



Council of the  
European Union

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#### **'I/A' ITEM NOTE**

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From: Presidency  
To: Permanent Representatives Committee (Part 2)/Council  
Subject: Accession by Barbados to the 1996 Hague Convention  
- Adoption

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#### **I. EXPLANATORY BACKGROUND**

1. The Working Party in Civil Law Matters (General Questions) intends to bring to the attention of Coreper the question of the EU's reaction to the intention by Barbados to accede to the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children ("the 1996 Hague Convention").

2. The 1996 Hague Convention falls in its entirety under EU exclusive competence, because of Article 3(2) TFEU, in particular as a result of the adoption by the EU of common rules on jurisdiction and the recognition and enforcement of judgments in matrimonial matters, matters of parental responsibility and on international child abduction.<sup>1</sup>
3. All EU Member States are parties to the 1996 Hague Convention. In the absence of a Regional Economic Integration Organisation (REIO) clause the EU cannot formally become a contracting party to the 1996 Hague Convention. Any actions that the EU wishes to take in respect of this Convention will have to go through the intermediary of Member States.
4. Any third State can accede to the 1996 Hague Convention. However, pursuant to Article 58(3) of this Convention, such accession will have effect only as regards the relations between Barbados and those Contracting States which have not raised an objection to its accession in the 6 months after the date of the notification referred to in Article 63 of the Convention. A validly made objection has bilateral effects between the objecting Contracting State and the third State. Therefore, if the EU were to object to Barbados' accession to the 1996 Hague Convention, the relations between Barbados and other contracting parties under the Convention will not be affected.

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<sup>1</sup> See, Council Regulation (EC) No 1347/2000 of 29 May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses, OJ L 160, 30.6.2000, p. 19–36; Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000; OJ L 338, 23.12.2003, p. 1–29; Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction, ST/8214/2019/INIT, OJ L 178, 2.7.2019, p. 1–115.

5. Barbados notified its accession to the 1996 Hague Convention on 11 July 2019. The 6 month deadline for any objection to Barbados' accession expires on **17 January 2020**.<sup>2</sup>
6. The three policy options available to the EU in relation to this Hague Convention are:
  - a) No objection;
  - b) Objection with conditions for lifting the objection or
  - c) Objection without conditions for lifting.

## **II. SUMMARY OF THE WORKING PARTY IN CIVIL LAW MATTERS DISCUSSIONS AND ITS RECOMMENDATION ON THE ACCESSION OF BARBADOS**

7. The Working Party in Civil Law Matters has discussed the accession of Barbados to the 1996 Hague Convention and did not identify any fundamental issues related to the civil law area which could lead to the need for the European Union to object. The Commission shared the same views.

## **III. CONCLUSION**

8. In the light of the explanatory considerations above and the discussion in the Working Party in Civil Law Matters, Coreper is invited to recommend to the Council that the line to be taken by the European Union with regard to the accession of Barbados to the 1996 Hague Convention is not to object.

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<sup>2</sup> According to the information provided by the Depositary.