Council of the European Union

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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Coreper/Council
No. prev. doc.:	8115/16, 8118/16, 9770/16
No. Cion doc.:	6801/16, 6802/16
Subject:	a) Draft Council Regulation implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes b) Draft Council Regulation implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships - Adoption

I. Introduction

1. On 3 March 2016, the Commission submitted to the Council a proposal for a 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, in addition to:

a) a proposal for a Council Regulation implementing enhanced cooperation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes;

b) a proposal for a Council Regulation implementing enhanced cooperation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships.

II. State of play

Decision authorising enhanced cooperation

2. The Council Decision authorising enhanced cooperation was adopted on 9 June 2016 after the European Parliament gave its consent (OJ L 159, 16.6.2016, p. 16–18).

Proposed Regulations implementing enhanced cooperation

3. On 9 June 2016, the Council confirmed that an agreement had been reached on a general approach on the proposed Regulations on matrimonial property regimes and registered partnerships, as set out in 8115/16 and 8118/16.

4. Since the two proposed Regulations implementing enhanced cooperation are based on Article 81(3) of the Treaty on the Functioning of the European Union, the opinion of the European Parliament is required.

5. By letter dated 29 March 2016, the Council requested the opinion of the European Parliament. The European Parliament adopted its opinion on the proposed Regulations implementing enhanced cooperation on 23 June 2016.

III. Conclusion

6. In view of the above, Coreper/the Council is invited to adopt[1]:

   a) the draft Council Regulation implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes, as set out in 8115/16;

   b) the draft Council Regulation implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships, as set out in 8118/16.

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[1] The draft Regulations shall be adopted as a result of an enhanced cooperation procedure by the 18 Member States participating in the enhanced cooperation (Belgium, Bulgaria, Czech Republic, Germany, Greece, Spain, France, Croatia, Italy, Cyprus, Luxembourg, Malta, Netherlands, Austria, Portugal, Slovenia, Finland and Sweden).