

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Georgia and South Africa; acceptance by Luxembourg 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 Luxembourg and Romania to accept, in the interest of the European Union, the accession of Georgia and South Africa to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

The committee recommended that Parliament **approve** the authorisation for Luxembourg and Romania to accept, in the interest of the European Union, the **accession of Georgia and South Africa** 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.

- **Georgia** deposited the accession instrument to the 1980 Convention on 24 July 1997. The Convention entered into force in Georgia on 1st October 1997. The 1980 Convention is already into force between Georgia and 25 EU Member States. Only Luxembourg, Denmark and Romania have not yet accepted the accession of Georgia to the Convention.
- **South Africa** deposited the accession instrument to the 1980 Convention on 8 July 1997. The Convention entered into force in South Africa on 1st October 1997. The 1980 Convention is into force between South Africa and 26 Member States. Only Luxembourg and Romania have not yet accepted the accession of South Africa to the Convention.

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.