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## Mutual recognition of protection measures in civil matters

National information concerning Regulation No. 606/2013

### General information

The [Regulation \(EU\) No. 606/2013](#) on mutual recognition of protection measures in civil matters sets up a mechanism allowing for a direct recognition of protection orders issued as a civil law measure between Member States.

Thus if you benefit from a civil law protection order issued in the Member State of your residence you may invoke it directly in other Member States by presenting [a certificate](#) to competent authorities certifying your rights.

The Regulation applies as of **11 January 2015**.

**Please select the relevant country's flag to obtain detailed national information.**

More information on mutual recognition of protection measures can be found on the [dedicated page](#).

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### Mutual recognition of protection measures in civil matters - Belgium

#### Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5

The following have the power to order protection measures according to the subject of the case in which a protection measure is requested: the family court (*tribunal de la famille*), the labour court (*tribunal du travail*) or public prosecutor's office (*ministère public*), with subsequent verification by the family court or juvenile court (*tribunal de la jeunesse*).

The chief registrar (*greffier en chef*) of the court which ordered the protection measure, or the public prosecutor's office if applicable, is responsible for issuing the certificate.

#### Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure

The public prosecutor's office of the place where the person under protection is/will be entered in the population register, or where the person is/will be usually resident.

#### Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)

The public prosecutor's office of the place where the person under protection is/will be entered in the population register, or where the person is/will be usually resident. This adjustment may be appealed before the Court of First Instance (*tribunal de première instance*) in accordance with Article 11(5).

#### Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13

The Court of First Instance.

#### Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)

French, Dutch and/or German are accepted for the translations referred to in Article 16(1), depending on the official languages of the place of enforcement in accordance with Belgian law.

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### Mutual recognition of protection measures in civil matters - Bulgaria

#### Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5

The district court in relation to the injured party's permanent or present address shall be the authority competent to order protection measures. (Article 7 of the Protection Against Domestic Violence Act).

The district court that examined the case is the one that, at the written request of the protected person, issues the certificate referred to in [Article 5 of Regulation \(EU\) No 606/2013](#). (Article 26(1) of the Protection Against Domestic Violence Act).

#### Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure

A person benefiting from a protection measure ordered in a Member State of the European Union may request that protection order in Bulgarian territory be issued by Sofia City Court. (Article 23 of the Protection Against Domestic Violence Act)

The authorities of the Ministry of Interior and the Public Prosecutor's Office are competent to implement such a measure.

#### Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)

Sofia City Court is competent.

The court checks that the measure can be implemented with the means available in Bulgarian law. Where this is not possible, the court orders a substitute protection measure in accordance with Bulgarian law. (Article 24(2) of the Protection Against Domestic Violence Act)

#### Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13

Refusal to recognise or to enforce a protection measure is granted by the Sofia City Court at the request of the person causing the risk. (Article 25 of the Protection Against Domestic Violence Act)

#### Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)

Bulgaria requires that the documents be translated into Bulgarian.

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#### **Mutual recognition of protection measures in civil matters - Czech Republic**

##### **Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

District courts

##### **Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

District courts

##### **Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

District courts

##### **Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

District courts

##### **Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

Czech language or the Slovak language

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#### **Mutual recognition of protection measures in civil matters - Germany**

##### **Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

District courts

##### **Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

The authorities before which a protection measure ordered in another Member State is to be invoked:

District courts

##### **Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

District courts

##### **Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

District courts

##### **Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

German

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#### **Mutual recognition of protection measures in civil matters - Estonia**

##### **Article 17 - Information made available to the public**

Protection measures in civil matters can be applied under Section 1055(1) of the [Estonian Law of Obligations Act](#), which states that if unlawful damage is caused continually or a threat of unlawful damage is made, the victim or the person who is threatened has the right to demand that the behaviour which causes the damage be terminated or the making of threats by such behaviour be refrained from. In the case of bodily injury, harm to health, infringement of privacy or any other personality rights, it may be required, inter alia, that the tortfeasor be prohibited from approaching other persons (by means of a restraining order), the use of housing or communication be regulated or other similar measures be applied. Section 475(1)(7) of the [Estonian Code of Civil Procedure](#) lays down the procedure for the application of civil protection measures, according to which proceedings on petition include the imposition of a restraining order and other similar measures for the protection of personality rights as laid down in Sections 544-549 of Chapter 55, which set out the procedure for applying a restraining order more precisely. Under Sections 378(1)(3), 546 and 551(1) of the Code of Civil Procedure, civil protection measures may also be applied as a measure for securing an action or as a provisional measure in proceedings on petition.

Pursuant to Section 1055(1) of the Law of Obligations Act, it may be required that the tortfeasor be prohibited from approaching other persons (i.e. for a restraining order be imposed), the use of housing or communication be regulated or other similar measures be applied. Therefore the measures that may be applied for the protection of personality rights are not listed exhaustively in the Act, and the application of an appropriate and necessary measure may be requested in particular cases. In its 2008 analysis of the case-law relating to restraining orders, the Supreme Court took the position that if a person at risk and the person causing the risk live (or work) in close proximity to one another, it would be more appropriate to regulate their contact arrangements, and the content of the prohibitions (protection measures) could primarily consist of a list of prohibited actions. For the application of civil protection measures, it is not necessary for an unlawful act to have been perpetrated against the person at risk. It is sufficient for the defendant's previous behaviour to give grounds to fear that the defendant may injure the victim, damage their health or violate the victim's privacy or other personality rights.

No statistics are available regarding the average period of application of measures. In Estonia it is possible to apply many measures for the protection of privacy and personality rights under Section 1055 of the Law of Obligations Act for a period of up to three years. In accordance with the analysis of case-law on restraining orders that was prepared by the Supreme Court in 2008, courts have generally applied restraining orders for a period of up to 3 years.

Regulation No 606/2013 covers protection measures applied in civil cases. Regulation No 606/2013 does not apply to protection measures that fall within the scope of Regulation 2201/2003.

The implementation of a protection measure may be applied for by a person at risk or an injured person, either in separate proceedings or in conjunction with another claim. In order to implement a protection measure, the person at risk must submit a petition to the [Estonian county court](#) of the place of residence or the last known place of residence of the person causing the risk, in accordance with general territorial jurisdiction. The courts process petitions under proceedings on petition. Before applying a protection measure, the court hears the person with respect to whom application of the measure is requested and the person in the interests of whom proceedings are conducted for application of the measure. Where necessary, the court also hears persons closely connected with the persons specified above, or the rural municipality or city government or police authority of the persons' place of residence.

Petitions submitted to a court must be drafted in Estonian and must meet the requirements of Sections 338 and 363 of the Code of Civil Procedure. In accordance with Section 338 of the Code of Civil Procedure, a procedural document submitted to the court by a participant in proceedings must set out: the names, addresses and telecommunications numbers of the participants in proceedings and their potential representatives;

the name of the court;

the merits of the case;

for the matter being dealt with, the number of the civil case;

the petition filed by the participant in proceedings;

the circumstances on which the petition is based;

a list of appendices to the procedural document;

the signature of the participant in proceedings or representative thereof or, for a document transmitted electronically, a digital signature or other means of identification in conformity with the provisions of Section 336 of the Code of Civil Procedure.

A procedural document must set out the personal identification code or, in the absence thereof, date of birth of the natural person.

If a participant in proceedings does not know the address or other data of another participant in proceedings, the procedural document must set out the measures taken by the participant in proceedings in order to obtain such information.

All petitions must be submitted to the court in legible typewritten form. Where possible, electronic copies of procedural documents submitted in writing should also be submitted to the court. Contractual representatives, notaries, bailiffs, trustees in bankruptcy, state and local government agencies and other legal persons submit documents to the court electronically unless there is good reason to submit the document in another form. More detailed rules for submitting electronic documents to the courts, the format requirements for documents and the list of documents to be submitted via the portal are laid down in a [Regulation](#) enacted by the minister responsible for the area. A participant in a proceeding must, when submitting to the court written documents and appendices thereto, provide the requisite number of transcripts of those documents to be served on the other participants in the proceeding, unless the documents are to be submitted electronically.

A state fee of 50 euros is to be paid when filing a petition or appeal in a matter reviewed under proceedings on petition. A state fee of 50 euros is to be paid when filing an application for securing an action.

Under Estonian law, participants in proceedings do not require a representative in court for proceedings concerning the application of civil protection measures.

A ruling on the application or amendment of a restraining order or other measure for the protection of personality rights may be appealed against by the persons obligated to comply therewith. An order whereby the court denies a petition for applying a restraining order or another measure for protection of personality rights, or cancels or alters such a measure is subject to appeal by the person who requested application of the measure or in whose interests the measure was applied. Appeals to district courts are to be filed in writing through the county court whose ruling is contested in the appeal. Appeals are to be submitted within 15 days of the date on which the ruling was served. An appeal against a ruling cannot be filed after five months have passed from the making of the ruling in actions or in a proceeding on petition unless otherwise provided for in law. If circumstances change, the court may cancel or alter a restraining order or another measure for the protection of personality rights. Before cancelling or altering a measure, the court hears the participants. A ruling on the application of a restraining order or another measure for the protection of personality rights is served on the persons with regard to and in the interests of whom such measures are applied.

Rulings made concerning protection measures are to be enforced from the moment they are delivered to the obligated person (the person causing the risk).

Enforcement of the ruling under which the protection measure was ordered is arranged by a bailiff. Bailiffs generally learn of the violation of a protection measure from the person to whom the risk is caused. If the protection measure was ordered before access rights were determined, the court may rule on access rights in a manner that takes into account the protection measures that have been applied.

#### **Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

In Estonia the courts are competent to apply protection measures. In accordance with Article 5, the county court that applied the protection measure is competent to issue a certificate concerning the protection measure. In order for a certificate to be issued, a petition must be submitted to a county court. The contact information for Estonian courts is available on the courts' [website](#).

#### **Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

In order to invoke a protection measure ordered in another Member State, a person must contact the bailiff that has jurisdiction over the debtor's place of residence or location, or in whose jurisdiction the debtor's assets are located. Bailiffs initiate enforcement proceedings on the basis of a petition and an enforcement document from the person at risk. The contact information for bailiffs can be found on the [website](#) of the Chamber of Bailiffs and Trustees in Bankruptcy.

#### **Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

A protection measure ordered in another Member State can, if necessary, be applied by a bailiff who is competent to carry out the enforcement of the protection measure. The bailiff who has jurisdiction over the debtor's place of residence or location, or in whose jurisdiction the debtor's assets are located, is competent to carry out the enforcement of a protection measure ordered in another Member State. The contact information for bailiffs can be found on the [website](#) of the Chamber of Bailiffs and Trustees in Bankruptcy.

#### **Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

To refuse recognition or enforcement of protection measures ordered in another Member State, an application must be submitted to the debtor's place of residence or to the county court with jurisdiction over the intended enforcement proceedings. The contact information for Estonian courts is available on the courts' [website](#).

#### **Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

Estonian and English

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#### **Mutual recognition of protection measures in civil matters - Greece**

##### **Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

Protective measures can be ordered by a judge of the Athens Single Member Court of First Instance (*Monomelés Protodikeio Athinón*), sitting in proceedings for interim measures (*diadikasia ton asfalistikón métron*).

**Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

The competent authority is the president of the relevant Bailiffs' Association (*Sýllogos Dikastikón Epimelitón*), or his or her deputy.

**Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

This can be done by a judge of the SingleMember Court of First Instance, sitting in proceedings for interim measures.

**Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

The competent authority is the SingleMember Court of First Instance, sitting in its noncontentious jurisdiction (*ekoúsia dikaiodosía*).

**Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

Greek.

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**Mutual recognition of protection measures in civil matters - Spain**

**Article 17 - Information made available to the public**

Not applicable.

In Spain there are no protection orders such as those described in Regulation (EU) No 606/2013. There are therefore no judicial authorities with powers to issue such orders and the certificates provided for in Article 5 of the Regulation.

**Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

Not applicable.

In Spain there are no protection orders such as those described in Regulation (EU) No 606/2013. There are therefore no authorities with powers to issue such orders and the certificates provided for in Article 5 of the Regulation.

**Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

The Court of First Instance (*Juzgado de Primera Instancia*) or, where appropriate, the Family Court (*Juzgado de Familia*) with jurisdiction in the district where the victim lives.

**Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

The Court of First Instance or, where appropriate, the Family Court with jurisdiction in the district where the victim lives.

**Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

The Provincial Court (*Audiencia Provincial*).

**Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

Spanish.

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**Mutual recognition of protection measures in civil matters - France**

**Article 17 - Information made available to the public**

In civil matters, since the introduction of Law No 2010-769 of 9 July 2010, the **Family Court (*juge aux affaires familiales*)** can issue a **protection order (*ordonnance de protection*)**. This measure is governed by the following provisions:

[Articles 515-9 et seq. of the Civil Code](#),

[Articles 1136-3 et seq. of the Code of Civil Procedure](#) for the rules of procedure

Articles 1136-16 et seq. of the Code of Civil Procedure for the rules of procedure on ordering the wearing of electronic bracelets to alert victims of domestic abuse;

A protection order is issued in the following situations: in cases of **domestic violence**, whether or not the parties are cohabiting; in cases of **violence by a former spouse or partner**, whether or not the parties have cohabited; for an **adult threatened with forced marriage**.

The violence must have the consequence of **endangering one of the members of the couple and/or their children**. A court will issue a protection order if it considers there to be **serious reasons for considering it likely that the alleged acts of violence took place and that the victim is in danger**.

The Family Court can issue a protection order independently of any divorce proceedings and without the need for ongoing criminal proceedings.

The court may order the following measures:

an order prohibiting the defendant from meeting and making contact with certain specifically designated persons;

an order prohibiting the defendant from going to certain places, specifically designated by the family court, frequented by the applicant;

an order prohibiting the defendant from possessing or carrying a weapon;

an offer to the defendant of health, social or psychological care or a course to prevent and combat sexist and domestic violence and encourage perpetrators to take responsibility for their behaviour;

for married couples: an order for the spouses to reside separately specifying which of the two spouses will continue to reside in the marital home. Except in specific circumstances, the applicant for the protection order is usually granted permission to remain in the home, even if he/she has been provided with emergency accommodation;

for cohabitants or partners who have contracted a civil partnership (PACS): the court may issue an order on the common home. Except in specific circumstances, the applicant for the protection order is usually granted permission to remain in the home, even if he/she has been provided with emergency accommodation;

organisation of the rules for exercising parental authority and setting a contribution towards the maintenance and upbringing of any children, a contribution to the costs of married life or other material assistance for partners in a civil partnership. When the protection order is granted, the court must give specific reasons for not ordering the exercise of rights of access in a designated meeting space or in the presence of a trusted third party;



authorisation for the protected person to conceal his/her domicile or residence and to specify as an address for service the address of his/her lawyer or of the public prosecutor;

authorisation for the protected person to conceal his/her domicile or residence and to indicate as an address for the needs of his/her daily life the address of a qualified legal person;

provisional approval of legal aid for both parties;

subject to agreement of both parties, the judge may order the defendant to wear an electronic bracelet which will alert the applicant when the defendant approaches within a certain distance.

These measures (in particular the order prohibiting meetings or contacts with certain persons) are, above all, preventive in nature. They may therefore fall within the scope of Regulation No 606/2013. These measures are **temporary**: they can only be ordered for a **maximum period of six months**. However, they can be extended if, before the expiry of that period, an application is made for divorce, legal separation or relating to the exercise of parental authority (Article 1136-13 of the Code of Civil Procedure). In this case, the protection order continues to have effect until the decision has become final, unless the court decides otherwise. However, the order to wear a bracelet can only be issued and renewed for a period of six months.

**Procedure:**

Law No 2019-1480 of 28 December 2019 on action against domestic violence amended Article 515-11 of the Civil Code to require the protection order to be issued within a maximum of six days from the date on which the date of the hearing is set.

**Referral to the court:** the applicant may bring an action before the Family Court by an application submitted in person or sent to the Registry. On receipt of the application, the family court issues an order setting the date of the hearing. This starts the six-day period referred to in Article 515-11 of the Civil Code.

The applicant then has two days to have the date of the hearing, his/her application and his/her documents served by a bailiff (*huissier de justice*) on the other party. The costs of bailiffs are borne by the State, so that referral to the court is free of charge for victims of domestic violence. Under Article 1136-3 of the Code of Civil Procedure, the date of the hearing can also be notified by administrative means (e.g. by the police or a prison governor) where there is serious and imminent danger to the safety of a person affected by a protection order or if there is no other means of notification.

**Summons of parties:** the Family Court summons the parties to the hearing by court order. The order is served as described above.

**Hearing:** the procedure is oral. The parties argue their own cases but may be assisted or represented by a lawyer.

**Notice:** A protection order is served by a bailiff unless the court decides that it should be served by the Registry by registered letter with acknowledgment of receipt or through administrative channels where there is serious and imminent danger to the safety of a person affected by a protection order or if there is no other means of serving the order.

The court also communicates the decision to the public prosecutor in order to ensure that the measures ordered are followed up. The public prosecutor sends the decision, for information, to the appropriate police or gendarmerie services. In addition, if the procedure reveals the existence of a child in danger, the court refers the matter to the public prosecutor after the hearing.

**Register:** there is no special register of measures ordered in connection with protection orders. However, prohibitions imposed by a protection order are registered in the Wanted Persons Database (ban on contact, ban on being in certain places, ban on leaving the territory, etc.).

**Appeal:** the decision is subject to appeal within 15 days of being served. The defendant may also make an application for the lifting or amendment of the protection order or for a temporary waiver of some of its obligations.

**Enforcement of the protection order:**

The measures ordered in connection with a protection order are **enforceable on a provisional basis**, i.e. they must be put into effect immediately after the decision has been served (even if the defendant appeals), with the assistance of the law enforcement services if necessary. The protected person may refer the matter to the police or the gendarmerie in the event of a breach of one or more of the measures ordered by the Family Court.

Failure to comply with the measures concerned constitutes a punishable offence under Article 227-4-2 of the Criminal Code (*code pénal*). The offence is punishable by two years' imprisonment and a fine of €15 000. If the parents have joint parental authority, the court authorising the concealment of the victim's address must also lay down the arrangements for maintaining the link between the person causing the risk and the child through a third party or through the use of a meeting place, as well as the payment of any maintenance allowance by bank transfer.

**Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

The Family Court orders all protection measures and issues the certificates provided for in Article 5.

A Family Court with territorial jurisdiction is:

the court of the place where the family's residence is;

if the parents live separately, the court of the place of residence of the parent with whom the minor children habitually live in the case of joint exercise of parental authority, or the court of the place of residence of the parent who exercises parental authority alone;

in other cases, the court of the place where the person who did not initiate the proceedings resides.

The application for the certificate must be submitted in duplicate and must include a precise indication of the supporting documents. Representation by a lawyer is not required. A refusal to issue the certificate can be challenged before the President of the Combined Court (*tribunal judiciaire*) as the appeal need not be made through a lawyer.

Requests based on Articles 11 and 13 of the Regulation pursuant to [Article 509-8](#) of the Code of Civil Procedure are brought before the President of the Combined Court ruling in accordance with the expedited procedure on the merits of the case. This procedure, which was created by Article 5 of Decree No 2019-1419 of 20 December 2019 and is referred to in [Article 481-1 of the Code of Civil Procedure](#) can be used to obtain a hearing date at short notice without having to prove urgency. The urgency is inferred by the nature of the procedure, which can be used only where a text expressly provides for it.

**Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

The authorities before which a protection measure ordered in another Member State must be invoked and/or which are competent to enforce such a measure are **the police and the gendarmerie**.

**Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

The applicant can ask the requested Member State to adjust the factual elements of the protection measure in order to give effect to it in that Member State on the basis of Article 11 of the Regulation. Requests based on Articles 11 and 13 of the Regulation pursuant to [Article 509-8](#) of the Code of Civil Procedure are brought before the President of the Combined Court ruling in accordance with the expedited procedure on the merits of the case and decided on in accordance with that procedure.

Thus, if Article 1136-6 of the Code of Civil Procedure provides for an oral procedure without mandatory representation in the case of an application for a protection order brought before a French court, the request for recognition in France of a civil protection order decided on by another Member State is dealt with in accordance with the expedited procedure on the merits of the case with mandatory representation pursuant to Articles 509-2 and 760 of the Code of Civil Procedure.

With regard to territorial jurisdiction, the rules derived from case-law giving priority to the requirements of the sound administration of justice are applied. It will therefore be possible to make the application to the President of the Regional Court of the place where the protected person plans to stay or to reside.

**Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

The applicant is notified of the issuance of the certificate and may object to it on the basis of Article 13 of the Regulation by bringing the matter before the court of the requested Member State. An application for refusal of recognition or enforcement must be submitted to the President of the Combined Court ruling in accordance with the expedited procedure on the merits of the case (given the subject of the case, it may be delegated to a Family Court). Representation by a lawyer is not required.

With regard to territorial jurisdiction, the rules derived from case-law giving priority to the requirements of the sound administration of justice are applied. It will therefore be possible to make the application to the President of the Regional Court of the place where the protected person plans to stay or to reside.

**Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

French

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**Mutual recognition of protection measures in civil matters - Croatia**

**Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

The competent authorities to order protection measures:

Not applicable

The competent authorities to issue certificates:

Not applicable

**Explanation:**

The civil justice system of the Republic of Croatia does not provide for the possibility of ordering protection measures that fall under the scope and definition of protection measures set out in the Regulation No 606/2013 (Art 2 and Art 3 point 1). Therefore, within the framework of civil law there are no authorities competent for ordering protection measures in civil matters and issuing of certificates. We consider this is in line with recital no 12 of the Regulation No 606 /2013.

**Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

The authorities before which a protection measure ordered in another Member State is to be invoked:

Police Administration – competent according to the place of residence of the protected person in the territory of the Republic of Croatia

The authorities which are competent to enforce such a measure:

Police Administration - competent according to the place of residence the protected person in the territory of the Republic of Croatia

**Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

Misdemeanour Court (Minor Offence Court) - competent according to the place of residence of the protected person in the territory of the Republic of Croatia.

**Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

The courts to which the application for refusal of recognition is to be submitted:

Misdemeanour Court (Minor Offence Court) - competent according to the place of residence of the protected person in the territory of the Republic of Croatia

Where applicable, the courts to which the application for refusal of enforcement is to be submitted:

Not applicable

**Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

Croatian

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**Mutual recognition of protection measures in civil matters - Italy**

**Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

Under Italian law, the court of the place of residence of the protected person is competent to order protection measures, and therefore to issue certificates in accordance with Article 5.

**Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

A protection measure ordered in another Member State is invoked and if necessary enforced under the supervision of the court of the place of residence, domicile or abode of the protected person at the time of the request.

**Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

The court of the place of residence, domicile or abode of the protected person is competent to effect the adjustment of protection measures in accordance with Article 11(1).

**Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

The same court as point (iii).

**Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

Italian

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#### **Mutual recognition of protection measures in civil matters - Cyprus**

##### **Article 17 - Information made available to the public**

Section 32 of the Courts of Justice Law, Law 14/60, states that every court in the exercise of its civil jurisdiction may grant a prohibitory injunction (interlocutory, perpetual or mandatory).

Under Section 16 of the Family Courts Law, Law 23/90, family courts enjoy the same powers.

##### **Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

The authority competent to order protection measures is the district court (*Eparchiakó Dikastírio tis Dimokratías*) of the district in which the applicant is residing or staying at the relevant time.

In the event of a dispute under family law, the competent authority is the family court (*Oikogeneiakó Dikastírio tis Dimokratías*) of the district where either the applicant or the defendant is residing or staying at the relevant time. If the dispute concerns a minor, jurisdiction lies with the family court of the district where the minor has been found.

The authority competent to issue certificates is the district court or family court that ordered the protection measure.

##### **Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

Authority before which a protection measure may be invoked:

In all instances, the competent authority is the district court of the district to which the person causing the risk has moved permanently or temporarily. If the address is unknown, the competent authority is the District Court of Nicosia.

Authority competent to enforce such a measure:

In all instances, the competent authority is the district court of the district in which the person causing the risk has moved permanently or temporarily. If the address is unknown, the competent authority is the District Court of Nicosia.

##### **Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

In all instances, the competent authority is the district court of the district in which the person causing the risk has moved permanently or temporarily. If the address is unknown, the competent authority is the District Court of Nicosia.

##### **Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

Court to which the application for refusal of recognition must be submitted:

The district court or family court before which the protection measure ordered in the Member State of origin has been invoked.

Where applicable, the court to which the application for refusal of enforcement must be submitted:

The district court or family court before which the protection measure ordered in the Member State of origin has been invoked.

##### **Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

Documents should be submitted in Greek. English translations are also accepted.

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#### **Mutual recognition of protection measures in civil matters - Latvia**

##### **Article 17 - Information made available to the public**

The rules and procedures applicable to protection measures in civil matters are governed by the Law on civil procedure.

##### **Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

The authorities in Latvia competent to order protection measures and issue certificates are district (or city) courts (Article 5411(45) of the Law on civil procedure).

##### **Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

The authorities competent to enforce a protection measure ordered in another Member State are district (or city) courts of the place where the decision is to be enforced or the declared place of residence of the defendant, or failing any such place, the defendant's actual place of residence or registered office (Article 6513(1) of the Law on civil procedure).

##### **Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

The authorities competent to effect the adjustment of protection measures are the same district (or city) courts competent to enforce those measures (Article 6515(2) of the Law on civil procedure).

##### **Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

These are the district (or city) courts within whose jurisdiction the protection measure ordered by decision of a foreign court is to be enforced (Article 6443(43) of the Law on civil procedure).

##### **Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

Any transliteration or translation required under this Regulation is done into the official language of the Republic of Latvia, i.e. into Latvian.

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#### **Mutual recognition of protection measures in civil matters - Lithuania**

##### **Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

In Lithuania, protection measures falling within the scope of the Regulation are ordered by the courts. Certificates pursuant to Article 5 of the Regulation are issued by the court that ordered the protection measure.

**Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

In Lithuania, bailiffs are competent to enforce protection measures falling within the scope of the Regulation. If bailiffs are obstructed in enforcing protection measures falling within the scope of the Regulation, they have a general right to ask the police to remove those obstructions.

**Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

The protection measures falling within the scope of the Regulation are adjusted by the bailiffs enforcing the protection measure in accordance with Article 11 (1).

**Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

Applications for refusal of recognition or, where applicable, enforcement of a protection measure should be submitted to the Lithuanian Court of Appeal.

**Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

Any transliterations or translations required under the Regulation for the purposes of communicating with the Lithuanian competent authorities must be in the official language of the Republic of Lithuania, i.e. Lithuanian.

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**Mutual recognition of protection measures in civil matters - Luxembourg**

**Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

**Authorities which are competent to order protection measures**

The public prosecutor (*Procureur d'Etat*), under the amended Law on Domestic Violence of 8 September 2003, and the President of the district court (*Tribunal d'Arrondissement*), under Articles 1017-1 to 1017-12 of the new Code of Civil Procedure.

**The authorities which are competent to issue certificates:**

The public prosecutor, under the amended Law on Domestic Violence of 8 September 2003, and the President of the district court, under Articles 1017-1 to 1017-12 of the new Code of Civil Procedure

**Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

**The authorities before which a protection measure ordered in another Member State is to be invoked:**

The public prosecutor and (for penalty payments) the President of the district court.

**The authorities competent to enforce such a measure:**

The public prosecutor and (for penalty payments) the President of the district court.

**Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

**The authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1):**

The President of the district court sitting in urgent proceedings.

**Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

An **application for refusal of recognition** must be submitted in accordance with Article 13 to the President of the district court sitting in urgent proceedings.

An **application for refusal of enforcement** must be submitted in accordance with Article 13 to the president of the district court sitting in urgent proceedings.

**Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

Luxembourg accepts French and German.

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**Mutual recognition of protection measures in civil matters - Hungary**

**Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

District courts.

**Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

The district courts, the district offices of the Budapest and county Government Offices (hereinafter collectively 'district offices') and the police.

**Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

District Court

**Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

District Court

**Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

Hungarian

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**Mutual recognition of protection measures in civil matters - Malta**

**Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

Civil Court (Family Section)

**Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

Director responsible for the Civil Courts and Tribunals



**Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

Civil Court (Family Section)

**Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

Civil Court (Family Section)

**Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

Maltese or English language

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**Mutual recognition of protection measures in civil matters - Netherlands****Article 17 - Information made available to the public**

Victims who want to obtain a protection measure in the Netherlands have to bring civil proceedings (proceedings for interim relief (*kort geding*)). This must be done through a lawyer, who will provide information on the procedure to be followed and conduct the proceedings on behalf of the victim.

**Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

Courts competent to order a protection measure: [courts](#)  (167 Kb) [nl](#)

If a protection measure has been ordered on the basis of the Temporary Restraining Order Act (*Wet tijdelijk huisverbod*):

the mayor of the place where the temporary restraining order is to apply.

The same authority that ordered a protection measure is also authorised to issue the certificate.

**Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

- A bailiff (*deurwaarder*)
- In the case of a protection measure issued on the basis of the Temporary Restraining Order Act: the police.

**Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

Voorzieningenrechter Rechtbank Den Haag (judge hearing applications for interim relief at the District Court of The Hague)

Prins Clauslaan 60, 2595 AJ Den Haag

PO Box 20302, 2500 EH Den Haag

Gerechtshof Den Haag (District Court of The Hague)

Prins Clauslaan 60, 2595 AJ Den Haag

PO Box 20302, 2500 EH Den Haag

**Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

Voorzieningenrechter Rechtbank Den Haag

Prins Clauslaan 60, 2595 AJ Den Haag

PO Box 20302, 2500 EH Den Haag

Gerechtshof Den Haag

Prins Clauslaan 60, 2595 AJ Den Haag

PO Box 20302, 2500 EH Den Haag

**Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

Dutch

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**Mutual recognition of protection measures in civil matters - Austria****Article 17 - Information made available to the public**

The protection measures corresponding to the Regulation in Austrian law are in particular the interim measures on protection from domestic violence (Article 382b of the Enforcement Code (*Exekutionsordnung*, EO)), on protection from violence in general (Article 382e of the Enforcement Code) and on protection from interference with private life (Article 382g of the Enforcement Code). The legal provisions are as follows:

**'Protection from domestic violence**

**Article 382b.** (1) If one person makes continued cohabitation intolerable for the other person through physical assault, the threat of physical assault, or any behaviour which is severely damaging to the other's mental health, the Court must, upon application from the other person:

1.	order the former to leave the residence and its immediate vicinity and
2.	prohibit the former from returning to the residence and its immediate vicinity,
if the residence serves to meet the urgent housing needs of the applicant.	

(2) For interim measures under paragraph 1, a deadline for submitting an appeal (Article 391(2)) need not be set if the interim measure is granted for up to six months.

(3) Proceedings on the substance of the case within the meaning of Article 391(2) can be proceedings for the dissolution, annulment or declaration of invalidity of the marriage, proceedings for division of the matrimonial assets and matrimonial savings and proceedings for establishing the rights of access to the residence.

**Protection from violence in general**

**Article 382e.** (1) If one person makes continued meetings intolerable for the other person through physical assault, the threat of physical assault, or any behaviour which is severely damaging to the other's mental health, the Court must, upon application from the other person

1.	prohibit the former's presence at clearly specified locations and								
2.	order the former to avoid meeting and contacting the applicant,								
unless this is contrary to vital interests of the respondent.									

(2) For interim measures under paragraph 1, a deadline for submitting an appeal (Article 391(2)) need not be set if the interim measure is granted for up to one year. The same applies to an extension of the interim measure following a breach on the part of the respondent.

(3) If an interim measure under paragraph 1 is ordered together with an interim measure under Article 382b(1), then Articles 382b(3) and 382c(4) shall apply *mutatis mutandis*.

(4) The Court may entrust the security authorities with enforcement of the interim measures under paragraph 1. Article 382d(4) shall apply *mutatis mutandis*. Otherwise, interim measures under paragraph 1 shall be enforced in accordance with the provisions of Part One, Section Three.

**Protection from interference with private life**

**Article 382g** (1) The right to lack of interference with private life can be ensured in particular via the following measures:

1.	prohibition from making personal contact with and following the vulnerable party,								
2.	prohibition from making contact by letter, telephone or other means,								
3.	prohibition from being present at clearly specified locations,								
4.	prohibition from forwarding and disseminating the personal data and photographs of the vulnerable party,								
5.	prohibition from using the personal data of the vulnerable party to order goods or services from a third party,								
6.	prohibition from inducing a third party to make contact with the vulnerable party.								

(2) For interim measures under paragraph 1, points 1 to 6, a deadline for submitting an appeal (Article 391(2)) need not be set if the interim measure is granted for up to one year. The same applies to an extension of the interim measure following a breach on the part of the respondent.

(3) The Court may entrust the security authorities with enforcement of the interim measures under paragraph 1, points 1 and 3. Article 382d(4) shall apply *mutatis mutandis*. Otherwise, interim measures under paragraph 1 shall be enforced in accordance with the provisions of Part One, Section Three.'

**Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

Protection measures are ordered by district courts (*Bezirksgerichte*). In rare cases, a protection measure can also be ordered by a regional court (*Landesgericht*) as a court of first instance if the main proceedings are pending before it. In the course of appeal procedures, protection measures may also be ordered by regional courts, but also by higher regional courts (*Oberlandesgerichte*) or the Supreme Court (*Oberster Gerichtshof*), as courts of appeal. District courts also issue certificates concerning the protection measures they ordered. If, by way of an exception, a protection measure is ordered by a regional court, a higher regional court or the Supreme Court, then that court is also responsible for issuing the certificate. Thus, it is always the court which ordered the measure that is responsible for issuing the certificate concerning that measure.

**Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

District courts. Under Article 86b(1) of the Enforcement Code, the court with territorial jurisdiction to order the enforcement of a foreign protection measure in Austria and to decide on an application for enforcement on the basis of such a protection measure is the district court with general jurisdiction for disputes for the protected person (this is determined by place of residence). If the latter court is not in Austria, jurisdiction lies with the Vienna Inner City District Court (*Bezirksgericht Innere Stadt Wien*).

**Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

District courts are likewise competent to adjust foreign protection measures. Here, too, territorial jurisdiction is based on the general jurisdiction for disputes for the protected person (by place of residence), unless this is outside Austria, in which case the Vienna Inner City District Court has jurisdiction (Article 86b (1) of the Enforcement Code).

**Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

Under Article 86b(2) of the Enforcement Code, applications for refusal of recognition or of enforcement of a foreign protection measure that are not subject to a time limit must be submitted to the district court which ordered or approved the enforcement of the protection measure.

**Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

German is the only language which is accepted.

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**Mutual recognition of protection measures in civil matters - Poland**

**Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

Authorities competent to order protection measures:

District courts, regional courts, courts of appeal

Authorities competent to issue certificates:

District courts, regional courts and courts of appeal which issued the ruling on the protection measures

**Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

District courts

**Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

District courts

**Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

Regional courts

## **Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

Polish

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## **Mutual recognition of protection measures in civil matters - Portugal**

### **Article 17 - Information made available to the public**

In the Portuguese legal system, protective measures are essentially criminal in nature and are provided for in the Criminal Code, the Code of Criminal Procedure and Law No 112/2009 of 16 September 2009 laying down the legal framework applicable to the prevention of domestic violence and the protection and assistance of victims thereof.

However, in the field of civil law it is possible to impose protective measures by means of general protection of personality. Article 70(2) of the Civil Code states: 'Irrespective of any civil liability involved, the threatened or offended person may request that injunction measures appropriate to the circumstances be taken in order to prevent the threat from being carried out or to mitigate the effect of the offence already caused.'

Accordingly, civil procedural law provides for the adoption of specific injunction measures to prevent any unlawful and direct threat to the physical or moral personality of a human being from being carried out or to mitigate or bring to an end the effects of an offence already caused (Article 878 of the Code of Civil Procedure).

Articles 879 and 880 of the Code of Civil Procedure govern certain procedural aspects of this type of procedure. In short, under civil procedural law, if a request for such injunction measures is accepted, the court then determines the specific conditions of conduct to which the defendant is subject and, where appropriate, a deadline for compliance, as well as the mandatory financial penalty for each day of late compliance or for each infringement, whichever is more appropriate in the case in question.

There is also provision for the issuance of an interim ruling, which is not open to appeal and may subsequently be amended or confirmed in the actual procedure, in cases where an assessment of the evidence submitted by the person requesting injunction measures reveals the possibility of imminent and irreversible harm to their physical or moral personality and if, alternatively:

- a) the court is unable to form a sure opinion on the existence, extent or severity of the threat or the offence caused;
- b) reasons of special urgency make injunction measures necessary without the opposing party being heard.

### **Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

Not applicable.

### **Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

The Portuguese authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure are: General Divisions (*Juízo de Competência Genérica*) or Local Civil Divisions (*Juízo local cível*) of the relevant court.

### **Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

The Portuguese authorities competent to adjust protection measures in accordance with Article 11(1) are: General Divisions or Local Civil Divisions of the district court with jurisdiction.

### **Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

The courts to which applications for refusal of recognition and, where applicable, enforcement are to be submitted in accordance with Article 13 are: General Divisions or Local Civil Divisions of the district court with jurisdiction.

## **Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

The language in which the translations referred to in Article 16(1) are accepted is **Portuguese**.

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## **Mutual recognition of protection measures in civil matters - Romania**

### **Article 17 - Information made available to the public**

#### **Provisional protection order**

A provisional protection order is issued by a police officer who establishes the existence of a risk on the basis of an assessment of the facts. The police officer will issue a provisional protection order if the relevant conditions are met. If the conditions are not met, the police officers concerned are obliged to inform victims of the possibility of making an application for the issuance of a protection order. The issuance of the order does not preclude a preventive measure from being taken under the Criminal Code.

In order to verify complaints, police officers are entitled to obtain evidence and to enter a dwelling without the consent of the person concerned. Police officers may use force and equipment in an appropriate and proportionate manner in order to gain entry to the property.

The provisional protection order states the following: date, time and place of issue; forename(s), surname(s), capacity and police unit; identity of aggressor; identity of victim; the facts of the situation and the evidence; the legal basis for issuing the order; the date and time when application of measures begins and ends; the right to challenge the order, the deadline for the exercise of that right and the court before which an appeal may be lodged.

The provisional protection order lays down, for a period of five days, one or several of the following available protective measures (obligations or prohibitions) designed to reduce the risk established; eviction of aggressor; safe return of victim; obligation for aggressor to maintain a certain minimum distance from victim; obligation for aggressor to wear an electronic surveillance tag; surrender of any weapons;

The obligations and prohibitions imposed on the aggressor become effective immediately upon being issued, without prior notice or deadline. The five-day period is calculated on the basis of hours and starts from the moment the order is issued.

A copy or duplicate of the order will be handed to, and must be signed for by, the aggressor and the victim at the place of issue immediately upon issue. Within 24 hours of its issuance, the police unit to which the issuing officer belongs will submit the order to the public prosecutor's office attached to the competent court in whose area of jurisdiction the order was issued.

The provisional protection order will be sent to the competent public prosecutor's office. The public prosecutor will decide on the need to maintain the measures, confirming such need as the case may be, within 48 hours of the order being issued. If it proves unnecessary to maintain the measures, the public

prosecutor may order their termination and accordingly notify the submitting police unit, which will then arrange for the persons concerned to be informed. Upon confirmation of the need to maintain measures, the public prosecutor will submit the order to the competent court in whose area of jurisdiction it was issued, together with a request for the issuance of an order. When an order is thus submitted, the initial duration for which it was imposed is extended by the time needed to complete the judicial issuance procedure.

The order may be appealed against before the competent court within 48 hours of its notification. The parties concerned are summoned to the appeal hearing. The appeal is dealt with as a matter of urgency - but by no later than the expiry date of the provisional protection order - in closed session, with the issuing body being summoned. The participation of the public prosecutor is mandatory. The appeal ruling is final.

#### **Protection order**

In order to remove a danger, a victim may request the court to issue a protection order stipulating: that the aggressor be evicted from the dwelling; that the victim be enabled to safely return to the dwelling; that the aggressor's right of use be restricted to only a part of the dwelling; that the victim be accommodated /placed in a centre for assistance; that the aggressor must maintain a certain minimum distance from the victim; that the aggressor be prohibited from frequenting certain localities or designated areas; that the aggressor must permanently wear an electronic surveillance tag; that any and all contact with the victim be prohibited; that the aggressor must surrender any and all weapons to the police; the custody arrangements for and residence of children who are minors.

The court may order the aggressor to undergo psychological counselling/psychotherapy or participate in an assistance programme, and may recommend /request admission to a specialist facility.

The court may order that measures be taken to monitor compliance with the protection order and prevent its infringement: regular reporting to the police station responsible for supervising compliance with the order; notification of new address in the case of eviction; regular and/or unannounced checks on the whereabouts of the aggressor.

The operative part of the ruling will contain a stipulation that failure to comply with any of the measures will constitute a criminal offence.

The duration of the measures laid down in the protection order will be determined by the judge, but may not exceed six months counting from the order's date of issuance.

Applications for the issuance of a protection order fall within the competence of the court in whose area of jurisdiction the victim is domiciled or resident. An application for the issuance of a protection order may be submitted by a victim either in person or through a legal representative, or, on behalf of the victim, also through a public prosecutor, the representative of the relevant authority, or the representative of any social services provider.

The application must be drawn up using the [standard form](#) (31 Kb) and is exempt from judicial stamp duty. Applications are ruled upon in closed session, the participation of the public prosecutor being mandatory. On request, the person concerned may be granted assistance or representation through a lawyer. Assistance for the person against whom the protection order is sought is mandatory. A ruling will be given as a matter of urgency and priority. Applications must be settled within 72 hours of submission, except in cases where a provisional protection order has previously been issued.

The protection order is enforceable. The ruling is enforced without notice or deadline. Compliance with the protection order is also compulsory for the victim. The ruling may be appealed against only within three days of its being handed down (if it was given with the parties having been summoned) or notified (if it was given without their having been summoned). The court of appeal may suspend enforcement until the appeal ruling, but only against payment of a security. The parties concerned are summoned to the appeal hearing. The participation of the public prosecutor is mandatory.

On the day it is handed down, a copy of the operative part of the ruling is communicated to the units of the Romanian police in whose area of jurisdiction the dwelling of the victim and the aggressor is located. The order is enforced without delay by, or under the supervision of, the police. A police officer may enter the family dwelling concerned with the consent of the protected person, if present, or other member of the family. The police have a duty to supervise compliance with the court ruling and to notify the criminal prosecution body in the event of failure to comply.

Failure by the aggressor to comply with measures imposed under a protection order constitutes a criminal offence and is punishable by imprisonment of one month to a year.

Upon expiry of such measures, the victim may apply for a new protection order. A person against whom a measure is imposed under a protection order for the maximum period possible may apply for revocation of the order or replacement of the measure imposed.

If, when dealing with an application, the court ascertains the existence of one of the situations necessitating a special protection measure for a child, it will immediately notify the local public authority responsible for child protection.

An emergency intervention then takes place, with provision of the requisite social services being arranged by a mobile team comprising representatives of the Public Social Assistance Service (SPAS).

#### **Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

Under Article 22/1 of Law No 217/2003 on preventing and combating domestic violence, republished, police officers who in the exercise of their duties ascertain an imminent risk of a person's life, physical integrity or liberty being threatened by an act of domestic violence can issue a provisional protection order to diminish that risk.

The authorities competent to issue protection orders are the district courts having jurisdiction where victims are domiciled or resident, in accordance with Article 25 of Law No 217/2003 on preventing and combating domestic violence, republished.

Under Article 3 of Article 1/5 of Government Emergency Order No 119/2006 on measures necessary to implement certain Community Regulations from the date of Romania's accession to the EU, approved as amended by Law No 191/2007, as amended, the courts decide on applications to issue certificates by issuing decisions in closed session, without summoning the parties.

A decision granting an application may not be appealed against. A decision rejecting an application may be appealed against only within five days after notification.

The certificate is issued to the protected person and a copy thereof is served upon the person posing a threat, who is informed that the protection measure thus certified is recognised and enforceable in all Member States of the European Union.

#### **Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

Under Article 22/5 and Article 31 of Law No 217/2003 on preventing and combating domestic violence, republished, a provisional protection order or a protection order is enforced without delay by or, where applicable, under the supervision of the police.

#### **Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

Under Article 8 of Article 1/5 of Government Emergency Order No 119/2006 on measures necessary to implement certain Community Regulations from the date of Romania's accession to the EU, approved as amended, by Law No 191/2007, as amended, in order to enforce a judgment passed in another European Union Member State imposing protection measures that are unknown, or different from those provided for, under Romanian law, the competent Romanian courts will, in accordance with Article 11 of Regulation (EU) No 606/2013, adjust the factual elements of the protection measures so as to make them enforceable in Romania in accordance with Romanian law, and order measures which have equivalent effects and pursue similar objectives and



interests. A measure passed by a Romanian court may not result in effects going beyond those provided for in the law of the Member State of origin in the case of a measure laid down in a judgment passed by a court in the Member State of origin.

The adjustment is carried out *ex officio* or at the request of the party concerned, in the course of the process of deciding on applications for declaration of enforceability or refusal of recognition or enforcement of a judgment, or in the main proceedings.

The competent court is the district court.

Where the court finds that the adjustment is necessary, it orders a summoning of the parties. The presence of the public prosecutor is mandatory.

A judgment in which a court has adjusted a judgment passed in another Member State may be appealed against within ten days after notification. The judgment passed on appeal may not be appealed against.

#### **Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

Under Article 1 of Article I/5 of Government Emergency Order No 119/2006 on measures necessary to implement certain Community Regulations from the date of Romania's accession to the EU, approved as amended by Law No 191/2007, as amended, applications for refusal of recognition and applications for refusal of enforcement in Romania of judgments containing protection measures passed in another Member State of the European Union fall within the remit of the district courts, in accordance with Regulation (EU) No 606/2013.

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#### **Mutual recognition of protection measures in civil matters - Slovenia**

##### **Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

In Slovenia district courts (*okrožna sodišča*) are competent under Article 18(a).

[Their addresses and contact details](#)  (170 Kb) [en](#)

##### **Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

In Slovenia district courts (*okrožna sodišča*) are competent under Article 18(a).

[Their addresses and contact details](#)  (170 Kb) [en](#)

##### **Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

In Slovenia district courts (*okrožna sodišča*) are competent under Article 18(a).

[Their addresses and contact details](#)  (170 Kb) [en](#)

##### **Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

In Slovenia district courts (*okrožna sodišča*) are competent under Article 18(a).

[Their addresses and contact details](#)  (170 Kb) [en](#)

##### **Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

The official language of Slovenian courts is Slovenian. At Koper District Court Italian is also an official language, alongside Slovenian.

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#### **Mutual recognition of protection measures in civil matters - Slovakia**

##### **Article 17 - Information made available to the public**

1. Types of obligation/prohibition under a protection measure (content of the protection measure):

(a) An urgent measure may be imposed under the [Slovak Code of Civil Procedure](#) (Section 324 et seq.). Under an urgent measure, a party may be ordered, for example:

(i) to refrain temporarily from entering a house or flat in which a person on whom the party is reasonably suspected of inflicting violence resides; not to enter, or to enter only on a restricted basis, a house or flat, workplace or other place where the person whose physical integrity or psychological integrity the party threatens with his or her conduct lives, is habitually present or regularly visits; not to contact, in full or in part, whether in writing, by telephone, by electronic communication or by other means a person whose physical integrity or psychological integrity may be threatened by such conduct; not to come, or to come only on a restricted basis, within a specified distance of a person whose physical integrity or psychological integrity may be threatened by the party's conduct.

(ii) Section 325(2)(e) to (h) of the Code of Civil Procedure sets out examples of the most frequent types of urgent measures. This means that the list of urgent measures in the law is not exhaustive and the court may impose other types of urgent measures. The court may therefore impose urgent measures similar to those provided for in Article 3(1) of Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matters, and any others deemed necessary and appropriate.

(b) Under the [Slovak Police Act](#) the police may, for example, order a person to:

(i) refrain from entering or remaining in certain places, or require them to stay in a certain place (Section 27). This obligation may not exceed the time necessary (which means only the time strictly necessary).

(ii) leave a shared dwelling (Section 27a). The Police Act allows police officers to order a person to leave a flat or house or other premises jointly occupied with an at-risk person and from the immediate vicinity thereof (a shared dwelling), if there are facts indicating that that person is likely to engage in an attack on the life, health, or freedom, or in a particularly serious attack on the human dignity, of an at-risk person, in particular in view of previous such attacks. The order to leave the shared dwelling includes a prohibition on the person re-entering the shared dwelling for 10 days after being ordered to leave. A police officer can issue an order requiring a person to leave a shared dwelling even in their absence. While subject to an order to leave the shared dwelling, the person ordered out may not come within 10 metres of the at-risk person.

2. Nature of the authority issuing the measure:

(a) A preliminary ruling is issued by a judicial authority (a civil court).

(b) An order to leave a shared dwelling is issued by an administrative authority – N.B. not the administrative authority that provides guarantees in relation to impartiality and the right of all parties to be heard. Orders to leave a shared dwelling are not subject to appeal or review by a judicial authority.

3. Maximum possible duration of a measure:

(a) Urgent measures are not generally time-limited. However, under Sections 330(1) and 336(1), first sentence, of the Code of Civil Procedure a court may limit the decision in time. An urgent measure must be withdrawn if the protected person fails to take steps to obtain a decision on the merits of the case (does not bring an action) or if the application for a decision on the merits is refused or dismissed, or if the action has been refused or dismissed, or the main proceedings are discontinued (Section 336(3) and (4) of the Code of Civil Procedure). It must also be withdrawn once the court has upheld the action in the main proceedings (Section 337(3) of the Code of Civil Procedure).

(b) The time is limited: the time strictly necessary means 48 hours in the case of detention and 10 days in the case of an order to leave a shared dwelling. However, the police can extend the effect of an order to leave a shared dwelling by applying for an urgent measure (see below). The order to leave the shared dwelling is revoked once an urgent measure is issued or the action is rejected by a civil court.

4. National enforcement system for implementing protection measures:

(a) An urgent measure can be implemented (if necessary) as soon as it has been served on the person suspected. The intervention of a bailiff is necessary to enforce the decision. The bailiff has the right to impose a financial penalty on a person suspected of failing to comply with an interim measure ([§ Enforcement Code](#), Section 192).

(b) The police may use force to overcome resistance by a violent person and to enforce the person's removal from a joint home (Police Act, Section 51) or to implement other police orders to ensure the safety of persons.

5. Penalties in the event of failure to comply with a measure:

(a) In the event of failure to comply with an urgent measure, a suspected person is liable to a term of imprisonment of one to five years ([§ Criminal Code](#), Section 349). However, there must be proof of their intention to commit a criminal offence (breach of the obligation imposed by a protection measure). See the answer to question 4a.

(b) See the answer to question 4(b).

#### **Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

The authorities competent to order protection measures in the Slovak Republic are all district courts. All district courts are equally competent to issue a certificate in accordance with Article 5 of the Regulation.

#### **Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

Protection measures issued in another Member State must be submitted to the **Bratislava III District Court**. The **police and bailiffs** are competent to enforce such measures.

#### **Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

Bratislava III District Court is competent to effect the adjustment of protection measures in accordance with Article 11(1) of the Regulation.

#### **Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

Applications for refusal of recognition or for enforcement must be submitted to **Bratislava III District Court**.

#### **Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

The languages accepted are **Slovak and Czech**

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### **Mutual recognition of protection measures in civil matters - Finland**

#### **Article 17 - Information made available to the public**

In Finland, the protection measures referred to in Directive 2011/99/EU and Regulation (EU) No 606/2013 are laid down in the Act on Restraining Orders (898/1998).

The Act provides for the imposition of a restraining order to prevent a crime against life, health, liberty or privacy, a threat of such a crime or any other kind of severe harassment. If the person who feels threatened and the person against whom a restraining order is requested live permanently in the same residence, a restraining order may be imposed to prevent a crime against life, health or liberty or a threat of such a crime (*inside-the-family restraining order*). Directive 2011/99/EU applies to restraining orders imposed in Finland, if the restraining order has been imposed as a result of a crime or an alleged crime. If the restraining order is not related to a crime as referred to in the Directive, it is subject to Regulation (EU) No 606/2013.

As specified in more detail in the relevant judgment, a person subject to a restraining order may not meet the person under protection or otherwise contact or try to contact him or her (*a basic restraining order*). It is also forbidden to follow and observe the person under protection. A person subject to an inside-the-family restraining order must leave the residence where he or she and the person under protection live permanently together, and he or she may not return there. If there is reason to believe that a basic restraining order is insufficient, the restraining order may be extended. In this case the restraining order also applies to being in the vicinity of the permanent residence, holiday residence or workplace of the person under protection or in the vicinity of another comparable place specified separately (*extended restraining order*). However, the restraining order does not apply to contacts for which there is an appropriate reason and that are manifestly necessary. The arrangement of any necessary contacts should preferably be provided for already in the decision on the restraining order.

A restraining order may be imposed for at most one year. An inside-the-family restraining order may be imposed for at most three months. A restraining order enters into force following the district court's decision to impose such an order. The decision must be complied with regardless of appeal, unless the higher court hearing the case rules otherwise. A restraining order may be renewed. In case of renewal, the restraining order may be imposed for at most two years. An inside-the-family restraining order may be renewed for at most three months.

The imposition of a restraining order may be requested by anyone who has a justified reason to feel threatened or harassed by another person. The request may also be made by a prosecuting, police or social welfare authority. The request may be made orally or in writing using a specific form.

Cases concerning restraining orders are resolved by the district court. The court with jurisdiction is the district court of the place where the person to be protected resides or where the restraining order would principally be applied. If the person against whom a restraining order is requested is suspected of a crime that may be relevant when resolving the case relating to the restraining order, the competent criminal court is competent also in the matter of the restraining order.

In so far as appropriate, the provisions concerning criminal procedure apply to the hearing in court of a case relating to a restraining order. In Finnish case-law, a restraining order is imposed almost without exception as an independent measure separately from the hearing of a criminal case, although under the law it may also be dealt with in connection with criminal proceedings.

A restraining order may be imposed if there are reasonable grounds to assume that the person against whom the order is requested is likely to commit a crime against the life, health, liberty or privacy of the person who feels threatened or severely harass him or her in some other way.

An inside-the-family restraining order may be imposed if the person against whom the restraining order is requested is likely, as judged from the threats he or she has made and any previous offences or other behaviour, to commit a crime against the life, health or liberty of the person who feels threatened, and the imposition of a restraining order is not unreasonable considering the severity of the impending crime, the circumstances of the persons living in the same household and other facts presented in the case.

When assessing the prerequisites for imposing a restraining order, attention must be paid to the circumstances of the persons involved, the nature of any past crime or harassment and whether it has been repeated, as well as the likelihood that the person against whom the restraining order is requested will continue the harassment or commit a crime against the person who feels threatened.

A temporary restraining order may also be imposed. The imposition of a temporary restraining order is decided by an official with the power of arrest or by a court. The official with the power of arrest must without delay and not later than within three days submit his or her decision to the consideration of the competent district court.

In principle, the parties themselves are liable for the costs arising from the consideration of a case relating to a restraining order. However, if there are weighty reasons to do so, the court may order a party to pay for part or all of the reasonable legal costs of the opposite side. No court fee is charged.

The parties have the right to use a lawyer, and they are also entitled to free legal assistance if the conditions laid down in the Legal Aid Act (257/2002) are met.

The court must immediately enter into the police computer system a judgment imposing, repealing or amending a restraining order.

The judgment is also notified to the applicant, the person to be protected by the restraining order and the person against whom the restraining order was requested. The judgment must be served in a verifiable manner to the person against whom the restraining order was imposed, unless it was declared or delivered in the person's presence.

The police supervises the enforcement of restraining orders.

Violations of restraining orders are punishable under Chapter 16, Section 9a of the Criminal Code (39/1889).

#### **Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

##### **Authorities competent to order protection measures**

General courts (district courts, appeal courts and the Supreme Court)

##### **Authorities competent to issue certificates in accordance with Article 5**

General courts (district courts, appeal courts and the Supreme Court)

The certificate is issued by the court that imposed a restraining order covered by the scope of the Regulation and referred to in the Act on Restraining Orders (898/1998).

The certificate is issued in accordance with Articles 5-7 of the Regulation. The certificate is notified to the person causing the risk in accordance with Article 8 of the Regulation and Section 5 of the Act (227/2015) implementing the Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters.

<https://oikeus.fi/tuomioistuimet/fi/index.html>

#### **Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

Helsinki District Court.

Contact information: <http://www.oikeus.fi/karajaoikeudet/helsinginkarajaoikeus/fi/index.html>

A protection measure imposed in another Member State is recognised in Finland in accordance with Article 4(1) of the Regulation without a separate procedure, as laid down in Section 4 of the Act (227/2015) implementing the Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters. Such a protection measure is entered in the register referred to in Section 15 of the Act on Restraining Orders (898/1998) in the same way as a restraining order imposed in Finland.

#### **Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

Helsinki District Court.

Contact information: <http://www.oikeus.fi/karajaoikeudet/helsinginkarajaoikeus/fi/index.html>

The adjustment of a protection measure is done as specified in Article 11 of the Regulation in accordance with the written procedure referred to in Section 3 of the Act (227/2015) implementing the Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters.

#### **Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

Helsinki District Court.

Contact information: <http://www.oikeus.fi/karajaoikeudet/helsinginkarajaoikeus/fi/index.html>

Recognition or enforcement of the judgment is refused pursuant to Article 13 of the Regulation, in accordance with the written procedure referred to in Section 3 of the Act (227/2015) implementing the Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters.

#### **Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

The accepted languages are Finnish, Swedish and English. A certificate issued in another language may also be accepted, provided there is no other obstacle to its acceptance.

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#### **Mutual recognition of protection measures in civil matters - Sweden**

##### **Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

In Swedish law there are no civil law protection measures of the kind referred to in Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters. There is consequently no authority with power to order such measures or to issue certificates in accordance with Article 5.

##### **Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

A protection measure ordered in another Member State can be invoked before the public prosecutor (*åklagaren*) of the place where the measure is to apply or is chiefly to apply.

**Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

The public prosecutor of the place where the measure is to apply or is chiefly to apply is competent to effect the adjustment of protection measures in accordance with Article 11(1).

**Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

An application for refusal of recognition in accordance with Article 13 should be brought in the District Court (*tingsrätt*) of Stockholm.

**Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

Swedish.

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**Mutual recognition of protection measures in civil matters - England and Wales**

**Article 17 - Information made available to the public**

**In England and Wales**

**Outgoing protection measures (i.e. those applications ordered in the UK to be recognised & enforced in other EU member States)**

Any applicant for (or recipient of) a domestic protection measure within scope of the Regulation (e.g. those found in injunctions under the Protection from Harassment Act 1997, or in the family context, non-molestation orders, occupation orders and forced marriage protection orders) will be able to apply for a protection measure certificate under this scheme to extend that protection to another EU member state from the court that issued it. In England and Wales these courts will be:

the family court

the county court

the High Court (both Family Division and Queen's Bench Division)

the magistrates' courts (which can issue Domestic Violence Protection Orders)

Court of Protection

The detail of the relevant procedures to be followed in relation to these measures are set out in legislation and in the applicable Family or Civil Procedure Rules (FPR or CPR), which are the new FPR Part 38 (FPR Practice Direction 38A) and the new Section VI of CPR Part 74.

Help in making an application is available through any of these courts. A leaflet is also being made available and this will be accessible via the court service (HMCTS) website

If satisfied the conditions are met, the court issues a certificate in prescribed form (common throughout the EU). This is given to the protected person /applicant. The protected person can also request that the court provide her or him with a translated certificate.

The court notifies the 'person causing the risk' that the certificate has been issued (and is applicable anywhere in the EU). There is no appeal against the issuance of a certificate, though there can be an application for rectification or withdrawal.

The certificate means the protected person automatically has the protection measure recognised and if needed enforceable in any other member State (except Denmark, which is not bound by the Regulation).

**The recognition and enforcement of an incoming (to UK from another member State) protection measure**

A protection measure issued in another Member State is automatically recognised without special procedure being required, and is enforceable without a declaration of enforceability. There is no need to present it to court for recognition.

If a protected person requires an 'adjustment of the factual elements' (e.g. new address etc) of her/his protection measure, and/or seeks enforcement of the measure if there has been an alleged breach, s/he can apply to one of the following courts in England and Wales:

the family court;

the county court;

the High Court (Family Division).

These courts can adjust the measure accordingly (if that has been requested.) The person posing the risk is informed of the adjustments made (and of the penalties for breach).

These courts can enforce the protection measure by applying any of the civil sanctions that they can apply when enforcing domestic protection measures such as non-molestation orders or injunctions under the Protection from Harassment Act 1997.

A 'person causing the risk' can apply to one of these courts to refuse to recognise or enforce the incoming protection measure, but there are specific and limited grounds for the court to do so; the measure would have to be manifestly contrary to public policy, or irreconcilable with a domestic decision.

**Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

In England and Wales

the family court

the county court

the High Court (both Family Division and Queen's Bench Division)

the magistrates' courts

Court of Protection

**Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

In England and Wales

the family court;

the county court;

the High Court (Family Division).

**Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

In England and Wales

the family court;

the county court;



the High Court (Family Division).

**Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

*In England and Wales*

the county court;

the family court;

the High Court (Family Division).

**Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

English in all jurisdictions in the UK

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**Mutual recognition of protection measures in civil matters - Northern Ireland**

**Article 17 - Information made available to the public**

**In Northern Ireland**

**Outgoing protection measures (i.e. those applications ordered in the UK to be recognised & enforced in other EU member States)**

Any applicant for (or recipient of) a domestic protection measure within scope of the Regulation can apply for a protection measure certificate under this scheme to extend that protection to another EU member state from the court that issued it. In Northern Ireland these courts are:

a county court

the High Court

a magistrates' court

If satisfied the conditions are met, the court issues a certificate in prescribed form (common throughout the EU). This is given to the protected person /applicant. The protected person can also request that the court provide her or him with a translated certificate.

The court notifies the 'person causing the risk' that the certificate has been issued (and is applicable anywhere in the EU). There is no appeal against the issuance of a certificate, though there can be an application for rectification or withdrawal.

The certificate means the protected person automatically has the protection measure recognised and if needed enforceable in any other member State (except Denmark, which is not bound by the Regulation).

The EU certificate is available, on application, from the court that issued the domestic protection measure.

**The recognition and enforcement of an incoming (to UK from another member State) protection measure**

A protection measure issued in another Member State is automatically recognised without special procedure being required, and is enforceable without a declaration of enforceability. There is no need to present it to court for recognition.

If a protected person requires an 'adjustment of the factual elements' (e.g. new address etc) of her/his protection measure, and/or seeks enforcement of the measure if there has been an alleged breach, s/he can apply to one of the following courts in Northern Ireland:

a county court;

the High Court.

These courts can adjust the measure accordingly (if that has been requested.) The person posing the risk is informed of the adjustments made (and of the penalties for breach). These courts can enforce the protection measure by applying any of the civil sanctions that they can apply when enforcing domestic protection measures such as non-molestation orders or injunctions under the Protection from Harassment (Northern Ireland) Order 1997.

A 'person causing the risk' can apply to one of these courts to refuse to recognise or enforce the incoming protection measure, but there are specific and limited grounds for the court to do so; the measure would have to be manifestly contrary to public policy, or irreconcilable with a domestic decision.

**Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

*In Northern Ireland*

the High Court

a county court

a magistrates' court

**Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

*In Northern Ireland*

The High Court

a county court

**Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

*In Northern Ireland*

the High Court

a county court

**Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

*In Northern Ireland*

the High Court

a county court

**Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)**

English in all jurisdictions in the UK

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## Mutual recognition of protection measures in civil matters - Scotland

### Article 17 - Information made available to the public

#### In Scotland

#### Outgoing protection measures (i.e. those applications ordered in the UK to be recognised & enforced in other EU member States)

Any applicant for (or recipient of) a domestic protection measure within scope of the Regulation will be able to apply for a protection measure certificate under this scheme to extend that protection to another EU member state from the court that issued it. In Scotland these courts will be:

the Court of Session

the sheriff court

If satisfied the conditions are met, the court issues a certificate in prescribed form (common throughout the EU). This is given to the protected person /applicant. The protected person can also request that the court provide her or him with a translated certificate.

The court notifies the 'person causing the risk' that the certificate has been issued (and is applicable anywhere in the EU). There is no appeal against the issuance of a certificate, though there can be an application for rectification or withdrawal.

The certificate means the protected person automatically has the protection measure recognised and if needed enforceable in any other member State (except Denmark, which is not bound by the Regulation).

The EU certificate will be available, on application, from the court that issued the domestic protection measure.

#### The recognition and enforcement of an incoming (to UK from another member State) protection measure

A protection measure issued in another Member State is automatically recognised without special procedure being required, and is enforceable without a declaration of enforceability. There is no need to present it to court for recognition.

If a protected person requires an 'adjustment of the factual elements' (e.g. new address etc) of her/his protection measure, and/or seeks enforcement of the measure if there has been an alleged breach, s/he can apply to the Court of Session and the sheriff court has jurisdiction in these areas.

These courts can adjust the measure accordingly (if that has been requested.) The person posing the risk is informed of the adjustments made (and of the penalties for breach).

These courts can enforce the protection measure by treating them in the same way as an interdict granted by a court in Scotland.

A 'person causing the risk' can apply to one of these courts to refuse to recognise or enforce the incoming protection measure, but there are specific and limited grounds for the court to do so; the measure would have to be manifestly contrary to public policy, or irreconcilable with a domestic decision.

#### Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5

##### In Scotland

the Court of Session

the Sheriff Court

#### Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure

##### In Scotland

the Court of Session

the Sheriff Court

In Northern Ireland

the High Court

the county courts

#### Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)

##### In Scotland

the Court of Session

the Sheriff Court

#### Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13

##### In Scotland

the Court of Session

the Sheriff Court

#### Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)

English in all jurisdictions in the UK

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## Mutual recognition of protection measures in civil matters - Gibraltar

### Article 17 - Information made available to the public

#### In Gibraltar

#### Outgoing protection measures (i.e. those applications ordered in the UK to be recognised & enforced in other EU member States)

Any applicant for (or recipient of) a domestic protection measure within scope of the Regulation will be able to apply for a protection measure certificate under this scheme to extend that protection to another EU member state from the court that issued it.

In Gibraltar the EU certificate will be available from the Supreme Court of Gibraltar, the applicable legislation is; the Recognition of Protection Measures Regulations 2015 and the Civil Procedure Rules apply to both civil and family proceedings. Where the conditions are met the Supreme Court of Gibraltar shall issue the protected person with the prescribed certificate in the common EU format and shall notify 'the person causing the risk'.

If satisfied the conditions are met, the court issues a certificate in prescribed form (common throughout the EU). This is given to the protected person /applicant. The protected person can also request that the court provide her or him with a translated certificate.

The court notifies the 'person causing the risk' that the certificate has been issued (and is applicable anywhere in the EU). There is no appeal against the issuance of a certificate, though there can be an application for rectification or withdrawal.

The certificate means the protected person automatically has the protection measure recognised and if needed enforceable in any other member State (except Denmark, which is not bound by the Regulation).

### **The recognition and enforcement of an incoming (to UK from another member State) protection measure**

A protection measure issued in another Member State is automatically recognised without special procedure being required, and is enforceable without a declaration of enforceability. There is no need to present it to court for recognition.

In Gibraltar an EU protection order has the same force and effect as one of the Supreme Court; it is automatically recognised and directly enforceable.

Where an application for alteration of an EU protection order is made to the Supreme Court the Supreme Court may adjust the measure accordingly and the Supreme Court will inform 'the person posing the risk' of such alteration(s).

#### **Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5**

In Gibraltar

The Supreme Court

#### **Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure**

In Gibraltar

The Supreme Court

#### **Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)**

In Gibraltar

The Supreme Court

#### **Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13**

In Gibraltar

The Supreme Court

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