

Hague Convention on the Civil Aspects of International Child Abduction (1980): accession of Belarus and Uzbekistan; acceptance by Austria, Luxembourg and Romania

2018/0279(NLE) - 18/02/2019 - Final act

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

NON-LEGISLATIVE ACT: Council Decision (EU) 2019/308 authorising Austria, Luxembourg and Romania to accept, in the interest of the European Union, the accession of Belarus and Uzbekistan to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

CONTENT: under this Council Decision, Austria, Luxembourg and Romania are hereby authorised to accept, in the interest of the Union, the accession of Belarus and Uzbekistan to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the 1980 Convention).

Austria, Luxembourg and Romania shall, no later than 19 February 2020, deposit a declaration of acceptance of the accession of Belarus and Uzbekistan to the 1980 Hague 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 Belarus and Uzbekistan has to be taken at EU level by means of a Council Decision.

Belarus deposited its instrument of accession to the 1980 Hague Convention on 12 January 1998. The 1980 Hague Convention entered into force for Belarus on 1 April 1998. The 1980 Convention is already in force between these two third countries and 24 EU Member States. Austria, Luxembourg and Romania, consulted by the Commission, gave a favourable opinion on the accession of Belarus and Uzbekistan to the Convention.

The acceptance of Austria, Luxembourg and Romania shall make the 1980 Convention applicable between Belarus, Uzbekistan 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.