



Cross-border protection of adults : Outcome of the consultation of ELRN

ELRN Workshop 08-03-2023

Marie Vautravers – DG JUST

Context of the Commission initiative

- Approx. **1,4 % of the EU population is under a judicial protection measure** (5 millions)
- Among them, **150 000 to 780 000 are in cross-border situations**
- **No EU average** of the number of persons who have granted **powers of representation (PoRs)** : 5 millions in Germany, 66 in Czech Republic

Context of the Commission initiative

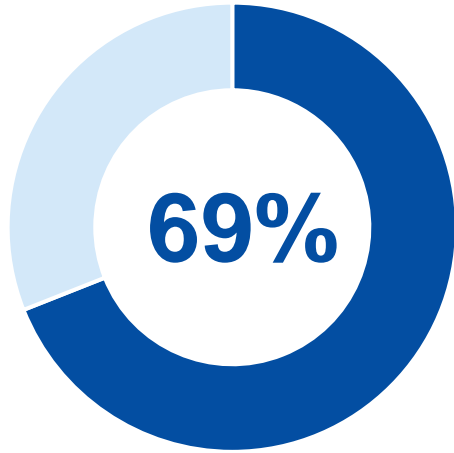
In cross-border cases,

- **No legal certainty** (when establishing PoRs or in general possibility of two conflicting laws applying)
- **Lengthy** and **costly** proceedings (**judicial proceedings** required for a decision taken in one Member State to be recognised/enforced in another MS)
- **Eventually, protection measures and PoRs are not recognised, in particular** by non-judicial actors : **banks, insurance companies, medical staff.**

Questions asked to ELRN

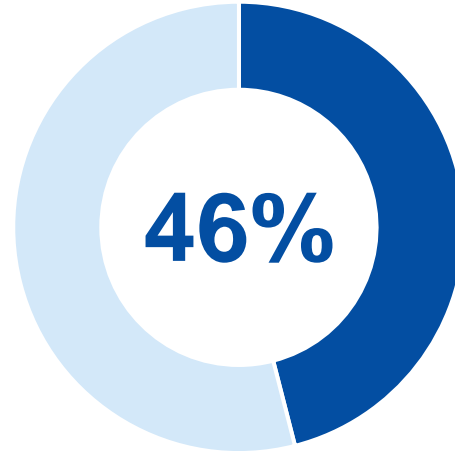
- Does any of your duties require you to assess the legal capacity of individuals?
- Do you often have cases with an international element?
- Would you use a tool to access foreign registers?
- 13 replies from 12 Member States

Replies to the questions



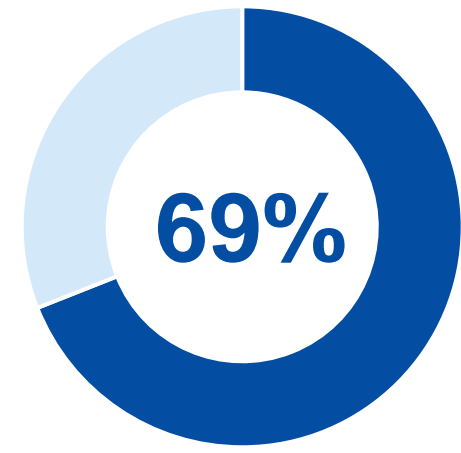
Question 1

Check the legal capacity



Question 2

International element



Question 3

Access to foreign registers

Use of the consultation in preparatory work

- **Impact assessment** (problems faced by authorities, estimation of the costs etc)
- Discussion and choice of **policy options** : relevance and impacts of the problems and the EU solutions for public authorities

Next steps



Next steps

- Proposal for a Council Decision on the ratification of the 2000 HCCH Protection of Adults Convention
- Proposal for a Regulation supplementing the 2000 HCCH Protection of adults
- Negotiation of the proposal in Council and EP
(not family law)



Thank you!



© European Union 2020

Unless otherwise noted the reuse of this presentation is authorised under the [CC BY 4.0](https://creativecommons.org/licenses/by/4.0/) license. For any use or reproduction of elements that are not owned by the EU, permission may need to be sought directly from the respective right holders.

Slide xx: element concerned, source: e.g. Fotolia.com; Slide xx: element concerned, source: e.g. iStock.com

