

Brussels IIa Recast: general agreement in the Council

Thanks to Emmanuel Guinchard for the tip through his blog on European Civil Justice

On 7 December the Council of the European Union approved the General Approach on the Brussels IIa Recast proposed by the Presidency on 30 November 2018.

The text has been heavily discussed and has undergone several changes since the original Commission Proposal of 30 June 2016.

Importantly, the Council has agreed on:

- the complete abolition of exequatur;
- a limitation of jurisdiction for provisional measures to States where the child or property belonging to the child is present;
- allowing the cross-border recognition and enforcement of provisional measures granted by the court to where the child has been abducted when ordering the return;
- the harmonisation of certain rules on actual enforcement;
- making the time frame for return proceedings and their enforcement more stringent;
- providing for the hearing of children;
- clearer rules on the placement of children;
- clearer rules on the circulation of extra-judicial agreements.

See the press release [here](#).

See the General Approach document [here](#).

This probably means that the refinement of the final Regulation will be done within the next few months.