Articles and Recitals in the Brussels IIb Regulation

Article	Recital(s)	Topic
ARTICLES 40	Recital 54 Recital 6	Procedure for refusal of recognition
ARTICLE 41	Recital 54 Recital 55 Recital 62	Grounds for refusal of enforcement of decisions in matters of parental responsibility
ARTICLE 42	Recital 52 Recital 58	Scope of privileged decisions
ARTICLE 43	Recital 52	Recognition of privileged decisions
ARTICLE 44	–	Stay of proceedings
ARTICLE 45	Recital 66	Enforceable privileged decisions
ARTICLE 46	–	Documents to be produced for enforcement
ARTICLE 47	Recital 52	Issuance of the privileged certificate
ARTICLE 48	–	Rectification and withdrawal of the privileged certificate
ARTICLE 49	–	Certificate on lack or limitation of enforceability
ARTICLE 50	Recital 38 Recital 52 Recital 56	Irreconcilable decisions
ARTICLE 51	Recital 60 Recital 65 Recital 6	Enforcement procedure
ARTICLE 52	Recital 60	Authorities competent for enforcement
ARTICLE 53	–	Partial enforcement
ARTICLE 54	Recital 61	Arrangements for the exercise of rights of access
ARTICLE 55	Recital 64	Service of certificate and decision
ARTICLE 56(1)	Recital 64 Recital 67	Suspension of enforcement proceedings where enforceability is suspended in the Member State of origin
ARTICLE 56(2)(b) AND ARTICLE 56(3)	Recital 67 Recital 68	Suspension of enforcement proceedings due to appeal
ARTICLE 56(4)–(6)	Recital 67 Recital 69	Suspension and refusal of enforcement due to exposure of the child to grave risk
ARTICLE 57	Recital 62 Recital 63	Grounds for suspension or refusal of enforcement under national law
ARTICLES 58–60	Recital 62 Recital 63	Procedure for refusal of enforcement
ARTICLE 61	–	Challenge or appeal
ARTICLE 62	–	Further challenger or appeal
ARTICLE 63	–	Stay of proceedings
ARTICLE 64	Recital 5 Recital 6 Recital 14 Recital 15	Scope of authentic instruments and agreements

Correlation Table between Articles and Recitals in the Brussels IIB Regulation

Article	Recital(s)	Topic
ARTICLE 65	Recital 55 Recital 70	Recognition and enforcement of authentic instruments and agreements
ARTICLES 66–67	–	Issuance, rectification and withdrawal of the certificate
ARTICLE 68(3)	Recital 55 Recital 71	Grounds for refusal of recognition or enforcement of authentic instruments and agreements
ARTICLE 69	–	Prohibition of review of jurisdiction of the court of origin
ARTICLE 70	–	Differences in applicable law
ARTICLE 71	–	Non-review as to substance
ARTICLE 72	–	Appeal in certain Member States
ARTICLE 73	–	Costs
ARTICLE 74	–	Legal aid
ARTICLE 75	–	Security, bond or deposit
ARTICLE 76	Recital 72 Recital 73 Recital 74	Designation of Central Authorities
ARTICLE 77(3)	Recital 74 Recital 86	General tasks of Central Authorities and EJM-civil
ARTICLE 78(1)–(2)	Recital 74 Recital 75 Recital 80	Requests through Central Authorities
ARTICLE 78(2) – (3)	Recital 74 Recital 75 Recital 76 Recital 78	Applicants
ARTICLE 78(4)	Recital 77	Agreements between Central Authorities
ARTICLE 79	Recital 78 Recital 79 Recital 80	Specific tasks of Central Authorities, discovering the whereabouts of a child
ARTICLE 80	Recital 75 Recital 76 Recital 81 Recital 84 Recital 85	Cooperation on collecting and exchanging information relevant in procedures in matters of parental responsibility
ARTICLE 81	Recital 82	Implementation of decisions in matters of parental responsibility in another Member State
ARTICLE 82	Recital 11 Recital 77 Recital 83 Recital 84 Recital 85	Placement of a child in another Member State
ARTICLE 83	Recital 72	Costs of Central Authorities
ARTICLE 84	Recital 86	Meetings of Central Authorities
ARTICLE 85		Scope of general provisions

Correlation Table between Articles and Recitals in the Brussels IIB Regulation

Article	Recital(s)	Topic
ARTICLE 86	Recital 75 Recital 79 Recital 80	Cooperation and communication between courts
ARTICLE 87	Recital 85	Collection and transmission of information
ARTICLE 88	Recital 87	Notification of data subject
ARTICLE 89	Recital 88	Non-disclosure of information
ARTICLE 90	–	Legalisation or other similar formality
ARTICLE 91	–	Languages
ARTICLE 92	Recital 89	Amendments to Annexes
ARTICLE 93	Recital 89	Exercise of the delegation
ARTICLE 94	Recital 90	Relations with other instruments
–	Recital 90	The continuity with the Brussels II Convention, the Brussels II and Brussels IIA Regulations
ARTICLE 95	Recital 91	Relations with certain multilateral conventions
ARTICLE 96	Recital 2 Recital 5 Recital 16 Recital 17 Recital 30 Recital 40 Recital 72 Recital 73	Relation with the 1980 Hague Convention
ARTICLE 97	Recital 17 Recital 25 Recital 72 Recital 92	Relation with the 1996 Hague Convention
ARTICLE 98	Recital 91	Scope of effect
ARTICLE 99	–	Treaties with the Holy See
ARTICLE 100	Recital 90	Transitional provisions
ARTICLE 101	Recital 93	Monitoring and Evaluation
ARTICLE 102	–	Member States with two or more legal systems
ARTICLE 103	Recital 94	Information to be communicated to the Commission
ARTICLE 104	–	Repeal
ARTICLE 105	–	Entry into force
–	Recital 95 Recital 96	Protocols on the positions of the UK, Ireland and Denmark
–	Recital 97	Consultation of the EDPS
–	Recital 98	Subsidiarity

LIST OF LEGISLATION

COUNCIL OF EUROPE

- European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms (ECHR) 6.62, 6.64, 7.3, 7.27
Article 6 5.37, 7.22, 8.85
Article 8 7.3, 8.13, 8.108
Article 14 8.108
- European Convention of 20 May 1980 on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (1980 European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on the Restoration of Custody of Children) 1.60
- European Convention of 25 January 1996 on the Exercise of Children's Rights 7.4
Article 3 7.4
Article 6 7.4
- European Convention of 15 May 2003 on Contact Concerning Children 4.167

EUROPEAN UNION

EU BASIC TREATIES

- Treaty establishing the European Economic Community ('Treaty of Rome')
Article 220 8.2
- Treaty on European Union (1992 version – Maastricht Treaty)
Article K.1 8.2
- Treaty of Amsterdam of 2 October 1997 amending the Treaty on European

- Union, the Treaties establishing the European Communities and certain related Acts (Treaty of Amsterdam) 9.5
- Treaty on European Union (Lisbon Treaty, i.e. present version – TEU)
Article 4(3) 9.79
- Treaty on the Functioning of the European Union (TFEU) 8.2
Article 18 3.88
Article 20 8.13
Article 21 8.14
Article 81 11.41
Article 81(3) 1.13
Article 258 6.62
- European Union Charter of Fundamental Rights . . . 1.79, 7.20, 12.19
Article 7 8.13, 8.108
Article 21 1.30, 8.108
Article 24 6.44, 6.118, 7.7, 7.11, 7.32, 8.106, 10.41
Article 24(1) 7.2
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Article 47 3.87
- Agreement of 24 January 2020 on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (EU Withdrawal Agreement) 12.1–12.2, 12.18, 12.20
Article 2(e) 12.1
Article 67 1.99, 12.6–12.9
Article 67(1) 12.10
Article 67(2)(b) 12.13
Article 126 12.1
- Trade and cooperation agreement of 30 December 2020 between the European Union and the European Atomic Energy Community, of the one part, and

the United Kingdom of Great Britain
and Northern Ireland, of the other part
(EU-UK Trade Agreement) 12.2

EU PIL CONVENTIONS

- Convention of 27 September 1968
on jurisdiction and the enforcement
of judgments in civil and commercial
matters (1968 Brussels
Convention)¹ 1.6, 3.88,
5.36, 8.129,
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- Article 19 5.66
Article 21 5.37
Article 24 4.196
Article 26 8.32, 8.37
Article 27(4) 8.129
Article 29 8.132
Article 30 8.57
- Convention of 16 September 1988
on jurisdiction and the enforcement
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Convention) 8.129
- Convention of 28 May 1998 drawn
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the Treaty on European Union, on
Jurisdiction and the Recognition
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Matrimonial Matters (1998
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1.73, 3.56, 3.62,
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- Convention of 30 October 2007 on
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and enforcement of judgments in
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Article 30 8.57

EU REGULATIONS

- Council Regulation (EC) No 1347/2000
of 29 May 2000 on jurisdiction and
the recognition and enforcement of
judgments in matrimonial matters and
matters of parental responsibility for
children of both spouses
(Brussels II) 1.7–1.8, 1.19, 3.29,
3.88, 4.201, 6.4–6.6,
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- Article 2 3.1
Article 4 6.4
Article 9 2.28
Article 11(4) 2.3
Article 13(3) 10.3
Article 14 8.32
- Council Regulation (EC) No 44/2001
of 22 December 2000 on Jurisdiction
and the Recognition and Enforcement
of Judgments in Civil and
Commercial Matters (Brussels I) 1.6,
2.44, 3.88, 4.201, 8.27
- Article 27 5.3
Article 30 2.3
Article 37 9.25
- Council Regulation (EC) No 1206/2001
of 28 May 2001 on cooperation between
the courts of the Member States in the
taking of evidence in civil or commercial
matters (2001 Taking of Evidence
Regulation) 7.23
- Council Regulation (EC) No 2201/2003
of 27 November 2003 concerning
jurisdiction and the recognition of
judgments in matrimonial matters and
the matters of parental responsibility,
repealing Regulation (EC) 1347/2000
(Brussels II-bis) 1.2, 1.9, 1.19, 1.57,
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1.96, 1.99, 4.3, 4.168, 4.204,
6.7, 6.9, 6.35, 6.54, 6.62, 6.74,
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7.7, 7.33–7.34, 8.116, 8.118, 8.135,
9.5–9.6, 9.14, 10.5, 11.2, 11.4, 11.6,

¹ Strictly speaking not an EU convention but entered into between the (then) Member States of the EU and those States that were then members of the EFTA. In addition Poland acceded to the Convention before becoming an EU Member State.

11.10–11.11, 12.1, 12.3–12.4, 12.6–12.9, 12.13, 12.17–12.18, 12.21, 12.33–12.34, 12.45	Article 16(1)(a) 2.24
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