



3.3.2011

## NOTICE TO MEMBERS

Subject: **Petition 1109/2010 by Simone Eiler (German), bearing one other signature, on EU aid to the Italian NGO 'Amici dei Bambini'**

### 1. Summary of petition

The petitioner raises a question mark over the aid which the Italian NGO 'Amici dei Bambini' receives from the EU for projects aimed at the international adoption of orphaned or abandoned children. The petitioner refers in that connection to media reports of that NGO's efforts to persuade the Romanian authorities to re-introduce cross-border adoptions, and she claims that 'Amici dei Bambini' in fact operates as a kind of adoption agency. The petitioner therefore calls on the European Parliament to clarify on what basis the Commission uses taxpayers' money for aid to 'Amici dei Bambini', which she doubts is acting in full compliance with the provisions of the UN Convention on the Rights of the Child.

### 2. Admissibility

Declared admissible on 17 December 2010. Information requested from Commission under Rule 202(6).

### 3. Commission reply, received on 3 March 2011.

#### The petition

The Italian association "Amici dei Bambini" has received Union co-funding for some projects related to children protection. The two petitioners, German citizens, seem to complain about the fact the association has been co-financed even if this association deals also with international adoptions in Italy and has claimed publicly, on various occasions, that Romania, should allow international adoptions. These have been *de facto* abolished in Romania with

Law no.273/2004 on inter-country adoptions.

After having mentioned a certain number of projects carried-out by the association "Amici dei Bambini" and co-financed by the Commission, the petitioners conclude that the agenda of the association "Amici dei Bambini" *"is clearly in conflict with the Conventions on the Rights of the Child and with the official position of the EU"* and therefore ask for clarification.

#### The Commission's comments on the petition

The petitioners raise two different issues: the Union position regarding the situation of inter-country adoptions in Romania and the opportunity for the Commission to co-finance the projects carried out by the association "Amici dei Bambini".

The first issue is not regulated at the EU level and therefore remains a competence of Member States.

The Commission is aware that Romania has a unique position in the EU, because it is the only Member State which has *de facto* abolished, with Law no.273/2004, inter-country adoptions, by allowing them only by grandparents of the child living abroad. With Law no.49/2009 this possibility has been extended to relatives up to the 3rd degree (aunts, uncles). This policy choice is the sole responsibility of the Romanian government.

Nevertheless, as stated in the Plenary Assembly of the European Parliament on 17 January 2011, the Commission will continue to follow closely the development of the situation in Romania.

On the second issue, it must be underlined that the association "Amici dei Bambini" has the status of "accredited body" under the 1993 Hague Convention on Inter-country adoption and that the Italian Central Authority established under this Convention has almost totally delegated to the accredited bodies like the association "Amici dei Bambini" the responsibility for intermediation and for relations with foreign countries and activities abroad for adoption by Italian couples.

In order to obtain the status of "accredited body", the 1993 Hague Convention requires that this body shall pursue only non-profit objectives, be directed and staffed by persons qualified by their ethical standards and by training or experience to work in the field of inter-country adoption and be subject to supervision to competent national authorities as to its composition, operation and financial issues (Article 11).

Nothing prevents the accredited bodies to carry out, beside activities related to implementation of the 1993 Hague Convention, also projects related to children welfare and protection in general such as those mentioned by the petitioners. This practise is even encouraged at the international level.

The Union co-financing of the projects mentioned by the petitioner has been granted to the association "Amici dei Bambini" according to the rules and procedures established in the Financial Regulation. Different Commission's services were involved and co-financing was granted under different financial programmes. The projects mentioned are not directly related to inter-country-adoption but e.g. to foster care and family-based care.

## Conclusion

In the light of the above, the Commission cannot intervene in favour of the petitioner.