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NOTE

From: Presidency
To: Delegations

No. prev. doc.: 9179/25

Subject: 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children: Line to take concerning the accession of Moldova - Preparation for approval

REDACTED DOCUMENT ACCESSIBLE TO THE PUBLIC (23.07.2025) ONLY
MARGINAL PERSONAL DATA HAVE BEEN REDACTED.

Delegations will find attached the draft line to be taken by the European Union, as it would be submitted to Coreper/Council, on the Republic of Moldova's accession to the 1996 Hague Convention. The document is based on the line taken on Belize's accession to the 1996 Hague Convention (ST 7879/25).

If delegations have comments on the attached document they should send them in writing to the Presidency, the Commission and the GSC at the latest by **2 June 2025 noon**, at the following addresses: PLPresidency.Civil@ms.gov.pl; **DELETED**;
civil.law-Hague.conference@consilium.europa.eu.

I. EXPLANATORY BACKGROUND

1. The Working Party on Civil Law Matters (General Questions) wishes to bring to the attention of Coreper the question of the European Union's position¹ to the accession of Moldova 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 (hereafter "the 1996 Hague Convention")².

II. THE 1996 HAGUE CONVENTION

2. The 1996 Hague Convention falls under EU exclusive external competence, pursuant to Article 3(2) TFEU, since the provisions of the Convention may affect or alter the scope of common EU rules on jurisdiction and the recognition and enforcement of judgments in matrimonial matters, matters of parental responsibility and on international child abduction.³

¹ In accordance with articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark does not take part in the establishment of the EU's position.

² The subject matters set out in the 1996 Hague Convention are governed internally by Article 81(3) TFEU.

³ 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, OJ L 178, 2.7.2019, p. 1–115.

3. All EU Member States are parties to the 1996 Hague Convention. In the absence of a Regional Economic Integration Organisation (REIO) clause, the European Union cannot formally become a Contracting Party to the 1996 Hague Convention. Any actions that the European Union wishes to take in respect of this Convention will have to go through the intermediary of Member States acting in the interest of the European Union.
4. Pursuant to article 58 of the 1996 Hague Convention, any third State can accede to the Convention. However, such accession will have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to the accession. Such an objection must be raised within 6 months after the receipt of the notification of the accession by the depositary, referred to in Article 63 of the Convention.⁴
5. The depositary notified Moldova's accession on 11 March 2025⁵. In accordance with article 58(3) of the Convention the deadline to raise an objection to Moldova's accession expires on **21 September 2025**.
6. According to the Commission's information which was put forward in ST 9179/25 and presented orally in the Working Party on Civil Law matters (General Questions) on 2 June 2025, as a candidate country to accession to the EU, Moldova is subject to continuous scrutiny in all relevant sectors and is carrying out important reforms. Some challenges still remain, including in relation to the efficiency and digitalisation of the justice system, but the child protection in Moldova is in general up to good international standards.
7. The two policy options as resulting from the 1996 Hague Convention are a) No objection or b) Objection.

⁴ See Article 58 (3) of the 1996 Hague Convention, which reads as follows: Such accession shall have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the six months after the receipt of the notification referred to in sub-paragraph b of Article 63. Such an objection may also be raised by States at the time when they ratify, accept or approve the Convention after an accession. Any such objection shall be notified to the depositary.

⁵ According to the information provided by the Depositary:

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III. SUMMARY OF THE WORKING PARTY IN CIVIL LAW MATTERS DISCUSSIONS AND ITS RECOMMENDATION ON THE ACCESSION OF MOLDOVA

8. The Working Party on Civil Law Matters (General Questions) has discussed the accession of Moldova to the 1996 Hague Convention on 2 June 2025 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 shares the same views.
9. The Working Party on Civil Law Matters (General Questions), therefore, recommends to Coreper that the European Union, through its Member States, should not raise an objection to the accession by Moldova to the 1996 Hague Convention. The absence of an objection will lead to the accession having effect in relations between the European Union, through the intermediary of its Member States, acting in the Union's interest, and Moldova in accordance with Article 58 of the Convention.
10. This recommendation to approve a line to be taken in the case of Moldova is without prejudice to the procedure to be followed in the future to establish the European Union's position concerning the accession of third States to such Hague Conventions which have the same accession mechanism as the 1996 Hague Convention.

IV. CONCLUSION

In view of the above, the Permanent Representatives Committee is invited to recommend to the Council that the line to be taken by the European Union is not to raise an objection to the accession of Moldova to the 1996 Hague Convention.
