

In attention of the Expert

In order to respond to the question raised by the Expert in the context of Articles 15 and 16 of the Convention, the followings should be add:

Through a matrimonial convention concluded in the conditions stipulated by the Civil Code “(1) [the] *Future spouses can choose as matrimonial regime [one of the following regimes]: the legal community, the separation of goods or the conventional community (...)*”.

Also, the separation of goods regime can be made through a decision rendered by the court in all the cases when other spouse concludes acts which endanger the family's property interests (article 370 of Civil Code). It is called the *judicial separation of goods regime*. This judicial separation is always after concluding the marriage.

If the spouses or the future spouses do not conclude a matrimonial convention, legal community regime will be applied to them.

Finally, “after at least one year after the marriage has concluded, the spouses may, whenever they wish, replace the existing matrimonial regime with another matrimonial regime or amend it, subject to the conditions laid down by law for the conclusion of matrimonial conventions”, in accordance with the Civil Code.

As for the effects of the matrimonial regime, the Civil Code stipulates that: “*Between spouses, the matrimonial regime takes effect only on the day of marriage (...)*.”

The divorce is regulated by article 259 and the following of Civil Code. Thus, in the case of divorce based on separation of goods regime chosen by the former spouses as it was mentioned above, the former wife shall preserve the goods acquired both before marriage and those acquired during the marriage, as the case may be, under the conditions of the separation of goods regime.

In general, by divorce, the maintenance obligation between spouses ceases (Article 389 of Civil Code). Yet, when the former wife is in need, she may receive a maintenance pension from the former husband, but only under certain conditions, while the amount of the maintenance pension cannot exceed one quarter of the net income of the payer [former husband – our note], taking, also, into account the means and the state of need of the former husband who will pay the maintenance pension.