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

2018/0277(NLE) - 18/02/2019 - Final act

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).

NON-LEGISLATIVE ACT: Council Decision (EU) 2019/306 authorising 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.

CONTENT: under this Council Decision, Austria is hereby authorised to accept, in the interest of the Union, the accession of Ecuador and Ukraine to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the 1980 Convention).

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 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 Member States of the European Union. Austria, consulted by the Commission, has issued a favourable opinion on the accession of Ecuador and Ukraine to the Convention.

Austria's acceptance shall make the 1980 Convention applicable between Ecuador, Ukraine 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.