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More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries. (Documents de travail n°125)

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Citation

Waldijk, C. (2005). *More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries. (Documents de travail n°125)*. Paris: Institut national d'études démographiques (INED). Retrieved from <https://hdl.handle.net/1887/12585>

Version: Not Applicable (or Unknown)

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Note: To cite this publication please use the final published version (if applicable).

Major legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners in France

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and Kees Waaldijk ²

Symbols and words used in the national tables:

Applicable answer	Answer code	Colour	Points given for calculation of level of legal consequences
The legal consequence applies.	Yes	White	3 pt
The legal consequence applies in a limited way or not in all circumstances, or it can be contracted out of, or courts can set it aside using some general legal principle, etc.	Yes, but	Light pink	2 pt
The legal consequence only applies in a very limited way or in very few circumstances, or it can be established by contract, or by courts using some general legal principle, etc.	No, but	Middle pink	1 pt
The legal consequence does not apply.	No	Dark pink	0 pt
No information was available on this point, or the legal position is unclear.	Doubt	Middle pink	1 pt
The column is not applicable in the country, because this type of relationship is not legally recognised (yet).	X	Dark pink	0 pt

Additional information	Answer code
The legal consequence is only available after the specified number of years.	>x years
The legal consequence is only available after the specified number of months.	>x months
Year of entry into force of the legislation providing the legal consequence (or the particular relationship type), or year of supreme court decision establishing its existence. (Where two years are given, the first indicates the introduction of a more limited version of the consequence; where no year is given, the legal consequence mostly applies since the introduction of the particular relationship type, or already for a long time.)	(Year)

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Introduction

This chapter aims to represent the law as it stood early in 2004.

In France there are three ways in which relationships are legally organized: civil marriage, registered partnership (civil pact of solidarity, PaCS) and informal cohabitation ('concubinage').

The Civil Code does not define marriage. Article 144 simply establishes the age limit of the partners: "A male, until the completion of eighteen years, a female until the completion of fifteen years, may not contract marriage." Only civil marriage produces legal consequences. Moreover, it is prohibited to celebrate a church wedding before the civil wedding.

Before Act n° 99-944 of 15 November 1999 on registered partnerships came into effect, same-sex couples were not legally recognized. The said law has since introduced into the Civil Code a new Article 515-1 which defines a registered partnership as a "contract entered into by two natural persons of age, of different sexes or of the same sex, to organize their common life".

Until 1999, homosexual couples were barred from the status of cohabitants. It was the same Act of 1999 that also amended the Civil Code by introducing cohabitation, defined by Article 515-8 of the Civil Code as follows: "Cohabitation is a *de facto* union, characterized by a life in common offering a character of stability and continuity, between two persons, of different sexes or of the same sex, who live as a couple".

These three conjugal formats occupy a different hierarchical position in the legal system. The rights and obligations entailed by each of these formats are in proportion to the formality of the act. Civil marriage, at the top of the conjugal hierarchy, is not open to same-sex couples.

Informal cohabitation produces very limited legal consequences, essentially connected with social law: health insurance, reductions for certain forms of transport, etc.

Although registered partnerships offer more rights than informal cohabitation, it does not offer nearly as many prerogatives as civil marriage. Unlike marriage, a registered partnership gives no right to filiation whatsoever (no shared parental authority, no adoption, no access to medically assisted procreation). Furthermore, it does not allow foreigners who entered into a registered partnership to instantly obtain a residence permit or to apply for French nationality after one year. Partners in registered partnerships are not entitled to survivor's pension, and where they were entitled to such a pension (by virtue of a previous marriage) they lose it once they enter into a registered partnership. A registered partnership does not change the rules of devolution of estate and, in the absence of a will, there can be no inheritance. For donations between partners, besides the fact that the tax allowance is far smaller, registered partners must wait for two years.

Where married partners can file a joint tax return immediately after marriage, registered partners must wait until the third year after the date of conclusion of the registered partnership.

Registered partners are only entitled to parental or compassionate leave in case of disease of the partner, whereas married couples are entitled to such leave in case of birth, adoption, marriage or death of a child, as well as in case of disease of the parents-in-law. Since a registered partnership does not alter the marital status of the partners, they cannot choose to bear the partner's name. Furthermore, there is no legal representation between the partners (Articles 218 and 219 of the Civil Code).

Paradoxically, joint and several liability for household debts is much greater in registered partnerships than in marriage (the concept of "manifestly excessive expenditures" in Article 220 of the Civil Code does not apply to registered partnerships; see Article 515-4 CC).

To put an end to a marriage, legal divorce proceedings must be instituted. The freedom to sever the relationship is in the very nature of informal cohabitation. As far as registered partnerships are concerned, a joint declaration or three months' notice from one of the partners suffices to put an end to the relationship.

The *Loi no 99-944 du 15 novembre 1999 relative au pacte civil de solidarité* (law on the civil pact of solidarity) was published in *Le Journal officiel de la République Française* of November 16, 1999, p. 16959, which can be found at www.legifrance.gouv.fr.

On that website the consolidated text of the whole Civil Code, including the provisions on marriage, registered partnerships and informal cohabitation can also be found (with translations); the English translation of the Civil Code is at www.legifrance.gouv.fr/html/codes/traduits/code_civil_textA.htm.

For more information about the Pacs, see also: www.chez.com/obspacs/ and <http://vosdroits.service-public.fr/particuliers/ARBO/NXFAM260.html?&n=Couples&l=NX23>.

Abbreviations

CC: *Civil Code*

CE: *Council of State*

Pacs: *Registered partnership*

Table A (France): Parenting consequences

	Civil marriage		Registered partnership (1999)		Informal cohabitation	
	Different-sex	Same-sex	Different-sex	Same-sex	Different-sex	Same-sex (1999)
1. When female partner gives birth, both partners automatically become legal parents	Yes	X	No, but	No	No, but	No
2. Medically assisted insemination is lawful for women in such a relationship	Yes	X	>2 years: Yes, but	No	>2 years: Yes, but	No
3. When only one partner is the parent of a child, both partners can have parental authority or responsibilities during their relationship	No	X	No	No	No	No
4. When only one partner is the parent of a child, the other partner can adopt it and thus become a second parent	Yes	X	No	No	No	No
5. Partners can jointly adopt a child	>2 years: Yes	X	No	No	No	No
6. One partner can individually adopt a child	Yes	X	Yes	Yes, but	Yes	Yes, but
7. Partners can jointly foster a child	Yes	X	Yes	Doubt	Yes	Doubt
Level of legal consequences	6x3 + 1x0 = 18	7x0 = 0	2x3 + 1x2 + 1x1 + 3x0 = 9	1x2 + 1x1 + 5x0 = 3	2x3 + 1x2 + 1x1 + 3x0 = 9	1x2 + 1x1 + 5x0 = 3

Notes to table A

A1 – The establishment of parental authority for the two parents springs from the principle of the presumption of paternity that is solely applicable in marriage. In accordance with Article 312 CC, a child is related to the husband of the mother if he was conceived in wedlock, from the 180th day after the wedding. This presumption is also extended to a child who was conceived before the marriage and was born during the marriage as a “child of the engaged couple”, Art. 314 par. 1 CC: “A child born before the one hundred and eightieth day of marriage is legitimate and shall be deemed to have been so as from his conception”. Presumption of paternity does not exist in the context of registered partnerships or informal cohabitation. The Act of 8 January 1993 instituted equality between married parents and unmarried parents in terms of the exercise of parental authority. Unlike in marriage, children born to a different-sex cohabiting couple (or registered partners) must be acknowledged by the two partners before the age of one year.

A2 – Art. L152-2, Public Health Code: “Medically assisted procreation is intended to respond to the parental wishes of a couple. The aim is to remedy infertility, the pathological nature of which has been medically diagnosed. It may also be intended to prevent a serious illness from being transmitted to the child. The man and woman forming the couple must be alive, of childbearing age, married or able to furnish proof of at least two years of conjugal life, and must have given prior consent to the transfer of embryos or to insemination”.

A3 – The partner of the parent has no rights over the latter’s child.

A4 – Art. 345-1 CC: “Plenary adoption of the spouse’s child is allowed:

1° Where the child has a lawfully established parentage only with regard to that spouse;

2° Where the parent other than the spouse has been totally deprived of parental authority;

3° Where the parent other than the spouse is dead and has left no ascendant of the first degree or where the latter obviously took no further interest in the child.”

A5 – Art. 343 CC: “Adoption may be petitioned by two spouses not judicially separated, married for more than two years or who are both older than twenty-eight years”.

A6 – Art. 343-1: “Adoption may also be petitioned by a person over twenty-eight years of age. Where the adopter is married and not judicially separated, his or her spouse's consent is required unless this spouse is unable to express his or her intention.” Homosexual individuals have far less chance of securing administrative approval prior to adoption. This practice was ratified on several occasions by the Council of State (Ph. Fretté case, Council of State, Sections 1 and 4 jointly, 9 October 1996; Parodi and Bettan cases, Council of State, 12 February 1997; Ms B. case, Council of State, 5 June 2002) and upheld by the European Court of Human Rights: *Fretté v. France*, 26 February 2002.

A7 – Although the law remains silent on this point, the case law may follow the example of adoption by considering that it is contrary to the interest of the child to be brought up by a homosexual couple or individual.

Table B - Part One (France): Material consequences in private law

	Civil marriage		Registered partnership (1999)		Informal cohabitation	
	Different-sex	Same-sex	Different-sex	Same-sex	Different-sex	Same-sex (1999)
1. Properties of each partner are considered joint property	Yes, but	X	Yes, but	Yes, but	No, but	No, but
2. Debts of each partner are considered joint debt	Yes, but	X	Yes, but	Yes, but	No, but	No, but
3. In case of splitting up, statutory rules on alimony apply	Yes	X	Yes	Yes	No	No
4. In case of splitting up, statutory rules on redistribution of properties apply	Yes	X	Yes	Yes	No, but	No, but
5. In case of wrongful death of one partner, the other is entitled to compensation	Yes	X	Yes	Yes	Yes (1970)	Yes (1995)
6. When one partner dies without testament, the other is an inheritor	Yes	X	No	No	No	No
Level of legal consequences	4x3 + 2x2 = 16	6x0 = 0	3x3 + 2x2 + 1x0 = 13	3x3 + 2x2 + 1x0 = 13	1x3 + 3x1 + 2x0 = 6	1x3 + 3x1 + 2x0 = 6

Notes to table B - Part One

B1 – Married couples or partners having entered into a registered partnership may provide otherwise. In the absence of a contract, half of the property acquired after the marriage or registration of the partnership shall be considered joint property. In the case of informal cohabitation, the court may consider that there is a division of property if it is demonstrated that there was a de facto partnership between the cohabitants or joint ownership, or that there was unjust enrichment.

B2 – Joint and several liability for household debts is far greater for registered partners (Art. 515-4 par. 2, CC) than for married couples (Art. 220 CC). In the case of informal cohabitation, the case law has established a passive joint and several liability towards creditors by citing the theory of appearance or de facto partnership between cohabitants.

B3 – Articles 212 and 214 of the Civil Code provide for the benefit of alimony between spouses. For registered partnership couples there also exists an obligation of alimony, the terms and conditions of which are established by the partners. No obligation of alimony exists in informal cohabitation, and the court cannot impose such an obligation.

B4 – For married couples, the rules governing the liquidation of marriage settlements apply (Articles 1467 et seq., CC). For registered partnerships, the Civil Code also establishes rules for the distribution of the property after the dissolution (Art. 515-7, CC). No rules exist for informal cohabitation. The court may distribute the joint property after dissolution if the existence of a joint ownership agreement or a de facto partnership is established, or it may even apply the theory of unjust enrichment.

B5 – The law provides for compensation for married couples as well as for registered partners. For cohabitants, a judgment of the mixed chamber of the Court of Cassation of 27 February 1970 awards compensation for the prejudice suffered by a cohabitant as a result of the death of her partner. It was not until a judgment of the Belfort Court of First Instance on 25 July 1995 that the same rights were granted to homosexual cohabitants.

B6 – In the absence of a will, only married couples are entitled to inherit. Article 731 CC: "Succession devolves by law to the relatives and spouse entitled to inherit on the following terms".

Table B - Part Two (France): Positive material consequences in public law

	Civil marriage		Registered partnership (1999)		Informal cohabitation	
	Different-sex	Same-sex	Different-sex	Same-sex	Different-sex	Same-sex (1999)
7. Relationship can result in lower property tax	No	X	No	No	No	No
8. Relationship can result in lower income tax	Yes	X	>3 years: Yes	>3 years: Yes	No	No
9. Public health insurance of one partner covers medical costs of other partner	Yes	X	Yes, but	Yes, but	Yes, but	Yes, but (1993)
10. Relationship can have positive impact on basic social security payment in case of no income	No	X	No	No	No	No
11. Relationship can have positive impact on statutory old age pension	No	X	No	No	No	No
12. When one partner dies, the other can get a statutory survivor's pension	Yes	X	No	No	No	No
13. Surviving partner pays no inheritance tax (or less than a mere friend would)	Yes	X	Yes, but	Yes, but	No, but	No, but
Level of legal consequences	4x3 + 3x0 = 12	7x0 = 0	1x3 + 2x2 + 4x0 = 7	1x3 + 2x2 + 4x0 = 7	1x2 + 1x1 + 5x0 = 3	1x2 + 1x1 + 5x0 = 3

Notes to table B - Part Two

B7 – Only the owner spouse is liable for tax (naturally, the spouses are both liable if the property belongs to them in joint ownership).

B8 – A joint tax return is compulsory for married couples. The amount of the tax may be higher or lower, depending on the income of the partners.

B9 – Sickness insurance is open to spouses who are not divorced or legally or de facto separated, if the spouse in question has no sickness insurance of his own, as well as to cohabitants or persons in a registered partnership who are effectively, totally and permanently dependent on the insured partner.

B10 – Relationship does not have a positive impact, since the benefits are individual. These benefits may be reduced or withdrawn from one of the partners if the income of the couple exceeds the amount laid down by law.

B11 – See B17 – Entitlement to old-age pension is an individual right and does not depend on the family situation.

B12 – In France, a special benefit called “widow’s pension” is granted to surviving spouses on a means-tested basis. It is added to the reversion pension on condition that the surviving spouse does not marry or enter into a registered partnership. In order to be entitled to a reversion pension, the claimant must be at least 55 years of age and have been married for at least 2 years. This period does not apply if the couple has a child.

B13 – The tax reduction is not the same for married couples as for registered partnerships or informal cohabitation. There is a less expensive way for married couples to pass on their estate *mortis causa*. No inheritance tax is due between spouses on amounts up to 76,000 euros. For registered partnerships the nil-rate band is 57,000 euros and for cohabitants 1,525 euros (Articles 777b and 779 III of the General Tax Code).

Table B - Part Three (France): Negative material consequences in public law

	Civil marriage		Registered partnership (1999)		Informal cohabitation	
	Different-sex	Same-sex	Different-sex	Same-sex	Different-sex	Same-sex (1999)
14. Relationship can result in higher property tax	No	X	No	No	No	No
15. Relationship can result in higher income tax	Yes	X	>3 years: Yes	>3 years: Yes	No	No
16. Relationship can have negative impact on basic social security payment in case of no income	Yes	X	Yes	Yes	Yes	Yes
17. Relationship can have negative impact on statutory old age pension	No	X	No	No	No	No
Level of legal consequences	2x3 + 2x0 = 6	4x0 = 0	2x3 + 2x0 = 6	2x3 + 2x0 = 6	1x3 + 3x0 = 3	1x3 + 3x0 = 3

Notes to table B - Part Three

B14 – Individuals are liable for tax, irrespective of their family situation.

B15 – It all depends on the income of the partners. For married couples, a joint tax return is compulsory immediately after marriage, for registered partners from the third year following the registration of the registered partnership. Cohabitants do not file a joint tax return for their income (Art. 6 of the General Tax Code).

B16 – The partners in a registered partnership, like cohabitants, are considered as a couple with respect to the rules concerning the upper limits of certain social security benefits (minimum social security benefit, housing benefit, etc), according to the income of the couple. Entitlement to income support or widow's pension ceases as soon as a registered partnership is entered into or a marriage is concluded, irrespective of the partner's means.

B17 – Entitlement to old-age pension is an individual right and is independent of the family situation.

Table C (France): Other legal consequences

	Civil marriage		Registered partnership (1999)		Informal cohabitation	
	Different-sex	Same-sex	Different-sex	Same-sex	Different-sex	Same-sex (1999)
1. One partner can have or use surname of the other	Yes	X	No	No	No	No
2. Foreign partner of resident national is entitled to a residence permit	Yes	X	>1 year: Yes, but	>1 year: Yes, but	No, but	No, but
3. Relationship makes it easier for foreign partner to obtain citizenship	>1 year: Yes	X	No, but	No, but	No, but	No, but
4. In case of criminal prosecution, one partner can refuse to testify against the other	No, but	X	No	No	No	No
5. When one partner uses violence against other partner, specific statutory protection applies	Yes	X	Yes	Yes	Yes	Yes
6. In case of accident or illness of one partner, the other is considered as next of kin for medical purposes (even without power of attorney)	Yes	X	No, but	No, but	No, but	No, but
7. Organ donation from one living partner to the other is lawful	Yes, but	X	No	No	No	No
8. When one partner dies, the other can continue to rent the home	Yes	X	Yes	Yes	Yes	Yes
9. Partners have a duty to have sexual contact	Yes	X	Yes	Yes	Yes, but	Yes, but
Level of legal consequences	7x3 + 1x2 + 1x1 = 24	9x0 = 0	3x3 + 1x2 + 2x1 + 3x0 = 13	3x3 + 1x2 + 2x1 + 3x0 = 13	2x3 + 1x2 + 3x1 + 3x0 = 11	2x3 + 1x2 + 3x1 + 3x0 = 11

Notes to table C

C1 – Only married persons can use the name of their spouse (Art. 264 CC).

C2 – Foreign spouses immediately and automatically receive a temporary residence permit. The conclusion of a registered partnership is one of the elements that indicate the existence of personal ties in France, within the meaning of Art. 12b, par. 7, of Decree n° 45-2658 of 2 November 1945 establishing the conditions of entry and residence of foreigners in France, with a view to obtaining a residence permit. Foreign cohabitants must prove a certain period of cohabitation (exceptionally less than 5 years). Foreign partners having entered into a registered partnership must prove at least one year of conjugal life on French territory, irrespective of the nationality of the partner and the date of signature of the registered partnership (telegram of 4 April 2002 and Council of State, 29/7/02, n°231158). The issuing of a temporary residence permit to registered partners or cohabitants is left to the discretion of the public authorities.

C3 – Art. 21-2, par. 1, of the Civil Code provides that a foreigner or stateless person contracting marriage with a spouse having French nationality may, after one year of matrimony, obtain French nationality on the basis of

a declaration, provided that on the date of this declaration he or she is still living with his French spouse. This one-year period does not apply if a child is born of the two spouses. This provision does not apply to partners in a registered partnership or to cohabitants. Informal cohabitation or registered partnerships do not entitle foreign partners to French nationality. They simply constitute an element indicating the existence of personal ties in France with a view to obtaining French nationality.

C4 – According to Article 335 of the Code of Criminal Procedure, married partners are obliged to testify, but they are exempt from taking an oath, which is not the case for partners in a registered partnership or in informal cohabitation. In other words, married partners can tell lies in court without any penal consequences.

C5 – Several provisions of the Penal Code impose stiffer penalties for crimes or offences that are committed by the spouse or a close relation (e.g. Art. 222-8 of the Penal Code).

C6 – In principle, a spouse can legally represent the other spouse for certain acts in social life (Articles 217 and 219, Civil Code). In registered partnerships and informal cohabitation, an express power of attorney of the partner is required. In case of hospitalization, a homosexual person can always designate his partner as “confidant” to take decisions in his place.

C7 – According to Article L 671-3 of the Code of Public Health, a married partner can only donate organs in cases of emergency.

C8 – The Registered Partnerships Act amended Articles 14 and 15 of Act 89-462 of 6 July 1989 on tenancy relations by henceforth allowing the lease to be transferred to the partner in case of abandonment or death of the holder of the tenancy agreement with whom a registered partnership had been entered into. The same provisions apply to same-sex cohabitants.

C9 – The obligations of faithfulness and cohabitation that ensue from Article 212 of the Civil Code oblige married partners to have sexual relations. As far as registered partnerships are concerned, the Constitutional Council established that conjugal life implies “life as a couple”, in other words, the obligation to have sexual relations. In case of informal cohabitation, although there is no formal obligation to have sexual relations, these relations are implicit in the very nature of the relationship, since the French word “concubinage” derives from the Latin *cum cubare*, which means “sleeping with”. It does not suffice to live under the same roof to be considered cohabitants: the partners must actually sleep together.

Table D (France): Types of discrimination by employers or service providers that are prohibited in anti-discrimination legislation

	Between married spouses and registered partners (1999)	Between married spouses and informal cohabitants	Between registered partners and informal cohabitants (1999)	Between same-sex and different-sex partners (with same status)
1. With respect to housing	Yes	Yes	Yes	Yes (1989)
2. With respect to life insurance	Yes	Yes	Yes	Yes (1985)
3. With respect to health insurance	Yes	Yes	Yes	Yes (1993)
4. With respect to medically assisted insemination	Yes, but	Yes, but	Yes, but	No (1994)
5. With respect to other services	Yes	Yes	Yes	Yes (1985)
6. With respect to an occupational survivor's pension	Doubt	Doubt	Doubt	Doubt
7. With respect to other spousal benefits in employment	Yes	Yes	Yes	Yes

Notes to table D

D1 – Since the 1999 Act on registered partnerships, public authorities or private individuals must no longer make a distinction between married couples, registered partners or informal cohabitants, whether heterosexual or homosexual, with respect to access to housing. Moreover, Article 158 of Act 2002-73 of 17 January 2002 on “social modernization” amended Article 1 of the Act of 6 July 1989 as follows: “No person shall be refused rented accommodation on grounds of his or her origin, patronymic, physical appearance, sex, family situation, state of health, disability, morals, sexual orientation, political opinions, trade union activities, membership or non-membership, true or supposed, of a given ethnic group, nation, race or religion.” For the first three cases, direct protection is afforded on the basis of “family situation”, for the fourth case “sexual orientation”.

D2 – Life insurance is a means to protect the partner, whether he be married, living in a registered partnership or in informal cohabitation. Discrimination in this area is a statutory offence under Articles 225-1 and 225-2 of the Penal Code (refusal to supply a product or service on grounds of sexual orientation or morals).

D3 – Same as above, but health insurance is generally part of the social security system, see note B9.

D4 – Only heterosexual couples who have been married or living together for at least two years, who are of childbearing age and have proved that they are infertile have access to medically assisted insemination (Art. L152-2, Public Health Code; see note A2).

D5 – Articles 225-1 and 225-2 of the Penal Code prohibit the refusal of a product or service on grounds of sexual orientation or morals.

D6 – Only the surviving partner of a married couple is entitled to a widow's pension. This depends on the general public social security system, which has the monopoly in this area (Article L356-1 of the Social Security Code).

D7 – In the area of employment, Articles L122-35 (company rules) and L122-45 (compensation) of the Employment Code prohibit discrimination on grounds of sexual orientation or morals.

Table E (France): Types of couples that qualify for starting a civil marriage or registered partnership in the country itself

		Civil marriage		Registered partnership (1999)	
		Different-sex	Same-sex	Different-sex	Same-sex
Resident national with:	1. Resident national	Yes	X	Yes	Yes
	2. Non-resident national	Yes	X	Yes, but	Yes, but
	3. Resident foreigner	Yes	X	Yes	Yes
	4. Non-resident foreigner	Yes	X	Yes, but	Yes, but
Non-resident national with:	5. Non-resident national	No	X	No	No
	6. Resident foreigner	Yes	X	Yes, but	Yes, but
	7. Non-resident foreigner	No	X	No	No
Resident foreigner with:	8. Resident foreigner	Yes	X	Yes	Yes
	9. Non-resident foreigner	Yes	X	Yes, but	Yes, but
Non-resident foreigner with:	10. Non-resident foreigner	No	X	No	No
11. Sister or brother with sister or brother		No	X	No	No
12. Parent with child		No	X	No	No

Notes to table E

E1 – Two French nationals aged 18 may enter into a registered partnership. Women can marry from the age of 16.

E2 – A couple can marry in France on condition that one of the future spouses has been domiciled in France for at least one month (Art. 74, Civil Code). As regards registered partnerships, Article 515-3 of the Civil Code requires the partners to choose a shared residence (see note E4).

E3 – A French national can marry or enter into a registered partnership with a resident foreigner.

E4 – A French resident can marry a non-resident foreigner. A French resident, however, cannot enter into a registered partnership with a foreigner with whom he does not have a shared residence in France. This provision, however, does not imply that the foreigner must be a resident before the registered partnership is celebrated: it simply suffices for him to establish his residence with the partner at the moment of entering into the registered partnership.

E5 – Article 165 of the Civil Code provides that the marriage shall be solemnized by the Registrar of the town where one of the spouses has his domicile or residence, while Article 74 stipulates that at least one of the spouses must have had his residence there for at least one month before the wedding.

E6 – A resident foreigner may marry a non-resident French national. He may also enter into a registered partnership on condition that he shares residence with the resident foreigner.

E7 – See E2. Article 170 of the Civil Code provides, “A marriage contracted in a foreign country between French persons and between a French person and an alien is valid”. A French national residing abroad may enter into a registered partnership with a foreigner at the French embassy.

E8 – See E2.

E9 – A resident foreigner holding a residence permit (including residence permit for studying) may enter into a registered partnership with a non-resident foreigner in France on condition that the latter shares residence with the former.

E10 – Two non-resident foreigners can neither marry nor enter into a registered partnership.

E11 – As with marriage, registered partnerships or informal cohabitation are not allowed between direct ascendants and descendants (father and daughter, etc.), between direct relatives by marriage (parents-in-law and sons-in-law, etc.) and between collateral relatives up to the third degree (brother and sister, uncle and niece, uncle and nephew, etc.) (Art. 515-2, Civil Code).

E12 – Same as above

Table F (France): Authority for starting a civil marriage or registered partnership

	Civil marriage		Registered partnership (1999)	
	Different-sex	Same-sex	Different-sex	Same-sex
1. Registry of births, marriages and deaths	Yes	X	No	No
2. Local population administration	No	X	No	No
3. Church	No	X	No	No
4. Court	No	X	Yes	Yes
5. Private person with special authorisation	No	X	No	No
6. Public notary	No	X	No	No
7. Administrative magistrate	No	X	No	No

Notes to table F

F1 – For marriages, the registry is kept at the town hall by the Registrar. Registered partnerships are registered at the office of the Magistrates' Court. No formal instrument exists for informal cohabitation.

F2 – The prefectorial authorities have no authority in this matter.

F3 – In France, civil marriage must take precedence, on pain of penal sanctions.

F4 – Registered partnerships must be registered at the office of the Magistrates' Court.

F5 – See F1 and F4.

F6 – Same as above

F7 – Same as above

Table G (France): Means of ending a marriage or registered partnership

	Civil marriage		Registered partnership (1999)	
	Different-sex	Same-sex	Different-sex	Same-sex
1. By court decision (after joint or individual petition)	Yes	X	No	No
2. By mutually agreed contract (outside court)	No	X	Yes	Yes
3. Unilaterally by one partner (outside court)	No	X	Yes	Yes
4. By conversion of marriage into registered partnership, or vice versa (outside court)	No	X	No	No
5. By one registered partner marrying a third person (or starting a registered partnership with a third person)	No	X	Yes	Yes
6. By the registered partners marrying each other (or by the married partners starting a registered partnership together)	No	X	Yes	Yes
7. By administrative decision (after joint or individual petition)	No	X	No	No

Notes to table G

G1 – Only a court of law can end a marriage.

G2 – A registered partnership ends by a joint decision of the parties or by a unilateral notification by one of the parties (Art. 515-7, Civil Code).

G3 – Same as above

G4 – A marriage or registered partnership cannot be converted in France.

G5 – Marriage results in the immediate dissolution of the registered partnership (Art. 515-7, Civil Code).

G6 – Marriage results in the immediate dissolution of the registered partnership (Art. 515-7, Civil Code).

G7 – This facility does not exist in France.

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