Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Albania

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The Committee on Legal Affairs adopted the report by Heidi HAUTALA (Greens/EFA, FI) on the proposal for a Council decision on the declaration of acceptance by the Member States, in the interest of the European Union, of the accession of Albania to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

The Convention introduces a system of cooperation between the contracting states aimed at settling cases of international child abduction.

In the case of divorce, it may often be that the courts in both of the states concerned declare themselves competent, with each of them awarding custody of the child to the parent who is a national of their state.

The purpose of the Convention is to resolve such situations at an international level, by establishing that the competent courts and applicable laws are those of the **state of residence of the child**. The Convention also introduces a system which ensures the **immediate return of children who have been abducted**.

The EU now has exclusive external competence in this field as confirmed by the Court of Justice in Opinion 1/13. The Member States therefore no longer act on their own account.

The problem is that the Convention does not provide for autonomous action by international organisations. This has rendered necessary a Council Decision calling on Member States to accept – each in respect of their own territory – the accession of Albania to the Convention, and hence the effective entry into force of the Convention in cases involving the EU and that country (many EU citizens are of Albanian origin). Children with links to the Albanian community will thus be safeguarded against abduction.

Therefore, the committee recommended that the European Parliament approve the proposed Council Decision and approve the acceptance of the accession of Albania.