

**The Rt Hon Sir Mathew Thorpe**

**Review of the Balance of Competences**

In the field of European Family Law I have no particular disquiet.

The UK is protected by its right to reject proposed European Family legislation, a right which we have exercised extensively and effectively. Those instruments that we have accepted have in the main worked well. Particularly that is true of Brussels II bis and its internal mechanism for review is a strength.

My only area of disquiet is the relationship between the EU and the Hague Conference where the EU seems reluctant to accept the important, and in some sense superior, global role of the Hague Conference. An example of this attitude is the claim to external competence in relation to recognition of new accessions to Hague Conventions. However that issue has now been referred to the Court of Justice which is an improvement on an extensive period in which we were constrained by claims which we neither accepted nor challenged.