



2015/2086(INL)

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AMENDMENTS

1 - 249

Draft report

Tadeusz Zwiefka

(PE582.107v02-00)

with recommendations to the Commission on cross-border aspects of adoptions
(2015/2086(INL))

Amendment 1
Marijana Petir

Motion for a resolution
Citation 2

Motion for a resolution

- having regard to Articles 67(4) and 81(3) of the Treaty on the Functioning of the European Union,

Amendment

- having regard to Articles 67(1) **and** (4) and 81(3) of the Treaty on the Functioning of the European Union,

Or. en

Amendment 2
Marijana Petir

Motion for a resolution
Citation 3

Motion for a resolution

- having regard to **Article 21** of the UN Convention on the Rights of the Child,

Amendment

- having regard to **Articles 7, 21 and 35** of the UN Convention on the Rights of the Child of 20 November 1989,

Or. en

Amendment 3
Daniel Buda

Motion for a resolution
Citation 3

Motion for a resolution

- having regard to **Article 21** of the UN Convention on the Rights of the Child,

Amendment

- having regard to the UN Convention on the Rights of the Child, **and in particular Article 21 thereof,**

Or. ro

Amendment 4
Marijana Petir

Motion for a resolution
Citation 3 a (new)

Motion for a resolution

Amendment

- *having regard to Article 2 of the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 25 May 2000,*

Or. en

Amendment 5
Emil Radev

Motion for a resolution
Citation 3 a (new)

Motion for a resolution

Amendment

- *having regard to the Vienna Convention on Consular Relations of 24 April 1963,*

Or. en

Amendment 6
Arne Gericke

Motion for a resolution
Citation 3 a (new)

Motion for a resolution

Amendment

- *having regard to the Annual Report on Human Rights and Democracy in the World 2014 and the European Union's policy on the matter(2015/2229(INI)),*

Or. en

Amendment 7
Beatrix von Storch

Motion for a resolution
Citation 4 a (new)

Motion for a resolution

Amendment

- *having regard to "Issue paper on Adoption and Children: A Human Rights Perspective", published by the Council of Europe Commissioner for Human Rights, in particular section II on Respecting children's rights in the adoption procedure,*

Or. en

Amendment 8
Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution
Citation 4 a (new)

Motion for a resolution

Amendment

- *having regard to the Issue Paper of the Commissioner for Human Rights on Adoption and Children: a Human Rights Perspective, published on 28 April 2011,*

Or. en

Amendment 9
Anna Záborská

Motion for a resolution
Citation 6 a (new)

Motion for a resolution

Amendment

- *having regard to Issue paper on*

Adoption and Children: A Human Rights Perspective, published by the Council of Europe Commissioner for Human Rights, in particular section II on Respecting children's rights in the adoption procedure,

Or. en

Amendment 10
Beatrix von Storch

Motion for a resolution
Subheading 1

Motion for a resolution

Amendment

Common minimum standards for
adoptions

Common minimum standards for *the*
recognition of adoption orders

Or. en

Justification

Since this is an INL report, it must respect the principle of subsidiarity. It cannot interfere with matters falling within Member States' exclusive competence. By setting common minimum standards of adoption, it regulates an area falling under the exclusive competence of Member States.

Amendment 11
Angel Dzhambazki, Kosma Złotowski

Motion for a resolution
Subheading 1

Motion for a resolution

Amendment

Common minimum standards for adoptions

Common minimum standards for *certain*
aspects of cross-border adoptions

Or. en

Amendment 12
Anna Záborská

Motion for a resolution
Subheading 1

Motion for a resolution

Common minimum standards for adoptions

Amendment

Common minimum standards for ***the recognition of adoption orders***

Or. en

Amendment 13
Angel Dzhambazki, Kosma Zlotowski

Motion for a resolution
Subheading 1

Motion for a resolution

Common minimum standards for ***adoptions***

Amendment

Common minimum standards for ***the recognition of adoption orders***

Or. en

Amendment 14
Beatrix von Storch

Motion for a resolution
Recital A

Motion for a resolution

A. whereas in the area of adoption, the basic principle must always be that any decision should be taken in the interest of the child;

Amendment

A. whereas in the area of ***recognition of adoption orders***, the basic principle must always be that any decision should be taken in the ***best*** interest of the child ***and whereas the best interest of the child should be interpreted in accordance with the laws and public policies of the Member State of enforcement;***

Justification

First, the proposed Regulation deals only with the recognition of adoption orders. Second, the definition of ‘best interest of the child’ depends on the public policy of each particular Member State and therefore varies across the European Union. In relation to EU law, the ‘best interest of the child’ is understood in the light of the criterion of proximity and child’s habitual residence, i.e. jurisdiction should initially lie with the Member State of the child’s habitual residence. As, first, the EU meaning of the ‘best interest of the child’ logically cannot be used in the context of recognition of adoption orders, and second, interference with the content of public policies of Member States would mean serious violation of their sovereignty, the national courts of Member States of enforcements shall interpret the notion of ‘best interest of the child’ in accordance with their national laws and public policies.

Amendment 15
Daniel Buda

Motion for a resolution
Recital A

Motion for a resolution

A. whereas in the area of adoption, the basic principle must always be that any decision should be taken in the interest of the child;

Amendment

A. whereas in the area of adoption, the basic principle must always be that any decision should be taken in the interest of the child ***and with respect for his or her fundamental rights, in accordance with the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption;***

Or. ro

Amendment 16
Anna Záborská

Motion for a resolution
Recital A

Motion for a resolution

A. whereas in the area of adoption, the basic principle must always be that any decision should be taken in the interest of

Amendment

A. whereas in the area of ***recognition of*** adoption, the basic principle must always be that any decision should be

the child;

taken in the interest of the child; *whereas the best interest of the child should be interpreted in accordance with the laws and public policies of the Member State of enforcement;*

Or. en

Amendment 17

Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution

Recital A

Motion for a resolution

A. whereas in the area of adoption, the basic principle must always be that any decision should be taken in *the interest* of the child;

Amendment

A. whereas in the area of adoption, the basic principle must always be that any decision should be taken in *accordance with the principle of the best interests of the child, as enshrined in Article 3 of the Convention on the Rights* of the Child;

Or. en

Amendment 18

Angel Dzhambazki, Kosma Zlotowski

Motion for a resolution

Recital A

Motion for a resolution

A. whereas in the area of adoption, the basic principle must always be that any decision should be taken in the interest of the child;

Amendment

A. whereas in the area of *recognition of adoption orders*, the basic principle must always be that any decision should be taken in the interest of the child *and with due regard to the laws and public policies of the Member State of enforcement;*

Or. en

Amendment 19
Fernando Ruas

Motion for a resolution
Recital A

Motion for a resolution

A. whereas in the area of adoption, the basic principle must always be that any decision should be taken in the *interest* of the child;

Amendment

A. whereas in the area of adoption, the basic principle must always be that any decision should be taken in the *best interests* of the child *and respect for his or her fundamental rights*;

Or. pt

Amendment 20
Notis Marias

Motion for a resolution
Recital A

Motion for a resolution

A. whereas in the area of adoption, the basic principle must always be that any decision should be taken in the interest of the child;

Amendment

(Does not affect the English version.)

Or. el

Amendment 21
Jean-Marie Cavada

Motion for a resolution
Recital A

Motion for a resolution

A. whereas in the area of adoption, *the basic principle must always be* that any decision *should be* taken in the interest of the child;

Amendment

A. whereas in the area of adoption, *it is essential* that any decision taken *is always* in the interest of the child;

Or. fr

Amendment 22

Arne Gericke

Motion for a resolution

Recital A a (new)

Motion for a resolution

Amendment

Aa. whereas the European Parliament condemned the practice of surrogacy in the Annual Report on Human Rights and Democracy in the World 2014 and the European Union's policy on the matter(2015/2229(INI)) in its paragraph 115;

Or. en

Amendment 23

Beatrix von Storch

Motion for a resolution

Recital A a (new)

Motion for a resolution

Amendment

Aa. whereas the requested proposal should not apply to surrogacy arrangements;

Or. en

Amendment 24

Angel Dzhambazki, Kosma Złotowski

Motion for a resolution

Recital B

Motion for a resolution

Amendment

B. whereas the purpose of adoption is not to give adults the right to a child, but to give the child a loving and caring ***deleted***

environment to grow up and develop in;

Or. en

Amendment 25

Daniel Buda

Motion for a resolution

Recital B

Motion for a resolution

B. whereas the purpose of adoption is not to give adults the right to a child, but to give the child a loving and caring environment to grow up and develop in;

Amendment

B. whereas the purpose of adoption is not to give adults the right to a child, but to give the child a loving and caring environment to grow up and develop in *and one which focuses on the child's education while taking into account his or her ethnic, religious, cultural and linguistic background and the legal requirements applicable to contracting marriage in the child's Member State of origin;*

Or. ro

Amendment 26

Marijana Petir

Motion for a resolution

Recital B

Motion for a resolution

B. whereas the purpose of adoption is not to give adults the right to a child, but to give the child a loving and caring environment to grow up and develop in;

Amendment

B. whereas the purpose of adoption is not to give adults the right to a child, but to give the child a *stable*, loving and caring environment to grow up and develop in *harmoniously, and in which his or her psychological integrity and development of personality are safeguarded;*

Or. en

Amendment 27
Pascal Durand

Motion for a resolution
Recital B

Motion for a resolution

B. whereas the purpose of adoption is not to give adults the right to a child, but to give *the child a loving and caring environment to grow up and develop in;*

Amendment

B. whereas the purpose of adoption is not to give adults the right to a child, but to give *a child the right to one or more parents so that said child may enjoy fully the rights guaranteed to him or her by virtue of the Charter of Fundamental Rights;*

Or. fr

Amendment 28
Virginie Rozière

Motion for a resolution
Recital B

Motion for a resolution

B. whereas *the purpose of adoption is not to give adults the right to a child, but to give the child a loving and caring environment to grow up and develop in;*

Amendment

B. whereas *a good many challenges still need to be met before respect for the rights of the child becomes a reality;*

Or. fr

Amendment 29
Fernando Ruas

Motion for a resolution
Recital B

Motion for a resolution

B. whereas the purpose of adoption is not to give adults the right to a child, but to give the child a loving and caring environment *to grow up and develop in;*

Amendment

B. whereas the purpose of adoption is not to give adults the right to a child, but to give the child a loving and caring environment *that will meet his or her*

*needs and provide a favourable context
for his or her growth and development;*

Or. pt

Amendment 30
Enrico Gasbarra

Motion for a resolution
Recital B

Motion for a resolution

B. whereas the purpose of adoption is not to give adults the right to a child, but to *give* the child *a* loving and caring environment *to* grow up and develop *in*;

Amendment

B. whereas the purpose of adoption is not to give adults the right to a child, but to *ensure that* the child *has an appropriate, safe,* loving and caring environment *in which it can* grow up and develop;

Or. it

Amendment 31
Notis Marias

Motion for a resolution
Recital B

Motion for a resolution

B. whereas the purpose of adoption is not to give adults the right to a child, but to give the child a loving and *caring* environment to grow up and develop in;

Amendment

B. whereas the purpose of adoption is not to give adults the *inalienable* right to a child, but to give the child a loving, *caring* and *affectionate* environment to grow up and develop in;

Or. el

Amendment 32
Ivan Jakovčić

Motion for a resolution
Recital B

Motion for a resolution

B. whereas the purpose of adoption is not to give adults the right to a child, but to give the child a loving and caring environment to grow up and develop in;

Amendment

B. whereas the purpose of adoption is not to give adults the right to a child, but to give the child a loving and caring environment to grow up, ***learn*** and develop ***in a rounded way*** in;

Or. hr

Amendment 33
Pascal Durand

Motion for a resolution
Recital B a (new)

Motion for a resolution

Ba. whereas any measure or decision that would lead to discrimination, a loss of rights or any legal uncertainty for the adopted child cannot be considered to be in the best interests of the child;

Or. fr

Amendment 34
Anna Záborská

Motion for a resolution
Recital C

Motion for a resolution

C. whereas the relevant authorities should never consider that the economic circumstances of the biological parents justify, in themselves, the withdrawal of parental authority and giving a child up for adoption;

Amendment

deleted

Or. en

Amendment 35
Beatrix von Storch

Motion for a resolution
Recital C

Motion for a resolution

Amendment

C. *whereas the relevant authorities should never consider that the economic circumstances of the biological parents justify, in themselves, the withdrawal of parental authority and giving a child up for adoption;* **deleted**

Or. en

Justification

Point C. contradicts the principle of subsidiarity and the principle of conferral as it interferes with the Member States' sole competence on defining substantive laws on adoption and encroaches upon the Member States' own responsibilities.

Amendment 36
Virginie Rozière

Motion for a resolution
Recital C

Motion for a resolution

Amendment

C. *whereas the relevant authorities should **never** consider that the economic circumstances of the biological parents justify, in themselves, the withdrawal of parental authority and giving a child up for adoption;*

C. *whereas the relevant authorities should **not** consider that the economic circumstances of the biological parents justify, in themselves, the withdrawal of parental authority and giving a child up for adoption, **but this could form part of a set of established criteria;***

Or. fr

Amendment 37
Ivan Jakovčić

Motion for a resolution
Recital C a (new)

Motion for a resolution

Amendment

Ca. *whereas in some Member States the number of children being adopted is low, despite great interest from prospective adoptive parents;*

Or. hr

Amendment 38
Notis Marias

Motion for a resolution
Recital D

Motion for a resolution

Amendment

D. whereas adoption proceedings should never commence before any decision withdrawing parental authority from the biological parents is final, ***and the latter*** have been given the opportunity to exhaust all legal remedies against that decision;

D. whereas adoption proceedings should never commence before any decision withdrawing parental authority from the biological parents is final, ***before they*** have been given the opportunity to exhaust all legal remedies against that decision ***and before the child is asked whether she would like to be adopted by another family or remain with her biological parents;***

Or. el

Amendment 39
Beatrix von Storch

Motion for a resolution
Recital D

Motion for a resolution

Amendment

D. whereas adoption proceedings ***should never*** commence before ***any*** decision withdrawing parental authority from the biological parents is final, and the

D. whereas adoption proceedings ***sometimes*** commence before ***the*** decision withdrawing parental authority from the biological parents is final, and the latter

latter have been given the opportunity to exhaust all legal remedies against that decision;

have been given the opportunity to exhaust all legal remedies against that decision;
whereas the recognition of an adoption order may be refused on this ground as a matter of public policy;

Or. en

Justification

The recognition of an adoption order that was issued without sufficient safeguards for the rights of biological parents can violate the public policy of a Member State of enforcement. Hence, the Member States of enforcement should retain the possibility to refuse the recognition of the adoption on this ground as a matter of public policy.

Amendment 40 **Anna Záborská**

Motion for a resolution **Recital D**

Motion for a resolution

D. whereas adoption proceedings ***should never*** commence before ***any*** decision withdrawing parental authority from the biological parents is final, and the latter have been given the opportunity to exhaust all legal remedies against that decision;

Amendment

D. whereas adoption proceedings ***sometimes*** commence before ***the*** decision withdrawing parental authority from the biological parents is final, and the latter have been given the opportunity to exhaust all legal remedies against that decision;
whereas the recognition of adoption orders may be refused on this ground as a matter of public policy;

Or. en

Amendment 41 **Daniel Buda**

Motion for a resolution **Recital D**

Motion for a resolution

D. whereas adoption proceedings

Amendment

D. whereas adoption proceedings

should never commence before any decision withdrawing parental authority from the biological parents is final, and the latter have been given the opportunity to exhaust all legal remedies against that decision;

should never commence before any decision withdrawing parental authority from the biological parents is final, and the latter have been given the opportunity to exhaust all legal *means and* remedies against that decision;

Or. ro

Amendment 42
Virginie Rozière

Motion for a resolution
Recital D

Motion for a resolution

D. whereas adoption proceedings should *never* commence before any decision withdrawing parental authority from the biological parents is final, and the latter have been given the opportunity to exhaust all legal remedies against that decision;

Amendment

D. whereas adoption proceedings should *not* commence before any decision withdrawing parental authority from the biological parents is final, and the latter have been given the opportunity to exhaust all legal remedies against that decision;

Or. fr

Amendment 43
Daniel Buda

Motion for a resolution
Recital D a (new)

Motion for a resolution

Da. whereas the implementation of adoption procedures with cross-border aspects must reflect all the requirements pertaining to the state of origin, such as assessing whether it is possible to place the child in his or her state of origin, a priority analysis and adoption of appropriate measures that would enable the child to remain in his or her family of origin, effective analysis and assessment

Amendment

of the decision under which international adoptions must be in the best interests of the child, verifying that consent for adoption was given freely and in full knowledge of the facts, in the correct legal forms, and granted or recorded in writing;

Or. ro

Amendment 44
Jean-Marie Cavada

Motion for a resolution
Recital D a (new)

Motion for a resolution

Amendment

Da. whereas the adoption procedure concerns children who at the time adoption is applied for have not yet attained 18 years of age or the age of majority in their country of origin;

Or. fr

Amendment 45
Daniel Buda

Motion for a resolution
Recital E

Motion for a resolution

Amendment

E. whereas compliance with **Article 21** of the UN Convention on the Rights of the Child, which all Member States have ratified, is of the utmost importance;

E. whereas compliance with the UN Convention on the Rights of the Child, which all Member States have ratified, **and above all with Article 21 of that Convention**, is of the utmost importance **if not to say essential in the process of adoption in a cross-border context;**

Or. ro

Amendment 46
Enrico Gasbarra

Motion for a resolution
Recital E

Motion for a resolution

E. whereas compliance with Article 21 of the UN Convention on the Rights of the Child, which all Member States have ratified, *is of the utmost importance*;

Amendment

E. whereas compliance with Article 21 of the UN Convention on the Rights of the Child, which all Member States have ratified, *should be the primary benchmark for all procedures, measures and strategies which have a bearing on the rights and lives of children*;

Or. it

Amendment 47
Fernando Ruas

Motion for a resolution
Recital E

Motion for a resolution

E. whereas compliance with Article 21 of the UN Convention on the Rights of the Child, which all Member States have ratified, *is of the utmost importance*;

Amendment

E. whereas compliance with Article 21 of the UN Convention on the Rights of the Child, which all Member States have ratified, *must be scrupulously respected in the best interests of the child*;

Or. pt

Amendment 48
Anna Záborská

Motion for a resolution
Recital F

Motion for a resolution

F. whereas more work should be done in order to prevent prospective parents interested in adoption from being

deleted

Amendment

exploited by unscrupulous intermediary organisations;

Or. en

Amendment 49

Daniel Buda

Motion for a resolution

Recital F

Motion for a resolution

F. whereas more work should be done in order to prevent prospective parents interested in adoption from being exploited by unscrupulous intermediary organisations;

Amendment

F. whereas ***more in-depth assessments and analyses should be conducted and*** more work should be done in order to prevent prospective parents interested in adoption from being exploited by unscrupulous intermediary organisations; ***and whereas in-depth analysis should also be conducted of the way in which the consent of the state of origin has been obtained, in order to ensure this is not in exchange for a payment or quid pro quo of any kind;***

Or. ro

Amendment 50

Enrico Gasbarra

Motion for a resolution

Recital F

Motion for a resolution

F. whereas more work should be done in order to prevent prospective parents interested in adoption from being exploited by unscrupulous intermediary organisations;

Amendment

F. whereas more work should be done in order to prevent prospective parents interested in adoption from being exploited by unscrupulous intermediary organisations, ***and whereas cooperation in combating crime and corruption inside the EU therefore needs to be stepped up in this area as well;***

Amendment 51

Ivan Jakovčić

Motion for a resolution

Recital F

Motion for a resolution

F. whereas more work should be done in order to prevent prospective parents interested in adoption from being exploited by unscrupulous intermediary organisations;

Amendment

F. whereas more work should be done ***in a determined manner*** in order to prevent prospective parents interested in adoption from being exploited by unscrupulous intermediary organisations;

Or. hr

Amendment 52

Fernando Ruas

Motion for a resolution

Recital F a (new)

Motion for a resolution

Fa. whereas measures need to be adopted to ensure that international activities in this area are undertaken with the aim of preventing the abduction, sale of, or trafficking in children;

Amendment

Or. pt

Amendment 53

Angel Dzhambazki, Kosma Złotowski

Motion for a resolution

Recital F a (new)

Motion for a resolution

Fa. whereas best practices and greater

Amendment

cooperation should be the primary reference for Member States authorities, when dealing with intercountry adoptions and the recognition thereof;

Or. en

Amendment 54
Jean-Marie Cavada

Motion for a resolution
Recital G a (new)

Motion for a resolution

Amendment

Ga. whereas the placement of siblings in the same adoptive family should be encouraged as far as possible, in order to spare them further trauma arising from their separation;

Or. fr

Amendment 55
Notis Marias

Motion for a resolution
Recital H

Motion for a resolution

Amendment

H. *whereas* the Hague Convention stipulates that recognition of intercountry adoptions is automatic in all signatory states, without the need for any specific procedure for recognition to be effective;

H. *stressing that* the Hague Convention stipulates that recognition of intercountry adoptions is automatic in all signatory states, without the need for any specific procedure for recognition to be effective;

Or. el

Amendment 56
Emil Radev

Motion for a resolution
Recital H a (new)

Motion for a resolution

Amendment

Ha. *whereas sometimes Member States create unnecessary bureaucratic obstacles to the recognition of adoptions within the scope of the Convention which are already recognised by another Member State;*

Or. en

Amendment 57
Pascal Durand

Motion for a resolution
Recital I

Motion for a resolution

Amendment

I. whereas, under the Hague Convention, recognition may be refused only if the adoption is manifestly contrary to the public policy of the state concerned;

I. whereas, under the Hague Convention, recognition may be refused only if the adoption is manifestly contrary to the public policy of the state concerned, ***taking into account the best interests of the child;***

Or. fr

Amendment 58
Daniel Buda

Motion for a resolution
Recital I

Motion for a resolution

Amendment

I. whereas, under the Hague Convention, recognition may be refused only if the adoption is manifestly contrary to the public policy of the state concerned;

I. whereas, under the Hague Convention, recognition may be refused only if the adoption is manifestly contrary to the public policy of the state concerned, ***bearing in mind the best interests of the child;***

Amendment 59

Notis Marias

Motion for a resolution

Recital I

Motion for a resolution

I. whereas, under the Hague Convention, recognition may be refused **only** if the adoption is manifestly contrary to the public policy of the state concerned;

Amendment

I. whereas, under the Hague Convention, recognition may be refused if the adoption is manifestly contrary to the public policy of the state concerned;

Or. el

Amendment 60

Pascal Durand

Motion for a resolution

Recital I a (new)

Motion for a resolution

Amendment

Ia. whereas a refusal to recognise an adoption order that has been legally granted in the country of origin contravenes Article 24 of the 1993 Hague Convention when it would have the effect of causing a loss of rights for the child or discrimination against him or her;

Or. fr

Amendment 61

Marijana Petir

Motion for a resolution

Recital I a (new)

Motion for a resolution

Amendment

Ia. whereas intercountry surrogacy agreements are against Article 4 of the Hague Convention;

Or. en

Amendment 62
Anna Záborská

Motion for a resolution
Recital J

Motion for a resolution

Amendment

J. whereas judicial training in the widest sense is key to mutual trust in all areas of law, including that of adoption;

deleted

Or. en

Amendment 63
Enrico Gasbarra

Motion for a resolution
Recital J

Motion for a resolution

Amendment

J. whereas judicial training in the widest sense is key to mutual trust in all areas of law, including that of adoption;

J. whereas judicial training in the widest sense is key to mutual trust in all areas of law, including that of adoption, *and whereas existing EU programmes covering judicial training and support for European judicial networks therefore need to include a stronger focus on juvenile courts;*

Or. it

Amendment 64
Beatrix von Storch

Motion for a resolution
Recital J

Motion for a resolution

J. whereas judicial *training in the widest sense is key to mutual trust in all areas of law, including that of adoption;*

Amendment

J. whereas *the principle of mutual recognition - the 'cornerstone' of judicial cooperation - imposes on Member States the obligation, in principle, to give effect to a judgment or decision originating in another Member State;*

Or. en

Amendment 65
Angel Dzhambazki, Kosma Zlotowski

Motion for a resolution
Recital J

Motion for a resolution

J. whereas judicial training in the widest sense *is key* to mutual trust in all areas of law, including that of adoption;

Amendment

J. whereas *specialised* judicial training in the widest sense *contributes* to mutual trust in all areas of law, including that of adoption;

Or. en

Amendment 66
Notis Marias

Motion for a resolution
Recital J

Motion for a resolution

I. whereas judicial training in the widest sense is key to mutual trust in all areas of law, including that of adoption;

Amendment

I. whereas judicial training in the widest sense is *necessary for and* key to mutual trust in all areas of law, including that of adoption;

Amendment 67
Angel Dzhambazki, Kosma Zlotowski

Motion for a resolution
Recital J a (new)

Motion for a resolution

Amendment

Ja. whereas the principle of mutual trust between the Member States is key in Union law; whereas the principle of mutual recognition, which is based on mutual trust, obliges Member States to give effect to a judgment or decision originating in another Member State;

Or. en

Amendment 68
Anna Záborská

Motion for a resolution
Recital J a (new)

Motion for a resolution

Amendment

Ja. whereas the principle of mutual trust between the Member States is of fundamental importance in Union law, given that it allows an area without internal borders to be created and maintained;

Or. en

Amendment 69
Anna Záborská

Motion for a resolution
Recital J b (new)

Motion for a resolution

Amendment

Jb. whereas the principle of mutual recognition - the 'cornerstone' of judicial cooperation which is based on mutual trust - means in particular that Member States are in principle obliged to give effect to a judgment or decision originating in another Member State;

Or. en

Amendment 70
Enrico Gasbarra

Motion for a resolution
Recital K

Motion for a resolution

K. whereas citizens do not have access to comprehensive information on the legal and procedural aspects of domestic adoption in Member States,

Amendment

K. whereas citizens do not have access to comprehensive information on the legal and procedural aspects of domestic adoption in Member States, ***and whereas in this connection e-Justice systems could be implemented in a number of areas of particular interest to the general public, including adoption and juvenile law,***

Or. it

Amendment 71
Daniel Buda

Motion for a resolution
Recital K

Motion for a resolution

K. whereas citizens do not ***have*** access to comprehensive information on the legal and procedural aspects of domestic adoption in Member States,

Amendment

K. whereas citizens ***still*** do not ***enjoy appropriate*** access to comprehensive information on the legal and procedural aspects of domestic adoption in Member States,

Amendment 72
Virginie Rozière

Motion for a resolution
Recital K

Motion for a resolution

K. whereas citizens *do not have* access to comprehensive information on the legal and procedural aspects of domestic adoption in Member States,

Amendment

K. whereas citizens *should be given better* access to comprehensive information on the legal and procedural aspects of domestic adoption in Member States;

Or. fr

Amendment 73
Notis Marias

Motion for a resolution
Recital K

Motion for a resolution

K. whereas citizens do not have access to comprehensive information on the legal and procedural aspects of domestic adoption in Member States,

Amendment

K. whereas citizens *unfortunately* do not have access to comprehensive information on the legal and procedural aspects of domestic adoption in Member States,

Or. el

Amendment 74
Enrico Gasbarra

Motion for a resolution
Recital L

Motion for a resolution

L. whereas cooperation within the European Network of Ombudspersons for

Amendment

L. whereas cooperation within the European Network of Ombudspersons for

Children was established in 1997, and Europe's ombudsmen on children's matters should be encouraged to cooperate more closely in that forum;

Children was established in 1997, and Europe's ombudsmen on children's matters should be encouraged to cooperate more closely in that forum, **and whereas efforts to do so could include involving them in existing EU-funded judicial training schemes;**

Or. it

Amendment 75
Daniel Buda

Motion for a resolution
Recital L

Motion for a resolution

L. whereas cooperation within the European Network of Ombudspersons for Children was established in 1997, and Europe's ombudsmen on children's matters should be encouraged to cooperate more closely in that forum;

Amendment

L. whereas cooperation within the European Network of Ombudspersons for Children was established in 1997, and Europe's ombudsmen on children's matters **and the protection of children's rights and on the best interests of the child** should be encouraged **through tangible measures** to cooperate more closely in that forum;

Or. ro

Amendment 76
Ivan Jakovčić

Motion for a resolution
Recital L

Motion for a resolution

L. whereas cooperation within the European Network of Ombudspersons for Children was established in 1997, and Europe's ombudsmen on children's matters should be encouraged to cooperate more closely in that forum;

Amendment

L. whereas cooperation within the European Network of Ombudspersons for Children was established in 1997, and Europe's ombudsmen on children's matters should be encouraged to cooperate **and coordinate activities** more closely in that forum;

Amendment 77

Notis Marias

Motion for a resolution

Recital L

Motion for a resolution

L. whereas cooperation within the European Network of Ombudspersons for Children was established in 1997, and Europe's ombudsmen on children's matters should be encouraged to cooperate more closely in that forum;

Amendment

L. whereas cooperation within the European Network of Ombudspersons for Children was established in 1997, and Europe's ombudsmen on children's matters should be encouraged to cooperate more closely *and on a more regular basis* in that forum;

Or. el

Amendment 78

Jean-Marie Cavada

Motion for a resolution

Recital L a (new)

Motion for a resolution

La. whereas a good balance needs to be struck between the right of the adopted child to know its true identity and the right of the biological parents to protect theirs;

Amendment

Or. fr

Amendment 79

Enrico Gasbarra

Motion for a resolution

Recital M

Motion for a resolution

M. whereas ***more needs to be done to prevent*** the cross-border trafficking of children for the purpose of adoption;

Amendment

M. whereas ***the EU most lose no time in stepping up efforts to combat the despicable*** cross-border trafficking of children for the purpose of adoption, ***focusing both on criminal enforcement and on cooperation in information sharing between police forces;***

Or. it

Amendment 80

Angel Dzhambazki, Kosma Zlotowski

Motion for a resolution

Recital M

Motion for a resolution

M. whereas more needs to be done to prevent the cross-border trafficking of children for the purpose of adoption;

Amendment

M. whereas more needs to be done to prevent the cross-border trafficking of children for the purpose of adoption; ***whereas more needs to be done to improve the proper and efficient implementation of existing rules and guidelines in order to avoid trafficking of children;***

Or. en

Amendment 81

Daniel Buda

Motion for a resolution

Recital M

Motion for a resolution

M. whereas more needs to be done to prevent the cross-border trafficking of children for the purpose of adoption;

Amendment

M. whereas ***there is a need for more conclusive assessments and effective evaluation reports, and*** more needs to be done ***in practice*** to prevent the cross-border trafficking of children for the

purpose of adoption;

Or. ro

Amendment 82
Anna Záborská

Motion for a resolution
Recital M

Motion for a resolution

M. whereas more needs to be done to prevent the cross-border trafficking of children for the purpose of adoption;

Amendment

M. whereas more needs to be done to prevent the cross-border trafficking of children, *such as surrogacy*, for the purpose of adoption;

Or. en

Amendment 83
Beatrix von Storch

Motion for a resolution
Recital M

Motion for a resolution

M. whereas more needs to be done to prevent the cross-border trafficking of children for the purpose of adoption;

Amendment

M. whereas more needs to be done to prevent the cross-border trafficking of children, *such as surrogacy*, for the purpose of adoption;

Or. en

Amendment 84
Notis Marias

Motion for a resolution
Recital M

Motion for a resolution

M. whereas more needs to be done to

Amendment

M. whereas more needs to be done to

prevent the cross-border trafficking of children for the purpose of adoption;

prevent the cross-border *and illegal* trafficking of children for the purpose of adoption;

Or. el

Amendment 85
Virginie Rozière

Motion for a resolution
Recital M

Motion for a resolution

M. whereas more needs to be done to prevent the cross-border trafficking of children for the purpose of adoption;

Amendment

M. (*Does not affect the English version*)

Or. fr

Amendment 86
Angel Dzhambazki, Kosma Zlotowski

Motion for a resolution
Recital M a (new)

Motion for a resolution

Amendment

Ma. whereas, adhering to the respect for diversity among Member States, also recognised by Union law in the broad sense, and the principles of subsidiarity and proportionality there is a need for proper assessment and modernisation of existing rules and regulations, best done through the sharing of information and best practises with other Member States, in order to provide for the highest protective standards for children;

Or. en

Amendment 87
Jean-Marie Cavada

Motion for a resolution
Recital M a (new)

Motion for a resolution

Amendment

Ma. *whereas obtaining the child's consent to adoption should be considered whenever possible where, under the laws of the country of origin, the child has sufficient understanding;*

Or. fr

Amendment 88
Daniel Buda

Motion for a resolution
Recital N

Motion for a resolution

Amendment

N. *whereas all Member States have national provisions which govern the recognition of adoption orders, but legal procedures differ significantly across the EU;*

N. *whereas all Member States have national provisions which govern the recognition of adoption orders, but **the corresponding** legal procedures differ significantly across the EU;*

Or. ro

Amendment 89
Anna Záborská

Motion for a resolution
Recital N a (new)

Motion for a resolution

Amendment

Na. *whereas the European Union respects diversity among Member States as a value in itself reflected in the Union motto 'United in Diversity' and whereas Union law recognises diversity in the*

broad sense, being based on general principles, such as the principle of conferral, and on more specific clauses in the Treaties, such as Article 3(3) TEU, which deal with techniques of accommodating diversity;

Or. en

Amendment 90
Daniel Buda

Motion for a resolution
Recital N a (new)

Motion for a resolution

Amendment

Na. whereas, despite the international rules that exist in this field, opinions still differ in the Member States as regards the principles that should govern the adoption process, just as differences exist in respect of adoption procedures and the legal effects of the adoption process;

Or. ro

Amendment 91
Beatrix von Storch

Motion for a resolution
Recital N a (new)

Motion for a resolution

Amendment

Na. whereas Article 67 TFEU states that the Union shall respect the different legal systems and traditions of the Member States;

Or. en

Amendment 92
Virginie Rozière

Motion for a resolution
Recital O

Motion for a resolution

Amendment

O. *whereas the European Union does not have competence to take decisions affecting the substantive law on adoptions of the Member States;*

deleted

Or. fr

Amendment 93
Jean-Marie Cavada

Motion for a resolution
Recital O

Motion for a resolution

Amendment

O. *whereas the European Union does not have competence to take **decisions** affecting the substantive law on adoptions of the Member States;*

O. *whereas the European Union does have competence to take **measures aimed at enhancing judicial cooperation between** the Member States;*

Or. fr

Amendment 94
Beatrix von Storch

Motion for a resolution
Recital O a (new)

Motion for a resolution

Amendment

Oa. *whereas public policy exemptions serve to safeguard the identity of the Member States, which is reflected in the substantive family law of Member States;*

Or. en

Justification

Civil status issues are uniquely related to Member States' family laws, which reflect Member States' values. Public policy exemptions safeguard the right of Member States to protect their fundamental values as expressed in their substantive family laws. They shield against the import of foreign legal concepts that do not exist or may even be illegal into the domestic Member State's legal order, which would result in the parallel co-existence of EU and national legal orders (spill over effect and reverse discrimination).

Amendment 95 **Anna Záborská**

Motion for a resolution **Recital O a (new)**

Motion for a resolution

Amendment

Oa. whereas public policy exemptions serve to safeguard the identity of the Member States, which is reflected in the substantive family law of Member States;

Or. en

Amendment 96 **Gilles Lebreton, Marie-Christine Boutonnet**

Motion for a resolution **Recital P**

Motion for a resolution

Amendment

P. whereas there is currently no European provision for the recognition – ***whether automatic or otherwise*** – of domestic adoption orders, i.e. concerning adoptions which are carried out within a single Member State;

P. whereas there is currently no European provision for the recognition of domestic adoption orders, i.e. concerning adoptions which are carried out within a single Member State;

Or. fr

Amendment 97 **Anna Záborská**

Motion for a resolution
Recital Q

Motion for a resolution

Q. *whereas the absence of such provisions causes significant problems for European families who move to another Member State after adopting a child, as the adoption may not be recognised, meaning that the parents may have trouble legally exercising their parental authority;*

Amendment

deleted

Or. en

Amendment 98
Angel Dzhambazki, Kosma Złotowski

Motion for a resolution
Recital Q

Motion for a resolution

Q. *whereas **the absence of such provisions causes** significant problems for European families who move to another Member State after adopting a child, as the adoption may not be recognised, meaning that the parents may have trouble legally exercising their parental authority;*

Amendment

Q. *whereas **there are** significant problems for European families who move to another Member State after adopting a child, as the adoption may not be recognised, meaning that the parents may have trouble legally exercising their parental authority, **resulting from non-conform implementation of rules and guidelines or incompatibilities with another Member State's civil law provisions;***

Or. en

Amendment 99
Daniel Buda

Motion for a resolution
Recital Q

Motion for a resolution

Q. whereas the absence of such provisions causes significant problems for European families who move to another Member State after adopting a child, as the adoption may not be recognised, meaning that the parents may have trouble legally exercising their parental authority;

Amendment

Q. whereas the absence of such provisions causes significant problems for European families who move to another Member State after adopting a child, as the adoption may not be recognised, meaning that the parents may have trouble legally exercising their parental authority, ***as well as encountering financial difficulties regarding the different fees applicable in this field;***

Or. ro

Amendment 100

Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution

Recital Q a (new)

Motion for a resolution

Amendment 101

Fernando Ruas

Motion for a resolution

Recital R

Motion for a resolution

R. whereas currently, when moving to another Member State, parents may be obliged to go through specific national recognition procedures, or even re-adopt the child, creating significant legal uncertainty;

Amendment

Qa. whereas the lack of such provisions puts at risk children's right to a stable and permanent family;

Or. en

Amendment

R. whereas currently, when moving to another Member State, parents may be obliged to go through specific national recognition procedures, or even re-adopt the child, creating significant legal uncertainty ***and insecurity;***

Amendment 102

Anna Záborská

Motion for a resolution

Recital R

Motion for a resolution

R. whereas currently, when moving to another Member State, parents may be obliged to go through specific national recognition procedures, or *even* re-adopt the child, *creating significant legal uncertainty*;

Amendment

R. whereas currently, when moving to another Member State, parents may be obliged to go through specific national recognition procedures, or re-adopt the child;

Or. en

Amendment 103

Notis Marias

Motion for a resolution

Recital S

Motion for a resolution

S, whereas the current situation can cause problems and prevent families from fully exercising free movement;

deleted

Amendment

Or. el

Amendment 104

Anna Záborská

Motion for a resolution

Recital S

Motion for a resolution

S. whereas the current situation can cause problems and prevent families from

deleted

Amendment

fully exercising free movement;

Or. en

Amendment 105

Virginie Rozière

Motion for a resolution

Recital S

Motion for a resolution

S. whereas the current situation *can* cause problems and prevent families from fully exercising free movement;

Amendment

S. whereas the current situation *causes* problems and *prevents* families from fully exercising *their right to* free movement;

Or. fr

Amendment 106

Daniel Buda

Motion for a resolution

Recital S

Motion for a resolution

S. whereas the current situation can cause problems and prevent families from fully exercising free movement;

Amendment

S. whereas the current situation can cause *serious* problems and prevent families from fully exercising free movement;

Or. ro

Amendment 107

Angel Dzhambazki, Kosma Złotowski

Motion for a resolution

Recital S

Motion for a resolution

S. whereas the current situation can

Amendment

S. whereas the current situation can

cause problems and prevent families from *fully* exercising free movement;

cause problems and prevent families from exercising free movement;

Or. en

Amendment 108
Angel Dzhambazki, Kosma Złotowski

Motion for a resolution
Recital S a (new)

Motion for a resolution

Amendment

Sa. whereas there may be a need to review and assess the overall situation through consultation among Member States' competent authorities;

Or. en

Amendment 109
Notis Marias

Motion for a resolution
Recital T

Motion for a resolution

Amendment

T. whereas the Brussels II Regulation does not address the question of the recognition of adoption orders, as it exclusively covers parental responsibility;

T. whereas the Brussels II Regulation does not *fundamentally* address the question of the recognition of adoption orders, as it exclusively covers parental responsibility;

Or. el

Amendment 110
Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution
Recital T a (new)

Motion for a resolution

Amendment

Ta. *whereas the costs linked to the absence of legislation on an automatic recognition of adoption decisions in the Union is estimated to amount to approximately €1.65 million per annum;*

Or. en

Amendment 111
Jean-Marie Cavada

Motion for a resolution
Recital U

Motion for a resolution

U. whereas it is therefore of the utmost importance to adopt legislation providing for the automatic recognition in a Member State of a domestic adoption order granted in another Member State,

Amendment

U. whereas ***greater efficiency and greater transparency will enable improvements in domestic adoption procedures and make international adoption easier;*** *whereas it is therefore of the utmost importance to adopt legislation providing for the automatic recognition in a Member State of a domestic adoption order granted in another Member State,*

Or. fr

Amendment 112
Marijana Petir

Motion for a resolution
Recital U

Motion for a resolution

U. whereas ***it is therefore of the utmost importance*** to adopt legislation providing for the ***automatic*** recognition in a Member State of a domestic adoption order granted in another Member State,

Amendment

U. whereas ***the opportunity could be studied*** to adopt legislation providing for the recognition in a Member State of a domestic adoption order granted in another Member State, ***provided that the full respect for national provision on public***

order and for the principles of subsidiarity and proportionality is ensured;

Or. en

Amendment 113
Notis Marias

Motion for a resolution
Recital U

Motion for a resolution

U. whereas it is therefore of the utmost importance to adopt legislation providing for the automatic recognition in a Member State of a domestic adoption order granted in another Member State,

Amendment

U. whereas it is therefore of the utmost importance to adopt legislation providing for the automatic recognition in a Member State of a domestic adoption order granted in another Member State *in so far as national legislation is not thereby affected,*

Or. el

Amendment 114
Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution
Recital U

Motion for a resolution

U. whereas it is therefore of the utmost importance to adopt legislation *providing for* the automatic recognition in a Member State of a domestic adoption order granted in another Member State,

Amendment

U. whereas it is therefore of the utmost importance to adopt legislation *facilitating* the automatic recognition in a Member State of a domestic adoption order granted in another Member State,

Or. fr

Amendment 115
Daniel Buda

Motion for a resolution
Recital U a (new)

Motion for a resolution

Amendment

Ua. whereas at present, when moving to another Member State, parents may be obliged to conform to a different specific national set of administrative fees under specific national recognition procedures, which may even include cases of having to adopt the child once again if the laws of the Member State concerned so require;

Or. ro

Amendment 116
Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution
Recital U a (new)

Motion for a resolution

Amendment

Ua. whereas such legislation would complement the existing Union regulation on issues of jurisdiction and parental responsibility (Brussels IIa) and fill the existing gap on recognition of adoptions as provided under international law (the 1993 Hague Convention);

Or. en

Amendment 117
Daniel Buda

Motion for a resolution
Recital U b (new)

Motion for a resolution

Amendment

Ub. whereas accepting and applying common principles and practices would help to prevent and reduce the difficulties caused by current differences between the

national laws of the Member States in this area, as well as to promote the best interests of adopted children;

Or. ro

Amendment 118
Anna Záborská

Motion for a resolution
Subheading 5

Motion for a resolution

Amendment

Common minimum standards for adoptions

deleted

Or. en

Amendment 119
Anna Záborská

Motion for a resolution
Subheading 5

Motion for a resolution

Amendment

Common minimum standards for adoptions

*Common minimum standards for **the** recognition of adoption orders*

Or. en

Amendment 120
Beatrix von Storch

Motion for a resolution
Subheading 5

Motion for a resolution

Amendment

Common minimum standards for adoptions

deleted

Justification

The laws on adoption, including the minimum standards for adoption, fall under the exclusive competence of EU Member States. The EU must respect its founding principles, such as the principles of subsidiarity, conferral and division of powers. Though the aspects mentioned in this section are in themselves valuable and should be implemented in each Member State by setting these minimum standards whose definitions fall under the sole competence of EU Member States, the Draft Report violates the principle of division of powers.

Amendment 121
Anna Záborská

Motion for a resolution
Paragraph 1

Motion for a resolution

Amendment

1. Calls on the authorities of the Member States to take all decisions in adoption matters with the best interests of the child in mind, and taking into account the specific circumstances of the case;

deleted

Or. en

Amendment 122
Fernando Ruas

Motion for a resolution
Paragraph 1

Motion for a resolution

Amendment

1. Calls on the authorities of the Member States to take all decisions in adoption matters with the best interests of the child in mind, and taking into account the specific circumstances of *the* case;

1. Calls on the authorities of the Member States to take all decisions in adoption matters with the best interests of the child **and respect for his or her fundamental rights** in mind, and taking into account the specific circumstances of **that particular** case;

Or. pt

Amendment 123

Daniel Buda

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Calls on the authorities of the Member States to take all decisions in adoption matters with the best interests of the child in mind, and taking into account the specific circumstances of the case;

Amendment

1. Calls on the authorities of the Member States to take all decisions in adoption matters with the best interests of the child ***and respect for his or her fundamental rights*** in mind, and taking into account the specific circumstances of the case;

Or. ro

Amendment 124

Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Calls on the authorities of the Member States to take all decisions in adoption matters with the best interests of the child ***in mind***, and taking into account the specific circumstances of the case;

Amendment

1. Calls on the authorities of the Member States to take all decisions in adoption matters with ***in mind their conception of public policy and*** the best interests of the child, and taking into account the specific circumstances of the case;

Or. fr

Amendment 125

Notis Marias

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Calls on the authorities of the Member States to take all decisions in adoption matters with the best interests of the child in mind, and taking into account the specific circumstances of the case;

Amendment

1. Calls on the authorities of the Member States to take all decisions in adoption matters with the best interests of the child in mind, and ***always*** taking into account the specific circumstances of the case;

Or. el

Amendment 126
Arne Gericke

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment 127
Anna Záborská

Motion for a resolution
Paragraph 2

Motion for a resolution

2. ***Stresses that children who have been put up for adoption should not be seen as the property of a state, but as individuals;***

Amendment

1a. Affirms that by no means may children born of surrogacy be the object of an adoption by a mandating parent, in conformity with the condemnation of the very practice of surrogacy by the European Parliament;

Or. en

Amendment

deleted

Or. en

Amendment 128
Daniel Buda

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Stresses that children who have been put up for adoption should **not** be seen as the property of a state, but as individuals;

Amendment

2. Stresses that children who have been put up for adoption should **in no way** be seen as the property of a state, but as individuals, **with internationally recognised fundamental rights**;

Or. ro

Amendment 129
Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Stresses that children who have been put up for adoption **should not** be seen as **the property of a state, but as** individuals;

Amendment

2. Stresses that children who have been put up for adoption **shall** be seen as individuals **in their own right, placed, owing to their being minors, under the protection of the state in which they reside**;

Or. fr

Amendment 130
Marijana Petir

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Stresses that children who have been **put up** for adoption should not be seen as the property of a state, but as individuals;

Amendment

2. Stresses that children who have been **placed** for adoption should not be seen as the property of a state, but as individuals;

Amendment 131

Emil Radev

Motion for a resolution

Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. Considers that the Member States systems for child protection should have functioning transnational mechanisms that take into account the special features of cross-border cases;

Or. en

Amendment 132

Jean-Marie Cavada

Motion for a resolution

Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. Stresses the utmost importance of ensuring that adoption provides a child with a stable and happy home;

Or. fr

Amendment 133

Daniel Buda

Motion for a resolution

Paragraph 3

Motion for a resolution

Amendment

3. Underlines that each adoption case is different *and must be assessed on its individual merits*;

3. Underlines that each adoption case is different, *in line with the diverse nature of the Member States, and depending on*

the individual circumstances of the family of origin, ethnic, religious and language aspects and the legal requirements applicable to contracting marriage in the child's Member State of origin;

Or. ro

Amendment 134
Ivan Jakovčić

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Underlines that each adoption case is different and must be assessed *on its* individual *merits*;

Amendment

3. Underlines that each adoption case is different and must be assessed *using an* individual *approach*;

Or. hr

Amendment 135
Notis Marias

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Underlines that each adoption case is different and must be assessed on its *individual* merits;

Amendment

3. Underlines that each adoption case is different and must be assessed on its *objective* merits;

Or. el

Amendment 136
Emil Radev

Motion for a resolution
Paragraph 3 a (new)

Motion for a resolution

Amendment

3a. *Considers that in cases of adoption with cross-border aspects the cultural and linguistic traditions of the child should be taken into consideration and be maintained as much as possible;*

Or. en

Amendment 137

Anna Záborská

Motion for a resolution

Paragraph 3 a (new)

Motion for a resolution

Amendment

3a. *Stresses that adoption cannot serve to validate surrogacy arrangements;*

Or. en

Amendment 138

Anna Záborská

Motion for a resolution

Paragraph 4

Motion for a resolution

Amendment

4. *Considers that in the context of adoption proceedings, the child should always be given the opportunity to be heard and express his or her view on the adoption process; considers, therefore, that whenever possible the child's consent to the adoption should be sought;*

deleted

Or. en

Amendment 139
Daniel Buda

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Considers that in the context of adoption proceedings, the child should always be given the opportunity to be heard and express his or her view on the adoption process; considers, therefore, that whenever possible the child's consent to the adoption should be sought;

Amendment

4. Considers that in the context of adoption proceedings, the child should always be given the opportunity to be heard and express his or her view on the adoption process, ***taking account of his or her age and maturity***; considers, therefore, that whenever possible, ***and regardless of age***, the child's consent to the adoption should be sought, ***and measures should be introduced making it possible to prove that consent has been given***;

Or. ro

Amendment 140
Emil Radev

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Considers that in the context of adoption proceedings, the child should always be given the opportunity to be heard and express his or her view on the adoption process; considers, therefore, that whenever possible the child's consent to the adoption should be sought;

Amendment

4. Considers that in the context of adoption proceedings, the child should always be given the opportunity to be heard and express his or her view on the adoption process; considers, therefore, that whenever possible the child's consent to the adoption should be sought; ***in this respect, calls for special attention towards young children and babies, who cannot be heard***;

Or. en

Amendment 141
Ivan Jakovčić

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Considers that in the context of adoption proceedings, the child should always be given the opportunity to be heard and express his or her view on the adoption process; considers, therefore, that whenever possible the child's consent to the adoption should be sought;

Amendment

4. Considers that in the context of adoption proceedings, the child should always be given the opportunity to be heard ***without pressure*** and express his or her ***individual*** view on the adoption process; considers, therefore, that whenever possible the child's consent to the adoption should be sought;

Or. hr

Amendment 142
Notis Marias

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Considers that in the context of adoption proceedings, the child should always be given the opportunity to be heard and express his or her view on the adoption process; considers, therefore, that ***whenever possible*** the child's consent to the adoption should be sought;

Amendment

4. Considers that in the context of adoption proceedings, the child should always be given the opportunity to be heard and express his or her view on the adoption process; considers, therefore, that ***it is imperative that*** the child's consent to the adoption should be sought;

Or. el

Amendment 143
Daniel Buda

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Considers that no decision on adoption should be taken before the

Amendment

5. Considers that no decision on adoption should be taken before the

biological parents have been heard and, where applicable, exhausted all legal remedies concerning their parental authority;

biological parents have been heard and, where applicable, exhausted all legal **means and** remedies concerning their parental authority; **considers that, likewise, no decision on adoption should be taken before the decision withdrawing parental authority from the biological parents is final;**

Or. ro

Amendment 144
Marijana Petir

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Considers that no decision on adoption should be taken before the biological parents have been heard and, where applicable, exhausted all legal remedies concerning their parental authority;

Amendment

5. Considers that, **in the spirit of Article 7 of the UN Convention on the Rights of the Child**, no decision on adoption should be taken before the biological parents have been heard and, where applicable, exhausted all legal remedies concerning their parental authority;

Or. en

Amendment 145
Michal Marusik

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Considers that no decision on adoption should be taken before the biological parents have been heard and, where applicable, exhausted all legal remedies concerning their parental authority;

Amendment

5. Considers that no decision on adoption should be taken before the biological parents have been heard and, where applicable, exhausted all legal remedies concerning their parental authority; **believes that this should apply to foster parents as well;**

Amendment 146
Jean-Marie Cavada

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution

Amendment

5a. Calls therefore on the authorities in the Member States to take all necessary measures for the well-being of the child while legal remedies are being exhausted, and throughout all the legal proceedings involved in the adoption, providing the child with protection and care appropriate to his or her harmonious development;

Or. fr

Amendment 147
Daniel Buda

Motion for a resolution
Paragraph 6

Motion for a resolution

Amendment

6. Points out that the relevant authorities should always first consider the possibility of placing the child within its biological family, even when members of that family live in another country, before giving the child up for adoption by strangers; considers that the habitual residence of family members who wish to take over responsibility for a child should not be considered as a deciding factor;

6. Points out that the relevant authorities should always first consider the possibility of placing the child within its biological family ***or with people close to the family***, even when members of that family ***or those people close to the family*** live in another country, ***when they meet the conditions laid down by law for being eligible to adopt***, before giving the child up for adoption by strangers; considers that the habitual residence of family members who wish to take over responsibility for a child should not be considered as a deciding factor; ***accordingly, alongside the best interests of the child, the decision to give the child up for adoption should as far as possible be based on criteria***

relating to his or her ethnic, religious, cultural and linguistic background, as well as on the legal requirements applicable to contracting marriage in the child's Member State of origin;

Or. ro

Amendment 148

Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Points out that the relevant authorities should *always* first consider the possibility of placing the child within its biological family, even when members of that family live in another country, before giving the child up for adoption by strangers; considers that the habitual residence of family members who wish to take over responsibility for a child should not be considered as a deciding factor;

Amendment

6. Points out that the relevant authorities should first consider the possibility of placing the child within its biological family, even when members of that family live in another country, *if the child has relations with those members of that family and following individual assessment of the child's needs*, before giving the child up for adoption by strangers; considers that the habitual residence of family members who wish to take over responsibility for a child should not be considered as a deciding factor;

Or. en

Amendment 149

Emil Radev

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Points out that the relevant authorities should always first consider the possibility of placing the child within its biological family, even when members of that family live in another country, before

Amendment

6. Points out that the relevant authorities should always first consider the possibility of *placement of the child on a temporary basis or placement of the child for adoption* within its biological family,

giving the child up for adoption by strangers; considers that the habitual residence of family members who wish to take over responsibility for a child should not be considered as a deciding factor;

even when members of that family live in another country before giving the child up for adoption by strangers; considers that the habitual residence of family members who wish to take over responsibility for a child should not be considered as a deciding factor;

Or. en

Amendment 150
Notis Marias

Motion for a resolution
Paragraph 6

Motion for a resolution

6. *Points out* that the relevant authorities should always first consider the possibility of placing the child within its biological family, even when members of that family live in another country, before giving the child up for adoption by strangers; considers that the habitual residence of family members who wish to take over responsibility for a child should not be considered as a deciding factor;

Amendment

6. *Stresses* that the relevant authorities should always first consider the possibility of placing the child within its biological family, even when members of that family live in another country, before giving the child up for adoption by strangers; considers that the habitual residence of family members who wish to take over responsibility for a child should not be considered as a deciding factor;

Or. el

Amendment 151
Emil Radev

Motion for a resolution
Paragraph 6 a (new)

Motion for a resolution

6a. Calls for equal treatment of parents of different nationalities during the procedures relating to parental responsibility and adoption;

Calls on Member States to ensure equality in the procedural rights of the relatives

involved in the adoption procedure and who are nationals of other Member States, including the provision of legal assistance, duly and timely information about the hearings, the right to an interpreter, the provision of all documents relevant to the case in their native language etc.;

Or. en

Amendment 152
Daniel Buda

Motion for a resolution
Paragraph 6 a (new)

Motion for a resolution

Amendment

6a. *Takes the view that any procedure relating to the adoption of children who have been abandoned or whose parents are not known must first go through all the stages and procedures to verify the conditions for adoption laid down by the legislation of each of the Member States;*

Or. ro

Amendment 153
Emil Radev

Motion for a resolution
Paragraph 7

Motion for a resolution

Amendment

7. Stresses that where a child being considered *for adoption* is the citizen of another Member State, the consular authorities of that Member State and the child's family residing in that Member State should be informed and consulted prior to any decision being taken;

7. Stresses that where a child being considered *in proceedings for the withdrawal of parental rights or in adoption proceedings* is the citizen of another Member State, the consular authorities of that Member State and the child's family residing in that Member State should be informed and consulted

prior to any decision being taken;

Or. bg

Amendment 154

Notis Marias

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Stresses that where a child being considered for adoption is the citizen of another Member State, the ***consular authorities of that Member State and the child's family*** residing in that Member State should be informed and consulted prior to any decision being taken;

Amendment

7. Stresses that where a child being considered for adoption is the citizen of another Member State, the child's family residing in that Member State should be informed and consulted prior to any decision being taken;

Or. el

Amendment 155

Beatrix von Storch

Motion for a resolution

Paragraph 7 a (new)

Motion for a resolution

Amendment

7a. Condemns the practice of surrogacy, which undermines the human dignity of the woman since her body and its reproductive functions are used as a commodity; considers that the practice of gestational surrogacy which involves reproductive exploitation and use of the human body for financial or other gain, in particular in the case of vulnerable women in developing countries, should be prohibited and treated as a matter of urgency in human rights instruments;

Or. en

Amendment 156
Jean-Marie Cavada

Motion for a resolution
Paragraph 7 a (new)

Motion for a resolution

Amendment

7a. Calls moreover on the Member States to pay very particular attention to unaccompanied minors who have applied for or have refugee status, ensuring they receive the protection, assistance and care that Member States are required to furnish by virtue of their international obligations, preferably by placing them in foster families in the interim period;

Or. fr

Amendment 157
Angel Dzhambazki, Kosma Złotowski

Motion for a resolution
Paragraph 7 a (new)

Motion for a resolution

Amendment

7a. Notes, that any action taken at European level should not undermine national law, as the laws on adoption fall under the exclusive competence of the Member States and common minimum standards that are not in line with Member States' rules and guidelines would violate the principles of subsidiarity, conferral and the distribution of powers;

Or. en

Amendment 158
Daniel Buda

Motion for a resolution
Paragraph 7 a (new)

Motion for a resolution

Amendment

7a. Stresses the need, in the event of a child – who is a European citizen – being adopted in a third country, for the competent authorities to shoulder their responsibility and monitor the development of the child adopted in this way until he or she reaches the age of majority;

Or. ro

Amendment 159
Anna Záborská

Motion for a resolution
Paragraph 7 a (new)

Motion for a resolution

Amendment

7a. Stresses that only the interested parties may challenge the adaptation of the measure or order before a court;

Or. en

Amendment 160
Daniel Buda

Motion for a resolution
Paragraph 8

Motion for a resolution

Amendment

8. Notes the successes of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption, and encourages all countries to sign, ratify or accede to it;

8. Notes the successes of **and the importance of applying** the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption, and encourages all countries to sign, ratify or accede to it;

Amendment 161

Emil Radev

Motion for a resolution

Paragraph 8 a (new)

Motion for a resolution

Amendment

8a. Calls on the Member States not to create unnecessary bureaucratic impediments to the recognition of adoptions within the scope of the Hague Convention which are already recognised by another Member State;

Or. en

Amendment 162

Daniel Buda

Motion for a resolution

Paragraph 9

Motion for a resolution

Amendment

9. Notes, nevertheless, that problems often occur concerning the issuance of adoption certificates; calls, therefore, on the authorities of the Member States to ensure that the procedures and safeguards established by the Hague Convention are always followed in order to ensure that recognition is automatic;

9. Notes, nevertheless, that problems often occur concerning the issuance of adoption certificates; calls, therefore, on the authorities of the Member States to ensure that the procedures and safeguards established by the Hague Convention are always followed in order to ensure that recognition is automatic ***and avoid any issues that might hamper this process, such as obstacles to the free movement of persons, the existence of complex and lengthy additional administrative procedures or specific additional expenses in connection with documents or fees, long waiting times before recognition is granted, etc.***;

Or. ro

Amendment 163

Notis Marias

Motion for a resolution

Paragraph 9

Motion for a resolution

9. *Notes, nevertheless*, that problems often occur concerning the issuance of adoption certificates; calls, therefore, on the authorities of the Member States to ensure that the procedures and safeguards established by the Hague Convention are always followed in order to ensure that recognition is automatic;

Amendment

9. *Deplores the fact* that problems often occur concerning the issuance of adoption certificates; calls, therefore, on the authorities of the Member States to ensure that the procedures and safeguards established by the Hague Convention are always followed in order to ensure that recognition is automatic;

Or. el

Amendment 164

Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Notes, nevertheless, that problems often occur concerning the issuance of adoption certificates; calls, therefore, on the authorities of the Member States to ensure that the procedures and safeguards established by the Hague Convention are always followed in order to *ensure that* recognition *is automatic*;

Amendment

9. Notes, nevertheless, that problems often occur concerning the issuance of adoption certificates; calls, therefore, on the authorities of the Member States to ensure that the procedures and safeguards established by the Hague Convention are always followed in order to *facilitate* recognition;

Or. fr

Amendment 165

Angel Dzhambazki, Kosma Zlotowski

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Points out that further efforts could be made in order to facilitate the operation of the Hague Convention, *as some Member States require additional administrative procedures or charge disproportionate fees in connection with the recognition of adoptions, for example in order to establish or amend civil status records or to obtain nationality, although this is contrary to the provisions of the convention;*

Amendment

10. Points out that further efforts could be made in order to facilitate the *more efficient* operation of the Hague Convention *in terms of some* administrative procedures *so as to remove excessive and purely administrative burdens;*

Or. en

Amendment 166
Fernando Ruas

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Points out that further efforts could be made in order to *facilitate the operation* of the Hague Convention, as some Member States require additional administrative procedures or charge disproportionate fees in connection with the recognition of adoptions, for example in order to establish or amend civil status records or to obtain nationality, although this is contrary to the provisions of the convention;

Amendment

10. Points out that further efforts could be made in order to *respect and scrupulously enforce the provisions* of the Hague Convention, as some Member States require additional administrative procedures or charge disproportionate fees in connection with the recognition of adoptions, for example in order to establish or amend civil status records or to obtain nationality, although this is contrary to the provisions of the convention;

Or. pt

Amendment 167
Victor Negrescu

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. *Points out the need to introduce the right for adopted children to know their country of origin in order to be able to nurture their cultural heritage;*

Or. en

Amendment 168
Jean-Marie Cavada

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. *Stresses that Member States, in cooperation with the Hague Conference, need to set up a framework enabling guaranteed transparency in procedures and an active role in combating child trafficking for the purposes of adoption;*

Or. fr

Amendment 169
Angel Dzhambazki, Kosma Zlotowski

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. *Points out, that adoption procedures need to be more carefully monitored by the relevant authorities and assessed on a case by case basis;*

Or. en

Amendment 170
Victor Negrescu

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. *Stresses the need for the agency handling Intercountry adoptions to carry out checks and to be subject to controls with the aim of preventing child selling practices;*

Or. en

Amendment 171
Jean-Marie Cavada

Motion for a resolution
Paragraph 10 b (new)

Motion for a resolution

Amendment

10b. *Stresses that a reliable birth registration system will ensure that a child receives an identity from birth and may prevent child trafficking for adoption purposes;*

Or. fr

Amendment 172
Enrico Gasbarra

Motion for a resolution
Paragraph 12

Motion for a resolution

Amendment

12. Calls on the Member States to intensify their cooperation in the field of adoption, including both legal and social aspects;

12. Calls on the Member States to intensify their cooperation in the field of adoption, including both legal and social aspects; *calls also, in this connection, for the EU to maintain a consistent approach to children's rights, in relation to which adoption is key issue, in all of its main*

internal and external policies;

Or. it

Amendment 173

Victor Negrescu

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Calls on the Member States to intensify their cooperation in the field of adoption, including both legal and social aspects;

Amendment

12. Calls on the Member States to intensify their cooperation in the field of adoption, including both legal and social aspects *as well as taking into consideration a monitoring system for children adopted by families from another country;*

Or. en

Amendment 174

Daniel Buda

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Calls on the Member States to *intensify* their cooperation in the field of adoption, including both legal and social aspects;

Amendment

12. Calls on the Member States to *take all possible steps with a view to intensifying* their cooperation in the field of adoption, including both legal and social *or financial* aspects (*fee system in the field of adoption*);

Or. ro

Amendment 175

Emil Radev

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Calls on the Member States to intensify their cooperation in the field of adoption, including **both** legal and social aspects;

Amendment

12. Calls on the Member States to intensify their cooperation in the field of adoption, including legal, **institutional**, and social aspects;

Or. en

Amendment 176
Emil Radev

Motion for a resolution
Paragraph 12 a (new)

Motion for a resolution

Amendment

12a. Notes that to ensure the protection of the best interests of the child, enhanced cooperation between judges in the area of cross-border adoptions in different Member States is needed;

Or. en

Amendment 177
Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution
Paragraph 13

Motion for a resolution

Amendment

13. Calls on the Commission to establish a European network of judges and authorities specialised in adoption in order to facilitate the exchange of information and good practice, which is particularly useful when adoption involves a foreign element;

deleted

Or. fr

Amendment 178
Enrico Gasbarra

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Calls on the Commission to establish a European network of judges and authorities specialised in adoption in order to facilitate the exchange of information and good practice, which is particularly useful when adoption involves a foreign element;

Amendment

13. Calls on the Commission to establish a European network of judges and authorities specialised in adoption in order to facilitate the exchange of information and good practice, which is particularly useful when adoption involves a foreign element; ***believes it to be extremely important, in this connection, to facilitate coordination and the exchange of good practice with the current European judicial training networks, in order to achieve the greatest possible degree of consistency with the schemes already being funded by the EU;***

Or. it

Amendment 179
Angel Dzhambazki, Kosma Złotowski

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Calls on the Commission to ***establish*** a European network of judges and authorities specialised in adoption in order to facilitate the exchange of information and good practice, which is particularly useful when adoption involves a foreign element;

Amendment

13. Calls on the Commission to ***assess the concept of*** a European network of judges and authorities specialised in adoption in order to facilitate the exchange of information and good practice, which is particularly useful when adoption involves a foreign element; ***furthermore points out that that network should be easily accessible to all Member States citizens who wish to participate through transparent, continuous and clear communication;***

Amendment 180

Notis Marias

Motion for a resolution

Paragraph 13

Motion for a resolution

13. Calls on the Commission to establish *a* European network of judges and authorities specialised in adoption in order to facilitate the exchange of information and good practice, which is particularly useful when adoption involves a foreign element;

Amendment

13. Calls on the Commission to establish *an effective and flexible* European network of judges and authorities specialised in adoption in order to facilitate the exchange of information and good practice, which is particularly useful when adoption involves a foreign element;

Or. el

Amendment 181

Emil Radev

Motion for a resolution

Paragraph 13 a (new)

Motion for a resolution

Amendment

13a. Calls on the Commission to provide funding for specialised training of judges working in the field of cross-border adoptions;

Or. en

Amendment 182

Ivan Jakovčić

Motion for a resolution

Paragraph 13 a (new)

Motion for a resolution

Amendment

13a. Calls on the competent bodies in the Member States to establish national databases of children up for adoption;

Or. hr

Amendment 183
Ivan Jakovčić

Motion for a resolution
Paragraph 13 b (new)

Motion for a resolution

Amendment

13b. Calls on the Commission to involve local and regional authorities in the exchange of information and best practices;

Or. hr

Amendment 184
Ivan Jakovčić

Motion for a resolution
Paragraph 13 c (new)

Motion for a resolution

Amendment

13c. Calls on the Commission to devote particular attention to the issue of age limits on adoptive parents in the Member States;

Or. hr

Amendment 185
Jean-Marie Cavada

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Calls on the Commission to publish on the European e-Justice Portal relevant legal and procedural information on adoption law and practice in the Member States;

Amendment

14. Calls on the Commission to publish on the European e-Justice Portal relevant legal and procedural information on adoption law and practice in **all** the Member States;

Or. fr

Amendment 186

Emil Radev

Motion for a resolution

Paragraph 14 a (new)

Motion for a resolution

14a. Calls on the Commission to carry out a comparative study to analyse whether complaints regarding non-consensual adoptions that have cross-border aspects are made in Member States that have a strong infrastructure and well-regulated fostering system, along with other pre-adoption care schemes;

Or. en

Amendment 187

Enrico Gasbarra

Motion for a resolution

Paragraph 15

Motion for a resolution

15. Takes note of the activities of the European Network of Ombudspersons for Children and considers that this cooperation should be further developed and strengthened;

Amendment

15. Takes note of the activities of the European Network of Ombudspersons for Children and considers that this cooperation should be further developed and strengthened, ***including by providing specific funding alongside that already made available for judicial training and***

support for European judicial networks;

Or. it

Amendment 188

Daniel Buda

Motion for a resolution

Paragraph 15

Motion for a resolution

15. Takes note of the activities of the European Network of Ombudspersons for Children and considers that this cooperation should be further developed and strengthened;

Amendment

15. Takes note of the activities of the European Network of Ombudspersons for Children and considers that this cooperation should be further *expanded*, developed and strengthened;

Or. ro

Amendment 189

Victor Negrescu

Motion for a resolution

Paragraph 15 a (new)

Motion for a resolution

Amendment

15a. Notes that the first responsibility for child welfare rests with the authorities from the Member States; however stresses the need for a better cooperation amongst them with particular regard to the Intercountry adoption process;

Or. en

Amendment 190

Jean-Marie Cavada

Motion for a resolution

Paragraph 16

Motion for a resolution

16. Stresses the need to cooperate closely to prevent the cross-border trafficking of children for adoption purposes;

Amendment

16. Stresses the need to cooperate closely, ***through European authorities such as Europol***, to prevent the cross-border trafficking of children for adoption purposes;

Or. fr

Amendment 191
Fernando Ruas

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Stresses the need to cooperate closely to prevent the cross-border trafficking of children for adoption purposes;

Amendment

16. Stresses the need to cooperate closely to prevent the cross-border trafficking of children for adoption purposes, ***as well as to avoid and prevent the abduction and sale of children***;

Or. pt

Amendment 192
Daniel Buda

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Stresses the need to cooperate closely to prevent the cross-border trafficking of children for adoption purposes;

Amendment

16. Stresses the need to cooperate closely, ***by exchanging information and best practice***, to prevent the cross-border trafficking of children for adoption purposes;

Or. ro

Amendment 193
Notis Marias

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Stresses the need to cooperate closely to prevent the cross-border trafficking of children for adoption purposes;

Amendment

16. Stresses the need to cooperate closely to prevent the cross-border **and illegal** trafficking of children for adoption purposes;

Or. el

Amendment 194
Marijana Petir

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Stresses the need to cooperate closely to prevent the cross-border trafficking of children for adoption purposes;

Amendment

16. Stresses the need to cooperate closely to prevent the cross-border **abduction, sale or** trafficking of children for adoption purposes;

Or. en

Amendment 195
Virginie Rozière

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Stresses the need to cooperate closely to prevent the cross-border trafficking of children for adoption purposes;

Amendment

(Does not affect the English version.)

Or. fr

Amendment 196
Enrico Gasbarra

Motion for a resolution
Paragraph 17

Motion for a resolution

17. States that there is a clear need for legislation to provide for the automatic cross-border recognition of domestic adoption orders;

Amendment

17. States that there is a clear need for legislation to provide for the automatic cross-border recognition of domestic adoption orders, ***and calls accordingly on the Commission to ask Member States to improve coordination in the sensitive area of adoption of children from third countries;***

Or. it

Amendment 197
Angel Dzhambazki, Kosma Zlotowski

Motion for a resolution
Paragraph 17

Motion for a resolution

17. States that there is a ***clear*** need for ***legislation to provide for the automatic cross-border recognition of domestic adoption orders;***

Amendment

17. States that there is a need for ***clear, effective and modernised legislation;***

Or. en

Amendment 198
Jean-Marie Cavada

Motion for a resolution
Paragraph 17

Motion for a resolution

17. States that there is a clear need for legislation to provide for the automatic

Amendment

17. States that there is a clear need for ***European*** legislation to provide for the

cross-border recognition of domestic adoption orders;

automatic cross-border recognition of domestic adoption orders;

Or. fr

Amendment 199

Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution

Paragraph 17

Motion for a resolution

17. States that there is a clear need for legislation to ***provide for*** the automatic cross-border recognition of domestic adoption orders;

Amendment

17. States that there is a clear need for legislation to ***facilitate*** the automatic cross-border recognition of domestic adoption orders;

Or. fr

Amendment 200

Victor Negrescu

Motion for a resolution

Paragraph 17 a (new)

Motion for a resolution

Amendment

17a. Stresses that the legislation on the legal transfer of parental rights and responsibilities from the child's birth parents or other guardian to the new parents during an intercountry adoption process still needs improvement;

Or. en

Amendment 201

Anna Záborská

Motion for a resolution

Paragraph 17 a (new)

Motion for a resolution

Amendment

17a. *Stresses that any Union legislative proposal on the matter can neither modify, nor have a direct or indirect impact on the substantive family law of the Member States;*

Or. en

Amendment 202
Beatrix von Storch

Motion for a resolution
Paragraph 18

Motion for a resolution

Amendment

18. Requests the Commission to submit, by 31 July 2017, on the basis of Articles 67 and 81 of the Treaty on the Functioning of the European Union, a proposal for an act on the cross-border recognition of adoption orders, following the recommendations set out in the Annex hereto;

18. Requests the Commission to submit, by 31 July 2017, on the basis of Articles 67 and 81 of the Treaty on the Functioning of the European Union, a proposal for an act on the cross-border recognition of adoption orders, following the recommendations set out in the Annex hereto; ***stresses that, under Art 81(3) of the Treaty on the Functioning of the European Union, if a national Parliament makes known its opposition within six months, the decision shall not be adopted; invites the national parliaments to use their right to veto any Union legislative act which undermines public morals, family law, as well as the protection of human dignity and respect for human physical and moral integrity;***

Or. en

Amendment 203
Daniel Buda

Motion for a resolution
Paragraph 18

Motion for a resolution

18. Requests the Commission to submit, by 31 July 2017, on the basis of Articles 67 and 81 of the Treaty on the Functioning of the European Union, a proposal for an act on the cross-border recognition of adoption orders, following the recommendations set out in the Annex hereto;

Amendment

18. Requests the Commission to submit, by 31 July 2017, on the basis of Articles 67 and 81 of the Treaty on the Functioning of the European Union, a proposal for an act on the cross-border recognition of adoption orders, following the recommendations set out in the Annex hereto, ***along with existing international regulations in this area;***

Or. ro

Amendment 204
Notis Marias

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Confirms that the recommendations annexed to this motion for a resolution respect fundamental rights and the principles of subsidiarity and proportionality;

Amendment

19. Confirms that the recommendations annexed to this motion for a resolution respect ***the*** fundamental rights ***of the child*** and the principles of subsidiarity and proportionality, ***as set out in Article 5 TEU and Protocols 1 and 2 TFEU;***

Or. el

Amendment 205
Angel Dzhambazki, Kosma Zlotowski

Motion for a resolution
Paragraph 19

Motion for a resolution

19. ***Confirms*** that the recommendations annexed to this motion for a resolution respect fundamental rights and the principles of subsidiarity and proportionality;

Amendment

19. ***Notes*** that the recommendations annexed to this motion for a resolution respect fundamental rights and the principles of subsidiarity and proportionality;

Amendment 206
Angel Dzhambazki, Kosma Złotowski

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Considers that the requested proposal does not have negative financial implications, as the automatic recognition of adoption orders will reduce costs;

Amendment

20. Considers that the requested proposal does not have negative financial implications, as the automatic recognition of adoption orders will reduce costs; ***notes however, that the requested proposal has implications in terms of subsidiarity and sovereignty;***

Or. en

Amendment 207
Daniel Buda

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Considers that the requested proposal does not have negative financial implications, as the automatic recognition of adoption orders will ***reduce*** costs;

Amendment

20. Considers that the requested proposal does not have negative financial implications, as the ***ultimate goal, the*** automatic recognition of adoption orders, will ***bring about a reduction in*** costs;

Or. ro

Amendment 208
Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Considers that the requested proposal does not have negative financial implications, as *the automatic* recognition of adoption orders will reduce costs;

Amendment

20. Considers that the requested proposal does not have negative financial implications, as *facilitating the* recognition of adoption orders will reduce costs;

Or. fr

Amendment 209

Anna Záborská

Motion for a resolution

Paragraph 20 a (new)

Motion for a resolution

Amendment

20a. Confirms that this regulation shall not apply to surrogacy arrangements;

Or. en

Amendment 210

Virginie Rozière

Motion for a resolution

Annex – Part A – paragraph 1

Motion for a resolution

Amendment

1. ***On the basis of the*** right to free movement ***which EU citizens benefit from under the Treaties***, an ***ever*** increasing, ***albeit small***, number of ***families*** decide each year to move to another Member State of the Union. This ***has*** a number of ***consequences for the civil justice policy of the Union***, as ***provision must be made for the recognition and*** legal resolution of the personal and family law situation of mobile individuals. ***For example***, a ***regulation has been adopted concerning the succession of such persons***, and ***regulations are in preparation for*** the recognition of certain

1. ***Exercising their*** right to free movement, an increasing number of ***EU citizens*** decide each year to move to another Member State of the Union. This ***creates*** a number of ***difficulties regarding the recognition and*** the legal resolution of the personal and family law situation of mobile individuals. ***The European Union has made a start on addressing these problem situations, for example by adopting a regulation concerning succession, and by putting in place enhanced cooperation regarding*** the recognition of certain aspects of

aspects of matrimonial property regimes and the property effects of registered partnerships.

matrimonial property regimes and the property effects of registered partnerships.

Or. fr

Amendment 211
Virginie Rozière

Motion for a resolution
Annex – Part A – paragraph 3

Motion for a resolution

3. It is therefore necessary, in order to protect the fundamental rights and freedoms of *such* Union citizens, to adopt a regulation providing for the automatic cross-border recognition of adoption orders. The proper legal basis for such a proposal is Article 67(4) *TFEU*, which concerns the mutual recognition of judgments and decisions, and Article 81(3) *TFEU*, which concerns measures in the field of family law. The regulation is to be adopted by the Council after consulting the European Parliament.

Amendment

3. It is therefore necessary, in order to protect the fundamental rights and freedoms of Union citizens, to adopt a regulation providing for the automatic cross-border recognition of adoption orders. The proper legal basis for such a proposal is Article 67(4) *of the Treaty on the Functioning of the European Union*, which concerns the mutual recognition of judgments and decisions, and Article 81(3) *TFEU*, which concerns measures in the field of family law. The regulation is to be adopted by the Council after consulting the European Parliament.

Or. fr

Amendment 212
Virginie Rozière

Motion for a resolution
Annex – Part A – paragraph 4

Motion for a resolution

4. The proposed regulation provides for the automatic recognition of adoption orders made in a Member State under any procedure other than under the framework of the 1993 Hague Convention. *As* European families may also have

Amendment

4. The proposed regulation provides for the automatic recognition of adoption orders made in a Member State under any procedure other than under the framework of the 1993 Hague Convention. European families may also have connections with or

connections with or have lived in a third country in the past, the regulation also provides that, once one Member State has recognised an adoption order made in a third country under its relevant national procedural rules, that adoption order shall be recognised in all other Member States.

have lived in a third country in the past, **and** the regulation **therefore** also provides that, once one Member State has recognised an adoption order made in a third country under its relevant national procedural rules, that adoption order shall be recognised in all other Member States.

Or. fr

Amendment 213 **Virginie Rozière**

Motion for a resolution **Annex – Part A – paragraph 5**

Motion for a resolution

5. **However, in order to avoid forum shopping or the application of inappropriate national laws, that** automatic recognition is subject, **firstly**, to the condition that recognition **must not be manifestly contrary to the public order** of the **recognising Member State** and, secondly, that the Member State which took the adoption decision had jurisdiction under Article 4. Only the Member State of the habitual residence of the parent or parents or of the child can have that jurisdiction. However, where the adoption decision was taken in a third country, jurisdiction for the initial recognition within the Union of that adoption can also lie with the Member State of nationality of the parents or child. This is in order to ensure access to justice for European families resident overseas.

Amendment

5. **That** automatic recognition is subject to the condition, **firstly**, that recognition be **in the best interests** of the **child** and, secondly, that the Member State which took the adoption decision had jurisdiction under Article 4. Only the Member State of the habitual residence of the parent or parents or of the child can have that jurisdiction. However, where the adoption decision was taken in a third country, jurisdiction for the initial recognition within the Union of that adoption can also lie with the Member State of nationality of the parents or child. This is in order to ensure access to justice for European families resident overseas.

Or. fr

Amendment 214 **Tanja Fajon, Ulrike Lunacek, Sirpa Pietikäinen, Daniele Viotti, Sophia in 't Veld**

Motion for a resolution
Annex – Part A – paragraph 5

Motion for a resolution

5. However, in order to avoid forum shopping or the application of inappropriate national laws, that automatic recognition is subject, firstly, to the condition that recognition must not be manifestly contrary to the public order of the recognising Member State and, secondly, that the Member State which took the adoption decision had jurisdiction under Article 4. Only the Member State of the habitual residence of the parent or parents or of the child can have that jurisdiction. However, where the adoption decision was taken in a third country, jurisdiction for the initial recognition within the Union of that adoption can also lie with the Member State of nationality of the parents or child. This is in order to ensure access to justice for European families resident overseas.

Amendment

5. However, in order to avoid forum shopping or the application of inappropriate national laws, that automatic recognition is subject, firstly, to the condition that recognition must not be manifestly contrary to the public order of the recognising Member State, ***while emphasising that such refusals may never lead to de facto discriminations prohibited by Article 21 of the Charter of Fundamental Rights of the European Union***, and, secondly, that the Member State which took the adoption decision had jurisdiction under Article 4. Only the Member State of the habitual residence of the parent or parents or of the child can have that jurisdiction. However, where the adoption decision was taken in a third country, jurisdiction for the initial recognition within the Union of that adoption can also lie with the Member State of nationality of the parents or child. This is in order to ensure access to justice for European families resident overseas.

Or. en

Amendment 215
Virginie Rozière

Motion for a resolution
Annexe –Part B – recital 3

Motion for a resolution

(3) In order to ***attain the objective of*** free movement for families which have adopted a child, it is necessary and appropriate that the rules governing jurisdiction and the recognition of adoption orders be governed by a legal instrument of the Union which is binding and directly

Amendment

(3) In order to ***ensure*** free movement for families which have adopted a child, it is necessary and appropriate that the rules governing jurisdiction and the recognition of adoption orders be governed by a legal instrument of the Union which is binding and directly applicable.

applicable.

Or. fr

Amendment 216
Beatrix von Storch

Motion for a resolution
Annex – Part B – recital 4

Motion for a resolution

(4) This Regulation should create a clear, comprehensive legal framework in the area of the cross-border recognition of adoption orders, provide families with appropriate outcomes in terms of legal certainty, predictability and flexibility, ***and prevent a situation from arising where an adoption order legally made in one Member State is not recognised in another.***

Amendment

(4) This Regulation should create a clear, comprehensive legal framework in the area of the cross-border recognition of adoption orders, provide families with appropriate outcomes in terms of legal certainty, predictability and flexibility.

Or. en

Amendment 217
Beatrix von Storch

Motion for a resolution
Annex – Part B – recital 5

Motion for a resolution

(5) This Regulation should cover the recognition of adoption orders made or recognised in a Member State. However, it should not cover the recognition of intercountry adoptions performed in accordance with the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption, as that convention already provides for the automatic recognition of such adoptions. This Regulation should therefore apply only to domestic adoptions,

Amendment

(5) This Regulation should cover the recognition of adoption orders made or recognised in a Member State. However, it should not cover the recognition of intercountry adoptions performed in accordance with the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption, as that convention already provides for the automatic recognition of such adoptions. This Regulation should therefore apply only to ***the recognition of***

and to international adoptions not performed under that convention.

domestic adoptions, and to international adoptions not performed under that convention.

Or. en

Amendment 218
Beatrix von Storch

Motion for a resolution
Annex – Part B – recital 6

Motion for a resolution

(6) There must be a connection between an adoption and the territory of the Member State which *made the adoption order, or* recognised it. Accordingly, recognition should be subject to compliance with common rules of jurisdiction.

Amendment

(6) There must be a connection between an adoption and the territory of the Member State which recognised *the adoption order*. Accordingly, recognition should be subject to compliance with common rules of jurisdiction.

Or. en

Amendment 219
Beatrix von Storch

Motion for a resolution
Annex – Part B – recital 8

Motion for a resolution

(8) *As adoption generally concerns minors, it is not appropriate to give parents or the child any flexibility in choosing the authorities which will decide on the adoption.*

Amendment

deleted

Or. en

Amendment 220
Virginie Rozière

Motion for a resolution
Annex – Part B – recital 10 a (new)

Motion for a resolution

Amendment

(10a) This regulation prohibits discrimination based on gender, race or ethnic origin, disability, sexual orientation, religion or beliefs.

Or. fr

Amendment 221
Tanja Fajon, Ulrike Lunacek, Sirpa Pietikäinen, Evelyn Regner, Virginie Rozière, Daniele Viotti, Sophia in 't Veld

Motion for a resolution
Annex – Part B – recital 10 a (new)

Motion for a resolution

Amendment

(10a) This Regulation is to be implemented without discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. If Member States invoke the public policy exception in order to refuse the recognition of an adoption, such a decision should be preceded by an assessment of the compatibility with the Union legal order, an inquiry into the genuineness of the concern, a check whether in advancing the ground for refusal of recognition of an adoption order the Member States concerned are not violating other values protected by the Union legal order, in particular through the Charter of Fundamental Rights of the Union and finally a proportionality test.

Or. en

Amendment 222
Tanja Fajon, Ulrike Lunacek, Sirpa Pietikäinen, Evelyn Regner, Virginie Rozière, Daniele Viotti, Sophia in 't Veld

Motion for a resolution
Annex – Part B – recital 11

Motion for a resolution

(11) This Regulation should not affect the substantive family law, including the law on adoption, of the Member States. Furthermore, any recognition of an adoption order under this Regulation should not imply the recognition of any legal relationship between adopting parents.

Amendment

(11) This Regulation should not affect the substantive family law, including the law on adoption, of the Member States. Furthermore, any recognition of an adoption order under this Regulation should not imply the recognition of any legal relationship between adopting parents, ***as long as the separate legal relationships between the adopted child and its adopting parents are recognised.***

Or. en

Amendment 223
Beatrix von Storch

Motion for a resolution
Annex – Part B – recital 11

Motion for a resolution

(11) This Regulation should not affect the substantive family law, including the law on adoption, of the Member States. Furthermore, any recognition of an adoption order under this Regulation should not imply the recognition of any legal relationship between adopting parents.

Amendment

(11) ***The automatic recognition in the Member State of enforcement of an adoption order made in another Member State should not jeopardise the public policy or public morality of the Member State of enforcement. Therefore,*** this Regulation should not affect the substantive family law, including the law on adoption, of the Member States. Furthermore, any recognition of an adoption order under this Regulation should not imply the recognition of ***the existence of, or give effect to,*** any legal relationship between adopting parents ***that is foreign to the Member State of enforcement.***

Or. en

Amendment 224
Virginie Rozière

Motion for a resolution
Annex – Part B – recital 11

Motion for a resolution

(11) This Regulation should not affect the substantive family law, including the law on adoption, of the Member States. Furthermore, any recognition of an adoption order under this Regulation should not imply the recognition of any legal relationship between adopting parents.

Amendment

(11) This Regulation should not affect the substantive family law, including the law on adoption, of the Member States. Furthermore, any recognition of an adoption order under this Regulation should not **automatically** imply the recognition of any legal relationship between adopting parents.

Or. fr

Amendment 225
Virginie Rozière

Motion for a resolution
Annex – Part B – recital 13

Motion for a resolution

(13) Where an adoption order implies a legal relationship which is not known in the law of the Member State addressed, that legal relationship, including any ensuing right or obligation, should, to the extent possible, be adapted to one which, under the law of that Member State, has equivalent effects attached to it and pursues similar aims. How, and by whom, the adaptation is to be carried out should be determined by each Member State.

Amendment

deleted

Or. fr

Amendment 226
Emil Radev

Motion for a resolution
Annex – Part B – Article 1 – paragraph 1

Motion for a resolution

1. This Regulation shall apply to the recognition of adoption orders.

Amendment

1. This Regulation shall apply to the recognition **by a Member State** of adoption orders **issued by another Member State**.

Or. bg

Amendment 227
Tanja Fajon, Ulrike Lunacek, Sirpa Pietikäinen, Evelyn Regner, Virginie Rozière, Daniele Viotti, Sophia in 't Veld

Motion for a resolution
Annex – Part B – Article 1 – paragraph 3 – point a

Motion for a resolution

(a) recognise the existence of any legal relationship between parents of an adopted child;

Amendment

(a) recognise the existence of any legal relationship between parents of an adopted child, **as long as the separate legal relationships between the adopted child and all its adopting parents are recognised**;

Or. en

Amendment 228
Beatrix von Storch

Motion for a resolution
Annex – Part B – Article 1 – paragraph 3

Motion for a resolution

3. Nothing in this regulation requires a Member State to:

(a) recognise the existence **of** any legal relationship between parents of an adopted child;

(b) **make** adoption orders in

Amendment

3. Nothing in this regulation requires a Member State to:

(a) recognise the existence **of, or give effect to**, any legal relationship between parents of an adopted child **that is foreign to the Member State of enforcement**;

(b) **recognise** adoption orders in

circumstances in which the relevant national law does not so allow.

circumstances in which the relevant national law does not so allow.

Or. en

Amendment 229
Beatrix von Storch

Motion for a resolution
Annex – Part B – Article 4

Motion for a resolution

Amendment

Article 4

deleted

Jurisdiction for adoption orders

1. The authorities of a Member State may only make an adoption order if the adopting parent or parents or the adopted child are habitually resident in that Member State.

2. Where an adoption order has been made in respect of a child by the authorities of a third country, the authorities of a Member State may also make such an order, or decide on the recognition of the third country order in accordance with the procedures established by national law, if the adopting parent or parents or the adopted child are not habitually resident in that Member State, but are citizens of the same.

Or. en

Justification

The definition of jurisdiction falls under the exclusive competence of EU Member States. Defining when a court or a tribunal of a Member State has jurisdiction to rule on an adoption order represents a violation of Member States' sovereignty.

Amendment 230
Pascal Durand

Motion for a resolution
Annex – Part B – article 4 – paragraph 1

Motion for a resolution

1. The authorities of a Member State may only make an adoption order if the adopting parent or parents or the adopted child are **habitually** resident in that Member State.

Amendment

1. The authorities of a Member State may only make an adoption order if the adopting parent or parents or the adopted child are resident in that Member State.

Or. fr

Amendment 231
Beatrix von Storch

Motion for a resolution
Annex – Part B – Article 6 – introductory part

Motion for a resolution

On the application of any interested party, the recognition of an adoption order made in a Member State ***may only*** be refused:

Amendment

The recognition of an adoption order made in a Member State ***shall*** be refused ***by a court or tribunal or a Member State of enforcement on its own motion:***

Or. en

Amendment 232
Pascal Durand

Motion for a resolution
Annex – Part B – article 6 – point a

Motion for a resolution

(a) ***if such recognition is manifestly contrary to public policy (ordre public) in the Member State addressed;***

Amendment

deleted

Or. fr

Amendment 233
Beatrix von Storch

Motion for a resolution
Annex – Part B – Article 6 – point a

Motion for a resolution

(a) if such recognition is manifestly contrary to public policy (*ordre public*) in the Member State *addressed*;

Amendment

(a) if such recognition is manifestly contrary to public policy (*ordre public*) *or to accepted principles of morality* in the Member State *of enforcement*;

Or. en

Amendment 234
Virginie Rozière

Motion for a resolution
Annex – Part B – article 6 – point a

Motion for a resolution

(a) if such recognition is manifestly contrary to *public policy (ordre public)* in the *Member State addressed*;

Amendment

(a) if such recognition is manifestly contrary to *the best interests of the child*;

Or. fr

Amendment 235
Beatrix von Storch

Motion for a resolution
Annex – Part B – Article 6 – point b

Motion for a resolution

(b) if the *originating* Member State did not have jurisdiction under Article 4.

Amendment

(b) if the Member State *of origin* did not have jurisdiction under Article 4.

Or. en

Amendment 236
Pascal Durand

Motion for a resolution
Annex – Part B – article 7

Motion for a resolution

Amendment

Article 7

deleted

Application for refusal of recognition

1. On the application by any interested party, the recognition of an adoption order shall be refused where one of the grounds referred to in Article 6 is found to exist.

2. The application for refusal of recognition shall be submitted to the court which the Member State concerned has communicated to the Commission pursuant to point (a) of Article 13 as the court to which the application is to be submitted.

3. The procedure for refusal of recognition shall, in so far as it is not covered by this Regulation, be governed by the law of the Member State addressed.

4. The applicant shall provide the court with a copy of the order and, where necessary, a translation or transliteration of it.

5. The court may dispense with the production of the documents referred to in paragraph 4 if it already possesses them or if it considers it unreasonable to require the applicant to provide them. In the latter case, the court may require the other party to provide those documents.

6. The party seeking the refusal of recognition of an adoption order taken in another Member State shall not be required to have a postal address in the Member State addressed. Nor shall that party be required to have an authorised representative in the Member State addressed unless such a representative is mandatory irrespective of the nationality

or the domicile of the parties.

7. The court shall decide on the application for refusal of recognition without delay.

Or. fr

Amendment 237
Virginie Rozière

Motion for a resolution
Annex – Part B – Article 7 – paragraph 1

Motion for a resolution

1. *On the* application by any *interested party*, the recognition of an adoption order shall be refused where one of the grounds referred to in Article 6 is found to exist.

Amendment

1. *On* application by any *party who has the right to bring a legal action in accordance with national law*, the recognition of an adoption order shall be refused where one of the grounds referred to in Article 6 is found to exist.

Or. fr

Amendment 238
Beatrix von Storch

Motion for a resolution
Annex – Part B – Article 7 – paragraph 4

Motion for a resolution

4. The applicant shall provide the court with a copy of the order and, *where necessary, a* translation or transliteration of it.

Amendment

4. The applicant shall provide the court with a *certified* copy of the order and *an official* translation *and/or* transliteration of it.

Or. en

Amendment 239
Virginie Rozière

Motion for a resolution
Annex – Part B – Article 7 – paragraph 5

Motion for a resolution

Amendment

5. The court may dispense with the production of the documents referred to in paragraph 4 if it already possesses them or if it considers it unreasonable to require the applicant to provide them. In the latter case, the court may require the other party to provide those documents.

(Does not affect the English version.)

Or. fr

Amendment 240
Pascal Durand

Motion for a resolution
Annex – Part B – Article 8

Motion for a resolution

Amendment

Article 8

deleted

Appeals against the decision on the application for refusal of recognition

1. *The decision on the application for refusal of recognition may be appealed against by either party.*
2. *The appeal is to be lodged with the court which the Member State concerned has communicated to the Commission pursuant to point (b) of Article 13 as the court with which such an appeal is to be lodged.*
3. *The decision given on the appeal may only be contested by an appeal where the courts with which any further appeal is to be lodged have been communicated by the Member State concerned to the Commission pursuant to point (c) of Article 13.*

Or. fr

Amendment 241
Beatrix von Storch

Motion for a resolution
Annex – Part B – Article 9

Motion for a resolution

The court to which an application for refusal of recognition is submitted or the court which hears an appeal lodged under Article 8(2) or (3) may stay the proceedings if an ordinary appeal has been lodged against the adoption order in the Member State of origin or if the time for such an appeal has not yet expired. ***In the latter case, the court may specify the time within which such an appeal is to be lodged.***

Amendment

The court to which an application for refusal of recognition is submitted or the court which hears an appeal lodged under Article 8(2) or (3) may stay the proceedings if an ordinary appeal has been lodged against the adoption order in the Member State of origin or if the time for such an appeal has not yet expired.

Or. en

Amendment 242
Pascal Durand

Motion for a resolution
Annex– Part B – Article 9

Motion for a resolution

The court to which an application for refusal of recognition is submitted or the court which hears an appeal lodged ***under Article 8(2) or (3) may*** stay the proceedings if an ordinary appeal has been lodged against the adoption order in the Member State of origin or if ***the time for such an appeal has not yet expired. In the latter case, the court may specify the time within which such an appeal is to be lodged.***

Amendment

The court to which an application for refusal of recognition is submitted or the court which hears an appeal lodged ***against a judgment on an application for refusal of recognition shall*** stay the proceedings if an ordinary appeal has been lodged against the adoption order in the Member State of origin or if ***all legal remedies have not been exhausted.***

Or. fr

Amendment 243
Virginie Rozière

Motion for a resolution
Annex– Part B – Article 11

Motion for a resolution

The authorities of the Member State which has made the adoption order shall, at the request of any interested party, issue a European Certificate of Adoption conforming to the model established in accordance with Article 15.

Amendment

(Does not affect the English version.)

Or. fr

Amendment 244
Emil Radev

Motion for a resolution
Annex – Part B – Article 11

Motion for a resolution

The authorities of the Member State which has made the adoption order shall, at the request of any interested party, issue a European Certificate of Adoption conforming to the model established in accordance with Article 15.

Amendment

The authorities of the Member State which has made the adoption order shall, at the request of any interested party, issue a **multilingual** European Certificate of Adoption conforming to the model established in accordance with Article 15.

Or. bg

Amendment 245
Beatrix von Storch

Motion for a resolution
Annex – Part B – Article 11

Motion for a resolution

The authorities of the Member State which has made the adoption order shall, at the request of any interested party, issue a

Amendment

The authorities of the Member State which has made the adoption order shall, at the request of any interested party, issue a

European Certificate of Adoption
conforming to the model established in
accordance with Article 15.

European Certificate of Adoption
conforming to the model established in
accordance with Article 15 ***within 4 weeks
of the date of receipt of the request.***

Or. en

Amendment 246
Beatrix von Storch

Motion for a resolution
Annex – Part B – Article 12 – paragraph 1

Motion for a resolution

1. If a decision or judgment contains a measure or an order which is not known in the law of the Member State addressed, that measure or order shall, to the extent possible, be adapted to a measure or an order known in the law of that Member State which has equivalent effects attached to it and which pursues similar aims and interests. ***Such adaptation shall not result in effects going beyond those provided for in the law of the Member State of origin.***

Amendment

1. If a decision or judgment contains a measure or an order which is not known in the law of the Member State addressed, that measure or order shall, to the extent possible, be adapted to a measure or an order known in the law of that Member State which has equivalent effects attached to it and which pursues similar aims and interests.

Or. en

Amendment 247
Pascal Durand

Motion for a resolution
Annex – Part B – Article 12 – paragraph 1

Motion for a resolution

1. If a decision or judgment contains a measure or an order which is not known in the law of the Member State addressed, that measure or order shall, to the extent possible, be adapted to a measure or an order known in the law of that Member State which has equivalent effects attached to it and which pursues similar aims and

Amendment

1. If a decision or judgment contains a measure or an order which is not known in the law of the Member State addressed, that measure or order shall, to the extent possible, be adapted to a measure or an order known in the law of that Member State which has equivalent effects attached to it and which pursues similar aims and

interests. Such adaptation shall not result in effects *going beyond* those provided for in the law of the Member State of origin.

interests. Such adaptation shall not result in effects *different from* those provided for in the law of the Member State of origin *on filiation and adoption*.

Or. fr

Amendment 248
Beatrix von Storch

Motion for a resolution
Annex – Part B – Article 12 – paragraph 2

Motion for a resolution

2. *Any party* may challenge the adaptation of the measure or order before a court.

Amendment

2. *The interested parties* may challenge the adaptation of the measure or order before a court.

Or. en

Amendment 249
Emil Radev

Motion for a resolution
Annex – Part B – Article 15

Motion for a resolution

The Commission is empowered to adopt delegated acts in accordance with Article 16 concerning the establishment and amendment of the model for the European Certificate of Adoption referred to in Article 11.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 16 concerning the establishment and amendment of the model for the *multilingual* European Certificate of Adoption referred to in Article 11.

Or. bg