PRINCIPLES OF EUROPEAN FAMILY LAW REGARDING DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES
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Prof. Katharina Boele-Woelki (Utrecht)
Prof. Frédérique Ferrand (Lyon)
Dr. Cristina González Beilfuss (Barcelona)
Prof. Maarit Jän terä-Jareborg (Uppsala)
Prof. Nigel Lowe (Cardiff)
Prof. Dieter Martiny (Frankfurt/Oder)
Prof. Walter Pintens (Leuven)
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Principles of European Family Law Regarding Divorce and Maintenance Between Former Spouses
Katharina Boele-Woelki, Frédérique Ferrand, Cristina González Beilfuss, Maarit Jäntermä-Jareborg, Nigel Lowe, Dieter Martiny, Walter Pintens

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PREFACE

The Commission on European Family Law

In September 2001 an international group of scholars established the Commission on European Family Law (CEFL). The main objective of the CEFL is to launch a pioneering theoretical and practical exercise in relation to the harmonisation of substantive family and succession law in Europe. The major benefit to be expected by the establishment of the CEFL is the creation of a set of Principles of European Family Law. The establishment of the CEFL is based on a scientific initiative and therefore its members are totally independent of any organisation or institution. Consequently, the comparative research-based drafting of common Principles is a purely academic matter.

Organisation

The CEFL consists of two groups: the Organising Committee (Katharina Boele-Woelki (chair), Frédérique Ferrand, Cristina González Beilfuss (since December 2002), Maarit Jänterä-Jareborg (since December 2002), Nigel Lowe, Dieter Martiny, Walter Pintens and Dieter Schwab (until November 2002)) and the Expert Group which at present consists of 26 members. The Organising Committee sets up the Expert Group and prepares and coordinates the work of the Commission as a whole. The members of the Organising Committee are at the same time members of the Expert Group. The Expert Group comprises specialists in the field of family and comparative law from most of the European Union Member States with the involvement of experts from other European countries, such as Norway, Russia and Switzerland. In the future, the Expert Group will be enlarged with family and comparative law specialists from those countries which are not yet represented. Right from the beginning experts from Central and Eastern European countries were also involved in anticipation of the – at that time – prospective accession to the European Union.

The CEFL is a foundation according to Dutch law. It has its seat at the Molengraaff Institute for Private Law of Utrecht University, Nobelstraat 2a, 3512 EN Utrecht, http://www2.law.uu.nl/priv/cefl. CEFL’s secretariat is headed by Dr. Bente Braat, its webmaster is Ian Sumner. They are both researchers at the Molengraaff Institute for Private Law at the Faculty of Law of Utrecht University.
Experts

The following persons contributed to the drafting of the Divorce and Maintenance Between Former Spouses Principles through writing of a national report and/or taking part in the discussions at the CEFL meetings.

AUSTRIA  
Professor Marianne Roth  
Institut für Zivilverfahrensrecht, Salzburg

BELGIUM  
Professor Walter Pintens  
Catholic University Leuven

BULGARIA  
Dr. Velina Todorova  
Plovdiv University, Sofia

CZECH REPUBLIC  
Professor Milana Hrusaková  
Masaryk University, Brno

DENMARK  
Associate Professor Ingrid Lund-Andersen  
Department of Private Law, University of Århus

ENGLAND AND WALES  
Professor Nigel Lowe  
Law Department, University of Cardiff, Wales  
Cardiff Law School  
Mr. John Eekelaar  
Pembroke College, University of Cambridge

FINLAND  
Mr. Matti Savolainen  
Ministry of Justice, Helsinki

FRANCE  
Professor Frédérique Ferrand  
Jean Moulin 3, University of Lyon

GERMANY  
Professor Nina Dethloff  
Institut für deutsches, europäisches und internationales Familienrecht, Rheinische Friedrich-Wilhelms, Universität Bonn  
Professor Dieter Martiny  
Europa-Universität Viadrina, Frankfurt (Oder)  
Emeritus Professor Dieter Schwab  
Universität Regensburg

GREECE  
Professor Achilles G. Koutsouradis  
Faculty of Law, University of Thessaloniki

HUNGARY  
Professor Emila Weiss  
Civil Law Department, University of Eötvös Loránd
REPUBLIC OF IRELAND

Mr. Geoffrey Shannon
Law Society of Ireland, Dublin

ITALY

Professor Salvatore Patti
Department of Private Law, La Sapienza, University of Rome

THE NETHERLANDS

Professor Katharina Boele-Woelki
Molengraaff Institute for Private Law, University of Utrecht

NORWAY

Professor Tone Sverdrup
Department of Private Law, Faculty of Law, University of Oslo

POLAND

Professor Andrzej Mączyński
Uniwersytet Jagielloński, Kraków
Dr. Tomasz Sokólski
Uniwersytet Adama Mickiewicza, Poznań,
Uniwersytet Gdański, Gdańsk

PORTUGAL

Professor Guilherme de Oliveira
University of Coimbra

RUSSIA

Dr. Masha Antokolskaia
Molengraaff Institute for Private Law, University of Utrecht

SCOTLAND

Professor Michael Meston
Department of Private Law, University of Aberdeen

SPAIN

Dr. Cristina González Beilfuss
University of Barcelona
Professor Miquel Martín-Casals
University of Girona

SWEDEN

Professor Maarit Jänterä-Jareborg
University of Uppsala

SWITZERLAND

Emeritus Professor Heinz Hausheer
University of Bern
Professor Ingeborg Schwenger
University of Basel
Meetings

The meetings of the Organising Committee took place in:

- Utrecht 31 August – 1 September 2001
- Leuven 11 – 12 January 2002
- Regensburg 9 – 10 October 2002
- Utrecht 12 December 2002
- Lyon 24 – 26 January 2003
- Cardiff 4 – 6 April 2003
- Uppsala 10 – 12 October 2003
- Leuven 23 – 26 January 2004
- Frankfurt (Oder) 19 March 2004
- Barcelona 9 – 11 April 2004

The meetings of the Expert Group took place:

- Utrecht 6 – 8 March 2003
- Frankfurt (Oder) 18 – 21 March 2004

Conferences

Two international conferences have been organised under the auspices of the CEFL. The inaugural conference took place from 11th-14th December 2002 in Utrecht and was devoted to the perspectives for the unification and harmonisation of family law in Europe. The high-level scientific standard of its contributions which are compiled in No. 4 of the European Family Law Series (see below) was received with great interest and enthusiasm. The second conference again takes place in Utrecht from 9th-11th December 2004. This conference aims to widen the discussion regarding the first steps towards a European Restatement of Family Law in general and CEFL’s first results in the form of the present book in particular.

European Family Law series

CEFL’s Organising Committee launched a new series dedicated to family law in Europe. Since March 2003 six volumes were published in the European Family Law series by the Belgian publishing house Intersentia.
(Antwerp) in cooperation with the Swiss publishing house Stämpfli (Bern). Comparative legal studies, materials and studies on the effects of international and European law making within the national legal systems of Europe are published in the English, French or German languages. The EFL series is not restricted to CEFL reports and Principles. On the contrary, monographs, dissertations or conference proceedings which fall within the scope of the EFL-series and which meet the scientific standards are very welcome. The first book of the series contains contributions to a conference in Uppsala on the legal recognition of same-sex couples in Europe which took place in September 2002. The second and third volumes contain the integrated versions of twenty-two national reports concerning grounds for divorce and maintenance between former spouses. The forth volume includes the conference proceedings of the first CEFL conference which took place in December 2002. The fifth volume contains an English translation of the Dutch family law statutes. The sixth volume is the first French publication in the series. It contains a dissertation on matrimonial property law in a comparative perspective. All information about the series is accessible at CEFL’s website.

Sponsors

Financial support has been received from the European Commission under the following research programmes: the Fifth Framework Programme Judicial Cooperation in Civil Matter, Grotius Civil Programme (2001), the High Level Scientific Conference Programme of the Improving Human Research Potential and the Socio-Economic Knowledge Base (2002) and the Framework Programme for Judicial Cooperation in Civil Matters (2003). In addition contributions have been received from the Netherlands Organisation of Scientific Research (NWO), the Royal Dutch Academy of Science (KNAW), the Netherlands Congress Bureau, The Dutch Association of Comparative Law, the Ius Commune Research School, the Dutch Ministry of Justice, the Deutsche Forschungsgemeinschaft (DFG) and the publishing house Intersentia. The Universities of Barcelona, Cardiff, Frankfurt/Oder, Leuven, Lyon, Regensburg, Uppsala and Utrecht finally paid a significant part of the expenses of the meetings which took place in their own cities.

We are most grateful to all these sponsors for their substantial contributions.

Katharina Boele-Woelki

Utrecht, September 2004
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