

**PERSPECTIVES FOR THE  
UNIFICATION AND HARMONISATION  
OF FAMILY LAW IN EUROPE**

EUROPEAN FAMILY LAW SERIES

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OF FAMILY LAW IN EUROPE**

Edited by

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## PREFACE

For the first time in European legal history, a truly international conference devoted to the perspectives for the unification and harmonisation of family law in Europe took place in Utrecht from 11<sup>th</sup> – 14<sup>th</sup> of December 2002. The contributions to this conference, which was organised under the auspices of the Commission on European Family Law (CEFL), are compiled in this book. The main objective of the CEFL, founded in September 2001, is to study the feasibility of and to initiate practical steps towards the harmonisation of family law in Europe. The Conference was aimed to provide a strong and very necessary impetus in European countries to seriously consider the problems and possible solutions for reshaping national family law in accordance with the needs and purposes of the emerging “European citizenship”. It enabled family and comparative lawyers to extensively discuss the arguments for and against the Europeanisation of family law. The final written contributions are witness to the incredibly high level scientific standard in all respects of the contributions at the Conference. It is with great pride and gratefulness to be able to look back at the success of the conference and to be the editor of its proceedings.

In November 2002 at a conference in Amsterdam I listened to a presentation that was delivered by a young law professor. He spoke about the idea of *ius commune* and the harmonisation of private law in general by taking a great deal of aspects into account while he focused on the economic parts of private law. In answer to my question as to whether we should not include family law in the overall process of the harmonisation of private law he answered – and it did not come as a surprise to me – that this field of law is definitely culturally defined and that the opportunities for any harmonization are very limited. I doubted whether this is actually the case and asked him why he holds this view. He replied spontaneously. “You can read it in Zweigert/Kötz’s book on comparative law.” This argument is – notwithstanding the uncontested authority of the cited book – no longer convincing. The numerous gathering of more than 140 family and comparative law specialists in Utrecht representing 27 mostly European jurisdictions clearly demonstrated that in the field of family law in Europe major changes have taken place.

In March 2001 we, Masha Antokolskaia, Bente Braat, Marianne Hofman, Mieke Scheffer, Ian Sumner and myself, began with the organisation of the Utrecht conference. For me personally it was a challenging endeavour.

Yet the whole team was totally devoted to the idea of making the conference a pleasant and successful event. However, without the financial support of many institutions and organisations the conference and the following publication would not have been possible. I am greatly indebted to Utrecht University and its Law Faculty, the Royal Dutch Academy of Science (KNAW), the Netherlands Congress Bureau, The Dutch Association of Comparative Law, the Ius Commune Research School, the publishing house Intersentia, the Dutch Ministry of Justice and the European Commission. The advantages of our successful application to the High-Level Scientific Conference Programme of the European Commission were twofold. First, family law has been placed on the European research agenda and second, persons under the age of 35 years, were able to attend the conference free of charge. Nearly 60 participants fell under this category. This is to be considered a great achievement, which would not have been attained without the European Commission's stimulating grant for the conference. In addition, thirteen young researchers delivered papers which together with the contributions of many already very well-known specialists in the field of (international) family and comparative law are published in this book.

Finally, is the unification and harmonisation of (international) family law in Europe necessary? Is it feasible, desirable and possible? Reading the different contributions to this book may certainly inspire those who would like to find the right answers to these questions.

Katharina Boele-Woelki

Utrecht, 15 May 2003

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# TABLE OF CONTENTS

PREFACE .....	v
---------------	---

LIST OF AUTHORS .....	vii
-----------------------	-----

<b>COMMENCEMENT OF PROCEEDINGS .....</b>	<b>1</b>
--	----------

## EUROPEANISATION OF FAMILY LAW

WALTER PINTENS .....	3
1. Introduction .....	3
2. Family Law as Object of Harmonisation of Law .....	6
3. Harmonisation of Law in Certain Areas of Family Law ....	9
3.1. Legal matrimonial regime .....	9
3.2. Registered Partnership, Opening of Marriage and Adoption by Same-Sex Partners .....	12
3.3. Conclusion .....	16
4. Perspectives .....	16
4.1. The Council of Europe and other International Organizations .....	16
4.2. The European Union .....	20
5. The Commission on European Family Law .....	29

<b>PART ONE – ARGUMENTS FOR AND AGAINST UNIFICATION AND HARMONISATION OF FAMILY LAW IN EUROPE .....</b>	<b>35</b>
---	-----------

## ARGUMENTS FOR THE UNIFICATION AND HARMONISATION OF FAMILY LAW IN EUROPE

NINA DETHLOFF .....	37
1. Introduction .....	37
2. Cross-border Family Life .....	37
2.1. Increase in the number of cross-border family ties .....	37
2.2. Legal Problems .....	39
2.2.1. Lack of Legal Certainty and the Costs Associated with the Determination of the Applicable Law .....	39
A. International Jurisdiction .....	39
B. Law of Conflicts .....	40
C. Determination and Application of Foreign Law .....	42

2.2.2.	Loss or Change of Legal Positions	43
A.	Lack of Internationally Uniform Decision-Making	43
B.	Changes in the Applicable Law	46
2.2.3.	Conclusion	50
2.3.	Solution	50
3.	Europeanisation of the Law	54
3.1.	Free Movement of People	54
3.1.1.	Prohibition of Restrictions	55
3.1.2.	Family-Law Provisions as Restrictions	56
3.1.3.	Justification Through Public Interest	58
3.2.	Conclusion	58
4.	Family Law and Cultural Identity	59
5.	Conclusion	64

**A FAMILY LAW FOR EUROPE? SOVEREIGNTY, POLITICAL ECONOMY AND LEGITIMATION**

	DAVID BRADLEY	65
1.	Introduction	65
2.	“Deeply Embedded” Family Law	69
2.1.	Political Economy and Sovereignty	69
2.2.	Politics and Family Law Reform in a Period of Transition: Case Study	72
3.	Family Law and Social Change	80
3.1.	Convergence?	80
3.2.	Divergence in Nordic Family Laws: Case Study	82
4.	Problems of Legitimation	89
4.1.	Family Law Reform, Modernity and “Better” Law	89
4.2.	From a Moral to an Economic Agenda in Family Law: Case Study	90
4.3.	The Fallacy of the “Common Core” and “Better” Family Law	100
5.	Conclusion	102

**TOWARDS A EUROPEAN CIVIL CODE ON FAMILY LAW? ENDS AND MEANS**

	MARIE-THÉRÈSE MEULDERS-KLEIN	105
1.	Introduction	105
2.	Defining the Ends	105
2.1.	A matter of terminology	105
2.2.	The matter of aims	107
2.3.	Specificity of Family Law	108

3.	Means: the Legal Feasibility of Unification .....	110
3.1.	From Soft Law ... ..	111
3.2.	to Hard Law .....	112
4.	Political Desirability of A Unified European Family Law .	114
5.	Conclusion .....	116

TOWARDS A EUROPEAN *IUS COMMUNE*: THE CURRENT  
SITUATION IN OTHER FIELDS OF PRIVATE LAW

	EWOLD HONDIUS .....	118
1.	Introduction .....	118
2.	Achievements on An Official Level .....	119
2.1.	From directive to regulation .....	119
2.2.	The Communication on Contract Law .....	119
2.3.	Case-law of the European Court of Justice .....	122
3.	Achievements by Private Groups .....	123
3.1.	The Lando Commission; its Unidroit counterpart and the Von Bar succession .....	123
3.2.	Gandolfi .....	125
3.3.	Trento .....	126
3.4.	Spier and Koziol and others .....	128
3.5.	Casebooks .....	129
3.6.	The <i>acquis communautaire</i> group .....	130
3.7.	SECOLA .....	130
4.	Non-achievements .....	131
4.1.	Constitutional competence .....	131
4.2.	Comity .....	131
4.3.	The business community .....	131
4.4.	The academic community .....	132
5.	We Shall Overcome? Some Concerns .....	132
5.1.	Case-law .....	133
5.2.	Geographical .....	133
5.3.	Subject-matter .....	133
5.4.	Technical .....	134
6.	Conclusion: the Role of Academics .....	134
	Bibliography 2000-2002 .....	134

**PART TWO – METHODOLOGICAL ASPECTS . . . . . 141****METHODOLOGICAL ASPECTS OF HARMONISATION OF FAMILY LAW**

INGEBORG SCHWENZER . . . . . 143

1. Introduction . . . . . 143
2. Starting Point: the Comparative Method . . . . . 144
3. Law in Books – Law in Action . . . . . 144
4. The Functional Approach . . . . . 146
5. Converging Tendencies . . . . . 148
6. Different Codification Techniques . . . . . 151
7. Divergences Due to Different Structures of Administration of Justice and the Law of Procedure . . . 153
8. Divergences Due to Different Family Policies and Family Realities . . . . . 154
9. Divergences Due to Different Value Systems . . . . . 156
10. Conclusion . . . . . 158

**THE “BETTER LAW” APPROACH AND THE HARMONISATION OF FAMILY LAW**

MASHA ANTOKOLSKAIA . . . . . 159

Introduction . . . . . 159

1. “Common Core” and “Better Law” Methods: What is the Problem? . . . . . 160
  - 1.1. Two methods . . . . . 160
  - 1.2. The “common core” method and its limits . . . . . 160
  - 1.3. The “better law” method and the problem of justifying the choices made . . . . . 162
2. Practical Experience with the Use of the “Common Core” and “Better Law” Methods . . . . . 163
  - 2.1. The Commission for the UNIDROIT Principles for International Commercial Contracts . . . . . 163
  - 2.2. The Lando Commission on European Contract Law . . . 164
  - 2.3. The European Group on Tort Law . . . . . 164
  - 2.4. The Commission on European Family Law . . . . . 165
  - 2.5. Hiding behind “technical choices” . . . . . 165
3. Family Law: the Same Problems But to A Greater Extent 166
  - 3.1. The scarcity of a common core . . . . . 166
  - 3.2. More ideology-laden choices . . . . . 167

4.	The Ideological Dimension of Family Law . . . . .	168
4.1.	The ideological connotation of the “cultural constrains” argument . . . . .	169
4.2.	The origins of diversity. The ius commune of family law	169
4.3.	The conservative - progressive divide in Europe . . . . .	172
5.	Shared Notion of Family Rights and Justifying the “Better Law” . . . . .	173
5.1.	Additional need for political legitimation . . . . .	173
5.2.	The European courts are also searching for justification	174
5.3.	Johnston v. Ireland: no right to divorce . . . . .	175
5.4.	European Charter: still no right to divorce . . . . .	176
5.5.	The shared notion of family rights provides no relief . . .	178
6.	Harmonisation As A Movement Towards More Modern Family Law? . . . . .	179
6.1.	Common core-based Principles . . . . .	179
6.2.	“Better law” Principles . . . . .	180
	Concluding Remarks . . . . .	181

**PART THREE – UNIFICATION OF PRIVATE  
INTERNATIONAL LAW IN FAMILY MATTERS . . . . . 183**

**UNIFICATION OF PRIVATE INTERNATIONAL LAW IN  
FAMILY LAW MATTERS WITHIN THE EUROPEAN UNION  
MÁRIO TENREIRO and MONIKA EKSTRÖM . . . . . 185**

1.	Legal Basis for Judicial Co-operation in Family Law Matters . . . . .	185
2.	The Progressive Creation of A Common Judicial Area in the Field of Family Law . . . . .	187
2.1.	The Programme of mutual recognition . . . . .	187
2.2.	Existing EC legislation – the Brussels II Regulation . . . . .	188
2.3.	Proposed EC legislation – the Commission proposal of 3 May 2002 . . . . .	189
2.3.1.	Background . . . . .	189
2.3.2.	The question of child abduction . . . . .	190
2.4.	Envisaged EC legislation . . . . .	193

## UNIFICATION OF INTERNATIONAL FAMILY LAW IN EUROPE – A CRITICAL PERSPECTIVE

	MAARIT JÄNTERÄ-JAREBORG . . . . .	194
1.	Introduction . . . . .	194
1.1.	The topic . . . . .	194
1.2.	Remarks on the used terminology . . . . .	195
1.3.	Evaluating the importance of the various issues . . . . .	196
2.	Before Brussels II – A Retrospect . . . . .	196
3.	The Brussels II Regulation . . . . .	198
3.1.	Special community rules or global rules? . . . . .	198
3.2.	A clash with existing Hague Conventions . . . . .	199
3.3.	Being short-sighted has a price . . . . .	201
3.4.	Exequatur precedes enforcement – a shortcoming or a necessity? . . . . .	202
3.5.	How should enforcement take place? . . . . .	203
4.	The French Proposal to Facilitate the Exercise of Rights of Access . . . . .	204
4.1.	The effect of abolishing exequatur . . . . .	205
4.2.	The return of unlawfully retained children . . . . .	206
5.	Unified Choice of Law Rules on Marriage Dissolution – the Rome III . . . . .	207
5.1.	Fear for forum shopping and forum racing . . . . .	207
5.2.	Procedural provisions relating to divorce and its legal consequences must be taken into account . . . . .	208
6.	What Lessons Can Be Learned? . . . . .	210
6.1.	Article 65 requires restraint . . . . .	211
6.2.	Identifying the problems and available methods . . . . .	211
6.3.	Working methods . . . . .	212
6.4.	The content of mutual trust . . . . .	214
6.5.	A comparison with Scandinavian cooperation . . . . .	214

## PART FOUR – UNIFICATION AND HARMONISATION OF FAMILY LAW: DIFFERENT PERSPECTIVES . . . . . 217

### CHALLENGING THE EUROPEAN HARMONISATION OF FAMILY LAW: PERSPECTIVES ON “THE FAMILY”

	CLARE MCGLYNN . . . . .	219
1.	Introduction . . . . .	219
2.	The Court of Justice and “The Family” . . . . .	219
3.	The Court of Justice: A Change in Direction? . . . . .	224



4.	The Charter of Fundamental Rights and “The Family” ..	228
4.1.	General provisions on “the family” .....	228
4.2.	The right to marry .....	231
4.3.	The rights of the child .....	232
5.	Legislative Initiatives and Definitions of “Family” .....	233
5.1.	Free movement of persons .....	233
5.2.	Family law .....	234
5.3.	Asylum and immigration .....	235
6.	Conclusions .....	237

THE INFLUENCE OF EUROPEAN FAMILY LAW ON THE  
FAMILY LAW OF COUNTRIES ACCEDING TO THE EU

ANDRZEJ MAZYŃSKI .....	239
------------------------	-----

UNIFICATION AND HARMONIZATION OF FAMILY LAW  
PRINCIPLES: THE UNITED STATES EXPERIENCE

NANCY G. MAXWELL .....	249
------------------------	-----

1.	Overview of the State/Federal Relationship in the Context of Family Law .....	249
1.1.	State statutes and case law control within the jurisdiction of each state .....	250
1.2.	Divorce jurisdiction .....	250
1.2.1.	Full faith and credit and migratory divorce .....	250
1.2.2.	Due process challenges and migratory divorces .....	252
1.2.3.	Personal jurisdiction and orders of spousal support ....	253
1.2.4.	Failure to enforce orders of spousal support .....	255
1.3.	Federal limitations on state power – access to divorce courts and sexual equality issues .....	256
2.	Attempts to Unify and Harmonize Substantive Family Law .....	257
2.1.	Early attempts – The Uniform Marriage and Divorce Act	257
2.2.	Recent developments .....	260
2.2.1.	Unifying the Uniform Acts – The Joint Editorial Board for the Family Law Acts .....	260
2.2.2.	Transforming spousal support to compensatory payments – The American Law Institute’s Principles of the Law of Family Dissolution .....	260
2.2.2.	A minor retreat from no-fault divorce – Covenant marriages .....	263
3.	The Unification and Harmonization of Laws Recognizing and Enforcing Sister State Decrees .....	264

4.	Current Status of U.S. Law Concerning the Grounds for Divorce and the Law of Spousal Support . . . . .	265
5.	What Can Be Learned From the United States Experience? . . . . .	266

**PART FIVE – SPECIFIC ISSUES**

<b>1. NEW PROBLEMS OF COHABITATION . . . . .</b>	<b>269</b>
--	------------

**STRENGTHENING THE TIES THAT BIND: PROPOSALS  
FOR A CHILD-CENTERED EUROPEAN DIVORCE LAW**

ASPASIA TSAOUSSIS-HATZIS . . . . .	271
1. Introduction . . . . .	271
2. Children At Risk: Some Alarming Evidence . . . . .	273
3. The Conflicting Interests of Parents and Children Upon Divorce . . . . .	277
4. Strengthening Marriage for the Sake of Children . . . . .	280
5. Problems of Enforcement of Private Marital Agreements . . . . .	286
6. Conclusion . . . . .	289
Bibliography . . . . .	293

**VARIATIONS ON THE THEME OF STATUS, CONTRACT  
AND SEXUALITY: AN ITALIAN PERSPECTIVE ON THE  
CIRCULATION OF MODELS**

MATTEO BONINI-BARALDI . . . . .	300
1. Introduction . . . . .	300
2. Relevant Theoretical Concepts: Status and Contract . . . . .	302
3. The Use of Status and Contract in European Countries’ Partnership Legislation . . . . .	305
4. Human Rights and Sexuality in Italy . . . . .	308
5. European Citizenship: Some Implications for Family Law . . . . .	313
6. Conclusion . . . . .	319

<b>DOMESTIC AND CONFLICT DIFFICULTIES INHERENT IN REGULATING THE NEW ORDER</b>	
JANEEN M. CARRUTHERS .....	322
Introduction .....	322
1. Is Our “Domestic” House in Order? Internal Rules of Scottish Private Law .....	322
1.1. Marriage .....	323
1.2. Cohabitation .....	325
1.3. Proposals for Reform .....	326
1.4. Same-Sex Relationships .....	328
2. Awaiting Foreign Visitors: Rules of Scottish Interna- tional Private Law .....	329
2.1. A Question of Jurisdiction .....	329
2.2. A Question of Choice of Law .....	332
2.3. A Question of Recognition .....	334
3. Facing New Frontiers .....	337
<b>CONSEQUENCES DERIVING FROM COHABITATION- RELATIONS BETWEEN PARTNERS AND BETWEEN PARENTS AND CHILDREN</b>	
SUZANA KRALJIĆ .....	339
1. Introduction .....	339
2. Historic Development of Cohabitation .....	340
3. Establishing Cohabitation .....	342
4. The Influence of Cohabitation on the Relations Between the Partners .....	344
5. Cohabitation and its Influence on Children .....	350
6. Procedural Difficulties Connected with Cohabitation ...	352
7. Cohabitation Outside the MFRA .....	354
8. A Comparative Overview of the Regulations Pertaining to Cohabitation .....	356
8.1. Croatia .....	356
8.2. Macedonia .....	357
8.3. Serbia .....	359
9. Conclusions .....	360

<b>2. NEW TRENDS IN THE FIELD OF PARENTAGE AND PARENTAL RESPONSIBILITIES</b> .....	365
<b>PARENTAL RESPONSIBILITIES VERSUS THE PROGRESSIVE AUTONOMY OF THE CHILD AND THE ADOLESCENT</b>	
ROSA MARTINS .....	367
1. Introduction .....	367
2. Concept, Legal Nature, Content and Aims of Parental Responsibilities .....	368
2.1. Concept .....	368
2.2. Legal Nature .....	368
2.3. Content .....	369
2.4. Aims .....	369
2.4.1. Protection .....	369
2.4.2. Promotion of the child's autonomy and independence .	370
3. A New Perspective on the Child and the Adolescent . . .	370
3.1. The child and the adolescent as individuals with rights .	370
3.2. Legal effects of this new perspective on the child and adolescent in the Law of some European countries . . . .	371
3.3. The progressive autonomy of the minor children has not been ignored by the Law .....	373
4. Some Suggestions in Order to Assist Us to Move in A New Direction in the Area of Parent-child Relationships. ....	373
4.1. Progressive reduction in the content of parental care . . .	373
4.2. Legal Representation or "Assistance" .....	373
4.2.1. Legal Representation .....	374
4.2.2. "Assistance" .....	374
4.3. "Assistance" as the mechanism that best fits the progressive autonomy of the child and of the adolescent .....	374
4.4. Both aims of parental care recommend co-operation between legal representation and "assistance" .....	375
5. Unification Or Harmonisation of this Area of Family Law .....	375
References .....	376

## A COMPARATIVE ANALYSIS OF CONTACT ARRANGEMENTS IN THE NETHERLANDS AND DENMARK

CHRISTINA GYLDENLØVE JEPPESEN DE BOER . . . . . 378

1. Introduction . . . . . 378
2. Parental Authority . . . . . 379
3. Contact Parent – Child . . . . . 384
  - 3.1. The right to have contact . . . . . 384
  - 3.2. The content of contact . . . . . 386
  - 3.3. Procedures . . . . . 388
  - 3.4. Remedies . . . . . 392
4. Contact – Extended Family . . . . . 397
5. In the Light of Harmonisation – Concluding Remarks . . 399

## THE CONCEPT OF PARENTAL RESPONSIBILITY IN BULGARIAN AND ENGLISH LAW

MIGLENA BALDJIEVA . . . . . 402

1. Introduction . . . . . 402
2. The Legal Framework of Parent-children Relationships . 402
3. Possessors of Parental Rights . . . . . 405
4. State Intervention – Grounds and Limits . . . . . 406
5. Conclusions . . . . . 410

## “JUST THE OVEN”: A LAW & ECONOMICS APPROACH TO GESTATIONAL SURROGACY CONTRACTS

ARISTIDES N. HATZIS . . . . . 412

## **3. PRIVATE INTERNATIONAL LAW ASPECTS OF COHABITATION AND PARENTAL RESPONSIBILITIES . . . . . 435**

### NEW FORMS OF COHABITATION IN EUROPE; CHAL- LENGES FOR ENGLISH PRIVATE INTERNATIONAL LAW

YVETTE TAN . . . . . 437

1. Introduction . . . . . 437
2. Recognition of Foreign Transsexual Marriages . . . . . 439
  - 2.1. W v W facts . . . . . 442
  - 2.2. B v B – A lost opportunity to deviate from Corbett? . . . . 443
  - 2.3. Yet another missed opportunity at the Court of Appeal? . 444
  - 2.4. Recent Developments for Transsexuals . . . . . 444

3.	Cohabitation Legislation on A Piecemeal Basis . . . . .	445
3.1.	Recognition Problems for Piecemeal Legislation . . . . .	446
4.	Cohabitation Contracts . . . . .	448
4.1.	French PACS . . . . .	448
4.2.	Heterosexual PACS recognition favoured over homosexual PACS? . . . . .	451
4.3.	New private international law legislation needed? . . . . .	452
5.	Registered Partnerships . . . . .	453
5.1.	Baker v. Vermont . . . . .	453
5.2.	Danish Registered Partnership Act . . . . .	454
5.2.1.	Recognition Problems for Registered Partnerships in English Private International Law . . . . .	455
5.2.2.	What is in a name? . . . . .	457
5.2.3.	Burns v. Freer – A Lesson from the United States? . . . . .	457
5.2.4.	D. & Sweden v. Council – A Lesson from the European Court of Justice? . . . . .	458
5.3.	Recommendations for English Recognition of a Foreign Registered Partnership . . . . .	458
6.	Same-sex Marriage . . . . .	459
6.1.	Recognition of a Foreign Same-Sex Marriage in English Law . . . . .	459
6.2.	Which partnership from Europe is most likely to be recognised? . . . . .	460
7.	Conclusions . . . . .	461

#### NEW FORMS OF COHABITATION: PRIVATE INTERNA- TIONAL LAW ASPECTS OF REGISTERED PARTNERSHIPS

	SANDRINE HENNERON . . . . .	462
1.	The Private International Law Category . . . . .	464
1.1.	The lack of opportunity for a link to an existing Private International Law category . . . . .	465
1.1.1.	Registered partnerships are not marriages . . . . .	465
1.1.2.	Registered partnerships are not contracts . . . . .	467
1.2.	The opportunity for the creation of an autonomous Private International Law category . . . . .	468
2.	The Applicable Law . . . . .	469
2.1.	Ties to be rejected . . . . .	469
2.2.	Tie to be proposed . . . . .	469

**BRUSSELS II AND BEYOND: A BETTER DEAL FOR CHILDREN  
IN THE EUROPEAN UNION?**

	HELEN STALFORD . . . . .	471
1.	Introduction . . . . .	471
2.	The Rights of the Child Under the “Brussels” Regulations . . . . .	473
3.	The Proposed Brussels II Amendments and the Rights of the Child . . . . .	476
4.	What Interpretation of Children’s Rights Underpins the Brussels II Amendments? . . . . .	479
5.	Putting Brussels I and II Into Practise in the Interests of the Child . . . . .	481
6.	Addressing A Research Vacuum . . . . .	483
7.	Assessing Legal Practitioners Awareness and Application of EU Family Provisions . . . . .	483
8.	Enhancing the Involvement of Children in Cross-national Family Proceedings . . . . .	485
9.	The Impact of the First-seised Rule on Children . . . . .	486
10.	Conclusion . . . . .	487

**REGULATING PARENTAL RESPONSIBILITY IN THE  
EUROPEAN UNION**

	ELENA RODRÍGUEZ PINEAU . . . . .	489
1.	Precedents . . . . .	489
1.1.	EC legislative action in order to deal with the side-effects of integration . . . . .	489
1.2.	The U-Turn: Towards family law harmonisation . . . . .	490
2.	EC Regulation 1347/2000 (“Brussels II”) . . . . .	493
2.1.	The rationale behind the Regulation . . . . .	493
2.2.	Problems raised by the Regulation’s scope of application . . . . .	494
2.3.	Problems stemming from jurisdictional connecting factors . . . . .	495
2.4.	Problems as far as applicable law is concerned . . . . .	497
3.	The Proposal for A New Regulation (“Brussels II Bis”) . . . . .	499
3.1.	Justification . . . . .	500
3.2.	Questions regarding jurisdiction grounds . . . . .	502
3.2.1.	Stimulating “forum shopping”? . . . . .	502
3.2.2.	Is communitarisation of jurisdictional fora excessive? . . . . .	503

3.3.	Questions regarding applicable law .....	505
4.	Concluding Considerations .....	506

**FIRST STEPS IN THE COMMUNITARISATION OF FAMILY LAW: TOO MUCH HASTE, TOO LITTLE REFLECTION?**

	PETER McELeAVY .....	509
1.	Introduction .....	509
2.	A European Community Family Law .....	510
3.	New Order V. Old Order .....	514
3.1.	Topic Selection & Preparatory Work .....	515
3.2.	Negotiation & Project Management .....	520
3.3.	Efficiency & Effectiveness .....	523
4.	Conclusion .....	525

**DRAWING TO A CLOSE .....** 527

**DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES – INITIAL RESULTS OF THE COMMISSION ON EUROPEAN FAMILY LAW**

	DIETER MARTINY .....	529
1.	Introduction .....	529
1.1.	Formulating a questionnaire .....	529
1.2.	The choice of the subject .....	530
1.3.	The purpose of the national reports .....	531
1.4.	Methodology .....	532
2.	Divorce .....	533
2.1.	The existence of divorce .....	533
2.2.	Grounds for divorce .....	533
2.3.	“Mixed grounds” jurisdictions .....	534
2.4.	Divorce by agreement .....	535
2.5.	Unilateral divorce .....	537
2.6.	Non-fault divorce and irretrievable breakdown .....	537
2.7.	Additional elements .....	539
2.8.	Obstacles to divorce .....	541
2.9.	The possible approach of the principles .....	541
2.10.	Procedure .....	542
3.	Maintenance .....	543
3.1.	Granting maintenance .....	543
3.2.	Maintenance as a consequence of divorce .....	544



3.3.	Calculation of maintenance .....	546
3.4.	The length and the termination of maintenance obligations .....	547
3.5.	Priority of claims .....	548
4.	Methodological Points .....	549
5.	Conclusion .....	550
A FAMILY LAW FOR EUROPE: NECESSARY, FEASIBLE, DESIRABLE?		
	ESIN ÖRÜCÜ .....	551
1.	Introduction .....	551
1.1.	Overture .....	551
1.2.	Possible positions .....	552
1.3.	Who might opt for which position? .....	552
2.	A View From the Comparative Law Vantage Point .....	553
2.1.	Comparative lawyers today .....	553
2.2.	Areas hitherto neglected .....	554
2.3.	Differences or similarities? .....	555
3.	A Family Law for Europe: A Taste of the Conference on Perspectives for the Unification and Harmonisation of Family Law in Europe .....	556
3.1.	General overview .....	556
3.2.	Options .....	557
3.3.	Questions .....	557
3.4.	Answers .....	559
4.	Concluding Remarks .....	570

