# Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of San Marino; acceptance by Croatia, the Netherlands, Portugal and Romania

2017/0149(NLE) - 03/07/2017 - Legislative proposal

PURPOSE: to authorise Croatia, the Netherlands, Portugal and Romania to accept the accession of San Marino 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 San Marino has to be taken at EU level by means of a Council Decision.

San Marino deposited its instrument of accession to the 1980 Hague Convention on 14 December 2006.

The Convention is already into force with 23 Member States. Croatia, the Netherlands, Portugal and Romania, consulted by the Commission on their willingness to accept the accession of San Marino to the 1980 Convention, gave a favourable opinion.

Croatia, the Netherlands, Portugal and Romania should therefore be authorised to deposit their declarations of acceptance of the accession of San Marino 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 Croatia, the Netherlands, Portugal and Romania to accept the accession of San Marino to the Hague Convention of 25 October 1980** on the Civil Aspects of International Child Abduction in the interest of the Union.

Croatia, the Netherlands, Portugal 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 San Marino.

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 Croatia, the Netherlands, Portugal and Romania would render the 1980 Convention applicable between San Marino and all EU Member States except Denmark.