

International couples and patrimonial regimes in the European Union

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Abstract

Regulation (EU) 2016/1103 of the Council of June 24, 2016, on the implementation of consolidated cooperation in the field of jurisdiction, applicable law and the recognition and enforcement of court decisions in the matter of matrimonial regimes established pursuant to the provisions of art. 15 of the Hague Convention of March 14, 1978, on matrimonial regimes, establishes the competences in this extended field both at the European Union level and at the global level. In accordance with Article 81(2)(c) of the Treaty on the Functioning of the European Union (TFEU), such measures could include measures designed to ensure the compatibility of the rules applicable in the Member States on conflict of laws and jurisdiction, because The Union has set its objective to maintain and develop an area of freedom, security, and justice, within which the free movement of people is ensured. For its gradual establishment, the Union must adopt measures on judicial cooperation in civil matters having cross-border implications, especially when they are necessary for the proper functioning of the internal situation. At its meeting in Brussels on 10 and 11 December 2009, the European Council adopted a new multiannual program entitled "The Stockholm Program - An open and secure Europe serving and protecting citizens". In that program, the European Council considered that mutual recognition should be extended to areas not yet included but which are essential for everyday life, such as the patrimonial effects of the separation of couples, considering equally the legal systems of States members, including public order and national traditions in this field.

Keywords : matrimonial regimes, Hague Convention, European Union, judicial cooperation, patrimonial effects