

Procedure file

Basic information		
NLE - Non-legislative enactments	2016/0173(NLE)	Awaiting final decision
Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Korea, acceptance by certain Member States		
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 South Korea		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Legal Affairs	 DZHAMBAZKI Angel Shadow rapporteur  RADEV Emil	11/07/2016
Council of the European Union European Commission	Committee for opinion	Rapporteur for opinion	Appointed
	 Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
	Commission DG Justice and Consumers	Commissioner JOUROVÁ Věra	

Key events			
07/06/2016	Legislative proposal published	COM(2016)0372	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	A8-0266/2016	
05/10/2016	Results of vote in Parliament		
05/10/2016	Decision by Parliament	T8-0374/2016	Summary

Technical information	
Procedure reference	2016/0173(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
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 159
Stage reached in procedure	Awaiting final decision
Committee dossier	JURI/8/06807

Documentation gateway					
Legislative proposal		COM(2016)0372	07/06/2016	EC	Summary
Committee draft report		PE587.433	18/07/2016	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0266/2016	28/09/2016	EP	
Text adopted by Parliament, 1st reading/single reading		T8-0374/2016	05/10/2016	EP	Summary

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Korea, acceptance by certain Member States

PURPOSE: to authorise certain Member States to accept, in the interest of the European Union, the accession of the Republic of Korea 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. The Convention entered into force in the Republic of Korea on 1st March 2013. Several Member States have already accepted the accession of the Republic of Korea to the 1980 Hague Convention.

At the international level, the European Union supports the accession of third States to the 1980 Convention in order for its Member States to rely upon a common legal framework to deal with international child abductions.

An assessment of the situation in the Republic of Korea has led to the conclusion that those Member States that have not yet accepted the accession of the Republic of Korea are in a position to accept, in the interest of the Union, the accession of the Republic of Korea under the terms of the 1980 Hague Convention.

CONTENT: this proposal for a Council Decision seeks to ensure that the 1980 Hague Convention on the Civil Aspects of International Child Abduction enters into force between the Republic of Korea and all EU Member States.

The Member States that have not yet done so are hereby authorised to accept the accession of the Republic of Korea to the Hague Convention. The Czech Republic, Ireland and the Republic of Lithuania which have already accepted the accession of the Republic of Korea to the 1980 Hague Convention should not deposit new declarations of acceptance as the existing declarations 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 Korea, acceptance by certain Member States

The European Parliament adopted by 649 votes to 4, with 17 abstentions, a legislative resolution on the proposal for a Council decision authorising certain Member States to accept, in the interest of the European Union, the accession of the Republic of Korea 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 certain Member States to accept, in the interest of the European Union, the accession of the Republic of Korea 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 South Korea to the Convention, a Council decision is therefore necessary to authorise the Member States (except Denmark, which is excluded from the Union's civil justice policy, and Czechia, Ireland and Lithuania, which have already accepted the accession of South Korea) to accept the accession of South Korea.