

EXECUTIVE SUMMARY

of the

ITALIAN

BEST PRACTICE TOOL

for the Recognition and Enforceability
of Mediated Agreements in the EU
(Relocation Agreement)



This project was funded by the European Union's Justice Program (2014-2020)

Italy - Best Practice Tool for the Recognition and Enforceability of Family Law Agreements Involving Children within the European Union

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1st Edition 2020
Berlin

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Project Consortium:
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Executive summary



Step 1

Italy

Executive summary - International Relocation Agreement

(For details please consult the Italy National Best Practice Tool)

International relocation case inside the EU: The parents of a child (age: 10 years) who habitually reside in Italy split up. The parents, who have joint custody of their child, agree that

- child and mother will relocate together from Italy to EU State B;
- the father, who will remain in Italy, will have personal contact with the child every fourth weekend and during school holidays;
- the father will pay a monthly child maintenance of 200 EUR to the mother.

They set up a detailed agreement in writing. No legal proceedings are yet pending between the parents.

Step I: EU / international legal framework needs to be analysed to identify in which country the family agreement should first be rendered legally binding and enforceable to make best use of the mechanism of cross-border recognition and enforcement of EU / international law.

For relocation agreements such as the agreement in the above case dealing with matters of parental responsibility, the best “starting point jurisdiction” is the **State of habitual residence of the child** at the moment the agreement is rendered legally binding and enforceable. Hence, where the parents want to render the agreement legally binding before the relocation, the best “starting point jurisdiction” would be the State where the child currently lives and thus has his habitual residence (**Italy**).



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Step 2

Step 2: Using the different options available under Italian law to render the family agreement legally binding in Italy

In Italy several options are available to make family agreements enforceable. One needs to distinguish as to whether the parents are married or unmarried.

- I. **Married couples** who decide to separate or divorce, and who come to an agreement regarding their child/ren, can rely on different ways to render their agreement binding and enforceable: assisted negotiation, consensual separation or divorce upon joint application (see under Italy National Best Practice Tool **Methods A.1, A.2, A.3, Overview**, §§102.1-102.7).
- II. **Unmarried couples**, however, have only one single option: to seize a court with an ordinary procedure in order to reach a decision that transposes the content of the agreement (see under Italy National Best Practice Tool **Method A.4, Overview**, §§102.8, 102.9).

- I. A **married** couple may revert to:
 - i) **Assisted negotiation** + judicial approval by the Public Prosecutor (**Method A.1**: see §§ 120.2, 120.6, 120.7, 120.11, 120.15, 120.19, 120.23, 120.27): this is an ADR process by which the spouses, with the assistance of their respective lawyers, attempt to reach an out-of-court agreement on separation, divorce or on the modification of the conditions of a previous separation or divorce, including provisions on children and on maintenance for the child and for the former spouse. This process requires a number of different steps set by law. An agreement reached by assisted negotiation is then approved by the Public Prosecutor (“Procuratore della Repubblica”, a judge).

- ii) **Full judicial procedure**:
 - a) **homologation of separation** (“separazione consensuale”) (**Method A.2**: see §§ 120.3, 120.6, 120.8, 120.12, 120.16, 120.20, 120.24, 120.28): when the spouses reach an out of court agreement on the personal and financial terms of their separation and on the arrangements regarding their children, they can submit the agreement to the court in order to obtain its “homologation” as long as the Court considers the agreement not contrary to the best interest of the child.

Separation is then awarded through a court ‘decree’.

- b) **joint divorce** (“divorzio congiunto”) (**Method A.3**: see §§ 120.4, 120.6, 120.9, 120.13, 120.17, 120.21, 120.25, 120.29): similar to the homologation of the separation agreement, this is a judicial procedure which requires the parties to submit their agreement to the judge, who transposes its content into a divorce judgment if this is not contrary to the best interest of the child.

- II. An **unmarried** couple can start so called “**chamber proceedings**” (“procedimento in camera di consiglio”) (**Method A.4**: see §§ 120.5, 120.6, 120.10, 120.14, 120.18, 120.21, 120.26, 120.30). Here, a claim is filed by way of a joint petition (“ricorso”). The proceedings take place with no specific formalities and the court can exercise wide discretion. The chamber proceedings are concluded with a “reasoned decree” (“decreto motivato”) binding and enforceable.

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Step 3

Step 3: Making (the content of) the agreement, which is now enforceable in Italy, travel cross-border with the assistance of EU law and guaranteeing enforceability in EU State B (not Denmark)

As shown above, all of the proceedings available under Italian law conclude with a judicial “decision”. This is true for all the ‘full-judicial’ procedures listed under A.2, A.3, A.4.

Accordingly, the relevant decision will circulate under the relevant provisions of the Brussels IIa Regulation and of the Maintenance Regulation. As always with EU Regulation, multiple certificates will be needed for each head of the decision falling under the scope of each Regulation.

With regards to the above relocation case scenario, a decision given in accordance with **Method A.2.** and **Method A.3** (concerning married couples), will require the following certificates, to be completed by the relevant Court:

- Certificate pursuant Art 39 Brx IIa (Annex II), concerning matrimonial status +
- Certificate pursuant Art. 41 Brx IIa (Annex III), concerning access to the child +
- Certificate pursuant Art. 20 Maintenance Reg (Annex I) concerning maintenance obligations

A decision given in accordance with **Method A.4**, (concerning unmarried couples) will require the following certificates, to be issued by the relevant Court:

- Certificate pursuant Art. 41 Brx IIa (Annex III), concerning access/contact with the child +
- Certificate pursuant Art. 20 Maintenance Reg (Annex I) concerning maintenance obligations



The authors of this study suggest the same conclusion with regards to decisions taken in accordance of **Method A.1.** This applies because the final step of the ‘assisted negotiation’ is a formal approval of the agreement, made by a court allowed to scrutinize (although to a limited extent) the content of the agreement concerning minors.

According to the Circular Note of the Ministry of Justice of 22 May 2018, such Court shall issue the certificate pursuant Art 39 Brx IIa (Annex II) concerning matrimonial status. Although no formal direction was given concerning other certificates and other Regulations, it is assumed that the same should apply by analogy. Hence the following applies:

- Certificate pursuant Art 39 Brx IIa (Annex II), concerning matrimonial status +
- Certificate pursuant Art. 41 Brx IIa (Annex III), concerning access/contact with the child +
- Certificate pursuant Art. 20 Maintenance Reg (Annex I) concerning maintenance obligations

The authors of the present study wish to underline that this is a speculative solution, as they were unable to find any practice concerning agreements concluded through the assisted negotiation procedure and authorized by the court, in cases where a certificate for circulation under the Brussels IIa Regulation was actually required.

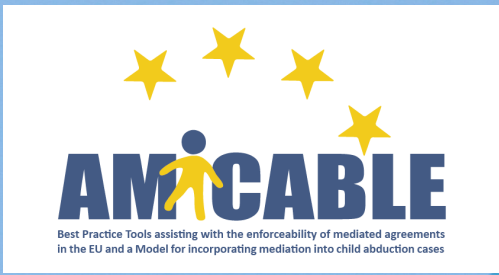
Executive summary

Most relevant procedural requirements of the abovementioned methods (synoptic table):

	Method A.1 Assisted Negotiation (married couples)	Method A.2 Homologation of separation (married couples)	Method A.3 Joint divorce (married couples)	Method A.4 Chamber proceedings (unmarried couples)
Jurisdiction	Public Prosecutor (“Procuratore della Repubblica”) of the Court of the place of common residence of the spouses; Or if there is no common residence (and in case of divorce agreements), Public Prosecutor of the Court of the place of residence of one of the spouses.	Court of the place of common residence of the spouses or, if there is no common residence, Public Prosecutor of the place of residence of one of the spouses.	Court of the place of residence of one of the spouses.	Court of the place of residence of the child.
Legal assistance	Yes, one lawyer for each party.	Not required (even if it is quite uncommon that parties act without any expert legal assistance).	Yes, but the spouses can share the same lawyer in court.	Not required (even if it is quite uncommon that parties act without any expert legal assistance).
Other participants	No.	Public Prosecutor. In cases where there is a clear conflict of interest between the parents and the child, the presiding judge, by his/her own motion, can appoint a legal representative (“curator speciale”) for the child.	Public Prosecutor. In cases where there is a clear conflict of interest between the parents and the child, the presiding judge, by his/her own motion, can appoint a legal representative (“curator speciale”) for the child.	Public Prosecutor.
Supervision of the content of the agreement?	Yes, but only if minor children are involved.	Yes.	Yes.	Yes.

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	Method A.1 Assisted Negotiation (married couples)	Method A.2 Homologation of separation (married couples)	Method A.3 Joint divorce (married couples)	Method A.4 Chamber proceedings (unmarried couples)
Hearing of the child?	No.	Yes, except when hearing of the child is “expected to cause, because of his/her psychological conditions, a serious disturbance or it is obviously redundant	Yes, except when hearing of the child is expected to cause, because of his/her psychological conditions, a serious disturbance or it is obviously redundant	Yes, except when hearing of the child is expected to cause, because of his/her psychological conditions, a serious disturbance or it is obviously redundant
Time required	Max 3 months.	Approximately 4 months, depending on the caseload of the competent Court.	Approximately 5-6 months, depending on the caseload of the competent Court.	Approximately 3-4 months, depending on the caseload of the competent Court.
Approximate costs	The lawyers’ fees vary between € 1.500 and € 5.500 for each party.	The lawyers’ fees vary between € 1.300 and € 5.000 for each party. Parties also need to pay a court fee (“contributo unificato”) of € 43.	The lawyers’ fees vary between € 1.300 and € 5.000 for <u>both</u> party. Parties also need to pay a court fee (“contributo unificato”) of € 43.	The lawyers’ fees vary between € 200 and € 700 for each party.
Certificates	Ex Art 39 Brx IIa (Annex II) + Ex Art. 41 Brx IIa (Annex III) + Ex Art. 20 Reg. 4/09 (Annex I)	Ex Art 39 Brx IIa (Annex II) + Ex Art. 41 Brx IIa (Annex III) + Ex Art. 20 Reg. 4/09 (Annex I)	Ex Art 39 Brx IIa (Annex II) + Ex Art. 41 Brx IIa (Annex III) + Ex Art. 20 Reg. 4/09 (Annex I	Ex Art. 41 Brx IIa (Annex III + Ex Art. 20 Reg. 4/09 (Annex I)



EXECUTIVE SUMMARY

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ITALIAN

BEST PRACTICE TOOL

for the Recognition and Enforceability
of Mediated Agreements in the EU
(Return Agreement)



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Italy - Best Practice Tool for the Recognition and Enforceability of Family Law Agreements Involving Children within the European Union

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Executive summary

Step 1

Italy

Executive summary - International Abduction Case – return agreement

(For details please consult the National Best Practice Tool for Italy)

International child abduction inside the EU: The parents of a child (age: 10 years) who habitually reside in State B split up. They have joint custody of their child. Against the wish of the father, the mother takes the child to her home-country, Italy, with the intention to settle there. Since the mother does not return the child voluntarily, the father applies for the return of the child under the 1980 Hague Child Abduction Convention to the competent court in Italy.

In parallel to the Hague return proceedings, the parents follow specialised mediation and come to a return agreement, which regulates the following main aspects:

- Mother and child will return to State B (details given, including the modalities of the return and cost payment)
- The parents will continue to exercise the rights of custody jointly.
- The child will live with the mother in State B; father and child will maintain regular contact (details given).
- The father will pay a fixed amount of child maintenance on a monthly basis (EUR 200).

Step I: EU / international legal framework needs to be analysed to identify in which country the family agreement should first be rendered legally binding and enforceable to make best use of the mechanism of cross-border recognition and enforcement of EU / international law.

In international child abduction cases **special rules on international jurisdiction apply for matters of parental responsibility** in accordance with Art. 10 Brussels IIa Regulation (equivalent to Art. 7 of the 1996 Hague Child Protection Convention). This ensemble of rules aims to protect the children affected by international child abduction. The provisions are premised on the notion that the most appropriate forum to determine the long-term merits of custody is usually the State of the habitual residence of the child (=State B) (see Art 8 Brussels IIa Regulation) and that the child's removal or retention by one parent in breach of the other parent's custody rights should not bring about a change of jurisdiction and provide procedural advantages for the taking parent.

Consequently, one might be tempted to simply refer the parties to the authorities of State B in order to render their return-agreement enforceable, since the authorities in Italy lack international jurisdiction on the merits of custody. However, this can cause **major inconveniences in practice**: Time is of the essence in international child abduction cases, therefore the court seized with Hague return proceedings in Italy is under the legal obligation to decide swiftly (six-weeks-timeframe imposed by Art. 11(3) Brussels IIa Regulation). The authorities in State B are under no such obligation when being asked to render the parental agreement enforceable. For the parties who have negotiated a return agreement it will be **crucial to avoid a only partial binding force of the agreement**. Even where the authorities in State B are ready to act swiftly and render the return agreement legally binding within the time frame the Hague court has to act, difficulties may arise, where the authorities of State B request the presence of the abducting parent and / or wish to interview the child.

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Specialised judges have over the past decades developed **good practices and tools (such as direct judicial communications)** to assist the parties in upholding the amicable solution of their dispute. The promoted way forward is twofold and can be summarised as follows: (1) Giving the return agreement in front of the Hague court (Italy, in this case) binding force to the maximum extent feasible and (2) doing everything feasible to obtain binding force for the remainder of the agreement as speedily as possible in the State B, ideally before the Hague proceedings are terminated in Italy.

For proceedings commenced on or after 1 August 2022, the new Brussels IIa (recast) Regulation will remedy the above described dilemma: In cases of wrongful removal or retention the international jurisdiction can be prorogated in line with Article 10 of the new Regulation, see Article 9 of the Brussels IIa (recast) Regulation. In its Recital 22 the new Regulation furthermore encourages Member States with concentrated jurisdiction to “consider enabling the court seised with the return application under the 1980 Hague Convention to exercise also the jurisdiction agreed upon or accepted by the parties pursuant to this Regulation in matters of parental responsibility where agreement of the parties was reached in the course of the return proceedings. Such agreements should include agreements both on the return and the non-return of the child. If non-return is agreed, the child should remain in the Member State of the new habitual residence and jurisdiction for any future custody proceedings there should be determined on the basis of the new habitual residence of the child.”

The following summary of national law will address the legal situation under the current Brussel IIa Regulation but will also be most useful to assist in cases under the new Brussels IIa (recast) Regulation since it will highlight what competencies the court seized with Hague return proceedings has under national law to render agreements on matters usually contained in typical return agreements legally binding and enforceable.

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Step 2

Step 2: How can the court seized with Hague return proceedings in Italy assist with rendering the return agreement legally binding and enforceable? Can the judge seized with Hague return proceedings render all parts of the return agreement for which international jurisdiction is given in Italy legally binding? What can the judge seized with Hague return proceedings do to assist with rendering the remainder of the agreement binding in State B?

Under Italian law, applications for return proceedings pursuing the Hague Convention shall be filed before the Juvenile Courts ('tribunale per i minorenni'), which have sole competence to hear such cases. Jurisdiction is thus concentrated in 24 courts, one for each Court of Appeal (mirroring the Italian regions).

The court is seized by the Public Prosecutor, who is triggered by the Central Authority after receiving an application for return. The applicant is heard by the courts and may intervene (bearing its own legal costs). The applicant may however also choose to seize the court directly, by its own motion.

Since **the scope of competence** of the court dealing with return proceedings is **limited to assessing the grounds for returning/non returning the child**, pending the Hague proceedings the only part of the agreement that the court can eventually embody in its decision is the one related to the conditions for returning the child. On the contrary, it seems impossible for the court to embody further content of the parties agreement into the decision ending the Hague return proceedings. This, provided that proceedings on parental responsibility, custody and maintenance shall be brought before ordinary courts ('tribunale ordinario') (see under Italy National Best Practice Tool § 163.1).

Change of perspective – Assuming the child had been abducted to State B and Italy would be the State of previous habitual residence, to which the child is to be returned

If Hague return proceedings are ongoing in State B, how can the parts of the return agreement on custody and contact, for which international jurisdiction remains in Italy, be rendered legally binding and enforceable in the most swift way possible, ideally before the Hague proceedings are concluded?

On the other hand, if Italy were the State of prior habitual residence of the child and the parents decide to render their agreement enforceable here, Italian courts would have jurisdiction on the whole of their agreement.

Again, several options are given to make family agreements enforceable. One should firstly distinguish as to whether the parents are married or unmarried.

- I. **Married couples** shall use **(A.1) assisted negotiation, (A.2) homologation of the separation agreement, and (A.3) divorce upon joint application** (see under Italy National Best Practice Tool §§163.2, 163.3, 163.5), of course, provided that the relevant conditions for each proceedings are met (see under Italy National Best Practice Tool **Methods A.1, A.2, A.3, Overview**, §§102.1-102.7); as far as the time of the proceedings is concerned, however, it seems that only the assisted negotiation in family matters (A.1) could be finalized before the Hague return proceedings comes to an end in State B (the State of refuge);
- II. **Unmarried couples** shall revert necessarily to **chamber proceedings (A.4)** (see under Italy National Best Practice Tool §163.4 – for the general conditions see **Overview**, §102.8, 102.9).

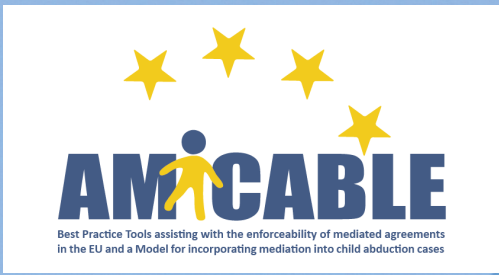
Executive summary

Most relevant procedural requirements of the abovementioned methods (synoptic table):

	Method A.1 Assisted Negotiation (married couples)	Method A.2 Homologation of separation (married couples)	Method A.3 Joint divorce (married couples)	Method A.4 Chamber proceedings (unmarried couples)
Jurisdiction	Public Prosecutor ("Procuratore della Repubblica") of the Court of the place of common residence of the spouses; Or, if there is no common residence (and in case of divorce agreements), Public Prosecutor of the Court of the place of residence of one of the spouses.	Court of the place of common residence of the spouses or, if there is no common residence, Public Prosecutor of the place of residence of one of the spouses.	Court of the place of residence of one of the spouses.	Court of the place of residence of the child.
Legal assistance	Yes, one lawyer for each party.	Not required (even if it is quite uncommon that parties act without any expert legal assistance).	Yes, but the spouses can share the same lawyer in court.	Not required (even if it is quite uncommon that parties act without any expert legal assistance).
Other participants	No.	Public Prosecutor In cases where there is a clear conflict of interest between the parents and the child, the presiding judge, by his/her own motion, can appoint a legal representative ("curator speciale") for the child.	Public Prosecutor In cases where there is a clear conflict of interest between the parents and the child, the presiding judge, by his/her own motion, can appoint a legal representative ("curator speciale") for the child.	Public Prosecutor.
Supervision of the content of the agreement?	Yes, but only if minor children are involved.	Yes.	Yes.	Yes.
Hearing of the child?	No.	Yes, except when hearing of the child is "expected to cause, because of his/her psychological conditions, a serious disturbance or it is obviously redundant"	Yes, except when hearing of the child is expected to cause, because of his/her psychological conditions, a serious disturbance or it is obviously redundant"	Yes, except when hearing of the child is expected to cause, because of his/her psychological conditions, a serious disturbance or it is obviously redundant"

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	Method A.1 Assisted Negotiation (married couples)	Method A.2 Homologation of separation (married couples)	Method A.3 Joint divorce (married couples)	Method A.4 Chamber proceedings (unmarried couples)
Time required	Max 3 months.	Approximately 4 months, depending on the caseload of the competent Court.	Approximately 5-6 months, depending on the caseload of the competent Court.	Approximately 3-4 months, depending on the caseload of the competent Court.
Approximate costs	The lawyers' fees vary between € 1.500 and € 5.500 for each party.	The lawyers' fees vary between € 1.300 and € 5.000 for each party. Parties also need to pay a court fee ("contributo unificato") of € 43.	The lawyers' fees vary between € 1.300 and € 5.000 for <u>both</u> party. Parties also need to pay a court fee ("contributo unificato") of € 43.	The lawyers' fees vary between € 200 and € 700 for each party.
Certificates	Ex Art 39 Brx IIa (Annex II) + Ex Art. 41 Brx IIa (Annex III) + Ex Art. 20 Reg. 4/09 (Annex I)	Ex Art 39 Brx IIa (Annex II) + Ex Art. 41 Brx IIa (Annex III) + Ex Art. 20 Reg. 4/09 (Annex I)	Ex Art 39 Brx IIa (Annex II) + Ex Art. 41 Brx IIa (Annex III) + Ex Art. 20 Reg. 4/09 (Annex I)	Ex Art. 41 Brx IIa (Annex III) + Ex Art. 20 Reg. 4/09 (Annex I)



EXECUTIVE SUMMARY

of the

ITALIAN

BEST PRACTICE TOOL

for the Recognition and Enforceability
of Mediated Agreements in the EU
(Non-Return Agreement)



This project was funded by the European Union's Justice Program (2014-2020)

Italy - Best Practice Tool for the Recognition and Enforceability of Family Law Agreements Involving Children within the European Union

Authors:

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Executive summary

Step 1

Italy

Executive summary - International Abduction Case – non-return agreement

in cases where international jurisdiction on matters of parental responsibility has shifted to the State to which the child had been taken

(Cases where the international jurisdiction has not shifted will have to be solved as described under
International Abduction Case – return agreement)

(For details please consult the National Best Practice Tool for Italy)

International child abduction inside the EU: The parents of a child (age: 10 years) who habitually reside in State B split up. They have joint custody of their child. Against the wish of the father, the mother takes the child to her home-country, Italy, with the intention to settle there.

Since the mother does not return the child voluntarily, the father applies for the return of the child under the 1980 Hague Child Abduction Convention to the competent court in Italy.

In parallel to the Hague return proceedings, the parents follow specialised mediation and come to a return agreement, which regulates the following main aspects:

- Mother and child will not return, they will from now on live in Italy.
- The parents will continue to exercise the rights of custody jointly.
- The father and child will maintain regular contact (details given including payment of travel costs).
- The father will pay a fixed amount of child maintenance on a monthly basis (EUR 200).

Step I: EU / international legal framework needs to be analysed to identify in which country the family agreement should first be rendered legally binding and enforceable to make best use of the mechanism of cross-border recognition and enforcement of EU / international law.

Since we focus here on those cases of international child abduction, where **international jurisdiction for matters of parental responsibility** has shifted in accordance with Art. 10 Brussels IIa Regulation (equivalent to Art. 7 of the 1996 Hague Child Protection Convention), the ideal starting point jurisdiction to render the non-return agreement legally

binding and enforceable is Italy, i.e. the State to which the child has been taken.

These cases are much easier to handle than those where the international jurisdiction has not shifted. However, the settings of national law may nonetheless make it difficult to render the agreement with the above ingredients binding at once by the judge seized with the Hague proceedings or another authority within the remainder of the six-weeks-timeframe imposed by Art. 11(3) Brussels IIa Regulation. For the parties who have negotiated a non-return agreement it will be **crucial to avoid partial binding force of the agreement**. Where the

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Hague return proceedings end with a non-return order while the agreed conditions to the non-return and the agreed custody and contact arrangement are not yet binding, we have a de facto partial validity of the agreement which is likely to be a source for new conflicts.

For proceedings commenced on or after 1 August 2022, the new Brussels IIa (recast) Regulation will allow for a prorogation of international jurisdiction in line with Article 10 of the new Regulation, see Article 9 of the Brussels IIa (recast) Regulation. In its Recital 22 the new Regulation furthermore encourages Member States with concentrated jurisdiction to “consider enabling the court seised with the return application under the 1980 Hague Convention to exercise also the jurisdiction agreed upon or accepted by the parties pursuant to this Regulation in matters of parental responsibility where agreement of the parties was reached in the course of the return proceedings. Such agreements should include agreements both on the return and the non-return of the child. If non-return is agreed, the child should remain in the Member State of the new habitual residence and jurisdiction for any future custody proceedings there should be determined on the basis of the new habitual residence of the child.”

The following summary of national law addresses the legal situation under the current Brussel IIa Regulation. However, since the focus is here on cases where the international jurisdiction has shifted, the analysis will be most useful for cases under the new Brussels IIa (recast) Regulation since it will highlight what competencies the court seized with Hague return proceedings has under national law to render agreements on matters usually contained in typical return agreements legally binding and enforceable.



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Step 2

Step 2: How can the court seized with Hague return proceedings in Italy assist with rendering the return agreement legally binding and enforceable? Can the judge seized with Hague return proceedings render the entire non-return agreement legally binding and enforceable simultaneously with ending the Hague proceedings? If not, what can the Italian judge seized with Hague return proceedings do to assist with rendering the remainder of the agreement binding in State A most swiftly?

Even when international jurisdiction has shifted, the Hague return court would not be able to embody a parties' agreement, since only the ordinary courts ("Tribunale") are competent on issues on parental responsibility, custody and maintenance (see under Italy National Best Practice Tool § 163.1, 180.1).

The safest way to proceed in this case would probably be to firstly stay the Italian Hague proceedings (for example: both parties may not appear to a hearing; or parties can explain the situation and request the court to stay the proceedings). The parties could then proceed to transpose their agreement into a decision following **Method A.1** (assisted negotiation), in the case of **married couples**, or **Method A.4** (chamber proceedings), in the case of **unmarried couples** (see under Italy National Best Practice Tool § 180.2).

Only after the agreement has become enforceable following the authorization of the Prosecutor (Method A.1) or is embodied in a decision (Method A.4), could the Hague proceedings be closed.

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Most relevant procedural requirements of the abovementioned methods (synoptic table):

	Method A.1 Assisted Negotiation (married couples)	Method A.4 Chamber proceedings (unmarried couples)
Jurisdiction	Public Prosecutor (“Procuratore della Repubblica”) of the Court of the place of common residence of the spouses; Or if there is no common residence (and in case of divorce agreements), Public Prosecutor of the Court of the place of residence of one of the spouses.	Court of the place of residence of the child.
Legal assistance	Yes, one lawyer for each party.	Not required (even if it is quite uncommon that parties act without any technical assistance).
Other participants	No.	Public Prosecutor.
Supervision of the content of the agreement?	Yes, but only in the case minor children are involved.	Yes.
Hearing of the child?	No.	Yes, except when hearing of the child is expected to cause, because of his/her psychological conditions, a serious disturbance or it is obviously redundant
Time required	Max 3 months. In practice, however, such proceedings takes less time.	Approximately 3-4 months, depending on the caseload of the competent Court.
Approximate costs	Attorney’s fees shall vary between € 1.500 and € 5.500 for each party.	Attorney’s fees shall vary between € 200 and € 700 for each party.
Certificates	Ex Art 39 Brx IIa (Annex II) + Ex Art. 41 Brx IIa (Annex III) + Ex Art. 20 Reg. 4/09 (Annex I)	Ex Art. 41 Brx IIa (Annex III + Ex Art. 20 Reg. 4/09 (Annex I)