Basic information

2011/0447(NLE) NLE - Non-legislative enactments Decision	Procedure completed
Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Russia **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 **Geographical area** Russian Federation	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	HAUTALA Heidi (Verts /ALE)	03/09/2014
	Shadow rapporteur ZWIEFKA Tadeusz (PPE) HONEYBALL Mary (S&D) DZHAMBAZKI Angel (ECR) CAVADA Jean-Marie (ALDE)	

Former committee responsible	Former rapporteur	Appointed
JURI Legal Affairs		

Former committee for opinion	Former rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs		

Council of the European Union

European Commission

Commission DG	Commissioner

Justice and Consumers	REDING Viviane

Key events

Date	Event	Reference	Summary
21/12/2011	Legislative proposal published	COM(2011)0911	Summary
24/11/2014	Committee referral announced in Parliament		
20/01/2015	Vote in committee		
22/01/2015	Committee report tabled for plenary, 1st reading/single reading	A8-0008/2015	Summary
10/02/2015	Debate in Parliament		
11/02/2015	Decision by Parliament	T8-0023/2015	Summary
11/02/2015	Results of vote in Parliament		
10/12/2015	Act adopted by Council after consultation of Parliament		
10/12/2015	End of procedure in Parliament		
17/12/2015	Final act published in Official Journal		

Technical information

Procedure reference	2011/0447(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 081-p3 Treaty on the Functioning of the European Union TFEU 218
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/00092

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE541.450	04/11/2014	
Amendments tabled in committee		PE544.322	08/12/2014	
Committee report tabled for plenary, 1st reading/single reading		A8-0008/2015	22/01/2015	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0023/2015	11/02/2015	Summary

European Commission			
Document type	**Reference**	**Date**	**Summary**
Legislative proposal	COM(2011)0911	21/12/2011	Summary

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Decision 2015/2355 OJ L 331 17.12.2015, p. 0014	Summary

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

2011/0447(NLE) - 22/01/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Heidi HAUTALA (Greens/EFA, FI) on the proposal for a Council decision on the declaration of acceptance by the Member States, in the interest of the European Union, of the accession of the Russian Federation to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

In the case of divorce, it may often be that the courts in both of the states concerned declare themselves competent, with each of them awarding custody of the child to the parent who is a national of their state.

The purpose of the Convention is to resolve such situations at an international level, by establishing that the competent courts and applicable laws are those of the **state of residence of the child**. The Convention also introduces a system which ensures the **immediate return of children who have been abducted**.

The EU now has exclusive external competence in this field as confirmed by the Court of Justice in Opinion 1/13. The Member States therefore no longer act on their own account.

The problem is that the Convention does not provide for autonomous action by international organisations. This has rendered necessary a Council Decision calling on Member States to accept – each in respect of their own territory – the accession of Russia to the Convention, and hence the effective entry into force of the Convention in cases involving the EU and that country. Children with links to the Russian community will thus be safeguarded against abduction.

Therefore, the committee recommended that the European Parliament approve the proposed Council Decision and approve the acceptance of the accession of Russia.

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

2011/0447(NLE) - 11/02/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 655 votes to 46, with 3 abstentions, a legislative resolution on the proposal for a Council decision on the declaration of acceptance by the Member States, in the interest of the European Union, of the accession of the Russian Federation to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Parliament approved the proposal for a Council decision and the acceptance of the accession.

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

2011/0447(NLE) - 10/12/2015 - Final act

PURPOSE: to authorise certain Member States to accept, in the interest of the EU, the accession of Russia to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

NON-LEGISLATIVE ACT : Council Decision (EU) 2015/2355 authorising certain Member States to accept, in the interest of the European Union, the accession of the Russian Federation to the 1980 Hague Convention on the Civil Aspects of International Child Abduction

CONTENT: by this Decision, the Member States that have not yet done so are authorised to **accept the accession of Russia to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction** ('the 1980 Hague Convention') in the interest of the Union.

The European Union has set as one of its aims the promotion of the protection of the rights of the child, as stated in Article 3 of the Treaty on European Union. Measures for the protection of children against wrongful removal or retention are an essential part of that policy.

Regulation (EC) No 2201/2003 complements and reinforces the 1980 Hague Convention, which establishes, at international level, a system of obligations and cooperation among contracting states and between central authorities and aims to ensure the prompt return of wrongfully removed or retained children.

The 1980 Hague Convention does not allow regional economic integration organisations such as the Union to become party to it. Therefore, the Union cannot accede to that Convention, nor can it deposit a declaration of acceptance of an acceding state. **All Member States of the Union are party to the 1980 Hague Convention.**

The Union encourages third states to accede to the 1980 Hague Convention. The Russian Federation deposited its instrument of accession to the 1980 Hague Convention on 28 July 2011. **The 1980 Hague Convention entered into force for Russia on 1 October 2011.**

Several Member States have already accepted the accession of Russia to the 1980 Hague Convention. An assessment of the situation in this country has led to the conclusion that those Member States that have not yet accepted the accession of Russia, are in a position to accept, in the interest of the Union, the accession of this country under the terms of the 1980 Hague Convention.

ENTRY INTO FORCE: 18.12.2015.

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

2011/0447(NLE) - 21/12/2011 - Legislative proposal

PURPOSE: to adopt, in the interest of the EU, a declaration of acceptance by the Member States, of the accession of **Russia** to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

PROPOSED ACT: Council Decision.

BACKGROUND: the aim of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, to date ratified by 86 countries, including all EU Member States, is to **restore the status quo by mean of the prompt return of wrongfully removed or retained children** through a system of cooperation among central authorities appointed by its Contracting Parties.

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 Convention and encourages third States to accede it. In particular, the Commission has always stressed the need for the Russian Federation to accede to the 1980 Hague Convention in order to rely on a common legal framework EU-Russia to deal with cases of child abduction.

The issue was discussed for several years at different levels, namely in the context of the EU-Russia Permanent Partnership Council on Justice, Freedom and Security, and finally Russia decided to deposit the accession instrument to the 1980 Convention on 28 July 2011. The Convention entered into force in Russia on 1 October 2011.

Article 38(4) of the 1980 Convention stipulates that the Convention applies between the acceding country and such Contracting States as will have declared their acceptance of the accession. Therefore, **the European Union has to decide whether to accept the accession of Russia**, and when affirmative, the Member States should make the declaration of acceptance concerning Russia's accession in the interest of the European Union.

This is the purpose of the proposal.

The decision whether the Member States should accept Russia's accession to the 1980 Convention has to be taken by means of a Council Decision, adopted unanimously after consulting the European Parliament.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 218 and 81(3) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the Commission proposes that Member States deposit simultaneously, and no later than two months from the date of adoption, a declaration of acceptance of the accession of Russia to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction in the interest of the European Union.

Exclusive external competence of the EU: in accordance with the jurisprudence of the Court of Justice, the matter of international child abduction falls into the **exclusive external competence of the EU**, because of the adoption of internal Union legislation by means of Council Regulation (EC) No 2201 /2003 of concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility (the Brussels IIa Regulation), which applies between Member States from 1 March 2005. The Regulation introduces even stricter rules than the 1980 Hague Convention on parental child abduction, particularly in Article 11 of the Regulation. It refers directly to the Hague Convention and upholds its principles in European Union law.

Simultaneous adoption: the 1980 Convention was adopted more than 20 years before the Brussels IIa Regulation and thus **does not contain any provision allowing the accession of International Organisations like the European Union**. Member States have to ratify or accede to the Convention in the interest of the European Union.

Therefore, the Member States should declare, in the interest of the European Union, the acceptance regarding Russia's accession to the 1980 Hague Convention. For the sake of coherence and uniformity of Union law, Member States, within a time frame established by the Council Decision, should make this declaration of acceptance simultaneously. The Commission proposes **no later than 2 months after the adoption of the Council Decision.**

Central Authority: it is crucial for the practical application of the 1980 Convention that a Contracting Party designates a Central Authority to discharge the duties which are imposed by the Convention upon such authorities. All Member States have designated Central Authorities under the 1980 Convention. To date, Russia has not yet designated the Central Authority that is needed to assist the European citizens in cases of wrongful removal of children to Russia. Therefore, it is desirable that the **declaration of acceptance of the accession of Russia to the 1980 Convention takes effect upon the designation of the Central Authority by Russia**.

Territorial provisions: in accordance with Articles 1 and 2 of the Protocol on the position of Denmark, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

BUDGETARY IMPLICATION: the proposal has no implication for the EU budget.