



2015/2085(INL)

31.1.2017

AMENDMENTS

1 - 103

Draft report

Joëlle Bergeron

(PE593.997v01-00)

with recommendations to the Commission on the protection of vulnerable adults

(2015/2085(INL))

Amendment 1
Pascal Durand

Motion for a resolution
Citation 2 a (new)

Motion for a resolution

Amendment

– *having regard to the Charter of Fundamental Rights of the European Union, and more particularly Article 3 thereof which guarantees everyone the right to physical and mental integrity, and Article 21 thereof on non-discrimination;*

Or. fr

Amendment 2
Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution
Recital A

Motion for a resolution

Amendment

A. whereas consideration should be given to the difficulties which the Union and its institutions are currently experiencing; whereas it is essential for the Union to move closer to its citizens and to address matters of direct concern to them;

deleted

Or. fr

Amendment 3
Enrico Gasbarra

Motion for a resolution
Recital A

Motion for a resolution

Amendment

A. whereas consideration should be

A. whereas consideration should be

given to the difficulties which the Union and its institutions are currently experiencing; whereas it is essential for the Union to move closer to its citizens and to address matters of direct concern to them;

given to the difficulties which the Union and its institutions are currently experiencing; whereas it is essential for the Union to move closer to its citizens and to address matters of direct concern to them, ***especially by expanding the action it takes in respect of new forms of marginalisation and exclusion;***

Or. it

Amendment 4 **Therese Comodini Cachia**

Motion for a resolution **Recital A**

Motion for a resolution

A. whereas ***consideration should be given to the difficulties which the Union and its institutions are currently experiencing;*** whereas it is ***essential*** for the Union ***to move closer to its citizens and*** to address matters of direct concern to them;

Amendment

A. whereas ***European citizens exercising their freedom of movement may require some specific protection of their legal rights when by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests;*** whereas it is ***important*** for the Union to address matters of direct concern to them;

Or. en

Amendment 5 **Daniel Buda**

Motion for a resolution **Recital A**

Motion for a resolution

A. ***whereas consideration should be given to the difficulties which the Union and its institutions are currently experiencing;*** whereas it is essential for the Union to move closer to its citizens and to address matters of direct concern to

Amendment

A. whereas it is essential for the Union to move closer to its citizens and to address matters of direct concern to them, ***guaranteeing respect for fundamental rights, without discrimination, in an area of equality, freedom and justice;***

them;

Or. ro

Amendment 6
Daniel Buda

Motion for a resolution
Recital A a (new)

Motion for a resolution

Amendment

Aa. whereas demographic change and increased life expectancy have led to an increase in the number of elderly people in Europe who can no longer protect their interests on their own by reason of an impairment or inadequacy of their personal faculties; whereas there are also other circumstances, such as mental and physical disabilities, in which any adult's capacity to protect his or her interests can be affected;

Or. ro

Amendment 7
Enrico Gasbarra

Motion for a resolution
Recital B

Motion for a resolution

Amendment

B. whereas the protection of vulnerable adults is a cross-border issue and therefore concerns all Member States; whereas this issue is symbolic of the role which the Union and its Parliament must play in responding to the problems and difficulties which European citizens encounter in the exercise of their rights;

B. whereas the protection of vulnerable adults is a cross-border issue and therefore concerns all Member States; whereas this issue is symbolic of the role which the Union and its Parliament must play in responding to the problems and difficulties which European citizens encounter in the exercise of their rights, ***in particular by providing an experimental solution conducive to the use of new information technologies to ensure a***

more inclusive form of citizenship;

Or. it

Amendment 8

Daniel Buda

Motion for a resolution

Recital B

Motion for a resolution

B. whereas the protection of vulnerable adults is a cross-border issue and therefore concerns all Member States; whereas this issue is symbolic of the role which the Union and its Parliament must play in responding to the problems and difficulties which European citizens encounter in the exercise of their rights;

Amendment

B. whereas the protection of vulnerable adults is a cross-border issue and therefore concerns all Member States; whereas this issue is symbolic of the role which the Union and its Parliament must play in responding to the problems and difficulties which European citizens encounter in the exercise of their rights, *particularly in cross-border situations;*

Or. ro

Amendment 9

Therese Comodini Cachia

Motion for a resolution

Recital B

Motion for a resolution

B. whereas the protection of vulnerable adults is a cross-border issue and therefore *concerns* all Member States; whereas this issue is symbolic of the role which the Union and its Parliament must play in responding to the *problems and difficulties* which European citizens encounter in the exercise of their *rights*;

Amendment

B. whereas the protection of vulnerable adults *exercising their freedom of movement* is a cross-border issue and therefore *affects* all Member States; whereas this issue is symbolic of the role which the Union and its Parliament must play in responding to the *challenges* which European citizens encounter in the exercise of their *freedom of movement*;

Or. en

Amendment 10
Kostas Chrysogonos

Motion for a resolution
Recital B

Motion for a resolution

B. whereas the protection of vulnerable adults is a cross-border issue and therefore concerns all Member States; whereas this issue *is symbolic* of the role which the Union and its Parliament must play in responding to the problems and difficulties which European citizens encounter in the exercise of their rights;

Amendment

B. whereas the protection of vulnerable adults is a cross-border issue and therefore concerns all Member States; whereas this issue *demonstrates the importance* of the role which the Union and its Parliament must play in responding to the problems and difficulties which European citizens encounter in the exercise of their rights;

Or. en

Amendment 11
Therese Comodini Cachia

Motion for a resolution
Recital C

Motion for a resolution

C. whereas the legal protection of vulnerable adults is a human rights issue; *whereas every vulnerable adult, like any European citizen, must be considered to be a holder of rights and capable of making free and informed decisions within the limits of his or her capacity, not simply a passive recipient of care and attention;*

Amendment

C. whereas the legal protection of vulnerable adults is a human rights issue;

Or. en

Amendment 12
Daniel Buda

Motion for a resolution
Recital C

Motion for a resolution

C. whereas the legal protection of vulnerable adults is **a** human rights *issue*; whereas every vulnerable adult, like any European citizen, must be considered to be a holder of rights and capable of making free and informed decisions within the limits of his or her capacity, not simply a passive recipient of care and attention;

Amendment

C. whereas the legal protection of vulnerable adults is ***closely linked to respect for*** human rights; whereas every vulnerable adult, like any European citizen, must be considered to be a holder of rights and capable of making free and informed decisions within the limits of his or her capacity, not simply a passive recipient of care and attention;

Or. ro

Amendment 13
Kostas Chrysogonos

Motion for a resolution
Recital C

Motion for a resolution

C. whereas the legal protection of vulnerable adults is a human rights issue; whereas every vulnerable adult, like any European citizen, must be considered to be a holder of rights and capable of making free and informed decisions within the limits of his or her capacity, not simply a passive recipient of care and attention;

Amendment

C. whereas the legal protection of vulnerable adults is a human rights issue; whereas every vulnerable adult, like any European citizen, must be considered to be a holder of rights and capable of making free, ***independent*** and informed decisions within the limits of his or her capacity, not simply a passive recipient of care and attention;

Or. en

Amendment 14
Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution
Recital D

Motion for a resolution

D. whereas the protection of vulnerable adults must not constitute an

Amendment

deleted

obstacle to the right of free movement of persons,

Or. fr

Amendment 15
Enrico Gasbarra

Motion for a resolution
Recital D

Motion for a resolution

D. whereas the protection of vulnerable adults must not constitute an obstacle to the right of free movement of persons,

Amendment

D. whereas the protection of vulnerable adults must not constitute an obstacle to the right of free movement of persons, ***but could in fact be a vehicle for better inclusion of categories of adults still excluded from the benefits of Community mobility, European citizenship and the internal market;***

Or. it

Amendment 16
Daniel Buda

Motion for a resolution
Recital D

Motion for a resolution

D. whereas the protection of vulnerable adults must not constitute ***an obstacle*** to the right of free movement of persons,

Amendment

D. whereas ***people's vulnerability and the differing levels of regulation governing*** the protection of vulnerable adults ***in the Member States*** must not constitute ***obstacles*** to the right of free movement of persons;

Or. ro

Amendment 17
Therese Comodini Cachia

Motion for a resolution
Recital D

Motion for a resolution

D. whereas the protection of vulnerable adults must not constitute an obstacle to the right of free movement of persons,

Amendment

D. whereas the protection of vulnerable adults must not ***unjustifiably*** constitute an obstacle to the right of free movement of persons, ***where such protection is not an issue of public policy;***

Or. en

Amendment 18
Daniel Buda

Motion for a resolution
Recital E

Motion for a resolution

E. whereas demographic change and increased life expectancy have led to an increase in the number of elderly people in Europe who can no longer protect their interests by reason of an impairment or inadequacy of their personal faculties; whereas other circumstances exist, such as mental and physical disabilities, in which an adult's capacity to protect his or her interests can be affected;

Amendment

deleted

Or. ro

Amendment 19
Therese Comodini Cachia

Motion for a resolution
Recital E

Motion for a resolution

E. whereas demographic change and increased life expectancy have led to an

Amendment

E. whereas demographic change and increased life expectancy have led to an

increase in the number of elderly people in Europe who ***can no longer protect their interests*** by reason of an impairment or ***inadequacy*** of their personal faculties; ***whereas other circumstances exist, such as mental and physical disabilities, in which an adult's capacity to protect his or her interests can be affected;***

increase in the number of elderly people in Europe who by reason of an impairment or ***insufficiency*** of their personal faculties ***are not in a position*** to protect ***their*** interests;

Or. en

Amendment 20
Kostas Chrysogonos

Motion for a resolution
Recital E a (new)

Motion for a resolution

Amendment

Ea. whereas a rapidly increasing life expectancy will have among other consequences an increasing number of vulnerable adults suffering from age-related illnesses;

Or. en

Amendment 21
Angel Dzhambazki

Motion for a resolution
Recital G

Motion for a resolution

Amendment

G. whereas differences exist between the Member States' legal provisions concerning jurisdiction, applicable law and the recognition and enforcement of protection measures for adults; whereas the diversity of applicable laws and the multiplicity of competent jurisdictions ***may affect the right of*** vulnerable adults to move freely and to reside in the Member State of their choice;

G. whereas differences exist between the Member States' legal provisions concerning jurisdiction, applicable law and the recognition and enforcement of protection measures for adults, ***as a result of different requirements and situational offset;*** whereas the diversity of applicable laws and the multiplicity of competent jurisdictions ***might impose administrative burdens for*** vulnerable adults to move

freely and to reside in the Member State of their choice, ***better cooperation between the Member States should be encouraged, so as to eliminate excessive red tape disadvantaging vulnerable people;***

Or. en

Amendment 22

Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution

Recital G

Motion for a resolution

G. whereas differences exist between the Member States' legal provisions concerning jurisdiction, applicable law and the recognition and enforcement of protection measures for adults; ***whereas the diversity of applicable laws and the multiplicity of competent jurisdictions may affect the right of vulnerable adults to move freely and to reside in the Member State of their choice;***

Amendment

G. whereas differences exist between the Member States' legal provisions concerning jurisdiction, applicable law and the recognition and enforcement of protection measures for adults;

Or. fr

Amendment 23

Daniel Buda

Motion for a resolution

Recital G

Motion for a resolution

G. whereas differences exist between the Member States' legal provisions concerning jurisdiction, applicable law and the recognition and enforcement of protection measures for adults; whereas the diversity of applicable laws and the multiplicity of competent jurisdictions may affect the right of vulnerable adults to

Amendment

G. whereas differences exist between the Member States' legal provisions concerning jurisdiction, applicable law and the recognition and enforcement of protection measures for adults; whereas the diversity of applicable laws and the multiplicity of competent jurisdictions may affect the right of vulnerable adults to

move freely and to reside in the Member State of their choice;

move freely and to reside in the Member State of their choice, *as well as adequate protection for their property where such property is located in more than one country*;

Or. ro

Amendment 24
Kostas Chrysogonos

Motion for a resolution
Recital G

Motion for a resolution

G. whereas differences exist between the Member States' legal provisions concerning jurisdiction, applicable law *and* the recognition and enforcement of protection measures for adults; whereas the diversity of applicable laws and the multiplicity of competent jurisdictions may affect the right of vulnerable adults to move freely and to reside in the Member State of their choice;

Amendment

G. whereas differences exist between the Member States' legal provisions concerning *among others* jurisdiction, applicable law *as well as* the recognition and enforcement of protection measures for adults; whereas the diversity of applicable laws and the multiplicity of competent jurisdictions may affect the right of vulnerable adults to move freely and to reside in the Member State of their choice;

Or. en

Amendment 25
Therese Comodini Cachia

Motion for a resolution
Recital G

Motion for a resolution

G. whereas differences exist between the Member States' legal provisions concerning jurisdiction, applicable law and the recognition and enforcement of protection measures for adults; whereas the diversity of applicable laws and the multiplicity of competent jurisdictions may affect the right of vulnerable adults to

Amendment

G. whereas differences exist between the Member States' legal provisions concerning jurisdiction, applicable law and the recognition and enforcement of protection measures for adults; whereas the diversity of applicable laws and the multiplicity of competent jurisdictions may *unjustifiably* affect the right of vulnerable

move freely and to reside in the Member State of their choice;

adults to move freely and to reside in the Member State of their choice;

Or. en

Amendment 26
Therese Comodini Cachia

Motion for a resolution
Recital J

Motion for a resolution

J. whereas the Hague Convention constitutes a particularly appropriate set of international legal rules to address cross-border problems concerning vulnerable adults; whereas, despite the time which has elapsed since the adoption of this Convention, few Member States have yet ratified it; whereas this delay in ratifying the Convention *is compromising* the protection of vulnerable adults in cross-border situations in the EU; whereas it is therefore essential, in the interests of efficiency, *to act at EU level* in order to guarantee the protection of vulnerable adults in cross-border situations;

Amendment

J. whereas the Hague Convention constitutes a particularly appropriate set of international legal rules to address cross-border problems concerning vulnerable adults; whereas, despite the time which has elapsed since the adoption of this Convention, few Member States have yet ratified it; whereas this delay in ratifying the Convention *continues to pose challenges for* the protection of vulnerable adults in cross-border situations in the EU; whereas it is therefore essential, in the interests of efficiency *for the Union to consider to act* in order to guarantee the protection of vulnerable adults in cross-border situations;

Or. en

Amendment 27
Kostas Chrysogonos

Motion for a resolution
Recital K

Motion for a resolution

K. whereas a vulnerable adult is a person who has reached the age of 18 years and who, by reason of an impairment or insufficiency of his or her personal faculties, is not in a position to protect his

Amendment

K. whereas a vulnerable adult is a person who has reached the age of 18 years and who, by reason of an impairment or insufficiency of his or her personal faculties, is not in a position to *adequately*

or her interests;

protect his or her interests; *this includes also a person who is impaired in the ability to adequately provide for his or her own care or protection because of the infirmities of aging including, but not limited to, organic brain damage, advanced age, and physical, mental, or emotional dysfunction;*

Or. en

Amendment 28
Daniel Buda

Motion for a resolution
Recital K

Motion for a resolution

K. whereas a vulnerable adult is a person who has reached the age of 18 years and who, by reason of an impairment or insufficiency of his or her personal faculties, is not in a position to protect his or her interests;

Amendment

K. whereas a vulnerable adult is a person who has reached the age of 18 years and who, by reason of an impairment or insufficiency of his or her personal faculties, is not in a position to protect his or her interests (*personal affairs and/or personal property, whether temporarily or permanently*);

Or. ro

Amendment 29
Kostas Chrysogonos

Motion for a resolution
Recital L

Motion for a resolution

L. whereas ‘protection measures’ should be taken to mean the measures envisaged in Article 3 of the Hague Convention;

Amendment

L. whereas ‘protection measures’ should be taken to mean *in particular* the measures envisaged in Article 3 of the Hague Convention;

Or. en

Amendment 30
Daniel Buda

Motion for a resolution
Recital M

Motion for a resolution

M. whereas ‘incapacity mandate’ should ***be taken to mean*** the powers of representation granted by an adult with legal capacity by means of an agreement or unilateral act intended to enter into force when that person is no longer in a position to protect his or her interests;

Amendment

M. whereas ‘incapacity mandate’ should ***indicate*** the powers of representation (***the person’s status and the corresponding powers***) granted ***to a person*** by an adult with legal capacity by means of an agreement or unilateral act intended to enter into force when that person is no longer in a position to protect his or her interests;

Or. ro

Amendment 31
Daniel Buda

Motion for a resolution
Recital O

Motion for a resolution

O. whereas when defining its policies the Union must ***comply with*** the ***principle*** of subsidiarity;

Amendment

O. whereas when defining its policies the ***European*** Union must ***ensure that*** the ***principles*** of subsidiarity ***and proportionality are complied with***;

Or. ro

Amendment 32
Daniel Buda

Motion for a resolution
Recital P

Motion for a resolution

P. whereas Union action in the area of

Amendment

P. whereas Union action in the area of

protection of vulnerable adults should seek principally to facilitate the circulation, recognition and enforcement by Member States' authorities of protection measures for a vulnerable adult taken by the authorities of another Member State, and to enhance communication and cooperation between Member States in this regard;

protection of vulnerable adults should seek principally to facilitate the circulation, recognition and enforcement by Member States' authorities of protection measures for a vulnerable adult taken by the authorities of another Member State, ***including the dissemination and recognition of mandates***, and to enhance communication and cooperation between Member States in this regard;

Or. ro

Amendment 33
Kostas Chrysogonos

Motion for a resolution
Recital P

Motion for a resolution

P. whereas Union action in the area of protection of vulnerable adults should seek principally to ***facilitate*** the circulation, recognition and enforcement by Member States' authorities of protection measures for a vulnerable adult taken by the authorities of another Member State, and to enhance communication and cooperation between Member States in this regard;

Amendment

P. whereas Union action in the area of protection of vulnerable adults should seek principally to ***ensure*** the circulation, recognition and enforcement by Member States' authorities of protection measures for a vulnerable adult taken by the authorities of another Member State, and to enhance communication and cooperation between Member States in this regard;

Or. en

Amendment 34
Angel Dzhambazki

Motion for a resolution
Recital Q

Motion for a resolution

Q. whereas clear and precise information on national legislation concerning incapacity and protection of vulnerable adults should be made more

Amendment

Q. whereas clear and precise information on national legislation concerning incapacity and protection of vulnerable adults should be made ***clearer***

accessible to citizens so that they *can obtain that information and* make informed decisions;

and more accessible to citizens so that they *can* make informed decisions *by themselves*;

Or. en

Amendment 35

Daniel Buda

Motion for a resolution

Recital R

Motion for a resolution

R. whereas timely access by the various *administrations* and authorities concerned to information relating to the legal situation of adults subject to a protection measure or an incapacity mandate could improve and strengthen the protection of such persons;

Amendment

R. whereas timely access by the various *administrative* and *legal* authorities concerned to information relating to the legal situation of adults subject to a protection measure or an incapacity mandate could improve and strengthen the protection of such persons;

Or. ro

Amendment 36

Daniel Buda

Motion for a resolution

Recital S

Motion for a resolution

S. whereas the establishment in each Member State of files or registers listing administrative and judicial decisions prescribing protection measures for a vulnerable adult, as well as incapacity mandates, where such mandates are provided for in the national legislation, could be used to facilitate timely access by all *administrations* and authorities concerned to information on the legal situation of vulnerable adults and to ensure greater legal certainty; whereas the confidentiality of such registers should be

Amendment

S. whereas the establishment in each Member State of files or registers listing administrative and judicial decisions prescribing protection measures for a vulnerable adult, as well as incapacity mandates, where such mandates are provided for in the national legislation, could be used to facilitate timely access by all *administrative and legal* and authorities concerned to information on the legal situation of vulnerable adults and to ensure greater legal certainty; whereas the confidentiality of such registers should be

duly guaranteed;

duly guaranteed, *taking account of rules concerning the protection of privacy and personal data*;

Or. ro

Amendment 37
Therese Comodini Cachia

Motion for a resolution
Recital S

Motion for a resolution

S. whereas the establishment in each Member State of files or registers listing administrative and judicial decisions prescribing protection measures for a vulnerable adult, as well as incapacity mandates, where such mandates are provided for in the national legislation, could be used to facilitate timely access by all administrations and authorities concerned to information on the legal situation of vulnerable adults and to ensure greater legal certainty; whereas the confidentiality of such registers should be duly guaranteed;

Amendment

S. whereas the establishment in each Member State of files or registers listing administrative and judicial decisions prescribing protection measures for a vulnerable adult, as well as incapacity mandates, where such *measures and* mandates are provided for in the national legislation, could be used to facilitate timely access by all administrations and authorities concerned to information on the legal situation of vulnerable adults and to ensure greater legal certainty; whereas the confidentiality of such registers should be duly guaranteed;

Or. en

Amendment 38
Daniel Buda

Motion for a resolution
Recital T

Motion for a resolution

T. whereas protection measures taken by the authorities of one Member State should automatically be recognised in the other Member States; whereas, notwithstanding the foregoing, it may be *necessary to establish* grounds to refuse

Amendment

T. whereas protection measures taken by the authorities of one Member State should automatically be recognised in the other Member States; whereas, notwithstanding the foregoing, *the national authorities would only be*

recognition in order to safeguard the public policy of the requested state;

permitted on very restricted grounds, such as protection of public order in the requested state, to refuse to recognise and enforce a protection measure taken by the authorities of another Member State;

Or. ro

Amendment 39
Kostas Chrysogonos

Motion for a resolution
Recital T

Motion for a resolution

T. whereas protection measures taken by the authorities of one Member State should automatically be recognised in the other Member States; *whereas, notwithstanding the foregoing, it may be necessary to establish grounds to refuse recognition in order to safeguard the public policy of the requested state;*

Amendment

T. whereas protection measures taken by the authorities of one Member State should automatically be recognised in the other Member States, *provided European Union legislation and national law are respected;*

Or. en

Amendment 40
Angel Dzhambazki

Motion for a resolution
Recital T

Motion for a resolution

T. whereas protection measures taken by the authorities of one Member State should automatically be recognised in the other Member States; whereas, notwithstanding the foregoing, it may be necessary to establish grounds to refuse recognition in order to safeguard the public policy of the requested state;

Amendment

T. whereas protection measures taken by the authorities of one Member State should automatically be recognised in the other Member States, *without infringing upon, or undermining, national legislation;* whereas, notwithstanding the foregoing, it may be necessary to establish grounds to refuse recognition in order to safeguard the public policy of the requested state;

Amendment 41
Therese Comodini Cachia

Motion for a resolution
Recital T

Motion for a resolution

T. whereas protection measures taken by the authorities of one Member State should *automatically* be recognised in the other Member States; *whereas, notwithstanding the foregoing, it may be necessary to establish grounds to refuse recognition in order to safeguard the public policy of the requested state;*

Amendment

T. whereas protection measures taken by the authorities of one Member State should be recognised in the other Member States *unless the Member State is required to recognise a protection measure which runs counter to its public policy;*

Amendment 42
Pascal Durand

Motion for a resolution
Recital T

Motion for a resolution

T. whereas protection measures taken by the authorities of one Member State should automatically be recognised in the other Member States; whereas, notwithstanding the foregoing, it may be necessary to establish grounds to refuse recognition in order to safeguard the public policy of the requested state;

Amendment

T. whereas protection measures taken by the authorities of one Member State should automatically be recognised in the other Member States; whereas, notwithstanding the foregoing, it may be necessary to establish *duly circumscribed* grounds to refuse recognition in order to safeguard the public policy of the requested state;

Amendment 43
Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution
Recital U

Motion for a resolution

U. whereas mechanisms could be introduced to facilitate the recognition, registration and use of mandates in anticipation of incapacity throughout the European Union; ***whereas a single mandate in anticipation of incapacity form should be created at EU level in order to ensure that such mandates are effective in all the Member States;***

Amendment

U. whereas mechanisms could be introduced to facilitate the recognition, registration and use of mandates in anticipation of incapacity throughout the European Union;

Or. fr

Amendment 44
Therese Comodini Cachia

Motion for a resolution
Recital U

Motion for a resolution

U. whereas mechanisms could be introduced to facilitate the recognition, registration and use of mandates in anticipation of incapacity ***throughout the European Union;*** whereas a single mandate in anticipation of incapacity form should be created at EU level in order to ***ensure*** that such mandates are ***effective in all the*** Member States;

Amendment

U. whereas mechanisms could be introduced to facilitate the recognition, registration and use of mandates in anticipation of incapacity ***between those Member States that recognise incapacity mandates;*** whereas a single mandate in anticipation of incapacity form should be created at EU level in order to ***facilitate*** that such mandates are ***effectively recognized and enforced in these*** Member States;

Or. en

Amendment 45
Kostas Chrysogonos

Motion for a resolution
Recital U

Motion for a resolution

U. whereas mechanisms could be introduced to *facilitate* the recognition, registration and use of mandates in anticipation of incapacity throughout the European Union; whereas a single mandate in anticipation of incapacity form should be created at EU level in order to ensure that such mandates are effective in all the Member States;

Amendment

U. whereas *effective* mechanisms could be introduced to *ensure* the recognition, registration and use of mandates in anticipation of incapacity throughout the European Union; whereas a single mandate in anticipation of incapacity form should be created at EU level in order to ensure that such mandates are effective in all the Member States;

Or. en

Amendment 46

Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution

Recital V

Motion for a resolution

V. *whereas single EU forms could be introduced to foster the provision of information on protection decisions and the circulation, recognition and enforcement of those decisions*; whereas any person who is given responsibility for protecting the person or the property of a vulnerable adult should have the right to be issued with a certificate specifying his or her status and the powers which have been conferred on him or her; whereas this certificate should be issued at his or her request within a reasonable period;

Amendment

V. whereas any person who is given responsibility for protecting the person or the property of a vulnerable adult should have the right to be issued with a certificate specifying his or her status and the powers which have been conferred on him or her; whereas this certificate should be issued at his or her request within a reasonable period;

Or. fr

Amendment 47

Daniel Buda

Motion for a resolution

Recital V

Motion for a resolution

V. whereas single EU forms could be introduced to foster the provision of information on protection decisions and the circulation, recognition and enforcement of those decisions; whereas any person who is given responsibility for protecting the person or the property of a vulnerable adult should have the right to be issued with a certificate specifying his or her status and the powers which have been conferred on him or her; whereas this certificate should be issued at his or her request within a reasonable period;

Amendment

V. whereas single EU forms could be introduced to foster the provision of information on protection decisions and the circulation, recognition and enforcement of those decisions; whereas any person who is given responsibility for protecting the person or the property of a vulnerable adult should have the right to be issued with a certificate specifying his or her **capacity**, status and the powers which have been conferred on him or her; whereas this certificate should be issued at his or her request within a reasonable period;

Or. ro

Amendment 48
Therese Comodini Cachia

Motion for a resolution
Recital V

Motion for a resolution

V. whereas single EU forms could be introduced to foster the provision of information on protection decisions and the circulation, recognition and enforcement of those decisions; whereas any person who is given responsibility for protecting the person or the property of a vulnerable adult **should have the right to** be issued with a certificate specifying his or her status and the powers which have been conferred on him or her; **whereas this certificate should be issued at his or her request within a reasonable period;**

Amendment

V. whereas single EU forms could be introduced to foster the provision of information on protection decisions and the circulation, recognition and enforcement of those decisions; whereas **legal certainty requires that** any person who is given responsibility for protecting the person or the property of a vulnerable adult **may, upon his request, be issued within a reasonable time** with a certificate specifying his or her status and the powers which have been conferred on him or her;

Or. en

Amendment 49
Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution
Recital W

Motion for a resolution

Amendment

W. *whereas a decision handed down in a Member State which is enforceable in that Member State should be enforceable in the other Member States without any declaration of enforceability being required;*

deleted

Or. fr

Amendment 50
Therese Comodini Cachia

Motion for a resolution
Recital W

Motion for a resolution

Amendment

W. *whereas a decision handed down in a Member State which is enforceable in that Member State should be enforceable in the other Member States without any declaration of enforceability being required;*

deleted

Or. en

Amendment 51
Kostas Chrysogonos

Motion for a resolution
Recital W

Motion for a resolution

Amendment

W. *whereas a decision handed down in a Member State which is enforceable in that Member State should be enforceable in the other Member States without any declaration of enforceability being*

W. *whereas a **legal** decision handed down in a Member State which is enforceable in that Member State should be enforceable in the other Member States without any declaration of enforceability*

required;

being required;

Or. en

Amendment 52

Therese Comodini Cachia

Motion for a resolution

Recital Y

Motion for a resolution

Y. whereas certain protection measures proposed by the authorities of a Member State concerning a vulnerable adult, including the placing of the adult in an establishment situated in another Member State, could have logistical and financial implications for another Member State; *whereas, in such cases, it would be helpful to set up mechanisms for cooperation between the authorities of the Member States concerned so that they can agree on the desirability of sharing the costs of the* protection measure;

Amendment

Y. whereas certain protection measures proposed by the authorities of a Member State concerning a vulnerable adult, including the placing of the adult in an establishment situated in another Member State, could have logistical and financial implications for another Member State *and that a disproportionate burden may justify the non-recognition and non-enforcement of the proposed* protection measure;

Or. en

Amendment 53

Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution

Recital Z

Motion for a resolution

Z. *whereas the existence of such central authorities should not prevent the administrative and judicial authorities of the Member States from communicating directly with each other when they regard such communication as more effective;*

Amendment

deleted

Or. fr

Amendment 54
Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution
Recital AA

Motion for a resolution

AA. whereas the time which has elapsed since Parliament adopted its resolution of 18 December 2008 should have enabled the Commission to obtain sufficient information concerning the functioning of the Hague Convention in the Member States which have ratified it and to draw up the report called for by Parliament in that resolution;

Amendment

AA. whereas the time which has elapsed since Parliament adopted its resolution of 18 December 2008 should have enabled the Commission to obtain sufficient information concerning the functioning of the Hague Convention in the Member States which have ratified it and to draw up the report called for by Parliament in that resolution; ***whereas such inertia by the Commission, which says a great deal concerning its contempt for Parliament, is unacceptable and has to be condemned;***

Or. fr

Amendment 55
Daniel Buda

Motion for a resolution
Recital AA

Motion for a resolution

AA. whereas the time which has elapsed since Parliament adopted its resolution of 18 December 2008 should have enabled the Commission to obtain sufficient information concerning the ***functioning*** of the Hague Convention in the Member States which have ratified it and to draw up the report called for by Parliament in that resolution;

Amendment

AA. whereas the time which has elapsed since Parliament adopted its resolution of 18 December 2008 should have enabled the Commission to obtain sufficient information concerning the ***entry into force*** of the Hague Convention in the Member States which have ratified it and to draw up the report called for by Parliament in that resolution;

Or. ro

Amendment 56
Therese Comodini Cachia

Motion for a resolution
Recital AA

Motion for a resolution

AA. whereas the time which has elapsed since Parliament adopted its resolution of 18 December 2008 *should* have enabled the Commission to obtain sufficient information concerning the functioning of the Hague Convention in the Member States which have ratified it and to draw up the report called for by Parliament in that resolution;

Amendment

AA. whereas the time which has elapsed since Parliament adopted its resolution of 18 December 2008 *is expected to* have enabled the Commission to obtain sufficient information concerning the functioning of the Hague Convention in the Member States which have ratified it and to draw up the report called for by Parliament in that resolution;

Or. en

Amendment 57
Enrico Gasbarra

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Applauds those Member States which have signed and ratified the Hague Convention, and encourages those Member States which have not yet signed or ratified it to do so as quickly as possible;

Amendment

1. Applauds those Member States which have signed and ratified the Hague Convention, and encourages those Member States which have not yet signed or ratified it to do so as quickly as possible; ***calls on the Commission to exert political pressure on the Council and the Member States that could lead to an increase in the number of ratifications by the end of 2017;***

Or. it

Amendment 58
Victor Negrescu

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment

1a. Notes that the protection of vulnerable adults, including those with disabilities, requires a comprehensive set of specific and targeted actions;

Or. en

Amendment 59
Victor Negrescu

Motion for a resolution
Paragraph 2

Motion for a resolution

Amendment

2. Calls on the Member States to make sure that the protection measures for which their national law makes provision can be tailored to the circumstances of each vulnerable adult, so that the competent national authorities can take proportionate individual protection measures, thereby ensuring that Union citizens are not stripped of a legal right that they are still capable of exercising;

2. Calls on the Member States to make sure that the protection measures for which their national law makes provision can be tailored to the circumstances of each vulnerable adult, so that the competent national authorities can take proportionate individual protection measures, thereby ensuring that Union citizens are not stripped of a legal right that they are still capable of exercising; ***notes that in most cases of persons with disabilities the legal incapacity is due to disability and not to age;***

Or. en

Amendment 60
Daniel Buda

Motion for a resolution
Paragraph 2

Motion for a resolution

Amendment

2. Calls on the Member States to

2. Calls on the Member States to

make sure that the protection measures for which their national law makes provision can be tailored to the circumstances of each vulnerable adult, so that the competent national authorities can take proportionate individual protection measures, thereby ensuring that Union citizens are not stripped of a legal right that they are still capable of exercising;

make sure that the protection measures for which their national law makes provision can be tailored to the circumstances of each vulnerable adult, so that the competent national authorities can take proportionate individual protection measures **accordingly**, thereby ensuring that Union citizens are not stripped of a legal right that they are still capable of exercising;

Or. ro

Amendment 61
Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Calls on the Member States to make sure that the protection measures for which their national law makes provision can be tailored to the circumstances of each vulnerable adult, so that the competent national authorities can take proportionate individual protection measures, thereby ensuring that **Union citizens** are not stripped of a legal right that they are still capable of exercising;

Amendment

2. Calls on the Member States to make sure that the protection measures for which their national law makes provision can be tailored to the circumstances of each vulnerable adult, so that the competent national authorities can take proportionate individual protection measures, thereby ensuring that **vulnerable adults** are not stripped of a legal right that they are still capable of exercising;

Or. fr

Amendment 62
Enrico Gasbarra

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Reminds the Commission and the Member States that not all vulnerable adults are necessarily vulnerable by virtue of their advanced age, and calls for

Amendment

3. Reminds the Commission and the Member States that not all vulnerable adults are necessarily vulnerable by virtue of their advanced age, and calls for

measures to be taken to strengthen the legal protection and rights not only of elderly vulnerable adults, but also of adults who are vulnerable by virtue of a serious mental and/or physical disability;

measures to be taken to strengthen the legal protection and rights not only of elderly vulnerable adults, but also of adults who are vulnerable by virtue of a serious mental and/or physical disability; ***considers in this respect that it would be extremely worthwhile to establish exchanges and comparisons of good practices among the Member States, taking forms of protection and safeguard as the starting point;***

Or. it

Amendment 63
Victor Negrescu

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Reminds the Commission and the Member States that not all vulnerable adults are necessarily vulnerable by virtue of their advanced age, and calls for measures to be taken to strengthen the legal protection and rights not only of elderly vulnerable adults, but also of adults who are vulnerable by virtue of a serious mental and/or physical disability;

Amendment

3. Reminds the Commission and the Member States that not all vulnerable adults are necessarily vulnerable by virtue of their advanced age, and calls for measures to be taken to strengthen the legal protection and rights not only of elderly vulnerable adults, but also of adults who are vulnerable by virtue of a serious mental and/or physical disability; ***notes that persons with disabilities are vulnerable due to certain limitations and also due to impairments with which they were born;***

Or. en

Amendment 64
Therese Comodini Cachia

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Reminds the Commission and the

Amendment

3. Reminds the Commission and the

Member States that not all vulnerable adults are necessarily vulnerable by virtue of their advanced age, and calls for measures to be taken to strengthen the legal protection and rights not only of elderly vulnerable adults, but also of adults who are vulnerable by virtue of *a serious mental and/or physical disability*;

Member States that not all vulnerable adults are necessarily vulnerable by virtue of their advanced age, and calls for measures to be taken to strengthen the legal protection and rights not only of elderly vulnerable adults, but also of adults who by virtue of *an impairment or insufficiency of their personal faculties are not in a position to protect their interests*;

Or. en

Amendment 65
Daniel Buda

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Reminds the Commission and the Member States that not all vulnerable adults are necessarily vulnerable by virtue of their advanced age, and calls for measures to be taken to strengthen the legal protection and rights not only of elderly vulnerable adults, but also of adults who are vulnerable by virtue of a serious mental and/or physical disability;

Amendment

3. Reminds the Commission and the Member States that not all vulnerable adults are necessarily vulnerable by virtue of their advanced age, and calls for measures to be taken to strengthen the legal protection and rights not only of elderly vulnerable adults, but also of adults who are *or have become* vulnerable by virtue of a serious mental and/or physical disability;

Or. ro

Amendment 66
Kostas Chrysogonos

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Reminds the Commission and the Member States that not all vulnerable adults are necessarily vulnerable by virtue of their advanced age, and calls for measures to be taken to strengthen the legal

Amendment

3. Reminds the Commission and the Member States that not all vulnerable adults are necessarily vulnerable by virtue of their advanced age, and calls for measures to be taken to strengthen the legal

protection and rights not only of elderly vulnerable adults, but also of adults who are vulnerable by virtue of a serious mental and/or physical disability;

protection and rights not only of elderly vulnerable adults, but also of adults who are vulnerable by virtue of a serious mental and/or physical disability *and/or their socio-economic situation*;

Or. en

Amendment 67

Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Reminds *the Commission and* the Member States that not all vulnerable adults are necessarily vulnerable by virtue of their advanced age, and calls for measures to be taken to strengthen the legal protection and rights not only of elderly vulnerable adults, but also of adults who are vulnerable by virtue of a serious mental and/or physical disability;

Amendment

3. Reminds the Member States that not all vulnerable adults are necessarily vulnerable by virtue of their advanced age, and calls *on them* for measures to be taken to strengthen the legal protection and rights not only of elderly vulnerable adults, but also of adults who are vulnerable by virtue of a serious mental and/or physical disability;

Or. fr

Amendment 68

Victor Negrescu

Motion for a resolution

Paragraph 4

Motion for a resolution

4. Urges the Member States to promote self-determination for adults by introducing legislation on mandates in anticipation of incapacity, drawing on the principles set out in Recommendation CM/Rec(2009)11 of the Ministerial Committee of the Council of Europe;

Amendment

4. Urges the Member States to promote self-determination for adults by introducing legislation on mandates in anticipation of incapacity, drawing on the principles set out in Recommendation CM/Rec(2009)11 of the Ministerial Committee of the Council of Europe *taking into consideration that vulnerability is mostly present in*

communities affected by adverse physical, social, economic and environmental factors;

Or. en

Amendment 69
Therese Comodini Cachia

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Urges the Member States to *promote self-determination for adults by introducing legislation on mandates in anticipation of incapacity, drawing on* the principles set out in Recommendation CM/Rec(2009)11 of the Ministerial Committee of the Council of Europe;

Amendment

4. Urges the Member States to *take note of* the principles set out in Recommendation CM/Rec(2009)11 of the Ministerial Committee of the Council of Europe;

Or. en

Amendment 70
Daniel Buda

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Urges the Member States to promote self-determination for adults by introducing legislation on mandates in anticipation of incapacity, drawing on the principles set out in Recommendation CM/Rec(2009)11 of the Ministerial Committee of the Council of Europe;

Amendment

4. Urges the Member States to promote self-determination for adults by introducing *corresponding national* legislation on mandates in anticipation of incapacity, drawing on the principles set out in Recommendation CM/Rec(2009)11 of the Ministerial Committee of the Council of Europe;

Or. ro

Amendment 71
Angel Dzhambazki

Motion for a resolution
Paragraph 4

Motion for a resolution

4. ***Urges*** the Member States ***to*** promote self-determination for adults by introducing legislation on mandates in anticipation of incapacity, drawing on the principles set out in Recommendation CM/Rec(2009)11 of the Ministerial Committee of the Council of Europe;

Amendment

4. ***Suggests to*** the Member States ***that they should*** promote self-determination for adults by introducing legislation on mandates in anticipation of incapacity, drawing on the principles set out in Recommendation CM/Rec(2009)11 of the Ministerial Committee of the Council of Europe;

Or. en

Amendment 72
Angel Dzhambazki

Motion for a resolution
Paragraph 4

Motion for a resolution

4. ***Urges*** the Member States to promote self-determination for adults by introducing legislation on mandates in anticipation of incapacity, drawing on the principles set out in Recommendation CM/Rec(2009)11 of the Ministerial Committee of the Council of Europe;

Amendment

4. ***Encourages*** the Member States to promote self-determination for adults by introducing legislation on mandates in anticipation of incapacity, drawing on the principles set out in Recommendation CM/Rec(2009)11 of the Ministerial Committee of the Council of Europe;

Or. en

Amendment 73
Enrico Gasbarra

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Calls on the Member States to pay particular attention to the needs of the most disadvantaged vulnerable adults and to ensure that they do not suffer discrimination as a result of their condition; in that connection, calls on the Member States to ensure that their laws do not impose fees or formalities which would, in an unreasonable way, prevent disadvantaged adults from being the subject of a mandate in anticipation of incapacity, irrespective of their financial situation;

Amendment

5. Calls on the Member States to pay particular attention to the needs of the most disadvantaged vulnerable adults and to ensure that they do not suffer discrimination as a result of their condition; in that connection, calls on the Member States to ensure that their laws do not impose fees or formalities which would, in an unreasonable way, prevent disadvantaged adults from being the subject of a mandate in anticipation of incapacity, irrespective of their financial situation; ***calls also, to this end, for a filtering of hitherto-unexplored sources of financing under the Social Fund, such as the promotion of pilot projects for less-well protected adults in certain Member States;***

Or. it

Amendment 74
Angel Dzhambazki

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Calls on the Member States to pay particular attention to the needs of the most disadvantaged vulnerable adults and to ***ensure that they do not suffer discrimination as a result of their condition; in that connection, calls on the Member States to ensure that their laws do not impose fees or formalities which would, in an unreasonable way, prevent disadvantaged adults from being the subject of a mandate in anticipation of incapacity, irrespective of their financial situation;***

Amendment

5. Calls on the Member States to pay particular attention to the needs of the most disadvantaged vulnerable adults and to ***put measures in place aiming to ensure that they do not suffer discrimination as a result of their condition;***

Or. en

Amendment 75
Victor Negrescu

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Calls on the Member States to pay particular attention to the needs of ***the most disadvantaged*** vulnerable ***adults and*** to ensure that they do not suffer discrimination as a result of their condition; in that connection, calls on the Member States to ensure that their laws do not impose fees or formalities which would, in an unreasonable way, prevent ***disadvantaged adults*** from being the subject of a mandate in anticipation of incapacity, irrespective of their financial situation;

Amendment

5. Calls on the Member States to pay particular attention to the needs of ***young and elderly*** vulnerable ***persons*** to ensure that they do not suffer discrimination as a result of their condition ***and are entitled, to equal rights and opportunities***; in that connection, calls on the Member States to ensure that their laws do not impose fees or formalities which would, in an unreasonable way, prevent ***young and elderly vulnerable persons*** from being the subject of a mandate in anticipation of incapacity, irrespective of their financial situation;

Or. en

Amendment 76
Therese Comodini Cachia

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Calls on the Member States to pay particular attention to the needs of the most disadvantaged vulnerable adults and to ensure that they do not suffer discrimination as a result of their condition; in that connection, calls on the Member States to ensure that their laws do not impose ***fees or formalities*** which would, ***in an unreasonable way***, prevent disadvantaged adults from being the subject of a mandate in anticipation of incapacity, ***irrespective of their financial***

Amendment

5. Calls on the Member States to pay particular attention to the needs of the most disadvantaged vulnerable adults and to ensure that they do not suffer discrimination as a result of their condition; in that connection, calls on the Member States ***which recognise incapacity mandates*** to ensure that their laws do not impose ***obstacles*** which would ***unreasonably*** prevent disadvantaged adults from being the subject of a mandate in anticipation of incapacity;

situation;

Or. en

Amendment 77
Kostas Chrysogonos

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Calls on the Commission to fund projects designed to make EU citizens aware of the Member States' laws on vulnerable adults and protection measures; calls on the Member States to take appropriate steps to provide all persons on their territory with information about their national laws and the services available in the area of the protection of vulnerable adults;

Amendment

6. Calls on the Commission to fund projects designed to make EU citizens aware of the Member States' laws on vulnerable adults and protection measures *as well as to fund projects designed to assess, detect and address, where it is possible, the causes of their vulnerability, in order also to decrease the incidence of preventable vulnerable adult deaths*; calls on the Member States to take appropriate steps to provide all persons on their territory with *easily accessible and sufficient* information *in particular* about their national laws and the services available in the area of the protection of vulnerable adults;

Or. en

Amendment 78
Enrico Gasbarra

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Calls on the Commission to fund projects designed to make EU citizens aware of the Member States' laws on vulnerable adults and protection measures; calls on the Member States to take appropriate steps to provide all persons on

Amendment

6. Calls on the Commission to fund projects designed to make EU citizens aware of the Member States' laws on vulnerable adults and protection measures; calls on the Member States to take appropriate steps to provide all persons on

their territory with information about their national laws and the services available in the area of the protection of vulnerable adults;

their territory with information about their national laws and the services available in the area of the protection of vulnerable adults; ***points to the website www.the-vulnerable.eu, among the different types of support for the rights of vulnerable adults, as being a tool providing information and updates on the protection offered in the various Member States;***

Or. it

Amendment 79
Victor Negrescu

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Calls on the Commission to fund projects designed to make EU citizens aware of the Member States' laws on vulnerable adults and protection measures; calls on the Member States to take appropriate steps to provide all persons on their territory with information about their national laws and the services available in the area of the protection of vulnerable adults;

Amendment

6. Calls on the Commission to fund projects designed to make EU citizens aware of the Member States' laws on vulnerable adults and protection measures; calls on the Member States to take appropriate steps to provide all persons on their territory with information about their national laws and the services available in the area of the protection of vulnerable adults; ***notes that a social intervention plan, mandatory for each Member State, would considerably reduce existing social protection differences between Member States.***

Or. en

Amendment 80
Angel Dzhambazki

Motion for a resolution
Paragraph 6

Motion for a resolution

6. ***Calls on the Commission to fund projects designed to make EU citizens aware of the Member States' laws on vulnerable adults and protection measures; calls on the Member States to take appropriate steps to provide all persons on their territory with information about their national laws and the services available in the area of the protection of vulnerable adults;***

Amendment

6. ***Encourages*** the Member States to take appropriate steps to provide all persons on their territory with information about their national laws and the services available in the area of the protection of vulnerable adults;

Or. en

Amendment 81
Daniel Buda

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Calls on the Commission to fund projects designed to make EU citizens aware of the Member States' laws on vulnerable adults and protection measures; calls on the Member States to take appropriate steps to provide all persons on their territory with information about their national laws and the services available in the area of the protection of vulnerable adults;

Amendment

6. Calls on the Commission to ***initiate and, where appropriate,*** fund projects designed to make EU citizens aware of the Member States' laws on vulnerable adults and protection measures; calls on the Member States to take appropriate steps to provide all persons on their territory with information about their national laws and the services available in the area of the protection of vulnerable adults;

Or. ro

Amendment 82
Therese Comodini Cachia

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Calls on the Commission to fund

Amendment

6. Calls on the Commission to fund

projects designed to make EU citizens aware of the Member States' laws on vulnerable adults and protection measures; calls on the Member States to take appropriate steps *to provide all persons on their territory with* information about their national laws and the services available in the area of the protection of vulnerable adults;

projects designed to make EU citizens aware of the Member States' laws on vulnerable adults and protection measures; calls on the Member States to take appropriate steps *in making* information about their national laws and the services available *to all persons on their territory* in the area of the protection of vulnerable adults;

Or. en

Amendment 83

Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Deplores the fact that the Commission has failed to act on Parliament's call that it should submit to Parliament and the Council in due course a report setting out details of the problems encountered and the best practices noted in connection with the application of the Hague Convention, a report which should also have outlined proposals for Union measures to clarify the procedures, or create new procedures, for applying the convention; *takes the view that this report could have included a discussion of the practical problems encountered by the Commission in obtaining information on the application of the Hague Convention;*

Amendment

7. Deplores *strongly* the fact that the Commission has failed to act on Parliament's call that it should submit to Parliament and the Council in due course a report setting out details of the problems encountered and the best practices noted in connection with the application of the Hague Convention, a report which should also have outlined proposals for Union measures to clarify the procedures, or create new procedures, for applying the convention;

Or. fr

Amendment 84

Therese Comodini Cachia

Motion for a resolution

Paragraph 7

Motion for a resolution

7. ***Deplores*** the fact that the Commission has failed to act on Parliament's call that it should submit to Parliament and the Council in due course a report setting out details of the problems encountered and the best practices noted in connection with the application of the Hague Convention, ***a report which should also have*** outlined proposals for Union measures to clarify the procedures, or create new procedures, for applying the convention; takes the view that this report could have included a discussion of the practical problems encountered by the Commission in obtaining information on the application of the Hague Convention;

Amendment

7. ***Notes*** the fact that the Commission has failed to act on Parliament's call that it should submit to Parliament and the Council in due course a report setting out details of the problems encountered and the best practices noted in connection with the application of the Hague Convention, ***as well as*** outlined proposals for Union measures to clarify the procedures, or create new procedures, for applying the convention; takes the view that this report could have included a discussion of the practical problems encountered by the Commission in obtaining information on the application of the Hague Convention;

Or. en

Amendment 85

Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution

Paragraph 8

Motion for a resolution

8. ***Calls on the Commission to submit to Parliament and the Council, before 31 March 2018, pursuant to Article 81(2) of the Treaty on the Functioning of the European Union, a proposal for a regulation designed to improve cooperation among the Member States and the automatic recognition and enforcement of decisions on the protection of vulnerable adults and mandates in anticipation of incapacity, drawing on the recommendations set out in the annex hereto;***

Amendment

deleted

Or. fr

Amendment 86
Therese Comodini Cachia

Motion for a resolution
Paragraph 8

Motion for a resolution

8. ***Calls on*** the Commission to submit to Parliament and the Council, ***before 31 March 2018***, pursuant to Article 81(2) of the Treaty on the Functioning of the European Union, a proposal ***for a regulation*** designed to improve cooperation among the Member States and the automatic recognition and enforcement of decisions on the protection of vulnerable adults and mandates in anticipation of incapacity, drawing on the recommendations set out in the annex hereto;

Amendment

8. ***Invites*** the Commission to submit to Parliament and the Council, pursuant to Article 81(2) of the Treaty on the Functioning of the European Union, a proposal designed to improve cooperation among the Member States and the automatic recognition and enforcement of decisions on the protection of vulnerable adults and mandates in anticipation of incapacity, ***where these are recognized in Member States***, drawing on the recommendations set out in the annex hereto;

Or. en

Amendment 87
Victor Negrescu

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

8a. ***Notes that this report does not replace the Hague convention, it supports the Convention and encourages Member States to ratify and implement it;***

Amendment

8a. ***Notes that this report does not replace the Hague convention, it supports the Convention and encourages Member States to ratify and implement it;***

Or. en

Amendment 88
Therese Comodini Cachia

Motion for a resolution
Paragraph 9

Motion for a resolution

Amendment

9. Confirms that the recommendations are consistent with fundamental rights and the principle of subsidiarity;

deleted

Or. en

Amendment 89
Enrico Gasbarra

Motion for a resolution
Paragraph 9

Motion for a resolution

Amendment

9. Confirms that the recommendations are consistent with fundamental rights and the principle of subsidiarity;

9. Confirms that the recommendations are consistent with fundamental rights and the principle of subsidiarity; ***stresses in this respect the importance of giving expression, among national best practices, to the outcomes of work done by local communities and by local authorities;***

Or. it

Amendment 90
Therese Comodini Cachia

Motion for a resolution
Paragraph 10

Motion for a resolution

Amendment

10. Considers that the requested proposal will not have any financial implications for the Union;

deleted

Or. en

Amendment 91
Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Considers that the requested proposal will not have any financial implications for the Union;

Amendment

deleted

Or. fr

Amendment 92
Therese Comodini Cachia

Motion for a resolution
Annex – Part A – paragraph 2

Motion for a resolution

2. Set up national files or registers of administrative and judicial decisions setting out protection measures in respect of vulnerable adults, and the relevant mandates in anticipation of incapacity, in order to guarantee legal security and facilitate the circulation of, and prompt access by the competent authorities and judges to, information concerning the legal situation of persons who are the subject of a protection measure.

Amendment

2. Set up national files or registers of administrative and judicial decisions setting out protection measures in respect of vulnerable adults, and the relevant mandates in anticipation of incapacity, **where these are recognised**, in order to guarantee legal security and facilitate the circulation of, and prompt access by the competent authorities and judges to, information concerning the legal situation of persons who are the subject of a protection measure.

Or. en

Amendment 93
Pascal Durand

Motion for a resolution
Annex – part A – paragraph 4

Motion for a resolution

4. Ensure that the sharing between Member States of information concerning

Amendment

4. Ensure that the sharing between Member States of information concerning

the protection status of vulnerable adults, and access to files and registers containing details of protection measures and mandates in anticipation of incapacity, is organised in a manner entirely consistent with the protection of the personal data of the adults concerned.

the protection status of vulnerable adults, and access to files and registers containing details of protection measures and mandates in anticipation of incapacity, is organised in a manner entirely consistent with the *principle of confidentiality and the rules on the* protection of the personal data of the adults concerned.

Or. fr

Amendment 94
Therese Comodini Cachia

Motion for a resolution
Annex – Part A – paragraph 6

Motion for a resolution

6. Grant any person who is given responsibility for protecting the person or the property of a vulnerable adult the *right* to obtain within a reasonable period a certificate specifying his or her status and the powers which have been conferred on him or her.

Amendment

6. Grant any person who is given responsibility for protecting the person or the property of a vulnerable adult the *facility* to obtain within a reasonable period a certificate specifying his or her status and the powers which have been conferred on him or her.

Or. en

Amendment 95
Pascal Durand

Motion for a resolution
Annex – part A – paragraph 6

Motion for a resolution

6. Grant any person who is given responsibility for protecting the person or the property of a vulnerable adult the right to obtain within a reasonable period a certificate specifying his or her status and the powers which have been conferred on him or her.

Amendment

6. Grant any person who is given responsibility for protecting the person or the property of a vulnerable adult the right to obtain within a reasonable period *an EU* certificate *valid in all the Member States* specifying his or her status and the powers which have been conferred on him or her.

Amendment 96
Therese Comodini Cachia

Motion for a resolution
Annex – Part A – paragraph 7

Motion for a resolution

7. Foster the *automatic* recognition in the other Member States of protection measures taken by the authorities of a Member State, without prejudice to the introduction of legal safeguards to protect public order in the States requested.

Amendment

7. Foster the recognition in the other Member States of protection measures taken by the authorities of a Member State, without prejudice to the introduction of legal safeguards to protect public order in the States requested, *which will justify the non-recognition and non-enforcement of such protection measures by the Member States requested.*

Or. en

Amendment 97
Pascal Durand

Motion for a resolution
Annex – part A – paragraph 7

Motion for a resolution

7. *Foster* the automatic recognition in the other Member States of protection measures taken by the authorities of a Member State, without prejudice to the introduction of legal safeguards to protect public order in the States requested.

Amendment

7. *Enable* the automatic recognition in the other Member States of protection measures taken by the authorities of a Member State, without prejudice to the introduction of legal safeguards to protect public order in the States requested, *as an exception to the principle of automatic recognition and in keeping with Articles 3 and 21 of the Charter of Fundamental Rights of the European Union.*

Or. fr

Amendment 98
Therese Comodini Cachia

Motion for a resolution
Annex – Part A – paragraph 8

Motion for a resolution

Amendment

8. *Foster the enforcement in the other Member States of protection measures taken by the authorities of a Member State, without a declaration establishing the enforceability of these measures being required.*

deleted

Or. en

Amendment 99
Therese Comodini Cachia

Motion for a resolution
Annex – Part A – paragraph 9

Motion for a resolution

Amendment

9. Foster consultation and coordination among the Member States *if* the enforcement of a decision proposed by the authorities of a Member State *could have logistical and financial implications for another member State, so that the Member States concerned can reach agreement on the sharing of the costs associated with the protection measure.* The consultation and coordination should always be conducted in a manner consistent with the interests of the vulnerable adult concerned. The authorities concerned could submit proposals for alternative measures to the competent administrative or judicial authority, on the understanding that the final decision would rest with the authority *in question.*

9. Foster consultation and coordination among the Member States *for* the enforcement of a decision proposed by the authorities of a Member State. The consultation and coordination should always be conducted in a manner consistent with the interests of the vulnerable adult concerned. The authorities concerned could submit proposals for alternative measures to the competent administrative or judicial authority, on the understanding that the final decision would rest with the *competent authority of the implementing Member State.*

Or. en

Amendment 100
Pascal Durand

Motion for a resolution
Annex – part A – paragraph 9

Motion for a resolution

9. Foster consultation and coordination among the Member States if the enforcement of a decision proposed by the authorities of a Member State could have logistical and financial implications for another *member* State, so that the Member States concerned can reach agreement on the sharing of the costs associated with the protection measure. The consultation and coordination should always be conducted in a manner consistent with the interests of the vulnerable adult concerned. The authorities concerned could submit proposals for alternative measures to the competent administrative or judicial authority, on the understanding that the final decision would rest with the authority in question.

Amendment

9. Foster consultation and coordination among the Member States if the enforcement of a decision proposed by the authorities of a Member State could have logistical and financial implications for another **Member** State, so that the Member States concerned can reach agreement on the sharing of the costs associated with the protection measure. The consultation and coordination should always be conducted in a manner consistent with the interests of the vulnerable adult concerned **and respect for his or her fundamental rights**. The authorities concerned could submit proposals for alternative measures to the competent administrative or judicial authority, on the understanding that the final decision would rest with the authority in question.

Or. fr

Amendment 101
Therese Comodini Cachia

Motion for a resolution
Annex – Part A – paragraph 10

Motion for a resolution

10. Introduce single mandate in anticipation of incapacity forms in order to facilitate the use of such mandates by the persons concerned, and the circulation, recognition and enforcement of mandates.

Amendment

10. Introduce single mandate in anticipation of incapacity forms in order to facilitate the use of such mandates by the persons concerned, and the circulation, recognition and enforcement of mandates **in those Member States which recognise incapacity mandates**.

Amendment 102

Pascal Durand

Motion for a resolution

Annex – part A – paragraph 10

Motion for a resolution

10. Introduce single mandate in anticipation of incapacity forms in order to facilitate the use of such mandates by the persons concerned, and the circulation, recognition and enforcement of mandates.

Amendment

10. Introduce single mandate in anticipation of incapacity forms in order to facilitate the use of such mandates by the persons concerned, ***well-informed consent for which shall be verified by the relevant authorities***, and the circulation, recognition and enforcement of mandates.

Or. fr

Amendment 103

Therese Comodini Cachia

Motion for a resolution

Annex – Part B – paragraph 1

Motion for a resolution

1. ***Calls on*** the Commission to submit to Parliament and the Council, before 31 March 2018, pursuant to Article 81(2) of the Treaty on the Functioning of the European Union, a proposal ***for a regulation*** designed to improve cooperation among the Member States and the ***automatic*** recognition and enforcement of decisions on the protection of vulnerable adults and mandates in anticipation of incapacity..

Amendment

1. ***Invites*** the Commission to submit to Parliament and the Council, before 31 March 2018, pursuant to Article 81(2) of the Treaty on the Functioning of the European Union, a proposal designed to improve cooperation among the Member States and the recognition and enforcement of decisions on the protection of vulnerable adults and mandates in anticipation of incapacity ***where these are recognised in the Member States***.

Or. en