

# THE COMMISSION OF EUROPEAN FAMILY LAW: TAKING STOCK AFTER ALMOST TWENTY YEARS

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**Abstract:** Almost twenty years ago, the Commission on European Family Law (CEFL) was established as an independent academic initiative, which now includes family law experts from almost 30 European jurisdictions. The major benefit achieved through the CEFL has been the creation of a set of Principles of European Family Law that are thought to be most suitable for the harmonisation of family law within Europe. This contribution provides information about the CEFL, its organisation, working method, results, conferences, book series, finances and impact.

**Keywords:** *methodology of comparative legal studies; European legal research; harmonisation; family law; divorce; maintenance between former spouses; parental responsibilities; property relations between spouses; de facto unions*

## I. Introduction

The Commission on European Family Law (CEFL) has reached its nineteenth year of existence. Established in 2001, the CEFL has drafted five sets of “Principles of European Family Law” in the field of divorce, maintenance between former spouses, parental responsibilities, property relations between spouses and *de facto* unions. They can be considered as model laws for national legislators in their quest to reform their family law systems. In turn, new family law legislation, which was inspired by the “European Family Law Principles”, contributes to the further harmonisation of family law in Europe.<sup>1</sup> This contribution provides information about the various activities of the CEFL. Section II deals with CEFL’s organisation. Section III explains CEFL’s working method. Section IV sets out the results of CEFL’s work. Sections V and VI describe the books published and conferences

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A similar contribution is also published in Katherina Boele-Woelki and Dieter Martiny, *Plurality and Diversity of Family Relations in Europe* (European Family Law Series No. 45, Antwerp: Intersentia, 2019).

1 To date the CEFL Principles regarding parental responsibilities have inspired the Portuguese (Lei do divórcio 2008), Norwegian (Children Act 2010), Croatian (Family Law Act 2013) and Czech (2014) legislators in reforming the law of divorce and parental responsibilities. The reform of Danish matrimonial property law (2015) and the Dutch Act on the amendment of the universal community of property (2017) into a community of acquisitions referred to the CEFL Principles regarding the property relations between spouses.

held. Section VII looks at the financial aspects of CEFL. Section VIII considers the impact of CEFL's work, and Section IX considers what the future holds for CEFL.<sup>2</sup>

## II. Organisation, Composition and Meetings

The CEFL is a foundation under Dutch law. The CEFL consists of two groups: the Organising Committee and the Expert Group. The Organising Committee has set up an Expert Group to prepare and coordinate the work of the Commission as a whole. The members of the Organising Committee are at the same time members of the Expert Group. Over the years, the composition of the Organising Committee has hardly changed. The current members are Frédérique Ferrand (Lyon), Nigel Lowe (Cardiff), Dieter Martiny (Frankfurt (Oder) later Hamburg) and this author (Utrecht later Hamburg), who are the founding members, and Cristina González Beilfuss (Barcelona) and Velina Todorova (Sofia).

The Expert Group is made up of specialists in the field of family and comparative law representing most of the European Union Member States, with the involvement of experts from other European countries, such as Norway, Russia and Switzerland. Over the years, the number of experts has increased. For each specific working field, they were invited to contribute through the drafting of a national report<sup>3</sup> and taking part in Expert Meetings. Some of them have accompanied us throughout the years, some have been replaced by new experts and some others have joined the group for the latest project regarding *de facto* unions. The following are experts who worked with members of the Organising Committee in different working fields:

- (1) Divorce (2004): Masha Antokolskaia (RU), Nina Dethloff (DE), Heinz Hausheer (CH), Milana Hrusaková (CZ), Achilles Koutsouradis (GR), Kirsti Kurki-Suonio (FI), Ingrid Lund-Andersen (DK), Andrzej Mączyński (PL), Miguel Martín-Casals (ES), Michael Meston (SCH), Guilherme De Oliveira (PT), Salvatore Patti (IT), Marianne Roth (AT), Matti Savolainen (FI), Ingeborg Schwenzer (CH), Geoffrey Shannon (IE), Tone Sverdrup (NO), Velina Todorova (BG) and Emilia Weiss (HU).
- (2) Maintenance between former spouses (2004): Masha Antokolskaia (RU), Nina Dethloff (DE), Heinz Hausheer (CH), Milana Hrusaková (CZ), Achilles Koutsouradis (GR), Kirsti Kurki-Suonio (FI), Ingrid Lund-Andersen (DK), Andrzej Mączyński (PL), Miguel Martín-Casals (ES), Michael Meston (SCH), Guilherme De Oliveira (PT), Salvatore Patti (IT), Marianne Roth (AT), Matti Savolainen (FI), Ingeborg Schwenzer (CH),

<sup>2</sup> See also Katharina Boele-Woelki, "The Principles of European Family Law: Its Aims and Prospects" (2005) 1(2) *Utrecht Law Review* 160–168.

<sup>3</sup> For all five sets of principles, several experts drafted their national reports together with co-authors.

- Geoffrey Shannon (IE), Tone Sverdrup (NO), Velina Todorova (BG) and Emilia Weiss (HU).
- (3) Parental responsibilities (2007): Masha Antokolskaia (RU), Nina Dethloff (DE), Heinz Hausheer (CH), Milana Hrusaková (CZ), Achilles Koutsouradis (GR), Kirsti Kurki-Suonio (FI), Ingrid Lund-Andersen (DK), Andrzej Mączyński (PL), Miguel Martín-Casals (ES), Valentinas Mikelenas (LT), Guilherme De Oliveira (PT), Salvatore Patti (IT), Marianne Roth (AT), Ingeborg Schwenzer (CH), Geoffrey Shannon (IE), Tone Sverdrup (NO), Velina Todorova (BG) and Emilia Weiss (HU).
  - (4) Property relations between spouses (2013): Masha Antokolskaia (RU), Anne Barlow (UK), Bente Braat (FR), Nina Dethloff (DE), Ruth Farrugia (MT), Miloš Haťapka (SK), Milana Hrusaková (CZ), Achilles Koutsouradis (GR), Kirsti Kurki-Suonio (FI), Ingrid Lund-Andersen (DK), Andrzej Mączyński (PL), Jane Mair (SCH), Miguel Martín-Casals (ES), Filip Melzer (CZ), Valentinas Mikelenas (LT), Guilherme De Oliveira (PT), Salvatore Patti (IT), Marianne Roth (AT), Ingeborg Schwenzer (CH), Geoffrey Shannon (IE), Tone Sverdrup (NO), Orsolya Szeibert (HU), Velina Todorova (BG) and Emilia Weiss (HU).
  - (5) *De Facto* unions (2019): Masha Antokolskaia (RU), Anne Barlow (UK), Margareta Brattström (SE), Nina Dethloff (DE), Róbert Dobrovodský (SK), Françoise Hilger (LUX), Milana Hrusaková (CZ), Achilles Koutsouradis (GR), Inga Kudinavičiūtė-Michailovienė (LT), Inese Libina-Egner (LV), Ingrid Lund-Andersen (DK), Andrzej Mączyński (PL), Jane Mair (SCH), Barbara Novak (SI), Guilherme De Oliveira (PT), Maria Donata Panforti (IT), Branka Rešetar (HR), Marianne Roth (AT), Wendy Schrama (NL), Ingeborg Schwenzer (CH), Geoffrey Shannon (IE), Salla Silvola (FI), Tone Sverdrup (NO), Frederik Swennen (BE), Orsolya Szeibert (HU) and Triin Uusen-Nacke (EE).

From September 2001 to the autumn of 2019, the Organising Committee met 44 times. During this period, there were five Expert Meetings, which focussed on the respective drafts of the Principles, which were prepared and presented by the Organising Committee.

### III. Working Method

Having finalised the first two sets of “Principles on Divorce and Maintenance between Former Spouses”, in 2005, this author explained how the comparative research-based drafting of the Principles had been carried out until then.<sup>4</sup> Since

<sup>4</sup> Katharina Boele-Woelki, “The Working Method of the Commission on European Family Law” in Katharina Boele-Woelki (ed.), *Common Core and Better Law in European Family Law* (European Family Law Series 10, Antwerp: Intersentia, 2005) pp.15–38.

CEFL's commencement, its working method has never changed. In short, the working method involved six steps:

- (i) selecting the fields of family law that are most suitable for harmonisation;
- (ii) drafting a questionnaire that embodies the functional approach;
- (iii) drawing up national reports that take into account not only the law in the books but also the law in practice;
- (iv) collecting and disseminating the comparative material;<sup>5</sup>
- (v) drafting the Principles of European Family Law;<sup>6</sup> and
- (vi) publishing the Principles which consist of four parts, namely, (a) the Principles in English, French and German; (b) the relevant provisions of International and European instruments; (c) comparative overviews of the national reports; and (d) comments which elucidate the Principles.

#### IV. Results

The major benefit achieved through the establishment of the CEFL has been the creation of a set of Principles of European Family Law that are thought to be most suitable for the harmonisation of family law within Europe. This has resulted in five sets of Principles which were drafted after receiving the national reports from the CEFL experts in the respective fields: divorce, maintenance of former spouses, parental responsibilities, property relations between spouses and *de facto* unions. The first two sets (divorce and maintenance of former spouses) were put together into the first Principles book.<sup>7</sup> Three years later, the third set (parental responsibilities) was published.<sup>8</sup> The last two working fields (property relations

5 In addition to the country reports that are accessible on CEFL's website, integrated and printed versions laid out according to the numbers of the questions have been published. These integrated versions provide an overview and a straightforward simultaneous comparison of the different solutions within the national systems.

6 Proposals are made by the seven members of the Organising Committee that have been discussed with the authors of the national reports (the Expert Group). At this stage, a decision must be made to adopt the "common core" or the "better law" approach.

7 Katharina Boele-Woelki, *Principles of European Family Law Regarding Divorce and Maintenance Between Former Spouses* (European Family Law Series 7, Antwerp: Intersentia, 2004).

8 Katharina Boele-Woelki, *Principles of European Family Law Regarding Parental Responsibilities* (European Family Law Series 16, Antwerp: Intersentia, 2007).

between spouses and *de facto* unions) each took six years of preparation. They were published in 2013<sup>9</sup> and 2019,<sup>10</sup> respectively.

**Table 1:** Number of Questions, National Reports, International and European Instruments and Principles

Topic	Questionnaire	National reports	International and European instruments	Principles
Divorce	54	22	2	10
Maintenance between former spouses	51	22	2	10
Parental responsibilities	62	22	35	39
Property relations between spouses	201	26	19	57
<i>De facto</i> unions	74	29	18	27

Table 1 only indicates the number of questions, the number of national reports, the number of international and European instruments and the number of Principles for each working field. Three of these numbers stand out, first the high number of unifying and harmonising instruments in the field of parental responsibilities. Global and regional legislation in this field indicate that many common approaches could be identified and further developed. The other two striking numbers belong to the “Principles regarding Property Relations between Spouses”. A total of 201 questions were posed, which resulted in 57 Principles. These high numbers are due to the fact that the CEFL has to cope with four different default systems (community of property, community of accrued gains/participation in acquisitions, deferred community and separation of property) in the questionnaire, and the proposal resulted in 57 Principles. These high numbers are due to the fact that the CEFL has to cope with four different default systems (community of property, community of accrued gains/participation in acquisitions, deferred community and separation of property) in the questionnaire and the proposal of two matrimonial property regimes: the participation in acquisitions and the community of acquisitions. The elements of all national systems surveyed could not be merged into one single matrimonial property regime.

<sup>9</sup> Katharina Boele-Woelki, *Principles of European Family Law Regarding Property Relations Between Spouses* (European Family Law Series 33, Antwerp: Intersentia, 2013).

<sup>10</sup> Katharina Boele-Woelki, *Principles of European Family Law Regarding Property, Maintenance and Succession Rights of Couples in de facto Unions* (European Family Law Series 46, Antwerp: Intersentia, 2019).

All the national reports have been published in volumes which contain the national answers to the list of questions in alphabetical order.<sup>11</sup> They are also available on CEFL's website.<sup>12</sup> These reports provide a wealth of information regarding several family law issues. Where significant changes of law took place in any jurisdiction subsequent to the publication of the national reports, such changes have been noted.

## V. European Family Law Series

In 2003, CEFL's Organising Committee launched a new book series dedicated to the harmonisation and unification of family and succession law in Europe, which contains all CEFL research results. The series includes comparative legal studies and materials as well as studies on the effects of international and European law on the national legal systems.<sup>13</sup> The majority of the books were published in English and the rest in French<sup>14</sup> or German.<sup>15</sup> The series with a dark red cover covers a variety of publications such as conference books, dissertations and even translations of family legislation. The "Principles" books have a yellow cover.

## VI. Conferences

The CEFL has always recognised the need to have a broad discussion on the necessity, feasibility and desirability of a European Family Law. Consequently, at the opening conference in Utrecht in December 2002, the *Perspectives for the Unification and the Harmonisation of Family Law in Europe* were extensively analysed and discussed.<sup>16</sup> At that time, the drafting of common principles of European Family Law was a new concept. At this first CEFL conference, after much healthy discussion, the participants contributed to a book that was later published in the "European Family Law" series.<sup>17</sup> Some of the participants strongly objected to

11 Katharina Boele-Woelki, *European Family Law in Action Volumes I-V* (European Family Law Series 2, 3, 9, 24, 38, Antwerp: Intersentia, 2003, 2005, 2009, 2015).

12 Available at <http://ceflonline.net/country-reports-by-jurisdiction/> (Retrieved (visited 2 April 2019)).

13 See <https://intersentia.com/en/product/series/show/id/9168/> (visited 2 April 2019).

14 Yann Favier and Frédérique Ferrand, *La justice des mineurs en Europe* (European Family Law Series 28, Antwerp: Intersentia, 2011); Laurence Francoz-Terminal, *La capacité de l'enfant dans les droit français, anglais et écossais* (European Family Law Series 23, Antwerp: Intersentia, 2008); Bente Braat, *Indépendance et interdépendance patrimoniales des époux dans le régime matrimonial legal des droit français, néerlandais et suisse* (European Family Law Series 9, Antwerp: Intersentia, 2005).

15 Katharina Kaesling, *Nacheheliche Verantwortung in Frankreich und Deutschland* (European Family Law Series 44, Antwerp: Intersentia, 2017) and Philipp Beuermann, *Der nacheheliche Unterhalt* (European Family Law Series 34, Antwerp: Intersentia, 2013).

16 Katharina Boele-Woelki (ed.), *Perspectives for the Unification and Harmonisation of Family Law in Europe* (European Family Law Series 4, Antwerp: Intersentia, 2003).

17 Katharina Boele-Woelki (n.16).

the “unified European Family Code”,<sup>18</sup> which they feared the CEFL was attempting to establish as an agent of the European Union. This was a total misunderstanding since the CEFL has no political agenda and it is a purely academic initiative to provide models and a reference framework as to how family law in Europe can be harmonised on the basis of extensive comparative analyses. This was made clear right from the beginning.

In short, the aim of the opening conference was to provide a strong and very necessary impetus in the European countries to seriously consider the problems and possible solutions to reshape national family law in accordance with the needs and purposes of the emerging “European citizenship” and mobility of European families.

Two years after its inaugural conference, the CEFL organised the second conference in 2004, which focussed on *Common Core and Better Law in European Family Law*.<sup>19</sup> The conference reflected the working fields of the CEFL, being divorce and spousal maintenance as well as parental responsibilities. The respective Principles of European Family Law, which were published in No. 7 of the series, were explained by CEFL members and assessed by outside observers. The conference addressed informal long-term relationships as well as the revision of the Brussels II Regulation, which came into force on 1 March 2005. The conference focussed on essential aspects of harmonising the family law process in Europe in general and an explanation of CEFL’s working method in particular.

The third conference in 2007 addressed *European Challenges in Contemporary Family Law*,<sup>20</sup> covering a variety of topics such as the harmonisation of family law, especially in the Nordic countries and the United States; general aspects of the human rights of children and specific questions arising from new family forms and the new technology of artificial insemination. The general topic “European Challenges in Contemporary Family Law” was divided into five themes: The Harmonisation of Family Law, Children and Their Parents, Irregular Marriages and the Influence of Multiculturalism, (Property) Relations between Spouses and Cohabitants and Cross-Border Family Relationships. The part on children and their parents related to the CEFL Principles Regarding Parental Responsibilities, which were presented. The following part contained contributions on irregular marriages and the influence of multiculturalism, especially Muslim traditions, in different areas of family law. The part on property relations between spouses and cohabitants dealt with a broad range of key questions in connection with economic settlements

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18 See in particular Marie-Therèse Meulders-Klein, “Towards a European Civil Code on Family Law? Ends and Means” in Katharina Boele-Woelki (n.16) p.105; Marie-Therèse Meulders-Klein, “Towards a Uniform European Family Law? A Political Approach” in Masha Antokolskaia (ed.), *Convergence and Divergence of Family Law in Europe* (European Family Law Series 16, Antwerp: Intersentia, 2007) p.271.

19 Katharina Boele-Woelki (ed.) (n.4).

20 Katharina Boele-Woelki and Tone Sverdrup (eds.), *European Challenges in Contemporary Family Law* (European Family Law Series 19, Antwerp: Intersentia, 2008).

upon the dissolution of marriage and cohabitation. The last part was dedicated to cross-border family relationships.

The fourth conference on *Property Relations between Spouses and Partners*<sup>21</sup> in 2010 focussed on the future of family property in Europe. A work-in-progress report on CEFL's work in the field of comparative matrimonial property law was provided. Special attention was paid to the autonomy of both spouses and partners in a *de facto* union to make agreements regulating their property relationships. Do they have binding effect under all circumstances or can the competent authority override, modify or set aside these agreements on account of unfairness or any other ground? The increasing unification of private international law in family matters pursued by both the Hague Conference on Private International Law and the Commission of the European Union was also discussed.

The fifth conference on *Family Law and Culture: Developments, Challenges and Opportunities*<sup>22</sup> in 2013 considered the "Principles regarding Property Relations between Spouses". The second theme of the conference was the growing number of countries which had legislated on non-formalised relationships. At the core of the session was the position of cohabitants upon the termination of their relationship by death or dissolution of the relationship. Finally, the session on social, biological and legal parentage focussed on decisions of the European Court of Human Rights concerning the rights of biological and social fathers.

The sixth conference on the *Plurality and Diversity of Family Relations in Europe*<sup>23</sup> in November 2018 centred on four themes involving the draft of the new Principles regarding *de facto* unions, family migration and private international law, the revision of the Brussels II bis Regulation and women's fundamental rights.

The enumeration of the various conference themes reveals that they were not confined to CEFL's comparative research-based drafting of common principles but were also used to "prepare" new topics for CEFL's future work and always included cross-border and increasingly multicultural family relations. The conferences were aimed at enhancing the exchange of ideas and arguments on comparative and international family law in Europe in their respective cultural contexts.

A distinguishing feature of the conferences was the involvement of young researchers. At each conference, 12 young researchers were selected to present their research in parallel working groups. The young researchers' written contributions were also published in the respective conference books.

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21 Katharina Boele-Woelki (eds.), *The Future of Family Property in Europe* (European Family Law Series 29, Antwerp: Intersentia, 2011).

22 Katharina Boele-Woelki (eds.), *Family Law and Culture in Europe: Developments, Challenges and Opportunities* (European Family Law Series 35, Antwerp: Intersentia, 2014).

23 Katharina Boele-Woelki and Dieter Martiny (eds.), *Plurality and Diversity of Family Relations in Europe* (European Family Law Series 45, Antwerp: Intersentia, 2019).

## VII. Finances

The question of how such a large-scale research project can be financed has kept the Organising Committee busy over the years. At the very start, nobody expected that the collaboration would continue for such a long period, and at the start, we raised funds, partly our own to get things off the ground. Our universities of Barcelona, Cardiff, Frankfurt (Oder), Leuven, Lyon, Uppsala, Utrecht and Bucerius Law School (Hamburg) gave us freedom to invest our time in this new collaboration, and during almost 20 years, our universities met a significant part of the expenses of the CEFL meetings. In 2002 and 2004, the CEFL conferences were largely funded by the European Commission under the Framework Programme for Judicial Cooperation in Civil Matters. In addition, financial support has been received from several national research organisations such as the Netherlands Organization for Scientific Research (NWO), the Royal Dutch Academy of Science (KNAW), the *Riksbankens Jubileumsfond* (RJ), the *Wenner-Gren* Foundation, the Ius Commune Research School and the *Deutsche Forschungsgemeinschaft* (DFG). In addition, the expenses of two CEFL meetings were met by the *Europa Institut* of Saarland University (2009) and the Max Planck Institute for comparative and international private law in Hamburg (2011).<sup>24</sup>

All in all, we have been supported by many organisations and institutions. Since the decision as to whether a funding request should be granted is often taken by our peers in various countries in Europe, the positive results confirm that the work of the CEFL has been taken seriously and found worthy of support. All our applications were granted.

## VIII. Impact

Measuring the impact of CEFL's work is not an easy task, and we identified some areas that need special attention: legal discourse, national and international family law legislation and more generally, the European family law network.

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24 As a member of the *Institut Universitaire de France*, Frédérique Ferrand received funding for attending and organising CEFL meetings. The costs of the expert meeting that took place in Sigtuna, Sweden, in September 2011, was made possible due to the *Huselius* donation to the Faculty of Law, Uppsala University. All co-organising institutions of the six CEFL conferences (mentioned in Section VI) extensively contributed with their expertise, premises and finances to the success of the events. After about ten years following its establishment, the scientific work of the CEFL became increasingly known to many. Upon the proposal of Nina Dethloff of the University of Bonn, this author received the *Anneliese Maier-Forschungspreis* of the *Alexander von Humboldt* Foundation in 2012. The high amount of prize money was to a very large extent used for the work of the CEFL from 2012 until 2018. This award has greatly facilitated our collaboration. Instead of constantly applying for additional funding, we were able to focus on our work. Finally, the publishers Intersentia and Stämpfli made our results known through the European Family Law series.

When the prospects of harmonising family law in Europe are discussed in areas addressed by the CEFL Principles, these model laws are taken into account. Often one of the first issues raised is how solutions promoted by the Principles differ from a specific national family law and whether they qualify as a source of inspiration for reform. Hence, the CEFL Principles of European Family Law have been mentioned and noted in legal literature.<sup>25</sup> They are compared with national systems and quite often the various authors conclude that the CEFL model provides better solutions than the national family law system. The first three sets of Principles were retested in some legal systems already considered by the CEFL such as France, Scandinavia, England and Wales and Scotland and “juxtaposed” in some untested jurisdictions such as Malta, Estonia, Lithuania and Turkey. This kind of empirical testing was undertaken by Esin Örüçü and Jane Mair with the collaboration of family experts from the respective countries. In the final comparative assessments of their findings, they made an attempt to answer the question whether the Principles as drafted are appropriate and sufficient to achieve a harmonised family law in Europe. They concluded for example that the CEFL Principles on Parental Responsibilities represent a considerable achievement in terms of the bringing together of a range of national systems on child law, and they aim to promote and further develop the importance of placing the child at the centre of the legal framework of regulation.<sup>26</sup> Esin Örüçü and Jane Mair have already announced that they are contemplating a third Juxtaposing Legal Systems book once the Principles on *de facto* unions have been published.

Finally, it is up to national legislators whether and how to take action.<sup>27</sup> A few have already been inspired by the models proposed by the CEFL. For instance, in 2008, the Portuguese legislature took advantage of the work of the CEFL in modernising the law of divorce and parental authority. As a result, some of the Portuguese rules are identical to the CEFL Principles.<sup>28</sup> Another example of CEFL’s impact is the development of Norwegian law. The Norwegian Child Law Commission 2008 proposed alternating residence and referred *inter alia* to the Principles Regarding Parental Responsibilities and in particular to Principle 3:20 as part of their justification.<sup>29</sup> The same holds true of the Czech Civil Code, which

25 See the references in Katharina Boele-Woelki, “What Family Law for Europe?” (2018) 82 *RabelsZ* 1–30 (n.40).

26 Esin Örüçü and Jane Mair, *Juxtaposing Legal Systems and the Principles of European Family Law on Divorce and Maintenance* (European Family Law Series 17, Antwerp: Intersentia, 2007) and Esin Örüçü and Jane Mair, *Juxtaposing Legal Systems and the Principles of European Family Law on Parental Responsibilities* (European Family Law Series 27, Antwerp: Intersentia, 2010) p.296.

27 Katharina Boele-Woelki, “Zwischen Konvergenz und Divergenz: Die CEFL Prinzipien zum Europäischen Familienrecht” (2009) 73 *RabelsZ* 241.

28 Guilherme De Oliveira, “Changes Going on in Portuguese Family Law” (2008) *Zeitschrift für das gesamte Familienrecht* 1712. Katharina Boele-Woelki (n.8).

29 Norges offentlige utredninger 2008:9 82. On 9 April 2010, a provision on alternating residence was enacted, § 36 Children Act. See Tone Sverdrup, “Norway: Equal Parenthood: Recent Reforms in Child Custody Cases” (2011) *The International Survey of Family Law* 303.

became effective on 1 January 2014. The Czech rules on parental responsibilities are to a large extent designed according to the CEFL Principles on Parental Responsibilities.<sup>30</sup> Finally, the reform of Danish matrimonial property law should be mentioned as well as the Dutch Act of 24 April 2017 on the amendment of the universal community of property into a restricted community of property.<sup>31</sup> The explanatory report contains many references to the CEFL regime of community of acquisitions.<sup>32</sup> Recently, in Estonia, a bill was prepared addressing contact orders and their enforcement. Principle 3:20(2) on the alternating residence of children after the separation/divorce of their parents has been taken as an example. It is hoped that further progress would be made by the new legislature elected in March 2019.

At the European level, the Explanatory Memorandum of the Council of Europe Recommendation on preventing and resolving disputes on child relocation refers to Principle 3:21 of the Principles regarding Parental Responsibilities.<sup>33</sup>

These examples clearly demonstrate that the final results accord with the scientific standard for reliable and comprehensive comparative research. They also prove that the Principles are not mere academic hypotheses but guidelines to be “filtered” into national — or European — legislation thus becoming black-letter law. It is also worth mentioning that the work of the CEFL and a better knowledge of foreign family law are important for the rapidly growing European law regarding cross-border family relationships as well as for attempts to develop autonomous concepts of European substantive family law.

Moreover, the CEFL received enthusiastic responses to requests for supervision of its PhD candidates for a short period abroad, for information on specific questions of family law, for collaboration in other European research projects and more generally for the exchange of information and ideas. After having cooperated for so many years with each other, this network has turned out to be valuable and precious.

## IX. What Next?

After completing the fifth set of Principles of European Family Law, CEFL's Organising Committee has decided that it is time to focus on increasing awareness of the adopted Principles and to analyse their impact so far. At this stage, no new working field is envisaged. The last two sets (Property Relations between Spouses

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30 Zdenka Králíčková, “New Family Law in the Czech Republic” (2014) *The International Survey of Family Law* 71.

31 Wet tot wijziging van Boek 1 van het Burgerlijk Wetboek en de Faillissementswet teneinde de omvang van de wettelijk gemeenschap van goederen te beperken (Staatsblad, 2017, 177), which entered into force on 1 January 2018.

32 Kamerstukken II 2013–2014, 33 987.

33 Recommendation CM/Rec (2015) 4, 25–26.

and *de facto* Unions) each required intense work of six years of preparation and drafting.

After almost twenty years, it is time to reconsider what the CEFL has produced, whether all sets continue to be coherent; whether other developments, such as EU law-making, in the field of cross-border family relationships could justify a change of position and whether and how the process of harmonising family law in Europe can be further encouraged. Through participation in and the organisation of conferences and seminars, we will address European family law issues from various perspectives. In these undertakings, the CEFL Principles will always be included. In this way, the CEFL can better disseminate their proposals and obtain critical feedback. More time to contribute to the scholarly debate will be available, and it is of critical importance that we involve all CEFL experts in this endeavour. It turns out that in some European countries, it is still the case that little is known about the model laws that can be used in the process of reforming various parts of family law. This author, for example, delivered presentations in 2017 and 2018 at universities in Europe about the Principles regarding Parental Responsibilities, which were published more than ten years ago. A considerable number of participants had never heard of the comparative research-based drafting of Principles of European Family Law.

Although the texts of all Principles are available in English, French, German, Spanish, Dutch and Swedish, the CEFL will encourage and support translation into the other 18 European languages. The CEFL's website shows which Principles have already been translated into other languages. We might also consider updating of the national reports, which were finalised some years ago and available through CEFL website.