

The Mechanism for Declaration of Enforceability in EU Family Law

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Summary: Recognition and enforcement of foreign judgments are the means by which we can enforce our rights. It is an expression of mutual trust between the Member States of the European Union, which facilitates judicial cooperation and contributes to the effectiveness of the area of freedom, security and justice. In order to enforce a decision, some EU regulations still require a declaration of enforceability procedure to serve as a check that all the requirements have been met before the actual enforcement of the decision. However, this mechanism can also cause considerable delays in the proceedings. This paper will focus on the mechanism of the declaration of enforceability in EU family law regulations.

Key words: private international law, European law, family law, declaration of enforceability, exequatur, recognition of decisions.

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1. Introduction

The process of recognition and enforcement of foreign decisions forms part of the European judicial area. With emphasis on mutual trust between Member States, the recognition of decisions is automatic, i.e., without the need for a specific procedure. Recognition of a decision is then necessary for its subsequent enforcement. In the past (and in some cases even today), enforcement required a court decision in the Member State of enforcement establishing that a decision from a foreign Member State was enforceable. This procedure is known as a declaration of enforceability procedure (hereinafter also referred to as exequatur or exequatur procedure). The purpose of this procedure is to provide an opportunity to verify that a decision meets all the requirements for subsequent enforcement.

Although the European Union has aimed to abolish enforcement proceedings between Member States since 1999,¹ the exequatur procedure was enshrined even in later regulations. Only over time did enforceability gradually become automatic without exequatur as a necessary intermediate stage. In the area of family law, the last time such a change occurred was the Brussels II bis Regulation, where the revised version of the Regulation, Brussels II ter, fully abolished declaration of enforceability.

The present paper deals with the mechanism for declaration of enforceability in family law in the European Union. It aims to analyse its (non-)preservation in individual regulations,² taking into account the trend of gradually abolishing the exequatur procedure. Attention is first paid to the general process of recognition and enforcement of decisions and the definition of the role of the exequatur procedure. The paper then analyses the approach to exequatur in individual EU family law regulations, including the gradual abolition of this procedure in some

¹ LOWE, N., HONORATI C. *Brussels II-ter: Cross border Marriage Dissolution, Parental Responsibility Disputes and Child Abduction in the EU*, Cambridge: Intersentia, 2023, p. 333.

² 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, Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast), Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations, 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, Council Regulation (EU) 2016/1104 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships.

regulations. Finally, some decisions of the Court of Justice of the European Union concerning the issue of decision enforceability are analysed.

2. A brief insight into the recognition and enforcement process

Enforcement and declaration of enforceability are mechanisms of private international law that allow cross-border enforcement. A court's issuing a decision is one of the acts of state sovereignty.³ As a rule, the effects of the decision are therefore limited to the territory of the State (State of origin) and end at the national border.⁴ Foreign decisions have effect in the Czech Republic only if they have been recognised and, where appropriate, subsequently enforced. It is therefore practical not to have to repeat proceedings that have been conducted before competent foreign courts. The result of this process is a legal situation that would have occurred if the same matter had been decided identically by a Czech authority.

By way of recognition, a decision given in another State has the same legal effect as a decision given in the country in which enforcement is sought (for example, in the Czech Republic). This is done in an informal manner, i.e., by the court taking the foreign decision into account.⁵ Recognition of the decision is thus a condition for the foreign decision to be enforced in the Czech Republic. However, in some cases, recognition alone may not be sufficient for enforcement. Enforcement of a decision given in another state, i.e., from the point of view of legal theory, the last step of proceedings conducted to compel a person to comply with an obligation imposed on them by that foreign decision and which they voluntarily failed to comply with within the prescribed period,⁶ may in general be ordered from the point of view of private and procedural international law if the foreign decision in question has been recognised in the Czech Republic and, in some cases, if the foreign decision has been declared enforceable in the Czech Republic (*exequatur*). This creates a situation where the process of "declaration of enforceability" enters between recognition and enforceability.

³ KUČERA, Z. *Mezinárodní právo soukromé a procesní*. Brno: Doplněk, 2004, p. 407.

⁴ MALACKA, M., RYŠAVÝ, L. *Mezinárodní právo soukromé a procesní: Úvod do studia mezinárodního práva soukromého a rozhodčího řízení*. 2nd rev. ed. Praha: Leges, 2021, pp. 293–294.

⁵ § 16, The Act dated 25th January 2012 governing private international law.

⁶ KUČERA, Z. *Mezinárodní právo soukromé a procesní*. Brno: Doplněk, 2004, p. 410.

3. Declaration of enforceability in EU family law regulations

Mutual recognition of decisions is one of the objectives of the European Union.⁷ In accordance with Art. 288 TFEU, EU regulations take precedence over national law, which of course also applies to the issue of recognition and enforcement. The procedure for the recognition of a decision under European Union law depends on the specific area of legal relations in which the decision was given.

As regards the EU rules on family law, different regulations take different approaches, and there have been changes over the years in the area of the exequatur procedure in the sense that this intermediate step between recognition and enforcement is being abolished.

3.1. The Maintenance Regulation:

The Maintenance Regulation divides decisions into two groups. The first group consists of decisions given in any EU Member State that is also a signatory to the Hague Protocol. The second group consists of decisions of those Member States that are not signatories to the Hague Protocol. Decisions from the first group are enforceable automatically; specifically, Art. 17(1) provides that: “*A decision given in a Member State bound by the 2007 Hague Protocol shall be recognised in another Member State without any special procedure being required and without any possibility of opposing its recognition.*”

Currently, all decisions falling under the Maintenance Regulation are automatically enforceable throughout the European Union. This is because the condition of declaration of enforceability applied to the United Kingdom of Great Britain and Northern Ireland, which was not a signatory to the Hague Protocol and which is no longer a member of the European Union.

3.2. The Matrimonial Property Regulation and the Regulation on the Property Consequences of Registered Partnerships:

At present, there are only two regulations in European Union law, specifically in the area of family law, which retain the exequatur procedure. These are the Matrimonial Property Regulation and the Regulation on the Property Consequences of Registered Partnerships referred to as “Twin Regulations”. Other

⁷ Art. 67(4) Consolidated version of the Treaty on the Functioning of the European Union.

EU regulations with declaration of enforceability closely related to family law issues include the Succession Regulation.

Decisions given and enforceable in one Member State are enforceable in another Member State only after a declaration of enforceability, in accordance with the procedure laid down in the Regulation. To this end, the person concerned must file a petition. The entire *exequatur* procedure is then regulated by Art. 44 to 57 of the Twin Regulations. The procedure for filing a petition is then governed by the law of the Member State of enforcement, the petitioner being under no obligation to have either a postal address or an authorised representative in the Member State of enforcement. The petition itself then requires the submission of several documents, including an engrossed decision that meets the conditions necessary for recognition of its authenticity.

Once the formalities listed in Art. 45 are met, the decision will be declared enforceable without review under Art. 37. The decision on the petition for a declaration of enforceability is then communicated to the petitioner and served to the party against whom enforcement is sought, together with the decision, unless already served.

An appeal may be lodged against the decision on the petition for a declaration of enforceability and may be made by any party. That party has 30 or 60 days to appeal. For reasons of distance, an extension of the time limit is excluded. The appeal procedure is then conducted in accordance with the rules governing contentious proceedings in the Member State concerned. The same conditions apply to the Regulation on the Property Consequences of Registered Partnerships.

Although the Twin Regulations are among the youngest regulations,⁸ they are essentially the only two family law regulations that operate with declaration of enforceability. At the very least, this solution is interesting in terms of the fact that there has been a tendency in the European Union since 2003 to abolish the *exequatur* procedure⁹ and to ensure direct enforceability of decisions in other Member States.

The reasons for preserving declaration of enforceability in those Regulations may have followed from the same reasons for preserving declaration of enforceability in the Succession Regulation. In the context of the Succession Regulation, there are two arguments for preserving declaration of enforceability. The first one is a certain originality of the regulation, which has a wide material scope and offers a choice of law.¹⁰ The second is the lack of unification of substantive

⁸ Validity 2016, applicable from 2019.

⁹ VIARENGO, I., FRANZINA, P. *The EU Regulations on the Property Regimes in International Couples: A Commentary*. Northampton: Edward Elgar Publishing, 2020, p. 375.

¹⁰ *Ibid.*

law.¹¹ In the case of substantive family law, this area cannot be unified either.¹² Compared to the regulations already mentioned, which remain in the intermediate stage on the way to the enforcement of a decision consisting in a declaration of enforceability, another regulation, namely Brussels I bis, went a different way and abolished the exequatur procedure. The Brussels I bis Regulation has a much wider scope than the Succession Regulation and the Twin Regulations and covers areas where substantive law has not been unified.¹³

The aim for enforceability of decisions in the Twin Regulations is to have a quick and simple process. However, commentary literature considers the preservation of the declaration of enforceability to be inefficient and illogical.¹⁴ It takes this view primarily on the ground that, in the light of the current legislation, an authority is in principle obliged to grant the petition for a declaration of enforceability.¹⁵

In addition to the Brussels I bis Regulation, there has been a change in the approach to declaration of enforceability in another family law regulation, namely the Brussels II bis Regulation, which now exists in the form of the Brussels II ter Regulation.

4. Enforceability of decisions in the Brussels II bis and Brussels II ter Regulations

The Brussels II bis Regulation contained provisions on the recognition and enforcement of decisions given in other Member States of the European Union, including a mechanism for declaration of enforceability. A declaration of enforceability was thus a necessary step to enable a decision from a foreign Member State to be enforced in another Member State. The purpose of declaration of enforceability was to allow for an abbreviated review of foreign decisions.¹⁶ This is necessary because each state still remains responsible for the actions of its officials.

¹¹ Ibid.

¹² MARTINY, D. European Family Law (PIL). In: BASEDOW, Jürgen a kol. (eds.). *The Max Planck Encyclopedia of European Private Law: Volume I*. 1 ed. Oxford: Oxford University Press, 2012, s. 596.

¹³ VIARENGO, I., FRANZINA, P. *The EU Regulations on the Property Regimes in International Couples: A Commentary*. Northampton: Edward Elgar Publishing, 2020, p. 375.

¹⁴ Ibid., p. 406.

¹⁵ Ibid.

¹⁶ GONZÁLES BEILFUSS, C. et al. *Jurisdiction, Recognition and Enforcement in Matrimonial and Parental Responsibility Matters: A Commentary on Regulation 2019/1111*. Northampton: Edward Elgar Publishing, 2023, p. 345.

The Brussels II ter Regulation went a step further and abolished declaration of enforceability altogether.¹⁷ This puts Member States in a difficult position if their authorities find that the enforcement of a foreign decision infringes the fundamental rights of men, women and children.¹⁸ Although the principle of mutual trust among Member States is crucial, it does not override the fundamental rights of these persons. Enforcement of a foreign decision which infringes fundamental rights constitutes the same international liability as is borne by the State of origin of the decision.¹⁹

That control, which is (typically) carried out by an enforcement judge during the exequatur procedure, has been moved to a different stage of the procedure under Brussels II ter. This is by virtue of Art. 34 in conjunction with Art. 57.²⁰ Therefore, the current Brussels II ter Regulation stipulates for the enforceability of a decision: “*A decision in matters of parental responsibility given in a Member State which is enforceable in that Member State shall be enforceable in the other Member States without any declaration of enforceability being required. For the purposes of enforcement in another Member State of a decision granting rights of access, the court of origin may declare the decision provisionally enforceable notwithstanding any appeal.*” The same is also repeated in Art. 45²¹ in relation to the enforcement of “privileged decisions”.²²

The phase consisting of a declaration of enforceability therefore ceases to exist, but the possibility of defending oneself against enforcement of course remains. The idea of abandoning exequatur has been around for a long time, along with the intention of creating a single judicial area in Europe. However, political obstacles have led to the current dual track, where decisions in certain cases are subject to accelerated enforcement (without prior exequatur) and decisions in other cases continue to be subject to the traditional regime with an exequatur procedure.²³

¹⁷ As a first step in Brussels II bis, the exequatur procedure was abolished in two specific instances – the enforcement of access decisions and an order for a child’s return made under the override provisions in connection with applications made under the 1980 Hague abduction convention.

¹⁸ GONZÁLES BEILFUSS, C. et al. *Jurisdiction, Recognition and Enforcement in Matrimonial and Parental Responsibility Matters: A Commentary on Regulation 2019/1111*. Northampton: Edward Elgar Publishing, 2023, p. 375.

¹⁹ *Pellegrini v. Italy*, no. 30882/96, § 47, 20 July 2001.

²⁰ The grounds for suspension or refusal of enforcement under the law of the Member State of enforcement shall apply in so far as they are not incompatible with the application of Art. 41, 50 and 56.

²¹ A decision referred to in Art. 42(1) given in a Member State which is enforceable in that Member State shall be enforceable under this Section in the other Member States without any declaration of enforceability being required.

²² Decisions on access to the child and with requests made under the Hague Convention.

²³ GONZÁLES BEILFUSS, C. et al. *Jurisdiction, Recognition and Enforcement in Matrimonial and Parental Responsibility Matters: A Commentary on Regulation 2019/1111*. Northampton: Edward Elgar Publishing, 2023, p. 346.

Experience with the circulation of decisions in civil and commercial matters (Brussels I bis) has shown that the exequatur-free regime is effective.²⁴ The aim was to reduce the length of enforcement procedure abroad and also to reduce costs.²⁵ The time to obtain exequatur varied from one Member State to another, however, depending on the Member State and the complexity of the case, it could take anywhere from days to months.²⁶ If the possibility of appeal was exercised, the proceedings were then extended by up to several years.²⁷

In the context of the abolition of exequatur in other regulations, the assumption that the delays were caused by the exequatur procedure has been proven.²⁸

It should be recalled that the abolition of exequatur does not prevent petitions for refusal or suspension of enforcement. The difference lies in the fact that the grounds for refusal or suspension of enforcement are not considered by the court as part of the exequatur procedure but by the authority responsible for enforcement.²⁹

So what is to be done for enforcement to take place and how can such enforcement possibly be prevented? The party seeking enforcement must submit several documents to the competent authority, namely one copy of the decision which meets the conditions for recognition of its authenticity and a certificate issued under Art. 36.³⁰ For the enforcement of a decision given in another Member State and ordering an interim measure, Art. 35(1) lays down further conditions, such as the obligation to produce proof of service of the decision if the measure is ordered without summoning the respondent to court.

The Brussels II ter Regulation sets out several grounds for refusing to enforce decisions in matters of parental responsibility. Those are, according to Article 41,³¹ identical to the reasons listed in Article 39, i.e., to the grounds for refusing recognition of decisions in matters of parental responsibility. The listed

²⁴ Ibid., p. 345.

²⁵ LOWE, N., HONORATI C.. *Brussels II-ter : Cross border Marriage Dissolution, Parental Responsibility Disputes and Child Abduction in the EU*, Cambridge: Intersentia, 2023, p. 334.

²⁶ Ibid.

²⁷ Ibid.

²⁸ GONZÁLES BEILFUSS, C. et al. *Jurisdiction, Recognition and Enforcement in Matrimonial and Parental Responsibility Matters: A Commentary on Regulation 2019/1111*. Northampton: Edward Elgar Publishing, 2023, p. 346.

²⁹ LOWE, N., HONORATI, C.. *Brussels II-ter : Cross border Marriage Dissolution, Parental Responsibility Disputes and Child Abduction in the EU*, Cambridge: Intersentia, 2023, p. 334

³⁰ According to Art. 36 of the Brussels II ter Regulation, the certificate is issued upon application and using the appropriate form set out in the Annexes to the Regulation. The issuance of the certificate cannot be challenged.

³¹ Without prejudice to Art. 56(6), enforcement in matters of parental responsibility shall be refused if it has been established that there are any of the grounds for refusal of recognition referred to in Art. 39.

reasons include being manifestly contrary to the public policy,³² failure to inform the party in sufficient time,³³ alleged infringement of parental responsibility,³⁴ irreconcilability with later decisions regarding parental responsibility³⁵, and failure to follow the procedure in Art. 82.³⁶

5. Related decisions of the Court of Justice of the European Union

Of course, the Court of Justice of the European Union has not lacked in its decision-making practice the opportunity to enforce a decision together with a declaration of enforceability.

In *Bohez v Wiertz*,³⁷ the Court of Justice of the European Union addressed the issue of financial penalties arising from a breach of a child access order. The Court held that the issue fell under Brussels II bis and not under Regulation No 44/2001. The Court has specified that the nature of that right to enforcement depends on the nature of the right for the violation of which the enforcement was ordered.³⁸ In the

³² The recognition of a decision in matters of parental responsibility shall be refused if such recognition is manifestly contrary to the public policy of the Member State in which recognition is invoked, taking into account the best interests of the child.

³³ The recognition of a decision in matters of parental responsibility shall be refused if where it was given in default of appearance if the person in default was not served with the document which instituted the proceedings or with an equivalent document in sufficient time and in such a way as to enable that person to arrange for his or her defence unless it is determined that such person has accepted the decision unequivocally;

³⁴ The recognition of a decision in matters of parental responsibility shall be refused upon application by any person claiming that the decision infringes his or her parental responsibility, if it was given without such person having been given an opportunity to be heard;

³⁵ The recognition of a decision in matters of parental responsibility shall be refused if and to the extent that it is irreconcilable with a later decision relating to parental responsibility given in the Member State in which recognition is invoked; if and to the extent that it is irreconcilable with a later decision relating to parental responsibility given in another Member State or in the non-Member State of the habitual residence of the child provided that the later decision fulfils the conditions necessary for its recognition in the Member State in which recognition is invoked;

³⁶ Where a court or a competent authority contemplates the placement of a child in another Member State, it shall first obtain the consent of the competent authority in that other Member State. To that effect the Central Authority of the requesting Member State shall transmit to the Central Authority of the requested Member State where the child is to be placed a request for consent which includes a report on the child together with the reasons for the proposed placement or provision of care, information on any contemplated funding and any other information it considers relevant, such as the expected duration of the placement.

³⁷ Judgment of 9 September 2015, C-4/14, *Bohez v. Wiertz*, ECLI:EU:C:2015:563.

³⁸ See, to that effect, judgment in *Realchemie Nederland*, C-406/09, EU:C:2011:668, paragraph 42.

present case, it was then necessary to further clarify whether the enforcement of such a sanction requires a declaration of enforceability (*exequatur*), since decisions relating to the right of access under the Brussels II bis Regulation are enforceable in other Member States under certain conditions without the need for an *exequatur* procedure.³⁹ Since the sanction is directly linked to the existence of the main obligation (right of access), the sanction provided for in the decision on the right of access cannot be treated separately as a separate obligation. Enforcement of the sanction or, where applicable, a fine must be subject to the same enforcement regime as the right of access. The Court stated that if that regime had a separate enforcement procedure, it would mean allowing a court of a Member State to verify itself a breach of the right of access, contrary to mutual trust between the Member States of the European Union. Sanctions must then be declared enforceable under the rules in the Brussels II bis Regulation.

The issue of the need to conduct an *exequatur* procedure has also affected international child abductions, that is, again the Brussels II bis regulation. In the *Rinau*⁴⁰ case, after the divorce of the Rinau spouses (husband from Germany, wife from Lithuania), the father was given custody of their daughter. However, Inga Rinau and her daughter left the German territory and went to Lithuania for a two-week holiday. Michale Rinao responded by filing a petition for his daughter's return to Germany with the Lithuanian District Court in Klaipeda, but the court rejected his petition. Then a change took place and the court ordered the return of the daughter to Germany. However, the enforcement was halted several times. Inga Rinau therefore sought disrecognition of the decision to grant custody of her daughter to the father. The application was ruled inadmissible because the Lithuanian court considered that the decision was enforceable automatically under Art. 42 Brussels II bis⁴¹ without the need for an *exequatur* procedure. Inga Rinau has therefore lodged a cassation appellate remedy seeking the annulment of that order and a issuance of new decision. The Lithuanian court *Lietuvos Aukščiausiasis Teismas* therefore stayed the proceedings and referred several questions to the Court of Justice for a preliminary ruling, including on the *exequatur* procedure. The Court of Justice of the European Union confirmed that the enforcement of the decision to return the child did not require a further stage of the procedure in

³⁹ “The rights of access [...] granted in an enforceable judgment given in a Member State shall be recognised and enforceable in another Member State without the need for a declaration of enforceability and without any possibility of opposing its recognition if the judgment has been certified in the Member State of origin in accordance with paragraph 2.

⁴⁰ Judgment of 11 July 2008, C-195/08 PPU, *Rinau*, ECLI:EU:C:2008:406.

⁴¹ The return of a child referred to in Article 40(1)(b) entailed by an enforceable judgment given in a Member State shall be recognised and enforceable in another Member State without the need for a declaration of enforceability and without any possibility of opposing its recognition if the judgment has been certified in the Member State of origin in accordance with paragraph 2.

the form of an exequatur procedure, since the condition in Art. 42 Brussels II bis Regulation is met – that is, a certificate was issued in accordance with Brussels II bis Regulation. The Court also referred, quite logically, to the requirement of speed of proceedings in cases of petitions for the return of a child. Therefore, such a decision cannot be appealed and is automatically enforceable.

The problems related to certification, which then relate to the automatic enforceability of the decision, were encountered by the Court in *Aguirre Zarraga v Pelz*.⁴² The question referred for a preliminary ruling was whether the court of the Member State of enforcement has an obligation to enforce the decision of the Member State of origin even if it is apparent from the file that the certificate issued under Art. 42 of the Brussels II bis Regulation contains a manifest error of declaration (there had been no questioning of the daughter who was placed in the custody of the father)? The Court concludes that the Brussels II bis Regulation does not require the necessary questioning of the child before the court of the Member State of origin. But the child must be allowed to express themselves freely. The Court concluded that if a court of a Member State issues a certificate under Art. 42 Regulation Brussels II bis, the court of the Member State of enforcement is obliged to enforce the decision even if it does not agree with its recognition or enforceability. Such a conclusion stems mainly from the requirement of speed in these types of proceedings.

The Court of Justice of the European Union therefore deals with the issue of declarations of enforceability, in particular, with cases concerning whether or not to conduct an exequatur procedure. Furthermore, decisions may be encountered that further explain the issue of cross-border enforcement and subsequent annulment of the exequatur procedure, as was the case in *Sanders v Verhaegen*,⁴³ where the Court dealt with the enforcement of decisions in a maintenance order.

6. Conclusion

The paper dealt with the mechanism for declaration of enforceability in selected family law regulations, especially with regard to the trend consisting in the gradual abolition of this mechanism in individual (not only) family law regulations.

Automatic enforceability was introduced by the Maintenance Regulation and partly by Brussels II bis, where exequatur was not necessary in right of access proceedings and in return proceedings in cases of international child abduction.

⁴² Judgment of 22 December 2010, C-491/10 PPU, *Zarraga v Pelz*, ECLI:EU:C:2010:828.

⁴³ Judgment of 18 December 2014, C-400/13, *Sanders v Huber*, ECLI:EU:C:2014:2461.

The reason for the abolition of the declaration of enforceability was mainly the high time-consuming nature of these proceedings and the increased costs. The procedure and therefore the enforcement could thus extend for several years. The aim was to shorten the length of enforcement procedure abroad and also to reduce costs, which was to supposed to happen after abolition of the exequatur procedure. In particular, the Brussels I bis Regulation showed that the circulation of decisions is more efficient without exequatur.

Also, the Brussels II bis Regulation has undergone changes, and a recast in the form of the Brussels II ter Regulation abolished exequatur also in matters of parental responsibility, which makes all decisions enforceable automatically.

The only two regulations not affected by the abolition of the declaration of enforceability are the Twin Regulations. Paradoxically, these are the youngest regulations but they include a declaration of enforceability. The author considers this step to be superfluous and agrees with other experts in that keeping exequatur seems illogical and also inefficient. At the same time, however, it is impossible to ignore the fact that the exequatur procedure provides some protection against potential problematic decisions, especially regarding the assets of spouses or partners. It can also be assumed that the preservation of exequatur in the Twin Regulations may have indicated some caution on the part of the Member States of the European Union, and its abolition will also be considered in the future.

As regards the activities of the Court of Justice of the European Union, it has in the past dealt, as a rule, with questions as to whether or not it was necessary to conduct exequatur procedures in various situations. If it did not directly address the deeper issue of the declaration of enforceability, it devoted its attention to the reasons for the abolition of exequatur.

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