

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 2

#### Application for a declaration of enforceability

##### *Article 28*

#### **Enforceable judgments**

1 A judgment on the exercise of parental responsibility in respect of a child given in a Member State which is enforceable in that Member State and has been served shall be enforced in another Member State when, on the application of any interested party, it has been declared enforceable there.

2 However, in the United Kingdom, such a judgment shall be enforced in England and Wales, in Scotland or in Northern Ireland only when, on the application of any interested party, it has been registered for enforcement in that part of the United Kingdom.

##### *Article 29*

#### **Jurisdiction of local courts**

1 An application for a declaration of enforceability shall be submitted to the court appearing in the list notified by each Member State to the Commission pursuant to Article 68.

2 The local jurisdiction shall be determined by reference to the place of habitual residence of the person against whom enforcement is sought or by reference to the habitual residence of any child to whom the application relates.

Where neither of the places referred to in the first subparagraph can be found in the Member State of enforcement, the local jurisdiction shall be determined by reference to the place of enforcement.

##### *Article 30*

#### **Procedure**

1 The procedure for making the application shall be governed by the law of the Member State of enforcement.

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*Status: Point in time view as at 01/03/2005.*

*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)*

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2 The applicant must give an address for service within the area of jurisdiction of the court applied to. However, if the law of the Member State of enforcement does not provide for the furnishing of such an address, the applicant shall appoint a representative *ad litem*.

3 The documents referred to in Articles 37 and 39 shall be attached to the application.

#### *Article 31*

#### **Decision of the court**

1 The court applied to shall give its decision without delay. Neither the person against whom enforcement is sought, nor the child shall, at this stage of the proceedings, be entitled to make any submissions on the application.

2 The application may be refused only for one of the reasons specified in Articles 22, 23 and 24.

3 Under no circumstances may a judgment be reviewed as to its substance.

#### *Article 32*

#### **Notice of the decision**

The appropriate officer of the court shall without delay bring to the notice of the applicant the decision given on the application in accordance with the procedure laid down by the law of the Member State of enforcement.

#### *Article 33*

#### **Appeal against the decision**

1 The decision on the application for a declaration of enforceability may be appealed against by either party.

2 The appeal shall be lodged with the court appearing in the list notified by each Member State to the Commission pursuant to Article 68.

3 The appeal shall be dealt with in accordance with the rules governing procedure in contradictory matters.

4 If the appeal is brought by the applicant for a declaration of enforceability, the party against whom enforcement is sought shall be summoned to appear before the appellate court. If such person fails to appear, the provisions of Article 18 shall apply.

5 An appeal against a declaration of enforceability must be lodged within one month of service thereof. If the party against whom enforcement is sought is habitually resident in a Member State other than that in which the declaration of enforceability was given, the time for appealing shall be two months and shall run from the date of service, either on him or at his residence. No extension of time may be granted on account of distance.

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#### *Article 34*

### **Courts of appeal and means of contest**

The judgment given on appeal may be contested only by the proceedings referred to in the list notified by each Member State to the Commission pursuant to Article 68.

#### *Article 35*

### **Stay of proceedings**

1 The court with which the appeal is lodged under Articles 33 or 34 may, on the application of the party against whom enforcement is sought, stay the proceedings if an ordinary appeal has been lodged in the Member State of origin, or if the time for such appeal has not yet expired. In the latter case, the court may specify the time within which an appeal is to be lodged.

2 Where the judgment was given in Ireland or the United Kingdom, any form of appeal available in the Member State of origin shall be treated as an ordinary appeal for the purposes of paragraph 1.

#### *Article 36*

### **Partial enforcement**

1 Where a judgment has been given in respect of several matters and enforcement cannot be authorised for all of them, the court shall authorise enforcement for one or more of them.

2 An applicant may request partial enforcement of a judgment.

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