

**PRINCIPLES OF EUROPEAN FAMILY
LAW REGARDING DIVORCE
AND MAINTENANCE BETWEEN
FORMER SPOUSES**

**KATHARINA BOELE-WOELKI
FRÉDÉRIQUE FERRAND
CRISTINA GONZÁLEZ BEILFUSS
MAARIT JÄNTERÄ-JAREBORG
NIGEL LOWE
DIETER MARTINY
WALTER PINTENS**



intersentia

Anwerp – Oxford

TABLE OF CONTENTS

PREFACE	v
The Commission on European Family Law	v
Organisation	v
Experts	vi
Meetings	viii
Conferences	viii
European Family Law Series	viii
Sponsors	ix
GENERAL INTRODUCTION	1
Europeanisation of Family Law	1
Methodology	1
Nature of the Principles	3
Languages	3
The first working fields: Divorce and Maintenance	
Between Former Spouses	4
The second working field: Parental Responsibilities	4
PREAMBLE	7
PART 1. DIVORCE	11
Introduction	13
Principle 1:1 Permission of divorce	17
Principle 1:2 Procedure by law and competent authority	20
Principle 1:3 Types of divorce	24
Principle 1:4 Mutual consent	27
Principle 1:5 Reflection period	33
Principle 1:6 Content and form of the agreement	37
Principle 1:7 Determination of the consequences	43
Principle 1:8 Factual separation	51
Principle 1:9 Exceptional hardship to the petitioner	57
Principle 1:10 Determination of the consequences	59
PART 2. MAINTENANCE BETWEEN FORMER SPOUSES	67
Introduction	69
Principle 2:1 Relationship between maintenance and divorce ...	73
Principle 2:2 Self sufficiency	77
Principle 2:3 Conditions for maintenance	79
Principle 2:4 Determining claims for maintenance	85
Principle 2:5 Method of maintenance provision	96

Principle 2:6 Exceptional hardship to the debtor spouse	100
Principle 2:7 Multiplicity of maintenance claims	104
Principle 2:8 Limitation in time	112
Principle 2:9 Termination of the maintenance obligation	116
Principle 2:10 Maintenance agreement	125
 Principles of European Family Law Regarding Divorce and Maintenance Between Former Spouses	 135
 Principes de droit européen de la famille concernant le divorce et les pensions alimentaires entre époux divorcés	 141
 Prinzipien zum Europäischen Familienrecht betreffend Ehescheidung und nachehelicher Unterhalt	 147
 Beginselen van Europees familierecht betreffende echtscheiding en alimentatie tussen gewezen echtgenoten	 153
 Principios de derecho Europeo de familia relativos al divorcio y a los alimentos entre esposos divorciados	 159
 Europeiska familjerättsprinciper rörande äktenskapsskillnad och underhåll mellan förutvarande makar	 165