

Procedure file

Basic information	
NLE - Non-legislative enactments	2021/0178(NLE)
Awaiting final decision	
Hague Convention (1980) on the Civil Aspects of International Child Abduction: accession of Philippines	
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 Philippines	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Legal Affairs	 LEBRETON Gilles	12/07/2021
		Shadow rapporteur	
		 CHINNICI Caterina	
Council of the European Union	Commission DG	Commissioner	
European Commission	Justice and Consumers	REYNDERS Didier	

Key events			
06/07/2021	Legislative proposal published	COM(2021)0359	Summary
04/10/2021	Committee referral announced in Parliament		
28/10/2021	Vote in committee		
03/11/2021	Committee report tabled for plenary, 1st reading/single reading	A9-0300/2021	
25/11/2021	Decision by Parliament	T9-0475/2021	Summary

Technical information	
Procedure reference	2021/0178(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament

Legal basis	Treaty on the Functioning of the EU TFEU 081-p3-a1; Treaty on the Functioning of the EU TFEU 218-p6a
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Awaiting final decision
Committee dossier	JURI/9/06653

Documentation gateway

Legislative proposal	COM(2021)0359	06/07/2021	EC	Summary
Committee draft report	PE697.600	08/10/2021	EP	
Committee report tabled for plenary, 1st reading/single reading	A9-0300/2021	03/11/2021	EP	
Text adopted by Parliament, 1st reading/single reading	T9-0475/2021	25/11/2021	EP	Summary

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

PURPOSE: to authorise the Member States of the European Union to accept the accession of the Philippines 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 Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, which has so far been ratified by 101 countries, including all EU Member States, aims to restore the status quo through the prompt return of children who have been wrongfully removed or retained, by means of a system of cooperation between the central authorities appointed by the contracting parties.

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) whose main aim 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.

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 Hague Convention and encourages third States to accede to it.

Philippines deposited the accession instrument to the 1980 Hague Convention on 16 March 2016. The Convention entered into force in the Philippines on 1st June 2016.

On 14 October 2014, Opinion 1/13 of the Court of Justice of the European Union stated that the exclusive competence of the European Union encompasses the acceptance of the accession of a third state to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The decision whether to accept the accession of Philippines has to be taken at EU level by means of a Council Decision.

The overwhelming majority of the Member States of the European Union, consulted by the Commission on their willingness to accept the accession of the Philippines to the 1980 Hague Convention, gave a favourable opinion.

18 Council Decisions have been already adopted between June 2015 and February 2019 in order to accept the accession to the 1980 Hague Convention on International Child Abduction of 26 third countries.

CONTENT: the Commission proposes that the EU Member States be authorised to accept the accession of the Philippines to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction in the interest of the Union.

The Member States of the European Union should, no later than twelve months after the date of adoption of the proposed Decision, deposit a declaration of acceptance of the accession of Philippines to the 1980 Hague Convention in the interest of the Union.

The acceptance of the Member States of the European Union would render the 1980 Hague Convention applicable between the Philippines and the EU Member States except Denmark.

Ireland is bound by Regulation (EC) No 2201/2003 and therefore participates in the adoption and application of this Decision.

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

The European Parliament adopted by 681 votes to 0, with 7 abstentions, a legislative resolution on the proposal for a Council decision authorising the Member States of the European Union to accept, in the interests of the European Union, the accession of the Philippines to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

The European Parliament approved the authorisation for EU Member States to accept, in the interest of the European Union, the accession of the Philippines to the 1980 Hague Convention on the civil aspects of international child abduction.

The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction has been ratified by 101 countries, including all EU Member States. It establishes a system whereby Contracting States cooperate to find a prompt settlement of cases of international child abduction, while ensuring that the best interests of children are safeguarded at all times in matters related to their custody.

The Convention aims to protect children internationally from the harmful effects of their wrongful removal or retention by establishing procedures to ensure their prompt return to the State of habitual residence, as well as by securing protection of rights of access.

The existence of an exclusive external 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.

The fact that the Convention does not provide for autonomous action by international organisations has rendered necessary a Council Decision calling on Member States to accept, each in respect of its own territory, the accession of the Philippines to the Convention, and hence the effective entry into force of the Convention between the European Union and that country.

The accession of the Philippines to the 1980 Convention will ensure that the children concerned will benefit from full EU-wide protection.