



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE, FREEDOM AND SECURITY

Directorate E : Justice
Unit E1 : General justice issues and e-justice

Brussels, 07 MAI 2010
DG JLS E1/IT/pv D(2010)7013

Mr Peter Briody
Spiegelberg 1
D-88090 Immenstaad
Bundesrepublik Deutschland


Dear Mr Briody,

Thank you very much for your letter of 11 April 2010 addressed to Mr Jonathan Faull. I have been asked to reply to you.

I have read with interest your detailed analysis and the critical conclusions on different aspects of Germany's judiciary in general, and in particular on the German family court system. However, I regret to inform you that the European Commission has no competence to intervene either in the organisation of the justice system or the day-to-day business of the judiciary of any individual Member State. The powers of the European Union and the Commission in the field of justice and security derive from the Treaties on European Union, providing that Member States themselves are responsible for the maintenance of law and order in their country.

If I understood you correctly, personally you are not affected by the situation you describe. However, if someone believes that they are a victim of a violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms, they should contact the European Court of Human Rights directly. Doing so, they must bear in mind that one can bring an action in that Court only after all the domestic remedies available have been exhausted; and they must do so within six months of the domestic decision becoming definitive.

Yours sincerely,


Jacek Garstka
Head of Unit

European Commission
DG Justice, Freedom and Security
Mr. Jonathan Faull

B-1049 Brüssel

11.04.2010

Subject: Complaint about the Quality of Family Courts in Germany

Dear Director General Faull,

allow me to introduce myself. As an ex-RAF officer, I have been resident in Germany since 1979. I am not personally affected by what I am going to tell you, so I that I can reasonably lay claim to neutrality.

I had learned in the RAF, in various functions at courts martial and boards of inquiry, to assess a process by its procedures, formalities and quality. These techniques, applied to German family courts, lead to the conclusion that these are "unfit for European cooperation". As there is an impact on EC Regulation 2201/2003, I decided to formulate the attached complaint, which also recommends Germany's suspension from the agreement until satisfactory standards can be introduced. This complaint has German as well as international backing which the signature list on <http://www.eucars.de> shows.

An electronic version of this complaint (in English) is on:

http://www.eucars.de/download/family-courts/100329_ec_dgs_complaint_voll_en_sig.pdf

should a colored version be necessary.

Yours sincerely,



Peter Briody

Attachments:

1. Executive Summary to L5/0118/650 dated 29.03.2010 (3 Pages)
2. Complaint L5/0118/650 dated 29.03.2010 (18 Pages)
3. Annex A to L5/0118/650 dated 29.03.2010 (5 Pages)
4. Annex B to L5/0118/650 dated 29.03.2010 (4 Pages)
5. Annex C to L5/0118/650 dated 29.03.2010 (4 Pages)

Peter Briody

Von: Europe Direct [citizen_reply@edcc.ec.europa.eu]
Gesendet: Freitag, 5. März 2010 15:36
An: briody@eucars.de
Betreff: [Case_ID: 0249904 / 4009559] InfoPublic - FEEDBACK

/249904-22

Dear Mr Briody,

We acknowledge receipt of your message, which was forwarded to **EUROPE DIRECT Contact Centre** by the Public Information Service of the General Secretariat of the Council of the EU. **EUROPE DIRECT Contac Centre** is an information service of the European Commission which provides citizens and businesses with answers to questions of a general nature about the European Union. You can find further information about the EUROPE DIRECT service at the following web site: <http://ec.europa.eu/europedirect/>

In response to your enquiry asking for the exclusion of Germany from the Council Regulation (EC) No 2201/2003 ("the Brussels IIa Regulation") which ensures that a child can maintain contact with both parents after a divorce also when the parents live in different Member States we kindly ask you to contact the European Commissions' Directorate-General (DG) for Justice, Freedom and Security directly who is responsible for above mentioned regulation by submitting the online request form available at the following URL: http://ec.europa.eu/justice_home/contact_us2_en.htm

For further information kindly visit the website of European Judicial Network in civil and commercial matters providing further information at the following URL: http://ec.europa.eu/civiljustice/parental_resp/parental_resp_ec_en.htm

Specific information about Parental responsibility in Germany as well as further contacts can be found at the following URL: http://ec.europa.eu/civiljustice/parental_resp/parental_resp_ger_en.htm

With kind regards,

EUROPE DIRECT Contact Centre

www.europa.eu - your shortcut to the EU!

Disclaimer

Please note: We will try to ensure that you receive the information requested, or to direct you to an appropriate source. However, we are unable to comment on specific issues pertaining to EU policy, and information provided by EUROPE DIRECT may not be considered as legally binding.

Date: Wednesday, 03/03/2010 12:30:30
From: "Peter Briody" <briody@eucars.de>
Subject: [Case_ID: 249904 / 4009559] InfoPublic - FEEDBACK

02.06.2010

Dear colleagues,

Would you kindly reply to the below message? Thank you.

Best regards

Public Information Service
Directorate general F - Press, Communication, Transparency
General Secretariat of the Council of the European Union
E-mail: www.consilium.europa.eu/infopublic
(Please fill in the electronic form.)
Tel: 00 32 2 281 5650
Fax: 00 32 2 281 4977
Internet: www.consilium.europa.eu

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briody@eucars.de (25/02/2010 18:00:08)

>I am, together with others, asking for the exclusion of Germany from the agreements i.a.w. EC Regulation no. 2201/2003 concerning the mutual recognition of Family court judgements. This is because the German family courts do not fulfill the criteria for this. To whom do we send the request please ?

First Name: Peter
Family Name: Briody
E-mail address: briody@eucars.de
Country of Residence: Germany
Gender: Male
Age: >64
Economic Category: (Other)