PRINCIPLES OF EUROPEAN FAMILY LAW REGARDING PROPERTY
RELATIONS BETWEEN SPOUSES
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Principles of European Family Law Regarding Property Relations between Spouses
Katharina Boele-Woelki, Frédérique Ferrand, Cristina González Beilfuss, Maarit Jänterä-Jareborg, Nigel Lowe, Dieter Martiny and Walter Pintens

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The Commission on European Family Law and its Principles of European Family Law

The Commission on European Family Law (CEFL), which was established in September 2001, drafts common principles that are thought to be the most suitable for the harmonisation of family law in Europe. The Principles of European Family Law regarding Divorce and Maintenance between Former Spouses were published in 2004 and the Principles regarding Parental Responsibilities in 2007. This book contains the Principles regarding the Property Relations between Spouses.

Organisation

The CEFL comprises of the Organising Committee (Katharina Boele-Woelki (chair), Frédérique Ferrand, Cristina González Beilfuss, Maarit Jänterä-Jareborg, Nigel Lowe, Dieter Martiny and Walter Pintens) and the Expert Group, which at present has 26 members. The Organising Committee prepares and co-ordinates the work of the CEFL as a whole. The members of the Organising Committee are also members of the Expert Group. The Expert Group comprises specialists in the field of family and comparative law from most of the Member States of the European Union with the involvement of experts from other European countries, such as Norway, Russia and Switzerland.

The CEFL is a Foundation according to Dutch law. It has its seat at Utrecht University’s Molengraaff Institute for Private Law, Janskerkhof 12, NL – 3512 BL Utrecht, www.cefonline.nl. Dr. Bente Braat, legal counsel at the International Commission on Civil Status, heads CEFL’s secretariat. Dr. Pia Lokin, university lecturer at the University of Nijmegen, acted as deputy secretary in 2009–2011 and Dr. Ian Curry-Sumner of Utrecht University held the position of webmaster until April 2012. He has been succeeded by Roderic ter Rele, student assistant of the Utrecht Centre for European Research into Family Law (UCERF) of the Molengraaff Institute for Private Law at Utrecht University’s School of Law.
Aims and objectives

The CEFL’s activities are intended to produce results that may be used for specific practical and academic purposes. First and foremost, the Principles are addressed to national legislators in their quest to modernise their national family law. They also function as a source of inspiration for both the European and international legislatures. The Principles are spelt out in provisions but these must be read in conjunction with comments, which elucidate the rules and offer comparative information. These comments are part and parcel of the Principles. The Principles could considerably facilitate the task of legislators because, on the one hand, CEFL’s in-depth and comprehensive comparative research is easily accessible and, on the other hand, many of the rules have been drafted in a manner that legislators often consider to be appropriate. Some, but not all, of the Principles have been drafted so that they could be implemented in a national system. Second, research into the effectiveness of national solutions in the field of family law can largely profit from the CEFL’s results. The drafting of the Principles is based on an evaluation of the legal institutions, legal solutions and norms of the various legal orders, which express the hierarchy of values inherent in every legal order, although to different degrees. It is to be expected that future scientific research in the field of the harmonisation of family law in Europe to be carried out by individual researchers or eventually research teams will necessarily refer to and compare national solutions with the CEFL Principles. Third, the CEFL’s comparative material contains comprehensive information about twenty-six family law systems in Europe and it has been regularly consulted by practitioners. Specific information about, for instance, the divorce grounds in Greece or the position of the new partner of the parent who holds parental responsibilities in respect of the child under Finnish law or the administration of community property in the Netherlands is easily accessible and may help in those cases where lawyers seek information about the precise content of foreign family law. In addition, all national reports are written in English, which in most cases facilitates access to those national systems where the official language is not English, French or German. The often difficult legal translations have thus already been done by national experts.

Experts

The following persons contributed to the drafting of the Principles regarding Property Relations between Spouses through the writing of a national report and/or taking part in the discussions at the CEFL meetings. Several experts wrote their national reports together with co-authors. Their names are both mentioned on the CEFL’s website and listed in the integrated version of all national reports.3

### Preface

<table>
<thead>
<tr>
<th>Country</th>
<th>Name</th>
<th>Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUSTRIA</td>
<td>Prof. Marianne Roth</td>
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<tr>
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<tr>
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</tbody>
</table>
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Meetings

The meetings of the Organising Committee during which the Principles regarding Property Relations between Spouses were prepared and drafted took place in:

- **BARCELONA** 3–6 May 2007
- **OSLO** 7 and 10 June 2007
- **CARDIFF** 25–28 October 2007
- **BRUSSELS** 3–5 October 2008
- **FRANKFURT/ODER** 11–14 December 2008
- **SAARBRÜCKEN** 28–31 May 2009
- **LYON** 15–18 October 2009
- **BARCELONA** 4–7 March 2010
- **UPPSALA** 2–4 September 2010
- **UTRECHT** 9–12 December 2010
- **HAMBURG** 7–10 April 2011
- **LEUVEN** 16–19 June 2011
- **SIGTUNA** 4 September 2011
- **CARDIFF** 1–4 December 2011
- **LYON** 23–26 February 2012
- **UTRECHT** 17–20 May 2012
- **LYON** 11–14 October 2012

At the meetings in **FRANKFURT/ODER** (2008) and **HAMBURG** (2011) the members of the Organising Committee presented work-in-progress reports at conferences, which were attended by legal scholars and practitioners. Initial results were also reported at the 4th CEFL conference in **CAMBRIDGE** in April 2010.

The meeting of the **Expert Group** during which the draft of the Principles regarding Property Relations between Spouses was discussed took place in:

- **SIGTUNA** 1–3 September 2011

Conferences

The essence of the work carried out by the CEFL is such that it needs constant backing in a broader academic forum. For this purpose, the CEFL organises family law conferences on a regular basis. All conference proceedings were published in the *European Family Law* series. To date the following conferences took place:
European Family Law series

The CEFL’s Organising Committee established the *European Family Law* series which includes comparative legal studies and materials as well as studies on the effects of international and European law-making within the national legal systems in Europe. The books in this series are published by the Belgian publisher Intersentia (Antwerp-Cambridge-New York) in cooperation with the Swiss publisher Stämpfl (Bern). Since March 2003, thirty-two volumes have been published in the series. Further information is available at CEFL’s website.

Financial support

Financial support has been received from the Netherlands Organisation for Scientific Research (NWO), the Deutsche Forschungsgemeinschaft (DFG), the Ius Commune Research School, and the publishers Intersentia (Antwerp/Cambridge) and Stämpfl (Bern). The Universities of Barcelona, Cardiff, Frankfurt/Oder, Leuven, Lyon, Uppsala and Utrecht finally met a significant part of the expenses incurred by the CEFL meetings. In addition the following institutions should be mentioned. The *Europa Institut* of Saarland University and the Max Planck Institute for comparative and international private law in Hamburg contributed to the expenses of the CEFL meetings which took place in 2009 and 2011 respectively. As a member of the *Institut Universitaire* de France Frédérique Ferrand received funding for attending and organizing CEFL meetings. Finally, the bulk of the costs of the expert meeting, which took place in Sigtuna, Sweden, in September 2011, was made possible due to the Huselius Donation to the Faculty of Law, Uppsala University.

The CEFL is very grateful to all these sponsors for their substantial contributions.

Katharina Boele-Woelki

Utrecht, April 2013
CONTENTS

Preface .......................................................... v

The Work of the Commission on European Family Law ............... 1

Preamble ........................................................ 31

Chapter I: General Rights and Duties of the Spouses .................. 35
  Principle 4:1 General application .................................. 35
  Principle 4:2 Equality of the spouses .............................. 38
  Principle 4:3 Legal capacity of the spouses ......................... 42
  Principle 4:4 Contribution to the needs of the family ............. 47
  Principle 4:5 Protection of the family home and household goods . 63
  Principle 4:6 Protection of the leased family home ............... 72
  Principle 4:7 Representation ...................................... 76
  Principle 4:8 Duty to inform ...................................... 87
  Principle 4:9 Freedom to enter into marital property agreements . 92

Chapter II: Marital Property Agreements ............................ 99
  Principle 4:10 Concept ............................................ 99
  Principle 4:11 Form requirements .................................. 119
  Principle 4:12 Disclosure ......................................... 123
  Principle 4:13 Obligations of a notary or other legal professional with comparable functions .......................... 126
  Principle 4:14 Effects as against third parties .................... 130
  Principle 4:15 Exceptional hardship ................................ 135

Chapter III: Matrimonial Property Regimes ......................... 139

Section A: Participation in Acquisitions .............................. 139
  Principle 4:16 Applicability of the participation in acquisitions regime .............................................. 139
  Concept .................................................................. 143
  Principle 4:17 Concept of participation in acquisitions .......... 143
  Assets ................................................................... 149
  Principle 4:18 Acquisitions ........................................ 149

Intersentia xi
Contents

Principle 4:19 Reserved property ................................. 156
Principle 4:20 Presumption of joint ownership .................. 162

Debts ................................................................. 165
Principle 4:21 Personal debts ................................. 165
Principle 4:22 Recovery of personal debts .................. 167

Administration ...................................................... 169
Principle 4:23 Administration of property ................... 169

Dissolution .......................................................... 173
Principle 4:24 Grounds for dissolution ...................... 173
Principle 4:25 Date of dissolution .......................... 179

Liquidation .......................................................... 185
Principle 4:26 Determination and valuation of acquisitions .... 185
Principle 4:27 Detrimental transactions .................... 192
Principle 4:28 Compensation ............................... 195

Participation .......................................................... 201
Principle 4:29 Agreement on participation .................. 201
Principle 4:30 Allocation of the family home and household goods 205
Principle 4:31 Equal participation in the net acquisitions .... 208
Principle 4:32 Adjustment by the competent authority ......... 214

Section B: Community of Acquisitions ......................... 218
Principle 4:33 Applicability of the community of acquisitions regime 218

Concept ................................................................. 221
Principle 4:34 Concept of the community of acquisitions .... 221

Assets ................................................................. 223
Principle 4:35 Community property .......................... 223
Principle 4:36 Personal property ............................ 230
Principle 4:37 Substitution ..................................... 237
Principle 4:38 Investment or reinvestment .................. 240
Principle 4:39 Presumption of community property .......... 243

Debts ................................................................. 247
Principle 4:40 Community debts ............................ 247
Principle 4:41 Personal debts ............................... 254
Principle 4:42 Recovery of community debts ............... 260
Principle 4:43 Recovery of personal debts .................. 265
Administration

Principle 4:44 Administration of community property ....................... 273
Principle 4:45 Acts requiring joint administration ........................ 279
Principle 4:46 Annulment of acts of administration ...................... 286
Principle 4:47 Administration of personal property ....................... 291
Principle 4:48 Divestment of the right to administer community property 296

Dissolution ................................................................. 305
Principle 4:49 Grounds for dissolution .................................. 305
Principle 4:50 Date of dissolution ...................................... 314
Principle 4:51 Administration after dissolution .......................... 320

Liquidation ................................................................. 323
Principle 4:52 Determination and valuation of the community property .................................................. 323
Principle 4:53 Compensation ............................................... 325
Principle 4:54 Ranking of community debts .............................. 329

Distribution ............................................................... 331
Principle 4:55 Agreement on distribution ................................ 331
Principle 4:56 Allocation of the family home, household goods and professional assets .................................................. 333
Principle 4:57 Equal sharing and adjustment .............................. 337
Principle 4:58 Recovery of community debts after distribution of the community .................................................. 340

Principles of European Family Law Regarding Property Relations between Spouses. .................................................. 345
Principes de droit européen de la famille concernant les relations patrimoniales des époux .................................................. 357
Prinzipien zum europäischen Familienrecht betreffend vermögensrechtliche Beziehungen zwischen Ehegatten .................................................. 369
Beginselen van Europees familierecht betreffende vermogensrechtelijke relaties tussen echtgenoten .................................................. 383
Principios de derecho europeo de familia relativos a las relaciones patrimoniales entre los cónyuges .................................................. 397
Europeiska familjerättsprinciper rörande makars förmögenhetsförhållanden .................................................. 409

Intersentia xiii