



EUROPEAN COMMISSION
Directorate-General Enlargement

B – Coordination of Negotiations and Pre-accession; Bulgaria, Romania, Turkey

The Director

Brussels, 19 May 2004
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Dear Ms. Dillon,

Mr Verheugen has asked me to reply to your letter of 16 March 2004 concerning the issue of intercountry adoption from Romania.

I thank you for the copy of your article that was published in the Boston University International Law Journal, which I have forwarded to the Romania Team of our Directorate-General.

I would like to clarify the position of the European Commission on intercountry adoption. The 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, in this case Romania. 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 European Union have ratified the UN Convention on the Rights of the Child and therefore have to respect the above mentioned principles.

The previous Romanian legislation allowed considerations other than the best interest of the child, to influence decisions on adoptions. Therefore the Romanian government has decided to revise this legislation. The Commission is in favour of the moratorium on intercountry adoptions not only until the new legislation is in force, that will have to fully comply with the UN Convention on the Rights of the Child, but also until administrative capacity exists to implement such legislation.

In the meantime, child protection in Romania is improving, also thanks to considerable financial support from the European Union, and progress is significant. I enclose an information booklet that was jointly published by the Commission and the Government of Romania to explain the ongoing reform.

I hope this information is useful to you.

Matthias RUETE

Mrs. Sara Dillon

Associate Professor of Law

sdillon@suffolk.edu