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EUROPEAN COMMITTEE ON LEGAL CO-OPERATION
COMITE EUROPEEN DE COOPERATION JURIDIQUE
(CDCJ)

106th plenary meeting / *106e réunion plénière*

2-4 June / *juin* 2026

Strasbourg, Palais de l'Europe, Room / *Salle* 10

DEVELOPMENTS IN MEMBER STATES IN THE AREA OF PRIVATE LAW

Information received from the following member states:
Luxembourg, Montenegro, The Netherlands, Poland, Slovak Republic, Ukraine

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DÉVELOPPEMENTS DANS LES ÉTATS MEMBRES DANS LE DOMAINE DU DROIT PRIVÉ

Informations reçues des Etats membres suivants :
Luxembourg, Monténégro, Pays-Bas, Pologne, République slovaque, Ukraine

(Item 14 of the draft agenda / *point 14 du projet d'ordre du jour*)

Document prepared by the Secretariat
Directorate General Human Rights and Rule of Law – DGI

Document établi par le secrétariat
Direction générale droits humains et État de Droit – DGI

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INTRODUCTION

In preparing the 106th plenary meeting of CDCJ (2-4 June 2026), members of the committee were invited on 9 February 2026, with a reminder on 26 February 2026, to submit to the Secretariat any written information on legislative developments in the area of private law in their countries since the 104th CDCJ plenary meeting (16-18 June 2025).

At the 106th plenary meeting, members who wish to submit any new or additional oral information on developments in the field of private law will be given the opportunity to do so, provided they inform the Secretariat before the meeting starts. Oral communication should be brief to be in line with the planned order of business. Although not encouraged, any read statement should be communicated in advance for interpretation purposes.

All information collected to date from member states is reproduced in this document.

The delegations of Serbia and Sweden informed the secretariat that they have no relevant development to report.

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En vue de la préparation de la 106e réunion plénière du CDCJ (2-4 juin 2026), les membres du comité ont été invités le 9 février 2026, avec un rappel le 26 février 2026, à soumettre par écrit toutes informations sur les développements législatifs dans leurs pays en matière de droit privé intervenus dans leurs pays depuis la 104e réunion plénière du CDCJ (16-18 juin 2025).

Lors de la 106e réunion plénière, les membres qui souhaiteraient soumettre oralement toute information, nouvelle ou complémentaire, sur les développements dans le domaine du droit privé auront la possibilité de le faire, à condition toutefois d'en informer le Secrétariat avant le début de la réunion. Toute communication orale devrait être courte afin de respecter l'ordre des travaux prévu. Bien qu'elles ne soient pas encouragées, les interventions lues devraient communiquées à l'avance pour faciliter l'interprétation.

L'ensemble des informations collectées à ce jour auprès des États membres sont reproduites dans le présent document.

Les délégations de Serbie et de Suède ont informé le secrétariat qu'elles n'avaient aucun développement pertinent à signaler.

LUXEMBOURG

(received on 4 March 2026 / *reçu le 4 mars 2026)*

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1. Please indicate any recent major legal development (new legislation, legal reforms or policy) in your country that are of interest to the CDCJ and its work in the area of private law since June 2025. *Veuillez indiquer toute évolution majeure (nouvelle législation, réforme juridique, ou politique publique) d'interêt pour le CDCJ et ses travaux en droit privé, ayant eu lieu dans votre pays depuis juin 2025*

Adopted legislation / legal reforms / policy / *Loi(s) récente(s) adoptée(s) / réforme du cadre juridique / politiques*	**Loi du 10 avril 2025 portant modification du Code civil en vue de la réforme de l'adoption.** In 2025, Luxembourg's Parliament passed the Law of 10 April 2025 amending the Civil Code with the aim to reform the adoption law (Loi du 10 avril 2025 portant modification du Code civil en vue de la réforme de l'adoption) This reform modernises the national adoption framework while placing the best interests of the child at the centre of all decisions. The reform is structured around the following key elements: **1) Maintenance of the two forms of adoption** Luxembourg continues to maintain both forms of adoption provided for under its Civil Code: simple adoption and plenary adoption. **2) Adoption for partners in registered partnerships and in stable relationships** The reform allows partners in registered partnerships, as well as partners living in a stable relationship, to adopt the children of their partner. **3) Opening of plenary adoption to single persons** Another significant development is the possibility for single persons to carry out a full adoption. **4) Consent of the child** The reform strengthens the role of the child within the adoption procedure. Children capable

	of discernment must give their consent to the adoption. **<u>Conclusion:</u>** Through these measures, Luxembourg consolidates a child centered approach to adoption law and procedures, ensuring that civil law evolves in line with societal developments while safeguarding the rights and best interests of the child.
(if available) please include a hyperlink to the text and/or webpage where the text is available/accessible in national language, English and/or in French (si disponible) veuillez inclure un lien hypertexte vers le texte et/ou la page Web lorsque le texte est disponible/accessible en langue nationale, en anglais et/ou en français	*Loi du 10 avril 2025 portant modification du Code civil en vue de la réforme de l'adoption* (French)
Plans for future legislative developments / *Projets de développements législatifs à venir* Please describe briefly any new planned legislative measures in relation to the targeted area of law. Veuillez décrire brièvement s'il y a de nouveaux projets de mesures législatives en rapport avec le domaine de droit ciblé.	/

2. **Are there any challenging or complex legal issues arising in the above-mentioned processes which your delegation would like to bring to the attention of the CDCJ for discussion and/or possible exchanges of good practices with other countries? If yes, please describe briefly.** / *Y a-t-il des questions juridiques complexes ou problématiques soulevées lors de tels processus que votre délégation souhaiterait porter à l'attention du CDCJ pour discussion et/ou un échange sur les bonnes pratiques avec d'autres pays ? Dans l'affirmative, merci de décrire brièvement.*

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3. **Have there been any recent important case law developments in the area of private law which are of interest to the CDCJ? If so, please describe briefly.** / *Y a-t-il eu des développements jurisprudentiels majeurs récents en matière de droit privé qui pourraient intéresser le CDCJ ? Dans l'affirmative, merci de décrire brièvement.*

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MONTENEGRO / *MONTÉNÉGRO*

(received on 9 February 2026 / *reçu le 9 février 2026)*

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Adopted legislation / legal reforms / policy / *Loi(s) récente(s) adoptée(s) / réforme du cadre juridique / politiques*	Law on Amendments to the Law on Civil Procedure The Assembly adopted it on 2 February 2026. The Law on Amendments to the Law on Civil Procedure was adopted for the purpose of harmonisation with Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement, with the aim of closing Negotiating Chapter 2 – Freedom of Movement for Workers. The proposed amendments to the Law on Civil Procedure introduce a new Article 434a, which ensures effective access to legal protection for employees, i.e. workers, and employers from the Member States of the European Union and the European Economic Area or the Swiss Confederation in Montenegro. In this way, in labour disputes, an employee or worker from the Member States may be represented by a person who is a member of a trade union organisation, while an employer may be represented by an authorised representative who is a member of an employers' association. Furthermore, in proceedings arising from employment relationships, the employee or worker referred to in paragraph 1 of this Article may be represented by, or have participation on their behalf as an intervener, a trade union organisation, social partners, or another organisation or association whose activities include the protection of workers' rights and interests. In addition, Article 152 of the Law has been amended to provide that, by a special law referring to the application of the Law on Civil Procedure in a different manner, the allocation of procedural costs may be regulated differently, where this is appropriate to the type of dispute.

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Adopted legislation / legal reforms / policy / *Loi(s) récente(s) adoptée(s) / réforme du cadre juridique / politiques*	Law on Amendments to the Law on Arbitration It was adopted by the Government on 25 December 2025 and is currently in parliamentary procedure. The Law on Amendments to the Law on Arbitration provides that parties may agree to arbitration for the resolution of disputes concerning rights they are freely entitled to dispose of, except for disputes for which exclusive jurisdiction of the courts in Montenegro is prescribed. The Law on Amendments to the Law on Arbitration also improves certain legal provisions to make arbitration more predictable and widely used. This primarily relates to the possibility of establishing a permanent arbitration institution to handle the organisation of arbitration proceedings, the improvement of arbitration procedures, the method of appointing arbitrators, as well as the recognition of all competences and procedural powers of the arbitral tribunal in resolving arbitration disputes.
(if available) please include a hyperlink to the text and/or webpage where the text is available/accessible in national language, English and/or in French *(si disponible) veuillez inclure un lien hypertexte vers le texte et/ou la page Web lorsque le texte est disponible/accessible en langue nationale, en anglais et/ou en français*	-
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THE NETHERLANDS / *PAYS-BAS*

(received on 26 February 2026 / *reçu le 26 février 2026)*

Plans for future legislative developments / *Projets de développements législatifs à venir* Please describe briefly any new planned legislative measures in relation to the targeted area of law. *Veuillez décrire brièvement s'il y a de nouveaux projets de mesures législatives en rapport avec le domaine de droit ciblé.*	Two developments are currently work in progress: - A proposal for the introduction of an (electronic) bill of lading (it is about an electronic proof of ownership for freight transport); - An orientation is going on in relation to the possible modernisation of civil procedural law, mainly in order to further improve access to justice. Several implementation trajectories of EU law are pending.

POLAND / *POLOGNE*

(received on 4 March 2026/ *reçu le 4 mars 2026)*

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Adopted legislation / legal reforms / policy / *Loi(s) récente(s) adoptée(s) / réforme du cadre juridique / politiques*	1. Act Amending the Act – Family and Guardianship Code Date of adoption: 8 October 2025 The purpose of this Act is to extend the deadline for submitting a declaration from 3 to 12 months from the date on which the divorce judgment becomes final. This amendment provides divorced individuals with more time and greater flexibility to decide whether to revert to their former surname. 2. Act Amending the Law on the System of Common Courts Date of adoption: 9 December 2025 The purpose of this Act is to authorise court assessors to adjudicate in family and guardianship cases. 3. Act of 5 August 2025 Amending the Act – Code of Civil Procedure, the Act – Civil Code, and Certain Other Acts Date of adoption: 1 March 2026 The Act introduces two-way electronic communication in civil court proceedings, which will help accelerate the circulation of documents, reduce costs, and improve access to justice. It also promotes broader use of alternative dispute resolution methods, including mediation, within court proceedings. In addition, the Act clarifies the legal status of sole proprietors participating in consumer and professional transactions, particularly in relation to distance contracts.
(if available) please include a hyperlink to the text and/or webpage where the text is available/accessible in national language, English and/or in French *(si disponible) veuillez inclure un lien hypertexte vers le texte et/ou la page Web lorsque le texte est disponible/accessible en langue nationale, en anglais et/ou en français*	1. https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20250000897/O/D20250897.pdf 2. https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20250001609/O/D20251609.pdf 3. http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20250001172

Plans for future legislative developments / *Projets de développements législatifs à venir* Please describe briefly any new planned legislative measures in relation to the targeted area of law. *Veuillez décrire brièvement s'il y a de nouveaux projets de mesures législatives en rapport avec le domaine de droit ciblé.*	*1. Draft Act amending the Family and Guardianship Code and certain other acts.* The draft was adopted by the Council of Ministers on 12 November 2025. It is currently at the stage of parliamentary work (Sejm Print No. 2121). The draft includes a proposal to introduce the so-called consensual divorces, i.e. a new way of dissolving a marriage through an out-of-court divorce. The out-of-court procedure will be available only to spouses who do not have minor children together, nor to children conceived but unborn. If there are grounds for an out-of-court divorce and the spouses agree to the divorce, it will be possible to take place without the participation of the court – only before the head of the registry office. This will relieve the courts of this type of cases. https://www.sejm.gov.pl/Sejm10.nsf/druk.xsp?nr=2121 *Draft Act Amending the Act – Family and Guardianship Code and Certain Other Acts (UD349).* The draft law introduces a definition of shared custody into the Family and Guardianship Code and defines the rules for adjudicating it. Shared custody will be one of the possible forms of shaping the custody of the child by the court in the case of separated parents. The circumstances justifying the decision of shared custody will be clearly defined in the Act. The best interests of the child will still be the overriding principle of the decision. https://www.gov.pl/web/premier/projekt-ustawy-o-zmianie-ustawy--kodeks-rodzinny-i-opiekunczy-oraz-niektorych-innych-ustaw2 *2. Draft Act on Assisted Decision-Making Instruments (UD80).* The draft provides for the replacement of the institution of incapacitation with a model of supported decision making, with two of the proposed instruments being exclusively supportive (a legal assistance agreement and a supporting probation officer), while two allow acting on behalf of the supported person (registered proxy – power of attorney for the future and representative probation officer – acting on behalf of the supported person or authorised to consent to actions undertaken by the supported person). The draft is currently being analysed as part of the work of a government commission before it is accepted by the Council of Ministers and sent to parliamentary work. https://legislacja.rcl.gov.pl/projekt/12392502 *3. Draft Act amending the Civil Code and Certain Other Acts (UD30).* The draft concerns amendments to the Civil Code in the area of inheritance law. First of all, it

	modifies the prerequisites for drawing up an oral will – in order to reduce the cases of falsification of oral wills that exist in practice. The draft introduces a new way of ascertaining the content of an oral will – by means of an audiovisual recording, which may replace the testator's signature on the written statement stating the content of his declaration of intent. The bill also provides for the expansion of the catalogue of persons who cannot be witnesses to an oral will. https://legislacja.gov.pl/projekt/12385851 4. *Draft Act on Special Measures for the Protection of Persons Participating in Public Debate (SLAPP).* In the current legal situation in Poland, there is a lack of effective mechanisms of protection against abuse of the judicial process in the public debate. Lawsuits, most often for the protection of personal rights, are used as a tool to intimidate and silence critical voices in the public debate. This leads to a clear imbalance of procedural forces between the parties - on the one hand, there are usually influential entities with significant resources (corporations, politicians, state bodies), and on the other hand, there are journalists, activists or social organisations with limited financial and legal capabilities. The consequences of this phenomenon are far-reaching - from direct financial burdens related to the costs of defence in court proceedings, through restrictions on civic activity, to the so-called freezing effect, leading to self-censorship and restriction of freedom of expression in public affairs. As a result, media pluralism and citizens' right to participate in public life, which are the foundations of a democratic society, are undermined. The draft law on special measures for the protection of persons participating in public debate, which responds to the protection standards adopted at EU level, aims to restore the balance in litigation concerning public disclosure, while ensuring respect for legitimate claims for the protection of personal rights in cases of actual violation of rights. The draft is currently being analysed as part of the work of a government commission before it is accepted by the Council of Ministers and sent to parliamentary work. https://legislacja.rcl.gov.pl/projekt/12402950 5. *Draft Act amending the Labour Code and the Code of Civil Procedure Act (adopted by the Council of Ministers on 17 February 2025)* The aim of the project is to create a safe and friendly, as well as stable and effective workplace and to increase the level of protection for people

	affected by mobbing, as well as to provide them with appropriate support. The draft was referred to the Sejm (paper No 2289). https://legislacja.gov.pl/projekt/12393651 6. *Draft Act on Strengthening the Application of the Right to Equal Pay for Equal Work or for Work of Equal Value for Men and Women* The draft law provides for a number of solutions regarding pay transparency and aims to implement EU Community law. In December 2025, the draft was referred for opinion and public consultation. https://legislacja.gov.pl/projekt/12405300/katalog/13175852#13175852

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3. **Have there been any recent important case law developments in the area of private law, which are of interest to the CDCJ? If so, please describe briefly.** / *Y a-t-il eu des développements jurisprudentiels majeurs récents en matière de droit privé qui pourraient intéresser le CDCJ ? Dans l'affirmative, merci de décrire brièvement.*

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SLOVAK REPUBLIC / *RÉPUBLIQUE SLOVAQUE*

(received on 5 March 2026/ *reçu le 5 mars 2026)*

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Adopted legislation / legal reforms / policy / *Loi(s) récente(s) adoptée(s) / réforme du cadre juridique / politiques*	Title / *titre* Date of adoption / *date d'adoption*
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Plans for future legislative developments / *Projets de développements législatifs à venir* Please describe briefly any new planned legislative measures in relation to the targeted area of law. *Veuillez décrire brièvement s'il y a de nouveaux projets de mesures législatives en rapport avec le domaine de droit ciblé.*	**1. Draft Act: Civil Code (recodification of private law) with anticipated entry into force on 1 July 2027** The biggest changes in private law in the last 60 years. Key innovations include: - the abolition of joint property of spouses (JPS), - the introduction of (pre)marital agreements, - changes in inheritance law (strengthening the testator's will), - unification of lease agreements, and - the preference for the validity of legal acts over their nullity. 2. **Draft Act amending and supplementing Act No. 161/2015 Coll., the Civil Non-Contentious Procedure Code, as amended** – reconsideration of procedural rules for non-contentious proceedings after adoption in 2015 (anticipated entry into force 1 July 2026) 3. **EU SLAPP directive** - transposition with anticipated submission to the National Council of the Slovak Republic on 27 March 2026. (The draft foresees a transposition beyond the scope of the directive, meaning that SLAPP provisions will be applied not only to

	cross-border cases but also to purely domestic cases.)

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UKRAINE

(received on 26 February 2026/ *reçu le 26 février 2026)*

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Adopted legislation / legal reforms / policy / *Loi(s) récente(s) adoptée(s) / réforme du cadre juridique / politiques*	Title / *titre* Law of Ukraine No. 4439-IX "On Amendments to Article 212 of the Family Code of Ukraine Regarding the Determination of Persons Who Cannot Be Adoptive Parents" Date of adoption / *date d'adoption* Entry into force: 07.07.2025 Date of adoption: 14.05.2025 The essence of the law: The Law aims to provide legislative protection for the best interests of the child when deciding on adoption and other forms of family upbringing. Article 212 of the Family Code of Ukraine (hereinafter - FC) defines the circle of persons who are not eligible to adopt. In accordance with the aforementioned Law, the relevant list has been supplemented by persons who: - have mental disorders, including those resulting from the use of psychoactive substances; - have diseases, disorders, or conditions, the list of which is approved by the Ministry of Health; - have been convicted of a certain list of crimes, in particular, criminal offenses against life and health, will, honour and dignity, sexual freedom and sexual integrity of the individual, public order and morality, in the sphere of circulation of narcotic drugs, psychotropic substances, their analogues or precursors, peace, human security, and; - have committed domestic violence or gender-based violence; - are citizens of an aggressor state and/or a state against which Ukraine applies sectoral sanctions; - are married to a citizen of an aggressor state and/or a state against which Ukraine has imposed sectoral sanctions."

	In accordance with Articles 244, 252, 256[2], and 256[6] of the FC, persons specified in Article 212 of the FC may not be guardians, trustees, foster parents, adoptive parents, or foster parents of a child.
(if available) please include a hyperlink to the text and/or webpage where the text is available/accessible in national language, English and/or in French (si disponible) veuillez inclure un lien hypertexte vers le texte et/ou la page Web lorsque le texte est disponible/accessible en langue nationale, en anglais et/ou en français	https://zakon.rada.gov.ua/laws/show/4439-20#n2 (Ukrainian language)
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