Civil judicial co-operation: parental responsibility and protection of children, 1996 The Hague Convention

2003/0127(CNS) - 17/06/2003 - Legislative proposal

PURPOSE : to authorise Member States to accede to the Hague Convention 1996. CONTENT : the Commission proposes that the Council exceptionally authorise the Member States to ratify or accede to the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children ("the Hague Convention"). The Hague Convention entered into force on 1 January 2002. It contains rules on jurisdiction, applicable law, recognition and enforcement of measures on parental responsibility and protection of children. The Convention only allows for accession by States. In accordance with the AETR case law of the Court of Justice on external competence, Member States are no longer free to conclude the Hague Convention on their own, since its provisions on jurisdiction, recognition and enforcement affect Community rules, as currently laid down in Council Regulation No. 1347/2000. Moreover, the Convention deals with matters covered by the future Regulation on matters of parental responsibility. It follows that competence to conclude the Convention is shared between the Community and the Member States. The present decision will allow Member States to ratify or accede to the Convention the interest of the Community.