

English Translation of...

Prot. N. 15264/2015

Vatican City, 12 January 2015

(omisis)

With the letter dated December 17, 2015, you asked this Pontifical Council for clarification on the question whether in a case of declaration of nullity of marriage, the petitioner after an affirmative decision in the first instance and a negative decision in the second instance, can appeal to the third instance court, that is, to the Roman Rota. The question has been examined by the Dicastery with the help of the proper experts.

The motu proprio *Mitis Iudex* on the reform of the process for the causes of declaration of nullity of marriage, confirmed the previous discipline (see canon 1683 §3 CIC) according to which the Roman Rota remains the tribunal of third instance for the whole Church (see also canon 1444 §1, 2 CIC). However, if it is deemed appropriate, the Bishop is left with the possibility of asking the Apostolic Signatura for the so-called Pontifical Commission, that is, entrusting the third instance to a tribunal other than the Roman Rota for a just and reasonable cause (see Article 124 Const. Ap. *Pastor bonus* and Article 115 *Lex Propria* of the Apostolic Signatura). This possibility is now supported by the criteria that inspire the aforementioned reform of the marriage process in favor of the proximity of the courts and the greater involvement of the Bishop in judicial activities.

(omisis)