



2018/2856(RSP)

4.10.2018

AMENDMENTS

1 - 63

Draft motion for a resolution
Cecilia Wikström
(PE627.818v01-00)

The role of the German Youth Welfare Office (Jugendamt) in cross-border family disputes
(2018/2856(RSP))

Amendment 1

Virginie Rozière, Miroslavs Mitrofanovs, Eleonora Evi, Ángela Vallina, Sofia Sakorafa, Michela Giuffrida

Draft motion for a resolution

Citation 8

Draft motion for a resolution

— having regard to Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (Brussels IIa)¹,

¹ OJ L 338, 23.12.2003, p. 1

Amendment

— having regard to Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (Brussels IIa)¹ **and especially its Articles 8, 10, 15, 16, 21, 41, 55 and 57,**

¹ OJ L 338, 23.12.2003, p. 1

Or. en

Amendment 2

Virginie Rozière, Miroslavs Mitrofanovs, Eleonora Evi, Ángela Vallina, Sofia Sakorafa

Draft motion for a resolution

Citation 8 a (new)

Draft motion for a resolution

Amendment

- ***having regard to the case law of the Court of Justice of the European Union notably its rulings of 22.12.2010, Mercredi, aff. C-497/10 PPU and 02.04.2009, Procédure engagée par A., aff. C-523/07,***

Or. en

Amendment 3

Eleonora Evi, Ángela Vallina, Virginie Rozière, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Citation 12

Draft motion for a resolution

— having regard to the **more than 30** petitions received on the role of the German Youth Welfare Office (Jugendamt) in cross-border family disputes,

Amendment

— having regard to the **very large number of** petitions received on the role of the German Youth Welfare Office (Jugendamt) in cross-border family disputes,

Or. en

Amendment 4

Virginie Rozière, Miroslavs Mitrofanovs, Ángela Vallina, Sofia Sakorafa

Draft motion for a resolution

Citation 12

Draft motion for a resolution

— having regard to the **more than 30** petitions received on the role of the German Youth Welfare Office (Jugendamt) in cross-border family disputes,

Amendment

— having regard to the **large number of** petitions received on the role of the German Youth Welfare Office (Jugendamt) in cross-border family disputes,

Or. en

Amendment 5

Miroslavs Mitrofanovs

Draft motion for a resolution

Citation 12

Draft motion for a resolution

— having regard to the **more than 30** petitions received on the role of the German Youth Welfare Office (Jugendamt) in cross-border family disputes,

Amendment

— having regard to the **hundreds of** petitions received on the role of the German Youth Welfare Office (Jugendamt) in cross-border family disputes,

Or. en

Amendment 6

Virginie Rozière, Miroslavs Mitrofanovs, Ángela Vallina, Sofia Sakorafa, Michela Giuffrida

Draft motion for a resolution

Citation 15

Draft motion for a resolution

— having regard to the *final document* of the Committee on Petitions' Working Group on Child Welfare Issues of **20 June** 2017,

Amendment

— having regard to the *recommendations* of the Committee on Petitions' Working Group on Child Welfare Issues of **3 May** 2017,

Or. en

Amendment 7

Virginie Rozière, Miroslavs Mitrofanovs, Eleonora Evi, Ángela Vallina, Sofia Sakorafa, Michela Giuffrida

Draft motion for a resolution

Recital -A (new)

Draft motion for a resolution

Amendment

-A. whereas the child's best interests must be paramount in all decisions related to childcare issues at all levels;

Or. en

Amendment 8

Eleonora Evi, Ángela Vallina, Virginie Rozière, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Recital A

Draft motion for a resolution

Amendment

A. whereas the Committee on Petitions *has received a large number of* petitions *on the role of* the German Youth Welfare Office (Jugendamt) *denouncing alleged systematic discrimination of non-German parents* in cross-border *disputes on*

A. whereas the Committee on Petitions *of the European Parliament has been receiving, since more than 10 years ago,* petitions *in which a very large amount of non-German parents denounce systematic discriminations and arbitrary measures taken against them* by the German Youth

parental responsibility and child custody;

Welfare Office (Jugendamt) in *family disputes with* cross-border *implications involving children, on matters concerning, inter alia,* parental responsibility and child custody;

Or. en

Amendment 9

Julia Pitera

Draft motion for a resolution

Recital A a (new)

Draft motion for a resolution

Amendment

A a. whereas the Committee on Petitions has no powers to annul court rulings and in most cases can only consider these petitions without having access to their full text, but only on the basis of the position expressed by one of the parents, namely the one addressing the petition;

Or. en

Amendment 10

Eleonora Evi, Ángela Vallina, Virginie Rozière, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Recital A a (new)

Draft motion for a resolution

Amendment

A a. whereas the Jugendamt plays a central role in the German family law system as it is one of the parties in all family disputes involving children;

Or. en

Amendment 11

Eleonora Evi, Ángela Vallina, Virginie Rozière, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Recital A b (new)

Draft motion for a resolution

Amendment

A b. whereas in family disputes involving children the Jugendamt delivers a recommendation to the judges, whose nature is practically binding, and can adopt temporary measures, such as the ‘Beistandschaft’, which cannot be challenged;

Or. en

Amendment 12

Eleonora Evi, Ángela Vallina, Virginie Rozière, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Recital A c (new)

Draft motion for a resolution

Amendment

A c. whereas the Jugendamt is responsible for the implementation of the decisions taken by the German courts; whereas the broad interpretation of these decisions by the Jugendamt often resulted detrimental to the effective protection of the rights of non-German parents;

Or. en

Amendment 13

Eleonora Evi, Ángela Vallina, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Recital A d (new)

Draft motion for a resolution

Amendment

A d. whereas the German family law system, and in particular the role of the Jugendamt, must be carefully assessed

taking duly into account its unique legal, administrative and cultural background in order to put forward effective solutions to all issues experienced by non-German parents in family disputes having cross-border implications involving children;

Or. en

Amendment 14

Eleonora Evi, Ángela Vallina, Virginie Rozière, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Recital A e (new)

Draft motion for a resolution

Amendment

A e. whereas non-recognition and non-enforcement by German competent authorities of decisions and judgements taken by other EU Member States' judicial authorities, in family disputes having cross-border implications, can represent a breach of the principle of mutual recognition and mutual trust amongst Member States, thus jeopardising the effective protection of the best interest of the child;

Or. en

Amendment 15

Eleonora Evi, Ángela Vallina, Virginie Rozière, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Recital A f (new)

Draft motion for a resolution

Amendment

A f. whereas petitioners denounced that in family disputes having cross-border implications the protection of the best interest of the child is systematically interpreted by the competent German authorities with the need to ensure that

children remain in the German territory, even in cases where abuses and domestic violence against the non-German parent were reported;

Or. en

Amendment 16

Eleonora Evi, Ángela Vallina, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Recital A g (new)

Draft motion for a resolution

Amendment

A g. whereas the procedures adopted by the Jugendamt officials in cases of supervised parental access implied for the non-German parents the prohibition of the use of their mother tongue in their communication with their children; whereas conversations between non-German parents and their children held in a language, other than German, were harshly interrupted by the Jugendamt officials and contacts between parents and children were banned;

Or. en

Amendment 17

Eleonora Evi, Ángela Vallina, Virginie Rozière, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Recital A h (new)

Draft motion for a resolution

Amendment

A h. whereas non-German parents denounced in their petitions the insufficient or lack of counselling and legal support by national authorities of their country of origin in cases where discriminatory or disadvantaged judicial and administrative procedures were

adopted against them by German authorities, including the Jugendamt, in family disputes involving children;

Or. en

Amendment 18

Eleonora Evi, Ángela Vallina, Virginie Rozière, Mirosłavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Recital B

Draft motion for a resolution

B. whereas the best interest of the child is a fundamental principle that should be respected as guiding rule for all decisions related to childcare issues at all levels;

Amendment

B. *whereas all the EU institutions and all EU countries must fully guarantee the protection of the rights of the child as enshrined in the Charter of Fundamental Rights of the EU;* whereas the best interest of the child is a fundamental principle that should be respected as guiding rule for all decisions related to childcare issues at all levels;

Or. en

Amendment 19

Urszula Krupa

Draft motion for a resolution

Recital B

Draft motion for a resolution

B. whereas the best interest of the child is a fundamental principle that should be respected as guiding rule for all decisions related to childcare issues at all levels;

Amendment

B. whereas the best interest of the child, *primarily and best realised within its own family*, is a fundamental principle that should be respected as guiding rule for all decisions related to childcare issues at all levels;

Or. en

Amendment 20

Eleonora Evi, Ángela Vallina, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Recital C

Draft motion for a resolution

C. whereas increased mobility within the EU has led to a growing number of cross-border disputes on parental responsibility and child custody;

Amendment

C. whereas increased mobility within the EU has led to a growing number of cross-border disputes on parental responsibility and child custody; ***whereas the Commission must step up its efforts to promote in all Member States, including Germany, the consistent and concrete implementation of the principles set out in the UN Convention on the Rights of the Child, ratified by all EU countries;***

Or. en

Amendment 21

Eleonora Evi, Ángela Vallina, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Recital D

Draft motion for a resolution

D. whereas scope and objectives of the Brussels IIa Regulation are based on the principle of mutual trust between the Member States' legal ***system***;

Amendment

D. whereas scope and objectives of the Brussels IIa Regulation are based on the principle of ***non-discrimination on the grounds of nationality between citizens of the Union and on the principle of mutual trust*** between the Member States' legal ***systems***;

Or. en

Amendment 22

Miroslavs Mitrofanovs, Virginie Rozière, Eleonora Evi

Draft motion for a resolution

Recital D a (new)

Draft motion for a resolution

Amendment

D a. whereas the provisions of the Brussels IIa Regulation should in no manner allow for any abuse of its underlying aim to provide mutual respect and recognition, avoid discrimination on the grounds of nationality and foremost truly protect the best interest of the child in an objective manner;

Or. en

Amendment 23

Virginie Rozière, Miroslavs Mitrofanovs, Michela Giuffrida

Draft motion for a resolution

Recital E

Draft motion for a resolution

Amendment

E. whereas the recast of the Brussels IIa Regulation aims inter alia at removing remaining obstacles to the free movement of judicial decisions in line with the principle of mutual recognition and to better protect the best interests of the child by simplifying the procedures and enhancing their efficiency;

deleted

Or. en

Amendment 24

Eleonora Evi, Ángela Vallina, Virginie Rozière, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Recital E a (new)

Draft motion for a resolution

Amendment

E a. whereas the absence of accurate and detailed checks on the non-discriminatory nature of procedures and practices adopted by the German competent authorities in family disputes

having cross-border implications involving children, can have detrimental effects on children's welfare and lead to increased violation of rights for non-German parents;

Or. en

Amendment 25

Eleonora Evi, Ángela Vallina, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Recital E b (new)

Draft motion for a resolution

Amendment

E b. whereas the German Federal Constitutional Court ruled that a court can ask to hear a child who is almost 3 years old at the time of the decision; whereas in other EU countries children of this age are considered too young and not mature enough to be consulted in disputes involving their parents;

Or. en

Amendment 26

Miroslavs Mitrofanovs, Virginie Rozière

Draft motion for a resolution

Recital F a (new)

Draft motion for a resolution

Amendment

F a. whereas the case law of the CJEU establishes the autonomous notion in European law of the "normal residence" of the child and the plurality of the criteria on which the national jurisdictions must determine the habitual residence;

Or. en

Amendment 27

Eleonora Evi, Ángela Vallina, Virginie Rozière, Mirosłavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Paragraph 1

Draft motion for a resolution

1. Notes with great concern that the ***Committee on Petitions in the last decade has received more than 30 petitions on parental responsibility or child custody in cross-border family disputes and the*** role of the German Youth Welfare Office (Jugendamt), ***many of them involving the alleged discrimination of the non-German parent;***

Amendment

1. Notes with great concern that the ***problems concerning the German family law system, including the controversial*** role of the German Youth Welfare Office (Jugendamt), ***denounced through petitions by non-German parents continue to remain unsolved; underlines that the Committee on Petitions continuously receives petitions by non-German parents in which serious discriminations are reported as a result of the procedures and practices concretely adopted by the competent German authorities in cross-border family disputes involving children;***

Or. en

Amendment 28

Julia Pitera

Draft motion for a resolution

Paragraph 1

Draft motion for a resolution

1. Notes with great concern that the Committee on Petitions in the last decade has received more than 30 petitions on parental responsibility or child custody in cross-border family disputes and the role of the German Youth Welfare Office (Jugendamt), many of them ***involving the alleged*** discrimination ***of*** the non-German parent;

Amendment

1. Notes with great concern that the Committee on Petitions in the last decade has received more than 30 petitions on parental responsibility or child custody in cross-border family disputes and the role of the German Youth Welfare Office (Jugendamt), ***and that*** many of them ***allege*** discrimination ***against*** the non-German parent ***and particularly reflect the views of the latter;***

Or. en

Amendment 29

Virginie Rozière, Miroslavs Mitrofanovs, Ángela Vallina, Sofia Sakorafa

Draft motion for a resolution

Paragraph 1

Draft motion for a resolution

1. Notes with great concern that the Committee on Petitions in the last decade has received *more than 30* petitions on parental responsibility or child custody in cross-border family disputes and the role of the German Youth Welfare Office (Jugendamt), many of them involving the alleged discrimination of the non-German parent;

Amendment

1. Notes with great concern that the Committee on Petitions in the last decade has received *a large number of* petitions on parental responsibility or child custody in cross-border family disputes and the role of the German Youth Welfare Office (Jugendamt), many of them involving the alleged discrimination of the non-German parent;

Or. en

Amendment 30

Miroslavs Mitrofanovs, Virginie Rozière

Draft motion for a resolution

Paragraph 1

Draft motion for a resolution

1. Notes with great concern that the Committee on Petitions in the last decade has received more than **30** petitions on parental responsibility or child custody in cross-border family disputes and the role of the German Youth Welfare Office (Jugendamt), many of them involving the alleged discrimination of the non-German parent;

Amendment

1. Notes with great concern that the Committee on Petitions in the last decade has received more than **250** petitions on parental responsibility or child custody in cross-border family disputes and the role of the German Youth Welfare Office (Jugendamt), many of them involving the alleged discrimination of the non-German parent;

Or. en

Amendment 31

Julia Pitera

Draft motion for a resolution
Paragraph 1 a (new)

Draft motion for a resolution

Amendment

1 a. *Recalls that the Committee on Petitions held a fact-finding mission to Germany in 2011, and that this fact-finding mission found no reason to conclude that non-German parents in cross-border marriages are subject to any discrimination by the German Youth Welfare Office (Jugendamt);*

Or. en

Amendment 32
Urszula Krupa

Draft motion for a resolution
Paragraph 1 a (new)

Draft motion for a resolution

Amendment

1 a. *Condemns all cases of discrimination of non-German parents by the German Youth Welfare Office (Jugendamt);*

Or. en

Amendment 33
Eleonora Evi, Ángela Vallina, Virginie Rozière, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution
Paragraph 2

Draft motion for a resolution

Amendment

2. Points to the long standing work of the Committee on Petitions ***treating*** petitions ***on*** the role of the German Youth Welfare Office (Jugendamt); ***acknowledges the detailed*** responses given by the competent German ministry on the functioning of the German family law

2. Points to the long standing work of the Committee on Petitions ***on the treatment of*** petitions ***concerning*** the role of the German Youth Welfare Office (Jugendamt); ***takes note of the*** responses given by the competent German ministry on the functioning of the German family

system but ***underlines that*** the Committee on Petitions ***continuously receives petitions concerning alleged discrimination of the non-German parent;***

law system but ***strongly regrets that German competent authorities failed to ensure a proper follow-up to the recommendations and requests by the Committee on Petitions, thus worsening all problems encountered by non-German parents in the framework of family disputes having cross-border implications;***

Or. en

Amendment 34
Julia Pitera

Draft motion for a resolution
Paragraph 2

Draft motion for a resolution

2. Points to the long standing work of the Committee on Petitions treating petitions on the role of the German Youth Welfare Office (Jugendamt); acknowledges the detailed responses given by the competent German ministry on the functioning of the German family law system but underlines that the Committee on Petitions continuously receives petitions concerning alleged discrimination ***of*** the non-German parent;

Amendment

2. Points to the long standing work of the Committee on Petitions treating petitions on the role of the German Youth Welfare Office (Jugendamt); acknowledges the detailed responses given by the competent German ministry ***and by a Jugendamt official, present in the relevant deliberations of the Committee on Petitions,*** on the functioning of the German family law system but underlines that the Committee on Petitions continuously receives petitions concerning alleged discrimination ***against*** the non-German parent;

Or. en

Amendment 35
Eleonora Evi, Ángela Vallina, Virginie Rozière, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution
Paragraph 3

Draft motion for a resolution

3. Stresses the obligation, as provided

Amendment

3. Stresses the obligation, as provided

in Brussels IIa, for national authorities to recognise and enforce judgements delivered in another Member State in child related cases;

in *the Council Regulation* Brussels IIa, for national authorities to **recognise** and enforce judgements delivered in another Member State in child related cases; *is concerned of the fact that in family disputes having cross-border implications German authorities can systematically refuse to recognise judicial decisions taken in other Member States in cases where children, who are almost 3 years old, have not been heard; underlines that this aspect undermines the principle of mutual trust with other Member States whose legal systems set different age limits for the hearing of a child;*

Or. en

Amendment 36

Eleonora Evi, Ángela Vallina, Virginie Rozière, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Paragraph 3 a (new)

Draft motion for a resolution

Amendment

3 a. Regrets that the Commission did not implement for years accurate checks on the procedures and practices used in the German family law system, including the Jugendamt, in the framework of family disputes having cross-border implications, thus failing to effectively protect the best interest of the child and all other related rights;

Or. en

Amendment 37

Miroslavs Mitrofanovs, Virginie Rozière

Draft motion for a resolution

Paragraph 3 a (new)

Draft motion for a resolution

Amendment

3 a. Insists on the importance that Member States collect statistical data on the administrative and judicial proceedings concerning children custody and involving foreign parents, particularly including the outcome of the judgements, in order to allow for a detailed analysis of existing trends over time and provide benchmarks;

Or. en

Amendment 38

Virginie Rozière, Miroslavs Mitrofanovs, Eleonora Evi, Ángela Vallina, Sofia Sakorafa, Michela Giuffrida

Draft motion for a resolution

Paragraph 3 a (new)

Draft motion for a resolution

Amendment

3 a. Emphasises, following the case law of the CJEU, the autonomous notion of the "habitual residence" of the child in European law and the plurality of the criteria on which the determination of the normal residence must be conducted by the national jurisdictions;

Or. en

Amendment 39

Eleonora Evi, Ángela Vallina, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Paragraph 3 b (new)

Draft motion for a resolution

Amendment

3 b. Calls on the Commission to effectively monitor temporary measures, irreversible decisions and the execution of judicial decisions adopted by the German

competent authorities, including the Jugendamt, in family disputes having cross-border implications involving children, with the view to adequately protect the best interests of the children and prevent any potential breach of rights of non-German parents;

Or. en

Amendment 40

Virginie Rozière, Miroslavs Mitrofanovs, Eleonora Evi, Ángela Vallina, Sofia Sakorafa

Draft motion for a resolution

Paragraph 3 b (new)

Draft motion for a resolution

Amendment

3 b. *Calls on the Commission to ensure that such determination of the normal residence of the child has been properly done by the German jurisdictions in the petitions received by the Committee on Petitions;*

Or. en

Amendment 41

Eleonora Evi, Ángela Vallina, Virginie Rozière, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Paragraph 3 c (new)

Draft motion for a resolution

Amendment

3 c. *Strongly criticises the absence of statistical data on the number of cases in Germany in which court rulings were not in line with the recommendations of the Jugendamt and on the outcomes of family disputes involving children of bi-national couples, despite the repeated requests for years to collect data and make them publicly available;*

Amendment 42

Virginie Rozière, Miroslavs Mitrofanovs, Eleonora Evi, Ángela Vallina, Sofia Sakorafa

Draft motion for a resolution

Paragraph 3 c (new)

Draft motion for a resolution

Amendment

3 c. Calls on the Commission to assess in the petitions whether German jurisdictions have duly respected the provisions of Council Regulation Brussels IIa when establishing their competences and if they have taken into consideration judgements or decisions issued by jurisdictions of other Member States;

^{1a} OJ L 338, 23.12.2003., p. 01

Amendment 43

Eleonora Evi, Ángela Vallina, Virginie Rozière, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Paragraph 3 d (new)

Draft motion for a resolution

Amendment

3 d. Condemns the fact that, in cases of supervised parental access, failure by non-German parents to comply with the Jugendamt officials procedure to adopt German as language during conversations with their children, led to the harsh interruption of conversations and to a ban on contact between the non-German parents and their children; believes that such procedure adopted by the Jugendamt officials constituted a clear discrimination based on origin and language against non-German parents;

Amendment 44

Eleonora Evi, Ángela Vallina, Virginie Rozière, Mirosłavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Paragraph 3 e (new)

Draft motion for a resolution

Amendment

3 e. Is firmly convinced that in cases of supervised parental access, German authorities must permit all parental languages during conversations between parents and their children; asks for mechanisms to be put in place to guarantee that non-German parents and their children can have communication in their common language as its use plays a crucial role to keep strong emotional bonds between parents and their children and ensure the effective protection of children's cultural heritage and welfare;

Or. en

Amendment 45

Eleonora Evi, Ángela Vallina, Virginie Rozière, Mirosłavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Paragraph 3 f (new)

Draft motion for a resolution

Amendment

3 f. Firmly believes that a consistent and effective follow-up must be given to the recommendations of the final report of the Committee on Petitions' Working Group on "Child welfare issues" of 3 May 2017 and notably on those related directly or indirectly to the role of the Jugendamt and to the German family law system;

Or. en

Amendment 46

Eleonora Evi, Ángela Vallina, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Paragraph 3 g (new)

Draft motion for a resolution

Amendment

3 g. Reminds Germany of its international obligations under the UN Convention on the Rights of the Child, including Article 8 thereof; believes that major improvements must be made by all German competent authorities to adequately safeguard the right of the children of bi-national couples to preserve his or her identity, including family relations, as recognised by law without unlawful interference;

Or. en

Amendment 47

Virginie Rozière, Miroslavs Mitrofanovs, Eleonora Evi, Ángela Vallina, Sofia Sakorafa, Michela Giuffrida

Draft motion for a resolution

Paragraph 4

Draft motion for a resolution

Amendment

4. Welcomes that in its proposal for a recast of the Brussels IIa Regulation the Commission⁴ asks the Member States to collect data in matters of parental responsibility falling within the scope of the Regulation; **deleted**

⁴ COM(2016) 411 final

Or. en

Amendment 48

Miroslavs Mitrofanovs, Virginie Rozière

**Draft motion for a resolution
Paragraph 4**

Draft motion for a resolution

Amendment

4. Welcomes that in its proposal for a recast of the Brussels IIa Regulation the Commission⁴ asks the Member States to collect data in matters of parental responsibility falling within the scope of the Regulation;

deleted

⁴ COM(2016) 411 final

Or. en

Amendment 49

Miroslavs Mitrofanovs, Virginie Rozière

**Draft motion for a resolution
Paragraph 4 a (new)**

Draft motion for a resolution

Amendment

4 a. Considers that in light of Article 81 TFEU the Commission can and must play an active role in ensuring fair and consistent non-discriminatory practices towards parents in the treatment of cross-border child custody cases throughout the Union;

Or. en

Amendment 50

Miroslavs Mitrofanovs, Eleonora Evi

**Draft motion for a resolution
Paragraph 4 b (new)**

Draft motion for a resolution

Amendment

4 b. *Regrets that the Commission missed a unique opportunity in its proposal for the recast of the Brussels IIa Regulation to address specifically the elements within its current provisions which, instead of protecting the best interest of the child in all cases as it is intended, allow for and de facto shield discriminatory administrative and judicial practices towards non-national parents, such as those depicted in the large number of petitions received during the past decade, of which the Commission was duly alerted;*

Or. en

Amendment 51
Miroslavs Mitrofanovs

Draft motion for a resolution
Paragraph 4 c (new)

Draft motion for a resolution

Amendment

4 c. *Asks the Council to reach an agreement to duly amend the text of the Brussels IIa Regulation during its ongoing recast procedure, in order to incorporate the necessary mechanisms that prevent and redress any discriminatory practices within judicial proceedings and judgements concerning parental custody; urges the Commission to take this approach in any future legislative proposal in this field, including new revisions of the Brussels IIa Regulation;*

Or. en

Amendment 52
Julia Pitera

Draft motion for a resolution

Paragraph 5

Draft motion for a resolution

Amendment

5. *Calls on the Commission to ensure accurate checks on the non-discriminatory nature of procedures and practices used in the German family law system, including the German Youth Welfare Office (Jugendamt), in the framework of cross-border family disputes;* **deleted**

Or. en

Amendment 53

Virginie Rozière, Miroslavs Mitrofanovs, Ángela Vallina, Sofia Sakorafa, Michela Giuffrida

Draft motion for a resolution

Paragraph 6 a (new)

Draft motion for a resolution

Amendment

6 a. *Emphasises the importance of a close cooperation and efficient communication between the different national and local authorities involved in childcare proceedings from the social service to the jurisdiction and the central authorities,*

Or. en

Amendment 54

Eleonora Evi, Ángela Vallina, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution

Paragraph 7

Draft motion for a resolution

Amendment

7. *Calls on the Council to improve the judicial and administrative cooperation and cross-border dialogues between German authorities like the German Youth*

7. *Stresses the need to improve mutual judicial and administrative cooperation between German authorities and other EU Member States authorities*

Welfare Office (Jugendamt) and authorities of other Member States in order to ensure mutual trust concerning the recognition and enforcement of decisions and judgements adopted by other Member States' authorities in family disputes **with** cross-border elements;

in order to ensure mutual trust **in matters** concerning the recognition and enforcement **in Germany** of decisions and judgements adopted by other **EU** Member States' authorities in family disputes **having** cross-border elements **involving children**;

Or. en

Amendment 55

Eleonora Evi, Ángela Vallina, Virginie Rozière, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution Paragraph 8

Draft motion for a resolution

8. Recalls the importance to provide parents at every stage of child-related proceedings with complete and clear information on the proceedings and on the possible consequences thereof; calls on the Member States to **inform parents about the rules on legal support and aid; notes in this context that the competent German ministries at federal level have established the German Central Contact Point for Cross-border Family Conflicts in order to provide** counselling and information in cross-border family disputes involving **parental responsibility**;

Amendment

8. Recalls the importance to provide **without delay non-German** parents **from the outset and** at every stage of child-related proceedings with complete and clear information on the proceedings and on the possible consequences thereof, **in a language that the concerned parents fully understand in order to avoid cases where parents give their consent without fully understanding the implications of their commitments**; calls on the Member States to **implement targeted measures aimed at improving** legal support, **aid**, counselling and information **for their nationals in cases where they denounce discriminatory or disadvantaged judicial and administrative procedures adopted against them by German authorities** in cross-border family disputes involving **children**;

Or. en

Amendment 56

Virginie Rozière, Miroslavs Mitrofanovs, Ángela Vallina, Sofia Sakorafa

Draft motion for a resolution Paragraph 8

Draft motion for a resolution

8. Recalls the importance to provide parents at every stage of child-related proceedings with complete and clear information on the proceedings and on the possible consequences thereof; calls on the Member States to inform parents about the rules on legal support and aid; ***notes in this context that the competent German ministries at federal level have established the German Central Contact Point for Cross-border Family Conflicts in order to provide counselling and information in cross-border family disputes involving parental responsibility;***

Amendment

8. Recalls the importance to provide parents at every stage of child-related proceedings with complete and clear information on the proceedings and on the possible consequences thereof; calls on the Member States to inform parents about the rules on legal support and aid;

Or. en

Amendment 57

Miroslavs Mitrofanovs, Virginie Rozière

Draft motion for a resolution

Paragraph 8 a (new)

Draft motion for a resolution

8 a. Stresses that the denounced instances whereby non-German parents are prevented from communicating with their children in their common mother tongue during visitations constitute not only a discrimination on the grounds of language, but are also contrary to the aim of fostering multilingualism and diversity of cultural backgrounds within the Union and in breach of the fundamental right of freedom of thought, conscience and religion;

Amendment

Or. en

Amendment 58

Eleonora Evi, Ángela Vallina, Virginie Rozière, Miroslavs Mitrofanovs, Laura Ferrara

Draft motion for a resolution
Paragraph 9

Draft motion for a resolution

9. Expresses its concern on cases raised by petitioners about short deadlines set by the competent authorities and about documents sent by the competent authorities not provided in the language of the petitioner; stresses the right to refuse acceptances of documents if not written or translated into a language the person understands as laid down in Article 8(1) of **Regulation 1393/2007**;

Amendment

9. Expresses its concern on cases raised by petitioners about short deadlines set by the **German** competent authorities and about documents sent by the **German** competent authorities not provided in the language of the **non-German** petitioner; stresses the right **of citizens** to refuse acceptances of documents if not written or translated into a language the person understands as laid down in Article 8(1) of **Regulation (EC) 1393/2007**; **calls on the Commission to thoroughly assess the implementation in Germany of the provisions of Regulation (EC) 1393/2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) in order to properly address all possible violations**;

Or. en

Amendment 59
Julia Pitera

Draft motion for a resolution
Paragraph 9

Draft motion for a resolution

9. Expresses its concern on cases raised by petitioners about short deadlines set by the competent authorities and about documents sent by the competent authorities not provided in the language of the petitioner; stresses the right to refuse acceptances of documents if not written or translated into a language the person understands as laid down in Article 8(1) of **Regulation 1393/2007**;

Amendment

9. Expresses its concern on cases raised by petitioners about short deadlines set by the competent authorities and about documents sent by the competent authorities not provided in the language of the petitioner; stresses the right to refuse acceptances of documents if not written or translated into a language the person understands as laid down in Article 8 (1) of **Regulation No. 1393/2007 of the European Parliament and of the Council**

of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters;

Or. en

Amendment 60

Virginie Rozière, Miroslavs Mitrofanovs, Ángela Vallina, Sofia Sakorafa

Draft motion for a resolution

Paragraph 9 a (new)

Draft motion for a resolution

Amendment

9 a. Calls on the Commission to verify the respect of languages requirements in the course of proceeding before the German jurisdictions in the petitions presented to the European Parliament;

Or. en

Amendment 61

Julia Pitera

Draft motion for a resolution

Paragraph 10

Draft motion for a resolution

Amendment

10. Reiterates its call on the Commission and the Member States to co-finance and promote the establishment of *a platform* providing assistance to non-national EU citizens in family proceedings;

10. Reiterates its call on the Commission and the Member States to co-finance and promote the establishment of *platforms* providing assistance, *for example legal, linguistic, psychological, and educational assistance*, to non-national EU citizens in family proceedings, *such as the Polish Family Support Centre in the United Kingdom or the German Central Contact Point for Cross-border Family Conflicts*;

Or. en

Amendment 62

Miroslavs Mitrofanovs, Eleonora Evi, Virginie Rozière

Draft motion for a resolution

Paragraph 11

Draft motion for a resolution

11. Reminds the Member States about the importance to systematically implement the provisions of the Vienna Convention of 1963 and to ensure that embassies or consular representations are informed from the start of all child care proceedings involving their nationals and have full access to the relevant documents; suggests that consular authorities should be allowed to attend every stage of the proceedings;

Amendment

11. Reminds the Member States about the importance to systematically implement the provisions of the Vienna Convention of 1963 and to ensure that embassies or consular representations are informed from the start of all child care proceedings involving their nationals and have full access to the relevant documents; ***stresses the importance of a trustworthy consular cooperation in this field and*** suggests that consular authorities should be allowed to attend every stage of the proceedings;

Or. en

Amendment 63

Kosma Złotowski, Urszula Krupa

Draft motion for a resolution

Paragraph 11 a (new)

Draft motion for a resolution

Amendment

11 a. Reminds the Member States of the need to provide the child with necessary and justified foster care in accordance with the wording of Article 8 and Article 20 of the UN Convention on the Rights of the Child, in particular to enable continuous childcare that takes into account child's ethnic, religious, linguistic and cultural identity;

Or. en