

Brussels, 15 January 2007

EU citizens ask for more EU action in field of family law which is at heart of their concerns and in the centre of EU Justice debate

The European Union allows people an unprecedented level of free mobility. As it has become free to travel, work, and study within the Union, very often marriages and families are being formed between individuals from different Member States, or couples settle down in another Member State. EU citizens, as showed by a recent Eurobarometer Survey, are asking enhanced EU wide attention to ensure clarity and legal certainty about the nature of family law regulations such as divorce settlements, child custody dealings and inheritance.

There is an ever-increasing number of EU citizens establishing their residence in an EU Member State different from that of their country of origin. It is therefore natural that, at an EU level, family law and inheritance law are gaining importance. Indeed at the Informal Justice and Home Affairs Council meeting in Dresden, family law issues are on the agenda. On that occasion Vice President Franco Frattini, Commissioner responsible for Justice, Freedom and Security declared: "*the recent Eurobarometer shows that EU citizens are asking for more European involvement in the field of family law. I therefore fully support the German Presidency's intention to tackle this question in order to guarantee legal certainty, access to justice and mutual recognition of decisions taken within the EU. EU citizens understand perfectly well that there is no intention from "Brussels" to impose harmonised EU family law as such, but that European actions are needed in this field to facilitate their life and protect their rights. With doing precisely that we are touching directly the heart of citizens' interests*".

A Flash Eurobarometer survey commissioned by the European Commission asked the EU citizens to voice their opinions on various questions related to international family law. The Survey's fieldwork has been carried out between 31st of March and 5th of April 2006. 25.000 randomly selected citizens aged from 15 and above and covering the 25 Member States, have contributed with their answers.

Expectations about the EU's role in facilitating family law between Member States

76% percent of the overall EU population expect the EU play a role to facilitate legislation for recognizing civil status certificates (birth certificate, marriage certificate) in another Member State. The same percentage expects the EU to take action with regard to adopting children from different Member States. Two-thirds (**67%**) of the citizens of the European Union expect the EU to facilitate legislation in child custody dealings in another Member State and another **63%** expect the EU to facilitate inheritance in another Member State. The majority of the citizens (**60%**) do expect the EU to play an active role in divorce matters.

Divorce

52% of the EU25 population believe that people should be able to choose which country's divorce law should apply (the law of the country they currently live, or where they used to live, or that of their country of origin) and to choose in which country the divorce proceeding will take place. The majority support this in the new Member States (**55%**) and in the EU15 (**51%**).

Automatic validation of friendly divorce agreements

An overwhelming majority (**87%**) of the citizens of the European Union support an automatic validation of friendly divorce agreements in any other Member State.

Even though there is great support for automatic validation of friendly divorce agreements inside the European Union, only one third of the EU population believe that this issue could concern them or a relative in the next twenty years.

Recognition of testaments

Eight out of ten citizens (**80%**) of the European Union think that it is necessary to ensure the recognition of testaments in any other Member State different from the country of the deceased.

Proving rights to inherit from another Member State

When asked, the majority of the citizens of the European Union (**77%**) think it is rather difficult to prove their rights when they inherit from somebody who owns belongings in another European Union Member State.

Expectations regarding European Union's priorities

The overall plurality of respondents (**38%**) in the European Union believe that ensuring recognition of family law legal documents in any other Member States should be the EU's priority.

38% of the overall EU population believe that the priority for EU action should be to establish standard formats for specific documents.

One in five (**20%**) people in the European Union think that enhancing mechanisms for translation of documents should be the priority.

The full report is available at the following address:

http://ec.europa.eu/public_opinion/index_en.htm

To find out more about Vice President Frattini's work please see his website http://www.ec.europa.eu/commission_barroso/frattini/index_en.htm