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

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The Legal Affairs Committee adopted the report by Angel DZHAMBAZKI (ECR, BG) on the proposal for a Council decision authorising Croatia, the Netherlands, Portugal and Romania to accept, in the interest of the European Union, the accession of San Marino to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

The committee recommended that Parliament **approve** the authorisation for Croatia, the Netherlands, Portugal and Romania to accept, in the interest of the European Union, **the accession of San Marino** to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

As recalled in the explanatory memorandum accompanying the report, the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction has been ratified by all the Member States of the European Union.

In cases of international child abduction following a separation or a divorce and the mother and father are from different states, 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.

- **San Marino** deposited the accession instrument to the 1980 Hague Convention on 14 December 2006. **The 1980 Hague Convention entered into force for San Marino on 1 March 2007**. The 1980 Convention is already into force between San Marino and the overwhelming majority of the EU Member States. Only Croatia, Denmark, the Netherlands, Portugal and Romania have not yet accepted the accession of San Marino to the Convention.

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.

The accession of San Marino to the Convention is to be welcomed. Your rapporteur fully supports this, as children with links to this community will thus be safeguarded against abduction.