Civil judicial co-operation: parental responsibility and protection of children, 1996 The Hague Convention

2003/0127(CNS) - 05/06/2008 - Final act

PURPOSE: to authorise certain Member States to accede to the 1996 Hague Convention.

LEGISLATIVE ACT: Council Decision 2008/431/EC authorising certain Member States to ratify, or accede to, in the interest of the European Community, the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children and authorising certain Member States to make a declaration on the application of the relevant internal rules of Community law.

CONTENT: the Council adopted a decision authorising Belgium, Germany, Ireland, Greece, Spain, France, Italy, Cyprus, Luxembourg, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Finland, Sweden and the United Kingdom to ratify, or accede to, in the interest of the European Community, the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of parental responsibility and measures for the protection of children.

The decision also authorises certain Member States to make a declaration on the application of the relevant internal rules of Community law.

The abovementioned Member States shall take the necessary steps to deposit simultaneously their instruments of ratification or accession with the Ministry of Foreign Affairs of the Netherlands, if possible before 5 June 2010.

The Hague Convention stipulates that only sovereign states may be parties to this treaty.

The Council must therefore, on an exceptional basis, authorise Member States to ratify or accede to the Convention in the interest of the European Community.

Some Member States have already ratified, or acceded to, the Convention; They shall not be concerned by the present decision.

This decision authorises certain Member States - Bulgaria, Cyprus, Latvia, Malta, the Netherlands and Poland - to make a declaration concerning the application of the relevant internal rules of Community law.

The 1996 Hague Convention is a valuable contribution to the protection of children at international level. The objects of the present Convention are:

- to determine the State whose authorities have jurisdiction to take measures directed to the protection of the person or property of the child;
- to determine which law is to be applied by such authorities in exercising their jurisdiction;
- to determine the law applicable to parental responsibility;
- to provide for the recognition and enforcement of such measures of protection in all Contracting States;
- to establish such cooperation between the authorities of the Contracting States as may be necessary in order to achieve the purposes of this Convention.
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The United Kingdom and Ireland shall take part in the adoption and application of this Decision. Denmark, on the other hand, shall not take part in the adoption of this Decision and shall not bound by it or subject to its application.