

# Report Independent Panel of EU Member State Experts on Family Law

Arun Dohle made this access to information request to [Enlargement \(ELARG\)](#)



The request was **successful**.

**From: Arun Dohle**

**August 20, 2013**

Dear Enlargement (ELARG),

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

The report that was provided to the Romanian Government and the US Embassy in Bucharest, to which reference is made in the below US cable:

" E.O. 12958: DECL: 06/10/2014

TAGS: PREL CASC CVIS RO EUN USEU BRUSSELS

SUBJECT: VERHEUGEN RESPONSE TO DEPUTY SECRETARY ON ROMANIAN ADOPTIONS

Classified By: Rick Holtzapple, PoOff, Reason 1.4 B/D

¶1. (U) The cabinet of Enlargement Commissioner Gunter Verheugen has faxed us a letter from the Commissioner to Deputy Secretary Armitage, replying to the Deputy Secretary's letter of May 4 on the issue of Romanian adoptions. The full text of the letter is in para 3 below, and a copy of the original fax with signature has been faxed to EUR/ERA and Embassy Bucharest.

¶2. (C) The letter confirms what we already know from the copy of the report from the Commission to the GoR on the issue that was provided to Embassy Bucharest. The Commission's legal experts have told the Romanian government that the "proposed approach to pursue on the policy of intercountry adoptions with a very limited exception" is seen as "essentially in line" with the EU's demands.

¶3. (U) Beginning of Text:

Dear Mr. Secretary of State,

Thank you for your letter of 4 May 2004 on the issue of intercountry adoptions from Romania.

I would like to clarify that the European Commission is not against intercountry adoption as such. However, the UN Convention on the Rights of the Child foresees that inter-country adoption may be considered only if the child

cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin. This "last resort" provision is consonant with the provision in the UN convention that refers to the "desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background."

All Member States of the EU have ratified the UN Convention on the Rights of the Child and therefore should respect the above mentioned principles. Therefore the Commission considers that the moratorium on intercountry adoptions is necessary as long as no legislation is in force that fully complies with this convention, and as long as no administrative capacity exists to implement this legislation.

Following Prime Minister Nastase's request for legal advice on children's rights and adoption, the Commission set up an Independent Panel of EU Member State experts on family law. In its latest report, which I have forwarded to Prime Minister Nastase, the Panel noted the fundamental change made by Romania on the issue of intercountry adoption. The proposed approach to pursue on the policy of intercountry adoptions with a very limited exception was considered essentially in line with the UN Convention on the Rights of the Child.

Our primordial focus must be on getting the system of child care in Romania right so that we get to the usual situation in the Member States of the EU where international adoptions are the exception. Therefore, the EU has supported Romania in its efforts to improve the quality of public care for children. This meant that large residential establishments were closed down and replaced with a selection of child protection alternatives ranging from smaller homes and foster care to day-care centres. Of course there remains work to be done, but Romania surely has come a long way in resolving the issue of children in public care.

I have been informed that recently a videoconference on this issue was held between the Washington State Department and my services, and that it was considered useful to have both sides express their respective positions.

Yours sincerely,

/S/

Gunter Verheugen"

<http://wikileaks.org/cable/2004/06/04BRU...>

Yours faithfully,

Arun Dohle

**Arun Dohle left an annotation (September 02, 2013)**

Deadline: 10 September 2013

**Enlargement (ELARG)**

**September 04, 2013**

Dear Sir,

Thank you for your request from 20 August 2013. We hereby acknowledge receipt of the below application for access to documents, which was registered on 20 August 2013 under the above mentioned reference number.

In accordance with Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, your application will be handled within 15 working days. The time limit will expire on 10 September 2013. In case this time limit needs to be extended, you will be informed in due course.

Yours faithfully,

The ELARG-ACCDOC team.

[show quoted sections](#)

**Enlargement (ELARG)**

**September 10, 2013**

Dear Mr Dohle,

We refer to your below request for access to documents dated and registered on 20 August under the above mentioned reference number.

We would like to thank you very much for the clarifications you provided.

Please note that your application is currently being handled. However, we would like to inform you that we will not be in a position to complete the handling of your application within the time limit of 15 working days, which expires on 10 September 2013. As large files have to be examined in order to retrieve the documents requested, an extended time is limit needed.

For this reason, we have to extend the time limit with 15 working days in accordance with Article 7(3) of Regulation (EC) No 1049/2001 regarding public access to documents. The new time limit expires on 1 October 2013.

We apologise for this delay and for any inconvenience this may cause.

Yours faithfully,

The ELARG-ACCDOC Team.

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**From: Arun Dohle**

**September 10, 2013**

Dear Enlargement (ELARG),

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Enlargement (ELARG)'s handling of my FOI request 'Report Independent Panel of EU Member

State Experts on Family Law'.

I do not consider another 15 working days delay as justified.

According to Regulation 1049/2001

Article 7.3:

In exceptional cases, for example in the event of an application relating to a very long document or to a very large number of documents, the time-limit provided for in paragraph 1 may be extended by 15 working days, provided that the applicant is notified in advance and that detailed reasons are given.

I am of the opinion that my request does not fit the definition of "exceptional cases". My request concerns a specific document that should be easy to retrace.

In the US cable a letter of Commissioner Verheugen is cited, in which he states:

"Following Prime Minister Nastase's request for legal advice on children's rights and adoption, the Commission set up an Independent Panel of EU Member State experts on family law. In its latest report, which I have forwarded to Prime Minister Nastase, the Panel noted the fundamental change made by Romania on the issue of intercountry adoption."

The date of the US cable is 10 June 2004. So, one may assume that the letter from Commissioner Verheugen to US Deputy Secretary of State Armitage is of the same date, or a day or some days before.

So, my request concerns the latest report of the Independent Panel, before 10 June 2004.

I assume that a letter from a European Commissioner to the Romanian Prime Minister can be easily retraced in an electronic registry.

Considering the above, I kindly request a reply without further delay.

Yours faithfully,

Arun Dohle

**Enlargement (ELARG)**

**October 01, 2013**

Dear Mr. Dohle,

We refer to your request for access to documents registered on 20 August under GESTDEM reference 2013/4455.

Your request should have been dealt with until today. However, due to difficulties in retrieving the requested document from the archives, we need more time than expected to process your request.

We will do our utmost to send you our reply until 07/10/2013. In any case, we are very sorry for the delays and the inconvenience this may cause.

Thank you very much for your understanding.

Yours sincerely,

The ELARG-ACCDOC Team.

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**Enlargement (ELARG)**

**October 02, 2013**



**CABVERHEUGEN 16 02 2004 BDT708 2004 246.pdf**

3.9M [Download](#) [View as HTML](#)

Dear Mr. Dohle,

Please find attached the requested document.

Yours sincerely,

The ELARG-ACCDOC Team.

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**From: Arun Dohle**

**October 02, 2013**

Dear Enlargement (ELARG),

Thank you for your reply by which you sent me the report of the Independent Panel of February 2004 along with the transmission letter of Commissioner Verheugen to Romanian Prime Minister Nastase.

However, this was not what I requested.

I requested access, as clarified by my mail of 10 September, to the report and transmission letter of the report of later date: transmission letter June 2004.

I expect to receive this document within maximum 3 days, as it concerns a simple request for 1 document and therefore does not fulfill the definition of any of the exceptions laid down in Regulation 1049/2001.

Yours faithfully,

Arun Dohle

**Enlargement (ELARG)**

**October 03, 2013**



**Your request for access to documents Gestdem 2013 4455.txt**

4K [Download](#) [View as HTML](#)



**CABVERHEUGEN 16 02 2004 BDT708 2004 246.pdf**

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Dear Mr. Dohle,

Thank you very much for your below reply. According to your message of 2 October (see attached), you were looking for "the latest report of the Independent Panel, before 10 June 2004".

We consider that the document which we sent to you yesterday corresponds to your request registered under GESTDEM reference 2013/4455.

In the document which we sent you yesterday, please note that only the transmission letter and not the report itself is dated. We take note that in your e-mail from yesterday you request a "transmission letter from June 2004".

We will launch another search in our archives and come back to you as soon as possible.

Yours faithfully,

The ELARG-ACDOC Team.

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**Enlargement (ELARG)**

**October 08, 2013**

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**DG ELARG BDT 88 2007 1341.pdf**

251K [Download](#) [View as HTML](#)

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Dear Mr Dohle,

With reference to our latest correspondence attached below and as the result of another search in our archives, please find attached a further document corresponding to your request.

Yours faithfully,

The ELARG-ACCDOC Team.

[show quoted sections](#)