

Procedure file

Basic information			
NLE - Non-legislative enactments Decision	2011/0441(NLE)	Awaiting final decision	
Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Gabon			
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 Gabon			

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs	 HAUTALA Heidi	03/09/2014
		Shadow rapporteur	
		 ZWIEFKA Tadeusz	
		 HONEYBALL Mary	
		 DZHAMBAZKI Angel	
		 CAVADA Jean-Marie	
Former committee responsible JURI Legal Affairs			
Former committee for opinion LIBE Civil Liberties, Justice and Home Affairs			
Council of the European Union European Commission	Commission DG Justice and Consumers	Commissioner REDING Viviane	

Key events			
21/12/2011	Legislative proposal published	COM(2011)0904	Summary
24/11/2014	Committee referral announced in Parliament		

20/01/2015	Vote in committee		
22/01/2015	Committee report tabled for plenary, 1st reading/single reading	A8-0007/2015	Summary
10/02/2015	Debate in Parliament		
11/02/2015	Results of vote in Parliament		
11/02/2015	Decision by Parliament	T8-0020/2015	Summary

Technical information	
Procedure reference	2011/0441(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 081-p3; Treaty on the Functioning of the EU TFEU 218
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Awaiting final decision
Committee dossier	JURI/8/00088

Documentation gateway					
Legislative proposal		COM(2011)0904	21/12/2011	EC	Summary
Committee draft report		PE541.445	04/11/2014	EP	
Amendments tabled in committee		PE544.323	08/12/2014	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0007/2015	22/01/2015	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0020/2015	11/02/2015	EP	Summary

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Gabon

PURPOSE: to adopt, in the interest of the EU, a declaration of acceptance by the Member States of the accession of Gabon to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

PROPOSED ACT: Council Decision.

BACKGROUND: the aim of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, to date ratified by 86 countries, including all EU Member States, is 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.

Gabon deposited the accession instrument to the 1980 Convention on 6 December 2010. The Convention entered into force in Gabon on 1 March 2011.

Article 38(4) of 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. Therefore, the EU has to decide whether to accept the accession of Gabon, and if so, Member States must make the declaration of acceptance concerning Gabon's accession in the interest of the European Union.

This is the purpose of the proposal.

The decision whether the Member States should accept Gabon's accession to the 1980 Convention has to be taken by means of a Council Decision, adopted unanimously after consulting the European Parliament.

IMPACT ASSESSMENT: no impact assessment has been undertaken.

LEGAL BASIS: Article 218 and 81(3) TFEU.

CONTENT: the Commission proposes that Member States deposit simultaneously, and no later than two months from the date of adoption, a declaration of acceptance of the accession of Gabon to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction in the interest of the European Union.

Exclusive external competence of the EU: in accordance with the jurisprudence of the Court of Justice, the matter of international child abduction falls into the exclusive external competence of the EU, because of the adoption of internal Union legislation by means of Council Regulation (EC) No 2201/2003 of concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility (the Brussels IIA Regulation), which applies between Member States from 1 March 2005. The Regulation introduces even stricter rules than the 1980 Hague Convention on parental child abduction, particularly in Article 11 of the Regulation. It refers directly to the Hague Convention and upholds its principles in European Union law.

Simultaneous adoption: the 1980 Convention was adopted more than 20 years before the Brussels IIA Regulation and thus does not contain any provision allowing the accession of International Organisations like the European Union. Member States have to ratify or accede to the Convention in the interest of the European Union.

Therefore, the Member States should declare, in the interest of the European Union, the acceptance regarding Gabon's accession to the 1980 Hague Convention. For the sake of coherence and uniformity of Union law, this declaration of acceptance should be made simultaneously by the Member States within a time frame established by the Council Decision. The Commission proposes no later than 2 months after the adoption of the Council Decision.

Central authority: it is crucial for the practical application of the 1980 Convention that a Contracting Party designates a Central Authority to discharge the duties which are imposed by the Convention upon such authorities. All Member States have designated Central Authorities under the 1980 Convention. To date, Gabon has not yet designated the Central Authority that is needed to assist the European citizens in cases of wrongful removal of children to Gabon. Therefore, it is desirable that the declaration of acceptance of the accession of Gabon to the 1980 Convention takes effect upon the designation of the Central Authority by Gabon.

Territorial provisions: in accordance with Articles 1 and 2 of the Protocol on the position of Denmark, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

BUDGETARY IMPLICATIONS: the proposal has no implication for the European Union budget.

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Gabon

The Committee on Legal Affairs adopted the report by Heidi HAUTALA (Greens/EFA, FI) on the proposal for a Council decision on the declaration of acceptance by the Member States, in the interest of the European Union, of the accession of Gabon to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

The Convention introduces a system of cooperation between the contracting states aimed at settling cases of international child abduction.

In the case of divorce, 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 in Opinion 1/13. The Member States therefore no longer act on their own account.

The problem is that the Convention does not provide for autonomous action by international organisations. This has rendered necessary a Council Decision calling on Member States to accept each in respect of their own territory the accession of Gabon to the Convention, and hence the effective entry into force of the Convention in cases involving the EU and that country (many EU citizens are of Gabonese origin). Children with links to the Gabonese community will thus be safeguarded against abduction.

Therefore, the committee recommended that the European Parliament approve the proposed Council Decision and approve the acceptance of the accession of Gabon.

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Gabon

The European Parliament adopted by 657 votes to 47, with 2 abstentions, a legislative resolution on the proposal for a Council decision on the declaration of acceptance by the Member States, in the interest of the European Union, of the accession of Gabon to the 1980 Hague

Convention on the Civil Aspects of International Child Abduction.

Parliament approved the proposal for a Council decision and the acceptance of the accession.