Basic information

2008/2123(INL) INL - Legislative initiative procedure	Procedure completed
Legal protection of adults: cross-border implications **Subject** 1.10 Fundamental rights in the EU, Charter 7.40 Judicial cooperation 8.50.01 Implementation of EU law	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	LÓPEZ-ISTÚRIZ WHITE Antonio (PPE-DE)	25/06/2008

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs	GACEK Urszula (PPE-DE)	28/05/2008

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2899	2008-10-24

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	ŠPIDLA Vladimír

Key events

Date	Event	Reference	Summary
22/05/2008	Committee referral announced in Parliament		
24/10/2008	Resolution/conclusions adopted by Council		
17/11/2008	Vote in committee		Summary
24/11/2008	Committee report tabled for plenary	A6-0460/2008	
18/12/2008	Decision by Parliament	T6-0638/2008	Summary
18/12/2008	Results of vote in Parliament		
18/12/2008	Debate in Parliament		

18/12/2008	End of procedure in Parliament		

Technical information	
Procedure reference	2008/2123(INL)
Procedure type	INL - Legislative initiative procedure
Procedure subtype	Request for legislative proposal
Legal basis	Rules of Procedure EP 47
Stage reached in procedure	Procedure completed
Committee dossier	JURI/6/62870

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE412.250	19/09/2008	
Amendments tabled in committee		PE414.353	16/10/2008	
Committee opinion	LIBE	PE414.145	11/11/2008	
Committee report tabled for plenary, single reading		A6-0460/2008	24/11/2008	
Text adopted by Parliament, single reading		T6-0638/2008	18/12/2008	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2009)988	22/04/2009	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Legal protection of adults: cross-border implications

2008/2123(INL) - 18/12/2008 - Text adopted by Parliament, single reading

The European Parliament adopted, by 493 votes to 6 with 23 abstentions, a resolution on the legal protection of adults.

The own-initiative report had been tabled for consideration in plenary by Antonio **LÓPEZ-ISTÚRIZ WHITE** (EPP-ED, ES) on behalf of the Committee on Legal Affairs.

Concerned about the need to guarantee an effective European area of civil justice, not least as regards the recognition and enforcement of judicial decisions, Parliament made a series of recommendations to the Commission on the cross-border implications of the legal protection of adults.

Parliament stresses that work and consultations have been conducted in that context on decisions concerning family property issues, successions and wills, with a view to drawing up new legislative proposals. It requests the Commission, as soon as sufficient experience of the operation of the Hague Convention has been acquired, to submit to Parliament, on the basis of Article 65 of the EC Treaty, **a legislative proposal** on strengthening cooperation between Member States and improving the recognition and enforcement of decisions on the protection of adults and incapacity mandates and ***lasting powers of attorney***.

This proposal should be based on the following **principles and aims**:

- promote the recognition and enforcement of legal or administrative decisions regarding persons who are the subject of protection measures;
- provisions to help achieve the goal of establishing an area of justice, freedom and security by facilitating the recognition and enforcement of decisions granting a protection measure, determination of the law to be applied and cooperation between the central authorities;
- specific and appropriate measures for cooperation between the Member States should be implemented, drawing on the instruments available under the Hague Convention;
- single Community forms to promote information on protection decisions and the circulation, recognition and enforcement of those decisions;
- single Community form created at European Union level in the case of incapacity mandates, in order to ensure their effectiveness in all the Member States.

Other measures: the Commission is asked to:

- monitor experience with the application of the Hague Convention and its implementation in the Member States, and to submit to Parliament and the Council in due course a report summarising the problems and best practices in its practical application and containing, if necessary, proposals for Community provisions supplementing or specifying the manner in which the Convention is to be applied;
- assess the option of the accession of the Community to the Hague Convention;
- finance a study to compare Member States' legislation on vulnerable adults and protection measures with a view to ascertaining where legal issues could arise and what measures would be needed at EU or Member State level to resolve any such issues; considers that the study should also address the issue of institutionalised adults with intellectual disabilities as regards their guardianship and their ability to exercise their legal rights.

Member States are called upon to ensure that protective measures are proportionate to the state of the vulnerable adults in question, so that individual EU citizens are not denied a legal right when they still have the ability to exercise that right; take measures to protect vulnerable adults from becoming victims of identity theft or fraud or other telephone or cyber-crimes, including legal measures to enhance the protection of and/or limit access to a vulnerable adult's personal data.

Lastly, Parliament supports the **creation of secure mechanisms**, subject to robust rules for the protection of personal data and rules on the limitation of access, for the **sharing of best practices** and other information regarding protective measures currently in force between Member States, including the possibility of Member States' judicial systems sharing information as to the protection status of a vulnerable adult.