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NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Proposal for a 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

- General approach
- Statement by Spain

Delegations will find attached the statement by Spain to be included in the minutes of the Permanent Representatives Committee and of the Council.

Spain shares the objective of the proposal for a Regulation, which is to improve treatment in cross-border cases involving adults with an impairment or insufficiency of their personal faculties.

However, **we cannot support the general approach**. We regret that the text is not sufficiently ambitious, and it is a missed opportunity to improve the right to autonomy for adults in these situations.

Firstly, it does not take sufficient account of the principles contained in the 2006 United Nations Convention on the Rights of Persons with Disabilities. Respect for such individuals' autonomy, their wishes and desires, and the dissemination of support measures are not sufficiently addressed in the text.

Secondly, regulating adult detention raises issues that will make its implementation and interpretation within the margins of legal certainty difficult. The same applies to the planned cost-sharing in cross-border cases. This has a particular impact on countries that receive large numbers of adults, such as Spain.