Basic information

2017/0149(NLE) NLE - Non-legislative enactments	Procedure completed
Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of San Marino; acceptance by Croatia, the Netherlands, Portugal and Romania **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** San Marino	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	DZHAMBAZKI Angel (ECR)	12/07/2017
	Shadow rapporteur ZWIEFKA Tadeusz (PPE) HONEYBALL Mary (S&D) CAVADA Jean-Marie (ALDE)	

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
03/07/2017	Legislative proposal published	COM(2017)0359	Summary

11/09/2017	Committee referral announced in Parliament		
21/11/2017	Vote in committee		
22/11/2017	Committee report tabled for plenary, 1st reading/single reading	A8-0360/2017	Summary
30/11/2017	Decision by Parliament	T8-0466/2017	Summary
30/11/2017	Results of vote in Parliament		
18/12/2017	Act adopted by Council after consultation of Parliament		
18/12/2017	End of procedure in Parliament		
29/12/2017	Final act published in Official Journal		

Technical information

Procedure reference	2017/0149(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
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/8/10426

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE609.351	11/09/2017	
Committee report tabled for plenary, 1st reading/single reading		A8-0360/2017	22/11/2017	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0466/2017	30/11/2017	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2017)0359	03/07/2017	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2017/2463
OJ L 348 29.12.2017, p. 0041 Summary

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of San Marino; acceptance by Croatia, the Netherlands, Portugal and Romania

2017/0149(NLE) - 03/07/2017 - Legislative proposal

PURPOSE: to authorise Croatia, the Netherlands, Portugal and Romania to accept the accession of San Marino 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 1980 Hague Convention** has been ratified by 97 countries, including all EU Member States. It aims 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.

The 1980 Hague Convention stipulates that it applies between the acceding state and such contracting states as have declared their acceptance of the accession.

As the matter of international child abduction falls within the **exclusive external competence of the European Union**, the decision whether to accept the accession of San Marino has to be taken at EU level by means of a Council Decision.

San Marino deposited its instrument of accession to the 1980 Hague Convention on 14 December 2006.

The Convention is already into force with 23 Member States. Croatia, the Netherlands, Portugal and Romania, consulted by the Commission on their willingness to accept the accession of San Marino to the 1980 Convention, gave a favourable opinion.

Croatia, the Netherlands, Portugal and Romania should therefore be authorised to deposit their declarations of acceptance of the accession of San Marino in the interest of the Union.

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). One of its main objectives is to deter child abduction between Member States by establishing procedures to ensure the child's prompt return to the Member State of his/her habitual residence.

Ten Council Decisions have been already adopted between June 2015 and December 2016 in order to accept the accession to the 1980 Hague Convention on International Child Abduction of 10 third countries (Morocco, Singapore, Russia, Albania, Andorra, the Seychelles, Armenia, the Republic of Korea, Kazakhstan and Peru).

CONTENT: with this proposal for a decision, the Council is invited to adopt a decision **authorising Croatia, the Netherlands, Portugal and Romania to accept the accession of San Marino to the Hague Convention of 25 October 1980** on the Civil Aspects of International Child Abduction in the interest of the Union.

Croatia, the Netherlands, Portugal and Romania shall, no later than 12 months after the date of adoption of this Decision, deposit a declaration of acceptance of the accession of San Marino.

The United Kingdom and Ireland are bound by Regulation (EC) No 2201/2003 and therefore participate in the adoption and application of this Decision.

The acceptance of Croatia, the Netherlands, Portugal and Romania would render the 1980 Convention applicable between San Marino and all EU Member States except Denmark.

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of San Marino; acceptance by Croatia, the Netherlands, Portugal and Romania

2017/0149(NLE) - 30/11/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 615 to 2, with 27 abstentions, a European Parliament legislative resolution on the proposal for a Council decision authorising Croatia, the Netherlands, Portugal and Romania to accept, in the interest of the European Union, the accession of San Marino to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

In line with the recommendation made by its Committee on Legal Affairs, Parliament **approved** the authorisation for Croatia, the Netherlands, Portugal and Romania to accept, in the interest of the European Union, the **accession of San Marino** to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

The acceptance of Croatia, the Netherlands, Portugal and Romania would render the 1980 Convention applicable between San Marino and all EU Member States except Denmark.

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of San Marino; acceptance by Croatia, the Netherlands, Portugal and Romania

2017/0149(NLE) - 22/11/2017 - Committee report tabled for plenary, 1st reading/single reading

The Legal Affairs Committee adopted the report by Angel DZHAMBAZKI (ECR, BG) on the proposal for a Council decision authorising Croatia, the Netherlands, Portugal and Romania to accept, in the interest of the European Union, the accession of San Marino to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

The committee recommended that Parliament **approve** the authorisation for Croatia, the Netherlands, Portugal and Romania to accept, in the interest of the European Union, **the accession of San Marino** to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

As recalled in the explanatory memorandum accompanying the report, the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction has been ratified by all the Member States of the European Union.

In cases of international child abduction following a separation or a divorce and the mother and father are from different states, 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.

- **San Marino** deposited the accession instrument to the 1980 Hague Convention on 14 December 2006. **The 1980 Hague Convention entered into force for San Marino on 1 March 2007**. The 1980 Convention is already into force between San Marino and the overwhelming majority of the EU Member States. Only Croatia, Denmark, the Netherlands, Portugal and Romania have not yet accepted the accession of San Marino to the Convention.

The acceptance of Croatia, the Netherlands, Portugal and Romania would render the 1980 Convention applicable between San Marino and all EU Member States except Denmark.

The accession of San Marino to the Convention is to be welcomed. Your rapporteur fully supports this, as children with links to this community will thus be safeguarded against abduction.

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of San Marino; acceptance by Croatia, the Netherlands, Portugal and Romania

2017/0149(NLE) - 18/12/2017 - Final act

PURPOSE: to authorise Croatia, the Netherlands, Portugal and Romania to accept the accession of San Marino to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

NON-LEGISLATIVE ACT: Council Decision (EU) 2017/2463 authorising Croatia, the Netherlands, Portugal and Romania to accept, in the interest of the European Union, the accession of San Marino to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

CONTENT: the Council Decision **authorises Croatia, the Netherlands, Portugal and Romania to accept, in the interests of the Union, the accession of San Marino to the 1980 Hague Convention**.

Croatia, the Netherlands, Portugal and Romania shall be authorised to deposit their declarations of acceptance for the accession of San Marino by **19 December 2018 at the latest**.

The 1980 Hague Convention on the Civil Aspects of International Child Abduction establishes, at international level, a system of obligations and cooperation among contracting states and between central authorities and aims at ensuring the prompt return of wrongfully removed or retained children. All the Member States of the Union are parties to the Convention.

At EU level, Regulation (EC) No 2201/2003 (Brussels IIa Regulation) complements and reinforces the 1980 Hague Convention.

The Union encourages third states to accede to the 1980 Hague Convention.

The existence of the **exclusive competence of the European Union** to accept the accession of a third State to the 1980 Convention has been confirmed by the Court of Justice of the European Union.

San Marino deposited its instrument of accession to the 1980 Hague Convention on 14 December 2006. The Convention is already in force with 23 Member States in respect of San Marino.

An assessment of the situation in San Marino led to the conclusion that Croatia, the Netherlands, Portugal and Romania are in a position to accept the accession of these countries to the Convention.

The United Kingdom and Ireland shall be bound by the Brussels IIa Regulation and participate in the adoption and application of the Decision. Denmark shall not be bound by this Decision.

ENTRY INTO FORCE: the Decision shall take effect on the day of its notification.