



Commission's proposals on the cross-border protection of adults

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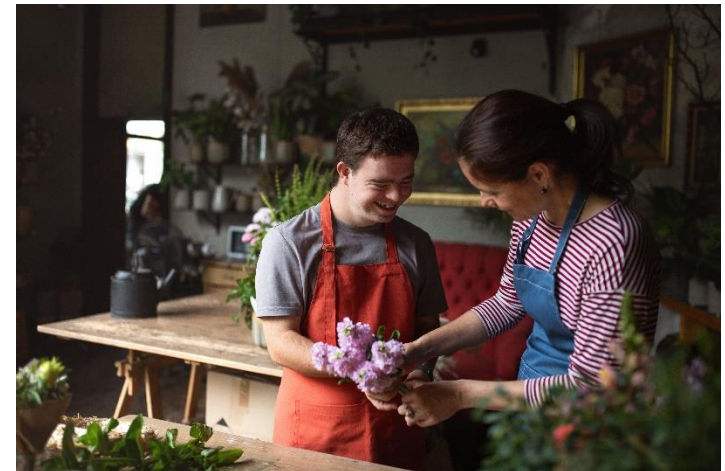
Context and objectives of the Commission's initiative

Context of the Commission initiative

- Ageing
- increased number of people with disability
- Increased mobility



- 2000 HCCH Convention
- UNCRPD
- Digital by default



Context of the Commission initiative

- Approx. **1,4 %** of the EU population is under a **judicial protection measure** (5 millions)
- **27.4 million of adults** in a situation of **vulnerability** and in an assumed need of legal support (7.5% of the EU population)
- **No EU average** of the number of persons who have granted **powers of representation (PoRs)** : 5 millions in Germany

➡ Among them, **150 000 to 780 000** are in **cross-border situations**



Proposal for a Council Decision: the HCCH 2000 Protection of Adults Convention

Proposal for a Council Decision

- Active promotion in the past
- Only 12 Member States party to the HCCH 2000 Protection of Adults Convention



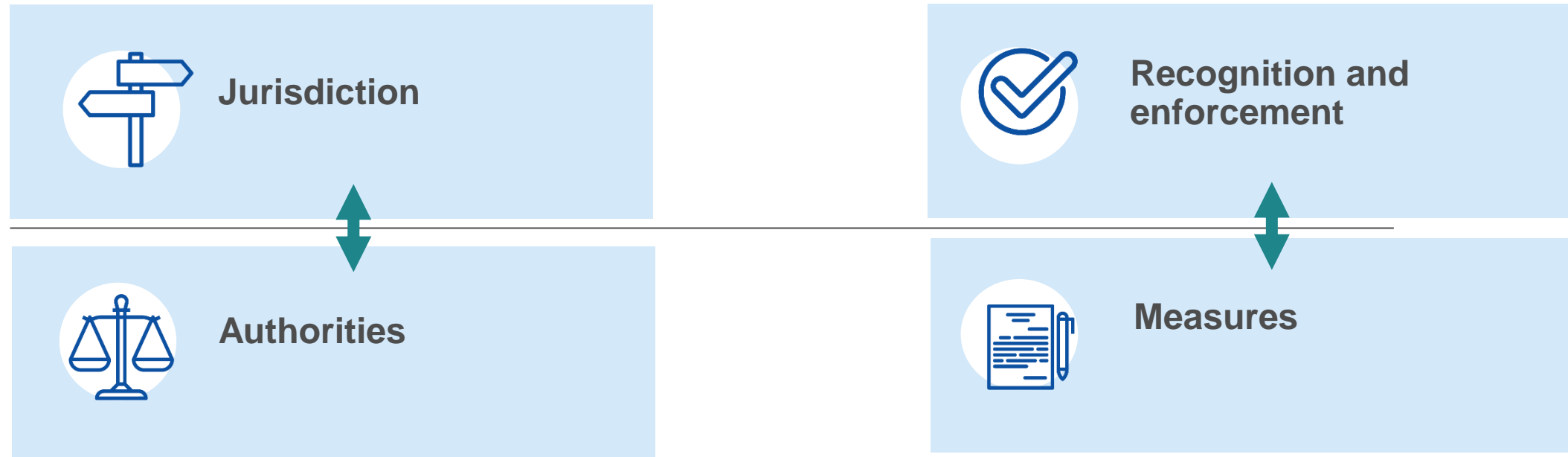
- Proposal for a Council decision
- 2 years to sign + ratify/accede
- “remain and become party”



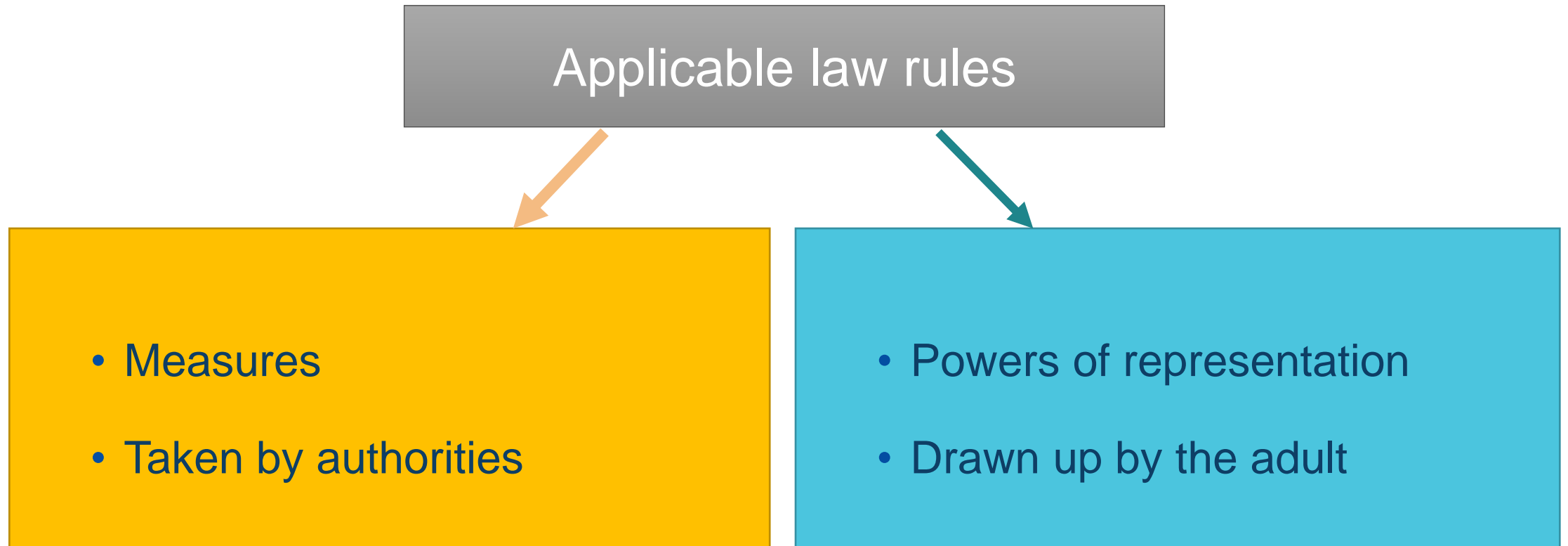
- Will apply to non-EU Countries
- Currently Monaco, Switzerland, and UK (Scotland)

Proposal for an EU Regulation

Private International Law rules | jurisdiction and recognition and enforcement



Private International Law rules | Applicable law



Private International Law rules | Authentic instruments



Circulation of authentic instruments
(including PoRs and advance
directives)

acceptance = evidentiary effects
Attestation (≠ Certificate)
Description of the evidentiary effects



Critical to advance the principle of self-determination

Cooperation

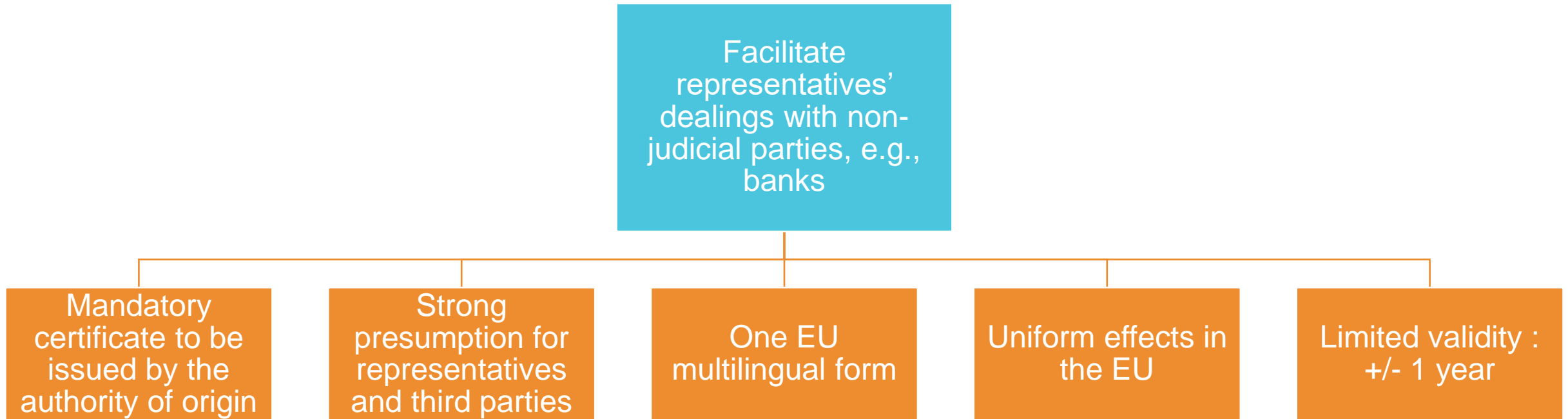
Who?

- Authorities (e.g., courts)
- Competent authorities
- Central Authorities

What?

- Location of an adult or a person likely to provide support
- Designation of a representative abroad
- Legal aid
- Digitalisation (optional for the general public)

European Certificate of Representation



Interconnection of registers

Obligation to set up a register of protection measures and confirmed PoRs (if applicable)

Obligation to make existing registers of measures, confirmed PoRs and other PoRs interoperable

Interconnection through a software developed by the Commission

Interconnection of registers



LIMITED SET OF DATA



LIMITED ACCESS TO
PUBLIC AUTHORITY WITH A
LEGITIMATE INTEREST



INCREASED LEGAL
CERTAINTY



INCREASED PROTECTION
OF THE PRINCIPLE OF
SELF-DETERMINATION



Thank you!

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