

**Question for oral answer O-000043/2023
to the Council**

Rule 136

Adrián Vázquez Lázara

on behalf of the Committee on Legal Affairs

Subject: Non-objection mechanisms in international conventions to which the European Union is a party

The European Union is a party to conventions that provide for accession by third States through clauses setting up a 'silence/non-objection' procedure at international level. In its Opinion 1/13 of 14 October 2014, the Court of Justice of the European Union held that the act of accession and the declaration of acceptance of such an accession constitute an international agreement, and that concept is referred to in Article 218 of the Treaty on the Functioning of the European Union (TFEU). According to case-law, an international agreement cannot affect the allocation of powers under the Treaties, thus when at international level a silence procedure has been adopted to facilitate accessions by third States, it should be of no consequence for the EU's internal decision-making process. It should therefore be considered that the EU needs to establish its position in regard to accessions by third States to Hague Conventions that fall under EU exclusive competence, even for conventions containing a silence/non-objection procedure; the conclusion of an international agreement with this type of clause should not lead to the consequence that Article 218 TFEU and the institutional balance laid down therein are set aside.

In accordance with the procedure laid down in Article 218 TFEU, for each accession of a third country to a Hague Convention falling under a non-objection mechanism such as the Judgments Convention, the Commission should submit to the Council a proposal for a decision, and the Council can take such a decision with the consent of Parliament. If the Council, with the consent of Parliament, decides to 'object' to establishing relations under the convention with a new Contracting State, the Commission will have to notify the depositary to that effect.

What steps does the Council intend to take to fully apply the procedure set out in Article 218 TFEU in matters concerning the establishment of the EU's position regarding accessions by third states to the Hague Conference on Private International Law Conventions, in particular when that international convention contains a non-objection procedure?

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Lapses: 29.12.2023