

**Philip Cordery, New Park Court Chambers**

**Response to MOJ Call for Evidence received via Citizen Space**

**Q1. What are the advantages and/or disadvantages to businesses and/or individuals in the UK of EU civil judicial cooperation? You may wish to focus on a particular instrument.**

The advantages include quicker determination of issues of custody/residence of and contact with children and to a lesser extent cooperation and assistance with issues of child abduction and adoption (Council Regulation (EC) No 2201/2003).

**Q2. What is the impact of EU civil judicial cooperation on UK civil and family law?**

Not as great as it should be or could be.

**Q3. How is civil judicial cooperation necessary for the functioning of the internal market? Which aspects support and/or hinder it?**

There is a need for degree of certainty as to how matters are to be dealt with throughout Europe no matter where (i.e. which member state) the issue arose in.

**Q4. Are there any areas where EU competence in this area has led to unintended and/or undesired consequences for individuals and companies in the UK? Please give examples.**

While there are occasions of differences of emphasis, in the field of family law, no examples of unintended and/or undesired consequences occur to me.

**Q5. What are the advantages and/or disadvantages of the opt-in for the UK?**

I can see no disadvantages of the opt-in.

**Q6. What are the advantages and/or disadvantages of the cross-border requirement for the UK's national interests?**

Again it is difficult to see the disadvantages of cross-border cooperation.

**Q7. What impact might any future enlargement of the EU have on civil judicial cooperation?**

There will be delays while differing legal systems of new members are assimilated and the time involved in this process is not to be underestimated.

**Q8. What future challenges and opportunities are there in the area of EU civil judicial cooperation?**

Enlargement and consequent delays in assimilation of systems will present challenges with risks that key issues might be overlooked. The opportunities of a larger degree of judicial cooperation are obvious (or should be).

**Q9. What are the advantages and/or disadvantages to the UK of the EU's powers to act internationally in this area?**

By presenting European issues as a single subject, the EU (and through it the UK) is able to claim equal consideration with the USA, China and Russia as a major force in the international scene.

**Q10. What would be the advantages and/or disadvantages to the UK of action being taken at an international rather than EU level?**

There remain advantages of cooperation and involvement in other organisations - in particular the Hague Conference on Private International Law and Commonwealth legal cooperation. The existence of these other avenues of resolution of international problems, however, does not negate the usefulness of EU remedies.