



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 14 June 2011

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2011/0059 (CNS)**

**JUSTCIV 154
INST 291
PARLNAT 160**

COVER NOTE

from: Mircea Dan Geoană, President of the Romanian Senate
date of receipt: 31 May 2011
to: Viktor Orbán, President of the Council of the European Union

Subject: Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes
[doc. 8160/11 JUSTCIV 64 - COM(2011) 126 final]

- Opinion¹ on the application of the Principles of Subsidiarity and Proportionality

Delegations will find attached a copy of the above mentioned opinion.

¹ For other available language versions of the opinion, reference is made to the Interparliamentary EU information exchange Internet site (IPEX) at the following address:
<http://www.ipex.eu/ipex/cms/home/Documents/pid/10>



Parlamentul României
Senat

Bucharest, 30-th May 2011
Courtesy translation

OPINION

**of the ROMANIAN SENATE, on the
Proposal for a Council Regulation on jurisdiction, applicable law
and the recognition and enforcement of decisions in matters of
matrimonial property regimes**

COM (2011) 126 final

The Senate of Romania has checked the compliance with the subsidiarity and proportionality principles of the **Proposal for a Council Regulation on jurisdiction, applicable law and recognition and enforcement of decisions in matters of matrimonial property regimes - COM (2011) 126 final**, according to the provisions of the Treaty of Lisbon (Protocol no.2).

Taking into account the report of our permanent Juridical Committee on Nominations, Discipline, Immunities and Validations, **the Plenum of the Senate**, during its session of the 30-th May 2011, has found that the mentioned proposal, elaborated according to Articles 81 paragraph (3) of the Treaty on the Functioning of the European Union (TFEU), **is in compliance with the subsidiarity principle and the principle of proportionality**, but after assessing the substance of the proposal the following amendments were adopted:

1. In Article 1, paragraph 3 after item (a) shall insert a new item (a¹), as follows:
“(a¹) the existence, validity or recognition of a marriage;”

2. In Article 18, paragraph 1, introductory part reads as follows:
“The spouses may, after at least one year of the marriage, make their matrimonial property regime subject to a law other than the one hitherto applicable. They may designate only one of the following laws:”

President of Senate
Mircea GEOANĂ