



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Acting Director-General

18 FEB, 2015

Brussels,
DG JUST/A1/JS/ls Ares(2015)603718

Klaus Zinser

Germany

By registered letter with acknowledgment of receipt

Dear Sir,

Subject: Your application for access to documents – Ref GestDem No 2015/0662 and 2015/0667

We refer to your e-mails dated 30/01/2015 in which you make a request for access to documents, registered on 30/01/2015 under the above mentioned reference numbers.

Your application concerns the documents which contain information as regarding external experts hired by the external contractor who was contracted by the Commission to carry out an impact assessment study for the review of Brussels IIa Regulation. In this context you ask for information on the selection procedure of these experts, their remuneration and contract as well as the methodology of their work.

Following an examination of the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents I have come to the conclusion that they may be partially disclosed. You will find attached the terms of reference prepared by the Commission to request the study on the impact assessment for Brussels IIa Regulation under the Framework Contract "Impact Assessment for the assignment of the Monitoring and Evaluation of communication activities".

However, the disclosure of the contract signed with the external contractor which contains information with regard to the selection procedure of the experts by the contractor, their remuneration and contract as well as the methodology of their work is prevented by exception to the right of access laid down in Article 4 of this Regulation. The document which you seek to obtain contains commercially sensitive business information of the company that submitted the offer to carry out the study. Disclosure of that document would undermine the protection of the commercial interests of the company that submitted it, as putting this information in the public domain would affect its competitive position on the market. Therefore the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to this document.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission

Secretary-General

Transparency unit SG-B-4

BERL 5/327

B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,



Paraskevi MICHOU

Annexes:

- Terms of reference "Study on the Impact Assessment of the Regulation 2201/2003"

Terms of reference

Study on the assessment of the Regulation (EC) No 2201/2003 and the policy options for its amendment.

I. Summary

The aim of the study is to evaluate the application of Regulation (EC) 2201/2003¹ (Brussels II a Regulation) and to assess the impacts of the options for the future of the Regulation. To this end, the study should (1) create an overview by gathering statistical and empirical data, (2) analyse these data in order to present the status quo of the Regulation and evidence existing problems, on the basis of the analyses and the report on the application of the Regulation prepared by the European Commission (3) present a synthesis of the statistical and empirical analyses (4) propose suggestions for the improvement of the operations of Regulation (EC) No 2201/2003 and (5) eventually assess the impacts of the proposed suggestions.

II. Background and policy objectives

The European Union has set the objective of developing and maintaining a common judicial area where the free movement of persons is ensured and decisions taken in a Member State are recognised and enforced throughout the European Union.

In order to progressively establish such an area the European Union develops, among other things, judicial cooperation in civil matters having cross-border implications based on the principle of mutual recognition of judgments and decisions in extrajudicial cases.

In this context, the Council adopted on 27 November 2003 Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000. The Brussels II a Regulation was amended by Council Regulation (EC) No 2116/2004 of 2 December 2004². It entered into application on 1 March 2005. It provides for the mutual recognition of judgments in matrimonial matters and matters of parental responsibility and abolishes the *exequatur* procedure for judgments on access rights and for the return of a child following an unlawful removal or retention of a child from the place of his or her habitual residence. This Regulation establishes also unified EU rules of conflict of

¹ OJ L 338, 23.12.2003, p. 1.

² OJ L 367, 14.12.2004, p. 1.

jurisdiction in matrimonial matters and matters of parental responsibility and simplifies the formalities for the recognition and enforcement of judgments, authentic instruments and agreements concluded in Member States, with a view to creating a free movement of such titles in these matters.

Article 65 of Regulation (EC) No 2201/2003 provides that the Commission shall present, no later than 1 January 2012, and every five years thereafter, to the European Parliament, to the Council and to the European Economic and Social Committee a report on its application and effects in the Member States on the basis of information supplied by the latter. This report shall be accompanied, if need be, by proposals for adaptations of the Regulation.

III. Purpose of the study

The purpose of the study is to assess the effects of Brussels II a Regulation in terms of its relevance, coherence, effectiveness, efficiency, and EU added value and utility (status quo), recommend possible amendments of the Regulation including their social and economic impacts and to suggest and substantiate the choice of the preferred policy option.

The specific objectives of the study are the following:

- (i) to collect statistical data in respect of Brussels II a Regulation;
- (ii) to conduct an empirical analysis of the application of Brussels II a Regulation. For this purpose, the successful tenderer must collect empirical data and in particular refer to the report on the application of the Regulation prepared by the European Commission and expected to be available by the end of 2013;
- (iii) to present a synthesis of the statistical and empirical analyses referred to in points (i) and (ii) above to lay down the status quo situation;
- (iv) on the basis of the analyses and synthesis referred to in points (i) to (iii) above, to assess the impacts of the policy options of the Brussels II a Regulation; and
- (v) on the basis of the assessment referred to in point (iv) above, to make suggestions and to substantiate the choice of the preferred policy option.

IV. Scope of the study

The territorial scope of the evaluation will be **all the Member States** with the exception of Denmark.

The material scope of the evaluation are civil matters relating to divorce, legal separation or marriage annulment and the attribution, exercise, delegation, restriction or termination of parental responsibility as set out in Article 1(1) of Regulation (EC) No 2201/2003.

Applicable law rules concerning matrimonial matters and matters of parental responsibility are not to be analysed, as these are covered by Council Regulation (EU) No 1259/2010 and the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.

Key issues that should be addressed in the assessment of Regulation (EC) No 2201/2003 are set out in the report on the application of the Brussels II a Regulation and relate to:

General issues concern, in particular, the following:

- the delineation of the scope of application with respect to other Union instruments in the field of judicial cooperation in civil matters, such as the proposed Regulation on mutual recognition of protection measures in civil matters³;
- the scope of application of the Regulation as defined in Article 1;
- the guarantees for the rights of the defence throughout the Regulation, both as regards jurisdiction and as regards recognition and enforcement;
- the nature and extent of cooperation between central authorities in matters of parental responsibility as set out in Article 55;
- the proper functioning of the placement of a child in another Member State in accordance with Article 56; and
- the relations of the Regulation with multilateral conventions, in particular the 1980 and 1996 Hague Conventions.

Moreover, the part of the evaluation regarding matters of parental responsibility will also present and analyse national standards in relation to parental responsibility decisions, such as rules concerning the legal representation of the child in court (guardian *ad litem*) (form of representation, designation of guardian *ad litem*, his/her functions and powers etc.) and the hearing of the child (age of the child, form and procedure of the hearing, grounds for invalidating the hearing etc.) with a view to, if

³ COM(2011) 276 final.

appropriate, proposing common minimum standards in relation to the recognition and enforcement of parental responsibility decisions in other Member States. This will require a comparative legal analysis of domestic parental responsibility proceedings setting out how decisions on parental responsibility are currently taken in the Member States and addressing issues, such as type of proceedings used, type of decisions available, enforcement of these decisions etc.

Jurisdiction issues concern, in particular, the following:

- the prevention of “forum shopping”
- the satisfactory operation of the Regulation’s provisions on jurisdiction in case of divorce, legal separation, marriage annulment and parental responsibility.
In particular:
 - the operation of Article 16 on seising of a court;
 - the operation of Article 19 on *lis pendens*, particularly in the light of the case law of the Court of Justice of the European Union;
 - the operation of Article 20 on provisional measures, particularly in the light of the case law of the Court of Justice of the European Union; and
 - the operation of the rules on the return of the child in Article 11 particularly in the light of the case law of the Court of Justice of the European Union and the European Court of Human Rights.

Recognition and enforcement issues concern, in particular, the following:

- the operation of the procedure for recognition and enforcement of judgments, authentic instruments, and agreements;
- the lack of a uniform interpretation of the term “enforcement” in chapter III of the Regulation amongst Member States’ authorities, with some authorities interpreting it in a narrow sense of “forced execution” and other authorities in the sense of “any action to be taken by a public authority on the basis of a foreign judgment”;
- the operation of Article 21(2) of the Regulation on updating of civil status records and possible links with the Commission’s on-going work on effects of civil status documents;
- the appropriateness of the grounds of non-recognition laid down in Articles 22 and 23 of the Regulation and the possibility of reducing the number of grounds;
- the satisfactory operation of the system of certificates under Chapter III Sections 3 and 4;
- the desirability to make a return order automatically enforceable in several Member States in cases in which the abductor flees to another jurisdiction after the return order has been made;
- the satisfactory operation of the provisions on enforcement procedure in Article 47; and
- the desirability of additional standard forms.

V. Tasks of the study

A. Collecting statistical data

These data shall, *inter alia*, provide information on (per individual Member State concerned and for all Member States except Denmark):

- the number of judgments where the courts of the Member States concerned took jurisdiction on the basis of the rules of Brussels II a Regulation in one given year (preferably 2012) and the provisions mostly relied on for that purpose;
- the average amount of time for obtaining a decision on an application for return of a child under Article 11(1) of Brussels II a Regulation at first instance level and appeal level;
- the percentage of cases in which the 6-week delay provided for in Article 11(3) has been respected;
- the percentage of cases in which in spite of a return decision in the Member State of origin in accordance with Article 11(8) of Brussels II a Regulation the child has not been returned;
- the number of cases in which Article 15 or Article 20 of Regulation have been invoked;
- the number of applications for a declaration of enforceability of a judgment on the exercise of parental responsibility on the basis of Brussels II a Regulation in one given year (preferably 2012);
- the number of declarations of enforceability of a judgment on the exercise of parental responsibility granted on the basis of Brussels II a Regulation in one given year (preferably 2012);
- the number of refusals of declarations of enforceability of a judgment on the exercise of parental responsibility in one given year (preferably 2012), including the principal grounds for refusal;
- the number of revocations of decisions containing a declaration of enforceability of a judgment on the exercise of parental responsibility after an appeal in one given year (preferably 2012), including the principal grounds for revocation;
- the average amount of time for obtaining a decision containing a declaration of enforceability of a judgment on the exercise of parental responsibility;
- the average costs of obtaining a decision containing a declaration of enforceability of a judgment on the exercise of parental responsibility;
- the average length of parental responsibility proceedings;
- the percentage of cases in which a guardian *ad litem* for the child was designated;
- the percentage of cases in which the child was heard; and
- the list of the provisions of Brussels II a Regulation that are most frequently applied by the courts in the Member States concerned.

B. Empirical analysis – problem definition

The contractor shall carry out an empirical analysis of the effects of Brussels II a Regulation in each Member State except Denmark. For this purpose, the Contractor must collect empirical data and refer to the report on the application of the Regulation prepared by the European Commission.

The contractor shall identify the practical problems that citizens encounter when pursuing the recognition and enforcement of judgments, authentic instruments, and agreements in matrimonial matters and matters of parental responsibility in another Member State. It will also highlight difficulties and practical problems encountered by courts and practitioners in the application of the Regulation. These problems may be identified on the basis of case law and infringement proceedings and may, for example, relate to:

- the requirement to fulfil formalities in order to recognise and enforce judgments, authentic instruments or agreements abroad, possibly beyond the formalities provided for in the Regulation;
- the submission of recognition and enforcement of judgments, authentic instruments, and agreements to conditions beyond those permitted under the Regulation;
- the lack of a uniform interpretation of the term “enforcement” in chapter III of the Regulation;
- widely differing national standards for designating a guardian *ad litem*;
- widely differing national standards for the hearing of the child;
- language problems and translation requirements;
- costs and delays for the recognition and enforcement of judgments, authentic instruments and agreements abroad;
- the use of the certificates provided for in Annexes I to IV to the Regulation;
- the enforcement procedure in the Member State of enforcement.

To this end, the contractor shall comprehensively analyse the contributions received in response to the public consultation questionnaire carried out on-line⁴ as well as other papers submitted during this process to the Commission.

⁴ The results of the on-line consultation process, run by the Commission, shall be available at the beginning of 2014.

C. Synthesis

The Contractor shall present a comparative **synthesis** of the results of the statistical and empirical analyses mentioned above and the report on the application of the Brussels II a Regulation prepared by the European Commission. The synthesis shall be accompanied by comparative tables indicating the main outcomes of the analyses conducted in the Member States.

D. Policy options

The contractor shall put forward, on the basis of the statistical and empirical analyses, their synthesis and the report on the application of the Brussels II a Regulation prepared by the European Commission as well as the outcome and analysis of public consultation policy options with regard to the future of Brussels II a Regulation.

Status quo

As a first step, the contractor shall provide an assessment of the relevance, coherence, effectiveness, efficiency, and EU added value and utility of the Regulation. In particular, he should examine whether the core objectives of the Regulation, i.e. mutual recognition and mutual enforcement of decisions in matrimonial matters and in matters of parental responsibility based on common rules on jurisdiction and mutual trust, minimising cases of non-recognition, and return without delay of children wrongfully removed or retained have been achieved effectively and efficiently.

The status quo evaluation shall answer the following list of questions dealing with the relevance, coherence, effectiveness, efficiency, and EU added value and utility of Regulation (EC) No 2201/2003.

a. Relevance

1. What is the relevance of EU action in matrimonial matters and matters of parental responsibility?
2. Do the core objectives assigned to Regulation (EC) No 2201/2003 (mutual recognition of judgments in matrimonial matters and matters of parental responsibility, abolition of the *exequatur* procedure for judgments on access rights and for the return of a child following an unlawful removal or retention of a child from the place of his or her habitual residence, EU rules of conflict of jurisdiction in matrimonial matters and matters of parental responsibility, the recognition and enforcement of judgments, authentic instruments and agreements concluded in Member States) correspond to the needs?
What are the real needs of spouses, holders of parental responsibility and children?

b. Coherence

3. To what extent are the core objectives of the Regulation coherent with other EU policy objectives? Please consider alternative and complementary objectives.

4. Is there coherence and complementarity between the objectives assigned to the Regulation and the objectives of other EU instruments in the area of judicial cooperation in civil matters?

c. Effectiveness

5. What is the effectiveness of the EU action? To what extent have the core objectives of the Regulation of mutual recognition and mutual enforcement of decisions in matrimonial matters and in matters of parental responsibility based on common rules on jurisdiction and mutual trust, minimising cases of non-recognition, and return without delay of children wrongfully removed or retained been achieved in practice?

6. Does the Regulation apply smoothly in all Member States and to all categories of actors, applicants in divorce and parental responsibility cases, respondents in divorce and parental responsibility cases, “left-behind” parents, abducting parents, children, and central authorities?

7. How and to what extent have external factors influenced the effectiveness of the legal instrument?

d. Efficiency

8. Was the EU action efficient? Has the introduction of common rules facilitated and speeded up the recognition and enforcement of divorce and parental responsibility decisions in other Member States? Were the effects of the Regulation achieved at a reasonable cost? What are the additional costs of cross-border divorce and parental responsibility proceedings as compared to domestic proceedings (court fees, lawyer fees and administrative fees)?

9. Was the Regulation designed in an efficient way (alternative grounds of jurisdiction rather than exclusive grounds of jurisdiction, coordination rather than harmonisation as regards enforcement procedure, cooperation of central authorities in matters of parental responsibility, direct communication between courts etc.)?

10. To what extent have the common recognition and enforcement rules (under which pursuant to Article 24 of the Regulation no review of the basis of jurisdiction of the court of origin is permitted) and the abolition of the *exequatur* procedure for judgments on access rights and for the return of a child following an unlawful removal or retention reduced costs?

11. Is there scope for simplifying the administrative burden for courts, holders of parental responsibility, lawyers or central authorities?

e. EU added value and utility

12. What have been the advantages of acting at EU level? To what extent Member States could have achieved the same results without EU intervention?

13. Do the effects correspond to the needs? What are the unintended/unplanned results and impacts (both desirable and undesirable)?

Proposals for policy options

On the basis of the evaluation referred to under point D (status quo) above, the study shall make suggestions as to those issues where the operation of Brussels II a Regulation could be improved and/or as to possible future Union's action to enhance mutual recognition in the area concerned. Such suggestions could concern, for example, a broadening of the scope of application of the Regulation, a review of jurisdiction rules and/or a further streamlining of the procedure of recognition and enforcement, for instance by way of the creation of additional standard forms. In addition, the Contractor should give specific emphasis to the abolition of all intermediate decisions (*exequatur*) and the possible introduction of common minimum standards in relation to the recognition and enforcement of parental responsibility decisions in other Member States.

The proposal for improvement shall take into account requirements and demands of:

- The Stockholm Programme⁵ and the Stockholm Action Plan⁶ as key for the Commission's future work in civil matters
- The European Parliament's legislative resolution of 15 December 2010⁷,
- The JHA Council's declaration of 3 December 2010⁸,

⁵ Council document No 17024/09 JAI 896, paragraphs 3.1.2 and 3.3.2.

⁶ Communication from the Commission to the European Parliament, the Council and the Economic and Social Committee, Delivering an Area of Freedom, Security and Justice for Europe's Citizens – Action Plan Implementing the Stockholm Programme of 20 April 2010, COM(2010) 171 final, p. 10, 12, 23.

⁷ See texts adopted P7_TA(2010)0477; point 3 demands that the Commission submit a proposal for amendment of Regulation (EC) No 2201/2003 adding a clause on *forum necessitatis* to the existing jurisdiction rules of the Regulation.

⁸ See Council document No 17046/10 JUSTCIV 214 JAI 1008. JHA Council on 3.12.2010 agreed on a declaration calling on the Commission to present a proposal for the amendment of Regulation (EC) No 2201/2003 with the

- Commission's 2006 amendment proposal both in its original form and its form after two years of negotiations in the relevant Council Working Group, that were not retained in Council Regulation (EU) No 1259/2010⁹. These elements relate in particular to:
 - choice of court: the possibility for the spouses of designating by common agreement the competent court ("prorogation") in proceedings related to divorce or legal separation;
 - a uniform and exhaustive rule on residual jurisdiction (without referring to national rules on jurisdiction) which ensures access to court for spouses in situations where no Member State has jurisdiction to deal with an application for divorce, legal separation or marriage annulment; and
 - the deletion of Article 6 of the Regulation dealing with the exclusive nature of jurisdiction under Articles 3, 4 and 5 of the Regulation.
- Public consultation carried out on the operations and future of the Regulation. To this end, the contractor shall comprehensively analyse the contributions received in response to the public consultation questionnaire carried out on-line¹⁰ as well as other papers submitted during this process to the Commission.
- Case law of the Court of Justice of the European Union,
- Case law of the European Court of Human Rights,
- Recast of the Brussels I Regulation, and
- The national case law.

Assessment of the impacts

The contractor will present policy options (e.g. status quo, amendment of the Regulation and annexes, introduction of common minimum standards, development of IT tools, training of practitioners, improving exchange of information and best practices etc.).

aim of providing a *forum* in those cases where the courts that have jurisdiction are all situated in Member States whose law either does not provide for divorce or does not deem the marriage in question valid for the purposes of divorce proceedings (*forum necessitatis*).

⁹ See Council document No 9712/08 JUSTCIV 106.

¹⁰ The results of the on-line consultation process, run by the Commission, shall be available at the beginning of 2014.

For each of the options the impacts must be assessed using appropriate quantitative and qualitative analysis and taking as a baseline the information gathered as described above:

(1) Estimate and compare in detail the potential financial costs of all aspects of the policy option to Member States administrations, including preparing detailed tables with model calculations for the costs of implementing amendments in each Member State. Costs addressed will include one-off set-up costs for each MS, training and operational costs; assess the potential costs in terms of administrative burden and administrative organisation resulting from the policy option. Potential savings have to be considered;

(2) Evaluate the non-financial implications of the policy options (social);

(3) Explain how the legal systems of different Member States would be affected:

- How does the option impact the judicial system and laws of Member States (length of procedure, costs, etc.)?
- How does the option impact the public authorities?
- How does the option impact the central authorities designated under article 53 of the Regulation?
- Does the option have budgetary consequences for public authorities at different levels of government (national, regional, local), both immediately and in the long run?
- Does it bring additional governmental administrative burden?
- Does the option require the creation of new or restructuring of existing public authorities?

(4) Estimate and compare the impact on citizens and describe in detail the impacts on the respect of fundamental rights with reference to the EU Charter;

(5) Make suggestions and substantiate the choice of the preferred policy option.

For each recommendation, advantages and disadvantages should be clearly developed so that the Commission is able to assess the opportunity of the recommended course of action. If amendment of the Regulation is recommended, different levels of amendment shall be considered (amendment limited to certain chapters, comprehensive amendment, introduction of new chapter(s) etc.). Coherence and synergies with other EU legislation in the area of family law shall also be taken into account in the recommendations. Moreover, the recommendations should set out appropriate indicators which can be used to monitor and review the effects of the Regulation for future evaluations;

VI. Deliverables, timing and quality

The evaluation to be carried out by the Contractor in performance of this Contract shall be delivered by means of the documents set out below. The decision on approval of the documents shall be taken on the basis of their quality and completeness in accordance with the tasks to be performed as described in point V above. Responsibility and management of the evaluation are with the European Commission (Directorate-General Justice).

The total duration of the contract shall not exceed 9 months.

A. Inception report

Within 4 weeks, after the signature of the Contract by the last of the two parties, an inception report shall be submitted.

The inception report must set out in detail methodology for the study, in particular on information collection and analysis and present a detailed work programme for the remainder of the contracting period.

Within 10 calendar days of receiving the draft inception report, the Commission will inform the Contractor of its acceptance or of any comments or requests for supplementary work.

B. Interim report

Within five months after the signature of the Contract by the last of the two parties, a draft interim report shall be prepared, to inform the Commission on the progress of the work and the results achieved so far.

Within 45 calendar days of receiving the draft interim report, the Commission will inform the Contractor of its acceptance or of any comments or requests for supplementary work.

The Contractor must submit any new documents within 20 calendar days of receiving the Commission's comments.

C. Draft final report

Within nine months, after the signature of the Contract by the last of the two parties, a draft final report must be submitted.

Without prejudice to the above, the draft final report must include (see point V above):

- presentation of the statistical data
- an empirical analysis of the effects of Regulation (EC) No 2201/2003 in each Member State except Denmark;

- a comparative synthesis of the results of the statistical and empirical analyses;
- an evaluation of the relevance, coherence, effectiveness, efficiency, and EU added value and utility of the Regulation;
- a proposal for an improvement of the Regulation with clear recommendations for addressing existing difficulties and practical problems with the application and effects of the Regulation, explaining policy option and the preferred option.

Within 60 calendar days of receiving the draft final report, the Commission will inform the Contractor of its acceptance or of any comments or requests for supplementary work.

D. Final report

The final report, reflecting fully the Commission's comments on the draft final report, must be submitted no later than 20 calendar days from the date of receipt of such comments.

E. Final report format and publication

The final report must be submitted in electronic format, both in MS Word and in PDF-format, in English and must be accompanied by an executive summary not exceeding two pages in the same format and language.

The final report must be sent by electronic mail to the following address: JUST-CIVIL-COOP@ec.europa.eu. To this end, it must be subdivided into a set of files corresponding to the chapters of the evaluation. These files must be tested before dispatch.

The Contractor must have all deliverables verified by a native speaker. The Commission may publish the results of the evaluation. For this purpose, the Contractor must ensure that there are no restrictions for reasons of confidentiality or based on the intellectual property rights of third parties. Should the Contractor intend to use data in the evaluation which cannot be published, this must be explicitly mentioned in the offer. The Contractor must validate the contents with the Member States concerned (responsible ministry/department) and is required to have all interview summaries validated by the interviewee, preferably at the end of the interview. In addition, the Commission will review the results for quality assurance.

Rights concerning the evaluation and those relating to its reproduction and publication shall belong to the Commission. No document based, in whole or in part, upon the work undertaken in the context of this Contract may be published except with the prior formal written approval of the Commission.

VII. Meetings

The Contractor may be requested, and should be prepared, to attend the following meetings that normally will take place at the Commission's premises in Brussels. If

the interim report, draft final report or final report will be discussed with members of the European Judicial Network in Civil and Commercial Matters (EJN) the meeting may take place in the Member State hosting the members of the EJN on that occasion:

- a kick-off meeting within two weeks of the signature of the Contract;
- a meeting to discuss the interim report with members of the European Judicial Network in Civil and Commercial Matters or a group of external experts or the Commission;
- a meetings to discuss the draft final report with members of the European Judicial Network in Civil and Commercial Matters or a group of external experts or the Commission;
- a meeting to present the results at an event following the acceptance of the final report.

VIII. Content, Structure and graphic requirements of the final deliverables

All studies produced for the European Commission and Executive Agencies shall conform to the corporate visual identity of the European Commission by applying the graphic rules set out in the European Commission's Visual Identity Manual, including its logo¹¹.

The Commission is committed to making online information as accessible as possible to the largest possible number of users including those with visual, auditory, cognitive or physical disabilities, and those not having the latest technologies. The Commission supports the Web Content Accessibility Guidelines 2.0 of the W3C.

For full details on Commission policy on accessibility for information providers, see: http://ec.europa.eu/ipg/standards/accessibility/index_en.htm

Pdf versions of studies destined for online publication should respect W3C guidelines for accessible pdf documents. See: <http://www.w3.org/WAI/>

A CONTENT

Final study report

The final study report shall include:

¹¹ The Visual Identity Manual of the European Commission is available upon request. Requests should be made to the following e-mail address: comm-visual-identity@ec.europa.eu

- an abstract of no more than 200 words and an executive summary of maximum 6 pages, both in English and French;
- the following standard disclaimer:

“The information and views set out in this [report/study/article/publication...] are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission’s behalf may be held responsible for the use which may be made of the information contained therein.”

- specific identifiers which shall be incorporated on the cover page provided by the Contracting Authority.

Publishable executive summary

The publishable executive summary shall be provided in both in English and French and shall include:

- the following standard disclaimer:

“The information and views set out in this [report/study/article/publication...] are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission’s behalf may be held responsible for the use which may be made of the information contained therein.”

- specific identifiers which shall be incorporated on the cover page provided by the Contracting Authority.

B GRAPHIC REQUIREMENTS

For graphic requirements please refer to the template in **Annex A**. The cover page shall be filled in by the contractor in accordance with the instructions provided in the template. For further details you may also contact comm-visual-identity@ec.europa.eu.

IX. Duration and place of performance

The duration of the tasks must not exceed **nine months**. This period is calculated in calendar days. Execution of the tasks begins after the date on which the Contract enters into force.

The tasks will be performed at the Contractor's premises. However, meetings between the Contractor and the Commission or a group of external experts or the European Judicial Network in Civil and Commercial Matters will be held at the Commission's premises in Brussels or other meeting venue of the EJN.

X. Sources of data

Tenderers should consult, among others, the following sources of information:

- Websites of relevant national organs and judicial authorities in the Member States, including central authorities and Ministries of Justice;
- Relevant case-law of the courts of the Member States;
- Relevant case law of the Court of Justice of the European Union;
- Relevant case law of the European Court of Human Rights, in particular the judgment of 12 July 2011 in the case of Šneerson and Kampanella v. Italy (Application No. 14737/09) and the judgment of 26 July 2011 in the case of Shaw v. Hungary (Application No. 6457/09);
- Council Regulation (EC) No 1347/2000 of 29 May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses¹²;
- 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 1347/2000¹³;
- Council Regulation (EC) No 2116/2004 of 2 December 2004 amending Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, as regards treaties with the Holy See¹⁴;

¹² OJ L 160, 30.6.2000, p. 19.

¹³ OJ L 338, 23.12.2003, p. 1.

¹⁴ OJ L 367, 14.12.2004, p. 1.

- Council Decision 2010/405/EU of 12 July 2010 authorising enhanced cooperation in the area of the law applicable to divorce and legal separation¹⁵;
- Council Regulation (EU) No 1259/2010 of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation¹⁶;
- Commission Decision 2012/714/EU of 21 November 2012 confirming the participation of Lithuania in enhanced cooperation in the area of the law applicable to divorce and legal separation¹⁷;
- Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)¹⁸;
- Relevant Commission proposals concerning the above legal instruments, in particular Commission Proposal of 17 May 2002 for a Council Regulation concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility repealing Regulation (EC) No 1347/2000 and amending Regulation (EC) No 44/2001 in matters relating to maintenance, COM(2002) 222 final/2 and Commission Proposal of 17 July 2006 for a Regulation amending Council Regulation (EC) No 2201/2003 as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters, COM(2006) 399 final;
- Relevant Commission impact assessments, in particular Commission Staff Working Document of 17 July 2006, SEC(2006) 949 final, Commission Staff Working Document of 12 December 2010, SEC(2010) 1547 final and Commission Staff Working Document of 16 March 2011, SEC(2011) 327 final;
- Relevant Council documents concerning the negotiations of the above legal instruments, in particular Council document No 8549/07 JUSTCIV 91 and Council document No 9712/08 JUSTCIV 106;
- Website of the European Parliament and of the Council, in particular the information available there on the negotiations of Regulation (EC) No 2201/2003 and Commission Proposal COM(2006) 399 final;

¹⁵ OJ L 189, 22.7.2010, p. 12.

¹⁶ OJ L 343, 29.12.2010, p. 10.

¹⁷ OJ L 323, 22.11.2012, p. 18.

¹⁸ OJ L 351, 20.12.2012, p. 1.

- 1980 Hague Convention on the Civil Aspects of International Child Abduction and the explanatory report thereto;
- 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children and the explanatory report thereto;
- Website of the Hague Conference on Private International Law, including the case-law available concerning return orders and contact orders under the 1980 Hague Convention in the INCADAT database and the documents relating to the Special Commissions to review the practical operation of the 1980 and 1996 Hague Conventions;
- Relevant bilateral and international agreements of the Member States;
- Website of the Council of Europe;
- European Judicial Atlas in Civil Matters¹⁹;
- Website of the European Judicial Network in Civil and Commercial Matters²⁰;
- The European e-Justice Portal²¹;
- Existing studies, such as those available on the website of DG Justice at the following address:
http://ec.europa.eu/justice/civil/document/index_en.htm,
in particular Evaluation on Practical Problems Resulting from the Non-harmonisation of Choice of Law Rules in Divorce Matters (ref.: JAI/A3/2001/04) and Comparative Evaluation on Enforcement Procedures of Family Rights (ref.: JLS/C4/2005/06)
and on the website of the European Parliament at the following address:
<http://www.europarl.europa.eu/activities/committees/studies.do?language=EN>,
in particular Evaluation on Parental Responsibility, Child Custody and Visitation Rights in Cross-border Separations (2008/S 145-194447);
- Relevant scholarly books, articles, research and other material available on the topic;

¹⁹ http://ec.europa.eu/justice_home/judicialatlascivil/html/index_en.htm.

²⁰ http://ec.europa.eu/civiljustice/index_en.htm.

²¹ <https://e-justice.europa.eu/home.do?action>.

- Relevant Commission Communications on evaluations and smart regulation²², the Commission's guide "Evaluating EU Activities: A Practical Guide for the Commission Services"²³ and DG MARKT's "Guide to Evaluating Legislation"²⁴.

This list is not exhaustive. The Contractor must examine all sources necessary to ensure that the evaluation is of high quality and fully meets the technical specifications.

²² SEC(2000) 1051 final, Focus on results: Strengthening evaluation of the Commission's activities, SEC(2007) 213 final, Responding to strategic needs: Reinforcing the use of evaluation, and SEC(2010) 543 final, Smart Regulation in the European Union.

²³ Available at: http://ec.europa.eu/dgs/secretariat_general/evaluation/docs/eval_activities_en.pdf.

²⁴ Available at: http://ec.europa.eu/dgs/internal_market/docs/evaluation/evaluation_guide.pdf.