

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Korea, acceptance by certain Member States

2016/0173(NLE) - 07/06/2016 - Legislative proposal

PURPOSE: to authorise certain Member States to accept, in the interest of the European Union, the accession of the Republic of Korea 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. **The Convention entered into force in the Republic of Korea on 1st March 2013.** Several Member States have already accepted the accession of the Republic of Korea to the 1980 Hague Convention.

At the international level, **the European Union supports the accession of third States** to the 1980 Convention in order for its Member States to rely upon a common legal framework to deal with international child abductions.

An assessment of the situation in the Republic of Korea has led to the conclusion that those Member States that have not yet accepted the accession of the Republic of Korea are in a position to accept, in the interest of the Union, the accession of the Republic of Korea under the terms of the 1980 Hague Convention.

CONTENT: this proposal for a Council Decision seeks to ensure that the **1980 Hague Convention on the Civil Aspects of International Child Abduction enters into force between the Republic of Korea and all EU Member States.**

The Member States that have not yet done so are hereby authorised to accept the accession of the Republic of Korea to the Hague Convention. The Czech Republic, Ireland and the Republic of Lithuania which have already accepted the accession of the Republic of Korea to the 1980 Hague Convention should not deposit new declarations of acceptance as the existing declarations 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.