

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Georgia and South Africa; acceptance by Luxembourg and Romania

2017/0148(NLE) - 03/07/2017 - Legislative proposal

PURPOSE: to authorise Luxembourg and Romania to accept the accession of Georgia and South Africa 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 1980 Hague Convention** has been ratified by 97 countries, including all EU Member States. It aims to **restore the *status quo* by mean of the prompt return of wrongfully removed or retained children** through a system of cooperation among central authorities appointed by its Contracting Parties.

As the prevention of child abduction is an essential part of the EU policy to promote the rights of the child, the **European Union is active at international level to improve the application of the 1980 Convention** and encourages third States to accede it.

The 1980 Hague Convention stipulates that it applies between the acceding state and such contracting states as have declared their acceptance of the accession.

As the matter of international child abduction falls within the **exclusive external competence of the European Union**, the decision whether to accept the accession of Georgia and South Africa has to be taken at EU level by means of a Council Decision.

Georgia and South Africa respectively deposited accession instrument to the Convention on 24 July 1997 and 8 July 1997. The Convention is already into force with 25 Member States in relation to Georgia and with 26 Member States in relation to South Africa. Luxembourg and Romania, consulted by the Commission on their willingness to accept the accession of Georgia and South Africa to the 1980 Convention, gave a favourable opinion.

Luxembourg and Romania should therefore be authorised to deposit their declarations of acceptance of the accession of Georgia and South Africa in the interest of the Union.

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). One of its main objectives is to deter child abduction between Member States by establishing procedures to ensure the child's prompt return to the Member State of his/her habitual residence.

Ten Council Decisions have been already adopted between June 2015 and December 2016 in order to accept the accession to the 1980 Hague Convention on International Child Abduction of 10 third countries ([Morocco](#), [Singapore](#), [Russia](#), [Albania](#), [Andorra](#), [the Seychelles](#), [Armenia](#), [the Republic of Korea](#), [Kazakhstan](#) and [Peru](#)).

CONTENT: with this proposal for a decision, the Council is invited to adopt a decision **authorising Luxembourg and Romania to accept the accession of Georgia and South Africa to the 1980 Hague Convention.**

Luxembourg and Romania shall, no later than 12 months after the date of adoption of this Decision, deposit a declaration of acceptance of the accession of Georgia and South Africa to the 1980 Hague Convention.

The United Kingdom and Ireland are bound by Regulation (EC) No 2201/2003 and therefore participate in the adoption and application of this Decision.

The acceptance of Luxembourg and Romania would render the 1980 Convention applicable between Georgia and all EU Member States except Denmark. In relation to South Africa the 1980 Convention will become applicable with all EU Member States.