Basic information

2017/0153(NLE) NLE - Non-legislative enactments	Procedure completed
Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Panama, Uruguay, Colombia and El Salvador; acceptance by Austria 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** Colombia El Salvador Panama Uruguay	

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

05/07/2017	Legislative proposal published	COM(2017)0369	Summary
11/09/2017	Committee referral announced in Parliament		
21/11/2017	Vote in committee		
23/11/2017	Committee report tabled for plenary, 1st reading/single reading	A8-0362/2017	Summary
30/11/2017	Decision by Parliament	T8-0465/2017	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	2017/0153(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/8/10450

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE609.353	11/09/2017	
Committee report tabled for plenary, 1st reading/single reading		A8-0362/2017	23/11/2017	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0465/2017	30/11/2017	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2017)0369	05/07/2017	Summary

Additional information

Source	Document	Date

European Commission	EUR-Lex	

Final act

Decision 2017/2464
OJ L 348 29.12.2017, p. 0043 Summary

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Panama, Uruguay, Colombia and El Salvador; acceptance by Austria and Romania

2017/0153(NLE) - 05/07/2017 - Legislative proposal

PURPOSE: to authorise Austria and Romania to accept the accession of Panama, Uruguay, Colombia and El Salvador 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 Convention stipulates that the Convention applies between the acceding country and such Contracting States as will 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 **Panama, Uruguay, Colombia and El Salvador** has to be taken at EU level by means of a Council Decision.

Panama, Uruguay, Colombia and El Salvador respectively deposited the accession instrument to the Convention on 2 February 1994, 18 November 1999, 13 December 1995 and 5 February 2001.

The Convention is already into force with 26 Member States in relation to Panama and with 25 Member States in relation to Uruguay, Colombia and El Salvador. Austria and Romania, consulted by the Commission on their willingness to accept the accession of Panama, Uruguay, Colombia and El Salvador to the 1980 Convention, gave a favourable opinion.

Austria and Romania should therefore be authorised to deposit their declaration of acceptance of the accession of Panama, Uruguay, Colombia and El Salvador 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 Austria and Romania to accept the accession of Panama, Uruguay, Colombia and El Salvador to the 1980 Hague Convention in the interest of the Union.**

Austria 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 these countries.

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 Austria and Romania would render the 1980 Convention applicable between Uruguay, Colombia, El Salvador and all EU Member States except Denmark. In relation to Panama the 1980 Convention will become applicable with all EU Member States.

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Panama, Uruguay, Colombia and El Salvador; acceptance by Austria and Romania

2017/0153(NLE) - 30/11/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 611 votes to 2, with 28 abstentions, a legislative resolution of the European Parliament on the proposal for a Council decision authorising Austria and Romania to accept, in the interest of the European Union, the accession of Panama, Uruguay, Colombia and El Salvador 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 Austria and Romania to accept, in the interest of the European Union, **the accession of Panama, Uruguay, Colombia and El Salvador** to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

The acceptance of Austria and Romania would render the 1980 Convention applicable between Uruguay, Colombia, El Salvador and all EU Member States except Denmark. In relation to Panama the 1980 Convention will become applicable with all EU Member States.

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Panama, Uruguay, Colombia and El Salvador; acceptance by Austria and Romania

2017/0153(NLE) - 18/12/2017 - Final act

PURPOSE: to authorise Austria and Romania to accept the accession of Panama, Uruguay, Colombia and El Salvador to the 1980 Hague Convention on the Civil Aspects of International Abduction children.

NON-LEGISLATIVE ACT: Council Decision (EU) 2017/2464 authorising Austria and Romania to accept, in the interest of the European Union, the accession of Panama, Uruguay, Colombia and El Salvador to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

CONTENT: the Council Decision **authorises Austria and Romania to accept, in the interest of the Union, the accession of Panama, Uruguay, Colombia and El Salvador to the 1980 Hague Convention**.

Austria and Romania should therefore be authorised to deposit their declarations of acceptance of these four countries **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.

Panama, Uruguay, Colombia and El Salvador respectively deposited the instrument of accession to the Convention on 2 February 1994, 18 November 1999, 13 December 1995 and 5 February 2001. The Convention is already in force with 26 Member States for Panama and with 25 Member States for Uruguay, Colombia and El Salvador.

An assessment of the situation in El Salvador has led to the conclusion that Austria and Romania are in a position to accept the accession of El Salvador under the terms of the 1980 Hague 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.

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Panama, Uruguay, Colombia and El Salvador; acceptance by Austria and Romania

2017/0153(NLE) - 23/11/2017 - 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 on the proposal for a Council decision authorising Austria and Romania to accept, in the interest of the European Union, the accession of Panama, Uruguay, Colombia and El Salvador to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

The committee recommended that Parliament approve the authorisation for Austria and Romania to accept, in the interest of the European Union, the **accession of Panama, Uruguay, Colombia and El Salvador** 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.

- **Panama** deposited the accession instrument to the 1980 Convention on 2 February 1994. The Convention entered into force in Panama on 1 May 1994. The 1980 Convention is already into force between Panama and 26 EU Member States. Only Austria and Romania have not yet accepted the accession of Panama to the Convention.
- **Uruguay** deposited the accession instrument to the 1980 Convention on 18 November 1999. The Convention entered into force in Uruguay on 1 February 2000. The 1980 Convention is already into force between Uruguay and 25 Member States. Only Austria, Denmark and Romania have not yet accepted the accession of Uruguay to the Convention.
- **Colombia** deposited the accession instrument to the 1980 Convention on 13 December 1995. The Convention entered into force in Colombia on 1 March 1996. The 1980 Convention is already into force between Colombia and 25 EU Member States. Only Austria, Denmark and Romania have not yet accepted the accession of Colombia to the Convention.

- **El Salvador deposited** the accession instrument to the 1980 Convention on 5 February 2001. The Convention entered into force in El Salvador on 1 May 2001. The 1980 Convention is already into force between El Salvador and 25 EU Member States. Only Austria, Denmark and Romania have not yet accepted the accession of El Salvador to the Convention.

The acceptance of Austria and Romania would render the 1980 Convention applicable between Uruguay, Colombia, El Salvador and all EU Member States except Denmark. In relation to Panama the 1980 Convention will become applicable with all EU Member States.

The accession of Panama, Uruguay, Colombia and El Salvador to the Convention is to be welcomed. Your rapporteur therefore proposes that Parliament approve the proposal without amendment, in order to ensure that EU-wide protection is afforded to the children in question.