

Judicial cooperation in civil matters: jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations

2005/0259(CNS) - 05/06/2008

The Council agreed a set of **political guidelines** concerning a proposal for a Regulation on jurisdiction, applicable laws, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations.

The six elements of the guidelines agreed refer to the scope, jurisdiction, applicable law, recognition and enforceability, enforcement and a review clause.

In particular, the Council agreed on the principal goal of the Regulation, which is **the complete abolition of exequatur** on the basis of harmonised applicable law rules.

To recall, the aim of the proposal is to eliminate all obstacles which still prevent the recovery of maintenance within the European Union, in particular the requirement of exequatur procedure. By abolishing this procedure all decisions on maintenance obligations would be allowed to circulate freely between the Member States without any form of control on the substance in the Member State of enforcement and this would significantly speed up the recovery of maintenance owed.

This will enable the creation of a legal environment adapted to the legitimate expectations of the maintenance creditors. The latter should be able to obtain easily, quickly and, generally, free of charge, an enforcement order capable of circulation without obstacles in the European area of justice and enabling regular payment of the amounts due.