Commission Implementing Regulation (EU) 2018/1935 of 7 December 2018 establishing the forms referred to in Council Regulation (EU) 2016/1103 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1935

of 7 December 2018

establishing the forms referred to in Council Regulation (EU) 2016/1103 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) 2016/1103 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes[(1)], and in particular Article 45(3)(b), Article 58(1), Article 59(2) and Article 60(2) thereof,

After consulting the Committee concerning applicable law, jurisdiction and enforcement in matters of matrimonial property regimes,

Whereas:

(1) For the purpose of proper application of Regulation (EU) 2016/1103 several forms should be established.

(2) In accordance with Council Decision (EU) 2016/954[(2)] authorising enhanced cooperation in the area of property regimes of international couples, Regulation (EU) 2016/1103 implements enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in the matter of property regimes of international couples between Belgium, Bulgaria, the Czech Republic, Germany, Greece, Spain, France, Croatia, Italy, Cyprus, Luxembourg, Malta, Netherlands, Austria, Portugal, Slovenia, Finland and Sweden. Therefore only those Member States are taking part in the adoption of this Regulation,

(3) The measures provided for in this Regulation are in accordance with the opinion of the Committee concerning applicable law, jurisdiction and enforcement in matters of matrimonial property regimes,

HAS ADOPTED THIS REGULATION:

Article 1

1 The form to be used for the attestation referred to in Article 45(3)(b) of Regulation (EU) 2016/1103 shall be as set out in Annex I.

2 The form to be used for the attestation concerning an authentic instrument referred to in Articles 58(1) and 59(2) of Regulation (EU) 2016/1103 shall be as set out in Annex II.

3 The form to be used for the attestation concerning a court settlement referred to in Article 60(2) of Regulation (EU) 2016/1103 shall be as set out in Annex III.

Article 2

This Regulation shall enter into force on 29 January 2019.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 7 December 2018.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/1935. (See end of Document for details)*

ANNEX I

ATTESTATION

CONCERNING A DECISION IN A MATTER OF MATRIMONIAL PROPERTY REGIMES

(Article 45(3)(b) of Council Regulation (EU) 2016/1103 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes ([1]))

1. **Member State of origin** (*)

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Greece ☐ Spain ☐ France ☐ Croatia ☐ Italy
☐ Cyprus ☐ Luxembourg ☐ Malta ☐ Netherlands ☐ Austria ☐ Portugal ☐ Slovenia ☐ Finland ☐ Sweden

2. **Court or competent authority issuing the attestation**

2.1. Name and designation of court or authority (*): .....

2.2. Address

2.2.1. Street and number/PO box (*): .....

.....

.....

2.2.2. Place and postcode (*): .....

2.3. Telephone (*): .....

2.4. Fax .....

2.5. Email: .....

2.6. Other relevant information (please specify): .....

.....

.....

3. **Court ([2]) which gave the decision (to be completed ONLY if different from the authority referred to in section 2)**

3.1. Name and designation of court (*): .....

3.2. Address

([1]) OJ L 183, 8.7.2016, p. 1.
(*) Mandatory information.
([2]) In accordance with Article 3(2) of Council Regulation (EU) 2016/1103, the term 'court' includes under certain conditions, in addition to judicial authorities, other authorities and legal professionals with competence in matters of matrimonial property regimes which exercise judicial functions or act pursuant to a delegation of power by a judicial authority or act under the control of a judicial authority. The list of these other authorities and legal professionals is published in the *Official Journal of the European Union*.

3.2.1.	Street and number/PO box (*): .....
	.....
3.2.2.	Place and postcode (*): .....
3.3.	Telephone (*): .....
3.4.	Fax: .....
3.5.	Email: .....
4.	**Decision**
4.1.	Date (dd/mm/yyyy) of the decision (*): .....
4.2.	Reference number of the decision (*): .....
4.3.	Parties to the decision
4.3.1.	***Party A***
4.3.1.1.	Surname and given name(s) (*): .....
	.....
4.3.1.2.	Date (dd/mm/yyyy) and place of birth: .....
4.3.1.3.	Identification number ([1])
4.3.1.3.1.	Identity number: .....
4.3.1.3.2.	Social security number: .....
4.3.1.3.3.	Other (please specify): .....
4.3.1.4.	Address
4.3.1.4.1.	Street and number/PO box: .....
	.....
4.3.1.4.2.	Place and postcode: .....
4.3.1.4.3.	Country
	☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Greece ☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Luxembourg ☐ Malta ☐ Netherlands ☐ Austria ☐ Portugal ☐ Slovenia ☐ Finland ☐ Sweden
	☐ Other (please specify ISO-code): .....
4.3.1.5.	Email: .....
4.3.1.6.	Role in the proceedings (*)

(*) Mandatory information.
([1]) Please indicate the most relevant number if applicable.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/1935. (See end of Document for details)*

4.3.1.6.1. ☐ Claimant

4.3.1.6.2. ☐ Defendant

4.3.1.6.3. ☐ Other (please specify): .....

4.3.2. ***Party B***

4.3.2.1. Surname and given name(s) (*): .....

.....

4.3.2.2. Date (dd/mm/yyyy) and place of birth: .....

4.3.2.3. Identification number ([1])

4.3.2.3.1. Identity number: .....

4.3.2.3.2. Social security number: .....

4.3.2.3.3. Other (please specify): .....

4.3.2.4. Address

4.3.2.4.1. Street and number/PO box: .....

.....

.....

4.3.2.4.2. Place and postcode: .....

4.3.2.4.3. Country

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Greece ☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Luxembourg ☐ Malta ☐ Netherlands ☐ Austria ☐ Portugal ☐ Slovenia ☐ Finland ☐ Sweden

☐ Other (please specify ISO-code): .....

4.3.2.5. Email: .....

4.3.2.6. Role in the proceedings (*)

4.3.2.6.1. ☐ Claimant

4.3.2.6.2. ☐ Defendant

4.3.2.6.3. ☐ Other (please specify): .....

4.4. The decision was given in default of appearance (*)

4.4.1. ☐ Yes (please indicate the date (dd/mm/yyyy) on which the document instituting the proceedings or the equivalent document was served on the person concerned): .....

4.4.2. ☐ No

(*) Mandatory information.
([1]) Please indicate the most relevant number if applicable.