Basic information

2016/0169(NLE) NLE - Non-legislative enactments	Awaiting final decision
Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Kazakhstan, acceptance by certain Member States **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** Kazakhstan	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	DZHAMBAZKI Angel (ECR)	11/07/2016
	Shadow rapporteur RADEV Emil (PPE)	

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	

Council of the European Union

European Commission

Commission DG	Commissioner
Justice and Consumers	JOUROVÁ Věra

Key events

Date	Event	Reference	Summary
07/06/2016	Legislative proposal published	COM(2016)0368	Summary
04/07/2016	Committee referral announced in Parliament		
26/09/2016	Vote in committee		

28/09/2016	Committee report tabled for plenary, 1st reading/single reading	A8-0268/2016	
05/10/2016	Decision by Parliament	T8-0373/2016	Summary
05/10/2016	Results of vote in Parliament		

Technical information	
Procedure reference	2016/0169(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Legal basis	Treaty on the Functioning of the European Union TFEU 218 Treaty on the Functioning of the European Union TFEU 081-p3
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Awaiting final decision
Committee dossier	JURI/8/06792

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE587.432	18/07/2016	
Committee report tabled for plenary, 1st reading/single reading		A8-0268/2016	28/09/2016	
Text adopted by Parliament, 1st reading/single reading		T8-0373/2016	05/10/2016	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2016)0368	07/06/2016	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Kazakhstan, acceptance by certain Member States

2016/0169(NLE) - 05/10/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 642 votes to 4, with 17 abstentions, a legislative resolution on the proposal for a Council decision authorising certain Member States to accept, in the interest of the European Union, the accession of Kazakhstan to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

In line with the recommendation made by Committee on Legal Affairs, Parliament **approved, without amendment, the authorisation** for certain Member States to accept, in the interest of the European Union, **the accession of Kazakhstan to the 1980 Hague Convention on the Civil Aspects of International Child Abduction**.

In brief, the EU now has exclusive external competence in this field as confirmed by the Court of Justice in Opinion 1/13 of 14 October 2014. Following the accession of Kazakhstan to the Convention, a Council decision is therefore necessary to authorise the Member States (except Denmark, which is excluded from the Union's civil justice policy, and the Netherlands, which have already accepted the accession of Kazakhstan) to accept that accession.

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Kazakhstan, acceptance by certain Member States

2016/0169(NLE) - 07/06/2016 - Legislative proposal

PURPOSE: to authorise certain Member States to accept, in the interest of the European Union, the accession of Kazakhstan 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 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.

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) which is the cornerstone of EU judicial cooperation in matrimonial matters and matters of parental responsibility. It complements and reinforces the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction 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 has been ratified by 93 countries, including all EU Member States. **The Convention entered into force in Kazakhstan on 1 September 2013**. Only the Kingdom of the Netherlands has already accepted the accession of Kazakhstan to the 1980 Hague Convention.

At the international level, **the European Union supports the accession of third States** to the 1980 Convention in order for its Member States to rely upon a common legal framework to deal with international child abductions. An assessment of the situation in Kazakhstan has led to the conclusion that those Member States that have not yet accepted the accession of Kazakhstan are in a position to accept, in the interest of the Union, the accession of Kazakhstan under the terms of the 1980 Hague Convention.

CONTENT: this proposal for a Council Decision seeks to ensure that the **1980 Hague Convention on the Civil Aspects of International Child Abduction enters into force between the Kazakhstan and all EU Member States.**

The Member States that have not yet done so are hereby authorised to accept the accession of Kazakhstan to the Hague Convention. The Netherlands has already accepted the accession of Kazakhstan to the 1980 Hague Convention and should therefore not deposit a new declaration of acceptance as the existing declaration remains valid under public international law.

Beside the general objective of developing judicial cooperation in civil matters having cross-border implications, the present proposal is linked to the general objective enshrined in Article 3 of the Treaty on the European Union to protect the rights of the child. The proposal is also consistent with the promotion of the use of mediation in the settlement of cross-border family disputes. The Directive on certain aspects of mediation in civil and commercial matters applies, among other matters, to family law within the common European judicial area.

The United Kingdom and Ireland are bound by Regulation (EC) No 2201/2003 and are therefore taking part in the adoption and application of this Decision. Denmark, however, shall not be taking part in it.