

Proposal for a Council Decision on the signing by the European Community of the Council of Europe Convention on contact concerning children

(2003/C 20 E/32)

COM(2002) 520 *final*

(Submitted by the Commission on 2 October 2002)

EXPLANATORY MEMORANDUM

The Convention on contact concerning children ('the Contact Convention') was adopted on 3 May 2002 in Vilnius, Lithuania, by the Committee of Ministers of the Council of Europe. The Contact Convention aims at reinforcing the fundamental right of children and their parents and other persons having family ties with the child to maintain contact on a regular basis. To this end, the Contact Convention (a) determines general principles to be applied to contact orders, (b) provides appropriate safeguards and guarantees to ensure the proper exercise of contact and the immediate return of children at the end of the contact period, (c) establishes co-operation between the authorities concerned in order to improve and promote transfrontier contact.

The Contact Convention will be open for signature in Strasbourg, France, on 14 October 2002 on the occasion of the 6th European Conference on family law.

Article 22.1 of the Contact Convention allows for accession by the European Community.

The Contact Convention will contribute to the realisation of the aims underlying existing and future Community rules in the field of recognition and enforcement of judgments in the area of parental responsibility. Therefore, the Commission is hereby proposing that the Community should sign the Contact Convention, subject to a possible conclusion at a later date.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 61(c) in conjunction with the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Convention on contact concerning children, adopted on 3 May 2002 by the Committee of Ministers of the Council of Europe, makes a valuable contribution to reinforcing the fundamental right of children and their parents and other persons having family ties with the child to maintain contact on a regular basis. It is therefore desirable that its provisions be applied as soon as possible.
- (2) The Convention will be open for signature in Strasbourg, France, on 14 October 2002.
- (3) Article 22.1 of the Convention allows signature by the European Community.
- (4) The Convention will contribute to the realisation of the aims underlying existing and future Community rules in the field of recognition and enforcement of judgments in the area of parental responsibility and covers matters of Community competence.

HAS DECIDED AS FOLLOWS:

Sole Article

Subject to a possible conclusion at a later date, the President of the Council is hereby authorised to designate the person empowered to sign, on behalf of the European Community, the Council of Europe Convention on contact concerning children adopted on 3 May 2002.
