PRINCIPLES OF EUROPEAN FAMILY LAW REGARDING PROPERTY, MAINTENANCE AND SUCCESSION RIGHTS OF COUPLES IN *DE FACTO* UNIONS
European Family Law Series

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In collaboration with


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Principles of European Family Law Regarding Property, Maintenance and Succession Rights of Couples in de facto Unions
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PREFACE

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.1 The Principles of European Family Law Regarding Divorce and Maintenance between Former Spouses were published in 2004,2 the Principles Regarding Parental Responsibilities in 20073 and the Principles Regarding Property Relations Between Spouses in 2013.4 This book contains the Principles Regarding Property, Maintenance and Succession Rights of Couples in de facto Unions.

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 the 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

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2 European Family Law series, Vol. 7.
3 European Family Law series, Vol. 16.
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 initially 22 and currently 29 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.

Organisation

The CEFL is a Foundation according to Dutch law. It has its seat at Utrecht University’s Molengraaff Institute for Private Law, Newtonlaan 201, NL – 3584 BH Utrecht, www.ceflonline.nl. Charlotte Mol, PhD researcher at the Utrecht Centre for European Research into Family Law (UCERF) of the Molengraaff Institute for Private Law at Utrecht University’s School of Law, heads CEFL’s secretariat and holds the position of webmaster.

Organising Committee and Experts

The CEFL comprises of the Organising Committee (Katharina Boele-Woelki (chair), Frédérique Ferrand, Cristina González Beilfuss, Maarit Jänterä-Jareborg, Nigel Lowe, Dieter Martiny and Velina Todorova) and the Expert Group, which at present has 33 persons. The Organising Committee prepares and coordinates the work of the CEFL as a whole. 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 members of the Organising Committee are also members of the Expert Group.

The following experts contributed to the drafting of the Principles Regarding Property, Maintenance and Succession Rights of Couples in de facto Unions through the writing of a national report and taking part in the discussions at the CEFL expert meeting. Several experts wrote their national reports together with
co-authors. Their names are mentioned both on the CEFL’s website and listed in the integrated version of all national reports.5

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Meetings

The meetings of the Organising Committee during which the Principles Regarding Property, Maintenance and Succession Rights of Couples in *de facto* Unions were prepared and drafted took place in:

- **BONN** 29 August 2013
- **CARDIFF** 13–15 June 2014
- **LYON** 4–6 September 2015
- **HAMBURG** 1–3 April 2016
- **HAMBURG** 8–12 February 2017
- **SOFIA** 31 August–3 September 2017

The meeting of the *Expert Group* during which the draft of the Principles on *de facto* Unions was discussed took place in:

- **HAMBURG** 1 November 2018

The views expressed by the Expert Group were discussed by the Organising Committee in:

- **LYON** 25–26 February 2019

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:

- **UTRECHT** 11–14 December 2002
- **UTRECHT** 9–11 December 2004
- **OSLO** 7–9 June 2007
- **CAMBRIDGE** 8–10 April 2010
- **BONN** 29–31 August 2013
- **HAMBURG** 1–3 November 2018
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 Stämpfli (Bern). Since March 2003, 45 volumes have been published in the series. Further information is available at CEFL’s website, ceflonline.net.

Financial support

In 2011, Katharina Boele-Woelki received the Anneliese Maier Research Award of the Alexander von Humboldt Foundation (Bonn) for the period 2012–2017. The expenses incurred by the CEFL meetings and the CEFL conferences of 2013 and 2018 were met by this grant.

Katharina Boele-Woelki

Chair of the Commission on European Family Law
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