

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 I

SCOPE AND DEFINITIONS

Article 1

Scope

- 1 This Regulation shall apply, whatever the nature of the court or tribunal, in civil matters relating to:
 - a divorce, legal separation or marriage annulment;
 - b the attribution, exercise, delegation, restriction or termination of parental responsibility.
- 2 The matters referred to in paragraph 1(b) may, in particular, deal with:
 - a rights of custody and rights of access;
 - b guardianship, curatorship and similar institutions;
 - c the designation and functions of any person or body having charge of the child's person or property, representing or assisting the child;
 - d the placement of the child in a foster family or in institutional care;
 - e measures for the protection of the child relating to the administration, conservation or disposal of the child's property.
- 3 This Regulation shall not apply to:
 - a the establishment or contesting of a parent-child relationship;
 - b decisions on adoption, measures preparatory to adoption, or the annulment or revocation of adoption;
 - c the name and forenames of the child;
 - d emancipation;
 - e maintenance obligations;
 - f trusts or succession;
 - g measures taken as a result of criminal offences committed by children.

Article 2

Definitions

For the purposes of this Regulation:

1. the term 'court' shall cover all the authorities in the Member States with jurisdiction in the matters falling within the scope of this Regulation pursuant to Article 1;
2. the term 'judge' shall mean the judge or an official having powers equivalent to those of a judge in the matters falling within the scope of the Regulation;
3. the term 'Member State' shall mean all Member States with the exception of Denmark;

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4. the term ‘judgment’ shall mean a divorce, legal separation or marriage annulment, as well as a judgment relating to parental responsibility, pronounced by a court of a Member State, whatever the judgment may be called, including a decree, order or decision;
5. the term ‘Member State of origin’ shall mean the Member State where the judgment to be enforced was issued;
6. the term ‘Member State of enforcement’ shall mean the Member State where enforcement of the judgment is sought;
7. the term ‘parental responsibility’ shall mean all rights and duties relating to the person or the property of a child which are given to a natural or legal person by judgment, by operation of law or by an agreement having legal effect. The term shall include rights of custody and rights of access;
8. the term ‘holder of parental responsibility’ shall mean any person having parental responsibility over a child;
9. the term ‘rights of custody’ shall include rights and duties relating to the care of the person of a child, and in particular the right to determine the child's place of residence;
10. the term ‘rights of access’ shall include in particular the right to take a child to a place other than his or her habitual residence for a limited period of time;
11. the term ‘wrongful removal or retention’ shall mean a child's removal or retention where:
 - (a) it is in breach of rights of custody acquired by judgment or by operation of law or by an agreement having legal effect under the law of the Member State where the child was habitually resident immediately before the removal or retention;

and
 - (b) provided that, at the time of removal or retention, the rights of custody were actually exercised, either jointly or alone, or would have been so exercised but for the removal or retention. Custody shall be considered to be exercised jointly when, pursuant to a judgment or by operation of law, one holder of parental responsibility cannot decide on the child's place of residence without the consent of another holder of parental responsibility.

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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](#)