

Questionnaire

(E)

About this Questionnaire

1. Couples cohabiting outside marriage may face legal uncertainties when they leave the State where the registered partnership or unmarried cohabitation was formed and become subject to a foreign legal system that does not necessarily recognise their status in relation to one another, or in relation to their (adopted) children, or third parties. Even if they do not leave the State wherein their relationship originated, issues may arise abroad concerning the validity or effects of their relationship or aspects thereof.

2. The Hague Conference on Private International Law (“Hague Conference”) has been monitoring the legal situation of cohabiting couples and registered partners, focusing on the private international law implications, since 1987. In March 2015, the Permanent Bureau presented an “[u]pdate on the developments in internal law and private international law concerning cohabitation outside marriage, including registered partnerships” (“2015 Update on cohabitation outside marriage”)¹ at the Council on General Affairs and Policy of the Hague Conference (“the Council”). The Council subsequently asked the Permanent Bureau to prepare a Questionnaire to seek further information on private international law issues relating to cohabitation outside marriage, including registered partnerships. It requested that a report on the results from this survey be presented to the Council in 2017.²

3. In line with the mandate provided by the Council, the **objective** of this Questionnaire is to gather information from various national legal systems about aspects of internal and private international law relating to cohabitation outside marriage (e.g., information about the recognition of partnerships registered abroad or the applicable law in cross-border situations). The information gathered will facilitate a better understanding of the issues that registered partners and unmarried cohabitants may face in a cross-border situation.

4. Terms used to describe cohabitation outside marriage differ widely.³ For this reason, and in order to facilitate the survey, it is suggested that the **terminology** as described in the “2015 Update on cohabitation outside marriage” be applied in this Questionnaire:⁴

- The term **“cohabitation outside marriage”** encompasses “unmarried cohabitation” and “registered partnerships”.
- The term **“registered partnerships”** refers to a form of cohabitation outside marriage which, under the domestic law of the State where it originates, requires the fulfilment of certain formalities, specifically registration in a central registry. The term as used here has a wide meaning and thus also covers, *inter alia*, “domestic partnerships”, “civil partnerships”, “civil unions”, “permanent couple unions”, “statutory cohabitation”, registered “de facto relationships” and “civil

¹ Prel. Doc. No. 5 of March 2015 for the attention of the Council on General Affairs and Policy of March 2015, available on the Hague Conference website at < www.hcch.net > under “Projects” then “Legislative Projects” and “Cohabitation outside marriage”. This document was completed pursuant to the mandate given by the Council in April 2013, which invited the Permanent Bureau to continue to follow developments in this area and, resources permitting, to update its “Note on developments in internal law and private international law concerning cohabitation outside marriage, including registered partnerships”, Prel. Doc. No. 11 of March 2008 for the attention of the Council on General Affairs and Policy of April 2008.

² See the Conclusions and Recommendations adopted by the Council of 2015 (24-26 March 2015), para. 10, available on the Hague Conference website at < www.hcch.net > under “Governance” then “Council on General Affairs and Policy”.

³ For an explanation of the terminology, see, e.g., Prel. Doc. No. 11 of 2008 (*op. cit.* note 1), paras 10 *et seq.*, paras 18 *et seq.* and paras 72 *et seq.*

⁴ See Prel. Doc. No. 5 of March 2015 (*op. cit.* note 1), paras 7-10.

pacts of solidarity". Individuals in a registered partnership are referred to as "registered partners".

- The term "**unmarried cohabitation**" refers to *concubinage* or *de facto* union without this union having been registered with an authority, formed by the parties' actual cohabitation.⁵ Individuals living in unmarried cohabitation are referred to as "unmarried cohabitants".

5. The **structure** of the Questionnaire reflects the situation that most legal systems which allow for the registration of a partnership draw a distinction between unmarried cohabitation and registered partnerships. For this reason, the questions for each of these (legal) institutions are addressed in different sections of the Questionnaire accordingly (Part A: Registered Partnerships, Part B: Unmarried Cohabitation).

6. The Questionnaire further distinguishes between aspects that are **purely domestic** – aspects of internal law – and those that have an **international connection** – issues of private international law.

7. Moreover, while certain questions are **for all States to complete**, others are **relevant only to specific States**, *e.g.*, those whose internal domestic law provides for the possibility to register a partnership or have a special regime for cohabitation (or attach certain legal effects to cohabitation). Whether a question is to be answered by all or only specific States is indicated at the beginning of each question.

8. Furthermore, if the answer to any of the questions depends on the relevant **type of registered partnership or unmarried cohabitation** (*e.g.*, same-sex or opposite-sex), Members and non-Member States are kindly requested to answer the questions for each of the different types.

9. Finally, while the focus of the Questionnaire lies on the **legal aspects** of cohabitation outside marriage, the final section of the Questionnaire (Part C) asks for **statistical data** which Members and non-Member States are kindly requested to provide to the extent available.

Instructions for completion

10. In this Questionnaire the term "State" is used to cover any jurisdictional unit having competence to regulate the subject matter. Members and non-Member States are invited to complete the Questionnaire for each jurisdictional unit, if applicable.

11. Members and non-Member States are kindly invited to complete the Questionnaire (in either English or French) at their earliest convenience, but in any event by no later than **Friday 16 September 2016**.

12. In order to allow the Permanent Bureau to extract parts of the Questionnaire for a compilation and analysis of the responses, please **use this Word version** of the document, and please **do not return a PDF version** of the completed Questionnaire.

13. The Permanent Bureau would also appreciate it if a copy of, or a link to, any **legislation** mentioned in the response (preferably in English or French) could be provided, as well as relevant **case law** on private international law issues in relation to cohabitation outside marriage, including registered partnerships, if available.

14. The completed Questionnaire, as well as additional information on legislation and case law, should be sent by e-mail to < **secretariat@hcch.net** > to the attention of Ms Kerstin Bartsch, Senior Legal Officer, with the subject line: "Questionnaire – Cohabitation outside marriage".

⁵ Since in most legal systems this term is not defined, this is simply a working definition. For an explanation of the terminology, see Prel. Doc. No 11 of 2008 (*op. cit.* note 1), paras 10 *et seq.*

Publication of responses

15. The Permanent Bureau will place all responses to this Questionnaire on the Hague Conference website < www.hcch.net > unless expressly asked not to do so. A report summarising the results of this consultation will also be made available on the Hague Conference website.

Identification

Your contact information:

Name of Member or non-Member
State (or territorial unit, where [Norway](#)
applicable):

For follow-up purposes:

Name of contact person: [Acting legal adviser Gunhild Sletmoen](#)
Name of Authority / Office: [Norwegian Ministry of Justice and Public Security -
The Legislation Department](#)
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PART A: REGISTERED PARTNERSHIPS

The term "**registered partnership**" refers to a form of cohabitation outside marriage which, under the domestic law of the State where it originates, requires the fulfilment of certain formalities (*i.e.*, registration). The term as used here has a wide meaning (see *supra* para. 4).

A.1. INTERNAL LAW

Formation:

1. *For all States:*

- a. Does the law of your State provide for the possibility of registering partnerships?
- Yes
 No
- b. If the answer is "No", is the introduction of registered partnerships being envisaged or studied by your State?

[The Norwegian Registered Partnerships Act \(Act April 30 1993 no. 40\), which entered into force on 1 August 1993, gave same-sex couples the right to enter into a registered partnership. The Registered Partnerships Act was however repealed in 2008, due to changes in Act 4 July 1991 no. 47 on marriage, which now treats same-sex and opposite-sex couples equally, see article 1. This means same-sex and opposite-sex couples can get married on equal terms under norwegian law. It is no longer possible to enter into new registered partnerships. An existing registered partnership can be converted into a marriage if both parties so wishes. The marriage act section 95 contains rules about registered partnerships that are not converted into marriage. Such partnerships will remain in force, and have, with certain exceptions, the same legal effects as a marriage, see article 95.](#)

2. *For States that provide for the possibility to register a partnership:*

- a. Who can register a partnership in your State?
- (1) Only opposite-sex couples
- Yes
 No

(2) Only same-sex couples

Yes

No

(3) Both opposite-sex and same-sex couples

Yes

No

b. If the answer is "Yes" to questions (1) or (2), does your State envisage or study a change in the existing partnership regime? (If yes, please explain.)

[Please insert text here](#)

3. *For States that provide for the possibility to register a partnership:*

a. What are the requirements regarding the formation of a registered partnership? (If the answer depends on the relevant type of registered partnership (*e.g.*, same-sex or opposite-sex), please answer the question for each of the different types.)

In particular, does the law of your State include the following requirements?

(1) Neither of the partners must be married or united in a partnership with a third person.

[Please insert text here](#)

(2) The partners must not be related by marriage, adoption or blood. (In the latter case, what is the accepted degree of blood relationship?)

[Please insert text here](#)

(3) Both partners must attain a minimum age in order to form a partnership. (If yes, what is the minimum age?)

[Please insert text here](#)

(4) Both partners must have the mental capacity to consent to the partnership.

[Please insert text here](#)

(5) Both partners must consent freely to the partnership.

[Please insert text here](#)

(6) Please state any other requirements:

[Please insert text here](#)

b. Does your State envisage or study any changes regarding the present requirements? (If yes, please explain.)

[Please insert text here](#)

Effects:

4. *For States that provide for the possibility to register a partnership:*

a. What **rights** and **obligations** do registered partners have under the internal law of your State?

Please answer this question by taking into account the following subject matters and provide the legal basis (*i.e.*, legal rules or case law). (If your answer depends

on the relevant type of registered partnership (*e.g.*, same-sex or opposite-sex), please answer for each of the different types.)

- (1) relationship between partners, *e.g.*,
 - (a) personal obligations and duties of partners (*e.g.*, duty of care of partners):
Please insert text here
 - (b) maintenance obligations:
Please insert text here
 - (c) property
Please insert text here
 - (d) inheritance:
Please insert text here
 - (e) other(s):
Please insert text here
- (2) children, *e.g.*,
 - (a) parental status:
Please insert text here
 - (b) parental responsibility:
Please insert text here
 - (c) child support:
Please insert text here
 - (d) adoption:
Please insert text here
 - (e) inheritance:
Please insert text here
 - (f) assisted reproduction:
Please insert text here
 - (g) surrogacy:
Please insert text here
 - (h) other(s):
Please insert text here
- (3) other financial matters, *e.g.*,
 - (a) pensions, including social security benefits:
Please insert text here
 - (b) other(s):
Please insert text here

- b. Does your State envisage or study any changes in respect of these effects? (If yes, please explain.)
Please insert text here

Annulment or Dissolution:5. *For States that provide for the possibility to register a partnership:*

- a. Consider the situation where a couple has registered their partnership in your State.

Does your State have a special procedure for **annulment** and / or **dissolution** of the partnership? Please describe the judicial or administrative process. (If your answer depends on the relevant type of registered partnership (*e.g.*, same-sex or opposite-sex), please answer for each of the different types.)

[Please insert text here](#)

- b. Does your State envisage or study any changes regarding the conditions or procedures for annulment or dissolution of a registered partnership? (If yes, please explain.)

[Please insert text here](#)

A.2. PRIVATE INTERNATIONAL LAW**Formation (in situations with an international element):**6. *For States that provide for the possibility to register a partnership:*

- a. Does the law of your State provide for the possibility of registering a partnership if:

- (1) One partner is a national of your State and the other partner is not?

Yes

If yes, are there further requirements (*e.g.*, regarding habitual residence)?

[Please insert text here](#)

No

- (2) Neither of the partners are nationals of your State?

Yes

If yes, are there further requirements (*e.g.*, regarding habitual residence)?

[Please insert text here](#)

No

- (3) One partner is habitually resident in your State and the other partner is not

Yes

If yes, are there further requirements (*e.g.*, regarding nationality)?

[Please insert text here](#)

No

- (4) Both partners have their habitual residence in a State other than your State?

Yes

If yes, are there further requirements (*e.g.*, regarding nationality)?

[Please insert text here](#)

No

- b. If the response to any of these questions is "Yes":

- (1) Does the internal law of your State govern the **formal requirements for registration** in your State, or does, under the conflict of law rules of your State, the internal law of another State apply and, if so, what law(s)?

[Please insert text here](#)

- (2) Does the internal law of your State govern the **substantive requirements for registration** in your State, or, does, under the conflict of law rules of your State, the internal law of other State(s) apply and, if so, what law(s)?

[Please insert text here](#)

Recognition of the validity and effects of a partnership registered abroad:

7. For all States:

- a. Would the **validity** of a partnership registered abroad be **recognised** in your State?

Yes

Yes, except for situations where there is a substantial link to my State.

Please indicate what connecting factor(s) would prevent recognition (*e.g.*, no recognition if one or both partners are nationals of or habitually resident in your State).

Yes, with exceptions (*e.g.*, where there is no substantial connection of partners with my State, or: no connection between the partners and the State of registration).

Please provide details of any such exceptions to recognition by your State.

[Please see The Marriage Act article 95 section four and article 18 a section two.](#)

No

- b. Would any of the following **effects** of the partnership registered abroad be **recognised** in your State?

(1) relationship between partners, *e.g.*,

(a) personal obligations and duties of partners (*e.g.*, duty of care of partners):

[General comment to question 7 b \(1\):](#)

[The Marriage Act article 18 a, regulates the recognition of marriages contracted outside Norway and the recognition of a regulated form of cohabitation outside Norway. If the regulated form of cohabitation is recognised, the couple will be treated as a married couple \(when both parties have consented to this in writing\). This means all the effects of marriage will occur. However, this presupposes that Norwegian law is applicable for the present effect. This again, depends on Norwegian rules on international private law. It is therefore not possible to give general answers as to whether sustain effects of partnership registered abroad will be recognised in Norway.](#)

(b) maintenance obligations:

[Please insert text here](#)

(c) property:

[Please insert text here](#)

(d) inheritance:

[Please insert text here](#)

(e) other(s):

[Please insert text here](#)

(2) children, *e.g.*,

(a) parental status:

[No special rules apply regarding recognition of paternity or maternity when the parents are registered partners. If the paternity or co-maternity of a child follows](#)

directly from foreign law which shall be applied according to the rules of law in the country in question, this shall be effective in Norway. The Ministry may decide in individual cases that paternity or co-maternity which has been established in another manner pursuant to foreign law, shall be effective in Norway.

(b) parental responsibility:

Decisions regarding parental responsibility or any analogous relationship of authority, are recognised by operation of law on condition [when/if] that this follows from an international instrument to which Norway is party.

(c) child support:

No special rules apply regarding recognition of maintenance to children, when the parents have been registered partners.

(d) adoption:

No special rules apply regarding recognition of adoptions carried out by registered partners. An adoption that has been effected and is valid in a foreign state (intercountry adoption) shall be valid in Norway, provided that when the adoption was effected, the adopter(s) was (were) resident(s) or national(s) of the foreign state in which the adoption was effected. An intercountry adoption shall not be valid in Norway if it would obviously be contrary to Norwegian public policy (ordre public).

(e) inheritance:

No special rules apply

(f) assisted reproduction:

No special rules apply

(g) surrogacy:

No special rules apply

(h) other(s):

Please insert text here

(3) other financial matters, *e.g.*,

(a) pensions, including social security benefits:

Please insert text here

(b) other(s):

Please insert text here

(4) Would the registered partnership constitute an impediment to the conclusion or formation by one of the partners of a marriage or a new partnership with a third person?

Yes

No

(5) Would the surname declared by the partners upon the registration of their partnership be recognised in your State?

Yes

No

- c. If your response to a. is "Yes" or "Yes, except for situations where there is a substantial link to my State", what are the **requirements for recognition** of the **validity** of the registered partnerships?

The requirements for recognition follow from the Marriage Act, article 18 a. This rule contains the specific requirements for recognition of a marriage or partnership contracted abroad. In addition, the general rule of ordre public applies. As a general comment to the following questions, we would like to emphasize that the answers are

based solely on the specific requirements in the Marriage Act section 18a. For example; the Marriage Act contains no specific requirements for recognition of the partnership that the partners have reached a certain age when they formed the partnership. The answer to question 7 c. (5) is "no". However, the rule of ordre public can still lead to the result that the partnership is not recognised due to the age of one or both of the partners at the time of the formation. Equivalent, there are no specific requirement for recognition that neither of the partners are married or united in a partnership with a third person. Still, the rule of ordre public will lead to the result that if a person has multiple partnerships, only the first can be recognised as valid in Norway. Note also that there are special rules in article 18 a section two if at least one of the parties was a Norwegian national or permanent resident in the realm at the time of marriage.

In particular, does the law of your State require any of the following?

- (1) The registered partnership must be valid in accordance with the internal law or conflict of law rules of the State in which registration took place.
 Yes
 No
- (2) There is a civil status document proving the (existence and) validity of the registered partnership.
 Yes
 No
- (3) Neither of the partners is married or united in a partnership with a third person.
 Yes
 No
- (4) The partners are not related by marriage, adoption or blood. (In the latter case, what is the accepted degree of blood relationship?)
 Yes
 No
- (5) Both partners had attained a minimum age when they formed the partnership.
 Yes
 No
- (6) Both partners had the mental capacity to consent to the partnership.
 Yes
 No
- (7) Both partners had consented freely to the partnership.
 Yes
 No
- (8) The effects of the partnership under the applicable law must be similar to those of a marriage:
 Yes
 No

- (9) The effects of the partnership granted in the State where the partnership was registered should not exceed the effects granted for registered partnerships under your State.

Yes

No

Not applicable (My State does not provide for registration of a partnership.)

- (10) Any other requirements for the recognition of the (existence and) validity of the registered partnership (please explain):

[Please insert text here](#)

- (11) May or must recognition of the (existence or) validity of a registered partnership or its effects be refused if this recognition would be manifestly contrary to public policy? If yes, under which circumstances?

Yes

[See comments above](#)

No

- d. Would your reply to the previous questions be different when a question regarding the validity or effects of a registered partnership arises as a **preliminary issue** in the context of another question of private international law before the authorities of your State (*e.g.*, about maintenance or inheritance)?

[The question of recognition of partnership registered abroad, will in Norway generally arise as a preliminary issue.](#)

Recognition of the annulment or dissolution of a partnership registered abroad:

8. [For all States:](#)

Consider the situation where the partners have registered their partnership in State X. Subsequently, their partnership has been dissolved or annulled in that State or in a third State.

Would the **annulment** or **dissolution** of the partnership be **recognised** in your State? If so, under what conditions?

Yes

[Act 2 of June 1978 no. 38 on recognition of foreign divorces apply when a married couple get divorced or separated abroad. We assume that the law must be interpreted as applying equally for partnerships which would have been recognised as a marriage according to the Marriage act section 18a.](#)

No

[Please insert text here](#)

Not applicable (My State would not recognise the validity or certain effects of the partnership.)

9. [For States that provide for the possibility to register a partnership:](#)

Consider the situation where partners have registered their partnership in your State. Subsequently the partnership has been dissolved or annulled in a *foreign* State. Would that **dissolution** or **annulment** be recognised in your State? If so under what conditions?

Yes

Please insert text here

No

Please insert text here

Jurisdiction:

10. *For States that provide for the possibility to register a partnership:*

- a. Please state any specific rule applying in your State concerning the **jurisdiction** of the authorities of your State regarding the **validity** of
 - (1) a partnership registered in your State.
Please insert text here
 - (2) a partnership registered in a foreign State.
Please insert text here
- b. Please state any specific rule applying in your State concerning the **jurisdiction** of the authorities of your State regarding the **annulment** and **dissolution** of
 - (1) a partnership registered in your State.
Please insert text here
 - (2) a partnership registered in a foreign State.
Please insert text here

Applicable law (conflict of laws):

11. *For States that provide for the possibility to register a partnership:*

- a. Please state any specific conflict of law rule(s) applying in your State concerning the validity or any of the effects, or the dissolution or annulment of a registered partnership.
Please insert text here
- b. In particular, please explain your State's approach to determine the applicable law, *e.g.*, application of, exclusively, domestic law to the effects of the partnership; application of the law of the common habitual residence of the partners, application of the law where the partnership was registered (*lex loci registrationis* rule). (See Prel. Doc. No 5 of March 2015, paras. 49 *et seq.*)
Please insert text here

12. *For States that provide for the possibility to register a partnership:*

Does your State envisage or study any changes in relation to the conflict of law rules and other private international law aspects of registered partnerships (*e.g.*, in relation to the formation of a partnership, the recognition of the validity and effects of a partnership registered abroad or the recognition of the annulment or dissolution of a partnership)? (If yes, please explain.)

Please insert text here

Legal and practical problems:

13. *For all States:*

- a. Do you know of any legal and / or practical problems that have arisen in your State in the context of registered partnerships where there are international elements involved? If so, please describe briefly.

Please insert text here

- b. In particular, do you know of any situation where registered partners lost rights they had acquired under the law of the State where they had registered their partnership after moving to another State? If so, please describe briefly.

Please insert text here

PART B: UNMARRIED COHABITATION

The term “**unmarried cohabitation**” refers to *concubinage* or *de facto* union without this union having been registered with an authority, formed by the parties’ actual cohabitation (see *supra*, para. 4).

B.1. INTERNAL LAW

Legal regime and effects:

14. *For all States:*

- a. Does the national law of your State establish a **specific legal regime** for cohabitation? (If yes, please explain.)

Yes

Please insert text here

No

- b. If not, does the national law of your State attach **certain legal effects** to (aspects of) cohabitation? (If yes, please explain.)

Yes

The legislation does not generally treat cohabitants and spouses as being the same. Cohabitants are treated as spouses in some areas and as single people in others. Whether or not cohabitants are to be equated with spouses is determined within each set of regulations. The same applies to who is to be counted as a cohabitant (the definition of a cohabitant).

No

15. *For States that establish a specific legal regime for cohabitation or which attach certain legal effects to (aspects of) cohabitation:*

What **rights** and **obligations** do unmarried cohabitants have under the law of your State? Are there any requirements which have to be fulfilled before such rights or obligations arise?

Please answer both questions by taking into account the following subject matters and provide the legal basis (*i.e.*, legal rules or case law). (If the answer depends on the type of unmarried cohabitation (*e.g.*, whether the couple is of the same-sex or opposite-sex), please answer the question for each type):

- a. relationship between unmarried cohabitants, *e.g.*,
- (1) personal obligations and duties of unmarried cohabitants (*e.g.*, duty of care of unmarried cohabitants):
No specific rights or obligations
 - (2) maintenance obligations:
No specific rights or obligations
 - (3) property relations:

Act of 4 July 1991 No 45 relating to the right to the joint residence and household when the household community dissolve, contains certain rights for unmarried

cohabitees when their common household dissolve. These rights are relevant only if the parties have lived together for at least two years, or if they have had children, have children or are expecting a child. One of the cohabitees may, under specific circumstances, for example have the right to take over a residential property which belongs to the other party when the property has served as their joint home. The same applies to ordinary household goods.

The party that claims the right to take over property or other assets owned wholly or partly by the other party must however pay market price. There is no statutory presumption that creates an entitlement for one party to share in property that is titled in the other's name, regardless of whether it was brought into the relationship or was acquired during the relationship. However, such right can, under certain circumstances follow from case law under the doctrine of so called "house wife co-ownership" ("husmorsameie"). The doctrine refers to the situation where one party (usually the man) has paid for the house, while the other party (usually the woman) has contributed to the household in other ways, e.g. by keeping the home and raising the children so as to allow the other party to establish a career. Relevant case law can be found in Rt. 1984 s. 497 and Rt. 2000 s. 1089.

(4) inheritance:

According to Act 3 of March 1972 no. 5 on inheritance chapter III A, cohabitants with common children are entitled to a limited inheritance from each other and to remain in undivided possession of their estate. This also applies to cohabitants who have had or are expecting a child together. Cohabitants who do not have a common child are not entitled to inherit directly according to the law.

(5) other(s):

Please insert text here

b. children, e.g.,

(1) parental status:

When the parents are not married, the father may declare paternity. There are no special rules regarding cohabiting parents.

(2) parental responsibility:

According to the Children's Act, cohabiting parents shall have joint parental responsibility for children of the relationship.

(3) child support:

Where one or both of the parents do not live with the child, the parent concerned shall pay fixed contributions to maintenance and education. The same rules apply to previous married parents and previous cohabiting parents.

(4) inheritance:

Please insert text here

(5) adoption:

According to the Adoption Act cohabiting couples have the same rights and obligations as married couples. By cohabitants are meant two people living in a stable and marriage-like relationship

(6) assisted reproduction:

According to Norwegian law assisted reproduction is only permitted if the woman is married or living in a marriage-like relationship.

(7) surrogacy:

Please insert text here

(8) other(s):

Please insert text here

- c. other financial matters, *e.g.*,
- (1) pensions, including social security benefits:
Act 28 of February 1997 no. 19 on national insurance treats unmarried cohabitants and married spouses equally, see articles 1-5.
 - (2) other(s):
A number of laws and regulations treat unmarried cohabitants and married spouses equally. *e.g.*:
 - regulation concerning applications for student loan Amended as of 26 of February 2016 no. 209 section 3-4
 - Act of 17 June 2005 relating to mediation and procedure in civil disputes article 22-8
 - Act of 22 May 1981 no. 25 relating to legal procedure in criminal cases article 122
 - Act of 22 May 2008 no. 35 concerning the entry of foreign nationals into the Kingdom and their presence in the realm article 41

B.2. PRIVATE INTERNATIONAL LAW

Recognition of the validity of a special legal regime for, or of certain legal effects of, unmarried cohabitation:

16. *For all States:*

Consider the situation where a couple has acquired certain rights and obligations under a special legal regime for unmarried cohabitation in State X, or the couple has acquired certain rights and obligations because the laws of State X attach certain legal effects to their unmarried cohabitation.

- a. Would the **validity** of the legal regime for unmarried cohabitation of State X be recognised in your State?
 - Yes
 - No
- b. Would any of the **effects** which the unmarried cohabitation has under the laws of State X be recognised in your State?
 - Yes
 - No
- c. If the answer to a. or b., is "yes", what are the requirements (*substantive and / or formal requirements*) for the recognition of the legal regime or of its effects?
[Please insert text here](#)
- d. Would the reply to the previous questions be different when a question regarding the validity or effects of the unmarried cohabitation arises as a **preliminary issue** in the context of another question of private international law before the authorities of your State (*e.g.*, about maintenance or inheritance)?
[Please insert text here](#)

Jurisdiction:

17. *For States that provide for a specific legal regime for cohabitation or which attach certain legal effects to (aspects of) cohabitation:*

Please state any specific rules applying in your State concerning the **jurisdiction** of the authorities of your State regarding the specific legal regime for cohabitation or its effects.

[Please insert text here](#)

Applicable law (conflict of laws):

18. *For States that provide for a specific legal regime for cohabitation or which attach certain legal effects to (aspects of) cohabitation:*

Please state any specific conflict of law rules applying in your State concerning the legal regime for cohabitation or concerning the legal effects attached to (aspects of) cohabitation.

There are no specific conflict of law rules applying in Norway concerning the legal regime for cohabitation or concerning the legal effects attached to (aspects of) cohabitation.

Legal and practical problems:

19. *For all States:*

- a. Do you know of any legal and / or practical problems that have arisen in your State in the context of unmarried cohabitation where there are international elements involved? If so, please describe briefly.

Please insert text here

- b. In particular, do you know of any situation where unmarried cohabitants lost rights they had acquired under the law of the State where they had cohabited after moving to another State? If so, please describe briefly.

Please insert text here

Future developments:

20. *For all States:*

Are any developments foreseen in your national law, *e.g.*, modification or introduction of a legal regime for cohabitation or of certain legal effects of cohabitation? Are any developments foreseen in relation to private international law aspects of cohabitation outside marriage?

Please insert text here

PART C: Statistics

21. *For all States:*

Please provide any statistics relating to registered partnerships and unmarried cohabitation where applicable, if available, *e.g.*,

- a. the (estimated) number of registered partners in your State and any trend in this regard;

No statistics found

- b. the (estimated) number of couples who are cohabiting without being married in your State and any trend in this regard:

Couples without children (2015): 547 259

Couples with children (0-17 years): 324 623

Cohabiting couples with children (0-17 years): 162 461

The number of couples who are cohabiting outside marriage is increasing. In 1990 app 1 out of five couples living together where not married. By 2015, the number had increased to 1 out of 4 couples. (Estimate) (www.ssb.no/familie)

- c. the (estimated) birth / adoption / surrogacy rates for registered partners and unmarried cohabitants in your State and any trends in this regard:

18 pst. of same sex married couples have children (2002-2010). The numbers are increasing. (www.ssb.no/familie)

- d. the (estimated) number of registered partnerships that have been annulled or dissolved in your State:
In 2015 300 marriages was entered into by same sex couples, and 68 marriages were dissolved. (www.ssb.no/familie)
- e. the (estimated) number of international couples (*i.e.*, at least one partner is not a national of or habitually resident in your State) and any trends in this regard:
No statistics found
- f. any other relevant statistics:
Please insert text here