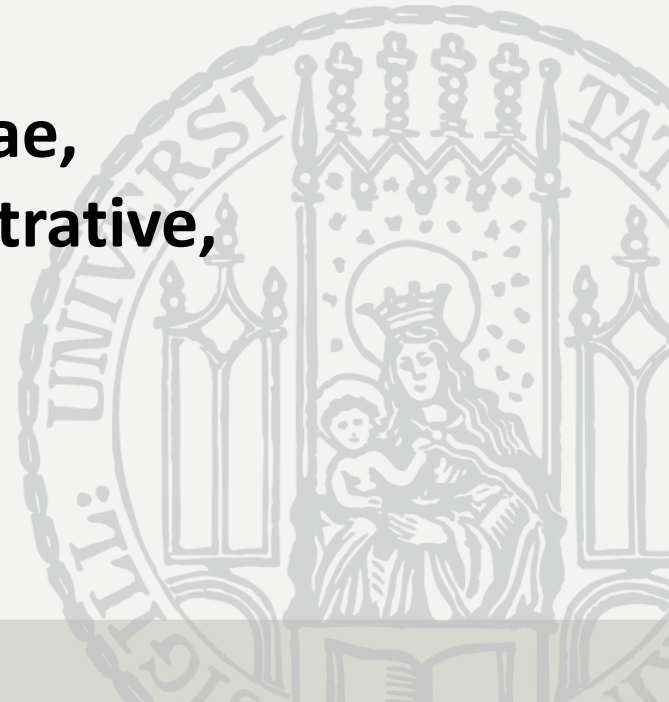


## Professor Dr Wolfgang Hau

Full Professor of law, University of Munich  
Judge, Higher Regional Court of Munich

### **Brussels *Ibis*:**

**Scope of application *ratione materiae*,  
excluded matters of public, administrative,  
family law and related matters**



# I. Introduction

## II. Legal framework

### 1. Civil law vs. public law

#### Article 1 Brussels *Ibis*

1. This Regulation shall apply in civil and commercial matters whatever the nature of the court or tribunal. It shall not extend, in particular, to revenue, customs or administrative matters or to the liability of the State for acts and omissions in the exercise of State authority (*acta iure imperii*).

## II. Legal framework

### 2. Excluded civil law matters

#### Article 1 Brussels *Ibis*

2. This Regulation shall not apply to:

- (a) the status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship or out of a relationship deemed by the law applicable to such relationship to have comparable effects to marriage;
- (b) bankruptcy [...];
- (c) social security;
- (d) arbitration;
- (e) maintenance obligations arising from a family relationship, parentage, marriage or affinity;
- (f) wills and succession, including maintenance obligations arising by reason of death.

- Regulation 1347/2000 (Recast: Regulation 2019/1111):  
matrimonial matters and matters of parental responsibility
- Regulation 4/2009: maintenance obligations
- Regulation 650/2012: matters of succession
- Regulation 606/2013: protection measures in civil matters
- Regulation 2016/1103: matrimonial property regimes
- Regulation 2016/1104: property matters of registered partnerships

### III. Autonomous and broad interpretation

1. Civil or public? Brussels *Ibis* vs. national law

### III. Autonomous and broad interpretation

2. Civil, but excluded? Brussels *Ibis* vs. other EU instruments

## IV. Preliminary questions

### Article 16 Brussels II Recast 2019

1. If the outcome of proceedings in a matter not falling within the scope of this Regulation before a court of a Member State depends on the determination of an incidental question relating to parental responsibility, a court in that Member State may determine that question for the purposes of those proceedings even if that Member State does not have jurisdiction under this Regulation.
2. The determination of an incidental question pursuant to paragraph 1 shall produce effects only in the proceedings for which that determination was made.



## V. Conclusion: scope of application and mutual trust