



2023/0169(COD)

03.3.2025

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## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council  
Jurisdiction, applicable law, recognition and enforcement of measures and  
cooperation in matters relating to the protection of adults  
(COMCOM(2023)0280 – C9-0192/2023 – 2023/0169(COD))

Committee on Legal Affairs

Rapporteur: Jana Toom

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council  
Jurisdiction, applicable law, recognition and enforcement of measures and cooperation  
in matters relating to the protection of adults  
(COM(2023)0280 – C9-0192/2023 – 2023/0169(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0280),
  - having regard to Article 294(2) and Article 81(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0192/2023),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the German, Italian and Portuguese Parliaments<sup>1</sup>,
  - having regard to the opinion of the European Data Protection Supervisor of 18 July 2023,
  - having regard to the opinion of the European Economic and Social Committee of 13 December 2024,
  - having regard to Rules 60, 41 and 58 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs (A10-0000/2025),
1. Adopts its position at first reading hereinafter set out;
  2. Approves its statement annexed to this resolution, which will be published in the L series of the *Official Journal of the European Union* together with the final legislative act;
  3. Suggests that the act be cited as 'the Jana Toom and .....- Regulation on Jurisdiction, applicable law, recognition and enforcement of measures and cooperation in matters relating to the protection of adults'<sup>2</sup>;
  4. Calls on the Commission to refer the matter to Parliament again if it replaces,

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<sup>1</sup> [https://connectfolx.europarl.europa.eu/connefof/app/exp/COM\(2023\)0280](https://connectfolx.europarl.europa.eu/connefof/app/exp/COM(2023)0280)

<sup>2</sup> Jana Toom and ... led the negotiations on the act on behalf of Parliament and the Council respectively.

substantially amends or intends to substantially amend its 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 purpose of this Regulation is to lay down rules, in cross-border cases, for the protection of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests. In particular, this Regulation lays down rules on jurisdiction, applicable law, recognition and enforcement of measures, acceptance of authentic instruments and cooperation between Member States' competent authorities and Central Authorities.

##### *Amendment*

(1) The purpose of this Regulation is to lay down rules, in cross-border cases, for the protection of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests ***or require support and safeguards in the exercise of their legal capacity***. In particular, this Regulation lays down rules on jurisdiction, applicable law, recognition and enforcement of measures, acceptance of authentic instruments and cooperation between Member States' competent authorities and Central Authorities.

Or. en

## **Amendment 2**

### **Proposal for a regulation**

#### **Recital 10**

##### *Text proposed by the Commission*

(10) In addition, the interpretation of the rules laid down in this Regulation should be guided by its objectives that are to enhance the protection of fundamental rights and freedoms and other rights of adults in cross-border situations, including their right to autonomy, access to justice, right to property, right to be heard, right to free movement and equality. In this regard, this Regulation builds on the Charter of

##### *Amendment*

(10) In addition, the interpretation of the rules laid down in this Regulation should be guided by its objectives that are to enhance the protection of fundamental rights and freedoms and other rights of adults in cross-border situations, including their right to autonomy, access to justice, right to property, right to be heard, right to free movement and equality. In this regard, this Regulation builds on the Charter of

Fundamental Rights of the European Union ('Charter') and on international human rights law in this area. In particular, a significant part of adults to which this Regulation applies are persons with disabilities. Their rights, including the right to equality before the law, integrity, access to justice and respect for their inherent dignity and individual autonomy, are guaranteed by the United Nations Convention on the Rights of Persons with Disabilities<sup>11</sup> ('UNCRPD'), to which both the Union and its Member States are parties. The rights safeguarded in the UNCRPD are to be protected both in national and cross-border cases, and where measures are taken in relation to persons with disabilities, those measures are to be in line with the UNCRPD. This Regulation, laying down private international law rules for cross-border cases, should be applied consistently with the human rights obligations under the UNCRPD, in particular with its Articles 3, 9, 12 and 19. As contracting Parties to the UNCRPD, Member States are to ensure that their national substantive and procedural laws on the treatment of adults are consistent with the human rights obligations provided by the UNCRPD. In particular, Member States are to respect the equality of adults before the law and their right to enjoy legal capacity on equal basis with others in all aspects of life, with the support that they may require, as well as the autonomy and integrity of the adults in accordance with Article 12 of the UNCRPD.

Fundamental Rights of the European Union ('Charter') and on international human rights law in this area. In particular, a significant part of adults to which this Regulation applies are persons with disabilities. Their rights, including the right to equality before the law, integrity, access to justice and respect for their inherent dignity and individual autonomy, are guaranteed by the United Nations Convention on the Rights of Persons with Disabilities<sup>11</sup> ('UNCRPD'), to which both the Union and its Member States are parties. The rights safeguarded in the UNCRPD are to be protected both in national and cross-border cases, and where measures are taken in relation to persons with disabilities, those measures are to be in line with the UNCRPD. This Regulation, laying down private international law rules for cross-border cases, should be applied consistently with the human rights obligations under the UNCRPD, in particular with its Articles 3, 9, 12 and 19. As contracting Parties to the UNCRPD, Member States are to ensure that their national substantive and procedural laws on the treatment of adults are consistent with the human rights obligations provided by the UNCRPD. In particular, Member States are to respect the equality of adults before the law and their right to enjoy legal capacity on equal basis with others in all aspects of life, with the support that they may require, as well as the autonomy and integrity of the adults in accordance with Article 12 of the UNCRPD. ***To ensure, in line with the UNCRPD, that all persons with disabilities enjoy legal capacity on an equal basis with others, courts should prioritise supported decision-making over substituted decision-making, where appropriate, ensuring that the will and preferences of the adult concerned are central to any protective intervention.***

Or. en

### Amendment 3

#### Proposal for a regulation Recital 10 a (new)

*Text proposed by the Commission*

*Amendment*

***(10a) This regulation is aimed at supporting the application of the HCCH 2000 Protection of Adults Convention with measures that are focused on full respect of the autonomy of adults concerned and the establishment of supported-decision making regimes and advance planning across the Union . .***

Or. en

### Amendment 4

#### Proposal for a regulation Recital 12

*Text proposed by the Commission*

*Amendment*

(12) This Regulation should cover civil matters involving the protection of adults, in particular related to measures, authentic instruments and powers of representation, aimed at ***the protection of*** an adult. The protection is required due to an insufficiency or an impairment of the personal faculties of the adult, which can be permanent or temporary and, among others, of physical or psychosocial nature, or in connection with an age-related disease, such as Alzheimer's disease, or resulting from a health condition, such as a coma. The protection ***is*** in particular required where barriers in the interaction with a range of environmental and personal

(12) This Regulation should cover civil matters involving the ***support and*** protection of adults, in particular related to measures, authentic instruments and powers of representation, aimed at ***supporting and protecting*** an adult. The ***support and*** protection is required due to an insufficiency or an impairment of the personal faculties of the adult, which can be permanent or temporary and, among others, of physical or psychosocial nature, or in connection with an age-related disease, such as Alzheimer's disease, or resulting from a health condition, such as a coma. The ***personal faculties of the adult can be affected in full or in part and the***

factors hinder their participation in society on equal basis with others, in particular where the insufficiency or impairment of the personal faculties of the adult is such as to prevent that adult from looking after his or her own interests, such as property interests and personal or health interests. Serious neglect of the personal or property interests of the relatives for whom the adult is responsible may also reveal an impairment or insufficiency of the adult's personal faculties.

***adult can require varying degrees of support and assistance in exercising her or his legal capacity. More intensive forms of protection can in particular be required where barriers in the interaction with a range of environmental and personal factors hinder their participation in society on equal basis with others, in particular where the insufficiency or impairment of the personal faculties of the adult is such as to prevent that adult from looking after his or her own interests, such as property interests and personal or health interests. In such situations, protection should still be provided with full respect for the will and preferences of the adult. Examples of appropriate support of the adult in such situations include inferring the will and preferences of the adult from the adult's social circle, previous declared wishes or other sources of information that can reveal preferences.*** Serious neglect of the personal or property interests of the relatives for whom the adult is responsible may also reveal an impairment or insufficiency of the adult's personal faculties.

Or. en

## Amendment 5

### Proposal for a regulation Recital 12 a (new)

*Text proposed by the Commission*

*Amendment*

***(12a) The extent of an insufficiency or an impairment of the personal faculties of the adult can change over time. Decisions taken to support and protect the adult should be reviewed at appropriate intervals of time in order to account for changes in the circumstances of the adult and to confirm whether the related measures are still justified.***

## Amendment 6

### Proposal for a regulation

#### Recital 16

*Text proposed by the Commission*

(16) To ensure a uniform interpretation of this Regulation, this Regulation should define in particular the notions of adults, representatives and authorities, which may have divergent meanings in the Member States legal systems. For the purposes of this Regulation, an adult is a person who has reached the age of 18 years.

***Depending on the context, this should refer for example to adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests, or adults who granted powers of representation to be exercised when those adults are not in a position to protect their interests.***

*Amendment*

(16) To ensure a uniform interpretation of this Regulation, this Regulation should define in particular the notions of adults, representatives and authorities, which may have divergent meanings in the Member States legal systems. For the purposes of this Regulation, an adult is a person who has reached the age of 18 years. ***The term ‘vulnerable adult’ should refer to an adult who, by reason of an impairment or insufficiency of her or his personal faculties, is not in a position to protect her or his interests or requires support and safeguards in the exercise of her or his legal capacity.***

Or. en

*Justification*

*Corresponding to new definition in Article 3(1)*

## Amendment 7

### Proposal for a regulation

#### Recital 18

*Text proposed by the Commission*

(18) For the purposes of this Regulation, and in line with the ***terminology*** used in the HCCH 2000 Protection of Adults Convention, ***the concept of ‘authority’ should be interpreted as referring to the judicial or administrative authorities taking measures directed to the protection***

*Amendment*

(18) For the purposes of this Regulation, and in ***order to ensure uniform application of private international law rules in the Member States, the concept of ‘court’ should be interpreted in*** line with the ***term ‘authority’*** used in the HCCH 2000 Protection of Adults Convention.

*of the adult*. More broadly, a ‘competent authority’ should be interpreted as referring to a public authority of a Member State with responsibilities in matters of protection of adults. This includes authorities taking measures, authorities drawing up authentic acts and authorities issuing attestations, forms or the European Certificate of Representation. It further includes other authorities, or entities acting in an official capacity in matters related to the protection of adults, such as those that are responsible for the supervision or implementation of measures.

More broadly, a ‘competent authority’ should be interpreted as referring to a public authority of a Member State with responsibilities in matters of protection of adults. This includes authorities taking measures, authorities drawing up authentic acts and authorities issuing attestations, forms or the European Certificate of Representation. It further includes other authorities, or entities acting in an official capacity in matters related to the protection of adults, such as those that are responsible for the supervision or implementation of measures.

Or. en

#### *Justification*

*Corresponding to the change in definition in Art. 3(6)*

### **Amendment 8**

#### **Proposal for a regulation Recital 22 a (new)**

*Text proposed by the Commission*

*Amendment*

***(22a) To ensure that vulnerable adults in cross-border situations can effectively exercise their rights and benefit from judicial protection, this Regulation introduces additional support measures that complement the framework for jurisdiction, applicable law, recognition and enforcement, authentic instruments, and cooperation. Those measures aim to facilitate access to justice, enhance procedural efficiency, and ensure continuity of protective arrangements across Member States. Information on available procedural safeguards, remedies and existing support measures should be made available in one single place, in a so-called ‘one-stop shop’, in order to provide easy access to dedicated information free of charge to vulnerable***

*adults and those representing them. It is possible that vulnerable adults in cross-border situations could suffer financial repercussions and harm. Therefore, the information provided through the ‘one-stop shop’ should cover existing support mechanisms, for example information on relevant organisations and associations which provide legal or any other form of relevant assistance or support to vulnerable adults covered by this Regulation.*

Or. en

## **Amendment 9**

### **Proposal for a regulation Recital 22 b (new)**

*Text proposed by the Commission*

*Amendment*

*(22b) Vulnerable adults should have the right to be heard and meaningfully involved in proceedings affecting their legal status, including where multiple Member States could have jurisdiction. To avoid unnecessary difficulties, competent authorities should provide for the possibility of remote participation and ensure that vulnerable adults are informed about the jurisdictional criteria that apply to them. Where necessary, temporary cross-border protection measures should be available to prevent legal uncertainty while jurisdiction is being determined.*

Or. en

## **Amendment 10**

### **Proposal for a regulation Recital 22 c (new)**

*Text proposed by the Commission*

*Amendment*

***(22c) Regarding applicable law, vulnerable adults often face difficulties in understanding the legal implications of protection measures taken in different Member States. To address that problem, multilingual guidance tools should provide information in a language that the vulnerable adult is expected to understand. Legal information services should be made available to explain the relevant legal frameworks, particularly in cases where a vulnerable adult has relied on advance planning instruments or other legal arrangements that necessitate cross-border recognition.***

Or. en

## **Amendment 11**

### **Proposal for a regulation Recital 22 d (new)**

*Text proposed by the Commission*

*Amendment*

***(22d) To reinforce cross-border cooperation, this Regulation provides for the creation of a network of cross-border liaison judges specialising in the protection of vulnerable adults, ensuring effective coordination between judicial and administrative authorities. Additionally, online cooperation platforms should be developed to allow professionals assisting vulnerable adults, such as legal practitioners, to exchange necessary information securely.***

Or. en

## Amendment 12

### Proposal for a regulation Recital 22 e (new)

*Text proposed by the Commission*

*Amendment*

***(22e) Given the increasing role of artificial intelligence (AI) in legal and administrative processes, this Regulation provides for the responsible use of AI-assisted tools to support vulnerable adults in cross-border situations. AI-powered legal guidance services could provide accessible explanations of jurisdiction, applicable law, and recognition procedures, while automated case tracking tools could allow vulnerable adults and their representatives to monitor the progress of their cases across multiple jurisdictions. AI-driven risk detection systems could also help identify inconsistencies in protective measures, contributing to better coordination between Member States.***

Or. en

## Amendment 13

### Proposal for a regulation Recital 22 f (new)

*Text proposed by the Commission*

*Amendment*

***(22f) The support measures provided for in this Regulation should complement and strengthen the judicial cooperation framework established by this Regulation, ensuring that vulnerable adults receive practical assistance while safeguarding their autonomy, dignity, and fundamental rights.***

Or. en

## Amendment 14

### Proposal for a regulation Recital 30

#### *Text proposed by the Commission*

(30) To facilitate the circulation of measures and authentic instruments in the Union, it is necessary to provide for attestations to accompany them where they need to be recognised, enforced, or, as the case may be, accepted abroad. The procedures for rectifying, withdrawing and challenging attestations used for the recognition and enforcement of measures and the acceptance of authentic instruments should be left to national law. In light of the case-law of the Court of Justice, authorities exercise judicial functions when issuing the attestations and issuance of forms part of the continuity of the previous judicial proceedings. Therefore, adequate and effective remedies in the context of this issuance should be made available by Member States.

#### *Amendment*

(30) To facilitate the circulation of measures and authentic instruments in the Union, it is necessary to provide for attestations to accompany them where they need to be recognised, enforced, or, as the case may be, accepted abroad. The procedures for rectifying, withdrawing and challenging attestations used for the recognition and enforcement of measures and the acceptance of authentic instruments should be left to national law. In light of the case-law of the Court of Justice, authorities exercise judicial functions when issuing the attestations and *the* issuance of *attestations* forms part of the continuity of the previous judicial proceedings. Therefore, adequate and effective remedies in the context of this issuance should be made available by Member States.

Or. en

## Amendment 15

### Proposal for a regulation Recital 33

#### *Text proposed by the Commission*

(33) According to Article 19 of the UNCRPD, persons with disabilities are to have the opportunity to choose their place of residence and where and with whom they live, on an equal basis as others, and not to be obliged to live in a particular living arrangement. For the purposes of this Regulation, situations may arise where the authorities of a Member State need to take a measure concerning the place of residence or temporary placement of an

#### *Amendment*

(33) According to Article 19 of the UNCRPD, persons with disabilities are to have the opportunity to choose their place of residence and where and with whom they live, on an equal basis as others, and not to be obliged to live in a particular living arrangement. For the purposes of this Regulation, situations may arise where the authorities of a Member State need to take a measure concerning the place of residence or temporary placement of an

adult. Examples of such situations are cases where authorities provide assistance to the adult in making a decision on his or her place of residence or where an adult is not in a position to express his or her views and has not granted powers to make a decision concerning his or her place of residence to a representative, and an admission to a care facility is required. Where such placement is to be implemented in another Member State, a consultation procedure for obtaining consent of the Central Authority of the Member State of implementation should be carried out prior to taking that measure. The request for consent made by the authority of origin should include the reasons for the proposed measure, and the views expressed by the adult concerned where possible, in light of Article 19 of the UNCRPD. The Central Authority of the Member State of implementation should be able to decide promptly whether to grant the consent or to refuse it. The absence of a reply within six weeks should not be understood as consent and without consent the measure should not be implemented. The consultation should not be carried out when the placement is with an individual and does not require the supervision of any public authority of the Member State of implementation.

adult. Examples of such situations are cases where authorities provide assistance to the adult in making a decision on his or her place of residence or where an adult is not in a position to express his or her views and has not granted powers to make a decision concerning his or her place of residence to a representative, and an admission to a care facility is required. ***In line with Article 19 of the CRPD, the courts of a Member State should always seek the consent of the vulnerable adult where a decision concerning the place of residence or temporary placement of that vulnerable adult is contemplated.*** Where such placement is to be implemented in another Member State, a consultation procedure for obtaining consent of the Central Authority of the Member State of implementation should be carried out prior to taking that measure. The request for consent made by the authority of origin should include the reasons for the proposed measure, and the views expressed by the adult concerned where possible, in light of Article 19 of the UNCRPD. The Central Authority of the Member State of implementation should be able to decide promptly whether to grant the consent or to refuse it. The absence of a reply within six weeks should not be understood as consent and without consent the measure should not be implemented. The consultation should not be carried out when the placement is with an individual and does not require the supervision of any public authority of the Member State of implementation.

Or. en

## **Amendment 16**

### **Proposal for a regulation Recital 35**

*Text proposed by the Commission*

(35) Representatives of adults ***who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests***, should be able to invoke their powers to represent those adults and to protect the interests of those adults without obstacles within the Union. Therefore, representatives should be able to demonstrate easily their status and powers in another Member State, for instance in a Member State in which adult's real property or other assets are located. To enable them to do so, a European Certificate of Representation ('the Certificate') should be created. That Certificate should be a uniform certificate to be issued for use in another Member State. In order to respect the principle of subsidiarity, the Certificate should not take the place of internal documents, which may exist for similar purposes in the Member States.

*Amendment*

(35) Representatives of ***vulnerable*** adults should be able to invoke their powers to ***support those adults in exercising their legal capacity or*** represent those adults and to protect the interests of those adults without obstacles within the Union. Therefore, representatives should be able to demonstrate easily their status and powers in another Member State, for instance in a Member State in which adult's real property or other assets are located. To enable them to do so, a European Certificate of ***Support and Representation*** ('the Certificate') should be created. That Certificate should be a uniform certificate to be issued for use in another Member State. In order to respect the principle of subsidiarity, the Certificate should not take the place of internal documents, which may exist for similar purposes in the Member States.

Or. en

## **Amendment 17**

### **Proposal for a regulation Recital 36**

*Text proposed by the Commission*

(36) The Certificate can be requested by the adult's representative on the basis of an existing measure or confirmed powers of representation (the 'source measure' and 'source confirmed powers of representation'). It should thus only be issued in situations where ***an*** adult is effectively not in a position to protect his or her interests and the representative is entitled to actively represent that adult in one or more specific matters. The Certificate should include information on

*Amendment*

(36) The Certificate can be requested by the ***vulnerable adult or the vulnerable*** adult's representative on the basis of an existing measure or confirmed powers of representation (the 'source measure' and 'source confirmed powers of representation'). It should thus only be issued in situations where ***a vulnerable adult is being supported in her or his decision-making or where a vulnerable*** adult is effectively not in a position to protect his or her interests and the

the extent of the powers which the representative is entitled to exercise on behalf of an adult and, where relevant, on the matters where the representative is not entitled to act or is entitled to act under certain conditions.

representative is entitled to actively represent that adult in one or more specific matters. The Certificate should include information on the extent of the powers which the representative is entitled to exercise on behalf of an adult and, where relevant, on the matters where the representative is not entitled to act or is entitled to act under certain conditions.

Or. en

## Amendment 18

### Proposal for a regulation Recital 37

#### *Text proposed by the Commission*

(37) The use of the Certificate should not be mandatory. This means that a representative of **an** adult entitled to apply for a Certificate should be under no obligation to do so but should be free to use national documents or other instruments available under this Regulation (a measure or an authentic instrument) when invoking his or her powers in another Member State. Persons acting on their own behalf should not be required to present a Certificate, **so** the Certificate should be **issued only for** representatives who need to demonstrate their powers to act in support or on behalf of **an** adult.

#### *Amendment*

(37) The use of the Certificate should not be mandatory. This means that a representative of **a vulnerable** adult entitled to apply for a Certificate should be under no obligation to do so but should be free to use national documents or other instruments available under this Regulation (a measure or an authentic instrument) when invoking his or her powers in another Member State. Persons acting on their own behalf should not be required to present a Certificate, **but should have the possibility of choosing when** the Certificate should be **used by a representative. It should be possible, however, for the Certificate to be used by** representatives who need to demonstrate their powers to act in support or on behalf of **a vulnerable** adult.

Or. en

## Amendment 19

### Proposal for a regulation Recital 54 a (new)

***(54a) In cases where a disclosure or confirmation of the relevant information could jeopardise the health, safety or liberty of the adult or another person, for example where the vulnerable adult or his or her representative have been the victims of domestic violence and a court has ordered the new address of the adult not to be disclosed to the applicant, this Regulation should aim to ensure a delicate balance is struck. While this Regulation should provide that a Central Authority, court or competent authority should not disclose or confirm to the applicant or to a third party any information gathered or transmitted for the purposes of this Regulation, where it determines that to do so could jeopardise the health, safety or liberty of the adult or another person, it nonetheless provides that that should not impede the gathering and transmitting of information by and between Central Authorities, courts and competent authorities in so far as necessary to carry out the obligations laid down in this Regulation. This means that, where possible and appropriate, it should be possible for an application to be processed under this Regulation without the applicant being provided with all information necessary to process it. For example, where national law so provides, a Central Authority should be able to institute proceedings on behalf of an applicant without passing on the information about the adult's whereabouts to the applicant. However, in cases where merely making the request could already jeopardise the health, safety or liberty of the vulnerable adult or another person, this Regulation should prohibit such a request from being made.***

Or. en

## Amendment 20

### Proposal for a regulation Recital 55

#### *Text proposed by the Commission*

(55) Besides the above-described data processing, personal data should also be processed under this Regulation for the purposes of establishing the system for the interconnection of protection registers and other registers of powers of representation and of ensuring the maintenance and proper functioning of that system. This additional processing is justified by the need that Member States' competent authorities and Central Authorities with a legitimate interest have access to information on whether a particular adult is protected in another Member State, with a view to ensuring continued protection of that adult in cross-border situations and to increasing legal certainty and predictability. Member States should be responsible for the technical management, maintenance, and security of their registers and, as far as their national law provides, for the correctness and reliability of the data included therein. Data relating to data subjects should be primarily stored in the registers maintained by Member States. In addition, the Commission may need to process data for the purposes of developing and maintaining the system of interconnection and temporarily store data that are accessed through the system of interconnection.

#### *Amendment*

(55) Besides the above-described data processing, personal data should also be processed under this Regulation for the purposes of establishing the system for the interconnection of protection registers and other registers of powers of representation and of ensuring the maintenance and proper functioning of that system. This additional processing is justified by the need that Member States' competent authorities and Central Authorities with a legitimate interest have access to information on whether a particular adult is protected in another Member State, with a view to ensuring continued protection of that adult in cross-border situations and to increasing legal certainty and predictability. ***The access should be strictly limited to information necessary for the purposes set out in this Regulation in relation to the vulnerable adult concerned by the ongoing proceedings before the requesting authorities.*** Member States should be responsible for the technical management, maintenance, and security of their registers and, as far as their national law provides, for the correctness and reliability of the data included therein. Data relating to data subjects should be primarily stored in the registers maintained by Member States. In addition, the Commission may need to process data for the purposes of developing and maintaining the system of interconnection and temporarily store data that are accessed through the system of interconnection.

Or. en

## Amendment 21

### Proposal for a regulation

#### Article 1 – paragraph 1 – point e

*Text proposed by the Commission*

(e) provide for the acceptance of authentic instruments in all Member States;

*Amendment*

(e) provide for the acceptance of authentic instruments in all Member States ***in the matters falling under this Regulation;***

Or. en

## Amendment 22

### Proposal for a regulation

#### Article 1 – paragraph 1 – point g a (new)

*Text proposed by the Commission*

*Amendment*

***(ga) provide for the use of AI, where appropriate, in assisting the vulnerable adult in exercising her or his legal capacity in the matters falling under this Regulation;***

Or. en

## Amendment 23

### Proposal for a regulation

#### Article 1 – paragraph 1 – point h a (new)

*Text proposed by the Commission*

*Amendment*

***(ha) establish support measures for vulnerable adults in the matters falling under this Regulation;***

Or. en

## Amendment 24

### Proposal for a regulation Article 2 – paragraph 1

*Text proposed by the Commission*

1. This Regulation shall apply in civil matters to the protection in cross-border situations of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests.

*Amendment*

1. This Regulation shall apply in civil matters to the protection in cross-border situations of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests ***or require support and safeguards in the exercise of their legal capacity.***

Or. en

## Amendment 25

### Proposal for a regulation Article 2 – paragraph 3 – point c

*Text proposed by the Commission*

(c) guardianship, curatorship and analogous institutions;

*Amendment*

(c) ***where applicable,*** guardianship, curatorship and analogous institutions;

Or. en

## Amendment 26

### Proposal for a regulation Article 2 – paragraph 3 – point c a (new)

*Text proposed by the Commission*

*Amendment*

***(ca) the provision of measures to support the vulnerable adult in exercising her or his legal capacity;***

Or. en

## Amendment 27

### Proposal for a regulation

#### Article 2 – paragraph 3 – point d

*Text proposed by the Commission*

(d) the designation and functions of any person or body having charge of the adult's person or property, **representing, or assisting the adult**;

*Amendment*

(d) the designation and functions of any person or body **assisting or representing the vulnerable adult, or** having charge of the **vulnerable** adult's person or property;

Or. en

## Amendment 28

### Proposal for a regulation

#### Article 2 – paragraph 3 – point e

*Text proposed by the Commission*

(e) decisions concerning the placement of the adult in an establishment or other place where protection can be provided;

*Amendment*

(e) decisions concerning the placement of the adult in an establishment or other place where **support or** protection can be provided **once it has been established by the court that it is in the best interests of the vulnerable adult**;

Or. en

## Amendment 29

### Proposal for a regulation

#### Article 2 – paragraph 3 – point g

*Text proposed by the Commission*

(g) the authorisation of a specific intervention for the protection of the person or property of the adult.

*Amendment*

(g) the authorisation of a specific intervention for the **support or** protection of the person or property of the **vulnerable** adult.

Or. en

## Amendment 30

### Proposal for a regulation Article 3 – paragraph 1 – point 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(1a) ‘vulnerable adult’ means an adult who, by reason of an impairment or insufficiency of her or his personal faculties, is not in a position to protect their interests or requires support and safeguards in the exercise of their legal capacity;***

*(This amendment applies throughout the text and shall replace all occurrences of 'adult' except in Article 2,(3) point (a) and Article 3, points (1) and (3). Adopting it will necessitate corresponding changes throughout.)*

Or. en

## Amendment 31

### Proposal for a regulation Article 3 – paragraph 1 - point 6

*Text proposed by the Commission*

*Amendment*

***(6) ‘authority’ means any judicial or administrative authority of a Member State with competence to take measures directed to the protection of an adult's person or property;***

***deleted***

Or. en

## Amendment 32

### Proposal for a regulation Article 3 - paragraph 1 - point 6 a (new)

*Text proposed by the Commission*

*Amendment*

**(6a) ‘court’ means any judicial or administrative authority of a Member State with jurisdiction in the matters falling within the scope of this Regulation pursuant to Article 2;**

*(This amendment applies throughout the text and shall replace all occurrences of 'authority' except: (1) when used to define another term in Article 3; (2) when used as part of a defined term pursuant to Article 3 or as part of the following undefined terms: 'Central Authority', 'public authority' and 'issuing authority'. Adopting it will necessitate corresponding changes throughout.)*

Or. en

### **Amendment 33**

#### **Proposal for a regulation Article 7 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 7a**

##### ***Support Measures for jurisdiction rules***

***In proceedings concerning the protection of a vulnerable adult that fall within the scope of this Regulation, Courts shall ensure, in accordance with national procedural law, that the vulnerable adult has access to appropriate legal support, including:***

- (a) assistance as regards the determination of jurisdiction, including guidance on the most appropriate forum in the event that multiple Member States could be competent under this Chapter;***
- (b) providing videoconferencing or other distance communication means***

*where a vulnerable adult is heard in judicial proceedings.*

Or. en

#### **Amendment 34**

##### **Proposal for a regulation Article 8 a (new)**

*Text proposed by the Commission*

*Amendment*

##### **Article 8a**

##### **Support measures under applicable law rules**

***The competent authorities shall:***

***(a) provide multilingual guidance tools to inform vulnerable adults and their representatives about the applicable law under this Chapter, ensuring they understand the legal consequences of protection measures in different Member States;***

***(b) establish dedicated legal information services to help vulnerable adults understand and deal with conflicts of law, particularly when advance planning instruments or decisions made in one jurisdiction require recognition elsewhere.***

Or. en

#### **Amendment 35**

##### **Proposal for a regulation Article 10 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) if the measure was taken, except in a case of urgency, in the context of a judicial or administrative proceedings,**

**(a) if the measure was taken, except in a case of urgency, in the context of a judicial or administrative proceedings,**

without the adult having been provided the opportunity to be heard;

without the adult having been provided the opportunity to be heard *or without respecting the will and preference of the adult*;

Or. en

## Amendment 36

### Proposal for a regulation

#### Article 12 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a.** *Before enforcing a measure restricting a vulnerable adult’s legal capacity, the competent authority shall consider whether a less restrictive alternative, including supported decision-making mechanisms, could achieve the same objective in a manner more consistent with the vulnerable adult’s rights and preferences.*

Or. en

## Amendment 37

### Proposal for a regulation

#### Article 14 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The authority before which a measure taken in another Member State is invoked or before which recognition or enforcement of a measure taken in another Member State is sought or contested, may, **where necessary**, require the applicant to provide a translation or a transliteration of the contents of the attestation referred to in paragraph (1), point (b).

2. The authority before which a measure taken in another Member State is invoked or before which recognition or enforcement of a measure taken in another Member State is sought or contested, may **only** require the applicant to provide a translation or a transliteration of the contents of the attestation referred to in paragraph (1), point (b) **where that authority considers that the information included in the form is not sufficient for processing the application.**

## Amendment 38

### Proposal for a regulation Article 15 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 15a*

#### *Support measures for enforcement of measures*

*Competent authorities shall designate cross-border liaison officers to assist vulnerable adults and their representatives in addressing enforcement-related difficulties.*

Or. en

## Amendment 39

### Proposal for a regulation Article 19 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Central Authorities shall cooperate and promote cooperation among the competent authorities in their Member States in the application of this Regulation.

1. Central Authorities shall ***carry out the following tasks:***

***(a)*** cooperate and promote cooperation among the competent authorities in their Member States in the application of this Regulation;

***(b)*** *communicate information on national laws, procedures and services in matters relating to the protection of vulnerable adults, and take the measures that they consider appropriate for improving the application of this Regulation;*

***(c)*** *facilitate communications, by*

*every means, between the competent authorities.*

Or. en

#### **Amendment 40**

##### **Proposal for a regulation Article 19 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Central Authorities shall communicate information on national laws, procedures and services in matters relating to the protection of adults, take the measures that they consider appropriate for improving the application of this Regulation.**

*deleted*

Or. en

*Justification*

*Entire content moved under first paragraph.*

#### **Amendment 41**

##### **Proposal for a regulation Article 19 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Central Authorities shall facilitate communications, by every means, between the competent authorities.**

*deleted*

Or. en

*Justification*

*Entire content moved under first paragraph.*

## Amendment 42

### Proposal for a regulation Article 21 – paragraph 1

*Text proposed by the Commission*

1. If an authority of a Member State contemplates the placement of the adult in another Member State in an establishment or other institution where protection can be provided, it shall first obtain the consent of a Central Authority of that other Member State. To that effect, it shall transmit to the Central Authority of the requested Member State a report on the adult together with the reasons for the proposed measure, using the form set out in Annex VI.

*Amendment*

1. If an authority of a Member State contemplates the placement of the **vulnerable adult, after having obtained the consent of the vulnerable adult**, in another Member State in an establishment or other institution where protection can be provided, it shall first obtain the consent of a Central Authority of that other Member State. To that effect, it shall transmit to the Central Authority of the requested Member State a report on the **vulnerable** adult together with the reasons for the proposed measure, using the form set out in Annex VI.

Or. en

## Amendment 43

### Proposal for a regulation Article 23 – paragraph 2

*Text proposed by the Commission*

2. The meeting of Central Authorities shall be convened, **in particular**, by the Commission within the framework of the European Judicial Network in civil and commercial matters in compliance with Council Decision 2001/470/EC<sup>25</sup>.

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<sup>25</sup> Council Decision 2001/470/EC of 28 May 2001 establishing a European Judicial Network in civil and commercial matters (OJ L 174, 27.6.2001, p.25).

*Amendment*

2. The meeting of Central Authorities shall be convened by the Commission within the framework of the European Judicial Network in civil and commercial matters in compliance with Council Decision 2001/470/EC<sup>25</sup>.

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<sup>25</sup> Council Decision 2001/470/EC of 28 May 2001 establishing a European Judicial Network in civil and commercial matters (OJ L 174, 27.6.2001, p.25).

Or. en

## Amendment 44

### Proposal for a regulation Article 30 – paragraph 2

*Text proposed by the Commission*

2. ***Without prejudice to Article 37(2),*** each Central Authority and each competent authority shall bear its own costs in applying this Regulation.

*Amendment*

2. Each Central Authority and each competent authority shall bear its own costs in applying this Regulation.

Or. en

*Justification*

*Consistent with the change in Article 37.*

## Amendment 45

### Proposal for a regulation Article 33 a (new)

*Text proposed by the Commission*

*Amendment*

#### ***Article 33a***

##### ***Support measures***

1. ***Member states shall:***

***(a) appoint cross-border liaison judges specialising in vulnerable adult protection matters to participate in a European Network for the purpose of facilitating coordination between Member States;***

***(b) establish online cooperation platforms to allow professionals assisting vulnerable adults such as legal representatives, social workers or medical experts to exchange necessary information in a secure and efficient manner;***

***(c) establish AI-assisted case management tools, where appropriate, to streamline communication between courts and competent authorities handling protection measures across jurisdictions.***

**2. Where appropriate, and in line with Regulation (EU) 2024/1689 of the European Parliament and of the Council<sup>1a</sup>, competent authorities may use AI-driven tools to enhance access to justice and support vulnerable adults in cross-border situations, provided such tools comply with EU fundamental rights, data protection, and transparency requirements. Such tools may include:**

**(a) AI-powered legal assistance to provide adults with accessible explanations of jurisdiction, applicable law, and recognition procedures in their preferred language;**

**(b) automated cross-border case tracking, enabling adults and their representatives to follow the progress of jurisdictional, recognition, or enforcement proceedings across Member States;**

**(c) AI-driven risk detection systems to identify potential inconsistencies in protective measures, thereby helping to prevent conflicts between decisions issued in different Member States.**

**3. Competent authorities shall ensure vulnerable adults have access, where appropriate, to information on available procedural safeguards and remedies and existing support measures such as legal aid and financial and psychological support.**

**The information referred to in the first subparagraph shall include any available information on awareness-raising campaigns, where appropriate in cooperation with relevant civil society organisations and other stakeholders.**

**Such information shall be provided in one single place in an easily accessible format via an appropriate channel, such as an information centre, an existing focal point or an electronic gateway, including the European e-Justice Portal.**

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***1<sup>a</sup> Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (OJ L, 2024/1689, 12.7.2024, ELI:<http://data.europa.eu/eli/reg/2024/1689/oj>).***

Or. en

#### **Amendment 46**

##### **Proposal for a regulation Chapter VII – title**

*Text proposed by the Commission*

EUROPEAN CERTIFICATE OF  
REPRESENTATION

*Amendment*

EUROPEAN CERTIFICATE OF  
**SUPPORT AND** REPRESENTATION

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

Or. en

#### **Amendment 47**

##### **Proposal for a regulation Article 35 – paragraph 1**

*Text proposed by the Commission*

1. The Certificate shall be issued for use by representatives, **who**, in another Member State, need to invoke their powers to represent **adults who, by reason of an impairment or insufficiency of their**

*Amendment*

1. The Certificate shall be issued **to the vulnerable adult** for use by **her or his** representatives **who** in another Member State need to invoke their powers to **support or** represent **the vulnerable adult**.

*personal faculties, are not in a position to protect their interests.*

Or. en

#### **Amendment 48**

##### **Proposal for a regulation Article 35 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The Certificate may be used to demonstrate that the representative is authorised, on the basis of a measure or confirmed power of representation, to represent the adult in particular in one or more of the following matters:

*Amendment*

2. The Certificate may be used to demonstrate that the representative is authorised, on the basis of a measure or confirmed power of representation, to **support or** represent the adult in particular in one or more of the following matters:

Or. en

#### **Amendment 49**

##### **Proposal for a regulation Article 37 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall ensure that the ***fee for obtaining the Certificate, if any, does not exceed the production cost of the Certificate.***

*Amendment*

2. Member States shall ensure that the Certificate ***is issued free of charge.***

Or. en

#### **Amendment 50**

##### **Proposal for a regulation Article 37 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Member States shall ensure that***

*the application process is accessible to persons with disabilities.*

Or. en

## **Amendment 51**

### **Proposal for a regulation Article 38 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a.** *The Certificate shall be available in formats accessible to persons with disabilities.*

Or. en

## **Amendment 52**

### **Proposal for a regulation Article 39 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Certificate shall indicate which powers the representative of **an** adult has or, as appropriate, in a negative fashion, which powers the representative does not have. Where applicable, the Certificate shall also indicate any limitations of such powers or conditions attached to such powers.

1. The Certificate shall indicate which powers the representative of **a vulnerable** adult has, **and the extent of those powers**, or, as appropriate, in a negative fashion, which powers the representative does not have. Where applicable, the Certificate shall also indicate any limitations of such powers or conditions attached to such powers.

Or. en

## **Amendment 53**

### **Proposal for a regulation Article 45 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. ***By [two years after the date of the start of application] at the latest***, Member States shall establish and maintain in their territory one or several registers in which information is recorded concerning protection measures and, where their national law provides for the confirmation of powers of representation by a competent authority, concerning those powers of representation ('protection registers').

1. Member States shall establish and maintain in their territory one or several registers in which information is recorded concerning protection measures and, where their national law provides for the confirmation of powers of representation by a competent authority, concerning those powers of representation ('protection registers').

Or. en

*Justification*

*Necessary for legal clarity and corresponding with Article 70.*

#### **Amendment 54**

##### **Proposal for a regulation Article 46 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

***By [two years after the date of start of application] at the latest***, Member States where national law provides for electronic registers recording information concerning other powers of representation which are registered by a competent authority, and where national law does not provide for the confirmation of such powers of representation, shall ensure that those registers record the mandatory information referred to in Article 45(2).

Member States where national law provides for electronic registers recording information concerning other powers of representation which are registered by a competent authority, and where national law does not provide for the confirmation of such powers of representation, shall ensure that those registers record the mandatory information referred to in Article 45(2).

Or. en

*Justification*

*Necessary for legal clarity and corresponding with Article 70.*

## Amendment 55

### Proposal for a regulation

#### Article 47 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. By means of implementing acts, the Commission shall establish a decentralised system for the interconnection ('system of interconnection') that is composed of:

*Amendment*

1. By means of implementing acts ***adopted in accordance with the provisions set out in Article 60(1) and (4)***, the Commission shall establish a decentralised system for the interconnection ('system of interconnection') that is composed of:

Or. en

## Amendment 56

### Proposal for a regulation

#### Article 48 – paragraph 2 – point b

*Text proposed by the Commission*

(b) have a legitimate interest in accessing ***this*** information.

*Amendment*

(b) have a legitimate interest in accessing ***the*** information ***strictly necessary for one of the purposes set out in Article 51(1), point (a), (b), (c), (d) or (e) in relation to the vulnerable adult that is the subject of ongoing proceedings before the requesting authorities.***

Or. en

## Amendment 57

### Proposal for a regulation

#### Article 49 – paragraph 2

*Text proposed by the Commission*

2. ***The use*** of the decentralised IT system ***may not be appropriate for direct communication between*** authorities ***carried out pursuant to Article 27(1), and any other*** means of communication ***may be***

*Amendment*

2. ***Communication may, however, be carried out by competent authorities by alternative means where electronic communication in accordance with paragraph 1 is not possible due to:***

*used instead.*

(a) *the disruption* of the decentralised IT system;

(b) *the physical or technical nature of the transmitted material; or*

(c) *force majeure.*

*For the purposes of the first subparagraph, the competent authorities shall ensure that the alternative means of communication used are the swiftest and most appropriate and that they ensure a secure and reliable exchange of information.*

Or. en

## Amendment 58

### Proposal for a regulation Article 49 – paragraph 3

*Text proposed by the Commission*

3. Where *electronic communication in accordance with paragraph (1) is not possible due to the disruption of the decentralised IT system, the nature of the transmitted material or exceptional circumstances, the transmission shall be carried out by the swiftest, most appropriate alternative means, taking into account the need to ensure a secure and reliable exchange of* information.

*Amendment*

3. Where *the use* of the decentralised IT system *referred to in paragraph 1 is not appropriate for direct communication between authorities carried out pursuant to Article 27(1), any other means of communication may be used instead, provided that such means of communication respect the procedural rights of the parties to the proceedings and the confidentiality of the* information.

Or. en

## Amendment 59

### Proposal for a regulation Article 50 – 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 Regulation EU [...] [the Digitalisation Regulation] may be used for electronic communication between natural and legal persons and Member States' competent authorities and issuing authorities in connection with the following:

*Amendment*

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

Or. en

**Amendment 60**

**Proposal for a regulation  
Article 58 – paragraph 1**

*Text proposed by the Commission*

1. This Regulation shall not affect the application of international conventions to which one or more Member States are party at the time of adoption of this Regulation and which concern matters covered by this Regulation.

*Amendment*

1. This Regulation shall not affect the application of international conventions, **in particular the UN Convention on the Rights of People with Disabilities**, to which one or more Member States are party at the time of adoption of this Regulation and which concern matters covered by this Regulation.

Or. en

**Amendment 61**

**Proposal for a regulation  
Article 60 – paragraph 4**

*Text proposed by the Commission*

4. The implementing acts establishing the system of interconnection pursuant to paragraph 1 shall be adopted by [3 years after the entry into force].

*Amendment*

4. The implementing acts establishing the system of interconnection pursuant to paragraph 1 shall be adopted by [2 years after the entry into force].

## Amendment 62

### Proposal for a regulation Article 60 – paragraph 5

*Text proposed by the Commission*

5. The implementing acts establishing the decentralised IT system pursuant to paragraph 2 shall be adopted by [**2 years** after the entry into force].

*Amendment*

5. The implementing acts establishing the decentralised IT system pursuant to paragraph 2 shall be adopted by [**1 year** after the entry into force].

## Amendment 63

### Proposal for a regulation Article 65

*Text proposed by the Commission*

*Article 65*

*Transitional provisions*

**1. This Regulation shall apply only to measures taken, to authentic instrument formally drawn up or registered, and to powers of representation confirmed after [date of application].**

**2. Notwithstanding paragraph (1), this Regulation shall apply as from [date of application] to powers of representation previously granted by an adult under conditions corresponding to those set out in Article 15 of the HCCH 2000 Protection of Adults Convention.**

**3. Chapter VI on cooperation between Central Authorities shall apply to requests and application received by the Central Authorities as from [date of application].**

**4. Chapter VII on the European**

*Amendment*

*deleted*

*Certificate of Representation shall apply to applications for the Certificate received by the issuing authority as from [date of application].*

5. *Member States shall use the decentralised IT system referred to in Article 49(1) to procedures instituted from the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 60(5).*

6. *Chapter VIII on the establishment and interconnection of protection registers and registers of other powers of representation shall apply to the measures taken and the powers of representation confirmed or registered from the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 60(4).*

Or. en

*Justification*

*Provisions concern application and are moved accordingly to Article 70.*

**Amendment 64**

**Proposal for a regulation**  
**Article 66 – paragraph 1**

*Text proposed by the Commission*

1. By [**10** years after the entry into force], the Commission shall carry out an evaluation of this Regulation and present to the European Parliament, to the Council [and to the European Economic and Social Committee] a report on the evaluation of this Regulation supported by information supplied by the Member States and collected by the Commission. The report shall be accompanied, where necessary, by a legislative proposal.

*Amendment*

1. By [**5** years after the entry into force], the Commission shall carry out an evaluation of this Regulation and present to the European Parliament, to the Council [and to the European Economic and Social Committee] a report on the evaluation of this Regulation supported by information supplied by the Member States and collected by the Commission. The report shall be accompanied, where necessary, by a legislative proposal. ***The decision on***

*whether or not to present a legislative proposal shall be submitted no later than 2 years after the date of the publication of the evaluation report, and its justification shall be made public.*

Or. en

## **Amendment 65**

### **Proposal for a regulation Article 69 – paragraph 1 – point k**

*Text proposed by the Commission*

*Amendment*

*(k) fees, if any, that Member States charge for the issuance of the European Certificate of Representation in accordance with Article 37(2);* **deleted**

Or. en

*Justification*

*Necessary corresponding with change in Article 37(2).*

## **Amendment 66**

### **Proposal for a regulation Article 70 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. It shall apply from [the first day of the month following a period of **18** months from the date of entry into force of this Regulation].

2. It shall apply from [the first day of the month following a period of **12** months from the date of entry into force of this Regulation].

Or. en

## Amendment 67

### Proposal for a regulation Article 70 – paragraph 3

*Text proposed by the Commission*

3. Article 49 and Article 50 shall apply from the first day of the month following the period of **two years** after the date of entry into force of the implementing act referred to in Article 60(2).

*Amendment*

3. Article 49 and Article 50 shall apply from the first day of the month following the period of **one year** after the date of entry into force of the implementing act referred to in Article 60(2).

Or. en

## Amendment 68

### Proposal for a regulation Article 70 – paragraph 4

*Text proposed by the Commission*

4. Articles 45 and 46 shall apply from **[two years after the date of entry into application]**.

*Amendment*

4. **Article 38(3) and** Articles 45 and 46 shall apply from **the first day of the month following the period of one year** after the date of entry into **force of the implementing act referred to in Article 60(1)**.

Or. en

## Amendment 69

### Proposal for a regulation Article 70 – paragraph 5

*Text proposed by the Commission*

5. **Article 47 shall apply from the first day of the month following the period of two years after the date of entry into force of the implementing act referred to in Article 60(1)**.

*Amendment*

**deleted**

*Justification*

*Necessary for legal clarity and corresponding with change in Article 47.*

**Amendment 70**

**Proposal for a regulation**

**Article 70 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6.** *Article 38(3) shall apply from the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 60(4).* **deleted**

*Justification*

*Corresponding with change in paragraph 4.*

**Amendment 71**

**Proposal for a regulation**

**Article 70 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a.** *This Regulation shall apply only to measures taken, to authentic instruments formally drawn up or registered, and to powers of representation confirmed after ... [date of application of this Regulation].*

*Justification*

*Corresponding with change in Article 65.*

## Amendment 72

### Proposal for a regulation Article 70 – paragraph 6 b (new)

*Text proposed by the Commission*

*Amendment*

**6b.** *Notwithstanding paragraph (6a), this Regulation shall apply from ... [date of application of this Regulation] to powers of representation previously granted by an adult under conditions corresponding to those set out in Article 15 of the HCCH 2000 Protection of Adults Convention.*

Or. en

## Amendment 73

### Proposal for a regulation Article 70 – paragraph 6 c (new)

*Text proposed by the Commission*

*Amendment*

**6c.** *Chapter VI on cooperation between Central Authorities shall apply to requests and applications received by the Central Authorities as from ... [date of application of this Regulation].*

Or. en

## Amendment 74

### Proposal for a regulation Article 70 – paragraph 6 d (new)

*Text proposed by the Commission*

*Amendment*

**6d.** *Chapter VII on the European Certificate of Representation shall apply to applications for the Certificate received by the issuing authority from ... [date of application of this Regulation].*

**Amendment 75**

**Proposal for a regulation**

**Article 70 – paragraph 6 e (new)**

*Text proposed by the Commission*

*Amendment*

***6e. Articles 45, 46 and 48 on the establishment and interconnection of protection registers and registers of other powers of representation shall apply to the measures taken and the powers of representation confirmed or registered from the date referred to in paragraph 4.***

## EXPLANATORY STATEMENT

The Proposal for a Regulation aims to set out rules at the European Union level that would provide legal certainty as well as ensure the effect of protection measures for adults and their representatives in cross-border situations, building on the framework established by The Hague Conference on Private International Law (HCCH) Convention of 13 January 2000 on the International Protection of Adults (HCCH 2000 Protection of Adults Convention). The Rapporteur supports the objective of the proposal, especially within the context of a foreseen increase in the number of adults that will require support or safeguard in exercising their legal capacity in another Member State, having regard, in particular, to an ageing population as well as increased intra-EU mobility.

At the same time, the Rapporteur fully endorses the rights set out in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), to which the EU and its Member States are parties. The UNCRPD marked a stepchange in the approach to caring for persons with disabilities and enabling them to enjoy their rights on an equal basis with others. With this report, the Rapporteur aims to incorporate the HCCH 2000 Protection of Adults Convention framework into EU law for the purpose of legal clarity, while at the same time aligning it with the UNCRPD by promoting measures of protection and support that focus on the respecting the full autonomy of the persons concerned. While the proposal does not touch upon substantive matters, which remain under national competences, there should be no doubt that the framework of judicial cooperation set out under this proposal puts personal autonomy at the center of all policies.

The Council should follow the promotion of the same principles after the adoption of the draft Council Decision authorising Member States to ratify the HCCH 2000 Protection of Adults Convention.

The Rapporteur also proposes additional support measures that would help the persons concerned with understanding and navigating the complex matters that fall within the scope of the Proposal.

**ANNEX: ENTITIES OR PERSONS  
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that she received input from the following entities or persons in the preparation of the draft report, prior to the adoption thereof in committee:

<b>Entity</b>
European Commission - DG JUST
European Disability Forum
European Network on Independent Living
Council of the Notariats of the European Union

The list above is drawn up under the exclusive responsibility of the rapporteur.