



Brussels,

Dear Petitioners,

I thank you for your letters of 03 and 05 January 2022 enclosing a petition on the situation regarding the Furdui Family.

The petition

The petitioners complain about the German *Jugendamt*, as they consider that it discriminates parents on grounds of nationality and ethnic origins. In his particular case, the petitioners claim that the Furdui Family had their seven children removed from their care against their will and unjustifiably so.

The Commission's observation

The functioning of child protection agencies and judicial authorities deciding on custody such as those described in the petition are not regulated by European Union law. In addition, decisions by competent national authorities concerning parental responsibility and custody when there is no cross border element are neither regulated by European Union law. EU law as it currently stands, in particular Regulation (EC) No 2201/2003 ('the Brussels IIa Regulation')¹ is limited to common rules on jurisdiction and the recognition and enforcement of existing judgments in another Member State and cross-border cooperation in certain situations, which are not relevant in the case at hand.

Under the Treaty on European Union and the Treaty on the Functioning of the European Union, the European Union has no powers to intervene on an issue that is not covered by European Union law. Therefore, in the matters referred to in the petition, it is for the Member State concerned to ensure the respect of its obligations regarding the protection of the rights of the child and of the fundamental rights of their parents, as resulting from international conventions and from national law. In accordance with these conventions, Member States have to ensure that in all actions relating to children the best interests of the child are a primary consideration.

In the recently adopted EU Strategy on the rights² of the child, the European Commission invites the Member States to, among others, improve the functioning of child protection systems at national level.

¹ Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (so-called Brussels IIa Regulation).

² <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52021DC0142>

Conclusion

For the reasons set out above, it is not possible for the Commission to follow up on the issues raised by the Petitioners.