

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

2018/0278(NLE) - 06/07/2018 - Legislative proposal

**PURPOSE:** to authorise Austria and Romania to accept, in the interest of the European Union, the accession of Honduras 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 Honduras has to be taken at EU level by means of a Council Decision.

**Honduras** deposited the accession instrument to the 1980 Convention on 20 December 1993. The 1980 Convention is already into force between Honduras and 25 EU Member States. Austria and Romania, consulted by the Commission on their willingness to accept the accession of Honduras to the 1980 Convention, gave a **favourable opinion**.

As far as parental child abduction is concerned, the 1980 Hague Convention is the international counterpart of [Council Regulation No 2201/2003](#) (Brussels IIa Regulation), one of the main objectives of the Regulation 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.

**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 and Romania to accept, in the interests of the Union, the accession of Honduras 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 and Romania should submit their declarations 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 and Romania would render the 1980 Convention applicable between Honduras and all EU Member States except Denmark.