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Preface

The Project ‘Cross-Border Proceedings in Family Law Matters before National Courts and CJEU’, funded by the European Commission’s Justice Programme (GA - JUST/2014/JCOO/AG/CIVI/7722) aims to contribute to the uniform and consistent implementation of the 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 (hereinafter: Brussels IIbis Regulation). The final outputs of the Project are: (i) the Guide for Application of the Brussels IIbis (hereinafter: the Guide); (ii) the Recommendations to Improve the Rules on Jurisdiction and on the Enforcement of Decisions in Matrimonial Matters and Matters of Parental Responsibility in the European Union (hereinafter: the Recommendations); and (iii) the Conference of 10 November 2017 ‘Enhancing the efficiency of the Brussels IIbis Regulation’. The research was completed by 31 June 2018 and is based on the Court of Justice of the European Union case law and relevant literature published up until this date.

The Project was coordinated by the T.M.C. Asser Instituut and partnered by the Utrecht University, International Legal Institute (ILI), the Ghent University and the University of Valencia. The members of the Project Team are: Vesna Lazić (T.M.C. Asser Instituut and Utrecht University), Steven Stuij and Michiel de Rooij (T.M.C. Asser Instituut), Wendy Schrama and Jaqueline Gray (Utrecht University), Lisette Frohn and Richard Blauwhoff (International Legal Institute), Jinske Verhellen and Valerie De Ruyck (Ghent University), Carlos Esplugues Mota, Carmen Azcárraga Monzonís and Pablo Quinzá Redondo (University of Valencia).¹

The Guide presents a commentary based on the analysis of the provisions of the Regulation, relevant Court of Justice of the European Union case law and comparative literature. In addition, National Reports of all EU Member States are included in the research, in order to identify the problems encountered by national courts and other authorities in applying the Regulation. With the purpose of enhancing consistency and uniformity in the interpretation and application of the Regulation, it is deemed to offer guidance to the practitioners, to serve as research material for academics and to provide for a useful educational tool.

The Guide follows the sequence of the provisions of the Regulation and consists of 11 Chapters: Chapter 1 (‘Scope and Definitions’) has been co-written by Jaqueline Gray, Wendy Schrama and Vesna Lazić, Chapter 2 (‘International Jurisdiction in Cases of Marital Breakdown’) has been co-written by Pablo Quinzá Redondo and Jinske Verhellen, Chapter 3 (‘International Jurisdiction in Cases of Parental Responsibility’) has been co-written by Richard Blauwhoff and Lisette Frohn, Chapter 4 (‘Jurisdiction in Cases of Child Abduction’) and Chapter 5 (‘Common Provisions (Articles 16-20)’) have been authored by Vesna Lazić, Chapter 6 (‘Recognition and Enforcement in Matrimonial Matters’) has been co-written by Valerie De

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Ruyck, Jinske Verhellen and Pablo Quinzá Redondo, Chapter 7 ('Recognition and Enforcement in Parental Responsibility Cases') and Chapter 8 ('Common Provisions on Enforcement') have been co-written by Richard Blauwhoff and Lisette Frohn, Chapter 9 ('Enforcement of the Decisions on the Rights of Access and Return Orders issued by the Courts of Child's Habitual Residence Immediately before a Wrongful Removal or Retention – Articles 40-45 and 47 and Other Provisions Applicable to the Enforcement – Articles 48-52'), Chapter 10 ('Cooperation between Central Authorities in Matters of Parental Responsibility') and Chapter 11 ('Relations with Other Instruments, Transitional and Final Provisions') have been co-written by Vesna Lazić and Wendy Schrama. In carrying out the research the authors were assisted by research assistants Guoda Almante Driukaite, Nina Scripca, Linda Peels, Sylvie Bax, Sjors Twisk and an administrative assistant Shila van der Kroef.

National Reports of the Member States are summarised and incorporated in the text of the Guide and fully reproduced in the Annex to the Guide as submitted by the National Reporters in accordance with the Questionnaire distributed to them.

The Recommendations to improve the efficiency of the Regulation's rules are based on research results set out in the Guide. The underlying purpose of the Recommendations is to provide an added value in the legislative process of drafting amendments to the Regulation. They are presented following the lines and sequence of the Commission's Proposal for a Council Regulation on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast), COM(2016) 411 final. Therefore, the Recommendations are to be read and assessed with the reference to this Guide. The Recommendations are set out in a different document consisting of two Parts: Part I ('Parental Responsibility') addresses the Proposal and thereby follows its sequence and structure. This part has been co-written by Vesna Lazić, Lisette Frohn, Richard Blauwhoff, Wendy Schrama and Jaqueline Gray. Part II ('Matrimonial Matters') contains suggestions for changes with respect to matrimonial matters, i.e. issues with respect to which the Commission proposes no substantive changes. It has been written by Pablo Quinzá Redondo, Valerie De Ruyck and Jinske Verhellen².

Vesna Lazić

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