

EN
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Answer given by Mr McGrath
on behalf of the European Commission
(19.2.2025)

The best interests of the child remain a key priority for the European Union¹.

The Brussels IIb Regulation² is based on the best interests of the child, mutual trust between Member States and the protection of children in all cross-border civil proceedings that affect them.

The Recommendation on integrated child protection systems³ calls on Member States to ensure that all children within the European Union and beyond⁴ have non-negotiable rights to protection from all forms of violence in all the domains of their lives.

Upholding the best interests of the child is a guiding principle of the Violence Against Women Directive⁵, which requires, e.g., that competent authorities have access to information on cases of violence involving children so that that information can be taken into account in civil proceedings concerning such children. Member States will have to comply with this Directive by 14 June 2027.

In an individual case, it is for the competent national court to assess the facts of the case. In urgent cases, Brussels IIb Regulation allows a court of another Member State to take protective measures in respect of a child who is present in that Member State⁶.

¹ In accordance with Article 24 of the Charter of Fundamental Rights of the European Union.

² Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction. (recast) OJ L 178, 2.7.2019, p. 1–115 (BG, ES, CS, DA, DE, ET, EL, EN, FR, HR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV).

³ Commission Recommendation on developing and strengthening integrated child protection systems in the best interests of the child (C(2024) 2680 final).

⁴ In accordance with Article 3(5) of the Treaty on EU.

⁵ Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence, OJ L, 2024/1385, 24.5.2024.

⁶ Granting of the measures is subject to the conditions set up in the Regulation and the case-law of the Court of Justice.