

D/100674

GÜNTER VERHEUGEN

MITGLIED DER EUROPÄISCHEN KOMMISSION

RUE DE LA LOI 200 - B-1049 BRUXELLES
WETSTRAAT 200 - B-1049 BRUSSEL
TEL. 02/298.11.00 - FAX. 02/298.11.99

Prime Minister
Adrian Nastase
Bucharest
Romania

25 MAI 2004

Dear Prime Minister,

I hereby transmit to you the 4th report of the Independent Panel of EU Member State Experts concerning the draft legislation on children's rights and adoption.

The Panel takes note of the fundamental change made on the issue of intercountry adoption and considers this essentially in line with the recommendations made in their third report. These recommendations are based on the UN Convention on the Rights of the Child, the European Convention on Human Rights and on current practices in EU Member States. The approach that you are now proposing to pursue on the policy of intercountry adoptions with a very limited exception clearly conforms to these parameters.

As the panel points out, the draft law foresees considerable administrative structures for intercountry adoption, which appear to be in contradiction with a policy choice to strongly limit these. Also, the specific provisions that aim to limit intercountry adoptions are uncommon and, in the absence of explanations in the Explanatory Memoranda, give rise to questions.

The secondary legislation, as well as the development of the administrative capacity at all levels, is now crucial. The Panel will carefully study the draft secondary legislation your services sent to the Commission recently and will report their findings before end of June 2004.

I trust that you will consider the comments made in the Panel's report and congratulate you on your strong political will and your firmness in promoting children's rights.

Yours sincerely,

