

**ORDINANCE NO. 2 DATED OCT 24<sup>TH</sup> 2014**

**ON THE TERMS AND CONDITIONS OF GRANTING AND WITHDRAWING A LICENSE FOR INTERCOUNTRY ADOPTION MEDIATION, AND FOR CARRYING OUT AND TERMINATING THE ACTIVITY OF ACCREDITED ORGANIZATIONS**

**CHAPTER ONE**

**GENERAL PROVISIONS**

Art. 1 This Ordinance stipulates the terms and conditions for:

1. granting an intercountry adoption mediation license;
2. carrying out and terminating the activity of the accredited organizations;
3. control and withdrawing of an intercountry adoption mediation license.

Art. 2. (1) The Intercountry adoption mediation can be carried out by a non-profit legal entity that meets the requirements of Art. 116, Para. 1 and 2 of the Family Code (FC), hereinafter called the "accredited organization".

(2) The Intercountry adoption mediation shall be carried out in accordance with Art. 21 of UN Convention on the rights of the child (ratified by Grand National Assembly – State Gazette, Issue. 32, year 1991) (State Gazette, Issue. 55, year 1991), the principles and regulations of the Hague Convention on protection of children and cooperation in respect of intercountry adoption, dated May 29<sup>th</sup> 1993 (ratified by law - State Gazette, Issue no. 16, year 2002) (State Gazette, Issue no. 78, year 2002), hereinafter called the "Hague Convention", and in compliance with the best interests of the child.

Art. 3. The Minister of Justice, no later than two months before the beginning of the term under Art. 5, Para. 1, and Art. 16, Para. 1, can determine the range of countries for which a procedure for granting an intercountry adoption mediation license will be conducted. The list shall be published on the official webpage of the Ministry of Justice.

**CHAPTER TWO**

**GRANTING A LICENSE FOR INTERCOUNTRY ADOPTION MEDIATION**

**SECTION I**

**GRANTING AND REFUSING AN INTERCOUNTRY ADOPTION MEDIATION LICENSE**

Art. 4 (1) The license shall be granted following an evaluation of the abilities, knowledge and resources, required for carrying out the mediation activity. The license shall be granted under the following terms and conditions:

1. the non-profit legal entity referred to in Art. 116 of the FC has sufficient technical and expert resources for carrying out this activity;

2. Applicant's Management body has established ethical principles and rules of conduct when carrying out the mediation activity, which rules and principles are mandatory for all members and individuals who work for the non-profit legal entity under Art. 116, Para. 1 and 2 of the FC;

3. each member of applicant's Management body shall have a university degree, no convictions, and work experience and pensionable service of no less than five years;

4. each member of applicant's Management body and the persons who work for the applicant have the moral qualities, training and experience in intercountry adoption and children services;

5. for applicant shall work:

a) an attorney, a psychologist and a physician who specialized in Pediatrics;

b) an interpreter for each country listed in the application;

c) a technical assistant on full-time employment.

(2) No person under Para. 1, item 4 shall have the right to work in a specialized institution, a children's residential facility or in the territorial branch of the Social Assistance Agency.

(3) The applicant shall have permanent office for carrying out its activities and it shall not be used for other purposes; the office shall also provide:

1. means of communications – telephone, fax, e-mail address;

2. conditions for protecting the confidentiality of the information;

3. means to inform – Internet webpage in Bulgarian and in a foreign language;

4. an employee available 8 hours a day.

Art. 5. (1) To obtain an intercountry adoption mediation license, an application shall be lodged at the Ministry of Justice during the second month of each calendar year.

(2) The application under Para. 1 shall contain:

1. name of the non-profit legal entity under Art. 116 of the FC in Bulgarian language and in English alphabet, registered office and address, BULSTAT and entry number in the register under Art. 45 of the Law on non-profit legal entities (LNPLE);

2. the address for carrying out the activity, telephone and fax numbers, e-mail address, webpage address, information about the office and working hours;

3. data about the representative and the members of organization's Management body, including detailed information that verifies that the conditions under Art. 4, Para. 1, items 3 and 4, and Para. 2 are satisfied for these persons;

4. a list of persons under Art. 4, Para. 1, item 5 and information showing that the conditions under Art. 4, Para. 1, item 4 and Para. 2 are met for these persons;

5. a list of persons who will escort the adoptive parent during the contact with the child and detailed information about the training that these persons have received to carry out this activity;
6. a list of the countries for which applicant applies to provide mediation services, the maximum amount of the expenses for the mediation activity for each country and the manner in which they are calculated; the maximum amount shall be determined in compliance with Art. 22, Para. 2;
7. signature and stamp of the applicant.

(3) The following shall be enclosed to the application:

1. a certified copy of the court ruling for registration of the legal entity and a certificate of its good standing, issued by the court of registration;
2. a copy of the Article of Association or the Rules of Association of the organization, certified by the applicant;
3. a copy of the established ethical principles and rules of conduct guiding the mediation activity under Art. 4, Para. 1, item 2, certified by the applicant;
4. Certificate of no criminal conviction of the members of organization's Management Body;
5. notarized copies of university diploma and employment record book and/or social security book of Management body's members;
6. copies of documents, certified by applicant, that testify that the persons under Art. 4, Para. 1, item 5 have the required educational qualification, training and experience in the field of services for children and intercountry adoption;
7. a sample copy of a mediation agreement for each country listed in the application under Art. 5, Para. 1; the agreement shall be in compliance with the relevant legislation and shall contain: rights and obligations of the parties; the specific activities and services that they will provide to the adoptive parents and the expenses necessary thereof; the exact amount of the state fees stipulated by law; the amount of organization's administrative expenses; the maximum amount of the expenses for the mediation services and payment methods; the agreement shall also contain a wording verifying that client is aware of his/her right to report to the Ministry of Justice against any action or inaction of the organization, as well as to suggest improvement of its activity;
8. copies of contracts with the persons under Art. 4, Para. 1, item 5, certified by applicant, and a job description of the person under Art. 4, Para. 1, item 5 "c";
9. a declaration under Art. 21, Para. 3 of the persons under Art. 4, Para. 1, item 5;
10. a certificate showing that the legal entity is registered as a personal data administrator under the Bulgarian Law on Personal Data Protection;
11. a project for carrying out an intercountry adoption mediation activity; the project shall contain: specific information on the way the mediation activity will be carried out for each country listed in the application, including pre-signed cooperation agreements, meetings and consultations that were held with representatives of the competent authorities and organizations in the respective country, as well as an estimated number of prospective adoptive parents with respect to the

particularities of the adoptable children and the children sought for adoption by the adoptive parents with habitual residence in the respective country;

12. a report on the intercountry adoption legislation and practices for each country listed in the application; the report shall contain: information about regulations; description of procedure, deadlines, competent authorities which issue the documents required for an intercountry adoption procedure and validity of these documents; the terms and conditions for issuing updates of these documents; the terms and conditions for carrying out the post-adoption supervision and the sources on which the post-placement report is based;

13. a document for state fee paid.

(4) The Ministry of Justice shall conduct an official inquiry in the Central Register under Art. 45 of the LNPLE and in the BULSTAT Register in order to verify the circumstances declared by the applicant. The inquiry reports shall be attached ex officio to the application under Para. 1.

(4) A foreign legal entity, registered under Art. 45 of the LNPLE, shall also provide a mediation license for facilitating adoptions of children with habitual residence in the Republic of Bulgaria, granted by the competent authority of the respective country. The license shall be submitted in original with translation in Bulgarian language, certified by the Bulgarian embassy or Consulate in the respective country. Any document issued in a State Party of the Convention of October 5<sup>th</sup> 1961 for abolishing the requirement of legalization for foreign public documents (ratified by law – State Gazette, Issue no. 47, year 2000) (State Gazette, Issue no. 45, year 2001) on which Apostille is attached, shall be submitted in original with translation in Bulgarian language, certified by the Bulgarian Ministry of Foreign Affairs.

(6) The legal entity shall inform the Ministry of Justice for any change in the circumstances specified in the application and/or the enclosed documentation within 14 days of their occurrence.  
Art. 6. (1) The application and the attached documents shall be reviewed within one month of their receipt.

(2) In case of irregularities, the Ministry of Justice shall send a notification to the applicant with instructions for correcting them within 14 days of receipt of application. The notification shall also inform that in case the irregularities are not corrected within the specified term, this shall result in termination of the proceedings.

(3) In case irregularities are not corrected within the term under Para. 2, the proceedings shall be terminated and the applicant shall receive a written notification thereof. The termination of proceedings is subject to contestation under the terms of the Administrative Procedure Code.

Art. 7. (1) In case no irregularities are found in the application and documents enclosed or the irregularities were corrected within the specified deadline, the applicant shall be admitted to an evaluation procedure. Applicant admitted to evaluation shall receive a written notification about the date of the visit of the office where the activity shall be carried out.

(2) The evaluation is based on the submitted documentation and the visit of the office where the activity shall be carried out. At the visit an examination of the circumstances stated under Art. 4, Para. 3 and the technical resources shall be conducted.

(3) The visit shall take place in the presence of a member of applicant's Management body, who is in a position to answer supplementary questions regarding the submitted documentation or workflow.

(4) A standard form report shall be completed following the evaluation – See Appendix No. 1.



Art. 8. Based on the evaluation, a report shall be completed about the possibilities for carrying out the intercountry adoption mediation established with respect to each country listed in the application; the report shall be submitted to the Intercountry Adoption Council.

Art. 9. The Ministry of Justice may ask the Central Authority of the respective State Party of the Hague Convention, or from a Competent Authority of a State that is not a Party for an opinion regarding the intercountry adoption mediation activity of an organization accredited under Art. 116 of the FC.

Art. 10. The Intercountry Adoption Council shall examine immediately the report and the statement of opinion under Art. 9, if any, and shall adopt a decision by which it shall propose to the Minister of Justice to grant or refuse to grant a mediation license for all countries listed in the application, or for some of them.

Art. 11. Within four months of expiry of the term for submitting a license application, the Minister of Justice shall grant or provide a justified refusal to grant such license for all countries listed in the application, or for some of them. The Minister's refusal may be appealed under the order of the Administrative Procedure Code before the Supreme Administrative Court.

Art. 12. (1) The license shall be issued for five years and the accredited organization shall be entered ex officio in the Register under Art. 113, Para. 1, item 4 of the FC in compliance with the Ordinance under Art. 113, Para. 4 of the FC.

(2) The Ministry of Justice shall update and submit to the Permanent Bureau of the Hague Conference on Private International Law data regarding names and addresses of the organizations licensed by the Minister of Justice.

Art. 13. The intercountry adoption mediation license shall be issued in standard form – see Appendix No. 2.

Art. 14. (1) The accredited organization shall notify in writing the Ministry of Justice on each change of circumstances of the original license within 14 days of their occurrence.

(2) In case of a change in the Management body of the legal entity, the notification under Para. 1 shall contain details about compliance with the provisions of Art. 4, Para. 1, items 3 and 4 and Para. 2 for the new members of the Body; the following shall be attached to the notification: a certified duplicate of the court ruling for listing the changes; a Certificate of Good Standing and the documents under Art. 5, Para. 3, items 4 and 5.

(3) In case of a change of the office for carrying out the mediation activity, the notification under Para. 1 shall contain details about compliance with the provisions of Art. 4, Para. 3. Within 14 days of notification's receipt a visit shall take place in compliance with the terms of Art. 7, Para. 3 and a standard form report shall be completed – see No. 1.

(4) Notifications and documents under Para. 2 and 3 shall be presented to the Intercountry Adoption Council. The Council shall immediately consider the presented documents and shall give a justified proposal to the Minister of Justice to withdraw the intercountry adoption mediation license, in case the terms and conditions under Art. 4 have not been satisfied after the changes took place.

(5) The Minister of Justice shall issue an Order to amend the license in accordance with the changes of circumstances which shall be an integral part of the license, or shall withdraw the license on the grounds of an Intercountry Adoption Council's justified proposal.

(3) In case of a change of individuals working for the organization, the notification under Para. 1 shall contain information about compliance with the provisions of Art. 4, Para. 1, item 4 and Para. 2 for the new individuals, as well as a list of individuals that no longer work for the organization. The documents under Art. 5, Para. 3 items 6, 8 and 9 about the new employees shall also be enclosed to the notification.

## **SECTION II**

### **GRANTING AND REFUSING AN INTERCOUNTRY ADOPTION MEDIATION LICENSE FOR A NEW COUNTRY**

Art. 15. (1) The accredited organization can submit an application for an additional country not listed in the license within the term under Art. 5, Para. 1. The application shall contain information about the technical and expert resources ensured to carry out the activity with respect to the new country and the persons under Art. 4, Para. 1, item 5, letter "b".

(2) The documents under Art. 5, Para. 3 items 7, 11 - 13 shall be attached to this application. In case the organization hires new employees, the documents under Art. 5, Para. 3, items 6, 8 and 9 shall also be submitted.

(3) The procedure shall be carried out under the terms of Art. 6 to Art. 9 and an evaluation based on the submitted documents only shall be conducted.

(4) The Report shall contain information regarding the work of the accredited organization, including: reference with the Register under Art. 113, Para. 1, item 2 of the FC; participation in the implementation of special measures for adopting children under Art. 112, Para. 6 of the FC; compliance/non-compliance with the obligations under Art. 20; complaints received; mandatory instructions for improving the activity and their implementation. The report and the statement of opinion under Art. 9, if any, shall be supplied to the Intercountry Adoption Council for immediate review. The Council has the powers under Art. 10.

(5) The Minister of Justice shall review the decision of the Council, and within the term under Art. 11 shall grant or issue a motivated refusal for granting a license for all countries listed in the application, or for some of them. The new license shall be issued in standard form – see Appendix No. 3, and shall have the number of the existing one with an added digit index and shall be effective under the same terms and conditions.

(6) The Minister's refusal may be appealed under the order of the Administrative Procedure Code before the Supreme Administrative Court.

## **SECTION III**

### **GRANTING A NEW INTERCOUNTRY ADOPTION MEDIATION LICENSE**

Art. 16 (1) The accredited organization shall have the right to submit an application for a new intercountry adoption mediation license five months prior to license expiry. The content of the application shall meet the requirements of Art. 5, Para. 2.

(2) In case applicant declares in writing that the circumstances and countries under the current license will remain the same, the following shall be attached to the application: documents under Art. 5, Para. 3, items 4, 7, 11 – 13 and Para. 5; Certificate of Good Standing, issued by the court of registration.

(2) In case applicant declares a change in the circumstances and/or countries, the relevant documents shall be attached to the application, as well as the documents under Para. 2.

(4) A report of organization's overall activity with the information required under Art. 20, item 25 shall be attached to the application.

(5) The Ministry of Justice conducts an official inquiry in the Central Register under Art. 45 of LNPLE and in the BULSTAT Register about the circumstances declared by applicant. The inquiry reports shall be attached ex officio to the application under Para. 1.

Art. 17 (1) The procedure for granting a new license shall be carried out under the terms of Art. 6 – 9. The report shall contain information regarding the work of the accredited organization, including: reference with the Register under Art. 113, Para. 1, item 2 of the FC; participation in the implementation of special measures for adopting children under Art. 112, Para. 6 of the FC; compliance/noncompliance with the obligations under Art. 20; complaints received; mandatory instructions for improving the activity and their implementation. The report and the statement of opinion under Art. 9, if any, shall be supplied to the Intercountry Adoption Council for immediate review.

(2) The Council shall also discuss:

1. The quality of work;

2. The compliance with the requirements under Art. 4, including availability of enough technical and expert resources to service the registered clients of the organization;

3. coordination and/or participation in national and international forums, study and presentation of international practices;

4. the number of registered adoptive parents and intercountry adoption procedures for the respective country.

(3) The Council shall adopt a decision by which it proposes to the Minister of Justice to grant or refuses to grant a new intercountry adoption mediation license for all countries listed in the application, or for some of them.

Art. 18. (1) The Minister of Justice shall review the decision of the Council, and within the term under Art. 11 shall grant or issue a motivated refusal for granting a license for all countries listed in the application, or for some of them. The new license shall be issued in standard form – see Appendix No. 2.

(2) The refusal of the Minister of Justice may be appealed under the order of the Administrative Procedure Code before the Supreme Administrative Court.

## **CHAPTER THREE**

### **CARRYING OUT AND TERMINATING ACCREDITED ORGANIZATION'S ACTIVITIES**

#### **SECTION I**

#### **COMPETENCIES AND OBLIGATIONS OF THE ACCREDITED ORGANIZATION**

Art. 19. An accredited organization's activity shall comprise the following:

1. consulting adoptive parents regarding legislation, procedure, required documents and terms for intercountry adoption, and specifics of the respective country;
2. completing and submitting an adoptive parent's application for entry in the register under Art. 113, Para. 1, items 2 and 3, which shall be accompanied by the documents in compliance with the Ordinance under Art. 113, Para. 4 of the FC, and carrying out all required registration activities;
3. assisting the registered adoptive parent to fulfill his/her obligations;
4. notifying that a certificate for launching an adoption procedure under the terms stipulated in the respective country of the adoptive parent's habitual residence has been issued;
5. collecting and providing additional materials about the child to the adoptive parent, which will help applicant to make a decision to accept or decline the referral;
6. participation in the implementation of special adoption measures under Art. 112, Para. 6 of the FC;
7. providing support during the contact between adopter and adoptee;
8. providing consultation to adopter in the decision making whether to accept or decline the referral of the child;
9. notifying the relevant Regional Social Assistance Directorate about the consent submitted to the Ministry of Justice for the adoption of a child with habitual residence in the Republic of Bulgaria by an adopter pointed out by the Intercountry Adoption Council, and providing assistance in the process of informing and preparing the child for the transition to the adoptive family;
10. ensuring the court representation of the adoptive parent;
11. assisting in obtaining a permission for adoption by an adoptive parent registered under Art. 113, Para. 1, item 3 of the FC in compliance with the provisions set out by the respective country, and in recognizing the adoption by the Republic of Bulgaria;
12. assisting in issuing a new birth certificate of the adopted child, an identification document and the relevant documents for child's entry in the receiving country, as well as in receiving a permission for permanent residence in the said country; assisting child's entry and residence in the Republic of Bulgaria as a receiving country;
13. assisting in ensuring safe and appropriate travel conditions for the adopted child;
14. consulting and supporting adoptive parents through the post-adoption supervision, if necessary.

Art. 20. The accredited organization shall:

1. perform its activities respecting the best interest of the child and in compliance with the regulation in the field of intercountry adoption and child protection;
2. publish on its webpage: its intercountry adoption mediation license; a list of the countries for which it has a mediation license granted; information on the intercountry adoption procedure and



the documents required in conformance with each country specifics; a list of foreign organizations it has agreements with; the ethical principles and rules of conduct under Art. 4, Para. 1, item 2;

3. refer in its correspondence the number of its license, as well as license's date of issuance and term of validity;

4. provide exact and accurate information for any intercountry adoption related question, including terms for adoption and characteristics of children eligible for intercountry adoption in accordance with the information published by the Ministry of Justice;

5. provide a translation from the respective language in its communication and correspondence with clients, Central Authorities, State Authorities and Institutions, and other accredited organizations;

6. submit to the Ministry of Justice a certified copy of the mediation agreement with each foreign accredited organization within 14 days of its signing, together with a copy of foreign organization's intercountry adoption mediation license;

7. notify the Ministry of Justice on the termination of the cooperation with a foreign accredited organization within 7 days of occurrence of same, together with a list of applicants, represented by both agencies, and applicants' file status;

8. observe the deadlines and rules when implementing the special measures for adoption of a child under Art. 112, Para. 6 of the FC, and ensure that child's personal data is protected and the information is used for the purposes of the adoption only;

9. conclude an intercountry adoption mediation agreement with the adoptive parent, completed in accordance with the sample agreement under Art. 5, Para. 3, item 7 submitted by the organization to the Ministry of Justice;

10. inform the adoptive parent before concluding the agreement about the following: the goals and main activity of the organization; its license and license's expiry date; exact amount of state fees and expenses for carrying out the mediation activity; the workflow and established ethical principles and rules of conduct under Art. 4, Para. 1, item 2; terms and conditions for adoption pursuant to Bulgarian law; requirements that shall be observed pursuant to the legislation of the country of habitual residence of the adoptive parent; the documentation required for the adoption; the effects of the adoption pursuant to the legislation of the country of habitual residence of the child and the adoptive parent;

11. compile and maintain a file for each client that has signed an agreement with the organization; this file shall contain copies of all documents and correspondence maintained in connection with the adoption procedure;

12. follow the deadlines and stages of the adoption procedure and inform the adoptive parent thereof; undertake due actions in timely manner and with diligent care;

13. undertake all necessary actions so applicant registered under Art. 113, Para. 1, item 2 of the FC can meet his/her duty to confirm annually his/her intention to adopt and to submit the relevant new document within one month from change of circumstances or from expiry of the validity of the submitted documents;

14. organize and assist the adopter in his/her contact with the adoptee by informing the Ministry of Justice in timely manner and provide consultations with relevant specialists and interpreter who will escort the adopter during the whole duration of the contact;
15. submit to the Ministry of Justice information and relevant documents regarding the decision of the adoptive parent to accept or decline the referral of the child within the legally stipulated term; in case referral is declined, to ensure the return of child's documents and materials;
16. submit to the Ministry of Justice a certified duplicate of the court ruling which constitutes the adoption within 7 days of its enactment;
17. inform the Ministry of Justice in timely manner about the date of taking the adopted child from the place where he/she is placed, the date of departure from Bulgaria, as well as any problems and/or refusal of the adoptive parents to pick up the child;
18. inform and collaborate with the Ministry of Justice to return the child to Bulgaria in case the Bulgarian court ruling is not recognized by the receiving country within one year of ruling's enactment;
19. ensure the fulfillment of the obligation to submit to the Ministry of Justice a report on child's adaptation and integration in the adoptive family, completed by the competent authority or organization at every six months during a period of two years post-adoption;
20. submit immediately to the Ministry of Justice any information regarding difficulties in the adaptation and the measures undertaken to protect the child;
21. store the dossiers under item 11 in such a way that will ensure the long-term preservation and confidentiality of the information contained;
22. provide technical and expert resources corresponding to the number of registered adoptive parents in order to fulfill with due care its mediation activity;
23. provide organization's employees a systematic improvement of knowledge and skills in the intercountry adoption field through study and presentation of international practices, organization and/or participation in national and international events and through other relevant means;
24. inform about any change of circumstances related to the license under Art. 14;
25. submit to the Minister of Justice a report on adoption activities every six months; the report shall cover the preceding six months and shall contain: details about organization's partner agencies abroad; number of applications by country pending for registration; number of referrals and their status; number of court proceedings and their status; number of undergoing and of finalized post-adoption supervision cases;
26. cooperate with the Ministry of Justice.

Art. 21. (1) Employees of the organization shall perform their duties and rights in good faith.

(2) Employees of the organization shall be loyal and respectful to clients when performing their activities and shall observe the ethical principles and rules of conduct under Art. 4, Para. 1, item 2.

(3) The employees of the organization shall not make public facts and circumstances which became known to them in the course of or related to the duties they performed or currently perform for the Organization.

Art. 22. (1) Rights under a mediation license are not transferable.

(2) The accredited organization shall not derive undue financial benefits from its intercountry adoption mediation activity and therefore:

1. shall not charge adoptive parent amounts exceeding the maximum amount declared by the organization for the respective country;

2. shall charge adoptive parents for expenses related to the adoption procedure only, including: reasonable fees for the specialists engaged in the adoption procedure and reasonable administrative expenses for the organization;

3. persons under Art. 4, Para. 1, item 4 shall not receive a disproportionate remuneration to the services delivered or to the usual remuneration for such services.

## **SECTION II**

### **TERMINATION OF ACCREDITED ORGANIZATION'S ACTIVITY**

Art. 23. (1) The activity of an accredited organization shall be terminated in the following cases:

1. when the validity term of the license expires;

2. when the validity term of the license issued under Art. 5, Para. 5 expires, provided that a new one has not been submitted within 14 days;

3. at the request of the accredited organization;

4. at the termination of the legal entity;

5. at cancelation of the registration under Art. 48, Para. 1 of the LNPLE;

6. the Minister of Justice withdraws the license.

(2) Every six months the Ministry of Justice shall conduct an official inquiry of the status of the accredited organization with the central register under Art. 45 of the LNPLE, in conjunction with Para. 1, items 4 and 5.

(3) In the cases under Para. 1, items 1 -5 the Minister of Justice shall issue an order for termination of the activity. The order may be appealed under the order of the Administrative Procedure Code before the Supreme Administrative Court.

Art. 24. (1) An accredited organization which activity has been terminated shall:

1. immediately cease accepting applications from new clients;

2. submit a list of all clients and their current status within 3 days from the day the order for termination of the activities or the withdrawal of the license has become effective.

(2) In case the organization represents adoptive parents whose procedure for adoption of a particular child is already in progress, the Minister of Justice shall determine with an order the terms and conditions to finalize the procedure by the same organization, which shall undertake with due care all instructions in the order until the procedure is completed.

Art. 25. (1) The Ministry of Justice shall inform the relevant Authority and/or accredited organization in the country of adoptive parent's habitual residence about the termination of the activities of an accredited organization under Art. 116 of the FC, shall provide information on all other organizations licensed for the same country, as well as ask adoptive parent to conclude an agreement with another organization within one month.

(2) In case there is no other organization under Art. 116 of the FC licensed by the Minister of Justice for the same country, the Ministry of Justice notifies the relevant Authority and/or the accredited organization in the country of adoptive parent's habitual residence about this circumstance and about the option the procedure to be concluded by the two Central Authorities under the Hague Convention.

## **CHAPTER FOUR**

### **SUPERVISION AND WITHDRAWAL OF AN INTERCOUNTRY ADOPTION MEDIATION LICENSE**

#### **SECTION I**

#### **CONTROL OVER ACCREDITED ORGANIZATIONS**

Art. 26. The Minister of Justice shall carry out control activities under Art. 112, Para. 2, item 2 of the FC by:

1. monitoring the accredited organizations' activities;
2. providing mandatory provisions to improve organizations' activities.

Art. 27. (1) Inspections under Art. 26, item 1 shall be scheduled or performed when a violation has been reported. At least one scheduled inspection shall be conducted within license validity term. Scheduled inspections shall be conducted annually in accordance with a plan that shall be endorsed by the Minister of Justice by January 31<sup>st</sup> of each year.

(2) The Minister of Justice or a person authorized by the Minister of Justice shall issue an order for conducting the inspection under Para. 1 and shall determine the time, subject matter and the officers who will conduct the inspection. A copy of the order shall be handed to the persons present in accredited organization's office during the inspection.

(3) Managers or employees of the accredited organization shall provide assistance to the inspectors, including access to premises and documentation of the organization.

(4) A report on the facts and circumstances established during the inspection shall be completed within 20 days following same. The report shall be handed to the accredited organization, which can object it in writing within 7 days.

(5) The report and the opinion of the organization, if any, shall be presented to the Intercountry Adoption Council. In case infringements and/or breach of duties by the accredited organization are



found, the Council shall give reasoned proposal to the Minister of Justice in order to provide mandatory provisions to correct them or to withdraw the license.

(6) In case of infringements that are of the competence of other authorities, the Ministry of Justice shall immediately inform same.

Art. 28. In case of infringements or breach of duties that occurred under the performance of the current mediation activity, the Ministry of Justice shall demand the accredited organization to provide written explanation on the case within 7 days. Upon receiving the explanation, a report shall be completed which shall be submitted to the Intercountry Adoption Council. After considering the case, the Council may give a reasoned proposal to the Minister of Justice to provide mandatory provisions to implement the due corrections or to withdraw the license.

Art. 29. (1) Mandatory provisions to improve organization's activity under Art. 26, item 2 shall be given by an order of the Minister of Justice containing the following:

1. a reference to infringements or breach of duties;
2. the measures to be taken to improve the activity of the organization and the deadline for their implementation;
3. the duty to submit to the Ministry of Justice within one month of the term under item 2 a written information on the implementation of the measures.

(2) The order may be appealed under the order of the Administrative Procedure Code before the Supreme Administrative Court..

## **SECTION II**

### **WITHDRAWAL OF AN INTERCOUNTRY ADOPTION MEDIATION LICENSE**

Art. 30. (1) The Minister of Justice shall withdraw the intercountry adoption mediation license in the following cases:

1. breach of duties under Art. 20 and 21;
2. infringement of the requirements under Art. 22;
3. an intercountry adoption mediation agreement which is not in conformity with the form under Art. 5, Para. 3, item 7, and/or a breach of agreement with an adoptive parent;
4. the cases under Art. 14, Para. 5, second sentence;
5. when the intercountry adoption mediation license under Art. 5, Para. 5 is withdrawn.

(2) A license can be withdrawn by order of the Minister of Justice on the grounds of a reasoned proposal by the Intercountry Adoption Council. The order may be appealed under the order of the Administrative Procedure Code before the Supreme Administrative Court.

(3) An organization which license has been withdrawn shall have no right to apply for a new license within a period of two years.

## **SUPPLEMENTARY PROVISIONS**

§ 1. Within the meaning of this Ordinance the wording “administrative expenses of the organization” shall apply to expenses related to overall functioning, organization of the intercountry adoption mediation activity and personnel of the accredited organization.

### **TRANSITIONAL AND FINAL PROVISIONS**

§ 2. Ordinance No. 12/2009 of the Minister of Justice on the terms and conditions for granting and withdrawing a license for intercountry adoption mediation and for carrying out and terminating the activity of the accredited organizations (Promulgated in State Gazette, Issue 80, year 2009; amended with Issue 54, year 2010 and Issue 53, year 2014) is revoked.

§ 3. The accredited organizations which have been granted an intercountry adoption mediation license under Ordinance No. 12/2009 shall comply with the requirements under Art. 4 until they apply for the issuance of a new intercountry adoption mediation license, but no later than three months since this Ordinance has become effective. The compliance is confirmed by an application for granting a new license or a declaration submitted by the representative of the accredited organization to the Minister of Justice which shall contain the details under Art. 5, Para. 2; the declaration shall be accompanied by the relevant documents. In case of noncompliance, the Minister of Justice shall withdraw the license on the grounds of a reasoned proposal by the Intercountry Adoption Council.

§ 4. The validity of the intercountry adoption mediation license, granted by the Minister of Justice on March 15<sup>th</sup> 2010, shall be extended until a new license is granted or refused, but no later than May 15<sup>th</sup> 2015; the accredited organizations can apply for a new license from January 1<sup>st</sup> to January 15<sup>th</sup> 2015.

§ 5. The Ordinance is issued pursuant to Art. 116, Para. 3 of the FC and becomes effective on the date it is promulgated in State Gazette.

Minister: Hristo Ivanov