

## SUMMARY

*Agne Limante, PhD*

Law Institute of Lithuania

*Eglė Kavoliunaite-Ragauskiene*

Law Institute of Lithuania

### **REVIEW OF THE REGULATION BRUSSELS II A: SUGGESTED AMENDMENTS AND THEIR EFFECT UPON THE LEGAL SYSTEM OF LITHUANIA**

On 30 June 2016, the European Commission tabled its proposal for the recast of 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 (hereafter “Brussels II a Regulation”). In the proposal the European Commission identified six main areas that are targeted by the recast: the child return procedure, the placement of the child in another Member State, the requirement of exequatur, hearing the child, and the actual enforcement of decisions and cooperation between the Central Authorities.

This research analyses the suggested improvements, comparing the present regulation with the one in the proposal, investigates the motives behind the changes and speculates on their effect when improving the existing regulatory framework. A particular effort is made to assess the influence of suggested improvements on the legal system of Lithuania.

The research is structured into six chapters. In the first part the authors discuss the changes in relation to the child return procedure. The research identifies the main novelties and considers their effect in the wider EU level, bringing forward experiences of national courts. It is noted that most of the new provisions would not require changes in Lithuanian laws or practice, however, the case law suggests that it might still be difficult to process return applications within the set timeframe.

The second chapter is dedicated to the rules on placement of the child in another Member State. Here the main aspects of the placement procedure are presented and assessed in the light of European practice. The typical child placement cases handled in Lithuania are assessed in the light of suggested changes. The next chapter deals with the particularities of the requirement of exequatur and with the effects of its abolition. The research evaluates such changes and identifies the remaining obstacles to free movement of decisions even after the abolition of exequatur as provided in the proposal.

The fourth chapter continues with the analysis of the proposal by scrutinizing the requirement of hearing the child as established in international conventions, decisions of the European Court of Human Rights and the Court of Justice of the European Union, national courts and the Brussels II a Regulation. It assesses the current Lithuanian practice when hearing the child in family cases and identifies the changes that will be

required to be made in court practice to properly implement the recast regulation. The fifth chapter goes deeper into the changes to the actual enforcement of decisions. The authors claim that these changes will require certain amendments in the national procedural rules. The last chapter addresses improvements in the area of cooperation between the Central Authorities and considers some practical changes that such proposed amendments might bring. The research finishes with conclusions and suggestions that are important for further development of the Lithuanian legal system.