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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of measures and cooperation in matters relating to the protection of adults - Partial general approach

I. INTRODUCTION

1. On 31 May 2023, the Commission adopted a proposal for a Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of measures and cooperation in matters relating to the protection of adults¹ together with a proposal for a Council Decision authorising Member States to become or remain parties, in the interest of the European Union, to the Convention of 13 January 2000 on the International Protection of Adults ('HCCH 2000 Protection of Adults Convention')².

¹ 10108/23.

² 10136/23.

2. The proposals aim at enhancing the cross-border protection of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their own interests as well as ensuring that their right to individual autonomy, including the freedom to make their own choices as regards their person and future arrangements, is respected when they move within the EU.
3. This note covers exclusively the proposal for a Regulation. The proposal for a Council Decision referred to in point 1 will be dealt with at a later stage.
4. The proposal for a Regulation is based on Article 81(2) of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).
5. In the European Parliament, the Committee on Legal Affairs (JURI) has the lead responsibility. Jana TOOM (Renew) was appointed rapporteur.
6. The European Data Protection Supervisor adopted its opinion on the proposal on 19 July 2023³.
7. The European Economic and Social Committee adopted its opinion on the proposal on 13 December 2023⁴.
8. In the Council, the examination of the proposal is being carried out in the Working Party on Civil Law Matters (Protection of Adults) (hereinafter: the Working Party).
9. The Working Party has met regularly to discuss the proposal. Particular focus was brought on Chapters I to V (Scope and Definitions; Jurisdiction; Applicable Law; Recognition and Enforcement; Authentic Instruments) which cover the core provisions of the Regulation. The Presidency considers that the current text of these Chapters is stable and represents a finely balanced compromise reflecting the wide range of positions by Member States.

³ 12072/23.

⁴ OJ C/2024/1581.

10. It results from the discussions that more time is needed to explore the rest of the text further, in particular concerning the establishment and interconnection of registers as well as cooperation in the event of placement.
11. The Presidency therefore would like to present to the Council, for a partial general approach, its compromise text on Chapters I to V, with the exception of the references to registers (Article 1(h)), and placement (Article 10(1)(c)) which shall be submitted later together with the corresponding stabilised text of Chapters VI to XII. Any reference to the latter Chapters, recitals and Annexes is not included in the partial general approach. Furthermore, the provisions covered by the partial general approach can be adapted later if it is deemed necessary in the light of negotiations on Chapters VI to XII.
12. Ireland has not made use of the possibility set out in Article 3 of Protocol (No 21) to the Treaties on the Position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice to take part in the adoption and application of the proposed Regulation. In application of Protocol (No 22) to the Treaties on the Position of Denmark, Denmark is not taking part in the adoption of the proposed Regulation.

II. MAIN ELEMENTS OF THE PRESIDENCY COMPROMISE TEXT

13. The first examination of the proposal started on 19 July 2023 and was carried out over seventeen consecutive meetings of the Working Party during the Spanish, Belgian, Hungarian and Polish presidencies.
14. In line with the high political priority set for the proposal, the Presidency decided to focus its efforts on a set of core Chapters in order to achieve tangible progress and secure an agreement on important elements of the proposal.

15. Building on the progress accomplished during the previous meetings, the Polish Presidency presented several revised texts on Chapters I to V at five Working Party and two JHA Counsellors meetings. The Presidency sought to streamline the text, clarify the scope and core private international law rules (jurisdiction, applicable law, recognition and enforcement, authentic instruments) as well as to ensure consistency with the HCCH 2000 Convention on the same topic⁵ while considering the obligations of the European Union and its Member States with regards to the UN Convention on the Rights of Persons with Disabilities (hereinafter UNCRPD).
16. The main elements of the compromise text are set out below:
- a) Relation with the HCCH 2000 Protection of Adults Convention
 - The proposal aims at ensuring consistency with the HCCH 2000 Protection of Adults Convention. As a result, the text mirrors the Convention as much as possible, especially with regards to the topics covered by this partial approach. However, when appropriate to go further at EU level, the text has been adapted to reflect such ambition.
 - b) Chapter I – Scope and Definitions:
 - The non-exhaustive list of matters covered by the scope of the proposal has been slightly extended, in Article 2, to accommodate the request of some Member States to include modern language in line with the UNCRPD while ensuring consistency with the HCCH 2000 Protection of Adults Convention.

⁵ The proposal has been presented together with a proposal for a Council Decision authorising Member States to become or remain parties to the HCCH 2000 Protection of Adults Convention. This instrument will be discussed at a later stage.

- The definitions in Article 3, particularly regarding ‘measures’, ‘powers of representation’ and ‘representative’ have been fine-tuned and further clarified in the recitals⁶. A definition of ‘court’ has been added as there is a difference with the HCCH 2000 Protection of Adults Convention, which refers to ‘authorities’. The term ‘court’ is more appropriate for the EU acquis in the field of private international law. The recitals also clarify the role of notaries in the area of protection of adults.
- In Article 3, some definitions have been deleted as they were considered redundant. For example, the definitions of the different types of authorities are no longer needed given the new definition of a court.
- The compromise proposal does not include the topic of interconnection of registers which requires further discussion. Consequently, the reference to this topic in Article 1(h) is not included in this partial approach.

c) Chapter II - Jurisdiction:

- As regards jurisdiction the proposal refers to the Chapter II of the HCCH 2000 Protection of Adults Convention.
- However, the proposal goes further than the HCCH 2000 Protection of Adults Convention by giving the opportunity for adults to choose a court in Article 6.

⁶ The recitals have been preliminary approved by the Working Party, but they are not part of this partial general approach as they will be included in the final general approach.

- To address concerns from Member States about the broad scope of an unlimited choice of court, the compromise text limits the proposal by introducing four connecting factors that demonstrate a strong connection to the adult in question. As a result, under the compromise text, a choice of court will only be disregarded if it contradicts the adult's interests, whereas the original proposal required that jurisdiction be exercised solely if in the interest of the adult.
- Some Member States requested the inclusion of an Article giving the possibility for incidental questions related to succession proceedings, such as the representation of an adult, to be treated by the succession court. As a result, the compromise text introduces an Article 7a on incidental questions.

d) Chapter III – Applicable Law:

- The proposal refers to the HCCH 2000 Protection of Adults Convention Chapter on the matter.
- Following the request of a Member State with more than one legal system, the compromise text adds some provisions referring to internal conflict-of-laws rules in such cases. This differs from the HCCH 2000 Protection of Adults Convention which covered more than applicable law in its corresponding final provisions.

e) Chapter IV – Recognition and Enforcement of measures

- The compromise text of Article 10(1) states that the recognition of a measure 'shall', rather than 'may', be refused in the cases listed. This is different from the HCCH 2000 Protection of Adults Convention due to the principle of mutual trust that exists between Member States at EU level.

- Extensive discussion occurred on the ground for refusal of recognition related to the hearing of the adult. Taking into account Member States' opinions, the compromise text, adds a paragraph 2 to Article 10 specifying that the recognition of the measure 'may' be refused if the adult has not been given the opportunity to be heard, except where there were serious grounds not to do so.
- In Articles 9 on recognition of a measure and 12 on its enforcement, the compromise text specifies which law shall be applied to the corresponding procedures.
- Additionally, Article 15a of the compromise text addresses the question of legal aid for recognition and enforcement procedures, which was initially placed in the Chapter on cooperation. The references to the most favourable and most extensive aid have been deleted to avoid possible differences between internal and cross-border cases.

f) Chapter V – Authentic instruments

- The compromise text adds a reference to translation and transliteration to further facilitate the application of those provisions.

17. The Presidency issued a final compromise proposal on 20 May 2025 and submitted it to an informal silence procedure that ended on 22 May 2025. Most delegations support the text proposed by the Presidency. The Presidency is of the opinion that the text is ready to be submitted to the Permanent Representatives Committee and the Council to reach a partial general approach.

III. CONCLUSIONS

18. The Permanent Representatives Committee is therefore invited to:

- confirm agreement on the text of the partial general approach as set out in the Annex to this note, and
 - recommend that the Council reach a partial general approach on this text.
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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**

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 Committee⁷,

Acting in accordance with the ordinary legislative procedure,

[...]

HAVE ADOPTED THIS REGULATION:

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

Chapter I

SCOPE AND DEFINITIONS

Article 1

Subject matter

This Regulation lays down the rules which:

- (a) determine the Member State whose ~~authorities~~courts have jurisdiction to take measures directed to the protection of the person or property of the adult;
- (b) determine which law is to be applied by such ~~authorities~~courts in exercising their jurisdiction;
- (c) determine the law applicable to the support and representation of the adult;
- (d) provide for the recognition and enforcement of such measures in all Member States;
- (e) provide for the acceptance of authentic instruments in all Member States;
- (f) establish cooperation between the courts, competent authorities and Central Authorities of the Member States to achieve the purposes of this Regulation;
- (~~g~~) create a European Certificate of Representation;
- [(h)] establish a system of interconnection of the Member States' ~~protection~~-registers of measures, confirmed powers of representation and of other powers of representation⁸;

⁸ Letter (h) of this Article is not definitive. Its existence and wording are subject to further discussion on Chapter VIII.

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

Article 2

Scope

1. This Regulation shall apply in civil matters ~~to~~ **concerning** the protection in cross-border situations of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests.
2. This Regulation shall also apply to measures **taken in a Member State** in respect of an adult who had not reached the age of 18 years at the time the measures were taken.
3. The matters referred to in paragraph ~~{1}~~ may, in particular, include:

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

(ab) powers of representation granted by an adult;

- (a) the determination of the incapacity of an adult and the institution of a protective regime;
- (b) the placing of the adult under the protection of a judicial or administrative authority;
- (c) guardianship, curatorship and analogous institutions;
- (d) the designation and functions of any person or body having charge of the adult's person or property, representing, or assisting the adult;

- (e) ~~decisions concerning~~ the placement of the adult in an establishment or other place where protection can be provided;
- (f) the administration, conservation or disposal of the adult's property;
- (g) the authorisation of a specific intervention for the protection of the person or property of the adult.

4. This Regulation does not apply to:

- (a) maintenance obligations;
- (b) the formation, annulment and dissolution of marriage or any similar relationship, as well as legal separation;
- (c) property regimes in respect of marriage or any similar relationship;
- (d) trusts or succession;
- (e) social security;
- (f) public measures of a general nature in matters of health;
- (g) measures taken in respect of a person as a result of penal offences committed by that person;
- (h) decisions on the right of asylum and on immigration;
- (i) measures directed solely to public safety.

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

Article 3

Definitions

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

- (1) ‘adult’ means a person who has reached the age of 18 years;
- (2) ‘measure’ means any measure taken by ~~an authority of a Member State~~**court**, whatever it may be called, directed to the protection **of the person or the property** of an adult;
- (3) ‘powers of representation’ means powers granted by an adult **to a representative**, either under an agreement or by a unilateral act, to be exercised **by the representative** when that adult is not in a position to protect his or her interests;
- (84) ‘confirmed powers of representation’ means powers of representation in respect of which **a court or** a competent authority has confirmed that the representative vested with these powers can exercise them;
- (5) ‘authentic instrument’ means a document in a matter of protection of an adult which has been formally drawn up or registered as an authentic instrument in a Member State and the authenticity of which:
 - (a) relates to the signature and the content of the authentic instrument; and
 - (b) has been established by a public authority or other authority empowered for that purpose by the Member State of origin;
- ~~(6) ‘authority’ means any judicial or administrative authority of a Member State with competence to take measures directed to the protection of an adult's person or property;~~

- (7) ~~‘authority of origin’ means the authority which has taken the measure or formally drawn up the authentic instrument;~~
- (64) ‘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 support⁹ the adult in protecting his or her interests;**
- (9) ~~‘competent authority’ means a public authority of a Member State with responsibilities in matters of protection of adults;~~
- (10) ~~‘system of interconnection’ means a system for the interconnection of protection registers and registers of other powers of representation;~~
- (118) ~~‘decentralised IT system’ means a network of IT systems, and interoperable access points as defined in point (3) of Article 2 of Regulation (EU) 2023/2844 operating under the individual responsibility and management of each Member State, and the European electronic access point, which enables secure and reliable cross-border exchange of information;~~
- (12) ~~‘protection register’ means a register where measures directed to the protection of an adult or confirmed powers of representation have been registered.~~
- (913) ‘European electronic access point’ means **a portal** ~~an interoperable access point as defined in point (45) of Article 2 of Regulation (EU) 2023/2844[...] [the Digitalisation Regulation];~~

⁹ During further discussion on the remaining Chapters, in particular on “Chapter VII – European Certificate of Representation”, the powers of the representative shall be duly considered in order to guarantee that there is no confusion between representation and support in decision making.

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*.

Chapter II

JURISDICTION

Article 5

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

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 jurisdiction court

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

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

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

i. of the adult's nationality;

ii. of the adult's habitual residence;

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

iv. in which property of the adult is located.

- (b) the exercise of jurisdiction is ~~in~~**not contrary to** the interest of the adult;
- (c) the ~~authorities~~**courts** of a Member State having jurisdiction ~~under~~**in accordance with** Articles 5 to ~~6~~**6 and** 8 of the HCCH 2000 Protection of Adults Convention have not exercised their jurisdiction.

~~2.3.~~ The choice of ~~jurisdiction~~**court** referred to in paragraph (1) shall be expressed in writing and dated and signed by the adult. Any communication by electronic means which provides a durable record of the choice shall be deemed equivalent to writing.

~~3.2.~~ **The court** ~~When exercising their jurisdiction in accordance with~~**under** paragraph (1), the ~~authorities of a Member State shall notify~~ **the courts of the Member State of habitual residence of the adult**, using the form set out in Annex [IV], **before taking any measure.** **This notification may be done directly or through** the Central Authority of ~~that~~**the** Member State ~~of the habitual residence of the adult~~, designated pursuant to Article 18.

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

Article 7

Non-exclusive jurisdiction

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

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 [VIII]¹⁰. This notification may be done directly or through the Central Authority of that Member State, designated pursuant to Article 18.

¹⁰ Reference to annexes will be adapted once the text is finalised.

Chapter III

APPLICABLE LAW

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 Article 8a to 8c of this Regulation.**

Article 8a

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

- 1. Where the law specified by this Regulation is that of a State which comprises several territorial units with their own rules of law in respect of matters governed by this Regulation, the internal conflict-of-laws rules of that State shall determine the relevant territorial unit whose rules of law are to apply.**
- 2. In the absence of such internal conflict-of-laws rules:**
 - (a) any reference to habitual residence in that State shall refer to the habitual residence in a territorial unit;**
 - (b) any reference to the presence of the adult in that State shall refer to presence in a territorial unit;**
 - (c) any reference to the location of property of the adult in that State shall refer to location of property of the adult in a territorial unit;**

- (d) any reference to the State of which the adult is a national shall refer to the territorial unit designated by the law of that State or, in the absence of relevant rules, to the territorial unit with which the adult has the closest connection;
- (e) any reference to the State whose courts have been chosen by the adult shall refer to the territorial unit if the adult has chosen the courts of this territorial unit; or to the territorial unit with which the adult has the closest connection if the adult has chosen the courts of the State without specifying a particular territorial unit within the State;
- (f) any reference to the law of a State with which the situation has a substantial connection shall refer to the law of a territorial unit with which the situation has a substantial connection;

Article 8b

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

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

Article 8c

Non-application of this Regulation to internal conflicts of laws

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

Chapter IV

RECOGNITION AND ENFORCEMENT OF MEASURES

SECTION 1

RECOGNITION OF MEASURES

Article 9

Recognition of a measure

1. A measure taken by the authorities of in a Member State shall be recognised in the other Member States without any special procedure being required.
2. **Without prejudice to paragraph 1, Any interested person, including the adult concerned by the measure, may request from the authorities apply to a court of a Member State for a decision that they decide on the there are no grounds for refusal of recognition or non-recognition, as referred to in Article 10, of a measure taken in another Member State or for a decision that the recognition is to be refused on the basis of one of those grounds.**
3. If the outcome of proceedings before the authority a court of a Member State depends on the determination of an incidental question concerning a refusal recognition or a non-refusal recognition of recognition a measure, that authority shall have jurisdiction over that question court may determine that issue.
4. **The procedure pursuant to paragraphs 2 or 3 shall be governed by the law of the Member State in which recognition is invoked, without prejudice to Article 10 and Section 3.**

Grounds for refusal of recognition

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

- ~~(a)~~ if the measure was taken, except in a case of urgency, in the context of a judicial or administrative proceedings, without the adult having been provided the opportunity to be heard;
- ~~(b)~~**(a)** if such recognition is manifestly contrary to public policy of the Member State in which recognition is sought; **invoked;**
- ~~(c)~~**(b)** if the measure is incompatible with a later measure taken in **another Member State or a third country** which would have had jurisdiction under Article 5 or ~~Article 6~~, **of this Regulation**, where this later measure fulfils the requirements for recognition in the requested Member State; **in which recognition is invoked; for**
- ~~(d)~~ if the procedure provided in Article 14 ~~14~~**21** has not been complied with.¹¹

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

- (a) the urgency of the case;**
- (b) that the adult was unable to express his or her views.**

¹¹ Letter (c) of this Article is not definitive. Its existence and wording are subject to further discussion on Article 21.

SECTION 2

ENFORCEABILITY AND ENFORCEMENT OF MEASURES

Article 11

Enforceability (~~abolition of exequatur~~)

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

Article 12

Enforcement

- (1) 1. Subject to Section 3, the A measure taken in a Member State which is enforceable in that Member State shall be enforced in the Member State of enforcement under the same conditions as a measure taken in the Member State of enforcement. The procedure for the enforcement of measures taken in another Member State shall be governed by the law of the Member State of enforcement. ~~A measure taken in a Member State which is enforceable in the requested Member State shall be enforced in that Member State under the same conditions as a measure taken in the requested Member State.~~ 2. Notwithstanding, without prejudice to paragraph (1), 2 of this Article and to Section 3.
2. The enforcement of a measure shall be refused if one or more of the grounds for refusal of recognition referred to in Article 10 is found to exist. The grounds for refusal or suspension of enforcement under the law of the requested Member State of enforcement shall also apply in so far as they are not incompatible with the grounds referred to in Article 10.

SECTION 3

COMMON PROVISIONS

Article 13

No review as to the substance

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

Article 14

Procedure Documents to be produced for recognition and enforcement

1. A person ~~seeking or contesting~~ **invoking the** recognition ~~seeking enforcement of or invoking~~ **of** a measure taken in a Member State **or seeking its enforcement** before the **courts or enforcement** authorities of another Member State shall produce:
 - (a) a copy of the measure that satisfies the conditions necessary to establish its authenticity;
 - (b) an attestation issued pursuant to Article 15.
2. ~~The authority before which a measure taken in another Member State is invoked or before which recognition or enforcement of a measure taken in another Member State is sought or contested, may, where~~ **Where** necessary, require the applicant **the person referred to in paragraph 1 may be required** to provide, **in accordance with Article 57a,** a translation or a transliteration of the **measure or the** contents of the attestation ~~referred to in paragraph (1), point (b).~~

Article 15

Attestation concerning measures

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

Article 15a

Legal aid

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

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 ~~concerned~~ **where it is presented**.
2. The authentic instrument produced shall satisfy the conditions necessary to establish its authenticity in the Member State of origin.

Article 17

Attestation concerning authentic instruments

1. ~~A person wishing to use an authentic instrument in another Member State may ask the competent authority having formally drawn up or registered the authentic instrument in the Member State of origin, to fill in~~ **issue an attestation using** the form set out in Annex II ~~describing the evidentiary effects which the authentic instrument produces in the Member State of origin.~~
2. **Where necessary, the person using the authentic instrument may be required to provide, in accordance with Article 57a, a translation or transliteration of the content of the attestation.**

[...]