



Council of the  
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**JUSTCIV 258**  
**INST 409**  
**PARLNAT 272**

#### COVER NOTE

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From:	the Bulgarian Parliament
date of receipt:	7 October 2016
To:	Robert Fico, President of the Council of the European Union
Subject:	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) [doc. 10767/16 JUSTCIV 184 - COM(2016) 411 final] - Opinion <sup>1</sup> on the application of the Principles of Subsidiarity and Proportionality

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

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<sup>1</sup> 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/IPEXL-WEB/search.do>



NATIONAL ASSEMBLY  
OF THE REPUBLIC OF BULGARIA

STATEMENT

**OF THE NATIONAL ASSEMBLY OF THE REPUBLIC OF BULGARIA  
ON THE 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**

On a regular session held on 28 September 2016, the Committee on European Affairs and Oversight of the European Funds (CEAOEF) within the National Assembly of the Republic of Bulgaria discussed the above-mentioned Proposal for a Regulation.

Following the discussion on the 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, and taking into account the opinion of the Legal Affairs Committee and the Children, Youths and Sports Committee in the National Assembly, CEAOEF expresses the following STATEMENT, which is to be sent to the European Institutions, in the framework of the political dialogue:

1. CEAOEF supports the initiative of the European Commission to review the Brussels IIa Regulation aiming at the removal of obstacles to the free movement of judicial decisions and at better protection of the child's best interests by simplifying the procedures and enhancing their efficiency. Thus, based on mutual trust, the European area of Justice and Fundamental rights should be further developed.
2. CEAOEF considers that the Proposal for a Regulation complies with the principle of subsidiarity, as set out in Article 5, Paragraph 3 of the Treaty on the European Union (TEU), since its objectives can be best achieved at EU level. In this area the Union has shared competence, which it already exercised by adopting the Brussels IIa Regulation. Article 81 of the Treaty on the Functioning of the European Union (TFEU) enables the Union to develop judicial cooperation in civil matters having cross-border implications, based on the principle of mutual recognition of judgements and of decisions in extrajudicial cases. Furthermore, there is an opportunity for the elimination of obstacles to the proper functioning of civil proceedings by promoting the compatibility of the rules on civil procedure applicable in the Member States.
3. CEAOEF believes that the current proposal complies with the principle of proportionality, as set out in Article 5, Paragraph 4 of the TEU, since it does not exceed what is necessary to achieve the objective and it will not lead to further financial or administrative burden for the citizens. The national substantive rules would be affected to some extent, however this would be needed in order to ensure the Regulation's full effectiveness and to allow individuals to fully exercise their rights.
4. CEAOEF welcomes the provisions of the Proposal for a Regulation aimed at enabling children to express their views, especially considering that all Member States have already ratified the UN Convention on the Rights of the Child.
5. Last but not least, CEAOEF recognizes that many aspects of the necessary coordination between national laws could not be achieved individually by the Member States. The abolition of the exequatur, the improvement of the rules on cooperation between the Central Authorities and the provisions concerning cross-border placements and grounds for refusal should be harmonized at EU level.