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DIPARTIMENTO DI STUDI INTERNAZIONALI,
GIURIDICI E STORICO-POLITICI



PLANNING THE FUTURE OF CROSS-BORDER FAMILIES: A PATH THROUGH COORDINATION - 'EUFAM'S' JUST/2014/JCOO/AG/CIVI/7729
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MODEL PROTOCOL FOR THE COORDINATION AMONG JUDGES

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MODEL PROTOCOL FOR THE COORDINATION AMONG JUDGES

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Introduction

Judicial Authorities¹ in the European Union frequently deal with **cross-border cases in family matters** and apply **EC/EU regulations²** that set out:

- 1) rules determining **which court is competent to deal with the case;**
- 2) rules determining **the law applicable** to each claim;
- 3) rules simplifying the **recognition and enforcement of judgments** issued in another Member State;
- 4) a procedure to **settle child abduction cases.**

In order to correctly apply those rules, a judge dealing with a cross-border dispute will often need **information on substantive as well as procedural rules of another Member State.**

In many cases the necessary information may be easily found consulting the **information sheets on Union, international and national law and procedures which are available at the European e-Justice Portal³** of the European Judicial Network in civil and commercial matters (EJN-civil)⁴ as well as through other channels, such as those provided under the European Convention on Information on Foreign Law.⁵

¹ For the purposes of this Protocol: the terms “judicial authority”, “judge” and “court” should be interpreted as referring to judicial authorities/judges/courts or other authorities/officials having equivalent powers in the matters falling within the scope of the Regulations at stake.

² *I.e.* Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (Brussels IIa) (in Official Journal of the European Union No L 338, 23 December 2003); Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (in Official Journal of the European Union No L 7 of 10 January 2009); Council Regulation (EU) No 1259/2010 of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation (in Official Journal of the European Union No L 343 of 29 December 2010); Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession (in Official Journal of the European Union No L 201 of 27 July 2012). Both Regulation (EU) 2016/1103 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes (in Official Journal of the European Union No L 183 of 8 July 2016) and Regulation (EU) 2016/1104 of 24 June 2016 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 (in Official Journal of the European Union No L 183 of 8 July 2016) will be applicable from 29 January 2019.

³ EJN-civil section, <https://e-justice.europa.eu/ejncivil>

⁴ The European Judicial Network in civil and commercial matters was set up to facilitate judicial and legal cooperation between Member States (Council Decision No 2001/470/EC of 28 May 2001 amended by Decision No 568/2009/EC of the European Parliament and of the Council of 18 June 2009 establishing a European Judicial Network in civil and commercial matters).

⁵ European Convention on Information on Foreign Law, London, 7 June 1968. More information on this instrument are available on the Council of Europe website: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/062>



However, sometimes **more specific information** will be necessary, in light of the circumstances of the dispute at hand.

In these cases, the judge before which proceedings is pending may need, e.g.:

- information about any parallel or connected proceedings pending in another Member State;
- detailed guidance as to the proper interpretation/application of substantive/procedural rules of another Member State connected to the dispute at stake;
- copies of decisions rendered in other Member States or transcripts/documents related to foreign proceedings;
- information about the factual grounds of the case.

Such information may often be crucial for a smoother as well as swifter outcome of the proceedings, especially in the furtherance of the **twofold goal of avoiding duplications of proceedings**, on the one hand, and **ensuring an effective protection of the rights of the parties** to the dispute, on the other.

Most of the time, the requested **information/documents may be provided by the parties of the dispute themselves**. With reference to this occurrence, **lawyers and legal counselors play a very significant role** and should therefore be conscious of their responsibility in the proper functioning of the judicial cooperation at the EU level system.

In some cases, however, **parties** may be reluctant to cooperate, or not in the position to support the information they provided with sufficient documental evidence, or they **may even not have access to the relevant documents**.

In these cases, there is but one solution to collect the required information: **one will want to address the judge/judicial authority of another Member State**, thereby establishing a form of judicial communication aiming at the mutual exchange of relevant information.

This Protocol is intended to provide some guidance about how to get in contact with a judge or judicial authority in another Member State either directly or through the EJM-civil or even other channels.



The present Model Protocol for the Coordination among judges provides a set of **Guidelines on the direct communication between judges**.

The Guidelines were drafted bearing in mind the previous work of the Hague Conference on Private International Law (HCCH) and the “Principles for Direct Judicial Communications in specific cases including commonly accepted safeguards” especially.⁶ The latter are the outcome of the long-lasting commitment of the Permanent Bureau on the subject matter of good practices in the communication between judges and were drafted thanks to a direct contribution of the European Commission.

Accordingly, in the drafting process of the Guidelines the paramount importance of the principles, which have performed so well, was acknowledged. Therefore, coherence with the Principles was pursued, and the occurrence of any discrepancy whatsoever between the Principles and the Guidelines was carefully avoided.

Notwithstanding that, **some adjustments were needed by virtue of the significant level of integration within the European judicial space**. The EJM-civil was set up to that very end, *i.e.* to provide practical assistance in the implementation of the provisions for civil judicial cooperation in Union treaties and other instruments. Accordingly, **the Guidelines make any judge requiring some practical assistance aware of the possibility to approach his/her national EJM-civil contact point(s).**⁷ Besides from that, the possibility to resort to a local Member of the International Hague Network of Judges (IHNJ)⁸ is also clearly stated in the Guidelines.

The drafters clearly encouraged direct contact between judges, even independently from the cooperation of the EJM-civil contact point(s) and the local Member of the IHNJ. To that end, they point out the accessibility of the relevant information to **identify for each Member State the court competent to hear a specific case in the European e-Justice Portal.**⁹

Furthermore, following a common practice in the domain of judicial operation in the EU, the drafters proposed a **model form (Annex II), to be used when contacting a judge** in another Member State. Such a form was thought of as a useful tool to overcome language issues.

⁶ See the brochure “Direct Judicial Communications”, 2013, available in French, English, Portuguese, Russian and Spanish on the HCCH website: <https://www.hcch.net/en/publications-and-studies/details4/?pid=6024>

⁷ See Guideline No VII.

⁸ On the International Hague Network of Judges, see the brochure “Direct Judicial Communications” (above, fn. 6), p. 8. For the list of the local Members of the IHNJ see Guideline No VIII.

⁹ See Guideline No VI.



Unlike the Hague Principles these Guidelines adopt a **more flexible approach with reference to oral communication** as well, though reference to the Common European Framework of Reference for Languages (CEFR)¹⁰ in order to identify the level of understanding is always recommended. Such an approach could be adopted by virtue of the regional dimension of the Project, which, solving the inconvenience of time difference that justify a preference for written communication, allows to rely on oral communication instead.

As for the need to implement a judicial coordination all the while **respecting procedural rules of the Member States involved**, the Guidelines are coherent with previous instruments.

Even more so, the Guidelines make sure to comply with the “commonly accepted safeguards”¹¹ previously identified by the Permanent Bureau of the Hague Conference on Private International Law in order to **comply with the requirements of fair trial**.

Though **the value of direct judicial communication in cross-border family cases is commonly accepted**, some studies performed by the Hague Conference on Private International Law show that there is concern as to **the proper legal basis** for the implementation of this specific cooperation model.

However, the issue is not addressed in the Protocol since **in the EU legal order** coordination among judges falls within the **general obligation to apply EU regulation in family matters properly**, *i.e.* it descends from **the binding character of the regulations and their direct applicability in the Member States under Art. 288 TFEU**. This of course is without prejudice of the domestic procedural rules of each Member State.

On the other hand, as far as the EU normative framework is concerned, it seems more relevant to identify the **hypotheses in which a mutual exchange of information between judges may be useful**.

Though quite a few provisions in EU regulations may benefit from a mutual exchange of information or some judicial coordination, only art. 15 in Regulation (EC) No 2201/2003¹² expressly mentions direct judicial cooperation.

¹⁰ More information are available on the website of the Council of Europe: <https://www.coe.int/en/web/common-european-framework-reference-languages/>

¹¹ See the brochure "Direct Judicial Communications" (above, fn. 6), p. 13.

¹² In matters of parental responsibility, under Art. 15 of the Brussels IIa Regulation, the court having jurisdiction may transfer a case to a court of another Member State if this court is better placed to hear the case. For the purposes of that Article, according to its paragraph 6, the Courts shall cooperate, either directly or through the central authorities designated pursuant to Article 53 of the Brussels IIa Regulation.



For the time being, judges lack a **specific instrument making them aware of the hypotheses in which direct cooperation with a colleague in another Member State is likely to facilitate the settlement of the dispute.**

In order to fill this gap, the Protocol only partially borrowed the solutions provided by the Hague Principles. The latter have, as matter of fact, a more restricted scope, being almost entirely related to the 1980 Child Abduction Convention.¹³ Quite to the opposite, EU regulations in family matters address a wide range of matters, such as divorce, custody of children, maintenance obligations, couple's property regimes, successions.

Accordingly, **the relevant regulations were analysed, in order to identify the provisions benefitting from a form of judicial communication. With reference to such provisions, the issues susceptible of being the object of a mutual exchange were subsequently identified.** The outcome of the enquiry are to be found in Annex I, which certainly is the most relevant contribution to the development of coordination among judges in the whole Protocol.

Table A lists the single provisions in each Regulation that may benefit from a form of judicial coordination as well as the specific issues that may need to be the object of a communication in order for the relevant provisions to be correctly applied. Some examples, either drawn from the ECJ's case-law or made-up against national case-law, are provided.

Table B, on the other hand, provides an issue-oriented list, whereby the criterion resorted to is the specific matter addressed (e.g.: exercising jurisdiction, *lis pendens*, provisional measures...). The very same colours as in the model form in Annex II were used, in order to simplify the joint reference to the two documents.

Both lists are to be thought of as open-ended.

¹³ Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, available on the website of the HCCH: <https://www.hcch.net/en/instruments/conventions/specialised-sections/child-abduction>



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Implementing judicial cooperation in the EU by way of exchange of information: Guidelines for coordination among judges



General principles that should be followed in implementing coordination

I. *Coordination among judges*

- a. Member States judges should cooperate in an international family dispute by exchanging information in order to facilitate coordination among proceedings in different Member States and a coherent outcome of the dispute.

The judge to which the information is needed should be responsible initiate the coordination process getting in touch with the judge or the judicial authority of the other Member State.

- b. Coordination may take place at any stage of the dispute, including interim proceedings, main proceedings, proceedings for a declaration of enforceability, enforcement proceedings, and at any instance of each proceedings.

Where appropriate, for example in order to avoid duplication of proceedings, coordination may also take place between the judge seised in one Member State and courts in another Member State even if there is not (or the seised judge is not aware of) any pending proceedings involving the same matter at that time in that State.

- c. For the purpose of coordinating proceedings, judges may communicate among them either directly availing themselves of the assistance of the European Judicial Network-*EJN*, or through other channels that are deemed to be appropriate.
- d. Whichever the mechanism of communication is, communication should respect the procedural legal framework of each of the involved judges.
- e. In considering whether and how the coordination with another Member State judge should take place, the judge should have regard to speed, efficiency and cost-effectiveness. In particular, before starting the coordination process, the judge should be satisfied that the needed information may not be made available by parties to the proceedings or acquired through the information tools provided by the European Judicial Network-*EJN* in civil and commercial matters *on the* e-Justice Portal,¹⁴ or through others mechanism of information available under domestic law and procedure that, in light of the circumstances of the actual case, might result quicker.

¹⁴ Information about Member States substantive and procedural law as well as on the practical application and implementation of EU civil justice instruments are available on available on European e-Justice Portal <https://e-justice.europa.eu/ejncivil>



II. Compliance with national substantive and procedural law

- a. In engaging in coordination, each involved judge shall act in accordance with the law of its own Jurisdiction.
- b. Each judge may ask for information to another Member State judge and answer to a request for information from another Member State judge to the extent that such exchange of information complies with the procedural and substantive rules applicable to each of the proceedings.

In particular, the exchange of information and documents must neither affect the applicable substantive and procedural rules as to the burden of proof and pleading, nor prejudice the independence and impartiality of the judge.

- c. In exchanging information, judges shall use any means of communication, including electronic, which are accepted under the procedural rules of both the Member States concerned.
- d. *Insofar as this is permitted by their respective internal rules* personnel other than judges in each court may communicate fully to each other in order to establish appropriate arrangements for communication.

III. Rights of the parties

- a. Parties should be notified in advance of the intention of engaging in coordination and of the purposes of it.
- b. Where appropriate, the judges should obtain the consent of the parties before exchanging information.
- c. Where appropriate, the parties and their representatives should be entitled to participate in person during the communication between judges.
- d. A copy/transcript/record of any communication accepted by each court should be filed as a part of the record in the proceedings and made available to all the parties and their representatives.

IV. Data protection

- a. Personal data which are obtained, processed or transmitted to the aim of coordination between judges shall be adequate, relevant and not excessive in relation to the purpose for which they were obtained, processed or transmitted, and shall be used only for that purpose.



V. *Taking of evidence*

- a. Where an information or document is intended for use as evidence in judicial proceedings, the requesting judge should indicate that clearly in the request.
- b. In the case referred to in point *a*, the involved judges should consider whether it could be appropriate to transit and execute the request according to the procedures provided by regulation (EC) n. 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.¹⁵

Available channels for the establishment of coordination: how to make contact with a judge in another Member State

VI. *Identifying the competent court/judge in other Member State*

- a. In order to identify the other Member State court/judge with which to engage in cooperation – with regard to both a specific case and general information about that State law or procedures – the judge should request the parties to provide information or to integrate the information already submitted
- b. To the same purpose, the judge may look at the information made available by the European Judicial Network-EJN on the e-Justice Portal,¹⁶ or use any other mechanism of information available under domestic law and procedure.

¹⁵ The standard forms to be used for the transmission and execution of requests for the performance of taking of evidence are on available European e-Justice Portal <https://e-justice.europa.eu/ejncivil>

¹⁶ Information useful to identify for each Member State the court competent to hear a specific case are provided at the web page https://e-justice.europa.eu/content_jurisdiction-85-en.do?init=true



VII. Identifying the competent court/judge in other Member State with the assistance of the national contact points of the European Judicial Network (EJN-NCP).

- a. If, despite the request made to the parties according to GL and the search for information through the e-Justice Portal or other mechanisms available under the domestic legal system, it is not possible to identify the court/judge to which the request for coordination/information should be addressed, the judge may request the assistance of his/her national EJN contact point (EJN-NCP).
- b. The EJN-NCP may be approached via the EJN-civil section of the European e-Justice Portal¹⁷ or directly, whenever EJN-NCP's contact details are otherwise available.

The first difficulty that arises when engaging in court-to-court cooperation is **finding out to which judge in the other Member State address the communication.**

This difficulty may often be overcome asking to the parties to be more cooperative, or with through the information available on the e-Justice Portal.

Whenever that does not prove helpful, the judge may ask for the assistance EJN-NCP of his/her the Member State.

The EJN-NCP may help the judge seeking cooperation him/her in understanding as to acquire the needed information or to identify **judge to which in the other Member State address the communication.**

If that is not possible through the information available on the e-Justice Portal, the EJN-NCP may get in contact with the EJN-NCP (or with the appropriate authority) of the other Member State in order to get the contact details of the judge/court in that jurisdiction to which address the communication.

Ascertain the identity of the interlocutor in the other Member State before any communication takes place is crucial, given the sensitiveness of the information that will be exchanged.

It is highly recommended to avail of the assistance if the EJN-NCP when in spite of the submission of the parties and the use of other mechanisms of information there are doubts as to the correct identification of the other Member State court/judge to which address the communication, or on the choice of a secure and working means of communication.

¹⁷ That can be easily done by filling the form at the page <https://e-justice.europa.eu/contactPoint.do>



VIII. Identifying the competent court/judge in other Member State with the assistance of the local Member of the International Hague Network of Judges (IHNJ)

- a. Where appropriate, the identification of the other Member State court/judge competent to engage in cooperation –with regard to both a specific case and general information about that State law or procedures – should be carried out with the assistance of the local Member of the International Hague Network of Judges (IHNJ).
- b. The list of the local Members of the IHNJ is available on the Hague Conference on Private International Law website (<https://www.hcch.net/>) at the page <https://www.hcch.net/en/instruments/conventions/specialised-sections/child-abduction>.

Particularly with regard to cases involving children (e.g. controversies on parental responsibility, requests for Measures of Protection, child abduction cases), the International Hague Network of Judges (IHNJ) could be an **alternative** to the EJNI.

The IHNJ is a worldwide network of judges established under the auspices of the Hague Conference on Private International Law.

The vast majority of the EU Member States have designate at least one judge as IHNJ Member.

The responsibilities of the IHNJ local Members include **facilitating the communication between the judges seised with the specific case**, with the aim to promote the proper application and implementation of the Hague Conventions and other international instruments in child protection matters, both nationally and internationally.

IX. Information that should be communicate to the EJNI-NCP or to the IHNJ local Member with the request of assistance

- a. In the request to the EJNI-NCP or to the IHNJ local Member, the judge asking for assistance in making contact with the competent judge in another Member State should:
 - i. identify him/herself and the proceedings in relation to which assistance is requested;
 - ii. briefly describe the case, the reason why he/she is seeking cooperation from a judge in that particular Member State, and which kind of information he/she needs to obtain;
 - iii. include any detail that could be useful in order to identify the competent court in the other Member State, as for example information about proceedings pending/decision issued in the that Member State that are related to the request for cooperation;
 - iv. specify in which language/s he/she is able to communicate, and/or whether he/she may avail him/herself of translation services into other languages;



- v. specify preferences as to means of communication;
- vi. in urgent cases, briefly explain the reason why the cooperation should to be implemented immediately. Any proceedings concerning a child should be deemed urgent, in particular where the return of an abducted child is in issue.

The judge seeking cooperation shall **provide the EJN-NCP/IHNJ local Member with all the relevant information about the case.** Personal details, either of the parties or of other subjects involved in the case, that are not necessary to the implementation of the cooperation should be omitted.

X. Means and language of communications between the judge and the EJN-NCP/IHNJ local Member

- a. The judge and the EJN-NCP/IHNJ local Member communicate in their own State language.
- b. In their communications, the judge and the EJN-NCP/IHNJ local Member may use all the means of communications accepted under the procedural rules of the Member States concerned.
- c. If the request for assistance is done orally, it should later be confirmed in writing. Any communication by electronic means, which provides a durable record of it, should be considered equivalent to 'writing'.
- d. A copy of the request of assistance, or a record/official transcript of it, should be filed as part of the record in the proceedings, and made available to the parties of the proceedings. The same should be done with regard to any subsequent communication between the judge and the EJN-NCP IHNJ local Member containing information that might be relevant to the proceedings.

The possibility for the judge to **request assistance using his/her own State language** is a valuable advantage of availing of the cooperation of the EJN-NCP/IHNJ local Member.

The assistance of the EJN-NCP/IHNJ local Member is not limited to forward the request for coordination to the colleague EJN-NCP/IHNJ local Member **in the other Member State.** They may suggest which information should be asked, given the circumstances of the actual case, and in general **facilitate coordination among judges in every possible way.**

The judge and EJN-NCP/IHNJ local Member should communicate employing **the swiftest possible means of communications available under their national law.**

Since the very beginning of the coordination process, ensuring transparency for the parties and their representatives is fundamental. For that reason a copy (or the official transcript/record) of request of assistance, as well as for any subsequent communication that might be relevant to the proceedings, should be part of the record in the proceedings.



How to establish a common methodological ground for communication

XI. *Initiating the contact*

- a. When making contact with a judge in another Member State, the initiating judge should:
 - i. identify him/herself and the court where he/she is sitting;
 - ii. briefly describe the case, the reason why he/she is seeking cooperation from a judge in that particular Member State, and which kind of information he/she needs to obtain;
 - iii. specifying any particular reason of urgency where appropriate;
 - iv. specify whether the parties have been notified of the exchanging of information taking place or/and whether they have consented to it;
 - v. propose arrangements for subsequent contacts;
 - vi. list the documents attached to the communication, if any.
- b. The initial communication should be in writing in the original language of the requesting judge and accompanied with a translation in the official language of the receiving judge or, whenever that is not possible, in one of the other official languages of the EU. When the language to use in the direct communication has been previously indicated by the EJM-NCP/IHJ local Member, the initial communication should be sent in that language, but the judge should consider, in light of his/her knowledge of that language, whether it could be appropriate to attach also a copy of the communication in his/her original language .
- c. A copy of the initial communication in the language of the proceedings should be filed as part of the record in the proceedings, and made available to the parties.

Sending a **copy** of the communication **in the original language of the requesting judge** may be helpful as the receiving judge may avail him/herself of a translator if necessary in order to clarify the contents of the request.



XII. Acknowledgement of receipt by the receiving judge

- a. The judge that has received the request of information should send, without delay, to the requesting judge an acknowledgment of receipt in writing.
- b. Together with the acknowledgement of receipt should also be communicate
 - i. Which method and language, among those that have been suggested, may be agreed for subsequent communications;
 - ii. Which further data are needed, if any, to consider the request of information;
 - iii. Particularly when the request specify that the information is urgently required, the time by which the requested information will be available.
- c. The receiving judge should transmit with the acknowledgement of receipt all the requested information that he/she has already at his /her disposal.
- d. A copy of the acknowledgment of receipt in the language of the proceedings should be filed as part of the record in the proceedings, and made available to the parties.

The receiving judge should send to the requesting judge an acknowledgment of receipt immediately, possibly by the end of the first working day following the receipt of the initial communication .
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At this very initial stage of cooperation, reaching an agreement upon methods and language of communication is essential , in order to facilitate further communications.
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The receiving should ask immediately for any further clarification/detail he/she needs about the case.

Nothing should prevent the requested judge from communicate together with the acknowledgement of receipt all the information he/she has already at his /her disposal.

XIII. Methods and language of communications

- a. Methods and language of communications should be to the satisfaction of both judges.
- b. After the initial contact, further communications should be carried out using the agreed method and language of communication, unless otherwise agreed by the concerned judges.



XIV. *Written communication*

- a. Written communications through e-mail should be preferred whenever possible as they provide an immediate and reliable record of the communication, facilitate flexibility in scheduling cooperation and swift contacts.
- b. Where the language agreed for purposes of written communication is not the mother language of the judge, he/she should consider, in light of his/her knowledge of the chosen language, to include a version of the message in his/her mother language.
- c. A copy of any written communication in the language of the proceedings should be filed as part of the record in the proceedings, and made available to the parties.

XV. *Oral communication*

- a. Oral communication should be used where judges involved share a very good command of a language, corresponding to CEFR level C2.
- b. Oral exchange of information should later be confirmed in writing or recorded; if the communication language of communication agreed by the judges is not the official language of the proceedings, a copy of the written confirmation or a transcript of the communication translated in the official language of the proceedings should be filed as a part of e record in the proceedings, and made available to the parties.
- c. In accordance to the rule of procedure applicable in each court, the parties and their representative should be allowed to assist to oral communication whenever that is required in order to fully respect their rights of the defence.
- d. Where the parties and/or their representative are admitted to assist to oral communication and the language of communication agreed by the judges is not the official language of the proceedings interpretation services should be provided.

XVI. *Transmission of documents*

- a. The transmission of documents may be carried out by any appropriate means, including electronic, which are accepted under the procedural rules of each the Member States concerned, provided that the content of the document received is true and faithful to that of the document transmitted and that all information contained is easily legible.
- b. The judge that received documents should, without delay, send to the judge who transmitted the documents an acknowledgment of receipt.



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Annex I



Tables (A) and (B) below aim to identify the circumstances in which it could be useful

- i. **to seek information from the court of another Member State** about:
 - the law/procedures of another Member State
 - the actual status of proceedings pending in another Member State
 - the decision(s) rendered in another Member State
- ii. **to acquire documents** or acts filed as a part of the record in proceedings pending or that took place in another Member State
- iii. **to ask for the cooperation** of the another Member State court/judge **in order to ascertain factual circumstances** in relation to persons or assets that are located in that Member State

Table (A) lists the single provision of each Regulation, **table (B)** provides an issue-oriented list.

Both the lists are meant to be **merely exemplificative**. In particular they are not intended to exclude that:

- it could be useful to seek information or acquire elements from the court of another Member State when applying rules/articles that are not listed in the tables;
- it is always necessary/appropriate to seek information or acquire elements from the court of another Member State in applying rules/articles that are not listed in the tables; in many cases the information/documents may be provided by the parties of the proceedings or may be acquired through other channels, *e.g.* the European judicial Network website

Moreover, both the requesting and the requested judge should evaluate according to the respective domestic procedural and substantive rules which information/documents may be requested and transmitted and to which extent/by which means it is appropriate to seek and give assistance in ascertaining factual circumstances in relation to an actual case.



Table A

(The articles in relation to which the need for coordination/exchange of information may occur more often are framed in bold)

COUNCIL REGULATION (EC) No 2201/2003 OF 27 NOVEMBER 2003 CONCERNING JURISDICTION AND THE RECOGNITION AND ENFORCEMENT OF JUDGMENTS IN MATRIMONIAL MATTERS AND THE MATTERS OF PARENTAL RESPONSIBILITY (<i>BRUSSELS IIA</i>)	
Article	<i>information that could be requested and circumstances in which they may be needed</i>
Art. 7 <i>Residual jurisdiction (Divorce, legal separation and marriage annulment)</i>	Whether the law of the Member State that has given a judgment on a legal separation provides for the conversion of legal separation in divorce
Art. 10 <i>Jurisdiction in cases of child abduction</i>	<i>In order to verify whether one of the condition listed in art. 10(2)(b) points (iii) and (iv) is met, i.e.:</i> <ul style="list-style-type: none"> - whether a case before the court in the Member State where the child was habitually resident immediately before the wrongful removal or retention has been closed pursuant to Article 11(7) - whether a judgment on custody that does not entail the return of the child has been issued by the courts of the Member State where the child was habitually resident immediately before the wrongful removal or retention
Art. 11 <i>Return of the child</i>	<p>Paragraph (4)</p> <ul style="list-style-type: none"> - which kind of arrangements can be made to secure the protection of the child after his or her return - how long does it take to put in place adequate measure to secure the protection of the child after his or her return - which protective measures are already in place or when they can be requested <p>Paragraph (5)</p> <p>If the person who requested the return order is residing in another contracting State, whether his/her audition may be arranged in that State, by use of communications technology, such as videoconferences and teleconferences</p>



	<p>Paragraph (6)</p> <ul style="list-style-type: none">- which court in the State where the child was residing before the abduction is competent according to the law of that State- whether the competent court in the State where the child was residing before the abduction has received the copy of the non-return order and of all the relevant documents <p>Paragraph (7)</p> <ul style="list-style-type: none">- whether the custody case has been closed because the parties failed to make submission within the time limit- whether the custody case has been dealt and what the decision implies with regard to the child return- whether it is the case to proceed to the child's audition in the State where he/she has been abducted/retained by use of communications technology, such as videoconferences and teleconferences <p>— Case-law: CJEU Case C-491/10: This case was about a child abduction. The child was unlawfully retained in Germany by the mother. The child was supposed to live in Spain with the father, following the provisionally awarded rights of custody to the father. Finally, the Spanish courts awarded a final judgment, granting the sole rights of custody to the father. The father sought enforcement in Germany. The mother opposed the lack of hearing of the child. However, since <u>the opportunity to be heard</u> was granted by the Spanish courts, <u>there was no ground that could be opposed to the return of the child</u>. The Spanish court fixed dates for hearing the abducted child and her mother in the court. The mother of the child suggested a <u>video conference but this was rejected</u> by the Spanish court.</p>
<p>Art. 12 <i>Prorogation of jurisdiction</i></p>	<p>Whether the jurisdiction of the chosen court has ceased because the judgment on divorce/legal separation/marriage annulment or a judgment on parental responsibility has become final or the proceedings are otherwise ended</p>
<p>Art. 13 <i>Jurisdiction based on the child's presence</i></p>	<p><i>In order to verify that no court of a Member State has jurisdiction pursuant to Arts 8 and 12:</i> if there is a choice of court in favour of another Member State court, whether the court chosen has jurisdiction to settle the dispute in matrimonial matters, especially with regard to the conditions as required by Art. 12 (2)</p>
<p>Art. 14 <i>Residual jurisdiction (Parental responsibility)</i></p>	<p><i>In order to verify that no court of a Member State has jurisdiction pursuant to Arts 8-13:</i> If there is a choice of court in favour of another Member State court, whether the court chosen has jurisdiction to settle the dispute in matrimonial matters, especially with regard to the conditions as required by Art. 12 (2)</p>



<p>Art. 15 <i>Transfer to a court better placed to hear the case</i></p>	<ul style="list-style-type: none">- finding which court in the other Member State would be competent to deal with the case- verifying with the other Member State court whether a transfer of jurisdiction is appropriate- assessing which option is better, depending on the circumstances of the case: either invite the parties to introduce a request before the court better placed or request to the better placed court to assume jurisdiction <p>— Example: Party A and Party B are living in different Member States, each of them with one of the couple's children. Both start proceedings to get sole parental responsibility over the children at their residence country, the latter having jurisdiction only over the child habitually resident in its territory. In the light of the best interests of the children, both Member State courts agree on a transfer of jurisdiction.</p> <p>— Case-law: CJUE Case C-428/15: A British national, in the light of her medical and family history, is subject to a 'pre-birth assessment' by the child protection authorities. The competent authorities decided that once the child is born, he should be placed with a foster family. In light of this decision, the mother (British national) moves to Ireland. But the Irish Child and Family Agency, being aware of the situation, brought a claim in Ireland for placing the child in care; finally, that placement in foster care was ordered as a provisional measure. The Irish Agency further made an application to the Irish High Court requesting the transfer of the case to the High Court of Justice of England and Wales. The Irish High Court <u>authorized the Agency to make an application to the High Court of Justice of England and Wales to assume jurisdiction in relation to the case at issue.</u></p>
<p>Art. 19 <i>Lis pendens and dependent actions</i></p>	<ul style="list-style-type: none">- whether proceedings have been initiated at another Member State court- whether the two proceedings pending involve the same cause of action- when the other Member State court has been seised according to Art.16- what the estimated time for establishing jurisdiction is <p>— Case-law: CJUE Case C-296/10: In this case, substantive proceedings were going on in Germany and, at the same time, proceedings directed to obtaining provisional measures were ongoing in Spain. The ECJ ruled that a lis pendens situation can only be possible when the different sets of proceedings are directed to obtaining a <u>judgment capable of recognition</u>. The CJUE also made clear that the second-seised court should make efforts to obtain information on a <u>potential lis pendens situation with the first-seised court, however, that enquiry should take a reasonable period of time</u> and after its expiry, the second-seised court should decide on how to proceed with the available information.</p>



<p>Art. 20 <i>Provisional, including protective, measures</i></p>	<p><i>Information that may be useful to the judge other than the judge having jurisdiction on the merits</i></p> <ul style="list-style-type: none">- whether equivalent or different provisional measures have already been asked/issued in the Member State whose courts are competent as to the merits of the same action- the reason why provisional measures have been denied in the State whose courts are competent as to the merits of the same action- whether the proceedings on the merits are already pending and at what instance- which kind of provisional measures are available in the Member State whose courts are competent as to the merits- any information that may be useful to assess prima face the case- any information useful to assess whether there is an urgent need for a protective measure <p><i>Information that may be useful to the judge having jurisdiction on the merits</i></p> <ul style="list-style-type: none">- whether provisional measures have already been requested/issued in the Member State where those requested to the judge competent as to the merits should be enforced- the reason why provisional measures have been denied in the State of execution- whether the enforcement in the State of execution may produce the same effects that the measures would produce in the State of origin- any information that may be useful to assess prima face the case- any information useful to know whether there is an urgent need for protective measures <p>Case-law: CJUE Case C-256/09: A Spanish-German couple, with habitual residence in Spain, has two kids. After giving birth, the German mother plans to leave Spain and move to Germany, due to the deteriorated relationship with her husband. She does so, taking with her one of the kids to Germany. The Spanish father asks from the Spanish courts as a provisional measure the return of the child to Spain. The Spanish courts <u>issue this preliminary measure, but the CJUE confirms that there is no cross-border enforcement of provisional measures</u>. This is an aspect that the Commission has modified in its Proposal.</p>
<p>Art. 23 <i>Grounds of non-recognition for judgments relating to parental responsibility</i></p>	<p><i>Litt. (b) and (d)</i></p> <p>If from the decision is not apparent that the child and/or the person claiming the decision infringes his/her parental responsibility, whether they have been heard (or why not) and whether there are records available of the auditions</p>



Art. 27 <i>Stay of [recognition] proceedings</i>	<ul style="list-style-type: none">- Whether an appeal against the judgment has been lodged- How long will it take the appeal court to reach a decision
Art. 35 <i>Stay of proceedings [for a declaration of enforceability]</i>	<ul style="list-style-type: none">- Whether an appeal against the judgment has been lodged- what the time limit to lodge an appeal is in the State of origin- whether it could be appropriate to specify the time limit within which the appeal is to be lodged
Art. 48 <i>Practical arrangements for the exercise of rights of access</i>	Clarifications as to the judgment delivered by the courts of the Member State having jurisdiction as to the substance of the matter, in order to ensure that the practical arrangements for organising the exercise of rights of access hat will be taken by the court of the Member State of enforcement respect the essential elements of that judgment



COUNCIL REGULATION (EC) No 4/2009 of 18 DECEMBER 2008 ON JURISDICTION, APPLICABLE LAW, RECOGNITION AND ENFORCEMENT OF DECISIONS AND COOPERATION IN MATTERS RELATING TO MAINTENANCE OBLIGATIONS

Article	<i>information that could be requested and circumstances in which they may be needed</i>
Art. 4 <i>Choice of court</i>	<p>Whenever a court, other than the chosen court, is seised and its jurisdiction is contested because of the choice of court agreement, it may need information on the contents and interpretation of the domestic rules of jurisdiction of the Member State of the chosen court in order to assess whether the requirements provided by paragraph 1 (c)(i) are met</p> <p>Example: X, who is a citizen of a non-EU Country residing in Finland, seises a Finnish court claiming for divorce and maintenance from Y, who is also citizen of the same third Country and resides there. Y contests the jurisdiction of the Finnish court, claiming that Italian courts have exclusive jurisdiction as to maintenance in force of a choice of court agreement stipulated by the parties years before. X submits that the agreement is invalid according to article 4 of Regulation No 4/2009, since none of the requirements provided for by that article are met. According to Y Italian courts had jurisdiction to settle their dispute in matrimonial matters at the time the choice of court agreement was concluded: at that time there was no court of a Member State having jurisdiction pursuant to articles 3, 4 and 5 of Regulation No 2201/2003, neither the parties were resident in a Member State, and according to Y Italian courts' jurisdiction to settle their dispute in matrimonial matters could be validly grounded on Italian domestic provision in light of article 7 of Regulation No 2201/2003. The parties disagree on the correct interpretation of the Italian domestic rules on jurisdiction, but neither of them offer conclusive arguments. The Finnish judge has to understand which the correct interpretation of the Italian provision on jurisdiction is, in order to decide whether the choice of court is valid or not according to article 4 of Regulation No 4/2009.</p>
Art. 6 <i>Subsidiary jurisdiction</i>	<p>The ground on which the court of another Member State has founded its jurisdiction, according its own law, with regard to proceedings concerning the status of a person/parental responsibility, with the purpose to assess whether no court of a Member State has jurisdiction pursuant to Art. 3 (c) and (d)</p>
Art. 7 <i>Forum necessitatis</i>	<p>Whether court in a Member State has jurisdiction pursuant to Arts 3-6, especially under Art. 3 (c) and (d), and Art. 4(1)(c)(i) [in connection with Art.7 of Regulation No 2001/2003], <i>i.e.</i> whenever such jurisdiction may be founded on national criteria</p>



<p>Art. 8 <i>Limit on proceedings</i></p>	<ul style="list-style-type: none">- Information about the actual residence of the creditor in the State of origin of the decision- whether proceedings to modify a previous decision or to have a new decision are pending in the State of origin of previous decision- whether the competent authority in the State where the previous decision had been issued and the maintenance creditor is still residing would refuse to / has refused to / cannot exercise jurisdiction to modify that decision or give a new decision [<i>prima facie</i>, without any prejudice on the future assessment of jurisdiction by the same court]- whether the competent authority in the State of origin has refused to modify the decision or to give a new decision
<p>Art. 12 <i>Lis pendens</i></p>	<ul style="list-style-type: none">- whether proceedings have been initiated before another Member State court- whether the two proceedings pending involve the same cause of action- when the other Member State court has been seised according to art. 9- what the estimated time for establishing jurisdiction is- whether, under its domestic procedure rules, the court first sised may schedule the proceedings so that the decision on jurisdiction can be anticipated
<p>Art. 13 <i>Related actions</i></p>	<ul style="list-style-type: none">- whether proceedings on a related action is pending in the other Member State- when the other Member State court has been seised, according to art. 9- whether the proceedings pending in the other Member State involve related actions- whether the proceedings on related action is pending in first instance- whether the court first seised has already assessed jurisdiction as to the claim brought before it- whether the court first seised would deem to be competent on the related action brought before the court second seised- whether the law of the Member State where the relation action is pending permits the consolidation of the proceedings



<p>Art. 14 <i>Provisional, including protective, measures</i></p>	<p><i>Information that may be useful to the judge other than the judge having jurisdiction on the merits</i></p> <ul style="list-style-type: none"> - whether equivalent or different provisional measures have already been asked/issued in the Member State whose courts are competent as to the merits of the same action - the reason why provisional measures have been denied in the State whose courts are competent as to the merits of the same action - whether the proceedings on the merits are already pending and at what instance - which kind of provisional measures are available in the Member State whose courts are competent as to the merits - any information that may be useful to assess prima face the case - any information useful to assess whether there is an urgent need for a protective measure <p><i>Information that may be useful to the judge having jurisdiction on the merits</i></p> <ul style="list-style-type: none"> - whether provisional measures have already been requested/issued in the Member State where those requested to the judge competent as to the merits should be enforced - the reason why provisional measures have been denied in the State of execution - whether the enforcement in the State of execution may produce the same effects that the measures would produce in the State of origin - any information that may be useful to assess prima face the case - any information useful to know whether there is an urgent need for protective measures
<p>Art. 21 <i>Refusal or suspension of enforcement(*)</i></p>	<ul style="list-style-type: none"> - Whether the right to enforce the decision is extinguished by effect of prescription or the limitation of action under the law of the Member State of origin - whether/how the limitation period may be interrupted - whether the competent court of the Member State of origin has been seised of an application for a review of the decision of the court of origin pursuant to Article 19 - whether the enforceability of that decision is suspended in the Member State of origin <p><i>(*) this provision applies to decisions on maintenance given in a Member State bound by the 2007 Hague Protocol on the law applicable to maintenance obligations</i></p>
<p>Art. 25 <i>Staying of recognition proceedings</i></p>	<ul style="list-style-type: none"> - Whether an appeal against the judgment has been lodged - Whether the enforceability of the decision is suspended in the Member State of origin by reason of the appeal
<p>Art. 35 <i>Staying of proceedings(*)</i></p>	<ul style="list-style-type: none"> - Whether the enforceability of the decision is suspended in the Member State of origin by reason of the appeal <p><i>(*) for a declaration of enforceability</i></p>



REGULATION (EU) No 650/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 4 JULY 2012 ON JURISDICTION, APPLICABLE LAW, RECOGNITION AND ENFORCEMENT OF DECISIONS AND ACCEPTANCE AND ENFORCEMENT OF AUTHENTIC INSTRUMENTS IN MATTERS OF SUCCESSION AND ON THE CREATION OF A EUROPEAN CERTIFICATE OF SUCCESSION

Article	<i>information that could be requested and circumstances in which they may be needed</i>
Art. 6 <i>Declining of jurisdiction in the event of a choice of law</i>	Exchange of information with a court in the Member State of the chosen law, in order to verify whether the court better placed to rule on the succession is the one which has been seised or the one in the Member State of the chosen law
Art. 7 <i>Jurisdiction in the event of a choice of law</i>	Whether the court previously seised has declined jurisdiction in the same case pursuant to Art. 6
Art. 10 <i>Subsidiary jurisdiction</i>	Whenever the deceased's assets are located in two or more Member States, in applying Art. 10 (2) the court seised may exchange information with the courts of the others Members States in order to know whether they may exercise/are exercising jurisdiction to rule on the succession as a whole according to Art. 10(1)
Art. 11 <i>Forum necessitatis</i>	If the courts of two or more Member States are seised on the ground of jurisdiction provided by Art. 11, there is a <i>lis pendens</i> situation that can be dealt under Art. 17. However an exchange of information between the two courts might be useful in order to verify if ascertain which of those Member states is more closely connected with the case and be the more appropriate forum for the case
Art. 17 <i>Lis pendens</i>	<ul style="list-style-type: none"> - Whether proceedings have been initiated before another Member State court - whether the two proceedings pending involve the same cause of action - when the other Member State court has been seised according to art. 14 - what the estimated time for establishing jurisdiction is - whether, under its domestic procedure rules, the court first sised may schedule the proceedings so that the decision on jurisdiction can be anticipated



<p>Art. 18 <i>Related actions</i></p>	<ul style="list-style-type: none"> - whether proceedings on a related action is pending in the other Member State - when the other Member State court has been seised, according to art. 14 - whether the proceedings pending in the other Member State involve related actions - whether the proceedings on related action is pending in first instance - whether the court first seised has already assessed jurisdiction as to the claim brought before it - whether the court first seised would deem to be competent on the related action brought before the court second seised - whether the law of the Member State where the relation action is pending permits the consolidation of the proceedings
<p>Art. 19 <i>Provisional, including protective, measures</i></p>	<p><i>Information that may be useful to the judge other than the judge having jurisdiction on the merits</i></p> <ul style="list-style-type: none"> - whether equivalent or different provisional measures have already been asked/issued in the Member State whose courts are competent as to the merits of the same action - the reason why provisional measures have been denied in the State whose courts are competent as to the merits of the same action - whether the proceedings on the merits are already pending and at what instance - which kind of provisional measures are available in the Member State whose courts are competent as to the merits - any information that may be useful to assess prima face the case - any information useful to assess whether there is an urgent need for a protective measure <p><i>Information that may be useful to the judge having jurisdiction on the merits</i></p> <ul style="list-style-type: none"> - whether provisional measures have already been requested/issued in the Member State where those requested to the judge competent as to the merits should be enforced - the reason why provisional measures have been denied in the State of execution - whether the enforcement in the State of execution may produce the same effects that the measures would produce in the State of origin - any information that may be useful to assess prima face the case - any information useful to know whether there is an urgent need for protective measures
<p>Art. 42 <i>Staying of recognition proceedings</i></p>	<ul style="list-style-type: none"> - Whether an appeal against the judgment has been lodged - How long will it take the appeal court to reach a decision
<p>Art. 53 <i>Staying of proceedings(*)</i></p>	<p>Whether the enforceability of the decision is suspended in the Member State of origin by reason of the appeal (*) <i>for a declaration of enforceability</i></p>



COUNCIL REGULATION (EU) 2016/1103 OF 24 JUNE 2016 IMPLEMENTING ENHANCED COOPERATION IN THE AREA OF JURISDICTION, APPLICABLE LAW AND THE RECOGNITION AND ENFORCEMENT OF DECISIONS IN MATTERS OF MATRIMONIAL PROPERTY REGIMES

Article	<i>information that could be requested and circumstances in which they may be needed</i>
Art. 6 Jurisdiction in other cases	<ul style="list-style-type: none">- Whether there is any proceedings pending before the court of a Member State in matters of the succession of a spouse (pursuant to Regulation No 650/2012) or for divorce, legal separation or marriage annulment (pursuant to Regulation No 2201/2003)- whether the claim brought before the chosen court may be deemed arising in connection with the succession proceedings or with the proceedings for divorce, legal separation or marriage annulment
Art. 7 <i>Choice of court</i>	<p>In order to ascertain whether the case is covered by article 6 or not</p> <ul style="list-style-type: none">- Whether there is any proceedings pending before the court of a Member State in matters of the succession of a spouse (pursuant to Regulation No 650/2012) or for divorce, legal separation or marriage annulment (pursuant to Regulation No 2201/2003)- Whether the claim brought before the chosen court may be deemed arising in connection with the succession proceedings or with the proceedings for divorce, legal separation or marriage annulment
Art. 8 <i>Jurisdiction based on the appearance of the defendant</i>	<p>As Art. 8 excludes the possibility of 'tacit prorogation' in cases covered by Arts. 4 and 5(1)</p> <ul style="list-style-type: none">- whether there is any proceedings pending before the court of a Member State in matters of the succession of a spouse (pursuant to Regulation No 650/2012) or for divorce, legal separation or marriage annulment (pursuant to Regulation No 2201/2003)- whether the claim brought before the chosen court may be deemed arising in connection with the succession proceedings or with the proceedings for divorce, legal separation or marriage annulment
Art. 9 <i>Alternative jurisdiction</i>	Whether the court(s) having jurisdiction according to Arts 4, or 5, or 7 or 8 has(have) decided to decline
Art. 10 <i>Subsidiary jurisdiction</i>	<ul style="list-style-type: none">- Whenever it is doubtful if the courts of another Member State have jurisdiction pursuant to Arts 4-8, any information useful to ascertain that- whether a court in another Member State declined pursuant to Art. 9
Art. 11 <i>Forum necessitatis</i>	<ul style="list-style-type: none">- Whenever it is doubtful if the courts of another Member State have jurisdiction pursuant to Arts 4-8 and 10, any information useful to ascertain that- whether a court in another Member State declined pursuant to Art. 9



<p>Art. 17 <i>Lis pendens</i></p>	<ul style="list-style-type: none">- Whether proceedings have been initiated before another Member State court- whether the two proceedings pending involve the same cause of action- when the other Member State court has been seised according to art. 14- what the estimated time for establishing jurisdiction is- whether, under its domestic procedure rules, the court first seised may schedule the proceedings so that the decision on jurisdiction can be anticipated
<p>Art. 18 <i>Related actions</i></p>	<ul style="list-style-type: none">- Whether proceedings on a related action is pending in the other Member State- when the other Member State court has been seised, according to art. 14- whether the proceedings pending in the other Member State involve related actions- whether the proceedings on related action is pending in first instance- whether the court first seised has already assessed jurisdiction as to the claim brought before it- whether the court first seised would deem to be competent on the related action brought before the court second seised- whether the law of the Member State where the relation action is pending permits the consolidation of the proceedings
<p>Art. 19 <i>Provisional, including protective, measures</i></p>	<p><i>Information that may be useful to the judge other than the judge having jurisdiction on the merits</i></p> <ul style="list-style-type: none">- whether equivalent or different provisional measures have already been asked/issued in the Member State whose courts are competent as to the merits of the same action- the reason why provisional measures have been denied in the State whose courts are competent as to the merits of the same action- whether the proceedings on the merits are already pending and at what instance- which kind of provisional measures are available in the Member State whose courts are competent as to the merits- any information that may be useful to assess prima face the case- any information useful to assess whether there is an urgent need for a protective measure <p><i>Information that may be useful to the judge having jurisdiction on the merits</i></p> <ul style="list-style-type: none">- whether provisional measures have already been requested/issued in the Member State where those requested to the judge competent as to the merits should be enforced- the reason why provisional measures have been denied in the State of execution- whether the enforcement in the State of execution may produce the same effects that the measures would produce in the State of origin- any information that may be useful to assess prima face the case- any information useful to know whether there is an urgent need for protective measures



<p>Art. 41 <i>Staying of recognition proceedings</i></p>	<ul style="list-style-type: none">- Whether an appeal against the judgment has been lodged- How long will it take the appeal court to reach a decision
<p>Art. 52 <i>Staying of proceedings(*)</i></p>	<p>Whether the enforceability of the decision is suspended in the Member State of origin by reason of the appeal (*) <i>for a declaration of enforceability</i></p>



COUNCIL REGULATION (EU) 2016/1104 OF 24 JUNE 2016 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

Article	<i>information that could be requested and circumstances in which they may be needed</i>
Art. 6 <i>Jurisdiction in other cases</i>	<ul style="list-style-type: none">- Whether there is any proceedings pending before the court of a Member State in matters either of the succession of a registered partner (pursuant to Regulation No 650/2012) or on the dissolution or annulment of the registered partnership- whether the claim brought before the chosen court may be deemed arising in connection with that case of succession proceedings or from the dissolution or annulment of the registered partnership
Art. 7 <i>Choice of court</i>	<p>In order to ascertain whether the case is covered by article 6 or not</p> <ul style="list-style-type: none">- whether there is any proceedings pending before the court of a Member State in matters of the succession of a registered partner (pursuant to Regulation No 650/2012) or for to rule on the dissolution or annulment of the registered partnership- whether the claim brought before the chosen court may be deemed arising in connection the succession proceedings or with the dissolution or annulment of the registered partnership proceedings
Art. 8 <i>Jurisdiction based on the appearance of the defendant</i>	<p>As Art. 8 excludes the possibility of ‘tacit prorogation’ in cases covered by Arts. 4</p> <ul style="list-style-type: none">- whether there is any proceedings pending before the court of a Member State in matters of the succession of a partner (pursuant to Regulation No 650/2012)- whether the claim brought before the chosen court may be deemed arising in connection the succession proceedings
Art 9 <i>Alternative jurisdiction</i>	Whether the court(s) having jurisdiction according to Arts. 4 or 5, or 6 points (a), (b), (c) or (d) has(have) decided to decline
Art. 10 <i>Subsidiary jurisdiction</i>	<ul style="list-style-type: none">- whenever it is doubtful if the courts of another Member State have jurisdiction pursuant to Arts 4-8, any information useful to ascertain that- whether a court in another Member State declined pursuant to Art. 9
Art. 11 <i>Forum necessitates</i>	<ul style="list-style-type: none">- Whenever it is doubtful if the courts of another Member State have jurisdiction pursuant to Arts 4-8 and 10, any information useful to ascertain that- Whether a court in another Member State declined pursuant to Art. 9



<p>Art. 17 <i>Lis pendens</i></p>	<ul style="list-style-type: none">- Whether proceedings have been initiated before another Member State court- whether the two proceedings pending involve the same cause of action- when the other Member State court has been seised according to art. 14- what the estimated time for establishing jurisdiction is- whether, under its domestic procedure rules, the court first seised may schedule the proceedings so that the decision on jurisdiction can be anticipated
<p>Art. 18 <i>Related actions</i></p>	<ul style="list-style-type: none">- whether proceedings on a related action is pending in the other Member State- when the other Member State court has been seised, according to art. 14- whether the proceedings pending in the other Member State involve related actions- whether the proceedings on related action is pending in first instance- whether the court first seised has already assessed jurisdiction as to the claim brought before it- whether the court first seised would deem to be competent on the related action brought before the court second seised- whether the law of the Member State where the relation action is pending permits the consolidation of the proceedings
<p>Art. 19 <i>Provisional, including protective, measures</i></p>	<p><i>Information that may be useful to the judge other than the judge having jurisdiction on the merits</i></p> <ul style="list-style-type: none">- whether equivalent or different provisional measures have already been asked/issued in the Member State whose courts are competent as to the merits of the same action- the reason why provisional measures have been denied in the State whose courts are competent as to the merits of the same action- whether the proceedings on the merits are already pending and at what instance- which kind of provisional measures are available in the Member State whose courts are competent as to the merits- any information that may be useful to assess prima face the case- any information useful to assess whether there is an urgent need for a protective measure <p><i>Information that may be useful to the judge having jurisdiction on the merits</i></p> <ul style="list-style-type: none">- whether provisional measures have already been requested/issued in the Member State where those requested to the judge competent as to the merits should be enforced- the reason why provisional measures have been denied in the State of execution- whether the enforcement in the State of execution may produce the same effects that the measures would produce in the State of origin- any information that may be useful to assess prima face the case- any information useful to know whether there is an urgent need for protective measures



<p>Art. 41 <i>Staying of recognition proceedings</i></p>	<ul style="list-style-type: none">- Whether an appeal against the judgment has been lodged- How long will it take the appeal court to reach a decision
<p>Art. 52 <i>Staying of proceedings(*)</i></p>	<p>Whether the enforceability of the decision is suspended in the Member State of origin by reason of the appeal (*) <i>for a declaration of enforceability</i></p>



Table B

(The situations in relation to which the need for coordination/exchange of information may occur more often are framed in bold)

List of abbreviations

- **Brussels 2a** - Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000
- **Maintenance Reg** - Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations
- **Marriage Property Reg** - Regulation (EU) 2016/1103 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes
- **Partnership Property Reg** - Regulation (EU) 2016/1104 of 24 June 2016 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
- **Succession Reg** - Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession



Circumstances	Specific rule (Art.) in the relevant regulation	Matters that may be subject of communication among judges or in relation to which information about foreign law or procedures are needed
EXERCISING JURISDICTION		
Choice of court (express or by appearance) / Choice of law	Maintenance Reg Art. 4	<p>Whenever a court, other than the chosen court, is seised and its jurisdiction is contested because of the choice of court agreement, it may need information on the contents and interpretation of the domestic rules of jurisdiction of the Member State of the chosen court in order to assess whether the requirements provided by paragraph 1 (c)(i) are met</p> <p>— Example: X, who is a citizen of a non-EU Country residing in Finland, sises a Finnish court claiming for divorce and maintenance from Y, who is also citizen of the same third Country and resides there. Y contests the jurisdiction of the Finnish court, claiming that Italian courts have exclusive jurisdiction as to maintenance in force of a choice of court agreement stipulated by the parties years before. X submits that the agreement is invalid according to article 4 of Regulation No 4/2009, since none of the requirements provided for by that article are met. According to Y Italian courts had jurisdiction to settle their dispute in matrimonial matters at the time the choice of court agreement was concluded: at that time there was no court of a Member State having jurisdiction pursuant to articles 3, 4 and 5 of Regulation No 2201/2003, neither the parties were resident in a Member State, and according to Y Italian courts' jurisdiction to settle their dispute in matrimonial matters could be validly grounded on Italian domestic provision in light of article 7 of Regulation No 2201/2003. The parties disagree on the correct interpretation of the Italian domestic rules on jurisdiction, but neither of them offer conclusive arguments. The Finnish judge has to understand which the correct interpretation of the Italian provision on jurisdiction is, in order to decide whether the choice of court is valid or not according to article 4 of Regulation No 4/2009.</p>
	Brussels 2a Art. 12	<p>Whether the jurisdiction of the chosen court has ceased because the judgment on divorce/legal separation/marriage annulment or a judgment on parental responsibility has become final or the proceedings are otherwise ended</p> <p>— Remarks: The information could be relevant to <u>any court other than the chosen court</u> in order to assess its jurisdiction</p>



	<p>Succession Reg Arts 6 and 7</p>	<p><i>As to Art. 6:</i></p> <ul style="list-style-type: none"> - Exchange of information with a court in the Member State of the chosen law, in order to verify whether the court better placed to rule on the succession is the one which has been seised or the one in the Member State of the chosen law <p><i>As to Art. 7:</i></p> <ul style="list-style-type: none"> - Whether the court previously seised has declined jurisdiction in the same case pursuant to Art. 6 <p>Remarks: According to Art. 6 “the courts of a Member State whose law had been chosen by the deceased pursuant to Article 22 shall have jurisdiction to rule on the succession if: (a) a court previously seised has declined jurisdiction in the same case pursuant to Article 6 (...)”</p>
	<ul style="list-style-type: none"> - Marriage Property Reg Art. 7 - Partnership Property Reg Art. 7 	<p><i>In order to ascertain whether the case is covered by article 6 or not</i></p> <ul style="list-style-type: none"> - Whether there is any proceedings pending before the court of a Member State in matters of the succession (pursuant to Regulation No 650/2012) or on the dissolution or annulment of the registered partnership /divorce, legal separation, annulment of marriage - Whether the claim brought before the chosen court may be deemed arising in connection the succession proceedings or with the dissolution or annulment of the registered partnership proceedings / divorce, legal separation, annulment of marriage proceedings <p>Remarks: Art. 7 applies in cases which are covered by Art. 6, i.e. where no court of a Member State has jurisdiction pursuant to Art. 4 or 5. It could be difficult to a Member State court to ascertain this condition with regard to other Member State courts, particularly where they may ground jurisdiction on national criteria</p>
	<ul style="list-style-type: none"> - Marriage Property Reg Art. 8 - Partnership Property Reg Art. 8 	<ul style="list-style-type: none"> - Whether there is any proceedings pending before the court of a Member State in matters of the succession of a /spouse partner (pursuant to Regulation No 650/2012) - Whether the claim brought before the chosen court may be deemed arising in connection the succession proceedings <p>Remarks: Art. 8 Marriage Property Reg excludes the possibility of ‘tacit prorogation’ in cases covered by Arts. 4 and 5 Art 8. Partnership Property Reg excludes the possibility of ‘tacit prorogation’ in cases covered by Art. 4</p>



<p>Jurisdiction on property regime in connection with succession or matrimonial/partnership matters</p>	<ul style="list-style-type: none"> - Marriage Property Reg Art. 6 - Partnership Property Reg Art. 6 	<ul style="list-style-type: none"> - Whether there is any proceedings pending before the court of a Member State in matters of the succession of a registered partner (pursuant to Regulation No 650/2012) or for a rule on the dissolution or annulment of the registered partnership - Whether the claim brought before the chosen court may be deemed arising in connection with that case of succession proceedings or from the dissolution or annulment of the registered partnership <p>— Remarks: Where the claim arises in connection with a succession / divorce-legal separation -marriage annulment / dissolution - annulment of the registered partnership, jurisdiction may be grounded on Art. 6 only if no court of a Member State has jurisdiction pursuant to Art. 4 or 5. It could be difficult to a Member State court to ascertain this condition with regard to other Member State courts, particularly where they may ground jurisdiction on national criteria</p>	
<p>Alternative jurisdiction in matters of property regime (marriage/registered partnership)</p>	<p>Marriage Property Reg Art. 9</p>	<p>Whether the court which has jurisdiction according to Arts. 4, or 5, or 7 or 8 has decided to decline</p>	<p>Remarks: Where the claim arises in connection with a succession /divorce-legal separation-marriage annulment/ dissolution - annulment of the registered partnership, jurisdiction may be grounded on Art. 6 only if no court of a Member State has jurisdiction pursuant to Art. 4 or 5. It could be difficult to a Member State court to ascertain this condition with regard to other Member State courts, particularly where they may ground jurisdiction on national criteria</p>
	<p>Partnership Property Reg Art. 9</p>	<p>Whether the court which has jurisdiction according to Arts. 4 or 5, or 6 points (a), (b), (c) or (d) has decided to decline</p>	
<p>Subsidiary jurisdiction</p>	<p>Maintenance Reg Art. 6</p>	<p>The ground on which the court of another Member State has founded its jurisdiction, according to its own law, with regard to proceedings concerning the status of a person / parental responsibility, with the purpose to assess whether no court of a Member State has jurisdiction pursuant to Art. 3 (c) and (d)</p>	
	<p>Succession Reg Art. 10</p>	<p>Whenever the deceased's assets are located in two or more Member States, whether the courts of one of those may exercise/are exercising jurisdiction to rule on the succession as a whole according to Art. 10 (1)</p>	
	<ul style="list-style-type: none"> - Marriage Property Reg Art. 10 - Partnership Property Reg Art. 10 	<ul style="list-style-type: none"> - Whenever it is doubtful if the courts of another Member State have jurisdiction pursuant to Arts 4-8, any information useful to ascertain that - whether a court in another Member State declined pursuant to Art. 9 	



<p>Jurisdiction based on the child's presence</p>	<p>Brussels 2a Art. 13</p>	<p>In order to verify that no court of a Member State has jurisdiction pursuant to Arts 8 and 12: - if there is a choice of court in favour of another Member State court, whether the court chosen has jurisdiction to settle the dispute in matrimonial matters, especially with regard to the conditions as required by Art. 12 (2) In order to have more information about the child's life from other Member States where he/she had been before</p>
<p>Residual jurisdiction</p>	<p>Brussels 2a Art. 14</p>	<p>In order to verify that no court of a Member State has jurisdiction pursuant to Arts 8-13: - if there is a choice of court in favour of another Member State court, whether the court chosen has jurisdiction to settle the dispute in matrimonial matters, especially with regard to the conditions as required by Art. 12 (2)</p>
	<p>Brussels 2a Art. 7</p>	<p>Whether the law of the Member State that has given a judgment on a legal separation provides for the conversion of legal separation in divorce</p>
<p>Forum necessitatis</p>	<p>Maintenance Reg Art 7</p>	<p>Whether court in a Member State has jurisdiction pursuant to Arts 3-6, especially under Art. 3 (c) and (d), and Art. 4(1)(c)(i) [in connection with Art.7 Brussels 2a], i.e. whenever such jurisdiction may be founded on national criteria</p>
	<p>Succession Reg Art. 11</p>	<p>If the courts of two or more Member States are seised on the ground of jurisdiction provided by Art. 11, there is a <i>lis pendens</i> situation that can be dealt under Art. 17. However an exchange of information between the two courts might be useful in order to verify if ascertain which of those Member states is more closely connected with the case and be the more appropriate forum for the case</p>
	<p>- Marriage Property Reg Art. 11 - Partnership Property Reg Art. 11</p>	<p>- Whenever it is doubtful if the courts of another Member State have jurisdiction pursuant to Arts 4-8 and 10, any information useful to ascertain that - Whether a court in another Member State declined pursuant to Art. 9</p>



<p>Limit on proceedings aiming to modify or substitute a previous decision on maintenance obligations</p>	<p>Maintenance Reg Art. 8</p>	<p>Information about the actual residence of the creditor in the State of origin of the decision.</p> <ul style="list-style-type: none">- Whether proceedings to modify a previous decision or to have a new decision are pending in the State of origin of previous decision- Whether the competent authority in the State where the previous decision had been issued and the maintenance creditor is still residing would refuse to / has refused to / cannot exercise jurisdiction to modify that decision or give a new decision [prima facie, without any prejudice on the future assessment of jurisdiction by the same court]- Whether the competent authority in the State of origin has refused to modify the decision or to give a new decision <p>— Remarks: For the purposes of Art. 8, the State of origin may be a EU Member State as well as a 2007 Hague Convention Contracting State</p>
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Circumstances	Specific rule (Art.) in the relevant regulation	Matters that may be subject of communication among judges or in relation to which information about foreign law or procedures are needed
COORDINATION OF MAIN PROCEEDINGS		
Lis pendens /duplication of proceedings	<ul style="list-style-type: none"> - Maintenance Reg Art. 12 13 - Brussels 2a Art. 19 - Succession Reg Art. 17 - Marriage Property Reg Art. 17 - Partnership Property Reg Art. 17 	<ul style="list-style-type: none"> - Whether proceedings have been initiated before another Member State court - whether the two proceedings pending involve the same cause of action - when the other Member State court has been seised - what the estimated time for establishing jurisdiction is - whether, under its domestic procedure rules, the court first sised may schedule the proceedings so that the decision on jurisdiction can be anticipated <p>— Remarks: Art. 19 of Brussels 2a deals with dependent action relating to marriage as well as with lis pendens with regard to proceedings relating to parental responsibility</p>
Related action	<ul style="list-style-type: none"> - Maintenance Reg Art. 13 - Succession Reg Art. 18 - Marriage Property Reg Art. 18 - Partnership Property Reg Art. 18 	<ul style="list-style-type: none"> - whether proceedings on a related action is pending in the other Member State - when the other Member State court has been seised - whether the proceedings pending in the other Member State involve related actions - whether the proceedings on related action is pending in first instance - whether the court first seised has already assessed jurisdiction as to the claim brought before it - whether the court first seised would deem to be competent on the related action brought before the court second seised - whether the law of the Member State where the relation action is pending permits the consolidation of the proceedings



<p>Related action on different aspects of the same family dispute pending in different Member State without any possibility of consolidation before one single court</p>	<ul style="list-style-type: none"> - Brussels 2a Ch. II - Maintenance Reg Ch. II - Succession Reg Ch. II - Marriage Property Reg Ch. II - Partnership Property Reg Ch. II 	<p>Any information useful to prevent incoherent solutions as to the respective rights and duties of the parties (e.g.: the decision on maintenance should be consistent with the decision on child's custody and with the decision on the matrimonial property regime)</p> <p>— Remarks: National rules on related matters falling outside the scope of the EC/EU regulations in force may also come into play</p>
<p>Transfer of a case concerning a minor to a court better placed to hear it</p>	<p>Brussels 2a Art. 15</p>	<ul style="list-style-type: none"> - finding which court in the other Member State would be competent to deal with the case - verifying with the other Member State court whether a transfer of jurisdiction is appropriate - obtain information about the child's life in the other Member State
<p>Declining of jurisdiction in the event of a choice of law in succession cases</p>	<p>Succession Reg Art. 6</p>	<p>Exchange of information with a court in the Member State of the chosen law, in order to verify whether the court better placed to rule on the succession is the one which has been seised or the one in the Member State of the chosen law</p>



Circumstances	Specific rule (Art.) in the relevant regulation	Matters that may be subject of communication among judges or in relation to which information about foreign law or procedures are needed
PROVISIONAL AND PROTECTIVE MEASURES		
<p>Information that may be useful to the judge other than the judge having jurisdiction on the merits</p>	<ul style="list-style-type: none"> - Maintenance Reg Art. 14 - Brussels 2a Art. 20 - Succession Reg Art. 19 - Marriage Property Reg Art. 19 - Partnership Property Reg Art. 19 	<ul style="list-style-type: none"> - whether equivalent or different provisional measures have already been asked/issued in the Member State whose courts are competent as to the merits of the same action - the reason why provisional measures have been denied in the State whose courts are competent as to the merits of the same action - whether the proceedings on the merits are already pending and at what instance - which kind of provisional measures are available in the Member State whose courts are competent as to the merits - any information that may be useful to assess prima face the case - any information useful to assess whether there is an urgent need for a protective measure
<p>Information that may be useful to the judge having jurisdiction on the merits</p>	<ul style="list-style-type: none"> - Maintenance Reg Art. 14 - Brussels 2a Art. 20 - Succession Reg Art. 19 - Marriage Property Reg Art. 19 - Partnership Property Reg Art. 19 	<ul style="list-style-type: none"> - whether provisional measures have already been requested/issued in the Member State where those requested to the judge competent as to the merits should be enforced - the reason why provisional measures have been denied in the State of execution - whether the enforcement in the State of execution may produce the same effects that the measures would produce in the State of origin - any information that may be useful to assess prima face the case - any information useful to know whether there is an urgent need for protective measures



Circumstances	Specific rule (Art.) in the relevant regulation	Matters that may be subject of communication among judges or in relation to which information about foreign law or procedures are needed
CHILD ABDUCTION CASES		
Jurisdiction in cases of child abduction	Brussels 2a Art. 10	<p>In order to verify whether one of the condition listed in art. 10(2)(b) points (iii) and (iv) is met, <i>i.e.</i>:</p> <ul style="list-style-type: none"> - whether a case before the court in the Member State where the child was habitually resident immediately before the wrongful removal or retention has been closed pursuant to Article 11(7); - whether a judgment on custody that does not entail the return of the child has been issued by the courts of the Member State where the child was habitually resident immediately before the wrongful removal or retention
Request for a return order	Brussels 2a Art. 11 (4)	<ul style="list-style-type: none"> - which kind of arrangements can be made to secure the protection of the child after his or her return - how long does it take to put in place adequate measure to secure the protection of the child after his or her return <p>in order to schedule the enforcement of the return order, whether adequate protective measures are already in place or when they can be</p>
	Brussels 2a Art. 11(5)	<p>If the person who requested the return is residing in another contracting State, whether his/her audition may be arranged in that State, by use of communications technology, such as videoconferences and teleconferences</p> <p>— Remarks: If the audition of the person who requested the return is to be used as evidence, regulation (EC) n. 1206/2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters comes into play</p>



Non-return order	Brussels 2a Art. 11(6)	<ul style="list-style-type: none">- finding which court in the State where the child was residing before the abduction is competent according to the law of that State- Whether the competent court in the State where the child was residing before the abduction has received the copy of the non-return order and of all the relevant documents
	Brussels 2a Art. 11(7)	<ul style="list-style-type: none">- Whether the custody case has been closed because the parties failed to make submission within the time limit- Whether the custody case has been dealt and what the decision implies with regard to the child return- Whether it is the case to proceed to the child's audition in the State where he/she has been abducted/retained by use of communications technology, such as videoconferences and teleconferences <p>— Remarks: If the child's audition is to be used as evidence in the custody proceedings, regulation (EC) n. 1206/2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters comes into play If the child's audition is to be used as evidence in the custody proceedings, regulation (EC) n. 1206/2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters comes into play</p>



Circumstances	Specific rule (Art.) in the relevant regulation	Matters that may be subject of communication among judges or in relation to which information about foreign law or procedures are needed
RECOGNITION, ENFORCEABILITY, ENFORCEMENT		
Grounds of non-recognition for judgments relating to parental responsibility	Brussels 2a Art. 23 (b) (d)	If from the decision is not apparent that the child and/or the person claiming the decision infringes his/her parental responsibility, whether they have been heard (or why not) and whether there are records available of the auditions
Staying of recognition proceedings	<ul style="list-style-type: none"> - Brussels 2a Art. 27 - Succession Reg Art. 42 - Marriage Property Reg Art. 41 - Partnership Property Reg Art. 41 	<ul style="list-style-type: none"> - Whether an appeal against the judgment has been lodged - how long will it take the appeal court to reach a decision
	Maintenance Reg Art. 25	<ul style="list-style-type: none"> - Whether an appeal against the judgment has been lodged - whether the enforceability of the decision is suspended in the Member State of origin by reason of the appeal



<p>Staying of proceedings for a declaration of enforceability</p>	<ul style="list-style-type: none"> - Brussels 2a Art. 35 - Maintenance Reg Art. 35 - Succession Reg Art. 53 - Marriage Property Reg Art. 52 - Partnership Property Reg Art. 52 	<ul style="list-style-type: none"> - Whether an appeal against the judgment has been lodged - what the time limit to lodge an appeal is in the State of origin - Whether it could be appropriate to specify the time limit within which the appeal is to be lodged - Whether the enforceability of the decision is suspended in the Member State of origin by reason of the appeal
<p>Refusal or suspension of enforcement of decisions on maintenance</p>	<p>Maintenance Reg Art. 21 (*) (*) <i>It applies to decisions given in a Member State bound by the 2007 Hague Protocol on the law applicable to maintenance obligations</i></p>	<ul style="list-style-type: none"> - Whether the right to enforce the decision is extinguished by effect of prescription or the limitation of action under the law of the Member State of origin - Whether/how the limitation period may be interrupted - Whether the competent court of the Member State of origin has been seised of an application for a review of the decision of the court of origin pursuant to Article 19 - Whether the enforceability of that decision is suspended in the Member State of origin
<p>Practical arrangements for the exercise of rights of access</p>	<p>Brussels 2a Art. 48</p>	<p>Clarifications as to the judgment delivered by the courts of the Member State having jurisdiction as to the substance of the matter, in order to ensure that the practical arrangements for organising the exercise of rights of access that will be taken by the court of the Member State of enforcement respect the essential elements of that judgment</p>



Annex II

Model form

The scheme below provides an **exemplificative list of information** that it could be useful to transmit **when getting in contact** with a judge in another Member State. The **contents of the initial communication**, however, may change in light of the **circumstances of the actual case**.

The list is provided as a **model form**, that may be **filled in, modified** according to the actual needs and **transmitted** to the judge in another Member State **in case of written communications**.

In order to make compilation and reading easier, both the **list of issues** and the **colours of Annex I - Table B** are reproduced also in the form below.



EXEMPLIFICATIVE FORM FOR THE INITIAL COMMUNICATION WITH A JUDGE IN ANOTHER MEMBER STATE

1. Judge and court details		2. Case identification details	
<ul style="list-style-type: none"> • Court: (name, address and Country code) • Contact details of the judge: (Full name e-mail address, fax, telephone, others) 		<ul style="list-style-type: none"> • Case number: • Received by the court on: 	
3. Parties to the proceedings and other subject involved:			
<ul style="list-style-type: none"> • Applicant's details: Full name and address • Defendant's details: Full name and address • Details of other subjects involved in the dispute: <p><i>Details as parties (or other subjects) name or address should be omitted whenever they are not strictly necessary to the coordination of proceedings.</i></p>			
Have the parties been notified of the nature of the proposed communication?		<i>(specify)</i>	
<input type="checkbox"/> Yes <input type="checkbox"/> No			
Have the parties consented to the exchange of information?		<i>(specify)</i>	
<input type="checkbox"/> Yes <input type="checkbox"/> No			
4. Nature of the case (one or more options may be selected)			
<input type="checkbox"/> Divorce, legal separation or marriage annulment (Reg. (EC) No 2201/2003)		<input type="checkbox"/> Maintenance obligation (Reg. (EC) No 4/2009)	
<input type="checkbox"/> Parental responsibility (Reg. (EC) No 2201/2003)		<input type="checkbox"/> Matrimonial property regimes (Reg. (EU) 2016/1103)	
<input type="checkbox"/> Child abduction (Reg. (EC) No 2201/2003)		<input type="checkbox"/> Property consequences of registered partnerships (Reg. (EU) 2016/1104)	
<input type="checkbox"/> Other: <i>(specify)</i>			
5. Brief description the case			



6. Issue on which the communication is sought (the list of issues below is drafted in accordance with Annex I table B)	
<input type="checkbox"/> EXERCISING JURISDICTION	
<input type="checkbox"/> Choice of court (express or by appearance) / Choice of law	(Information needed)
<input type="checkbox"/> Jurisdiction on property regime in connection with succession or matrimonial / partnership	(Information needed)
<input type="checkbox"/> Alternative jurisdiction in matter of property regime (marriage/registered partnership)	(Information needed)
<input type="checkbox"/> Subsidiary jurisdiction	(Information needed)
<input type="checkbox"/> Jurisdiction based on the child's presence	(Information needed)
<input type="checkbox"/> Residual jurisdiction	(Information needed)
<input type="checkbox"/> Forum necessitatis	(Information needed)
<input type="checkbox"/> Limit on proceedings aiming to modify or substitute a previous decision on maintenance obligations	(Information needed)
<input type="checkbox"/> Other (specify)	(Information needed)
<input type="checkbox"/> COORDINATION BETWEEN MAIN PROCEEDINGS	
<input type="checkbox"/> Lis pendens /duplication of proceedings	(Information needed)
<input type="checkbox"/> Related action	(Information needed)
<input type="checkbox"/> Related action on different aspects of the same family dispute pending in different Member State without any possibility of consolidation before one single court	(Information needed)
<input type="checkbox"/> Transfer of a case concerning a minor to a court better placed to hear it	
<input type="checkbox"/> Declining of jurisdiction in the event of a choice of law in succession cases	(Information needed)
<input type="checkbox"/> Other (specify)	(Information needed)
<input type="checkbox"/> PROVISIONAL AND PROTECTING MEASURES	
<input type="checkbox"/> The requesting judge is competent on the merits (Specify the ground)	(Information needed)
<input type="checkbox"/> The requesting judge is not competent on the merits	(Information needed)



<input type="checkbox"/> CHILD ABDUCTION CASES	
<input type="checkbox"/> Jurisdiction in cases of child abduction	<i>(Information needed)</i>
<input type="checkbox"/> Request for a return order	<i>(Information needed)</i>
<input type="checkbox"/> Non-return order	<i>(Information needed)</i>
<input type="checkbox"/> Other (<i>specify</i>)	<i>(Information needed)</i>
<input type="checkbox"/> RECOGNITION, ENFORCEABILITY, ENFORCEMENT	
<input type="checkbox"/> Grounds of non-recognition for judgments relating to parental responsibility	<i>(Information needed)</i>
<input type="checkbox"/> Staying of recognition proceedings	<i>(Information needed)</i>
<input type="checkbox"/> Staying of proceedings for a declaration of enforceability	<i>(Information needed)</i>
<input type="checkbox"/> Refusal or suspension of enforcement of decisions on maintenance given in a Member State bound by the 2007Hague Protocol on the law applicable to maintenance obligations	<i>(Information needed)</i>
<input type="checkbox"/> Practical arrangements for the exercise of rights of access	<i>(Information needed)</i>
<input type="checkbox"/> Other (<i>specify</i>)	<i>(Information needed)</i>
<input type="checkbox"/> OTHER: (<i>specify the issue and the information needed</i>)	
7. Reasons for which information is urgently needed	
8. List of attached documents	a)
	b)
	c)
	d)
	e)
	f)



9. Proposal for timing and arrangements for subsequent contacts				
Available means of communication	Details			Further information
<input type="checkbox"/> E-mail	<i>(address)</i>			
<input type="checkbox"/> Telephone	<i>(number)</i>			
	<i>(day(s) and time)</i>			
<input type="checkbox"/> Fax	<i>(number)</i>			
<input type="checkbox"/> Other (specify)	<i>(details)</i>			
<i>Communication languages</i>				
Language preferences	Speaking <i>(specify CEFR level from A1 to C2 where possible)</i>	Writing <i>(specify CEFR level from A1 to C2 where possible)</i>	Interpreter/translator - need/availability	Further information
1.				
2.				
3.				
4.				