# Table of legislation

| **EUROPEAN** | 
|----------------|----------------------------------|
| Charter of Fundamental Rights of the European Union | .......... 57, 119 |
| art 7 | ......................... 32 |
| art 9 | ...................... 25, 32, 79 |
| art 21 | .......................... 32, 77 |
| art 24(2) | ........................................ 83 |
| Commission on European Family Law Principles (CEFL) | . 36, 37, 69, 108 |
| CEFL Principles of European Family Law Regarding Divorce | |
| Principle 1:4 | .......................... 69 |
| Principle 1:8 | ........................................ 69 |
| Council of Europe Recommendation No R (84) 4 | .......................... 37 |
| art 2(b) | ......................... 35 |
| art 2(2) | ........................................ 34, 35 |
| art 3 | ........................................ 35 |
| EC Treaty | |
| art 12 | .......................... 22 |
| art 52 | ........................................ 32 |
| art 8 | .... 7, 8, 9, 10, 11, 12, 17, 18, 20, 21, 22, 26, 29, 33, 41, 46, 48, 70, 91, 97 |
| art 12 | .......... 12, 17, 20, 25, 79, 80, 129 |
| art 14 | .......................... 7, 26, 42, 46, 48 |
| EU Commission Proposal for a Regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the | |
Parliamentary Assembly of the Council of Europe Recommendation 1117 (1989) on the condition of transsexuals ......................... 14
Treaty of the European Union (TEU)
art 6 ................................................. 78
Treaty on the Functioning of the EU (TFEU)
art 10 .......................................... 78
art 21 .......................................... 33
art 49 .......................................... 33

INTERNATIONAL

Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption ......................... 38
Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children .... 102
International Commission on Civil Status Convention No 16 on the issue of multilingual extracts from civil-status records concerning birth, marriage or death, signed at Vienna 8 September 1976 ... 36, 37
International Commission on Civil Status Convention No 25 on the coding of entries appearing in civil status documents, signed at Brussels 6 September 1995
Annex 2 ........................................... 129
International Commission on Civil Status Convention No 34 of 14 March 2014 on the issue of multilingual and coded extracts and certificates from civil-status records, signed at Strasbourg on 14 March 2014 ......................... 36

United Nations Convention on the Rights of the Child (UNCRC)
art 3(1) ........................................... 82
Universal Declaration of Human Rights
art 12 ........................................... 9
arts 31ff ........................................ 10
Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity ............................ 122

NATIONAL

Australia
Family Law Act (Cth) 1975 .......... 72

Austria
Adoptionsrechts-Änderungsgesetz .... 87
Eingetragene Partnerschafts-Gesetz (Registered Partnership Act) ... 24
Fortpflanzungsmedizingesetz ........ 89

Belgium
Civil Code
art 57(1) ....................................... 127
Private International Law Code
art 35ter ....................................... 123
Wettelijke samenwoning/cohabitation légale, law of 23 November 1998 ........................................ 81

British Columbia
Family Law Act
s 30 ........................................ 116–117

Bulgaria
Constitution
art 46 ........................................... 77

California
Family Code
s 7612(c) ................................. 115
**Table of legislation**

Catalonia  
Civil Code ...................................... 102

Croatia  
2013, art 62 ....................................... 77

Czechoslovakia  
Law on parental responsibilities ...... 37

Denmark  
Lov om ægteskabs indgæelse of opløsning (lovbekendtgørelse nr. 38 of 15.1.2007) ....................... 79  
Forældreansvarsloven (lovbekendtgørelse nr. 1073 of 20.11.2012) .................................. 102

England and Wales  
Adoption and Children Act 2002 ..... 88, 94  
Child Abduction Act 1984  
s 1 ................................................. 111  
Children Act 1989 ...... 102, 111, 112  
s 2 ................................................. 109  
s 2(7), (8) ..................................... 111, 112  
s 4(2A) ........................................ 109  
s 4A ............................................. 10  
s 13 ............................................. 111  
s 14A ........................................... 87  
s 14C .......................................... 109  
s 33 ............................................. 109  
s 33(7) .......................................... 111  
Civil Partnership Act 2004 .......... 23  
Family Law Act 1996  
s 36 ............................................ 70  
Human Rights Act 1998 ............... 53  
Human Fertilisation and Embryology Act, 1990 ......................... 94  
Human Fertilisation and Embryology Act, 2008 ......................... 94  
s 54 ............................................. 109  
s 54(3) ....................................... 95  
Human Fertilisation and Embryology (Mitochondrial Donation) Regulations 2015 (SI 2015 No 572) .................................. 100  
Inheritance (Provision for Family and Dependents) Act 1975  
ss 1(1), (1A), (1B), 3(2A) ......... 70  
Marriage (Same Sex Couples)  
Act 2013 ................................ 53, 110  
s 1 ................................................. 79  
s 15 ............................................ 51, 52  
Matrimonial Causes Act 1973  
s 1(2)(a)–(d) ............................. 68  
s 25A ........................................... 60  
Matrimonial and Family Proceedings  
Act 1984 ................................. 60  
Surrogacy Arrangements Act 1985  
s 2 ........................................... 94

France  
Code Civil  
art 143 ......................................... 79  
Franco-German Agreement on an optional matrimonial property regime of a community of accrued gains of 4 February 2010 .......... 38

Germany  
Allgemeine Preußische Landrecht (General State Laws for the Prussian States) 1794 .......... 61  
§§ 178–183 .................................. 61  
BGB  
§ 1353(1) .................................. 59  
§ 1566(1), (2) ................................. 68  
§§ 1569, 1570 .............................. 60  
§ 1572 .......................................... 60  
§ 16151 ....................................... 74  
Franco-German Agreement on an optional matrimonial property regime of a community of accrued gains of 4 February 2010 .......... 38  
Gesetz zur Anpassung der Vorschriften des Internationalen Privatrechts an die Verordnung (EU) Nr. 1259/2010 und zur Änderung anderer Vorschriften des Internationalen Privatrechts vom 23.01.2013 .... 34  
Grundgesetz (GG, Basic Law)  
art 6(5) ........................................ 83
xviii

The present and future of European family law

### Personenstandsgesetz

- §22(3) ................................... 79, 128
- § 48 .................................... 128

### Greece

- Law no 3719/2008 on formalised cohabitation ................................ 27

### Hungary

- Constitution
  - art L ...................................... 77
- Acts on same-sex relationships .......... 41

### Latvia

- Constitution
  - art 110 .................................... 77

### Lithuania

- Constitution
  - art 38 .................................... 77

### Netherlands

- NBW
  - art 1:28 .................................... 123

### New Zealand

- Property (Relationships) Act 1976 ... 72

### Norway

- Lov om barn og foreldre (barne-lova)
  - Lov Nr. 5 of 6. March 1981, as amended ................. 102
- Lov om rett til felles bolig og innbo når husstandsfellskap opphører (husstandsfellskapsloven), Lov-1991-07-04-45 .............. 81

### Poland

- Constitution
  - art 18 ...................................... 77

### Portugal

- Law on divorce and parental authority,
  - 2008 ........................................ 37

### Russia

- Law on Prohibition of Propaganda of Non-traditional Sexual Relations among Underage Children .... 77

### Scotland

- Adoption and Children (Scotland) Act
  - 2007
    - ss 80–104 .................................. 87
- Children (Scotland) Act 1995 ........... 102

### Serbia

- Constitution
  - art 62 ..................................... 77

### Slovakia

- Constitution
  - art 41 ..................................... 77
- Regulation of parental rights and obligations, 2005 ......... 37

### Spain

- Constitution
  - art 39 ..................................... 83

### Sweden

- Åktenskapsbalk (1987:230) .............. 79
- Lag (1972:119) om fastställande av könstillhörighet i vissa fall .... 121
- Lag (1987:232) om sambors gemensamme hem .............. 72
- Lag (1987:813) om homosexuella sambor ............. 72
- Sambolag (2003:376) ..................... 72

### USA

- Uniform Parentage Act .................... 116