

CONTENTS

<i>Preface</i>	vii
<i>List of Cases: Chronological</i>	xv
<i>List of Cases: on Brussels II-bis, by Article</i>	xix
<i>Correlation Table between Articles and Recitals in the Brussels IIb Regulation</i>	xxv
<i>List of Legislation</i>	xxxiii
 Chapter 1. History and Scope of Brussels II-ter	1
I. Introduction	2
II. Material Scope of Application	9
III. Relationship with Other International Instruments	29
IV. Relationship with States that are not Bound by Brussels II-ter	42
V. Transitional Provisions	44
VI. Monitoring and Evaluation	47
 Chapter 2. Common Rules on Court Proceedings	49
I. Seising of a Court: Article 17	50
II. Examination as to Jurisdiction: Article 18	58
III. Examination as to Admissibility: Article 19	63
 Chapter 3. Jurisdiction in Matrimonial Matters	71
I. Introduction	72
II. The General Framework	73
III. The General Ground for Jurisdiction in Divorce and Separation: Article 3	78
IV. No Transfer of Proceedings in Matrimonial Cases	94
V. Jurisdiction on the Conversion of Legal Separation into Divorce: Article 5	94
VI. Residual Jurisdiction: Article 6	98
 Chapter 4. Jurisdiction in Matters of Parental Responsibility	109
I. Introduction	110
II. The General Rule on Jurisdiction: Article 7	111
III. Continuing Jurisdiction in Relation to Access Rights: Article 8	123
IV. Choice-of-Court Agreements: Article 10	126

V.	Jurisdiction Based on the Child's Presence: Article 11	147
VI.	Transfer of Jurisdiction: Articles 12 and 13.....	152
VII.	Residual Jurisdiction under Article 14.....	171
VIII.	Provisional and Protective Measures	172
 Chapter 5. Coordination of Proceedings		193
I.	<i>Lis Pendens</i> and Dependent Actions: General Notions.....	194
II.	Common Procedural Issues	201
III.	<i>Lis Pendens</i> in Matrimonial Matters Cases	212
IV.	<i>Lis Pendens</i> in Parental Responsibility Cases	214
 Chapter 6. International Child Abduction		219
I.	Introduction.....	220
II.	An Overview of the Application of the 1980 Hague Convention to Return Applications.....	224
III.	Applying Brussels II-ter to Child Abduction	226
IV.	Expediting the Processing and Hearing of Return Applications	239
V.	Alternative Dispute Resolution.....	245
VI.	The Right of the Child to Express His or Her Views in Return Proceedings	247
VII.	The Procedure for the Return of the Child	248
VIII.	Enforcing Decisions Ordering the Return of the Child	255
IX.	Refusing to Order a Child's Return – The Override Mechanism: Article 29	257
 Chapter 7. The Hearing of the Child		271
I.	Introduction.....	271
II.	The Position under Brussels II-ter	275
 Chapter 8. Recognition of Decisions		287
I.	Introduction.....	288
II.	The Meaning and Effect of Recognition	290
III.	The Procedure for Recognition.....	299
IV.	Partial Recognition.....	311
V.	Refusal of Recognition.....	312
VI.	The Special Regime for Privileged Decisions	327
 Chapter 9. Enforcement of Decisions		331
I.	Introduction.....	332
II.	The Procedure for Enforcement	333

III. Refusal of Enforcement.....	341
IV. Partial Enforcement	350
V. Adaptation	352
 Chapter 10. Recognition and Enforcement of Authentic Instruments and Agreements.....	 355
I. Introduction.....	355
II. Scope	357
III. Conditions for Recognition and Enforcement	361
IV. Procedure for Recognition and Enforcement	364
V. Grounds for Refusal	365
 Chapter 11. Cooperation in Matters of Parental Responsibility.....	 371
I. Introduction.....	371
II. Central Authorities	374
III. Cooperation between Courts and Competent Authorities	385
IV. Placement of a Child in Another Member State: Article 82	386
 Chapter 12. The Relationship between the EU and the UK.....	 399
I. Introduction.....	400
II. The Withdrawal Agreement.....	401
III. The Post-Transition Position	407
 <i>Index</i>	 427