

# Procedure file

Basic information		
CNS - Consultation procedure Decision	2003/0127(CNS)	Procedure completed
Civil judicial co-operation: parental responsibility and protection of children, 1996 The Hague Convention		
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		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Citizens' Freedoms and Rights, Justice and Home Affairs		09/07/2003
		PPE-DE <a href="#">HERMANGE Marie-Thérèse</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>JURI</b> Legal Affairs and Internal Market		07/07/2003
		PSE <a href="#">GEBHARDT Evelyne</a>	
	<b>FEMM</b> Women's Rights and Equal Opportunities		10/07/2003
		V/ALE <a href="#">AALTONEN Uma</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2783</a>	05/06/2008
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2529</a>	02/10/2003
European Commission	Commission DG	Commissioner	
	<a href="#">Justice and Consumers</a>	FRATTINI Franco	

Key events			
17/06/2003	Legislative proposal published	<a href="#">COM(2003)0348</a>	Summary
03/07/2003	Committee referral announced in Parliament		
30/09/2003	Vote in committee		Summary
30/09/2003	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A5-0319/2003</a>	
02/10/2003	Debate in Council	<a href="#">2529</a>	
20/10/2003	Debate in Parliament		

22/10/2003	Decision by Parliament	<a href="#">T5-0447/2003</a>	Summary
05/06/2008	Act adopted by Council after consultation of Parliament		
05/06/2008	End of procedure in Parliament		
11/06/2008	Final act published in Official Journal		

#### Technical information

Procedure reference	2003/0127(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 061; EC Treaty (after Amsterdam) EC 067; EC Treaty (after Amsterdam) EC 065
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/19724

#### Documentation gateway

Legislative proposal	<a href="#">COM(2003)0348</a>	17/06/2003	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A5-0319/2003</a>	30/09/2003	EP	
Text adopted by Parliament, 1st reading/single reading	<a href="#">T5-0447/2003</a> OJ C 082 01.04.2004, p. 0270-0307 E	22/10/2003	EP	Summary

#### Additional information

European Commission	<a href="#">EUR-Lex</a>
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#### Final act

<a href="#">Decision 2008/431</a> <a href="#">OJ L 151 11.06.2008, p. 0036</a> Summary
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## Civil judicial co-operation: parental responsibility and protection of children, 1996 The Hague Convention

**PURPOSE** : to authorise Member States to accede to the Hague Convention 1996. **CONTENT** : the Commission proposes that the Council exceptionally authorise the Member States to ratify or accede to the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children ("the Hague Convention"). The Hague Convention entered into force on 1 January 2002. It contains rules on jurisdiction, applicable law, recognition and enforcement of measures on parental responsibility and protection of children. The Convention only allows for accession by States. In accordance with the AETR case law of the Court of Justice on external competence, Member States are no longer free to conclude the Hague Convention on their own, since its provisions on jurisdiction, recognition and enforcement affect Community rules, as currently laid down in Council Regulation No. 1347/2000. Moreover, the Convention deals with matters covered by the future Regulation on matters of parental responsibility. It follows that competence to conclude the Convention is shared between the Community and the Member States. The present decision will allow Member States to ratify or accede to the Convention the interest of the Community.?

## Civil judicial co-operation: parental responsibility and protection of children, 1996 The Hague Convention

The committee adopted the report by Marie-Thérèse HERMANGE (PPE-DE, F) approving the proposal under the consultation procedure subject to a few amendments seeking to ensure that the Convention enters into force as early as possible.?

## Civil judicial co-operation: parental responsibility and protection of children, 1996 The Hague Convention

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The European Parliament adopted a resolution drafted by Marie-Therese HERMANGE (EPP-ED, France) by 508 votes in favour, 29 against and 6 abstentions. (Please see the summary of 30/09/03.) Parliament emphasised that the child's best interests are the primary consideration. Instruments of ratification should be deposited in Ireland not later than 30 June 2004.?

## Civil judicial co-operation: parental responsibility and protection of children, 1996 The Hague Convention

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[PURPOSE: to authorise certain Member States to accede to the 1996 Hague Convention.](#)

LEGISLATIVE ACT: Council Decision 2008/431/EC authorising certain Member States to ratify, or accede to, in the interest of the European Community, the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children and authorising certain Member States to make a declaration on the application of the relevant internal rules of Community law.

CONTENT: the Council adopted a decision authorising Belgium, Germany, Ireland, Greece, Spain, France, Italy, Cyprus, Luxembourg, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Finland, Sweden and the United Kingdom to ratify, or accede to, in the interest of the European Community, the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of parental responsibility and measures for the protection of children.

The decision also authorises certain Member States to make a declaration on the application of the relevant internal rules of Community law.

The abovementioned Member States shall take the necessary steps to deposit simultaneously their instruments of ratification or accession with the Ministry of Foreign Affairs of the Netherlands, if possible before 5 June 2010.

The Hague Convention stipulates that only sovereign states may be parties to this treaty.

The Council must therefore, on an exceptional basis, authorise Member States to ratify or accede to the Convention in the interest of the European Community.

Some Member States have already ratified, or acceded to, the Convention; They shall not be concerned by the present decision.

This decision authorises certain Member States - Bulgaria, Cyprus, Latvia, Malta, the Netherlands and Poland - to make a declaration concerning the application of the relevant internal rules of Community law.

The 1996 Hague Convention is a valuable contribution to the protection of children at international level. The objects of the present Convention are:

- to determine the State whose authorities have jurisdiction to take measures directed to the protection of the person or property of the child;
- to determine which law is to be applied by such authorities in exercising their jurisdiction;
- to determine the law applicable to parental responsibility;
- to provide for the recognition and enforcement of such measures of protection in all Contracting States;
- to establish such cooperation between the authorities of the Contracting States as may be necessary in order to achieve the purposes of this Convention.
- The United Kingdom and Ireland shall take part in the adoption and application of this Decision. Denmark, on the other hand, shall not take part in the adoption of this Decision and shall not be bound by it or subject to its application.