

## Basic information

2023/0169(COD)

COD - Ordinary legislative procedure (ex-codecision procedure)  
Regulation

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

### Subject

1.10 Fundamental rights in the EU, Charter

7.40 Judicial cooperation

8.50.01 Implementation of EU law

Awaiting Parliament's position in 1st reading

## Key players

European  
Parliament

### Committee responsible

**JURI** Legal Affairs

### Rapporteur

TOOM Jana (Renew)

### Appointed

18/11/2024

### Shadow rapporteur

WAWRYKIEWICZ Michał (EPP)

ŚMISZEK Krzysztof (S&D)

BOCHEŃSKI Tobiasz (ECR)

STRIK Tineke (Greens/EFA)

FURORE Mario (The Left)

### Former committee responsible

**JURI** Legal Affairs

### Former rapporteur

TOOM Jana (Renew)

### Appointed

28/06/2023

### Former committee for opinion

**EMPL** Employment and Social Affairs

### Former rapporteur for opinion

The committee decided not to give an opinion.

### Appointed

**LIBE** Civil Liberties, Justice and Home Affairs

The committee decided not to give an opinion.

**FEMM** Women's Rights and Gender Equality

The committee decided not to give an opinion.

Council of the European Union		
European Commission	<b>Commission DG</b>	<b>Commissioner</b>
	Justice and Consumers	REYNDERS Didier

Key events			
Date	Event	Reference	Summary
31/05/2023	Legislative proposal published	COM(2023)0280 	Summary
10/07/2023	Committee referral announced in Parliament, 1st reading		
13/11/2024	Resumption of business from the previous parliamentary term		
24/06/2025	Vote in committee, 1st reading		
24/06/2025	Committee decision to open interinstitutional negotiations with report adopted in committee		
01/07/2025	Committee report tabled for plenary, 1st reading	A10-0128/2025	Summary
07/07/2025	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
09/07/2025	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		

Technical information	
<b>Procedure reference</b>	2023/0169(COD)
<b>Procedure type</b>	COD - Ordinary legislative procedure (ex-codecision procedure)
<b>Procedure subtype</b>	Legislation
<b>Legislative instrument</b>	Regulation
<b>Legal basis</b>	Treaty on the Functioning of the European Union TFEU 081-p2
<b>Stage reached in procedure</b>	Awaiting Parliament's position in 1st reading
<b>Committee dossier</b>	JURI/10/00227

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE769.996	03/03/2025	
Amendments tabled in committee		PE771.915	24/03/2025	
Committee report tabled for plenary, 1st reading/single reading		A10-0128/2025	01/07/2025	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2023)0280 	31/05/2023	<a href="#">Summary</a>
Document attached to the procedure	SEC(2023)0208 	01/06/2023	
Document attached to the procedure	SWD(2023)0154 	01/06/2023	
Document attached to the procedure	SWD(2023)0155 	01/06/2023	
Document attached to the procedure	SWD(2023)0156 	01/06/2023	

#### National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	<span style="border: 1px solid red; padding: 2px;">DE_BUNDESRAT</span>	COM(2023)0280	13/10/2023	
Contribution	<span style="border: 1px solid red; padding: 2px;">IT_CHAMBER</span>	COM(2023)0280	09/11/2023	
Contribution	<span style="border: 1px solid red; padding: 2px;">PT_PARLIAMENT</span>	COM(2023)0280	20/12/2023	

#### Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES3514/2023	13/12/2023	

#### Additional information

Source	Document	Date
EP Research Service	<a href="#">Briefing</a>	12/12/2023
European Commission	<a href="#">EUR-Lex</a>	

## Meetings with interest representatives published in line with the Rules of Procedure

### Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency				
Name	Role	Committee	Date	Interest representatives
<a href="#">TOOM Jana</a>	Rapporteur	<span style="border: 1px solid red; padding: 2px;">JURI</span>	25/02/2025	EUROPEAN NETWORK ON INDEPENDENT LIVING BRUSSELS
<a href="#">TOOM Jana</a>	Rapporteur	<span style="border: 1px solid red; padding: 2px;">JURI</span>	14/01/2025	European Disability Forum

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

2023/0169(COD) - 31/05/2023 - Legislative proposal

PURPOSE: to lay down new rules to ensure that the protection of adults is maintained in cross-border cases.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: currently, there are no EU laws specifically addressing the protection of adults in cross-border situations. For many years, the Commission has promoted the ratification by all Member States of the 2000 Hague Protection of Adults Convention, which is widely considered as an efficient and flexible private international law instrument that is fit for purpose at global level. Despite the Commission's efforts, many Member States have not become parties to the Convention. It currently applies among its 15 Contracting Parties, including 12 Member States. The Commission proposes to make it mandatory that Member States join this Convention.

In addition, while the Convention includes a minimum legal framework for this area suitable for international application, these rules do not achieve the potential of the EU area of justice where close cooperation among Member States and mutual trust exist.

The proposed regulation will build upon the rules of the 2000 Hague Protection of Adults Convention, and existing EU measures in other areas of cross-border civil justice. It will provide more modern and streamlined rules suitable for the EU context.

CONTENT: the aim of the draft 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**. This could be in connection with an age-related disease, such as Alzheimer's disease, or resulting from a health condition. It should also apply to measures in respect of an adult who had not reached the age of 18 years at the time the measures were taken.

In particular, the proposal 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.

## *Subject matter*

The proposed regulation lays down the rules which:

- determine the Member State **whose authorities have jurisdiction** to take measures directed to the protection of the person or property of the adult;
- determine which law is to be applied by such authorities in exercising their jurisdiction;
- determine the law applicable to the representation of the adult;
- provide for the recognition and enforcement of such measures in all Member States;
- provide for the acceptance of authentic instruments in all Member States;
- establish **cooperation** between the competent authorities and Central Authorities of the Member States to achieve the purposes of this Regulation;
- digitalise the communications between competent authorities and Central Authorities, and provide digital means of communication between natural and legal persons and competent authorities;
- create a **European Certificate of Representation**;
- establish a system of **interconnection** of the Member States' protection registers.

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

2023/0169(COD) - 01/07/2025 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Jana TOOM (Renew, EE) 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.

The proposed regulation aims to establish, at European Union level, rules that ensure legal certainty and guarantee the effectiveness of protection measures for adults and their representatives in cross-border situations, building on the framework established by the 2000 Hague Convention on the Protection of Adults.

The committee responsible recommended that the European Parliament adopt its position at first reading by amending the Commission's proposal as follows:

### ***Scope of application***

This Regulation should 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 on a temporary or permanent basis.

The subjects covered should include, in particular, the following aspects:

- determining the extent to which an adult is able to act on their own behalf and the institution of a protective regime;
- measures to provide access by adults to the support they may require in exercising their legal capacity;
- powers of representation granted by adults for their support or representation, to be exercised when those adults require support in protecting their interests;
- the designation and functions of any person or body that is granted the powers of representation.

### ***Scope***

In accordance with national procedural law, courts should ensure that the adult has access to appropriate legal support, such as **free assistance in determining the competent court**. Where appropriate, the judge should grant access to videoconferencing or other means of distance communication when an adult is heard in court proceedings.

### ***Applicable law***

Competent authorities should establish and provide, free of charge, accessible support measures, including: (i) **multilingual guidance tools** to inform adults and their representatives about the applicable law, ensuring that they understand the legal consequences of protection measures in different Member States; (ii) dedicated **legal information services** to help adults understand and deal with conflicts of law, in particular when decisions taken in one country or territory need to be recognised elsewhere.

### ***Recognition and execution of measures***

Recognition of a measure taken in another Member State should be **refused** if the measure was taken, except in cases of urgency, in the context of judicial or administrative proceedings, without the adult having been given the genuine and effective opportunity to be heard or without respecting the will and preference of the adult. Courts and competent authorities shall designate cross-border liaison officers to assist adults and their representatives in addressing enforcement-related difficulties.

### ***Tasks of the central authorities***

Central authorities should cooperate and promote cooperation between competent authorities in their Member State in the application of the Regulation and communicate information on national legislation, procedures and services available for the protection of adults.

### ***Accommodation location and support system***

In accordance with the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD), the courts of a Member State should **obtain the free and informed consent of the adult** when a decision concerning the place of residence or temporary placement of that adult is being considered for the purpose of providing them with protection. Competent authorities should provide support to adults at all times in making decisions to the extent possible, in accordance with the best interpretation of their will and preferences.

As regards persons with disabilities, the rules applicable to this Regulation should allow for a transition from substitute decision-making regimes, such as guardianship, curatorship and similar arrangements, to **supported decision-making arrangements** that respect the rights, wishes and preferences of the individual.

### ***Support measures***

Member States should (i) appoint **cross-border liaison contact persons** specialising in adult protection issues to participate in a European network to facilitate coordination between Member States; (ii) establish **online cooperation and training platforms** to allow professionals assisting adults to exchange best practices; (iii) consider the development of AI-assisted case management tools that comply with Union fundamental rights requirements.

Adults should have **easy access to information** on available procedural safeguards and remedies and on existing support measures such as legal aid and financial and psychological support.

### ***European certificate***

The certificate should be issued to the adult for use by their representatives who, in another Member State, need to exercise their powers to support or represent the adult. The certificate should be issued free of charge and the application process should be accessible to persons with disabilities.