

Preface

This book deals with the Europeanisation of international family law. Over the last decade the European Union has shown increasing interest in the field of international family law. This is not surprising, since the growing mobility of citizens as a result of the free movement of persons has led to a consequential rise of the formation and dissolution of international families. More and more questions of private international law therefore arise.

International family law is an area that is predominantly regulated by national law. Currently the national choice of law rules of the EU Member States are more and more displaced by common European rules, which will thus entail considerable changes. The nature and reasons of the changes brought about by the transition from a national to a supranational choice of law approach are discussed in one particular field of international family law: the termination by dissolution of marriages and marriage-like registered partnerships. The current Dutch and the proposed European choice of law rules on divorce are examined and compared.

Although common European choice of law rules in the field of contractual and non-contractual obligations and maintenance obligations have been established rather smoothly, the establishment of common choice of law rules on divorce has met with a lot of resistance. A long process of negotiation followed, but ultimately the Council had to admit that all possibilities for a compromise on the establishment of a common choice of law on divorce had been exhausted. For the first time in the history of the European Union, the mechanism of enhanced cooperation will be applied.

However, the process of Europeanisation of international family law will most certainly continue. Therefore, the concluding chapter produces a number of recommendations on the development of (a theoretical foundation of) the European system of international family law, starting from the principles and objectives of European law.

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