Basic information

2011/0450(NLE) NLE - Non-legislative enactments Decision	Procedure completed
Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Singapore **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** Singapore	

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

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	3396	2015-06-15

European Commission	Commission DG	Commissioner
	Justice and Consumers	REDING Viviane

Key events

Date	Event	Reference	Summary
21/12/2011	Legislative proposal published	COM(2011)0915	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	A8-0003/2015	Summary
10/02/2015	Debate in Parliament		
11/02/2015	Decision by Parliament	T8-0025/2015	Summary
11/02/2015	Results of vote in Parliament		
15/06/2015	Act adopted by Council after consultation of Parliament		
15/06/2015	End of procedure in Parliament		
30/06/2015	Final act published in Official Journal		

Technical information

Procedure reference	2011/0450(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/8/00098

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE541.452	04/11/2014	
Amendments tabled in committee		PE544.317	08/12/2014	
Committee report tabled for plenary, 1st reading/single reading		A8-0003/2015	22/01/2015	Summary

Text adopted by Parliament, 1st reading/single reading		T8-0025/2015	11/02/2015	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2011)0915	21/12/2011	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2015/1024
OJ L 163 30.06.2015, p. 0032 Summary

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

2011/0450(NLE) - 11/02/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 659 votes to 41, with 8 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 Singapore 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 Singapore

2011/0450(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 Singapore to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

The Convention introduces a system of cooperation between the contracting states aimed at settling cases 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 Singapore 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 Singapore 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 Singapore. Members considered that the accession of Singapore is to be welcomed given the close economic ties the EU has with Singapore.

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

2011/0450(NLE) - 15/06/2015 - Final act

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

NON-LEGISLATIVE ACT: Council Decision (EU) 2015/1024 authorising certain Member States to accept, in the interest of the European Union, the accession of Singapore to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

CONTENT: under this Decision, the Member States that have not yet done so are hereby authorised to **accept the accession of Singapore to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction 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.

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 and supports the correct implementation of it.

Singapore has deposited its instrument of accession to the 1980 Hague Convention on 28 December 2010. That Convention entered into force for Singapore on 1 March 2011.

Several Member States have already accepted the accession of Singapore to the 1980 Hague Convention. The Member States that have not yet accepted the accession of Singapore should therefore be authorised to deposit their declarations of acceptance of accession of Singapore in the interest of the Union in accordance with the terms set out in this Decision.

Belgium, the Czech Republic, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Latvia, Lithuania, Malta, Slovakia and Sweden which have already accepted the accession of Singapore to the 1980 Hague Convention should not deposit new declarations of acceptance as the existing declarations remain valid under public international law.

To recall, the Union adopted Council Regulation (EC) No 2201/2003 ('Brussels IIa Regulation'), which aims to protect children from the harmful effects of their 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 United Kingdom and Ireland are bound by Regulation (EC) No 2201/2003 and are taking part in the adoption and application of this Decision. Denmark, on the other hand, is not taking part in its adoption.

ENTRY INTO FORCE: 1.7.2015.

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

2011/0450(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 **Singapore** 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.

Singapore deposited the accession instrument to the 1980 Convention on 28 December 2010. The Convention entered into force in Singapore on 1 March 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 Singapore**, and when affirmative, Member States should make the declaration of acceptance concerning Singapore's accession in the interest of the European Union.

This is the purpose of this draft decision.

The decision whether the Member States should accept Singapore'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 Singapore 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. Only sovereign States may be party to it (the EU cannot accede to it, neither deposit its declaration of acceptance of the Singapore's accession). Therefore, the Member States should declare, in the interest of the European Union, the acceptance regarding Singapore'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. Singapore has also designated the Central Authority that is needed to assist the European citizens in cases of wrongful removal of children to Singapore.

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.