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CONTRIBUTION OF THE LEGAL SERVICE*

to the proceedings of the: Committee on Civil Law Matters (Rome III)

Subject : Proposal for a Council Regulation amending Regulation (EC)
No 2201/2003 as regards jurisdiction and introducing rules concerning
applicable law in matrimonial matters (Rome III)
- suggestion whereby an "opt out" clause would be inserted in the
Regulation

1. At the last meeting of the Committee on Civil Law Matters, the Legal Service was questioned regarding the compliance with Community law of a suggestion put forward by one delegation allowing Member States, by means of a unilateral declaration, to exempt their courts from applying that part of the Regulation concerning applicable law. Member States making use of such a possibility would apply only that part of the Regulation concerning jurisdiction. This note is being issued in response to the Committee's request for a written version of the opinion delivered orally by the representative of the Legal Service.

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