PRINCIPLES OF EUROPEAN FAMILY LAW REGARDING DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES
EUROPEAN FAMILY LAW SERIES

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Principles of European Family Law Regarding Divorce and Maintenance
Between Former Spouses
Katharina Boele-Woelki, Frédérique Ferrand, Cristina González Beilfuss,
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PREFACE

The Commission on European Family Law

In September 2001 an international group of scholars established the Commission on European Family Law (CEFL). The main objective of the CEFL is to launch a pioneering theoretical and practical exercise in relation to the harmonisation of substantive family and succession law in Europe. The major benefit to be expected by the establishment of the CEFL is the creation of a set of Principles of European Family Law. The establishment of the CEFL is based on a scientific initiative and therefore its members are totally independent of any organisation or institution. Consequently, the comparative research-based drafting of common Principles is a purely academic matter.

Organisation

The CEFL consists of two groups: the Organising Committee (Katharina Boele-Woelki (chair), Frédérique Ferrand, Cristina González Beilfuss (since December 2002), Maarit Jäntherä-Jareborg (since December 2002), Nigel Lowe, Dieter Martiny, Walter Pintens and Dieter Schwab (until November 2002)) and the Expert Group which at present consists of 26 members. The Organising Committee sets up the Expert Group and prepares and coordinates the work of the Commission as a whole. The members of the Organising Committee are at the same time members of the Expert Group. The Expert Group comprises specialists in the field of family and comparative law from most of the European Union Member States with the involvement of experts from other European countries, such as Norway, Russia and Switzerland. In the future, the Expert Group will be enlarged with family and comparative law specialists from those countries which are not yet represented. Right from the beginning experts from Central and Eastern European countries were also involved in anticipation of the – at that time – prospective accession to the European Union.

The CEFL is a foundation according to Dutch law. It has its seat at the Molengraaff Institute for Private Law of Utrecht University, Nobelstraat 2a, 3512 EN Utrecht, http://www2.law.uu.nl/priv/cefl. CEFL’s secretariat is headed by Dr. Bente Braat, its webmaster is Ian Sumner. They are both researchers at the Molengraaff Institute for Private Law at the Faculty of Law of Utrecht University.
The following persons contributed to the drafting of the Divorce and Maintenance Between Former Spouses Principles through writing of a national report and/or taking part in discussions at the CEFL meetings.

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Meetings

The meetings of the Organising Committee took place in:

Utrecht 31 August – 1 September 2001
Leuven 11 – 12 January 2002
Regensburg 9 – 10 October 2002
Utrecht 12 December 2002
Lyon 24 – 26 January 2003
Cardiff 4 – 6 April 2003
Uppsala 10 – 12 October 2003
Leuven 23 – 26 January 2004
Frankfurt (Oder) 19 March 2004
Barcelona 9 – 11 April 2004

The meetings of the Expert Group took place:

Utrecht 6 – 8 March 2003
Frankfurt (Oder) 18 – 21 March 2004

Conferences

Two international conferences have been organised under the auspices of the CEFL. The inaugural conference took place from 11th-14th December 2002 in Utrecht and was devoted to the perspectives for the unification and harmonisation of family law in Europe. The high-level scientific standard of its contributions which are compiled in No. 4 of the European Family Law Series (see below) was received with great interest and enthusiasm. The second conference again takes place in Utrecht from 9th-11th December 2004. This conference aims to widen the discussion regarding the first steps towards a European Restatement of Family Law in general and CEFL’s first results in the form of the present book in particular.

European Family Law series

CEFL’s Organising Committee launched a new series dedicated to family law in Europe. Since March 2003 six volumes were published in the European Family Law series by the Belgian publishing house Intersentia
(Antwerp) in cooperation with the Swiss publishing house Stämpfli (Bern). Comparative legal studies, materials and studies on the effects of international and European law making within the national legal systems of Europe are published in the English, French or German languages. The EFL series is not restricted to CEFL reports and Principles. On the contrary, monographs, dissertations or conference proceedings which fall within the scope of the EFL-series and which meet the scientific standards are very welcome. The first book of the series contains contributions to a conference in Uppsala on the legal recognition of same-sex couples in Europe which took place in September 2002. The second and third volumes contain the integrated versions of twenty-two national reports concerning grounds for divorce and maintenance between former spouses. The forth volume includes the conference proceedings of the first CEFL conference which took place in December 2002. The fifth volume contains an English translation of the Dutch family law statutes. The sixth volume is the first French publication in the series. It contains a dissertation on matrimonial property law in a comparative perspective. All information about the series is accessible at CEFL’s website.

Sponsors

Financial support has been received from the European Commission under the following research programmes: the Fifth Framework Programme Judicial Cooperation in Civil Matter, Grotius Civil Programme (2001), the High Level Scientific Conference Programme of the Improving Human Research Potential and the Socio-Economic Knowledge Base (2002) and the Framework Programme for Judicial Cooperation in Civil Matters (2003). In addition contributions have been received from the Netherlands Organisation of Scientific Research (NWO), the Royal Dutch Academy of Science (KNAW), the Netherlands Congress Bureau, The Dutch Association of Comparative Law, the Ius Commune Research School, the Dutch Ministry of Justice, the Deutsche Forschungsgemeinschaft (DFG) and the publishing house Intersentia. The Universities of Barcelona, Cardiff, Frankfurt/Oder, Leuven, Lyon, Regensburg, Uppsala and Utrecht finally paid a significant part of the expenses of the meetings which took place in their own cities.

We are most grateful to all these sponsors for their substantial contributions.

Katharina Boele-Woelki

Utrecht, September 2004
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