Protection of adults: jurisdiction, applicable law, recognition and enforcement of measures and cooperation

2023/0169(COD) - 20/10/2026 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 531 votes to 93, with 41 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of measures and cooperation in matters relating to the protection of adults.

The European Parliament adopted its position at first reading by amending the proposal as follows:

Scope

This regulation applies in civil matters concerning 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.

The matters covered may, in particular, include the measures set out in Article 3 of the **Hague Convention of 13 January 2000** on the International Protection of Adults (‘the 2000 Hague Convention’), attached to this Regulation, and also: (a) measures to support an adult in exercising his or her legal capacity; (b) powers of representation granted by an adult.

Choice of court

The courts of a Member State other than the one in which an adult is habitually resident will have jurisdiction to take measures where all of the following conditions are met:

(a) the adult chose the courts of that Member State at a time when he or she was in a position to make that choice;

(b) the choice of court was, at the time the choice was made, in favour of a Member State: (i) of which the adult is a national; (ii) of the adult’s habitual residence; (iii) of habitual residence of a person close to the adult prepared to undertake protection of that adult; or (iv) in which property of the adult is located;

(c) the exercise of jurisdiction is not contrary to the interests of the adult;

(d) the courts of a Member State having jurisdiction in accordance with the relevant articles of the 2000 Hague Convention have not exercised their jurisdiction.

The choice must be expressed in writing, dated and signed, or electronically in a way that allows for its durable record. Before taking any action, the court seized must notify the court of the Member State of the adult's habitual residence of its intervention, either directly or through the central authority, using the form in Annex IV.

If the outcome of succession proceedings before a court of a Member State depends on the determination of an **incidental question** relating to representation of an adult, a court in that Member State may determine that question for the purposes of those proceedings even if that Member State does not have jurisdiction under this regulation.

Law applicable

The amended text clarifies that when the applicable law is that of a State comprising several territorial units, each with their own rules of law in respect of matters governed by this Regulation, the internal conflict-of-law rules of that State will determine the territorial unit whose rules of law are to apply.

Recognition and enforcement of a measure

A measure taken by the courts of a Member State must be recognised in the other Member States without any special procedure being required. The recognition of a measure taken in another Member State may be refused if the measure was taken without the adult having been provided a genuine and effective opportunity to be heard, except where there were serious grounds, taking into account, in particular: (a) the urgency of the case; (b) that the adult was unable to express his or her views.

As regards **enforcement**, a measure taken in a Member State which is enforceable in that Member State must be enforced in the Member State of enforcement under the same conditions as a measure taken in the Member State of enforcement.

Legal aid

A person applying for legal aid who, in the Member State of origin, has benefitted from complete or partial legal aid or exemption from costs or expenses will be entitled, in any proceedings for recognition or enforcement of a measure, to benefit from the most favourable legal aid or the most extensive exemption from costs or expenses in accordance with the law of the Member State in which proceedings are brought.

Cooperation and communication

Each Member State will designate one or more central authorities to assist it in the application of this regulation and specify the geographical and functional competence of each.

Cooperation in the event of a contemplated investment in another Member State

The contemplated placement of an adult in another Member State must be subject to the procedure set out in Article 33 of the 2000 Hague Convention. The contemplated placement must take into account the interest of the adult and, to the extent possible, the will and preferences of that adult. The court of the requesting Member State must transmit its consultation request to the Central Authority, court or competent authority of the requested Member State using the form set out in Annex VII.

Costs of implementing a measure in another Member State

The national law of the Member State where a measure is to be implemented will determine to what extent the cost of implementation incurred by that Member State is to be borne in the requesting Member State. The cost of implementation will not exceed the costs of the measure under the law of the implementing Member State.

European Certificate of Support and Representation

The Certificate should be a **uniform** certificate to be intended for use in cross-border situations and issued for use in another Member State. The Certificate may be requested by the adult or the adult's representative on the basis of an existing measure or confirmed powers of representation. It should therefore only be issued in situations where an adult is not in a position to protect his or her interests and the representative is entitled to actively represent or support that adult in one or more specific matters. The

Certificate should include information on the matters in which the representative is entitled to represent or support the adult and on the extent of the powers which the representative is entitled to exercise.

The use of the Certificate should **not be mandatory**. The Certificate will be valid for a period of one year and set out in an annex to this Regulation.