

# Initiative on the cross-border protection of vulnerable adults

Fields marked with \* are mandatory.

## Introduction

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Due to the ageing of the European population, more and more adults **are unable to protect their own interests owing to an impairment or insufficiency of their personal faculties. They are thus vulnerable and need legal protection.** At the same time, people are increasingly mobile in the EU – they move and travel between Member States and own assets in an EU country other than the one in which they usually live. In cross-border cases, the rules vary across Member States as regards which court of which State has jurisdiction, which State's law applies, and what the conditions are for recognition of a foreign decision.

Because of the disparity in rules, vulnerable adults may experience serious delays and legal or practical barriers to having a protection measure or powers of representation recognised when they cross borders within the EU. In addition, due to the lack of common rules for cooperation and language barriers, competent authorities and courts may experience problems in cooperating with the authorities of another Member State when a vulnerable adult has moved or when information from another country is sought.

Currently, there is no EU legislation governing the cross-border legal protection of vulnerable adults. To date, the international convention governing the cases of vulnerable adults in cross-border situations, the [2000 Adults Convention](#) has only been ratified by 10 EU countries.

This survey aims at identifying and quantifying the problems that currently arise in cross-border situations involving vulnerable adults in the EU, and to collect views on potential solutions, including the potential adoption of a proposal on the cross-border protection of adults in the EU.

This survey does not prejudge any EU action or affect the EU's remit of its competences.

When answering this survey, please reply to the questions that are applicable to you or of which you or your organisation have experience.

Below you can find definitions that may help you to complete the survey:

### - The 2000 Adults Convention

The [2000 Adults Convention](#) was adopted on 13 January 2000 at the Hague Conference on Private International Law. The Convention deals with the cross-border protection of vulnerable adults in international cases. It lays down a comprehensive set of rules that determine which State the authorities

have jurisdiction in to take protection measures and establish which law will be applied. It also ensures the recognition and enforcement of protection measures between the countries that have ratified the convention, and establishes and facilitates cooperation between the authorities of those countries.

### - **Cross-border case**

Cases with cross-border implications are situations and/or judicial or administrative proceedings that are connected to two or more countries. A case with cross-border implications may arise when for instance:

- vulnerable adults or their representatives are in another country, or are nationals of a country other than the one of the courts or competent authorities to which the case is referred;
- powers of representation granted in one country need to be recognised in another country;
- vulnerable adults own assets or are involved in contractual arrangements or legal proceedings in a country other than the country in which they habitually live;
- vulnerable adults who benefit from protection measures taken in one country plan to move to another country, or their placement in an establishment or residential facility in another State is being considered.

### - **Vulnerable adult**

According to Article 1(1) of the 2000 Adults Convention, vulnerable adults are **persons older than 18 years who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests**. The vulnerability of the people concerned may result from various factors, including mental or physical impairments affecting the ability to make decisions or to assess the implications (e.g. the financial implications) of those decisions.

### - **Protective measures**

Protective measures are measures aimed at protecting the person or property of the vulnerable adult. Such protective measures could be imposed on the basis of judicial decisions or the decision of a competent authority. Protective measures can also result from the operation of law. They include:

- the determination of incapacity and the institution of a protective regime;
- the placing of the adult under the protection of a judicial or administrative authority;
- guardianship, curatorship and similar, including the designation and functions of any person or body having charge of the adult's person or property or representing or assisting the adult (see below under powers of representation);
- the placement of the adult in an establishment or other place where protection can be provided;
- the administration, conservation or disposal of the adult's property;
- the authorisation of a specific intervention to protect the person or property of the adult.

### - **Powers of representation**

Arrangements where adults organise protection in advance for a time when they might be unable to look after their own interests, such as appointing a representative. Powers of representation are also known as private mandates, and different names are used in the EU, such as 'lasting (or enduring) powers of attorney', '*mandats de protection future*', '*Vorsorgevollmachten*'.

## About you

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### \* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

### \* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation

- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

If you are a legal practitioner, please indicate where you work:

- Judicial authority
- Law firm
- Notary's office
- Other

Please specify

Council of the Notariats of the European Union

\* First name

Laura

\* Surname

GONZALEZ ZULAICA

\* Email (this won't be published)

l.gonzalez@cnue.be

\* Organisation name

*255 character(s) maximum*

Council of the Notariats of the European Union - CNUE

\* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

98885666486-72

### \* Country of origin

Please add your country of origin, or that of your organisation.

- |   |   |  |  |
|---|---|--|--|
| <input type="radio"/> Afghanistan         | <input type="radio"/> Djibouti                            | <input type="radio"/> Libya            | <input type="radio"/> Saint Martin                                 |
| <input type="radio"/> Åland Islands       | <input type="radio"/> Dominica                            | <input type="radio"/> Liechtenstein    | <input type="radio"/> Saint Pierre and Miquelon                    |
| <input type="radio"/> Albania             | <input type="radio"/> Dominican Republic                  | <input type="radio"/> Lithuania        | <input type="radio"/> Saint Vincent and the Grenadines             |
| <input type="radio"/> Algeria             | <input type="radio"/> Ecuador                             | <input type="radio"/> Luxembourg       | <input type="radio"/> Samoa  |
| <input type="radio"/> American Samoa      | <input type="radio"/> Egypt                               | <input type="radio"/> Macau            | <input type="radio"/> San Marino                                   |
| <input type="radio"/> Andorra             | <input type="radio"/> El Salvador                         | <input type="radio"/> Madagascar       | <input type="radio"/> São Tomé and Príncipe                        |
| <input type="radio"/> Angola              | <input type="radio"/> Equatorial Guinea                   | <input type="radio"/> Malawi           | <input type="radio"/> Saudi Arabia                                 |
| <input type="radio"/> Anguilla            | <input type="radio"/> Eritrea                             | <input type="radio"/> Malaysia         | <input type="radio"/> Senegal                                      |
| <input type="radio"/> Antarctica          | <input type="radio"/> Estonia                             | <input type="radio"/> Maldives         | <input type="radio"/> Serbia                                       |
| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Eswatini                            | <input type="radio"/> Mali             | <input type="radio"/> Seychelles                                   |
| <input type="radio"/> Argentina           | <input type="radio"/> Ethiopia                            | <input type="radio"/> Malta            | <input type="radio"/> Sierra Leone                                 |
| <input type="radio"/> Armenia             | <input type="radio"/> Falkland Islands                    | <input type="radio"/> Marshall Islands | <input type="radio"/> Singapore                                    |
| <input type="radio"/> Aruba               | <input type="radio"/> Faroe Islands                       | <input type="radio"/> Martinique       | <input type="radio"/> Sint Maarten                                 |
| <input type="radio"/> Australia           | <input type="radio"/> Fiji                                | <input type="radio"/> Mauritania       | <input type="radio"/> Slovakia                                     |
| <input type="radio"/> Austria             | <input type="radio"/> Finland                             | <input type="radio"/> Mauritius        | <input type="radio"/> Slovenia                                     |
| <input type="radio"/> Azerbaijan          | <input type="radio"/> France                              | <input type="radio"/> Mayotte          | <input type="radio"/> Solomon Islands                              |
| <input type="radio"/> Bahamas             | <input type="radio"/> French Guiana                       | <input type="radio"/> Mexico           | <input type="radio"/> Somalia                                      |
| <input type="radio"/> Bahrain             | <input type="radio"/> French Polynesia                    | <input type="radio"/> Micronesia       | <input type="radio"/> South Africa                                 |
| <input type="radio"/> Bangladesh          | <input type="radio"/> French Southern and Antarctic Lands | <input type="radio"/> Moldova          | <input type="radio"/> South Georgia and the South Sandwich Islands |
| <input type="radio"/> Barbados            | <input type="radio"/> Gabon                               | <input type="radio"/> Monaco           | <input type="radio"/> South Korea                                  |
| <input type="radio"/> Belarus             | <input type="radio"/> Georgia                             | <input type="radio"/> Mongolia         | <input type="radio"/> South Sudan                                  |

- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda

- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena  
Ascension and  
Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States  
Minor Outlying  
Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association, 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

### \* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

**Anonymous**

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

**Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)

## I. Current Situation and Problems relating to the protection of adults

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### **1. Do you think that the differences between Member States as regards the rules applying to the protection of vulnerable adults in cross-border cases pose a problem?**

- Yes, it is a serious problem
- Yes, it is a somewhat serious problem
- Yes, but the problem is not serious
- No, there is no such problem
- I don't know
- Other

### **2. Are you aware of any instance(s) where vulnerable adults faced problems in having their rights protected in another Member State?**

- Yes
- No
- I don't know
- Other

### **3. In instances where their rights were not adequately protected in another Member State, what were the types of problems encountered?**



- Language barriers
- Difficulties in knowing which Member State's court or competent authority has jurisdiction
- Parallel proceedings in two different Member States
- Difficulties in knowing which Member State's law should be applied
- Difficulties in having a protection measure recognised by the authorities of a Member State (courts, notaries, social services, etc.)
- Difficulties in having a protection measure accepted by private persons or companies (including banks, medical staff etc.)
- Difficulties in having powers of representation recognised or accepted in another Member State
- When establishing powers of representation, it is impossible to choose in advance which Member State's court or competent authorities will have jurisdiction
- New legal proceedings are required after the vulnerable adult has moved to another Member State (e.g., need for a second medical assessment, or need for another protective measure)
- Information on the legislation or the competent authorities of another Member State is not available, or not available in my language
- Additional costs arose because of the cross-border proceedings
- Costs arising in the cross-border proceedings are not covered by legal aid
- I don't know
- Other

**4. Are you aware of breaches of the fundamental rights of vulnerable adults that have occurred in a cross-border case, in particular of the following fundamental rights:**

- Autonomy and right to make one's own choice
- Legal capacity on an equal basis
- Access to justice
- Liberty of movement and nationality
- Health
- I don't know
- Other

**5. In your opinion, how has the number of protective measures taken for vulnerable adults evolved over the past 5 years in your country?**

- The number of protective measures has decreased
- The number of protective measures has increased
- The number of protective measures has remained more or less the same
- I don't know

**6. In your opinion, how has the number of powers of representation (private mandates) evolved over the past 5 years in your country?**

- The number of powers of representation has decreased
- The number of powers of representation has increased
- The number of powers of representation has remained more or less the same
- I don't know

**7. In your opinion, how has the number of cross-border cases involving the protection of vulnerable adults evolved over the past 5 years in your country?**

- The number of international cases has decreased
- The number of international cases has increased
- The number of international cases remained more or less the same
- I don't know

**8. Are you aware of any instance where competent authorities (courts, notaries, other public bodies in charge of the protection of vulnerable adults) or lawyers have faced specific problems in a cross-border case involving the protection of adults?**

- Yes
- No
- I don't know

**9. What are the main challenges encountered by the competent authorities (courts, notaries, other public bodies in charge of the protection of vulnerable adults) and lawyers face in your country in cross-border cases:**

- Difficulties in accessing or understanding information on the substantial or procedural law of another country
- Uncertainty regarding the validity of legal documents
-

Lack of digitalisation leading to, for instance, cumbersome paper requests or postal mail delays, or non-recognition of electronic documents

- Difficulties in identifying the correct point of contact/legal professionals in the other country
- Language barriers
- Legal aid does not cover part or all of the costs of the cross-border procedure
- I don't know / No reply
- Other

## II. Possible EU action on the cross-border protection of vulnerable adults between Member States

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### A. Type of legislative act

**10. In your opinion, would vulnerable adults be better protected in cross-border cases if the 2000 Adults Convention, which lays down common rules to resolve conflicts of jurisdiction, conflicts of laws and to organise judicial cooperation, were to be in force in all EU Member States?**

- Yes
- No
- I don't know

**11. The EU should adopt legislation to oblige Member States to ratify the 2000 Adults Convention in a limited timeframe: what do you think?**

- Fully agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Fully disagree
- I don't know

**12. In your opinion, should the EU play any other role in facilitating the ratification of the 2000 Adults Convention by all Member States?**

- Yes – it should promote the 2000 Adults Convention, for example by organising high-level conferences or seminars
- Yes – it should raise awareness of the problems faced by vulnerable adults in cross-border cases, through recommendations or promotion campaigns

- No, it should not play any other role
- Other role

**13. The EU should adopt specific European legislation to facilitate cross-border protection of vulnerable adults: what do you think?**

- Fully agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Fully disagree
- I don't know

**14. In your opinion, should the EU play any other role in facilitating cross-border protection of adults (apart from the general ratification of the 2000 Adults Convention)?**

- Yes – it should promote cooperation on the matter between national authorities, for example through campaigns, judicial trainings or thematic meetings under the European Judicial Network in Civil and Commercial matters
- Yes – it should issue guidance
- Yes – it should raise citizens' awareness of the existing problems with cross-border protection of vulnerable adults
- No – it should not play any other role
- Other role

Please specify

*500 character(s) maximum*

Since the Hague Convention does not cover all the main aspects of PIL (jurisdiction, applicable law and recognition and enforcement), the EU should launch a legal instrument - probably a Regulation - in order to harmonise private international laws of the Member States in order to enable vulnerable adults to exercise their own rights abroad and to avoid restrictions of free movement in the Internal Market.

**B. Features of possible EU legislation**

**15. If the EU adopts legislation to more effectively protect vulnerable adults in cross-border cases, which option is most appropriate in your opinion?**



The EU instrument should regulate all issues that might arise in cross-border cases (jurisdiction, applicable law, recognition and enforcement, and cooperation between authorities)

- The EU instrument should only complement the 2000 Adults Convention by strengthening cooperation in specific matters (e.g., the abolition of exequatur; the digitalisation of cooperation)
- I don't know
- Other role

**16. What would be the most appropriate procedure to facilitate the recognition and enforcement of a protective measure?**

- The grounds for non-recognition of a protective measure should be limited as much as possible
- Exequatur should be abolished (protective measures enforceable in a Member State are enforced in another Member State under the same conditions as a protective measure taken in that Member State)
- Other

**17. What would the most appropriate measure(s) be to accommodate the needs of vulnerable adults or their representatives in cross-border cases, in particular when they travel or manage assets in another Member State?**

- The competent court or authority issues a multilingual certificate or extract accompanying the protective measure and reflecting its content
- Vulnerable adults or their representative can request a multilingual certificate of representation establishing the scope of the legal representation
- Information on the national laws and the competent authorities of all Member States is made available online in all EU languages
- People involved in cross-border protection proceedings can refer the matter to the competent authority (including central authorities) or courts directly by completing a multilingual form online
- The provision of legal aid is facilitated in cross-border cases
- Other opinion

**18. Should it be made possible for individuals, when establishing powers of representation, to decide in advance which Member State's court will have jurisdiction?**

- Yes

- No
- I don't know
- Other

**19. What would be the most appropriate measure(s) to facilitate cooperation between courts, competent authorities or central authorities in cross-border cases involving the protection of vulnerable adults?**

	1 - most appropriate	2	3	4	5	6	7	8	9	10 - least appropriate
Information on the substantive and procedural rules and the competent authorities of all Member States is made available online in all EU languages	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Persons involved in cross-border protection proceedings can refer the matter to the competent authority (including Central Authorities) or courts directly by completing a multilingual form online	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Multilingual standard forms are made available online to facilitate the cooperation between central authorities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Multilingual standard forms are made available online to facilitate direct communication between competent courts or authorities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access to national registries of protection measures is facilitated for the competent authorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National registries of protection measures are interconnected	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Competent courts or authorities can submit urgent requests for information (e.g. when urgent medical/financial decisions are required)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Information on the languages and means of communication accepted in other Member State is made available online	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communication between competent authorities is fully digitalised	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other opinion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**C. Impact of possible EU legislation**

**20. In your opinion, to what extent would an EU initiative facilitating the cross-border protection of vulnerable adults impact the following:**

	Very positive impact	Mildly positive impact	No impact	Negative impact	No answer
Vulnerable adults' fundamental rights, such as the right to self-determination, to free movement and access to justice	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vulnerable adults' welfare, including their financial, emotional and psychological wellbeing	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal certainty for vulnerable adults, their relatives and their representative	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal certainty for people making arrangements to organise their future protection for the time when they will not be able to protect their interests (powers of representation)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal certainty for national courts and competent authorities and simplification of their procedures in cross-border cases	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Costs, time and burden for vulnerable adults in cross-border legal proceedings	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Costs, time and burden for national judicial systems in relation to court proceedings on the protection of vulnerable adults in cross-border cases	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Costs, time and burden for competent authorities (notaries, public bodies) when dealing with cross-border cases involving the protection of vulnerable adults	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please add here any other impact you consider relevant:

*1000 character(s) maximum*

Easing legal practice in general by unifying conflict rules and by means of recognition, acceptance and enforceability of measures and public documents.

Other

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## 21. Please provide here any comment or additional information you would like to share on the cross-border protection of vulnerable adults in the European Union.

*5000 character(s) maximum*

Please feel free to share views on specific aspects of the initiative and/or references to relevant research.

Cross border protection of vulnerable adults demands an uniform treatment in the EU so that common PIL rules on jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments and enforcement of decisions and authentic instruments should be equally applicable in all Member States. This necessity of uniform rules is an exigence of the non discrimination principle and of the preservation of the Internal Market. Cross border protection of vulnerable adults would then be notably increased by means of the combined action of stimulating the ratification of The Hague Convention and of the enactment of an EU instrument on jurisdiction, applicable law - extending *professio iuris* to choice of court -, recognition of decisions and acceptance of authentic instruments and enforcement of decisions and authentic instruments. Following the *acquis communautaire* - particularly *Unibank* case and articles 3(2), 59 and 60 of the Succession Regulation - this EU instrument should recognise the particular role of the european Notary as a qualified actor of the Area of Freedom, Security and Justice and as a guarantor of the autonomy of the vulnerable person, in the sense of article 12 of the 2006 UN convention.

Thank you very much for responding to this survey.

For any questions, please send an email to [JUST-A1-civil-justice@ec.europa.eu](mailto:JUST-A1-civil-justice@ec.europa.eu) with '**Public consultation on the cross-border protection of vulnerable adults in the European Union**' in the subject line.

### Contact

[just-a1-civil-justice@ec.europa.eu](mailto:just-a1-civil-justice@ec.europa.eu)