

EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE, FREEDOM AND SECURITY

The Assistant

Brussels, 3 - MAI 2006
JLS.C1 KL/it D(2006) 5066

**NOTE TO MR LAWRENCE MEREDITH
ASSISTANT, DG ELARG**

Subject: Reattribution of a letter dated 28 March 2006 from Mr Jacob N. Waage on The Hague Convention of 29th May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption

Please find enclosed a letter from Mr Jacob N. Waage, which was addressed to Katja Lenzing but which appears to essentially fall within your Directorate General's responsibilities given the position of DG Enlargement concerning adoptions in Romania. DG JLS has no general comments to add as concerns the interpretation or application of the Convention.

I should be grateful if you would ensure that the letter receives an appropriate follow-up.

A holding reply has been sent to Mr Waage, in accordance with the Code of Good Administrative Conduct (copy of holding reply attached).

Kind regards

Henrik NIELSEN



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE, FREEDOM AND SECURITY

Directorate C : Civil justice, rights and citizenship
Unit C1 : Civil Justice

Brussels, **03 MAI 2006**
JLS.C1/KL/it D(2006) 5069

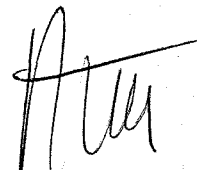
Mr Jacob N. WAAGE
The Permanent Representation of
Denmark
Rue d'Arlon 73
B - 1040 Brussels

Dear Mr Waage,

I acknowledge receipt of your letter dated 28 March 2006 concerning The Hague Convention of 29th May 1993 on Protection of Children and Co-operation in Respect of Inter-country Adoption.

Given the content of your letter, I have passed it to Mr Lawrence Meredith, Assistant at the European Commission's Directorate General for Enlargement (European Commission, CHAR 04/111, B-1049 Brussels), who will ensure that it receives an appropriate response.

Yours sincerely,



Olivier TELL
Head of Unit

THE PERMANENT REPRESENTATION OF DENMARK

to the European Union
Brussels

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JLS SCANNE

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PAR PORTEUR

Enclosure
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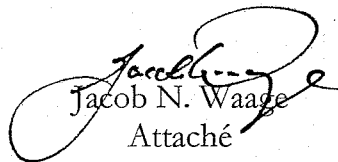
28 March, 2006

The Hague Convention of the 29th May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption

The Danish Ministry of Family and Consumer Affairs, Department of Family Affairs, has asked the Permanent Representation of Denmark to the EU, to obtain the opinion of the European Commission on the questions in the attached document.

The document concerns the Hague Convention of the 29th May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption.

B.A.


Jacob N. Waage
Attaché



Udenrigsministeriet
Asiatisk Plads 2
1448 København K

J.nr.: 06-602-00049

Sagsbehandler: Hanne Kristiansen

Dato 15. marts 2006

Familiestyrelsen, der er dansk centralmyndighed efter Haagerkonventionen af 29. maj 1993 om beskyttelse af børn og om samarbejde med hensyn til internationale adoptioner, er fra flere sider blevet gjort opmærksom på, at der i EU-regi skal være en holdning til international adoption, der adskiller sig fra de principper, der fremgår af Haagerkonventionen.

Der skulle således ifølge Familiestyrelsens oplysninger i forbindelse med nye staters optagelse i EU blive stillet krav om, at disse stater begrænser antallet af adoptioner til udlandet, hvilket i praksis fører til, at børnene så vidt muligt søges anbragt på institutioner i hjemlandet, mens adoption til udlandet anses som en "sidste løsning".

Heroverfor står *familieprincippet* i Haagerkonventionen, hvorefter et barn i almindelige udvikler sig bedst i en familie, hvorfor et barn bør vokse op i en familie frem for på en institution.

Familieprincippet suppleres af *det biologiske princip*, hvorefter enhver stat bør træffe passende foranstaltninger med henblik på, at barnet kan forblive hos sin egen familie, og at *subsidiaritetsprincippet*, hvorefter international adoption kun bør finde sted, hvis der ikke kan findes en egnet familie til barnet i dets oprindelsesland.

Mens international adoption altså efter konventionen er subsidiær i forhold til anbringelse i en egnet familie (den biologiske eller anden familie) i barnets hjemland, er international adoption ikke subsidiær i forhold til anbringelse af barn på en institution i hjemlandet.

Familiestyrelsen skal herved anmode Udenrigsministeriets bistand til at søge afklaret, om den beskrevne opfattelse af international adoption i EU-regi er korrekt, herunder om det nærmere er overvejet, hvordan opfattelsen forholder sig til principperne i Haagerkonventionen.

Med venlig hilsen
Familiestyrelsen

Hanne Kristiansen