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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft 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 **(first reading)** - Adoption of the legislative act = Statement

Spain has requested that the following statement be entered in the Council minutes

Spain shares the objectives of the Regulation to improve the way cross-border cases involving adults with an impairment or insufficiency of their personal faculties are handled, but opposes the adoption of the Regulation for the reasons set out below.

Firstly, the proposed text does not take sufficient account of the principles contained in the 2006 United Nations Convention on the Rights of Persons with Disabilities, and specifically respect for the autonomy of such persons, their will and wishes and the dissemination of support measures.

Secondly, regulating the placement of adults raises issues of interpretation which will make implementation difficult, calling into question the principle of legal certainty.

Thirdly, the planned cost-sharing in cross-border cases is disproportionate when it comes to Member States that receive large numbers of adults, as Spain does.