

Registered Partnership in Private International Law

Alternative according to the "Recognition Theory"

Article A 1 (= P 1)

This instrument shall apply to formalized family unions (partnerships) created by

- a) celebration of marriage between same-sex partners
- b) registration of declarations made by opposite-sex or same-sex partners
- c) registration of contracts drawn up by opposite-sex or same-sex partners.

Article A 2

A partnership validly established in another Member State shall be recognized if at the time of establishment

- a) at least one partner was habitually resident in this Member State or
- b) at least one partner was a national (in the United Kingdom and Ireland: a domiciliary) of this Member State.

Article A 3 (= P 6)

(1) Maintenance obligations arising from a partner relationship are covered by the Hague Convention of 2 October 1973 on the Law Applicable to Maintenance Obligations (1973 Hague Convention).

(2) If the creditor is unable, by virtue of the laws referred to in the 1973 Hague Convention, to obtain maintenance from the debtor, the law of state in which the partnership has been established shall apply.

(3) Maintenance obligations not covered by the 1973 Hague Convention are governed by the law chosen by the partners or, if the applicable law has not been chosen, by the law of the state in which the partnership has been established.

Article A 4 (= P 7)

(1) Succession is governed by the law designated by the regular rules of private international law on succession.

(2) If the law governing intestate succession does not provide a statutory share of the estate for the surviving partner, the law of the state in which the partnership has been established shall apply.

Article A 5 (= P 8)

(1) The partnership property regime is governed by the internal law designated by the partners. The law thus designated applies to the whole of their property. Nonetheless, the partners may designate with respect to all or some of the immovables, the law of the place where these immovables are situated. They may also provide that any immovable which may subsequently be acquired shall be governed by the law of the place where the immovables are situated.

(2) If the partners have not designated the applicable law, their partnership property regime is governed by the internal law of the state in which the partnership has been established.

Article A 6 (~ P 11)

(1) Decisions of a Member State of the EU terminating a partnership shall be recognized by analogous application of Articles 14 et seq. of the Brussels II Regulation No. 1347/2000 of 29 May 2000.

(2) Decisions of States not being members of the EU shall be recognized if

- a) the foreign courts had jurisdiction according to the principles of Article 2 Brussels II Regulation,
- b) there is no ground for declining recognition as enumerated in Article 15 (1) Brussels II Regulation.

(3) If a partnership has been terminated abroad without any court decision, the termination is recognized if it is valid under the law of the state in which the partnership has been established.

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