

Procedure file

[Basic information](#)

2017/0150(NLE)

NLE - Non-legislative enactments

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Chile, Iceland and Bahamas; acceptance by Romania

Subject	Procedure completed
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

Iceland
Chile
Bahamas

[Key players](#)

Committee responsible	Rapporteur	Appointed
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[DZHAMBAZKI Angel](#)

Shadow rapporteur

JURI Legal Affairs



[ZWIEFKA Tadeusz](#)

12/07/2017



[HONEYBALL Mary](#)

[European Parliament](#)




[CAVADA Jean-Marie](#)

Committee for opinion	Rapporteur for opinion	Appointed
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LIBE Civil Liberties, Justice and Home Affairs

The committee decided not to give an opinion.

[Key events](#)

03/07/2017	Legislative proposal published	COM(2017)0360	Summary
11/09/2017	Committee referral announced in Parliament		
21/11/2017	Vote in committee		
23/11/2017	Committee report tabled for plenary, 1st reading/single reading	A8-0364/2017	Summary
30/11/2017	Results of vote in Parliament		
30/11/2017	Decision by Parliament	T8-0464/2017	Summary
18/12/2017	Act adopted by Council after consultation of Parliament		
18/12/2017	End of procedure in Parliament		
22/12/2017	Final act published in Official Journal		

[Technical information](#)

Procedure reference	2017/0150(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/10428

[Documentation gateway](#)

Legislative proposal	COM(2017)0360	03/07/2017	EC	Summary
Committee draft report	PE609.352	11/09/2017	EP	
Committee report tabled for plenary, 1st reading/single reading	A8-0364/2017	23/11/2017	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T8-0464/2017	30/11/2017	EP	Summary

[Final act](#)

[Decision 2017/2424](#)

[OJ L 343 22.12.2017, p.0070](#) [Summary](#)

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Chile, Iceland and Bahamas; acceptance by Romania

PURPOSE: to authorise Romania to accept the accession of Chile, Iceland and the Bahamas 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 Convention stipulates that the Convention applies between the acceding country and such Contracting States as will 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 Chile, Iceland and Bahamas has to be taken at EU level by means of a Council Decision.

Chile, Iceland and the Bahamas respectively deposited the accession instrument to the Convention on 23 February 1994, 14 August 1996 and 1 October 1993. The Convention is already in force with 27 Member States regarding Chile and Iceland and with 26 Member States in the case of the Bahamas. When consulted by the Commission, Romania issued a favourable opinion on the accession of these three countries to the Convention.

Accordingly, Romania should therefore be authorised to deposit its declaration of acceptance of the accession of Chile, Iceland and Bahamas 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 Romania to accept, in the interest of the Union, the accession of Chile, Iceland and the Bahamas to the 1980 Hague Convention.**

Romania should table its declaration of acceptance of the accession of these three countries no later than **12 months** after the date of adoption of this Decision.

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 Romania would render the 1980 Convention applicable between Bahamas and all EU Member States except Denmark. In relation to Chile and Iceland the 1980 Convention will become applicable with all EU Member States.

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Chile, Iceland and Bahamas; acceptance by Romania

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

The committee recommended that Parliament **approve** the authorisation for Romania to accept, in the interest of the European Union, the **accession of Chile, Iceland and Bahamas** 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.

- **Chile** deposited the accession instrument to the 1980 Convention on 23 February 1994. The Convention entered into force in Chile on 1 May 1994. The 1980 Convention is already into force between Chile and 27 EU Member States. Only Romania has not yet accepted the accession of Chile to the Convention.
- **Iceland** deposited the accession instrument to the 1980 Convention on 14 August 1996. The Convention entered into force in Iceland on 1 September 1996. The 1980 Convention is already into force between Iceland and 27 Member States. Only Romania has not yet accepted the accession of Iceland to the Convention.
- **Bahamas** deposited the accession instrument to the 1980 Convention on 1 October 1993. The Convention entered into force in Bahamas on 1 January 1994. The 1980 Convention is already into force between Bahamas and 26 EU Member States. Only Denmark and Romania have not yet accepted the accession of Bahamas to the Convention.

The acceptance of Romania would render the 1980 Convention applicable between Bahamas and all EU Member States except Denmark. In relation to Chile and Iceland the 1980 Convention will become applicable with all EU Member States.

The accession of Chile, Iceland and Bahamas to the Convention is to be welcomed. Your rapporteur therefore proposes that Parliament approve the proposal without amendment, in order to ensure that EU-wide protection is afforded to the children in question.

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Chile, Iceland and Bahamas; acceptance by Romania

The European Parliament adopted by 615 votes to 2, with 30 abstentions, a European Parliament legislative resolution on the proposal for a Council decision authorising Romania to accept, in the interest of the European Union, the accession of Chile, Iceland and Bahamas 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 Romania to accept, in the interest of the European Union, **the accession of Chile, Iceland and Bahamas** to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

The acceptance of Romania would render the 1980 Convention applicable between Bahamas and all EU Member States except Denmark. In relation to Chile and Iceland the 1980 Convention will become applicable with all EU Member States.

Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Chile, Iceland and Bahamas; acceptance by Romania

PURPOSE: to authorise Romania to accept the accession of Chile, Iceland and the Bahamas to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

NON-LEGISLATIVE ACT: Council Decision (EU) 2017/2424 authorising Romania to accept, in the interest of the European Union, the accession of Chile, Iceland and the Bahamas to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

CONTENT: the Council Decision authorises **Romania to accept, in the interest of the Union, the accession of Chile, Iceland and the Bahamas to the 1980 Hague Convention.**

Romania shall be authorised to deposit its declaration of acceptance concerning the accession of these three countries

by **19 December 2018 at the latest**.

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.

Chile, Iceland and the Bahamas respectively deposited the instrument of accession to the Convention on 23 February 1994, 14 August 1996 and 1 October 1993. The Convention is already in force with 27 Member States in Chile and Iceland and with 26 Member States in respect of the Bahamas.

An assessment of the situation in Chile, Iceland and the Bahamas led to the conclusion that Romania is 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.