

Intercountry Adoptions Commission

HAVING REGARD TO The Hague Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoption done in The Hague on 29 May 1993 (hereafter the Convention);

HAVING REGARD TO Law No. 476 and 31 December 1998, "Ratifying and implementing the Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoption, done in The Hague on 29 May 1993, and amending Law No. 184 of 4 May 1983, on the adoption of foreign children" which, inter alia, instituted the Intercountry Adoptions Commission at the Office of the Prime Minister, as the Central Authority with responsibility for implementing the aforementioned Convention (hereafter the Commission);

HAVING REGARD TO the Prime Ministerial decrees of 24 September and 9 November 2007 reconstituting the Commission;

HAVING REGARD TO the Decree of the President of the Republic dated 12 May 2008, appointing Senator Carlo Amedeo Giovanardi as Under-Secretary of State at the Office of the Prime Minister;

HAVING REGARD TO the Prime Ministerial Decree of 13 June 2008, delegating the Under-Secretary of State, Senator Carlo Amedeo Giovanardi with the functions of policy-making, liaising and promoting initiatives, including statutory measures, of oversight and verification and all other functions vested in the Prime Minister under current legislative provisions in relation to family policies;

HAVING REGARD TO art. 2 of the aforementioned Prime Ministerial Decree of 13 June 2008, delegating the Under-Secretary of State to exercise the functions of policy-making, and systemically liaising in the matter of the adoption of Italian and non-Italian children, and the functions vested in the Prime Minister in relation to the Commission;

HAVING REGARD TO the Prime Ministerial Decree dated 3 July 2008

appointing the Under-Secretary of State sen. Carlo Amedeo Giovanardi to serve as President of the Commission;

HAVING REGARD TO the Prime Ministerial Decree dated 17 July 2008 confirming Dr Daniela Bacchetta in the post of Vice President of the Commission;

HAVING REGARD TO the Prime Ministerial Decree dated 17 July 2008 replacing several members of the Commission;

HAVING REGARD TO the Prime Ministerial Decree dated 22 October 2008 appointing experts to sit on the Commission;

HAVING REGARD TO the Decree of the President of the Republic No. 108 of 8 June 2007, enacting provisions for the reorganisation of the Commission, repealing the Decree of the President of the Republic No. 492 of 1 December 1999, and in particular article 6 (1) which established the remit given to the Commission, including, in paragraph (c) the function of drafting criteria for authorising the work of the agency is provided by article 39-ter of the Adoption Law;

HAVING REGARD TO resolution No. 6/2008/AE/AUT/SG of 22 July 2008, in which the Commission laid down the principles and the rules to apply to its work of issuing authorisations, making provision for the design of new forms for submitting requests for authorisation to replace the previous ones then in force;

DEEMING IT appropriate to make a number of changes to the criteria resolved on 22 July 2008 to improve the coordination with the provisions of Law No. 184 of 4 May 1983 as amended by Law No. 476 of 31 December 1998 and Decree of the President of the Republic No. 108 of 8 June 2007, also up a various suggestions that had been made in the meantime;

DEEMING IT appropriate for the purposes of simplification, to totally replace Resolution No. 6 of 2008 with the present Resolution;

Those present have unanimously

RESOLVED THAT

1. the criteria for authorising the activities of the agencies provided by article 39-ter of Law No. 184 of 4 May 1983 as subsequently amended hereby approved, as indicated in Schedule A, which forms an integral part of this Resolution.

2. This Resolution entirely replaces Resolution No. 6/2008/AE/AUT/SG of 22 July 2008 and its Schedule A,

AND ORDER

1. The publication of this Resolution and its Schedules in the Official Gazette of the Republic.

Done in Rome on 28 October 2008.

The President
Sen. Carlo A. Giovanardi

SCHEDULE A

Criteria for authorising the activities of the agencies provided by article 39-ter of Law No. 184 of 4 May 1983 as subsequently amended. Rules governing the procedures for registration in the Adoption Agencies Register.

Art. 1

Scope

1. This Schedule A of Resolution No. 13/2008/SG:

- a. identifies the criteria for authorising the agencies provided by article 39-ter of law No. 184 of 4 May 1983 as subsequently amended (hereafter the Adoption Law) to perform the activities provided by article 31 (3) of the same Law and for ascertaining that the authorised entities permanently meet the eligibility requirements for authorisation;
- b. sets the deadlines by which the agencies already authorised are required to adjust their organisation to the criteria indicated under (a) above;
- c. governs the manner of keeping of the Register of authorised agencies provided by article 6 (1) (c) of the Decree of the President of the Republic No. 108 (hereafter the Regulation);
- d. governs the procedures for submitting applications for authorisation and registration.

Art. 2

Procedures for submitting applications for authorisation

1. The application for authorisation, and the related annexes, compiled using the forms provided in Schedule B, shall be sent to the Commission by registered post and recorded delivery or, in the case of agencies already registered, by “certified post” (“posta certificata”).

2. The application, signed by the legal representative of the agency, includes the declaration that the agency meets all the requirements provided by article 11 (1) (b), (c), (d), (e), (f), (g) and (h) of the Regulation and the further indications provided by articles 4ff of this Resolution.

3. The following shall be annexed to the application in addition to the documentation required by article 11 (2) of the Regulation:

- a. the individual records and series of the members of the Board of Directors of the agency, the personnel, the co-workers and consultants,

- the reference persons and the co-workers abroad;
- b. the certificates attesting to voluntary service provided by articles 4 (1) and 5 (1);
 - c. the statements, pursuant to current provisions governing self certification, provided by articles 4, 5, 6, 7 and 12 (9);
 - d. a copy of the diplomas and attestations regarding the moral standing of the co-workers abroad, provided by article 12 (8);
 - e. a copy of the agreement provided by article 12 (10);
 - f. a copy of the agreements with other agencies provided by article 10 had agreements signed with other organisations and with the local services provided by article 15 (2);
 - g. the study of the country for which authorisation is requested, provided by article 13;
 - h. the description of the operational methodology provided by article 15;
 - i. the services Charter provided by article 16;
 - j. a statement indicating the procedures used to disseminate data on the activity of the applicant agency, provided by article 17;
 - k. documentation on activities to promote the rights of the child, provided by article 19.
4. Agencies already registered which submit applications for authorisation for new countries are exempted from the requirement to submit documents on their organisation in Italy which had previously been submitted to take their original authorisation. These documents must be specifically stated on a list, signed by the legal representative.
5. All the data, information and documents submitted to the Commission required by the Convention, the Adoption Law, the Regulation and this Resolution are subject to the rules governing the protection of personal data pursuant to Legislative Decree No. 196 of 30 June 2003, article 7 of the Regulation, and Prime Ministerial Decree No. 312 of 13 November 2006.

Art. 3

Deadlines for the submission of applications

1. Applications for authorisation may be submitted between 1 January and 31 March each year.

Art. 4

Eligibility requirements of the agency's Board of Directors and executive personnel

1. The members of the agency's Board of Directors at the personnel holding general executive posts with responsibility for the specific work of the agency in relation to intercountry adoptions must in possession of sufficient consolidated and verifiable training and experience in this field, acquired through professional practice, employment or voluntary service. Voluntary service shall be certified by the organisation on behalf of which it has been performed.
2. The mere fact of having the status of an adoptive parent or of having attended courses of preparation for prospective adoptive couples organised by authorised agencies or public agencies shall not be considered to be sufficient experience for the purposes of adopting.
3. Personnel holding executive posts shall be in possession of at least the upper secondary school academic qualification.
4. Possession of the academic qualification shall be attested by declarations issued by the interested parties pursuant to current legislation governing self-certification.

Art. 5

Eligibility requirements of co-workers and consultants in Italy

1. Co-workers of the agency holding posts of responsibility in the specific activities of the agency relating to intercountry adoptions must have had at least three years of practical experience in a profession, or as an employee or a volunteer worker with an authorised agency or a voluntary service agency registered with a Regional Register, in any one of the following capacities:
 - a. providing assistance to prospective candidates for national intercountry adoptions;
 - b. working professionally with children or families as social workers, psychologists, psychotherapists, or educators;
 - c. as legal experts in children's and family law.

Voluntary service experience shall be certified by the organisation of behalf of which it has been performed.

2. Members of the liberal professions working as volunteers it posts of responsibility must have been registered members of their Professional Association for at least three years.
3. Possession of the academic and specialisation qualifications and registration with Professional Associations shall be attested by declarations issued by the parties concerned pursuant to current legislation governing self-certification.

Art. 6

Incompatibility

1. Members of the Board of Directors of the agency, the managers of the agency or those working in the agency or as co-workers, with whatever status in the specific area of activity involving intercountry adoptions may not simultaneously be holders of posts of responsibility or perform functions relating to the protection or guardianship of children, the fostering of children by families and national intercountry adoptions that might influence the adoption of work and procedures for which the agency is responsible.

2. The agency may not have any links of any kind, or be engaged in cooperation with any organisations involved in implementing solidarity programmes for the hosting of foreign children in Italy. No individual members or executives of the agency and no-one to working with the agency with whatever status may be involved in any capacity whatsoever with such solidarity programmes.

3. The legal representative of the agency and the parties directly concerned shall ensure a statement declaring that none of these situations of incompatibility apply to them, pursuant to current legislation governing self-certification.

4. The statement referred to in paragraph (3) above shall also be issued in relation to any prior situations ending in the two-year period before to the date of issue.

5. Any further collaboration with natural or legal persons performing activities, or holding posts or performing functions relating to the protection or guardianship of children, fostering with families, national intercountry adoption, in whatever capacity and in whatever area of activity performed by the agency reported must be reported to the Commission even if the activity ended in the two-year period prior to the date on which the statement is issued. The Commission shall then evaluate any such reports.

Art. 7

Verification of possession of moral standing

1. Authorisation shall not be issued to any agency whose members, or those who manage it, work within it, or co-operate with it in any capacity whatsoever, or have previously been given detention or prohibition orders???, or have been convicted, even if the judgment is not final, of any of the crimes indicated in articles 380 and 381 of the Code of Criminal Procedure more articles 600-*bis*, 600-*ter*, 600-*quater*, 600-*quinquies*, 609-*quater* and 609-*quinquies* of the Penal Code, or have been sentenced definitively to a term of imprisonment of not less than one year for having committed non-negligent crimes, without prejudice to the effects of rehabilitation in each case.

2. All the persons who manage the agency, work within it, or co-operate with it in any capacity whatsoever shall declare that none of the circumstances provided by

paragraph (1) apply to them, pursuant to current provisions governing self-certification.

3. The following additional information shall also be supplied, for examination by the Commission, by all the persons who manage the agency, work within it, or co-operate with it in any capacity whatsoever, pursuant to current provisions governing self-certification:

- a. any previous criminal convictions, even if the court had granted the “non-mention” benefit;
- b. any pending criminal charges;
- c. any bankruptcy law insolvency proceedings in the course of the previous five years;
- d. any disciplinary measures issued against them in the case of members of Professional Associations.

4. Managers of the agency shall also provide the following additional information for examination by the Commission, pursuant to current provisions governing self-certification:

- a. any definitively ascertained violations by the agency of obligations relating to the payment of taxes and social security/welfare contributions;
- b. any administrative interdictive penalties imposed on the agency pursuant to Legislative Decree No. 231 of 8 June 2001.

5. The circumstances indicated in paragraphs (1) and (3) are subject to self-certification even if they referred to events that took place or acts that were performed outside Italian territory.

6. For the purposes of the declarations provided by this article, the conviction shall mean, pursuant to article 445 of the Code of Criminal Procedure, the imposition of the penalty at the request of the parties pursuant to article 444 of the Code of Criminal Procedure.

Art. 8 **offices in Italy**

1. The agency shall have adequate organisational and operational facilities for the performance of its operations in at least one Region or Autonomous Province in Italy able to guarantee its ability to comply with the formalities and provide the services required to inform, prepare and assist couples through the adoption procedure and provide them with post-adoption care. The activities that it is intended to perform must be specified in detail for each office.

2. The agency shall notify the Commission of the names of the senior official for each office and of all the people working there in whatever capacity, specifying

their role, functions and the nature of their cooperation.

3. The agency's offices shall not be in private houses or professional offices.
4. The facilities at the places used by the agency may also be shared with other organisations, but not with agencies providing hospitality for children for the purposes of treatment, holidays or study, pursuant to article 6 (2).
5. Every organisational and operational facility indicated must be clearly linked to the agency and must have adequate utilities, namely, telephone, fax, e-mail and “certified post” facility belonging to the agency, and active. If the offices are shared between two or more entities under the agreements referred to in article 10, the utilities may also be registered in the name of only one of them, but all communications referring to adoption procedures must refer clearly to the agency responsible for the couple.
6. Each office must be open to the public on the days and during the business hours notified to the Commission, in order to guarantee adequate assistance to couples.
7. The legal representative and the officials responsible for adoption procedures must always be able to be reached by the Commission, ensuring that someone is deputising for them in the event that they are unavailable themselves at any time.

Art. 9

Scope of operations in Italy

1. The authorised agency may act on behalf of couples resident in each Region in which it has an office in which it guarantees the performance of the formalities and the provision of the services needed to inform, prepare and assist couples through the adoption procedures and provide post-adoption care.
2. The agency may also apply for authorisation to act on behalf of couples resident in the macroarea in which the office referred to in paragraph (1) is located, and on behalf of couples resident in the regions bordering on the macroarea. In its application for authorisation to act in such cases the agency must provide details of the ways in which it intends to provide the couples with the assistance they require in every phase of the adoption and post-adoption procedure.
3. The macroareas referred to in paragraph (2) are:
 - a. Valle d’Aosta, Piedmont, Liguria, Sardinia, Lombardy;
 - b. Lombardy, Veneto, Trentino-Alto Adige, Friuli-Venezia Giulia;
 - c. Emilia-Romagna, Tuscany, Umbria, Marche, Sardinia;
 - d. Lazio, Sardinia, Abruzzo, Molise, Campania;
 - e. Campania, Puglia, Calabria, Basilicata, Sicily.
4. In the event that the office identified for the purposes of establishing the area of operation pursuant to paragraph (2) is situated in a region belonging to more

than one of the macroareas indicated in paragraph (3), in its application for authorisation the agency must indicate the macroarea in which it intends to operate.

5. The agency may request authorisation to restrict its operations to the whole of the macroarea identified in paragraph (3).

6. Agencies established by religious communities may, considering the specific character of their organisation, request authorisation to act on behalf of couples resident in regions in which the religious community has its local offices, in which it is possible to regularly perform the formalities required to assist couples in the course of the adoption and post-adoption procedure.

7. The Commission shall appraise any derogations in exceptional cases to the provisions of paragraphs (1) and (2).

Art. 10 **Agreements**

1. Agencies may conclude agreements between themselves under which they place their premises and human resources at the disposal of other agencies parties to the agreements, sharing their operational and professional methodologies, for identifying joint procedures to improve the provision of services on behalf of couples, in Italy and abroad.

2. The agreements shall lay down the civic agreed organisational rules regarding the responsibilities for the activities attributed to each agency, in their relations with both the Commission and the institutions, and in relations with the couples. The agreement shall also indicate the consequences in terms of the contractual and financial relations with the couples. In every case they must establish formalities and procedures for resolving any disputes that may arise between the participating agencies in order to protect the couples on whose behalf they act.

3. The agencies shall inform the Commission on the substance of all agreements concluded and any subsequent amendments to them, and the Commission may make its own observations. Any agreements which influence relations between the agencies and the Commission, or relations between the couples and the Commission, shall only be effective if authorised by the Commission.

4. by virtue of these agreements, the participating agencies may be authorised by the Commission, pursuant to paragraphs (1) and (2) of article 9, to act on behalf of couples resident in the regions or macroareas in which the other parties to the agreement are authorised to operate, thereby using their own operational facilities to guarantee the formalities and the performance of the services needed to inform, prepare and assist the couples for which the other parties to the agreement are acting in the adoption procedure and in the provision of post-adoption assistance.

Art. 11

Mergers

1. In the event that two or more authorised agencies decide to amalgamate they shall inform the Commission of the substance and the conditions of the merger before proceeding, making particular reference to the consequences of the merger on the performance of the adoption procedures currently in progress and on the contractual and financial arrangements with the couples. The Commission may submit its own observations.
2. Having ascertained that the new organisation emerging from the amalgamation/merger meets the requirements of the Law, the Regulation and this Resolution, the Commission shall authorise the merged or amalgamated agency, transferring to it all the authorisations previously granted to each of the original agencies and shall duly inform the authorities of the foreign countries in which the original agencies were accredited or operated in order to guarantee the continuity of the adoption procedures.
3. The new merged/amalgamated agency shall regularise its position in all the countries in which it is authorised to operate by the deadlines set by the Commission.

Art. 12

Organisation abroad

1. The agency shall have an adequate staffing and organisational structure in each of the countries in which it intends to perform adoptions, of which it is required to inform the Italian representative abroad. The facilities must be able to ensure the proper performance of the adoption procedures and to provide the necessary assistance to the couples in that foreign country.
2. The office, which may be placed at the disposal of the agency by locally recognised and operational entities, mustered all events be managed in compliance with the laws of that country.
3. The office may also be shared with other agencies operating in the same country if this is permitted by domestic legislation in that country, which must be equipped with all the necessary communications systems, compatibly with the conditions prevailing in that country.
4. The office address may only coincide with the address of residence or domicile of the reference person or that of other co-workers of the agency provided that guarantees are given to enable the Commission to perform its oversight activities its oversight activities.
5. The staffing and organisational structure of the agency in each country for which authorisation is requested must be adequate in terms of composition and dimensions to meet the operational requirements of the agency in that country and

must be regularly updated to keep pace with any expansion in its activities.

6. The organisation must comprise at least one reference person responsible for assisting couples, dealing with the local authorities and the Italian representative office abroad, and one legal adviser where the foreign domestic legislation requires this, in the event that the reference person is not legally qualified. The organisation shall also include other co-workers one needed to accompany the couples in the performance of the adoption procedures, depending upon the volume of work and the number of couples being guided in the benchmark country. The agency shall submit to the Italian representative office abroad the names of its reference persons and co-workers, indicating their remits.

7. In the event that the co-workers abroad performed their work on behalf of more than one authorised agency as part of an agreement concluded pursuant to the provisions of article 10, each co-worker contract must indicate the procedures for guaranteeing the regularity and the comprehensiveness of the assistance provided to couples for which each agency is acting.

8. Each co-worker must be in possession of specific professional training which is appropriately attested to; they must be of similar moral standing to that required by co-workers in Italy, duly attested according to the local legislation, and verifiable; they must have past experience with assisting couples, and must be familiar with and know how to manage the procedural aspects of the adoption procedure in that foreign country.

9. Co-workers of the agency abroad may not perform any work whatsoever in any institution hosting abandoned children, or hold offices or posts referring to the protection guardianship of children, fostering them with families or national or intercountry adoptions. The only exception, in consideration of the specific character of their organisation and their mission, is made in the case of religious communities and, on a case-by-case basis, documented by the agency concerned, determined by the specific legal provisions in that foreign country or requests from local authorities having jurisdiction in the matter. The non-existence of situations of incompatibility shall be declared by the senior executives of the agency, applying the provisions of law governing self-certification.

10. Co-workers of the agency abroad must only receive remuneration for their services from the agency itself. It is prohibited for couples for which the agency is acting to be used to pay remuneration. The amount to be paid for services and the method of payment shall be indicated specifically in the co-working agreement concluded between the agency and the co-worker abroad in order to ensure the regularity and transparency of the management of the costs of the adoption procedure.

11. The co-workers of the agency must perform the tasks entrusted to them, as described in their co-working contract with due diligence, efficiency and honesty. The agency's reference person shall gather and submit to the agency, as soon as possible, all the available information supplied by the

competent foreign authorities on the children put up for adoption, referring in particular to their backgrounds and health status.

12. The organisation established by the agency abroad must be able, at any time, to address any crises that arise, including the possibility of conducting any medical examinations or providing medical treatment required for the completion of the adoption procedure, and to support the couples at the meeting with the children to be adopted.

Art. 13

Study of and project in the foreign country

1. The application for authorisation shall be accompanied by a detailed study of the country in which the agency wishes to operate, illustrating:

- a. the political and social situation in the country with specific reference to the conditions under which children live and the legal and social system for the protection of the family and children;
- b. the substantive and procedural aspects of adoption in the country concerned. In particular, a description must be given of the criteria and the procedures adopted for declaring that the child has been definitively abandoned, for the decisions regarding the adoption and for the performance of intercountry adoptions; the relevant critical aspects; the characteristics and the conditions of children eligible for adoption and the availability of prospective adoptive parents;
- c. forms of protection that exist to enable children to remain in their own country, in implementation of the principle of subsidiarity;
- d. the name of the foreign authorities responsible for intercountry adoption;
- e. the criteria and the procedures adopted for assessing couples to place them with a child;
- f. the procedures for preparing children for adoption;
- g. the length of stay of the couple abroad;
- h. the formalities in every phase of the procedure and the post-adoption formalities.

2. The agency must illustrate and examine the presence in that country of any other Italian or foreign organisations engaged in intercountry adoption, the numbers and the characteristics of any international adoptions performed in that country and provide information on its prospects for accreditation and capacity to operate.

3. The agency must also indicate its own project for the country for which authorisation is requested, indicating the specific features of the project supplementing the contribution made by any other authorised agencies,

particularly in countries in which several agencies are operational.

4. The agency must in all instances indicate the operational methodology it intends to implement, the timing taken to complete adoptions, and a detailed breakdown of the costs, and the overall cost, of each individual adoption.

Art. 14

Further information to be evaluated in relation to issuing authorisation in relation to the territory and the operations of the applicant agency

1. The Commission shall issue authorisation bearing in mind:
 - a. the number of agencies already authorised to operate in that particular country, also in relation to the total number of adoptions already completed and any existing bilateral agreements;
 - b. any operational agreements which the applicant agency has concluded with other authorised agencies.
2. Authorisation may be validly refused on the following grounds:
 - a. the lack of adequate guarantees that a foreign country will comply with the principles of the Convention, when that country does not have an authority to control and guarantee the regularity of adoptions, or when the procedures do not respect the rights of the child;
 - b. when the foreign country only belongs to the list of host countries;
 - c. if the foreign country suspends intercountry adoptions for an indefinite period of time;
 - d. If the Central Authority of the foreign country, or some other political/administrative authority having jurisdiction in respect of intercountry adoption, issues notification that it will not proceed to accredit any further agencies;
 - e. failure to accredit other agencies already authorised by the Commission at a distance of two years from the date of issue of said authorisation, in the event that the failure to be given accreditation is due to inertia or irregularities on the part of the agency;
 - c. in the event that, in the foreign country concerned, the Italian agencies already authorised and formally accredited or operational have failed to complete any adoptions in the past three years.

Art. 15

Operational methodology

1. In the application for authorisation, the agency must clearly describe the methodology which it intends to adopt throughout the adoption process. In

particular, the agency, also in cooperation with the local services, must, under the operational protocols provided by article 39-*bis* of the Adoption Law, jointly with other agencies parties to an agreement within the meaning of article 10, adequately inform and prepare the couples on whose behalf it is acting, through regular individual and group meetings, assist and support the couple and the child abroad and after their return to Italy, perform the post-adoption activities provided by the child's home State.

2. The agency shall submit notice, together with relevant documentation, of any agreements concluded within the scope of the operational protocols promoted by regional governments pursuant to article 39-*bis* of the Adoption Law to ensure the best possible performance of any one or more activities forming part of the adoption and post-adoption procedure.

3. In its application for authorisation, the agency shall undertake promptly to notify the Commission and the Children's Court having jurisdiction of any changes made to the adoption plan by the couple on whose behalf it is acting and the circumstances of relevance to the suitability of the couple; it shall also undertake to involve the local welfare services without delay in the event that the parents and the child have problems in adapting to each other. The agency shall also undertake to obtain from the couple, at the moment they retain its services, their consent to work to perform these formalities and the post-adoption formalities provided by the child's Home State.

Art. 16

Services Charter

1. By no later than the time at which the couple commission the agency to act on their behalf, it is required to give them a Services Charter clearly describing in detail all the activities involved in an intercountry adoption procedure at the services it offers.

2. The Services Charter shall indicate the total cost to the couple for the whole procedure, excluding travelling expenses and accommodation abroad, specifying separately both the mandatory and the optional services and activities and the cost of each individual service and activity.

Art. 17

Dissemination of data needed for the proper information the public

1. In its application for authorisation, the agency shall specify the specific procedures it intends to follow in order to comply with its obligation to regularly report the quantitative data on its operational procedures, the costs of its activities the costs of the adoption. More specifically, the agency is required to supply information on the following: its offices in Italy, together with the activities which are performed in each one and specifying the days on which

the office is open, and the opening hours; the territorial extension of its operations in Italy; a detailed description of its operating methodologies; the countries in which the agency is authorised to operate and is actually operational; the characteristics of the children available for adoption in each country in which the agency operates; the number of adoptions completed in each country, in each of the last three years; the average waiting time taken to complete the adoption procedure in each of the countries in which the agency operates, and in the past three years; the total cost to the couple throughout the whole procedure, including post-adoption costs, excluding travelling expenses and accommodation costs abroad, specifying separately the costs which referred to mandatory and to optional activities and services. In all cases the agency shall undertake to update the information at least once every six months.

2. It is commended that the agencies set up a special page on its website to publicise the relevant information in a language which is easily accessible and easy to understand. For this purpose, the Commission shall promote initiatives to design these websites with standard features, enlisting any cooperation that may be useful for this purpose.

3. It is not sufficient for the purposes of complying with the obligation to inform the couple of the costs of the procedure merely to refer to the cost tables agreed with the Commission.

Art. 18

Financial relations and transparent accounting

1. The financial relations between the agency and the couples retaining its services to act on their behalf must be regulated by bank transfers, or payments into a Post Office account. The full amount of the adoption procedure, subdivided into instalments, shall be paid directly to the agency in Italy in respect of both the services rendered in Italy and the services rendered abroad.

2. The Commission shall promote coordination with the public institutions having jurisdiction and the authorised agencies in order to identify the procedures that can be used to transfer money in countries which experienced difficulties with regard to the sole use of the banking post office system.

3. In the contract retaining the services of the agency, where reference is made to the overall cost of the whole procedure, the scheduling of the payments must be indicated and the conditions for refunding payments in the event that the contract is revoked or terminated.

4. The Commission shall foster coordination with the Ministry of the Economy, the Inland Revenue Agency and the authorised agencies in order to identify the formalities with which the agencies are required to comply in order to certify the expenses incurred by the couples in the course of the adoption procedure, in order to be able to harmonise the purposes of the Adoption Law with current

civil law and tax law provisions.

5. Every year the agencies shall submit to the Commission their balance sheet drawn up in compliance with current regulations and the directives and circulars issued by the relevant authorities, accompanied by the Report on the Accounts and the Report of a registered Auditor. In the event that the agency performs several activities, the accounts shall be drawn up to account separately for the costs for activities regarding intercountry adoption.

6. Standard accounting principles shall be used for the accounts of authorised agencies.

Art. 19

Promoting children's rights for the purposes of authorisation

1. In its application for authorisation, the agency shall specify and appropriately document the work performed to foster children's rights and implement the principle of subsidiarity, which it has undertaken to perform in the country for which requests authorisation to operate, with specific reference to the methods to be used, the social/territorial environment in which the projects will be implemented, the parties implementing and financing the projects, the direct and indirect beneficiaries the project costs and implementation times. The activities must be planned to be implemented on a continuous basis, developed with projects that are already in progress at the time the application is submitted. Cooperation activities must not only be guaranteed financial coverage but also be officially agreed with the local authorities or with local reliable partners, and must be able to be verified using a monitoring system, in order to ascertain compliance with the objectives and the positive local fallout.

2. Merely raising funds or sending goods, drugs and medicines or any other matter cannot be deemed sufficient for entertaining the application in question.

Art. 20

Updating the data and regular reviews

1. Every agency shall promptly notify the Commission of any variation or change in its organisation in Italy and abroad, and update any data previously submitted.

2. Parties required to issue the declarations provided by articles 4, 5, 6, 7, 12 (8) and (9) shall notify the Commission, in implementation of current provisions regarding self-certification, of any circumstances modifying previous declarations, within 30 days of any such changes occurring.

3. Pursuant to article 15 of the Regulations, the Commission shall regularly ascertain that the authorised agencies are still in possession of the eligibility requirements and monitor the regularity, transparency and efficiency of their

operations, applying the criteria indicated in the articles above.

4. For the purposes of verifying the quality of the projects and the prospects for the work and its efficiency, each agency shall brief the Commission on its activities in the annual report referred to in article 11 (2) (b) of the Regulation and also in reference to the project referred to in article 13 of relations between and completed procedures, critical points and planned solutions.

Art. 21

The Register

1. The authorised agencies that have been accredited to, or are operational in, at least one foreign country shall be registered with the Register provided by article 6 (1) (c) of the Regulation.

2. The Register shall be published in the Official Gazette of the Italian Republic. For each registered agency it shall contain, in addition to the data required by article 13 of the Regulation information regarding the area in Italy and in foreign countries in which they agency is authorised to operate.

3. At the end of each year, the Commission shall publish, in a separate list, the number of authorisations issued without receiving accreditation or documented activities in the foreign country.

Art. 22

Transitional provisions

1. Agencies registered with the Register on the date of entry into force of this Resolution shall adjust to the provisions of this Resolution by the following deadlines:

- a. within three months of the entry into force of this Resolution the presentation of the declarations provided by articles 6, 7, 12 (8) and (9); in particular, whenever the conditions of incompatibility provided by articles 6, 7 and 12 (9) exist, the agency shall remove the incompatibility within the following three months submitting appropriate explanatory documentation to the Commission;
- b. within one year of the entry into force of this Resolution, the agency shall:
 - i. adjust to the requirements of articles 4 and 5;
 - ii. adjust the organisation in Italy to the provisions of article 8;
 - iii. adjust the organisation abroad to the provisions of article 12;
 - iv. submit the report illustrating the methodology it intends to pursue throughout the adoption process, according to the provisions of article 15;

- v. draft the Services Charter provided by article 16 and consequently comply with the obligation to give it to the couples, including those on whose account it is already working;
- vi. submit the report illustrating the procedures with which it intends to comply with the obligation provided by article 14 (3) of the Regulation, as specified in article 17;
- vii. adjust to standard accounting principles.

2. With reference to article 9 the agencies registered with the Register on the date of entry into force of this Resolution may continue to provide assistance to all the couples on whose behalf they are then working, independently of their place of residence, until the adoption procedure is completed. For one year following the date of entry into force of this Resolution, these agencies may agree to act for more couples according to the area of operations in which they were authorised to operate prior to that date. If, before the entry into force of this Resolution, the agency has been authorised to operate throughout the whole of the national territory even though it has operational offices in only two of the macroareas as defined above (1. NORTH, 2. CENTRE, 3. SOUTH and ISLANDS) it may, for a whole year following the date of entry into force of this Resolution, agreed to act on behalf of new couples resident in the macroarea in which it does not have any operational offices with the authorisation of the Commission, if it is able to demonstrate that it can at all events guarantee the performance of all the formalities and the provision of all the services needed to properly inform, prepare, and assist the couples throughout the adoption procedure and provide them with post-adoption assistance.

Art. 23

Entry into force

1. This Resolution shall enter into force on the 15th day following the date of publication in the Official Gazette of the Italian Republic.