Hague Convention on the Civil Aspects of International Child Abduction (1980): accession of Ecuador and Ukraine; acceptance by Austria

2018/0277(NLE) - 06/07/2018 - Legislative proposal

PURPOSE: to authorise Austria to accept, in the interest of the European Union, the accession of Ecuador and Ukraine to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the 1980 Convention).

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 Convention** has been ratified by 98 countries including all EU Member States. Its purpose is to **restore the status quo by means 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 Convention stipulates that the Convention applies between the acceding country and such Contracting States as will have declared their acceptance of the accession.

In its Opinion 1/13 of the Court of Justice of the European Union, it was stated that the **exclusive competence of the European Union**. The decision whether to accept the accession of Ecuador and Ukraine has to be taken at EU level by means of a Council Decision.

Ecuador and Ukraine deposited their accession instruments to the 1980 Convention on 22 January 1992 and 2 June 2006 respectively. The 1980 Convention is already in force between these two third countries and 26 EU Member States. Austria, consulted by the Commission, gave a **favourable opinion** on the accession of Ecuador and Ukraine to the Convention.

As regards parental abduction, the 1980 Convention is the international counterpart to Council Regulation No 2201/2003 (Brussels IIa Regulation), one of the main objectives of which is to discourage parents from abducting their children to another Member State by establishing procedures which ensure the immediate return of the child to the Member State of his or her habitual residence.

14 Council Decisions have been already adopted between June 2015 and December 2017 in order to accept the accession to the 1980 Hague Convention on International Child Abduction of 20 third countries (Morocco, Singapore, the Russian Federation, Albania, Andorra, the Seychelles, Armenia, the Republic of Korea, Kazakhstan, Peru, Georgia, South Africa, Chile, Iceland, the Bahamas, Panama, Uruguay, Colombia, El Salvador and San Marino).

CONTENT: the Commission proposes that the Council adopt a decision **authorising Austria to accept, in the interests of the Union, the accession of Ecuador and Ukraine to the 1980 Hague Convention**.

The present proposal is evidently linked to the general objective enshrined in Article 3 of the Treaty on the European Union to protect the rights of the child.

Austria should submit its declaration of acceptance at the latest 12 months after the date of adoption of this Decision.

The United Kingdom and Ireland are bound by the Brussels IIa Regulation and are therefore taking part in the adoption and application of this Decision.

The acceptance of Austria would render the 1980 Convention applicable between Ecuador, Ukraine and all EU Member States except Denmark.