





Procedure file

Basic information	
NLE - Non-legislative enactments	2016/0168(NLE)
Awaiting final decision	
Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Peru, 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	
Peru	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Legal Affairs	 DZHAMBAZKI Angel	11/07/2016
		Shadow rapporteur	
		 RADEV Emil	
	Committee for opinion	Rapporteur for opinion	Appointed
	 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			
07/06/2016	Legislative proposal published	COM(2016)0367	Summary
04/07/2016	Committee referral announced in Parliament		
26/09/2016	Vote in committee		
28/09/2016	Committee report tabled for plenary, 1st reading/single reading	A8-0267/2016	
05/10/2016	Results of vote in Parliament		
05/10/2016	Decision by Parliament	T8-0372/2016	Summary

Technical information	
Procedure reference	2016/0168(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Legal basis	Treaty on the Functioning of the EU TFEU 218; Treaty on the Functioning of

	the EU TFEU 081-p3
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Awaiting final decision
Committee dossier	JURI/8/06790

Documentation gateway

Legislative proposal	COM(2016)0367	07/06/2016	EC	Summary
Committee draft report	PE587.431	18/07/2016	EP	
Committee report tabled for plenary, 1st reading/single reading	A8-0267/2016	28/09/2016	EP	
Text adopted by Parliament, 1st reading/single reading	T8-0372/2016	05/10/2016	EP	Summary

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Peru, acceptance by Austria and Romania

PURPOSE: to authorise Austria and Romania to accept, in the interest of the European Union, the accession of Peru 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 European Union has set as one of its aims the promotion of the protection of the rights of the child, as stated in Article 3 of the Treaty on European Union. Measures for the protection of children against wrongful removal or retention are an essential part of that policy.

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) which is the cornerstone of EU judicial cooperation in matrimonial matters and matters of parental responsibility. It complements and reinforces the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction which establishes, at international level, a system of obligations and cooperation among contracting States and between central authorities and aims to ensure the prompt return of wrongfully removed or retained children.

The Hague Convention of 1980 has been ratified by 93 countries, including all EU Member States. It is already into force between Peru and the overwhelming majority of the EU Member States (25). Only Austria, Denmark and Romania have not yet accepted the accession of Peru to the Convention.

In the course of 2015, Peru has communicated to the Commission its interest in making the Convention enter into force also in respect of Austria and Romania, which should therefore be authorised by the European Union to accept the accession of Peru to the 1980 Convention.

CONTENT: under this proposed Council Decision, Austria and Romania would be authorised to accept, in the interest of the Union, accession of Peru to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

The other EU Member States have already accepted the accession of Peru to the 1980 Hague Convention and should therefore not deposit a new declaration of acceptance as the existing declaration remains valid under public international law.

Beside the general objective of developing judicial cooperation in civil matters having cross-border implications, the present proposal is linked to the general objective enshrined in Article 3 of the Treaty on the European Union to protect the rights of the child. The proposal is also consistent with the promotion of the use of mediation in the settlement of cross-border family disputes. The [Directive on certain aspects of mediation in civil and commercial matters](#) applies, among other matters, to family law within the common European judicial area.

The United Kingdom and Ireland are bound by Regulation (EC) No 2201/2003 and are therefore taking part in the adoption and application of this Decision. Denmark, however, shall not be taking part in it.

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Peru, acceptance by Austria and Romania

The European Parliament adopted by 641 votes to 3, with 7 abstentions, a legislative resolution on the proposal for a Council decision authorising the Republic of Austria and Romania to accept, in the interest of the European Union, the accession of Peru to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

In line with the recommendation made by Committee on Legal Affairs, Parliament approved, without amendment, the authorisation for the Republic of Austria and Romania to accept, in the interest of the European Union, the accession of Peru to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

In brief, the EU now has exclusive external competence in this field as confirmed by the Court of Justice in Opinion 1/13 of 14 October 2014. Following the accession of Peru to the Convention, a Council decision is therefore necessary to authorise the two Member States, Austria and Romania, who have not yet accepted the accession of Peru to do so.