


# Procedure file

Basic information	
NLE - Non-legislative enactments	2017/0148(NLE)
Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Georgia and South Africa; acceptance by Luxembourg 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 South Africa Georgia	
Procedure completed	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>JURI</b> Legal Affairs	ECR <a href="#">DZHAMBAZKI Angel</a>	20/07/2017
Council of the European Union	Committee for opinion	Shadow rapporteur	
	<b>LIBE</b> Civil Liberties, Justice and Home Affairs	PPE <a href="#">ZWIEFKA Tadeusz</a>	
European Commission	Commission DG	S&D <a href="#">HONEYBALL Mary</a>	
	<a href="#">Justice and Consumers</a>	ALDE <a href="#">CAVADA Jean-Marie</a>	
		Rapporteur for opinion	Appointed
		The committee decided not to give an opinion.	
		Commissioner	
		JOUROVÁ Věra	

Key events			
03/07/2017	Legislative proposal published	<a href="#">COM(2017)0357</a>	Summary
11/09/2017	Committee referral announced in Parliament, 1st reading/single reading		
21/11/2017	Vote in committee, 1st reading/single reading		
23/11/2017	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A8-0361/2017</a>	Summary
30/11/2017	Results of vote in Parliament		
30/11/2017	Decision by Parliament, 1st reading/single reading	<a href="#">T8-0467/2017</a>	Summary
18/12/2017	Act adopted by Council after consultation of Parliament		
18/12/2017	End of procedure in Parliament		
	Final act published in Official Journal		

Technical information	
Procedure reference	2017/0148(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	Procedure completed
Committee dossier	JURI/8/10424

Documentation gateway					
Legislative proposal		<a href="#">COM(2017)0357</a>	03/07/2017	EC	Summary
Committee draft report		<a href="#">PE609.350</a>	11/09/2017	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A8-0361/2017</a>	23/11/2017	EP	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T8-0467/2017</a>	30/11/2017	EP	Summary

Final act	
<a href="#">Decision 2017/2462</a> <a href="#">OJ L 348 29.12.2017, p. 0038</a>	Summary

## 2017/0148(NLE) - 03/07/2017 Legislative proposal

**PURPOSE:** to authorise Luxembourg and Romania to accept the accession of Georgia and South Africa 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 1980 Hague Convention has been ratified by 97 countries, including all EU Member States. It aims 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.

The 1980 Hague Convention stipulates that it applies between the acceding state and such contracting states as have declared their acceptance of the accession.

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 Georgia and South Africa has to be taken at EU level by means of a Council Decision.

Georgia and South Africa respectively deposited accession instrument to the Convention on 24 July 1997 and 8 July 1997. The Convention is already into force with 25 Member States in relation to Georgia and with 26 Member States in relation to South Africa. Luxembourg and Romania, consulted by the Commission on their willingness to accept the accession of Georgia and South Africa to the 1980 Convention, gave a favourable opinion.

Luxembourg and Romania should therefore be authorised to deposit their declarations of acceptance of the accession of Georgia and South Africa in the interest of the Union.

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). One of its main objectives is to deter child abduction between Member States by establishing procedures to ensure the child's prompt return to the Member State of his/her habitual residence.

Ten Council Decisions have been already adopted between June 2015 and December 2016 in order to accept the accession to the 1980 Hague Convention on International Child Abduction of 10 third countries ([Morocco](#), [Singapore](#), [Russia](#), [Albania](#), [Andorra](#), [the Seychelles](#), [Armenia](#), [the Republic of Korea](#), [Kazakhstan](#) and [Peru](#)).

CONTENT: with this proposal for a decision, the Council is invited to adopt a decision authorising Luxembourg and Romania to accept the accession of Georgia and South Africa to the 1980 Hague Convention.

Luxembourg and Romania shall, no later than 12 months after the date of adoption of this Decision, deposit a declaration of acceptance of the accession of Georgia and South Africa to the 1980 Hague Convention.

The United Kingdom and Ireland are bound by Regulation (EC) No 2201/2003 and therefore participate in the adoption and application of this Decision.

The acceptance of Luxembourg and Romania would render the 1980 Convention applicable between Georgia and all EU Member States except Denmark. In relation to South Africa the 1980 Convention will become applicable with all EU Member States.

## 2017/0148(NLE) - 23/11/2017 Committee report tabled for plenary, 1st reading/single reading

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The Legal Affairs Committee adopted the report by Angel DZHAMBAZKI (ECR, BG) on the proposal for a Council decision authorising Luxembourg and Romania to accept, in the interest of the European Union, the accession of Georgia and South Africa to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

The committee recommended that Parliament approve the authorisation for Luxembourg and Romania to accept, in the interest of the European Union, the accession of Georgia and South Africa to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

As recalled in the explanatory memorandum accompanying the report, the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction has been ratified by all the Member States of the European Union.

In cases of international child abduction following a separation or a divorce and the mother and father are from different states, 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.

- Georgia deposited the accession instrument to the 1980 Convention on 24 July 1997. The Convention entered into force in Georgia on 1st October 1997. The 1980 Convention is already into force between Georgia and 25 EU Member States. Only Luxembourg, Denmark and Romania have not yet accepted the accession of Georgia to the Convention.
- South Africa deposited the accession instrument to the 1980 Convention on 8 July 1997. The Convention entered into force in South Africa on 1st October 1997. The 1980 Convention is into force between South Africa and 26 Member States. Only Luxembourg and Romania have not yet accepted the accession of South Africa to the Convention.

The acceptance of Luxembourg and Romania would render the 1980 Convention applicable between Georgia and all EU Member States except Denmark. In relation to South Africa the 1980 Convention will become applicable with all EU Member States.

## 2017/0148(NLE) - 30/11/2017 Text adopted by Parliament, 1st reading/single reading

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The European Parliament adopted by 613 votes to 3, with 28 abstentions, a European Parliament legislative resolution on the proposal for a Council decision authorising Luxembourg and Romania to accept, in the interest of the European Union, the accession of Georgia and South Africa to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

In line with the recommendation made by its Committee on Legal Affairs, Parliament approved the authorisation for Luxembourg and Romania to accept, in the interest of the European Union, the accession of Georgia and South Africa to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

The acceptance of Luxembourg and Romania would render the 1980 Convention applicable between Georgia and all EU Member States except Denmark. In relation to South Africa the 1980 Convention will become applicable with all EU Member States.

## 2017/0148(NLE) - 18/12/2017 Final act

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PURPOSE: to authorise Luxembourg and Romania to accept the accession of Georgia and South Africa to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

NON-LEGISLATIVE ACT: Council Decision (EU) 2017/2462 authorising Luxembourg and Romania to accept, in the interest of the European Union, the accession of Georgia and South Africa to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

CONTENT: the Council Decision authorises Luxembourg and Romania to accept the accession of Georgia and South Africa to the 1980 Hague Convention in the interest of the Union.

Luxembourg and Romania shall, no later than 19 December 2018, deposit a declaration of acceptance of the accession of Georgia and South Africa to the 1980 Hague Convention.

The 1980 Hague Convention on the Civil Aspects of International Child Abduction establishes, at international level, a system of obligations and cooperation among contracting states and between central authorities and aims at ensuring the prompt return of wrongfully removed or retained children. All the Member States of the Union are parties to the Convention.

At EU level, [Regulation \(EC\) No 2201/2003](#) (Brussels IIa Regulation) complements and reinforces the 1980 Hague Convention.

The Union encourages third states to accede to the 1980 Hague Convention.

The existence of the exclusive competence of the European Union to accept the accession of a third State to the 1980 Convention has been confirmed by the Court of Justice of the European Union.

Georgia and South Africa respectively deposited the instrument of accession to the Convention on 24 July 1997 and 8 July 1997. The Convention is already in force with 25 Member States in respect of Georgia and with 26 Member States for South Africa.

An assessment of the situation in Georgia and South Africa led to the conclusion that Luxembourg and Romania are in a position to accept the accession of these countries to the Convention.

The United Kingdom and Ireland shall be bound by the Brussels IIa Regulation and participate in the adoption and application of the Decision. Denmark shall not be bound by this Decision.

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