



**2021/0178(NLE)**

8.10.2021

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## **DRAFT REPORT**

on the proposal for a Council decision authorising the Member States of the European Union to accept, in the interest of the European Union, the accession of Philippines to the 1980 Hague Convention on the Civil Aspects of the International Child Abduction  
(COM(2021)0359 – C9-0361/2021 – 2021/0178(NLE))

Committee on Legal Affairs

Rapporteur: Gilles Lebreton

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council decision authorising the Member States of the European Union to accept, in the interest of the European Union, the accession of Philippines to the 1980 Hague Convention on the Civil Aspects of the International Child Abduction (COM(2021)0359 – C9-0361/2021 – 2021/0178(NLE))**

### **(Consultation)**

*The European Parliament,*

- having regard to the proposal for a Council decision (COM(2021)0359),
  - having regard to Article 38, fourth paragraph, of the 1980 Hague Convention on the Civil Aspects of International Child Abduction,
  - having regard to Article 81(3) and Article 218(6), second subparagraph, point (b), of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0361/2021),
  - having regard to the opinion of the Court of Justice<sup>1</sup> on the exclusive external competence of the European Union for a declaration of acceptance of an accession to the 1980 Hague Convention on the Civil Aspects of International Child Abduction,
  - having regard to Rule 82 and Rule 114(8) of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs (A9-0000/2021),
1. Approves the authorisation for the Member States of the European Union to accept, in the interest of the European Union, the accession of Philippines to the 1980 Hague Convention on the Civil Aspects of the International Child Abduction;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States, as well as to the Permanent Bureau of the Hague Conference on Private International Law.

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<sup>1</sup> Opinion of the Court of Justice of 14 October 2014, 1/13, ECLI:EU:C:2014:2303.

## EXPLANATORY STATEMENT

The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction is a vitally important instrument. To date it has been ratified by 101 countries, including all the EU Member States.

It introduces a system of cooperation between the contracting States aimed at prompt settlement of cases of international child abduction, ensuring that the best interests of the child are at all times safeguarded in matters related to their custody

In many instances, these problems arise when a couple has separated. If the parents are from different states, there could be a temptation to exploit the lack of cooperation between those states in order to secure custody of the child.

The biggest problem in such cases is the national bias of the legal systems of individual states. It may happen 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 that state.

The purpose of the Convention is 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 their habitual residence, as well as by securing protection of rights of access.

The EU has exclusive external competence in this field as confirmed by the Court of Justice in Opinion 1/13, of 14 October 2014. The problem is that the Convention does not provide for autonomous action by international organisations.

This has rendered necessary a Council Decision calling on Member States to accept – each in respect of their own territory – the accession of Philippines to the Convention, and hence the effective entry into force of the Convention in cases involving the EU and that country.

The accession of Philippines to the Convention is to be welcomed, especially in light of the serious difficulties currently facing the country. Your rapporteur fully supports this and therefore proposes that Parliament approve the proposal without amendment, in order to ensure that the children concerned will benefit from full EU-wide protection.