Basic information

2018/0276(NLE) NLE - Non-legislative enactments Decision	Procedure completed
Hague Convention on the Civil Aspects of International Child Abduction (1980): accession of the Dominican Republic; acceptance by Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom **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** Dominican Republic	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	HONEYBALL Mary (S&D)	24/09/2018
	Shadow rapporteur RADEV Emil (PPE) DZHAMBAZKI Angel (ECR)	

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	3672	2019-02-18

European Commission

Commission DG	Commissioner
Justice and Consumers	JOUROVÁ Věra

Key events

Date	Event	Reference	Summary
06/07/2018	Legislative proposal published	COM(2018)0526	Summary
10/09/2018	Committee referral announced in Parliament		
06/12/2018	Vote in committee		

10/12/2018	Committee report tabled for plenary, 1st reading/single reading	A8-0451/2018	Summary
31/01/2019	Decision by Parliament	T8-0049/2019	Summary
31/01/2019	Results of vote in Parliament		
18/02/2019	Act adopted by Council after consultation of Parliament		
18/02/2019	End of procedure in Parliament		
22/02/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/0276(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-p6b-ab
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/14024

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE630.374	06/11/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0451/2018	10/12/2018	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0049/2019	31/01/2019	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2018)0526	06/07/2018	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2019/0305
OJ L 051 22.02.2019, p. 0009 Summary

Hague Convention on the Civil Aspects of International Child Abduction (1980): accession of the Dominican Republic; acceptance by Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom

2018/0276(NLE) - 31/01/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 616 votes to 17, with 14 abstentions, a legislative resolution on the proposal for a Council decision authorising Austria, Croatia, Cyprus, Luxembourg, Portugal, Romania and the United Kingdom to accept, in the interest of the European Union, the accession of the Dominican Republic to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Parliament approved the authorisation granted to Austria, Cyprus, Croatia, Cyprus, Luxembourg, Portugal, Romania and the United Kingdom to accept, in the interest of the European Union, the accession of the Dominican Republic to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

The acceptance of Austria, Cyprus, Croatia, Cyprus, Luxembourg, Portugal, Romania and the United Kingdom, in the interest of the European Union, will make the 1980 Convention applicable between the Dominican Republic and all EU Member States with the exception of Denmark.

Hague Convention on the Civil Aspects of International Child Abduction (1980): accession of the Dominican Republic; acceptance by Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom

2018/0276(NLE) - 18/02/2019 - Final act

PURPOSE: to authorise Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom to accept, in the interest of the European Union, the accession of the Dominican Republic to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the 1980 Convention).

NON-LEGISLATIVE ACT: Council Decision (EU) 2019/305 authorising Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom to accept, in the interest of the European Union, the accession of the Dominican Republic to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

CONTENT: under this Council Decision, Austria, Croatia, Cyprus, Cyprus, Luxembourg, Portugal, Romania and the United Kingdom are hereby authorised to accept, in the interest of the Union, the accession of the Dominican Republic to the 1980 Hague Convention. The Member States concerned must submit, by 19 February 2020 at the latest, a declaration of acceptance of the Dominican Republic's accession to the Convention in the interest of the Union.

The 1980 Hague Convention establishes, at the international level, a system of obligations and cooperation between Contracting States and between central authorities and aims to ensure the immediate return of wrongfully removed or retained children. All EU Member States are parties to the Convention.

Regulation (EC) No 2201/2003 (‘Brussels II bis’ Regulation) complements and reinforces the 1980 Hague Convention. It aims to protect children from the harmful effects of 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 European Union has set as one of its aims the promotion of the protection of the rights of the child. Measures for the protection of children against wrongful removal or retention are an essential part of that policy. In this context, the Union encourages third States to accede to the 1980 Hague Convention and supports the proper implementation of the Convention.

In its Opinion 1/13 of the Court of Justice of the European Union, it was stated that the exclusive competence of the European Union. The decision whether to accept the accession of the Dominican Republic has to be taken at EU level by means of a Council Decision.

The Dominican Republic deposited its accession instrument to the 1980 Hague Convention on 11 August 2004. The 1980 Hague Convention entered into force for the Dominican Republic on 1 November 2004. Consulted by the Commission, Austria, Croatia, Cyprus, Cyprus, Luxembourg, Portugal, Romania and the United Kingdom have issued a favourable opinion on the Dominican Republic's accession to the Convention.

The acceptance of Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom would render the 1980 Convention applicable between the Dominican Republic and all EU Member States except Denmark.

The United Kingdom and Ireland are bound by the Brussels IIa Regulation and are therefore taking part in the adoption and application of this Decision.

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

Hague Convention on the Civil Aspects of International Child Abduction (1980): accession of the Dominican Republic; acceptance by Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom

2018/0276(NLE) - 06/07/2018 - Legislative proposal

PURPOSE: to authorise Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom to accept, in the interest of the European Union, the accession of the Dominican Republic to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the 1980 Convention).

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 Convention** has been ratified by 98 countries including all EU Member States. Its purpose is to **restore the status quo by means 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.

In its Opinion 1/13 of the Court of Justice of the European Union, it was stated that the **exclusive competence of the European Union**. The decision whether to accept the accession of the Dominican Republic has to be taken at EU level by means of a Council Decision.

The Dominican Republic deposited the accession instrument to the 1980 Convention on 11 August 2004. The 1980 Convention is already into force between the Dominican Republic and 20 EU Member States. Austria, Cyprus, Croatia, Denmark, Luxembourg, Portugal, Romania and the United Kingdom have not yet accepted the accession of the Dominican Republic to the Convention.

As regards parental abduction, the 1980 Convention is the international counterpart to Council Regulation No 2201/2003 (Brussels IIa Regulation), one of the main objectives of which is to discourage parents from abducting their children to another Member State by establishing procedures which ensure the immediate return of the child to the Member State of his or her habitual residence.

14 Council Decisions have been already adopted between June 2015 and December 2017 in order to accept the accession to the 1980 Hague Convention on International Child Abduction of 20 third countries (Morocco, Singapore, the Russian Federation, Albania, Andorra, the Seychelles, Armenia, the Republic of Korea, Kazakhstan, Peru, Georgia, South Africa, Chile, Iceland, the Bahamas, Panama, Uruguay, Colombia, El Salvador and San Marino).

CONTENT: the Commission proposes that the Council adopt a decision **authorising Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom to accept, in the interest of the European Union, the accession of the Dominican Republic to the 1980 Hague Convention**.

The present proposal is evidently linked to the general objective enshrined in Article 3 of the Treaty on the European Union to protect the rights of the child.

Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom should submit its declaration of acceptance at the latest 12 months after the date of adoption of this Decision.

The United Kingdom and Ireland are bound by the Brussels IIa Regulation and are therefore taking part in the adoption and application of this Decision.

The acceptance of Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom would render the 1980 Convention applicable between the Dominican Republic and all EU Member States except Denmark.

Hague Convention on the Civil Aspects of International Child Abduction (1980): accession of the Dominican Republic; acceptance by Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom

2018/0276(NLE) - 10/12/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Mary HONEYBALL (S&D, UK) on the proposal for a Council decision authorising Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom to accept, in the interest of the European Union, the accession of the Dominican Republic to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

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 the Dominican Republic has to be taken at EU level by means of a Council Decision. Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom should thus make the declaration of acceptance concerning the accession of the Dominican Republic in the interest of the European Union.

The acceptance of Austria, Cyprus, Croatia, Luxembourg, Portugal, Romania and the United Kingdom, in the interest of the European Union would render the 1980 Convention applicable between the Dominican Republic and all EU Member States except Denmark.

The committee called on the European Parliament to approve the proposal without amendment, in order to ensure that EU-wide protection is afforded to the children in question.