



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 9 July 2010**

**11924/10**

**DOCUMENT PARTIALLY  
ACCESSIBLE TO THE PUBLIC  
(02.08.2013)**

**LIMITE**

**JUSTCIV 134**

**OUTCOME OF PROCEEDINGS**

---

from : Working Party on Civil Law Matters (General Questions)

on : 5 July 2010

---

Subject : Summary of discussions

---

**DELETED**

**Pages 2 through 8: DELETED**

**5. Special Commission on the practical operation of the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (17 to 25 June 2010)**

**(a) Outcome of proceedings**

The representative of the General Secretariat informed the Working Party of the outcome of the Special Commission on the 1993 Hague Adoption Convention. He stressed that 85 States and 15 international organisations had been present and that some, mainly African and Latin American, countries, which had not yet signed or ratified the Convention, had attended as observers. This could be interpreted as a positive sign of interest from these States towards the Convention.

He indicated that the discussions had focussed on two main issues: (1) the examination, chapter by chapter, of the draft Guide to Good Practice on Accreditation and (2) the review of the practical operation of the Convention.

Concerning the first issue the Special Commission had requested the Permanent Bureau to revise the text in the light of the discussions.

On the second issue many important questions had been discussed, such as the application of the safeguards of the Convention (subsidiarity, establishing whether a child is adoptable, etc.), questions relating to the co-operation under the Convention (networking between Central Authorities, “intra-family” adoptions, etc.), questions relating to the Convention procedures, “social” issues (private and independent adoptions, international surrogacy) and questions of a more general nature (technical assistance programme, response to disaster situations, etc.).

Due to lack of time the Special Commission had been unable to adopt the proposed recommendations at the end of the session. These would be subjected to a closer examination and would then be adopted at a later stage.

Two delegations asked for clarification concerning the issue of recognition of adoption decisions within the EU raised by the Commission representative during the Special Commission. The Commission representative indicated that the issue of intra-European adoptions was currently being examined within the Commission. The Commission would therefore be grateful if the Central Authorities of the Member States could inform it of practical cases where problems relating to a lack of recognition arose or had arisen.

One delegation stressed the importance of respecting the formal procedures of the Member States and pointed out that requests for cooperation should be transmitted via the official communication channels.

**(b) Request for cooperation from the United States in the context of the 1993 Hague Convention**

The representative of the General Secretariat informed the Working Party of an informal meeting between the delegation of the United States and representatives of the Presidency, the Commission and the General Secretariat which had taken place on the fringe of the Special Commission at the request of the US delegation. The US delegation had expressed its wish to achieve a coordinated position between EU receiving States and the United States towards, firstly, certain third States in order to encourage them to accede to the Convention and, secondly, certain Contracting States which have difficulties implementing the Convention properly.

Furthermore, the US delegation had suggested to put in place a new set of technical programmes between States of origin in order to disseminate good practice and had proposed the co-financing of such programmes by EU receiving States and the United States.

Some delegations found the request for a coordinated position towards certain States worth considering, but called for further information on what exactly the US had in mind in order to assess the appropriateness of such a cooperation.

Two delegations voiced doubts as to whether this was a matter for the Working Party. In their opinion it would be more appropriate for the United States to address its request for cooperation directly to each Member State individually.

One delegation asked for the item to be put on the agenda of the next meeting of the Working Party.

The Chair concluded that the Presidency would seek further information from the United States and that the Working Party would revert to the issue at the next meeting.

As for the US request for the co-financing of technical programmes delegations stressed the need to integrate any future technical programmes in the framework of the technical assistance and training programmes operated by the Permanent Bureau.

The Commission representative informed the Working Party that the new financial programmes to be adopted in 2014 would make it possible for the EU to finance work carried out in the framework of The Hague Conference and that the type of training suggested by the US could be financed in that context.

**DELETED FROM THIS POINT UNTIL THE END OF THE DOCUMENT (page 16)**

---