Hague Convention on the Civil Aspects of International Child Abduction (1980): accession of the Dominican Republic; acceptance by Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom

2018/0276(NLE) - 18/02/2019 - Final act

PURPOSE: to authorise Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom to accept, in the interest of the European Union, the accession of the Dominican Republic to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the 1980 Convention).

NON-LEGISLATIVE ACT: Council Decision (EU) 2019/305 authorising Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom to accept, in the interest of the European Union, the accession of the Dominican Republic to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

CONTENT: under this Council Decision, Austria, Croatia, Cyprus, Cyprus, Luxembourg, Portugal, Romania and the United Kingdom are hereby authorised to accept, in the interest of the Union, the accession of the Dominican Republic to the 1980 Hague Convention. The Member States concerned must submit, by 19 February 2020 at the latest, a declaration of acceptance of the Dominican Republic's accession to the Convention in the interest of the Union.

The 1980 Hague Convention establishes, at the international level, a system of obligations and cooperation between Contracting States and between central authorities and aims to ensure the immediate return of wrongfully removed or retained children. All EU Member States are parties to the Convention.

Regulation (EC) No 2201/2003 (‘Brussels II bis’ Regulation) complements and reinforces the 1980 Hague Convention. It aims to protect children from the harmful effects of wrongful removal or retention and to establish procedures to ensure their prompt return to the state of their habitual residence, as well as to secure the protection of rights of access and rights of custody.

The European Union has set as one of its aims the promotion of the protection of the rights of the child. Measures for the protection of children against wrongful removal or retention are an essential part of that policy. In this context, the Union encourages third States to accede to the 1980 Hague Convention and supports the proper implementation of the Convention.

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 the Dominican Republic has to be taken at EU level by means of a Council Decision.

The Dominican Republic deposited its accession instrument to the 1980 Hague Convention on 11 August 2004. The 1980 Hague Convention entered into force for the Dominican Republic on 1 November 2004. Consulted by the Commission, Austria, Croatia, Cyprus, Cyprus, Luxembourg, Portugal, Romania and the United Kingdom have issued a favourable opinion on the Dominican Republic's accession to the Convention.

The acceptance of Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom would render the 1980 Convention applicable between the Dominican Republic and all EU Member States except Denmark.

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.

ENTRY INTO FORCE: the decision shall take effect on the day of its notification.