

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Philippines

2021/0178(NLE) - 06/07/2021 - Legislative proposal

PURPOSE: to authorise the Member States of the European Union to accept the accession of the Philippines to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

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 Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, which has so far been ratified by 101 countries, including all EU Member States, aims to restore the status quo through the prompt return of children who have been wrongfully removed or retained, by means of a system of cooperation between the central authorities appointed by the contracting parties.

As far as parental child abduction is concerned, the 1980 Hague Convention is the international counterpart of Council Regulation No 2201/2003 (known as the Brussels IIa Regulation) whose main aim 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.

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 Hague Convention and encourages third States to accede to it.

Philippines deposited the accession instrument to the 1980 Hague Convention on 16 March 2016. The Convention entered into force in the Philippines on 1st June 2016.

On 14 October 2014, Opinion 1/13 of the Court of Justice of the European Union stated that the exclusive competence of the European Union encompasses the acceptance of the accession of a third state to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The decision whether to accept the accession of Philippines has to be taken at EU level by means of a Council Decision.

The overwhelming majority of the Member States of the European Union, consulted by the Commission on their willingness to accept the accession of the Philippines to the 1980 Hague Convention, gave a favourable opinion.

18 Council Decisions have been already adopted between June 2015 and February 2019 in order to accept the accession to the 1980 Hague Convention on International Child Abduction of 26 third countries.

CONTENT: the Commission proposes that the EU Member States be authorised to accept the **accession of the Philippines to the Hague Convention of 25 October 1980** on the Civil Aspects of International Child Abduction in the interest of the Union.

The Member States of the European Union should, no later than twelve months after the date of adoption of the proposed Decision, deposit a declaration of acceptance of the accession of Philippines to the 1980 Hague Convention in the interest of the Union.

The acceptance of the Member States of the European Union would render the 1980 Hague Convention applicable between the Philippines and the EU Member States except Denmark.

Ireland is bound by Regulation (EC) No 2201/2003 and therefore participates in the adoption and application of this Decision.