

Background material - User's pack

1. General information

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| 1. | Final version of the workshop programme |
| 2. | List of trainers |
| 3. | List of participants |
| 4. | Immediate evaluation form |

2. E-learning course

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| 1. | E-learning course on Parental responsibility in a cross-border context, including child abduction <i>username: eucom password: Euc!9/12</i> |
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3. Trainers' contributions

Notes, outlines, PowerPoint presentations and written texts provided by the trainers¹

4. Legislation

| | Primary legislation |
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| 1. | Articles 24, 32, 47 of the Charter of Fundamental Rights of the European Union |
| 2. | Article 3, 19 of the Treaty on European Union (TEU) |
| 3. | Articles 256, 267, 288 of the Treaty on the Functioning of the European Union (consolidated version) |
| 4. | Articles 103, 104, 104a and 104b of the Rules of Procedure of the Court of Justice of the EU |
| 5. | Articles 20 and 23a of Protocol No3 on the Statute of the Court of Justice of the EU |

¹ Material to be added after the implementation of the test workshops.

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| | Secondary legislation |
| 6. | <u>Council Regulation (EC) No 1347/2000 of 29 May 2000 on jurisdiction and the recognition and the enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses</u> |
| 7. | <u>Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the Courts of the Member States in the taking of evidence in civil or commercial matters</u> |
| 8. | <u>Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes</u> |
| 9. | <u>Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matter of parental responsibility, repealing Regulation (EC) No 1347/2000 (Brussels IIbis)</u> |
| 10. | <u>Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the Service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000</u> |
| 11. | <u>Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters</u> |
| 12. | <u>Practice Guide for the application of the new Brussels II Regulation, European Commission, updated version, October 2005</u> |
| 13. | <u>Practice Guide for the application of the Regulation on the taking of evidence</u> |
| 14. | <u>Practical Guide on using videoconferencing to obtain evidence in civil and commercial matters</u> |
| 15. | <u>Information relating to courts and redress procedures pursuant to Article 68 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 – consolidated version</u> |
| 16. | <u>List of competent courts in matters of parental responsibility pursuant to Article 68 of the Regulation published in OJ C040 of 17 February 2005</u> |
| 17. | <u>Certificates referred to in Articles 39, 41(1) 42(1) of Regulation Brussels IIbis, standard forms of Annex II. III and IV</u> |
| 18. | <u>Certificate referred to in Article 42 of Regulation Brussels IIbis concerning return of the child(ren)</u> |
| | Decisions |

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| 19. | Decision No 568/2009/EC of the European Parliament and of the Council of 18 June 2009 amending Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters |
| | Documents from the European Commission |
| 20. | Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee of 30 May 2008 – Towards a European e-Justice Strategy |
| 21. | European Commission’s Communication “An EU Agenda for the Rights of the Child” of 15 February 2011 (COM(2011) 60 final) |
| | Notices and reports from European Union institutions and bodies |
| 22. | Notes for the guidance of Counsel Notes for the guidance of Counsel in written and oral proceedings before the Court of Justice of the European Communities <i>(most relevant for workshops addressed to legal practitioners)</i> |
| 23. | Information note on references from national courts for a preliminary ruling <i>(most relevant for workshops addressed to members of the judiciary)</i> |
| 24. | Report on the use of the urgent preliminary ruling procedure by the Court of Justice of 31 January 2012 |

5. International Conventions

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| 1. | United Nations Convention on the Rights of the Child of 20 November 1989 |
| 2. | Council of Europe, European Convention on Human Rights of 4 November 1950 |
| 3. | Council of Europe, European Convention on recognition and enforcement of decisions concerning custody of children and on restoration of custody of children of 1 September 1983 |
| 4. | Council of Europe, European Convention on the Exercise of Children's Rights of 25 January 1996 |
| 5. | Council of Europe, European Convention on contact concerning children of 15 May 2003 |
| 6. | The Hague Convention of 5 October 1961 concerning the powers of authorities and the law applicable in respect of the protection of infants |
| 7. | The Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children |
| 8. | The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction |

6. CJEU case law

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| 1. | Judgment of the Court of 16 January 1974, Case 166/73 , reference for a preliminary ruling requested by the Bundesfinanzhof (Germany), Consequences of judgments of appeal courts, Rheinmühlen-Düsseldorf v Einfuhr- und Vorratsstelle für Getreide und Futtermittel (ECR 1974, Page 00033) |
| 2. | Judgment of the Court of 6 October 1982, Case 283/81 , reference for a preliminary ruling from the Corte suprema di Cassazione (Italy), obligation to request a preliminary ruling (ECR 1982, Page 03415) |
| 3. | Judgment of the Court of 17 September 1997, Case C-54/96 , reference for a preliminary ruling by the Vergabeüberwachungsausschuß des Bundes (Germany), Dorsch Consult Ingenieurgesellschaft mbH v Bundesbaugesellschaft Berlin mbH (ECR1997, I-04961) |
| 4. | Judgment of the Court of 12 November 2002, Case C-206/01 , reference for a preliminary ruling by the High Court of Justice of England and Wales, Arsenal Football Club plc v Matthew Reed (ECR 2002, I-10273) |
| 5. | Judgment of the Court of 27 November 2007, Case C-435/06 , reference for a preliminary ruling from the Korkein hallinto-oikeus (Finland), in the proceedings C (ECR 2007, I – 10169) |
| 6. | Judgment of the Court of 11 July 2008, Case C-195/08 PPU , reference for a preliminary ruling from the Lietuvos Aukščiausiasis Teismas (Lithuania), proceedings brought by Inga Rinau (ECR 2008, I-05271) |
| 7. | Judgment of the Court of 2 April 2009, Case C-523/07 , reference for a preliminary ruling under Articles 68 EC and 234 EC from the Korkein hallinto-oikeus (Finland), in the proceedings brought by A (ECR 2009, I-02805) |
| 8. | Judgment of the Court of 23 December 2009, Case C-403/09 PPU , reference for a preliminary ruling from the Višje Sodišče v Mariboru (Slovenia), Jasna Detiček v Maurizio Sgueglia (ECR 2009, I-12193) |
| 9. | Judgment of the Court of 1 July 2010, Case C-211/10 PPU , reference for a preliminary ruling from Oberster Gerichtshof (Austria), Doris Povse v Mauro Alpago (ECR 2010 I-06673) |
| 10. | Judgment of the Court of 5 October 2010, Case C-400/10 PPU , reference for a preliminary ruling from the Supreme Court (Ireland), J. McB. v L. E. (ECR 2010, I-08965) |
| 11. | Judgment of the Court of 9 November 2010, Case C-296/10 , Bianca Purrucker v Guillermo Vallés Pérez (ECR 2010, I-11163) |
| 12. | Judgment of the Court of 22 December 2010, Case C-497/10 PPU , Barbara Mercredi v Richard Chaffe (ECR 2010, I-14309) |
| 13. | Judgment of the Court of 22 December 2010, Case C-491/10 PPU , reference for a preliminary ruling from the Oberlandesgericht Celle (Germany), in the proceedings |

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| | Joseba Andoni Aguirre Zarraga v Simone Pelz (ECR 2010, I-14247) |
| 14. | Judgment of the Court of 10 June 2011, Case C-155/11 PPU , reference for a preliminary ruling from Rechtbank's-Gravenhage (Netherlands), Bibi Mohammad Imran v Minister van Buitenlandse Zaken (not yet published) |
| 15. | Judgment of the Court of 26 April 2012, Case C-92/12 PPU , reference for a preliminary ruling from the High Court (Ireland), Health Service Executive v S.C., A.C. (not yet published) |

7. ECHR case law

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| 1. | Judgment of the ECHR of 26 June 2003, in the Case Maire v. Portugal , Application no. 48206/99 |
| 2. | Judgment of the ECHR of 25 January 2000, in the Case Ignacolo-Zenide v. Romania , Application no. 31679/96 |

8. Other documents

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| | United Nations |
| 1. | General Comment No. 12 (2009) on the 'The right of the child to be heard' of the UN Committee on the Rights of the Child |
| | Council of Europe |
| 2. | Council of Europe, Recommendation No. R (98)1 of the Committee of Ministers to Member States on family mediation adopted on 21 January 1998 |
| 3. | Council of Europe, European Commission for the Efficiency of Justice, Guidelines for a better implementation of the existing recommendation concerning family mediation and mediation in civil matters (CEPEJ (2007)14) |
| 4. | Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice adopted on 17 November 2010 |
| | Hague Conference on Private International Law |
| 5. | Hague Conference on Private International Law, General Principles and Guide to Good Practice, Transfrontier Contact Concerning Children (2008) |
| 6. | Conclusions and recommendations of the Joint Conference European Commission – Hague Conference on Direct Judicial Communications on Family Law Matters and the Development of Judicial Networks (2009)) |
| 7. | Hague Conference on Private International Law, Report on Judicial Communications in Relation to International Child Protection, drawn up by Philippe Lortie (currently Doc. Prel. No.3 of April 2011) |

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| 8. | Hague Conference on Private International Law, Revised draft Practical Handbook on the operation of the 1996 Hague Protection of Children Convention (Prel. Doc. No 4 of May 2011) |
| 9. | Hague Conference on Private International Law, Revised draft Guide to Good Practice under the Hague Child Abduction Convention, Part V – Mediation (2012) |
| 10. | Model Application Form for the return of wrongfully removed or retained children under the 1980 Hague Convention |
| | Documents on mediation |
| 11. | European Code of Conduct for Mediators of July 2004 |
| 12. | Wroclaw Declaration of 8 October 2007 on Mediation of Bi-national Disputes over Parents' and Children's Issues |

9. Useful links

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| 1. | CURIA website |
| 2. | European E-justice portal |
| 3. | E-Justice portal – Case law |
| 4. | E-Justice Portal - Mediation |
| 5. | E-Justice portal – Parental responsibility |
| 6. | E-Justice portal – Tools for courts and practitioners |
| 7. | EUR-Lex database |
| 8. | European Judicial Atlas in civil and commercial matters – Family law |
| 9. | European Judicial Atlas in civil and commercial matters – Matrimonial matters and matters of parental responsibility |
| 10. | European Judicial Atlas in civil and commercial matters – Mediation |
| 11. | European Judicial Atlas in civil and commercial matters – Serving documents |
| 12. | European Judicial Atlas in civil and commercial matters – Taking evidence |
| 13. | European Judicial Network in civil and commercial matters – Alternative dispute resolution |
| 14. | European Judicial Network in civil and commercial matters – Parental responsibility |
| 15. | European Judicial Network in civil and commercial matters – Service of documents |

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| 16. | European Judicial Network in civil and commercial matters – Taking of evidence and mode of proof |
| 17. | Hague Conference on Private International Law website |
| 18. | Hague Conference on Private International Law – Child Abduction Section |
| 19. | Hague Conference on Private International Law - INCADAT |
| 20. | JURIFAST - Preliminary rulings by the Court of Justice of the EU |
| 21. | N-Lex database |
| 22. | 116000 – European hotline number for missing children |

10. National sections

27 national sections

11. General bibliography

Compiled general bibliography
(on the basis of the information contained in the national sections)

