ADK DI I O	
A.DK. v Poland, 178	association agreements, 76–7, 83, 92
A.M. v Norway, 191–4	EEC-Turkey Association Agreement. See
A.S. case	EEC-Turkey Association Agreement;
material and emotional support,	Turkey
73	association citizenship, 81
adoption and adopted children, 25, 35, 217	association families, 81-2
Austria, 166–7	asylum. See migration and asylum
best interests of the child principle, 187,	Asylum and Migration Management
192, 219	Regulation, proposals for
child protection, 212	family member, concept of, 61
Germany, 168	Asylum Directives
intra-family adoption, 166, 173	family members, concept of, 67
recognition of, 118, 125	Austria
same-sex relationships, 161, 166-8	assisted reproductive technology, 171, 200-2
step-children, 189–90	Iida case, 31
Alarape case, 69, 71	Karner case, 160–1, 164
Aldeguer Tomas v Spain, 162	P.B. and J.S. case, 161
anti-discrimination law, 5, 7, 21, 27	right to residence, 32
See also non-discrimination	S.H. and others case, 171, 200–2
principle	same-sex adoption, 166–7
assisted reproductive technologies	same-sex partnerships, 153, 158, 160–1, 164,
margin of appreciation, 201	179
assisted reproductive technology (ART)	Schalk and Kopf case, 153, 158,
Austria, 171, 200–2	165, 179
Belgium, 166–7, 169, 172	X. and others case, 166–7
egg donation, 200–2	. ,
France, 169–71, 178, 186–7, 189, 193	Azoulai, L., 73
	D 444904 0000 67 6 4 4 6
Norway, 191–4	Banger case, 65–6, 143–6
rainbow families, 169–71	Baumbast case, 21, 25, 116
same-sex parenthood, 169–71	Belgium
same-sex relationships, xxxiii, 151, 169–71,	assisted reproductive technology, 166–7,
178, 186–7, 189, 193	169, 172
cross-border issues, 166, 169–71	Coman case. See Coman case
See also surrogacy and surrogate-born	Depesme and Kerrou case, 68
children.	Gas and Dubois case, 166–7, 169
sperm donation, 200–2	reconstituted families, 68

best interests of the child principle, 95, 112,	national child protection systems, 14
187–9	perception of family, impact of, 212-13
adoption, 187, 192, 219	private international family law, 211, 213-15
contact rights, 172, 192, 219	public law child protection, 215-16
kafala guardianship, 126	transfers of jurisdiction over parental
primacy of, 88, 211	responsibility proceedings, 218–20
See also rights of the child (Art. 24 EUCFR).	Children's Commissioner (UK)
surrogacy, 184	Review into Family Life, 38–40, 47
third country national mothers and rights of	Citizens' Rights Directive (Directive 2004/38)
residence, 114	same-sex partnerships, 155, 163–4, 176
transfers of jurisdiction over parental	Citizens' Rights Directive (Directive 2004/38),
responsibility proceedings, 218–21	
high continuous and and are seen as a seen as	28, 119, 130
birth certificates, 34, 128, 168, 175–8, 242	adopted children, 125
surrogacy, 186–91	application, 102
Bonnaud and Lecoq v France, 172, 174	core versus extended family members,
breakdown of parental relationships	133-7
child protection, 210, 215–16, 218, 221	direct descendants concept, 33-4, 74, 125-6
Brexit families, 78, 92–6	effective judicial protection. See effective
Brexit, impact of, 37–8	judicial protection principle (Citizen's
Brighouse, Harry, 49–50, 52–3	Rights Directive)
broad approach to 'family'	family member, concept of, 12–13, 29,
other personal relationships, 48	31–4, 37, 60, 62–6, 132–7
Brussels II Regulations, 64, 120	inconsistency, 65–6
application, 102	kafala guardianship, 127
child protection, 216–21	polygamous marriage, 127–8
transfers of jurisdiction over parental	procedural safeguards, 136–8
responsibility proceedings, 218–20	entry refusal and expulsion decisions,
Budget Conditionality Regulation	138–41
(2020/2092), 244–5	rights of entry and residence, 132-7
Bulgaria. See V.M.A. v Stolichna obshtina,	same-sex partnerships, 6, 30, 70, 120-4
rayon 'Pancharevo	substantive principles, 13, 136–7
Burke, Edmund, 51	termination/withdrawal of rights, 136
zame, zamana,)z	unmarried partners, 61
Callamand v France, 173, 179	family reunification rights, 30
care proceedings, 213, 217–20	citizenship status, 12, 99–101, 111–16, 129,
caring function of family, 67, 73	
	214-15, 228
economic nature of relationships, 68	children, 178
free movement and migration norms, 67–8	TFEU, 100
right of residence, 69	Clauder case, 85
Carpenter case, 7, 25, 68, 99, 103, 105, 114	cohabitation, 20, 24, 30, 60, 64, 196See also
CD v ST, 183, 185	unmarried partners,
Charron and Merle-Montet v France, 170	Coman case, 6–7, 32, 72, 108–9, 120–1, 123,
Chavez Vilchez case, 114, 116	164–5, 259
material and emotional support role, 73	Art. 7 EUCFR, 123–4
stability of social relations, 74	EU Citizenship Directive, 121,
child protection, 225–6	family reunification rights, 32–3, 69–70,
cross-national cooperation, 14, 216–21	163–4, 176, 179
cultural differences, 223–5	free movement rights, 120–4
ECtHR, 211–12	spouse, concept of, 29, 155, 163
EU law, 221–3	stability of social relations, 74
free movement rights, relationship with, 213-15	TFEU citizenship rights, 121–3

competence	Depesme and Kerrou case, 68, 71
EU legislative competence, 4–5, 7, 9, 20,	material and emotional support role, 73
110, 158, 171, 181, 183, 215, 221–3,	stability of social relations, 74
227, 249–50, 257	Derin case, 81
member states, 35, 110, 121, 128, 154, 157,	derived right of residence, 70, 115, 121-4,
164–5	164
non-discrimination principle, 106, 108,	derogations
111, 258	Citizens' Rights Directive, 137
conditional families, 81	descendants, concept of, 176
connections	direct descendants, 33–4, 74, 119, 125–6,
family reunification, 169, 185, 218	133-4
Coordination of Social Security Systems	early EU law, 25
(Reg. 883/2004)	Free Movement Directive, 33
family member, concept of, 63	deterrence effect and language of 'family', 64
'core' family members	Digital Rights Ireland case, 102
Citizens' Rights Directive (Directive 2004/	direct descendants concept, 33-4, 74, 119,
38), 133–7	125–6, 133–4
Council Implementing Decision 2022/382	Directive 2003/109. See Long-term
family member, concept of, 61–2, 68	Residents Directive (Directive
Court of Justice of the EU (CJEU), 249, 258–9	2003/109)
family, concept of, 5–8, 37	Directive 2003/86. See Family
Polydor doctrine, 11See also EU law.	Reunification Directive (Directive
surrogacy and surrogate-born children,	2003/86)
182–6	Directive 2004/38. See Citizens' Rights
Croatia	Directive (Directive 2004/38)
Pajic case, 163	Directive 64/221. See movement/residence of
same-sex partnerships, 164	foreign nationals justified on public
cross-border disputes, 14	policy, public security or public health
See also child protection.	grounds (Directive 64/221)
cross-border recognition of (same-sex)	diversity in family forms, 20–2
marriages, 7	divorce, 31, 37
rainbow families, 175–8	Brussels IIb Regulation, 120, 217
same-sex marriages, 164–6	child protection, 211
same-sex parenthood, 175–8	custody and guardianship of dependent
same-sex relationships, 164–6	children, 216–17
custody and guardianship of dependent	ideological divisions within the EU,
children, 37, 172, 210, 216	250-1
kafala guardianship, 12, 74, 126	legal parenthood, 203
Citizens' Rights Directive, relationship	right to residence, 135
with, 127	Rome III Regulation, 229
SM v Entry Clearance Officer, 124–8	social assistance and welfare rights, 136
D 1 Vi 1 (C 1 C 1 . ()	Dogan case, 89
D and Kingdom of Sweden v Council of the	domestic violence and abuse
European Union, 107–8, 153, 157	child protection, 221–3
D. v France, 189–91	Commission's Strategy on the Rights of the
D.B. and others v Switzerland, 178	Child, 221, 225
Demirkan case, 82	Dublin Convention 1990
Denmark	family member, concept of, 60
family reunification rights, 89	Dublin III Regulation 604/2013
registered partnerships, 252	family member, concept of,
same-sex marriage, 253	61, 67

EC-Switzerland Agreement on the Free	EU law
Movement of Persons, 82	family member, concept of, 63–6
EEC-Turkey Association Agreement (Ankara	family, concept of, 5–10, 19–22
Agreement)	individuals, rights of, 4
See also Turkey.	regulating family relationships, 4, 75See also Court of Justice of the EU.
Turkey, 80–3, 88–91	
effective judicial protection principle (Art. 47 EUCFR), 12, 131–2, 141–3	European Certificate of Parenthood, 255 European Commission
effective judicial protection principle	Strategy on the Rights of the Child, 221, 225
(Citizen's Rights Directive), 131–2,	European Convention on Human Rights
141-3, 145-7	(ECHR)
entry refusal and expulsion decisions,	negative obligations, 3
138–41	positive obligation, 3
extended family members, 143-5	right to marry and found a family (Art. 12),
effectiveness principle, 115, 140, 144-5	37. See also right to marry and found a
EFTA Court	family (Art. 12 ECHR)
Clauder case, 85	right to respect for family and private life
Jabbi case, 86	(Art. 8), 8, 37. See also right to respect
egg donation, 200–2	for family and private life (Art. 8
England and Wales	ECHR)
child protection proceedings, 219–20	European Court of Human Rights (ECtHR),
divorce law, 251	259–60
judicial review, 144 transfers of jurisdiction over parental	marriage, concept of, 31 same-sex relationships, 3, 8, 152
responsibility proceedings, 219	surrogacy and surrogate-born children, 8,
entry refusal decisions	186–94
effective judicial protection principle under	European Economic Area (EEA), 12
Citizen's Rights Directive, 138–41	European Family Law concept, 257–8
equal treatment principle, 108, 133, 135, 152,	Institutional EU Family Law, 258
157, 258	Institutional European Family Law, 258
equivalent families, 83-6	EU-UK Withdrawal Agreeement, 91–4See also
Estonia	Brexit, impact of; Brexit families.
same-sex marriage, 253	ex parte Shingara, 139
EU Charter of Fundamental Rights (EUCFR),	ex parte Yiadom, 139–40
xxxiii, 6, 101–2, 116–17, 228, 249	expulsion decisions
ECHR, relationship with, 105	effective judicial protection principle under
effective judicial protection principle	Citizen's Rights Directive, 138–41 'extended' family members
(Art. 47). See effective judicial protection principle (Art. 47 EUCFR)	Citizens' Rights Directive (Directive 2004/
field of application (Art. 51), 103	38), 133–7
implementation of EU law at national level.,	effective judicial protection principle, 143–5
102-3	non-familial relationships, status of, 48See
legality of EU secondary norms, 102	also private goods of the family,
respect for private and family life. See right	1 3
to respect for family and private life	Facebook Ireland (Schrems) case, 102
(Art. 7 EUCFR)	families of more than two parenting adults, 20
review of Member State actions, 103	family activities and practices, 66-7, 69-70
TFEU/TEU, relationship with, 104–5	caring function, 67–9
EU citizenship. See citizenship status	family member, concept of, 11, 38, 56, 59
EU identity, creation of, 248	Asylum and Migration Management
EU integration, 76–8, 95–6	Regulation, proposals for, 61

Citizens' Rights Directive (Directive 2004/ 38), 12–13, 29, 31–4, 37, 60, 62–6, 132–7 conceptual confusion, 65–6 Coordination of Social Security Systems (Reg. 883/2004), 63 core versus extended family members, 133–7, 143–5 Council Implementing Decision 2022/382, 61–2, 68 Dublin Convention 1990, 60 Dublin III Regulation, 61, 67 EU legal norms, 57–8, 62, 75 Family Reunification Directive, 67 fluidity/instability of concept, 60 fragmentation of legal sources, 61–2, 75 Free Movement of Workers Regulation, 68 objective of the law, 62–3 Relocation Decision 2015, 67 status of family members, 71 temporal evolution, 60–1 Temporary protection Directive for people from Ukraine, 61–2, 68 Family Reunification Directive (Directive 2003/86), 28–9 family member, concept of, 67 unmarried partners, 61 family reunification rights civil partnership status, 24 cross-border recognition of marriages, 7 Family Reunification Directive (Directive 2003/86) free movement rights, 22–5 lida case, 31–2 marriage, 24, 27 material and emotional support role, 73 Regulation 1612/68, 22 family member, concept of, 60 Return Directive, 114 same-sex partnerships, 161, 163–4, 179 TFEU, relationship with, 115	formal definition of 'family', 46–7 functional definition, 46 global North, 40 harmonised conception of 'family', 58 idealised definition of 'family', 46 moral, religious, social, and political factors, 2–3 official definition, lack of, 1–2 ordinary, common-sense usage, 45–6 Raymond Williams, 40 secondary legislation, 28 See also family member, concept of, self-definition approach, 46 social, legal, demographic, and biological developments, 40–4, 56–60, 64 special social worth of 'family', 46–7 TEU, 28 TFEU, 28 Fedotova and others v Russia, 159, 179 fiduciary duty of care for children, 37, 52–3 finland divorce law, 251 Hämäläinen case, 156 Korkein hallinto-oikeus case, 216 parental responsibility, 217 trans rights, 156 formal definition of 'family', 46–7 foster carers, 197, 212, 217 fragmented nature of family law in the EU, 11, 57, 60–1, 75, 151, 179, 223, 261 France assisted reproductive technology and same- sex couples, 169–71, 178, 186–7, 189, 193 Bonnaud and Lecoq case, 172, 174 Callamand case, 173, 179 Charron and Merle-Montet case, 170 D. case, 189–91 Depesme and Kerrou case, 68 domestic prohibition of surrogacy, 186–9 Hallier and others case, 174
TFEU, relationship with, 115 unmarried partners, 24	Hallier and others case, 174 joint parental authority, 172
family, concept of, 1, 10–11, 19, 54–5, 261 Children's Commissioner (UK), 38–40 CJEU, 5–8 consanguineous co-residential individuals, 40 Court of Justice of the EU (CJEU), 37 early EU law, 22–5 East/West divide, 253–7 EU law, 5–10, 19–22, 36	Manenc case, 161, 164 Mennesson case, 171, 178, 186–7, 189, 193 Pacte civil de solidarité (France), 160 parental responsibility, 172–3 reconstituted families, 68 registered partnerships, 173, 179 same-sex partnerships, 160 joint parental authority, 172

E M D' C C C' ABIL	
Free Movement Directive. See Citizens' Rights	Hart, H.L.A., 45
Directive (Directive 2004/38)	Hay v Crédit Agricole, 160, 162, 179
Free Movement of Workers Regulation	Herring, J., 1, 45
(Regulation 492/2011)	homoparental families, 13See also same-sex
family member, concept of, 68	parenthood.
free movement rights, 5, 7, 12, 78–80	Honner case, 173-4
caring function, value of, 67–9	Hungary, 14
family reunification, 22-5	illiberalism
Gunnarsson case, 85	constitutionalisation of traditional notions
Jabbi case, 86	of family, 237
V.M.A. case, 7	gender and family, 234-5
functional definition of 'family', 46, 54	role of women within society, 235–6 social welfare and family policies, 236–7
Can and Duhois agos 161 166 8	social wehate and family policies, 230-/
Gas and Dubois case, 161, 166–8	Thurshim accorde
Genc case, 89	Ibrahim case, 69
genetics	ideological divisions within the EU, 14
automatic recognition of ties, 194	divorce, 250–1
surrogacy	East/West divide, 251–3
gendered effects of genetics, 189–91	North/South divide, 250–1
legal fatherhood, 182	Protestant versus Catholic ideologies, 250–1
legal motherhood, 186–9	same-sex relationships, 251–3
Mennesson case, 186–9	Iida case, 31–2
trumping of genetics, 191–4	illiberalism, 14, 248
Germany	EU action against
Boeckel and Gessner-Boeckel case, 168	Commission infringement procedures,
egg donation, 201	241–6
Iida case, 31	European Parliament resolutions, 241–2
Maruko case, 108, 160, 258	familialism and biopolitics, 233–4
pension rights, 160, 258	familism and role of the family, 232-3
right of residency, 31	Hungary
Römer case, 160	constitutionalisation of traditional notions
same-sex adoption rights, 168	of family, 237
same-sex parenthood, 169	gender and family, 234-5
'goods' language associated with family	role of women within society, 235–6
goods, private and public distinguished, 48	social welfare and family policies, 236-7
non-familial relationships, status of, 48See	meaning, 230–1
also private goods of the family.	Poland, 238
Goodwin v UK, 107, 153, 260	constitutionalisation of traditional notions
Grant case, 107–8	of family, 240–1
guardianship. See kafala guardianship; legal	education, 239–40
guardianship	role of women within society, 239
Gunnarsson case, 85	social welfare and family policies, 238–9
	war on gender, 231–2
Hague Convention on the Civil Aspects of	immigration policy, 22, 29, 78, 87
International Child Abduction 1980,	Europeanisation, 87–8
216	Hungary, 235–6
Hallier and others v France, 174	Return Directive, 114See also Family
Hämäläinen v Finland, 156	Reunification Directive,
harmonisation of EU family law, 9, 38, 54, 63,	infringement actions
210–11, 223–5, 227	illiberalism, 243–5
harmonised conception of 'family', 58	integrated families, 87–91

intra-family adoption, 166, 173	Manenc v France, 161, 164
Ireland	margin of appreciation
Digital Rights Ireland case, 102	assisted reproductive technologies, 201
divorce, 250	parental leave, rights of, 174
Facebook Ireland (Schrems) case, 102	rights of same-sex couples, 158, 164-5
pension rights, 162	social assistance and welfare systems, 63
same-sex marriage, 162, 253	step-child adoption, 190
Islamic law	marriage
kafala guardianship, 12, 74, 124–8	same-sex relationships compared, 107–11
Italy	marriage annulments, 136
divorce, 250	Brussels IIb Regulation, 120
Oliari and others v Italy, 158	marriages of convenience, 136
Orlandi and others v Italy, 155, 165, 179	Martínez Sala case, 111, 116
same-sex marriage, 155, 165–6, 179	Maruko case, 108, 160, 258
same-sex partnerships, 158	Mata Estevez v Spain, 161, 164
same sen parateismps, 1)s	mater semper certa est rule, 13, 182, 184-6,
Jabbi case, 86	192, 194, 196, 201
joint parental authority, 33, 71, 128–9, 172–3	rigidity of application, 182, 187, 195–204
joint parental authority, 33, /1, 120 9, 1/2-3	material and emotional support
K.B. case, 106–7	social membership conception of family, 73–4
KA case, 114–15	
kafala guardianship, 12, 74, 126	maternity leave, 181 surrogacy, 182–4, 205
Citizens' Rights Directive, relationship	medically assisted procreation (MAP). See
. ·	assisted reproductive technology (ART)
with, 127	
SM v Entry Clearance Officer, 124–8 Karner v Austria, 160, 164	Mennesson v France, 171, 178, 186–7, 189, 193 migration and asylum, 5, 61, 67, 210See also
Kemper, Andreas, 233	Family Reunification Directive.
kinship placements, 212, 217, 220	minimum procedural safeguards, 138
Kozak v Poland, 161	Morgan, David H.J., 59, 66, 70
Rozak v I olaha, 101	movement/residence of foreign nationals
local (un)cortainty 55	
legal (un)certainty, 57 non-recognition of family ties, 187	justified on public policy, public security or public health grounds
legal fictions and transnational surrogacy,	(Directive 64/221), 138–41, 146
194-6	MRAX case, 99
gendered and discriminatory nature, 196–200	وروان والأورون والمناور والمنا
legal guardianship, 37, 240	national procedural autonomy principle, 140, 145
See also kafala guardianship.	negative influences of the EU on family law,
LGBTIQ Equality Strategy 2020-2025 (EU),	72–4 Netherlands
255–6 Long torm Posidonts Directive (Directive	
Long-term Residents Directive (Directive 2003/109), 88, 91	Banger case, 65–6, 143, 146 family reunification rights, 27
Lounes case, 115–16 Luxembourg	same-sex marriage, 153, 165, 252 social assistance and welfare benefits, 114
9	
parent-child relationship, 68	non-discrimination principle, 111, 140, 246
M.D. v. Coonstant of State for Work and	Art. 21 EUCFR, 100, 105–11, 144–5, 249, 258
M.B. v Secretary of State for Work and	Norway
Pensions, 156–7	A.M. v Norway case, 191–4, 199
Maastricht Treaty 1993	assisted reproductive technology, 191-4
EU citizenship, 214 Malta	recognition of intended motherhood,
	191–4, 199
divorce, 250	same-sex marriage, 253

Oliari and others v Italy, 158 Orbán, Viktor illiberal democracy concept, 231	polygamous marriages, 29, 127–8 primary carer, concept of, 71 early EU law, 25–7, 69
See also Hungary.	private goods of the family
Orlandi and others v Italy, 155, 165, 179	family as a social institution, 50–1
'other close relatives' concept	intimate relationships concept, 49–50
vagueness, 62	private international family law, 14, 209
,	child protection, 213-15, 220
P.B. and J.S. v Austria, 161	harmonisation, 211, 221–4
Pacte Civil de Solidarité (France), xxxiii, 160	procedural safeguards
paedophilia	Citizens' Rights Directive, 66, 136-7, 144-6
conflation with homosexuality	entry refusal and expulsion decisions,
Hungary, 233, 237	138–41
Pajic v Croatia, 163	minimum procedural safeguards, 138
parental child abduction, 214	prohibition on torture and inhuman and
Hague Convention, 216	degrading treatment (Art. 3 ECHR), 211
parental responsibility, 217	proportionality, 116, 122, 156, 174
Regulation 2201/2003, 64	protection of family life (Art. 33 EUCFR), 100,
SM v Entry Clearance Officer, 124–8	105–6
parent-child relationships. See adoption and	Protestant versus Catholic ideologies
adopted children; step-children	divorce, 250–1
parenthood, 52	public goods of the family, 51–3
determination of legal parenthood, 194–6	public health
gendered nature of, 185–6	movement/residence of foreign nationals
surrogacy. See surrogacy and surrogate-born	(Directive 64/221), 138–41, 146
children	Treaty-based limitations, 135
Parliament v Council, 102	public policy
Parris v Trinity College Dublin, 158, 162	movement/residence of foreign nationals
pater est quem nuptiae demonstrant rule, 13,	(Directive 64/221), 138–41, 146
182, 200	Treaty-based limitations, 135
legal fictions, 195–6	public security
openness to flexibility, 196–7	movement/residence of foreign nationals
paternity leave	(Directive 64/221), 138–41, 146
equivalent second parents, 35, 174–5	Treaty-based limitations, 135
pension rights	qualifying families &s. s
registered partnerships, 259 same-sex partnerships, 108, 156–7, 161–2,	qualifying families, 82–3
258	R.F. and others v Germany, 169
trans partners, 106	rainbow families, 20
Poland, 14	assisted reproductive technology, 169–71
A.DK. case, 178	family reunification rights, 175–7
illiberalism, 238	recognition and protection, 152
constitutionalisation of traditional notions	recognition of parenthood established
of family, 240-1	abroad, 175–8
education, 239–40	same-sex parenthood, 166–9
role of women within society, 239	shared parental responsibility, 171-3
social welfare and family policies, 238-9	social assistance and welfare benefits, 174-5
Kozak case, 161	Rawls, John, 48
same-sex parenthood, 178	recognition of intended motherhood, 186-9,
same-sex partnerships, 161	191–4
Polydor doctrine, 11, 82	precarity of, 194

recognition of legal motherhood/fatherhood,	Rome III Regulation, 229
189–91	Römer case, 160, 259
recognition of parenthood established abroad,	Royer case, 139
175–8	Ruiz-Zambrano. See Zambrano case
recognition of same-sex marriages celebrated	rule of law deterioration, 100
abroad, 164–6	EU's responses to, 241–7
reconstituted families, 20, 25, 36, 68	See also illiberalism.
Reed case, 24-5	Rzecznik Praw Obywatelskich case, 255
refugees. See migration and asylum	
registered partnerships, 20, 252	same-sex marriages, 151
family member, concept of, 28–30, 60, 62,	Coman case, 120–4
118–20, 133	See also Coman case.
official recognition as a right, 157-9	mobility rights, 69–70
pension rights, 162, 258–9	recognition of same-sex marriage celebrated
same-sex registered partners, 27, 151, 163,	abroad, 164–6
179–80	right to marry (Art. 12 ECHR), 153
adoption, 166-8	See also right to marry and found a family
social assistance and welfare system, 159-61	(Art. 12 ECHR).
termination, 136	right to marry (Art. 9 EUCFR), 153-4
trans rights, 156	See also right to marry (Art. 9 EUCFR).
Relocation Decision 2015	transgender spouses, 156-7
family member, concept of, 67	same-sex parenthood, 20, 166–9
removed families, 91–5	assisted reproductive technology, 169-71
Rendón Marín case, 26, 113–14	family reunification rights, 175-7
Return Directive (Directive 2008/115), 114	recognition and protection, 152
Reyes case, 70	recognition of parenthood established
right of residence, 70, 81, 84-5, 164	abroad, 175–8
care of family members, 67-9, 71	shared parental responsibility, 171-3
Germany, 31	social assistance and welfare benefits, 174-5
mothers and best interests of child, 114	V.M.A. case, 128–9
TFEU, 121–4	same-sex relationships, 13, 179
right to marry (Art. 9 EUCFR), 100, 105–6	adoption and adopted children, 161, 166–8
Art. 7 EUCFR, relationship with, 106–11, 116	assisted reproductive technology, xxxiii, 152
same-sex marriages, 153–4	family reunification rights, 163–4
trans individuals, 106–7	ideological divisions within the EU, 251–3
right to marry and found a family (Art. 12	legal recognition, 3–4
ECHR), 37, 153–5	marriage compared, 107–11
same-sex marriages, 153	non-discrimination, 107
right to respect for family and private life (Art. 7	recognition of same-sex marriage celebrated
EUCFR), 99–101, 105	abroad, 164–6
Art. 8 ECHR, relationship with, 105	registered partnerships, 157–9
Art. 9 EUCFR, relationship with, 106–11	right to marry, 153–5
citizenship rights, relationship with, 111–16	See also same-sex marriages; same-sex
right to respect for family and private life (Art. 8	parenthood.
ECHR), 8, 37	social assistance and welfare systems, 159–62
Art. 7 EUCFR, relationship with, 105	trans rights, 156–7
child protection, 212	Schalk and Kopf v Austria, 153–5, 158, 165, 179
rights of the child (Art. 24 EUCFR), 100,	self-definition approach to 'family', 45–6,
105–6, 112–16	59–60
Romania	sex education in schools, 243
Coman case, 120–1, 163	shared parental responsibility, 171–3
23	y paronan responsibility, 1/1 3

single-parent families, 20 SM v Entry Clearance Officer free movement rights, 124–8 parental authority and responsibility, 74, 124–8 social assistance and welfare systems	ECtHR, 186–94 genetics gendered effects of genetics, 189–91 legal fatherhood, 182 legal motherhood, 186–9
Citizens' Rights Directive, 135–6 registered partnerships, 159–62 same-sex partnerships, 159–62 See also pension rights.	Mennesson case, 186–9 trumping of genetics, 191–4 Sweden care proceedings, 217
transgender spouses, 156-7	cohabitation, 119
social cohesion, 11, 73, 75, 91	D and Kingdom of Sweden v Council of the
social membership conception of family material and emotional support role, 73–4	European Union, 107–8, 153, 157 divorce, 251
stability of social relations, 74	same-sex marriage, 253
Spain Alderver Tem to cook 162	same-sex relationships, 107–8, 153
Aldeguer Tomas case, 162 dependency, concept of, 113	Swift, Adam, 49–50, 52–3 Switzerland, 87
	D.B. and others case, 178–9
divorce, 250–1 Mata Estevez case, 161, 164	surrogacy, 178–9
	surrogacy, 1/0–9
pension rights, 161–2, 164 Rendón Marín case, 113	Taddeucci and McCall case, 163, 168
same-sex marriage, 253	TB case
same-sex parenthood, 128, 175	material and emotional support, 73
V.M.A. case, 6–7, 34, 72, 109–10, 128–9,	Teixeira case, 69
169, 175–7, 255	material and emotional support, 73
special social worth of 'family', 46–7	Temporary Protection Directive for people
sperm donation, 200–2	from Ukraine
spouse, concept of, 24, 29, 60, 134	family member, concept of, 61-2, 68
See also Coman case.	termination of a registered partnership, 136
standalone pleas, 244-6	third-country nationals (TCNs), 5, 11–12,
step-children, 25	76–8, 80, 96
adoption, 189–90	association agreements, 83
primary carers, 25	family reunification, 78, 114-15
substantive family law, 227, 259	integrated families, 87-90
child protection, 211	traditional nuclear family ideal, 6-7, 20-2,
divorce, 211	46
harmonisation, 9, 54, 211	criticisms of CJEU, 37
surrogacy, 181	current EU legal framework, 28–36
substantive principles, 225	early EU law, 22–8
Citizens' Rights Directive, 13, 136-7	growing illiberalism
succession rights, 45, 128–9, 178, 188	EU response to, 241–7
pension rights	Hungary, 234–7
same-sex partnerships, 108, 161–2, 258	Poland, 238–41
trans partners, 106	Regulation 1612/68, 22–5
same-sex partnerships, 160	trans rights
surrogacy and surrogate-born children, 8,	right to marry, 106–7, 156–7
13–14, 181–2	Treaty on European Union (TEU), 101
birth certificates, 186–91	EUCFR, relationship with, 104–5
CJEU, 182–6	family, concept of, 28
determination of legal motherhood/	rule of law, challenges to, 244
fatherhood, 189–91	standalone plea, 245–6

Treaty on the Functioning of the EU (TFEU), V.M.A. v Stolichna obshtina, rayon 'Pancharevo, 6-7, 34, 72, 109-10, 168, citizenship rights, 100, 103, 111, 118 substance of rights test, 113 family reunification rights, 175-7 citizenship status, 100 free movement rights, 128-9 Coman case, 121-3 Valcheva case, 67 EU Citizens' Directive, relationship with, von der Leyen, Ursula, 261 family concept and the EU, 253-7 118-20 EUCFR, relationship with, 104-5 LGBTQI rights, 177, 243 family reunification rights, relationship with, Williams, Raymond, 40 family, concept of, 28 women indirect beneficiaries, 119 discrimination in CJEU jurisprudence, right of residence, 79, 86, 121-4 reconciliation of professional and family Turkey, 12, 92 EEC-Turkey Association Agreement lives, 35-6 (Ankara Agreement), 80-3, 88-91 Work-Life Balance Directive (Directive 2019/ right of residence, 81, 84-5 1158), 35 same-sex couples shared parental responsibility, 174-5, 179 United Kingdom, 12 See also Brexit, impact of; Brexit families; EU-UK Withdrawal Agreement, Z v Government Department and the Board of Management of a Community School, United Kingdom v Council, 82 unmarried partners 183, 185 EU protections, 30, 61, 65 Zambrano case, 7, 112–13, 116 family reunification rights, 24-5, 61-2 Ziebell case, 82 same-sex partners, 54, 107, 160-1 ZZ v Secretary of State for the Home See also cohabitation. Department, 141, 146