

Pradžia&gt;Kreipimasis į teismą&gt;Europos teisminis atlasas civilinėse bylose&gt;Skrybės ir gyvenimas skyrium

## Skrybės ir gyvenimas skyrium

Valstybių narių informacija dėl Reglamentu Nr. 1259/2010

## Bendra informacija

Sąjunga užsibrėžė tikslą plėtoti laisvės, saugumo ir teisingumo erdvę priimančios priemonės, susijusias su teisiniu bendradarbiavimu tarpvalstybinio pobūdžio civilinėse bylose. Be to, didėjant piliečių judumui vidaus rinkoje reikia daugiau lankstumo ir teisinio tikrumo.

2010 m. gruodžio 20 d. Tarybos reglamentu (ES) Nr. 1259/2010, kuriuo įgyvendinamas tvirtesnis bendradarbiavimas santuokos nutraukimui ir gyvenimui skyrium taikytinos teisės srityje (vadinamasis reglamentas „Roma III“), piliečiams užtikrinami teisinio tikrumo, numatomumo ir lankstumo atžvilgiu tinkami sprendimai, ginami silpnesnieji partneriai sprendžiant ginčus dėl santuokos nutraukimo ir užkertamas kelias palankesnio teisinio reglamentavimo ieškojimui. Tai taip pat padeda išvengti sudėtingų, ilgų ir varginančių bylų.

Konkrečiau pagal Reglamentą (ES) Nr. 1259/2010 vadinamajai tarptautinei sutuoktinių porai leidžiama iš anksto susitarti, kuri teisė būtų taikoma jos santuokos nutraukimui ar gyvenimui skyrium, jeigu teisė, dėl kurios susitariama, yra valstybės narės, su kuria porą sieja glaudesnis ryšys, teisė. Jeigu pora negali susitarti, klausimą, kurios šalies teisė taikoma, teisėjai gali spręsti vadovaudamiesi bendra taisykle.

Tačiau reglamentas netaikomas fizinį asmenų teisinio subjektiškumo klausimams; santuokos buvimo, galiojimo ar pripažinimo klausimams; santuokos pripažinimo negaliojančia klausimams; sutuoktinių pavardės klausimams; santuokos turinių pasekmių klausimams; tėvų pareigų klausimams; išlaikymo prievolių ir patikų ar paveldėjimo klausimams. Be to, jis nedaro poveikio Reglamentu (EB) Nr. 2201/2003 dėl jurisdikcijos ir teismo sprendimų, susijusių su santuoka ir tėvų pareigomis, pripažinimo bei vykdymo taikymui.

Tai yra priemonė, kuria įgyvendinamas tvirtesnis dalyvaujančių valstybių narių bendradarbiavimas. Tvirtesnis bendradarbiavimas leidžia bent devynių valstybių narių grupei įgyvendinti priemones vienoje iš Sutartyse numatytų neišimtinės Sąjungos kompetencijos sričių. Pagal SESV 331 straipsnį nedalyvaujančios valstybės narės turi teisę prisijungti prie jau vykstančio tvirtesnio bendradarbiavimo.

Europos e. teisingumo portale informuojama apie Reglamentu taikymą.

## Tvirtesnis Bendradarbiavimas

2010 m. liepos 12 d. Taryba priėmė Sprendimą 2010/405/ES, kuriuo leidžiama tvirčiau bendradarbiauti santuokos nutraukimui ir gyvenimui skyrium taikytinos teisės srityje Belgijai, Bulgarijai, Vokietijai, Ispanijai, Prancūzijai, Italijai, Latvijai, Liuksemburgiui, Vengrijai, Maltai, Austrijai, Portugalijai, Rumunijai ir Slovėnijai. Taigi šios 14 dalyvaujančių valstybių narių priėmė Tarybos reglamentą (ES) Nr. 1259/2010, kuris pradėtas taikyti 2012 m. birželio 21 d.

2012 m. lapkričio 21 d. Komisija priėmė Sprendimą 2012/714/ES, kuriuo patvirtinamas Lietuvos prisijungimas prie tvirtesnio bendradarbiavimo santuokos nutraukimui ir gyvenimui skyrium taikytinos teisės srityje. Tame sprendime numatyta, kad Reglamentas (ES) Nr. 1259/2010 Lietuvai taikomas nuo 2014 m. gegužės 22 d.

2014 m. sausio 27 d. Komisija priėmė Sprendimą 2014/39/ES, kuriuo patvirtinamas Graikijos prisijungimas prie tvirtesnio bendradarbiavimo santuokos nutraukimui ir gyvenimui skyrium taikytinos teisės srityje. Tame sprendime numatyta, kad Reglamentas (ES) Nr. 1259/2010 Graikijai taikomas nuo 2015 m. liepos 29 d.

2016 m. rugpjūčio 10 d. Komisija priėmė Sprendimą (ES) 2016/1366, kuriuo patvirtinamas Estijos prisijungimas prie tvirtesnio bendradarbiavimo santuokos nutraukimui ir gyvenimui skyrium taikytinos teisės srityje. Tame sprendime numatyta, kad Reglamentas (ES) Nr. 1259/2010 Estijai taikomas nuo 2018 m. vasario 11 d.

Spustelėjus kurios nors šalies vėliavą, bus pateikta išsami tos šalies informacija.

## Susijusi nuoroda

ARCHYVUOTA Europos teisminio atlaso svetainė (nebeveikia nuo 2017 m. rugsėjo 30 d.)

Paskutinis naujinimas: 09/10/2020

Šį puslapį tvarko Europos Komisija. Šiame tinklalapyje pateikta informacija nebūtinai atitinka Europos Komisijos oficialią poziciją. Europos Komisija neprisiima atsakomybės ar įsipareigojimų už šiame dokumente pateiktą informaciją arba duomenis. Informacija apie ES tinklalapių autorių teises pateikiama teisiniame pranešime.

## Law applicable to divorce and legal separation - Belgium

## Article 7 (2) to (4) - Formal requirements applicable to agreements on the choice of applicable law

Belgian legislation does not lay down any specific formal requirements for agreements on the choice of applicable law in accordance with Article 7(2) to (4) of Regulation (EU) No 1259/2010.

## Article 5 (3) - Possibility of designating the applicable law during the course of the proceeding

With regard to the rules on the choice of applicable law, the third paragraph of Article 55, § 2, of the Belgian Code of Private International Law (*Wetboek van internationaal privaatrecht/Code de droit international privé*) provides that the choice must be expressed at the first appearance (Act on the Code of Private International Law of 16 July 2004, *Belgisch Staatsblad/Moniteur belge* of 27 July 2004, which entered into force on 1 October 2004).

Last update: 28/02/2023

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

## Law applicable to divorce and legal separation - Germany

## Article 7 (2) to (4) - Formal requirements applicable to agreements on the choice of applicable law

According to German law (Article 46(e)(1) EGBGB) a choice-of-law agreement pursuant to Article 7(2) to (4) of Regulation (EU) No 1259/2010 is to be recorded in a notarial act. Article 127(a) of the Civil Code applies *mutatis mutandis*.

## Article 5 (3) - Possibility of designating the applicable law during the course of the proceeding

According to German law (Article 46(e)(2) EGBGB), the spouses can choose the applicable law pursuant to Article 5(3) of Regulation (EU) No 1259/2010 up to the conclusion of the hearing at first instance.

Last update: 14/02/2024

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

#### **Law applicable to divorce and legal separation - Estonia**

##### **Article 7 (2) to (4) - Formal requirements applicable to agreements on the choice of applicable law**

Under Section 641(2) and (3) of the [Family Law Act](#), spouses may enter into an agreement on the law applicable to the divorce corresponding to Council Regulation (EU) No 1259/2010 in person in a notarially authenticated form, or the entry into such judicial proceedings may be recorded as a substitute for the notarially authenticated form.

##### **Article 5 (3) - Possibility of designating the applicable law during the course of the proceeding**

Under Section 641(4) of the [Family Law Act](#), spouses may enter into and amend the agreements specified at any time until a petition for divorce is accepted by a notary or in judicial proceedings until the conclusion of preliminary proceedings or the expiry of the deadline for applications in written procedure.

Last update: 29/03/2022

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

#### **Law applicable to divorce and legal separation - Greece**

Following a statement from Greece on this issue, the European Commission, in its Decision of 27.1.2014 (OJ L 23, p. 41), confirmed the participation of Greece in enhanced cooperation in the area of the law applicable to divorce and legal separation, which is established by Regulation (EU) No 1259/2010 ('Rome III').

Under the above Decision, Regulation (EU) No 1259/2010 applies in Greece as of 29 July 2015.

##### **Article 7 (2) to (4) - Formal requirements applicable to agreements on the choice of applicable law**

In Greek law there are no specific national provisions concerning the formal requirements that apply to agreements on the choice of applicable law pursuant to Article 7(2) to (4) of Regulation (EU) No 1259/2010.

##### **Article 5 (3) - Possibility of designating the applicable law during the course of the proceeding**

In Greek law there are no specific national provisions concerning the possibility of designating the applicable law in accordance with Article 5(3) of Regulation (EU) No 1259/2010.

Last update: 01/12/2020

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

#### **Law applicable to divorce and legal separation - Spain**

##### **Article 7 (2) to (4) - Formal requirements applicable to agreements on the choice of applicable law**

Spanish law lays down additional formal requirements for agreements on the choice of applicable law in accordance with Articles 7(2) to 7(4) of Regulation (EU) No 1259/2010, namely that the choice of applicable law must be agreed upon in an authentic instrument before a notary public or in an authentic document, which must be clearly and unmistakeably dated and signed by the parties, even if the document itself is not a notarial act.

##### **Article 5 (3) - Possibility of designating the applicable law during the course of the proceeding**

Under Spanish law, the spouses may not designate the applicable law before the court during the proceedings.

Last update: 26/02/2024

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

#### **Law applicable to divorce and legal separation - France**

##### **Article 7 (2) to (4) - Formal requirements applicable to agreements on the choice of applicable law**

The EU Regulation lays down three formal requirements that must be met if an agreement on the choice of law is to be valid: the agreement must be in writing, it must be dated, and it must be signed by the parties.

The Regulation also gives states the right to lay down additional formal requirements and clarifies how such rules are to be applied depending on the situation of the spouses.

There are no provisions in French law regarding the formal requirements applicable to agreements on the choice of law in divorce or legal separation cases. Consequently, France has not made a declaration under Article 17(1)(a).

If they so wish, therefore, the spouses can choose to seek professional help from the person they believe is best placed to advise them.

##### **Article 5 (3) - Possibility of designating the applicable law during the course of the proceeding**

The Regulation states that an agreement between the spouses choosing the law applicable to a divorce or legal separation may be concluded and modified at any time, but at the latest at the time a court is seized.

However, if the law of the forum so provides, the applicable law can also be designated by the spouses before the court during the proceedings (Article 5(2) and (3)).

This option is not expressly provided for in French law. This explains why France has not made a declaration under Article 17(1)(b).

Last update: 09/06/2021

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

#### **Law applicable to divorce and legal separation - Latvia**

##### **Article 7 (2) to (4) - Formal requirements applicable to agreements on the choice of applicable law**

Latvian law lays down no additional formal requirements applicable to agreements on the choice of law, other than those referred to in Article 7(1) of Regulation (EU) No 1259/2010.

#### **Article 5 (3) - Possibility of designating the applicable law during the course of the proceeding**

Latvian law does not provide for the possibility of designating the applicable law before the court in the course of the proceedings.

Last update: 19/02/2024

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

#### **Law applicable to divorce and legal separation - Lithuania**

##### **Article 7 (2) to (4) - Formal requirements applicable to agreements on the choice of applicable law**

Lithuanian national law does not lay down additional formal requirements for agreements on the law applicable to divorce and legal separation.

##### **Article 5 (3) - Possibility of designating the applicable law during the course of the proceeding**

Lithuanian national law does not provide for the possibility of designating the law applicable to divorce and legal separation before the court during the course of the proceedings.

Last update: 07/04/2023

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

#### **Law applicable to divorce and legal separation - Luxembourg**

##### **Article 7 (2) to (4) - Formal requirements applicable to agreements on the choice of applicable law**

No additional formal requirements are currently in place in Luxembourg.

##### **Article 5 (3) - Possibility of designating the applicable law during the course of the proceeding**

In Luxembourg, it is not possible to designate the applicable law before the court during the proceedings.

Last update: 03/11/2021

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

#### **Law applicable to divorce and legal separation - Hungary**

##### **Article 7 (2) to (4) - Formal requirements applicable to agreements on the choice of applicable law**

No further formal requirements apply to agreements on the choice of applicable law other than those provided for in Article 7(1) of Regulation (EU) No 1259/2010.

##### **Article 5 (3) - Possibility of designating the applicable law during the course of the proceeding**

The latest time spouses can choose the applicable law is at the trial preparation stage, within the deadline set by the court.

Last update: 03/04/2023

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

#### **Law applicable to divorce and legal separation - Austria**

##### **Article 7 (2) to (4) - Formal requirements applicable to agreements on the choice of applicable law**

Austrian Law provides no additional formal requirements for a choice-of-law agreement pursuant to Article 7(2) to (4) of Regulation (EU) No 1259/2010.

##### **Article 5 (3) - Possibility of designating the applicable law during the course of the proceeding**

According to Austrian Law (§ 11(3) IPRG), the spouses can choose the applicable law pursuant to Article 5(3) of Regulation (EU) No 1259/2010 also before the court during the course of the proceedings, provided that the choice of law is exercised explicitly and not only by implied behaviour.

Last update: 16/06/2023

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

#### **Law applicable to divorce and legal separation - Portugal**

##### **Article 7 (2) to (4) - Formal requirements applicable to agreements on the choice of applicable law**

Nothing to communicate.

##### **Article 5 (3) - Possibility of designating the applicable law during the course of the proceeding**

Nothing to communicate.

Last update: 29/01/2024

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

#### **Law applicable to divorce and legal separation - Romania**

##### **Article 7 (2) to (4) - Formal requirements applicable to agreements on the choice of applicable law**

There are no further formal requirements applicable to agreements on the choice of law than those stipulated by Article 7 (1) of Regulation (EU) No 1259/2010.

##### **Article 5 (3) - Possibility of designating the applicable law during the course of the proceeding**

Under Romanian law, the spouses may also designate the law applicable to divorce after the court has been seised, but no later than the date of the first court hearing at which the spouses have been legally summoned.

The relevant texts of the Civil Code are reproduced below:

Article 2598.

Date of the agreement to select the applicable law

(1) The agreement to select the law applicable to divorce may be concluded or amended at the latest by the date on which the competent authority has been seised to grant a divorce.

(2) However, the court may take note of the spouses' agreement at the latest by the first hearing to which the parties have been legally summoned.

Article 2599.

Form of the agreement to select the applicable law

The agreement to select the law applicable to divorce must be concluded in writing and must be signed and dated by the spouses.

Last update: 12/02/2024

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.