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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

I. INTRODUCTION

1. On 31 May 2023, the Commission adopted a 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[1] together with a proposal for a Council Decision authorising Member States to become or remain parties, in the interest of the European Union, to the Convention of 13 January 2000 on the International Protection of Adults ('HCCH 2000 Protection of Adults Convention')[2].

[1] 10108/23.
[2] 10136/23.

2. The proposals aim at enhancing the cross-border protection of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their own interests as well as ensuring that their right to individual autonomy, including the freedom to make their own choices as regards their person and future arrangements, is respected when they move within the EU.

3. This note covers exclusively the proposal for a Regulation. The proposal for a Council Decision referred to in point 1 will be dealt with at a later stage.

4. The proposal for a Regulation is based on Article 81(2) of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).

5. In the European Parliament, the Committee on Legal Affairs (JURI) has the lead responsibility. Jana TOOM (Renew) was appointed rapporteur. The EP report was adopted on 1 July 2025.

6. The European Data Protection Supervisor adopted its opinion on the proposal on 19 July 2023[3].

7. The European Economic and Social Committee adopted its opinion on the proposal on 13 December 2023[4].

8. In the Council, the examination of the proposal is being carried out in the Working Party on Civil Law Matters (Protection of Adults) (hereinafter: the Working Party).

9. The first examination of the proposal started on 19 July 2023 and was carried out during the Spanish, Belgian, Hungarian, Polish, Danish and Cyprus presidencies.

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[3] 12072/23.
[4] OJ C/2024/1581.

10. At the JHA Council meeting in June 2025, during Polish Presidency, a partial general approach was reached on the proposal[5]. It covered the operative part of Chapters I to V.

11. The Presidency continued the work with a commitment to reach an agreement on the remaining parts of the proposal (including recitals and annexes) in order to launch negotiations with the European Parliament.

12. The Presidency considers that the current text represents a finely balanced compromise reflecting the different positions of Member States and would like to present it to the Council, for a general approach.

13. Ireland has not made use of the possibility set out in Article 3 of Protocol (No 21) to the Treaties on the Position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice to take part in the adoption and application of the proposed Regulation. In application of Protocol (No 22) to the Treaties on the Position of Denmark, Denmark is not taking part in the adoption of the proposed Regulation.

II. MAIN ELEMENTS OF THE PRESIDENCY COMPROMISE TEXT

14. Building on the partial general approach on Chapters I to V, the Presidency presented several revised texts on Chapters VI to XII, as well as recitals for the whole text and annexes, at twelve Working Parties or JHA Counsellors meetings.

15. The compromise text continues to consider consistency with the HCCH 2000 Convention on the same topic[6] and the obligations of the European Union and its Member States with regards to the UN Convention on the Rights of Persons with Disabilities (hereinafter UNCRPD).

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5 9260/25

6 The proposal has been presented together with a proposal for a Council Decision authorising Member States to become or remain parties to the HCCH 2000 Protection of Adults Convention. This instrument will be discussed at a later stage.

16. The main elements of the compromise text are set out below:

a) Chapter VI – Cooperation and Communication:

- Article 21 on placement was adapted, following thorough discussion, to address the concerns of Member States with divergent views. A first group wished to go further than the Hague Convention by authorizing the placement of an adult in another Member States without any procedure. A second group agreed with the Commission proposal which required consent from the requested Member State. As a compromise, the provision refers to the Hague Convention procedure which gives the possibility to the requested State to oppose the placement of an adult in its territory. This solution gives more flexibility than the proposed mandatory consent but still offers the possibility to a Member State to refuse the placement of an adult in its territory.

- Article 22 on the designation of a competent authority of another Member State as representative of the adult was also debated at length. The Commission proposal was considered as too far reaching by always allowing such designation, subject to a notification. The compromise aims at not imposing new obligation on Member State that do not have such system while offering guarantees for those that do. In the final compromise, the designation of a competent authority of another Member State as representative is possible if allowed under the national law of the competent authority, but a consent procedure is established so that there is a possibility for the requested Member State to refuse such designation.

PUBLIC

b) Chapter VII - European Certificate of Support and Representation:

– The compromise text generally follows the Commission proposal but clarifies some aspects such as the possibility for a European Certificate of Support and Representation to cover powers of representation and measures related to support, reflecting the system of some Member States that have support in decision making scheme to protect adults.

– Regarding the internal effects of the Certificate in the Member State of issuance, while the Commission proposal provided that it shall be automatic, the compromise text states that the Certificate may have such effects, if determined by national law.

c) Chapter VIII – Establishment and Interconnection of Protection Registers:

– The proposal provided for the establishment and interconnection of registers related to the protection of adults across Member States but it was perceived as too far reaching and inappropriate at this stage. There are currently no similar registers in all Member States so their establishment and interconnection would require important costs. It was also considered that it created difficulties in terms of data protection that could not be easily tackled.

– The compromise text removed the whole Chapter (and adapted related provisions in other Chapters of the proposal) but a revision clause has been included in the final provisions in order for the Commission to reevaluate the appropriateness of registers after the adoption, and application for a certain time, of the Regulation.

PUBLIC

d) Chapter IX to XII – Digitalisation, Data Protection, Delegated Acts, General and Final Provisions

– The compromise text follows the proposal principles but makes amendments to facilitate its application and accommodate the latest development of the EU legal framework in terms of digitalisation and data protection.

– The relationship between the instrument and the HCCH 2000 Protection of Adults Convention was clarified by stating that the Regulation shall take precedence over the Convention in the relation between Member States and determines how it shall apply with regards to contracting parties that are not part of the Union.

17. The Presidency is of the opinion that the final compromise text is ready to be submitted to the Permanent Representatives Committee and the Council to reach a partial general approach.

III. CONCLUSIONS

18. The Permanent Representatives Committee is therefore invited to:

– confirm agreement on the text of the general approach as set out in the Annex to this note, and

– recommend that the Council reach a general approach on this text, to enable the Presidency to conduct interinstitutional negotiations.

PUBLIC

ANNEX

2023/0169 (COD)

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

PUBLIC

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[7],

Acting in accordance with the ordinary legislative procedure,

[7] Opinion of 13 December 2023 (OJ C/2024/1581).

Whereas:

(1) The purpose of this 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. In particular, this Regulation lays down rules on jurisdiction, applicable law, recognition and enforcement of measures, acceptance of authentic instruments and cooperation between Member States' **courts,** competent authorities and Central Authorities.

(2) The Union has set itself the objective of creating, maintaining and developing the Union as an area of freedom, security and justice in full respect of fundamental rights in which the free movement of persons is ensured. For the gradual establishment of such an area, the Union is to adopt, among others, measures relating to judicial cooperation in civil matters, particularly when necessary for the proper functioning of the internal market.

(3) In accordance with Article 81(2) of the Treaty on the Functioning of the European Union ('TFEU'), such measures may include those aimed at ensuring the compatibility of the rules applicable in the Member States concerning conflict of laws and jurisdiction and the mutual recognition and enforcement between Member States of judgments and of decisions in extrajudicial cases.

PUBLIC

(4) The Union has adopted a number of legislative acts in the area of judicial cooperation in civil matters having cross-border implications. With the exception of a rule on the capacity of natural persons in the context of cross-border contractual obligations in civil and commercial matters laid down in Article 13 of the Regulation (EC) No 593/2008 of the European Parliament and the Council[8], none of those Union legislative acts governs the cross-border aspects of legal capacity of natural persons. Similarly, no legal act of the Union governs the civil aspects of the cross-border protection of adults who, by reason of barriers faced in the interaction between an impairment or insufficiency of their personal faculties and a range of personal factors and factors linked to their living environment, are not in a position to protect their interests, or who may require that the support and safeguards in the exercise of their legal capacity provided to them in one Member State continues across the Union.

(5) In the absence of such common rules, various difficulties may arise for the adults who are not in a position to protect their interests in cross-border situations, including where those adults move to another Member State or where they own real property or other assets in another Member State. Difficulties may arise for instance where measures taken in one Member State with a view to protecting the adults, including support measures provided to exercise their legal capacity, need to be invoked in other Member States, or where powers of representation granted by the adults to be exercised by their representatives when the adults are not in a position to protect their interests need to be ~~later~~ invoked abroad. Those difficulties can have serious adverse consequences on legal certainty in cross-border dealings and on the rights and wellbeing of the adults and on respect for their dignity. In particular, fundamental rights of the adults, such as access to justice, the right to autonomy, ~~and~~ the right to property and to free movement, may be negatively affected.

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8 Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p.6).

(6) Uniform private international law rules governing cross-border situations are thus necessary to enhance the protection of fundamental rights of adults with an impairment or insufficiency of their personal faculties. At international level, the Convention of 13 January 2000 on the International Protection of Adults ('HCCH 2000 Protection of Adults Convention') provides for rules on jurisdiction, applicable law, recognition and enforcement of measures for the protection of those adults, on applicable law for powers of representation and rules on cooperation among ~~competent authorities or Central Authorities of~~ its contracting Parties.

(7) The HCCH 2000 Protection of Adults Convention does not prevent its contracting Parties from furthering their cooperation in the field of the protection of adults beyond the provisions of that Convention itself or even departing from its rules in their mutual relations. In compliance with Article 49~~(2) and (3)~~ of the HCCH 2000 Protection of Adults Convention, ~~this Regulation establishes rules in the matters covered by that Convention in respect of adults having habitual residence in a Member State.~~ the rules established by this Regulation should not affect, in the relationship of the Member States with third States that are contracting Parties to the HCCH 2000 Protection of Adults Convention, the application of that Convention.

PUBLIC

(8) This Regulation should incorporate some rules from the HCCH 2000 Protection of Adults Convention, in particular on international jurisdiction and applicable law, and make~~s~~ them directly applicable in relations between Member States. However, it is appropriate that in relations between Member States, the Union further improves the protection of adults in cross-border situations within the Union, building on the principle of mutual trust between Member States and on the experience from other areas of judicial cooperation in civil matters. This Regulation should thus complement the rules of the HCCH 2000 Protection of Adults Convention by laying down rules aimed to simplify, streamline and modernise the procedures and the cooperation among ~~competent authorities of~~ Member States. In particular, it should be possible to foster the right to autonomy of adults and their right to exercise their legal capacity on an equal basis with others, by facilitating the use, in a cross-border context, of powers of representation, whereby adults have organised ~~in advance~~ their ~~protection~~**representation or support** for a time when they ~~will~~**would** not be in a position to look after their own ~~interest~~**interests**, and giving full and immediate effect to choices made by the adults.

(9) Given the complementarity of this Regulation and the HCCH 2000 Protection of Adults Convention, as well as the need to ensure continued protection of adults in cross-border situations involving Member States and third ~~countries~~**States**, the interpretation of the rules laid down in this Regulation and those included in the HCCH 2000 Protection of Adults Convention should be aligned, where possible.

(10) In addition, the interpretation of the rules laid down in this Regulation should be guided by its objectives that are to enhance the protection of fundamental rights and freedoms and other rights of adults in cross-border situations, including their right to autonomy, access to justice, right to property, right to be heard, right to free movement**, non-discrimination** and equality **before the law**. In this regard, this Regulation builds on the Charter of Fundamental Rights of the European Union ('Charter') and **its Articles 21, 25 and 26 and** on international human rights law in this area.

(10a) In particular, a significant part of adults to which this Regulation applies are persons with disabilities. Their rights, including the right to ~~equality~~**equal recognition** before the law, integrity, access to justice and respect for their inherent dignity and individual autonomy, are guaranteed by the United Nations Convention on the Rights of Persons with Disabilities[9] ('UNCRPD'), to which both the Union and its Member States are parties. The rights safeguarded in the UNCRPD are to be protected both in national and cross-border cases, and where measures are taken in relation to persons with disabilities, those measures are to be in line with the UNCRPD. This Regulation, laying down private international law rules for cross-border cases, should be applied consistently with the human rights obligations under the UNCRPD, in particular with its Articles 3, 9, 12**, 13** and 19. As contracting Parties to the UNCRPD, Member States are to ensure that their national substantive and procedural laws on the treatment of adults are consistent with the human rights obligations provided by the UNCRPD. In particular, Member States are to respect the equality of adults before the law and their right to enjoy legal capacity on equal basis with others in all aspects of life, with the support that they may require, as well as the autonomy and integrity of the adults in accordance with Article 12 of the UNCRPD.

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9 OJ L 23, 27.1.2010, p. 37.

(11) Besides the protection, in cross-border situations, of fundamental rights and freedoms and other rights of adults, ~~including the respect for their will and preferences,~~ this Regulation also aims to improve the effectiveness and speed of judicial and administrative proceedings concerning the protection of adults by simplifying and streamlining the mechanisms for cooperation in cross-border proceedings. It further aims to strengthen legal certainty and predictability in cross-border dealings, both for adults and their representatives and for other parties, whether they are public or private entities. Providing greater legal certainty and simpler, streamlined and digitalised procedures should also encourage individuals to exercise their right to free movement.

(12) This Regulation should cover civil matters ~~involving~~**concerning** the protection of adults, in particular related to measures, authentic instruments and powers of representation, aimed at the protection of an adult. **In order to ensure consistency, the matters covered by this Regulation should correspond to those in the scope of the HCCH 2000 Protection of Adults Convention.** The protection ~~is required~~**should be understood to include support to adults in decision-making or exercising their legal capacity, co-decision making and representation. Adults may require support or other protection** due to an insufficiency or an impairment of ~~the~~**their** personal faculties ~~of the adult~~, which can be permanent or temporary and, among others, of physical or psychosocial nature, or in connection with ~~an age-related~~**a health condition or a** disease, such as Alzheimer's disease~~, or resulting from a health condition, such as~~ **or** a coma. The **support or other** protection is in particular required where barriers in the interaction with a range of environmental and personal factors hinder their participation in society on equal basis with others, in particular where the insufficiency or impairment of the personal faculties of the adult is such as to **partially or completely** prevent that adult from looking after his or her own interests, such as property interests and personal or health interests. ~~Serious neglect of the personal or property interests of the relatives for whom the adult is responsible may also reveal an impairment or insufficiency of the adult's personal faculties.~~

(12a) This Regulation does not contain any specific rules on *ex lege* representation, a form of representation that arises solely by operation of law. However, such representation falls under the scope of the Regulation when it is aimed at the protection of adults. Thus, *ex lege* representation may be the subject of cooperation and communication under Chapter VI, but is not subject to any specific rules on jurisdiction, conflict-of-laws rules or rules on recognition and enforcement either in this Regulation nor in the HCCH 2000 Protection of Adults Convention and may therefore be subject to national conflict-of laws rules. The term 'ex lege representation' under this Regulation does not cover concepts where the appointment of a representative of the adult is not made solely by operation of law, but requires prior registration or a similar measure by a court, which is constitutive for the appointment of the representative.

(13) Where measures have been taken for the protection of a child, and are to remain in force or take effect after that child reaches the age of majority, they should fall within the scope of this Regulation as soon as the child has reached 18 years of age.

PUBLIC

(14) ~~The terminology used for protective measures differs in the legal systems of each Member State and these differences in terminology should not affect the recognition of those protective measures in other Member States.~~ **This Regulation should apply, among others, to 'measures' taken by courts and directed to the protection of the person or the property of an adult, including when it has been decided that no measure should be taken or when the measure consists of a court registering a representative in a national register and this registration is constitutive for the appointment of the representative. The Regulation should respect the Member States' legal systems and should thus not require them to introduce specific measures into their national laws. However, given the ongoing transition towards supported decision-making in national legal systems, 'measures' under this Regulation should primarily encompass those aimed at supporting adults in exercising their legal capacity but also other measures in accordance with Member States' laws. Appropriate and effective safeguards for the exercise of the legal capacity of the adults should be taken into consideration, ensuring in particular that measures relating to the exercise of legal capacity respect, the rights, and where possible, will and preferences of the adult.**

PUBLIC

(15) Irrespective of the legal terminology used in each Member State, measures directed to the protection of adults and taken in compliance with the fundamental rights of the adults concerned should circulate without obstacles in the Union. To this end, this Regulation should be interpreted in accordance with the Charter and the UNCRPD. To protect the right to autonomy, safeguards should be provided in this Regulation and make it possible to refuse recognition **or enforcement** of measures **which are manifestly contrary to public policy, or** which are taken without providing the adult with the opportunity to be heard, except in justified exceptional circumstances ~~related to the urgency of the situation, or which are manifestly contrary to public policy.~~. Where assessing whether a measure taken by the ~~authorities~~**courts** of another Member State is not manifestly contrary to public policy, the **courts or enforcement** authorities of a Member State where ~~the~~ recognition is **invoked or enforcement is** sought should assess whether that measure ensures the fundamental rights of the adult, in **particular in** light of **the Charter and** Articles 3, 9 12**, 13** and 19 of the UNCRPD.

(16) To ensure a uniform interpretation of this Regulation, this Regulation should define in particular the notions of adults, representatives and ~~authorities~~**courts** , which may have divergent meanings in the Member States**'** legal systems. For the purposes of this Regulation, an adult is a person who has reached the age of 18 years. Depending on the context, this should refer for example to adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests, or adults who granted powers of representation to be exercised when those adults are not in a position to protect their interests.

PUBLIC

(17) ~~References to a 'representative'~~**The concept of 'court '** in this Regulation should ~~be construed as referring to one or more representative(s), as appropriate.~~

~~(18) For the purposes of this Regulation, and in line with the terminology used in the HCCH 2000 Protection of Adults Convention, the concept of 'authority' should be interpreted as referring to the~~ **mean any** judicial ~~or administrative~~**authority and all other** authorities ~~taking~~**with competence to take** measures directed to the protection of the **person or the property of an** adult~~. More broadly, a 'competent authority' should be interpreted as referring to a public authority of a~~ **or with competence to decide on the recognition or non-recognition of a measure taken in another** Member State ~~with responsibilities in matters of protection of adults~~. ~~This includes~~**Accordingly, the term 'court' should be given a broad meaning so as to cover not only courts in the true sense of the word. Where other** authorities ~~taking~~**, including notaries, act as 'courts' and take** measures~~, authorities drawing up authentic acts and authorities issuing attestations, forms or the European Certificate of Representation. It further includes other authorities, or entities acting in an official capacity in matters related to the protection of adults, such as those that are responsible for the supervision or implementation of measures~~ **under this Regulation, they should be bound by its rules of jurisdiction, and the measures they take should circulate in accordance with the provisions on recognition and enforcement**.

(17a) Conversely, where other authorities, including notaries, do not take measures but are empowered under national law to deal with other aspects related to the protection of adults, they should be considered as competent authorities rather than 'courts' and should not be bound by the rules of jurisdiction. Competent authorities are authorities with various responsibilities in matters of protection of adults under national law, including those responsible for drawing up and confirming powers of representation, for issuing authentic instruments, or for implementing measures.

(18) Powers of representation enable adults to plan, for a situation of impairment or insufficiency of their personal faculties, by whom and possibly how they envisage to be supported or represented in exercising their legal capacity and autonomy. Powers of representation should be interpreted broadly to include various types of powers provided for by Member States' laws, such as powers granted by an adult, having full or partial legal capacity, to one or more representatives to support or represent the adult in one or more contexts. This Regulation should not oblige Member States to introduce 'powers of representation' or 'confirmed powers of representation' in their national laws. 'Confirmed powers of representation' are to be understood as a type of powers of representation in respect of which a court or a competent authority has confirmed that the representative vested with these powers can exercise them. While this Regulation should not prescribe a particular process for confirming powers of representation, the concept of 'confirmed powers of representation' is to be interpreted in line with its main purpose in this Regulation, that is to serve as a basis for the issuance of the European Certificate of Support and Representation. Since third parties should be able to rely on the legal presumption that a representative is entitled to exercise the powers as described in that Certificate, the confirmation of powers of representation by a court or a competent authority must give every guarantee of reliability in that regard and must at least ensure that the powers of representation are valid, in force and in conformity with the law applicable.

PUBLIC

(19) The rules on international jurisdiction and on applicable law in respect of the protection of adults should be those set out in the HCCH 2000 Protection of Adults Convention, to avoid discrepancies and ensure, to the extent possible, that the same rules apply to a case involving Member States and third ~~countries~~**States** that are party to that Convention. Some Member States may not be contracting Parties to the HCCH 2000 Protection of Adults Convention at the time this Regulation will be applicable. To take account of all scenarios~~,~~ **and to ensure that the rules of this Regulation can be applied regardless of the status of ratification by Member States of** the HCCH 2000 Protection of Adults Convention**, the Convention** should be attached to this Regulation.

(19a) In accordance with the jurisdiction rules in Articles 5 and 6 of the HCCH 2000 Protection of Adults Convention, primary jurisdiction to take measures should lie with the courts of the State of the habitual residence of the adult. For adults who are refugees and those who, due to disturbances occurring in their State, are internationally displaced, the primary jurisdiction should be with the courts of the State on the territory of which the adult is present.

(19b) The request for a transfer of jurisdiction under Article 8 of the HCCH 2000 Protection of Adults Convention may be initiated either by a court of a Member State seeking to transfer jurisdiction or by a court of a Member State to which jurisdiction may be transferred.

PUBLIC

(20) It is appropriate to supplement the system of international jurisdiction established by the HCCH 2000 Protection of Adults Convention to give due weight to the choice of ~~jurisdiction~~**court** made by adults in the Union. To better protect the right to autonomy of the adults, the choice of ~~jurisdiction~~**court** made by adults **at the time** when ~~making arrangements~~**they were in a position to make such arrangement** for their future ~~representation~~**protection** should be respected without the need for additional proceedings in particular for the approval by the ~~authorities of the Member States of the habitual residence of the adults. Nevertheless,~~ **courts of the Member States of the habitual residence of the adults. While the formal validity of the choice of court should be governed by the rules of this Regulation, the court examining whether it has jurisdiction on the basis of a valid choice of court should apply its law, including its conflict of law rules, to assess the substantive aspects of validity of the choice not regulated in this Regulation. In particular, the choice of court should have been made when the adult was in a position to make such a choice with respect to his or her capacity and consent in the absence of undue influence.**

(20a) **T**~~t~~aking into consideration that the personal or financial circumstances of an adult may evolve between the time when the choice of ~~jurisdiction~~**court** is made and the time when the adult is in need of protection, the ~~courts chosen~~**court seised on the basis of the choice of court** should have the possibility to assess whether the choice made by the adult is ~~still in~~**not contrary to** the interests of that adult at the time ~~they are~~**it is** seised. This assessment should be made primarily with regard to the views of that adult, and the significance of the changes in his or her living conditions and assets since the time when the choice of ~~jurisdiction~~**court** was made.

(21) The establishment of an additional ground of jurisdiction based on the choice of **court by** the adult should not disrupt the mechanism established by the HCCH 2000 Protection of Adults Convention, nor affect the effectiveness of communication between ~~authorities~~**courts**, and should avoid positive and negative conflicts of jurisdiction. ~~The mechanisms established by Articles 7, 9, 10 and 11 of the HCCH 2000 Protection of Adults Convention giving priority to certain grounds of jurisdiction, limiting the effects of certain measures, and setting up an exchange of information between the authorities of the habitual residence and the authorities with subsidiary or concurrent jurisdiction, should therefore also apply in the Union to authorities exercising their jurisdiction according to~~**The court seized based on** the choice made by the adult~~. Thus,~~ **should not exercise its jurisdiction where the courts having primary jurisdiction or the court to which jurisdiction was transferred have already exercised their jurisdiction, in particular where** those ~~provisions~~**courts have taken a measure, even if this measure related only to some aspects of protection of the person or property of the adult, or have decided that no measure** should ~~apply in respect of the authorities chosen by an adult in the same way as they apply in respect to the authorities of the habitual residence~~**be taken, or where proceedings are pending before them**.

PUBLIC

(22) ~~The authorities contemplating the exercise of their jurisdiction according to the choice made by the adult should not exercise their jurisdiction where the authorities of the habitual residence of the adult have already exercised their jurisdiction, in particular where those authorities have taken a measure, or have decided that no measure should be taken, or where proceedings are pending before them.~~ **Measures concerning adults should be subject to regular review in accordance with national law to remain tailored to the adult's current circumstances. If, after the conclusion of initial proceedings, a new measure needs to be taken or an existing measure requires modification, replacement, or termination, jurisdiction should be verified and re-established again in accordance with the applicable jurisdictional rules. In such cases, procedural steps taken in the previous proceedings - such as a prior transfer of jurisdiction - should not prevent courts from exercising their jurisdiction in the new circumstances. Likewise, a court that previously established its jurisdiction based on a choice of court made by an adult, should, in case of new proceedings, reassess whether the conditions for exercising its jurisdiction are still met, for instance that the exercise of jurisdiction is not contrary to the adult's interest. Similarly, the existence of previous measures taken by a court chosen by the adult should not prevent other courts from taking measures in subsequent proceedings following a change of circumstances.**

(22a) The mechanisms established by Articles 7, 9, 10 and 11 of the HCCH 2000 Protection of Adults Convention giving priority to certain grounds of jurisdiction, limiting the effects of certain measures and setting up an exchange of information between the courts with primary jurisdiction and the courts with subsidiary or concurrent jurisdiction, should also apply in the Union to courts exercising their jurisdiction according to the choice made by the adults. Thus, those provisions should apply in respect of the court exercising its jurisdiction on the basis of the choice of by the adult in the same way as they apply in respect to the courts of the habitual residence.

(22b) If the outcome of succession proceedings before a court of a Member State not having jurisdiction under this Regulation depends on the determination of an incidental question falling within the scope of this Regulation, the courts of that Member State should not be prevented by this Regulation from determining that question. Therefore, if the object of the proceedings is a succession dispute in which the adult is involved and a representative *ad litem* needs to be appointed to represent the adult in those proceedings, the Member State having jurisdiction for the succession dispute should be allowed to appoint the representative for the pending proceedings, regardless of whether it has jurisdiction under this Regulation. Any such determination should only produce effects in the proceedings for which it was made.

(22c) If the validity of a legal act undertaken or to be undertaken on behalf of an adult in succession proceedings before a court of a Member State requires permission or approval by a court, a court in that Member State should be able to decide whether to permit or approve such a legal act even if it does not have jurisdiction under this Regulation. The term 'legal act' should include, for example, the acceptance or rejection of inheritance or an agreement between the parties on the sharing out or the distribution of the estate.

PUBLIC

(23) ~~This Regulation should fully incorporate the rules on applicable law laid down by the HCCH 2000 Protection of Adults Convention.~~**The law applicable in matters of protection of adults should be determined in accordance with the provisions of Chapter III of the HCCH 2000 Protection of Adults Convention. Accordingly, when taking measures, Member States' courts should apply the applicable law rules of the HCCH 2000 Protection of Adults Convention. In this context, the reference in Article 13(1) of the HCCH 2000 Protection of Adults Convention to 'the provisions of Chapter II' of that Convention should be understood as referring to the provisions of this Regulation. In addition, the cross-border legal effects of all types of powers of representation should be governed by the applicable law rules in the HCCH 2000 Protection of Adults Convention.** To ensure consistent application of this Regulation, the reference to Chapter III of the HCCH 2000 Protection of Adults on applicable law should be read as referring to the whole chapter~~, including the rules laid down by Article 16 of the Convention regarding the modification or termination of powers of representation~~.

(24) Mutual trust in the administration of justice in the Union justifies the principle that measures directed to the protection of adults ~~given~~**taken** in a Member State should be recognised in all Member States without any special procedure being required. This should not preclude any interested **natural or legal** person from **invoking a measure either as an incidental question before a court or by** applying for a decision that there are ~~or that there are~~ no grounds for refusal of recognition **or that the recognition is to be refused**. It should be for the national law of the Member State where such application is made to determine who should be considered as an interested person entitled to make such application. To safeguard the right of the adults to access to justice and provide them with sufficient remedies, and irrespective of the nature and the extent of the measure, adults should have the right to apply for a decision that there are ~~or that there are no grounds for refusal~~**no grounds for refusal of recognition or that the recognition is to be refused. It should be for the national law to determine whether the grounds for refusal can also be raised *ex officio***.

(25) The recognition and enforcement of measures **in the Union** should be based on the principle of mutual trust. Therefore, the grounds for ~~non-~~**refusal of** recognition should be kept to the minimum in the light of the underlying aim of this Regulation which is to facilitate recognition and enforcement of measures and ~~the circulation of powers of representation and~~ to effectively safeguard the rights of the adults. In particular, the jurisdiction of the ~~authorities~~**courts** of the Member State of origin should not be reviewed **and measures taken by those courts should not be reviewed as to their substance in the Member States in which recognition is invoked or enforcement is sought. Nevertheless, this should not prevent courts having jurisdiction under this Regulation from modifying or terminating an earlier measure or replacing it by a subsequent one, in the event of new circumstances**.

(26) It should only be possible to refuse the recognition of a measure **taken in another Member State** if one or more of the grounds for refusal of recognition **in this Regulation** are present. To uphold the principle of mutual trust, the list of grounds for refusal of recognition in this Regulation should be exhaustive.

(26a) Measures directed to the protection of adults may be long-term ones and involve successive adjustments. The rules applicable to refusal of recognition of measures should take account of those changes over time. Therefore, a later measure, taken in **another Member State or** a third ~~country~~**State** which would have had jurisdiction under the rules of this Regulation, should supersede an earlier measure to the extent that they are irreconcilable. To avoid that incompatible measures are taken in the Member States, the closed system of jurisdiction and the mechanism of mutual information between **courts,** competent authorities and Central Authorities should be established by this Regulation.

(27) Proceedings directed to the protection of an adult should, as a basic principle, be guided by the views expressed by the adult. Adults should thus be given an effective and genuine opportunity to express their views freely in accordance with Articles 20, 25, 26, and 47 of the Charter and Articles 3, 9, 12, 13 and 19 of the UNCRPD~~. The opportunity for the adult to express his or her views should be given, except in cases of urgency~~, including ~~cases where the adult is absolutely unable to express his or her views.~~**by means of non-conventional communication methods, such as non-verbal forms. The recognition of** a measure taken without the adult having had an opportunity to be heard, ~~apart from the exceptional circumstances of urgency~~**may be refused, except where there were serious grounds justifying it. This includes, in particular, cases of urgency** and ~~the demonstrated incapacity to express himself or herself, may not be recognised.~~ **cases where the adult was unable to express his or her views, for example, due to a medical condition. Nevertheless, due weight has to be given to the adults will and preferences, for example, by consulting persons close to the adult or through a representative *ad litem*.** The fact that the adult has had an opportunity to be heard ~~should be assessed uniformly~~ in the ~~Union, and~~**Member States where a measure was taken** should not be assessed ~~against~~**in comparison with** the ~~fundamental~~ procedural principles of the Member State ~~where~~**in which** recognition is ~~sought. An example~~**invoked but should be assessed uniformly in the Union. Examples** of a case of urgency ~~is a situation~~**are situations** where the adult needs to undergo urgent surgery ~~and is not, because of his or her medical condition, in a position to express his or her views.~~**, or where there is an imminent danger for the adult's property.**

(28) The question of the procedure and the method ~~of the~~**for** hearing of the adult should be left to national law, ~~with~~**while ensuring a genuine and effective opportunity for adults to express their views, will and preferences.** Due respect ~~for~~**should also be given to** the rights of adults to accessibility. When a hearing is required in a cross-border context, Member ~~States authorities~~**States' courts** should use the specific instruments of international judicial cooperation, including, where appropriate, those provided for by Regulation (EU) 2020/1783[10] **of the European Parliament and of the Council[11]. Where one of the parties or their representative is present in another Member State at the time of the hearing, they should be able to participate in the hearing through videoconferencing or other distance communication technology provided for in Regulation (EU) 2023/2844 of the European Parliament and of the Council[12], taking into account their procedural rights**.

~~10 Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (OJ L 405, 2.12.2020, p. 1–39).~~

11 Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (OJ L 405, 2.12.2020, p. 1–39).

12 Regulation (EU) 2023/2844 of the European Parliament and of the Council of 13 December 2023 on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L 2023/2844).

(29) ~~In order to take account of the different systems for dealing with the protection of adults in Member States, a~~**A**uthentic instruments directed to the protection of adults and their interests should be accepted in all Member States. An authentic instrument directed to the protection of an adult or his or her interests drawn up **or registered** by ~~an~~ **public authority or other** authority of a Member State**, such as a notary,** may in particular record powers of representation granted by an adult for a time when that adult will not be in a position to protect his or her interests, or advance directives recording wishes and preferences of the adult or giving direct instructions in some matters including health, welfare or appointment of a representative by ~~an~~ **court or a competent** authority. Those authentic instruments should have the same evidentiary effects in another Member State as they have in the Member State of origin, or the most comparable effects. When determining the evidentiary effects of a given authentic instrument in another Member State or the most comparable effects, reference should be made to the nature and the scope of the evidentiary effects of the authentic instrument in the law of the Member State of origin.

(29a) The 'authenticity' of an authentic instrument should be an autonomous concept covering elements such as the genuineness of the instrument, the formal prerequisites of the instrument, the powers of the authority drawing up the instrument and the procedure under which the instrument is drawn up. The authenticity should also cover the factual elements recorded in the authentic instrument by the authority concerned, such as the fact that the adult indicated appeared before that authority on the date indicated and that this adult made the declarations indicated.

PUBLIC

(30) To facilitate the circulation of measures and authentic instruments in the Union, ~~it is necessary to~~**this Regulation should** provide for attestations to accompany them where they need to be recognised, enforced, or, as the case may be, accepted abroad. The procedures for rectifying, withdrawing and challenging attestations used for the recognition and enforcement of measures and the acceptance of authentic instruments should be left to national law. In light of the case-law of the Court of Justice, ~~authorities~~ **courts** exercise judicial functions when issuing ~~the~~ attestations **for measures** and **this** issuance ~~of~~ forms part of the continuity of the previous judicial proceedings. Therefore, adequate and effective remedies in the context of this issuance should be made available by Member States.

(31) Central Authorities should be designated in all Member States. **Member States should consider designating the same Central Authority for this Regulation as designated for the HCCH 2000 Protection of Adults Convention. Member States should ensure that Central Authorities have adequate financial and human resources to enable them to carry out the tasks assigned to them under this Regulation.**

(31a) Central Authorities should in particular assist **courts and** competent authorities in cross-border proceedings, and cooperate both in general matters and in specific cases. In individual cases, the cooperation should not be limited to a specific part of the judicial or administrative procedure, and should be initiated and continued where a cross-border element exists and there is a need for cooperation.

(32) To avoid unnecessary intermediaries and foster ~~expedite~~**prompt** communication, **courts and** competent authorities should be able to request information or assistance directly from the Central Authority**, court or competent authority** of the requested Member State, but should also have the possibility, where appropriate, to send their request through the Central Authority of their Member State.

PUBLIC

(32a) Among others, the Central Authorities should be tasked with assisting courts or competent authorities of other Member States with locating an adult or a natural or legal person who is likely to provide protection to the adult where those persons appear to be present within the territory of the requested Member State. The person likely to provide protection to the adult may include for instance a family member of the adult present in another Member State who is not aware of the ongoing proceedings. Where a court or competent authority presumes that this person is likely to provide protection to the adult, including on the basis of the information provided by the adult himself or herself, but does not possess his or her contact details, it may request another Member State to assist it in determining the whereabouts of that person. Upon such request, the Central Authority of the requested Member State should take appropriate steps to provide that assistance either directly or through any competent authorities or other bodies. The assistance may include, for instance, a search in databases under their responsibilities and should be provided in accordance with the national law and procedure of the requested Member State. National law of the requested Member State should also govern the possibility that a person who, based on the request from the other Member State, is likely to provide protection to the adult, refuses to be identified and to have their whereabouts transmitted to the requesting court or competent authority.

PUBLIC

(33) According to Article 19 of the UNCRPD, persons with disabilities are to have the opportunity to choose their place of residence and where and with whom they live, on an equal basis as others, and not to be obliged to live in a particular living arrangement. For the purposes of this Regulation, situations may arise where the ~~authorities~~**courts** of a Member State need to take a measure concerning the place of residence or temporary placement of an adult. **In principle, the term 'placement' may cover the case where a measure is ordered without the consent of the person concerned, as well as voluntary placement without restrictions on the liberty of the person concerned, including living and related protection arrangements. In the context of this Regulation, the term 'placement' should be interpreted as only covering cases where a court takes a measure on placement.** Examples of such situations are cases where ~~authorities~~**courts** provide assistance to the adult in making a decision on his or her place of residence or where an adult is not in a position to express his or her views and has not granted powers to make a decision concerning his or her place of residence to a representative, and an admission to a care facility is required.

PUBLIC

(33a) Where ~~such~~ placement is to be implemented in another Member State, ~~a consultation~~ **the** procedure ~~for obtaining consent of~~**set out in Article 33 of the HCCH 2000 Protection of Adults Convention should be applied. Therefore, the measure of placement should not be taken if** the Central Authority**, court or competent authority** of the Member State ~~of implementation should~~**in which the placement would** be ~~carried out prior to taking that measure. The~~**implemented opposes after having received a consultation** request ~~for consent~~**. The consultation** made by the ~~authority of origin~~ **court of the requesting Member State** should include **a report on the adult together with** the reasons for the proposed measure, **information on the considered funding** and**, where possible,** the views expressed by the adult concerned ~~where possible~~, in light of Article 19 of the UNCRPD. ~~The Central Authority of the Member State of implementation should be able~~**Best efforts should be made to ensure that the contemplated placement respects the will and preferences of the adult. The report from the court of the requesting Member State may also include any other information that the court considers pertinent, such as the expected duration of the placement and envisaged supervision of that measure. The reasonable time referred** to ~~decide promptly whether~~**in Article 33(2) of the HCCH 2000 Protection of Adults Convention** to ~~grant the consent or~~ **indicate an opposition** to ~~refuse it. The absence of a reply within six weeks should not be understood as consent and without consent the measure~~**a contemplated placement** should ~~not be implemented. The consultation should not~~ be ~~carried out when the placement is with an individual and does not require the supervision of any public authority of the Member State of implementation~~**interpreted as a period of no longer than three months, in the context of this Regulation**.

(34) In situations where ~~the~~**an** adult has ~~substantive~~ connections with a Member State other than the one whose ~~authorities have~~**courts is exercising** jurisdiction under this Regulation, for example **connections** based on ~~his~~**adult's** regular presence, or complex financial assets in that **Member** State, the appointment of a **competent authority as** representative in that other Member State may be required. In those situations, geographical proximity of the representative and good knowledge of the legislation may be necessary**, for example,** to ensure **a smooth implementation of a measure, and of** the continuity of the protection of the adult~~. In cases where that~~**across borders. Designation of such a competent authority as** representative ~~in another Member State should be appointed from a competent authority, it~~**of the adult** should be possible ~~to request the~~**if allowed under the national law of the Member State whose competent authority is designated. Such designation requires the consent of the Member State in question.** ~~of such a representative to the authorities of that other Member State to which the adult has substantive connections, and it should be possible to recover the expenses incurred.~~

PUBLIC

(34a) For the purposes of this Regulation, courts and competent authorities should be able to communicate and exchange information with courts and competent authorities of other Member States, either directly or through their Central Authorities, subject to applicable rules, such as on protection of personal data. For instance, a court in a Member State contemplating a measure may request a court or a competent authority of another Member State to communicate information relevant to the protection of an adult, if the situation of the adult so requires. This also applies to competent authorities with regard to implementation. In addition, where a court or competent authority determines that an adult present in another Member State is exposed to a serious danger, it should ~~be possible to recover the expenses incurred~~**inform the court or competent authority of that Member State. Furthermore, to enhance judicial harmony and consistency of decisions across Member States and ensure that national records and registers are up-to-date, a court that modifies, replaces or terminates a measure taken by a court of another Member State should, where appropriate, notify the court which took the measure about such modification, replacement or termination.**

(34b) Nevertheless, Central Authorities, courts or competent authorities should not disclose or confirm any information gathered or transmitted for the purposes of this Regulation if they determine that to do so could jeopardise the health, safety or liberty of the adult or another person or place the property of the adult in danger. The assessment should be based on serious and detailed information in order to prevent insufficiently justified non-disclosure. As an example, in circumstances where domestic violence has occurred and a court ordered the new address of the adult not to be disclosed, they may decide to refuse providing contact details of the adult. Where appropriate, it should however be possible for a request under this Regulation to be processed by Central Authorities, courts and competent authorities without them transmitting, disclosing or confirming the information that could jeopardise the health, safety or liberty of the adult or another person or place the property of the adult in danger.

PUBLIC

(34c) In order to achieve agreed solutions for the protection of the person or the property of the adult, Member States could encourage, to the extent that the specific circumstances of the case allow, the use of mediation or other means of alternative dispute resolution. This could, for instance, be between the adult and those responsible for his or her protection or support in order to consider a measure which could be beneficial.

(34d) The extent to which the costs of implementing a measure are to be borne in the requesting Member State should be determined by the national law of the Member States where a measure is to be implemented. It is up to the requesting Member State to determine who would bear the costs and under which modalities, for example reimbursement. The costs of implementing a measure in another Member State are to be understood as for instance, the costs of placement such as expenses for transferring the person, the costs of designation of a competent authority abroad or the fees paid to the representative. Those costs should only be related to the implementation of a measure covered by the scope of this Regulation.

(34e) Member States should not be prevented from entering or maintaining existing agreements or arrangements with one or more other Member States concerning the allocation of costs. This includes the costs related to the implementation of measures in another Member States as well as the costs of Central Authorities and competent authorities.

PUBLIC

(35) Representatives of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests, should be able to invoke their powers to represent **or support** those adults and to protect the interests of those adults without obstacles within the Union. Therefore, representatives should be able to demonstrate easily their status and powers in another Member State, for instance in a Member State in which adult's real property or other assets are located. To enable them to do so, a European Certificate of **Support and** Representation ('the Certificate') should be created. ~~That~~**The** Certificate should be a uniform certificate to be **intended for use in cross-border situations and** issued for use in another Member State. In order to respect the principle of subsidiarity, the Certificate should not take the place of internal documents, which may exist for similar purposes in the Member States. **The Certificate should produce the same effects in all Member States. The Member State of issuance could determine in its national law that the Certificate should produce effects when used in that State.**

PUBLIC

(36) The Certificate can be requested by the adult~~'s~~ **or a** representative on the basis of an existing measure or confirmed powers of representation ~~(the 'source measure' and 'source confirmed powers of representation')~~. It should thus only be issued in situations where an adult is ~~effectively not~~**not, either partially or completely,** in a position to protect his or her interests and the representative is entitled to actively represent **or support** that adult in one or more specific matters. The Certificate should include information on the **matters in which the representative is entitled to represent or support the adult and on the** extent of the powers which the representative is entitled to exercise ~~on~~**. The said matters could be, for instance, the control, management and disposition of the adult's real property or other assets, the acquisition of real property or other assets, the carrying out of a contract entered into by the adult, the carrying on, by the adult or on the adult's** behalf ~~of an adult and, where relevant,~~ **of any trade or business, the discharge of the adult's responsibilities and legal obligations, the conduct of legal proceedings and transactions in the adult's name or on the adult's behalf, decisions concerning the adult's personal welfare and place of residence and medical decisions, including giving and refusing consent to the carrying out of a medical treatment. If the measure or confirmed powers of representation allows the representative to support the adult the Certificate should indicate what this entails. A matter in which the representative is entitled to support the adult could, for instance, be to support the adult in court proceedings or proceedings before authorities. Where applicable, the Certificate should include information** on the matters where the representative is not entitled to act or is entitled to act under certain conditions **or with certain limitations. Such conditions or limitations may, depending on the circumstances, include requirements for a prior authorisation by a court or supervisory authority before certain transactions can be performed, the obligation for multiple representatives to act or make decisions jointly, or the stipulation that the representative acts solely in support of the adult**.

PUBLIC

(37) The use of the Certificate should not be mandatory. This means that a representative of an adult entitled to apply for a Certificate should be under no obligation to do so but should be free to use national documents or other instruments available under this Regulation (a measure or an authentic instrument) when invoking his or her powers in another Member State. Persons acting on their own behalf should not be required to present a Certificate, so the Certificate should be issued only for representatives who need to demonstrate their powers to act in support or on behalf of an adult. **In respect for the autonomy of the adult, the Certificate should not be used or requested as a means of proving an adult's capacity or incapacity in general or in relation to a specific matter.**

(38) To expedite the issuance of the Certificate and to ensure that the **court or** competent authority issuing the Certificate has sufficient information about the case at hand, the competence to issue the Certificate should be vested with the **court or** competent authority **of a Member State**, which has either taken the measure or confirmed the powers of representation, or with another **court or** competent authority that has access to information on ~~the source~~**that** measure or ~~the source~~**confirmed** powers of representation ('issuing authority'). It should be for each Member State to designate its issuing authorities **among one or more of the said courts and authorities, where applicable,** and to determine whether they may involve other competent ~~bodies~~**authorities** in the issuing process. The Member States should communicate to the Commission the relevant information concerning the **issuing** authorities empowered to issue a Certificate in order for that information to be made publicly available.

PUBLIC

(39) To ensure that the process of the issuance of the Certificate is uniform throughout the Union, this Regulation should provide rules on the issuance of the Certificate. The issuing authority should issue the Certificate upon application and after verifying ~~the elements to be certified.~~ **that the conditions for the issuance have been fulfilled. The process of verification should ensure that the Certificate corresponds to the content of the measure or confirmed power of representation.** The process for the application for and the issuance of the Certificate should be simplified by the fact that the **issuing** authority issuing the Certificate has access to the ~~source~~ measure or ~~source~~ confirmed powers of representation **on the basis of which the Certificate is to be issued** and has knowledge concerning their continued validity and the information contained therein. ~~Where feasible,~~ The issuing authority should ~~consult the system of interconnection of protection registers established in this Regulation before~~**be able to request from** the **applicant, or other persons such as the adult or another representative, or courts and competent authorities of other Member States, additional information and documents necessary for verifying the conditions for the** issuance of the Certificate ~~to verify whether~~**. The verification process should not include** a ~~conflicting~~ **review of the substance of the** measure or **the confirmed power of representation.**

(39a) The Certificate should indicate in which matters and to which extent the representative is authorised to represent or support the adult, on the basis of the measure or confirmed powers of representation ~~exist in another Member State. Where the applicant indicates in the application for a Certificate that the Certificate should serve to demonstrate their powers for a specific purpose or in a specific context~~**. As appropriate**, the issuing authority should~~, as far as possible, include in the Certificate sufficiently detailed information that reflects that purpose or context. The original of~~ **also indicate any limitations of the representative's powers, or conditions attached to such powers, or in a negative fashion, which powers the representative does not have. Such limitations could follow from the national law of the issuing State, but also from the law of another State applicable to the matter.**

PUBLIC

(39b) The Certificate should ~~remain with the issuing authority, which should issue one or more certified copies of the Certificate to the applicant. The Certificate should~~ be issued in a mandatory form set out in the annex to this Regulation. To reduce translation costs when the Certificate is presented in another Member State, the form for the Certificate set out in the annex to this Regulation should be available in all Union languages. **The original of the Certificate which was not issued in a digital format should remain with the issuing authority. Member States could decide the format in which the Certificate is issued. Where possible under national law, it should be issued upon request in a digital format that has been signed or sealed in accordance with Regulation (EU) No 910/2014 of the European Parliament and of the Council[13] or as a qualified electronic attestation of attributes or an electronic attestation of attributes issued by or on behalf of a public sector body responsible for an authentic source to the applicant's European Digital Identity Wallet set out in that Regulation. It should be permitted to complement paper-based certified copies with a digital format of the Certificate, allowing the applicant to choose the digital format, the certified copy, or both. When requested, the issuing authority should confirm the validity of the Certificate, to any person demonstrating a legitimate interest, within reasonable time.**

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13 Regulation (EU) 2024/1183 of the European Parliament and of the Council of 11 April 2024 amending Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework (OJ L, 2024/1183, 30.4.2024).

(40) To ensure that the Certificate and its certified copies remain up-to-date and based on a valid ~~source~~ measure ~~of source~~**or** confirmed powers of representation, the validity of the Certificate and of its certified copies should be limited in time. Upon the expiry of the Certificate, the issuing authority may issue a new Certificate if all the ~~elements~~**conditions** for the issuance of the Certificate are ~~verified~~**fulfilled**. The purpose of the limited validity is to ensure that the issuing authority regularly verifies that the legal situation concerning the adult has not changed, for instance on the basis of a later measure concerning the adult or of a revocation of the representative's powers. The validity of the Certificate should be in principle limited to one year. However, the issuing authority may determine the validity period of the Certificate differently on a case-by-case basis, in particular bearing in mind the presumption of validity of the Certificate and the effects linked to the issued Certificate, especially the protection of third parties ~~transacting~~**dealing** with the representative. The issuing authority should consider in particular the nature and the expected duration of the protection, the validity of the ~~source~~ measure **on the basis of which the Certificate is to be issued**, any arrangements made by the adult in the ~~source~~ confirmed powers of representation **on the basis of which the Certificate is to be issued**, as well as the objective that the Certificate should reflect accurately the legal situation of the adult throughout the duration of validity of the Certificate. Against this background, the issuing authority may issue the Certificate for a shorter period than a year, for instance where the ~~source~~ measure **on the basis of which the Certificate is to be issued** is to last less than a year**. The issuing authority may also** issue it for a longer period than a year, for instance where ~~the source~~**that** measure is to last for several years and the probability of a change of circumstances concerning the adult is minimal**, or where the confirmed powers of representation on which the Certificate is based are of unlimited duration. In any event, the validity of the Certificate should not exceed the duration of the measure or the confirmed powers of representation on which it is based, or a maximum period of five years, whichever is shorter.** The validity period of the certified copies of the Certificate should correspond to the validity period of the Certificate.

PUBLIC

(41) The Certificate should ~~produce the same effects in all Member States. It should~~ not be an enforceable title in its own right but should have an evidentiary effect and should be presumed to demonstrate accurately **the** elements included in the Certificate ~~which have been established under the law applicable to the protection of a particular adult or under any other law applicable to specific elements~~. That presumption of accuracy is strengthened by the fact that before issuing the Certificate, the issuing authority should verify~~, including through the system of interconnection,~~ that the ~~source~~ measure or the ~~source~~ confirmed powers of representation **on the basis of which the Certificate is to be issued** remain valid and have not been replaced by a later measure or confirmed powers of representation. ~~However,~~**The presumption should be rebuttable.** The evidentiary effects of the Certificate should not extend to elements which are not governed by this Regulation, such as to the question whether or not a particular asset belonged to the adult.

(42) Any person **presented with a Certificate** who deals with a representative ~~indicated in a valid Certificate as being entitled to represent an adult in a specific matter~~ should be afforded appropriate guarantees if ~~he or she~~**that person** acted in good faith relying on the accuracy of the information certified in the Certificate. **An example of inaccuracy could be the situation where the power of representation or the measure has ceased.** ~~The same guarantee~~ **The person presented with the Certificate** should be ~~afforded to~~**deemed to have dealt with a representative authorised to represent or support the adult in the matters and to the extent specified in the Certificate, provided that any limitations and conditions set out in the Certificate are duly observed. This may include for instance where the** person who, relying on the information certified in a valid Certificate, gives access to the adult's representative to real property or other assets of the adult, makes payments to the representative, or buys or receives property from that representative~~, where the representative is indicated in a valid Certificate as being entitled to act on behalf of the adult in those matters. The protection should be ensured if certified copies which are still valid are presented~~.

(43) To ensure access to justice and to improve the reliability of the Certificate, it is necessary to provide for **the possibility to rectify, modify or withdraw a Certificate, as well as for a** redress against decisions of the issuing authority to issue or to refuse to issue a Certificate or decision to rectify, modify or withdraw a Certificate. ~~Where the Certificate is rectified, modified or withdrawn, the issuing authority should inform the persons to whom certified copies have been issued so as to avoid wrongful use of such copies~~ **In particular, it should be possible to modify or withdraw a Certificate where it is established that the Certificate or the individual elements thereof are not accurate or valid. The withdrawal should occur where the inaccuracy or invalidity cannot be corrected by modifying the Certificate, such as when the adult is no longer in need of protection, the representative identified in the Certificate is not authorized to represent or support the adult, or the powers indicated in the Certificate substantially differ from those in the measure or confirmed powers of representation on the basis of which the Certificate is issued. Where the Certificate is rectified, modified or withdrawn, the issuing authority should promptly inform relevant persons, especially those to whom certified copies of the Certificate or the Certificate in a digital format have been issued, so as to avoid their wrongful use. A withdrawn Certificate or a previous version of a modified Certificate should be deemed invalid and should not produce legal effects. Member States should also be able to provide that the related certified copies should be returned to the issuing authority**.

PUBLIC

(44) To ensure a continuous protection of adults in cross-border situations in the Union, competent authorities and Central Authorities should have access to relevant information on the existence of measures taken by other authorities, including those measures that have been taken in another Member State. In addition, it is crucial for safeguarding of the right to autonomy and freedom to make one's own choices that the will expressed by an adult in powers of representation is respected, even in cases where those powers of representation have been granted by the adult in another Member State or confirmed by competent authorities of another Member State. In order to improve the provision of information to relevant competent authorities and Central Authorities and to prevent parallel proceedings or failure to take account of powers of representation, Member States should be required to set up and maintain one or more registers recording data related to the protection of adults. Protection registers should record mandatory information concerning measures taken by their authorities and, where their national law provides for a confirmation by a competent authority of powers of representation, mandatory information concerning those confirmed powers of representation. To ensure interoperability and availability of information related to the protection of adults in the Union, those Member States that have established, prior to the adoption of this Regulation, registers of protection measures, of confirmed powers of representation, or other types of powers of representation which are registered under their national law, should make the same mandatory information available in those registers.

(45) To ensure that the information provided through the system of interconnection is relevant, Member States should not be prevented from making available through the system of interconnection additional information besides the mandatory information. In particular, Member States should have the possibility to make available through the system of interconnection information in relation to the nature of the measure, the name of the representative, or historical data concerning measures and powers of representation recorded prior to the application of this Regulation.

PUBLIC

~~(46) To facilitate access to the information recorded in protection registers or registers of other powers of representation for competent authorities and Central Authorities with a legitimate interest located in other Member States, those registers of measures, confirmed powers of representation, or other types of powers of representation should be interconnected. This Regulation should provide legal basis for that interconnection.~~

~~(47) The interconnection of Member States' registers is an essential component of the cooperation mechanism to safeguard the rights of adults in cross-border cases and ensure legal certainty in the Union. Member States should hence ensure that the information stored in their registers is up-to-date. The authorities of a Member State, when amending or terminating a measure taken in another Member State, should ensure that appropriate information is provided to the authorities of that other Member State, in particular so that the other Member State can update its protection register(s).~~

(48) Modern and time-efficient means of ~~written~~ communication among Member States' **courts,** competent authorities and Central Authorities should be ensured. For the proceedings under this Regulation, ~~written~~ communication between Member States**' courts,** competent authorities and Central Authorities should, as a rule, be carried out by electronic means, via a secure and reliable decentralised IT system. The decentralised IT system should be comprised of the back-end systems of Member States and interoperable access points, including the European electronic access point~~, through which they should be interconnected~~. The access points of the decentralised IT system should be based on the e-CODEX system established by Regulation (EU) 2022/850 of the European Parliament and of the Council[14].

[14] Regulation (EU) 2022/850 of the European Parliament and of the Council of 30 May 2022 on a computerised system for the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters (e-CODEX system), and amending Regulation (EU) 2018/1726 (OJ L 150, 1.6.2022, p. 1).

(48a) For the purposes of this Regulation, Member States should be able to use software developed by the Commission (reference implementation software) instead of a national IT system. That reference implementation software should be based on a modular setup, meaning that the software is packaged and delivered separately from the e-CODEX components needed to connect it to the decentralised IT system. Such a setup should enable Member States to reuse or enhance their existing national communication infrastructure for the purpose of cross-border use.

PUBLIC

(48b) The Commission should be responsible for the creation, development and maintenance of the reference implementation software, in accordance with the principles of data protection by design and by default, and with accessibility requirements. The Commission should design, develop and maintain the reference implementation software in compliance with the data protection requirements and principles laid down in Regulations (EU) 2018/1725 of the European Parliament and of the Council[15] and (EU) 2016/679 of the European Parliament and of the Council[16], in particular the principles of data protection by design and by default as well as a high level of cybersecurity. In particular, any natural or legal person that takes part in creating, developing or maintaining the national IT systems or the reference implementation software should be bound by those requirements and principles. The reference implementation software should also include appropriate technical measures and should allow for organisational measures, including the necessary oversight for ensuring a level of security and interoperability which is appropriate for the exchange of information in the context of cross-border procedures. In order to ensure interoperability with national IT systems, the reference implementation software should be able to implement the digital procedural standards, as defined in Regulation (EU) 2022/850, for this Regulation.

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15 Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

16 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

(49) Transmission through the decentralised IT system could be impossible due to a disruption of the system ~~or where the nature of what has to be transmitted makes transmission by digital means impracticable, such as the transmission of physical or material evidence~~. **Any disruption of the system should be resolved as soon as possible by the relevant Member States. The transmission could also be impossible in practice due to the physical or technical nature of what has to be transmitted, such as the transmission of physical evidence or the need to transmit the original document in paper format to assess its authenticity, or due to force majeure. Situations of force majeure, as a general rule, follow from unforeseeable and unavoidable events arising from a cause external to the court, competent authority or Central Authority.** Where the decentralised IT system is not used, communication should be carried out by the most appropriate alternative means. Such alternative means should entail, inter alia, transmission being performed as swiftly as possible and in a secure manner by other secure electronic means ~~or~~**,** by postal service **or by transmission in person where such transmission is possible**.

(50) **In order** to ensure **swift, secure and efficient cooperation,** the **decentralised IT system should be used by default in the communication between courts, competent authorities and Central Authorities. However, for the purposes of ensuring** flexibility of ~~certain cross-border procedures for the~~ **judicial cooperation in the area of the** protection of adults, other means of communication could be more appropriate **in certain situations**. Therefore, communication through the decentralised IT system should not be obligatory for direct communication between ~~authorities~~**courts**, in particular where the ~~authorities~~**courts** need direct personal communication. In such cases, less formal communication means, such as email, could be used. Considering that ~~authorities~~**courts** deal with sensitive data, the security and reliability of the information exchange should always be ~~taken into account~~**ensured** when selecting the appropriate means of communication.

(51) It is necessary to provide for ~~a~~ modern means of access to justice making it possible for natural and legal persons and Member ~~States'~~**States' courts and** competent authorities to communicate electronically through the European electronic access point established on the European e-Justice Portal by Regulation (EU) ~~[…/…] of the European Parliament of and the Council[17] [the Digitalisation Regulation].~~ **2023/2844.**

(51a) In the context of communication by natural and legal persons with courts or competent authorities in cross-border cases, electronic communication should be used as an alternative to the existing means of communication, including national means, without affecting how natural or legal persons communicate with their national courts or competent authorities, in accordance with national law. In the case of communication by legal persons with courts or competent authorities, the use by default of electronic means should be encouraged. Nevertheless, to ensure that access to justice through digital means does not contribute to a further widening of the digital divide, the choice of the means of communication between electronic communication, as provided for by this Regulation, and other means of communication should be left to the discretion of the persons concerned. This is particularly important in order to cater for the specific circumstances of persons who might lack the requisite technical means or digital skills to access digital services and persons with disabilities, as the Member States and the Union have committed themselves to taking appropriate measures in accordance with the UNCRPD and the Charter.

~~[17] OJ C [number], [X.X.XXXX], p. X.~~

(52) The European electronic access point should allow the electronic communication of natural and legal persons with Member ~~State's~~**States' courts and** competent authorities in the context of the proceedings for a decision ~~on the recognition or non-~~**that there are grounds for refusal of** recognition of a measure **or that there are no such grounds**, of the issuance of attestations, and of issuance, rectification, modification, withdrawal, suspension or redress procedures of the ~~European~~ Certificate**. Also, having the validity** of ~~Representation.~~**a Certificate confirmed should also be possible through the European electronic access point.** Member ~~State's~~**States' courts and** competent authorities should communicate **or serve documents** through the European electronic access point only where the ~~individual~~**natural** or ~~private entity~~**legal person** concerned **or their representative or a person acting on their behalf such as a lawyer** has given prior express consent to the use of ~~this~~**the European electronic access point as a** means of communication **or method of service**.

(52a) The legal framework for conducting hearings through videoconferencing or other distance communication technology where one of the parties or their representative or a person acting on their behalf such as a lawyer is present in another Member State established by Regulation (EU) 2023/2844 should apply in proceedings pursuant to this Regulation.

(52b) Regulation (EU) No 910/2014, sets up a common Union regulatory framework for the recognition of electronic identification means and electronic trust services ('e-IDAS trust services'), in particular electronic signatures, electronic seals, time stamps, electronic delivery services and website authentication, which are recognised across borders as having the same legal status as their physical equivalents. Therefore, this Regulation should provide for the use of the e-IDAS trust services for the purposes of electronic communication.

(52c) Where a document transmitted as part of electronic communication under this Regulation requires a seal or signature, a qualified electronic seal or signature as defined in Regulation (EU) No 910/2014 should be used by courts, competent authorities or Central Authorities and a qualified electronic signature or electronic identification should be used by natural or legal persons. However, this Regulation should not affect the formal requirements applicable to documents produced in support of a request, which could be electronic originals or certified copies. This Regulation should also be without prejudice to national law regarding the conversion of documents and to any requirements regarding the authenticity, accuracy, reliability, trustworthiness and appropriate legal form of documents or information, except with regard to the conditions relating to the communication by electronic means introduced by this Regulation. Member States should ensure that adequate resources are allocated to handle electronic communication through the decentralised IT system.

(52d) In order to enhance electronic cross-border communication and transmission of documents through the decentralised IT system, including through the European electronic access point, those documents should not be denied legal effect and should not be considered inadmissible in the proceedings solely on the grounds that they are in electronic form. However, that principle should be without prejudice to the assessment of the legal effects or the admissibility of those documents, which could constitute evidence in accordance with national law.

PUBLIC

(53) Any processing of personal data under this Regulation should be undertaken in accordance with Regulations (EU) 2016/679[18] ~~and~~ (EU) 2018/1725[19] and Directive 2002/58/EC[20] of the European Parliament and of the Council~~. Personal data should be processed under this Regulation only for the specific purposes set out therein, without affecting further processing for archiving purposes in the public interest in accordance with Articles 5(1)(b) and 89 of Regulation (EU) 2016/679[21]~~.

PUBLIC

[18] ~~Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).~~

[19] ~~Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).~~

[20] ~~Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).~~

[21] Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

(54) In general, personal data to be processed under this Regulation should be ~~in particular~~**personal** data ~~contained~~**included** in the ~~documents handled by Member States' competent authorities and Central Authorities concerning adults within the scope of~~**information gathered or transmitted pursuant to** this Regulation and **related to adults and** their representatives. That personal data should concern in particular the ~~information~~**data** needed to take a measure concerning adults within the scope of this Regulation and to ensure their continued protection in cross-border situations. In applying this Regulation, that personal data will be ~~handled~~**processed** by Member States' **courts,** competent authorities and Central Authorities. In addition, the Commission may need to process that data for the purposes of developing and maintaining the ~~digital~~**electronic** communication means. **In accordance with Regulation (EU) 2016/679, data should be processed under this Regulation for the purposes set out in this Regulation and should not be stored for longer than what is necessary for these purposes, without affecting further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes. Without prejudice to Union and national law,** this Regulation should not limit the storage period of information and personal data processed by ~~the Member States' competent authorities and Central Authorities~~**Member States**, since the protection of adults often needs to be ensured in a long term and the measures and authentic instruments remain relevant for an extended period of time. **The authority transmitting information should inform the receiving authority in another Member State of the confidential nature of the information under their national law. If the receiving Member State cannot ensure the confidentiality of the information under its national law, the transmitting Member State may consider not to transmit the information.**

PUBLIC

(55) ~~Besides the above-described~~ Data processing~~, personal data should~~ **is** also ~~be processed under this Regulation for the purposes of establishing the system for the interconnection of protection registers and other registers of powers of representation and of ensuring the maintenance and proper functioning of that system. This additional processing is justified by the need that Member States'~~**necessary to enable courts,** competent authorities and Central Authorities ~~with a legitimate interest have~~ **to** access ~~to~~ information on whether ~~a particular~~**the** adult ~~is protected~~ **concerned by the matter they are handling or responsible for is under protection** in another Member State~~, with a view~~ **or has expressed, in powers of representation, will and preferences concerning his or her future protection. This will in turn contribute** to ensuring continued protection of that adult in cross-border situations and to increasing legal certainty and predictability. ~~Member States should be responsible for the technical management, maintenance, and security of their registers and, as far as their national law provides, for the correctness and reliability of the data included therein. Data relating to data subjects should be primarily stored in the registers maintained by Member States. In addition, the Commission may need to process data for the purposes of developing and maintaining the system of interconnection and temporarily store data that are accessed through the system of interconnection.~~

(56) Member States' **courts,** competent authorities and Central Authorities should process personal data in accordance with applicable data protection legislation, in particular Regulation (EU) 2016/679. This Regulation should provide for the legal basis for the processing of personal data ~~by Member States' competent authorities and Central Authorities~~ pursuant to Article 6(1) and (3) of Regulation (EU) 2016/679. This Regulation should also provide for the legal basis for processing of personal data by the Commission pursuant to Article 5(1) and (2) of Regulation (EU) 2018/1725.

(57) In addition, data concerning adults processed under this Regulation may also include personal data concerning health of ~~those~~ adults. Those health-related personal data may either be explicitly included in the ~~documents processed~~**information gathered or transmitted** under this Regulation or they may be indirectly deduced from the fact that an adult is not, by reason of an impairment or insufficiency of his or her personal faculties, in a position to protect his or her interests. Pursuant to Article 9 of Regulation (EU) 2016/679, personal data concerning health should be treated as special category of personal data. This Regulation should provide conditions and safeguards for the processing of those special categories of personal data by Member States' **courts,** competent authorities and Central Authorities in line with Article 9(2) of Regulation (EU) 2016/679. ~~Data~~**Personal data** will be processed by Member States' ~~authorities~~**courts** in their judicial capacity in conformity with point (f) of that Article, or the processing will be, in conformity with point (g) of that Article, necessary for reasons of substantial public interest on the basis of this Regulation, which aims to enhance the protection of fundamental rights and freedoms and other rights of adults in cross-border situations, to improve the effectiveness and speed of judicial and administrative proceedings concerning the protection of adults and to strengthen legal certainty and predictability in cross-border dealings. Similarly, this Regulation should provide conditions and safeguards for the processing of those special categories of personal data by the Commission in line with Article 10(2) of Regulation (EU) 2018/1725. ~~That processing of data will be necessary for the establishment, exercise or defence of legal claims in conformity with point (f) of that Article, or the processing~~**That processing of data** will be necessary for reasons of substantial public interest on the basis of this Regulation, in conformity with point (g) of that Article.

PUBLIC

(58) Appropriate safeguards should exist for such processing of special categories of personal data and such data should be processed under this Regulation only where it is necessary for and proportionate to the purposes of processing identified under this Regulation. ~~For instance, several safeguards should be introduced when establishing the system of interconnection. The data processed through the system of interconnection should be limited to what is necessary for accessing information about the measures and powers of representation concerning a particular adult. Data processed through the system of interconnection should thus be limited to the personal data included in the mandatory information defined in this Regulation, unless Member States give access through the system of interconnection to additional data, such as on registered powers of representation, or on the name of a representative and the extent of the representation. The system of interconnection should not store any personal data except for a temporary storage needed to ensure access to them. Access to data through the system of interconnection should not be public. Only the competent authorities and Central Authorities that are permitted, under their national law, to access the national registers should have access to the system of interconnection, as long as they also have a legitimate interest in accessing given data. Implementing acts should provide further data protection safeguards regarding the digital communication and the interconnection of registers.~~

(59) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 of the European Parliament and of the Council[22] and delivered an opinion on ~~[date][23]~~ **18 July 2023**.

[22] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

~~[23] OJ C [number], [X.X.XXXX], p. X.~~

(60) In order to ensure uniform conditions for the implementation of this Regulation as regards the establishment of the decentralised IT system ~~and the decentralised system of interconnection~~ provided for in this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[24]. **The implementing act should enable Member States to adapt their relevant national IT systems for the purpose of connection to the decentralised IT system.**

(61) The ~~forms and~~ information provided to the public ~~, and the communication between competent authorities and natural persons~~ pursuant to this Regulation should be **available in clear, user-friendly and** accessible **manner**, in accordance with **the relevant accessibility requirements for services as set out in Annex I of** Directive (EU) 2019/882 of the European Parliament and of the Council[25] **and Directive (EU) 2016/2102 of the European Parliament and of the Council[26]**. The ~~accessibility requirement should be assessed and implemented taking account of the nature and the legal effects of the information or the communication. In particular, the attestations and the European Certificate of Representation should reflect accurately and in detail the content~~**technical means** of ~~the measure taken or the powers~~**electronic payment** of ~~representation granted and should not be simplified.~~ **fees referred to in this Regulation should also comply with the applicable rules on accessibility as set out in Directive (EU) 2019/882. At the same time, the European electronic access point which can be used by natural and legal persons for communication under this Regulation should comply with the web accessibility requirements set out in Directive (EU) 2016/2102.**

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24 Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

25 Directive (EU) 2019/882 of the European Parliament and of the Council of the European Union of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

26 Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1).

(62) In order to ensure that the attestations provided for in Articles ~~and~~ **15 and 17** and the ~~European~~ Certificate ~~of Representation~~ provided for in Chapter **VII** of this Regulation **and other forms** are kept up to date, the power to adopt acts in accordance with Article 290 of the ~~Treaty on the Functioning of the European Union~~**TFEU** should be delegated to the Commission to amend Annexes I to ~~X~~**VIIIb** to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[27]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(63) In accordance with the principle of mutual trust and to facilitate cross-border procedures, administrative formalities relating to the circulation of public documents should be simplified in matters relating to the protection of adults. Therefore, public documents submitted for the purposes of this Regulation should be exempted from legalisation or similar formality, such as an apostille. That exemption should cover the public documents which are issued by a Member State's public authority and submitted to **a** public ~~authorities~~**authority** of another Member State. That exemption should in particular apply in the context of judicial proceedings with a cross-border element or in procedures established by this Regulation, and should cover public documents directly relating to the protection of adults and other supporting documents**.**

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27 Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

(63a) Respect for international commitments entered into by the Member States means that this Regulation should not affect the application of international conventions to which one or more Member States are parties at the time when this Regulation is adopted. Without prejudice to the obligations of the Member States in accordance with Article 351 of the TFEU, this Regulation should not affect the application of conventions between a third State and a Member State concluded before the date of entry into force of this Regulation which concern matters governed by this Regulation. Consistency with the general objectives of this Regulation, however, requires that this Regulation takes precedence, as between Member States, over conventions concluded between two or more Member States in so far as such conventions concern matters governed by this Regulation.

(64) ~~In relations between Member States, this~~**The** Regulation should take precedence over the HCCH 2000 Protection of Adults Convention~~. However, to ensure that~~ **only in relations between Member States, for instance, as regards the recognition or enforcement in one Member State of a measure taken in another Member State, as regards cooperation between Member States, and, as regards jurisdiction, where the adult has his or her habitual residence in the territory of a Member State. In addition, the Regulation should apply in matters of the acceptance in one Member State of an authentic instrument formally drawn up or registered as an authentic instrument in another Member State.**

PUBLIC

(64a) In accordance with Article 49 of the HCCH 2000 Protection of Adults ~~is applied in relation to third countries~~**Convention, it should be ensured that the Regulation does not affect the application of the provisions of that Convention in relations between Member States and third States** that are contracting Parties to that Convention ~~and to which this Regulation does not apply, in~~**. The HCCH 2000 Protection of Adults Convention should continue to govern matters such as the cooperation between a Member State and a third State that is a contracting Party to that Convention, or** certain ~~specific circumstances, where the adult has his or her habitual residence in the Union and~~**aspects of jurisdiction** where the cross-border element of the case at hand involves that third ~~country, this Regulation should not apply. In addition, the cooperation between competent authorities and Central Authorities of a Member State and~~ **State.**

PUBLIC

(64b) In order to comply with the transitional provisions set out by Article 50 of the HCCH 2000 Protection of Adults Convention, this Regulation should apply, as from the date of its application, to powers of representation previously granted by an adult under conditions corresponding to those ~~of a contracting Party to the HCCH 2000 Protection of Adults Convention should be governed by the relevant provisions of the Conventions~~**set out in Article 15 of the HCCH 2000 Protection of Adults Convention. Notwithstanding that a power of representation was granted before the date of application of this Regulation, it could be confirmed after the date of application. Thus, a power of representation confirmed after the date of application which is governed by the law of the adult's habitual residence in accordance with Article 15(1) of the HCCH 2000 Protection of Adults Convention should be able to form the basis for a Certificate under this Regulation. On the other hand, a power of representation governed, for example, by the law of a State which may not be designated in accordance with Article 15(2) of the HCCH 2000 Protection of Adults Convention should not be able to form the basis for a Certificate**.

(65) This Regulation should not apply to children below the age of 18 even in cases where they have acquired **legal** capacity before that age **under the law governing their personal status, for example through emancipation by reason of marriage**. This should avoid an overlap with the scope of the Council Regulation (EU) 2019/1111[28] and of the HCCH Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children[29]. This should also prevent that certain persons are not covered neither by this Regulation nor by those two instruments.

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28 Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (OJ L 178, 2.7.2019, p. 1).

29 OJ L 151, 11.6.2008, p. 39.

(66) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(67) ~~[~~In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on the European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.~~] OR~~

~~(68) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on the European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [by letter of …,] its wish to take part in the adoption and application of this Regulation.]~~

(69) Since the objectives of this Regulation, namely to enhance the protection of the rights of adults in cross-border situations in the Union, to improve the effectiveness and speed of cross-border proceedings concerning the protection of adults and to increase legal certainty and predictability in those situations, cannot be sufficiently achieved by the Member States, but can rather, by reason of the direct applicability and binding nature of this Regulation, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS REGULATION:

PUBLIC

Chapter I
SCOPE AND DEFINITIONS

PUBLIC

Article 1

Subject matter

This Regulation lays down the rules which:

(a) determine the Member State whose ~~authorities~~**courts** have jurisdiction to take measures directed to the protection of the person or property of the adult;

(b) determine which law is to be applied by such ~~authorities~~**courts** in exercising their jurisdiction;

(c) determine the law applicable to the **support and** representation of the adult;

(d) provide for the recognition and enforcement of such measures in all Member States;

(e) provide for the acceptance of authentic instruments in all Member States;

(f) establish cooperation between the **courts,** competent authorities and Central Authorities of the Member States to achieve the purposes of this Regulation;

(g) ~~digitalise the communications~~ **establish a uniform legal framework for the use of electronic communication** between **courts,** competent authorities and Central Authorities, and ~~provide digital means~~ **for the use** of **electronic** communication between natural ~~and~~**or** legal persons and **courts or** competent authorities;

(h) create a European Certificate of **Support and** Representation;

~~(i) establish a system of interconnection of the Member States' protection registers.~~

Article 2

Scope

1. This Regulation shall apply in civil matters ~~to~~**concerning** 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.

2. This Regulation shall also apply to measures **taken in a Member State** in respect of an adult who had not reached the age of 18 years at the time the measures were taken.

3. The matters referred to in paragraph ~~(~~1~~)~~ may, in particular, include:

(aa) measures to support an adult in exercising his or her legal capacity;

(ab) powers of representation granted by an adult;

(a) the determination of the incapacity of an adult and the institution of a protective regime;

(b) the placing of the adult under the protection of a judicial or administrative authority;

(c) guardianship, curatorship and analogous institutions;

(d) the designation and functions of any person or body having charge of the adult's person or property, representing, or assisting the adult;

PUBLIC

(e) ~~decisions concerning~~ the placement of the adult in an establishment or other place where protection can be provided;

(f) the administration, conservation or disposal of the adult's property;

(g) the authorisation of a specific intervention for the protection of the person or property of the adult.

4. This Regulation does not apply to:

(a) maintenance obligations;

(b) the formation, annulment and dissolution of marriage or any similar relationship, as well as legal separation;

(c) property regimes in respect of marriage or any similar relationship;

(d) trusts or succession;

(e) social security;

(f) public measures of a general nature in matters of health;

(g) measures taken in respect of a person as a result of penal offences committed by that person;

(h) decisions on the right of asylum and on immigration;

(i) measures directed solely to public safety.

5. Paragraph ~~(4)~~ does not affect, in respect of the matters referred to therein, the entitlement of a person to act as the representative of the adult.

PUBLIC

Article 3

Definitions

1. For the purposes of this Regulation, the following definitions apply:

(1) 'adult' means a person who has reached the age of 18 years;

(2) 'measure' means any measure taken by ~~an authority of~~ a ~~Member State~~**court**, whatever it may be called, directed to the protection **of the person or the property** of an adult;

(3) 'powers of representation' means powers granted by an adult **to a representative,** either under an agreement or by a unilateral act, to be exercised **by the representative** when that adult is not in a position to protect his or her interests;

(~~8~~**4**) 'confirmed powers of representation' means powers of representation in respect of which **a court or** a competent authority has confirmed that the representative vested with these powers can exercise them;

(5) 'authentic instrument' means a document in a matter of protection of an adult which has been formally drawn up or registered as an authentic instrument in a Member State and the authenticity of which:

(a) relates to the signature and the content of the authentic instrument; and

(b) has been established by a public authority or other authority empowered for that purpose by the Member State of origin;

~~(6) 'authority' means any judicial or administrative authority of a Member State with competence to take measures directed to the protection of an adult's person or property;~~

PUBLIC

~~(7) 'authority of origin' means the authority which has taken the measure or formally drawn up the authentic instrument;~~

(**6**~~4~~) 'Member State of origin' means the Member State in which the measure was taken or the authentic instrument was formally drawn up;

(7) 'representative' means one or more natural or legal person(s) appointed by a court or designated by the adult, or authorised by law, to represent or support the adult in protecting his or her interests;

~~(9) 'competent authority' means a public authority of a Member State with responsibilities in matters of protection of adults;~~

~~(10) 'system of interconnection' means a system for the interconnection of protection registers and registers of other powers of representation;~~

(~~11~~**8**) 'decentralised IT system' means a network of IT systems~~,~~ **and** interoperable access points **as defined in point (3) of Article 2 of Regulation (EU) 2023/2844**~~operating under the individual responsibility and management of each Member State, and the European electronic access point, which enables secure and reliable cross-border exchange of information~~;

~~(12) 'protection register' means a register where measures directed to the protection of an adult or confirmed powers of representation have been registered.~~

(**9**~~13~~) 'European electronic access point' means **a portal** ~~an interoperable access point~~ as defined in point (**4**~~5~~) of Article 2 of Regulation **(EU) 2023/2844**[...] ~~[the Digitalisation Regulation]~~;

PUBLIC

2. For the purposes of this Regulation, the term 'court' shall mean any judicial authority and all other authorities of a Member State with competence to take measures directed to the protection of the person or the property of an adult or with competence to decide on the recognition or non-recognition of a measure taken in another Member State. For the purposes of Chapters II and III of this Regulation, the term 'authority', used in Chapters II and III of the HCCH 2000 Protection of Adults Convention, shall also mean court.

Article 4

References to the HCCH 2000 Protection of Adults Convention

Where referred to in this Regulation, the HCCH Convention of 13 January 2000 on the International Protection of Adults ('the HCCH 2000 Protection of Adults Convention'), which is attached to this Regulation, shall apply *mutatis mutandis*.

PUBLIC

Chapter II
JURISDICTION

PUBLIC

Article 5

~~General~~Application of the jurisdiction rules of the HCCH 2000 Protection of Adults Convention

Subject to Article**s** 6 **to 7a** of this Regulation, jurisdiction shall be determined in accordance with Chapter II of the HCCH 2000 Protection of Adults Convention.

Article 6

Choice of ~~jurisdiction~~court

1. Notwithstanding Article 5, the ~~authorities~~ **courts** of a Member State other than the ~~Member State~~**one** in which the adult is habitually resident shall have jurisdiction **to take measures** where all of the following conditions are met:

   (a) the adult chose the ~~authorities~~**courts** of that Member State~~,~~ **at the time** when he or she was ~~still~~ in a position to ~~protect his or her interest~~**make a choice of court;**

   (aa) the choice of court was, at the time the choice was made, in favour of a Member State:

   i. of the adult's nationality;

   ii. of the adult's habitual residence;

iii. of habitual residence of a person close to the adult prepared to undertake his or her protection; or

iv. in which property of the adult is located.

(b) the exercise of jurisdiction is ~~in~~**not contrary to** the interest of the adult;

(c) the ~~authorities~~**courts** of a Member State having jurisdiction ~~under~~ **in accordance with** Articles 5 ~~to~~**, 6 and** 8 of the HCCH 2000 Protection of Adults Convention have not exercised their jurisdiction.

2.~~3.~~ The choice of ~~jurisdiction~~**court** referred to in paragraph ~~(~~1~~)~~ shall be expressed in writing and dated and signed by the adult. Any communication by electronic means which provides a durable record of the choice shall be deemed equivalent to writing.

3~~2~~. **The court** ~~When~~ exercising ~~their~~ jurisdiction ~~in accordance with~~**under** paragraph ~~(~~1~~)~~, ~~the authorities of a Member State~~ shall notify **the courts of the Member State of habitual residence of the adult**, using the form set out in Annex **IV**, **before taking any measure. This notification may be done directly or through** the Central Authority of th**at**~~e~~ Member State~~ of the habitual residence of the adult~~, designated pursuant to Article 18.

4. The references to Article 5 of the HCCH 2000 Protection of Adults Convention contained in Article**s** 7**,**~~(1), (2), and (3), Articles~~ 9, 10, **11** and **33**~~Article 11(1) and (2) of that~~of that Convention shall be read as also including a reference to this Article. **Article 8 of the HCCH 2000 Protection of Adults Convention shall be read as also including a reference to this Article.** The information provided for in Article 10(4) of that Convention shall also be provided, where applicable, to the ~~authority~~**court** having exercised ~~their~~**its** jurisdiction in accordance with paragraph ~~(~~1~~)~~.

Article 7

Non-exclusive jurisdiction

Jurisdiction conferred to the ~~authorities chosen by the adult~~**courts** pursuant to Article 6 of this Regulation shall not be exclusive ~~and in~~**. In** particular ~~shall not prevent the authorities~~ **, courts** having jurisdiction under Articles 5 ~~and~~**,** 6 **and 8** of the HCCH 2000 Protection of Adults Convention ~~to exercise their jurisdiction~~ **shall not be prevented from exercising it**, when the ~~authorities~~**court** chosen by the adult ~~have~~**has** not exercised ~~their~~**its** jurisdiction or ~~when they have waived~~**where it has declined** such jurisdiction.

PUBLIC

Article 7a

Incidental questions

1. If the outcome of succession proceedings before a court of a Member State depends on the determination of an incidental question relating to representation of the adult, a court in that Member State may determine that question for the purposes of those proceedings even if that Member State does not have jurisdiction under this Regulation.

2. The determination of an incidental question pursuant to paragraph 1 shall produce effects only in the proceedings for which that determination was made.

3. If the validity of a legal act undertaken or to be undertaken on behalf of an adult in succession proceedings before a court of a Member State requires permission or approval by a court, a court in that Member State may decide whether to permit or approve such a legal act even if it does not have jurisdiction under this Regulation.

4. The court exercising jurisdiction under paragraph 1 and 3 shall, without delay, notify the courts of the Member State of habitual residence of the adult or the court of the Member State that took a measure, insofar as it is aware of that measure, using the form set out in Annex Va. This notification may be done directly or through the Central Authority of that Member State, designated pursuant to Article 18.

PUBLIC

Chapter III
APPLICABLE LAW

PUBLIC

Article 8

Determination of applicable law

The law applicable to the cross-border protection of adults shall be determined in accordance with Chapter III of the HCCH 2000 Protection of Adults Convention**, without prejudice to Articles 8a to 8c of this Regulation**.

Article 8a

States with more than one legal system – territorial conflicts of laws

1. Where the law specified by this Regulation is that of a State which comprises several territorial units with their own rules of law in respect of matters governed by this Regulation, the internal conflict-of-laws rules of that State shall determine the relevant territorial unit whose rules of law are to apply.

2. In the absence of such internal conflict-of-laws rules:

(a) any reference to habitual residence in that State shall refer to the habitual residence in a territorial unit;

(b) any reference to the presence of the adult in that State shall refer to presence in a territorial unit;

(c) any reference to the location of property of the adult in that State shall refer to location of property of the adult in a territorial unit;

(d) any reference to the State of which the adult is a national shall refer to the territorial unit designated by the law of that State or, in the absence of relevant rules, to the territorial unit with which the adult has the closest connection;

(e) any reference to the State whose courts have been chosen by the adult shall refer to the territorial unit if the adult has chosen the courts of this territorial unit; or to the territorial unit with which the adult has the closest connection if the adult has chosen the courts of the State without specifying a particular territorial unit within the State;

(f) any reference to the law of a State with which the situation has a substantial connection shall refer to the law of a territorial unit with which the situation has a substantial connection;

Article 8b

States with more than one legal system – inter-personal conflicts of laws

In relation to a State which has two or more systems of law or sets of rules applicable to different categories of persons in respect matters governed by this Regulation, any reference to the law of such a State shall be construed as referring to the system of law or set of rules determined by the rules in force in that State. In the absence of such rules, the system of law or the set of rules with which the adult has the closest connection shall apply.

PUBLIC

Article 8c

Non-application of this Regulation to internal conflicts of laws

A Member State which comprises several territorial units with their own rules of law in respect of matters governed by this Regulation shall not be required to apply this Regulation to conflicts of laws arising between such units only.

PUBLIC

Chapter IV
RECOGNITION AND ENFORCEMENT OF MEASURES

PUBLIC

SECTION 1
RECOGNITION OF MEASURES

Article 9

Recognition of a measure

1. A measure taken ~~by the authorities of~~**in** a Member State shall be recognised in the other Member States without any special procedure being required.

2. **Without prejudice to paragraph 1,** ~~A~~**a**ny interested person, includ~~ed~~**ing** the adult concerned by the measure, may ~~request from the authorities~~**apply to a court** of a Member State **for a decision** that ~~they decide on the~~ **there are no grounds for refusal of** recognition ~~or non-recognition~~**, as referred to in Article 10,** of a measure taken in another Member State **or for a decision that the recognition is to be refused on the basis of one of those grounds**.

3. If the outcome of proceedings before ~~the authority~~**a court** of a Member State depends on the determination of an incidental question concerning ~~a refusal~~**recognition** or ~~a~~ non-~~refusal~~**recognition** of ~~recognition~~**a measure** , that ~~authority shall have jurisdiction over that question~~ **court may determine that issue**.

4. The procedure pursuant to paragraphs 2 or 3 shall be governed by the law of the Member State in which recognition is invoked, without prejudice to Article 10 and Section 3.

Article 10

Grounds for refusal of recognition

1. The recognition of a measure taken in another Member State ~~may~~**shall** be refused in the following cases:

~~(a) if the measure was taken, except in a case of urgency, in the context of a judicial or administrative proceedings, without the adult having been provided the opportunity to be heard;~~

(~~b~~**a**) if such recognition is manifestly contrary to public policy of the Member State in which recognition is ~~sought;~~ **invoked;**

(~~c~~**b**) if the measure is incompatible with a later measure taken in **another Member State or** a third ~~country~~**State** which would have had jurisdiction under Article 5 or ~~Article 6,~~ **of this Regulation,** where this later measure fulfils the requirements for recognition in the ~~requested~~ Member State~~;~~ **in which recognition is invoked; or**

(~~d~~**c**) if the procedure provided in Article ~~14~~ **21 or 22** has not been complied with.

2. The recognition of a measure taken in another Member State may be refused if the measure was taken without the adult having been provided the opportunity to be heard, except where there were serious grounds, taking into account, in particular:

(a) the urgency of the case;

(b) that the adult was unable to express his or her views.

PUBLIC

SECTION 2

ENFORCEABILITY AND ENFORCEMENT OF MEASURES

PUBLIC

Article 11

Enforceability ~~(abolition of exequatur)~~

A measure taken ~~by the authorities of~~**in** a Member State which is enforceable in that Member State shall be enforceable in another Member State without the need for a declaration of enforceability.

Article 12

Enforcement

1. ~~Subject to Section 3, the~~**A measure taken in a Member State which is enforceable in that Member State shall be enforced in the Member State of enforcement under the same conditions as a measure taken in the Member State of enforcement. The** procedure for the enforcement of measures taken in another Member State shall be governed by the law of the Member State of enforcement~~. A measure taken in a Member State which is enforceable in the requested Member State shall be enforced in that Member State under the same conditions as a measure taken in the requested Member State. 2. Notwithstanding~~**, without prejudice to** paragraph ~~(1),~~**2 of this Article and to Section 3.**

2. The enforcement of a measure shall be refused if one or more of the grounds for refusal **of recognition referred to in Article 10 is found to exist. The grounds for refusal** or suspension of enforcement under the law of the ~~requested~~ Member State **of enforcement** shall **also** apply in so far as they are not incompatible with the grounds referred to in Article 10.

SECTION 3

COMMON PROVISIONS

PUBLIC

Article 13

No review as to the substance

Under no circumstances may a measure taken ~~by the authorities of a~~**in another** Member State be reviewed as to its substance **in the Member State in which recognition is invoked or enforcement is sought**.

Article 14

~~**Procedure**~~ **Documents to be produced for recognition and enforcement**

1. A person ~~seeking or contesting~~**invoking the** recognition ~~seeking enforcement of or invoking~~ **of** a measure taken in a Member State **or seeking its enforcement** before the **courts or enforcement** authorities of another Member State shall produce:

   (a) a copy of the measure that satisfies the conditions necessary to establish its authenticity;

   (b) an attestation issued pursuant to Article 15.

2. ~~The authority before which a measure taken in another Member State is invoked or before which recognition or enforcement of a measure taken in another Member State is sought or contested, may, where~~**Where** necessary, ~~require the applicant~~**the person referred to in paragraph 1 may be required** to provide**, in accordance with Article 57a,** a translation or a transliteration of the **measure or the** content~~s~~ of the attestation ~~referred to in paragraph (1), point (b)~~.

Article 15

Attestation concerning measures

The ~~authority~~**court of the Member State** of origin shall, at the request of any ~~interested~~ person **demonstrating a legitimate interest**, issue an attestation using the form set out in Annex I~~reflecting the content of the measure~~.

Article 15a

Legal aid

A person applying for legal aid who, in the Member State of origin, has benefited from complete or partial legal aid or exemption from costs or expenses shall be entitled, in any proceedings for recognition or enforcement of a measure, to benefit from legal aid or exemption from costs or expenses in accordance with the law of the Member State in which proceedings are brought.

PUBLIC

Chapter V
AUTHENTIC INSTRUMENTS

PUBLIC

Article 16

Acceptance of authentic instruments

1. An authentic instrument established in a Member State shall have the same evidentiary effects in another Member State as it has in the Member State of origin, or the most comparable effects, provided that this is not manifestly contrary to public policy in the Member State ~~concerned~~**where it is presented**.

2. The authentic instrument produced shall satisfy the conditions necessary to establish its authenticity in the Member State of origin.

Article 17

Attestation concerning authentic instruments

1. A person wishing to use an authentic instrument in another Member State may ask the ~~competent~~ authority having formally drawn up or registered the authentic instrument in the Member State of origin**,** to ~~fill in~~**issue an attestation using** the form set out in Annex II~~describing the evidentiary effects which the authentic instrument produces in the Member State of origin~~.

2. Where necessary, the person using the authentic instrument may be required to provide, in accordance with Article 57a, a translation or transliteration of the content of the attestation.

Chapter VI

COOPERATION AND COMMUNICATION

SECTION 1

CENTRAL AUTHORITIES, COURTS AND COMPETENT AUTHORITIES

PUBLIC

Article 18

Designation of a Central Authority

1. Each Member State shall designate one or more Central Authorities to assist with the application of this Regulation and shall specify the geographical and functional competence of each.

2. Where a Member State has designated more than one Central Authority, communications shall be sent directly to the relevant Central Authority with competence. Where a communication is sent to a Central Authority without competence, the latter shall forward it to the Central Authority with competence and inform the sender accordingly.

~~3. Member States shall ensure that Central Authorities have sufficient and appropriate facilities in terms of staff, resources and modern means of communication to adequately fulfil their tasks under this Regulation.~~

Article 19

Tasks of Central Authorities

1. Central Authorities shall cooperate and promote cooperation **and communication** among the **courts and** competent authorities in their Member States in the application of this Regulation.

2. Central Authorities shall communicate information on national laws, procedures and services in matters relating to the protection of adults, take the ~~measures~~**actions** that they consider appropriate for improving the application of this Regulation.

~~3. Central Authorities shall facilitate communications, by every means, between the competent authorities.~~

3. For the purposes of paragraph 1 and 2, the European Judicial Network in civil and commercial matters may be used.

Article 20

Location of an adult or a person likely to provide ~~support~~protection

The Central Authority of a Member State, either directly or through competent authorities **or other bodies**, shall provide, on the request of ~~an~~ **a court or a competent** authority of another Member State, assistance in discovering the whereabouts of:

(a) an adult where it appears that the adult may be present and in need of protection within the territory of the requested Member State;

(b) a person who is likely to provide ~~support~~**protection** to the adult, **for instance,** in accordance with the information provided by the adult or another **court or** competent authority, where it appears that such person may be present within the territory of the requested Member State.

Article 21

~~Placement~~Cooperation in the event of contemplated placement in another Member State

1. ~~If an authority of a Member State contemplates the~~**Contemplated** placement ~~of the adult~~ in another Member State ~~in an establishment or other institution where protection can~~ **shall** be ~~provided, it shall first obtain~~**subject to** the ~~consent~~**procedure set out in Article 33** of ~~a Central Authority~~**the HCCH 2000 Protection** of ~~that other~~**Adults Convention.**

2. The court of the requesting Member State~~. To that effect, it~~ shall transmit **its request** to the Central Authority**, court or competent authority** of the requested Member State ~~a report on the adult together with the reasons for the proposed measure,~~ using the form set out in Annex VI**a**.

~~2. Paragraph (1) shall not apply where the placement is contemplated with a private person.~~

3. ~~Except where exceptional circumstances make this impossible, the decision granting or refusing consent shall be transmitted to the requesting authority~~ **Where a Central Authority or other competent authority of the requested State indicates its opposition to the contemplated placement in accordance with Article 33(2) of the HCCH 2000 Protection of Adults Convention, it shall communicate such opposition** no later than ~~six weeks~~**three months** following the receipt of the **consultation** request **using the form set out in Annex VIb.**

~~4. Paragraphs (1), (2) and (3) shall not preclude Central Authorities or competent authorities from entering or maintaining existing agreements or arrangements with Central Authorities or competent authorities of one or more other Member States simplifying the consultation procedure for obtaining consent in their mutual relations.~~

PUBLIC

Article 22

Designation of a competent authority of another Member State as representative ~~abroad~~

1. ~~Where the authority of a Member State contemplates the designation~~ **Designation** of a competent authority ~~in~~**of** another Member State as ~~a~~ representative of ~~an~~**the** adult ~~to provide support for the implementation of a measure, it shall~~ **can take place if such designation is possible under the national law of the Member State whose competent authority is designated.**

2. Such designation shall not be made without obtaining the consent of the Central Authority or the authority to be designated in the requested State. The decision granting or refusing consent shall be transmitted to the requesting court or Central Authority no later than three months following the receipt of the request using the form set out in Annex VIIb.

3. The court of the requesting Member State shall transmit its request to the Central Authority **or the authority to be designated in** of the requested State using the form set out in Annex VII**a**.

~~2. If the requested Central Authority so requires, the requesting authority shall ensure that the following are reimbursed, without delay:~~

~~(a) the fees paid to the representative; and~~

~~(b) the costs occasioned by the implementation of the measure in that other Member State.~~

PUBLIC

~~3. The requested Central Authority may, before executing the request, ask the requesting authority for an adequate deposit or advance payment towards the requested costs.~~

~~4. The duty for the parties to bear the fees and costs pursuant to paragraph (2), or to make the deposit or advance payment pursuant to paragraph (3) shall be governed by the law of the Member State of the requesting authority.~~

Article 23

Meetings of Central Authorities

1. In order to facilitate the application of this Regulation, Central Authorities shall meet regularly.

2. The meeting of Central Authorities shall be convened, in particular, by the Commission within the framework of the European Judicial Network in civil and commercial matters in compliance with Council Decision 2001/470/EC[30].

[30] Council Decision 2001/470/EC of 28 May 2001 establishing a European Judicial Network in civil and commercial matters (OJ L 174, 27.6.2001, p.25).

~~SECTION 2~~

~~COURTS AND COMPETENT AUTHORITIES~~

Article 24

Implementation of measures

The **courts and** competent authorities of a Member State may request ~~the~~**, directly or through the Central Authority of the requested Member State, the courts and** competent authorities of another Member State to assist in the implementation of measures.

Article 25

Exchange of information ~~between authorities~~

1. Where a measure is contemplated **or to be implemented**, the **courts or competent** authorities of a Member State, if the situation of the adult so requires, may request any **court or competent** authority of another Member State which has information relevant to the protection of the adult to communicate such information.

2. **Where appropriate, a court that modifies, replaces or terminates a measure taken by a court of another Member State, shall notify without delay the court which took that measure.**

3. The ~~request~~**communication** referred to in ~~paragraph~~ **this Article** shall be ~~transmitted~~**sent either** directly or through ~~the~~**a** Central Authority ~~of the requested Member State~~.

Article 26

Serious danger

1. In the event that the adult is exposed to a serious danger, the **courts or** competent authorities of the Member State where measures ~~for the protection of the adult~~ have been taken or are under consideration, if they are informed that the adult's residence has changed to another Member State, or that the adult is present in another Member State, shall inform the **courts or** competent authorities of that other Member State about the danger involved and**, where relevant, about** the measures taken or under consideration.

2. The information referred to in paragraph **(1)** shall be transmitted directly or through the Central Authority of the requested Member State.

Article 27

Direct communication and cooperation between courts and competent authorities

~~1.~~ For the purposes of this Regulation, the **courts and competent** authorities of Member States may cooperate and communicate directly with~~, or request information directly from,~~ each other**, in accordance with Article 49, by means that they consider appropriate,** provided that such communication respects **confidentiality and** the procedural rights of the parties to the proceedings ~~and the confidentiality of information~~.

PUBLIC

~~2. The cooperation referred to in paragraph may be implemented by any means that the authority considers appropriate, and may in particular concern the communications for the purposes of:~~

~~(a) Article ;~~

~~(b) this Chapter.~~

~~3. For the purposes of the communication pursuant to Article 8 of the HCCH 2000 Protection of Adults Convention, the authorities of Member States may use the form set out in Annex VIII to this Regulation.~~

~~4. For the purposes of the information of the authorities of another Member State pursuant to Article 7, 10 and 11 of the HCCH 2000 Protection of Adults Convention, the authorities of Member States may use the form set out in Annex IX to this Regulation.~~

SECTION 2~~3~~

GENERAL PROVISIONS

Article 28

Mediation and alternative dispute resolution

Central Authorities**, courts** and competent authorities of Member States ~~shall~~**may** encourage**, to the extent that the specific circumstances of the case allow**, either directly or through other bodies, the use of mediation or other means of alternative dispute resolution, to achieve agreed solutions for the protection of the person or property of an adult in situations to which this Regulation applies.

Article 29

Non-disclosure of information

Central Authorities**, courts** and competent authorities of Member States shall not disclose or confirm information gathered or transmitted for the purposes of this Regulation if they determine**, based on serious and detailed information in their possession,** that to do so could:

(a) jeopardise the health, safety or liberty of the adult or another person;

(b) place the property of the adult in danger.

Article 30

Costs of Central Authorities and competent authorities

1. **Each Central Authority shall bear its own costs in applying this Regulation.**

~~1~~**2.** The assistance provided by ~~the~~ Central Authorities ~~and the competent authorities~~ pursuant to this Regulation shall be free of charge.

~~2~~**3**. Without prejudice to **Article 31, and** Article 37**(**~~2~~**3)** ~~, each Central Authority~~ and **the possibility of imposing reasonable charges for the provision of services,** each competent authority shall bear its own costs in applying this Regulation.

PUBLIC

Article 31

~~**Languages**~~

~~1. The requests or applications made under this chapter shall be completed in the official language of the requested Member State or, if there are several official languages in that Member State, in the official language or one of the official languages of the place of the Central Authority or the competent authority concerned, or in any other official language of the Union which that Member State has indicated it can accept, unless the Central Authority or the competent authority of that Member State dispenses with translation.~~

~~2. The documents accompanying the request or application form shall not be translated into the language determined in accordance with paragraph unless a translation is necessary in order to provide the assistance requested.~~

Costs of implementing a measure in another Member State

1. Without prejudice to Article 15a, the national law of the Member State where a measure is to be implemented shall determine to what extent the cost of implementation incurred by that Member State is to be borne in the requesting Member State. The cost must not exceed the costs of the measure under the law of the implementing Member State.

2. If the costs of the implementation is to be borne in the requesting Member State in accordance with paragraph 1, the final allocation of costs between the parties to the proceedings, the adult and other relevant persons is determined by the law of the requesting Member State.

PUBLIC

Article 31a

Agreements between Member States on the allocation of costs

This Regulation shall not preclude Member States from entering or maintaining existing agreements or arrangements with one or more other Member States concerning the allocation of costs.

Article 32

Forms

1. **Courts,** ~~C~~**c**ompetent authorities and Central Authorities ~~may~~**shall** use the forms set out in Annexes V**a and Vb to request for assistance** ~~and X to this Regulation to send and acknowledge receipt of a request made under this Chapter~~.

2. **For the purposes of the communication pursuant to Article 8 of the HCCH 2000 Protection of Adults Convention, the courts of Member States shall use the form set out in Annex VIIIa and VIIIb to this Regulation.**

3. **For the purposes of the information of the courts of another Member State pursuant to Article 7, 9, 10 and 11 of the HCCH 2000 Protection of Adults Convention, the courts of Member States shall use the form set out in Annex Va and Vb~~IX~~ to this Regulation.**

~~*Article 33*~~

~~Legal aid~~

~~An applicant who, in the Member State of origin, has benefited from complete or partial legal aid or exemption from costs or expenses shall be entitled to benefit from the most favourable legal aid or the most extensive exemption from costs or expenses provided for by the law of the requested Member State:~~

~~(a) in any proceedings for recognition or enforcement of a measure;~~

~~(b) in the service of a judicial or extrajudicial document in another Member State;~~

~~(c) in proceedings established pursuant to this Chapter.~~

PUBLIC

Chapter VII
EUROPEAN CERTIFICATE OF SUPPORT AND REPRESENTATION

PUBLIC

Article 34

Creation of a European Certificate of Support and Representation

1. This Regulation creates a European Certificate of **Support and** Representation ('the Certificate') which shall be issued for use in another Member State and shall produce the effects listed in Article 40.

2. The use of the Certificate shall not be mandatory.

3. The Certificate shall not take the place of internal documents used for similar purposes in the Member States. However, once issued for use in another Member State, the Certificate ~~shall~~ **may** also produce the effects listed in Article 40 in the Member State whose **courts or** competent authorities issued it in accordance with this Chapter**, pursuant to national law**.

Article 35

Purpose of the Certificate

1. The Certificate shall be issued for use ~~by representatives, who,~~ in another Member State, ~~need to invoke their powers~~**in order** to represent **or support** adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests.

2. The Certificate may be used to demonstrate that the representative is authorised, on the basis of a measure or confirmed power of representation, to represent **or support** the adult ~~in particular in one or more of the following matters:~~ **.**

~~(a) the control, management and disposition of the adult's real property or other assets;~~

~~(b) the acquisition of real property or other assets in the adult's name or on the adult's behalf;~~

~~(c) the carrying out of a contract entered into by the adult;~~

~~(d) the carrying on, on the adult's behalf, of any trade or business;~~

~~(e) discharge of the adult's responsibilities and legal obligations;~~

~~(f) the conduct of legal proceedings in the adult's name or on the adult's behalf;~~

~~(g) medical decisions, including giving and refusing consent to the carrying out of a medical treatment;~~

~~(h) decisions concerning the adult's personal welfare and place of residence.~~

PUBLIC

Article 36

Competence to issue the Certificate

1. The Certificate shall be issued in the Member State in which a measure was taken or powers of representation were confirmed concerning an adult.

2. The issuing ~~authority of the~~**authorities to be designated by each** Member State ~~referred to in paragraph 1~~ shall be:

   (a) the **courts or** competent ~~authority~~**authorities** that ~~has~~**have** taken a measure **appointing a representative** or confirmed the powers of representation concerning the adult; **or**

   (b) another **court or** competent authority~~, as designated by the Member State,~~ that has access to the information concerning the measure taken or the confirmed powers of representation.

Article 37

Application for a Certificate

1. The Certificate shall be issued upon an application by **the adult or** a representative authorised, by means of a measure taken or powers of representation confirmed in a Member State, to represent **or support** the adult (hereinafter referred to as: 'the applicant').

2. The application for a Certificate shall contain the following:

(a) a declaration of the intended use of the Certificate in another Member State;

(b) a declaration on whether there is, to the applicant's best knowledge, a dispute regarding the measure or the confirmed powers of representation;

PUBLIC

(c) where relevant, an indication of the requested format for the Certificate, in accordance with Article 41(1);

(d) where relevant, any additional information and documents required by the Member State of the issuing authority, as notified in accordance with Article 69(1)(n).

~~2~~**3**. Member States shall ensure that the ~~fee~~**fees** for obtaining the Certificate, if any, ~~does~~**are** not ~~exceed the production cost of~~**prohibitively excessive so as to prevent or discourage applicants from requesting** the Certificate.

Article 38

Issuance of the Certificate

1. Upon receipt of the application for the Certificate, the issuing authority shall verify that:

(a) the ~~applicant~~**representative** is ~~entitled to request the Certificate~~**authorised,** in accordance with ~~the powers entrusted to the applicant in the~~ **a** measure taken or the powers of representation confirmed in the Member State of the issuing authority ~~('the source measure'~~**, to represent** or ~~'the source confirmed powers of representation');~~**support the adult concerned ;**

(b) the ~~elements to be certified are~~ **information mentioned in Article 37(2) is accurate**; ~~in conformity with that source measure or those source confirmed powers of representation;~~

(c) ~~that source~~**the** measure or ~~those source~~ confirmed powers of representation **referred to in letter (a)** remain valid and have not been replaced by a later measure or confirmed powers of representation~~.~~**;**

(d) the measure or confirmed powers of representation referred to in letter (a) are not being challenged, or if they have, are provisionally applicable.

2. The issuing authority shall verify **that** all the ~~elements~~**conditions** listed in paragraph ~~(~~1~~)~~ **are fulfilled,** in particular by referring to the information and documents available to it. It may also carry out further enquiries ~~necessary to verify those elements.~~ in that regard~~, it may request, from the applicant or from the competent authorities of another Member State or from both, the information or documents which it deems necessary to verify the elements to be certified~~.

~~3. For the verification of the elements listed in paragraph , the issuing authority shall, where feasible, also consult the system of interconnection established in Chapter .~~

~~4. The applicant shall, upon request, provide the issuing authority with the documents or information referred to in paragraph . Similarly, competent authorities of other Member States shall, upon request, provide the issuing authority with those documents or information held, where that competent authorities would be authorised, under national law, to provide another national authority with such information.~~

~~5~~**3**. The issuing authority shall issue the Certificate without delay once **it verifies that** all ~~elements~~**conditions** listed in paragraph **(1)** have been ~~successfully verified~~**fulfilled**. It shall issue the Certificate even if the habitual residence of the adult has changed to another Member State or to a third ~~country. It shall not issue the Certificate if the source measure or the source confirmed powers of representation or elements to be certified have been challenged, unless they are provisionally applicable~~**State**.

~~6~~**4**. The Certificate shall be issued using the form set out in Annex III.

~~7. The Certificate shall be completed and issued in the language of the Member State of the issuing authority. The Certificate may also be issued in another official language of the Union requested by the applicant. This shall not create any obligation for the issuing authority issuing the Certificate to provide a translation or transliteration of the translatable content of the free text fields.~~

~~8. The issuing authority shall take all necessary steps to inform the adult and any person with a legitimate interest about the issuance of a Certificate.~~

~~9. The Certificate shall be valid for a period of 1 year. Where justified, the issuing authority may decide that the period of validity is to be longer or shorter, in particular where the source measure has a longer or shorter duration than a year.~~

5. Member States may specify whether the adult or other persons, shall be informed or heard either prior to or following the issuance of the Certificate, in accordance with their national law.

Article 39

Contents of the Certificate

1. The Certificate shall indicate **in** which ~~powers~~ **matters and to which extent** the representative ~~of an adult has or, as~~**is authorised to represent or support the adult, on the basis of the measure or confirmed powers of representation referred to in Article 38(1)(a). As** appropriate, **the issuing authority shall also indicate any limitations of the representative's powers, or conditions attached to such powers, or** in a negative fashion, which powers the representative does not have. ~~Where applicable, the~~

2. The Certificate shall ~~also indicate any limitations of such powers or conditions attached to such powers.~~ **set out the date of validity in accordance with Article 40(4).**

Article 40

Effects of the Certificate

1. **Without prejudice to Article 34(3),** the Certificate shall produce its effects in all Member States, without any special procedure being required.

2. The Certificate shall be presumed to accurately demonstrate ~~elements~~**in** which ~~have been established under~~**matters and to which extent** the ~~law applicable to~~ **representative is authorised to represent or support** the ~~source~~**adult on the basis of a** measure **taken** or ~~the source confirmed~~ powers of representation ~~or under any other law applicable to their specific elements~~ **confirmed in another Member State**. The person mentioned in the Certificate as the representative of an adult shall be presumed to have the powers mentioned in the Certificate with no conditions or ~~restrictions~~**limitations** being attached to those powers other than those stated in the Certificate. The presumption shall however not extend to elements which are not governed by this Regulation.

3. Any person ~~who, acting on the basis of the information certified in~~ **to whom** a ~~valid~~ Certificate~~, deals~~ **issued in accordance** with ~~someone~~ **this Regulation is presented may rely on the fact that the adult's representative** indicated in the Certificate **is authorised to represent or support the adult** as ~~the adult's representative with respect to a certain matter,~~**specified in that Certificate. That person** shall be considered to have dealt with ~~someone with authority to represent~~**an authorised representative of** the adult ~~in that matter~~, unless the person knows that the ~~contents~~**content** of the Certificate ~~are~~**is** not accurate or ~~valid or~~ is unaware of such inaccuracy ~~or invalidity~~ due to gross negligence.

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4. The Certificate shall be valid for a period of one year. Notwithstanding this period, where justified, the issuing authority may decide that the period of validity is to be longer or shorter, in particular where the measure or the confirmed powers of representation on the basis of which the Certificate is to be issued has a longer or shorter duration than one year. In any event, the Certificate shall not be valid for a period exceeding the validity of the measure or confirmed powers of representation on the basis of which the Certificate is issued, or a maximum period of five years, whichever is shorter.

5. Without prejudice to Articles 42 to 44, the Certificate shall also cease to produce its effects upon the death of the adult to whom it pertains.

6. The Certificate shall cease to produce effects to the extent it is rectified, modified, withdrawn or suspended in accordance with Articles 42 to 44.

Article 41

Certified copies and digital format of the Certificate

1. The issuing authority shall keep the original of the Certificate and shall issue ~~one or more certified copies to the applicant~~**it to the applicant in form of certified copies. Where possible under national law, Member States can issue the Certificate in a digital format. If a Certificate is issued in a digital format, the document shall**

(a) feature a qualified electronic seal or qualified electronic signature as defined in Regulation (EU) No 910/2014; or

(b) be issued upon request as a qualified electronic attestation of attributes or an electronic attestation of attributes issued by or on behalf of a public sector body responsible for an authentic source to their European Digital Identity Wallet set out in Regulation (EU) No 910/2014.

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2. **Upon request, the issuing authority shall confirm the validity of the Certificate to any person demonstrating a legitimate interest.**

3. The issuing authority shall, for the purposes of Article 42**(3)** and Article 44~~,~~**(2),** keep a list of **all** certified copies ~~that have been~~**and Certificates** issued ~~pursuant to paragraph 1 of this Article~~**in a digital format**.

~~3.~~ **4.** The end of validity of a certified copy shall correspond with the end of validity of the Certificate pursuant to Article **40(4)**~~38(6),~~ to be indicated in the certified copy by way of an expiry date~~. Once this period has elapsed, any person in possession of a certified copy shall, in order to be able to use the Certificate for the purposes indicated in Article , request the issuance of a new Certificate from the issuing authority~~.

Article 42

Rectification, modification or withdrawal of the Certificate

1. The issuing authority shall, ~~at the~~**upon** request~~ of any person with a legitimate interest~~ or of its own motion, rectify the Certificate in the event of a clerical error.

2. The issuing authority shall, at the request of any person ~~with~~**demonstrating** a legitimate interest or, where this is possible under national law, of its own motion, modify or withdraw the Certificate where it has been established that the Certificate or individual elements thereof are not **or no longer** accurate or valid.

3. The issuing authority shall without delay inform all persons ~~to whom certified copies of the Certificate have been issued pursuant to~~**referred to in** Article 41**(1) and 38(5)** of any rectification, modification or withdrawal ~~thereof~~**of the Certificate**.

PUBLIC

Article 43

Redress procedures

1. Decisions taken by the issuing authority pursuant to Article **38** on the issuance of a Certificate or on the refusal to issue a Certificate may be challenged by any person ~~with~~**demonstrating** a legitimate interest, **including the persons referred to in Article 38(5).**

   Decisions taken by the issuing authority pursuant to Article **42** and Article 44(1), point **(a)** may be challenged by any person ~~with~~ **demonstrating** a legitimate interest.

   The challenge shall be lodged before a judicial authority in the Member State of the issuing authority in accordance with the law of that Member State.

~~2. Member States shall communicate to the Commission the judicial authorities competent to deal with the redress procedures pursuant to paragraph .~~

~~3~~**2**. If, as a result of a challenge as referred to in paragraph 1, it is established that the Certificate issued is not accurate or valid, the competent judicial authority shall rectify, modify or withdraw the Certificate or ensure that it is rectified, modified or withdrawn by the issuing authority.

   If, as a result of a challenge as referred to in paragraph 1, it is established that the refusal to issue the Certificate was unjustified, the competent judicial authority shall issue the Certificate or ensure that the issuing authority ~~re-assesses the case and makes a new decision.~~**issues the Certificate**

PUBLIC

Article 44

Suspension of the effects of the Certificate

1. The effects of the Certificate may be suspended by ~~one of the following competent authorities~~:

   (a) the issuing authority, at the request of any person ~~with~~**demonstrating** a legitimate interest **or of its own motion**, pending a modification or withdrawal of the Certificate pursuant to Article 42**(2), or;**

   (b) the judicial authority referred to in Article 43, at the request of any person entitled to challenge a decision taken by the issuing authority, pending such a challenge.

2. The issuing authority or, as the case may be, the judicial authority shall without delay inform all persons to whom ~~certified copies of~~ the Certificate ~~have been~~**was** issued pursuant to Article 41(1) **and (2)** of any suspension of the effects of the Certificate.

   During the suspension of the effects of the Certificate no further certified copies **and digital format** of the Certificate may be issued.

PUBLIC

Chapter VIII

ESTABLISHMENT AND INTERCONNECTION OF PROTECTION REGISTERS

Article 45

Establishment of protection registers

1. By [two years after the date of the start of application] at the latest, Member States shall establish and maintain in their territory one or several registers in which information is recorded concerning protection measures and, where their national law provides for the confirmation of powers of representation by a competent authority, concerning those powers of representation ('protection registers').

2. The information recorded in the registers referred to in paragraph shall include the following (‘mandatory information’):

   (a) an indication that a measure has been taken or, where applicable, that powers of representation have been granted or confirmed;

   (b) the date of the first measure as well as the date of the subsequent measures taken, or, where applicable, the date when the powers of representation were granted by an adult or were confirmed by a competent authority;

   (c) where a measure or a decision on the powers of representation are provisionally applicable, the date on which the time limit for challenging the measure or the decision on the powers of representation expires;

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(d) the date of expiration or reviewal of the measures or of the powers of representation, if any;

(e) the competent authority which has taken, modified or terminated the measure or registered, confirmed, modified or terminated the powers of representation;

(f) the adult's name, place and date of birth and, where applicable, national identification number.

3. The information referred to in paragraph shall be published in the protection registers as soon as possible after the following conditions are met:

(a) the authorities of the Member State have:

(i) taken, modified or terminated a measure; or

(ii) confirmed, modified or terminated powers of representation granted by an adult;

(b) the time limit for appealing the measure or the decision on the powers of representation has expired, unless the measure or the powers of representation are provisionally applicable.

4. Paragraph shall not preclude Member States from including additional documents or additional information in their protection registers, such as the name of the representative or the nature and extent of the representation.

PUBLIC

Article 46

Interoperability of registers of other powers of representation

By [two years after the date of start of application] at the latest, Member States where national law provides for electronic registers recording information concerning other powers of representation which are registered by a competent authority, and where national law does not provide for the confirmation of such powers of representation, shall ensure that those registers record the mandatory information referred to in Article 45.

Article 47

Interconnection of registers

1. By means of implementing acts, the Commission shall establish a decentralised system for the interconnection ('system of interconnection') that is composed of:

   (a) Member States' protection registers of measures referred to in Article and, where applicable, Member States' protection registers of confirmed powers of representation referred to in Article and Member State's registers of other powers of representation Article ;

   (b) a central electronic access point to the information in the system.

2. The system of interconnection shall provide a search service in all the official languages of the Union in order to make available the following:

   (a) the mandatory information set out in Article 45;

   (b) any other documents or information included in the protection registers or other registers of powers of representation, which the Member States choose to make available through the system of interconnection.

PUBLIC

Article 48

Condition of access to information via the system of interconnection

1. Member States shall ensure that the information referred to in Article 47 is available free of charge via the system of interconnection.

2. The information available through the system of interconnection shall only be available to those competent authorities or Central Authorities of a Member State which:

(a) have access to the mandatory information under their national law;

(b) have a legitimate interest in accessing this information.

3. For the purposes of paragraph (2), point , Member States shall provide the means to authorise those competent authorities or Central Authorities to access to the system of interconnection.

4. Upon a request made by those competent authorities or Central Authorities, the system of interconnection shall automatically make the information referred to in Article 47 accessible to them.

PUBLIC

Chapter IX

~~DIGITAL~~ELECTRONIC COMMUNICATION

Article 49

Means of communication between courts, competent authorities or Central Authorities

1. ~~Written communication~~**Communication pursuant to this Regulation** between **courts,** competent authorities or Central Authorities **of different Member States**, including the exchange of forms set out in Annexes **IV** to **VIIIb**~~X~~, shall be carried out through a secure**, efficient** and reliable decentralised IT system.

2. ~~The use of the decentralised IT system~~ **Communication** may ~~not~~**, however,** be ~~appropriate for direct communication between~~**carried out by courts, competent** authorities ~~carried out pursuant to Article 27, and any other~~**or Central Authorities by alternative** means ~~of communication may be used instead.~~3. where electronic communication in accordance with paragraph 1 is not possible due to**:**

(a) the disruption of the decentralised IT system~~, the~~**;**

(b) the physical or technical nature of the transmitted material**;** or ~~exceptional circumstances,~~

(c) force majeure.

For the ~~transmission~~**purposes of this paragraph, the courts, competent authorities or Central Authorities** shall ~~be carried out by~~ **ensure that the alternative means of communication used are** the swiftest~~,~~ **and** most appropriate ~~alternative means, taking into account the need to~~**and that they** ensure a secure and reliable exchange of information.

PUBLIC

3. In addition to the exceptions referred to in paragraph 2, where the use of the decentralised IT system is not appropriate in a given situation, any other means of communication may be used. Courts, competent authorities or Central Authorities shall ensure that the exchange of information under this paragraph occurs in a secure and reliable manner that respects confidentiality and the procedural rights of the parties to the proceedings.

4. Paragraph 3 shall not apply to the exchange of forms provided for by this Regulation.

5. Each Member State may decide to use the decentralised IT system for communication between its national courts or national competent authorities.

Article 50

Communication through the European electronic access point

1. The European electronic access point established on the European e-Justice Portal pursuant to Article 4 of Regulation **(**EU ~~[...] [*the Digitalisation Regulation*]~~**) 2023/2844** may be used for electronic communication between natural and legal persons and Member States' **courts and,** competent authorities ~~and issuing authorities~~ in ~~connection with~~ the following **instances**:

   (a) proceedings for a decision ~~on the recognition or non-recognition of a measure taken in a Member State~~ pursuant to Article **9(2)**~~10~~;

   (b) an application for the issuance of ~~the attestation~~**attestations** pursuant to Articles ~~and ;~~**15 and 17;**

   (c) an application for the issuance, rectification, modification, withdrawal, suspension or redress procedures of the ~~European~~ Certificate ~~of Representation~~ pursuant to Chapter~~.~~ **VII.**

(d) confirmation of the validity of the Certificate pursuant to Article **41(2).**

2. **Courts and competent authorities shall accept communication through the European electronic access point in the instances referred to in paragraph 1.**

3~~2~~**.** Article ~~5(2) and~~ **4**(3), **(4), (6)** and ~~Article 6~~**(7)** of Regulation **(**EU ~~[...] [*the Digitalisation Regulation*]~~**) 2023/2844** shall apply to electronic communications pursuant to paragraph ~~(1)~~ ***mutatis mutandis*.**

Article 50a

Electronic payment of fees

Article 9 of the Regulation (EU) 2023/2844 shall apply to electronic payment of fees due pursuant to this Regulation.

Article 51

Electronic signatures and electronic seals

1. The general **legal** framework for the use of trust services set out in Regulation (EU) No 910/2014 ~~of the European Parliament and of the Council~~[31]**, as amended by Regulation (EU) 2024/1183,** shall apply to the electronic communication under this Regulation.

[31] ~~Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73–114).~~

2. Where a document transmitted as part of the electronic communication under Article 49**(1)** requires ~~or features~~ a seal or ~~handwritten~~ signature, qualified electronic seals or qualified electronic signatures as defined in Regulation (EU) No 910/2014 ~~may~~**shall** be used instead.

3. Where a document transmitted as part of the electronic communication under Article **50** requires ~~or features a seal or handwritten~~ **the** signature~~, advanced~~ **of the person transmitting the document, that person shall fulfil that requirement by means of:**

(a) electronic ~~seals, advanced electronic signatures,~~**identification with an assurance level high as specified in Article 8(2), point (c) of Regulation (EU) No 910/2014; or**

(b) a qualified electronic ~~seals or qualified electronic signatures~~**signature** as defined in **Article 3(12) of** Regulation (EU) No 910/2014 ~~may be used instead~~.

Article 52

Legal effects of electronic documents

Documents transmitted as part of electronic communication shall not be denied legal effect or be considered inadmissible in the context of cross-border ~~judicial~~ procedures under this Regulation solely on the ground that they are in electronic form.

PUBLIC

~~Chapter X~~

~~DATA PROTECTION~~

~~Article 53~~

~~General provision on data protection~~

~~1. Personal data required for the application of this Regulation shall be processed by Member States' competent authorities and Central Authorities for the purposes of streamlining cross-border procedures and cooperation among Member States in matters falling within the scope of this Regulation and thus for enhancing protection of adults in international situations. In particular, personal data shall be processed under this Regulation for the purposes of:~~

~~(a) determining the Member States whose authorities have jurisdiction under Chapter II;~~

~~(b) determining the law applicable to measures and powers of representation under Chapter III;~~

~~(c) facilitation of cross-border proceedings for the recognition and enforcement of measures under Chapter IV, including obtaining of a decision on recognition or non-recognition of a measure pursuant to Article 10 and the presentation of documents for the purposes of the invocation or enforcement of the measure pursuant to Article 14;~~

~~(d) facilitation of the acceptance of authentic instruments in all Member States under Chapter V;~~

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(e) cooperation among competent authorities and Central Authorities of Member States under Chapter VI and of their digital communication pursuant to Article 49;

(f) electronic communication with Member States' competent authorities that natural and legal persons may use in connection with specific proceedings and applications under this Regulation;

(g) the issuance of the attestations pursuant to Articles 15 and 17, of the forms simplifying cross-border cooperation set out in Annexes, and of a European Certificate of Representation pursuant to Chapter VII.

2. Personal data to be processed pursuant to this Regulation shall be those contained in the documents handled, for the purposes referred to in paragraph (1), by Member States competent authorities and Central Authorities. Processing of personal data under this Regulation shall be limited to the extent necessary for the purposes set out in paragraph (1), without affecting further processing for archiving purposes in the public interest in accordance with Article 5(1), point (b) and Article 89 of the Regulation (EU) 2016/679.

3. For the purposes of this Regulation, competent authorities and Central Authorities empowered by Member States to apply this Regulation shall be regarded as controllers within the meaning of Article 4(7) of the Regulation (EU) 2016/679. Controllers shall ensure the security, integrity, authenticity and confidentiality of the data processed for the purposes set out in paragraph (1).

4. Notwithstanding paragraph (3), the Commission shall be regarded as a controller within the meaning of Article 3(8) of the Regulation (EU) 2018/1725 with respect to personal data processing by the European electronic access point pursuant to Article 50. This processing shall be for the purposes of providing for electronic communication means with Member States' competent authorities that natural and legal persons may use in connection with specific proceedings and applications under this Regulation. The Commission shall implement the technical measures required to ensure the security of personal data transmitted, in particular confidentiality and integrity of any transmission.

PUBLIC

Article 54

Data accessed through the system of interconnection

1. Notwithstanding Article , processing of personal data under Chapter on the establishment of protection registers and interconnection of registers shall be governed by the paragraphs 2 to 5 of this Article.

2. Processing of personal data under Chapter shall be limited to the extent necessary for the purposes of facilitating the cross-border provision of information about a measure or powers of representation concerning a particular adult. Without affecting Article 47(2), point , the processing shall be limited to the personal data included in the mandatory information set out in Article 45.

3. Personal data shall be stored in the Member States' protection registers referred to in Article 45 or registers of other powers of representation referred to in Article . The retention period of data in the system of interconnection shall be limited to what is necessary to interconnect those registers and to enable the retrieval of and the access to the data from them.

4. Member States shall be responsible, in accordance with Article 4(7) of Regulation (EU) 2016/679, for the collection and storage of data in registers referred to in Article and Article and for decisions taken to make that data available in the system of interconnection referred to in Article .

5. With respect to the system of interconnection referred to in Article , the Commission shall be regarded as controller within the meaning of Article 3(8) of Regulation (EU) 2018/1725. It shall adopt necessary technical solutions to fulfil its responsibilities within the scope of this function. The Commission shall in particular implement technical measures required to ensure the security of personal data while in transit, especially their confidentiality and integrity.

PUBLIC

Chapter XI
DELEGATED ACTS

PUBLIC

Article 55

Delegation of powers

The Commission is empowered to adopt delegated acts in accordance with Article 56 concerning the amendment of Annexes I to **VIIIb**~~X~~ in order to update or make technical changes to those Annexes.

Article 56

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 55 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Regulation].

3. The delegation of power referred to in Article 55 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 55 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

PUBLIC

Chapter XII
GENERAL AND FINAL PROVISIONS

PUBLIC

Article 57

Legalisation or other similar formality

No legalisation or other similar formality shall be required **for documents issued in a Member State** in the context of this Regulation.

Article 57a

Languages

1. The attestation referred to in Article 15 or 17 shall be completed and issued in the language of the measure or the authentic instrument, respectively. The attestation may alternatively be issued in another official language of the institutions of the European Union requested by the person invoking a measure or seeking its enforcement pursuant to Article 14 or wishing to use an authentic instrument in another Member State, respectively. This does not create any obligation for the court issuing the attestation to provide a translation or transliteration of the translatable content of the free text fields.

2. The court or enforcement authority before which a person invokes a measure or seeks enforcement of a measure may, where necessary, require that person to provide a translation or a transliteration of the translatable content of the free text fields of the attestation referred to in Article 15. In addition, the court or the enforcement authority may require a translation or transliteration of the measure only if it is unable to proceed without such a translation or transliteration.

3. If necessary, the person using the authentic instrument in another Member State may be required to provide a translation or a transliteration of the translatable content of the free text fields of the attestation referred to in Article 17.

4. The requests or communication made by courts, competent authorities or Central Authorities of one Member State under the Chapter VI of this Regulation to courts, competent authorities or Central Authorities of another Member State shall be completed in the official language of the requested Member State; or if completed in another language, be accompanied by a translation into that language, unless the Central Authority, court or competent authority of the requested Member State dispenses with the translation. If there are several official languages in the requested Member State, the requests or communication shall be made in or translated into the official language or one of the official languages of the place where the request is to be carried out, or any other language that the requested Member State expressly accepts.

The documents accompanying the requests shall not be translated into the language determined in accordance with the first subparagraph unless a translation is necessary in order to provide the assistance requested.

5. The Certificate shall be completed and issued in the language of the Member State of the issuing authority referred to in Article 36(2). The Certificate may alternatively be issued in another language of the institutions of the European Union requested by the applicant. This shall not create any obligation for the issuing authority issuing the Certificate to provide a translation or transliteration of the translatable content of the free text fields.

6. Any translation required for the purposes of this Article shall be done by a person qualified to do translations in one of the Member States.

PUBLIC

Article 58

Relations with other instruments

1. This Regulation shall not affect the application of international conventions to which **third States and** one or more Member States are ~~party~~**parties** at the time of adoption of this Regulation and which concern matters covered by this Regulation**.**

2. Notwithstanding paragraph 1, this Regulation shall, as between Member States, take precedence over conventions concluded exclusively between two or more of the Member States in so far as such conventions concern matters governed by this Regulation.

Article 59

Relation with the HCCH 2000 Protection of Adults Convention

1. ~~As concerns the relation with~~**In relations between Member States this Regulation shall take precedence over** the HCCH 2000 Protection of Adults Convention~~, this Regulation shall apply:~~**.**

2. This Regulation shall not affect the application of the HCCH 2000 Protection of Adults Convention in respect of other contracting Parties to that Convention in which this Regulation does not apply.

3. Without prejudice ~~(a) subject~~to paragraph ~~(~~2~~)~~, **this Regulation shall apply** where the adult ~~concerned~~ has his or her habitual residence in the territory of a Member State~~;~~**.**

~~(b) even if the adult concerned has his or her habitual residence in the territory of a State, which is a Party to that Convention, and in which this Regulation does not apply, as concerns the recognition and enforcement of a measure taken, or the acceptance of an authentic instrument drawn up by a competent authority of a Member State in the territory of another Member State.~~

~~2~~**4**. Notwithstanding paragraph ~~1~~**3 and without prejudice to paragraph 1,**

(a) **Article 7 of the HCCH 2000 Protection of Adults Convention shall apply** with respect to an adult who is a national of a **contracting** Party to ~~the HCCH 2000 Protection of Adults~~**that** Convention in which this Regulation does not apply~~, Article 7 of that Convention shall apply~~;

(b) **Article 8 of the HCCH 2000 Protection of Adults Convention shall apply** as concerns the transfer of jurisdiction between ~~an authority~~**a court** of a Member State and ~~an authority~~**a court** of a **contracting** Party to ~~the HCCH 2000 Protection of Adults~~**that** Convention in which this Regulation does not apply~~, Article 8 of that Convention shall apply~~;

(c) ~~as concerns cooperation among competent authorities and Central Authorities, Chapter V~~**Article 6** of **this Regulation shall not apply, if** the **measure to be taken by a chosen court would modify, replace or terminate a measure taken in a contracting Party of the** HCCH 2000 Protection of Adults Convention ~~shall apply between a Member State and a Party to that Convention~~ in which this Regulation does not apply**, or if jurisdiction has been transferred to such contracting Party in accordance with Article 8 of the Convention.**

PUBLIC

*Article **~~53~~9a***

~~General provision on d~~Data protection

1. Personal data ~~required for~~**included in** the ~~application of~~**information gathered or transmitted pursuant to** this Regulation ~~shall~~**may** be processed **under this Regulation** by Member States' **courts,** competent authorities and Central Authorities for the purposes of ~~streamlining~~**facilitating** cross-border procedures and cooperation among Member States in matters falling within the scope of this Regulation and thus for enhancing protection of adults in international situations. In particular, personal data ~~shall~~**may** be processed under this Regulation for the purposes of:

   (a) determining the Member States whose ~~authorities~~**courts** have jurisdiction under Chapter II;

   (b) determining the law applicable to measures and powers of representation under Chapter III;

   (c) facilitation of cross-border proceedings for the recognition and enforcement of measures under Chapter IV~~including obtaining of a decision on recognition or non-recognition of a measure pursuant to Article 10 and the presentation of documents for the purposes of the invocation or enforcement of the measure pursuant to Article 14; **and** (d) facilitation~~ of ~~the~~ acceptance of authentic instruments in all Member States under Chapter V;

   (**d**~~e~~) cooperation among **courts,** competent authorities and Central Authorities of Member States under Chapter VI and of their ~~digital~~**electronic** communication pursuant to Article 49;

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(~~f~~**e**) electronic communication with Member ~~States'~~**States' courts and** competent authorities that natural and legal persons may use**, pursuant to Article 50,** in connection with specific proceedings and applications under this Regulation;

(~~g~~**f**) the issuance of the attestations pursuant to Articles 15 and 17, of the forms simplifying cross-border cooperation set out in Annexes, and of a ~~European~~ Certificate ~~of Representation~~ pursuant to Chapter VII.

2. ~~Personal data to be processed pursuant to this Regulation shall be those contained in the documents handled, for the purposes referred to in paragraph (1), by Member States competent authorities and Central Authorities.~~ Processing of personal data under this Regulation shall be limited to the extent necessary for the purposes set out in paragraph (1), without affecting further processing for archiving purposes in the public interest in accordance with Article 5(1)~~, point~~ (b) and Article 89 of the Regulation (EU) 2016/679. **Member States' courts, competent authorities and Central Authorities shall ensure that the information and personal data deemed confidential under the law of the Member State from which it is being transmitted is confidential in accordance with the rules on confidentiality laid down by their national law**.

3. For the purposes of this Regulation**, courts**, competent authorities and Central Authorities empowered by Member States to apply this Regulation shall be regarded as controllers within the meaning of Article 4(7) of the Regulation (EU) 2016/679. Controllers shall ensure the security, integrity, authenticity and confidentiality of the data processed for the purposes set out in paragraph ~~(~~1~~)~~.

4. Notwithstanding paragraph (3), the Commission shall be regarded as a controller within the meaning of Article 3(8) of the Regulation (EU) 2018/1725 with respect to personal data processing by the European electronic access point pursuant to Article 50. This processing shall be for the purposes of providing for electronic communication means with Member States' **courts and** competent authorities that natural and legal persons may use in connection with specific proceedings and applications under this Regulation. The Commission shall implement the technical measures required to ensure the security of personal data transmitted, in particular confidentiality and integrity of any transmission.

Article 60

Adoption of implementing acts by the Commission

1. ~~The~~**For the purposes of electronic communications referred to in Chapter IX, the** Commission shall adopt implementing acts ~~establishing a decentralised system for the interconnection of registers referred to in Article ('system of interconnection')~~**,** setting out the following:

~~(a) the technical specification defining the methods of communication and information exchange by electronic means on the basis of the established interface specification for the system of interconnection;~~

~~(b) the technical measures ensuring the minimum information technology security standards for communication and distribution of information within the system of interconnection;~~

~~(c) minimum criteria for the search service provided by the system of interconnection based on the information set out in Article ;~~

~~(d) minimum criteria for the presentation of the results of the searches in the system of interconnection based on the information set out in Article ;~~

~~(e) the means and the technical conditions of availability of services provided by the system of interconnection;~~

~~(f) a technical semantic glossary containing a basic explanation of the Member States' of protection measures or of powers of representation;~~

~~(g) specification of the categories of data that can be accessed, including pursuant to Article 47(2), point ; and~~

~~(h) data protection safeguards.~~

~~2. The Commission shall adopt implementing acts establishing the decentralised IT system referred to in Chapter , setting out the following:~~

(a) the technical specifications ~~defining~~**for** the methods of communication by electronic means for the purposes of the decentralised IT system **including the European electronic access point**;

(b) the technical specifications for communication protocols;

(c) the information security objectives and relevant technical measures ensuring minimum information security standards and a high level of cybersecurity for the processing and communication of information within the decentralised IT system; ~~and~~

(d) the minimum availability objectives and possible related technical requirements for the services provided by the decentralised IT system;

(e) ~~data protection safeguards.~~**digital procedural standard as defined in Article 3(9) of Regulation (EU) 2022/850; and**

(f) an implementation timetable laying down, inter alia, the dates of the availability of the reference implementation software, referred to in Article 61 of this Regulation, its installation by courts, competent authorities and Central Authorities, and, where relevant, completion of the adjustments to national IT systems necessary for ensuring compliance with the requirements referred to in points (a) to (e) of this paragraph.

~~3~~**2**. The implementing acts referred to in this Article shall be adopted in accordance to the procedure referred to in Article 64.

~~4. The implementing acts establishing the system of interconnection pursuant to paragraph 1 shall be adopted by [*3 years after the entry into force*].~~

~~5~~**3**. The implementing acts establishing the decentralised IT system pursuant to paragraph 2 shall be adopted by [~~*2*~~***5*** *years after the entry into force*].

PUBLIC

Article 61

Reference implementation software

1. With a view to setting up the decentralised IT system referred to in Article 50, the Commission shall be responsible for the creation, **accessibility, development and** maintenance ~~and development~~ of reference implementation software which Member States may choose to apply as their back-end system instead of a national IT system for the purposes of the communication between **courts,** competent authorities and Central Authorities referred to in Article 49 and between natural and legal persons and **courts and** competent authorities ~~and issuing authorities~~ referred to in Article 50. ~~2.~~ The creation, maintenance and development of the reference implementation software shall be financed from the general budget of the Union.

~~3~~**2**. The Commission shall provide, maintain and support ~~on a free-of-charge basis~~ the reference implementation software **on a free-of-charge basis**.

3. The reference implementation software shall offer a common interface for communication with other national IT systems.

PUBLIC

~~*Article 62*~~

~~**Costs of establishing protection registers and interconnecting Member States' registers**~~

~~1. The establishment, maintenance and development of the system of interconnection established under Chapter shall be financed from the general budget of the Union.~~

~~2. Each Member State shall bear the costs of establishing and adjusting its registers referred to in Articles and to make them interoperable with the decentralised system for the interconnection of registers, as well as the costs of administering, operating and maintaining those registers. This shall not affect the possibility to apply for grants to support such activities under the Union's financial programmes.~~

Article 63

Costs of the decentralised IT system, the European electronic access point~~,~~ and national IT ~~portals~~systems

1. As regards the decentralised IT system established pursuant to Chapter **IX,** each Member State **or entity operating an authorised e-CODEX access point as defined in Article 3(4) of Regulation (EU) 2022/850** shall bear the costs of the installation, operation and maintenance of the decentralised IT ~~system's~~**system** access points **for** which **they** are ~~located on their territory.~~**responsible.**

2. Each Member State **or entity operating an authorised e-CODEX access point as defined in Article 3(4) of Regulation (EU) 2022/850** shall bear the costs of establishing and adjusting its **relevant** national **or, where applicable, other** IT systems to make them interoperable with the access points, and shall bear the costs of administering, operating and maintaining those systems.

3. **The Commission shall inform** Member States ~~shall not be prevented from~~ **of the possibility of** applying for grants to support the activities referred to in paragraphs 1 and 2, under the relevant Union financial programmes.

4. The Commission shall bear all costs related to the European electronic access point.

Article 64

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011[32].

2. Where reference is made to this ~~paragraph~~**Article**, Article 5 of Regulation (EU) No 182/2011 shall apply.

[32] ~~Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13–18).~~

Article 65

Transitional provisions

1. This Regulation shall apply ~~only~~ to ~~measures taken,~~**proceedings concerning the protection of adults instituted and** to authentic instrument formally drawn up or registered, and to powers of representation confirmed after **[date of application]**.

2. ~~Notwithstanding paragraph ,~~ This Regulation shall apply as from **[date of application]** to powers of representation previously granted by an adult under conditions corresponding to those set out in Article 15 of the HCCH 2000 Protection of Adults Convention.

3. Chapter **VI** on cooperation ~~between Central Authorities~~**and communication** shall apply to requests ~~and application~~**or communication** received by the **courts, competent authorities or the** Central Authorities as from **[date of application]**.

4. **Without prejudice to paragraph 1,** Chapter **VII** on the ~~European~~ Certificate ~~of Representation~~ shall apply to applications for the Certificate received by the issuing ~~authority~~**authorities** as from **[date of application]**.

5. ~~Member States shall use the decentralised IT system referred to in~~ Article**s** 49~~(1)~~ **and 50 shall apply** to procedures instituted from the first day of the month following ~~the~~**a** period of ~~two~~**five** years ~~after~~**from** the ~~adoption~~**entry into force** of the implementing ~~act~~**acts** referred to in Article 60(~~5~~**2**).

~~6. Chapter VIII on the establishment and interconnection of protection registers and registers of other powers of representation shall apply to the measures taken and the powers of representation confirmed or registered from the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 60(4).~~

PUBLIC

Article 66

Monitoring and evaluation

1. By [*10 years after the entry into force*], the Commission shall carry out an evaluation of this Regulation and present to the European Parliament, to the Council [and to the European Economic and Social Committee] a report on the evaluation of this Regulation supported by information supplied by the Member States and collected by the Commission. **The Commission shall include an evaluation of the need for establishment and interconnection of registers of measures, confirmed powers of representation and other powers of representation.** The report shall be accompanied, where necessary, by a legislative proposal**, especially regarding the establishment and interconnection of registers**.

2. As of [*3 years after the entry into ~~force~~**application***], the Member States shall provide the Commission, on an annual basis, within the framework of the European Judicial Network in civil and commercial matters, ~~with: (a)~~**and where available (…)** the number of ~~incoming communications received by their authorities under Article 7 of the HCCH 2000 Protection of Adults Convention, which were sent by authorities of another Member State; (b) the number of incoming requests received by their authorities under Article 8 of the HCCH 2000 Protection of Adults Convention, which were sent by authorities of another Member State; (c)the number of European~~ Certificates ~~of Representation~~ issued by their ~~competent~~**issuing** authorities, as well as the number of requests for rectifications, modifications or withdrawals of ~~European~~ Certificates ~~of Representations~~ previously issued, and, where possible, the division between Certificates issued on the basis of a ~~source~~ measure and those issued on the basis of ~~source~~ confirmed powers of representation;

~~(d) the number of incoming requests received by the Central Authorities coming from Central Authorities of other Member States, and where possible the nature of those requests;~~

3. As of [*4 years after the entry into force of the implementing act referred to in Article 60(1)*], Member States shall provide the Commission on an annual basis with the following information relevant for the evaluation of the operation and application of the Chapter IX of this Regulation:

(~~e~~**a**) the number of incoming requests received by their ~~authorities or Central Authorities coming from authorities and~~ **courts,** competent authorities ~~of other Member States~~**and Central Authorities that have been transmitted through the decentralised IT system in accordance with Article 49(1), where such information is available**, and where possible**,** the nature of those requests;

(~~f~~**b**) the ~~average duration~~**number** of **instances where** the ~~cases handled~~**European electronic access point was used** by ~~the Central Authorities under~~**natural and legal persons for electronic communication with Member States' courts and competent authorities, in instances referred to in points (a), (b) and (c) of paragraph 1 of Article 50 of** this Regulation~~, based on~~ **.**

Member States shall make every endeavour to collect the data referred to in paragraph 3.

4. The reference implementation software and, where equipped to do so, the ~~number of cases closed during~~**national back-end system shall programmatically collect** the ~~relevant year. The duration of a case is calculated from~~**data referred to in paragraph 3, point (a) and transmit them to** the ~~day it is registered by the Central Authority until the day the file is permanently closed~~**Commission on an annual basis**.

Article 67

Information made available to the public

1. The Member States shall, with a view to making the information available to the public within the framework of the European Judicial Network in civil and commercial matters, provide factsheets with a short summary of their national legislation, including, where ~~available~~**applicable**, information on:

   (a) ~~an indicative list of~~ measures directed to the protection of ~~adults~~**the person or the property of an adult available under their law**;

   (b) ~~an indicative list of~~ **rules relating to** powers of representation ~~directed to the protection of adults~~;

   (c) the existence of ~~and the procedures for~~**authentic instruments in** the ~~confirmation~~**area** of ~~powers~~**protection** of ~~representation~~**adults and their effects**;

   (d) **to the extent possible,** the **relevant courts and competent** authorities which have competence in matters of protection of adults, their roles and contact details ~~where possible~~;

   (e) the national procedures applying to the establishment, registration, confirmation, modification and termination of measures and/or powers of representation.

2. The Member States shall keep the information permanently updated.

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Article 68

Accessibility

Information**, including forms and applications,** provided to the public ~~and forms and applications made available to it~~ under this Regulation shall be made accessible to the public ~~in line~~ with the **relevant** accessibility requirements ~~of~~ **for services as set out in Annex I to** Directive (EU) 2019/882 **and Directive (EU) 2016/2102**.

Article 69

Information to be communicated to the Commission

1. The Member States shall communicate to the Commission the following**, if applicable**:

(a**a)** ~~the~~**other** authorities **referred to in Article 3(2), with competence to take measures;**

(a) **the courts** competent to decide ~~on the recognition or non-~~**, pursuant to Article 9(2), that there are grounds for refusal of** recognition of a measure taken in another Member State ~~referred to in Article 9(2);~~**or that there are no such grounds;**

(b) **courts or enforcement authorities referred to in Article 14;**

(c) the authorities referred to in Article 3(5)(b) competent to formally draw up or register authentic instruments in matters of the **protection of adults;**

(d) the courts and authorities competent to issue the ~~attestation referred to in~~ **attestations referred to in** Article**s** 15 **and 17;**

(~~e~~**e**) the relevant provisions of their national law on the evidentiary effects of authentic instruments directed to the protection of adults;

(~~d~~**f**) the conditions for establishing the authenticity of an authentic instrument under their national law, as referred to in Article 16(2);

~~(e) the authorities competent to issue the attestation referred to in Article 17;~~

~~(f~~**(g)** the names, addresses and means of communication for the Central Authorities designated pursuant to Article 18;

~~(g) where applicable, the names, addresses and contact details of the~~

(h) the Central Authorities, courts or competent authorities to be consulted in accordance with Article 21;

(ha) whether competent authorities can be designated, pursuant to Article 22, as a representative in that Member State and if so, which authorities can be designated;

(hb) the courts and competent authorities that can assist in the implementation of measures pursuant to Article 24;

(i) the courts, competent authorities and other bodies competent to establish mediation or other means of alternative dispute resolution, referred to in Article 28;

(~~h~~**ia) agreements between Member States on the allocation of costs pursuant to Article 31a;**

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(k) languages accepted **by the courts, competent authorities or Central Authorities, respectively,** for the ~~translations~~**requests and communication** pursuant to Article ~~31;~~**57a(5);**

(~~i~~**l**) the **issuing** authorities competent to issue the ~~European~~ Certificate ~~of Representation~~, as referred to in Article 36~~(2)~~**(2)**;

~~(j) the authorities competent to deal with the redress procedures, as referred to in Article 43;~~

(~~k~~**m**) fees, if any, that Member States charge for **obtaining of the Certificate in accordance with Article 37(3);**

(n) any additional information and documents required for the issuance of the ~~European~~ Certificate ~~of Representation~~ in accordance with Article 37(2)(**d);**

(~~l~~**o) whether a Certificate issued in a Member State cannot produce the effects listed in Article 40 in that Member State in accordance with Article 34(3);**

(p) whether a Certificate can be issued in a digital format in accordance with Article 41(1);

(q) the judicial authorities competent to deal with redress procedure pursuant to Article ~~43~~**43** and with the requests for a suspension of the effects of the Certificate pursuant to Article ~~44;~~ **44.**

~~(m) authorities referred to in Article 48(2), point (a) having access to information via the system of interconnection of registers.~~

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2. The Member States shall communicate the information referred to in paragraph 1, points (a) to (~~l~~**g**) by ~~the first day of the month following a period of 15~~**six** months ~~after~~**before** the ~~start~~**date** of application **of the Regulation** at the latest~~, and the information referred to in paragraph 1, point (m), by the first day of the month following the period of two years after the date of entry into force of the implementing act referred to in Article 60(4).~~

3. The Member States shall communicate to the Commission any changes to the information referred to in paragraph 1.

4. The Commission shall make the information referred to in paragraph 1 publicly available through appropriate means, including through the European e-Justice Portal.

Article 70

Entry into force and application

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

2. It shall apply from [the first day of the month following a period of ~~18~~**36** months from the date of entry into force of this Regulation**, with the exception of:**

~~3.~~**(a) Articles 55, 56, 60, 61, 63, 64, 65, 66 and 69, which shall apply from [the date of entry into force of the Regulation];**

(b) Article 67, which shall apply from [*12 months before the date of application of the Regulation*];

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(c) Articles 49 and ~~Article~~ **50, which** shall apply from the first day of the month following ~~the~~**a** period of ~~two~~**three** years ~~after~~**from** the date of entry into force of the implementing act referred to in Article 60**(2);**

~~4. Articles 45 and 46 shall apply from [two years after the date of entry into application].~~

~~5. Article 47 shall apply from the first day of the month following the period of two years after the date of entry into force of the implementing act referred to in Article 60.~~

~~6. Article 38 shall apply from the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 60.~~

This Regulation shall be binding in its entirety and directly applicable in ~~all~~**the** Member States **in accordance with the Treaties**.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*
[...]	*[...]*

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ANNEX I

ATTESTATION

CONCERNING A MEASURE DIRECTED TO THE PROTECTION OF ~~ADULTS~~AN ADULT

(Article 15 of Regulation (EU) 20XX/XX)

*To be issued by a ~~competent authority~~**court** of the Member State of origin, upon application by ~~an interested~~**any** person **demonstrating a legitimate interest**, for the recognition, non-recognition or enforcement of a measure directed at the protection of an adult.*

Non-mandatory fields are marked with an *

1. Member State where the measure was taken ('Member State of origin'):

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece ☐ Spain

☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg ☐ Hungary ☐ Malta

☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia ☐ Slovakia ☐ Finland

☐ Sweden

2. ~~Competent authority~~Court of the Member State of origin issuing this attestation

2.1 Name of the ~~competent authority~~**court**:

2.2 Address

2.2.1 Street and number/PO box:

2.2.2 Place~~ and postcode~~:

2.2.3 Postcode:

2.3 Contact details

2.3.1 Telephone***:**

2.3.2 E-mail***:**

2.3.3 Other contact information*:

3. ~~Authority~~Court which took the measure* (mandatory, if different from the one indicated in point 2)

3.1 Name of the ~~authority~~**court**:

3.2 Address:

3.2.1 Street and number/PO box:

3.2.2 Place~~ and postcode:~~**:**

3.2.3 Postcode:

3.3 Contact details

3.3.1 Telephone*:

3.3.2 E-mail*:

3.3.3 Other contact information*:

4. Measure

4.1 Date (dd/mm/yyyy):

4.2 Reference number:

5. Adult covered by the measure ('~~A~~adult')

5.1 Surname(s) ~~and given name(s)~~:

5.1a Given name(s):

5.2 Surname(s) at birth (**if different from point 5.1)*:**

5.3 Date (dd/mm/yyyy) ~~and place~~ of birth:

5.3a. Place of birth (if available)*:

5.4 Nationality**:**

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia ☐ Slovakia ☐ Finland ☐ Sweden

☐ Other (please specify ISO-code):

☐ Unknown

5.5 Identification number[33]*

5.5.1 National identity number:

5.5.2 Social security number:

5.5.3 Tax number:

5.5.4 Other (please specify)***:**

5.6 Address**:**

5.6.1 Street and number/PO box:

5.6.2 Place ~~and postcode~~:

[33] Please indicate the most relevant number ~~if applicable~~.

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5.6.2a Postcode:

5.6.3 Country**:**

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland □ Greece

□ Spain □ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg

□ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia

□ Slovakia □ Finland □ Sweden

□ Other (please specify ISO-code):

5.7 Contact details**:**

5.7.1 Telephone***:**

5.7.2 E-mail***:**

5.7.3 Other contact information***:**

~~6. Other Party A[34]~~

~~6.1. □□Natural person~~

~~6.1.1 Surname(s) and given name(s):~~

~~6.1.2 Surname(s) at birth (if different from point 6.1.2):~~

~~6.1.3 Date (dd/mm/yyyy) and place of birth:~~

~~6.1.4 Identification number[35]:~~

~~6.1.4.1 National identity number:~~

~~6.1.4.2 Social security number:~~

~~6.1.4.3 Tax number:~~

~~6.1.4.4 Other (please specify):~~

~~6.1.5 Address~~

~~6.1.5.1 Street and number/PO box:~~

~~6.1.5.2 Place and postcode:~~

~~6.1.5.3 Country~~

~~□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland~~

~~□ Greece □ Spain □ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania~~

~~□ Luxembourg □ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia□□ Slovakia □ Finland □ Sweden~~

~~□ Other (please specify ISO-code):~~

~~[34] If there is more than one other party, please attach additional sheets, numbering the parties as 'Other Party A', 'Other Party B' etc., as necessary.~~

~~[35] Please indicate the most relevant number if applicable.~~

6.2. ☐ ☐ The Other Party A is a legal person

6.2.1 Name of the organisation:

6.2.2 Registration of the organisation[36]

6.2.2.1 Registration number:

6.2.2.2 Designation of the register/registration authority:

6.2.2.3 Date (dd/mm/yyyy) and place of registration:

6.2.3. Address of the organisation

6.2.3.1 Street and number/PO box:

6.2.3.2 Place and postcode:

6.2.3.3 Country

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Greece ☐ Spain
☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg
☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania
☐ Slovenia ☐ Slovakia ☐ Finland ☐ Sweden
☐ Other (please specify ISO code):

6.2.4 Surname(s) and given name(s) of a person authorised to sign for the organisation:

6.2.5 Other relevant information (*please specify*):

6.2.6 Contact details

6.2.6.1 Telephone:

6.2.6.2 E-mail:

7. The measure was taken in default of appearance

7.1 Adult or other party in default of appearance[37]:

7.2 That party was served with the document which instituted the proceedings or with an equivalent document:

7.2.1 ☐ No

7.2.2 ☐ Not known to the competent authority

7.2.3 ☐ Yes

7.2.3.1 Date of service (dd/mm/yyyy):

68. The measure is subject to ~~further~~ appeal under the law of the Member State of origin

☐ **Yes.**
☐ **No.**

7. Legal effect and enforceability

[36] Please indicate the most relevant number if applicable.
[37] If more than one party was in default of appearance, please attach an additional sheet for each party.

7.1 The measure is enforceable in the Member State where the measure was taken

□ Yes.

□ No.

7. ~~9.~~**2** Date of legal effect of the measure in the Member State where the measure was taken (dd/mm/yyyy):

7.3 Any additional information (if relevant)*:

~~**10. □ The measure was taken when the Adult concerned had not reached the age of 18**~~

~~10.1 The Adult has reached the age of 18 on (dd/mm/yyyy):~~

8~~11.~~**. The adult was given the opportunity to ~~express his or her views~~be heard:**

8.1~~11.1~~ □ Yes**, in the following manner:**~~, the hearing of the adult took place on (dd/mm/yyyy):~~

~~11.2 □ Yes, but the Adult refused to be heard.~~

8.2~~11.3~~ □ No, for the following reasons ~~related to the urgency[38] of the case:[39]~~.

8**.2.1 Nevertheless, the adult's will and preferences have been given due weight in the following manner*:**

~~12.4 □ No, for the following reasons not related to the urgency of the case:~~

9. ~~12.~~**Name(s) of party(ies) who benefited from legal aid*:**

9.1~~2~~ □ Adult: as indicated in point 5

9. ~~12~~2 □ ~~Other party A~~**Representative: as** indicated in point ~~6~~**13**

~~12.3 □ Other Party B as identified on additional sheets attached to this attestation[40]~~

9.3 □ Other persons or bodies: as indicated in point 14

~~12.4 □ None of them~~

~~12.5 □ Other – please indicate:~~

10. ~~13.~~**The measure (one or more entries, as relevant):**

10.1 □ concerns measures to support an adult in exercising his or her legal capacity.

10.2 ~~13.1~~□ concerns the **determination of the** ~~legal~~ **in**capacity of the adult

10.3~~13.2~~ □ institutes a protective regime.

10.3a □ institutes guardianship, curatorship or analogous institutions

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~~38 Urgency includes cases where the adult is absolutely unable to express his or her views and a decision needs to be taken. An example of urgency is a situation where the adult must undergo an urgent medical surgery, and is not, because of his or her medical condition, in a position to express his or her views.~~

39 According to Article 10, this could be because of the urgency of the case or where the adult was unable to express his or her views. An example of urgency is a situation where the adult must undergo an urgent medical surgery. Urgency also includes the situation where there is an imminent danger for the adult's property.

~~40 If more parties have benefited from legal aid, please attach an additional sheet for each additional party.~~

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10.4 ~~13.3~~ ☐ places the adult under the protection of a judicial or administrative authority.

~~14.3.1 Name and address of the judicial or administrative authority:~~

10.5~~13.4~~ ☐ designates one or several person(s) or body(ies) having charge of the **a**~~A~~dult's person or property, representing or assisting the **a**~~A~~dult (*if this box is ticked please fill in Point**s** **13 and** 14*)[41]~~:~~

~~13.4.1 ☐ ☐ the representative appointed is the same as Other Party A~~

~~13.4.2 ☐ ☐ the representative appointed is the same as Other Party B ☐~~

~~13.4.3 ☐ ☐ the representative was not a party to the proceedings~~

~~13.4.3.1 Name(s) of the representative:~~

~~13.4.3.2 Address of the representative:~~

10.6~~13.5~~ ☐ places or authorises the placement of the adult in an establishment or other place where protection can be provided.

~~13.5.1 Name and address of the establishment or other place:~~

10.7~~13.6~~ ☐ authorises or decides on the administration, conservation or disposal of the adult's property.

~~13.6.1 designation of the Adult's property~~[42]~~:~~

10.8 ~~13.7~~ ☐ authorises a specific intervention for the protection of the person or property of the **a**~~A~~dult.

10.9 ~~13.8~~ ☐ Other (please specify):

11. Content of the measure[43]:

12. ~~15.~~ The measure:

12.~~15.~~1 ☐ expires on (dd/mm/yyyy):

12.~~15.~~2 ☐ will be reviewed on (dd/mm/yyyy):

12.~~15.~~3 ☐ is valid until amended or revoked

12.~~15.~~4 ☐ Other (please specify):

13. Representative (if appointed[44])

13.1 ☐ Natural person

[41] ~~If more than one representative has been appointed, please attach an additional sheet for each additional representative. Please number the representatives as the 'Representative A', 'Representative B' etc., as necessary.~~

[42] ~~For instance address in case of immovable property, account details in case of financial assets.~~

[43] Please describe the measure. *E.g.* for placement, indicate the reasons and circumstances of the placement; for immovable property, the address; for financial assets, account details, etc.

[44] If there is more than one representative~~, and/or other person or body involved in the protection of the adult,~~ please attach additional sheets, numbering them as 'A', 'B' etc. as necessary.

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13.1.1 Surname(s):

13.1.2 Given name(s):

13.1.3 Surname(s) at birth (if different from point 13.1.1)*:

13.1.4 Date (dd/mm/yyyy) of birth:

13.1.5 Place of birth (if available)*:

13.1.6 Identification number[45]*

13.1.6.1 National identity number:

13.1.6.2 Social security number:

13.1.6.3 Tax number:

13.1.6.4 Other (please specify)*:

13.1.7 Address*

13.1.7.1 Street and number/PO box:

13.1.7.2 Place:

13.1.7.3 Postcode:

13.1.7.4 Country:

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland

□ Greece □ Spain □ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania

□ Luxembourg □ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia □ Slovakia □ Finland □ Sweden

□ Other (please specify ISO-code):

13.2 □ Legal person

13.2.1 Name of the organisation:

13.2.2 Registration of the organisation

13.2.2.1 Registration number*:

13.2.2.2 Date (dd/mm/yyyy)*:

13.2.2.3 Place of registration:

13.2.3 Address of the organisation

13.2.3.1 Street and number/PO box:

13.2.3.2 Place:

[45] Please indicate the most relevant number~~, if applicable~~.

13.2.3.3 Postcode:

13.2.3.4 Country:

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Greece □ Spain

□ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg

□ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania

□ Slovenia □ Slovakia □ Finland □ Sweden

□ Other (please specify ISO– code):

13.2.4 Person authorised to sign for the organisation

13.2.4.1 Surname(s)

13.2.4.2 Given name(s)

13.2.5 Other relevant information (please specify)*:

13.2.6 Contact details

13.2.6.1 Telephone*:

13.2.6.2 E-mail*:

13.2.6.3 Other contact information*:

13.3~~14~~.Powers of the representative(s) appointed

13.3~~14~~.1 Representative ~~A~~ is in charge of the **a**~~A~~dult~~'s person~~[46]

~~14.1 □ for the following categories of acts:~~

13.3.1.1 ~~14.2~~ □ for the following acts:

13.3.1.2 ~~14.3~~ □ subject to the authorisation of :

13.3.2 The representative's powers are limited to only supporting the adult

□ Yes (please specify):

□ No.

~~14.2 Representative A is in charge of the Adult's property~~

~~14.2.1 □ for the following categories of acts:~~

~~14.2.2 □ for acts concerning:~~

~~14.2.2.1 □ movable property~~

~~14.2.2.2 □ immovable property~~

~~14.2.2.3 □ the following property:~~

~~14.2.2.4 □ subject to the authorisation of :~~

[46] ~~If more than one representative has been appointed, please attach an additional sheet for each additional representative.~~

~~14.3 Other (please specify):~~

14. Other persons or bodies involved in the protection of the adult[47]*

14.1 □ Natural person

14.1.1 Surname(s):

14.1.2 Given name(s):

14.1.3 Surname(s) at birth (if different from point 14.1.1)*:

14.1.4 Date (dd/mm/yyyy) of birth:

14.1.5 Place of birth (if available)*:

14.1.6 Identification number[48]*

14.1.6.1 National identity number:

14.1.6.2 Social security number:

14.1.6.3 Tax number:

14.1.6.4 Other (please specify)*:

14.1.7 Address

14.1.7.1 Street and number/PO box:

14.1.7.2 Place:

14.1.7.3 Postcode:

14.1.7.4 Country:

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland

□ Greece □ Spain □ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania

□ Luxembourg □ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia □ Slovakia □ Finland □ Sweden

□ Other (please specify ISO-code):

14.2 □ Legal person

14.2.1 Name of the organisation:

14.2.2 Registration of the organisation

14.2.2.1 Registration number*:

14.2.2.2 Date (dd/mm/yyyy)*:

---

47 If there is more than one other person or body involved, please attach additional sheets, numbering them as 'A', 'B' etc. as necessary.

48 Please indicate the most relevant number~~, if applicable~~.

14.2.2.3 Place of registration:

14.2.3 Address of the organisation

14.2.3.1 Street and number/PO box:

14.2.3.2 Place:

14.2.3.3 Postcode:

14.2.3.4 Country:

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Greece □ Spain

□ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg

□ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania

□ Slovenia □ Slovakia □ Finland □ Sweden

□ Other (please specify ISO– code):

14.2.4 Person authorised to sign for the organisation

14.2.4.1 Surname(s)

14.2.4.2 Given name(s)

14.2.5 Other relevant information (please specify)*:

14.2.6 Contact details

14.2.6.1 Telephone*:

14.2.6.2 E-mail*:

14.2.**6.3 Other contact information*:**

14.3 Role[49]:

15~~16~~□ The measure determines costs and expenses of the proceedings[50]*

15~~16~~.1 The decision provides that[51]*:

15~~16~~.1.1 □ Surname(s) ~~and given name(s):~~

15.1.2 ~~□Name of an organisation or other legal person~~:**Given name(s)**

15.1.3 ~~16.1.2~~ □Name of an organisation or other legal person:

15~~17~~.2 Must pay to*:

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49 Please specify how the person or other body is involved in the protection of the adult.

50 This point also covers situations where the costs are awarded in a separate decision. The mere fact that the amount of the costs has not been fixed yet should not prevent the court from issuing the **attestation**~~certificate~~ if a party wishes to seek recognition of the substantive part of the decision.

51 If more than one party has been ordered to bear the costs, please attach an additional sheet.

15~~17~~.2.1 □ Surname(s) ~~and given name(s)~~:

15.2.2 ~~□Name of an organisation or other legal person~~:**Given name(s)**

15.2.3 ~~17.2.2~~ □Name of an organisation or other legal person:

15~~17~~.3 The sum of: …*****

□ Euro (EUR) □ ~~Bulgarian lev (BGN)~~ □ ~~Croatian kuna (HRK)~~ □ Czech koruna (CZK)

□ Hungarian forint (HUF) □ Polish zloty (PLN) □ Romanian leu (RON)

□ Swedish krona (SEK)

□ Other (please specify (ISO code)):

15~~17~~.4 Any additional information which might be relevant (for example the bank account details ~~where~~**to which** the sum should be paid):

~~17~~ **16. Any additional information which might be relevant*:**

If additional sheets have been added, state the total number of pages:

Done at:

On (dd/mm/yyyy):

Signature and/or stamp of the ~~competent authority~~court issuing the attestation:

Reference number of the attestation:

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ANNEX II

ATTESTATION

CONCERNING AN AUTHENTIC INSTRUMENT DIRECTED TO THE PROTECTION OF AN ADULT

(Article 17**(1)** of Regulation (EU) 20XX/X**X**)

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*To be issued **by an authority** to accompany an authentic instrument directed to the protection of an adult upon application by a person wishing to use an authentic instrument in another Member State ('authentic instrument').*

Non-mandatory fields are marked with an *

1. Member State where the authentic instrument was formally drawn up or registered by ~~a competent~~ an authority ('Member State of origin'):

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece ☐ Spain

☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg ☐ Hungary ☐ Malta

☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia ☐ Slovakia ☐ Finland

☐ Sweden

2. ~~Competent~~ Authority of the Member State of origin issuing this attestation

2.1 Name of the ~~competent~~ authority:

2.2 Address

2.2.1 Street and number/PO box:

2.2.2 Place ~~and postcode~~**:**

2.2.3 Postcode:

2.3 Contact details

2.3.1 Telephone***:**

2.3.2 E-mail***:**

2.3.3 Other contact information*:

3. Authority which formally drew up or registered the authentic instrument, if different from that indicated in point 2*

3.1 Name of the authority:

3.2 Address:

3.2.1 Street and number/PO box:

3.2.2 Place ~~and postcode~~:

3.2.3 Postcode:

3.3 Contact details

3.3.1 Telephone*:

3.3.2 E-mail*:

3.3.3 Other contact information*:

4. Authentic instrument

4.1 Date (dd/mm/yyyy):

4.2 Reference number :

5. Adult concerned by the authentic instrument ('adult'):

5.1 Surname(s) ~~and given name(s):~~

5.1a Given name(s):

5.2 Surname(s) at birth (**if different from point 5.1)*:**

5.3 **Date (dd/mm/yyyy)** ~~and place~~ **of birth:**

5.3a Place of birth (if available)*:

5.4 Nationality**:**

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia

☐ Slovakia ☐ Finland ☐ Sweden

☐ Other (please specify ISO-code):

☐ Unknown

5.5 Identification number[52]*

5.5.1 National identity number:

5.5.2 Social security number:

5.5.3 Tax number:

5.5.4 Other (please specify)*:

5.6. Address

[52] Please indicate the most relevant number ~~if applicable~~.

5.6.1 Street and number/PO box:

5.6.2 . Place ~~and postcode~~:

5.6.2a Postcode:

5.6.3 Country**:**

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia

☐ Slovakia ☐ Finland ☐ Sweden

☐ Other (please specify ISO-code):

5.7 Contact details

5.7.1 Telephone*:

5.7.2 E-mail**:**

5.7.3 Other contact information***:**

6. Authenticity of the authentic instrument

6.1 ☐ Under the law of the Member State of origin, the authentic instrument has specific evidentiary effects compared to other written documents.

6.1.1 ☐ No**.**

6.1.2 ☐ Yes. The specific evidentiary effects concern the following elements:

6.1.2.1 ☐ the date on which the authentic instrument was drawn up.

6.1.2.2 ☐ the place where the authentic instrument was drawn up.

6.1.2.3 ☐ the ~~origin~~**content** of any ~~signature of~~ **declaration by** the adult.

~~6.1.2.4 ☐ the content of any declaration by the Adult~~

6.1.2.~~5~~ **4** ☐ ~~the~~ facts that the ~~competent~~ authority declares as having been verified in its presence.

6.1.2.~~6~~**5** ☐ the actions which the ~~competent~~ authority declares to have carried out.

6.1.2.~~7~~**6** ☐ other (please specify):

6.2 ☐ Under the law of the Member State of origin, the authentic instrument may lose its specific evidentiary effects on the basis of ~~(please indicate if relevant)~~*:

6.2.1 ☐ a judicial decision

6.2.1.1 ☐ given in an ordinary judicial procedure.

6.2.1.2 ☐ given in a special judicial procedure provided by the law for this purpose.

6.2.2 ☐ Other (please specify):

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6.3 ☐To the knowledge of the ~~competent~~ authority issuing the attestation, the authentic instrument has not been challenged in the Member State of origin as to its authenticity.

☐ Yes.

☐ No.

7. Legal acts and relationships recorded in the authentic instrument*:

7.1 To the knowledge of the ~~competent~~ authority issuing the attestation, the authentic instrument***:**

7.1.1 ☐ is not challenged as to the legal acts and/or legal relationships recorded

7.1.2 ☐ is being challenged as to the legal acts and/or legal relationships recorded on specific points not covered by this attestation (please specify):

7.2 Other relevant information (please specify)***:**

8. Powers of representation

8.1 ☐ The authentic instrument records powers of representation granted by the adult

☐ Yes.

☐ No.

8.2 Representative ~~(person mandated to act in support or on behalf of the Adult)~~

8.2.1 ☐ Natural person

8.2.**1**.1 Surname(s) ~~and given name(s) or name of the organisation:~~

8.2.1.1a Given name(s): ~~or~~

8.2.**1**.2 ~~Where applicable,~~ Identification number[53]*****

8.2.2.1 National identity number:

8.2.2.2 Social security number:

8.2.2.3. Tax number:

8.2.2.4 Other (please specify)***:**

8.2.**1.**4 Address

8.2.**1.**4.1 Street and number/PO box:

8.2.**1.**4.2 Place ~~and postcode~~:

8.2.1.4.2a Postcode:

8.2.**1.**4.3 Country**:**

[53] Please indicate the most relevant number ~~if applicable~~.

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland

□ Greece □ Spain □ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania

□ Luxembourg □ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal

□ Romania □ Slovenia □ Slovakia □ Finland □ Sweden

□ Other (please specify ISO-code):

8.2.2 □ Legal person

8.2.2.1 Name of the organisation:

8.2.**2**.2~~.3 Where applicable,~~ Registration of the legal person[54]*****

8.2.**2**.2~~.3~~ 1 Registration number*****:

~~8.2.3.2 Designation of the register/registration authority:~~

8.2.**2**.2~~.3~~.**2** Date (dd/mm/yyyy)* ~~and place of registration:~~

8.2.2.3 Place of registration:

8.2.2.3Address of the organisation

8.2.2.3.1 Street and number/PO box:

8.2.2.3.2 Place:

8.2.2.3.3 Postcode:

8.2.2.3.4 Country:

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Greece □ Spain

□ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg

□ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania

□ Slovenia □ Slovakia □ Finland □ Sweden

□ Other (please specify ISO– code):

8.3 In case more than one representative is appointed, the representatives act**s***

□ together (jointly)[55];

□ concurrently[56] (if necessary please specify):

□ separately[57] (if necessary please specify):

---

54 Please indicate the most relevant number if applicable.

55 Decisions are taken together by the representatives.

56 Different representatives are dealing with different matters. For example, one representative is dealing with financial matters of the adult**,** and another is dealing with health, welfare and other personal matters of the adult.

57 Representatives may act individually.

□ as substitutes[58] (if necessary please specify):

8.3a The representative's powers are limited to only supporting the adult

□ Yes (please specify):

□ No.

8.4 The powers of representation cover the following matters:

8.4.1 □ economic and financial matters

8.4.2 □ health

8.4.3 □ welfare and other personal matters

8.4.4 □ business or professional affairs or adult's share in (a) corporation(s)

8.4.5 □ legal representation of the adult

~~8.4.6 □ choice of the applicable law~~

~~8.4.7 □ choice of jurisdiction~~

8. 4.~~8~~ **6** □ other, please specify:

8.~~1~~.5 The powers of representation

8.~~1~~.5.1 □~~care~~**are** currently in force

8.~~1~~.5.1.1 Date of entry into force (dd/mm/yyyy):

8.~~1~~.5.2 □ will enter into force in the future

8.~~1~~.5.2.1 □ upon confirmation by a **court or** competent authority

8.~~1~~.5.2.2 □ upon unilateral declaration of the representative

8.~~1~~.5.2.3 □ upon a decision of a third party

8.~~1.5.2.4~~**6** □ Where applicable, type of evidence required (e.g. a medical certificate)***:**

9. Advance directives

9.1 □ The authentic instrument records advance directives (instructions given and wishes made by ~~a person~~ **the adult**) ~~on the following matters~~

☐ Yes.

☐ No.

9.1a. The authentic instrument records advance directives on the following matters

9.1**a**.1 □ Health, if necessary please specify:

[58] One or more substitutes may be appointed if the representative(s) is/are not able or willing to take on their tasks.

9.1**a**.2 □ Welfare, including place of residence, if necessary please specify:

9.1**a**.3 □ Other personal matters, if necessary please specify:

9.1**a**.4 □ Economic and financial matters, if necessary please specify:

9.1**a**.5 □ Choice of a natural person as a representative to be taken into account by the ~~authorities~~**courts** taking a measure directed to the protection of the adult

9.1**a**.5.1 Surname(s) ~~and given name(s) of the chosen representative~~:

9.1a.5.1a.Given name(s) of the chosen representative:

9.1**a**.5.2 Surname(s) of the chosen representative at birth (if different from point 9.1.5.1)***:**

9.1**a**.5.3 Date (dd/mm/yyyy) ~~and place~~ of birth:

9.1a.5.3a. Place of birth (if available)*:

9.1**a**.5.~~5~~ **4** Identification number[59]~~:~~*****

9.1**a**.5.~~5~~**4**.1 National identity number:

9.1**a**.5.~~5~~**4**.2 Social security number:

9.1**a**.5.~~5~~**4**.3 Tax number:

9.1**a**.5.~~5~~**4**.4 Other (please specify)***:**

9.1**a**.5.~~6~~**5** Address

9.1**a**.5.~~6~~**5**.1 Street and number/PO box:

9.1**a**.5.~~6~~**5**.2 Place ~~and postcode:~~ **:**

9.1**a.5.5.2a Postcode:**

9.1**a**.5.~~6~~ **5**.3 Country**:**

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland

□ Greece □ Spain □ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania

□ Luxembourg □ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal

□ Romania □ Slovenia □ Slovakia □ Finland □ Sweden

□ Other (please specify ISO-code):

9.1**a**.6 □ Choice of a legal person as a representative to be taken into account by the ~~authorities~~ **courts** taking a measure directed to the protection of the **a**~~A~~dult

9.1**a**.6.1 Name of the organisation:

9.1**a**.6.2 Registration of the organisation

---

59 Please indicate the most relevant number ~~if applicable~~.

9.1**a**.6.2.1 Registration number*****:

~~9.1.6.2.2 Designation of the register/registration authority:~~

9.1.6.2.**2** Date (dd/mm/yyyy)***** ~~and place of registration~~:

9.1.6.2.3 Place of registration:

9.1**a**.6.3 Address of the organisation

9.1.6.3.1 Street and number/PO box:

9.1**a**.6.3.2 Place ~~and postcode:~~**:**

9.1a.6.3.2a Postcode:

9.1**a**.6.3.3 Country**:**

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Greece □ Spain

□ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg

□ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania

□ Slovenia □ Slovakia □ Finland □ Sweden

□ Other (please specify ISO – code):

9.1**a**.6.4 ~~Surname(s) and given name(s) of a~~ **p~~P~~erson authorised to sign for the organisation**:

9.1.6.4.1 Surname(s)

9.1.6.4.2 Given name(s)

9.1**a**.6.5 Other relevant information (please specify)***:**

9.1**a**.6.6 Contact details

9.1**a**.6.6.1 Telephone~~:~~***:**

9.1**a**.6.6.2 E**–**mail***:**

9.1a.6.6.3 Other contact information*:

9.2 Other **relevant** information **(including on matters covered by advance directives)** in relation to the advance directives**, please specify*:**

~~9.2.1 Under the law of the state of origin:~~

~~9.2.1.1 □ advance directives have binding effects~~

~~9.2.1.2 □ advance directives should be treated as statements of wishes and preferences expressed by the Adult and should be given due respect~~

~~9.2.2 □Other relevant information in relation to the advance directives:~~

10. Other information recorded in the authentic instrument*:

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11. Registration*   11.1 ☐ The authentic instrument**,** or ~~one of its~~ part **of it,** is registered*   ☐ in a register of the Member State of origin   ☐ in a register of another Member State
12. Any additional information which might be relevant*:
If additional sheets have been added, state the total number of pages: **Done at:**   **On (dd/mm/yyyy):**   **Signature and/or stamp of the ~~competent~~ authority issuing the attestation:**   **Reference number of the attestation:**

PUBLIC

ANNEX III

EUROPEAN CERTIFICATE OF SUPPORT AND REPRESENTATION

(Article 38**(4)** of the Regulation (EU) 20XX/XX)

IMPORTANT

This Certificate is for use by a representative or representatives, who need to invoke their powers to represent **or support** an adult who, by reason of an impairment or insufficiency of his or her personal faculties, is not in a position to protect his or her interests.

This Certificate may be used to demonstrate that the person designated in this Certificate as a representative of the adult is authorised to represent **or support** the adult.

This Certificate is issued by **a court or** a competent authority of ~~a~~**the** Member State where the measure was taken or powers of representation were confirmed ('issuing authority'). The original of this Certificate remains in the possession of that issuing authority and only its certified copies are issued. **Where possible under national law, Member States can issue the Certificate in a digital format.** The Certificate is valid until the date indicated in the appropriate box at the end of this form **unless withdrawn, rectified, modified or suspended before that date in accordance with the applicable procedures of Regulation (EU) 20XX/XX**.

Effects of this Certificate in the Union:

- The person indicated in the Certificate as the adult's representative is presumed to have the powers mentioned in the Certificate with no conditions and/or ~~restrictions~~**limitations** being attached to those powers other than those stated in the Certificate.
- Any person ~~who, acting on the basis of the information certified in a valid~~ **to whom a** Certificate~~, deals~~ **issued in accordance with** ~~someone~~ **Regulation (EU) 20XX/XX is presented may rely on the fact that the adult's representative** indicated in the Certificate ~~as the adult's representative with respect to a certain matter,~~ **is authorised to represent or support the adult as specified in that Certificate. That person** shall be considered to have dealt with ~~someone with authority to represent~~**an authorised representative of** the adult ~~in that matters~~, unless the person knows that the ~~contents~~**content** of the Certificate ~~are~~**is** not accurate or ~~valid or~~ is unaware of such inaccuracy ~~or invalidity~~ due to gross negligence.
- The Certificate has these effects in the European Union, with the exception of Denmark [and Ireland].
- **The Certificate may produce effects in the Member State where it was issued if the national law of that Member State has determined that the Certificate produces effects in that State (see point 9.3).**
- **The Certificate shall not produce effects following the death of the adult concerned.**

Non-mandatory *fields are marked with an* *

1. ~~Competent~~ ~~a~~**Authority that issued the Certificate ('Issuing authority')**

1.1 Member State of the issuing authority:

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland □ Greece

□ Spain □ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg

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□ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia
□ Slovakia □ Finland □ Sweden

1.2 Name ~~and designation~~ of the issuing authority:

1.3 Address of the issuing authority

1.3.1 Street and number/PO box:

1.3.2 Place ~~and postcode~~:

1.3.2a Postcode:

1.4 Contact details

1.4.1 Telephone*:

1.4.2 E-mail*:

1.4.3 Other contact information*:

2. Details concerning the adult to be represented or supported ('~~A~~adult')

2.1 Surname(s) ~~and given name(s)~~:

2.1a Given name(s):

2.2 Surname(s) at birth (if different from point 2.1)*:

2.3 Date (dd/mm/yyyy) of birth:

2.4 Place of birth ~~(town/country/(ISO code))~~ **(if available)*:**

2.5 Nationality:

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland □ Greece

□ Spain □ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg

□ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia
□ Slovakia □ Finland □ Sweden

□ Other (please specify ISO-code):

□ Unknown

2.6 Identification number ~~(please indicate the most relevant number(s))~~[60]*

2.6.1 National identity number:

2.6.2 Social security number:

2.6.3 Tax number:

2.6.4 Other (please specify)*:

[60] Please indicate the most relevant number.

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2.7 Address

2.7.1 Street and number/PO box:

2.7.2 Place ~~and postcode~~

2.7.2a Postcode:

2.7.3 Country:

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland □ Greece

□ Spain □ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg

□ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania

□ Slovenia □ Slovakia □ Finland □ Sweden

□ Other (please specify ISO-code):

2.8 Contact details

2.8.1 Telephone*:

2.8.2 E-mail*:

2.8.3 Other contact information*:

If the basis for the representation is a measure directed to the protection of the adult:

3. ~~Source m~~Measure

3.1 The measure was taken by:

□ the same ~~authority~~ **court** that issues this Certificate

□ another ~~competent authority~~ **court** in the Member State

3.2 If the measure was not taken by ~~**the competent authority**~~ **court** that issues this Certificate, please indicate the name ~~and designation~~ of the ~~competent authority~~ **court** that has taken the measure***:**

3.3 Reference number of the ~~source~~ measure:

3.4 Date when the ~~source~~ measure was taken (dd/mm/yyyy):

3.5 □ The ~~source~~ measure is ~~registered in a Member State protection register~~[61]**subject to an appeal under the law of the Member State of origin**

3.5.1 ~~Additional details identifying the register:~~ □ **The measure that is subject to an appeal under the law of the Member State of origin is provisionally applicable**

~~3.5.2 Reference number of the source measure in the register:~~

[61] ~~Pursuant to Articles 45 or 46 of the Regulation (EU) 20XX/X.~~

If the basis for the representation is a confirmed powers of representation:

4. ~~Source e~~Confirmed powers of representation

4.1 The powers of representation were confirmed by:

□ the same authority that issues this Certificate

□ another **court** or competent authority

4.2 If the powers of representation were not confirmed by the authority that issues this Certificate, please indicate the name ~~and designation~~ of the **court or** competent authority that has confirmed them***:**

4.3 Date when the powers of representation were drawn up by the adult (dd/mm/yyyy):

4.4 Date of confirmation of the ~~source~~ confirmed powers of representation (dd/mm/yyyy):

4.5 Reference number of the ~~source~~ confirmed powers of representation:

~~4.6 □ The source confirmed powers of representation are registered in a Member State register~~[62]

~~4.6.1 Additional details identifying the register:~~

~~4.6.2 Reference number of the source confirmed powers of representation in the register:~~

5. Representative(s) of the adult

5.1 The number of the adult's representatives

□ One

□ More than one – *Please indicate the number of the adult's representatives*:

If the adult has more than one representative, please fill in the Sections 6 (*Details concerning the representative of the adult*)*, 7* (*the powers of a representative*) *and 8* (*limitations of the powers of the representative*) *for each of the representatives separately, attaching a sheet for each representative and numbering the representatives as the 'Representative A', 'Representative B' etc., as necessary.*

5.2 If the adult has more than one representative, ~~how can~~ the representatives represent **or support** the **a**~~A~~dult **in the following way** ~~*(Please choose one of the options)*~~:

□ Each of the **a**~~A~~dult's representatives can act alone ~~or they can act together~~

□ All **a**~~A~~dult's representatives have to act together or in agreement

□ Each representative acts within the scope of powers entrusted to him or her and the representatives' powers do not overlap

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62 Pursuant to Article X of the Regulation (EU) 20XX/X.

□ Other. *Please explain the specific rules or arrangements concerning the **a**~~A~~dult's representation*[63]***:**

6. Details concerning the representative of the a~~A~~dult ('Representative')

6.1 If the representative is a natural person

6.1.1 Surname(s) ~~and given name(s):~~

6.1.1a Given name(s):

6.1.2. Surname(s) at birth (if different from point 6.1.1)*:

6.1.~~2~~**3** Date (dd/mm/yyyy) of birth ~~and place of birth (town/country/(ISO code))~~:

6.1.3a Place of birth (if available)*:

6.1.~~3~~**4** Identification number ~~(please indicate the most relevant number(s))~~[64]*****

6.1.~~3~~**4**.1 National identity number:

6.1.~~3~~**4**.2 Social security number:

6.1.~~3~~**4**.3 Tax number:

6.1.~~3~~**4**.4 Other (please specify)*****:

6.1.~~4~~.**5** Address

6.1.~~4~~.**5**.1 Street and number/PO box:

6.1.~~4~~.**5**.2 Place

6.1.~~4~~.**5.2a P**ostcode:

6.1.~~4~~.**5**.3 Country:

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland □ Greece

□ Spain □ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg

□ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania

□ Slovenia □ Slovakia □ Finland □ Sweden

□ Other (please specify ISO-code):

6.1.~~5~~**6** Contact details

6.1.~~5~~**6**.1 Telephone*:

6.1.~~5~~**6**.2 E-mail*:

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63 In particular, please explain the circumstances or indicate the legal acts for which more than one representative has to be involved and specify which of the adult's representatives are to be involved.

64 Please indicate the most relevant number.

6.1.~~5~~**6.**3 Other contact information *****:

6.2 If the representative is a legal person

6.2.1 Name of the organisation:

6.2.2 Registration of the organisation (~~*please indicate the most relevant number if applicable*~~)

6.2.2.1 Registration number*****:

6.2.2.2 **Date (dd/mm/yyyy)*** ~~Designation of the register/registration authority:~~

6.2.2.3 ~~Date (dd/mm/yyyy) and~~ ~~p~~**Place of registration:**

6.2.3. Address of the organisation

6.2.3.1 Street and number/PO box:

6.2.3.2 Place ~~and postcode:~~

6.2.3.2 a. Postcode:

6.2.3.3 Country:

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Greece □ Spain

□ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg

□ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania

□ Slovenia □ Slovakia □ Finland □ Sweden

□ Other (please specify ISO-code):

6.2.4. ~~Surname(s) and given name(s) of a~~ **pPerson authorised to sign for the organisation:**

6.2.4.1 Surname(s)

6.2.4.2 Given name(s)

6.2.5 Other relevant information (please specify):

6.2.6 Contact details

6.2.6.1 Telephone***:**

6.2.6.2 E-mail***:**

6.2.6.3 Other contact information*:

7. Powers of the representative

7.1 ~~Are t~~The representative's powers ~~are~~ limited to a particular intervention (~~i~~.e.**g.**: limited to ~~representing~~ **only supporting** the **a**~~A~~dult w~~ith respect to a specific legal act, transaction or other similar specific purpose)?~~ **:**

□ Yes**, please also fill in point 8.**

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□ No, ~~the powers are not limited to a particular intervention.~~

~~7.1.1 *If the representation is limited to a particular intervention, please provide details about the nature of that intervention:*~~

~~*If they are not limited to a particular intervention, please fill in Sections 7.2 to 7.5.*~~

7.2. Content and extent of the powers:~~Representation related to the Adult's property~~

7.2.1 □ Powers related to the adult's immovable property[65]:

7.2.2 □ Powers related to the adult's other property besides immovable one[66]:

7.2.3 □ Powers related to succession[67]:

7.2.4 □ Powers concerning health-related interests of the adult[68]:

7.2.5 □ Powers concerning the adult's place of residence or housing[69]:

7.2.6 □ Other powers related to the adult's person and/or the adult's personal welfare[70]:

PUBLIC

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65 E.g. continuous administration and conservation of the adult's immovable property and/or assets, conclude, renew and/or terminate vis–à–vis a third party a lease of immovable property belonging to the adult, to sell the adult's immovable property, to carry out works, alterations and repairs of the adult's immovable property, including major ones, to represent the adult in matters concerning the administration of an adult's building and/or land

66 E.g. continuous administration and conservation of the adult's other property, to receive payments, income, capital and/or valuables, to manage and/or modify the adult's bank account(s), including all related transactions and legal acts, to receive information, including any account statements, from banks and similar institutions concerning the adult's bank account(s) and other property, to withdraw money and make payments from the adult's bank account(s), to use the adult's financial means and make payments, to discharge of any adult's debts and/or other obligations that are legally enforceable, to carry out legal acts and/or legal transactions concerning other property, to conduct legal proceedings in the adult's name or on the adult's behalf concerning adult's other property

67 E.g. to accept inheritance or other performance from an estate, to refuse inheritance or other performance from an estate if the estate is over–indebted, to represent the adult in any succession proceedings, including with respect to judicial authorities and/or financial or taxation ones

68 E.g. to receive information concerning the adult's health, to consult medical documentation of the adult, to represent the adult's interests in health–related matters, to decide on an outpatient care of the adult, to decide on an inpatient care of the adult, to give consent, to give, refuse or withdraw consent to a health treatment, examination, or other medical intervention, to decide on the continuation or discontinuation of health treatment, including (dis)continuation of life–sustaining treatment, to carry out legal acts and/or legal transactions with respect to matters concerning healthcare interests of the adult, to conduct legal proceedings in the adult's name or on the adult's behalf with respect to matters concerning healthcare interests of the adult

69 E.g. to determine the place of residence of the adult, to conclude, modify or terminate a contract with an establishment or with a place providing housing with care or where protection of the adult can be provided, so long as this is necessary, to decide on a transfer or admission of the adult for an inpatient stay in a hospital or similar institution, to conclude a lease for an apartment or other form of housing intended for the adult's living and to modify or terminate that contract, to determine other practical matters concerning the adult's household, to represent the adult in matters concerning the administration of a building and/or land where the adult lives, including shared administration with other owners or inhabitants, to carry out legal acts and/or legal transactions with respect to matters concerning the adult's place of residence or housing, to conduct legal proceedings in the adult's name or on the adult's behalf with respect to matters concerning the adult's place of residence or housing

70 E.g. to determine what contact, if any, the adult is to have with (a) specific person(s), to make an order prohibiting (a) specific person(s) from having contact with the adult, to take actions which will have the effect on the adult's membership in association or other organisations, to take any act relating to the adult's pet or domestic animal

7.2.7 □ Powers related to the management of the adult's legal and business affairs[71]:

7.2.8 □ Other powers and/or rights[72]:

~~□ The Representative has any representative powers and/or rights related to Adult's property matters, e.g. the administration, conservation or disposal of the Adult's property and management of Adult's assets~~

~~7.2.1.1 The Representative has the following powers and/or rights concerning the Adult's **immovable property**:~~

~~□ continuous administration and conservation of the Adult's immovable property and assets~~

~~□ to acquire immovable property in the Adult's name or on the Adult's behalf~~

~~□ conclude, renew and/or terminate vis– à– vis a third party a lease of immovable property belonging to the Adult~~

~~□ to sell the Adult's immovable property~~

~~□ to donate the Adult's immovable property~~

~~□ to dispose of the Adult's immovable property other than by selling or donating it~~

~~□ to carry out works, alterations and repairs of the Adult's immovable property, including a major ones~~

~~□ to enter, modify, or terminate a contractual relation concerning carrying out improvement works, alterations and repairs of the Adult's immovable property~~

~~□ to create and terminate rights in rem on the Adult's immovable property (usufruct, use, servitude, etc.) or otherwise encumber the Adult's immovable property~~

~~□ to take out a mortgage on the Adult's immovable property~~

~~□ to repay, modify, discharge or otherwise legally act with respect to a mortgage on the Adult's immovable property~~

~~□ to represent the Adult in matters concerning the administration of an Adult's building and/or land, including shared administration with other owners of the immovable property or inhabitants~~

[71] E.g. to make decisions and actions related to running the adult's business, trade, or other professional activities, to make decisions and actions in connection with the adult's shareholding in a company, including the exercise of shareholder rights and the sale of a share, to conclude, renew and/or terminate a lease of business premises for the adult's business, to represent the adult in dealings with banks, financial institutions, insurance providers, taxation and public authorities, to carry out legal acts and/or legal transactions with respect to the adult's legal and business affairs, to conduct legal proceedings in the adult's name or on the adult's behalf

[72] E.g. to delegate all or some his or her powers and rights to a third party, to appoint his or her deputies with respect to all his or her powers and rights, to appoint his or her deputies with respect to some of his or her powers and rights, to appoint an asset manager for the adult's property, to receive mail addressed to the adult, within the scope of the representative's powers, to receive, open and read mail, including electronic mail, addressed to the adult

~~□ to submit, receive, amend and/or withdraw applications and forms concerning the Adult's immovable property~~

~~□ to make declarations concerning the Adult's immovable property~~

~~□ to carry out legal acts and/or legal transactions with respect to the above matters related to Adult's immovable property~~

~~□ to discharge of the Adult's responsibilities and legal obligations with respect to the above matters related to Adult's immovable property~~

~~□ to assist the Adult with discharging of the Adult's responsibilities and legal obligations with respect to the above matters related to Adult's immovable property~~

~~□ to conduct legal proceedings in the Adult's name or on the Adult's behalf with respect to the above matters related to Adult's immovable property~~

~~□ to conduct, in the Adult's name or on the Adult's behalf, only specific legal proceedings with respect to the above matters related to Adult's immovable property – *Please specify the legal proceedings:*~~

~~□ Other powers and/or rights of the Representative related to the Adult's immovable property – *Please specify:*~~

~~7.2.1.2 The Representative has the following powers and/or rights concerning **other property besides immovable one** (hereinafter as: 'other property'): (*Please select any powers and/or rights with respect to other property of the Adult*)~~

~~□ continuous administration and conservation of the Adult's other property~~

~~□ to acquire other property in the Adult's name or on the Adult's behalf~~

~~□ to sell Adult's other property~~

~~□ to make donations and/or gifts from the Adult's other property~~

~~□ to make donations and/or gifts from the Adult's other property under conditions[73] – *Please specify:*~~

~~□ to dispose of the Adult's other property by other means than by selling or donating it~~

~~□ to enter in the Adult's name or on the Adult's behalf into liabilities concerning the Adult's other property~~

~~□ to receive payments, income, capital and/or valuables~~

~~□ to manage and/or modify the Adult's bank account(s), including all related transactions and legal acts~~

~~□ to receive information, including any account statements, from banks and similar institutions concerning the Adult's bank account(s) and other property~~

~~□ to receive access and/or login details to the Adult's bank account(s)~~

~~[73] Depending on national law, the conditions for making a donation or a gift may be for instance that the gift is made on customary occasions to family members, or that the donation or the gift is not unreasonable having regard to all the circumstances, in particular the size of the Adult's property and assets.~~

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~~□ to open a new bank account in the Adult's name or on the Adult's behalf~~

~~□ to apply for the issue of (a) credit card(s) to the Adult's bank account(s) and to receive it~~

~~□ to apply for the issue of (a) debit card(s) to the Adult's bank account(s) and to receive it~~

~~□ to establish, modify or terminate direct deposits or scheduled payments from the Adult's bank account(s)~~

~~□ to close Adult's bank account(s) and transfer or withdraw funds from the account(s)~~

~~□ to withdraw money and make payments from the Adult's bank account(s)~~

~~□ to use the Adult's financial means and make payments~~

~~□ to use the Adult's financial means and make payments to fulfil existing legal obligations of the Adult vis - à - vis third parties concerning other property (such as repayment of credit cards etc.)~~

~~□ to use the Adult's financial means and make payments to cover his or her costs for performing the role as a Representative~~

~~□ to use the Adult's financial means and make payments for the purpose of – *Please specify*:~~

~~□ to reutilise excess capital and income~~

~~□ to receive information on the Adult's other financial instruments~~

~~□ to manage and/or modify (a) contract(s) for Adult's securities and financial instruments~~

~~□ to terminate (a) contract(s) for the management of Adult's securities and financial instruments~~

~~□ to act in the Adult's name or on Adult's behalf concerning transactions involving securities and financial instruments~~

~~□ to discharge of any Adult's debts and/or other obligations that are legally enforceable~~

~~□ to discharge of any Adult's debts and/or other obligations~~

~~□ to carry out legal acts and/or legal transactions concerning other property~~

~~□ to carry out (a) contract(s) entered into by the Adult concerning other property~~

~~□ to discharge of the Adult's responsibilities and legal obligations concerning other property~~

~~□ to assist the Adult with discharging of the Adult's responsibilities and legal obligations concerning other property~~

~~□ to conduct legal proceedings in the Adult's name or on the Adult's behalf concerning Adult's other property~~

~~□ to conduct, in the Adult's name or on the Adult's behalf, only the following legal proceedings concerning the Adult's other property – *Please specify the legal proceedings*:~~

PUBLIC

☐ Other powers and/or rights of the Representative related to other property – *Please specify:*

Comments:

7.2.1.3 The Representative has the following **powers and/or rights related to succession**: (*Please select those which apply*)

☐ to accept inheritance or other performance from an estate

☐ to refuse inheritance or other performance from an estate

☐ to refuse inheritance or other performance from an estate if the estate is over-indebted

☐ to represent the Adult in any succession proceedings, including with respect to judicial authorities and/or financial or taxation ones

☐ Other powers and/or rights of the Representative related to succession – *Please specify:*

Comments:

7.3 Representation related to the Adult's person and the Adult's personal welfare

7.3.1 ☐ The representative has any powers and/or rights **concerning health- related interests** of the Adult

7.3.1.1 The Representative has the following health- related powers and/or rights: (*Please select those which apply*)

☐ to accompany the Adult for a healthcare treatment

☐ to receive information concerning the Adult's health

☐ to consult medical documentation of the Adult

☐ to authorise the release of medical documentation to other parties

☐ to represent the Adult's interests in health- related matters

☐ to decide on an outpatient care of the Adult

☐ to decide on an inpatient care of the Adult

☐ to give a consent, to refuse to give a consent or to withdraw a consent to a health treatment, examination of other medical intervention

☐ to decide on the continuation or discontinuation of health treatment, with the exception of life- sustaining treatment[74]

☐ to decide on the continuation or discontinuation of health treatment, including (dis)continuation of life- sustaining treatment[75]

[74] For the purposes of this Certificate, life sustaining treatment should mean treatment, which in the view of a person providing health care for the Adult concerned is necessary to sustain his or her life.

[75] For the purposes of this Certificate, life sustaining treatment should mean treatment, which in the view of a person providing health care for the Adult concerned is necessary to sustain his or her life.

~~□ to carry out legal acts and/or legal transactions with respect to the above matters concerning healthcare interests of the Adult~~

~~□ to submit, receive, amend and/or withdraw applications and forms with respect to the above matters concerning healthcare interests of the Adult~~

~~□ to conduct legal proceedings in the Adult's name or on the Adult's behalf with respect to the above matters concerning healthcare interests of the Adult~~

~~□ to conduct, in the Adult's name or on the Adult's behalf, only specific legal proceedings with respect to the above matters concerning healthcare interests of the Adult: *Please specify the legal proceedings*:~~

~~□ Other health- related powers and/or rights of the Representative - *Please specify:*~~

~~*Comments:*~~

~~7.3.2 □ The Representative has any powers and/or rights~~ **~~concerning the Adult's place of residence or housing~~**

~~7.3.2.1 The Representative has the following powers and/or rights: (*Please select those which apply*)~~

~~□ to determine the place of residence of the Adult with the consent of the Adult~~

~~□ to determine the place of residence of the Adult with the consent of other person or authority~~

~~□ to determine the place of residence of the Adult~~

~~□ to conclude, modify or terminate a contract with an establishment or with a place providing housing~~

~~□ to conclude, modify or terminate a contract with an establishment or with a place providing housing with care or where protection of the Adult can be provided~~

~~□ so long as this is necessary, to decide on a transfer or admission of the Adult for an inpatient stay in a hospital or similar institution~~

~~□ to conclude a lease for an apartment or other form of housing intended for the Adult's living and to modify or terminate that contract~~

~~□ to determine other practical matters concerning the Adult's household~~

~~□ to represent the Adult in matters concerning the administration of a building and/or land where the Adult lives, including shared administration with other owners or inhabitants~~

~~□ to carry out legal acts and/or legal transactions with respect to the above matters concerning the Adult's place of residence or housing~~

~~□ to submit, receive, amend and/or withdraw applications and forms with respect to the above matters concerning Adult's place of living and housing~~

~~□ to discharge of the Adult's responsibilities and legal obligations with respect to the above matters concerning Adult's place of residence or housing~~

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□ to assist the Adult with discharging of the Adult's responsibilities and legal obligations with respect to the above matters concerning Adult's place of residence or housing

□ to conduct legal proceedings in the Adult's name or on the Adult's behalf with respect to the above matters concerning the Adult's place of residence or housing

□ to conduct, in the Adult's name or on the Adult's behalf, only specific legal proceedings with respect to the above matters concerning Adult's place of residence or housing – *Please specify the legal proceedings*:

□ Other powers and/or rights concerning the Adult's place of residence or housing – *Please specify*:

Comments:

7.3.3 The Representative has also the following **other powers and/or rights related to the Adult's person and or the Adult's personal welfare**: (*Please select those which apply*)

□ to determine what contact, if any, the Adult is to have with (a) specific person(s)

□ to make an order prohibiting (a) specific person(s) from having contact with the Adult

□ to take actions which will have the effect on the Adult's membership in association or other organisations

□ to take any act relating to the Adult's pet or domestic animal

□ Other powers and/or rights related to the Adult's person and or the Adult's personal welfare – *Please specify*:

Comments:

7.4 Representation related to the Adult's legal and business affairs

7.4.1 The Representative has the following general powers and/or rights related to **a management of the Adult's legal and business affairs** (*Please select those which apply*):

□ to make decisions and actions related to running the Adult's business, trade, or other professional activities that are of an interim, temporary or routine nature

□ to make decisions and actions related to running the Adult's business, trade, or other professional activities, including interventions with a permanent or structural impact on the course of the business, trade, or other professional activity

□ to make decisions and actions in connection with the Adult's shareholding in a company, including the exercise of shareholder rights (e.g. exercising voting rights at shareholder meetings) and other interventions, including the sale of a share

□ to conclude, renew and/or terminate a lease of business premises for the Adult's business, trade, or other professional activities

□ to take actions which will have the effect on the Adult's membership in business corporations or the Adult's share in a corporation

PUBLIC

~~□ to represent the Adult in dealings with banks and financial and/or credit institutions~~

~~□ to represent the Adult in dealings with insurance providers with respect to an insurance policies on matters within the scope of the Representative's powers, including the conclusion, modification, renewal and/or termination of those policies~~

~~□ to represent the Adult in dealings with insurance providers with respect to insurance policies concerning the Adult's property and assets, including the conclusion, modification, renewal and/or termination of those policies~~

~~□ to represent the Adult in dealings with insurance providers with respect to insurance policies concerning the Adult's business or professional activities, including the conclusion, modification, renewal and/or termination of those policies~~

~~□ to represent the Adult in dealings with insurance providers with respect to insurance policies concerning the Adult's person, including the conclusion, modification, renewal and/or termination of those policies~~

~~□ to represent the Adult in dealings with pension and social authorities~~

~~□ to represent the Adult in dealings with taxation and finance authorities~~

~~□ to represent the Adult in dealings with public authorities~~

~~□ to represent the Adult in dealings with other authorities or private entities~~

~~□ to represent the Adult when contracting with third parties~~

~~□ to make decisions related to the conclusions, modification or termination of contracts with respect to the above matters concerning Adult's legal and business affairs~~

~~□ to carry out legal acts and/or legal transactions with respect to the above matters concerning the Adult's legal and business affairs~~

~~□ to submit, receive, amend and/or withdraw applications and forms with respect to the above matters concerning Adult's legal and business affairs~~

~~□ to discharge of the Adult's responsibilities and legal obligations with respect to the above matters concerning Adult's legal and business affairs~~

~~□ to assist the Adult with discharging of the Adult's responsibilities and legal obligations with respect to the above matters concerning Adult's legal and business affairs~~

~~□ to conduct legal proceedings in the Adult's name or on the Adult's behalf with respect to the above matters concerning Adult's legal and business affairs~~

~~□ to conduct, in the Adult's name or on the Adult's behalf, only specific legal proceedings with respect to the above matters concerning Adult's legal and business affairs – *Please specify the legal proceedings*:~~

~~□ Other powers and/or rights related to a discharge of the Adult's legal and business affairs – *Please specify*:~~

~~Comments:~~

~~7.5 Other powers and/or rights of the Representative~~

PUBLIC

~~7.5.1 The Representative has the following other powers and/or rights: (*Please select those which apply*)~~

~~□ to delegate all his or her powers and rights to a third party~~

~~□ to delegate some of his or her powers and rights to a third party~~

~~□ to appoint his or her deputies with respect to all his or her powers and rights~~

~~□ to appoint his or her deputies with respect to some of his or her powers and rights *Please specify:*~~

~~□ to appoint an asset manager for the Adult's property~~

~~□ to receive mail addressed to the Adult~~

~~□ within the scope of the Representative's powers, to receive, open and read mail, including electronic mail, addressed to the Adult~~

~~□ Other powers and/or rights of the Representative – *Please specify if there are other powers and/or rights of the Representative not mentioned in any of the above sections of the Certificate*~~

~~Comments:~~

8. Limitations of the powers of the representative

8.0a. Are the representative's powers limited to only supporting the adult?

□ Yes.

□ No.

8.0b. Are the representative's powers limited to a specific legal act, transaction or other similar specific purpose?

□ Yes, please specify:

□ No.

8.1 Are ~~the above powers and/or rights of~~ the ~~R~~**r**epresentative**'s powers** specifically limited to a particular Member State or territory?

□ No

□ Yes – Please specify which powers are limited and the nature of the geographical limitation:

8.1a. The representative can act only subject to ~~a~~ consent by the adult:

□ No.

□ Yes – In all matters.

□ Yes – Please specify which powers are subject to consent:

PUBLIC

8.2 ~~In the following matters, t~~The ~~R~~**r**epresentative can act only subject to ~~a~~ consent by **a court,** ~~an authority, o~~other entity, or a**nother** person[76]: (Please elaborate on those matters and the necessary consents):

□ No.

□ Yes – In all matters.

□ Yes – Please specify which powers are subject to consent:

8.2.1 This list of necessary consents is

□ illustrative

□ exhaustive

8.3 In the following matters, the ~~R~~**r**epresentative can act only subject to certain other conditions[77]: (*Please elaborate on those matters and the related conditions*)*****

8.4.1 This list of conditions is

□ illustrative

□ exhaustive

8.4 The ~~R~~**r**epresentative is not entitled to represent the Adult in the following**:**

8.4.1 This list is of matters outside of the scope of ~~R~~**r**epresentative's powers is

□ illustrative

□ exhaustive

8.4.2 The following powers are retained by the Adult under the applicable law[78]:

8.4.3 The following powers are retained by the Adult under the source measure or source confirmed powers of representation:

8.5. Any other limitation, please specify*:

9.	**Validity of the Certificate**

[76] Whether that rule stems from the measure or the powers of representation (for instance where the adult named another person as someone who needs to be consulted on certain matters) or from national law. Depending on national law on the protection of adults, specific rules may exist requiring an authorisation by a court or other public body e.g. for transactions involving the immovable property of an adult or for donations of a property of an adult or for transactions where a property of an adult is sold or otherwise transferred to his or her representative.

[77] Whether those conditions stem from the measure or the confirmed powers of representation or from national law. Depending on national law, specific conditions may exist for instance for the sale of immovable property of an adult, e.g. that the property may only be sold through a public auction or that a property of an adult cannot be transferred to a representative himself or herself.

[78] Depending on national law, representation of an adult is excluded for instance in certain highly personal decisions.

9.1 ~~The issuing authority has considered the appropriate period of validity of the Certificate[79] and determined that t~~**T**he Certificate ~~should be~~ **is** valid until (dd/mm/yyy):

9.2 Any comments concerning the period of validity of the Certificate*:

9.3. In accordance with Article 34(3) of the Regulation (EU) 20XX/XX, the Certificate produces effects in the Member State where it was issued.

□ Yes.

□ No.

10. Any additional information which might be relevant*:

11. Digital format of the Certificate

11.1 The Certificate has been issued in a digital format in accordance with Article 41(1) of the Regulation (EU) 20XX/XX

□ Yes.

□ No.

The issuing authority certifies that it has taken all steps pursuant to Article 38 of the Regulation (EU) 20XX/XX, in particular that it:

- **verified elements pursuant to Article 38(1) of the Regulation;**
- ~~**consulted, where feasible, the system of interconnection pursuant to Article 38(3) of the Regulation;**~~
- ~~**took or will take all necessary steps to inform the Adult and any person with legitimate interest about the issuance of this Certificate pursuant to Article 38(8) of the Regulation;**~~
- **determined the appropriate period of validity of the Certificate pursuant to Article ~~38(9)~~ 40(4) of the Regulation.**

Reference number of the Certificate[80]:

[79] ~~The validity of the Certificate should be limited. The purpose of the limited validity is to ensure that the issuing authority regularly verifies that the legal situation concerning the adult has not changed, for instance on the basis of a later measure concerning the adult or of a revocation of the representative's powers. The validity of the Certificate should in principle be **limited to a year**. However, the issuing authority may determine the validity of the Certificate differently on a case-by-case basis. In doing so, it should consider in particular the nature and the expected duration of the protection, the validity of the source measure, any arrangements made by the adult in the source-confirmed powers of representation, as well as the objective that the Certificate should reflect accurately the legal situation of the adult throughout the duration of validity of the Certificate. Against this background, the issuing authority may issue the Certificate for a shorter period than a year, for instance where the source measure is to last less than a year, or issue it for a longer period than a year, for instance where the source measure is to last for several years and the probability of a change of circumstances concerning the adult is minimal. Where in doubt, shorter validity of the Certificate is to be preferred given the presumption of validity of the Certificate and the effects linked to the issued Certificate, especially the protection of third parties transacting with the representative.~~

[80] **If possible under national law, a link or QR code could be considered added here for direct access to a webpage confirming the validity of the Certificate**

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Date of the issuance of the Certificate (dd/mm/yyyy):

If additional sheets have been added, state the total number of pages:

Signature and/or stamp of the issuing authority:

CERTIFIED COPY

(Only relevant where the Certificate has not been issued in a digital format)

This certified copy of the European Certificate of Support and Representation has been issued to:

Reference number of the copy:

Date of issue of the copy (dd/mm/yyyy):

Signature and/or stamp of the issuing authority:

For more information, please contact the issuing authority.

PUBLIC

ANNEX IV

INFORMATION BY THE CHOSEN ~~AUTHORITIES~~COURT ON THE EXERCISE OF THEIR JURISDICTION

(Article 6(~~2~~3) of the Regulation (EU) 20XX/XX)

*To be used to inform the ~~Central Authority~~**court** of the Member State ~~where an adult has his or her~~ **of** habitual residence ~~that a~~**of the adult before taking any** measure ~~directed to the protection of that adult has been taken in another Member State chosen by that adult. The choice should have been made in writing when the adult was still in position to protect his or her interests.~~.*

Non-mandatory fields are marked with an *

1. ~~Authority~~Court which ~~took~~will take the measure ~~('Authority of origin')~~

1.1 Member State**:**

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia ☐ Slovakia ☐ Finland ☐ Sweden

1.2 Name and designation of the ~~authority~~**court**:

1.3 Address

1.3.1 Street and number/PO box:

1.3.2 Place ~~and postcode:~~

1.3.2a Postcode:

1.4 Contact details

1.~~3~~**4**.1 Telephone~~:~~***:**

1.~~3~~**4**.2 E-mail~~:~~***:**

1.4.3 Other contact information*:

2. ~~Requested Central Authority~~ Court of habitual residence of the adult

2.1 Member State of the ~~Central Authority~~**court:**

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

PUBLIC

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia

☐ Slovakia ☐ Finland ☐ Sweden

2.2 Name of the ~~Central Authority~~**court**:

2.3 Address

2.3.1 Street and number/PO box:

2.3.2 Place ~~and postcode:~~

2.3.2a Postcode:

2.~~3~~**4** Contact details

2.~~3~~**4**.1 Telephone~~:~~***:**

2.~~3~~**4**.2 E-mail~~:~~***:**

2.4.3 Other contact information*:

3. Adult concerned by the measure ('Adult')

3.1 Surname(s) ~~and given name(s)~~:

3.1a Given name(s):

3.2 Surname(s) at birth (if different from point 3.1)*****:

3.~~4~~**3** Date (dd/mm/yyyy) ~~and place of birth~~**:**

3.4 Place of birth (if available)*:

3.5 Nationality**:**

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia ☐ Slovakia ☐ Finland ☐ Sweden

☐ Other (please specify ISO-code):

☐ Unknown

3.6 Identification number[81]*****

3.6.1 National identity number:

3.6.2 Social security number:

3.6.3 Tax number:

3.6.4 Other (please specify~~)~~*****:

[81] Please indicate the most relevant number ~~if applicable~~.

3.7 Contact details

3.7.1 Telephone***:**

3.7.2 E-mail***:**

3.7.3 Other contact information***:**

4. Measure concerning the adult

~~4.1 Date when the measure was taken (dd/mm/yyyy):~~

~~4.2 Date of expiration or renewal of the measure (dd/mm/yyyy):~~

~~4.3 ☐ The measure is registered in the register of the Member State of origin, please specify :~~

4.1~~4~~ The measure~~ was taken~~ **will be** based on a choice of jurisdiction made by the Adult in writing**, dated and signed** on (dd/mm/yyyy):

4.2 **The court has verified that the conditions of Article 6(1) are met:**

☐ **Yes**.

☐ **No**.

~~4.5 The authority of origin has exercised its jurisdiction and verified that :~~

~~4.5.1 ☐ the Adult chose the authority when he or she was still in a position to protect his or her interests~~

~~4.5.2 ☐ the exercise of jurisdiction is in the interests of the Adult~~

~~4.5.3 ☐ the authorities having jurisdiction under Article 5 to 8 of the HCCH 2000 Protection of Adults Convention have not exercised their jurisdiction~~

5. Any additional information which might be relevant (including nature of the case, description of the measure and a brief statement of the facts, where appropriate)*:

Done at:

On (dd/mm/yyyy):

Signature and/or stamp of the competent authority issuing this communication form:

Reference number of the communication:

PUBLIC

ANNEX V~~a~~

NOTIFICATION OR REQUEST FOR ASSISTANCE ~~TO A CENTRAL AUTHORITY~~

~~(Chapter VI~~**(Articles 7a(4) and 32(1) and (3)** of Regulation (EU) 20XX/X**X**)

*To be used for the transmission, from the **courts, competent** authorities **and Central authorities** of a Member State **('requesting authority')**, to the **courts, competent authorities and** Central Authorit~~y~~**ies** of another Member State **('requested authority')**, of **a notification according to Articles 7a (4) and 32 (3), or** an assistance request **according to Article 32 (1)** in a cross-border case.*

~~For the purposes of the cooperation under Article 21 (placement) and 22 (designation of a representative abroad), the specific forms in Annex VI and VII shall be used.~~

Non-mandatory fields are marked with an *

1. Reference number of the requesting authority:

2. Reference number of the requested ~~Central A~~authority ~~(if known)~~*:

3. Requesting authority

3.1 Member State**:**

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia ☐ Slovakia ☐ Finland ☐ Sweden

3.2 Name ~~and designation~~ of the requesting authority:

3.3 Address

3.3.1 Street and number/PO box:

3.3.2 Place ~~and postcode~~:

3.3.2a Postcode:

3.4 Contact details

3.4.1 Telephone***:**

3.4.2 E-mail***:**

3.4.3 Other contact information*:

4. Requested ~~Central A~~authority

4.1 Member State**:**

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

PUBLIC

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia ☐ Slovakia ☐ Finland ☐ Sweden

4.2 Name of the ~~Central~~ **a**uthority:

4.3 Address

4.3.1 Street and number/PO box:

4.3.2 Place ~~and postcode:~~

4.3.2a Postcode:

4.4 Contact details

4.4.1 Telephone***:**

4.4.2 E-mail***:**

4.4.3 Other contact information*:

5. Adult concerned by the request ('Adult')

5.1 Surname(s) ~~and given name(s)~~

5.1a Given name(s):

5.2 Surname(s) at birth (if different from point 5.1)***:**

5.3 Date (dd/mm/yyyy) ~~and place~~ of birth:

5.3a Place of birth (if available)*:

5.4 Nationality**:**

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia ☐ Slovakia ☐ Finland ☐ Sweden

☐ Other (please specify ISO-code):

☐ Unknown

5.5 Identification number[82]*****

5.5.1 National identity number:

5.5.2 Social security number:

5.5.3 Tax number:

[82] Please indicate the most relevant number ~~if applicable~~.

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5.5.4 Other (please specify)***:**

5.6 Address

5.6.1 Street and number/PO box:

5.6.2 Place ~~and postcode~~:

5.6.2a Postcode:

5.6.3 Country**:**

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia

☐ Slovakia ☐ Finland ☐ Sweden

☐ Other (please specify ISO-code):

5.7 Contact details

5.7.1 Telephone*:

5.7.2 E-mail*:

5.7.3 Other contact information*:

6. Measure concerning the adult (one or more entries, if relevant)*

6.1 ☐ A measure has been taken by the requesting authority on (dd/mm/yyyy):

6.1.1 Date of expiration of the measure (dd/mm/yyyy)*:

~~6.1.2 The measure is registered in the register of the Member State of the requesting authority; please specify:~~

6.2 ~~☐ An application for a measure has been made and is being processed~~**Article 7a of Regulation (EU) 20XX/XX***

6.2.1 A representative has been appointed in succession proceedings under Article 7a(1) of Regulation (EU) 20XX/XX:

☐ Yes

☐ No

6.2.2 A legal act undertaken or to be undertaken on behalf of an adult in succession proceedings, which requires approval or permission by a court to be valid, has been approved or permitted under Article 7a(3) of Regulation (EU) 20XX/XX:

☐ Yes

☐ No

PUBLIC

6.3 ~~□ A measure, confirmed powers of representation or other powers of representation concerning the Adult is/are registered in the register of the Member State of the requesting Authority~~

~~□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland □ Greece~~

~~□ Spain □ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg~~

~~□ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia □ Slovakia □ Finland □ Sweden~~

□ Exchange of information under Article 7, 9, 10 or 11 of the HCCH 2000 Protection of Adults Convention*

6.3.1 Relevant Article:

6.3.1.1 □ Article 7 of the HCCH 2000 Protection of Adults Convention

6.3.1.2 □ Article 9 of the HCCH 2000 Protection of Adults Convention

6.3.1.3 □ Article 10 of the HCCH 2000 Protection of Adults Convention

6.3.1.4 □ Article 11 of the HCCH 2000 Protection of Adults Convention

6.3.2 The measure concerns:

□ the person of the adult

□ the property of the adult

6.3.3 The measure

□ is contemplated

□ has been taken on (dd/mm/yyyy):

□ Proceedings concerning the protection of the adult are pending

6.4 □ Nature of the case, description of the measure and a brief statement of the facts (in an attachment to this form, where appropriate):

7. Details of the assistance requested *:

~~7.1 □ Information on the laws of the requested Member State in matters of the protection of adults (please specify):~~

~~7.2 □ Information on specific procedures of the requested Member State in matters of the protection of adults (please specify):~~

~~7.3 □ Information on specific services in the requested Member State in matters of the protection of adults (please specify):~~

~~7.4 □ Other information that should be provided by the Central Authority of requested Member State on matters of the protection of adults (please specify):~~

7.~~5~~**1** □-Assistance in applying the Regulation (EU) 20XX/X**X** with respect to:

7.~~5~~**1**.1 □ establishing jurisdiction (please specify):

7.~~5~~**1**.2 □ establishing applicable law (please specify):

7.~~5~~**1**.3 □ recognising or enforcing a measure (please specify):

7.~~5~~**1**.4 □ carrying out direct communication between authorities

7.~~5~~**1**.5 □ Other (please specify):

7.~~6~~**2** □ Location of the adult. Please specify the information justifying the assumption that the adult is present in the requested Member State:

7.~~7~~**3** □ Location of a person who is likely to provide ~~support to the Adult~~ **protection**.

7.~~7~~**3**.1 Information on the person who is likely to provide ~~support~~**protection** to the adult

7.~~7~~**3**.1.1 Surname(s) ~~and given name(s)~~:

7.3.1.1a Given name(s):

7.~~7~~**3**.1.2 Surname(s) at birth (if different from point 7.~~7.~~**3**.1.1):

7.~~7~~**3**.1.3 **Date (dd/mm/yyyy)** ~~and place~~ **of birth:**

7.7.3.1.3a Place of birth (if available)*:

7.3.1.4 Nationality**:**

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland

□ Greece □ Spain □ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania

□ Luxembourg □ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia □ Slovakia □ Finland □ Sweden

□ Other (please specify ISO-code):

□ Unknown

7.~~7~~**3**.1.5 Identification number[83]~~:~~**:***

7.~~7~~**3**.1.5.1 National identity number:

7.~~7~~**3**.1.5.2 Social security number:

7.~~7~~**3**.1.5.3 Tax number:

7.~~7~~**3**.1.5.4 Other (please specify~~):~~**):*:**

7.~~7~~**3**.2 Please specify the information justifying the assumption that the person is present in the requested Member State**:***

7.~~7~~**3**.3 Please specify the relationship of the person with the adult**:***

7.~~8~~**4** □ Provision of information when a measure is contemplated **or to be implemented**, in accordance with Article 25 of the Regulation (EU) 20XX/X**X** (please specify):

---

83 Please indicate the most relevant number ~~if applicable~~.

~~7.9 □ Use of mediation or other means of alternative dispute resolution to achieve agreed solutions:~~

~~7.10 □ Request of legal aid in accordance to Article 33 of the Regulation (EU) 20XX/XX[84] with respect to:~~

~~□ Recognition of a measure~~

~~□ Enforcement of a measure~~

~~□ Service of judicial or extrajudicial document in another Member State~~

~~□ Other proceedings under Chapter VI of Regulation (EU) 20XX/X~~

~~7.10.1 The request of legal aid was made by: …~~

7.~~11~~ **5** □ Other (please specify):

8. Any additional information which might be relevant (including nature of the case, description of the measure and a brief statement of the facts, where appropriate)*:

Done at:

On (dd/mm/yyyy):

Signature and/or stamp of the requesting authority:

Reference number of the request:

PUBLIC

~~84 This assistance is without prejudice to Council Directive 2003/8/EC of 27 January to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.~~

ANNEX Vb

INFORMATION ~~FROM THE CENTRAL AUTHORITY~~ CONCERNING THE REQUEST FOR ASSISTANCE

Non-mandatory fields are marked with an *

1. Reference number of the requesting ~~A~~authority ~~(if known)~~:

2. Reference number of the requested ~~Central~~ ~~A~~authority:

3. Requesting authority

~~4. Central~~ Authority of the requested State

4.1 Member State:

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia ☐ Slovakia ☐ Finland ☐ Sweden

4.2 Name of the ~~Central~~ ~~A~~**a**uthority:

4.3 Address

4.3.1 Street and number/PO box:

4.3.2 Place ~~and postcode~~:

4.3.2a Postcode:

4.4 Contact details

4.4.1 Telephone*****:

4.4.2 E-mail*****:

4.4.3 Other contact information*:

5. The request was received on (dd/mm/yyyy) by the requested authority indicated in point 4*:

6.~~5~~ Reply by the ~~Central A~~authority[85]

6~~5~~.1 ☐ Please find below the information requested:

6~~5~~.2 ☐ The request does not contain all of the following necessary information (please specify the information):

6~~5~~.3 ☐ The request is refused for the following reason(s):

[85] If needed, please attach additional sheet(s) with further explanations.

7. The request cannot be dealt with or the information cannot be provided because*: **7.1 □ The language used to complete the form is not accepted** **7.1.1 Please use (one of) the following language(s):** **7.2 □ The document is not legible** **7.3 □ The request is not complete and the following necessary information is missing:** **7.4 □ Other reason (please specify):**
8. Any additional information which might be relevant*:
If additional sheets have been added, state the total number of pages: **Done at:** **On (dd/mm/yyyy):** **Signature and/or stamp of the ~~Central A~~authority:** **Reference number of this communication:**

PUBLIC

ANNEX VI~~a~~

REQUEST CONCERNING THE PLACEMENT OF AN ADULT IN ANOTHER MEMBER STATE

(Article 21~~(1)~~ of Regulation (EU) 20XX/XX)

Cooperation in the event of contemplated placement in another Member State

*To be used for the communication between the ~~authority~~**court** of a Member State contemplating the placement of an adult in another Member State **('requesting court'),** and the Central Authority, **court or competent authority** of the requested Member State **('requested authority').***

*~~An answer~~**If opposition is made to the contemplated placement, it** shall be ~~provided by the requested Central Authority~~**communicated** no later than ~~6 weeks~~ **three months** following the ~~receipt of this~~ **consultation** request.*

Non-mandatory fields are marked with an *

1. Reference number of the requesting ~~authority~~ court:

2. Reference number of the requested ~~Central A~~authority~~(if known)~~*:

3. Requesting ~~Authority~~court

3.1 Member State**:**

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia ☐ Slovakia ☐ Finland ☐ Sweden

3.2 Name of the requesting ~~authority~~**court**:

3.3 Address

3.3.1 Street and number/PO box:

3.3.2 Place ~~and postcode~~:

3.3.3 Postcode:

3.4 Contact details

3.4.1 Telephone***:**

3.4.2 E-mail*:

3.4.3 Other contact information*:

4.~~Central~~ Requested ~~A~~authority ~~of the requested State~~

4.1 Member State:

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia ☐ Slovakia ☐ Finland ☐ Sweden

4.2 Name of the ~~Central~~**requested** ~~A~~**a**uthority:

4.3 Address

4.3.1 Street and number/PO box:

4.3.2 Place ~~and postcode~~:

4.3.3 Postcode:

4.4 Contact details

4.4.1 Telephone***:**

4.4.2 E-mail***:**

4.4.3 Other contact information*:

5. Adult concerned by the placement ('Adult')*

5.1 Surname(s) ~~and given name(s)~~:

5.1a Given name(s):

5.2 Surname(s) at birth (if different from point 5.1)***:**

5.3 Date **of birth** (dd/mm/yyyy) ~~and place of birth~~:

5.4 Place of birth (if available)*:

5.~~4~~**5** Nationality**:**

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia ☐ Slovakia ☐ Finland ☐ Sweden

☐ Other (please specify ISO-code):

☐ Unknown

5.~~5~~**6** Identification number[86]~~:~~*****

5.~~5~~**6**.1 National identity number:

[86] Please indicate the most relevant number ~~if applicable~~.

5.~~5~~**6**.2 Social security number:

5.~~5~~**6**.3 Tax number:

5.~~5~~**6**.4 Other (please specify)*****:

5.~~6~~**7** Address

5.~~6~~**7**.1 Street and number/PO box:

5.~~6~~**7**.2 Place ~~and postcode~~:

5.7.2a Postcode:

5.7.3 Country**:**

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia

☐ Slovakia ☐ Finland ☐ Sweden

☐ Other (please specify ISO-code):

5.~~7~~**8** Contact details

5.~~7~~**8**.1 Telephone***:**

5.~~7~~**8**.2 E-mail***:**

5.~~7~~**8**.3 Other contact information***:**

6. Protection measure concerning the ~~A~~adult*

6.1 ☐ A protection measure has been taken by the requesting ~~authority~~**court** on (dd/mm/yyyy):

6.1.1 Date of expiration ~~or renewal~~ of the measure (dd/mm/yyyy):

6.1.2 ☐ The measure is registered in the register of the requesting State, please specify**:**

6.2 ☐ An application for a protection measure has been made and is being processed.

7. Details of the placement contemplated

7.1 ☐ The placement of the adult is contemplated in a specific establishment or institution in the requested Member State

7.1.1 Name or designation of the place:

7.1.2 Address

7.1.2.1 Street and number/PO box:

7.1.2.2 Place ~~and postcode~~:

7.1.2.3 Postcode:

7.1.3 Contact details of the place (where available)

PUBLIC

7.1.3.1 Telephone~~:~~*****:

7.1.3.2 E-mail~~:~~*****:

7.1.3.3 Other contact information*:

7.2 ☐ Placement is contemplated in an establishment or an institution in the requested Member State without a specification of the establishment or the institution

7.2.1 Any specification of the placement (please indicate any criteria or details affecting the selection of the placement in the requested Member State)***:**

7.2.2 Any other information or comment***:**

7.3 ☐ The placement and its condition of implementation will be decided by the requesting ~~authority~~**court**.

7.4 ☐ The placement will be authorised by the requesting ~~authority~~**court** and will be carried out with the support of the following person:

7.4.1 Surname(s) ~~and given name(s)~~:

7.4.2 Given name(s):

7.4.~~2~~**3** Surname(s) at birth (if different from point 7.4.1):

7.4.4 Date **of birth** (dd/mm/yyyy) ~~and place of birth~~:

7.4.5 Place of birth (if available)*:

7.4.6 Identification number[87]***:**

7.4.6.1 National identity number:

7.4.6.2 Social security number:

7.4.6.3 Tax number:

7.4.6.4 Other (please specify)***:**

7.5 ☐ The placement is temporary and will end

7.5.1 ☐ on (dd/mm/yyyy):

7.5.2 ☐ after a specific period of time (please specify):

7.6 The will and preferences of the adult have been taken into account*

☐Yes

☐No

☐ Additional information :

~~7.6 ☐ The Adult has:~~

[87] Please indicate the most relevant number ~~if applicable~~.

~~7.6.1 □ had the opportunity to be heard~~

~~7.6.2 □ refused to be heard~~

~~7.6.3 □ agreed with the contemplated placement~~

~~7.6.4 □ Other (please specify):~~

~~7.7 □ Due the following reasons the Adult was not given the opportunity to be heard~~

~~7.7.1 □ Urgency of the situation[88] (please specify):~~

~~7.7.2 □ Other (please specify):~~

7.7 The report on the adult together with the reasons for the contemplated placement in accordance with Article 33 of the HCCH 2000 Protection of Adults Convention, as well as any other relevant information, is attached.

□ Yes.
□ No.

~~8. Reasons for the placement contemplated~~:

~~9~~8.Any additional information which might be relevant*:

Done at:

On (dd/mm/yyyy):

Signature and/or stamp of the requesting ~~authority~~court:

~~88 Urgency includes cases where the adult is absolutely unable to express his or her views and a decision needs to be taken. An example of urgency is a situation where the adult must undergo an urgent medical surgery, and is not, because of his or her medical condition, in a position to express his or her views.~~

ANNEX VIb

REPLY TO THE REQUEST CONCERNING THE PLACEMENT OF AN ADULT IN ANOTHER MEMBER STATE

~~**INFORMATION FROM THE CENTRAL AUTHORITYCONCERNING THE REQUEST FOR A PLACEMENT**~~

*To be used for the communication between ~~a Central Authority~~**the court** of ~~the~~ **a** Member State ~~where a~~ **contemplating the** placement of an adult ~~was requested and the authority of~~ **in** another Member State **('requesting** ~~the placement.~~**court'), and the Central Authority, court or competent authority of the requested Member State ('requested authority').***

Non-mandatory fields are marked with an *

1. Reference number of the requesting ~~authority~~ court:
2. Reference number of the requested ~~Central~~ Aauthority:
3. Requesting ~~Authority~~ court:
4. ~~Central Authority of the~~ rRequested authority 4.1 Member State**:** ☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece ☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg ☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia ☐ Slovakia ☐ Finland ☐ Sweden 4.2 Name ~~and designation~~ of the ~~Central~~**requested** ~~A~~**a**uthority: 4.3 Address 4.~~2~~**3**.1 Street and number/PO box: 4.~~2~~**3**.2 Place ~~and postcode~~: **4.3.3 Postcode:** 4.4 Contact details 4.~~3~~**4**.1 Telephone~~:~~***:** 4.~~3~~**4**.2 E-mail~~:~~***:** **4.4.3 Other contact information*:**
5. Information from the ~~Central Authority of the~~ requested ~~Member State~~ authority

5.1 □ Placement of the adult in the requested Member State is accepted

5.1.1 Placement of the adult is accepted in the following establishment or institution:

□ the establishment or the institution proposed by the requesting ~~authority~~**court**

□ an establishment or an institution corresponding to the specifications made by the requesting ~~authority~~ **court (please specify):**

~~□ an establishment or an institution corresponding to these specifications made by the requesting authority (please specify):~~

□ Other (please specify): ~~□~~

5.2 □ Placement of the adult in the requested Member State is accepted under (a) condition(s).

5.2.1 □ Placement is only authorised provided that the establishment or the institution specified in point 5.1.1 has free capacity

5.2.2 □ Other conditions (please specify):

5.3 □ Placement in the requested Member State is refused ~~for the following reasons:~~

~~5.3.1 □ the request does not fall within the scope of Regulation (EU) 20XX/X.~~

~~5.3.2 □ the request does not contain all of the necessary information pursuant to Article 21 of Regulation (EU) 20XX/XX.~~

~~5.3.3 □ the placement contemplated is contrary to fundamental principles of law of the requested Member State (please specify):~~

~~5.3.4 □ Other (please specify):~~

6. Any additional information which might be relevant*:

Done at:

On (dd/mm/yyyy):

Signature and/or stamp of the ~~Central Authority of the~~ requested ~~Member State~~authority:

Reference number of the communication:

PUBLIC

ANNEX VIIa

REQUEST FOR THE DESIGNATION OF A COMPETENT AUTHORITY OF ANOTHER MEMBER STATE AS REPRESENTATIVE ABROAD

(Article 22~~(1)~~ of the Regulation (EU) 20XX/X**X**)

PUBLIC

*To be used by ~~authorities~~ **the courts** of one Member State to request the designation of a **competent authority of another Member State as** representative in another Member State with a view to protect the interests of the adult in that other Member State.*

Non-mandatory fields are marked with an *

1 Reference number of the requesting ~~authority~~ court:

2. Reference number of the requested Central Authority or authority to be designated*:

3. Requesting ~~Authority~~court

3.~~1~~**1** Member State**:**

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia

☐ Slovakia ☐ Finland ☐ Sweden

3.~~1~~**2** Name:

3.~~2~~**3** Address

3.~~2~~**3**.1 Street and number/PO box:

3.~~2~~**3**.2 Place ~~and postcode~~:

3.3.3 Postcode:

3.4 Contact details

3.~~3~~**4**.1 Telephone~~:~~***:**

3.~~3~~**4**.2 E-mail~~:~~***:**

3.4.3 Other contact information*:

4. ~~Central~~ Authority ~~of~~ to be designated in the requested Member State

4.~~1~~**1** Member State**:**

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

□ Spain □ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg

□ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia

□ Slovakia □ Finland □ Sweden

4.~~1~~**2** Name ~~and designation~~ of the ~~Central~~ ~~A~~**a**uthority:

4.~~2~~**3** Address

4.~~2~~**3**.1 Street and number/PO box:

4.~~2~~**3**.2 Place ~~and postcode~~:

4.3.3 Postcode:

4.~~3~~**4** Contact details

4.~~3~~**4**.1 Telephone~~:~~***:**

4.~~3~~**4**.2 E-mail~~:~~***:**

4.4.3 Other contact information*:

5. Central Authority of the requested Member State

5.1 Member State:

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland □ Greece

□ Spain □ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg

□ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia

□ Slovakia □ Finland □ Sweden

5.2 Name of the authority:

5.3 Address

5.3.1 Street and number/PO box:

5.3.2 Place:

5.3.3 Postcode:

5.4 Contact details

5.4.1 Telephone*:

5.4.2 E-mail*:

5.4.3 Other contact information*:

~~5~~ 6. Adult concerned by the measure ('~~A~~adult')

~~5~~**6**.1 Surname(s) ~~and given name(s)~~:

6.1a Given name(s):

~~5~~**6**.2 Surname(s) at birth (if different from point ~~5~~**6**.1.):

~~5~~**6**.4**3** Date **of birth** (dd/mm/yyyy) ~~and place of birth~~:

6.4 Place of birth (if available)*:

~~5~~**6**.5 Nationality**:**

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia ☐ Slovakia ☐ Finland ☐ Sweden

☐ Other (please specify ISO-code):

☐ Unknown

~~5~~**6**.6 Identification number[89]***:**

~~5~~**6**.6.1 National identity number:

~~5~~**6**.6.2 Social security number:

~~5~~**6**.6.3 Tax number:

~~5~~**6**.6.4 Other (please specify)*****:

~~5~~**6**.7 ☐ The adult benefits/has benefitted from legal aid or from exemption from costs and expenses, (please specify):

~~6~~**7**. **Protection measure concerning the ~~A~~adult**

~~6~~**7**.1 ☐ A protection measure has been taken by the requesting authority on (dd/mm/yyyy)*****

~~6~~**7**.2 Date of expiration ~~or renewal~~ of the measure (dd/mm/yyyy)***:**

~~6~~**7**.3 ☐ An application for a protection measure has been made and is being processed*****

~~6~~**7**.4. ☐ The measure is registered in the register of the Member State of origin, please specify***:**

~~6~~**7**.5 ☐ A representative is appointed in the Member State of origin*****

~~6~~**7**.5.1 Surname(s) ~~and given name(s):~~

~~6~~**7**.5.2 **Given name(s):**

~~6~~**7**.5.~~2~~**3** Surname(s) at birth (if different from point ~~6~~**7**.5.1):

~~6~~**7**.5.4 Date **of birth** (dd/mm/yyyy) ~~and place of birth~~:

7.5.5 Place of birth: (if available)*:

[89] Please indicate the most relevant number ~~if applicable~~.

~~6~~7.5.6 Identification number[90]***:**

~~6~~7.5.6.1 National identity number:

~~6~~7.5.6.2 Social security number:

~~6~~7.5.6.3 Tax number:

~~6~~7.5.6.4 Other (please specify)***:**

~~6.1.1~~**7.5.7** Brief description of the tasks of the representative

~~6~~7.5.7.1. □ Management of financial assets

~~6~~7.5.7.2 □ Management of immovable property (please specify the address):

~~6~~7.5.7.3 □ Support concerning the adult's welfare or health.

~~6~~7.5.7.4 □ Other (please describe shortly):

PUBLIC

~~7~~8. Details of the designation contemplated

~~7.1 The representative whom designation is contemplated :~~

~~7.1.1 □ is known by the requested authority~~

~~7.1.1.1 Surname(s) and given name(s):~~

~~7.1.1.2 Surname(s) at birth (if different from point 7.1.1.1.):~~

~~7.1.1.3 Date (dd/mm/yyyy) and place of birth:~~

~~7.1.1.4 Identification number[91]:~~

~~7.1.1.4.1 National identity number:~~

~~7.1.1.4.2 Social security number:~~

~~7.1.1.4.3 Tax number:~~

~~7.1.1.4.4 Other (please specify):~~

~~7.1.1.5 Address~~

~~7.1.1.5.1 Street and number/PO box:~~

~~7.1.1.5.2 Place and postcode:~~

~~7.1.1.5.3 Country~~

~~□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland~~

~~□ Greece □ Spain □ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania~~

~~□ Luxembourg □ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal~~

~~□ Romania □ Slovenia □ Slovakia □ Finland □ Sweden~~

~~□ Other (please specify ISO code):~~

~~□ 7.1.2 shall be chosen by the requested authority~~

---

90 Please indicate the most relevant number ~~if applicable~~.

91 ~~Please indicate the most relevant number if applicable.~~

~~7~~**8**.~~2~~**1** Description of the case and the reasons why a**n authority shall be designated as** representative ~~shall be designated~~ in the requested Member State:

~~7~~**8**.~~3~~**2**The representative will **represent** or support ~~or replace~~ the ~~A~~**a**dult in :

~~7~~**8**.~~3~~**2**.1 □ Management of financial assets

~~7~~**8**.~~3~~**2**.1.1 nature of the financial assets (please specify):

~~7~~**8**.~~3~~**2**.1.2 contact details of the financial institution (please specify):

~~7~~**8**.~~3~~**2**.2 □ Management of immovable property (please specify the address):

~~7~~**8**.~~3~~**2**.~~2~~ **3** □ Support concerning the **a**~~A~~dult's welfare or health.

~~7~~**8**.~~3~~**2**.~~2~~ 4 □ Other (please specify):

~~7.4 The representative should accomplish the following specific tasks, under the supervision of the requesting authority:~~

~~7.7 □ The assistance of the requested authority is necessary for the supervision of the representative, please specify:~~

8.3~~7.5.~~ □ The designation is temporary and will end

8.3~~7.5.~~1 □ on (dd/mm/yyyy):

8.3~~7.5.~~2 □ after a specific period of time (please specify):

8.4 The will and preferences of the adult have been taken into account*

☐Yes

☐No

☐ Additional information:

~~7.6 □ The Adult had the opportunity to be heard and:~~

~~7.6.1 □ has refused to be heard~~

~~7.6.2 □ has agreed with the contemplated designation~~

~~7.6.3 □ Other (please specify):~~

~~7.6 □ Due the following reasons the Adult was not given the opportunity to be heard~~

~~7.6.1 □ Urgency[92] of the situation (please specify):~~

~~7.6.2 □ Other (please specify):~~

~~8~~9. Any additional information which might be relevant *:

Done at:

On (dd/mm/yyyy):

[92] ~~According to Recital 27 of Regulation (EU) 20XX/X, urgency includes cases where the adult is absolutely unable to express his or her views and a decision needs to be taken. An example of urgency is a situation where the adult must undergo an urgent medical surgery, and is not, because of his or her medical condition, in a position to express his or her views.~~

PUBLIC

Signature and/or stamp of the requesting ~~authority~~court:

Reference number of the communication:

PUBLIC

ANNEX VIIb

REPLY TO THE REQUEST FOR THE DESIGNATION OF A COMPETENT AUTHORITY OF ANOTHER MEMBER STATE AS REPRESENTATIVE ABROAD

~~**INFORMATION FROM THE CENTRAL AUTHORITY CONCERNING THE REQUEST FOR DESIGNATION OF A REPRESENTATIVE ABROAD**~~

**Non-mandatory fields are marked with an *

1. Reference number of the requesting ~~authority~~ court:

2. Reference number of the ~~requested~~ Central Authority or authority to be designated*:

3. Requesting court or Central Authority:

4. ~~Requested Central~~ Authority to be designated

4.1 Name ~~and designation~~ of the ~~Central~~ ~~A~~authority

4.2 Address

4.2.1 Street and number/PO box:

4.2.2 Place ~~and postcode~~:

4.2.3 Postcode:

4.3 Contact details

4.3.1 Telephone*:

4.3.2 E-mail*:

4.3.3 Other contact information*:

4.4 Member State:

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia

☐ Slovakia ☐ Finland ☐ Sweden

5. Information from the Central Authority or the authority to be designated ~~of the requested Member State~~

5.1 ☐ Consent to the designation of the authority as representative abroad is granted.

5.2 ☐ The request does not contain all of the necessary information. Please specify the information missing:

PUBLIC

5.3 □ Consent to the designation of the authority as representative abroad is refused.

~~5.1 □ Request executed~~

~~5.1.1 □ The authority has designated the following representative~~

~~5.1.1.1 Surname(s) and given name(s):~~

~~5.1.1.2 Surname(s) at birth (if different from point 5.1.1.1.):~~

~~5.1.1.4 Date (dd/mm/yyyy) and place of birth:~~

~~5.1.1.6 Identification number[93]:~~

~~5.1.1.6.1 National identity number:~~

~~5.1.1.6.2 Social security number:~~

~~5.1.1.6.3 Tax number:~~

~~5.1.1.6.4 Other (please specify):~~

~~5.1.1.6.5 Contact details~~

~~5.1.1.6.5.1 Telephone:~~

~~5.1.1.6.5.2 E-mail:~~

~~5.1.2 □ The requested authority will assist with the supervision of the representative in accordance with the request, please specify:~~

~~5.1.3 □ The documents regarding the designation of the representative, including the decision or the measure, are attached.~~

~~5.2 □ Designation of the representative abroad cannot be granted for the following reason(s):~~

~~5.2.1 □ The following conditions are not met:~~

~~5.2.2 □ Designation of the representative requires the following advance payment~~

~~5.2.2.1 Amount of the payment requested:~~

~~5.2.2.2 Details of the bank account:~~

~~5.3.2 □ The request does not contain all of the necessary information. Please specify the information missing:~~

~~5.3 □ Designation of the representative abroad is refused for the following reason(s):~~

~~5.3.1 □ A deposit or advance was asked for on (dd/mm/yyyy): in accordance with Article 22(3) of Regulation (EU) 20XX/XX and has not been made.~~

~~5.3.2 □ The requesting authority has not complied with the request for additional information from the requested authority dated (dd/mm/yyyy):~~

~~5.3.3 □The request does not fall within the scope of Regulation (EU) 20XX/XX~~

~~5.3.4 □The designation or the assistance requested is not allowed under the law of the requested authority (please specify):~~

6. Any additional information which might be relevant*:

~~[93] Please indicate the most relevant number if applicable.~~

PUBLIC

Done at:

On (dd/mm/yyyy):

Signature and/or stamp of the ~~Central A~~authority to be designated:

Reference number of the communication:

PUBLIC

ANNEX VIIIa

~~COMMUNICATION BETWEEN AUTHORITIES~~TRANSFER OF JURISDICTION

(Article ~~27(3)~~**32(2)** of the Regulation (EU) 20XX/X**X**, and Article 8 of the HCCH 2000 Protection of Adults Convention)

*To be used for the communication between the ~~authorities~~ **courts** of a Member State where the adult has his or her habitual residence and the ~~authorities~~ **courts** of another Member State.*

*The ~~authority~~ **court** of a Member State may use this form:*

***1.** to transfer its jurisdiction to the ~~authorities~~ **courts** of another Member State with which the adult has substantial connections, doing so either by its own motion or upon request of another ~~competent authority~~ **court**.*
2. to request from a court of another Member State having jurisdiction to transfer its jurisdiction.

Non-mandatory fields are marked with an *

~~REQUEST~~

1. Reference number of the requesting a~~uthority~~ court:

2. Reference number of the requested a~~uthority~~ court ~~(if known)~~ ***:**

3. Requesting ~~Authority~~ court

3.1 Member State:

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland □ Greece □ Spain

□ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg □ Hungary □ Malta

□ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia □ Slovakia □ Finland

□ Sweden

3.2 Name of the requesting ~~Authority~~ **court**:

3.3 Address:

3.3.1 Street and number/PO box:

3.3.2 Place ~~and postcode~~:

3.3.3 Postcode:

3.4 Contact details

3.4.1 Telephone***:**

3.4.2 E-mail*:

3.4.3 Other contact information*:

4. Requested ~~Authority~~ court

4.1 Member State:

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland □ Greece □ Spain

□ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg □ Hungary □ Malta

□ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia □ Slovakia □ Finland □ Sweden

4.2 Name of the requested ~~Authority~~ **court**:

4.3 Address:

4.3.1 Street and number/PO box:

4.3.2 Place ~~and postcode~~:

4.3.3 Postcode:

4.4 Contact details

4.4.1 Telephone*:

4.4.2 E-mail*:

4.4.3 Other contact information*:

5. Adult concerned by the measure ('~~A~~adult')

5.1 Surname(s) ~~and given name(s)~~:

5.1a Given name(s):

5.2 Surname(s) at birth (if different from point 5.1)*:

5.3 Date (dd/mm/yyyy) ~~and place~~ of birth:

5.4a Place of birth (if available)*:

5.4 Nationality:

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland □ Greece

□ Spain □ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg

PUBLIC

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia

☐ Slovakia ☐ Finland ☐ Sweden

☐ Other (please specify ISO-code):

☐ Unknown

5.5 Identification number[94]*

5.5.1 National identity number:

5.5.2 Social security number:

5.5.3 Tax number:

5.5.4 Other (please specify)*:

5.6 Address

5.6.1 Street and number/PO box:

5.6.2 Place ~~and postcode~~:

5.6.2a Postcode:

5.6.3 Country:

☐ Belgium ☐ Bulgaria ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Ireland ☐ Greece

☐ Spain ☐ France ☐ Croatia ☐ Italy ☐ Cyprus ☐ Latvia ☐ Lithuania ☐ Luxembourg

☐ Hungary ☐ Malta ☐ Netherlands ☐ Austria ☐ Poland ☐ Portugal ☐ Romania ☐ Slovenia

☐ Slovakia ☐ Finland ☐ Sweden

☐ Other (please specify ISO-code):

5.7 Contact details

5.7.1 Telephone*:

5.7.2 E-mail*:

5.7.3 Other contact information*:

6. Origin of the request

[94] Please indicate the most relevant number ~~if applicable~~.

PUBLIC

6.1 □ made by the requesting ~~authority~~ **court** on its own motion

6.2 □ from the following ~~competent authority~~ **court** (please specify):

6a. Subject of the request

6a.1 □ the requesting court asks to transfer its jurisdiction to the requested court.

6a.2 □ the requesting court asks the requested court to transfer its jurisdiction.

7. Nature of the measure to be taken by the ~~requestedauthority~~ court:

7.1 □ relating to the ~~A~~**a**dult's person (please specify):

7.2 □ relating to the ~~A~~**a**dult's property (please specify):

8. Justification of the request for the transfer of jurisdiction

8.1 Request is made in accordance with the following letter of Article 8(2) of the HCCH 2000 Protection of Adults Convention:

□ letter a) **(A State of which the adult is a national)**

□ letter b) **(The State of the preceding habitual residence of the adult)**

□ letter c) **(A State in which property of the adult is located)**

□ letter d) **(The State whose authorities have been chosen in writing by the adult to take measures directed to his or her protection)**

□ letter e) **(The State of the habitual residence of a person close to the adult prepared to undertake his or her protection)**

□ letter f) **(The State in whose territory the adult is present, with regard to the protection of the person of the adult)**

8.2 Justification of the request:

9. Any additional information which might be relevant*:

Done at:

On (dd/mm/yyyy):

Signature and/or stamp of the requesting ~~authority~~court:

Reference number of the request:

PUBLIC

ANNEX VIIIb

INFORMATION FROM THE REQUESTED ~~AUTHORITY~~COURT

Non-mandatory fields are marked with an *

1. Reference number of the requesting ~~authority~~ ~~(if known)~~ court:

2. Reference number of the requested ~~authority~~ court:

3. Information from the requested ~~authority~~court:

3.1 □ Jurisdiction is accepted

3.2 □ Jurisdiction is not accepted

3.3 ~~The following relevant documents are attached to the reply~~: **Transfer of jurisdiction is accepted**

~~3.3.1 □ The decision or the measure taken by the requested authority~~

~~3.3.2 □ Explanation why jurisdiction is not accepted~~

~~3.3.3 □ Other (please specify):~~

3.4 □ Transfer of jurisdiction is not accepted

4. The following relevant documents are attached to the reply:

4.1 □ The decision or the measure taken by the requested court

4.2 □ Explanation why jurisdiction/transfer of jurisdiction is not accepted*

4.3 □ Other (please specify):

5. Any additional information which might be relevant*:

Done at:

On (dd/mm/yyyy):

Signature and/or stamp of the requested ~~authority~~court:

Reference number of the communication:

PUBLIC

ANNEX IX

INFORMATION OR REQUEST BY AUTHORITIES OF ONE MEMBER STATE TO AUTHORITIES OF ANOTHER MEMBER STATE

(Article 27(4) of Regulation (EU) 20XX/X and Articles 7, 10 and 11 of the HCCH 2000 Protection of Adults Convention)

PUBLIC

To be used by the authorities of a Member State for the transmission to the authorities of another Member State of information or a request relating to the exercise of their jurisdiction.

1. Reference number of the requesting authority:

2. Reference number of the requested authority:

3. Requesting authority

3.1 Member State

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland □ Greece □ Spain

□ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg □ Hungary □ Malta

□ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia □ Slovakia □ Finland

□ Sweden

3.2 Name of the authority:

3.3 Address:

3.3.1 Street and number/PO box:

3.3.2 Place and postcode:

3.4 Contact details

3.4.1 Telephone:

3.4.2 Email:

4. Requested authority

4.1 Member State

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland □ Greece □ Spain

~~□ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg □ Hungary □ Malta~~

~~□ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia □ Slovakia □ Finland~~

~~□ Sweden~~

~~4.2 Name of the authority:~~

~~4.3 Address:~~

~~4.3.1 Street and number/PO box:~~

~~4.3.2 Place and postcode:~~

~~4.4 Contact details~~

~~4.4.1 Telephone:~~

~~4.4.2 Email:~~

~~5. Adult concerned by a measure ('Adult')~~

~~5.1 Surname(s) and given name(s):~~

~~5.2 Surname(s) at birth (if different from point 5.1):~~

~~5.3 Date (dd/mm/yyyy) and place of birth:~~

~~5.4 Nationality~~

~~□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland □ Greece~~

~~□ Spain □ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg~~

~~□ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia □ Slovakia □ Finland □ Sweden~~

~~□ Other (please specify ISO code):~~

~~□ Unknown~~

~~5.5 Identification number[95]:~~

~~5.5.1 National identity number:~~

~~5.5.2 Social security number:~~

~~5.5.3 Tax number:~~

~~5.5.4 Other (please specify):~~

~~[95] Please indicate the most relevant number if applicable.~~

~~5.6 Address~~

~~5.6.1 Street and number/PO box:~~

~~5.6.2 Place and postcode:~~

~~5.6.3 Country~~

~~□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland □ Greece~~

~~□ Spain □ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg~~

~~□ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia~~

~~□ Slovakia □ Finland □ Sweden~~

~~□ Other (please specify ISO-code):~~

~~5.7 Contact details~~

~~5.7.1 Telephone:~~

~~5.7.2 E-mail:~~

~~5.7.3 Other contact information:~~

~~6. Details concerning the information or the request~~

~~6.1 □ A protection measure is contemplated:~~

~~6.1.1 □ concerning the person of the Adult~~

~~6.1.1.1 □ Under Article 7 of the HCCH 2000 Protection of Adults Convention~~

~~6.1.1.2 □ Under Article 11 of the HCCH 2000 Protection of Adults Convention~~

~~6.1.2 □ concerning the property of the Adult (Article 7 of the HCCH 2000 Protection of Adults Convention)~~

~~6.2 □ A protection measure has been taken:~~

~~6.2.1 □ Under Article 7 of the HCCH 2000 Protection of Adults Convention~~

~~6.2.2 □ Under Article 10 of the HCCH 2000 Protection of Adults Convention~~

~~6.3. □ A decision has been made that no measures are to be taken (Article 7 of the HCCH 2000 Protection of Adults Convention).~~

~~6.4 □ Proceedings are pending concerning the protection of the Adult (Article 7 of the HCCH 2000 Protection of Adults Convention).~~

~~6.5 □ urgency measures of protection have been taken (Article 10 of the HCCH 2000 Protection of Adults Convention) (please specify):~~

~~6.6 □ measures of protection required by the situation have been taken, (Article 11(2) of the HCCH 2000 Protection of Adults Convention) (please specify):~~

PUBLIC

7. Other information 7.1 □ Copies of the relevant decisions or measures are attached (please specify): 7.2 □ Other (please specify):
8. □ For further information, please contact 8.1 □ the requesting authority. 8.2 □ another authority which has taken the decision. 8.2.1 Name of the authority: 8.2.2 Address: 8.2.2.1 Street and number/PO box: 8.2.2.2 Place and postcode: 8.2.3 Contact details 8.2.3.1 Telephone: 8.2.3.2 Email:
Done at: **On (dd/mm/yyyy):** **Signature and/or stamp of the authority:** **Reference number of the communication:**

PUBLIC

ANNEX X

ACKNOWLEDGEMENT OF RECEIPT OF A REQUEST OR INFORMATION

(Article 32 of Regulation (EU) 20XX/X and Articles 7, 10 and 11 of the HCCH 2000 Protection of Adults Convention)

PUBLIC

1. Reference number of the requesting competent or Central authority (if known):

2. Reference number of the requested Authority or Central Authority (if known):

3. Name of the requesting competent or Central Authority

4. Requested competent or Central Authority

4.1 Member State

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland □ Greece □ Spain □ France

□ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg □ Hungary □ Malta □ Netherlands

□ Austria □ Poland □ Portugal □ Romania □ Slovenia □ Slovakia □ Finland □ Sweden

4.2 Name and designation of the requested competent or Central Authority:

4.3 Address

4.3.1 Street and number/PO box:

4.3.2 Place and postcode:

4.4 Contact details

4.4.1 Telephone:

4.4.2 E-mail:

5. Adult concerned by the measure ('Adult')

5.1 Surname(s) and given name(s):

5.2 Surname(s) at birth (if different from point 5.1):

5.3 Date (dd/mm/yyyy) and place of birth:

5.4 Nationality

□ Belgium □ Bulgaria □ Czech Republic □ Germany □ Estonia □ Ireland □ Greece □ Spain

~~□ France □ Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg □ Hungary □ Malta~~

~~□ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia □ Slovakia □ Finland~~

~~□ Sweden~~

~~□ Other (please specify ISO code):~~

~~□ Unknown~~

~~5.6 Identification number~~[96]

~~5.6.1 National identity number:~~

~~5.6.2 Social security number:~~

~~5.6.3 Tax number:~~

~~5.6.4 Other (please specify):~~

~~6. The request or information was received on (dd/mm/yyyy) by the requested competent or Central Authority indicated in point 4:~~

~~7. The request cannot be dealt with or the information cannot be provided because:~~

~~7.1 □ The language used to complete the form is not accepted~~
~~7.1.1 Please use (one of) the following language(s):~~

~~7.2 □ The document is not legible~~

~~7.3 □ The request is not complete and the following necessary information is missing:~~

~~7.4 □Other reason (please specify):~~

~~Done at:~~

~~On (dd/mm/yyyy):~~

~~Signature and/or stamp of the competent or Central Authority:~~

~~Reference number of this communication:~~

~~96 Please indicate the most relevant number if applicable.~~

PUBLIC