

## **ANNEX I**

CERTIFICATE TO BE ISSUED BY THE COURT FOLLOWING A DECISION REFUSING THE RETURN OF A CHILD TO ANOTHER MEMBER STATE BASED SOLELY ON POINT (B) OF ARTICLE 13(1), OR ON ARTICLE 13(2), OR BOTH, OF THE 1980 HAGUE CONVENTION <sup>(1)</sup>

(Article 29(2) of Council Regulation (EU) No 2019/ <sup>(2)</sup>)

### Information for the persons receiving this certificate for the purposes of Article 29(5) of the Regulation

If on the date of the decision refusing the return of the child, indicated in point 3, no proceedings on the substance of rights of custody are pending yet in the Member State where the child was habitually resident immediately before the wrongful removal or retention, you have the possibility to seise a court in that State with an application regarding the substance of rights of custody in accordance with Article 29(5) of the Regulation.

If the court is seised within three months of the notification of the decision refusing the return of the child, any decision resulting from those proceedings regarding the substance of rights of custody which entails the return of the child to that Member State will be enforceable in any other Member State in accordance with Article 29(6) of the Regulation, without any special procedure being required and without any possibility of opposing its recognition unless and to the extent that irreconcilability with a decision referred to in Article 50 of the Regulation is found to exist, provided that a certificate in accordance with Article 47 has been issued for the decision. If the court is seised after the three months have expired, or the conditions for issuing a certificate in accordance with Article 47 of the Regulation are not met, the resulting decision regarding the substance of rights of custody will be recognised and enforced in other Member States in accordance with Section 1 of Chapter IV of the Regulation.

The party seising the court of the Member State where the child was habitually resident immediately before the wrongful removal or retention shall submit to that court the following documents:

- (a) a copy of the decision refusing the return of the child;
- (b) this certificate; and
- (c) where applicable, a transcript, summary or minutes of the hearing as indicated in point 4.1.

### Information for the court receiving this certificate for the purposes of Article 29(3) of the Regulation <sup>(3)</sup>

This certificate was issued because the child(ren) indicated in point 5 was (were) wrongfully removed to, or retained in, the Member State of the court issuing this certificate. Proceedings for the return of the child(ren) pursuant to the 1980 Hague Convention were brought because the person indicated in point 6.1 claimed that the child(ren)'s removal or retention was in breach of rights of custody and at the time of removal or retention those rights were actually exercised, either jointly or alone, or would have been so exercised but for the removal or retention according to the 1980 Hague Convention. This court has refused the return of one or more of the children subject to the proceedings based solely on point (b) of Article 13(1), or Article 13(2), or both, of the 1980 Hague Convention.

Where proceedings on the substance of rights of custody are already pending in the Member State where the child was habitually resident immediately before the wrongful removal or retention at the time that this court gave its decision indicated in point 3 which refuses the return of a child based solely on point (b) of Article 13(1), or Article 13(2), or both, of the 1980 Hague Convention, Article 29(3) of the Regulation provides that this court, if it is aware of those proceedings, shall, within one month of the date of its decision, transmit to the court seised with proceedings on the substance of rights of custody, either directly or through the Central Authorities, the following documents:

- (a) a copy of its decision refusing the return of the child;
- (b) this certificate; and
- (c) where applicable, a transcript, summary or minutes of the hearing as indicated in point 4.1 and any other documents this court considers relevant as indicated in point 4.2.

The court seised of proceedings on the substance of rights of custody may, where necessary, require a party to provide a translation or transliteration, in accordance with Article 91 of the Regulation, of the decision and any other document attached to this certificate (Article 29(4) of the Regulation).

### **1. MEMBER STATE OF ORIGIN OF THE DECISION REFUSING THE RETURN OF THE CHILD(REN)<sup>(4)</sup>**

Belgium  
Bulgaria  
Czechia  
Germany  
Estonia

Ireland  
Greece  
Spain  
France  
Croatia  
Italy  
Cyprus  
Latvia  
Lithuania  
Luxembourg  
Hungary  
Malta  
Netherlands  
Austria  
Poland  
Portugal  
Romania  
Slovenia  
Slovakia  
Finland  
Sweden  
United Kingdom

2. COURT WHICH GAVE THE DECISION AND IS ISSUING THE CERTIFICATE \*

2.1. Name

2.2. Address

2.3. Tel./fax/e-mail\*

Tel.

Fax

E-mail

3. DECISION\*

3.1. Date (dd/mm/yyyy)

3.2. Reference number

4. ADDITIONAL DOCUMENTS (WHICH MAY BE SHARED WITH THE PARTIES)\*

4.1. A transcript, summary or minutes of the hearing

4.1.1. Yes

4.1.2. No

4.2. Any other documents the court considers relevant

4.2.1. Yes

4.2.2. No

(please specify)

## 5. CHILD(REN) NOT TO BE RETURNED ACCORDING TO THE DECISION

### 5.1. Child 1

5.1.1. Surname(s)

5.1.2. Given name(s)

5.1.3. Date of birth (dd/mm/yyyy)

5.1.4. Place of birth (if available)

5.1.5. Identity number or social security number (if applicable and available)

### 5.2. Child 2

5.2.1. Surname(s)

5.2.2. Given name(s)

5.2.3. Date of birth (dd/mm/yyyy)

5.2.4. Place of birth (if available)

5.2.5. Identity number or social security number (if applicable and available)

### 5.3. Child 3

5.3.1. Surname(s)

5.3.2. Given name(s)

5.3.3. Date of birth (dd/mm/yyyy)

5.3.4. Place of birth (if available)

5.3.5. Identity number or social security number (if applicable and available)

## 6. PERSONS CONCERNED BY THE RETURN PROCEEDINGS \*

### 6.1. Person seeking the return of the child(ren)

6.1.1. Natural person

6.1.1.1. Surname(s)

6.1.1.2. Given name(s)

6.1.1.3. Date of birth (dd/mm/yyyy)

6.1.1.4. Place of birth (if available)

6.1.1.5. Identity number or social security number (if applicable and available)

6.1.1.6. Address (if available)

6.1.1.6.1. as stated in the decision

6.1.1.6.2. any additional information (for example, concerning a different current address)

6.1.2. Legal person, institution or other body

6.1.2.1. Full name

6.1.2.2. Identification number (if applicable and available)

6.1.2.3. Address (if available)

6.2. Respondent

6.2.1. Natural person

6.2.1.1. Surname(s)

6.2.1.2. Given name(s)

6.2.1.3. Date of birth (dd/mm/yyyy)

6.2.1.4. Place of birth (if available)

6.2.1.5. Identity number or social security number (if applicable and available)

6.2.1.6. Address (if available)

6.2.1.6.1. as stated in the decision

6.2.1.6.2. any additional information (for example, concerning a different current address)

6.2.2. Legal person, institution or other body

6.2.2.1. Full name

6.2.2.2. Identification number (if applicable and available)

6.2.2.3. Address (if available)

7. THE DECISION REFUSING THE RETURN OF THE CHILD(REN) (8) TO ANOTHER MEMBER STATE IS BASED SOLELY ON ONE, OR BOTH, OF THE FOLLOWING PROVISIONS

7.1. Child 1

7.1.1. Point (b) of Article 13(1) of the 1980 Hague Convention

7.1.2. Article 13(2) of the 1980 Hague Convention

7.2. Child 2

7.2.1. Point (b) of Article 13(1) of the 1980 Hague Convention

7.2.2. Article 13(2) of the 1980 Hague Convention

7.3. Child 3

7.3.1. Point (b) of Article 13(1) of the 1980 Hague Convention

7.3.2. Article 13(2) of the 1980 Hague Convention

8. AT THE DATE OF THE DECISION INDICATED UNDER POINT 3, PROCEEDINGS ON THE SUBSTANCE OF RIGHTS OF CUSTODY ARE ALREADY PENDING IN THE MEMBER STATE WHERE THE CHILD(REN) WAS (WERE) HABITUALLY RESIDENT IMMEDIATELY BEFORE THE WRONGFUL REMOVAL OR RETENTION

8.1. No

8.2. Not known to the court

8.3. Yes

8.3.1. Court seized of proceedings on the substance of rights of custody

8.3.1.1. Name

8.3.1.2. Address (if available)

8.3.1.3. Tel./fax/e-mail (if available)

Tel.

Fax

E-mail

8.3.2. Reference number (if available)

8.3.3. Party 1

8.3.3.1. Natural person

8.3.3.1.1. Surname(s)

8.3.3.1.2. Given name(s)

8.3.3.2. Legal person, institution or other body

8.3.3.2.1. Full name

8.3.4. Party 2

8.3.4.1. Natural person

8.3.4.1.1. Surname(s)

8.3.4.1.2. Given name(s)

8.3.4.2. Legal person, institution or other body

8.3.4.2.1. Full name

8.3.5. Child(ren) (10) concerned as indicated in point 5:

8.3.5.1. Child 1

8.3.5.2. Child 2

8.3.5.3. Child 3

9. THE DECISION REFUSING THE RETURN OF THE CHILD(REN) HAS BEEN NOTIFIED AS FOLLOWS TO

9.1. Person 1 as indicated in point 6.1

9.1.1. No

9.1.2. Not known to the court

9.1.3. Yes

9.1.3.1. Date of notification (dd/mm/yyyy)

9.1.3.2. The decision was notified in the following language(s):

BG

ES

CS

DE

ET  
EL  
EN  
FR  
GA  
HR  
IT  
LV  
LT  
HU  
MT  
NL  
PL  
PT  
RO  
SK  
SL  
FI  
SV

9.2. Person 2 as indicated in point 6.2

9.2.1. No

9.2.2. Not known to the court

9.2.3 Yes

9.2.3.1. Date of notification (dd/mm/yyyy)

10. FOR INFORMATION PURPOSES: MEASURES HAVE BEEN TAKEN TO ENSURE CONTACT BETWEEN THE CHILD(REN) AND THE PERSON SEEKING THE RETURN OF THE CHILD(REN) PURSUANT TO ARTICLE 27(2) OF THE REGULATION

10.1. No

10.2. Yes

10.2.1. If yes, please attach a copy or summary of the decision.

If additional pages have been attached, please state the number of pages:...

Done at

Date

Signature and/or stamp

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PDF form

(<sup>1</sup>) Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction ('the 1980 Hague Convention').

(<sup>2</sup>) Council Regulation (EU) No 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) ('the Regulation').

(<sup>3</sup>) Where the party initiates proceedings on the substance of rights of custody in accordance with Article 29(5) of the

Regulation in the Member State where the child(ren) was (were) habitually resident immediately before the wrongful removal or retention after this court gave its decision indicated in point 3, please see the section 'Information for the persons receiving this certificate for the purposes of Article 29(5) of the Regulation'.

(<sup>4</sup>) Fields marked with (\*) are mandatory fields.

(<sup>5</sup>) To be filled in only for the purposes of Article 29(3) of the Regulation.

(<sup>6</sup>) If more than three children are concerned, please attach an additional sheet.

(<sup>7</sup>) If more than two persons are concerned, please attach an additional sheet.

(<sup>8</sup>) If more than three children are concerned, please attach an additional sheet.

(<sup>9</sup>) If more than two parties are concerned, please attach an additional sheet.

(<sup>10</sup>) If more than three children are concerned, please attach an additional sheet.