



**2022/0402(CNS)**

4.7.2023

# **AMENDMENTS**

## **71 - 174**

**Draft opinion**

**Margarita de la Pisa Carrión**

(PE749.263v01-00)

Jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and on the creation of a European Certificate of Parenthood

Proposal for a regulation

(COM(2022)0695 – C9-0002/2023 – 2022/0402(CNS))



**Amendment 71**  
**Bert-Jan Ruissen, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Citation 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Having regard to the Charter of  
Fundamental Rights of the European  
Union,***

Or. es

**Amendment 72**  
**Bert-Jan Ruissen, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) Both the European Union and its  
Member States must guarantee the legal,  
economic and social protection of the  
family;***

Or. es

*Justification*

*Article 33(1) of the Charter of Fundamental Rights of the European Union.*

**Amendment 73**  
**Bert-Jan Ruissen, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Recital 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***(1b) The family is the fundamental  
nucleus of society;***

Or. es

## Amendment 74

Lívia Járóka

### Proposal for a regulation

#### Recital 2

##### *Text proposed by the Commission*

(2) This Regulation concerns the recognition in a Member State of the parenthood of a child as established in another Member State. It aims to protect the fundamental rights and other rights of children in matters concerning their parenthood in cross-border situations, including *their* right *to an* identity<sup>31</sup>, *to non-discrimination*<sup>32</sup> and to a private and family life<sup>33</sup>, taking the best interests of the child as a primary consideration<sup>34</sup>. This Regulation also aims to provide legal certainty and predictability and to reduce litigation costs and burden for families, national courts and other competent authorities in connection with proceedings for the recognition of parenthood in another Member State. To attain these aims, this Regulation should require Member States to recognise for all purposes the parenthood of a child as established in another Member State.

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<sup>31</sup> Article 8 of the UN Convention on the Rights of the Child.

##### *Amendment*

(2) This Regulation concerns the recognition in a Member State of the parenthood of a child as established in another Member State. It aims to protect the fundamental rights and other rights of children in matters concerning their parenthood in cross-border situations, including *the* right *of the child to preserve his or her* identity, *including nationality, name and family relations as recognized by law without unlawful to be treated without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status*<sup>32</sup> and to a private and family life<sup>33</sup>, taking the best interests of the child as a primary consideration<sup>34</sup>. This Regulation also aims to provide legal certainty and predictability and to reduce litigation costs and burden for families, national courts and other competent authorities in connection with proceedings for the recognition of parenthood in another Member State. To attain these aims, this Regulation should require Member States to recognise for all purposes the parenthood of a child as established in another Member State *provided that such recognition is manifestly not contrary to existing national public policy - especially in situations where it could clearly have an adverse effect on the best interests of the child.*

<sup>32</sup> Article 2 of the UN Convention on the Rights of the Child, Article 21 of the Charter of Fundamental Rights of the European Union.

<sup>33</sup> Article 9 of the UN Convention on the Rights of the Child, Articles 7 and 24 of the Charter of Fundamental Rights of the European Union.

<sup>34</sup> Article 3 of the UN Convention on the Rights of the Child, Article 24 of the Charter of Fundamental Rights of the European Union.

<sup>32</sup> Article 2 of the UN Convention on the Rights of the Child, Article 21 of the Charter of Fundamental Rights of the European Union.

<sup>33</sup> Article 9 of the UN Convention on the Rights of the Child, Articles 7 and 24 of the Charter of Fundamental Rights of the European Union.

<sup>34</sup> Article 3 of the UN Convention on the Rights of the Child, Article 24 of the Charter of Fundamental Rights of the European Union.

Or. en

## **Amendment 75**

**Bert-Jan Ruissen, Margarita de la Pisa Carrión**

### **Proposal for a regulation**

#### **Recital 2**

##### *Text proposed by the Commission*

(2) This Regulation concerns the recognition in a Member State of the parenthood of a child as established in another Member State. It aims to protect the fundamental rights and other rights of children in matters concerning their parenthood in cross-border situations, including their right to an identity<sup>31</sup>, to non-discrimination<sup>32</sup> and to a private and family life<sup>33</sup>, taking the best interests of the child as a primary consideration<sup>34</sup>. This Regulation also aims to provide legal certainty and predictability and to reduce litigation costs and burden for families, national courts and other competent authorities in connection with proceedings for the recognition of parenthood in another Member State. To attain these aims, this Regulation should require Member States to recognise for all purposes the parenthood of a child as established in another Member State.

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*could have an adverse effect on the best interests of the child.*

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<sup>31</sup> Article 8 of the UN Convention on the Rights of the Child.

<sup>32</sup> Article 2 of the UN Convention on the Rights of the Child, Article 21 of the Charter of Fundamental Rights of the European Union.

<sup>33</sup> Article 9 of the UN Convention on the Rights of the Child, Articles 7 and 24 of the Charter of Fundamental Rights of the European Union.

<sup>34</sup> Article 3 of the UN Convention on the Rights of the Child, Article 24 of the Charter of Fundamental Rights of the European Union.

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<sup>31</sup> Article 8 of the UN Convention on the Rights of the Child.

<sup>32</sup> Article 2 of the UN Convention on the Rights of the Child, Article 21 of the Charter of Fundamental Rights of the European Union.

<sup>33</sup> Article 9 of the UN Convention on the Rights of the Child, Articles 7 and 24 of the Charter of Fundamental Rights of the European Union.

<sup>34</sup> Article 3 of the UN Convention on the Rights of the Child, Article 24 of the Charter of Fundamental Rights of the European Union.

Or. en

## **Amendment 76**

**Bert-Jan Ruissen, Margarita de la Pisa Carrión**

### **Proposal for a regulation**

#### **Recital 2**

*Text proposed by the Commission*

(2) This Regulation concerns the recognition in a Member State of the parenthood of a child as established in another Member State. It aims to protect the fundamental rights and other rights of children in matters concerning their parenthood in cross-border situations, including their right to an identity<sup>31</sup>, to non-discrimination<sup>32</sup> and to a private and family life<sup>33</sup>, taking the best interests of the child as a primary consideration<sup>34</sup>. This Regulation also aims to provide legal certainty and predictability and to reduce litigation costs and burden for families, national courts and other competent authorities in connection with proceedings for the recognition of parenthood in another Member State. To attain these

*Amendment*

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aims, this Regulation should **require** Member States to recognise **for all purposes** the parenthood of a child as established in another Member State.

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<sup>31</sup> Article 8 of the UN Convention on the Rights of the Child.

<sup>32</sup> Article 2 of the UN Convention on the Rights of the Child, Article 21 of the Charter of Fundamental Rights of the European Union.

<sup>33</sup> Article 9 of the UN Convention on the Rights of the Child, Articles 7 and 24 of the Charter of Fundamental Rights of the European Union.

<sup>34</sup> Article 3 of the UN Convention on the Rights of the Child, Article 24 of the Charter of Fundamental Rights of the European Union.

aims, this Regulation should **allow** Member States to recognise, **in accordance with their public order**, the parenthood of a child as established in another Member State.

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<sup>31</sup> Article 8 of the UN Convention on the Rights of the Child.

<sup>32</sup> Article 2 of the UN Convention on the Rights of the Child, Article 21 of the Charter of Fundamental Rights of the European Union.

<sup>33</sup> Article 9 of the UN Convention on the Rights of the Child, Articles 7 and 24 of the Charter of Fundamental Rights of the European Union.

<sup>34</sup> Article 3 of the UN Convention on the Rights of the Child, Article 24 of the Charter of Fundamental Rights of the European Union.

Or. es

## **Amendment 77**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

### **Proposal for a regulation**

#### **Recital 2**

##### *Text proposed by the Commission*

(2) This Regulation concerns the recognition in a Member State of the parenthood of a child as established in another Member State. It aims to protect the fundamental rights and other rights of children in matters concerning their parenthood in cross-border situations, including their right to an identity<sup>31</sup>, to non-discrimination<sup>32</sup> and to a private and family life<sup>33</sup>, taking the best interests of the child as a primary consideration<sup>34</sup>. This Regulation also aims to provide legal certainty and predictability and to reduce litigation costs and burden for families,

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national courts and other competent authorities in connection with proceedings for the recognition of parenthood in another Member State. To attain these aims, this Regulation should require Member States to recognise for all purposes the parenthood of a child as established in another Member State.

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***Facilitating the regulatory framework to recognise parenthood in all EU countries is primarily in the best interest of the child so as to ensure children's right to identity, nationality, non-discrimination and succession and maintenance rights are protected across the EU.***

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<sup>31</sup> Article 8 of the UN Convention on the Rights of the Child.

<sup>32</sup> Article 2 of the UN Convention on the Rights of the Child, Article 21 of the Charter of Fundamental Rights of the European Union.

<sup>33</sup> Article 9 of the UN Convention on the Rights of the Child, Articles 7 and 24 of the Charter of Fundamental Rights of the European Union.

<sup>34</sup> Article 3 of the UN Convention on the Rights of the Child, Article 24 of the Charter of Fundamental Rights of the European Union.

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<sup>32</sup> Article 2 of the UN Convention on the Rights of the Child, Article 21 of the Charter of Fundamental Rights of the European Union.

<sup>33</sup> Article 9 of the UN Convention on the Rights of the Child, Articles 7 and 24 of the Charter of Fundamental Rights of the European Union.

<sup>34</sup> Article 3 of the UN Convention on the Rights of the Child, Article 24 of the Charter of Fundamental Rights of the European Union.

Or. en

## **Amendment 78**

**Bert-Jan Ruissen, Margarita de la Pisa Carrión**

### **Proposal for a regulation**

#### **Recital 3**

*Text proposed by the Commission*

(3) Articles 21, 45, 49 and 56 of the Treaty on the Functioning of the European Union (TFEU) confer on Union citizens the right to move and reside freely within the territory of the Member States. They

*Amendment*

(3) Articles 21, 45, 49 and 56 of the Treaty on the Functioning of the European Union (TFEU) confer on Union citizens the right to move and reside freely within the territory of the Member States. They



comprise the right of Union citizens not to face any obstacles and the right to equal treatment with nationals in the exercise of free movement, including as regards certain social advantages, defined as any advantage which will likely facilitate mobility<sup>35</sup>. This right also applies to family members of Union citizens as defined by Directive 2004/38/EC of the European Parliament and of the Council<sup>36</sup> in matters related to scholarships, admission to education, reductions in public transportation costs for large families, reduced student fares for public transport and reduced museum entrance fees<sup>37</sup>. The protection afforded by the Treaty provisions on free movement also includes the right to have a name lawfully attributed in a Member State recognised in other Member States<sup>38</sup>.

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<sup>35</sup> Judgments of the Court of Justice of 31 May 1979, Even, C-207/78, ECLI:EU:C:1979:144 and of 8 June 1999, Meeusen, C-337/97, EU:ECLI:C:1999:284.

<sup>36</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004).

<sup>37</sup> For instance, judgments of the Court of Justice of 3 July 1974, Casagrande v Landeshauptstadt München, C-9/74, ECLI:EU:C:1974:74; of 27 September 1988, Matteuci, C-235/87, ECLI:EU:C:1988:460; of 30 September 1975, Cristini v S.N.C.F., C-32/75,

comprise the right of Union citizens not to face any obstacles and the right to equal treatment with nationals in the exercise of free movement, including as regards certain social advantages, defined as any advantage which will likely facilitate mobility<sup>35</sup>. This right also applies to family members of Union citizens as defined by Directive 2004/38/EC of the European Parliament and of the Council<sup>36</sup> in matters related to scholarships, admission to education, reductions in public transportation costs for large families, reduced student fares for public transport and reduced museum entrance fees<sup>37</sup>. The protection afforded by the Treaty provisions on free movement also includes the right to have a name lawfully attributed in a Member State recognised in other Member States<sup>38</sup>. ***These articles must be consistent with Article 33(1) of the Charter of Fundamental Rights of the European Union, which provides that the family shall enjoy legal, economic and social protection.***

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<sup>35</sup> Judgments of the Court of Justice of 31 May 1979, Even, C-207/78, ECLI:EU:C:1979:144 and of 8 June 1999, Meeusen, C-337/97, EU:ECLI:C:1999:284.

<sup>36</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004).

<sup>37</sup> For instance, judgments of the Court of Justice of 3 July 1974, Casagrande v Landeshauptstadt München, C-9/74, ECLI:EU:C:1974:74; of 27 September 1988, Matteuci, C-235/87, ECLI:EU:C:1988:460; of 30 September 1975, Cristini v S.N.C.F., C-32/75,

ECLI:EU:C:1975:120; and of 4 October 2012, Commission v Austria, C-75/11, ECLI:EU:C:2012:605.

<sup>38</sup> For instance, judgments of the Court of Justice of 2 October 2003, Carlos García Avello v État belge, Case C-148/02, ECLI:EU:C:2003:539; of 14 October 2008, Grunkin-Paul, Case C-353/06, ECLI:EU:C:2008:559; of 8 June 2017, Freitag, Case C-541/15, ECLI:EU:C:2017:432.

ECLI:EU:C:1975:120; and of 4 October 2012, Commission v Austria, C-75/11, ECLI:EU:C:2012:605.

<sup>38</sup> For instance, judgments of the Court of Justice of 2 October 2003, Carlos García Avello v État belge, Case C-148/02, ECLI:EU:C:2003:539; of 14 October 2008, Grunkin-Paul, Case C-353/06, ECLI:EU:C:2008:559; of 8 June 2017, Freitag, Case C-541/15, ECLI:EU:C:2017:432.

Or. es

#### **Amendment 79**

**Radka Maxová, Pina Picerno, Vera Tax**

#### **Proposal for a regulation**

##### **Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) Public policy within the meaning of the Regulation must be interpreted restrictively in accordance with the case law of the CJEU. In its judgment C-490/20, the CJEU reiterated its view that "the concept of 'public policy', if it is to justify a derogation from a fundamental freedom, must be interpreted restrictively, so that its scope cannot be determined unilaterally by each Member State without control by the Union institutions."***

Or. en

#### **Amendment 80**

**Livia Járóka**

#### **Proposal for a regulation**

##### **Recital 5**

*Text proposed by the Commission*

*Amendment*

(5) Under the Treaties, the competence

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to adopt substantive rules on family law, such as rules on the definition of family and rules on the establishment of the parenthood of a child, lies with the Member States. However, pursuant to Article 81(3) TFEU, the Union can adopt measures concerning family law with cross-border implications, in particular rules on international jurisdiction, on applicable law and on the recognition of parenthood.

to adopt substantive rules on family law, such as rules on the definition of family and rules on the establishment of the parenthood of a child, lies with the Member States. However, pursuant to Article 81(3) TFEU, the Union can adopt measures concerning family law with cross-border implications, in particular rules on international jurisdiction, on applicable law and on the recognition of parenthood. ***Such provisions must comply with the conditions of subsidiarity and proportionality and act with the upmost respect to fundamental rights, in particular the fundamental rights of children.***

Or. en

## **Amendment 81**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

### **Proposal for a regulation**

#### **Recital 5**

##### *Text proposed by the Commission*

(5) Under the Treaties, the competence to adopt substantive rules on family law, such as rules on the definition of family and rules on the establishment of the parenthood of a child, lies with the Member States. However, pursuant to Article 81(3) TFEU, the Union can adopt measures concerning family law with cross-border implications, in particular rules on international jurisdiction, on applicable law and on the recognition of parenthood.

##### *Amendment*

(5) Under the Treaties, the competence to adopt substantive rules on family law, such as rules on the definition of family and rules on the establishment of the parenthood of a child, lies with the Member States. However, pursuant to Article 81(3) TFEU, the Union can adopt measures concerning family law with cross-border implications, in particular rules on international jurisdiction, on applicable law and on the recognition of parenthood. ***Measures to recognise parenthood in all EU countries are an important part of strengthening, facilitating and encouraging free movement within the EU, including the right to return back to the Member State of origin and continue the life that was built while away.***

**Amendment 82**

**Bert-Jan Ruissen, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**(5a) The Commission and the Member States should put the impact on the family at the centre of their policies and legislation on children;**

Or. es

**Amendment 83**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

**Proposal for a regulation**

**Recital 6**

*Text proposed by the Commission*

*Amendment*

(6) In conformity with the Union's competence to adopt measures on family law with cross-border implications, the 2010 'European Council Stockholm programme – An open and secure Europe serving and protecting citizens'<sup>40</sup> invited the Commission to consider the problems encountered with regard to civil status documents and the access to registers of such documents and, in the light of its findings, to submit appropriate proposals and consider whether the mutual recognition of the effects of civil status documents could be appropriate, at least in certain areas. The Commission Action Plan Implementing the Stockholm Programme<sup>41</sup> envisaged a legislative proposal for dispensing with the formalities for the legalisation of documents between Member States and a legislative proposal

(6) In conformity with the Union's competence to adopt measures on family law with cross-border implications, the 2010 'European Council Stockholm programme – An open and secure Europe serving and protecting citizens'<sup>40</sup> invited the Commission to consider the problems encountered with regard to civil status documents and the access to registers of such documents and, in the light of its findings, to submit appropriate proposals and consider whether the mutual recognition of the effects of civil status documents could be appropriate, at least in certain areas. The Commission Action Plan Implementing the Stockholm Programme<sup>41</sup> envisaged a legislative proposal for dispensing with the formalities for the legalisation of documents between Member States and a legislative proposal

on the mutual recognition of the effects of certain civil status documents, including as regards birth, parenthood and adoption.

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<sup>40</sup> OJ C 115 of 4.5.2010, p. 1.

<sup>41</sup> COM(2010) 171 final.

on the mutual recognition of the effects of certain civil status documents, including as regards birth, parenthood and adoption.

***Points out that findings could serve to remedy the lack of existing legal protections which have even culminated in European children, including girls, being rendered stateless and denied equal treatment.***

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<sup>40</sup> OJ C 115 of 4.5.2010, p. 1.

<sup>41</sup> COM(2010) 171 final.

Or. en

#### **Amendment 84**

**Livia Járóka**

#### **Proposal for a regulation**

##### **Recital 8**

*Text proposed by the Commission*

(8) While the Union has competence to adopt measures on family law with cross-border implications such as rules on international jurisdiction, applicable law and the recognition of parenthood between Member States, to date the Union has not adopted provisions in those areas as regards parenthood. The Member States' provisions currently applicable in these areas differ.

*Amendment*

(8) While the Union has competence to adopt measures on family law with cross-border implications such as rules on international jurisdiction, applicable law and the recognition of parenthood between Member States, to date the Union has not adopted provisions in those areas as regards parenthood. The Member States' provisions currently applicable in these areas differ ***and are to be respected in correlation with the principle of subsidiarity.***

Or. en

#### **Amendment 85**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

#### **Proposal for a regulation**

##### **Recital 8**

(8) While the Union has competence to adopt measures on family law with cross-border implications such as rules on international jurisdiction, applicable law and the recognition of parenthood between Member States, to date the Union has not adopted provisions in those areas as regards parenthood. The Member States' provisions currently applicable in these areas differ.

(8) While the Union has competence to adopt measures on family law with cross-border implications such as rules on international jurisdiction, applicable law and the recognition of parenthood between Member States, to date the Union has not adopted provisions in those areas as regards parenthood. The Member States' provisions currently applicable in these areas differ. ***In order to increase the safety of children and to make it easier for families to live in the EU, it is of great importance that the Union adopts regulations that make parenthood legal across national borders as a prerequisite for gender equality.***

Or. en

**Amendment 86**  
**Livia Járóka**

**Proposal for a regulation**  
**Recital 10**

(10) As a result of the absence of Union provisions on international jurisdiction and applicable law for the establishment of parenthood in cross-border situations and on the recognition of parenthood between Member States, families may encounter ***difficulties in having the parenthood of their children recognised for all purposes within the Union, including when they move to another Member State or return to their Member State of origin.***

(10) As a result of the absence of Union provisions on international jurisdiction and applicable law for the establishment of parenthood in cross-border situations and on the recognition of parenthood between Member States, families may encounter ***differences between the regulations of Member States regarding the recognition of parenthood and the definition of a family. Member States' legal customs regarding family law in some cases have a rich history and need to be treated with the upmost respect and with the constantly evolving nature of law in today's world it needs to be up to the national legislations to react to these challenges. When looking to regulate cross-border elements EU legislation is not above the Constitution of Member***

*States. Its function is to harmonise and enable cooperation in cases with cross border elements, not to mandate and change the fundamentals of a Member States' legal system.*

Or. en

#### **Amendment 87**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Eleni Stavrou**

#### **Proposal for a regulation**

##### **Recital 10**

*Text proposed by the Commission*

(10) As a result of the absence of Union provisions on international jurisdiction and applicable law for the establishment of parenthood in cross-border situations and on the recognition of parenthood between Member States, families may encounter difficulties in having the parenthood of their children recognised for all purposes within the Union, including when they move to another Member State or return to their Member State of origin.

*Amendment*

(10) As a result of the absence of Union provisions on international jurisdiction and applicable law for the establishment of parenthood in cross-border situations and on the recognition of parenthood between Member States, families may encounter difficulties in having the parenthood of their children recognised for all purposes within the Union, including when they move to another Member State or return to their Member State of origin. ***All families, regardless of how they came about, must have the right to be a family on equal terms in society as a means of promoting gender equality.***

Or. en

#### **Amendment 88**

**Lívia Járóka**

#### **Proposal for a regulation**

##### **Recital 11**

*Text proposed by the Commission*

(11) Children derive a number of rights from parenthood, including the right to an identity, a name, nationality (where

*Amendment*

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governed by *ius sanguinis*), custody and access rights by their parents, *maintenance rights, succession rights* and the right to *be legally represented* by their parents. *The non-recognition in a Member State of the parenthood established in another Member State can have serious adverse consequences on children's fundamental rights and on the rights that they derive from national law. This may prompt families to start litigation to have the parenthood of their child recognised in another Member State, although those proceedings have uncertain results and involve significant time and costs for both families and the Member States' judicial systems. Ultimately, families may be deterred from exercising their right to free movement for fear that the parenthood of their child will not be recognised in another Member State for the purposes of rights derived from national law.*

governed by *ius sanguinis*), custody and access rights by their parents, *the right to such protection and care as is necessary for their well-being* and the right to *express their views freely*<sup>16a</sup>. *To address differences between the national legal systems the EU should encourage social dialogue between Member States so that national legislations can find solutions to the procedural issues deriving from fundamental differences in their legal systems. As the EU is 'united in diversity' its regulations shall treat the unique differences in legal customs in Member States' legal systems with the upmost respect.*

Or. en

#### **Amendment 89**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Eleni Stavrou**

#### **Proposal for a regulation**

##### **Recital 11**

##### *Text proposed by the Commission*

(11) Children derive a number of rights from parenthood, including the right to an identity, a name, nationality (where governed by *ius sanguinis*), custody and access rights by their parents, maintenance rights, succession rights and the right to be legally represented by their parents. The non-recognition in a Member State of the parenthood established in another Member State can have serious adverse consequences on children's fundamental rights and on the rights that they derive from national law. This may prompt families to start litigation to have the

##### *Amendment*

(11) Children derive a number of rights from parenthood, including the right to an identity, a name, nationality (where governed by *ius sanguinis*), custody and access rights by their parents, maintenance rights, succession rights and the right to be legally represented by their parents. The non-recognition in a Member State of the parenthood established in another Member State can have serious adverse consequences on children's fundamental rights and on the rights that they derive from national law. This may prompt families to start litigation to have the



parenthood of their child recognised in another Member State, although those proceedings have uncertain results and involve significant time and costs for both families and the Member States' judicial systems. Ultimately, families may be deterred from exercising their right to free movement for fear that the parenthood of their child will not be recognised in another Member State for the purposes of rights derived from national law.

parenthood of their child recognised in another Member State, although those proceedings have uncertain results and involve significant time and costs for both families and the Member States' judicial systems. Ultimately, families may be deterred from exercising their right to free movement for fear that the parenthood of their child will not be recognised in another Member State for the purposes of rights derived from national law. ***To allow families to fall outside the system on which society is built, is to discriminate against children and their families: their rights to security and dignity must be upheld. To deny some families the right to exist is to deny them of the dignity of the individual and is contrary to our European way of life and the promotion of gender equality.***

Or. en

#### **Amendment 90**

**Monika Vana**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

##### **Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***(11a) The non-recognition by a Member State of parenthood established in another Member State particularly affects rainbow families as well as other types of families that do not fit the nuclear family model. This is especially the case where there is no biological link between the parents and the child. This Regulation should ensure that children enjoy their rights and maintain their legal status in cross-border situations irrespective of their family situation and without discrimination.***

Or. en

## Amendment 91

Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou

### Proposal for a regulation

#### Recital 12

##### *Text proposed by the Commission*

(12) In 2020 the Commission announced measures<sup>47</sup> to ensure that the parenthood established in a Member State would be recognised in all other Member States. This initiative was included in the 2020 EU LGBTIQ Equality Strategy<sup>48</sup> and the 2021 EU Strategy on the rights of the child<sup>49</sup> as a key action to support equality and the rights of children. The European Parliament welcomed the Commission's initiative in its 2021 Resolution on LGBTIQ rights in the EU<sup>50</sup> and in its 2022 Resolution on the protection of the rights of the child in civil, administrative and family law proceedings<sup>51</sup>.

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<sup>47</sup> State of the Union Address by Commission President von der Leyen at the European Parliament Plenary, 20 September 2020.

<sup>48</sup> Union of Equality: LGBTIQ Equality Strategy 2020-2025, COM(2020) 698 final.

<sup>49</sup> EU Strategy on the rights of the child, COM(2021) 142 final.

<sup>50</sup> European Parliament resolution of 14 September 2021 on LGBTIQ rights in the EU (2021/2679(RSP)).

<sup>51</sup> European Parliament resolution of 5 April 2022 on the protection of the rights of the child in civil, administrative and family law proceedings (2021/2060(INI)).

##### *Amendment*

(12) In 2020 the Commission announced measures<sup>47</sup> to ensure that the parenthood established in a Member State would be recognised in all other Member States. This initiative was included in the 2020 EU LGBTIQ Equality Strategy<sup>48</sup> and the 2021 EU Strategy on the rights of the child<sup>49</sup> as a key action to support equality and the rights of children. The European Parliament welcomed the Commission's initiative in its 2021 Resolution on LGBTIQ rights in the EU<sup>50</sup> and in its 2022 Resolution on the protection of the rights of the child in civil, administrative and family law proceedings<sup>51</sup>. ***In the European Union, both parenthood, civil union and marriage between people of all genders recognised in one EU country should be recognised throughout the EU.***

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<sup>47</sup> State of the Union Address by Commission President von der Leyen at the European Parliament Plenary, 20 September 2020.

<sup>48</sup> Union of Equality: LGBTIQ Equality Strategy 2020-2025, COM(2020) 698 final.

<sup>49</sup> EU Strategy on the rights of the child, COM(2021) 142 final.

<sup>50</sup> European Parliament resolution of 14 September 2021 on LGBTIQ rights in the EU (2021/2679(RSP)).

<sup>51</sup> European Parliament resolution of 5 April 2022 on the protection of the rights of the child in civil, administrative and family law proceedings (2021/2060(INI)).

Or. en

## Amendment 92

Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Eleni Stavrou

### Proposal for a regulation

#### Recital 13

*Text proposed by the Commission*

(13) This Regulation should not affect the rights that a child derives from Union law, in particular the rights that a child enjoys under Union law on free movement, including Directive 2004/38/EC. For instance, Member States must already today recognise a parent-child relationship for the purposes of permitting children to exercise, with each of their two parents, the right to move and reside freely within the territory of the Member States without impediment, and to exercise all the rights that the child derives from Union law. This Regulation does not provide for any additional conditions or requirements for the exercise of such rights.

*Amendment*

(13) ***Women, girls and all other childrens' right to free movement is impinged if the whole family unit is not recognised.*** This Regulation should not affect the rights that a child derives from Union law, in particular the rights that a child enjoys under Union law on free movement, including Directive 2004/38/EC. For instance, Member States must already today recognise a parent-child relationship for the purposes of permitting children to exercise, with each of their two parents, the right to move and reside freely within the territory of the Member States without impediment, and to exercise all the rights that the child derives from Union law. This Regulation does not provide for any additional conditions or requirements for the exercise of such rights.

Or. en

## Amendment 93

Radka Maxová, Pina Picierno, Vera Tax

### Proposal for a regulation

#### Recital 14

*Text proposed by the Commission*

(14) Under Article 21 TFEU and secondary legislation relating thereto as interpreted by the Court of Justice, the respect of a Member State's national identity under Article 4(2) TEU and a Member State's public policy cannot serve as justification to refuse to recognise a

*Amendment*

(14) Under Article 21 TFEU and secondary legislation relating thereto as interpreted by the Court of Justice, the respect of a Member State's national identity under Article 4(2) TEU and a Member State's public policy cannot serve as justification to refuse to recognise a

parent-child relationship between children and their same-sex parents for the purposes of exercising the rights that a child derives from Union law. In addition, for the purposes of exercising such rights, proof of parenthood can be presented by any means<sup>52</sup>. Therefore, a Member State is not entitled to require that a person presents either the attestations provided for in this Regulation accompanying a court decision or an authentic instrument on parenthood, or the European Certificate of Parenthood created by this Regulation, where the person invokes, in the context of the exercise of the right to free movement, rights that a child derives from Union law. This should not, however, prevent a person from choosing to present in such cases also the relevant attestation or the European Certificate of Parenthood provided for in this Regulation. To ensure that Union citizens and their family members are informed that the rights that a child derives from Union law are not affected by this Regulation, the forms of the attestations and of the European Certificate of Parenthood annexed to this Regulation should include a statement specifying that the relevant attestation or the European Certificate of Parenthood do not affect the rights that a child derives from Union law, in particular the rights that a child enjoys under Union law on free movement, and that, for the exercise of such rights, proof of the parent-child relationship can be presented by any means.

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<sup>52</sup> Judgments of the Court of Justice of 25 July 2002, C-459/99, MRAX, ECLI:EU:C:2002:461, paragraphs 61 and 62, and of 17 February 2005, C-215/03, Oulane, ECLI:EU:C:2005:95, paragraphs

parent-child relationship between children and their same-sex parents for the purposes of exercising the rights that a child derives from Union law. ***The refusal can never go against the best interest of the child and the best interest of the child has to be always adhered to. Under no circumstances can the best interest of the child be used as an excuse for refusal on the basis of the gender of the parents.*** In addition, for the purposes of exercising such rights, proof of parenthood can be presented by any means<sup>52</sup>. Therefore, a Member State is not entitled to require that a person presents either the attestations provided for in this Regulation accompanying a court decision or an authentic instrument on parenthood, or the European Certificate of Parenthood created by this Regulation, where the person invokes, in the context of the exercise of the right to free movement, rights that a child derives from Union law. This should not, however, prevent a person from choosing to present in such cases also the relevant attestation or the European Certificate of Parenthood provided for in this Regulation. To ensure that Union citizens and their family members are informed that the rights that a child derives from Union law are not affected by this Regulation, the forms of the attestations and of the European Certificate of Parenthood annexed to this Regulation should include a statement specifying that the relevant attestation or the European Certificate of Parenthood do not affect the rights that a child derives from Union law, in particular the rights that a child enjoys under Union law on free movement, and that, for the exercise of such rights, proof of the parent-child relationship can be presented by any means.

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<sup>52</sup> Judgments of the Court of Justice of 25 July 2002, C-459/99, MRAX, ECLI:EU:C:2002:461, paragraphs 61 and 62, and of 17 February 2005, C-215/03, Oulane, ECLI:EU:C:2005:95, paragraphs

**Amendment 94****Silvia Modig****Proposal for a regulation****Recital 14***Text proposed by the Commission*

(14) Under Article 21 TFEU and secondary legislation relating thereto as interpreted by the Court of Justice, the respect of a Member State's national identity under Article 4(2) TEU and a Member State's public policy cannot serve as justification to refuse to recognise a parent-child relationship between children and their same-sex parents for the purposes of exercising the rights that a child derives from Union law. In addition, for the purposes of exercising such rights, proof of parenthood can be presented by any means<sup>52</sup>. Therefore, a Member State is not entitled to require that a person presents either the attestations provided for in this Regulation accompanying a court decision or an authentic instrument on parenthood, or the European Certificate of Parenthood created by this Regulation, where the person invokes, in the context of the exercise of the right to free movement, rights that a child derives from Union law. This should not, however, prevent a person from choosing to present in such cases also the relevant attestation or the European Certificate of Parenthood provided for in this Regulation. To ensure that Union citizens and their family members are informed that the rights that a child derives from Union law are not affected by this Regulation, the forms of the attestations and of the European Certificate of Parenthood annexed to this Regulation should include a statement specifying that the relevant attestation or the European

*Amendment*

(14) Under Article 21 TFEU and secondary legislation relating thereto as interpreted by the Court of Justice, the respect of a Member State's national identity under Article 4(2) TEU and a Member State's public policy cannot serve as justification to refuse to recognise a parent-child relationship between children and their same-sex parents ***or multiparent families*** for the purposes of exercising the rights that a child derives from Union law. In addition, for the purposes of exercising such rights, proof of parenthood can be presented by any means<sup>52</sup>. Therefore, a Member State is not entitled to require that a person presents either the attestations provided for in this Regulation accompanying a court decision or an authentic instrument on parenthood, or the European Certificate of Parenthood created by this Regulation, where the person invokes, in the context of the exercise of the right to free movement, rights that a child derives from Union law. This should not, however, prevent a person from choosing to present in such cases also the relevant attestation or the European Certificate of Parenthood provided for in this Regulation. To ensure that Union citizens and their family members are informed that the rights that a child derives from Union law are not affected by this Regulation, the forms of the attestations and of the European Certificate of Parenthood annexed to this Regulation should include a statement specifying that

Certificate of Parenthood do not affect the rights that a child derives from Union law, in particular the rights that a child enjoys under Union law on free movement, and that, for the exercise of such rights, proof of the parent-child relationship can be presented by any means.

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<sup>52</sup> Judgments of the Court of Justice of 25 July 2002, C-459/99, MRAX, ECLI:EU:C:2002:461, paragraphs 61 and 62, and of 17 February 2005, C-215/03, Oulane, ECLI:EU:C:2005:95, paragraphs 23 to 26.

the relevant attestation or the European Certificate of Parenthood do not affect the rights that a child derives from Union law, in particular the rights that a child enjoys under Union law on free movement, and that, for the exercise of such rights, proof of the parent-child relationship can be presented by any means.

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<sup>52</sup> Judgments of the Court of Justice of 25 July 2002, C-459/99, MRAX, ECLI:EU:C:2002:461, paragraphs 61 and 62, and of 17 February 2005, C-215/03, Oulane, ECLI:EU:C:2005:95, paragraphs 23 to 26.

Or. en

#### **Amendment 95**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

#### **Proposal for a regulation**

##### **Recital 16**

###### *Text proposed by the Commission*

(16) Article 2 of the United Nations Convention on the Rights of the Child of 20 November 1989 ('UN Convention on the Rights of the Child') requires States Parties to respect and ensure the rights of children without discrimination of any kind, and to take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the circumstances of the child's parents. Under Article 3 of the said Convention, in all actions by, amongst others, courts and administrative authorities, the best interests of the child must be a primary consideration.

###### *Amendment*

(16) Article 2 of the United Nations Convention on the Rights of the Child of 20 November 1989 ('UN Convention on the Rights of the Child') requires States Parties to respect and ensure the rights of children without discrimination of any kind, and to take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the circumstances of the child's parents. Under Article 3 of the said Convention, in all actions by, amongst others, courts and administrative authorities, the best interests of the child must be a primary consideration. ***Children should never be punished or discriminated against because of what the child's family constellation looks like or how the family originated.***

**Amendment 96****Livia Járóka****Proposal for a regulation****Recital 16***Text proposed by the Commission*

(16) Article 2 of the United Nations Convention on the Rights of the Child of 20 November 1989 ('UN Convention on the Rights of the Child') requires States Parties to respect and ensure the rights of children without discrimination of any kind, and to take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment ***on the basis of the circumstances*** of the child's ***parents***. Under Article 3 of the said Convention, in all actions by, amongst others, courts and administrative authorities, the best interests of the child must be a primary consideration.

*Amendment*

(16) Article 2 of the United Nations Convention on the Rights of the Child of 20 November 1989 ('UN Convention on the Rights of the Child') requires States Parties to respect and ensure the rights of children without discrimination of any kind, and to take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment ***irrespective of the child's or his or her parent's or legal guardian's sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status***. Under Article 3 of the said Convention, in all actions by, amongst others, courts and administrative authorities, the best interests of the child must be a primary consideration.

Or. en

**Amendment 97****Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Eleni Stavrou****Proposal for a regulation****Recital 18***Text proposed by the Commission*

(18) Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 ('European Convention of Human Rights') lays down the right to respect for

*Amendment*

(18) Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 ('European Convention of Human Rights') lays down the right to respect for

private and family life, while Article 1 of Protocol No. 12 to the said Convention provides that the enjoyment of any right set forth by law must be secured without discrimination on any ground, including birth. The European Court of Human Rights has interpreted Article 8 of the Convention as requiring all States within its jurisdiction to recognise the legal parent-child relationship established abroad between a child born out of surrogacy and the biological intended parent, and to provide for a mechanism for the recognition in law of the parent-child relationship with the non-biological intended parent (for example through the adoption of the child)<sup>54</sup>.

private and family life, while Article 1 of Protocol No. 12 to the said Convention provides that the enjoyment of any right set forth by law must be secured without discrimination on any ground, including birth. The European Court of Human Rights has interpreted Article 8 of the Convention as requiring all States within its jurisdiction to recognise the legal parent-child relationship established abroad between a child born out of surrogacy and the biological intended parent, and to provide for a mechanism for the recognition in law of the parent-child relationship with the non-biological intended parent (for example through the adoption of the child)<sup>54</sup>. ***It is of great importance to the European way of life that the European Union facilitates the recognition of parentage regardless of how the child was born or what the child's family looks like, such as the gender of the parents and without any special procedure being required.***

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<sup>54</sup> For example, *Mennesson v. France* (Application no 65192/11, Council of Europe: European Court of Human Rights, 26 June 2014) and Advisory Opinion P16-2018-001 (Request no. P16-2018-001, Council of Europe: European Court of Human Rights, 10 April 2019).

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<sup>54</sup> For example, *Mennesson v. France* (Application no 65192/11, Council of Europe: European Court of Human Rights, 26 June 2014) and Advisory Opinion P16-2018-001 (Request no. P16-2018-001, Council of Europe: European Court of Human Rights, 10 April 2019).

Or. en

## **Amendment 98**

### **Livia Járóka**

## **Proposal for a regulation**

### **Recital 19**

#### *Text proposed by the Commission*

(19) The Court of Justice has confirmed that the essential characteristics of Union law have given rise to a structured network of principles, rules and mutually

#### *Amendment*

(19) The Court of Justice has confirmed that the essential characteristics of Union law have given rise to a structured network of principles, rules and mutually



interdependent legal relations linking the Union and its Member States, and its Member States with each other. This legal structure is based on the fundamental ***premiss*** that each Member State shares with all the other Member States, and recognises that they share with it, a set of common values on which the Union is founded, as stated in Article 2 TEU. That ***premiss*** implies and justifies the existence of mutual trust between the Member States that those values will be recognised.

interdependent legal relations linking the Union and its Member States, and its Member States with each other. This legal structure is based on the fundamental ***premise*** that each Member State shares with all the other Member States, and recognises that they share with it, a set of common values on which the Union is founded, ***the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, these values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail*** as stated in Article 2 TEU. That ***premise*** implies and justifies the existence of mutual trust between the Member States that those values will be recognised.

Or. en

#### **Amendment 99**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

#### **Proposal for a regulation**

##### **Recital 19**

###### *Text proposed by the Commission*

(19) The Court of Justice has confirmed that the essential characteristics of Union law have given rise to a structured network of principles, rules and mutually interdependent legal relations linking the Union and its Member States, and its Member States with each other. This legal structure is based on the fundamental premiss that each Member State shares with all the other Member States, and recognises that they share with it, a set of common values on which the Union is founded, as stated in Article 2 TEU. That premiss implies and justifies the existence of mutual trust between the Member States

###### *Amendment*

(19) The Court of Justice has confirmed that the essential characteristics of Union law have given rise to a structured network of principles, rules and mutually interdependent legal relations linking the Union and its Member States, and its Member States with each other. This legal structure is based on the fundamental premiss that each Member State shares with all the other Member States, and recognises that they share with it, a set of common values on which the Union is founded, as stated in Article 2 TEU. That premiss implies and justifies the existence of mutual trust between the Member States

that those values will be recognised.

that those values will be recognised. ***In accordance with the principle of mutual recognition, parenthood established in one Member State shall also be recognised in other Member States without any special procedure being required irrespective of the gender of the parents.***

Or. en

## **Amendment 100**

**Livia Járóka**

### **Proposal for a regulation**

#### **Recital 20**

##### *Text proposed by the Commission*

(20) Pursuant to Article 2 of the Treaty on European Union ('TEU'), equality and non-discrimination are amongst the values on which the Union is founded and which are common to the Member States. Article 21 of the Charter prohibits discrimination on grounds of, amongst others, birth. Article 3 TEU and Article 24 of the Charter provide for the protection of the rights of the child, and Article 7 of the Charter provides for everyone's right to respect for their private and family life.

##### *Amendment*

(20) Pursuant to Article 2 of the Treaty on European Union ('TEU'), equality and non-discrimination, are amongst the values on which the Union is founded and which are common to the Member States. Article 21 of the Charter prohibits discrimination on grounds of, amongst others, ***sex and birth. Article 3 (2) of the same Charter prohibits the use of the human body and its individual parts as a source of profit, and its Article 5 (3) prohibits trafficking in human beings.*** Article 3 TEU and Article 24 of the Charter provide for the protection of the rights of the child, and Article 7 of the Charter provides for everyone's right to respect for their private and family life.

Or. en

## **Amendment 101**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

### **Proposal for a regulation**

#### **Recital 20**

*Text proposed by the Commission*

(20) Pursuant to Article 2 of the Treaty on European Union ('TEU'), equality and non-discrimination are amongst the values on which the Union is founded and which are common to the Member States. Article 21 of the Charter prohibits discrimination on grounds of, amongst others, birth. Article 3 TEU and Article 24 of the Charter provide for the protection of the rights of the child, and Article 7 of the Charter provides for everyone's right to respect for their private and family life.

*Amendment*

(20) Pursuant to Article 2 of the Treaty on European Union ('TEU'), equality and non-discrimination are amongst the values on which the Union is founded and which are common to the Member States. Article 21 of the Charter prohibits discrimination on grounds of, amongst others, birth. Article 3 TEU and Article 24 of the Charter provide for the protection of the rights of the child, and Article 7 of the Charter provides for everyone's right to respect for their private and family life.  
***Children's rights must never be discriminated against because of how the child was born or what the child's family composition looks like.***

Or. en

**Amendment 102**

**Bert-Jan Ruissen, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Recital 20**

*Text proposed by the Commission*

(20) Pursuant to Article 2 of the Treaty on European Union ('TEU'), equality and non-discrimination are amongst the values on which the Union is founded and which are common to the Member States. Article 21 of the Charter prohibits discrimination on grounds of, amongst others, birth. Article 3 TEU and Article 24 of the Charter provide for the protection of the rights of the child, and Article 7 of the Charter provides for everyone's right to respect for their private and family life.

*Amendment*

(20) Pursuant to Article 2 of the Treaty on European Union ('TEU'), equality and non-discrimination are amongst the values on which the Union is founded and which are common to the Member States. Article 21 of the Charter prohibits discrimination on grounds of, amongst others, birth. Article 3 TEU and Article 24 of the Charter provide for the protection of the rights of the child, and Article 7 of the Charter provides for everyone's right to respect for their private and family life.  
***Article 33(1) of the Charter guarantees the legal, economic and social protection of the family.***

Or. es

## Amendment 103

Lívia Járóka

### Proposal for a regulation

#### Recital 21

##### *Text proposed by the Commission*

(21) In conformity with the provisions of international conventions and Union law, this Regulation should ensure that children enjoy their rights **and maintain** their legal status in cross-border situations without discrimination. To that effect, and in the light of the case law of the Court of Justice, including on mutual trust between Member States, and of the European Court on Human Rights, this Regulation should cover the recognition in a Member State of the parenthood established in another Member State irrespective of how the child was conceived or born and irrespective of the child's type of family, and including domestic adoption. Therefore, subject to the application of the rules on applicable law of this Regulation, this Regulation should cover the recognition in a Member State of the parenthood established in another Member State of a child with same-sex parents. This Regulation should also cover the recognition in a Member State of the parenthood of a child adopted domestically in another Member State under the rules governing domestic adoption in that Member State.

##### *Amendment*

(21) **(21)** In conformity with the provisions of international conventions and Union law, this Regulation should ensure that children enjoy their rights **including the right to respect for their biological and genetic ties and** legal status in cross-border situations without discrimination. To that effect, and in the light of the case law of the Court of Justice, including on mutual trust between Member States, and of the European Court on Human Rights, this Regulation should cover the recognition in a Member State of the parenthood established in another Member State irrespective of how the child was conceived or born and irrespective of the child's type of family, and including domestic **or international** adoption. Therefore, subject to the application of the rules on applicable law of this Regulation, this Regulation should cover the recognition in a Member State of the parenthood established in another Member State of a child with same-sex parents **if such recognition is not contrary to national public policy, in particular, if it is not contrary to Constitution of the Member State and the fundamental rights of biological parents including the biological mother, who is often the victim of gender-based discrimination** . This Regulation should also cover the recognition in a Member State of the parenthood of a child adopted domestically in another Member State under the rules governing domestic adoption in that Member State.

Or. en

## Amendment 104

Silvia Modig

### Proposal for a regulation

#### Recital 21

##### *Text proposed by the Commission*

(21) In conformity with the provisions of international conventions and Union law, this Regulation should ensure that children enjoy their rights and maintain their legal status in cross-border situations without discrimination. To that effect, and in the light of the case law of the Court of Justice, including on mutual trust between Member States, and of the European Court on Human Rights, this Regulation should cover the recognition in a Member State of the parenthood established in another Member State irrespective of how the child was conceived or born and irrespective of the child's type of family, and including domestic adoption. Therefore, subject to the application of the rules on applicable law of this Regulation, this Regulation should cover the recognition in a Member State of the parenthood established in another Member State of a child with same-sex parents. This Regulation should also cover the recognition in a Member State of the parenthood of a child adopted domestically in another Member State under the rules governing domestic adoption in that Member State.

##### *Amendment*

(21) In conformity with the provisions of international conventions and Union law, this Regulation should ensure that children enjoy their rights and maintain their legal status in cross-border situations without discrimination. To that effect, and in the light of the case law of the Court of Justice, including on mutual trust between Member States, and of the European Court on Human Rights, this Regulation should cover the recognition in a Member State of the parenthood established in another Member State irrespective of how the child was conceived or born and irrespective of the child's type of family, and including domestic adoption. Therefore, subject to the application of the rules on applicable law of this Regulation, this Regulation should cover the recognition in a Member State of the parenthood established in another Member State of a child with same-sex parents ***and multiparent families***. This Regulation should also cover the recognition in a Member State of the parenthood of a child adopted domestically in another Member State under the rules governing domestic adoption in that Member State.

Or. en

## Amendment 105

Livia Járóka

### Proposal for a regulation

#### Recital 22

##### *Text proposed by the Commission*

(22) To achieve its aims, it is necessary

##### *Amendment*

(22) To achieve its aims, it is necessary

and appropriate for this Regulation to bring together common rules on jurisdiction, applicable law, recognition or, as the case may be, acceptance of court decisions and authentic instruments on parenthood ***as well as rules on the creation of a European Certificate of Parenthood in a Union legal instrument which is binding and directly applicable.***

and appropriate for this Regulation to bring together common rules on jurisdiction, applicable law, recognition or, as the case may be, acceptance of court decisions and authentic instruments on parenthood ***with respect to the sovereignty of Member States and their Constitutions.***

Or. en

#### **Amendment 106**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

#### **Proposal for a regulation Recital 22**

##### *Text proposed by the Commission*

(22) To achieve its aims, it is necessary and appropriate for this Regulation to bring together common rules on jurisdiction, applicable law, recognition or, as the case may be, acceptance of court decisions and authentic instruments on parenthood as well as rules on the creation of a European Certificate of Parenthood in a Union legal instrument which is binding and directly applicable.

##### *Amendment*

(22) To achieve its aims, it is necessary and appropriate for this Regulation to bring together common rules on jurisdiction, applicable law, recognition or, as the case may be, acceptance of court decisions and authentic instruments on parenthood, ***regardless of how the child came into being or what the family constellation looks like,*** as well as rules on the creation of a European Certificate of Parenthood in a Union legal instrument which is binding and directly applicable.

Or. en

#### **Amendment 107**

**Bert-Jan Ruissen, Margarita de la Pisa Carrión**

#### **Proposal for a regulation Recital 22**

##### *Text proposed by the Commission*

(22) To achieve its aims, it is necessary and appropriate for this Regulation to bring

##### *Amendment*

(22) To achieve its aims, it is necessary and appropriate for this Regulation to bring

together common rules on jurisdiction, applicable law, recognition or, as the case may be, acceptance of court decisions and authentic instruments on parenthood as well as rules on the creation of a European Certificate of Parenthood in a Union legal instrument which *is binding and directly applicable*.

together common rules on jurisdiction, applicable law, recognition or, as the case may be, acceptance of court decisions and authentic instruments on parenthood as well as rules on the creation of a European Certificate of Parenthood in a Union legal instrument which *guarantees protection of the family*.

Or. es

## **Amendment 108**

**Bert-Jan Ruissen, Margarita de la Pisa Carrión**

### **Proposal for a regulation**

#### **Recital 24**

##### *Text proposed by the Commission*

(24) For the purposes of this Regulation, parenthood, also referred to as filiation, may be biologic, genetic, by adoption *or* by operation of law. Also for the purposes of this Regulation, parenthood should mean the parent-child relationship established in law, and should cover the legal status of being the child of a particular parent or parents. This Regulation should cover the parenthood established in a Member State of both minors and adults, including a deceased child and a child not yet born, whether to a single parent, a de facto couple, a married couple or a couple in a relationship which, under the law applicable to such relationship, has comparable effects, such as a registered partnership. This Regulation should apply regardless of the nationality of the child whose parenthood is to be established, and regardless of the nationality of the parents of the child. The term ‘parent’ in this Regulation should be understood, as applicable, as referring to the legal parent, the *intended parent*, the person who claims to be a parent or the person in respect of whom the child claims parenthood.

##### *Amendment*

(24) For the purposes of this Regulation, parenthood, also referred to as filiation, may be biologic, genetic *or* by adoption, *in all cases* by operation of law, *in accordance with the family law of the Member States*. Also for the purposes of this Regulation, parenthood should mean the parent-child relationship established in law, and should cover the legal status of being the child of a particular parent or parents, *with a maximum of two*. This Regulation should cover the parenthood established in a Member State of both minors and adults, including a deceased child and a child not yet born, whether to a single parent, a de facto couple, a married couple or a couple in a relationship which, under the law applicable to such relationship, has comparable effects, such as a registered partnership. This Regulation should apply regardless of the nationality of the child whose parenthood is to be established, and regardless of the nationality of the parents of the child. The term ‘parent’ in this Regulation should be understood, as applicable, as referring to the legal parent, the person who claims to be a *legal parent, insofar as this status is subsequently confirmed*, or the person in

respect of whom the child claims  
parenthood, *insofar as this status is  
subsequently confirmed.*

Or. es

#### Amendment 109

Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou

#### Proposal for a regulation

##### Recital 24

###### *Text proposed by the Commission*

(24) For the purposes of this Regulation, parenthood, also referred to as filiation, may be biologic, genetic, by adoption or by operation of law. Also for the purposes of this Regulation, parenthood should mean the parent-child relationship established in law, and should cover the legal status of being the child of a particular parent or parents. This Regulation should cover the parenthood established in a Member State of both minors and adults, including a deceased child and a child not yet born, whether to a single parent, a de facto couple, a married couple or a couple in a relationship which, under the law applicable to such relationship, has comparable effects, such as a registered partnership. This Regulation should apply regardless of the nationality of the child whose parenthood is to be established, and regardless of the nationality of the parents of the child. The term ‘parent’ in this Regulation should be understood, as applicable, as referring to the legal parent, the intended parent, the person who claims to be a parent or the person in respect of whom the child claims parenthood.

###### *Amendment*

(24) For the purposes of this Regulation, parenthood, also referred to as filiation, may be biologic, genetic, by adoption or by operation of law. Also for the purposes of this Regulation, parenthood should mean the parent-child relationship established in law, and should cover the legal status of being the child of a particular parent or parents. This Regulation should cover the parenthood established in a Member State of both minors and adults, including a deceased child and a child not yet born, whether to a single parent, a de facto couple, a married couple or a couple in a relationship which, under the law applicable to such relationship, has comparable effects, such as a registered partnership. This Regulation should apply regardless of the nationality of the child whose parenthood is to be established, and regardless of the nationality of the parents of the child. ***This regulation should apply regardless of how the child came into being or what the family constellation looks like.*** The term ‘parent’ in this Regulation should be understood, as applicable, as referring to the legal parent, the intended parent, the person who claims to be a parent or the person in respect of whom the child claims parenthood.

Or. en



**Amendment 110**  
**Silvia Modig**

**Proposal for a regulation**  
**Recital 24**

*Text proposed by the Commission*

(24) For the purposes of this Regulation, parenthood, also referred to as filiation, may be biologic, genetic, by adoption or by operation of law. Also for the purposes of this Regulation, parenthood should mean the parent-child relationship established in law, and should cover the legal status of being the child of a particular parent or parents. This Regulation should cover the parenthood established in a Member State of both minors and adults, including a deceased child and a child not yet born, whether to a single parent, a de facto couple, a married couple or a couple in a relationship which, under the law applicable to such relationship, has comparable effects, such as a registered partnership. This Regulation should apply regardless of the nationality of the child whose parenthood is to be established, and regardless of the nationality of the parents of the child. The term ‘parent’ in this Regulation should be understood, as applicable, as referring to the legal parent, the intended parent, the person who claims to be a parent or the person in respect of whom the child claims parenthood.

*Amendment*

(24) For the purposes of this Regulation, parenthood, also referred to as filiation, may be biologic, genetic, by adoption or by operation of law. Also for the purposes of this Regulation, parenthood should mean the parent-child relationship established in law, and should cover the legal status of being the child of a particular parent or parents. This Regulation should cover the parenthood established in a Member State of both minors and adults, including a deceased child and a child not yet born, whether to a single parent, ***multiparent families***, a de facto couple, a married couple or a couple in a relationship which, under the law applicable to such relationship, has comparable effects, such as a registered partnership. This Regulation should apply regardless of the nationality of the child whose parenthood is to be established, and regardless of the nationality of the parents of the child. The term ‘parent’ in this Regulation should be understood, as applicable, as referring to the legal parent, the intended parent, the person who claims to be a parent or the person in respect of whom the child claims parenthood.

Or. en

**Amendment 111**  
**Livia Járóka**

**Proposal for a regulation**  
**Recital 24**

(24) For the purposes of this Regulation, parenthood, also referred to as filiation, may be biologic, genetic, by adoption or by operation of law. Also for the purposes of this Regulation, parenthood should mean the parent-child relationship established in law, and should cover the legal status of being the child of a particular parent or parents. This Regulation should cover the parenthood established in a Member State of both minors and adults, including a deceased child and a child not yet born, whether to a single parent, a de facto couple, a married couple or a couple in a relationship which, under the law applicable to such relationship, has comparable effects, such as a registered partnership. This Regulation should apply regardless of the nationality of the child whose parenthood is to be established, and regardless of the nationality of the parents of the child. The term ‘parent’ in this Regulation should be understood, as applicable, as referring to the legal parent, the *intended* parent, the person who claims to be a parent or the person in respect of whom the child claims parenthood.

(24) For the purposes of this Regulation, parenthood, also referred to as filiation, may be biologic, genetic, by adoption or by operation of law. Also for the purposes of this Regulation, parenthood should mean the parent-child relationship established in law, and should cover the legal status of being the child of a particular parent or parents. This Regulation should cover the parenthood established in a Member State of both minors and adults, including a deceased child and a child not yet born, whether to a single parent, a de facto couple, a married couple or a couple in a relationship which, under the law applicable to such relationship, has comparable effects, such as a registered partnership. This Regulation should apply regardless of the nationality of the child whose parenthood is to be established, and regardless of the nationality of the parents of the child. The term ‘parent’ in this Regulation should be understood, as applicable, as referring to the legal parent, the *biological* parent, the person who claims to be a parent or the person in respect of whom the child claims parenthood.

Or. en

## **Amendment 112**

**Bert-Jan Ruissen, Margarita de la Pisa Carrión**

### **Proposal for a regulation**

#### **Recital 25**

(25) This Regulation should not apply to the establishment of parenthood in a Member State in a domestic situation with no cross-border elements. This Regulation should not therefore include provisions on jurisdiction or applicable law for the establishment of parenthood in domestic

(25) This Regulation should not apply to the establishment of parenthood in a Member State in a domestic situation with no cross-border elements *or in forum shopping situations*. This Regulation should not therefore include provisions on jurisdiction or applicable law for the

cases, such as the parenthood of a child further to a domestic adoption in a Member State. However, in order to safeguard children's rights without discrimination in cross-border situations as laid down in the Charter, in application of the principle of mutual trust between Member States as confirmed by the Court of Justice, the provisions of this Regulation on the recognition or, as the case may be, acceptance of court decisions and authentic instruments on parenthood should also apply to the recognition of parenthood established in a Member State in domestic situations, such as the parenthood established in a Member State further to a domestic adoption in that Member State. The provisions of this Regulation concerning the relevant attestation and the European Certificate of Parenthood should therefore also apply as regards the parenthood established in a Member State in domestic situations, such as further to a domestic adoption in a Member State.

establishment of parenthood in domestic cases, such as the parenthood of a child further to a domestic adoption in a Member State. However, in order to safeguard children's rights without discrimination in cross-border situations as laid down in the Charter, in application of the principle of mutual trust between Member States as confirmed by the Court of Justice, the provisions of this Regulation on the recognition or, as the case may be, acceptance of court decisions and authentic instruments on parenthood should also apply to the recognition of parenthood established in a Member State in domestic situations, such as the parenthood established in a Member State further to a domestic adoption in that Member State. The provisions of this Regulation concerning the relevant attestation and the European Certificate of Parenthood should therefore also apply as regards the parenthood established in a Member State in domestic situations, such as further to a domestic adoption in a Member State.

Or. en

### **Amendment 113**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

#### **Proposal for a regulation Recital 31**

##### *Text proposed by the Commission*

(31) The requirements for the recording of parenthood in a register should be excluded from the scope of this Regulation. It should therefore be the law of the Member State in which the register is kept that should determine under what legal conditions and how the recording must be carried out, and which authorities are in charge of checking that all requirements are met and that the documentation presented or established is sufficient or

##### *Amendment*

(31) The requirements for the recording of parenthood in a register should be excluded from the scope of this Regulation. It should therefore be the law of the Member State in which the register is kept that should determine under what legal conditions and how the recording must be carried out, and which authorities are in charge of checking that all requirements are met and that the documentation presented or established is sufficient or

contains the necessary information. In order to avoid duplication of documents, the national registration authorities should accept the documents drawn up in another Member State by the competent authorities whose circulation is provided for by this Regulation. In particular, the European Certificate of Parenthood issued under this Regulation should constitute a valid document for the recording of parenthood in a register of a Member State. As the procedure for the issuance of the European Certificate of Parenthood and its contents and effects should be uniform in all Member States as set out in this Regulation, and the European Certificate of Parenthood should be issued in conformity with the rules on jurisdiction and applicable law laid down in this Regulation, the authorities involved in the registration should not require that the European Certificate of Parenthood be first transposed into a national document on parenthood. This should not preclude the authorities involved in the registration from confirming the conditions necessary to establish the authenticity of the European Certificate of Parenthood or from asking the person applying for registration to provide such additional information as required under the law of the Member State in which the register is kept, provided that information is not already included in the European Certificate of Parenthood. The competent authority may indicate to the person applying for registration how the missing information can be provided. The effects of recording the parenthood in a register (for example, depending on the national law, whether registration establishes parenthood or only provides evidence of the parenthood already established) should also be excluded from the scope of this Regulation and be determined by the law of the Member State in which the register is kept.

contains the necessary information. In order to avoid duplication of documents, the national registration authorities should accept the documents drawn up in another Member State by the competent authorities whose circulation is provided for by this Regulation. In particular, the European Certificate of Parenthood issued under this Regulation should constitute a valid document for the recording of parenthood in a register of a Member State. As the procedure for the issuance of the European Certificate of Parenthood and its contents and effects should be uniform in all Member States as set out in this Regulation, and the European Certificate of Parenthood should be issued in conformity with the rules on jurisdiction and applicable law laid down in this Regulation, the authorities involved in the registration should not require that the European Certificate of Parenthood be first transposed into a national document on parenthood. This should not preclude the authorities involved in the registration from confirming the conditions necessary to establish the authenticity of the European Certificate of Parenthood or from asking the person applying for registration to provide such additional information, *in a way that does not add bureaucratic burden*, as required under the law of the Member State in which the register is kept, provided that information is not already included in the European Certificate of Parenthood. The competent authority may indicate to the person applying for registration how the missing information can be provided. The effects of recording the parenthood in a register (for example, depending on the national law, whether registration establishes parenthood or only provides evidence of the parenthood already established) should also be excluded from the scope of this Regulation and be determined by the law of the Member State in which the register is kept. *The document obtained by the parents should be available in all EU official languages to ensure and guarantee*

*comprehension by the respective national authorities and that the language used should be gender inclusive.*

Or. en

#### **Amendment 114**

**Silvia Modig**

#### **Proposal for a regulation**

##### **Recital 32**

###### *Text proposed by the Commission*

(32) This Regulation should not cover the recognition of court decisions on parenthood given in a third State or the recognition or, as the case may be, acceptance of authentic instruments on parenthood drawn up or registered in a third State. The recognition or acceptance of such documents should remain subject to the national law of each Member State.

###### *Amendment*

(32) This Regulation should not cover the recognition of court decisions on parenthood given in a third State or the recognition or, as the case may be, acceptance of authentic instruments on parenthood drawn up or registered in a third State. The recognition or acceptance of such documents should remain subject to the national law of each Member State. *Exceptions to this rule shall include all cases involving refugees and victims of trafficking in human beings, whose recognition on parenthood will be covered by this Regulation.*

Or. en

#### **Amendment 115**

**Abir Al-Sahlani, Michal Šimečka, Karen Melchior, Samira Rafaela, María Soraya Rodríguez Ramos**

#### **Proposal for a regulation**

##### **Recital 36**

###### *Text proposed by the Commission*

(36) In order to facilitate the recognition of court decisions and authentic instruments on parenthood matters, this Regulation should lay down uniform jurisdiction rules for the establishment of parenthood with a cross-border element.

###### *Amendment*

(36) In order to facilitate the recognition of court decisions and authentic instruments on parenthood matters, this Regulation should lay down uniform jurisdiction rules for the establishment of parenthood with a cross-border element.

This Regulation should also clarify the right of children below the age of 18 years to be provided with an opportunity to express their views in proceedings to which they are subject.

This Regulation should also clarify the right of children below the age of 18 years to be provided with an opportunity to express their views in proceedings to which they are subject, *as laid out in Article 12 of the United Nations Convention of the Rights of the Child.*

Or. en

**Amendment 116**  
**Silvia Modig**

**Proposal for a regulation**  
**Recital 42**

*Text proposed by the Commission*

(42) Where jurisdiction cannot be established based on the general alternative jurisdiction grounds, the courts of the Member State where the child is present should have jurisdiction. This presence rule should, in particular, allow the courts of a Member State to exercise jurisdiction in respect of third-country national children, including applicants for or beneficiaries of international protection such as refugee children and children internationally displaced because of disturbances occurring in their State of habitual residence.

*Amendment*

(42) Where jurisdiction cannot be established based on the general alternative jurisdiction grounds, the courts of the Member State where the child is present should have jurisdiction. This presence rule should, in particular, allow the courts of a Member State to exercise jurisdiction in respect of third-country national children, including applicants for or beneficiaries of international protection such as refugee children and children internationally displaced *and victims of trafficking in human beings* because of disturbances occurring in their State of habitual residence.

Or. en

**Amendment 117**  
**Silvia Modig**

**Proposal for a regulation**  
**Recital 44**

*Text proposed by the Commission*

(44) In order to remedy situations of denial of justice, this Regulation should

*Amendment*

(44) In order to remedy situations of denial of justice, this Regulation should

provide a forum necessitatis allowing a court of a Member State, on an exceptional basis, to rule on a parenthood matter which is closely connected with a third State. Such an exceptional basis may be deemed to exist when proceedings prove impossible in the third State in question, for example because of civil war, or when the child or another interested party cannot reasonably be expected to initiate or conduct proceedings in that State. Jurisdiction based on forum necessitatis should, however, be exercised only if the case has a sufficient connection with the Member State of the court seised.

provide a forum necessitatis allowing a court of a Member State, on an exceptional basis, to rule on a parenthood matter which is closely connected with a third State. Such an exceptional basis may be deemed to exist when proceedings prove impossible in the third State in question, for example because of civil war, ***in particular in cases involving refugees or victims of trafficking in human beings***, or when the child or another interested party cannot reasonably be expected to initiate or conduct proceedings in that State. Jurisdiction based on forum necessitatis should, however, be exercised only if the case has a sufficient connection with the Member State of the court seised.

Or. en

## **Amendment 118**

**Monika Vana**

on behalf of the Verts/ALE Group

## **Proposal for a regulation**

### **Recital 49**

#### *Text proposed by the Commission*

(49) Proceedings on the establishment of parenthood under this Regulation should, as a basic principle, provide children below the age of 18 years who are subject to those proceedings and who are capable of forming their own views, in accordance with the case law of the Court of Justice, with a genuine and effective opportunity to express their views and, when assessing the best interests of the child, due weight should be given to those views. This Regulation should, however, leave the question of who will hear the child and how the child will be heard to be determined by the national law and procedure of the Member States. In addition, while remaining a right of the child, hearing the child should not constitute an absolute obligation although

#### *Amendment*

(49) ***In accordance with Article 12 of the UN Convention on the Rights of the Child and Article 24(1) of the Charter, all children have the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. As such,*** proceedings on the establishment of parenthood under this Regulation should, as a basic principle, provide children below the age of 18 years who are subject to those proceedings and who are capable of forming their own views, in accordance with the case law of the Court of Justice, with a genuine and effective opportunity to express their views and, when assessing the best interests of the child, due weight should be given to those views. This Regulation should, however, leave the

it should be assessed taking into account the best interests of the child.

question of who will hear the child and how the child will be heard to be determined by the national law and procedure of the Member States. In addition, while remaining a right of the child, hearing the child should not constitute an absolute obligation although it should be assessed taking into account the best interests of the child.

Or. en

#### **Amendment 119**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

#### **Proposal for a regulation**

##### **Recital 49**

##### *Text proposed by the Commission*

(49) Proceedings on the establishment of parenthood under this Regulation should, as a basic principle, provide children below the age of 18 years who are subject to those proceedings and who are capable of forming their own views, in accordance with the case law of the Court of Justice, with a genuine and effective opportunity to express their views and, when assessing the best interests of the child, due weight should be given to those views. This Regulation should, however, leave the question of who will hear the child and how the child will be heard to be determined by the national law and procedure of the Member States. In addition, while remaining a right of the child, hearing the child should not constitute an absolute obligation although it should be assessed taking into account the best interests of the child.

##### *Amendment*

(49) Proceedings on the establishment of parenthood under this Regulation should, as a basic principle, provide children below the age of 18 years who are subject to those proceedings and who are capable of forming their own views, in accordance with the case law of the Court of Justice, with a genuine and effective opportunity to express their views and, when assessing the best interests of the child, due weight should be given to those views. This Regulation should, however, leave the question of who will hear the child and how the child will be heard to be determined by the national law and procedure of the Member States. ***It is already an established concept that all EU countries recognise that children have the right to a personal relationship and direct contact with both parents whatever their gender may be, even if the parents live in different countries.*** In addition, while remaining a right of the child, hearing the child should not constitute an absolute obligation although it should be assessed taking into account the best interests of the child. ***Notes that the national, local or***



*other administrative court shall decide in the best interests of the child on parent's (irrespective of their gender) custody rights, visiting arrangements and determine the child's place of residence.*

Or. en

## Amendment 120

Bert-Jan Ruissen, Margarita de la Pisa Carrión

### Proposal for a regulation

#### Recital 51

##### *Text proposed by the Commission*

(51) As a rule, the law applicable to the establishment of parenthood in cross-border situations should be the law of the State of the habitual residence of the person giving birth at the time of birth. This connecting factor should ensure that the applicable law can be determined in the vast majority of cases, including as regards a new-born, whose habitual residence may be difficult to establish. The time of birth should be interpreted strictly, referring to the most frequent situation in which parenthood is established upon birth by operation of law and registered in the relevant register within a few days following birth. That law should apply both to situations in which the **person** giving birth has the habitual residence in the State of birth (as would be the typical situation) and also to situations in which the **person** giving birth has the habitual residence in a State other than the State of birth (for example, when birth occurs while travelling). The law of the State of the habitual residence of the **person** giving birth at the time of birth should apply, by analogy, where the parenthood of the child needs to be established before the child is born. To ensure that the applicable law can be determined in all circumstances, the law of the State of birth of the child should apply in the rare cases where the habitual

##### *Amendment*

(51) As a rule, the law applicable to the establishment of parenthood in cross-border situations should be the law of the State of the habitual residence of the person giving birth at the time of birth. This connecting factor should ensure that the applicable law can be determined in the vast majority of cases, including as regards a new-born, whose habitual residence may be difficult to establish. The time of birth should be interpreted strictly, referring to the most frequent situation in which parenthood is established upon birth by operation of law and registered in the relevant register within a few days following birth. That law should apply both to situations in which the **woman** giving birth has the habitual residence in the State of birth (as would be the typical situation) and also to situations in which the **woman** giving birth has the habitual residence in a State other than the State of birth (for example, when birth occurs while travelling). The law of the State of the habitual residence of the **woman** giving birth at the time of birth should apply, by analogy, where the parenthood of the child needs to be established before the child is born. To ensure that the applicable law can be determined in all circumstances, the law of the State of birth of the child should apply in the rare cases where the habitual

residence of the person giving birth at the time of birth cannot be established (for example, in the case of a refugee or an internationally displaced mother).

residence of the person giving birth at the time of birth cannot be established (for example, in the case of a refugee or an internationally displaced mother).

Or. en

#### **Amendment 121**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss**

#### **Proposal for a regulation**

#### **Recital 52**

##### *Text proposed by the Commission*

(52) By way of exception, where the law applicable as a rule results in the establishment of parenthood as regards only one parent (for example, only the genetic parent in a same-sex couple), either of two subsidiary laws, namely the law of the State of nationality of either parent or the law of the State of birth of the child, may be applied to establish parenthood as regards the second parent (for example, the non-genetic parent in a same-sex couple). Given that, in those cases, both the parenthood as regards one parent and the parenthood as regards the other parent would be established in accordance with one of the laws designated as applicable by this Regulation, the parenthood as regards each parent, including where established by the authorities of different Member States, should be recognised in all other Member States under the rules of this Regulation where the parenthood as regards each parent has been established by the authorities of a Member State whose courts have jurisdiction under this Regulation.

##### *Amendment*

(52) By way of exception, where the law applicable as a rule results in the establishment of parenthood as regards only one parent (for example, only the genetic parent in a same-sex couple), either of two subsidiary laws, namely the law of the State of nationality of either parent or the law of the State of birth of the child, may be applied to establish parenthood as regards the second parent (for example, the non-genetic parent in a same-sex couple). Given that, in those cases, both the parenthood as regards one parent and the parenthood as regards the other parent would be established in accordance with one of the laws designated as applicable by this Regulation, the parenthood as regards each parent, including where established by the authorities of different Member States, should be recognised in all other Member States under the rules of this Regulation where the parenthood as regards each parent has been established by the authorities of a Member State whose courts have jurisdiction under this Regulation. ***Simplifying the processes for recognising parenthood for same-sex couples in the European Union is in the best interest of the children and their families regardless of the family's gender composition.***

**Amendment 122****Livia Járóka****Proposal for a regulation****Recital 56***Text proposed by the Commission*

(56) Considerations of public interest should allow courts and other competent authorities establishing parenthood in the Member States to disregard, in exceptional circumstances, certain provisions of a foreign law where, in a given case, applying such provisions would be manifestly incompatible with the public policy (ordre public) of the Member State concerned. ***However, the courts or other competent authorities should not be able to apply the public policy exception in order to set aside the law of another State when doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits*** discrimination.

*Amendment*

(56) Considerations of public interest should allow courts and other competent authorities establishing parenthood in the Member States to disregard, in exceptional circumstances, certain provisions of a foreign law where, in a given case, applying such provisions would be manifestly incompatible with the public policy (ordre public) of the Member State concerned. Courts ***and*** other competent authorities, ***when deciding on the non-compliance of foreign law provisions with national*** public policy, ***should in particular take into account the issue of their possible non-compliance with the Charter, in particular with its Art. 21 prohibiting discrimination (including discrimination between men and women), Article. 3. (c), prohibiting the use of the human body and its individual parts as a source of profit, Article 5 (3) prohibiting trafficking in human beings.***

**Amendment 123****Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou****Proposal for a regulation****Recital 56***Text proposed by the Commission*

(56) Considerations of public interest should allow courts and other competent

*Amendment*

(56) Considerations of public interest should allow courts and other competent

authorities establishing parenthood in the Member States to disregard, in exceptional circumstances, certain provisions of a foreign law where, in a given case, applying such provisions would be manifestly incompatible with the public policy (ordre public) of the Member State concerned. However, the courts or other competent authorities should not be able to apply the public policy exception in order to set aside the law of another State when doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits discrimination.

authorities establishing parenthood in the Member States to disregard, in exceptional circumstances, certain provisions of a foreign law where, in a given case, applying such provisions would be manifestly incompatible with the public policy (ordre public) of the Member State concerned. However, the courts or other competent authorities should not be able to apply the public policy exception in order to set aside the law of another State when doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits discrimination. ***Underlines that EU member states need to recognise a parent-child relationship for the purposes of permitting a child to exercise without impediment, with each parent, the right to move and reside freely within the territory of all the member states as guaranteed in Article 21(1) Treaty on the Functioning of the European Union (TFEU), the application of which is key to ensuring gender equality.***

Or. en

## **Amendment 124**

### **Silvia Modig**

## **Proposal for a regulation**

### **Recital 56**

#### *Text proposed by the Commission*

(56) Considerations of public interest should allow courts and other competent authorities establishing parenthood in the Member States to disregard, in exceptional circumstances, certain provisions of a foreign law where, in a given case, applying such provisions would be manifestly incompatible with the public policy (ordre public) of the Member State concerned. However, the courts or other competent authorities should not be able to apply the public policy exception in order to set aside the law of another State when

#### *Amendment*

(56) Considerations of public interest should allow courts and other competent authorities establishing parenthood in the Member States to disregard, in exceptional circumstances, certain provisions of a foreign law where, in a given case, applying such provisions would be manifestly incompatible with the public policy (ordre public) of the Member State concerned. However, the courts or other competent authorities should not be able to apply the public policy exception in order to set aside the law of another State when

doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits discrimination.

doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits discrimination. ***In particular, competent authorities should not be able to apply the public policy exception to discriminate against women, same-sex couples and multiparent families.***

Or. en

#### **Amendment 125**

**Bert-Jan Ruissen, Margarita de la Pisa Carrión**

#### **Proposal for a regulation**

##### **Recital 56**

###### *Text proposed by the Commission*

(56) Considerations of public interest should allow courts and other competent authorities establishing parenthood in the Member States to disregard, in exceptional circumstances, certain provisions of a foreign law where, in a given case, applying such provisions would be ***manifestly*** incompatible with the public policy (ordre public) of the Member State concerned. However, the courts or other competent authorities should not be able to apply the public policy exception in order to set aside the law of another State when doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits discrimination.

###### *Amendment*

(56) Considerations of public interest should allow courts and other competent authorities establishing parenthood in the Member States to disregard, in exceptional circumstances, certain provisions of a foreign law where, in a given case, applying such provisions would be incompatible with the public policy (ordre public) of the Member State concerned. However, the courts or other competent authorities should not be able to apply the public policy exception in order to set aside the law of another State when doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits discrimination, ***and Article 33(1), which establishes that family shall enjoy legal, economic and social protection.***

Or. en

#### **Amendment 126**

**Radka Maxová, Pina Picierno, Vera Tax**

#### **Proposal for a regulation**

##### **Recital 56**

(56) Considerations of public interest should allow courts and other competent authorities establishing parenthood in the Member States to disregard, in exceptional circumstances, certain provisions of a foreign law where, in a given case, applying such provisions would be manifestly incompatible with the public policy (*ordre public*) of the Member State concerned. However, the courts or other competent authorities should not be able to apply the public policy exception in order to set aside the law of another State when doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits discrimination.

(56) Considerations of public interest should allow courts and other competent authorities establishing parenthood in the Member States to disregard, in exceptional circumstances, certain provisions of a foreign law where, in a given case, applying such provisions would be manifestly incompatible with the public policy (*ordre public*) of the Member State concerned. However, the courts or other competent authorities should not be able to apply the public policy exception in order to set aside the law of another State when doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits discrimination ***or contrary to the best interest of the child.***

Or. en

#### **Amendment 127**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Eleni Stavrou**

#### **Proposal for a regulation Recital 60**

(60) Mutual trust in the administration of justice in the Union justifies the principle that court decisions establishing parenthood in a Member State should be recognised in all Member States without the need for any recognition procedure. In particular, when presented with a court decision given in another Member State establishing parenthood that can no longer be challenged in the Member State of origin, the competent authorities of the requested Member State should recognise the court decision by operation of law without any special procedure being required and update the records on parenthood in the relevant register accordingly.

(60) Mutual trust in the administration of justice in the Union justifies the principle that court decisions establishing parenthood in a Member State should be recognised in all Member States without the need for any recognition procedure, ***as it is important to avoid unnecessary administration that delays the procedure which would divert valuable time away from promoting gender equality.*** In particular, when presented with a court decision given in another Member State establishing parenthood that can no longer be challenged in the Member State of origin, the competent authorities of the requested Member State should recognise the court decision by operation of law

without any special procedure being required and update the records on parenthood in the relevant register accordingly.

Or. en

#### Amendment 128

Radka Maxová, Pina Picierno, Vera Tax

#### Proposal for a regulation

#### Recital 60 a (new)

*Text proposed by the Commission*

*Amendment*

***(60a) In order to prevent fragmentation of legal regimes for cross border families, Commission in cooperation with Member States shall draft a model international agreement, which would be based on the rules and principles of this regulation and would be used by Member State to enter into bilateral relations with third countries where mutual recognition of parenthood would be applied.***

Or. en

#### Amendment 129

Lívia Járóka

#### Proposal for a regulation

#### Recital 62

*Text proposed by the Commission*

*Amendment*

(62) The recognition in a Member State of court decisions on parenthood matters given in another Member State should be based on the principle of mutual trust. Therefore, the grounds for non-recognition should be ***kept to the minimum in the light of the underlying aim of this Regulation, which is*** to facilitate the ***recognition of parenthood*** and to protect effectively children's rights and the best interests of

(62) The recognition in a Member State of court decisions on parenthood matters given in another Member State should be based on the principle of mutual trust. Therefore, the grounds for non-recognition should be ***analysed on a case-by-case basis, in order*** to facilitate the ***effective harmonisation of family law in cases with significant cross-border elements*** and to protect effectively children's rights and the

the child in cross-border situations.

best interests of the child in cross-border situations.

Or. en

#### **Amendment 130**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Eleni Stavrou**

#### **Proposal for a regulation**

##### **Recital 62**

###### *Text proposed by the Commission*

(62) The recognition in a Member State of court decisions on parenthood matters given in another Member State should be based on the principle of mutual trust. Therefore, the grounds for non-recognition should be kept to the minimum in the light of the underlying aim of this Regulation, which is to facilitate the recognition of parenthood and to protect effectively children's rights and the best interests of the child in cross-border situations.

###### *Amendment*

(62) The recognition in a Member State of court decisions on parenthood matters given in another Member State should be based on the principle of mutual trust. Therefore, the grounds for non-recognition should be kept to the minimum in the light of the underlying aim of this Regulation, which is to facilitate the recognition of parenthood and to protect effectively children's rights and the best interests of the child in cross-border situations. ***All families, regardless of how they came about, must have the right to be a family irrespective of the gender composition on equal terms in society.***

Or. en

#### **Amendment 131**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

#### **Proposal for a regulation**

##### **Recital 69**

###### *Text proposed by the Commission*

(69) Authentic instruments which have no binding legal effect in the Member State of origin but which have evidentiary effects in that Member State should have the same evidentiary effects in another

###### *Amendment*

(69) Authentic instruments which have no binding legal effect in the Member State of origin but which have evidentiary effects in that Member State should have the same evidentiary effects in another



Member State as they have in the Member State of origin, or the most comparable effects. When determining the evidentiary effects of such an authentic instrument in another Member State or the most comparable effects, reference should be made to the nature and the scope of the evidentiary effects of the authentic instrument in the Member State of origin. The evidentiary effects which such an authentic instrument should have in another Member State will therefore depend on the law of the Member State of origin.

Member State as they have in the Member State of origin, or the most comparable effects. When determining the evidentiary effects of such an authentic instrument in another Member State or the most comparable effects, reference should be made to the nature and the scope of the evidentiary effects of the authentic instrument in the Member State of origin. The evidentiary effects which such an authentic instrument should have in another Member State will therefore depend on the law of the Member State of origin. ***Notes that evidentiary effects should not be hindered by linguistic barriers and that language in all documents shall be gender inclusive.***

Or. en

## Amendment 132

Livia Járóka

### Proposal for a regulation

#### Recital 75

##### *Text proposed by the Commission*

(75) Considerations of public interest should allow Member State courts or other competent authorities to refuse, ***in exceptional circumstances***, to recognise or, as the case may be, accept a court decision or authentic instrument on the parenthood established in another Member State where, in a given case, such recognition or acceptance would be manifestly incompatible with the public policy (ordre public) of the Member State concerned. ***However, the courts or other competent authorities should not be able to refuse to recognise or, as the case may be, accept a court decision or an authentic instrument issued in another Member State when doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits*** discrimination.

##### *Amendment*

(75) Considerations of public interest should allow Member State courts or other competent authorities to refuse, to recognise or, as the case may be, accept a court decision or authentic instrument on the parenthood established in another Member State where, in a given case, such recognition or acceptance would be manifestly incompatible with the public policy (ordre public) of the Member State concerned. Courts ***and*** other competent authorities, ***when deciding on the non-compliance of foreign law provisions with national public policy***, should ***in particular take into account the issue of their possible non-compliance with the Charter, in particular with its Art. 21 prohibiting discrimination (including discrimination between men and women), Article. 3. (c), prohibiting the use of the***

*human body and its individual parts as a source of profit, Article 5 (3) prohibiting trafficking in human beings.*

Or. en

#### **Amendment 133**

**Silvia Modig**

#### **Proposal for a regulation**

##### **Recital 75**

###### *Text proposed by the Commission*

(75) Considerations of public interest should allow Member State courts or other competent authorities to refuse, in exceptional circumstances, to recognise or, as the case may be, accept a court decision or authentic instrument on the parenthood established in another Member State where, in a given case, such recognition or acceptance would be manifestly incompatible with the public policy (ordre public) of the Member State concerned. However, the courts or other competent authorities should not be able to refuse to recognise or, as the case may be, accept a court decision or an authentic instrument issued in another Member State when doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits discrimination.

###### *Amendment*

(75) Considerations of public interest should allow Member State courts or other competent authorities to refuse, in exceptional circumstances, to recognise or, as the case may be, accept a court decision or authentic instrument on the parenthood established in another Member State where, in a given case, such recognition or acceptance would be manifestly incompatible with the public policy (ordre public) of the Member State concerned. However, the courts or other competent authorities should not be able to refuse to recognise or, as the case may be, accept a court decision or an authentic instrument issued in another Member State when doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits discrimination, *in particular against women, same-sex couples and multiparent families.*

Or. en

#### **Amendment 134**

**Radka Maxová, Pina Picierno, Vera Tax**

#### **Proposal for a regulation**

##### **Recital 75**

###### *Text proposed by the Commission*

###### *Amendment*

(75) Considerations of public interest should allow Member State courts or other competent authorities to refuse, in exceptional circumstances, to recognise or, as the case may be, accept a court decision or authentic instrument on the parenthood established in another Member State where, in a given case, such recognition or acceptance would be manifestly incompatible with the public policy (ordre public) of the Member State concerned. However, the courts or other competent authorities should not be able to refuse to recognise or, as the case may be, accept a court decision or an authentic instrument issued in another Member State when doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits discrimination.

(75) Considerations of public interest should allow Member State courts or other competent authorities to refuse, in exceptional circumstances, to recognise or, as the case may be, accept a court decision or authentic instrument on the parenthood established in another Member State where, in a given case, such recognition or acceptance would be manifestly incompatible with the public policy (ordre public) of the Member State concerned. However, the courts or other competent authorities should not be able to refuse to recognise or, as the case may be, accept a court decision or an authentic instrument issued in another Member State when doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits discrimination ***or contrary to the best interest of the child.***

Or. en

## **Amendment 135**

**Bert-Jan Ruissen, Margarita de la Pisa Carrión**

### **Proposal for a regulation**

#### **Recital 76**

##### *Text proposed by the Commission*

(76) In order for the recognition of the parenthood established in a Member State to be settled speedily, smoothly and efficiently, children or their parent(s) should be able to demonstrate easily the children's status in another Member State. To enable them to do so, this Regulation should provide for the creation of a uniform certificate, the European Certificate of Parenthood, to be issued for use in another Member State. In order to respect the principle of subsidiarity, the European Certificate of Parenthood should not take the place of internal documents which may exist for similar purposes in the Member States.

##### *Amendment*

(76) In order for the recognition of the parenthood established in a Member State to be settled speedily, smoothly and efficiently, children or their parent(s) should be able to demonstrate easily the children's status in another Member State. To enable them to do so, this Regulation should provide for the creation of a uniform certificate, the European Certificate of Parenthood, to be issued for use in another Member State. In order to respect the principle of subsidiarity, the European Certificate of Parenthood should not take the place of internal documents which may exist for similar purposes in the Member States, ***neither for the purpose of establishing parenthood in each***

*respective case, which remains a Member States competence according to national family law.*

Or. en

**Amendment 136**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

**Proposal for a regulation**

**Recital 76**

*Text proposed by the Commission*

(76) In order for the recognition of the parenthood established in a Member State to be settled speedily, smoothly and efficiently, children or their parent(s) should be able to demonstrate easily the children's status in another Member State. To enable them to do so, this Regulation should provide for the creation of a uniform certificate, the European Certificate of Parenthood, to be issued for use in another Member State. In order to respect the principle of subsidiarity, the European Certificate of Parenthood should not ***take the place of*** internal documents which may exist for similar purposes in the Member States.

*Amendment*

(76) In order for the recognition of the parenthood established in a Member State to be settled speedily, smoothly and efficiently, children or their parent(s) should be able to demonstrate easily the children's status in another Member State. ***It is an important step to reduce bureaucracy and increase access to free movement in the European Union as a means of promoting gender equality.*** To enable them to do so, this Regulation should provide for the creation of a uniform certificate, the European Certificate of Parenthood, to be issued for use in another Member State. In order to respect the principle of subsidiarity, the European Certificate of Parenthood should not ***replace*** internal documents which may exist for similar purposes in the Member States.

Or. en

**Amendment 137**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

**Proposal for a regulation**

**Recital 77**

*Text proposed by the Commission*

(77) The authority that issues the European Certificate of Parenthood should have regard to the formalities required for the registration of parenthood in the Member State in which the register is kept. For that purpose, this Regulation should provide for an exchange of information on such formalities between the Member States.

*Amendment*

(77) The authority that issues the European Certificate of Parenthood should have regard to the formalities required for the registration of parenthood in the Member State in which the register is kept. ***The authority should facilitate and work for minimal administrative burden for the families of all gender compositions who apply for the declaration.*** For that purpose, this Regulation should provide for an exchange of information on such formalities between the Member States.

Or. en

**Amendment 138**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

**Proposal for a regulation  
Recital 99 a (new)**

*Text proposed by the Commission*

*Amendment*

***(99a) Underlines that the lack of parental recognition can ensure harmful ramifications for children within families in all their diversity, such as depriving them of their rightful succession, or their right to have any one of their parents act as their legal representative in matters such as medical treatments, childcare and education.***

Or. en

**Amendment 139**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

**Proposal for a regulation  
Recital 99 b (new)**

***(99b) Underscores how some types of families often face a burden in establishing filiation through court systems and the legal costs that such a process entails. Whereas having legal certainty on recognition will reduce serious concerns and problems that some families face when traveling or moving in the EU.***

Or. en

**Amendment 140**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

**Proposal for a regulation  
Recital 99 c (new)**

***(99c) The parents' gender should not be an obstacle to the child's right to guardianship. The fact that children of same-sex parents fall outside the social system creates legal uncertainty, and the children's rights must be guaranteed. LGBTI families have the same rights to move freely across international borders as any other family.***

Or. en

**Amendment 141**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

**Proposal for a regulation  
Recital 99 d (new)**

***(99d) The woman must always have the right to decide over her own body, also in***

**Amendment 142**

**Pina Picierno, Radka Maxová**

**Proposal for a regulation**

**Article 1 – paragraph 1**

*Text proposed by the Commission*

This Regulation lays down common rules on jurisdiction and applicable law for the establishment of parenthood in a Member State in cross-border situations; common rules for the recognition or, as the case may be, acceptance in a Member State of court decisions on parenthood given, and authentic instruments on parenthood drawn up or registered, in another Member State; and creates a European Certificate of Parenthood.

*Amendment*

This Regulation lays down common rules on jurisdiction and applicable law for the establishment of parenthood in a Member State in cross-border situations; common rules for the recognition or, as the case may be, acceptance in a Member State of court decisions on parenthood given, and authentic instruments on parenthood drawn up or registered, in another Member State; and creates a European Certificate of Parenthood.

***These rules shall apply without prejudice to the nature or type of family or to cases of adoption, established in a Member State, by one or both parents.***

**Amendment 143**

**Silvia Modig**

**Proposal for a regulation**

**Article 3 – paragraph 3**

*Text proposed by the Commission*

3. This Regulation shall not apply to the recognition of court decisions establishing parenthood given in a third State, or to the recognition or, as the case may be, acceptance of authentic instruments establishing or proving parenthood drawn up or registered in a

*Amendment*

3. This Regulation shall not apply to the recognition of court decisions establishing parenthood given in a third State, or to the recognition or, as the case may be, acceptance of authentic instruments establishing or proving parenthood drawn up or registered in a third State. ***Exceptions to this rule shall***

third State.

*include all cases involving refugees and victims of trafficking in human beings, whose recognition on parenthood based on court decisions establishing parenthood given in a third State will be covered by this Regulation.*

Or. en

#### **Amendment 144**

**Bert-Jan Ruissen, Margarita de la Pisa Carrión**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point 1**

*Text proposed by the Commission*

1. ‘parenthood’ means the parent-child relationship established in law. *It includes the legal status of being the child of a particular parent or parents;*

*Amendment*

1. ‘parenthood’ means *the state of being the father or mother of a person and* the parent-child relationship *derived from such status, as* established in *national family* law;

Or. en

#### **Amendment 145**

**Monika Vana**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point 1**

*Text proposed by the Commission*

1. ‘parenthood’ means the *parent-child* relationship established in law. It includes the legal status of being the child of a particular parent or parents;

*Amendment*

1. ‘parenthood’ means the *child-parent* relationship established in law. It includes the legal status of being the child of a particular parent or parents;  
*(This amendment, "parent-child" to "child-parent", applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

Or. en



### *Justification*

*The Regulation aims at safeguarding the rights of the child derived from the fact that the child has a parent and the parenthood is established in law. This amendment aims at better reflecting this child-centered approach.*

#### **Amendment 146**

**Bert-Jan Ruissen, Margarita de la Pisa Carrión**

#### **Proposal for a regulation**

##### **Article 4 – paragraph 1 – point 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**8a. 'Cross-border element' means an item belonging to a parenthood situation that necessarily implies at least two Member States or a Member State and a third country;**

Or. en

#### **Amendment 147**

**Bert-Jan Ruissen, Margarita de la Pisa Carrión**

#### **Proposal for a regulation**

##### **Article 4 – paragraph 1 – point 8 b (new)**

*Text proposed by the Commission*

*Amendment*

**8b. 'Cross-border situation' means the complete set of circumstances and facts pertaining to the establishment of parenthood that necessarily imply at least two Member States or a Member State and a third country;**

Or. en

#### **Amendment 148**

**Bert-Jan Ruissen, Margarita de la Pisa Carrión**

#### **Proposal for a regulation**

##### **Article 17 – paragraph 1**

*Text proposed by the Commission*

1. The law applicable to the establishment of parenthood shall be the law of the State of the habitual residence of the **person** giving birth at the time of birth or, where the habitual residence of the **person** giving birth at the time of birth cannot be determined, the law of the State of birth of the child.

*Amendment*

1. The law applicable to the establishment of parenthood shall be the law of the State of the habitual residence of the **woman** giving birth at the time of birth or, where the habitual residence of the **woman** giving birth at the time of birth cannot be determined, the law of the State of birth of the child.

Or. en

**Amendment 149**

**Pina Picierno, Radka Maxová**

**Proposal for a regulation**

**Article 17 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. These rules shall apply without prejudice to the nature or type of family or to cases of adoption, established in a Member State, by one or both parents.**

Or. en

**Amendment 150**

**Maria Veronica Rossi, Annika Bruna, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 17 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 17a**

**Condemnation of surrogacy**

***It is stated that the practice of surrogacy, also known as gestation for others, is a universal crime because it seriously harms the dignity of the woman and the unborn child as it commodifies the body and life of the child, as already recognized by feminist movements.***

### Amendment 151

Bert-Jan Ruissen, Margarita de la Pisa Carrión

#### Proposal for a regulation

##### Article 22 – paragraph 1

###### *Text proposed by the Commission*

1. The application of a provision of the law of any State specified by this Regulation may be refused only if such application is ***manifestly*** incompatible with the public policy (ordre public) of the forum.

###### *Amendment*

1. The application of a provision of the law of any State specified by this Regulation may be refused only if such application is incompatible with the public policy (ordre public) of the forum.

Or. en

### Amendment 152

Maria Veronica Rossi

#### Proposal for a regulation

##### Article 22 – paragraph 1

###### *Text proposed by the Commission*

1. The application of a provision of the law of any State specified by this Regulation may be refused only if such application is manifestly incompatible with the public policy (ordre public) of the forum.

###### *Amendment*

1. The application of a provision of the law of any State specified by this Regulation may be refused only if such application is manifestly incompatible with the public policy (ordre public) of the forum, ***determined by the legislation on family law and constitutional relevance. However, the Member States remain free to ensure full respect for children's rights and to offer equivalent protection by means other than that of the recognition of judicial decisions, public deeds or European parental certificates.***

Or. en

### Amendment 153

**Proposal for a regulation**  
**Article 22 – paragraph 2**

*Text proposed by the Commission*

2. Paragraph 1 shall be applied by the courts and other competent authorities of the Member States in observance of the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination.

*Amendment*

2. Paragraph 1 shall be applied by the courts and other competent authorities of the Member States in observance of the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination, ***as long as the aforementioned Member State courts have not been found to infringe EU rule of law including in cases of LGBTI homophobia, or do not meet the standards for judicial independence.***

Or. en

**Amendment 154**  
**Radka Maxová, Pina Picierno, Vera Tax**

**Proposal for a regulation**  
**Article 22 – paragraph 2**

*Text proposed by the Commission*

2. Paragraph 1 shall be applied by the courts and other competent authorities of the Member States in observance of the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination.

*Amendment*

2. Paragraph 1 shall be applied by the courts and other competent authorities of the Member States in observance of the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination ***and can under no circumstances be used as an excuse for discrimination based on gender of parents. The refusal can never go against the best interest of the child and the best interest of the child has to be always adhered to.***

Or. en

## Amendment 155

Silvia Modig

### Proposal for a regulation

#### Article 22 – paragraph 2

##### *Text proposed by the Commission*

2. Paragraph 1 shall be applied by the courts and other competent authorities of the Member States in ***observance*** of the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination.

##### *Amendment*

2. Paragraph 1 shall be applied by the courts and other competent authorities of the Member States in ***full respect, fulfillment and protection*** of the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination, ***and shall therefore respect the rights of women, same sex couples and multiparent families.***

Or. en

## Amendment 156

Bert-Jan Ruissen, Margarita de la Pisa Carrión

### Proposal for a regulation

#### Article 22 – paragraph 2

##### *Text proposed by the Commission*

2. Paragraph 1 shall be applied by the courts and other competent authorities of the Member States in observance of the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination.

##### *Amendment*

2. Paragraph 1 shall be applied by the courts and other competent authorities of the Member States in observance of the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination ***and Article 24(2) on the child's best interests.***

Or. en

## Amendment 157

Bert-Jan Ruissen, Margarita de la Pisa Carrión

### Proposal for a regulation

#### Article 31 – paragraph 1 – point a

*Text proposed by the Commission*

(a) if such recognition is **manifestly** contrary to the public policy of the Member State in which recognition is invoked, taking into account the child's interests;

*Amendment*

(a) if such recognition is contrary to the public policy of the Member State in which recognition is invoked, taking into account the child's interests;

Or. en

**Amendment 158**

**Radka Maxová, Pina Picierno, Vera Tax**

**Proposal for a regulation**

**Article 31 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) if such recognition is manifestly contrary to the public policy of the Member State in which recognition is invoked, taking into account the child's interests;

*Amendment*

(a) if such recognition is manifestly contrary to the public policy of the Member State in which recognition is invoked, ***always*** taking into account ***and protecting*** the child's interests ;

Or. en

**Amendment 159**

**Silvia Modig**

**Proposal for a regulation**

**Article 31 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) if such recognition is manifestly contrary to the public policy of the Member State in which recognition is invoked, taking into account the child's ***interests***;

*Amendment*

(a) if such recognition is manifestly contrary to the public policy of the Member State in which recognition is invoked, taking into account the child's ***best interest***;

Or. en

**Amendment 160**

**Silvia Modig**

**Proposal for a regulation**  
**Article 31 – paragraph 2**

*Text proposed by the Commission*

2. Point (a) of paragraph 1 shall be applied by the courts and other competent authorities of the Member States in ***observance*** of the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination.

*Amendment*

2. Point (a) of paragraph 1 shall be applied by the courts and other competent authorities of the Member States in ***full respect, fulfillment and protection*** of the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination, ***and shall therefore respect the rights of women, same-sex couples and multiparent families.***

Or. en

**Amendment 161**  
**Radka Maxová, Pina Picierno, Vera Tax**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) if such recognition is manifestly contrary to the public policy of the Member State in which recognition is invoked, taking into account the child's interests;

*Amendment*

(a) if such recognition is manifestly contrary to the public policy of the Member State in which recognition is invoked, ***always*** taking into account ***and protecting*** the child's interests; ***Under no circumstances can the best interest of the child be used as an excuse for refusal on the basis of the gender of the parents.***

Or. en

**Amendment 162**  
**Livia Járóka**

**Proposal for a regulation**  
**Article 41 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

*Under no circumstances may* a court decision given in another Member State, or an authentic instrument establishing parenthood with binding legal effect in the Member State of origin, be reviewed as to their substance.

*As a general principle* a court decision given in another Member State, or an authentic instrument establishing parenthood with binding legal effect in the Member State of origin, **may not** be reviewed as to their substance.

Or. en

## **Amendment 163**

**Silvia Modig**

### **Proposal for a regulation**

#### **Article 45 – paragraph 2**

##### *Text proposed by the Commission*

2. The public policy (ordre public) referred to in paragraph 1 shall be applied by the courts and other competent authorities of the Member States in **observance** of the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination.

##### *Amendment*

2. The public policy (ordre public) referred to in paragraph 1 shall be applied by the courts and other competent authorities of the Member States in **full respect, fulfillment and protection** of the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination, **and shall therefore respect the rights of women, same-sex couples and multiparent families.**

Or. en

## **Amendment 164**

**Radka Maxová, Pina Picierno, Vera Tax**

### **Proposal for a regulation**

#### **Article 45 – paragraph 2**

##### *Text proposed by the Commission*

2. The public policy (ordre public) referred to in paragraph 1 shall be applied by the courts and other competent authorities of the Member States in observance of the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to

##### *Amendment*

2. The public policy (ordre public) referred to in paragraph 1 shall be applied by the courts and other competent authorities of the Member States in observance of the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to



non-discrimination.

non-discrimination *and has to always be in line with and promote the best interest of the child.*

Or. en

#### **Amendment 165**

**Maria Veronica Rossi, Margarita de la Pisa Carrión**

#### **Proposal for a regulation**

#### **Article 47 – paragraph 1**

##### *Text proposed by the Commission*

The Certificate is for use by a child or a legal representative who, in another Member State, needs to invoke the child's parenthood status.

##### *Amendment*

*Respecting the limit of public order for contrast with the legislation on family law and constitutional relevance,* the Certificate is for use by a child or a legal representative who, in another Member State, needs to invoke the child's parenthood status.

Or. en

#### **Amendment 166**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Eleni Stavrou**

#### **Proposal for a regulation**

#### **Article 48 – paragraph 2 – point b**

##### *Text proposed by the Commission*

(b) another authority which, under national law, has competence to deal with parenthood matters.

##### *Amendment*

(b) another authority which, under national law, has competence to deal with parenthood matters *which is recognised and approved by European regulators.*

Or. en

#### **Amendment 167**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

**Proposal for a regulation**  
**Article 49 – paragraph 3 – point h**

*Text proposed by the Commission*

(h) any other information which the applicant deems useful for the purposes of the issuance of the Certificate.

*Amendment*

(h) any other **relevant** information which the applicant deems useful for the purposes of the issuance of the Certificate.

Or. en

**Amendment 168**  
**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

**Proposal for a regulation**  
**Article 49 – paragraph 3 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

**(ha) the certificate shall be available in all EU official languages and braille as well as be gender inclusive.**

Or. en

**Amendment 169**  
**Maria Veronica Rossi, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Article 53 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Certificate shall produce its effects in all Member States without any special procedure being required.

1. The Certificate shall produce its effects in all Member States without any special procedure being required, **respecting the limits of public order and after consulting with the competent authorities of the country whose recognition is sought.**

Or. en

#### **Amendment 170**

**Maria Veronica Rossi, Margarita de la Pisa Carrión**

#### **Proposal for a regulation**

#### **Article 53 – paragraph 3**

*Text proposed by the Commission*

3. The Certificate shall constitute a valid document for the recording of parenthood in the relevant register of a Member State, without prejudice to point (i) of Article 3(2).

*Amendment*

3. ***After a verification conducted by the competent authorities of the Member State in which recognition is requested,*** the Certificate shall constitute a valid document for the recording of parenthood in the relevant register of a Member State, without prejudice to point (i) of Article 3(2).

Or. en

#### **Amendment 171**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

#### **Proposal for a regulation**

#### **Article 55 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The issuing authority shall in cases of name changes comply with the national law and issue new certificates with all requested legal name changes regardless of gender.***

Or. en

#### **Amendment 172**

**Arba Kokalari, Frances Fitzgerald, Christine Schneider, Sirpa Pietikäinen, Pernille Weiss, Eleni Stavrou**

#### **Proposal for a regulation**

#### **Article 56 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

The challenge shall be lodged before a

The challenge shall be lodged before a

court in the Member State of the issuing authority in accordance with the law of that Member State.

court in the Member State of the issuing authority in accordance with the law of that Member State *and where applicable in cooperation with national equality bodies.*

Or. en

#### **Amendment 173**

**Abir Al-Sahlani, Michal Šimečka, Karen Melchior, Samira Rafaela, María Soraya Rodríguez Ramos**

#### **Proposal for a regulation Article 70 – paragraph 1**

##### *Text proposed by the Commission*

1. By [5 years from date of application of this Regulation], the Commission shall present to the European Parliament, the Council and the European Economic and Social Committee a report on the application of this Regulation, including an evaluation of any practical problems encountered, supported by information supplied by the Member States. The report shall be accompanied, where necessary, by a legislative proposal.

##### *Amendment*

1. By [3 years from date of application of this Regulation], the Commission shall present to the European Parliament, the Council and the European Economic and Social Committee a report on the application of this Regulation, including an evaluation of any practical problems encountered, supported by information supplied by the Member States. The report shall be accompanied, where necessary, by a legislative proposal.

Or. en

#### **Amendment 174**

**Abir Al-Sahlani, Michal Šimečka, Karen Melchior, Samira Rafaela, María Soraya Rodríguez Ramos**

#### **Proposal for a regulation Article 70 – paragraph 2 – point a**

##### *Text proposed by the Commission*

(a) the number of applications for the refusal of recognition of a court decision or of an authentic instrument establishing parenthood with binding legal effect in the Member State of origin pursuant to Article 32, and the number of cases in which the refusal of recognition was granted;

##### *Amendment*

(a) the number of applications for the refusal of recognition of a court decision or of an authentic instrument establishing parenthood with binding legal effect in the Member State of origin pursuant to Article 32, and the number of cases in which the refusal of recognition was granted, *as well*

*as on what grounds an application for refusal of recognition was granted, as set out in the provisions of Article 31 of this Regulation;*

Or. en