



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Brussels, 08/06/2010
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**NOTE TO MR J. FAULL
DIRECTOR GENERAL DG JLS**

Subject: Inter-Country Adoptions

Thank you for having organised the inter-service group on inter-country adoptions in May. As you know, I attach great importance to this issue and would like to share with you my ideas on some of the issues that came up during the discussions.

Adoption is a matter of core Member State sovereignty and the Commission has to be very careful in expressing any positions on this sensitive question. The area of inter-country adoptions have been particularly difficult in the past, and we must make sure that we do not repeat the past. Our main goal must be to protect the children who are already in very difficult circumstances and make sure that children have the possibility to grow up in their countries of origin.

On the specific situation in Romania, it is important not to put any pressure on the government of Romania regarding their sovereign right to rule on inter-country adoptions. Romania has blocked such adoptions since 2005 at the insistence of the Commission in the pre-accession period and the Commission should, when the issue comes up with third parties, continue to refer only to the national competence of Romania in this case.

This also means that Commission should not participate in demarches in third countries to request them to put in place national laws on inter-country adoptions. As the Commission is not a member to the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Inter-Country Adoption, this should remain an area of action for Member States. The Commission should instead look into ways of supporting the childcare systems in third countries.

Finally, I would ask you to involve the Secretariat General closely in the preparations for the Green Paper on free circulation of documents with civil status which could also address the question of mutual recognition of adoption decisions between Member States.

I am of course happy to discuss these issues more in detail with you.



Catherine Day

Copy:

Messrs Servoz, Tholoniati, Mousnier, Mrs Moran (SG);
Mr Knudsen, Mrs Saastamoinen, Mrs De Luca (JLS);
Mr Richelle (AIDCO);
Mrs Martinez Alberola (Cabinet of the President).