



**TREATY SERIES, 1998**

**NO.6**

**CO-OPERATION AGREEMENT SIGNED ON 19 FEBRUARY 1998  
BETWEEN THE MINISTER FOR HEALTH AND CHILDREN  
OF IRELAND AND THE ROMANIAN COMMITTEE  
FOR ADOPTIONS**

**Concluded at Bucharest on 19 February 1998**

---

LAI D BEFORE DAIL EIREANN BY THE  
MINISTER FOR FOREIGN AFFAIRS

DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased directly from the  
GOVERNMENT PUBLICATIONS SALE OFFICE,  
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2.  
or by mail order from  
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,  
4 - 5 HARCOURT ROAD, DUBLIN 2.  
(Tel: 01 - 6613111 — ext. 4040/4045; Fax: 01 - 4752760)  
or through any bookseller.

**PN No. 6737**

**Price £ £2.00**

ROMANIAN COMMITTEE  
FOR ADOPTIONS

MINISTER FOR  
HEALTH AND CHILDREN  
OF IRELAND

CO-OPERATION AGREEMENT

ART. 1

This Agreement is concluded between:

a. **The Romanian Committee for Adoptions** - the Romanian Central Authority designated to carry out the obligations stipulated by the Hague Convention for the Protection of Children and Co-operation in Respect of Intercountry Adoption, drawn up in the Hague on the 29<sup>th</sup> May 1993, represented by Mr. Cristian Tăbăcaru, State Secretary, as Chairman of the Committee;

b. **The Minister for Health and Children of Ireland** The Irish Adoption Board (An Bord Uchtala) will act as agent to the Minister for Health and Children in association with the health boards in processing applications from prospective adopters. The Irish Adoption Board will only forward applications for the adoption of Romanian children on behalf of persons resident in Ireland who, in accordance with Irish law, have been assessed by a health board or registered adoption society and in whose favour the Irish Adoption Board has made a declaration of eligibility and suitability to adopt.

The Romanian Committee for Adoptions will only accept applications for the adoption of Romanian children from persons, including Romanian citizens, who have been ordinarily resident in Ireland for one year which are sent to it by the Adoption Board.

Each of the health boards will act in association with the Adoption Board as agents for the Minister in carrying out the follow-up reports on the child's post adoption care as required by the provisions of Art. 9(2) of this Agreement and these reports will be submitted to the Adoption Board for transmission to Romania.

The health boards, which have statutory responsibility in Irish law for protecting the welfare of children who are not receiving adequate care and protection, will act as agents for the Minister for Health in Ireland with regard to the implementation of the provisions of Art. 10(i) of this Agreement.

ART. 2

(1) The object of this Agreement is to establish a system of co-operation between the two parties hereof to protect the rights and safeguard the interests of children

*Handwritten signature*

*Handwritten signature*

in respect of adoption, in accordance with the principles and standards stipulated by the UN Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20 November 1989.

(2) The co-operation between the two parties has the following objectives:

- a) to provide guarantees that the adoption of the child who falls under the jurisdiction of one of the two countries whose authorities are parties hereof, by a couple or a person under the jurisdiction of the other country is carried out for the child's best interest and with a view to defending the child's fundamental rights, so that the legislations of the two countries are duly complied with;
- b) to ensure that the adoption in a) is recognised in the two countries whose authorities are parties hereof;
- c) to prevent the abduction, sale or trafficking of children.

(3) The parties hereof act with a view to promoting co-operation between the authorities of the two countries and directly take all the necessary steps in order to:

- a) provide to each other information on the respective country's adoption legislation and other general information, such as statistics reports, follow-up reports and typed forms;
- b) remove all obstacles which may hinder the implementation of this Agreement.

### ART. 3.

The parties hereof shall take, directly or with the support of other public authorities in the respective countries, all the necessary steps for the prevention and hindering of any illicit material gains in connection with adoption.

### ART. 4

The parties hereof shall take, directly or with the support of other public authorities in the respective countries, all the necessary steps with a view to:

- a) collecting, monitoring and making an exchange of information regarding the situation of adoptable children and of the future adoptive parents, to the extent necessary to complete the adoption process;
- b) facilitating and monitoring the adoption procedure;
- c) promoting in the respective countries the development of guidance services for those who wish to adopt and for the

11

77

monitoring of the child's post-adoption evolution;

d) exchanging assessment reports on intercountry adoption;

e) to the extent permitted by the respective country's legislation, responding to enquiries from public authorities for information concerning particular adoptions.

#### ART. 5

The adoption referred to in Art. 2.(2) a) can be completed only if the parties hereof:

a) have made sure that future adoptive parents are suitable to adopt, in accordance with their national legislation;

b) have made sure that there are guarantees that the child to be adopted may enter and live permanently on the territory of the other country in the case of adoption being granted and have provided for adoption follow-up.

#### ART. 6

A person or persons who fall under the jurisdiction of a country whose authority is a party hereof and who wish to adopt a child under the jurisdiction of the other country whose authority is a party hereof shall apply to the appropriate authority in their own country.

#### ART. 7

(1) If the party that has received an application for adoption under Art. 6 deems that the applicants are suitable to adopt, it draws up a report containing information on their identity, legal capacity and qualities for adoption, their personal, family and medical background, the social background, reasons for adoption and on the type of children which they have been approved to adopt.

(2) The report is submitted to the other party of the Agreement, together with the adoption application and the other documents in compliance with the law of the country where the adoption is to be granted. The documentation will be translated in the country where the adoption is to be granted and the costs of translation will be borne by the applicant.

#### ART. 8

(1) In the event of adoption completion, the party in the country where adoption has been granted shall immediately inform the other party and submit to it an authenticated copy of the final adoption decree.

JS

JF.

(2) The parties hereof shall take all the necessary steps so that the child is granted authorisation to leave the country of origin, as well as authorisation to enter the country of adoption and live permanently on the territory of that country.

#### ART. 9

(1) The party in the country where the child will live after the completion of the adoption shall submit to the other party follow-up reports containing detailed information on the child's post-adoption evolution.

(2) Reports shall be sent every three months for a period of at least two years from the date of entry of the child into the country where he/she will reside after completion of the adoption process. Reports shall be written in French or English.

#### ART. 10

(1) Should the party in the country on whose territory the child resides after adoption deem that the child's stay with the adoptive family no longer serves the child's best interest, the respective party shall take all the necessary steps in order to offer the children the same protection as to any other child temporarily or totally deprived of this family environment, in accordance with the principles stated in the UN Convention on the Rights of the Child and the respective country's legislation

(2) Taking especially into account the child's age, level of maturity and discernment capacity, the child shall be consulted and, if necessary, his consent shall be obtained as to the steps to be taken in accordance with this Article.

#### ART. 11

(1) Either of the parties hereof may transfer the accomplishment of the prerogatives in accordance with Arts. 4, 5, 6, 7 and 9 of this Agreement to a private authorised institution, in accordance with the respective country's legislation.

(2) The private institution referred to in (1) shall be licensed by the party which transfers the prerogatives. Only those private institutions which show a capacity to correctly carry out the prerogatives conferred on them may be authorised and they must comply with the following conditions:

a) they are duly constituted legal persons in the respective country;

b) they pursue non-profit objectives within the limits and

Jh

J.F.

requirements set by the legislation of the country where they are to be licensed;

c) they are headed and managed by persons whose moral integrity, professional skills or experience qualify them to act in order to protect the rights and safeguard the interest of children in respect of adoption.

d) they are monitored by the competent authorities of the country where they have their head office, as to their structure, activity and financial situation.

#### ART. 12

A private institution licensed by one of the parties hereof may not carry on activities on the territory of the other country unless authorised by the respective party.

#### ART. 13

The parties hereof bind themselves to permanently exercise control over the activity of those private institutions to which they have granted prerogatives, ensuring that their activities correspond to the principles and standards stated in this Agreement.

#### ART. 14

- (1) The Agreement is concluded for an unlimited period of time.
- (2) Unilateral termination of this Agreement is allowed only in the event of one party's not complying with the obligation undertaken. Unilateral termination of the Agreement is effective in 30 days from its notification to the other party hereof.
- (3) Termination of this Agreement is possible through the parties' mutual agreement.
- (4) Termination of this Agreement shall have no retrospective consequences.
- (5) Alterations of this Agreement can be made only through the parties' mutual agreement.

#### ART. 15

Any difficulties in connection with the working of the Agreement shall be resolved through diplomatic channels, in accordance with the principles and standards stipulated by international law.

*clh*

*J. J.*

**ART. 16**

This Agreement acquires legal force on the date of its signing by the representatives hereof.

This Agreement was executed in two original copies, each one in the Romanian language and in the English language, both copies with the same legal force.

Whereby the representatives of the parties empowered to conclude this Agreement have signed and sealed each page of the original copies.

**For The Romanian Committee  
for Adoptions**

**Cristian Liviu Tăbăcaru,  
Chairman**



**For The Minister for Health  
and Children of Ireland**

**Frank Fahey TD,  
Minister of State**

*Frank Fahey.*

COMITETUL ROMÂN  
PENTRU ADOPTII

MINISTERUL SĂNĂTĂȚII SI  
COPILOR DIN IRLANDA

## ACORD DE COOPERARE

**Art. 1** - Prezentul acord intervine între:

- **Comitetul Roman pentru Adoptii** - autoritatea centrala romana desemnata sa aduca la indeplinire obligatiile prevazute de Conventia asupra protectiei copiilor si cooperarii in materia adoptiei internationale, incheiata la Haga la 29 mai 1993, reprezentata prin dl. Secretar de stat Cristian Tabacaru, in calitate de presedinte;

- **Ministerul Sanatatii si Copiilor din Irlanda**. Consiliul Irlandez pentru Adoptie (An Bord Uchtala) va actiona ca reprezentant al Ministerului Sanatatii si Copiilor, in colaborare cu consiliile de sanatate, pentru indeplinirea procedurilor legate de cererile de adoptie. Consiliul Irlandez pentru Adoptie va da curs numai cererilor de adoptie a unor copii din Romania, exprimate de persoane cu resedinta in Irlanda, care au fost evaluate de un consiliu pentru sanatate sau de o societate de adoptii inregistrata, in conformitate cu prevederile legii irlandeze, si in favoarea carora Consiliul Irlandez pentru Adoptii a facut o declaratie privind eligibilitatea si capacitatea lor de a adopta.

Comitetul Roman pentru Adoptii va accepta numai cererile de adoptie a unor copii romani, care sunt exprimate de persoane, inclusiv cetateni romani, care au resedinta in Irlanda de cel putin un an, si care i-au fost transmise de Consiliul Irlandez pentru Adoptie.

Fiecare dintre consiliile pentru sanatate va actiona in colaborare cu Consiliul Irlandez pentru Adoptie, ca reprezentant al Ministerului Sanatatii si Copiilor, pentru a intocmi rapoarte de urmarire a copilului dupa adoptie, potrivit prevederilor art. 9 (2) al prezentului Acord, rapoarte care vor fi prezentate Consiliului Irlandez pentru Adoptii, pentru a fi transmise Comitetului Roman pentru Adoptii.



Consiliile pentru sanatate, carora le revine obligatia legala, potrivit legii irlandeze, de a proteja copiii carora nu li se asigura ingrijire si protectia corespunzatoare, vor actiona ca reprezentanti ai Ministerului Sanatatii din Irlanda, pentru indeplinirea atributiilor prevazute la art. 10 (1) al prezentului Acord.

**Art. 2** - (1) Obiectul prezentului acord il constituie instaurarea unui sistem de cooperare intre cele doua parti contractante in domeniul protectiei drepturilor copilului prin adoptie, in conformitate cu principiile si normele prevazute de Conventia cu privire la drepturile copilului, adoptata de Adunarea Generala a Organizatiei Natiunilor Unite la 20 noiembrie 1989.

- (2) Cooperarea intre cele doua parti contractante are urmatoarele obiective:

- a) sa stabileasca garantii pentru ca adoptia unui copil ce se afla sub jurisdicia unuia dintre cele doua state ale caror autoritati sunt parti la prezentul acord, de catre sotii sau o persoana ce se afla sub jurisdicia celuilalt stat, sa se infaptuiasca in interesul superior al copilului si pentru protejarea drepturilor sale fundamentale, cu respectarea legislatiei celor doua state;
- b) sa asigure recunoasterea adoptiei prevazute la lit. a) in cele doua state ale caror autoritati sunt parti la prezentul acord;
- c) sa previna si sa impiedice rapirea, vanzarea sau traficul de copii.

- (3) Partile contractante actioneaza pentru a promova colaborarea intre autoritatile statelor lor si iau in mod direct toate masurile corespunzatoare pentru:

- a) a-si pune la dispozitie informatii asupra legislatiei statelor lor in materia adoptiei si alte informatii generale, precum statistici, rapoarte privind evolutia copilului dupa adoptie, formulare tip;
- b) a inlatura orice obstacol care ar putea impiedica aplicarea prezentului acord.

**Art. 3** - Partile contractante vor lua, fie direct fie cu concursul altor autoritati publice ale statelor lor, toate masurile necesare pentru a preveni si a impiedica obtinerea oricarui castig material necuvenit cu prilejul unei adoptii.

**Art. 4** - Partile contractante vor iua, fie direct fie cu concursul altor autoritati publice din statul lor, toate masurile necesare pentru:

WH

J.F.

- a) a culege, a centraliza si a efectua schimb de informatii referitoare la situatia copiilor adoptabili si a viitorilor parinti adoptivi, in masura necesara incheierii adoptiei;
- b) a facilita si a urmari procedura in vederea adoptiei;
- c) a promovea in statele lor dezvoltarea unor servicii de indrumare a celor care doresc sa adopte si de urmarire a evolutiei copilului dupa adoptie;
- d) a efectua schimburi de rapoarte de evaluare in materia adoptiei internationale;
- e) a raspunde, in masura permisa prin legea statului lor, cererilor avand ca obiect informatii asupra unei situatii speciale privind adoptia, formulate de alte autoritati publice.

**Art. 5** - Adoptia prevazuta la art. 2, alin. (2), lit. a) nu poate avea loc decat daca partile contractante:

- a) s-au asigurat ca viitorii parinti adoptivi sunt apti sa adopte, in conformitate cu legea lor nationala;
- b) s-au asigurat ca exista garantii pentru ca adoptatul sa intre si sa locuiasca permanent pe teritoriul celuiilalt stat in cazul incuviintarii adoptiei, cat si pentru urmarirea evolutiei acestuia dupa adoptie.

**Art. 6** - Persoanele aflate sub jurisdicia unui stat a carui autoritate este parte la prezentul acord, care doresc sa adopte un copil aflat sub jurisdicia celuiilalt stat a carui autoritate este parte la prezentul acord, se vor adresa partii contractante din statul lor.

**Art. 7** - (1) Daca partea contractanta care a primit o cerere privind adoptia unui copil in conditiile art. 6 considera ca reclamantii sunt apti sa adopte, intocmeste un raport cuprinzand informatii cu privire la identitatea lor, capacitatea legala si aptitudinile lor de a adopta, situatia lor personala, familiala si medicala, mediul social caruia ii apartin, motivele care ii determina sa adopte, precum si cu privire la copii pe care ar fi apti sa ii adopte.

- (2) Raportul este transmis celeilalte parti contractante, impreuna cu cererea de adoptie si celelalte acte prevazute de legea statului in care adoptia urmeaza a fi incuviintata. Documentatia va fi tradusa in tara in care va fi incuviintat adoptia, iar cheltuielile de traducere vor fi suportate de solicitant.

JK

J.F.

**Art. 8** - (1) In cazul definitivarii adoptiei, partea contractanta din statul unde aceasta a fost incuviintata va informa de indata cealalta parte contractanta, transmitand acesteia copia legalizata a hotararii irevocabile de incuviintare a adoptiei.

- (2) Partile contractante vor lua toate masurile necesare, astfel incat copilul sa primeasca autorizarea de iesire din statul de origine, precum si pe cea de intrare si de a locui permanent pe teritoriul celuiilalt stat.

**Art. 9** - (1) Partea contractanta din statul pe teritoriul caruia copilul va locui dupa definitivarea adoptiei este obligata sa transmita celeilalte parti contractante rapoarte cuprinzand informatii detaliate referitoare la evolutia copilului dupa adoptie.

- (2) Rapoartele vor fi transmise la interval de trei luni, pe o perioada de minim 2 ani de la data intrarii copilului pe teritoriul statului unde acesta va locui dupa definitivarea adoptiei. Rapoartele vor fi redactate in limba engleza sau franceza.

**Art.10** - (1) Daca partea contractanta din statul pe teritoriul caruia copilul locuieste dupa adoptie considera ca mentinerea copilului in familia adoptiva nu mai corespunde interesului superior al acestuia, partea contractanta respectiva are obligatia sa ia toate masurile necesare pentru a-i asigura copilului aceeasi protectie ca oricarui alt copil care este temporar sau total lipsit de mediul sau familial, in conformitate cu principiile enuntate in Conventia O.N.U. cu privire la drepturile copilului si cu prevederile legii statului sau.

- (2) Tinand seama in special de varsta, de gradul de maturitate si de capacitatea de discernamant a copilului, acesta va fi consultat si, daca este cazul, se va obtine consimtamantul sau cu privire la masurile ce se vor lua conform prezentului articol.

**Art.11** - (1) Oricare din partile contractante poate delega indeplinirea atributiilor care ii revin potrivit articolelor 4, 5, 6, 7 si 9 ale prezentului acord unui organism privat autorizat, in masura prevazuta de legea statului sau.

- (2) Organismul privat mentionat la alin. (1) va fi autorizat de partea contractanta care urmeaza a-i delega atributii. Pot fi autorizate si pot sa

W.S.

J.F.

isi pastreze autorizatia numai organismele private care demonstreaza aptitudinea lor de a indeplini in mod corect atributiile ce le vor fi delegate si care indeplinesc urmatoarele conditii:

- a) sa fie persoane juridice legal constituite in statul lor;
- b) sa urmareasca scopuri nelucrative, in conditiile si limitele fixate de legea statului unde urmeaza a fi autorizate;
- c) sa fie conduse si administrate de catre persoane calificate prin integritatea lor morala, pregatire profesionala sau experienta, pentru a actiona in domeniul protectiei drepturilor copilului prin adoptie;
- d) sa se afle sub supravegherea autoritatilor competente ale statului unde se afla sediul lor social, in ceea ce priveste alcatuirea, functionarea si situatia lor financiara.

**Art.12** - Un organism privat autorizat de una dintre partile contractante nu va putea actiona pe teritoriul statului celeilalte parti contractante decat daca aceasta l-a autorizat.

**Art.13** - Partile contractante se obliga sa asigure un control permanent si efectiv al activitatii organismelor private carora le-au delegat atributii, avand in vedere ca aceasta activitate sa corespunda principiilor si normelor enuntate de prezentul acord.

**Art.14** - (1) Prezentul acord este incheiat pentru o perioada nedeterminata.

- (2) Denuntarea prezentului acord este permisa numai in cazul in care una din partile contractante nu isi respecta obligatiile asumate. Denuntarea acordului produce efecte in termen de 30 de zile de la notificarea acesteia celeilalte parti contractante.

- (3) Incetarea valabilitatii acordului poate interveni prin acordul comun al partilor.

- (4) Incetarea valabilitatii prezentului acord nu va produce efecte retroactive.

- (5) Modificarea prezentului acord se poate face numai de comun acord de catre partile contractante.

*Handwritten signature*

*Handwritten signature*

**Art.15** - Orice litigiu generat de aplicarea prezentului acord se va solutiona pe cale diplomatica, potrivit principiilor si normelor admise de dreptul international.

**Art.16** - Prezentul acord intra in vigoare la data semnarii sale de catre reprezentantii partilor contractante.

Prezentul acord a fost incheiat in doua exemplare originale, fiecare in limba romana si in limba engleza, ambele fiind egal autentice.

Drept pentru care, reprezentantii partilor contractante imputerniciti sa incheie prezentul acord au semnat si parafat fiecare pagina a exemplarelor originale.

**Pentru Comitetul Roman  
pentru Adoptii**

**Cristian Liviu Tabăcaru  
Presedinte**

**Pentru Ministerul Sanatatii  
si Copiilor din Irlanda**

**Frank Fahey TD  
Minister of State at the  
Department of Health and Children**



ISBN 0-7076-6753-4



9 780707 667539