

Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000

CHAPTER III

RECOGNITION AND ENFORCEMENT

SECTION 4

Enforceability of certain judgments concerning rights of access and of certain judgments which require the return of the child

Article 42

Return of the child

1 The return of a child referred to in Article 40(1)(b) entailed by an enforceable judgment given in a Member State shall be recognised and enforceable in another Member State without the need for a declaration of enforceability and without any possibility of opposing its recognition if the judgment has been certified in the Member State of origin in accordance with paragraph 2.

Even if national law does not provide for enforceability by operation of law, notwithstanding any appeal, of a judgment requiring the return of the child [^{X1}mentioned in Article 11(8)], the court of origin may declare the judgment enforceable.

2 The judge of origin who delivered the judgment referred to in Article 40(1)(b) shall issue the certificate referred to in paragraph 1 only if:

- a the child was given an opportunity to be heard, unless a hearing was considered inappropriate having regard to his or her age or degree of maturity;
- b the parties were given an opportunity to be heard; and
- c the court has taken into account in issuing its judgment the reasons for and evidence underlying the order issued pursuant to Article 13 of the 1980 Hague Convention.

In the event that the court or any other authority takes measures to ensure the protection of the child after its return to the State of habitual residence, the certificate shall contain details of such measures.

The judge of origin shall of his or her own motion issue that certificate using the standard form in Annex IV (certificate concerning return of the child(ren)).

The certificate shall be completed in the language of the judgment.

Editorial Information

- X1** Substituted by [Corrigendum to Council Regulation \(EC\) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and](#)

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 2201/2003. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (Official Journal of the European Union L 338 of 23 December 2003).

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Changes and effects yet to be applied to :

- [Regulations revoked by S.S.I. 2019/104 reg. 3](#)
- [Regulation revoked by S.I. 2019/519 reg. 3](#)