

# Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Peru, acceptance by Austria and Romania

2016/0168(NLE) - 07/06/2016 - Legislative proposal

**PURPOSE:** to authorise Austria and Romania to accept, in the interest of the European Union, the accession of Peru to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

**PROPOSED ACT:** Council Decision.

**ROLE OF THE EUROPEAN PARLIAMENT:** the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

**BACKGROUND:** the European Union has set as one of its aims the **promotion of the protection of the rights of the child**, as stated in Article 3 of the Treaty on European Union. Measures for the protection of children against wrongful removal or retention are an essential part of that policy.

As far as parental child abduction is concerned, the **1980 Hague Convention** is the international counterpart of [Council Regulation No 2201/2003](#) (known as the Brussels IIa Regulation) which is the cornerstone of EU judicial cooperation in matrimonial matters and matters of parental responsibility. It complements and reinforces the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction which establishes, at international level, a system of obligations and cooperation among contracting States and between central authorities and aims to ensure the prompt return of wrongfully removed or retained children.

The Hague Convention of 1980 has been ratified by 93 countries, including all EU Member States. It is already into force between Peru and the overwhelming majority of the EU Member States (25). Only Austria, Denmark and Romania have not yet accepted the accession of Peru to the Convention.

In the course of 2015, Peru has communicated to the Commission its interest in making the Convention enter into force also in respect of Austria and Romania, which should therefore be authorised by the European Union to accept the accession of Peru to the 1980 Convention.

**CONTENT:** under this proposed Council Decision, **Austria and Romania would be authorised to accept, in the interest of the Union, accession of Peru to the 1980 Hague Convention** on the Civil Aspects of International Child Abduction.

The other EU Member States have already accepted the accession of Peru to the 1980 Hague Convention and should therefore not deposit a new declaration of acceptance as the existing declaration remains valid under public international law.

Beside the general objective of developing judicial cooperation in civil matters having cross-border implications, the present proposal is linked to the general objective enshrined in Article 3 of the Treaty on the European Union to protect the rights of the child. The proposal is also consistent with the promotion of the use of mediation in the settlement of cross-border family disputes. The [Directive on certain aspects of mediation in civil and commercial matters](#) applies, among other matters, to family law within the common European judicial area.

The United Kingdom and Ireland are bound by Regulation (EC) No 2201/2003 and are therefore taking part in the adoption and application of this Decision. Denmark, however, shall not be taking part in it.