



EUROPEAN COMMISSION
 DIRECTORATE-GENERAL JUSTICE, FREEDOM AND SECURITY
 Directorate A: General affairs
 The Director

Brussels, **28 AUG 2006**
 JLS A-2/ES-cd D(2006) 10870

Dear Mr Griffini

Thank you for your letter of June 2006 to Vice-President Frattini. The Vice-President has requested me to respond to you on his behalf. You raise the issue of the position of children in care under the Romanian system and set out the views of your organisation on this.

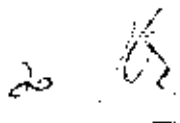
Allow me first of all to assure you that Vice President Frattini and the Directorate General for Justice, Freedom and Security for which he is responsible pay considerable attention to Romania and its preparations for membership of the European Union. Respect for fundamental rights and the independence and efficiency of the justice system are key principles on which the European Union is built. Hence, as Vice President Frattini repeated during his visit on 1 August, Romania will have to comply with these and will be judged on its state of readiness before final admittance to the European Union. As you may be aware, we are currently preparing a final report on Romania's progress which will be made public on 26 September.

Allow me also to underline that the Rights of the Child in general are an issue to which we attach utmost importance. You refer in your letter to the fact that Romania adopted new legislation on child protection with effect from 1 January 2005. Romania has now made impressive progress to improve child protection. Large old-style institutions have been closed and modern child protection alternatives have been created. Living conditions for the children have been substantially improved.

This legislation is now aligned with the European acquis in this area and it transposes the UN Convention on the Rights of the Child. According to this new legislation, inter-country adoption is a last resort, if suitable solutions ranging from smaller homes to foster care cannot be provided in Romania. Inter-country adoption is also strictly limited to the natural grandparents and is no longer foreseen as a child protection measure. This rather strict measure must be understood within the context of former abusive practices relating to international adoptions in Romania. Moreover, the new law does not foresee any special cases which would be open for international adoptions. This represents a firm reaction to past irregularities and a measure conducive to the developing intra-country alternatives in the best interest of the child. This clearly shows that Romania's has improved its record in this area, as it is widely acknowledged that Romania's child protection is now considered satisfactory in comparison with Member States' best practices.

We continue to monitor the progress being made by Romania, up to the point of accession and a report on the progress made will be published in September.

Yours sincerely,


Tony Blair MARGUE