Basic information

2003/0127(CNS) CNS - Consultation procedure Decision	Procedure completed
Civil judicial co-operation: parental responsibility and protection of children, 1996 The Hague Convention **Subject** 4.10.02 Family policy, family law, parental leave 4.10.03 Child protection, children's rights 7.40.02 Judicial cooperation in civil and commercial matters	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	HERMANGE Marie-Thérèse (PPE-DE)	09/07/2003

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market	GEBHARDT Evelyne (PSE)	07/07/2003
FEMM Women's Rights and Equal Opportunities	AALTONEN Uma (V/ALE)	10/07/2003

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2529	2003-10-02
Justice and Home Affairs (JHA)	2783	2008-06-05

European Commission

Commission DG	Commissioner
Justice and Consumers	FRATTINI Franco

Key events

Date	Event	Reference	Summary
17/06/2003	Legislative proposal published	COM(2003)0348	Summary
03/07/2003	Committee referral announced in Parliament		
30/09/2003	Vote in committee		Summary

30/09/2003	Committee report tabled for plenary, 1st reading/single reading	A5-0319/2003	
02/10/2003	Debate in Council		
20/10/2003	Debate in Parliament		
22/10/2003	Decision by Parliament	T5-0447/2003	Summary
05/06/2008	Act adopted by Council after consultation of Parliament		
05/06/2008	End of procedure in Parliament		
11/06/2008	Final act published in Official Journal		

Technical information

Procedure reference	2003/0127(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 061 EC Treaty (after Amsterdam) EC 067 EC Treaty (after Amsterdam) EC 065
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/19724

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0319/2003	30/09/2003	
Text adopted by Parliament, 1st reading/single reading		T5-0447/2003 OJ C 082 01.04.2004, p. 0270-0307 E	22/10/2003	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2003)0348	17/06/2003	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2008/0431
OJ L 151 11.06.2008, p. 0036 Summary

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

2003/0127(CNS) - 05/06/2008 - Final act

PURPOSE: to authorise certain Member States to accede to the 1996 Hague Convention.

LEGISLATIVE ACT: Council Decision 2008/431/EC authorising certain Member States to ratify, or accede to, in the interest of the European Community, the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children and authorising certain Member States to make a declaration on the application of the relevant internal rules of Community law.

CONTENT: the Council adopted a decision authorising Belgium, Germany, Ireland, Greece, Spain, France, Italy, Cyprus, Luxembourg, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Finland, Sweden and the United Kingdom to ratify, or accede to, in the interest of the European Community, the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of parental responsibility and measures for the protection of children.

The decision also authorises certain Member States to make a declaration on the application of the relevant internal rules of Community law.

The abovementioned Member States shall take the necessary steps to deposit simultaneously their instruments of ratification or accession with the Ministry of Foreign Affairs of the Netherlands, if possible before 5 June 2010.

The Hague Convention stipulates that only sovereign states may be parties to this treaty.

The Council must therefore, on an exceptional basis, authorise Member States to ratify or accede to the Convention in the interest of the European Community.

Some Member States have already ratified, or acceded to, the Convention; They shall not be concerned by the present decision.

This decision authorises certain Member States - Bulgaria, Cyprus, Latvia, Malta, the Netherlands and Poland - to make a declaration concerning the application of the relevant internal rules of Community law.

The 1996 Hague Convention is a valuable contribution to the protection of children at international level. The objects of the present Convention are:

- to determine the State whose authorities have jurisdiction to take measures directed to the protection of the person or property of the child;
- to determine which law is to be applied by such authorities in exercising their jurisdiction;
- to determine the law applicable to parental responsibility;
- to provide for the recognition and enforcement of such measures of protection in all Contracting States;
- to establish such cooperation between the authorities of the Contracting States as may be necessary in order to achieve the purposes of this Convention.
- The United Kingdom and Ireland shall take part in the adoption and application of this Decision. Denmark, on the other hand, shall not take part in the adoption of this Decision and shall not bound by it or subject to its application.

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.

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

2003/0127(CNS) - 22/10/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Marie-Therese HERMANGE (EPP-ED, France) by 508 votes in favour, 29 against and 6 abstentions. (Please see the summary of 30/09/03.) Parliament emphasised that the child's best interests are the primary consideration. Instruments of ratification should be deposited in Ireland not later than 30 June 2004.