

EUROPEAN CHALLENGES IN CONTEMPORARY FAMILY LAW

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PREFACE

What constitutes the European challenges in contemporary family law? The third CEFL Conference in Oslo from 7–9 June 2007 brought together more than 100 participants from 30 countries to provide answers to this question by addressing a wide range of issues that currently engage family lawyers in Europe. The conference was organised along the same lines as the two previous CEFL conferences held in Utrecht in 2002 and 2004. According to the CEFL, it is of the utmost importance that young researchers are invited to the general discussions concerning the process of the harmonisation of family law in Europe. Therefore, the CEFL has deliberately chosen two categories of presenters: recognized authorities on different aspects of family law on the one hand, and young researchers who have been selected after a call for papers, on the other. In this volume the reader will find their final written contributions.

The volume consists of five parts. Part one deals with THE HARMONISATION OF FAMILY LAW in Europe, especially the Nordic countries, and the United States. The general usage of the concepts of human rights, harmonisation and unification is among the subjects addressed in this part. Part two – CHILDREN AND THEIR PARENTS – deals with general aspects of the human rights of children, as well as specific questions arising from new family forms and the new technology of artificial fertilisation. This part relates to CEFL's second working field, and the Principles regarding parental responsibilities, which were published in no. 16 of this series, are presented. Part three contains contributions on IRREGULAR MARRIAGES AND THE INFLUENCE OF MULTICULTURALISM, especially Muslim traditions, in different areas of family law. The fourth part – (PROPERTY) RELATIONS BETWEEN SPOUSES AND COHABITANTS – deals with a broad range of key questions in connection with economic settlements upon the dissolution of marriage and cohabitation. Finally, the fifth part is dedicated to CROSS-BORDER FAMILY RELATIONSHIPS and the different legal instruments in this area of private international law.

These issues represent European challenges in contemporary family law and they are, in different ways, related to the remarkable change in family life that has taken place in Europe in the last three or four decades. Hardly any other field of law has experienced such profound and deep social and demographic changes as family law in this short period of time: an explosion in the divorce rates and extramarital cohabitation and the resulting increase in the number of children born out of wedlock; women joining the paid work force *en masse*, influencing,

among other things, parental roles and property relations among partners; and – more recently – the growing social acceptance of same-sex relationships and new techniques of artificial insemination are just a few important features of this development. We are in the middle of a “silent revolution” in family life in Europe. And while these transformations take place, we experience a vast cross-border movement of people – both within Europe, and in the form of migration from other continents.

Some would maintain that it is impractical to develop principles of family law in such a period of transition. Others would argue that it is more important than ever to provide basic guidelines for a common legal framework for family life in Europe. As we know, different opinions exist on these and other questions of harmonisation. The contributions in this volume will, hopefully, enrich and inspire these discussions.

The 3rd CEFL conference was organised in co-operation with the Department of Private Law at the University of Oslo, and was largely financed by the Nordic Council of Ministers, the Norwegian Ministry of Justice and the Norwegian Ministry of Children and Equality. We would like to extend our heartfelt gratitude to all these four institutions for their substantial contributions.

Katharina Boele-Woelki and Tone Sverdrup
Utrecht and Oslo, December 2007

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TABLE OF CONTENTS

PREFACE v

LIST OF AUTHORS..... vii

PART ONE. THE HARMONISATION OF FAMILY LAW

HUMAN RIGHTS AND THE HARMONIZATION OF FAMILY LAW IN EUROPE

DAGMAR COESTER-WALTJEN 3

1. The Problem 3

 1.1. Family Law and Human Rights 3

 1.2. Values Within a Given Time, a Given Society or Culture 5

2. Characteristics of Human Rights 6

 2.1. Different Degrees of Rights 6

 2.1.1. The Inalienable..... 6

 2.1.2. Core and Periphery 7

 2.1.3. Flexibility 7

 2.2. Different Functions..... 8

 2.3. Possible Conflicts..... 9

3. A Right to an Intimate, Emotional Partnership for Every Human Being .. 9

 3.1. Type of Partnership..... 9

 3.1.1. Sex and Sexual Orientation..... 9

 3.1.2. Free Will 9

 3.1.3. The Number of Partners..... 10

 3.2. Protection Attributed..... 11

 3.2.1. “Protection” 11

 3.2.2. The Right to be Left Alone..... 11

 3.2.3. The Right to Legal Recognition and Protection..... 11

 3.2.3.1. Marriages and Partnerships..... 11

 3.2.3.2. Informal Unions..... 13

4. Summary..... 14

THE REHARMONISATION OF NORDIC FAMILY LAW

PETER LØDRUP	17
1. Historical Background	17
2. Family Law – Harmonisation and Unification	18
3. How It Began	19
4. The Last Forty Years	20
5. Comparative Studies of Nordic Family Law and the Law of Succession ..	22
6. How Far is Nordic Family Law Harmonised Today?	23
7. Some Conclusions	25

THE HARMONISATION OF FAMILY LAW IN THE UNITED STATES

ROBIN FRETWELL WILSON	27
1. Uniform Acts & Divorce Shopping	28
2. State Law Reform Commissions & No-Fault Divorce	29
3. The Role of National Law Reform Bodies	33
3.1. The Role of Fault in Divorce	34
3.2. What is a Parent?	36
3.2.1. The ALI Rationale	37
3.2.2. Critiquing the ALI Test	40
3.2.3. The Essential Role of the Constitution	47
4. State Approaches to Same-Sex Marriage	48
5. Conclusion	49

PART TWO. CHILDREN AND THEIR PARENTS

RECENT DEVELOPMENTS IN CHILD LAW

LUCY SMITH	53
1. Introduction	53
2. Interpretation of the Convention	55
3. Participation Rights and Article 12	56
4. The European Court of Human Rights (ECHR)	58
5. The Best Interest of the Child	60
6. Reproductive Technologies	61
7. Some Final Remarks	62

THE CEFL PRINCIPLES REGARDING PARENTAL RESPONSIBILITIES: PREDOMINANCE OF THE COMMON CORE

KATHARINA BOELE-WOELKI	63
1. A New Set of Principles	63
2. Structure of the Principles on Parental Responsibilities	64
3. CEFL's Concept of Parental Responsibilities	65
4. CEFL's Approach in Drafting the Principles: Common Core and/or Better Law	66
4.1. Harmonisation Through International and European Instruments	66
4.2. Categorisation of the Applied Methods Regarding Each Specific Issue	67
5. Brief Comparison of the Different CEFL Sets of Principles	82
6. Coming to a Close	83
Appendix: Principles of European Family Law Regarding Parental Responsibilities	84

THE RIGHT OF THE CHILD TO PARENTAGE (DESCENT)

BALÁZS SOMFAI	93
1. Introduction	93
2. Legislation in Force	96
3. Single Persons	97
4. Background and Impacts of the Amendment	97
5. Paternal Presumption in the Case of Infertile Couples	99
6. Final Remark	100

MULTI-PARENT FAMILIES IN THE 21ST CENTURY

MARIEL DIMSEY	101
1. Introduction	101
2. Current Approach to Same-Sex Parenting	103
3. Legal Recognition of Social Parentage of Same-Sex Partners	104
3.1. Reproductive Medicine	104
3.2. Adoption	106
4. "Social" Recognition – Parental Responsibility	108
5. Multi-Parent?	109
6. Outlook	110

THE RECOGNITION OF HOMOSEXUAL PARENTS IN THE UNITED KINGDOM

DAVID HILL. 113

1. Introduction 113

2. Homosexual Parents – A Brief History 113

3. Changing Recognition and Attitudes. 119

 3.1. The European Convention of Human Rights 120

 3.2. Changing Family Structure. 122

 3.3. Financial Considerations 124

4. Conclusions. 129

TOWARDS A NEW CONCEPT OF PARENTHOOD: PROCREATIONAL RESPONSIBILITY

MACHTELD VONK 131

1. Introduction 131

2. The Legal Position of Children in a Family with One Biological Parent and One Non-Biological Parent. 133

 2.1. The Child’s Options to Acquire Two Legal Parents. 133

 Children in different-sex and female same-sex families. 133

 Children in male same-sex families. 136

 2.2. Protection of the Child’s Position in His or Her Family. 136

 Children in Different-Sex and Female Same-Sex Families. 136

 Children in Male Same-Sex Families. 138

 2.3. Possible Explanation for the Differences and Similarities Between the Jurisdictions. 139

 2.4. Bills and Proposals Regarding Same-Sex Parenthood 140

3. Procreational Responsibility 143

 3.1. The Legal Dimensions of the Child’s Family Circle. 143

 3.2. Explanation of the New Concept of Procreational Responsibility . 145

4. Application of the Concept of Procreational Responsibility 146

 4.1. Children Born into Relationships with One Biological Parent and One Non-Biological Parent 146

 4.1.1. Legal Parenthood for Intentional Parents Without Evaluating the Donor’s Intentions 147

 4.1.2. Legal Parenthood for the Intentional Parents with Regard to the Intentions of the Donor. 148

 4.2. Children in Surrogate Families. 150

5. How to Proceed? 152

Bibliography 154

**PART THREE. IRREGULAR MARRIAGES AND THE INFLUENCE OF
MULTICULTURALISM**

**“TO AFFINITY AND BEYOND”: A CRITICAL ANALYSIS OF THE LAW
ON MARRIAGE WITHIN PROHIBITED DEGREES OF RELATIONSHIP**

MAEBH HARDING	159
1. Introduction	159
2. Historical Beginnings of the Prohibited Degrees of Relationship	159
2.1. The Breakaway from Canon Law in Ireland and England	161
2.2. The Breakaway from the Canon Law in France	163
3. The General Trend Towards an Erosion of the Prohibited Degrees	165
3.1. The Legislative Erosion of the Prohibited Degrees in England	166
3.2. The Intervention of the ECHR	170
3.3. The Erosion of the Prohibited Degrees by the Courts in Ireland ..	173
4. Questioning the Rationale Behind the Prohibited Degrees of Relationship	177
4.1. Cultural Difference Ignored by the Prohibited Degrees of Relationship	178
4.2. The Social Concerns Addressed by the Prohibited Degrees	180
4.3. Genetic Concerns	182
4.4. The Prohibited Degrees of Relationship in Other Forms of Registered Partnership and <i>De Facto</i> Relationships	184
5. Conclusion	186

**THE MUSLIM DOWER (MAHR) IN EUROPE – WITH SPECIAL
REFERENCE TO SWEDEN**

MOSA SAYED	187
1. Introduction	187
2. <i>Mahr</i> in Sweden – Presentation of Typical Cases	188
3. <i>Mahr</i> Agreements Among Muslims in Sweden	189
4. <i>Mahr</i> Before the Advent of Islam	190
5. <i>Mahr</i> According to the Koran	191
6. <i>Mahr</i> in Contemporary Muslim Legal Orders	192
7. The Functions of <i>Mahr</i>	193
7.1. <i>Mahr</i> as an Instrument for the Transfer of Property	194
7.2. <i>Mahr</i> as a Safeguard for Women in Marriage	194
7.3. <i>Mahr</i> as Women’s Bargaining Tool for Achieving a Divorce	197

8.	<i>Mahr</i> in Cases with Foreign Connecting Factors	199
8.1.	RH 1993:116 – General Description	200
8.2.	Qualification of <i>Mahr</i> as a Maintenance Obligation	201
8.3.	RH 2005:66 – General Description	203
8.4.	<i>Mahr</i> as Part of the Spouses’ Matrimonial Property	205
9.	<i>Mahr</i> as an Institution of Its Own – Conclusions	207
	Bibliography	208

MULTICULTURALISM AND FAMILY LAW: THE CASE OF GREEK MUSLIMS

	ASPASIA TSAOUSSI and ELENI ZERVOGIANNI	209
1.	Introduction	209
2.	On the Application of Islamic Law in Greece	210
2.1.	The Mufti Jurisdiction	210
2.2.	The Shari’a as Applied in Western Thrace	215
2.3.	The Reception of Muslim Law by the Greek Courts – Comparative Remarks	219
2.4.	Evaluation of the Legal Regime of Muslims in Greece: Is “Concurrent Jurisdiction” a Solution?	221
3.	Alternative Dispute Resolution Processes (ADR) in the Context of a Single Jurisdiction System	223
3.1.	Competing Value Systems in the Family Setting	224
3.2.	Women as a Disadvantaged Group During and after Marriage	225
3.3.	Why Mediation is the Best Approach	227
3.4.	Some Caveats: Mediation and the Limits of “Free Choice”	233
4.	Conclusion	237

PART FOUR. (PROPERTY) RELATIONS BETWEEN SPOUSES AND COHABITANTS

LEGISLATION FOR THE SURVIVING COHABITANT FROM A COMPARATIVE PERSPECTIVE

	GÖRAN LIND	243
1.	Introduction	243
2.	Different Legal Constructions	244
2.1.	Completely Identical Rules as for Marriage	244

2.2.	Identical Rules as for Marriage as to the Division of Property	245
2.2.1.	Identical Rules for Cohabitants and for Spouses through Joint Legislation	245
2.3.	Identical Rules for Cohabitants as for Spouses Applied by Analogy	246
3.	Partial Rights for Cohabitants	247
3.1.	Protection only upon Death	247
3.2.	Protection only upon Separation	248
3.3.	Limited Protection upon Separation and Death	249
4.	Arguments for Cohabitation Legislation	251
4.1.	Protection for the Vulnerable Party	251
4.2.	Compensation for Contributions and Sacrifices	254
4.3.	Ethnic, Cultural and Social Reasons	254
4.4.	Fulfilment of the Parties' Good Faith Expectations	257
4.5.	The State's Interest in Capturing 'The Lost Sheep'	257
5.	Arguments Against Cohabitation Legislation	258
5.1.	Limiting the Freedom of the Parties	258
5.2.	Cohabitation Legislation Undermines Marriage, the Family and the Community	261
5.3.	The Lack of the Form's Functions	263
5.4.	Fraudulent Behaviour and Other Abuse	264
5.5.	Application Problems	265
6.	Conclusions	266

FINANCIAL RELIEF BETWEEN COHABITANTS ON SEPARATION: OPTIONS FOR EUROPEAN JURISDICTIONS

	JO MILES	269
1.	Introduction: The Social and Political Context	269
1.1.	The Demographic Evidence	269
1.2.	Political Controversy: Protecting Traditional Family Life and Marriage	270
2.	Different European Responses to Cohabitation	273
2.1.	Registration or Default Scheme: "Opt-In" or "Opt-Out"?	274
2.1.1.	Opt-In Schemes: Partnership Registration	274
2.1.2.	Opt-Out Schemes: Protection by Default	277
3.	The Nature of the Financial Regime or Remedy	279
3.1.	Assimilation with Spouses or Different Treatment?	279
3.2.	A Property Regime or Remedial Approach?	281

3.3.	What Governing Principles?	282
3.3.1.	Community of Property and Other “Sharing” Schemes ..	283
3.3.2.	Needs-Based and Contribution-Based Remedies	285
4.	Summary.....	286

DIVIDING THE ASSETS UPON THE DISSOLUTION OF A MARRIAGE

A Comparison Between Legal Systems Which Apply a ‘Hard and Fast Rule’ and Systems with a Discretionary Approach to the Division of Assets

	ANNE-FLORENCE BOCK.....	289
1.	Policy Reasons Underlying Matrimonial Property Law	289
2.	Two Different Concepts: Switzerland and England & Wales	291
2.1.	Switzerland.....	291
2.2.	England & Wales.....	293
3.	A Comparison with Regard to Selected Issues	295
3.1.	Operability	295
3.2.	Separate Compensation Mechanisms as Opposed to General Financial Relief	296
3.3.	Equal Sharing.....	297
3.4.	The Distinction Between Matrimonial Property and Non- Matrimonial Property	299
3.5.	Encouraging a Settlement	301
4.	Concluding Remarks and Prospects for Cohabitees	302

PROPERTY RELATIONS BETWEEN SPOUSES IN THE LEGISLATION OF THE CZECH REPUBLIC AND IN THAT OF SELECTED POST-COMMUNIST COUNTRIES

	ANNA HORÁNOVÁ.....	305
1.	Introduction	305
2.	History.....	306
3.	Autonomous Free Will and Property Relations Between Spouses	307
4.	The Concept and Extent of Matrimonial Property	308
5.	Dissolution and Settlement of the Legal Matrimonial Regime	309
6.	Protection of a Third Person’s Rights	310
7.	The Post-Communist Era.....	310
7.1.	Introduction.....	310
7.2.	Poland	311

7.3. Bulgaria	311
7.4. Czechoslovakia	312
7.5. The Slovak Republic	312
7.6. The Czech Republic	313
7.6.1. New Civil Code of the Czech Republic	314
7.6.2. New Regulation of Inter-Spousal Property Relations	315
8. Conclusions	316

PART FIVE. CROSS-BORDER FAMILY RELATIONSHIPS

THE SECOND REVISION OF THE BRUSSELS II REGULATION: JURISDICTION AND APPLICABLE LAW

TH. M. DE BOER	321
1. The Myth of Certainty and Predictability	321
2. A Brief Survey of the Proposed Rules: Jurisdiction	323
3. A Brief Survey of the Proposed Rules: Applicable Law	327
4. Some Remarks on the Points of Departure of Modern Choice of Law	331
5. The Policies Underlying Substantive Divorce Law	333
6. The Methodological Validity of the Proposed Choice-of-Law Rules	335
7. Alternative Solutions	339

THE MAINTENANCE REGULATION: A CRITICAL ASSESSMENT OF THE COMMISSION'S PROPOSAL

MICHAEL HELLNER	343
1. Yet Another Regulation	343
2. An Assessment of the Regulation	346
2.1. Substantive Scope	346
2.2. Geographic Scope	347
2.3. Rules on Jurisdiction	348
2.4. Applicable Law	351
2.4.1. Relationship with the Future Hague Protocol	351
2.4.2. The Proposed Rules	352
2.4.3. Is There a Need for Rules on Applicable Law?	358
2.5. Common Procedural Rules	359
2.5.1. Service of Documents	360
2.5.2. Default Judgments and Review	361
2.5.3. Reaction in the Council	361

2.6.	Enforceability of Decisions	362
2.6.1.	Is the Abolition of Exequatur Proportional?	362
2.6.2.	Provisional Enforcement	362
2.6.3.	Reactions in the Council	363
2.7.	Enforcement	363
2.7.1.	Translation	363
2.7.2.	Legal Aid and Costs	364
2.7.3.	Refusal or Suspension of Enforcement	364
2.7.4.	Garnishment	365
2.7.5.	Freezing of Bank Accounts	366
2.7.6.	Ranking of Maintenance Claims	366
2.8.	Authentic Instruments and Agreements	367
2.9.	Administrative Cooperation	368
3.	Does the Proposed Regulation Solve any Problems?	372
3.1.	Remedies for Problems?	372
3.1.1.	Problems in Locating the Debtor and His Assets	373
3.1.2.	Lack of Provision of Advice and Legal Aid to the Creditor	373
3.1.3.	Lack of Cooperation Between Competent Authorities ...	374
3.1.4.	Lack of Mutual Recognition of Judgments	374
3.1.5.	Problems Associated with Intermediate Measures	376
3.1.6.	Administrative Inefficiencies	376
3.2.	Remedies for Non-Problems	377
3.3.	Does the Proposed Regulation have Added Value?	377

UNIFICATION OF CONFLICT OF LAWS IN EUROPE

– Matrimonial Property Regimes –

KATHRIN KROLL	379	
1.	Introduction	379
2.	Status Quo	380
2.1.	Connecting Factors	380
2.1.1.	The Nationality Principle	380
2.1.2.	Habitual Residence	381
2.1.3.	The Common Law Approach	382
2.2.	The Role of Party Autonomy	383
3.	Revision of the National Conflict-of-Law Rules by the European Commission	385
3.1.	Change Towards Habitual Residence	385
3.2.	Party Autonomy	387

4.	Comments.....	387
4.1.	The Method Chosen by the Commission	387
4.2.	The Law Applicable to Matrimonial Property	388
4.2.1.	The Habitual Residence Approach	388
4.2.2.	Dilemma	390
4.3.	Freedom to Choose the Applicable Law	391
5.	Conclusion	393

**THE DISSOLUTION OF THE MATRIMONIAL PROPERTY REGIME
AND THE SUCCESSION RIGHTS OF THE SURVIVING SPOUSE
IN PRIVATE INTERNATIONAL LAW**

MARIA ÁLVAREZ TORNÉ..... 395

1.	Introduction	395
2.	General PIL Questions	395
3.	Determination of the Succession Rights of the Widowed Spouse from a PIL Perspective	397
3.1.	The Particular Case of the Spanish PIL Solution: The Pros and Cons.....	398
3.1.1.	The Formulation of Article 9.8 of the Spanish Civil Code .	398
3.1.2.	Conflictive Interpretations and the Characterization Dilemma	400
3.2.	The German Answer to These Coordination Difficulties	403
3.3.	Proposals made to Solve This Problem	404
4.	The Situation in Cases of Non-Married Couples: A Quick Look at Europe	406
5.	Conclusions.....	410

CONCLUDING REMARKS

**EUROPEAN CHALLENGES IN CONTEMPORARY FAMILY LAW:
SOME FINAL OBSERVATIONS**

KATHARINA BOELE-WOELKI

1.	Determining the Structure.....	413
2.	The Harmonisation of Family Law	414
3.	Children and Their Parents	417
4.	Irregular Marriages and the Influence of Multiculturalism.....	419
5.	(Property) Relations Between Spouses and Cohabitants.....	420
6.	Cross-Border Family Relationships	422
7.	CEFL's Next Challenge: Its 4 th Conference	423

