



## Property effects of marriage and registered partnership

### **Couples who have an international dimension to their relationship needing legal information regarding their property in cases of divorce/separation or the death of one of its members**

Union citizens increasingly move across national borders to study, work or start a family in another Member State, and this leads to an increased number of couples with an international dimension: couples whose members have different nationalities, couples who live in a Member State other than that of their nationality, couples who own property in different countries or couples who divorce or die in a country other than their own. International couples, whether in a marriage or in a registered partnership, need to manage their property and, in particular, share it in case of divorce/separation or the death of one of its members.

Currently, citizens in an international marriage or registered partnership face uncertainty when managing or sharing their property in case of divorce or death. It is difficult for them to know which Member State's courts will be competent to deal with a matter concerning their property regime, what law will apply to their property regime and how they will have a decision on their property regime issued in one Member State recognised and enforced in another Member State.

In 2011 the Commission presented two proposals to provide legal certainty to international couples with regard to the management and the sharing of their property in case of divorce/separation or the death of one of its members. One of the proposals concerned the property regimes of married couples and the other the property regimes of registered partnerships. As these proposals concerned family law, they had to be adopted by the Council by unanimity after having consulted the European Parliament. After several years of negotiations, in December 2015 the Council concluded that no unanimity could be reached for the adoption of the proposals within a reasonable period of time.

Subsequently, 18 Member States (Sweden, Belgium, Greece, Croatia, Slovenia, Spain, France, Portugal, Italy, Malta, Luxembourg, Germany, the Czech Republic, the Netherlands, Austria, Bulgaria, Finland and Cyprus) expressed their wish to establish enhanced cooperation between themselves in the area of the property regimes of international couples so as to enable Member States that so wished to adopt Union legislation in this area.

Following these requests, on 2 March 2016 the Commission adopted three proposals: one proposal for a  Council decision authorising enhanced cooperation in the area of the property regimes of international couples, covering both marriages and registered partnerships, and two proposals for Council regulations implementing the enhanced cooperation, one on  matrimonial property regimes and the other on the  property regimes of registered partnerships.

The proposals for the two regulations contain rules to determine which Member State's courts should deal with issues concerning the property regimes of international couples (jurisdiction), which law should apply to these matters (applicable law) and how judgments and notarial documents on these matters delivered in one Member State should be recognised and enforced in another Member State. Given that the proposed regulations deal with the management but in particular with the sharing of the international couple's property in case of divorce/separation or the death of one of its members, these regulations are closely connected with the existing Union regulations on divorce/separation and succession.

The Commission proposals are now being examined by the Council and the European Parliament.

Member States not yet participating in the enhanced cooperation may join it any time.

Should you need information on the law of the Member States concerning the property regimes of marriages and registered partnerships, please contact the authorities of the Member State concerned. You can also consult the website  <http://www.coupleseurope.eu/en/home> of the Council of Notariats of the European Union.

**This page is maintained by the European Commission. The information on this page does not necessarily reflect the official position of the European Commission. The Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice with regard to copyright rules for European pages.**

Last update: 20/05/2019