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2023/0169 (COD)

'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)
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 - Confirmation of the final compromise text with a view to agreement

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

3. The European Data Protection Supervisor adopted its opinion on the proposal on 19 July 2023[3] and the European Economic and Social Committee adopted its opinion on the proposal on 13 December 2023[4].

4. On 6 March 2026, the Council reached a general approach[5] on the abovementioned proposal, which constituted the mandate for negotiations with the European Parliament in the context of the ordinary legislative procedure.

5. On 12 May 2026, a provisional agreement was reached between co-legislators, which resulted in the final compromise text[6] as set out in the annex to this note.

II. CONCLUSION

6. The Permanent Representatives Committee is therefore invited to:

   a) confirm agreement on the final compromise text as set out in the annex to this note with a view to reaching an agreement at first reading with the European Parliament,

   b) authorise the Chair of the Permanent Representatives Committee to send a letter to inform the Chair of the European Parliament's JURI Committee that, should the European Parliament adopt its position at first reading on the proposal in the exact form as set out in the annex to this note, subject, if necessary, to revision of that text by the legal linguists of both institutions, the Council will approve the European Parliament's position and the act will be adopted in the wording which corresponds to the European Parliament's position.

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[3] 12072/23.
[4] OJ C/2024/1581.
[5] 6236/26.
[6] A few technical adjustments have been introduced at technical level subsequent to the trilogue.

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 ***or require support and safeguards in decision-making***. 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***, effective access to justice, the elimination of obstacles to the proper functioning of civil proceedings with cross-border implications***.

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 ▌ 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, ▌ 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 ▌ 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*** of the HCCH 2000 Protection of Adults Convention, ▌ 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.

(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*** 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 ▌ 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 ▌ their ***representation or support*** for a time when they ***would*** not be in a position to look after their own ***interests***, and giving full and immediate effect to choices made by the adults.

PUBLIC

(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 ***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. In ▌ line with ***European Court of Justice case law, secondary legislation is to be interpreted as far as possible*** in accordance with ***international conventions***.

PUBLIC

(10a) In particular, a significant part of adults to which this Regulation applies are persons with disabilities. Their rights, including the right to 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[1] ('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 in exercising their legal capacity, as well as the autonomy and integrity of the adults in accordance with Article 12 of the UNCRPD. It is important that assistance and other forms of assistance that exist in the law of the Member States are available to adults. For example, various persons and bodies may be designated to support, assist, or represent adults who need assistance with decision-making regarding their person or property.

▌

(11) Besides the protection, in cross-border situations, of fundamental rights and freedoms and other rights of adults ▌, this Regulation also aims to improve the effectiveness and speed of judicial and administrative proceedings concerning the protection of adults ***establishing clear, simpler and functional*** 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.

PUBLIC

(12) This Regulation should cover civil matters ***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 ***should be understood to include support to adults in decision-making or exercising their legal capacity, co-decision making and representation. Adults may require protection*** due to an insufficiency or an impairment of ***their*** personal faculties ▌, which can be permanent or temporary and, among others, of physical or psychosocial nature, or in connection with ***a health condition or a*** disease, such as Alzheimer's disease ***or*** a coma. The ***personal faculties of the adult can be affected in full or in part and the adult can require varying degrees of support and assistance in exercising their legal capacity, depending on the extent to which the adult is able to act on their own behalf. More intensive forms of*** protection ***can*** in particular ***be*** 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 ▌ prevent that adult from looking after his or her own interests, such as property interests and personal or health interests. ***Protection should take into account the will and preferences of*** the adult***. For example, by taking into account*** the adult's ***social circle, previous declared wishes or other sources of information that can reveal preferences***.

PUBLIC

(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.

(14) ***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 ▌. Where assessing whether a measure taken by the ***courts*** of another Member State is not manifestly contrary to public policy, the ***courts or enforcement*** authorities of a Member State where ▌ 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 ***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 ***or require support and safeguards in decision-making***.

▌

PUBLIC

17 The concept of '***court ' in this Regulation*** should ***mean any*** judicial ***authority and all other*** authorities ***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. 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, ***including notaries, act as 'courts' and take 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.

PUBLIC

(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. 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 courts or competent authorities of another Member State. 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 ***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 ***court*** made by adults in the Union. To better protect the right to autonomy of the adults, the choice of ***court*** made by adults ***at the time when they were in a position to make such arrangement*** for their future ***protection*** should be respected without the need for additional proceedings in particular for the approval by the ***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) Taking into consideration that the personal or financial circumstances of an adult may evolve between the time when the choice of court is made and the time when the adult is in need of protection, the court seised on the basis of the choice of court should have the possibility to assess whether the choice made by the adult is not contrary to the interests of that adult at the time 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 court was made.

PUBLIC

(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 ***courts***, and should avoid positive and negative conflicts of jurisdiction. The ***court seized based on*** the choice made by the adult ▌ 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 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 be taken, or where proceedings are pending before them***.

(22) ***As the existence and the extent of an insufficiency or an impairment of the personal faculties of the adult can change over time, measures concerning adults should be subject to regular review in accordance with national law to remain tailored to the adult's current circumstances and to ensure that they are still proportional. 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***.

PUBLIC

(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) ***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 ▌ .

(24) Mutual trust in the administration of justice in the Union justifies the principle that measures directed to the protection of adults ***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 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 ▌ 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.***

PUBLIC

(25) The recognition and enforcement of measures ***in the Union*** should be based on the principle of mutual trust. Therefore, the grounds for ***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 ▌ to effectively safeguard the rights of the adults. In particular, the jurisdiction of the ***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 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.

PUBLIC

(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. ***This includes*** the opportunity ***to participate by means of technical equipment, remotely, as well as, communication by non conventional methods in*** cases where the adult is absolutely unable to ***expresstheir*** views ***The recognition of*** a measure taken without the adult having had an opportunity to be heard, ***may be refused, except where there were serious grounds justifying it. This includes, in particular, cases*** of urgency and ***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 or by taking into account the adult's social circle, previous declared wishes or other sources of information that can reveal preferences***. The fact that the adult has had an opportunity to be heard ▌ in the ***Member States where a measure was taken*** should not be assessed ***in comparison with the*** procedural principles of the Member State ***in which*** recognition is ***invoked but should be assessed uniformly in the Union. Examples*** of a case of urgency ***are situations*** where the adult needs to undergo urgent surgery***, or where there is an imminent danger for the adult's property***.

PUBLIC

(28) The question of the procedure and the method ***for*** hearing of the adult should be left to national law, ***while ensuring a genuine and effective opportunity for adults to express their views, will and preferences.*** Due respect ***should also be given to*** the rights of adults to accessibility. When a hearing is required in a cross-border context, Member States***'*** ***courts*** should use the specific instruments of international judicial cooperation, including, where appropriate, those provided for by Regulation (EU) 2020/1783 ***of the European Parliament and of the Council***[2]. ***Without prejudice to the right of the adult to be present in the room in accordance with national law, 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***[3]***, taking into account their procedural rights.***

(29) ▌Authentic 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 a 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 ***a 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.

PUBLIC

(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.

(30) To facilitate the circulation of measures and authentic instruments in the Union, ***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, ***courts*** exercise judicial functions when issuing ▌ attestations ***for measures and this*** issuance ▌ 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.

PUBLIC

(32) To avoid unnecessary intermediaries and foster ***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.

(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 ***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. It is important that, whenever possible, such measures are in line with the best interpretation of the adult's will and preferences.*** Examples of such situations are cases where ***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 placement is to be implemented in another Member State, the procedure 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 in which the placement would be implemented opposes after having received a consultation request. The consultation made by the 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, in light of Article 19 of the UNCRPD. 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 in Article 33(2) of the HCCH 2000 Protection of Adults Convention to indicate an opposition to a contemplated placement should be interpreted as a period of no longer than three months, in the context of this Regulation.

(34) In situations where ***an*** adult has ▌ connections with a Member State other than the one whose ***courts is exercising*** jurisdiction under this Regulation, for example ***connections*** based on ***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 ***across borders.*** Designation of such a ***competent authority as*** representative ***of*** the adult ▌ should be possible ***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.***

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 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 where it 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 reliable and specific information available to them, 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. However, in cases where merely making the request could already jeopardise the health, safety or liberty of the adult, there should not be an obligation under this Regulation to make such request.

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. ***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. However, the Member State of issuance could provide in its national law that the Certificate should not produce effects when used in that State.***

PUBLIC

(36) The Certificate can be requested by the adult ***or a*** representative on the basis of an existing measure or confirmed powers of representation ▌. It should thus only be issued in situations where an adult is ▌ 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***. 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 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 ***the adult or*** a representative of an adult***, who are*** entitled to apply for a Certificate ***or to whom a Certificate has been issued,*** should be under no obligation to ***apply for or use the Certificate,*** but should be free to use national documents or other instruments available under this Regulation (a measure or an authentic instrument) ▌. Persons acting on their own behalf should not be required to present a Certificate, so the Certificate should be issued only ▌ to demonstrate ▌ 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 ***that*** measure or ***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 ***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 ***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 ▌ measure or ▌ 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. ▌ The issuing authority should ***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***. The verification process should not include a 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. As appropriate, the issuing authority shouldalso 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 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[4] 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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[4] 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 ▌ measure ***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 ***conditions*** for the issuance of the Certificate are ***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 ***dealing*** with the representative. The issuing authority should consider in particular the nature and the expected duration of the protection, the validity of the ▌ measure ***on the basis of which the Certificate is to be issued***, any arrangements made by the adult in the ▌ 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 ▌ 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 ***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 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 ▌ . That presumption of accuracy is strengthened by the fact that before issuing the Certificate, the issuing authority should verify ▌ that the ▌ measure or the ▌ 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. ***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 ▌ should be afforded appropriate guarantees if ***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 person presented with the Certificate*** should be ***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 ▌ . ▌

PUBLIC

(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. ***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

(48) Modern and time-efficient means of ▌ communication among Member States' ***courts,*** competent authorities and Central Authorities should be ensured. For the proceedings under this Regulation, ▌ 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 ▌ . 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[5].

(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.

[5] 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).

(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[6] and (EU) 2016/679 of the European Parliament and of the Council[7], 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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6 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).

7 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***. 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***,*** 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 ***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 ***courts***, in particular where the ***courts*** need direct personal communication. In such cases, less formal communication means, such as email, could be used. Considering that ***courts*** deal with sensitive data, the security and reliability of the information exchange should always be ***ensured*** when selecting the appropriate means of communication.

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

PUBLIC

(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.

(52) The European electronic access point should allow the electronic communication of natural and legal persons with Member ***States' courts and*** competent authorities in the context of the proceedings for a decision ***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 ***Certificate. Also, having the validity of a*** Certificate ***confirmed should also be possible through the European electronic access point***. Member ***States' courts and*** competent authorities should communicate ***or serve documents*** through the European electronic access point only where the ***natural or 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 ***the European electronic access point as a*** means of communication ***or method of service***.

PUBLIC

(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.

PUBLIC

(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.***

(53) Any processing of personal data under this Regulation should be undertaken in accordance with Regulations (EU) 2016/679 ▌ and (EU) 2018/1725 ▌ and Directive 2002/58/EC[10] of the European Parliament and of the Council. ▌

[10] 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 ***personal data included*** in the ***information gathered or transmitted pursuant to*** this Regulation ***and related to adults*** and their representatives. That personal data should concern in particular the ***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 ***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 ***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 ▌ 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.***

▌

(55) ▌ Data processing ***is also necessary to enable courts,*** competent authorities and Central Authorities ***to*** access ▌ information on whether ***the*** adult ***concerned by the matter they are handling or responsible for is under protection*** in another Member State ***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. ▌

(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 ▌ 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 ▌ adults. Those health-related personal data may either be explicitly included in the ***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. ***Personal*** data will be processed by Member States' ***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 ▌ 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. ▌

(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[11] and delivered an opinion on ***18 July 2023***.

(60) In order to ensure uniform conditions for the implementation of this Regulation as regards the establishment of the decentralised IT system ▌ 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[12]. ***The implementing act should enable Member States to adapt their relevant national IT systems for the purpose of connection to the decentralised IT system.***

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11 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).

12 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).

(61) The ▌ information provided to the public ▌ 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[13] ***and Directive (EU) 2016/2102 of the European Parliament and of the Council[14]. The technical means of electronic payment of 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***.

(62) In order to ensure that the attestations provided for in Articles 15 and 17 and the ▌ Certificate ▌ 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 ***TFEU*** should be delegated to the Commission to amend Annexes I to ***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[15]. 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.

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13 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).

14 ***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).***

15 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).

(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 ***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***.***

(63a) Respect for international commitments entered into by the Member States means that this Regulation should not affect the application of international conventions, including, where relevant, the UNCRPD, 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) ***The*** Regulation should take precedence over the HCCH 2000 Protection of Adults ***Conventiononly 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***.

(64a) In accordance with Article 49 of the HCCH 2000 Protection of Adults 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. 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 aspects of jurisdiction where the cross-border element of the case at hand involves that third State.

(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 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.

PUBLIC

(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[16] 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[17]. This should also prevent that certain persons are not covered neither by this Regulation nor by those two instruments.

(65a) The report on the evaluation of this regulation should include, on the basis of wide consultation of Member States and interested stakeholders, an in-depth analysis of all factors relevant to the protection of adults under this Regulation in view of evaluating its effectiveness in cross-border situations.

▌

(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. ▌

▌

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16 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).

17 OJ L 151, 11.6.2008, p. 39**.**

(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 ***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 ***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***, in the matters falling under this Regulation***;

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

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

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

Article 2

Scope

1. This Regulation shall apply in civil matters ***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 ***the measures set out in Article 3 of the HCCH 2000 Protection of Adults Convention and***:

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

(ab) powers of representation granted by an 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;

PUBLIC

(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 ***represent or support*** the adult.

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;

(1a) 'Protection' means representation, support or other measures that enable an adult to exercise their legal capacity through supported decision-making, co-decision-making or representation, or that is directed to protecting the person or the property of the adult;

(2) 'measure' means any measure taken by ***a 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;

(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***;

PUBLIC

(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;

[redacted]

(6) ‘***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;

[redacted]

(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***;

[redacted]

PUBLIC

(9) ‘European electronic access point’ means ***a portal*** as defined in point ***(4)*** of Article 2 of Regulation ***(EU) 2023/2844***;

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

***Rules on* jurisdiction**

Subject to ***Articles 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 *court*

1. Notwithstanding Article 5, the ***courts*** of a Member State other than the ***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 ***courts*** of that Member State ***at the time*** when he or she was ▌ in a position to ***make a choice of court***;

   ▌

   (ab) the choice of court was, at the time the choice was made, in favour of a Member State: i. of which the adult is a national; ii. of the adult's habitual residence; iii. of habitual residence of a person close to the adult prepared to undertake their protection ; or iv. in which property of the adult is located.

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

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

2. ***The choice of 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. The ***court exercising*** jurisdiction ***under*** paragraph ***1,*** 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 that Member State, designated pursuant to Article 18***.

4. The references to Article 5 of the HCCH 2000 Protection of Adults Convention contained in ▌ Articles ***7, 9, 10, 11 and 33 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 ***court*** having exercised ***its*** jurisdiction in accordance with paragraph ***1***.

Article 7

Non-exclusive jurisdiction

Jurisdiction conferred to the ***courts*** pursuant to Article 6 of this Regulation shall not be exclusive***.*** In particular***, courts*** having jurisdiction under Articles 5***, 6 and 8*** of the HCCH 2000 Protection of Adults Convention ***shall not be prevented from exercising it***, when the ***court*** chosen by the adult ***has*** not exercised ***its*** jurisdiction or ***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.

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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;

I

Article 8c

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.

Article 8d

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 ***courts*** of a Member State shall be recognised in the other Member States without any special procedure being required.

2. ***Without prejudice to paragraph 1,*** any interested person, ***including*** the adult concerned by the measure, may ***apply to a court*** of a Member State ***for a decision that there are no grounds for refusal of, 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 ***a court*** of a Member State depends on the determination of an incidental question concerning ▌ recognition ***or non-recognition of a measure, that court may determine that issue***.

3a. 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 ***shall*** be refused in the following cases:

▌

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

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

(c) if the procedure provided in Article ***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 a genuine and effective 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 ▌

A measure taken ***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. ***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***, without prejudice to paragraph 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 ▌ 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

Article 13

No review as to the substance

Under no circumstances may a measure taken ***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

Documents to be produced for recognition and enforcement

1. A person ***invoking the*** recognition ***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. ▌ Where necessary, ***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*** of the attestation ▌ .

PUBLIC

Article 15

Attestation

The ***court of the Member State*** of origin shall, at the request of any [redacted] person ***demonstrating a legitimate interest***, issue an attestation using the form set out in Annex I [redacted].

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 the most favourable legal aid or the most extensive exemption from costs or expenses in accordance with the law of the Member State in which proceedings are brought.

Chapter V
AUTHENTIC INSTRUMENTS

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 ***where it is presented***.

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

PUBLIC

Article 17

Attestation *concerning authentic instruments*

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

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.***

PUBLIC

Chapter VI

COOPERATION *AND COMMUNICATION*

PUBLIC

SECTION 1

CENTRAL AUTHORITIES, *COURTS AND COMPETENT AUTHORITIES*

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***, without undue delay,*** to the Central Authority with competence and inform the sender accordingly.

▌

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 ***actions*** that they consider appropriate for improving the application of this Regulation.

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 *protection*

The Central Authority of a Member State, either directly or through competent authorities ***or other bodies***, shall provide, on the request of ***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 ***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

Cooperation in the event of contemplated* placement *in another Member State

1. ***Contemplated*** placement ▌ in another Member State ***shall be subject to the procedure set out in Article 33 of the HCCH 2000*** Protection ***of Adults Convention***. ▌

1a. The contemplated placement referred to in paragraph 1 shall take into account the interest of the adult and, to the extent possible, their will and preferences.

PUBLIC

2. ***The court of the requesting Member State*** shall ***transmit its request to the Central Authority, court or competent authority of the requested Member State using the form set out in Annex VIa***.

3. ▌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 ***three months*** following the receipt of the ***consultation*** request ***using the form set out in Annex VIb***.

▌

Article 22

Designation of a *competent authority of another Member State as* representative ▌

1. ▌Designation of a competent authority ***of*** another Member State as ▌ representative of ***the*** adult ***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 VIIa***.

▌

PUBLIC

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[18].

PUBLIC

Article 24

Implementation of measures

The ***courts and*** competent authorities of a Member State may request***, 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

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.

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[18] 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).

3. The ***communication*** referred to in ***this Article*** shall be ***sent either*** directly or through ***a*** Central Authority**.**

Article 25a

Exchange of information upon request

1. Upon request of a representative or the adult, a court or competent authority of the Member State of origin may communicate to a court or competent authority in another Member State information concerning a measure taken appointing a representative or concerning a power of representation granted by the adult.

2. The communication referred to in this Article shall be sent either directly or through a Central Authority.

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 ▌ 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 ***promptly*** 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.

PUBLIC

Article 27

Direct communication and cooperation between *courts and competent* authorities

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

SECTION *2*

GENERAL PROVISIONS

Article 28

Mediation and alternative dispute resolution

Central Authorities***, courts*** and competent authorities of Member States ***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.

PUBLIC

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 reliable and specific information available to them,*** 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.

2. The assistance provided by ▌ Central Authorities ▌ pursuant to this Regulation shall be free of charge.

3. Without prejudice to Article ***31, and Article 37(3) 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

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***.

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,*** competent authorities and Central Authorities ***shall*** use the forms set out in Annexes ***Va and Vb to*** request ***for assistance***.

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.***

PUBLIC

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 to this Regulation.

I

Chapter VII
EUROPEAN CERTIFICATE OF *SUPPORT AND* REPRESENTATION

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 also produce the effects listed in Article 40 in the Member State whose ***courts or*** competent authorities issued it in accordance with this Chapter***, unless the national law of that Member State provides otherwise***.

PUBLIC

Article 35

Purpose of the Certificate

1. The Certificate shall be issued for use ▌ in another Member State, ***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**.**

▌

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 ***authorities to be designated by each*** Member State ▌ shall be:

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

   (b) another ***court or*** competent authority ▌ 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').

PUBLIC

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;

(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. ***Member States may decide to charge a fee for the costs relating to the issuance of the Certificate or to issue the Certificate free of charge. Where such a fee is charged,*** Member States shall ensure that the fee ▌ does not exceed the ***administrative costs concerned or 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 ***representative is authorised,*** in accordance with ***a*** measure taken or the powers of representation confirmed in the Member State of the issuing authority***, to represent or support the adult concerned*** ;

(b) the ***information mentioned in Article 37(2) is accurate;***

(c) ***the*** measure or ▌ 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 ***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 ▌ in that regard ▌ .

▌

3. The issuing authority shall issue the Certificate without delay once ***it verifies that all conditions*** listed in paragraph (1) have been ***fulfilled***. It shall issue the Certificate even if the habitual residence of the adult has changed to another Member State or to a third ***State***.

▌

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

▌

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.

PUBLIC

Article 39

Contents of the Certificate

1. The Certificate shall 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 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. ▌

2. The Certificate shall 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 ***in*** which ***matters and to which extent the representative is authorised to represent or support the adult on the basis of a*** measure ***taken*** or ▌ powers of representation ***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 ***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 ***to whom a*** Certificate ***issued in accordance with 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 specified in that Certificate. That person*** shall be considered to have dealt with ***an authorised representative of*** the adult ▌ , unless the person knows that the ***content*** of the Certificate ***is*** not accurate ▌ or is unaware of such inaccuracy ▌ due to gross negligence.

PUBLIC

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 ***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.

PUBLIC

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 ***and Certificates*** issued ***in a digital format***.

4. The end of validity of a certified copy shall correspond with the end of validity of the Certificate pursuant to Article ***40(4)***, to be indicated in the certified copy by way of an expiry date. ▌

Article 42

Rectification, modification or withdrawal of the Certificate

1. The issuing authority shall, ***upon*** request ▌ 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 ***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 ***referred to in*** Article 41(1) ***and 38(5)*** of any rectification, modification or withdrawal ***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 ***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 ***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. 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 ***issues the Certificate***

PUBLIC

Article 44

Suspension of the effects of the Certificate

1. The effects of the Certificate may be suspended by ▌ :

   (a) the issuing authority, at the request of any person ***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 ▌ the Certificate ***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 IX

ELECTRONIC COMMUNICATION

Article 49

Means of communication between *courts,* competent authorities or Central Authorities

1. 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***, shall be carried out through a secure***, efficient*** and reliable decentralised IT system.

2. Communication may***, however, be carried out by courts, competent authorities or Central Authorities by alternative means where electronic communication in accordance with paragraph 1 is not possible due to:***

(a) the disruption of the decentralised IT system;

(b) the physical or technical nature of the transmitted material; or

(c) force majeure.

For the purposes of the first subparagraph, the courts, competent authorities or Central Authorities shall ensure that the alternative means of communication ***used are*** the swiftest ***and*** most appropriate ***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) 2023/2844*** may be used for electronic communication between natural and legal persons and Member States' ***courts and,*** competent authorities ***in*** the following ***instances***:

(a) proceedings for a decision ▌ pursuant to Article ***9(2)***;

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

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

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

PUBLIC

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

3. Article 4(3), ***(4), (6) and (7)*** of Regulation ***(EU) 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 ▌ shall apply to the electronic communication under this Regulation.

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

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

   (a) electronic 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 signature as defined in Article 3(12) of Regulation (EU) No 910/2014 .

PUBLIC

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 XI
DELEGATED ACTS

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*** 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.

Chapter XII
GENERAL AND FINAL PROVISIONS

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.

PUBLIC

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.

PUBLIC

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.

Article 58

Relations with other instruments

1. This Regulation shall not affect the application of international conventions***, including, where relevant, the UN Convention on the Rights of People with Disabilities,*** to which one or more Member States are party 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. ***In relations between Member States this Regulation shall take precedence over*** the HCCH 2000 Protection of Adults Convention***.***

(-a) 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 to paragraph ***2***, ***this Regulation shall apply*** where the adult ▌ has his or her habitual residence in the territory of a Member State***.***

▌

4. Notwithstanding paragraph ***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 ***that*** Convention in which this Regulation does not apply ▌ ;

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

PUBLIC

(c) ***Article 6 of this Regulation shall not apply, if themeasure 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 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***.

Article 59a

Data protection

1. Personal data included in the information gathered or transmitted pursuant to this Regulation may be processed under this Regulation by Member States' courts, competent authorities and Central Authorities for the purposes of 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 may be processed under this Regulation for the purposes of:

(a) determining the Member States whose 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 and of acceptance of authentic instruments in all Member States under Chapter V;

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

(e) electronic communication with Member 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;

PUBLIC

(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 Certificate pursuant to Chapter VII.

2. 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) (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 transmitted pursuant to this Regulation and 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.

PUBLIC

Article 60

Adoption of implementing acts by the Commission

1. ***For the purposes of electronic communications referred to in Chapter IX,*** the Commission shall adopt implementing acts **,** setting out the following:

[redacted]

2. [redacted]

(a) the technical specifications ***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; [redacted]

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

(e) ***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.

PUBLIC

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

▌

5. The implementing acts establishing the decentralised IT system pursuant to paragraph 2 shall be adopted by [***4*** years after the entry into force].

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*** 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 referred to in Article 50.

▌ The creation, maintenance and development of the reference implementation software shall be financed from the general budget of the Union.

2. The Commission shall provide, maintain and support ▌ 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 63

Costs of the decentralised IT system, *the* European electronic access point ▌ and national IT *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 ▌ access points ***for*** which ***they are 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 ***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.

PUBLIC

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[20].

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

Article 65

Transitional provisions

1. This Regulation shall apply ***to 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. ▌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 ***and communication*** shall apply to requests ***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▌ Certificate▌ shall apply to applications for the Certificate received by the issuing ***authorities*** as from [date of application].

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[20] 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).

5. ***Articles 49 and 50*** shall ***apply*** to procedures instituted from the first day of the month following ***a*** period of ***four*** years ***from the entry into force*** of the implementing ***acts*** referred to in Article ***60(2)***.

Article 66

Monitoring and evaluation

1. By***... [7*** years after the entry into ***application***], 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 report shall ***include an in-depth analysis of all factors relevant to the protection of adults under this Regulation in view of assessing its effectiveness in cross-border situations. The report may*** be accompanied, where ***appropriate***, by a legislative proposal.

2. As of [3 years after the entry into ***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, ***and where available the number of Certificates issued by their issuing authorities, as well as the number of requests for rectifications, modifications or withdrawals of Certificates previously issued, and, where possible, the division between Certificates issued on the basis of a measure and those issued on the basis of confirmed powers of representation;***

PUBLIC

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:***

(a) the number of incoming requests received by their ***courts,*** competent authorities ***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;

(b) the ***number of instances where the European electronic access point was used by 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 ▌ . ▌

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 national back-end system shall programmatically collect the data referred to in paragraph 3, point (a) and transmit them to the Commission on an annual basis.***

Article 67

Information *and practice guide* made available to the public

1. The Member States shall ***provide appropriate support, as provided by national law, in relation to matters which fall within the scope of this Regulation. Member States shall cooperate in establishing and*** making ▌ available ▌ within the framework of the European Judicial Network in civil and commercial matters, ***to the public a practice guide on the application of the Regulation and*** factsheets with a short summary of their national legislation, including, where available, information on ***the matters listed below, to enable adults to avail themselves of the benefits of this Regulation***:

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

(b) ***rules relating to*** powers of representation ▌ ;

(c) the existence of ***authentic instruments in the area of protection of 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 ▌ ;

(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.

Article 68

Accessibility

Information***, including*** forms and applications***, provided to the public*** under this Regulation shall be made accessible to the public ▌ with the ***relevant*** accessibility requirements ***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***, where available,*** communicate to the Commission the following:

(aa) authorities other than judicial authorities, referred to in Article 3(2), with competence to take measures;

PUBLIC

(a) the ***courts*** competent to decide***, pursuant to Article 9(2), that there are grounds for refusal of*** recognition ▌ of a measure taken in another Member State ***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 attestations*** referred to in ***Articles 15 and 17***;

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

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

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

(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***;

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

▌

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

(l) the ***issuing*** authorities competent to ***issue*** the Certificate***, as referred to in*** Article ***36(2)***;

▌

(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 Certificate in accordance with Article 37(2)(d);

(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 and with the requests for a suspension of the effects of the Certificate pursuant to Article 44.

2. The Member States shall communicate the information referred to in paragraph 1, points (a) to (l) by the first day of the month following a period of 15 months after the start of application at the latest ▌ .

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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 ***30*** months from the date of entry into force of this Regulation***, with the exception of:***

(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];

▌

(c) Articles 49 and ▌ 50***, which*** shall apply from the first day of the month following ***a*** period of ***24 months from*** the date of entry into force of the implementing act referred to in Article 60(2)***;***

▌

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 ***AN ADULT*** (Article 15 of Regulation (EU) ***20XX/XX)***

To be issued by a ***court*** of the Member State of origin, upon application by ***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.***Court*** of the Member State of origin issuing this attestation 2.1 Name of the ***court***: 2.2 Address 2.2.1 Street and number/PO box: 2.2.2 Place***: 2.2.3*** Postcode: 2.3 Contact details 2.3.1 ▌ Telephone*: 2.3.2 ▌ E-mail*: ***2.3.3 Other contact information*:***

3.Court which took the measure*** (mandatory***, if different from the one indicated in point ***2)*** 3.1 Name of the ***court***: 3.2 Address: 3.2.1 Street and number/PO box: 3.2.2 Place***: 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 ('adult') 5.1 Surname(s) ***: 5.1a*** Given name(s): 5.2 Surname(s) at birth (if different from point 5.1)*: 5.3 Date (dd/mm/yyyy) ***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[1]* 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 ***: 5.6.2a*** Postcode: 5.6.3 Country***:*** □ Belgium □ Bulgaria □ Czech Republic

[1] Please indicate the most relevant number ▌

□ 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. The measure is subject to ▌ appeal under the law of the Member State of origin □ ***Yes.*** □ ***No.***
7. Legal effect and enforceability 7.1 The measure is enforceable in the Member State where the measure was taken □ ***Yes.*** □ ***No. 7.2 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)*:***
▌
▌
8. The adult was given ***a genuine and effective*** opportunity to ▌ be heard***:*** ***8.1***□ ***Yes, in the following manner: 8.2***□ No, for the following reasons***:*** ***8.2.1 Nevertheless, the adult's will and preferences have been given due weight in*** the following ***manner****: ▌
9. ▌ Name(s) of party(ies) who benefited from legal aid******* ***9.1*** □ Adult: as indicated in point 5 ***9.2*** □ ***Representative***: as indicated in point ***13 9.3*** □ Other ***persons or bodies: as indicated in point 14***
10. ▌ 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*** □ concerns the ***determination of the incapacity*** of the adult ***10.3***□ institutes a protective regime. ***10.3a*** □ ***institutes guardianship, curatorship or analogous institutions 10.4*** □ places the adult under the protection of a judicial or administrative authority. ***10.5***□ designates one or several person(s) or body(ies) having charge of the adult's person or property, representing or assisting the adult (if this box is ticked please fill in ***Points 13 and 14) 10.6*** □ places or authorises the placement of the adult in an establishment or other place where protection can be provided. ***10.7***□ authorises or decides on the administration, conservation or disposal of the adult's property. ***10.8*** □ authorises a specific intervention for the protection of the person or property of the adult. ***10.9*** □ Other (please specify):

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11. Content of the measure[6]:
▌
12. ▌ The measure: ***12.1*** □ expires on (dd/mm/yyyy): ***12.2*** □ will be reviewed on (dd/mm/yyyy): ***12.3*** □ is valid until amended or revoked ***12.4*** □ Other (please specify):
13. Representative (if appointed[8]) 13.1 □ Natural person 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[9]* 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: 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.Powers of the representative(s) appointed 13.3.1 Representative is in charge of the adult[10] 13.3.1.1 □ for the following acts: 13.3.1.2 □ subject to the authorisation of : 13.3.2 The representative's powers are limited to only supporting the adult □ Yes (please specify): □ No.

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6 ***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***.

8 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.***

9 ▌ Please ***indicate the most relevant*** number***, if applicable***. ▌

10 ***If more than one representative has been appointed, please attach an additional sheet for each additional representative***.

14. Other persons or bodies involved in the protection of the adult* 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[11]* 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)*: 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[12]:

15□ The measure determines costs and expenses of the proceedings<[13]><!--<ins-->>**** 15.1*** The decision provides that[14]****: 15.1.1*** Surname(s) ***15.1.2 :***Given name(s) ***15.1.3*** □Name of an organisation or other legal person: ***15.2*** Must pay to****: 15.2.1*** □ Surname(s) ***: 15.2.2 :***Given name(s) ***15.2.3*** □Name of an organisation or other legal person: ***15.3*** The sum of: …*□ Euro (EUR) □ ▌ □ Czech koruna (CZK) □ Hungarian forint (HUF) □ Polish zloty (PLN) □ Romanian leu (RON) □ Swedish krona (SEK) □ Other (please specify (ISO code)): ***15.4*** Any additional information which might be relevant (for example the bank account details ***to which*** the sum should be paid):

16. Any additional information which might be relevant*:

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[11] ***Please indicate the most relevant number, if applicable***.

[12] ▌Please ***specify how the person or other body is involved in the protection of the adult***.

[13] ***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 attestationcertificate if a party wishes to seek recognition of the substantive part of the decision.***

[14] ***If more than one party has been ordered to bear the costs, please attach an additional sheet.***

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:

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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/XX)***

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 ***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. ▌ Authority of the Member State of origin issuing this attestation 2.1 Name of the ▌ authority: 2.2 Address 2.2.1 Street and number/PO box: 2.2.2 Place***: 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***: 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) ***5.1a*** Given name(s): 5.2 Surname(s) at birth (if different from point 5.1 ▌)*****: 5.3 Date (dd/mm/yyyy) ***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[1]***** 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 ***:***

[1] Please indicate the most relevant number if applicable.

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 ▌ content of any declaration by the adult**.** ***6.1.2. 4*** □ facts that the ▌ authority declares as having been verified in its presence. ***6.1.2.5*** □ the actions which the ▌ authority declares to have carried out. ***6.1.2.6*** □ 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 *: 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): 6.3 ▌ To the knowledge of the ▌ 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 ▌ 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 ***8.2.1*** □ ***Natural*** person ***8.2.1.1*** Surname(s) ***8.2.1.1a*** Given name(s)***:*** ***8.2.1.2*** Identification number[2]* 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.*** Address ***8.2.1..1*** Street and number/PO box: ***8.2.1..2*** Place ***: 8.2.1..2a*** Postcode: ***8.2.1..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): ***8.2.2*** □ ***Legal person 8.2.2.1 Name of***

[2] Please indicate the most relevant number if applicable.

the organisation: 8.2.2.2Registration of the legal person[3]* 8.2.2.21 Registration number*: 8.2.2.22 Date (dd/mm/yyyy)* 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 ***acts**** □ together (jointly)[4]; □ concurrently[5] (if necessary please specify): □ separately[6] (if necessary please specify): □ as substitutes[7] (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*** □ other, please specify: ***8.5*** The powers of representation ***8.5.1*** □***are*** currently in force ***8.5.1.1*** Date of entry into force (dd/mm/yyyy): ***8.5.2*** □ will enter into force in the future ***8.5.2.1*** □ upon confirmation by a ***court or*** competent authority ***8.5.2.2*** □ upon unilateral declaration of the representative ***8.5.2.3*** □ upon a decision of a third party ***8.6*** □ 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 ***the adult***) □ ***Yes.*** □ ***No. 9.1a. The authentic instrument records advance directives*** on the following matters ***9.1a.1*** □ Health, if necessary please specify: ***9.1a.2*** □ Welfare, including place of residence, if necessary please specify: ***9.1a.3*** □ Other personal matters, if necessary please specify: ***9.1a.4*** □ Economic and financial matters, if necessary please specify: ***9.1a.5*** □ Choice of a natural person as a representative to be taken into account by the ***courts*** taking a measure directed to the protection of the adult ***9.1a.5.1*** Surname(s) ***: 9.1a.5.1a.Given*** name(s) of the chosen representative: ***9.1a.5.2*** Surname(s) of the chosen representative at birth (if different from point 9.1.5.1)****: 9.1a.5.3*** Date (dd/mm/yyyy) ***of birth: 9.1a.5.3a.*** Place of birth ***(if available)*: 9.1a.5. 4*** Identification number[8]**** 9.1a.5.4.1*** National identity number: ***9.1a.5.4.2*** Social security number: ***9.1a.5.4.3*** Tax

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3 Please indicate the most relevant number if applicable.

4 Decisions are taken together by the representatives.

5 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.

6 Representatives may act individually.

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

8 Please indicate the most relevant number if applicable.

number: ***9.1a.5.4.4*** Other (please specify)****: 9.1a.5.5*** Address ***9.1a.5.5.1*** Street and number/PO box: ***9.1a.5.5.2*** Place***: 9.1a.5.5.2a*** Postcode: ***9.1a.5.5.3*** 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): ***9.1a.6*** □ Choice of a legal person as a representative to be taken into account by the ***courts*** taking a measure directed to the protection of the adult ***9.1a.6.1*** Name of the organisation: ***9.1a.6.2*** Registration of the organisation ***9.1a.6.2.1*** Registration number*: 9.1.6.2.2 ▌ Date (dd/mm/yyyy)*** ***:*** ***9.1.6.2.3*** Place of registration: ***9.1a.6.3*** Address of the organisation 9.1.6.3.1 Street and number/PO box: ***9.1a.6.3.2*** Place***: 9.1a.6.3.2a*** Postcode: ***9.1a.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): 9.1a.6.4*** person authorised to sign for the organisation: ***9.1.6.4.1 Surname(s) 9.1.6.4.2 Given name(s) 9.1a.6.5*** Other relevant information (please specify)****: 9.1a.6.6*** Contact details ***9.1a.6.6.1*** Telephone****: 9.1a.6.6.2 Email*: 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*:***
10. Other information recorded in the authentic instrument*:
11. Registration* ***11.1*** The authentic instrument***,*** or ▌ 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 ▌ authority issuing the attestation: ▌ Reference number of the attestation:

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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 ***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 ***limitations*** being attached to those powers other than those stated in the Certificate. **-** Any person ***to whom a*** Certificate ***issued in accordance with Regulation (EU) 20XX/XX 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 specified in that Certificate. That person*** shall be considered to have dealt with ***an authorised representative of*** the adult ▌, unless the person knows that the ***content*** of the Certificate ***is*** not accurate ▌ or is unaware of such inaccuracy ▌ due to gross negligence. **-** The Certificate has these effects in the European Union, with the exception of Denmark [and Ireland]. **-** ***The Certificate shall produce effects in the Member State where it was issued, unless the national law of that Member State provides otherwise (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. 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 □ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia □ Slovakia □ Finland □ Sweden 1.2 Name ▌ of the issuing authority: 1.3 Address of the issuing authority 1.3.1 Street and number/PO

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box: 1.3.2 Place ***: 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*** ('adult') 2.1 Surname(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 ▌ (***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 [1]* 2.6.1 National identity number: 2.6.2 Social security number: 2.6.3 Tax number: 2.6.4 Other (please specify)*: 2.7 Address 2.7.1 Street and number/PO box: 2.7.2 Place ***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. ▌ Measure 3.1 The ▌ measure was taken by: □ the same ***court*** that issues this Certificate □ another ***court*** in the Member State 3.2 If the measure was not taken by ***court*** that issues this Certificate, please indicate the name ▌ of the ***court*** that has taken the measure*: 3.3 Reference number of the ▌ measure: 3.4 Date when the ▌ measure was taken (dd/mm/yyyy): 3.5 □ The ▌ measure is subject to an appeal under the law of the Member State of origin ***3.5.1*** □ The measure that is subject to an appeal under the law of the Member State of origin is provisionally applicable ▌
If the basis for the representation is a confirmed powers of representation: 4. ▌ 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 ▌ 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 ▌ confirmed powers of representation (dd/mm/yyyy): 4.5 Reference number of the ▌ confirmed powers of representation:[4]
5. Representative(s) of the adult 5.1 The number of the adult's representatives □ One □ More than one – Please indicate the number of

[1] ***Please indicate the most relevant number.***

[4] ***Pursuant to Article X of the Regulation (EU) 20XX/X.***

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, ▌ the representatives represent ***or support*** the adult ***in the following way :*** □ Each of the adult's representatives can act alone ▌ □ All adult'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 □ Other. Please explain the specific rules or arrangements concerning the adult's representation[5]*:
6. Details concerning the representative of the adult▌ ('Representative') 6.1 If the representative is a natural person ▌ 6.1.1 Surname(s) ***6.1.1a*** Given name(s): 6.1.2***. Surname(s) at birth (if different from point 6.1.1)*: 6.1.3*** Date (dd/mm/yyyy) ***of birth: 6.1.3a*** Place of birth (***if available*)*: 6.1.4*** Identification number [6]*** 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 ***6.1..5.2a*** 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): 6.1.6*** Contact details ***6.1.6.1*** Telephone***: 6.1.6.2 E-mail*: 6.1.6.3*** 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 ▌ 6.2.2.1 Registration number*: 6.2.2.2 ▌ Date (dd/mm/yyyy)* ***6.2.2.3*** Place of registration: 6.2.3. Address of the organisation 6.2.3.1 Street and number/PO box: 6.2.3.2 Place ***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***.*** Person 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 ▌ The representative's powers limited to a particular intervention (▌ ***.e.g.:*** limited to ***only supporting*** the adult***) :***

[5] ***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.***

[6] ***Please indicate the most relevant number.***

□ Yes***, please also fill in point 8.*** □ No, ***7.2. Content and extent of*** the powers***:***7.2.1 □ ▌Powers▌ related to the adult's immovable property[7]***: 7.2.2*** □ Powers ***related to the adult's*** other property besides immovable one[8]***</>: 7.2.3*** □ Powers▌ related to succession[9]***: 7.2.4*** □ Powers▌ concerning ***health-related*** interests of the adult[10]***</>: 7.2.5*** □ Powers▌ concerning the adult's place of residence or housing[11]***: 7.2.6*** □ Other powers▌ related to the adult's person ***and/or*** the adult's personal

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7 ***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***

8 ***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***

9 ***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***

10 ***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***

11 ***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***

welfare[12]: ***7.2.7*** □ Powers▌ related to the▌ management of the adult's legal and business affairs[13]***: 7.2.8*** □ Other powers and/or rights[14]: ▌
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 representative'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 ***consent by the adult:*** □ ***No.*** □ ***Yes – In all matters.*** □ ***Yes – Please specify which powers are subject to consent: 8.2 The representative can act only subject to*** consent by ***a court***, other entity, or ***another*** person<[15]><!--<ins-->>: (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 representative can act only subject to certain other conditions<[16]><!--<ins-->>: (Please elaborate on those matters and

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[12] ***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***

[13] ***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***

[14] ***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***

[15] ***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.***

[16] ***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***

the related conditions)*** *8.4.1*** This list of conditions is □ illustrative □ exhaustive 8.4 The representative is not entitled to represent the Adult in the following***:*** 8.4.1 This list is of matters outside of the scope of representative's powers is □ illustrative □ exhaustive 8.4.2 The following powers are retained by the Adult under the applicable law[17]: 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 9.1 The ▌ Certificate ***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; **-** determined the appropriate period of validity of the Certificate pursuant to Article ***40(4)*** of the Regulation. Reference number of the Certificate[18]: ▌ 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 ▌

may only be sold through a public auction or that a property of an adult cannot be transferred to a representative himself or herself.

[17] ***Depending on national law, representation of an adult is excluded for instance in certain highly personal decisions.***

[18] ***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***

ANNEX IV

INFORMATION BY THE CHOSEN ***COURT*** ON THE EXERCISE OF THEIR JURISDICTION (Article ***6(3)*** of the Regulation (EU) ***20XX/XX)***

To be used to inform the ***court*** of the Member State ***of*** habitual residence ***of*** the adult ***before taking any measure. Non-mandatory fields are marked with an ****

1. Court which ***will take*** the measure ▌ 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 ***court***: 1.3 Address 1.3.1 Street and number/PO box: 1.3.2 Place ***1.3.2a*** Postcode: 1.4 Contact details ***1.4.1*** Telephone****: 1.4.2 E-mail****: ***1.4.3 Other contact information*:***
2. ***Court of habitual residence of the adult***2.1 Member State of the ***court:*** □ 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 2.2 Name of the ***court***: 2.3 Address 2.3.1 Street and number/PO box: 2.3.2 Place ***2.3.2a*** Postcode: ***2.4*** Contact details ***2.4.1*** Telephone****: 2.4.2 E-mail****: ***2.4.3 Other contact information*:***
3. Adult concerned by the measure ('Adult') 3.1 Surname(s) ***: 3.1a*** Given name(s): 3.2 Surname(s) at birth (if different from point 3.1)****: 3.3*** Date (dd/mm/yyyy) ***: 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[1]***** 3.6.1 National identity number: 3.6.2 Social security number: 3.6.3 Tax number: 3.6.4 Other (please specify*****: 3.7 Contact details 3.7.1 Telephone*****: 3.7.2 E-mail*****: 3.7.3 Other contact information*****:

[1] Please indicate the most relevant number if applicable.

4. Measure concerning the adult 4.1 ***The measurewill 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.***
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:

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ANNEX *Va*

NOTIFICATION OR REQUEST FOR ASSISTANCE ***(Articles 7a(4) and 32(1) and (3)*** of Regulation (EU) ***20XX/XX)***

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 Authorities*** 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. ***Non-mandatory fields are marked with an ****

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 requesting authority: 3.3 Address 3.3.1 Street and number/PO box: 3.3.2 Place ***: 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 ▌ 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 ***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) ***5.1a*** Given name(s): 5.2 Surname(s) at birth (if different from point 5.1)*****: 5.3 Date (dd/mm/yyyy) ***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): □

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Unknown 5.5 Identification number[1]* 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 ***: 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)***: 6.2 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 6.3 □ 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 □ ▌ Assistance in applying the Regulation (EU) ***20XX/XX*** with respect to: ***7.1.1*** □ establishing jurisdiction (please specify): ***7.1.2*** □ establishing applicable law (please specify): ***7.1.3*** □ recognising or enforcing a measure (please specify): ***7.1.4*** □ carrying out direct communication between authorities ***7.1.5*** □ Other (please specify): ***7.2*** □ Location of the adult. Please specify the information justifying the assumption that the adult is present in the requested Member State: ***7.3*** □ Location of a person who is likely to provide ***protection. 7.3.1*** Information on the person who is likely to provide ***protection*** to the adult ***7.3.1.1*** Surname(s) ***: 7.3.1.1a*** Given name(s): ***7.3.1.2*** Surname(s) at birth (if different from point ***7.3.1.1): 7.3.1.3*** Date (dd/mm/yyyy) ***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 □

[1] Please indicate the most relevant number if applicable.

Croatia □ Italy □ Cyprus □ Latvia □ Lithuania □ Luxembourg □ Hungary □ Malta □ Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia □ Slovakia □ Finland □ Sweden □ Other (please specify ISO-code): □ Unknown ***7.3.1.5*** Identification number[2]**** 7.3.1.5.1*** National identity number: ***7.3.1.5.2*** Social security number: ***7.3.1.5.3*** Tax number: ***7.3.1.5.4*** Other (please specify)****: 7.3.2*** Please specify the information justifying the assumption that the person is present in the requested Member State****: 7.3.3*** Please specify the relationship of the person with the adult****: 7.4*** □ Provision of information when a measure is contemplated ***or to be implemented***, in accordance with Article 25 of the Regulation (EU) ***20XX/XX*** (please specify): ***7. 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:

[2] Please indicate the most relevant number if applicable.

ANNEX Vb
INFORMATION ▌ CONCERNING THE REQUEST FOR ASSISTANCE ***Non-mandatory fields are marked with an ****

1. Reference number of the requesting authority ▌ :
2. Reference number of the requested ▌ authority:
3. Requesting authority
▌ 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 ▌ authority: 4.3 Address ***4.3.1*** Street and number/PO box: ***4.3.2*** Place ***: 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. Reply by the ▌ authority[1] ***6.1*** □ Please find below the information requested: ***6.2*** □ The request does not contain all of the following necessary information (please specify the information): ***6.3*** □ The request is refused for the following reason(s):
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 Authority: Reference number of this communication:

[1] If needed, please attach additional sheet(s) with further explanations.

PUBLIC

ANNEX *VIa*

REQUEST CONCERNING THE PLACEMENT OF AN ADULT IN ANOTHER MEMBER STATE (Article ***21*** of Regulation (EU) ***20XX/XX)***

To be used for the communication between the ***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***'). If opposition is made to the contemplated placement, it shall be communicated*** no later than ***three months*** following the ***consultation*** request. ***Non-mandatory fields are marked with an ****

1. Reference number of the requesting ***court***:
2. Reference number of the requested ▌ authority▌)*:
3. Requesting ***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 ***court***: 3.3 Address 3.3.1 Street and number/PO box: 3.3.2 Place ***: 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*** 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: 4.3 Address 4.3.1 Street and number/PO box: 4.3.2 Place ***: 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) ***: 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) ***: 5.4*** Place of birth ***(if available)*: 5.5*** 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): ▌ □

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Unknown ***5.6*** Identification number[1]**** 5.6.1*** National identity number: ***5.6.2*** Social security number: ***5.6.3*** Tax number: ***5.6.4*** Other (please specify)****: 5.7*** Address ***5.7.1*** Street and number/PO box: ***5.7.2*** Place***: 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): ***5.8*** Contact details ***5.8.1*** Telephone****: 5.8.2 E-mail*: 5.8.3*** Other contact information*******:
6. Protection measure concerning the adult**** 6.1*** □ A protection measure has been taken by the requesting ***court*** 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 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***: 7.1.2.3*** Postcode: 7.1.3 ▌ Contact details of the place (where available) 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 ***court***. 7.4 □ The placement will be authorised by the requesting ***court*** and will be carried out with the support of the following person: 7.4.1 Surname(s) ***: 7.4.2*** Given name(s): ***7.4.3*** Surname(s) at birth (if different from point 7.4.1): 7.4.4 Date ***of birth*** (dd/mm/yyyy) ***: 7.4.5*** Place of birth ***(if available)****: 7.4.6 Identification number[2]*******: 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 : 7.7 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.***
▌ :

[1] Please indicate the most relevant number if applicable.

[2] Please indicate the most relevant number if applicable.

8. ▌ Any additional information which might be relevant*****:
Done at: On (dd/mm/yyyy): Signature and/or stamp of the requesting authority:

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ANNEX VIb
REPLY TO THE REQUEST CONCERNING THE ▌ PLACEMENT ***OF AN ADULT IN ANOTHER MEMBER STATE***

To be used for the communication between ***the 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’)***. Non-mandatory fields are marked with an ****

1. Reference number of the requesting ***court***:
2. Reference number of the requested ▌ authority:
3. Requesting ***court***: ▌
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 ***requested*** authority: 4.3 Address ***4.3.1*** Street and number/PO box: ***4.3.2*** Place ***: 4.3.3*** Postcode: 4.4 Contact details ***4.4.1*** Telephone****: 4.4.2 E-mail****: ***4.4.3 Other contact information*:***
5. Information from the ***requested*** 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 ***court*** □ an establishment or an institution corresponding to the specifications made by the requesting ***court*** (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 ▌
6. Any additional information which might be relevant*: ▌
Done at: ▌ On (dd/mm/yyyy): ▌ Signature and/or stamp of the ***requested*** 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*** of the Regulation (EU) ***20XX/XX)***

To be used by ***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 ***court***:
2. Reference number of the requested Central Authority ***or authority to be designated****:
3. Requesting ***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: ***3.3*** Address ***3.3.1*** Street and number/PO box: ***3.3.2*** Place***: 3.3.3*** Postcode: ***3.4*** Contact details ***3.4.1*** Telephone****: 3.4.2 E-mail****: ***3.4.3 Other contact information*:***
4. ▌ Authority ***to be designated in*** the requested Member 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 ▌ authority: ***4.3*** Address ***4.3.1*** Street and number/PO box: ***4.3.2*** Place***: 4.3.3*** Postcode: ***4.4*** Contact details ***4.4.1*** Telephone****: 4.4.2 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*:

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6. Adult concerned by the measure ('adult') ***6.1*** Surname(s) ***: 6.1a*** Given name(s): ***6.2*** Surname(s) at birth (if different from point ***6.1.): 6.3 Date of birth*** (dd/mm/yyyy) ***: 6.4*** Place of birth ***(if available)*: 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 ***6.6*** Identification number[1]****: 6.6.1*** National identity number: ***6.6.2*** Social security number: ***6.6.3*** Tax number: ***6.6.4*** Other (please specify)****: 6.7*** □ The adult benefits/has benefitted from legal aid or from exemption from costs and expenses, (please specify):

7. Protection measure concerning the adult ***7.1*** □ A protection measure has been taken by the requesting authority on (dd/mm/yyyy)**** 7.2*** Date of expiration ▌ of the measure (dd/mm/yyyy)****: 7.3*** □ An application for a protection measure has been made and is being processed**** 7.4***. □ The measure is registered in the register of the Member State of origin, please specify****: 7.5*** □ A representative is appointed in the Member State of origin**** 7.5.1*** Surname(s) ***7.5.2*** Given name(s): ***7.5.3*** Surname(s) at birth (if different from point ***7.5.1): 7.5.4 Date of birth*** (dd/mm/yyyy) ***: 7.5.5*** Place of birth ***(if available)*: 7.5.6*** Identification number[2]****: 75.6.1*** National identity number: ***7.5.6.2*** Social security number: ***7.5.6.3*** Tax number: ***7.5.6.4*** Other (please specify)****: 7.5.7*** Brief description of the tasks of the representative ***7.5.7.1***. □ Management of financial assets ***7.5.7.2*** □ Management of immovable property (please specify the address): ***7.5.7.3*** □ Support concerning the adult's welfare or health. ***7.5.7.4*** □ Other (please describe shortly):

8. Details of the designation contemplated ***8.1*** Description of the case and the reasons why ***an authority*** shall be designated ***as representative*** in the requested Member State: ***82The*** representative will ***represent or*** support ▌ the adult in : ***8.2.1*** □ Management of financial assets ***8.2.1.1*** nature of the financial assets (please specify): ***8.2.1.2*** contact details of the financial institution (please specify): ***8.2.2*** □ Management of immovable property (please specify the address): ***8.2. 3*** □ Support concerning the adult's welfare or health. ***8.2. 4*** □ Other (please specify): ***8.3***□ The designation is temporary and will end ***8.31*** □ on (dd/mm/yyyy): ***8.32*** □ 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***:[3]

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1 Please indicate the most relevant number if applicable.

2 Please indicate the most relevant number if applicable.

3 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.

9. Any additional information which might be relevant *****:
Done at: ▌ On (dd/mm/yyyy): ▌ Signature and/or stamp of the requesting ***court***: ▌ Reference number of the communication: ▌

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ANNEX VIIb
REPLY TO THE REQUEST FOR ***THE*** DESIGNATION OF A ***competent authority of another Member State as*** REPRESENTATIVE ABROAD ***Non-mandatory fields are marked with an ****

1. Reference number of the requesting ***court***:
2. Reference number of the ▌ Central Authority ***or authority to be designated****:
3. Requesting ***court or Central*** Authority:
4. ▌ Authority ***to be designated*** 4.1 Name ▌ of the ▌ authority ▌ 4.2 Address 4.2.1 ▌ Street and number/PO box: 4.2.2 ▌ Place ***: 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 ***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: 5.3 □ ***Consent to the*** designation of the ***authority as*** representative abroad is refused***.***
6. Any additional information which might be relevant*:
Done at: ▌ On (dd/mm/yyyy): ▌ Signature and/or stamp of the ▌ Authority ***to be designated***: Reference number of the communication:

PUBLIC

ANNEX *VIIIa*

TRANSFER OF JURISDICTION(Article ***32(2)*** of the Regulation (EU) ***20XX/XX***, and Article 8 of the HCCH 2000 Protection of Adults Convention)

To be used for the communication between the ***courts*** of a Member State where the adult has his or her habitual residence and the ***courts*** of another Member State. The ***court*** of a Member State may use this form***: 1.*** to transfer its jurisdiction to the ***courts*** of another Member State with which the adult has substantial connections, doing so either by its own motion or upon request of another ***court. 2. to request from a court of another Member State having jurisdiction to transfer its jurisdiction. Non-mandatory fields are marked with an ******

▌
1. Reference number of the requesting ***a court***:
2. Reference number of the requested ***a court*** ***:**
3. Requesting ***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 ***court***: 3.3 Address: 3.3.1 Street and number/PO box: 3.3.2 Place ***: 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 ***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 ***court***: 4.3 Address: ***4.3.1*** Street and number/PO box: ***4.3.2*** Place ***: 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 ('adult') ▌ 5.1 Surname(s) ***: 5.1a*** Given name(s): 5.2 Surname(s) at birth (if different from point 5.1)*: 5.3 Date (dd/mm/yyyy) ***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 □ Hungary □ Malta □

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Netherlands □ Austria □ Poland □ Portugal □ Romania □ Slovenia □ Slovakia □ Finland □ Sweden □ Other (please specify ISO-code): □ Unknown 5.5 Identification number[1]* 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 ***:*** ***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 6.1 □ made by the requesting ***court*** on its own motion 6.2 □ from the following ***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 ***court***: ▌ 7.1 □ relating to the adult's person (please specify) ▌ : 7.2 □ relating to the adult'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 ***court***: ▌ Reference number of the request:

[1] Please indicate the most relevant number ▌ .

ANNEX VIIIb
INFORMATION FROM THE REQUESTED ***COURT Non-mandatory fields are marked with an ****
1. Reference number of the requesting ***court***:
2. Reference number of the requested ***court:***
3. Information from the requested ***court:*** 3.1 □ Jurisdiction is accepted 3.2 □ Jurisdiction is not accepted 3.3 ***:Transfer of jurisdiction is accepted 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 ***court:*** Reference number of the communication ▌

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CONVENTION ON THE INTERNATIONALPROTECTION OF ADULTS(Concluded 13 January 2000)

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The States signatory to the present Convention,

Considering the need to provide for the protection in international situations of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests,

Wishing to avoid conflicts between their legal systems in respect of jurisdiction, applicable law, recognition and enforcement of measures for the protection of adults,

Recalling the importance of international co-operation for the protection of adults,

Affirming that the interests of the adult and respect for his or her dignity and autonomy are to be primary considerations,

Have agreed on the following provisions –

Chapter I

scope of the convention

Article 1

(1) This Convention applies to the protection in international 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) Its objects are –

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

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

c) to determine the law applicable to representation of the adult;

d) to provide for the recognition and enforcement of such measures of protection in all Contracting States;

e) to establish such co-operation between the authorities of the Contracting States as may be necessary in order to achieve the purposes of this Convention.

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*Article **2***

(1) For the purposes of this Convention, an adult is a person who has reached the age of 18 years.

(2) The Convention applies also to measures in respect of an adult who had not reached the age of 18 years at the time the measures were taken.

*Article **3***

The measures referred to in Article 1 may deal in particular with –

a) the determination of incapacity 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;

e) 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.

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*Article **4***

(1) The Convention 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.

(2) Paragraph 1 does not affect, in respect of the matters referred to therein, the entitlement of a person to act as the representative of the adult.

Chapter II
jurisdiction

*Article **5***

(1) The judicial or administrative authorities of the Contracting State of the habitual residence of the adult have jurisdiction to take measures directed to the protection of the adult's person or property.

(2) In case of a change of the adult's habitual residence to another Contracting State, the authorities of the State of the new habitual residence have jurisdiction.

*Article **6***

(1) For adults who are refugees and those who, due to disturbances occurring in their country, are internationally displaced, the authorities of the Contracting State on the territory of which these adults are present as a result of their displacement have the jurisdiction provided for in Article 5, paragraph 1.

(2) The provisions of the preceding paragraph also apply to adults whose habitual residence cannot be established.

Article 7

(1) Except for adults who are refugees or who, due to disturbances occurring in their State of nationality, are internationally displaced, the authorities of a Contracting State of which the adult is a national have jurisdiction to take measures for the protection of the person or property of the adult if they consider that they are in a better position to assess the interests of the adult, and after advising the authorities having jurisdiction under Article 5 or Article 6, paragraph 2.

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(2) This jurisdiction shall not be exercised if the authorities having jurisdiction under Article 5, Article 6, paragraph 2, or Article 8 have informed the authorities of the State of which the adult is a national that they have taken the measures required by the situation or have decided that no measures should be taken or that proceedings are pending before them.

(3) The measures taken under paragraph 1 shall lapse as soon as the authorities having jurisdiction under Article 5, Article 6, paragraph 2, or Article 8 have taken measures required by the situation or have decided that no measures are to be taken. These authorities shall inform accordingly the authorities which have taken measures in accordance with paragraph 1.

*Article **8***

(1) The authorities of a Contracting State having jurisdiction under Article 5 or Article 6, if they consider that such is in the interests of the adult, may, on their own motion or on an application by the authority of another Contracting State, request the authorities of one of the States mentioned in paragraph 2 to take measures for the protection of the person or property of the adult. The request may relate to all or some aspects of such protection.

(2) The Contracting States whose authorities may be addressed as provided in the preceding paragraph are –

a) a State of which the adult is a national;

b) the State of the preceding habitual residence of the adult;

c) a State in which property of the adult is located;

d) the State whose authorities have been chosen in writing by the adult to take measures directed to his or her protection;

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e) the State of the habitual residence of a person close to the adult prepared to undertake his or her protection;

f) the State in whose territory the adult is present, with regard to the protection of the person of the adult.

(3) In case the authority designated pursuant to the preceding paragraphs does not accept its jurisdiction, the authorities of the Contracting State having jurisdiction under Article 5 or Article 6 retain jurisdiction.

*Article **9***

The authorities of a Contracting State where property of the adult is situated have jurisdiction to take measures of protection concerning that property, to the extent that such measures are compatible with those taken by the authorities having jurisdiction under Articles 5 to 8.

*Article **10***

(1) In all cases of urgency, the authorities of any Contracting State in whose territory the adult or property belonging to the adult is present have jurisdiction to take any necessary measures of protection.

(2) The measures taken under the preceding paragraph with regard to an adult habitually resident in a Contracting State shall lapse as soon as the authorities which have jurisdiction under Articles 5 to 9 have taken the measures required by the situation.

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(3) The measures taken under paragraph 1 with regard to an adult who is habitually resident in a non-Contracting State shall lapse in each Contracting State as soon as measures required by the situation and taken by the authorities of another State are recognised in the Contracting State in question.

(4) The authorities which have taken measures under paragraph 1 shall, if possible, inform the authorities of the Contracting State of the habitual residence of the adult of the measures taken.

*Article **11***

(1) By way of exception, the authorities of a Contracting State in whose territory the adult is present have jurisdiction to take measures of a temporary character for the protection of the person of the adult which have a territorial effect limited to the State in question, in so far as such measures are compatible with those already taken by the authorities which have jurisdiction under Articles 5 to 8, and after advising the authorities having jurisdiction under Article 5.

(2) The measures taken under the preceding paragraph with regard to an adult habitually resident in a Contracting State shall lapse as soon as the authorities which have jurisdiction under Articles 5 to 8 have taken a decision in respect of the measures of protection which may be required by the situation.

*Article **12***

Subject to Article 7, paragraph 3, the measures taken in application of Articles 5 to 9 remain in force according to their terms, even if a change of circumstances has eliminated the basis upon which jurisdiction was founded, so long as the authorities which have jurisdiction under the Convention have not modified, replaced or terminated such measures.

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Chapter III
applicable law

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*Article **13***

(1) In exercising their jurisdiction under the provisions of Chapter II, the authorities of the Contracting States shall apply their own law.

(2) However, in so far as the protection of the person or the property of the adult requires, they may exceptionally apply or take into consideration the law of another State with which the situation has a substantial connection.

*Article **14***

Where a measure taken in one Contracting State is implemented in another Contracting State, the conditions of its implementation are governed by the law of that other State.

*Article **15***

(1) The existence, extent, modification and extinction of powers of representation granted by an adult, either under an agreement or by a unilateral act, to be exercised when such adult is not in a position to protect his or her interests, are governed by the law of the State of the adult's habitual residence at the time of the agreement or act, unless one of the laws mentioned in paragraph 2 has been designated expressly in writing.

(2) The States whose laws may be designated are –

a) a State of which the adult is a national;

b) the State of a former habitual residence of the adult;

c) a State in which property of the adult is located, with respect to that property.

(3) The manner of exercise of such powers of representation is governed by the law of the State in which they are exercised.

PUBLIC

*Article **16***

Where powers of representation referred to in Article 15 are not exercised in a manner sufficient to guarantee the protection of the person or property of the adult, they may be withdrawn or modified by measures taken by an authority having jurisdiction under the Convention. Where such powers of representation are withdrawn or modified, the law referred to in Article 15 should be taken into consideration to the extent possible.

*Article **17***

(1) The validity of a transaction entered into between a third party and another person who would be entitled to act as the adult's representative under the law of the State where the transaction was concluded cannot be contested, and the third party cannot be held liable, on the sole ground that the other person was not entitled to act as the adult's representative under the law designated by the provisions of this Chapter, unless the third party knew or should have known that such capacity was governed by the latter law.

(2) The preceding paragraph applies only if the transaction was entered into between persons present on the territory of the same State.

*Article **18***

The provisions of this Chapter apply even if the law designated by them is the law of a non-Contracting State.

*Article **19***

In this Chapter the term 'law' means the law in force in a State other than its choice of law rules.

*Article **20***

This Chapter does not prevent the application of those provisions of the law of the State in which the adult is to be protected where the application of such provisions is mandatory whatever law would otherwise be applicable.

*Article **21***

The application of the law designated by the provisions of this Chapter can be refused only if this application would be manifestly contrary to public policy.

Chapter IV
recognition and enforcement

*Article **22***

(1) The measures taken by the authorities of a Contracting State shall be recognised by operation of law in all other Contracting States.

PUBLIC

(2) Recognition may however be refused –

a) if the measure was taken by an authority whose jurisdiction was not based on, or was not in accordance with, one of the grounds provided for by the provisions of Chapter II;

b) if the measure was taken, except in a case of urgency, in the context of a judicial or administrative proceeding, without the adult having been provided the opportunity to be heard, in violation of fundamental principles of procedure of the requested State;

c) if such recognition is manifestly contrary to public policy of the requested State, or conflicts with a provision of the law of that State which is mandatory whatever law would otherwise be applicable;

d) if the measure is incompatible with a later measure taken in a non-Contracting State which would have had jurisdiction under Articles 5 to 9, where this later measure fulfils the requirements for recognition in the requested State;

e) if the procedure provided in Article 33 has not been complied with.

*Article **23***

Without prejudice to Article 22, paragraph 1, any interested person may request from the competent authorities of a Contracting State that they decide on the recognition or non-recognition of a measure taken in another Contracting State. The procedure is governed by the law of the requested State.

*Article **24***

The authority of the requested State is bound by the findings of fact on which the authority of the State where the measure was taken based its jurisdiction.

PUBLIC

*Article **25***

(1) If measures taken in one Contracting State and enforceable there require enforcement in another Contracting State, they shall, upon request by an interested party, be declared enforceable or registered for the purpose of enforcement in that other State according to the procedure provided in the law of the latter State.

(2) Each Contracting State shall apply to the declaration of enforceability or registration a simple and rapid procedure.

(3) The declaration of enforceability or registration may be refused only for one of the reasons set out in Article 22, paragraph 2.

*Article **26***

Without prejudice to such review as is necessary in the application of the preceding Articles, there shall be no review of the merits of the measure taken.

*Article **27***

Measures taken in one Contracting State and declared enforceable, or registered for the purpose of enforcement, in another Contracting State shall be enforced in the latter State as if they had been taken by the authorities of that State. Enforcement takes place in accordance with the law of the requested State to the extent provided by such law.

Chapter V
co-operation

*Article **28***

(1) A Contracting State shall designate a Central Authority to discharge the duties which are imposed by the Convention on such authorities.

PUBLIC

(2) Federal States, States with more than one system of law or States having autonomous territorial units shall be free to appoint more than one Central Authority and to specify the territorial or personal extent of their functions. Where a State has appointed more than one Central Authority, it shall designate the Central Authority to which any communication may be addressed for transmission to the appropriate Central Authority within that State.

*Article **29***

(1) Central Authorities shall co-operate with each other and promote co-operation amongst the competent authorities in their States to achieve the purposes of the Convention.

(2) They shall, in connection with the application of the Convention, take appropriate steps to provide information as to the laws of, and services available in, their States relating to the protection of adults.

*Article **30***

The Central Authority of a Contracting State, either directly or through public authorities or other bodies, shall take all appropriate steps to –

a) facilitate communications, by every means, between the competent authorities in situations to which the Convention applies;

b) provide, on the request of a competent authority of another Contracting State, assistance in discovering the whereabouts of an adult where it appears that the adult may be present and in need of protection within the territory of the requested State.

PUBLIC

*Article **31***

The competent authorities of a Contracting State may encourage, either directly or through other bodies, the use of mediation, conciliation or similar means to achieve agreed solutions for the protection of the person or property of the adult in situations to which the Convention applies.

*Article **32***

(1) Where a measure of protection is contemplated, the competent authorities under the Convention, if the situation of the adult so requires, may request any authority of another Contracting State which has information relevant to the protection of the adult to communicate such information.

(2) A Contracting State may declare that requests under paragraph 1 shall be communicated to its authorities only through its Central Authority.

(3) The competent authorities of a Contracting State may request the authorities of another Contracting State to assist in the implementation of measures of protection taken under this Convention.

*Article **33***

(1) If an authority having jurisdiction under Articles 5 to 8 contemplates the placement of the adult in an establishment or other place where protection can be provided, and if such placement is to take place in another Contracting State, it shall first consult with the Central Authority or other competent authority of the latter State. To that effect it shall transmit a report on the adult together with the reasons for the proposed placement.

(2) The decision on the placement may not be made in the requesting State if the Central Authority or other competent authority of the requested State indicates its opposition within a reasonable time.

PUBLIC

*Article **34***

In any case where the adult is exposed to a serious danger, the competent authorities of the Contracting 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, or that the adult is present in, another State, shall inform the authorities of that other State about the danger involved and the measures taken or under consideration.

*Article **35***

An authority shall not request or transmit any information under this Chapter if to do so would, in its opinion, be likely to place the adult's person or property in danger, or constitute a serious threat to the liberty or life of a member of the adult's family.

*Article **36***

(1) Without prejudice to the possibility of imposing reasonable charges for the provision of services, Central Authorities and other public authorities of Contracting States shall bear their own costs in applying the provisions of this Chapter.

(2) Any Contracting State may enter into agreements with one or more other Contracting States concerning the allocation of charges.

*Article **37***

Any Contracting State may enter into agreements with one or more other Contracting States with a view to improving the application of this Chapter in their mutual relations. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention.

PUBLIC

Chapter VI
general provisions

*Article **38***

(1) The authorities of the Contracting State where a measure of protection has been taken or a power of representation confirmed may deliver to the person entrusted with protection of the adult's person or property, on request, a certificate indicating the capacity in which that person is entitled to act and the powers conferred.

(2) The capacity and powers indicated in the certificate are presumed to be vested in that person as of the date of the certificate, in the absence of proof to the contrary.

(3) Each Contracting State shall designate the authorities competent to draw up the certificate.

*Article **39***

Personal data gathered or transmitted under the Convention shall be used only for the purposes for which they were gathered or transmitted.

*Article **40***

The authorities to whom information is transmitted shall ensure its confidentiality, in accordance with the law of their State.

PUBLIC

*Article **41***

All documents forwarded or delivered under this Convention shall be exempt from legalisation or any analogous formality.

*Article **42***

Each Contracting State may designate the authorities to which requests under Article 8 and Article 33 are to be addressed.

*Article **43***

(1) The designations referred to in Article 28 and Article 42 shall be communicated to the Permanent Bureau of the Hague Conference on Private International Law not later than the date of the deposit of the instrument of ratification, acceptance or approval of the Convention or of accession thereto. Any modifications thereof shall also be communicated to the Permanent Bureau.

(2) The declaration referred to in Article 32, paragraph 2, shall be made to the depositary of the Convention.

*Article **44***

A Contracting State in which different systems of law or sets of rules of law apply to the protection of the person or property of the adult shall not be bound to apply the rules of the Convention to conflicts solely between such different systems or sets of rules of law.

PUBLIC

*Article **45***

In relation to a State in which two or more systems of law or sets of rules of law with regard to any matter dealt with in this Convention apply in different territorial units –

a) any reference to habitual residence in that State shall be construed as referring to habitual residence in a territorial unit;

b) any reference to the presence of the adult in that State shall be construed as referring to presence in a territorial unit;

c) any reference to the location of property of the adult in that State shall be construed as referring 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 be construed as referring 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 authorities have been chosen by the adult shall be construed

- as referring to the territorial unit if the adult has chosen the authorities of this territorial unit;
- as referring to the territorial unit with which the adult has the closest connection if the adult has chosen the authorities 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 be construed as referring to the law of a territorial unit with which the situation has a substantial connection;

PUBLIC

g) any reference to the law or procedure or authority of the State in which a measure has been taken shall be construed as referring to the law or procedure in force in such territorial unit or authority of the territorial unit in which such measure was taken;

h) any reference to the law or procedure or authority of the requested State shall be construed as referring to the law or procedure in force in such territorial unit or authority of the territorial unit in which recognition or enforcement is sought;

i) any reference to the State where a measure of protection is to be implemented shall be construed as referring to the territorial unit where the measure is to be implemented;

j) any reference to bodies or authorities of that State, other than Central Authorities, shall be construed as referring to those authorised to act in the relevant territorial unit.

*Article **46***

For the purpose of identifying the applicable law under Chapter III, in relation to a State which comprises two or more territorial units each of which has its own system of law or set of rules of law in respect of matters covered by this Convention, the following rules apply –

a) if there are rules in force in such a State identifying which territorial unit's law is applicable, the law of that unit applies;

b) in the absence of such rules, the law of the relevant territorial unit as defined in Article 45 applies.

*Article **47***

For the purpose of identifying the applicable law under Chapter III, in relation to a State which has two or more systems of law or sets of rules of law applicable to different categories of persons in respect of matters covered by this Convention, the following rules apply –

a) if there are rules in force in such a State identifying which among such laws applies, that law applies;

PUBLIC

b) in the absence of such rules, the law of the system or the set of rules of law with which the adult has the closest connection applies.

*Article **48***

In relations between the Contracting States this Convention replaces the Convention concernant l'interdiction et les mesures de protection analogues, signed at The Hague 17 July 1905.

*Article **49***

(1) The Convention does not affect any other international instrument to which Contracting States are Parties and which contains provisions on matters governed by this Convention, unless a contrary declaration is made by the States Parties to such instrument.

(2) This Convention does not affect the possibility for one or more Contracting States to conclude agreements which contain, in respect of adults habitually resident in any of the States Parties to such agreements, provisions on matters governed by this Convention.

(3) Agreements to be concluded by one or more Contracting States on matters within the scope of this Convention do not affect, in the relationship of such States with other Contracting States, the application of the provisions of this Convention.

(4) The preceding paragraphs also apply to uniform laws based on special ties of a regional or other nature between the States concerned.

*Article **50***

(1) The Convention shall apply to measures only if they are taken in a State after the Convention has entered into force for that State.

(2) The Convention shall apply to the recognition and enforcement of measures taken after its entry into force as between the State where the measures have been taken and the requested State.

PUBLIC

(3) The Convention shall apply from the time of its entry into force in a Contracting State to powers of representation previously granted under conditions corresponding to those set out in Article 15.

*Article **51***

(1) Any communication sent to the Central Authority or to another authority of a Contracting State shall be in the original language, and shall be accompanied by a translation into the official language or one of the official languages of the other State or, where that is not feasible, a translation into French or English.

(2) However, a Contracting State may, by making a reservation in accordance with Article 56, object to the use of either French or English, but not both.

*Article **52***

The Secretary General of the Hague Conference on Private International Law shall at regular intervals convoke a Special Commission in order to review the practical operation of the Convention.

Chapter VII
final clauses

*Article **53***

(1) The Convention shall be open for signature by the States which were Members of the Hague Conference on Private International Law on 2 October 1999.

PUBLIC

(2) It shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, depositary of the Convention.

PUBLIC

*Article **54***

(1) Any other State may accede to the Convention after it has entered into force in accordance with Article 57, paragraph 1.

(2) The instrument of accession shall be deposited with the depositary.

(3) Such accession shall have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the six months after the receipt of the notification referred to in sub-paragraph b) of Article 59. Such an objection may also be raised by States at the time when they ratify, accept or approve the Convention after an accession. Any such objection shall be notified to the depositary.

*Article **55***

(1) If a State has two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval or accession declare that the Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

(2) Any such declaration shall be notified to the depositary and shall state expressly the territorial units to which the Convention applies.

(3) If a State makes no declaration under this Article, the Convention is to extend to all territorial units of that State.

*Article **56***

(1) Any State may, not later than the time of ratification, acceptance, approval or accession, or at the time of making a declaration in terms of Article 55, make the reservation provided for in Article 51, paragraph 2. No other reservation shall be permitted.

(2) Any State may at any time withdraw the reservation it has made. The withdrawal shall be notified to the depositary.

(3) The reservation shall cease to have effect on the first day of the third calendar month after the notification referred to in the preceding paragraph.

*Article **57***

(1) The Convention shall enter into force on the first day of the month following the expiration of three months after the deposit of the third instrument of ratification, acceptance or approval referred to in Article 53.

(2) Thereafter the Convention shall enter into force –

a) for each State ratifying, accepting or approving it subsequently, on the first day of the month following the expiration of three months after the deposit of its instrument of ratification, acceptance, approval or accession;

b) for each State acceding, on the first day of the month following the expiration of three months after the expiration of the period of six months provided in Article 54, paragraph 3;

c) for a territorial unit to which the Convention has been extended in conformity with Article 55, on the first day of the month following the expiration of three months after the notification referred to in that Article.

PUBLIC

*Article **58***

(1) A State Party to the Convention may denounce it by a notification in writing addressed to the depositary. The denunciation may be limited to certain territorial units to which the Convention applies.

(2) The denunciation takes effect on the first day of the month following the expiration of twelve months after the notification is received by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation takes effect upon the expiration of such longer period.

*Article **59***

The depositary shall notify the States Members of the Hague Conference on Private International Law and the States which have acceded in accordance with Article 54 of the following –

a) the signatures, ratifications, acceptances and approvals referred to in Article 53;

b) the accessions and objections raised to accessions referred to in Article 54;

c) the date on which the Convention enters into force in accordance with Article 57;

d) the declarations referred to in Article 32, paragraph 2, and Article 55;

e) the agreements referred to in Article 37;

f) the reservation referred to in Article 51, paragraph 2, and the withdrawal referred to in Article 56, paragraph 2;

g) the denunciations referred to in Article 58.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

PUBLIC

Done at The Hague, on the 13th day of January, 2000, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the States Members of the Hague Conference on Private International Law.

PUBLIC