



TEXTS ADOPTED

P9_TA(2023)0481

Jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and creation of a European Certificate of Parenthood

European Parliament legislative resolution of 14 December 2023 on the proposal for a Council regulation on jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and on the creation of a European Certificate of Parenthood COM(2022)0695 – C9-0002/2023 – 2022/0402(CNS))

(Special legislative procedure – consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2022)0695),
- having regard to Article 81(3) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0002/2023),
- having regard to its resolution of 2 February 2017 with recommendations to the Commission on cross border aspects of adoption¹,
- having regard to its resolution of 5 April 2022 on protection of the rights of the child in civil, administrative and family law proceedings²,
- having regard to the decisions of the Committee on Petitions with regard to a number of petitions submitted by Union citizens relating to the need for a legal framework on cross-border recognition of parenthood between Member States,
- having regard to Opinion 2/2023 of the European Data Protection Supervisor on the Proposal for a Council Regulation in matters of parenthood,
- having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the

¹ OJ C 252, 18.7.2018, p. 14.

² OJ C 434, 15.11.2022, p. 11.

French Senate and the Italian Senate, asserting that the draft legislative act does not comply with the principle of subsidiarity,

- having regard to Rule 82 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women’s Rights and Gender Equality,
 - having regard to the report of the Committee on Legal Affairs (A9-0368/2023),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The Union has set itself the objective of creating, maintaining and developing an area of freedom, security and justice in full respect of fundamental rights in which the free movement of persons and access to justice are ensured. For the gradual establishment of such an area, the Union is to adopt measures aimed at ensuring the mutual recognition between Member States of judgments and decisions in extrajudicial cases in civil matters and the compatibility of the rules applicable in the Member States concerning conflict of laws and jurisdiction in civil matters.

Amendment

(1) The Union has set itself the objective of creating, maintaining and developing an area of freedom, security and justice in full respect of fundamental rights in which the free movement of persons and access to justice are ensured, ***in accordance with the Treaties and Charter of Fundamental Rights of the European Union (the ‘Charter’)***. For the gradual establishment of such an area, the Union is to adopt measures aimed at ensuring the mutual recognition between Member States of judgments and decisions in extrajudicial cases in civil matters and the compatibility of the rules applicable in the Member States concerning conflict of laws and jurisdiction in civil matters.

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) This Regulation concerns the recognition in a Member State of the parenthood of a child as established in another Member State. *It* aims to protect the fundamental rights and other rights of children in matters concerning their parenthood in cross-border situations, including their right to an identity³¹, to non-discrimination³² and to a private and family life³³, taking the best interests of the child as a primary consideration³⁴. This Regulation also aims to provide legal certainty and predictability and to reduce litigation costs and burden for families, national courts and other competent authorities in connection with proceedings for the recognition of parenthood in

Amendment

(2) This Regulation concerns the recognition in a Member State of the parenthood of a child as established in another Member State. ***All Member States are bound to act in the best interest of the child, including by safeguarding the fundamental right of every child to family life and prohibiting the discrimination of the child on the basis of their parents’ marital status or sexual orientation, or the way the child was conceived. Therefore, this Regulation*** aims to protect the fundamental rights and other rights of children in matters concerning their parenthood in cross-border situations, including their right to an identity³¹, to non-discrimination³² and to a private and

another Member State. To attain these aims, this Regulation should require Member States to recognise for all purposes the parenthood of a child as established in another Member State.

family life³³, taking *into account the full respect of the principle of* the best interests of the child as a primary consideration³⁴. This Regulation also aims to provide legal certainty and predictability and to reduce litigation costs and burden for families, national courts and other competent authorities in connection with proceedings for the recognition of parenthood in another Member State *so that the child does not lose the rights derived from parenthood established in one Member States in a cross-border situation*. To attain these aims, this Regulation should require Member States to recognise for all purposes the parenthood of a child as established in another Member State.

³¹ Article 8 of the UN Convention on the Rights of the Child.

³² Article 2 of the UN Convention on the Rights of the Child, Article 21 of the Charter of Fundamental Rights of the European Union.

³³ Article 9 of the UN Convention on the Rights of the Child, Articles 7 and 24 of the Charter of Fundamental Rights of the European Union.

³⁴ Article 3 of the UN Convention on the Rights of the Child, Article 24 of the Charter of Fundamental Rights of the European Union.

³¹ Article 8 of the UN Convention on the Rights of the Child.

³² Article 2 of the UN Convention on the Rights of the Child, Article 21 of the Charter of Fundamental Rights of the European Union.

³³ Article 9 of the UN Convention on the Rights of the Child, Articles 7 and 24 of the Charter of Fundamental Rights of the European Union.

³⁴ Article 3 of the UN Convention on the Rights of the Child, Article 24 of the Charter of Fundamental Rights of the European Union.

Amendment 3

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) Under the Treaties, the competence to adopt substantive rules on family law, such as rules on the definition of family and rules on the establishment of the parenthood of a child, lies with the Member States. However, pursuant to Article 81(3) TFEU, the Union can adopt

Amendment

(5) *Pursuant to Article 67(1) TFEU, the Union is to constitute an area of freedom, security and justice with respect for fundamental rights and the different legal systems and traditions of the Member States.* Under the Treaties, the *exclusive* competence to adopt substantive rules on

measures concerning family law with cross-border implications, in particular rules on international jurisdiction, on applicable law and on the recognition of parenthood.

family law, such as rules on the definition of family and rules on the establishment of the parenthood of a child, lies with the Member States. However, pursuant to Article 81(3) TFEU, the Union can adopt measures concerning family law with cross-border implications, in particular rules on international jurisdiction, on applicable law and on the recognition of parenthood.

Amendment 4

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) While the Union has competence to adopt measures on family law with cross-border implications such as rules on international jurisdiction, applicable law and the recognition of parenthood between Member States, to date the Union has not adopted provisions in those areas as regards parenthood. The Member States' provisions currently applicable in these areas differ.

Amendment

(8) While the Union has competence to adopt measures on family law with cross-border implications such as rules on international jurisdiction, applicable law and the recognition of parenthood between Member States, to date the Union has not adopted provisions in those areas as regards parenthood. The Member States' provisions currently applicable in these areas differ, ***thus leading to legal gaps and creating legal uncertainty for children exercising their rights in cross-border situations which may lead in turn to discrimination and a failure to respect fundamental rights.***

Amendment 5

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) As a result of the absence of Union provisions on international jurisdiction and applicable law for the establishment of parenthood in cross-border situations and on the recognition of parenthood between Member States, families ***may*** encounter difficulties in having the parenthood of

Amendment

(10) As a result of the absence of Union provisions on international jurisdiction and applicable law for the establishment of parenthood in cross-border situations and on the recognition of parenthood between Member States, families encounter difficulties in having the parenthood of

their children recognised for all purposes within the Union, including when they move to another Member State or return to their Member State of origin.

their children recognised for all purposes within the Union, including when they move to another Member State or return to their Member State of origin.

Amendment 6

Proposal for a regulation Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The non-recognition by a Member State of parenthood established in another Member State particularly affects rainbow families (LGBTIQ+ families) as well as other types of families that do not fit the nuclear family model. This is especially the case where there is no biological link between the parents and the child. This Regulation will ensure that children enjoy their rights and maintain their legal status in cross-border situations irrespective of their family situation and without discrimination.

Amendment 7

Proposal for a regulation Recital 13

Text proposed by the Commission

Amendment

(13) This Regulation should not affect the rights that a child derives from Union law, in particular the rights that a child enjoys under Union law on free movement, including Directive 2004/38/EC. For instance, Member States must already today recognise a parent-child relationship for the purposes of permitting children to exercise, with ***each of*** their ***two*** parents, the right to move and reside freely within the territory of the Member States without impediment, and to exercise all the rights that the child derives from Union law. This Regulation does not provide for any additional conditions or requirements for

(13) This Regulation should not affect the rights that a child derives from Union law, in particular the rights that a child enjoys under Union law on free movement, including Directive 2004/38/EC. For instance, Member States must already today recognise a parent-child relationship for the purposes of permitting children to exercise, with their parents, the right to move and reside freely within the territory of the Member States without impediment, and to exercise all the rights that the child derives from Union law. This Regulation does not provide for any additional conditions or requirements for the exercise

the exercise of such rights.

of such rights.

Amendment 8

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) Under Article 21 TFEU and secondary legislation relating thereto as interpreted by the Court of Justice, the respect of a Member State's national identity under Article 4(2) TEU and a Member State's public policy cannot serve as justification to refuse to recognise a parent-child relationship between children and their same-sex parents for the purposes of exercising the rights that a child derives from Union law. In addition, for the purposes of exercising such rights, proof of parenthood can be presented by any means⁵². Therefore, a Member State is not entitled to require that a person presents either the attestations provided for in this Regulation accompanying a court decision or an authentic instrument on parenthood, or the European Certificate of Parenthood created by this Regulation, where the person invokes, in the context of the exercise of the right to free movement, rights that a child derives from Union law. This should not, however, prevent a person from choosing to present in such cases also the relevant attestation or the European Certificate of Parenthood provided for in this Regulation. To ensure that Union citizens and their family members are informed that the rights that a child derives from Union law are not affected by this Regulation, the forms of the attestations and of the European Certificate of Parenthood annexed to this Regulation should include a statement specifying that the relevant attestation or the European Certificate of Parenthood do not affect the rights that a child derives from Union law, in particular the rights that a child enjoys under Union law on free movement, and

Amendment

(14) Under Article 21 TFEU and secondary legislation relating thereto as interpreted by the Court of Justice, the respect of a Member State's national identity under Article 4(2) TEU and a Member State's public policy cannot serve as justification to refuse to recognise a parent-child relationship between children and their same-sex parents for the purposes of exercising the rights that a child derives from Union law. ***To that end, it is crucial that Member States ensure that this Regulation is implemented correctly, that public policy is not used to circumvent the obligations laid down in this Regulation, and that this Regulation is interpreted in accordance with the case law of the Court of Justice of the European Union.*** In addition, for the purposes of exercising such rights, proof of parenthood can be presented by any means⁵². Therefore, a Member State is not entitled to require that a person presents either the attestations provided for in this Regulation accompanying a court decision or an authentic instrument on parenthood, or the European Certificate of Parenthood created by this Regulation, where the person invokes, in the context of the exercise of the right to free movement, rights that a child derives from Union law. This should not, however, prevent a person from choosing to present in such cases also the relevant attestation or the European Certificate of Parenthood provided for in this Regulation. To ensure that Union citizens and their family members are informed that the rights that a child derives from Union law are not affected by this Regulation, the forms of the attestations

that, for the exercise of such rights, proof of the parent-child relationship can be presented by any means.

and of the European Certificate of Parenthood annexed to this Regulation should include a statement specifying that the relevant attestation or the European Certificate of Parenthood do not affect the rights that a child derives from Union law, in particular the rights that a child enjoys under Union law on free movement, and that, for the exercise of such rights, proof of the parent-child relationship can be presented by any means.

⁵² Judgments of the Court of Justice of 25 July 2002, C-459/99, MRAX, ECLI:EU:C:2002:461, paragraphs 61 and 62, and of 17 February 2005, C-215/03, Oulane, ECLI:EU:C:2005:95, paragraphs 23 to 26.

⁵² Judgments of the Court of Justice of 25 July 2002, C-459/99, MRAX, ECLI:EU:C:2002:461, paragraphs 61 and 62, and of 17 February 2005, C-215/03, Oulane, ECLI:EU:C:2005:95, paragraphs 23 to 26.

Amendment 9

Proposal for a regulation Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) The Member States, supported by the Commission and the European Judicial Training Network, should organise training for judges, legal professionals and relevant state authorities to ensure that this Regulation is properly implemented and applied.

Amendment 10

Proposal for a regulation Recital 16

Text proposed by the Commission

Amendment

(16) Article 2 of the United Nations Convention on the Rights of the Child of 20 November 1989 ('UN Convention on the Rights of the Child') requires States Parties to respect and ensure the rights of children without discrimination of any

(16) Article 2 of the United Nations Convention on the Rights of the Child of 20 November 1989 ('UN Convention on the Rights of the Child') requires States Parties to respect and ensure the rights of children without discrimination of any

kind, and to take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the circumstances of the child's parents. Under Article 3 of the said Convention, in all actions by, amongst others, courts and administrative authorities, the best interests of the child must be a primary consideration.

kind, and to take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the circumstances of the child's parents. Under Article 3 of the said Convention, in all actions by, amongst others, courts and administrative authorities, the best interests of the child must be a primary consideration, **and the child's rights must be respected in all situations and circumstances.**

Amendment 11

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) The best interests of the child should be the primary consideration. The European Court of Human Rights has expressly stated that the best interests of the child reduce the margin of appreciation of the State Parties in the recognition of the child-parent relationship^{1a}, and that the best interests of the child entail the legal identification of the persons responsible for raising them, meeting their needs and ensuring their welfare, and the possibility for the child to live and develop in a stable environment^{1b}. Under the Charter and the European Convention for the protection of Human Rights and Fundamental Freedoms (the 'European Convention on Human Rights'), children have the right to private and family life.

^{1a} ECtHR, Judgment 22.11.2022 [Section III], *D.B. and Others v. Switzerland - 58252/15 and 58817/15*

^{1b} ECtHR, 10.4.2019 [GC], *Advisory opinion requested by the French Court of Cassation*

Amendment 12

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 ('European Convention of Human Rights') lays down the right to respect for private and family life, while Article 1 of Protocol No. 12 to the said Convention provides that the enjoyment of any right set forth by law must be secured without discrimination on any ground, including birth. The European Court of Human Rights has interpreted Article 8 of the Convention as requiring all States within its jurisdiction to recognise the legal parent-child relationship established abroad between a child born out of surrogacy and the biological intended parent, and to provide for a mechanism for the recognition in law of the parent-child relationship with the non-biological intended parent (for example through the adoption of the child)²⁴

²⁴ For example, *Mennesson v. France* (Application no 65192/11, Council of Europe: European Court of Human Rights, 26 June 2014) and Advisory Opinion P16-2018-001 (Request no. P16-2018-001, Council of Europe: European Court of Human Rights, 10 April 2019).

Amendment

(18) Article 8 of the European Convention of Human Rights lays down the right to respect for private and family life, while Article 1 of Protocol No. 12 to the said Convention provides that the enjoyment of any right set forth by law must be secured without discrimination on any ground, including birth. The European Court of Human Rights has interpreted Article 8 of the Convention as requiring all States within its jurisdiction to recognise the legal parent-child relationship established abroad between a child born out of surrogacy and the biological intended parent, and to provide for a mechanism for the recognition in law of the parent-child relationship with the non-biological intended parent (for example through the adoption of the child)²⁴. ***While this Regulation builds on that case law and ensures that the child - parent relationship as established in one Member State should be recognised in all Member States, this Regulation cannot be interpreted as obliging a Member State to change their substantive family law in order to accept the practice of surrogacy. Member State competences must be respected in that regard.***

²⁴ For example, *Mennesson v. France* (Application no 65192/11, Council of Europe: European Court of Human Rights, 26 June 2014) and Advisory Opinion P16-2018-001 (Request no. P16-2018-001, Council of Europe: European Court of Human Rights, 10 April 2019).

Amendment 13

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) In conformity with the provisions of international conventions and Union law, this Regulation should ensure that children enjoy their rights and maintain their legal status in cross-border situations without discrimination. To that effect, and in the light of the case law of the Court of Justice, including on mutual trust between Member States, and of the European Court on Human Rights, this Regulation should cover the recognition in a Member State of the parenthood established in another Member State irrespective of how the child was conceived or born and irrespective of the child's type of family, and including domestic adoption. Therefore, subject to the application of the rules on applicable law of this Regulation, this Regulation should cover the recognition in a Member State of the parenthood established in another Member State of a child with same-sex parents. This Regulation should also cover the recognition in a Member State of the parenthood of a child adopted domestically in another Member State under the rules governing domestic adoption in that Member State.

Amendment 14

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) This Regulation should not apply to preliminary questions such as the existence, validity or recognition of a marriage or a relationship deemed by the law applicable to it as having comparable effects, which should continue to be governed by the national law of the

Amendment

(21) In conformity with the provisions of international conventions and Union law, this Regulation should ensure that children enjoy their rights and maintain their legal status in cross-border situations without discrimination. To that effect, and in the light of the case law of the Court of Justice, including on mutual trust between Member States, and of the European Court on Human Rights, this Regulation should cover the recognition in a Member State of the parenthood established in another Member State irrespective of how the child was conceived or born and irrespective of the child's type of family, and including domestic adoption. Therefore, subject to the application of the rules on applicable law of this Regulation, this Regulation should cover the recognition in a Member State of the parenthood established in another Member State of a child with same-sex parents *or of a child in another type of family that does not fit the nuclear family model*. This Regulation should also cover the recognition in a Member State of the parenthood of a child adopted domestically in another Member State under the rules governing domestic adoption in that Member State.

Amendment

(30) This Regulation should not apply to preliminary questions such as the existence, validity or recognition of a marriage or a relationship deemed by the *national* law applicable to it as having comparable effects, *such as registered partnership*, which should continue to be

Member States, including their rules of private international law and, where relevant, by the case law of the Court of Justice on free movement.

governed by the national law of the Member States, including their rules of private international law and, where relevant, by the case law of the Court of Justice on free movement.

Amendment 15

Proposal for a regulation

Recital 36

Text proposed by the Commission

(36) In order to facilitate the recognition of court decisions and authentic instruments on parenthood matters, this Regulation should lay down uniform jurisdiction rules for the establishment of parenthood with a cross-border element. This Regulation should also clarify the right of children below the age of 18 years to be provided with an opportunity to express their views in proceedings to which they are subject.

Amendment

(36) In order to facilitate the recognition of court decisions and authentic instruments on parenthood matters, this Regulation should lay down uniform jurisdiction rules for the establishment of parenthood with a cross-border element. This Regulation should also clarify the right of children below the age of 18 years to be provided with an opportunity to express their views in proceedings to which they are subject ***in accordance with the age and maturity of the child as laid down in Article 12 of the UN Convention on the Rights of the Child.***

Amendment 16

Proposal for a regulation

Recital 42

Text proposed by the Commission

(42) Where jurisdiction cannot be established based on the general alternative jurisdiction grounds, the courts of the Member State where the child is present should have jurisdiction. This presence rule should, in particular, allow the courts of a Member State to exercise jurisdiction in respect of third-country national children, including applicants for or beneficiaries of international protection such as refugee children ***and*** children internationally displaced because of disturbances occurring in their State of habitual

Amendment

(42) Where jurisdiction cannot be established based on the general alternative jurisdiction grounds, the courts of the Member State where the child is present should have jurisdiction. This presence rule should, in particular, allow the courts of a Member State to exercise jurisdiction in respect of third-country national children, including applicants for or beneficiaries of international protection such as refugee children, children internationally displaced ***and victims of trafficking in human beings*** because of disturbances occurring

residence.

in their State of habitual residence.

Amendment 17

Proposal for a regulation Recital 44 a (new)

Text proposed by the Commission

Amendment

(44a) In order to facilitate the establishment of parenthood between a child and parent or parents in a cross-border situation and to facilitate recognition of court decisions and authentic instruments relating to filiation, and in order to contribute to the implementation of this Regulation, it is appropriate that Member States, in full respect of their national court structure, consider concentrating jurisdiction for such proceedings in as limited a number of courts as possible.

Amendment 18

Proposal for a regulation Recital 49

Text proposed by the Commission

Amendment

(49) Proceedings ***on the establishment of parenthood*** under this Regulation ***should***, as a basic principle, ***provide children below the age of 18 years who are*** subject to ***those*** proceedings and who ***are*** capable of forming their own views, ***in accordance with the case law of the Court of Justice***, with a genuine and effective opportunity to express their views and, when assessing the best interests of the child, due weight should be given to those views. This Regulation should, however, leave the question of who will hear the child and how the child will be heard to be determined by the national law and procedure of the Member States. In addition, while remaining a right of the child, hearing the child should not

(49) ***In accordance with Article 12 of the UN Convention on the Rights of the Child and Article 24(1) of the Charter, all children have the right to express their views in all matters affecting them, and to have them considered and taken seriously. A child should be provided with the opportunity to be heard in any judicial or administrative proceedings affecting that child. Thus, during proceedings*** under this Regulation, as a basic principle ***and where applicable, a child who is*** subject to ***such*** proceedings and who ***is*** capable of forming their own views, ***should be provided*** with a genuine and effective opportunity to express their views, ***which should include their feelings and wishes***, and, when assessing the best interests of the child, due

constitute an absolute obligation although it should be assessed taking into account the best interests of the child.

weight should be given to those views. This Regulation should, however, leave the question of who will hear the child and how the child will be heard to be determined by the national law and procedure of the Member States. In addition, while remaining a right of the child, hearing the child should not constitute an absolute obligation, ***especially if considered to be against the best interests of the child***, although it should be assessed taking into account the best interests of the child.

Amendment 19

Proposal for a regulation

Recital 56

Text proposed by the Commission

(56) Considerations of public interest should allow courts and other competent authorities establishing parenthood in the Member States to disregard, in exceptional circumstances, certain provisions of a foreign law where, in a given case, applying such provisions would be manifestly incompatible with the public policy (ordre public) of the Member State concerned. However, the courts or other competent authorities should not be able to apply the public policy exception in order to set aside the law of another State when doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits discrimination.

Amendment

(56) Considerations of public interest should allow courts and other competent authorities establishing parenthood in the Member States to disregard, in exceptional circumstances, certain provisions of a foreign law where, in a given case, applying such provisions would be manifestly incompatible with the public policy (ordre public) of the Member State concerned. However, the courts or other competent authorities should not be able to apply the public policy exception in order to set aside the law of another State when doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits discrimination. ***When the public policy exception has been raised by the courts or other competent authorities of the Member State, the decision of the court establishing the parenthood should stand until legal remedies at national and Union level has been exhausted and a final ruling has been delivered on the public policy exception.***

Amendment 20

Proposal for a regulation
Recital 66

Text proposed by the Commission

(66) ***Although the obligation to provide children below the age of 18 years with the opportunity to express their views under this Regulation should not apply to authentic instruments with binding legal effect***, the right of ***children*** to express their views should ***however*** be taken into consideration pursuant to Article 24 of the Charter and in the light of Article 12 of the UN Convention on the Rights of the Child as implemented by national law and procedure. The fact that ***children were*** not given the opportunity to express their views should not automatically be a ground for refusal of recognition of authentic instruments with binding legal effect.

Amendment 21

Proposal for a regulation
Recital 75

Text proposed by the Commission

(75) Considerations of public interest should allow Member State courts or other competent authorities to refuse, in exceptional circumstances, to recognise or, as the case may be, accept a court decision or authentic instrument on the parenthood established in another Member State where, in a given case, such recognition or acceptance would be manifestly incompatible with the public policy (ordre public) of the Member State concerned. However, the courts or other competent authorities should not be able to refuse to recognise or, as the case may be, accept a court decision or an authentic instrument issued in another Member State when doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits discrimination.

Amendment

(66) The right of ***the child*** to express their views should be taken into consideration pursuant to Article 24 of the Charter and in the light of Article 12 of the UN Convention on the Rights of the Child as implemented by national law and procedure ***also in respect of authentic instruments with binding legal effect***. ***However***, the fact that ***the child who is below the age of 18 years was*** not given the opportunity to express their views should not automatically be a ground for refusal of recognition of authentic instruments with binding legal effect.

Amendment

(75) Considerations of public interest should allow Member State courts or other competent authorities to refuse, in exceptional circumstances, to recognise or, as the case may be, accept a court decision or authentic instrument on the parenthood established in another Member State where, in a given case, such recognition or acceptance would be manifestly incompatible with the public policy (ordre public) of the Member State concerned. However, the courts or other competent authorities should not be able to refuse to recognise or, as the case may be, accept a court decision or an authentic instrument issued in another Member State when doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits discrimination. ***When the public policy exception policy has been raised by***

the courts or competent authorities of the Member States, the decision of the court establishing the parenthood should stand until legal remedies at national and Union level have been exhausted and a final ruling has been delivered on the public policy exception.

Amendment 22

Proposal for a regulation Recital 76

Text proposed by the Commission

(76) In order for the recognition of the parenthood established in a Member State to be settled speedily, smoothly and efficiently, children or their parent(s) should be able to demonstrate easily the children's status in another Member State. To enable them to do so, this Regulation should provide for the creation of a uniform certificate, the European Certificate of Parenthood, to be issued for use in another Member State. In order to respect the principle of subsidiarity, the European Certificate of Parenthood should not take the place of internal documents which may exist for similar purposes in the Member States.

Amendment

(76) In order for the recognition of the parenthood established in a Member State to be settled speedily, smoothly and efficiently, children or their parent(s) should be able to demonstrate easily the children's status in another Member State. ***That is an important step to take in order to reduce bureaucracy and increase access to free movement in the Union as a means of promoting equality.*** To enable them to do so, this Regulation should provide for the creation of a uniform certificate, the European Certificate of Parenthood, to be issued for use in another Member State. In order to respect the principle of subsidiarity, the European Certificate of Parenthood should not take the place of internal documents which may exist for similar purposes in the Member States.

Amendment 23

Proposal for a regulation Recital 81

Text proposed by the Commission

(81) The court or other competent authority should issue the European Certificate of Parenthood upon request. The original of the European Certificate of Parenthood should remain with the issuing

Amendment

(81) The court or other competent authority should issue the European Certificate of Parenthood upon request ***of the child (the 'applicant') or, where applicable, a legal representative.*** The

authority, which should issue one or more certified copies of the European Certificate of Parenthood to the applicant or a legal representative. Given the stability of parenthood status in the vast majority of cases, the validity of the copies of the European Certificate of Parenthood should not be limited in time, without prejudice to the possibility to rectify, modify, suspend or withdraw the European Certificate of Parenthood as necessary. This Regulation should provide for redress against decisions of the issuing authority, including decisions to refuse to issue a European Certificate of Parenthood. Where the European Certificate of Parenthood is rectified, modified, suspended or withdrawn, the issuing authority should inform the persons to whom certified copies have been issued so as to avoid a wrongful use of such copies.

original of the European Certificate of Parenthood should remain with the issuing authority, which should issue one or more certified copies of the European Certificate of Parenthood to the applicant or a legal representative. Given the stability of parenthood status in the vast majority of cases, the validity of the copies of the European Certificate of Parenthood should not be limited in time, without prejudice to the possibility to rectify, modify, suspend or withdraw the European Certificate of Parenthood as necessary. This Regulation should provide for redress against decisions of the issuing authority, including decisions to refuse to issue a European Certificate of Parenthood. Where the European Certificate of Parenthood is rectified, modified, suspended or withdrawn, the issuing authority should inform the persons to whom certified copies have been issued so as to avoid a wrongful use of such copies.

Amendment 24

Proposal for a regulation

Recital 83

Text proposed by the Commission

(83) The European electronic access point should allow ***natural persons*** or their legal representatives to launch a request for a European Certificate of Parenthood and to receive and send that Certificate electronically. It should also allow them to communicate electronically with Member State courts or other competent authorities in proceedings ***for a decision that there are no grounds for the refusal of recognition of a court decision or an authentic instrument on parenthood, or proceedings for the refusal of recognition of a court decision or an authentic instrument on parenthood.*** Member State courts or other competent authorities should communicate with citizens through the European electronic access point only

Amendment

(83) The European electronic access point should allow ***applicants*** or their legal representatives to launch a request for a European Certificate of Parenthood and to receive and send that Certificate electronically. It should also allow them to communicate electronically with Member State courts or other competent authorities in proceedings ***governed by this Regulation.*** Member State courts or other competent authorities should communicate with citizens through the European electronic access point only where the citizen has given prior express consent to the use of this means of communication.

where the citizen has given prior express consent to the use of this means of communication.

Amendment 25

Proposal for a regulation Recital 89 a (new)

Text proposed by the Commission

Amendment

(89a) Whenever there is doubt as regards the interpretation of a provision of this Regulation, it is important that national judges use the preliminary ruling mechanism under the Treaties in order to obtain a uniformly applicable interpretation from the Court of Justice of the European Union.

Amendment 26

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

Amendment

This Regulation lays down common rules on jurisdiction and applicable law for the establishment of parenthood in a Member State in cross-border situations; common rules for the recognition or, as the case may be, acceptance in a Member State of court decisions on parenthood given, and authentic instruments on parenthood drawn up or registered, in another Member State; and creates a European Certificate of Parenthood.

This Regulation lays down common rules on jurisdiction and applicable law for the establishment of parenthood in a Member State in cross-border situations; common rules for the ***mutual*** recognition or, as the case may be, acceptance in a Member State of court decisions on parenthood given, and authentic instruments on parenthood drawn up or registered, in another Member State; and creates a European Certificate of Parenthood.

Amendment 27

Proposal for a regulation Article 4 – paragraph 1 – point 1

Text proposed by the Commission

Amendment

1. ‘parenthood’ means the ***parent-child***

1. ‘parenthood’ means the ***child-parent***

relationship established in law. It includes the legal status of being the child of a particular parent or parents;

relationship established in law. It includes the legal status of being the child of a particular parent or parents;

(This amendment, 'parent-child' to 'child-parent', applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Amendment 28

Proposal for a regulation

Article 4 – paragraph 1 – point 4

Text proposed by the Commission

4. 'court' means ***an*** authority ***in*** a Member State ***that exercises judicial functions*** in matters of parenthood;

Amendment

4. 'court' means ***any judicial*** authority ***and all other authorities of*** a Member State ***with jurisdiction*** in matters of parenthood ***which exercise judicial functions or act pursuant to a delegation of power by a judicial authority or act under the control of a judicial authority, provided that such other authorities offer guarantees with regard to the impartiality and the right of all parties to be heard and provided that their decisions under the law of the Member State in which they operate:***

Amendment 29

Proposal for a regulation

Article 4 – paragraph 1 – point 4 – point a (new)

Text proposed by the Commission

Amendment

(a) may be made the subject of an appeal to or review by a judicial authority; and

Amendment 30

Proposal for a regulation

Article 4 – paragraph 1 – point 4 – point b (new)

Text proposed by the Commission

Amendment

(b) have a similar force and effect as a decision of a judicial authority on the same matter;

Amendment 31

**Proposal for a regulation
Article 4 – paragraph 1 – point 9 a (new)**

Text proposed by the Commission

Amendment

9a. ‘videoconferencing’ means using audiovisual transmission technology tools enabling persons in a cross-border judicial procedure to participate remotely.

Amendment 32

**Proposal for a regulation
Article 5 – paragraph 1**

Text proposed by the Commission

Amendment

This Regulation shall not affect the competence of the authorities of the Member States to deal with parenthood matters.

This Regulation shall not affect the competence of the authorities of the Member States to deal with parenthood matters ***without any cross-border dimension.***

Amendment 33

**Proposal for a regulation
Article 15 – title**

Text proposed by the Commission

Amendment

Right of ***children*** to express their views

Right of ***the child*** to express their views ***and be heard***

Amendment 34

**Proposal for a regulation
Article 15 – paragraph 1**

Text proposed by the Commission

1. When exercising their jurisdiction under this Regulation, the courts of the Member States shall, in accordance with national law and procedure, provide **children** below the age of 18 years whose parenthood is to be established and who **are** capable of forming their own views, with a genuine and effective opportunity to express their views, either directly or through a representative or an appropriate body.

Amendment 35

**Proposal for a regulation
Article 15 – paragraph 2**

Text proposed by the Commission

2. Where the court, in accordance with national law and procedure, gives **children** below the age of 18 years an opportunity to express their views in accordance with this Article, the court shall give due weight to the views of the **children** in accordance with their age and maturity.

Amendment 36

**Proposal for a regulation
Article 18 – paragraph 1 – point a**

Text proposed by the Commission

(a) the procedures to establish or contest parenthood;

Amendment 37

**Proposal for a regulation
Article 22 – paragraph 1**

Amendment

1. When exercising their jurisdiction under this Regulation, the courts of the Member States shall, in accordance with national law and procedure, **support and** provide **a child** below the age of 18 years whose parenthood is to be established and who **is** capable of forming their own views, with a genuine and effective opportunity to express their views, either directly or through a representative or an appropriate body **in proceedings covered by this Regulation.**

Amendment

2. Where the court, in accordance with national law and procedure, gives **a child** below the age of 18 years an opportunity to express their views in accordance with this Article, the court shall give due weight to the views of the **child** in accordance with their age and maturity.

Amendment

(a) the procedures **and conditions** to establish or contest parenthood;

Text proposed by the Commission

1. The application of a provision of the law of any State specified by this Regulation may be refused only if such application is manifestly incompatible with the public policy (ordre public) of the forum.

Amendment

1. The application of a provision of the law of any State specified by this Regulation may be refused only if such application is manifestly incompatible with the public policy (ordre public) of the forum, ***taking into account the best interests of the child.***

Amendment 38

**Proposal for a regulation
Article 22 – paragraph 2**

Text proposed by the Commission

2. Paragraph 1 shall be applied by the courts and other competent authorities of the Member States in ***observance of*** the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination.

Amendment

2. Paragraph 1 shall be applied by the courts and other competent authorities of the Member States in ***accordance with*** the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination.

Amendment 39

**Proposal for a regulation
Article 22 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. When an appeal against the application of paragraph 1 is brought by an applicant who is seeking recognition of a parenthood already established in another Member State, the decision of the court establishing the parenthood shall stand until legal remedies at national and Union level have been exhausted and a final ruling has been delivered on the public policy exception.

Amendment 40

Proposal for a regulation
Article 29 – paragraph 2

Text proposed by the Commission

2. The attestation shall be completed and issued in the language of the court decision. The attestation *may* also be issued in another official language of the institutions of the European Union requested by the party. ***This does not create any obligation for the court issuing the attestation to provide a translation or transliteration of the translatable content of the free text fields.***

Amendment 41

Proposal for a regulation
Article 31 – paragraph 1 – point a

Text proposed by the Commission

(a) if such recognition is manifestly contrary to the public policy of the Member State in which recognition is invoked, taking into account the *child's* interests;

Amendment 42

Proposal for a regulation
Article 31 – paragraph 1 – point c

Text proposed by the Commission

(c) upon application by any person claiming that the court decision infringes *his fatherhood or her motherhood* over the child if it was given without such person having been given an opportunity to be heard;

Amendment 43

Amendment

2. The attestation shall be completed and issued in the language of the court decision. The attestation *shall* also be issued in another official language of the institutions of the European Union requested by the party. ***Member States are to decide whether such a translation or transliteration is to be provided by the court and/or a public administration body.***

Amendment

(a) if such recognition is manifestly contrary to the public policy of the Member State in which recognition is invoked, taking into account the *best* interests ***of the child;***

Amendment

(c) upon application ***and presentation of evidence*** by any person ***with a legitimate interest under the procedural law of the Member State in which the proceedings are brought*** claiming that the court decision infringes ***their parenthood*** over the child if it was given without such person having been given an opportunity to be heard ***and present evidence;***

Proposal for a regulation
Article 31 – paragraph 2

Text proposed by the Commission

2. Point (a) of paragraph 1 shall be applied by the courts and other competent authorities of the Member States ***in observance of*** the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination.

Amendment

2. Point (a) of paragraph 1 shall be applied by the courts and other competent authorities of the Member States ***in accordance with*** the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination.

Amendment 44

Proposal for a regulation
Article 31 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. When an appeal against the application of paragraph 1, point (a), is brought by an applicant, who is seeking recognition of a parenthood already established in another Member State, the decision of the court establishing the parenthood shall stand until legal remedies at national and Union level have been exhausted and a final ruling has been delivered on the public policy exception.

Amendment 45

Proposal for a regulation
Article 33 – paragraph 1

Text proposed by the Commission

1. Any party may challenge or appeal against a court decision on the application for refusal of recognition.

Amendment

1. Any party ***with an established legitimate interest*** may challenge or appeal against a court decision on the application for refusal of recognition.

Amendment 46

Proposal for a regulation
Article 37 – paragraph 3

Text proposed by the Commission

3. The attestation shall be completed in the language of the authentic instrument. It **may** also be issued in another official language of the institutions of the European Union requested by the party. ***This does not create any obligation for the competent authority issuing the attestation to provide a translation or transliteration of the translatable content of the free text fields.***

Amendment 47

Proposal for a regulation
Article 39 – paragraph 1 – point a

Text proposed by the Commission

(a) if such recognition is manifestly contrary to the public policy of the Member State in which recognition is invoked, taking into account the ***child's*** interests;

Amendment 48

Proposal for a regulation
Article 39 – paragraph 1 – point b

Text proposed by the Commission

(b) upon application by any person claiming that the authentic instrument infringes ***his fatherhood or her motherhood*** over the child, if the authentic instrument was formally drawn up or registered without that person having been involved;

Amendment 49

Amendment

3. The attestation shall be completed in the language of the authentic instrument. It ***shall*** also be issued in another official language of the institutions of the European Union requested by the party. ***Member States are to decide whether such a translation or transliteration is to be provided by the court and/or a public administration body.***

Amendment

(a) if such recognition is manifestly contrary to the public policy of the Member State in which recognition is invoked, taking into account the ***best*** interests ***of the child;***

Amendment

(b) upon application by any person claiming that the authentic instrument infringes ***their parenthood*** over the child, if the authentic instrument was formally drawn up or registered without that person having been involved;

Proposal for a regulation
Article 39 – paragraph 2

Text proposed by the Commission

2. Point (a) of paragraph 1 shall be applied by the courts and other competent authorities of the Member States in ***observance of*** the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination.

Amendment 50

Proposal for a regulation
Article 39 – paragraph 2 a (new)

Text proposed by the Commission

Amendment 51

Proposal for a regulation
Article 39 – paragraph 3

Text proposed by the Commission

3. The recognition of an authentic instrument establishing parenthood with binding legal effect may be refused if it was formally drawn up or registered without ***children*** having been given an opportunity to express their views. ***Where the children were below the age of 18 years, this provision shall apply where the children were capable of forming their views.***

Amendment

2. Point (a) of paragraph 1 shall be applied by the courts and other competent authorities of the Member States in ***accordance with*** the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination.

Amendment

2a. When an appeal against the application of paragraph 1, point (a), is brought by an applicant, who is seeking recognition of a parenthood already established in another Member State, the recognition of the authentic instrument and the rights derived from it shall stand until legal remedies at national and Union level have been exhausted and a final ruling has been delivered.

Amendment

3. The recognition of an authentic instrument establishing parenthood with binding legal effect may ***in exceptional circumstances*** be refused if it was formally drawn up or registered without ***the child*** having been given an opportunity to express their views ***pursuant to Article 15.***

Amendment 52

Proposal for a regulation Article 43 – paragraph 2

Text proposed by the Commission

2. An applicant who, in the Member State of origin, has benefited from free proceedings before an administrative authority communicated to the Commission pursuant to Article 71 shall be entitled, in any procedures provided for in Articles 25(1) and 32, to benefit from legal aid in accordance with paragraph 1 of this Article. To that end, that party shall present a statement from the competent authority in the Member State of origin to the effect that he or she fulfils the financial requirements to qualify for the grant of complete or partial legal aid or exemption from costs or expenses.

Amendment

2. An applicant who, in the Member State of origin, has benefited from free proceedings before an administrative authority communicated to the Commission pursuant to Article 71 shall be entitled, in any procedures provided for in Articles 25(1) and 32, to benefit from legal aid in accordance with paragraph 1 of this Article. To that end, that party shall present a statement from the competent authority in the Member State of origin to the effect that he or she fulfils the financial requirements to qualify for the grant of complete or partial legal aid or exemption from costs or expenses. ***The competent authority in the Member State of origin shall provide such statement free of cost and within two weeks after receiving a request from the party.***

Amendment 53

Proposal for a regulation Article 45 – paragraph 2

Text proposed by the Commission

2. The public policy (ordre public) referred to in paragraph 1 shall be applied by the courts and other competent authorities of the Member States in ***observance of*** the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination.

Amendment

2. The public policy (ordre public) referred to in paragraph 1 shall be applied by the courts and other competent authorities of the Member States in ***accordance with*** the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination.

Amendment 54

Proposal for a regulation
Article 45 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. When an appeal against the application of paragraph 1 is brought by an applicant, who is seeking recognition of a parenthood already established in another Member State, the evidentiary effect of the authentic instrument and the rights derived from it shall stand until legal remedies at national and Union level have been exhausted and a final ruling has been delivered.

Amendment 55

Proposal for a regulation
Article 49 – paragraph 2

Text proposed by the Commission

Amendment

2. For the purposes of submitting an application, the applicant **may** use the form established in Annex IV.

2. For the purposes of submitting an application, the applicant **shall** use the form established in Annex IV.

Amendment 56

Proposal for a regulation
Article 49 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where a Member State provides digital access to the information referred to in paragraph 3, the applicant shall be provided with access to a digital version of the form established in Annex IV, which shall be automatically completed by the competent authorities in its entirety or partially, depending on the information available. The applicant or, where applicable, the legal representative of the applicant shall be able to add any missing information to the form before submitting the application.

Amendment 57

Proposal for a regulation Article 50 – paragraph 1

Text proposed by the Commission

1. Upon receipt of the application, the issuing authority shall verify the information and declarations and the documents and other evidence provided by the applicant. It shall carry out the enquiries necessary for that verification of its own motion where this is provided for or authorised by its national law, or shall invite the applicant to provide any **further evidence which it deems necessary**.

Amendment

1. Upon receipt of the application, the issuing authority shall verify the information and declarations and the documents and other evidence provided by the applicant. It shall carry out the enquiries necessary for that verification of its own motion where this is provided for or authorised by its national law, or shall invite the applicant to provide any **information that the authority considers to be missing in order to issue a Certificate**.

Amendment 58

Proposal for a regulation Article 51 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The issuing authority shall issue the Certificate without delay in accordance with the procedure laid down in this Chapter when the elements to be certified have been established under the law applicable to the establishment of parenthood. It shall use the form in Annex V.

Amendment

The issuing authority shall issue the Certificate without delay **and not later than two weeks following receipt of a request**, in accordance with the procedure laid down in this Chapter when the elements to be certified have been established under the law applicable to the establishment of parenthood. It shall use the form in Annex V.

Amendment 59

Proposal for a regulation Article 51 – paragraph 2

Text proposed by the Commission

2. The fee collected for issuing a Certificate shall not be higher than the fee collected for issuing a certificate under national law providing evidence of the

Amendment

2. The fee collected for issuing a Certificate shall not be higher than the fee collected for issuing a **birth certificate nor a** certificate under national law providing

parenthood of the applicant.

evidence of the parenthood of the applicant.

Amendment 60

Proposal for a regulation Article 51 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Certificate shall be available in both paper and electronic versions.

Amendment 61

Proposal for a regulation Article 54 – paragraph 1

Text proposed by the Commission

Amendment

1. The issuing authority shall keep the original of the Certificate and shall issue one or more certified copies to the applicant or a legal representative.

1. The issuing authority shall keep the original of the Certificate and shall issue one or more certified copies to the applicant or a legal representative, **subject only to the condition that the applicant or, where applicable, the legal representative, submit documents to prove their identity, in accordance with the national law of the Member State issuing the Certificate.**

Amendment 62

Proposal for a regulation Article 54 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Electronic copies of the Certificate shall be made available through the European electronic access point established on the European e-Justice Portal pursuant to Article 4 of Regulation (EU)/... [the Digitalisation Regulation] and through relevant existing national IT portals.

Amendment 63

Proposal for a regulation Article 55 – paragraph 1

Text proposed by the Commission

1. The issuing authority shall, at the request of any person demonstrating a legitimate interest or of its own motion, rectify the Certificate in the event of a clerical error.

Amendment

1. The issuing authority shall, at the request of any person demonstrating a legitimate interest or of its own motion, ***immediately*** rectify the Certificate in the event of a clerical error.

Amendment 64

Proposal for a regulation Article 55 – paragraph 2

Text proposed by the Commission

2. The issuing authority shall, at the request of any person demonstrating a legitimate interest or, where this is possible under national law, of its own motion, modify or withdraw the Certificate where it has been established that the Certificate or individual elements thereof are not accurate.

Amendment

2. The issuing authority shall, at the request of any person demonstrating a legitimate interest or, where this is possible under national law, of its own motion, ***without any delay*** modify or withdraw the Certificate where it has been established that the Certificate or individual elements thereof are not accurate.

Amendment 65

Proposal for a regulation Article 55 – paragraph 3

Text proposed by the Commission

3. The issuing authority shall inform without delay all persons to whom certified copies of the Certificate have been issued pursuant to Article 54(1) of any rectification, modification or withdrawal thereof.

Amendment

3. The issuing authority shall inform without delay ***and at least within two weeks after its decision*** all persons to whom certified copies of the Certificate have been issued pursuant to Article 54(1) of any rectification, modification or withdrawal thereof.

Amendment 66

Proposal for a regulation
Article 55 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where the Certificate is rectified, modified or withdrawn, the original Certificate and all previous certified copies shall lose their effects.

Amendment 67

Proposal for a regulation
Article 56 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

If, as a result of a challenge as referred to in paragraph 1, it is established that the Certificate issued is not accurate, the competent court shall rectify, modify or withdraw the Certificate or ensure that it is rectified, modified or withdrawn by the issuing authority.

If, as a result of a challenge as referred to in paragraph 1, it is established that the Certificate issued is not accurate, the competent court shall rectify, modify or withdraw the Certificate or ensure that it is rectified, modified or withdrawn by the issuing authority ***without delay***.

Amendment 68

Proposal for a regulation
Article 56 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

If, as a result of a challenge as referred to in paragraph 1, it is established that the refusal to issue the Certificate was unjustified, the competent court shall issue the Certificate or ensure that the issuing authority re-assesses the case and makes a fresh decision.

If, as a result of a challenge as referred to in paragraph 1, it is established that the refusal to issue the Certificate was unjustified, the competent court shall issue the Certificate or ensure that the issuing authority re-assesses the case and makes a fresh decision ***at least within two weeks after its decision***.

Amendment 69

Proposal for a regulation
Article 57 – paragraph 2 – subparagraph 2

Text proposed by the Commission

During the suspension of the effects of the Certificate no further certified copies of the Certificate may be issued.

Amendment

During the suspension of the effects of the Certificate no further certified copies of the Certificate may be issued. ***The certified copies of the Certificate already issued shall have no effects during the suspension of the effect of the Certificate.***

Amendment 70

Proposal for a regulation

Article 58 – paragraph 1 – introductory part

Text proposed by the Commission

1. The European electronic access point established on the European e-Justice Portal pursuant to Article 4 of [the Digitalisation Regulation] ***may be used*** for electronic communication between ***natural persons*** or their ***legal*** representatives and Member State courts or other competent authorities in connection with ***the following***:

Amendment

1. ***It shall be possible to use*** the European electronic access point established on the European e-Justice Portal pursuant to Article 4 of [the Digitalisation Regulation] for electronic communication between ***applicants*** or their representatives and Member State courts or other competent authorities in connection with ***proceedings covered by this Regulation.***

Amendment 71

Proposal for a regulation

Article 58 – paragraph 1 – point a

Text proposed by the Commission

(a) proceedings for a decision that there are no grounds for the refusal of recognition of a court decision or an authentic instrument on parenthood, or proceedings for the refusal of recognition of a court decision or an authentic instrument on parenthood;

Amendment

deleted

Amendment 72

Proposal for a regulation

Article 58 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the application for, issuance, rectification, modification, withdrawal, suspension or redress procedures of the European Certificate of Parenthood.

deleted

Amendment 73

Proposal for a regulation Article 58 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The European electronic access point established on the European e-Justice Portal pursuant to Article 4 of [the Digitalisation Regulation] shall be used for electronic communication between competent authorities in connection with the following:

(a) all proceedings and applications referred in paragraph 1 of this Article;

(b) *lis pendens*.

Amendment 74

Proposal for a regulation Article 58 – paragraph 2

Text proposed by the Commission

Amendment

2. Articles 4(3), 5(2) and (3), 6, 9(1) and 3, and 10 of [the Digitalisation Regulation] shall apply to electronic communications pursuant to **paragraph 1**.

2. Articles 4(3), 5(2) and (3), 6, 9(1) and 3, and 10 of [the Digitalisation Regulation] shall apply to electronic communications pursuant to **paragraphs 1 and 1a of this Article**.

Amendment 75

Proposal for a regulation Article 58 a (new)

Text proposed by the Commission

Amendment

Article 58a

Use of videoconferencing or other distance communication technology

- 1. It shall be possible to use videoconferencing or other distance communication technology for hearings related to the proceedings covered by this Regulation in accordance with Regulation (EU)/... [the Digitalisation Regulation].***
- 2. Pursuant to Article 15, the courts of a Member State may allow on a case-by-case basis the hearing of child who is capable of forming their own views via videoconferencing or other distance communication technology. When deciding whether to hear a child through videoconferencing or other distance communication technology, the competent authority shall be guided primarily by the best interests of the child.***

Amendment 76

**Proposal for a regulation
Article 63 – paragraph 1**

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 64 concerning the amendment of Annexes I to V in order to update or make technical changes to those Annexes.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 64 concerning the amendment of Annexes I to V in order to update or make technical changes to those Annexes. ***The preparation and drawing-up of delegated acts shall be preceded by and take into account consultations with stakeholders, including relevant civil society organisations and academic experts.***

Amendment 77

**Proposal for a regulation
Article 67 a (new)**

Text proposed by the Commission

Amendment

Article 67a

Supportive measures

- 1. The Commission shall develop guidelines on the application and enforcement of this Regulation, which shall be available by ... [six months prior to the application date referred to in article 72].**
- 2. Member States shall complement the Commission guidelines where relevant with guidelines for all relevant professionals as well as for children and parents concerned, taking into account the specificities of their national administrative and legal systems. These guidelines shall be available at the latest by ... [the application date referred to in article 72].**
- 3. The Commission and Member States shall regularly review the guidelines referred to in paragraphs 1 and 2, and update them whenever relevant.**
- 4. Member States shall provide easily accessible and user-friendly information about the procedures covered by this Regulation, including via a public website.**
- 5. Member States, with the support of the Commission and the European Judicial Training Network, shall organise trainings for all relevant professionals, in particular judges, lawyers, and public administration officials on the application of this Regulation.**

Amendment 78

**Proposal for a regulation
Article 70 – paragraph 1**

Text proposed by the Commission

1. By [5 years from date of application of this Regulation], the Commission shall

Amendment

1. By ... [3 years from date of application of this Regulation] **and every 5**

present to the European Parliament, the Council and the European Economic and Social Committee a report on the application of this Regulation, including an evaluation of any practical problems encountered, supported by information supplied by the Member States. The report shall be accompanied, where necessary, by a legislative proposal.

years thereafter, the Commission shall present to the European Parliament, the Council and the European Economic and Social Committee a report on the application of this Regulation, including an evaluation of *convergences and divergences between Member States and* any practical problems encountered, supported by information supplied by the Member States. The report shall be accompanied, where necessary, by a legislative proposal.

Amendment 79

Proposal for a regulation

Article 70 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Member States shall provide the Commission *upon request, where available*, with information relevant for the evaluation of the operation and application of this Regulation, *in particular on:*

Amendment

2. The Member States shall provide the Commission with information relevant for the evaluation of the operation and application of this Regulation, *at least on:*

Amendment 80

Proposal for a regulation

Article 70 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the number of applications for the recognition of parenthood submitted under this Regulation and the number of applications that were rejected accompanied by an overview of the reasons for rejection;

Amendment 81

Proposal for a regulation

Article 70 – paragraph 2 – point a b (new)

Text proposed by the Commission

Amendment

(ab) for cases of refusal to apply provisions of this Regulation due to their incompatibility with the public policy of a Member State, an explanation of the rationale for each case as well as information on any appeals brought against its use;

Amendment 82

**Proposal for a regulation
Article 70 – paragraph 2 – point c a (new)**

Text proposed by the Commission

Amendment

(ca) the number of applications for the recognition of a court decision or of an authentic instrument establishing parenthood with binding legal effect in the Member State of origin pursuant to Article 32, and the number of cases in which the recognition was granted;

Amendment 83

**Proposal for a regulation
Article 70 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. The Commission shall establish a dialogue with relevant stakeholders to contribute to the preparation of the evaluation report referred to in paragraph 1.