

## FOCUS ON RESEARCH

### The principles of European family law: its aims and prospects

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#### 1. Introduction

In September 2001 an international group of scholars established the *Commission on European Family Law* (CEFL). This Commission is a purely scientific initiative which is totally independent of any organization or institution. The CEFL initiated a research project based on transnational collaboration that was generally believed to be impossible to realize in Europe. The CEFL's main objective is the creation of Principles of European Family Law which aim to establish the most suitable means for the harmonization of family law within Europe. The involvement of experienced family law experts from as many European jurisdictions as possible guarantees reliable and highly qualified research results. The comparative research-based drafting of Principles of European Family Law has led to a significant increase in European competitiveness in the field of family and comparative law. The international 'market' of legal models, which is traditionally dominated by the National Conference of Commissioners on Uniform Laws (NCCUSL) and the American Law Institute (ALI), has been complemented with a European 'product'. Until recently, a European counterpart of, for instance, the NCCUSL's Uniform Laws and Model Acts and the ALI's Principles in the field of family law was lacking. This vacuum has been filled by the CEFL. The US experience with regard to the unification and harmonization of family law principles is, however, also of great significance for the CEFL's research.

This contribution aims to answer the following questions:

1. Why was the CEFL established?
2. Which results have been achieved so far?
3. Which working method has been applied?
4. Who could benefit from the CEFL's work?

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## **2. Why was the CEFL established?**

There were numerous reasons for establishing the CEFL, which resulted from intertwining initiatives and developments.

### **2.1. The increasing European dimension of family law**

First of all, rapid developments in the field of European private international law and international procedural law in matters of family law and inheritance law have taken place.<sup>1</sup> As a result, the interest in national substantive family and succession law is growing. Since the beginning of the 1990s European comparative family law conferences have been organized in order to report on topical issues in national European family law systems.<sup>2</sup> In important fields of (international) family and succession law the Council of Europe<sup>3</sup> and the Hague Conference on Private International Law<sup>4</sup> have drafted conventions, resolutions and principles, which today form part of the body of knowledge common to all lawyers. In addition, the decisions of the European Court of Human Rights in Strasbourg provide guidelines for the family and inheritance law of the European jurisdictions. Moreover, in the discussion concerning the possible harmonization of the law, these decisions play a crucial role.<sup>5</sup> On top of this, the European Court of Justice in Luxembourg has decided that the communitarian freedoms, established by the EC Treaty, are also applicable in family law.<sup>6</sup> Finally, the comparative legal literature is increasingly drawing attention to the possible unification and harmonization of family and succession law in Europe.<sup>7</sup>

### **2.2. European integration**

There is little doubt that the absence of uniformity in the areas of private law facilitating economic activities forms an obstacle to the development of the free movement of goods, services and capital. In the same way, the absence of harmonized family law creates an obstacle to the free movement of persons and the creation of a truly European identity and an integrated European legal space. Family law touches upon the very essence of people's daily lives as no other field of law does. The large-scale differences between the national legal systems within a Europe without frontiers constitute a serious impediment to attaining a common European identity in the form of a European citizenship. It is generally acknowledged that to date in cross-border situations people cannot rely on the continuity of their family relationships when changing residence.<sup>8</sup>

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1 Regulation (EC) no. 1347/2000 on Jurisdiction and Recognition and Enforcement of Judgments in Matrimonial Matters and in Matters of Parental Responsibility for Children of Both Spouses (Brussels II) as revised by Regulation (EC) no. 2201/2003 Concerning Jurisdiction and the Recognition and Enforcement of Judgments in Matrimonial Matters and the Matters of Parental Responsibility, Repealing Regulation (EC) no. 1347/2000, *OJ L* 338/1, 23.12.2003, effective as of 1 March 2005. See also the Green Papers on maintenance obligations (COM (2004) 254), on the applicable law and jurisdiction in divorce matters (COM (2005) 82) and on succession and wills (COM (2005) 65).

2 D. Schwab et al. (eds.), *Entwicklungen des europäischen Kindschaftsrechts*, 1994; *Der Schutz der Familienwohnung in europäischen Rechtsordnungen*, 1995; *Familiäre Solidarität- die Begründung und die Grenzen der unterhaltspflicht unter Verwandten im europäischen Vergleich*, 1997; *Eheliche Gemeinschaft, Partnerschaft und Vermögen im europäischen Vergleich*, 1999; *Familienerbrecht und Testierfreiheit im europäischen Vergleich*, 2001; S. Hofer et al. (eds.) *Scheidung und nachehelicher Unterhalt im europäischen Vergleich*, 2003; *From Status to Contract? Die Bedeutung des Vertrages im europäischen Vergleich*, 2005.

3 See 'Family law and children's rights' at <http://www.coe.int>.

4 <http://www.hcch.net>.

5 D. van Grunderbeeck, *Beginselen van personen- en familierecht. Een mensenrechtelijke benadering*, 2003.

6 J. Basedow, 'Konstantinidis v. Bangemann oder die Familie im Europäischen Gemeinschaftsrecht', 1994 *Zeitschrift für Europäisches Privatrecht*, pp. 197-199; See Case C-148/02, *Garcia Avello v. Belgium*, [2003] ECR I-11613.

7 See W. Pintens, 'Europeanisation of Family Law', in K. Boele-Woelki (ed.), *Perspectives for the Unification and Harmonisation of Family Law in Europe*, 2003, pp. 3-33 with many references.

8 This has been clearly illustrated by N. Dethloff, 'Arguments for the Unification and Harmonisation of Family Law in Europe', in Boele-Woelki (ed.), *supra* note 7, pp. 37-64.

### 2.3. *Development of European private law*

This ongoing European integration has created a new challenge for private law: the elaboration of a uniform and harmonized European private law and a truly European legal science. Traditionally, harmonization and unification took place in areas such as commercial law and related areas of civil law. The past decades have witnessed a spectacular growth of interest by different study groups and commissions in developing a European private law.<sup>9</sup> Due to so-called cultural constraints family law has, until recently, remained almost completely outside the comparative research-based process. In the last few years, however, family law has increasingly become the subject of comparative law as well as of harmonization and even - in the case of international relationships - of the unification of law.<sup>10</sup> The principles of equality and non-discrimination adopted by the Council of Europe, the European Court of Justice and the European Court of Human Rights have played a prominent role in this development.<sup>11</sup>

### 2.4. *Competence of the European Union in family matters*

Basically, the European Union has competence regarding the unification of *private international issues* in family matters. For this reason, special European family law for cross-border situations is now a reality. The legal basis for this development is found in Articles 61(c), 65 and 67 of the EC Treaty, as revised by the Amsterdam Treaty.<sup>12</sup> To date, it is generally accepted that the European Union has no competence under the EC Treaty to unify or harmonize *substantive* family and succession law.<sup>13</sup> However, Article 65 of the EC Treaty speaks of measures in the field of judicial cooperation in civil matters *having cross-border implications*. Due to the fact that no time indication is provided regarding the required cross-border implications, the following view can be taken. Each internal relationship which is only connected to one national jurisdiction can - hypothetically - become a cross-border relationship. In order to guarantee the free movement of persons in Europe the EU Commission should take appropriate steps to avoid a loss of legal position, which, for instance, can arise with a change of residence if the connecting factor is not immutable, but where the applicable law is based on the habitual residence in question.<sup>14</sup> According to this broad interpretation of Article 65 EC Treaty the European Union could even take measures in order to harmonize or unify substantive family law in Europe.

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9 See E. Hondius, 'Towards a European *Ius Commune*: The Current Situation in Other Fields of Private Law', in Boele-Woelki (ed.), *supra* note 7, pp. 118-139.

10 See D. Martiny, 'Is Unification of Family Law Feasible or even Desirable?', in A. Hartkamp et al. (eds), *Towards a European Civil Code*, 2004, pp. 307-333.

11 See Pintens, *supra* note 7, pp. 3-33. See also C. McGlynn, 'Challenging the European Harmonisation of Family Law: Perspectives on 'the Family'', in Boele-Woelki (ed.), *supra* note 7, pp. 219-238.

12 See M. Tenreiro et al. 'Unification of Private International Law in Family Law Matters within the European Union', in Boele-Woelki (ed.), *supra* note 7, pp. 185-193 and M. Jänterä-Jareborg, 'Unification of International Family Law in Europe – A Critical Perspective', in Boele-Woelki (ed.), *supra* note 7, pp. 194-216.

13 See Pintens, *supra* note 7, p. 22 and Jänterä-Jareborg, *supra* note 12, p. 195.

14 See N. Dethloff, *supra* note 8, p. 37-64 and N. Dethloff, 'Europäische Vereinheitlichung des Familienrechts', 2004 *Archiv civilistische Praxis*, pp. 544-568.

## **2.5. Organization of the CEFL**

The CEFL<sup>15</sup> consists of two groups: the *Organizing Committee*<sup>16</sup> and the *Expert Group*.<sup>17</sup> The Organizing Committee sets up the Expert Group and prepares and co-ordinates the work of the Commission as a whole. The members of the Organizing Committee are at the same time members of the Expert Group. The Expert Group comprises specialists in the field of family and comparative law from most of the European Union Member States with the involvement of experts from other European countries, such as Norway, Russia and Switzerland. In the future, the Expert Group will be enlarged with family and comparative law specialists from those countries which are not yet represented. Since its establishment the CEFL has been largely financed by grants from the EU,<sup>18</sup> national research funds and universities.

The fact that the CEFL cannot rely on any democratic legitimacy or political authorization in making choices is not a matter of concern. Evaluating solutions and taking positions can never be achieved without some degree of subjectivity. On the contrary, this is a constitutive part of every scientific process in general and every comparative research in particular. Attention to historic developments, future trends and sociological aspects, on the one hand, and a broad discussion within the CEFL, on the other, will guarantee the necessary legitimacy in the scientific community and in society.

## **3. Which results have been achieved so far?**

### **3.1. Working fields**

The CEFL considered a number of areas for harmonization and concentrated first on divorce and maintenance between former spouses as there was growing convergence in Europe and the time for the drafting of European principles regarding substantive divorce law and spousal maintenance seemed ripe. In addition, European legislation regarding jurisdiction and recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibilities was being enacted.<sup>19</sup> The next working field of ‘parental responsibilities’ is linked to the first, as both fields have been modernized in national systems in recent years and the abovementioned EU Regulation and several Conventions have played a significant role in these matters regarding cross-border relationships. The third field will concern the new forms of cohabitation, including all types of formal and informal cohabitation, outside marriage. The aim is to create a European model at least for non-marital cohabitation.

Regarding the CEFL’s choices with respect to the fields of family law that are thought to be the most suitable for drafting common Principles of European Family Law for the following conclusion can be drawn. To date, choices have been made in favour of limited and precisely delineated fields of law. The first and second working fields are interlinked and cover issues

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15 The CEFL is a foundation according to Dutch law. It has its seat at the Molengraaff Institute for Private Law of Utrecht University, Nobelstraat 2a, 3512 EN Utrecht, <http://www.law2.uu.nl/priv/cefl>.

16 Boele-Woelki (NL), Ferrand (FR), González Beilfuss (ES), Jäntherä-Jareborg (SE), Lowe (UK), Martiny (DE), Pintens (BE).

17 Antokolskaia (RU/NL), Dethloff (DE), Hausheer (CH), Hrusáková (CZ), Koutsouradis (GR), Kurki-Suonio (FI), Lund-Andersen (DK), Mączyński (PL), Martin-Casals (ES), Meston (UK), Mikelenas (LI), De Oliveira (PT), Patti (IT), Roth (AT), Schwenzer (CH), Shannon (IE), Sverdrup (NO), Todorova (BL) and Weiss (HU).

18 Grotius civil programme for judicial and legal cooperation in 2002 and the Framework programme for judicial cooperation in civil matters in 2003 and 2004.

19 Regulation (EC) no. 1347/2000, *supra* note 1.

which are regulated in all jurisdictions and which, in particular, have often been modernized in the last few decades. In addition, the EU instruments for cross-border relationships in these matters have played a decisive role. The first and third working fields are also interconnected if, with regard to the latter, the break-up of relationships which in practice causes the most complicated problems will be included. The CEFL has thus so far not chosen to pursue a systematic approach that covers all aspects of family law and it is doubtful whether it will alter its approach in the near future.

### ***3.2. Principles regarding Divorce and Maintenance between Former Spouses***

The CEFL's first Principles of European Family Law regarding Divorce and Maintenance between Former Spouses were published in December 2004.<sup>20</sup> On the basis of a detailed questionnaire containing 105 questions the expert members prepared twenty-two comprehensive national reports based on the law as it stood in 2002. These national reports, together with the relevant legal provisions, are available on the CEFL's website. In order to provide an overview and a straightforward simultaneous comparison of the different solutions which have been chosen within the national systems, all the given answers were integrated into two publications.<sup>21</sup> On the basis of this comparative material, to which the comparative overviews extensively refer, the CEFL formulated ten Principles concerning Divorce (Part 1)<sup>22</sup> and ten Principles concerning Maintenance between Former Spouses (Part 2).<sup>23</sup>

The Principles regarding divorce aim at a *dédramatisation* of divorce without neglecting the interests of the children and the weaker spouse. The Principles clearly favour consensual divorce above unilateral divorce. In the case of a divorce without the consent of the other spouse they provide a simple objective test - the expiry of a one-year period of factual separation - and thereby avoid an undesirable investigation into the state of the marriage. The irretrievable breakdown principle has been rejected. As to the consequences of divorce, the Principles encourage the spouses to come to an agreement. Such an agreement, however, is not a prerequisite for the divorce. Rather, where this is necessary, the competent authority decides on all child-related and economic consequences of the divorce.<sup>24</sup>

### ***3.3. In process: the Principles regarding Parental Responsibilities***

The second set of principles in the field of Parental Responsibilities is now being drafted. The Organizing Committee drafted 62 questions for the parental responsibilities questionnaire which

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20 K. Boele-Woelki et al., *Principles of European Family Law Regarding Divorce and Maintenance between Former Spouses*, 2004.

21 K. Boele-Woelki et al., *European Family Law in Action*, Volume I: *Grounds for Divorce*, Volume II: *Maintenance between Former Spouses*, 2003.

22 The Divorce Principles (Part 1) are contained in three Chapters. The first Chapter sets out the General Principles: Permission of Divorce (Principle 1:1), Procedure by Law and Competent Authority (Principle 1:2), and Types of Divorce (Principle 1:3). The second Chapter contains the Principles regarding Divorce by Mutual Consent: Mutual Consent (Principle 1:4), Reflection Period (Principle 1:5), Content and Form of the Agreement (Principle 1:6) and Determination of the Consequences (Principle 1:7). The third Chapter deals with Divorce without the Consent of one of the Spouses and contains three Principles: Factual Separation (Principle 1:8), Exceptional Hardship to the Petitioner (Principle 1:9) and Determination of the Consequences (Principle 1:10).

23 The ten Principles regarding Maintenance Between Former Spouses (Part 2) are contained in three Chapters. The first Chapter sets out two General Principles: Relation Between Maintenance and Divorce (Principle 2:1) and Self Sufficiency (Principle 2:2). The second Chapter contains the Conditions for the Attribution of Maintenance: Conditions for Maintenance (Principle 2:3), Determining Claims for Maintenance (Principle 2:4), Method of Maintenance Provision (Principle 2:5) and Exceptional Hardship to the Debtor Spouse (Principle 2:6). The third Chapter covers Specific Issues: Multiplicity of Maintenance Claims (Principle 2:7), Limitation in Time (Principle 2:8), Termination of the Maintenance Obligation (Principle 2:9) and Maintenance Agreement (Principle 2:10).

24 M. Roth, 'Future Divorce Law – Two Types of Divorce', in K. Boele-Woelki (ed.), *Common Core and Better Law in European Family Law*, 2005, pp. 41-57.

is accessible at the CEFL's website. By the end of 2004 twenty-two national reports had been drawn up. They are, together with the relevant legal provisions, available on the CEFL's website. The integrated version of the national reports was published in June 2005.<sup>25</sup> The comparative information given in the national reports by the experts forms the basis of the Principles to be drafted in the field of parental responsibilities which will be published at the end of 2006.

### **3.4. European Family Law series**

The CEFL's Organizing Committee has launched a new book series dedicated to the harmonization and unification of family and succession law in Europe in which all the CEFL's research results have been published. The series includes comparative legal studies and materials as well as studies on the effects of international and European law making within the national legal systems.

## **4. Which working method has been applied?**

The CEFL's main goal is the creation of Principles of European Family Law that are thought to be the most suitable for the harmonization of family law in Europe. In this process the following methodological steps and considerations were taken into account.

### **4.1. Six steps**

In short, six steps are to be distinguished:<sup>26</sup> The *first step* is to select the fields of family law that are most suitable for harmonization. The *second step* is to draft a questionnaire which proceeds from the functional approach. According to this problem-oriented approach questions are posed in purely functional terms without any reference to the concepts of a specific legal system, thus asking what is the underlying problem that a certain legal provision aims to redress. The *third step* is to draw up national reports which not only take the law in the books into account, but also the law in practice. Each legal system may prescribe its list of official sources, but this list, which is only designed to bind judges and courts internally, does not necessarily bind a comparatist. The practical importance of the law as it appears in action also holds true in the field of family law. The national reports are aimed at discovering what practitioners are actually doing with the legal rules. The *fourth step* is to collect and to disseminate the comparative material. In addition to the country-by-country reports which are accessible on the CEFL's website an integrated and printed version laid out according to the numbers of the questions has been published. This integrated version provides a rapid overview and a straightforward simultaneous comparison of the different solutions within the national systems. The *fifth step* is to draft the Principles of European Family Law. Proposals are made by the members of the Organizing Committee which are discussed with the authors of the national reports (the Expert Group). At this stage a decision must be made between either the 'common core' or the 'better law' approach. The *sixth and final step* is to publish the Principles which consist of three parts: firstly, the provisions, secondly, the comparative overviews which refer to the national reports and, thirdly, the comments which elucidate the provisions.

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25 K. Boele-Woelki et al., *European Family Law in Action*, Volume III: *Parental Responsibilities*, 2005.

26 K. Boele-Woelki, 'The Working Method of the Commission on European Family Law', in Boele-Woelki (ed.), *supra* note 24, pp. 14-38.

#### **4.2. Evaluation of solutions**

It is generally acknowledged that the legal institutions, legal solutions, and norms of the various legal orders express the hierarchy of values inherent in every legal order, though in different degrees. In the final drafting of the Principles an assessment of these values (an evaluation) has to take place. Apparently, there is no universally accepted hierarchy of values, and thus no objective standard for the evaluation. At the CEFL's inaugural conference in December 2002 extensive discussions took place concerning the most effective method for harmonizing family law in Europe.<sup>27</sup> Should the harmonization only be *common core*-based or is the use of the *better law approach* indispensable in order to achieve positive results that represent the highest standard of modernity? During the drafting of the CEFL Principles it became apparent that, to a certain extent, it is not obligatory to make a choice between one thing or the other. Hence a combination of both methods has been applied. Regarding the different subjects which were selected upon the basis of the comparative material, the following five different approaches are to be differentiated:

1. the common core was found and selected as the best solution;
2. the common core was found, but a better solution was selected;
3. the common core was found, but the solution was left to national law;
4. no common core was found and the best solution was selected; or
5. no common core was found and the solution was left to national law.

#### **4.3. Justification of the choices that were made**

During the whole drafting process the CEFL was aware of the fact that evaluating solutions and taking positions can never be done entirely without subjectivity. Despite this awareness it is necessary to reveal the kind of criteria which are considered to be decisive for the choices that were made. To that end, the Principles are preceded by a Preamble which includes both generally acknowledged considerations and commonly felt desires. In addition, some specific considerations (e.g. consensual divorce should be favoured) motivated the adoption of choices and preferences. Furthermore, practical evidence and the immediate sense of appropriateness played a role. The respective evaluation criteria are laid down in the comments to each Principle. Finally, the question should be raised whether the CEFL has already paid attention to the changes which the Principles would bring to the national laws they are designed to replace. Was it possible to specify how much each law had contributed? In addition, how far would each law be affected? Sometimes it was difficult to distance oneself from one's own legal background and to find a balance between, on the one hand, feeling responsible for or representing national solutions and, on the other, thinking from a European perspective. In the end the latter prevailed.

### **5. Who could benefit from the CEFL's work?**

The CEFL's activities are intended to produce results that may be used for specific practical purposes.

#### **5.1. National, European and international legislators**

The Principles are spelt out in provisions but these must be read in conjunction with the Comments which elucidate the rules and offer comparative information. These Comments are part and

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<sup>27</sup> I. Schwenger, 'Methodological Aspects of Harmonisation of Family Law', in Boele-Woelki (ed.), *supra* note 7, pp. 143-158 and M. Antokolskaia, 'The 'Better Law' Approach and the Harmonisation of Family Law', in Boele-Woelki (ed.), *supra* note 7, pp. 159-182.

parcel of the Principles. This approach, which is inspired by the American Restatements, renders the Principles particularly attractive. In this respect they may serve as a frame of reference. The Principles could considerably facilitate the task of policy makers and legislators for the reason that, on the one hand, the CEFL's in-depth and comprehensive comparative research is easily accessible and, on the other, most of the rules have been drafted in the same way as that which legislators normally consider to be appropriate. Some of the Principles, but not all, have been drafted so that they could be implemented in a national system. Following this approach the Principles may serve two purposes: firstly, they could be considered as recommendations and, secondly, they may be used as a model for the applicable law.

The CEFL's work has already been used for the first time by a legislature as a source for arguing for the amendment of the current law on divorce. On 7 February 2005, a Bill<sup>28</sup> was submitted to the Scottish Parliament which would, *inter alia*, amend the grounds for divorce in Scotland so as to reduce the current five-year separation period to two and the two-year separation period to one. The document referring to the CEFL's publication is the briefing of the Scottish Parliament Information Centre on the grounds for divorce.<sup>29</sup> Furthermore, desertion would also be removed as a ground for divorce. The Bill also aims to amend the law of maintenance, parental responsibilities and parental rights, as well as cohabitation. It therefore provides yet further support for the choice of the CEFL to work on these three topics first.

### **5.2. Scientific research**

Research into the effectiveness of national solutions in the field of family law can largely profit from the CEFL's results. The drafting of the Principles is based on an assessment (an evaluation) of the legal institutions, legal solutions and norms of the various legal orders, which express the hierarchy of values inherent in every legal order, although to different degrees. It is to be expected that future scientific research in the field of the harmonization of family law in Europe to be carried out by individual researchers or eventually research teams will necessarily refer to and compare national solutions with the CEFL Principles. Finally, on a more global scale, a comparison between the CEFL Principles and the Principles of the Law of Family Dissolution, which were established by the American Law Institute in 2002,<sup>30</sup> should be pursued.<sup>31</sup>

### **5.3. Usefulness of the CEFL's results for practitioners**

To date, in particular the CEFL's comparative material which contains comprehensive and reliable information about twenty-two family law systems in Europe, has been regularly consulted by practitioners. Specific information about, for instance, the divorce grounds in Greece or the position of the new partner of the parent who holds parental responsibilities in respect of the child under Hungarian law is easily accessible and may help in those cases where lawyers seek information concerning the precise content of foreign family law. In addition, all national reports are written in English, which in most cases facilitates the access to those national systems where the official language is not English, French or German. The often difficult legal translations have thus already been made by national experts.

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28 <http://www.scottish.parliament.uk/business/bills/billsInProgress/familyLaw.htm>.

29 <http://www.scottish.parliament.uk/business/research/briefings-05/sb05-22.pdf>.

30 Principles of the Law of Family Dissolution: Analysis and Recommendations, American Law Institute, 2002.

31 T. Glennon, 'An American Perspective on the Debate over the Harmonisation or Unification of Family Law in Europe', Book Review of Perspectives on the Unification and Harmonisation of Family Law in Europe', 2004 *Family Law Quarterly*, p. 209

## **6. Prospects**

The CEFL believes that the harmonization of family law will provide an adequate legal basis for the further realization of free movement for Europeans and will contribute to the factual achievement of a Europe not only without trade and economic borders but also without legal ones. Therefore, the harmonization of family law can be seen as an ultimate step on the road towards creating a truly people-friendly, integrated Europe as a common home for all Europeans.

Regarding the first set of Principles, it can be stated that, by and large, the CEFL opted for simplicity and for enhancing party autonomy. In those jurisdictions where the state has traditionally retained a protective role this might be regarded as a new approach in family law. The growing mobility of private persons, combined with the recognition of a need for citizens to be able to arrange their lives according to their own needs and desires, led the CEFL to advocate for as much party autonomy and as little state interference as possible. This concept, however, has been carefully balanced with protection for a weaker party.

So far, the CEFL's activities are unique in Europe. Never before has such a large group of scholars investigated the possibilities for and contributed to the harmonization of substantive family law in Europe. The CEFL's work is far from complete. The second set of Principles is under preparation and, in 2006, new working fields will be selected. In addition, the Commission will be enlarged with new EU Member States. Through its systematic investigation, the CEFL will continue to develop Principles with supporting rationales; resulting in the best possible solutions for the family law systems in Europe.