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JUSTCIV 136

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. Cion doc.: 10767/16

Subject: Draft 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)
- Adoption

1. By letter of 30 June 2016, the Commission transmitted a 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) (the 'Brussels IIa Recast Regulation')¹ to the Council and to the European Parliament.
2. The proposed Brussels IIa Recast Regulation is subject to the special legislative procedure of Article 81(3) of the Treaty on the Functioning of the European Union and requires the Council to act by unanimity.

¹ Doc. 10767/16.

3. The European Parliament delivered its opinion on the Commission proposal on 18 January 2018.²
4. The European Economic and Social Committee delivered its opinion on the Commission proposal on 26 January 2017.³
5. The European Data Protection Supervisor delivered its opinion on the Commission proposal on 15 February 2018.⁴
6. The Council reached a General Approach on the operative part of the Recast Regulation and the most politically relevant recitals on 7 December 2018.⁵
7. The European Parliament was invited on 19 December 2018 to give its opinion on the text of the aforementioned General Approach agreed by the Council. The European Parliament issued this requested opinion on the text of the General Approach on 14 March 2019.⁶
8. The COREPER approved a General Approach on the Preamble and the Annexes to the Recast Regulation on 3 April 2019.⁷
9. In accordance with Article 3 and Article 4a (1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom and Ireland have notified their wish to take part in the adoption and application of the proposed Brussels Iia Recast Regulation.

² http://www.europarl.europa.eu/doceo/document/TA-8-2018-0017_EN.pdf.

³ OJ C 125, 21.4.2017, p. 46–50.

⁴ Opinion 01/2018 https://edps.europa.eu/sites/edp/files/publication/18-02-15_opinion_brussels_ia_recast_en.pdf.

⁵ Doc. 15401/18.

⁶ http://www.europarl.europa.eu/doceo/document/TA-8-2019-0206_EN.pdf.

⁷ Doc. 7915/19.

10. In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark will not be taking part in the adoption of the proposed Brussels IIa Recast Regulation and will not be bound by it or subject to its application.
 11. In light of the above, COREPER is invited to recommend to the Council:
 - to adopt, as an "A" item on the agenda of one of its forthcoming meetings, **the 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)**, as finalised by the lawyer-linguists and set out in doc. 8214/19.
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