

DE LUCA Patrizia (JUST)

From: DE LUCA Patrizia (JUST)
Sent: 03 September 2010 18:15
To: BRUN Alain (JUST); SAASTAMOINEN Salla (JUST); HEREDIA Maria-Luisa (JUST)
Subject: Flash report: meeting with Joseph M.Pomper, Senior Consular Representative, USA Mission to the EU

FLASH REPORT: Today, 3 September 2010, a meeting EU/USA regarding Inter-country adoption has been held in the Council's premises.

Participants: for the BE PRES, Ms Bénédicte Madoux, Chair of the Working Party on Civil Law Matters (General Questions); Ms Irène Lambreth, Ms Umit Oral, Ms Anne Marie Flo from the Belgian Central Authority. For the Council Secretariat: Mr.Fernando Paulino Pereira and Mr Fabien Cadet. For the European Commission: Ms Patrizia De Luca.

Mr.Pomper thanked the EU representatives for having accepted to organize the meeting, which is a follow-up of the previous informal contacts held during the Special Commission on the operation of the 1993 Hague Convention on Inter-country adoption which took place in The Hague in June 2010.

He mentioned that children issues are very important for the USA and that they have a very informal, flexible and open approach to the matter of collaboration EU/USA in the field of Inter-country adoption. They would like to explore the possibility of some coordination between EU and USA in order to adopt a common position regarding certain problematic third countries. The aim is to facilitate their accession to the 1993 Hague Convention and/or help them to implement a proper legal framework for the correct operation of the Convention. The intention is not to duplicate the valuable work of the Permanent Bureau of the Hague Conference on Private International Law but identify the problems in order to seek a coordinated approach.

The BE PRES replied that the EU is obviously interested in the matter and that the first informal contacts in The Hague have been reported in the meeting of the Working Party on Civil Law Matters on 5 July (General Questions), where some Member States asked for more precise information.

Mr Pomper stated that the US Government is particularly interested in Vietnam and Cambodia and that they have already had some coordination with specific EU receiving countries, as Italy, France, Belgium, Sweden and others. It is important for the USA to establish in these countries a proper child welfare system and a strong regulatory framework in order to facilitate their accession to the 1993 Hague Convention (in the case of Vietnam) or the correct implementation of the Convention (in the case of Cambodia).

The Commission's representative stated that also the EU is committed to encourage accession of third countries to the 1993 Hague Convention and, if necessary, to facilitate its correct implementation. However, the Commission thinks that the Permanent Bureau of the Hague Conference on Private International Law has the expertise to carry out such activities in the framework of its Technical Assistance Programme, which has been already co-financed by some EU countries and by the USA. The possibility of co-financing by the EU of the HccH activities carried out in third countries is currently under study in the framework of the new financial perspectives 2014-2020.

However, it has to be taken into account that not all EU Member States could be interested in the issue of Inter-country adoption in the same manner, considered the mixed nature of the EU MSs (receiving and sending countries). The fact that the EU has not yet legislated internally in the field of adoption is also a limitation to possible "external" activities concerning third countries.

Mr.Pomper said that he is well aware of these circumstances, but that an exchange of views and, later, a coordination should be always possible.

The BE PRES agreed to report the content of the discussion at the next meeting of the Working Party on Civil Law Matters on 30 September and asked Mr.Pomper if it would be possible to have a paper from the USA stating their interest in such coordination with the EU in order to facilitate the debate between Member States. Mr.Pomper agreed and the meeting finished with the promise to continue to have this kind of exchange of ideas with a view to develop, in the future, a more permanent collaboration.