



2022/0402(CNS)

20.7.2023

AMENDMENTS 54 - 279

Draft report
Maria-Manuel Leitão-Marques
(PE749.919v01-00)

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 54
Gilles Lebreton, Jean-Paul Garraud

Draft legislative resolution
Citation 4 a (new)

Draft legislative resolution

Amendment

- *having regard to its resolution of 21 January 2021 on the EU Strategy for Gender Equality (2019/2169(INI)),*

Or. fr

Amendment 55
Gilles Lebreton, Jean-Paul Garraud

Proposal for a regulation
Citation 1 a (new)

Text proposed by the Commission

Amendment

- *having regard to Articles 1, 3(2)(c), 5(1) and 5(3) of the Charter of Fundamental Rights of the European Union,*

Or. fr

Amendment 56
Gilles Lebreton, Jean-Paul Garraud

Proposal for a regulation
Citation 1 b (new)

Text proposed by the Commission

Amendment

- *having regard to Article 1 of the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,*

Or. fr

Amendment 57

Antonius Manders, Jiří Pospíšil

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The Union has set itself the objective of creating, maintaining and developing an area of freedom, security and justice in full respect of fundamental rights in which the free movement of persons and access to justice are ensured. For the gradual establishment of such an area, the Union is to adopt measures aimed at ensuring the mutual recognition between Member States of judgments and decisions in extrajudicial cases in civil matters and the compatibility of the rules applicable in the Member States concerning conflict of laws and jurisdiction in civil matters.

Amendment

(1) The Union has set itself the objective of creating, maintaining and developing an area of freedom, security and justice in full respect of fundamental rights in which the free movement of persons and access to justice are ensured, ***according to Articles 21, 45, 49, 56 and 67 of the Treaty on the Functioning of the European Union (TFEU)***. For the gradual establishment of such an area, the Union is to adopt measures aimed at ensuring the mutual recognition between Member States of judgments and decisions in extrajudicial cases in civil matters and the compatibility of the rules applicable in the Member States concerning conflict of laws and jurisdiction in civil matters.

Or. en

Amendment 58

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The Union has set itself the objective of creating, maintaining and developing an area of freedom, security and justice in full respect of fundamental rights in which the free movement of persons and access to justice are ensured. For the gradual establishment of such an area, the Union is to adopt measures aimed

Amendment

(1) The Union has set itself the objective of creating, maintaining and developing an area of freedom, security and justice in full respect of fundamental rights in which the free movement of persons and access to justice are ensured. For the gradual establishment of such an area, the Union is to adopt measures aimed

at ensuring the mutual recognition between Member States of judgments and decisions in extrajudicial cases in civil matters **and the compatibility of the rules applicable in the Member States concerning conflict of laws and jurisdiction in civil matters.**

at ensuring the mutual recognition between Member States of judgments and decisions in extrajudicial cases in civil matters, **in accordance with the sovereign competence of the Member States over the regulation of family law.**

Or. es

Amendment 59

Sergey Lagodinsky, Heidi Hautala
on behalf of the Verts/ALE Group

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 identity³¹, to non-discrimination³² and to a private and family life³³, taking the best interests of the child as a primary consideration³⁴. 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.

Amendment

(2) This Regulation concerns the recognition in a Member State of the parenthood of a child as established in another Member State. **All Member States are bound to act in the best interest of a child, including by safeguarding the fundamental right of every child to family and the prohibition to discriminate a child on the basis of their parents' marital status or sexual orientation, or the way the child was conceived. This Regulation therefore** 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 identity³¹, to non-discrimination³² and to a private and family life³³, taking the best interests of the child as a primary consideration³⁴. **It aims to ensure that a child never gets legally separated from a parent due to the cross-border nature of the situation in which they find themselves.** This Regulation also aims to provide legal certainty and predictability and to reduce litigation costs and burden for families, **whether they are traditional or non-traditional**, 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.

³¹ Article 8 of the UN Convention on the Rights of the Child.

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

³³ 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.

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

³¹ Article 8 of the UN Convention on the Rights of the Child.

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

³³ 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.

³⁴ 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 60

Daniel Buda

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 identity³¹, to non-discrimination³² and to a private and family life³³, taking the best interests of the child as a primary consideration³⁴. This Regulation also aims to provide legal certainty and predictability and to reduce

Amendment

(2) This Regulation concerns the recognition in a Member State of the parenthood of a child ***of parents established in another Member State, or, as the case may be,*** as established in another Member State. It aims ***to ensure that the child's best interests are respected and*** to protect the fundamental rights and other rights of children in matters concerning their parenthood in cross-border situations, including their right to an identity³¹, to non-discrimination³² and to a private and family life³³, taking ***full respect***

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.

for the principle of the best interests of the child as a primary consideration³⁴. 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.

³¹ Article 8 of the UN Convention on the Rights of the Child.

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

³³ 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.

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

³¹ Article 8 of the UN Convention on the Rights of the Child.

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

³³ 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.

³⁴ 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. ro

Amendment 61 **Angel Dzhambazki**

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

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parenthood in cross-border situations, including their right to an identity³¹, to non-discrimination³² and to a private and family life³³, taking the best interests of the child as a primary consideration³⁴. 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.***

³¹ Article 8 of the UN Convention on the Rights of the Child.

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

³³ 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.

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

parenthood in cross-border situations, including their right to an identity³¹, to non-discrimination³² and to a private and family life³³, taking the best interests of the child as a primary consideration³⁴. 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.

³¹ Article 8 of the UN Convention on the Rights of the Child.

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

³³ 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.

³⁴ 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. bg

Amendment 62

Javier Zarzalejos, François-Xavier Bellamy, Isabel Benjumea Benjumea, György Hölvényi, Michaela Šojdrová, Karlo Ressler, Ivan Štefanec, Loránt Vincze, Miriam Lexmann, Jan Olbrycht

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) This Regulation concerns the

PE751.834v02-00

Amendment

(2) This Regulation concerns the

8/167

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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 identity³¹, to non-discrimination³² and to a private and family life³³, taking the best interests of the child as a primary consideration³⁴. 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.

³¹ Article 8 of the UN Convention on the Rights of the Child.

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

³³ 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.

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

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 identity³¹, to non-discrimination³² and to a private and family life³³, taking the best interests of the child as a primary consideration³⁴. 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 the parenthood of a child as established in another Member State.

³¹ Article 8 of the UN Convention on the Rights of the Child.

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

³³ 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.

³⁴ 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

Justification

The expression "for all purposes" excessively expands the obligations imposed on the Member States, even in an unforeseeable way.

Amendment 63

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

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. ***Pursuant to Article 67(1) TFEU, the Union shall respect ‘fundamental rights and the different legal systems and traditions of the Member States’.***

Or. es

Amendment 64

Javier Zarzalejos, François-Xavier Bellamy, Isabel Benjumea Benjumea, György Hölvényi, Michaela Šojdrová, Karlo Ressler, Ivan Štefanec, Loránt Vincze, Miriam Lexmann, Jan Olbrycht

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

Amendment

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applicable law and on the recognition of parenthood.

applicable law and on the recognition of parenthood. ***In accordance with Article 67(1) TFEU the relevant legislation shall respect fundamental rights and the different legal systems of the Member States.***

Or. en

Justification

The amendment completes the references to EU primary law.

Amendment 65

Vincenzo Sofo, Raffaele Stancanelli

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 ***exclusive*** 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.

Or. it

Amendment 66

Daniel Buda

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) In 2010 the Commission published

Amendment

(7) In 2010 the Commission published

a Green Paper entitled ‘Less bureaucracy for citizens: promoting free movement of public documents and recognition of the effects of civil status records’ by which it launched a broad consultation on matters relating to the free movement of public documents and the recognition of the effects of civil status records. ***Among others, it considered the possibility of introducing a European civil status certificate that would facilitate the cross-border recognition of civil status in the Union.*** The consultation aimed to gather contributions from interested parties and the general public with a view to developing Union policy in these areas and the relevant legislative proposals. In 2016, the Union legislator adopted Regulation (EU) 2016/1191 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union⁴², including documents on birth, parenthood and adoption.

⁴² Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 (OJ L 200, 26.7.2016, p. 1).

a Green Paper entitled ‘Less bureaucracy for citizens: promoting free movement of public documents and recognition of the effects of civil status records’ by which it launched a broad consultation on matters relating to the free movement of public documents and the recognition of the effects of civil status records. The consultation aimed to gather contributions from interested parties and the general public with a view to developing Union policy in these areas and the relevant legislative proposals. In 2016, the Union legislator adopted Regulation (EU) 2016/1191 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union⁴², including documents on birth, parenthood and adoption.

⁴² Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 (OJ L 200, 26.7.2016, p. 1).

Or. ro

Amendment 67
Alessandra Basso

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-

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.

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, although the Regulation does not directly affect substantive national law, it nevertheless has a considerable bearing thereon. In order to uphold the different legal and constitutional traditions of the Member States and the public policy limits thereof, states which, upon entry into force of this Regulation, already have legislation in place to ensure full respect for children's rights and the recognition of parenthood status in specific cases of children born abroad, by virtue of instruments other than the recognition of court decisions and authentic instruments with binding legal effect originating in other Member States, must remain free to disregard the rules on recognition. To that end, the competent authority of the Member State should submit, within six months of entry into force of this Regulation, a communication to the Commission setting out how its national legislation ensures that the principles of non-discrimination and the protection of the best interests of the child are upheld.***

Or. it

Amendment 68
Angel Dzhambazki

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) ***It is recalled that*** the Union has ***no*** competence to adopt measures on family law, and ***therefore*** the Union ***should not adopt*** provisions in areas ***relating to*** parenthood.

Or. bg

Amendment 69

Sergey Lagodinsky, Heidi Hautala
on behalf of the Verts/ALE Group

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, ***leading to legal gaps and uncertainty for children, families as well as administrative and court officials involved*** .

Or. en

Amendment 70

Daniel Buda

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 can prevent fundamental rights recognised at European level for children from being respected.***

Or. ro

Amendment 71
Angel Dzhambazki

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) At Union level, a number of Union instruments deal with certain rights of children in cross-border situations, in particular Council Regulation (EC) No 4/2009⁴³, Regulation (EU) No 650/2012 of the European Parliament and of the Council⁴⁴ and Council Regulation (EU) 2019/1111⁴⁵. ***However, these Regulations do not include provisions on the establishment or the recognition of parenthood.*** For its part, Regulation (EU) 2016/1191 of the European Parliament and of the Council⁴⁶ includes public documents on birth, parenthood and adoption in its scope, ***but this Regulation deals with the authenticity and the language of such documents and not with the recognition of their contents or effects in another Member State.***

Amendment

(9) At Union level, a number of Union instruments deal with certain rights of children in cross-border situations, in particular Council Regulation (EC) No 4/2009⁴³, Regulation (EU) No 650/2012 of the European Parliament and of the Council⁴⁴ and Council Regulation (EU) 2019/1111⁴⁵. For its part, Regulation (EU) 2016/1191 of the European Parliament and of the Council⁴⁶ includes public documents on birth, parenthood and adoption in its scope.

⁴³ Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ L 7, 10.1.2009, p. 1).

⁴⁴ Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession (OJ L 201, 27.7.2012, p. 107).

⁴⁵ Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (OJ L 178, 2.7.2019, p. 1).

⁴⁶ Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 (OJ L 200, 26.7.2016, p. 1).

⁴³ Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ L 7, 10.1.2009, p. 1).

⁴⁴ Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession (OJ L 201, 27.7.2012, p. 107).

⁴⁵ Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (OJ L 178, 2.7.2019, p. 1).

⁴⁶ Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 (OJ L 200, 26.7.2016, p. 1).

Or. bg

Amendment 72

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

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

Amendment

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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.

Or. es

Amendment 73
Gilles Lebreton, Jean-Paul Garraud

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) 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.

Or. fr

Amendment 74
Daniel Buda

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

Amendment

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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.

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, *which may deter families from exercising their right to freedom of movement, as their tie of parenthood with their children will not be recognised in another Member State.*

Or. ro

Amendment 75
Sergey Lagodinsky, Heidi Hautala
on behalf of the Verts/ALE Group

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 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.

Or. en

Amendment 76
Gilles Lebreton, Jean-Paul Garraud

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) Children derive a number of rights

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.*

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 adverse consequences on the rights that *children* derive from national law. This may *be resolved through administrative or judicial proceedings* to have the parenthood of *a* child recognised in another Member State. Those proceedings *ensure the necessary balance between the child's interests and rights, and respect* for the *host Member State's judicial system.*

Or. fr

Amendment 77

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) In 2020 the Commission announced measures⁴⁷ 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 Strategy⁴⁸ and the 2021 EU Strategy on the rights of the child⁴⁹ 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

Amendment

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LGBTIQ rights in the EU⁵⁰ and in its 2022 Resolution on the protection of the rights of the child in civil, administrative and family law proceedings.

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

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

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

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

⁵¹ 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. es

Amendment 78
Alessandra Basso

Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

(12) In 2020 the Commission announced measures⁴⁷ 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 Strategy⁴⁸ and the 2021 EU Strategy on the rights of the child⁴⁹ 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 EU⁵⁰ and in its

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2022 Resolution on the protection of the rights of the child in civil, administrative and family law proceedings⁵¹.

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

⁴⁸ *Union of Equality: LGBTIQ Equality Strategy 2020-2025, COM(2020) 698 final.*

⁴⁹ *EU Strategy on the rights of the child, COM(2021) 142 final.*

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

⁵¹ *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. it

Amendment 79
Sergey Lagodinsky, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) In 2020 the Commission announced measures⁴⁷ 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 Strategy⁴⁸ and the 2021 EU Strategy on the rights of the child⁴⁹ 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 EU⁵⁰ and in its 2022

Amendment

(12) In 2020 the Commission announced measures⁴⁷ 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 Strategy⁴⁸ and the 2021 EU Strategy on the rights of the child⁴⁹ as a key action to support equality and the rights of children. ***In particular children in rainbow families and other types of non-traditional families face difficulties and discrimination in cross-border situations***

Resolution on the protection of the rights of the child in civil, administrative and family law proceedings⁵¹ .

due to the legal gaps in the recognition of parenthood. The European Parliament welcomed the Commission’s initiative in its 2021 Resolution on LGBTIQ rights in the EU⁵⁰ and in its 2022 Resolution on the protection of the rights of the child in civil, administrative and family law proceedings⁵¹ .

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

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

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

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

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

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

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

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

⁵¹ 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)).

⁵¹ 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 80
Sergey Lagodinsky, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

(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

(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.

exercise, with *every parent*, 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 81
Alessandra Basso

Proposal for a regulation
Recital 14

Text proposed by the Commission

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 means⁵². 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

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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.

⁵² 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. it

Amendment 82
Vincenzo Sofo, Raffaele Stancanelli

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

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 means⁵². 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.

⁵² 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.

from Union law. In addition, for the purposes of exercising such rights, proof of parenthood can be presented by any means⁵². 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 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. 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 annexed to this Regulation should include a statement specifying that the relevant attestation ***does*** 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.

⁵² 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. it

Amendment 83
Sergey Lagodinsky, Heidi Hautala
on behalf of the Verts/ALE Group

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 means⁵². 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.

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. ***This prohibition is therefore to be strictly respected by Member States in the application of this Regulation.*** In addition, for the purposes of exercising such rights, proof of parenthood can be presented by any means⁵². 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.

⁵² 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.

⁵² 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 84
Sergey Lagodinsky, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Member States should organise training for all persons potentially dealing with these matters, including judges, lawyers, and public administration officials. They should be supported in this by the Commission and the European Judicial Training Network.

Or. en

Amendment 85
Angel Dzhambazki

Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) This Regulation should not affect Regulation (EU) 2016/1191 of the European Parliament and of the Council⁵³ in respect of public documents

deleted

on birth, parenthood and adoption, in particular as regards the presentation by citizens of certified copies and the use by Member State authorities of the Internal Market Information System ('IMI') if they have a reasonable doubt as to the authenticity of a public document on birth, parenthood or adoption or their certified copy presented to them.

⁵³ *Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 (OJ L 200, 26.7.2016, p. 1).*

Or. bg

Amendment 86
Daniel Buda

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, **and the child's rights must be respected in all situations and circumstances.**

Amendment 87
Daniel Buda

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) Any reference to the ‘best interests of the child’ in this Regulation should apply to children within the meaning of Article 1 of the United Nations Convention on the Rights of the Child of 20 November 1989 (‘UN Convention on the Rights of the Child’), that is, children below the age of 18 years unless under the law applicable to the child, majority is attained earlier. Any reference to the ‘best interests of the child’ in this Regulation should also be interpreted in the light of Article 24 of the Charter of Fundamental Rights of the European Union (‘the Charter’) and of Articles 3 and 12 of the UN Convention on the Rights of the Child as implemented by national law. Any reference to the ‘child’s interests’ in this Regulation should be understood as referring to the best interests of the child and to the interests of children whichever their age.

Amendment

(17) Any reference to the ‘best interests of the child’ in this Regulation should apply to children within the meaning of Article 1 of the United Nations Convention on the Rights of the Child of 20 November 1989 (‘UN Convention on the Rights of the Child’), that is, children below the age of 18 years unless under the *national* law applicable to the child, majority is attained earlier. Any reference to the ‘best interests of the child’ in this Regulation should also be interpreted in the light of Article 24 of the Charter of Fundamental Rights of the European Union (‘the Charter’) and of Articles 3 and 12 of the UN Convention on the Rights of the Child as implemented by national law. Any reference to the ‘child’s interests’ in this Regulation should be understood as referring to the best interests of the child and to the interests of children whichever their age.

Or. ro

Amendment 88
Javier Zarzalejos, François-Xavier Bellamy, Isabel Benjumea Benjumea, György Hölvényi, Michaela Šojdrová, Karlo Ressler, Ivan Štefanec, Loránt Vincze, Miriam Lexmann, Jan Olbrycht

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) Article 8 of the Convention for the

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)*⁵⁴.

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 *Grand Chamber of the European Court of Human Rights has recognised, in the only case on which it had to rule, Paradiso and Campanelli v Italy (ECHR, 24 January 2017, n° 25358/12), the right of a Member State to not recognise a parenthood established abroad to the orderer of a surrogacy contract. Member States are not required to register the details of the birth certificate of a child born via surrogacy abroad in order to establish the parent-child legal relationship with the orderer mother. The jurisprudence of the European Court of Human Rights, without prejudice to the need for States to identify ways to ensure the protection of the child interest in the legal recognition of the link with those who de facto exercise parental responsibility, has recognised to the States a margin of discretion in identifying the ways in which to formalise the relationship with the orderer of a surrogacy contract. This orientation does not prevent the solution of the non-registration of the foreign document that recognises the parenthood to both the members of the couple that resorted to surrogacy abroad. With regard to the solution of adoption, the European Court of Human Rights has underlined that it can be considered sufficient to guarantee the protection of the rights of minors to the extent that it is capable of constituting a link of real "filiation" between adopter and adopted, and on condition that the modalities provided for by domestic law guarantee the effectiveness and speediness of its implementation, in accordance with the*

best interest of the child.

⁵⁴ *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

Justification

The references to the ECHR jurisprudence on the matter are incomplete and require the additions in question.

Amendment 89

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

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 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*

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. ***Member States are not required to register the information in the birth certificate of a child born out of surrogacy abroad in order to establish the legal parent-child relationship with the future mother. Without precluding the need for States to identify ways of protecting the child's interests in the legal recognition of the link with those who de facto exercise parental authority, the case-law of the***

*intended parent (for example through the adoption of the child)*⁵⁴.

European Court of Human Rights has granted a margin of appreciation to States in the identification of ways to formalise the intended parental relationship. That approach does not prevent the solution of not registering a foreign document which acknowledges the paternity of both partners who have resorted to surrogacy abroad. The European Court of Human Rights has underlined that the adoption solution may be regarded as sufficient to protect the rights of minors where it is capable of establishing a real ‘parent-child’ relationship between adopter and adoptee, and provided that the procedures laid down by national law guarantee efficient and expeditious implementation, in accordance with the best interests of the child.

⁵⁴ *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. es

Amendment 90
Vincenzo Sofo, Raffaele Stancanelli

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 private and family life, while Article 1 of Protocol No. 12 to the said Convention provides that the enjoyment of any right set

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)⁵⁴.

⁵⁴ For example, *Menesson 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).

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)⁵⁴. ***Without prejudice to the foregoing, recognition of the relationship between the intended parent and the child must be provided by registration directly in the civil status records***^{54a}.

⁵⁴ For example, *Menesson 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).

^{54a} ***Applications Nos 47998/20 and 23142/21, Nuti and Others v Italy, European Court of Human Rights.***

Or. it

Amendment 91

Angel Dzhambazki

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)⁵⁴.

⁵⁴ For example, *Menesson 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).

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 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)⁵⁴.

⁵⁴ For example, *Menesson 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. bg

Amendment 92
Gilles Lebreton, Jean-Paul Garraud

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) However, in its resolution of 21 January 2021 on the EU Strategy for Gender Equality, Parliament acknowledged that sexual exploitation for surrogacy is unacceptable and a violation of human dignity and human rights.

Or. fr

Amendment 93
Gilles Lebreton, Jean-Paul Garraud

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'), **respect for human dignity**, equality and non-discrimination are amongst the values on which the Union is founded and which are common to the Member States. **Articles 1, 3(2)(c), 5(1) and 5(3) of the Charter provide that human dignity is inviolable, that the human body and its parts as such must not be made a source of financial gain, that no one shall be held in slavery or servitude, and that trafficking in human beings is prohibited;** 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.

Or. fr

Amendment 94
Alessandra Basso

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

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.

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 3 of the Charter, however, affirms the right to the integrity of the person and prohibits making the human body and its parts as such a source of financial gain.

Or. it

Amendment 95

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

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***

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.

adoption in that Member State.

Or. es

Amendment 96
Alessandra Basso

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, *without prejudice to the public policy restrictions of the Member States.*

Or. it

Amendment 97
Angel Dzhambazki

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, including ***by*** domestic adoption. 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. bg

Amendment 98

Javier Zarzalejos, François-Xavier Bellamy, Isabel Benjumea Benjumea, György Hölvényi, Michaela Šojdrová, Karlo Ressler, Ivan Štefanec, Loránt Vincze, Miriam Lexmann, Jan Olbrycht

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) In conformity with the provisions of international conventions and Union

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. 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.

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, 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.

Or. en

Justification

The expression excessively expands the obligation of the Member States, even in an unpredictable way.

Amendment 99

Sergey Lagodinsky, Heidi Hautala
on behalf of the Verts/ALE Group

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

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. 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.

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, ***a transgender parent or a single parent***. 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 100
Angel Dzhambazki

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

deleted

Or. bg

Amendment 101
Alessandra Basso

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.

Or. it

Amendment 102
Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

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 ***final*** court decisions and authentic instruments ***with binding legal effect*** 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.

Or. es

Amendment 103
Daniel Buda

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, ***enforcement of final court decisions and recognition*** of 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.

Or. ro

Amendment 104
Vincenzo Sofo, Raffaele Stancanelli

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 in a Union legal instrument which is binding and directly applicable.

Or. it

Amendment 105
Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) This Regulation covers ‘civil matters’, which includes civil court proceedings and the resulting decisions on parenthood, and authentic instruments on parenthood. The term ‘civil matters’ should be interpreted autonomously, in accordance with the established case law of the Court of Justice. It should be regarded as an independent concept to be interpreted by referring, first, to the objectives and scheme of this Regulation and, second, to the general principles that stem from the corpus of the national legal systems. The term ‘civil matters’ should therefore be interpreted as capable of extending also to measures that, from the point of view of the legal system of a Member State, might fall under public law.

Amendment

(23) This Regulation covers ‘civil matters’, which includes civil court proceedings and the resulting *final court* decisions on parenthood, and authentic instruments *with binding legal effect* on parenthood. The term ‘civil matters’ should be interpreted autonomously, in accordance with the established case law of the Court of Justice. It should be regarded as an independent concept to be interpreted by referring, first, to the objectives and scheme of this Regulation and, second, to the general principles that stem from the corpus of the national legal systems. The term ‘civil matters’ should therefore be interpreted as capable of extending also to measures that, from the point of view of the legal system of a Member State, might fall under public law.

Or. es

Amendment 106

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

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

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. ***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.***

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.

Or. es

Amendment 107
Angel Dzhambazki

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

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. 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.***

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.

Or. bg

Amendment 108
Alessandra Basso

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

Amendment

(24) For the purposes of this Regulation, parenthood, also referred to as filiation, may be biologic, by adoption or by operation of law. ***Subject to the limits on public order imposed by national laws***, 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.

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. it

Amendment 109
Daniel Buda

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 *national* law. Also for the purposes of this Regulation, parenthood should mean the parent-child relationship established in *national* 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 *national* 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. ro

Amendment 110

Javier Zarzalejos, François-Xavier Bellamy, Isabel Benjumea Benjumea, György Hölvényi, Michaela Šojdrová, Karlo Ressler, Ivan Štefanec, Loránt Vincze, Miriam Lexmann, Jan Olbrycht

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. The term ‘parent’ in this Regulation should be understood, as applicable, as referring to the legal parent, ***which means the person to which a child has a legally established link of filiation, may it be biologic, genetic, by adoption or by operation of law.***

Or. en

Justification

The reference could create undue interference with national systems.

Amendment 111

Alessandra Basso

**Proposal for a regulation
Recital 24 a (new)**

Text proposed by the Commission

Amendment

(24a) Parent-child relationships that arise after conception and gestation are carried out on another's behalf should not be covered by the scope of this Regulation. Gestation on another's behalf should be understood as a form of assisted procreation whereby a woman enters into a contractual obligation to carry a pregnancy to term on behalf of third parties, intended parents or clients, either free of charge or for a fee. Whether remunerated or not, gestation on another's behalf, or 'surrogacy', should be prohibited in all Member States, as it violates the dignity of the woman and the unborn child, in contravention of Article 3 of the Charter, in particular the prohibition on making the human body and its parts as such a source of financial gain.

Or. it

**Amendment 112
Gilles Lebreton, Jean-Paul Garraud**

**Proposal for a regulation
Recital 25**

Text proposed by the Commission

Amendment

(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 cases, such as the parenthood of a child further to a domestic adoption in a Member State. However, in order to***

(25) This Regulation ***shall*** not apply to the establishment of parenthood in a Member State in a domestic situation with no cross-border elements.

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. fr

Amendment 113

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 25

Text proposed by the Commission

(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 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*

Amendment

(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 cases, such as the parenthood of a child further to a domestic adoption in a Member State.

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. es

Amendment 114
Alessandra Basso

Proposal for a regulation
Recital 25

Text proposed by the Commission

(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 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,*

Amendment

(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 cases, such as the parenthood of a child further to a domestic adoption in a Member State.

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. it

Amendment 115
Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation
Recital 25

Text proposed by the Commission

(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 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

Amendment

(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 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.

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 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. it

Amendment 116

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 26

Text proposed by the Commission

Amendment

(26) For the purposes of this Regulation, a domestic adoption in a Member State is that in which the child and the adoptive parent or parents have their habitual residence in the same Member State and where the adoption creates a permanent parent-child relationship. In order to take account of the different legal traditions of the Member States, this Regulation should cover domestic adoption in a Member State where the adoption results in the termination of the legal relationship between the child and the family of origin (full adoption) as well as domestic adoption in a Member State which does not result in the termination of the legal relationship between the child and the family of origin (simple adoption).

deleted

Or. es

Amendment 117

Alessandra Basso

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) For the purposes of this Regulation, a domestic adoption in a Member State is that in which the child and the adoptive parent or parents have their habitual residence in the same Member State and where the adoption creates a permanent parent-child relationship. In order to take account of the different legal traditions of the Member States, this Regulation should cover domestic adoption in a Member State where the adoption results in the termination of the legal relationship between the child and the family of origin (full adoption) as well as domestic adoption in a Member State which does not result in the termination of the legal relationship between the child and the family of origin (simple adoption).

Amendment

deleted

Or. it

Amendment 118
Daniel Buda

Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) While the establishment and the recognition of parenthood in conformity with this Regulation is relevant for other areas of civil law, the scope of this Regulation should be limited to jurisdiction, applicable law, **recognition** of decisions and **acceptance** of authentic instruments concerning parenthood. For reasons of clarity, other areas of civil law which could be seen as having a link with

Amendment

(28) While the establishment and the recognition of parenthood in conformity with this Regulation is relevant for other areas of civil law, the scope of this Regulation should be limited to jurisdiction, applicable law, **enforcement of final** court decisions **and recognition** of authentic instruments concerning parenthood. For reasons of clarity, other areas of civil law which could be seen as

parenthood should be explicitly excluded from the scope of this Regulation.

having a link with parenthood should be explicitly excluded from the scope of this Regulation.

Or. ro

Amendment 119

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) While the establishment and the recognition of parenthood in conformity with this Regulation is relevant for other areas of civil law, the scope of this Regulation should be limited to jurisdiction, applicable law, recognition of decisions and *acceptance of authentic instruments concerning parenthood*. For reasons of clarity, other areas of civil law which could be seen as having a link with parenthood should be explicitly excluded from the scope of this Regulation.

Amendment

(28) While the establishment and the recognition of parenthood in conformity with this Regulation is relevant for other areas of civil law, the scope of this Regulation should be limited to jurisdiction, applicable law, *and recognition of final court decisions and authentic instruments with binding legal effect*. For reasons of clarity, other areas of civil law which could be seen as having a link with parenthood should be explicitly excluded from the scope of this Regulation.

Or. es

Amendment 120

Daniel Buda

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) In particular, the rules on jurisdiction, applicable law, recognition of decisions and *acceptance* of authentic instruments set out in this Regulation should not apply to maintenance rights, governed by Council Regulation (EC) No 4/2009⁵⁵; succession rights, governed

Amendment

(29) In particular, the rules on jurisdiction, applicable law, recognition *and enforcement of final decisions*, and *recognition* of authentic instruments set out in this Regulation should not apply to maintenance rights, governed by Council Regulation (EC) No 4/2009⁵⁵; succession

by Regulation (EU) No 650/2012 of the European Parliament and of the Council⁵⁶; or parental responsibility matters, governed by Council Regulation (EU) 2019/1111⁵⁷. However, as the question of the parenthood of a child must be resolved as a preliminary question before resolving matters of parental responsibility, maintenance or succession as regards the child, this Regulation should facilitate the application of the above-mentioned Union instruments on family law and succession.

⁵⁵ Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ L 7, 10.1.2009, p. 1).

⁵⁶ Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession (OJ L 201, 27.7.2012, p. 107).

⁵⁷ Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (OJ L 178, 2.7.2019, p. 1).

rights, governed by Regulation (EU) No 650/2012 of the European Parliament and of the Council⁵⁶; or parental responsibility matters, governed by Council Regulation (EU) 2019/1111⁵⁷. However, as the question of the parenthood of a child must be resolved as a preliminary question before resolving matters of parental responsibility, maintenance or succession as regards the child, this Regulation should facilitate the application of the above-mentioned Union instruments on family law and succession.

⁵⁵ Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ L 7, 10.1.2009, p. 1).

⁵⁶ Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession (OJ L 201, 27.7.2012, p. 107).

⁵⁷ Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (OJ L 178, 2.7.2019, p. 1).

Or. ro

Amendment 121

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation Recital 29

(29) In particular, the rules on jurisdiction, applicable law, recognition of decisions and **acceptance of** authentic instruments set out in this Regulation should not apply to maintenance rights, governed by Council Regulation (EC) No 4/2009⁵⁵; succession rights, governed by Regulation (EU) No 650/2012 of the European Parliament and of the Council⁵⁶; or parental responsibility matters, governed by Council Regulation (EU) 2019/1111⁵⁷. However, as the question of the parenthood of a child must be resolved as a preliminary question before resolving matters of parental responsibility, maintenance or succession as regards the child, this Regulation should facilitate the application of the above-mentioned Union instruments on family law and succession.

(29) In particular, the rules on jurisdiction, applicable law, **and** recognition of **final court** decisions and authentic instruments **with binding legal effect** set out in this Regulation should not apply to maintenance rights, governed by Council Regulation (EC) No 4/2009⁵⁵; succession rights, governed by Regulation (EU) No 650/2012 of the European Parliament and of the Council⁵⁶; or parental responsibility matters, governed by Council Regulation (EU) 2019/1111⁵⁷. However, as the question of the parenthood of a child must be resolved as a preliminary question before resolving matters of parental responsibility, maintenance or succession as regards the child, this Regulation should facilitate the application of the above-mentioned Union instruments on family law and succession.

⁵⁵ Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ L 7, 10.1.2009, p. 1).

⁵⁶ Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession (OJ L 201, 27.7.2012, p. 107).

⁵⁷ Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (OJ L 178, 2.7.2019, p. 1).

⁵⁵ Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ L 7, 10.1.2009, p. 1).

⁵⁶ Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession (OJ L 201, 27.7.2012, p. 107).

⁵⁷ Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (OJ L 178, 2.7.2019, p. 1).

Amendment 122

Antonius Manders, Jiří Pospíšil

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) This Regulation should not apply to preliminary questions such as the existence, validity or recognition of a marriage or a relationship deemed by the law applicable to it as having comparable effects, which should continue to be governed by the national law of the Member States, including their rules of private international law and, where relevant, by the case law of the Court of Justice on free movement.

Amendment

(30) This Regulation should not apply to preliminary questions such as the existence, validity or recognition of a marriage or a relationship deemed by the law applicable to it as having comparable effects, **such as a registered partnership**, which should continue to be governed by the national law of the Member States, including their rules of private international law and, where relevant, by the case law of the Court of Justice on free movement.

Or. en

Justification

Alignment with Article 3.2a

Amendment 123

Daniel Buda

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) This Regulation should not apply to preliminary questions such as the existence, validity or recognition of a marriage or a relationship deemed by the law applicable to it as having comparable effects, which should continue to be governed by the national law of the Member States, including their rules of private international law and, where relevant, by the case law of the Court of Justice on free movement.

Amendment

(30) This Regulation should not apply to preliminary questions such as the existence, validity or recognition of a marriage or a relationship deemed by the **national** law applicable to it as having comparable effects, which should continue to be governed by the national law of the Member States, including their rules of private international law and, where relevant, by the case law of the Court of Justice on free movement.

Amendment 124
Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation
Recital 31

Text proposed by the Commission

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*

deleted

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.

Or. it

Amendment 125

Gilles Lebreton, Jean-Paul Garraud

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 contains the necessary information. **In order to avoid duplication of documents, the national registration authorities**

Amendment

(31) The requirements for the recording of parenthood in a register **shall** 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 **shall** 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.

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.

Or. fr

Amendment 126
Alessandra Basso

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 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***

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. 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.

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.

Or. it

Amendment 127

Javier Zarzalejos, François-Xavier Bellamy, Isabel Benjumea Benjumea, György Hölvényi, Michaela Šojdrová, Karlo Ressler, Ivan Štefanec, Loránt Vincze, Miriam Lexmann, Jan Olbrycht

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 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***

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 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

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.

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.

Or. en

Justification

The reference seems excessively restrictive with respect to the Member States' role concerning registration.

Amendment 128

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

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 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

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 ***formally checking that the recognition of parenthood is not manifestly contrary to the public policy of the Member State, from*** confirming the conditions necessary

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.

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.

Or. es

Amendment 129

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 32 a (new)

Text proposed by the Commission

Amendment

(32a) It should also not cover the recognition of court decisions which are open to appeal or of authentic instruments without binding legal effect.

Or. es

Amendment 130

Daniel Buda

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) The establishment of parenthood should mean the legal determination of the legal relationship between a child and each parent, and should be understood to include the establishment of parenthood following a claim contesting a parenthood established previously. Where relevant, this Regulation should also apply to the extinction or termination of parenthood.

Amendment

(33) The establishment of parenthood should mean the legal determination of the legal relationship between a child and each parent, and should be understood ***as also including, where applicable,*** the establishment of parenthood following a claim contesting a parenthood established previously. Where relevant, this Regulation should also apply to the extinction or termination of parenthood.

Or. ro

Amendment 131

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) Notwithstanding the differences in national laws, parenthood is typically established by operation of law or by an act of a competent authority. Examples of the establishment of parenthood by operation of law include parenthood by birth as regards the person giving birth, and parenthood by legal presumption as regards the spouse or the registered partner of the person giving birth. Examples of the establishment of parenthood by an act of a competent authority include the establishment of parenthood by a court decision (such as in adoption, or in proceedings where parenthood is contested, or in proceedings where parenthood is claimed, for example by proving a possession of state), by a notarial deed (for example, in adoption or where the child is not yet born), by an administrative decision (for example, after an acknowledgment of paternity) or by registration. Parenthood is typically registered in the civil, personal or

Amendment

(34) Notwithstanding the differences in national laws, parenthood is typically established by operation of law or by an act of a competent authority. Examples of the establishment of parenthood by operation of law include parenthood by birth as regards the person giving birth, and parenthood by legal presumption as regards the spouse or the registered partner of the person giving birth. Examples of the establishment of parenthood by an act of a competent authority include the establishment of parenthood by a court decision (such as in adoption, or in proceedings where parenthood is contested, or in proceedings where parenthood is claimed, for example by proving a possession of state), by a notarial deed (for example, in adoption or where the child is not yet born), by an administrative decision (for example, after an acknowledgment of paternity) or by registration. Parenthood is typically registered in the civil, personal or

population register. Evidence of parenthood *can* be provided by the *document establishing the parenthood (such as the court decision, the notarial deed or the administrative decision establishing parenthood)*. However, *evidence of parenthood is most often provided by the registration of the parenthood in the register itself, by an extract from the relevant register or by a certificate containing the information registered in the relevant register (such as a birth certificate or a parenthood certificate)*.

population register. Evidence of parenthood *must* be provided by the *final court decision or the authentic instrument with binding legal effect* establishing parenthood.

Or. es

Amendment 132
Angel Dzhambazki

Proposal for a regulation
Recital 34

Text proposed by the Commission

(34) *Notwithstanding the differences in national laws*, parenthood is typically established by operation of law or by an act of a competent authority. Examples of the establishment of parenthood by operation of law include parenthood by birth as regards the person giving birth, and parenthood by legal presumption as regards the spouse or the registered partner of the person giving birth. Examples of the establishment of parenthood by an act of a competent authority include the establishment of parenthood by a court decision (such as in adoption, or in proceedings where parenthood is contested, or in proceedings where parenthood is claimed, for example by proving a possession of state), by a notarial deed (for example, in adoption or where the child is not yet born), by an administrative decision (for example, after an acknowledgment of paternity) or by registration. Parenthood is

Amendment

(34) Parenthood is typically established by operation of law or by an act of a competent authority. Examples of the establishment of parenthood by operation of law include parenthood by birth as regards the person giving birth, and parenthood by legal presumption as regards the spouse or the registered partner of the person giving birth. Examples of the establishment of parenthood by an act of a competent authority include the establishment of parenthood by a court decision (such as in adoption, or in proceedings where parenthood is contested, or in proceedings where parenthood is claimed, for example by proving a possession of state), by a notarial deed (for example, in adoption or where the child is not yet born), by an administrative decision (for example, after an acknowledgment of paternity) or by registration. Parenthood is typically registered in the civil, personal or

typically registered in the civil, personal or population register. Evidence of parenthood can be provided by the document establishing the parenthood (such as the court decision, the notarial deed or the administrative decision establishing parenthood). However, evidence of parenthood is most often provided by the registration of the parenthood in the register itself, by an extract from the relevant register or by a certificate containing the information registered in the relevant register (such as a birth certificate or a parenthood certificate).

population register. Evidence of parenthood can be provided by the document establishing the parenthood (such as the court decision, the notarial deed or the administrative decision establishing parenthood). However, evidence of parenthood is most often provided by the registration of the parenthood in the register itself, by an extract from the relevant register or by a certificate containing the information registered in the relevant register (such as a birth certificate or a parenthood certificate).

Or. bg

Amendment 133
Daniel Buda

Proposal for a regulation
Recital 34

Text proposed by the Commission

(34) Notwithstanding the differences in national laws, parenthood is typically established by operation of law or by an act of a competent authority. Examples of the establishment of parenthood by operation of law include parenthood by birth as regards the person giving birth, and parenthood by legal presumption as regards the spouse or the registered partner of the person giving birth. Examples of the establishment of parenthood by an act of a competent authority include the establishment of parenthood by a court decision (such as in adoption, or in proceedings where parenthood is contested, or in proceedings where parenthood is claimed, for example by proving a possession of state), by a notarial deed (for example, in adoption or where the child is not yet born), by an administrative decision (for example, after an acknowledgment of

Amendment

(34) Notwithstanding the differences in national laws, parenthood is typically established by operation of law or by an act of a competent authority. Examples of the establishment of parenthood by operation of law include parenthood by birth as regards the person giving birth, and parenthood by legal presumption as regards the spouse or the registered partner of the person giving birth. Examples of the establishment of parenthood by an act of a competent authority include the establishment of parenthood by a *final* court decision (such as in adoption, or in proceedings where parenthood is contested, or in proceedings where parenthood is claimed, for example by proving a possession of state), by a notarial deed (for example, in adoption or where the child is not yet born), by an administrative decision (for example, after an acknowledgment of

paternity) or by registration. Parenthood is typically registered in the civil, personal or population register. Evidence of parenthood can be provided by the document establishing the parenthood (such as the court decision, the notarial deed or the administrative decision establishing parenthood). However, evidence of parenthood is most often provided by the registration of the parenthood in the register itself, by an extract from the relevant register or by a certificate containing the information registered in the relevant register (such as a birth certificate or a parenthood certificate).

paternity) or by registration. Parenthood is typically registered in the civil, personal or population register. Evidence of parenthood can be provided by the document establishing the parenthood (such as the *final* court decision, the notarial deed or the administrative decision establishing parenthood). However, evidence of parenthood is most often provided by the registration of the parenthood in the register itself, by an extract from the relevant register or by a certificate containing the information registered in the relevant register (such as a birth certificate or a parenthood certificate).

Or. ro

Amendment 134
Gilles Lebreton, Jean-Paul Garraud

Proposal for a regulation
Recital 34

Text proposed by the Commission

(34) Notwithstanding the differences in national laws, parenthood is typically established by operation of law or by an act of a competent authority. Examples of the establishment of parenthood by operation of law include parenthood by birth as regards the *person giving birth*, and parenthood by legal presumption as regards the spouse or the registered partner of the *person giving birth*. Examples of the establishment of parenthood by an act of a competent authority include the establishment of parenthood by a court decision (such as in adoption, or in proceedings where parenthood is contested, or in proceedings where parenthood is claimed, for example by proving a possession of state), by a notarial deed (for example, in adoption or where the child is not yet born), by an administrative decision

Amendment

(34) Notwithstanding the differences in national laws, parenthood is typically established by operation of law or by an act of a competent authority. Examples of the establishment of parenthood by operation of law include parenthood by birth as regards the *mother*, and parenthood by legal presumption as regards the spouse or the registered partner of the *mother*. Examples of the establishment of parenthood by an act of a competent authority include the establishment of parenthood by a court decision (such as in adoption, or in proceedings where parenthood is contested, or in proceedings where parenthood is claimed, for example by proving a possession of state), by a notarial deed (for example, in adoption or where the child is not yet born), by an administrative decision (for example, after

(for example, after an acknowledgment of paternity) or by registration. Parenthood is typically registered in the civil, personal or population register. Evidence of parenthood can be provided by the document establishing the parenthood (such as the court decision, the notarial deed or the administrative decision establishing parenthood). However, evidence of parenthood is most often provided by the registration of the parenthood in the register itself, by an extract from the relevant register or by a certificate containing the information registered in the relevant register (such as a birth certificate or a parenthood certificate).

an acknowledgment of paternity) or by registration. Parenthood is typically registered in the civil, personal or population register. Evidence of parenthood can be provided by the document establishing the parenthood (such as the court decision, the notarial deed or the administrative decision establishing parenthood). However, evidence of parenthood is most often provided by the registration of the parenthood in the register itself, by an extract from the relevant register or by a certificate containing the information registered in the relevant register (such as a birth certificate or a parenthood certificate).

Or. fr

Justification

This amendment applies throughout the text.

Amendment 135

Antonius Manders, Jiří Pospíšil

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) Notwithstanding the differences in national laws, parenthood is typically established by operation of law or by an act of a competent authority. Examples of the establishment of parenthood by operation of law include parenthood by birth as regards the person giving birth, and parenthood by legal presumption as regards the spouse or the registered partner of the person giving birth. Examples of the establishment of parenthood by an act of a competent authority include the establishment of parenthood by a court decision (such as in adoption, or in proceedings where parenthood is contested,

Amendment

(34) Notwithstanding the differences in national laws, parenthood is typically established by operation of law or by an act of a competent authority. Examples of the establishment of parenthood by operation of law include parenthood by birth as regards the person giving birth, and parenthood by legal presumption as regards the spouse or the registered partner of the person giving birth. Examples of the establishment of parenthood by an act of a competent authority include the establishment of parenthood by a court decision (such as in adoption, or in proceedings where parenthood is contested,

or in proceedings where parenthood is claimed, for example by proving a possession of state), by a notarial *deed* (for example, in adoption or where the child is not yet born), by an administrative decision (for example, after an acknowledgment of paternity) or by registration. Parenthood is typically registered in the civil, personal or population register. Evidence of parenthood can be provided by the document establishing the parenthood (such as the court decision, the notarial *deed* or the administrative decision establishing parenthood). However, evidence of parenthood is most often provided by the registration of the parenthood in the register itself, by an extract from the relevant register or by a certificate containing the information registered in the relevant register (such as a birth certificate or a parenthood certificate).

or in proceedings where parenthood is claimed, for example by proving a possession of state), by a notarial *act* (for example, in adoption or where the child is not yet born), by an administrative decision (for example, after an acknowledgment of paternity) or by registration. Parenthood is typically registered in the civil, personal or population register. Evidence of parenthood can be provided by the document establishing the parenthood (such as the court decision, the notarial *act* or the administrative decision establishing parenthood). However, evidence of parenthood is most often provided by the registration of the parenthood in the register itself, by an extract from the relevant register or by a certificate containing the information registered in the relevant register (such as a birth certificate or a parenthood certificate).

Or. en

Justification

Alignment with other EU legislation, e.g. Regulation 2016/1191 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012

Amendment 136

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhabazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) The smooth and correct functioning of a Union area of justice with respect for the Member States' different legal systems and traditions is fundamental for the Union. In that regard, mutual trust in one another's justice systems should be further

Amendment

deleted

enhanced.

Or. es

Amendment 137

Daniel Buda

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) The smooth and correct functioning of a Union area of justice with respect for the Member States' different legal systems and traditions is fundamental for the Union. In that regard, mutual trust in one another's justice systems should be further enhanced.

Amendment

(35) The smooth and correct functioning of a Union area of justice with respect for the Member States' different legal systems and traditions is fundamental for the Union ***and its proper functioning. The Union does not intervene and does not restrict the right of the Member States to take decisions according to their own national values and beliefs.*** In that regard, mutual trust in one another's justice systems should be further enhanced.

Or. ro

Amendment 138

Gilles Lebreton, Jean-Paul Garraud

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) The smooth and correct functioning of a Union area of justice ***with respect for the Member States' different legal systems and traditions is fundamental for the Union. In that regard,*** mutual trust in one another's justice systems ***should be further enhanced.***

Amendment

(35) The smooth and correct functioning of a Union area of justice and the mutual trust ***of Member States*** in one another's justice systems ***require respect for the Member States' different legal systems and traditions.***

Or. fr

Amendment 139
Daniel Buda

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. 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.

Amendment

(36) In order to facilitate the **enforcement of final** court decisions **and the recognition of** 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, **but only in certain specifically regulated situations and, where necessary, with the support of a person specialising in talking to children, to ensure that they have not been influenced in any particular way.**

Or. ro

Amendment 140

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

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. 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.

Amendment

(36) In order to facilitate the recognition of **final** court decisions and authentic instruments **with binding legal effect** 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.

Amendment 141
Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation
Recital 38

Text proposed by the Commission

Amendment

(38) This Regulation should respect the different systems for dealing with parenthood matters in the Member States. As regards ‘authentic instruments’, Member States often empower authorities, such as notaries, administrative authorities or registrars to draw up authentic instruments establishing parenthood with binding legal effect in the Member State in which they have been drawn up or registered (‘authentic instruments with binding legal effect’), or to draw up authentic instruments which have no binding legal effect in the Member State in which they have been drawn up or registered but which have evidentiary effects in that Member State (‘authentic instruments with no binding legal effect’). The term ‘empowerment’ in this Regulation is to be interpreted autonomously in accordance with the definition of ‘authentic instrument’ used horizontally in Union instruments and in the light of the objectives of this Regulation. *deleted*

Or. it

Amendment 142
Gilles Lebreton, Jean-Paul Garraud

Proposal for a regulation
Recital 38

Text proposed by the Commission

(38) This Regulation *should* respect the different systems for dealing with parenthood matters in the Member States. *As regards 'authentic instruments', Member States often empower authorities, such as notaries, administrative authorities or registrars to draw up authentic instruments establishing parenthood with binding legal effect in the Member State in which they have been drawn up or registered ('authentic instruments with binding legal effect'), or to draw up authentic instruments which have no binding legal effect in the Member State in which they have been drawn up or registered but which have evidentiary effects in that Member State ('authentic instruments with no binding legal effect'). The term 'empowerment' in this Regulation is to be interpreted autonomously in accordance with the definition of 'authentic instrument' used horizontally in Union instruments and in the light of the objectives of this Regulation.*

Amendment

(38) This Regulation *shall* respect the different systems for dealing with parenthood matters in the Member States.

Or. fr

Amendment 143

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) This Regulation should respect the different systems for dealing with parenthood matters in the Member States. As regards 'authentic instruments', Member States often empower authorities, such as notaries, administrative authorities or registrars to draw up authentic instruments establishing parenthood with

Amendment

(38) This Regulation should respect the different systems for dealing with parenthood matters in the Member States. As regards 'authentic instruments', Member States often empower authorities, such as notaries, administrative authorities or registrars to draw up authentic instruments establishing parenthood with

binding legal effect in the Member State in which they have been drawn up or registered ('authentic instruments with binding legal effect'), **or to draw up authentic instruments which have no binding legal effect in the Member State in which they have been drawn up or registered but which have evidentiary effects in that Member State ('authentic instruments with no binding legal effect')**.

The term 'empowerment' in this Regulation is to be interpreted autonomously in accordance with the definition of 'authentic instrument' used horizontally in Union instruments and in the light of the objectives of this Regulation.

binding legal effect in the Member State in which they have been drawn up or registered ('authentic instruments with binding legal effect'). The term 'empowerment' in this Regulation is to be interpreted autonomously in accordance with the definition of 'authentic instrument' used horizontally in Union instruments and in the light of the objectives of this Regulation.

Or. es

Amendment 144 **Geoffroy Didier**

Proposal for a regulation **Recital 38**

Text proposed by the Commission

(38) This Regulation should respect the different systems for dealing with parenthood matters in the Member States. As regards 'authentic instruments', Member States often empower authorities, **such as notaries, administrative authorities or registrars** to draw up authentic instruments establishing parenthood **with binding legal effect** in the Member State in which they have been drawn up or registered ('authentic instruments **with binding legal effect**'), or to draw up authentic instruments **which have no binding legal effect** in the Member State in which they have been drawn up or registered **but which have evidentiary effects in that Member State** ('authentic instruments **with no binding legal effect**'). The term 'empowerment' in

Amendment

(38) This Regulation should respect the different systems for dealing with parenthood matters in the Member States. As regards 'authentic instruments', Member States often empower authorities to draw up authentic instruments establishing parenthood in the Member State in which they have been drawn up or registered ('authentic instruments'), or to draw up authentic instruments **recording parenthood** in the Member State in which they have been drawn up or registered ('authentic instruments **recording parenthood**'). The term 'empowerment' in this Regulation is to be interpreted autonomously in accordance with the definition of 'authentic instrument' used horizontally in Union instruments and in the light of the objectives of this

this Regulation is to be interpreted autonomously in accordance with the definition of 'authentic instrument' used horizontally in Union instruments and in the light of the objectives of this Regulation.

Regulation.

Or. fr

Amendment 145

Javier Zarzalejos, François-Xavier Bellamy, Isabel Benjumea Benjumea, György Hölvényi, Michaela Šojdrová, Karlo Ressler, Ivan Štefanec, Loránt Vincze, Jan Olbrycht

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) This Regulation **should** respect the different systems for dealing with parenthood matters in the Member States. As regards 'authentic instruments', Member States often empower authorities, such as notaries, administrative authorities or registrars to draw up authentic instruments establishing parenthood with binding legal effect in the Member State in which they have been drawn up or registered ('authentic instruments with binding legal effect'), or to draw up authentic instruments which have no binding legal effect in the Member State in which they have been drawn up or registered but which have evidentiary effects in that Member State ('authentic instruments with no binding legal effect'). The term 'empowerment' in this Regulation is to be interpreted autonomously in accordance with the definition of 'authentic instrument' used horizontally in Union instruments and in the light of the objectives of this Regulation.

Amendment

(38) This Regulation **shall** respect the different systems for dealing with parenthood matters in the Member States. As regards 'authentic instruments', Member States often empower authorities, such as notaries, administrative authorities or registrars to draw up authentic instruments establishing parenthood with binding legal effect in the Member State in which they have been drawn up or registered ('authentic instruments with binding legal effect'), or to draw up authentic instruments which have no binding legal effect in the Member State in which they have been drawn up or registered but which have evidentiary effects in that Member State ('authentic instruments with no binding legal effect'). The term 'empowerment' in this Regulation is to be interpreted autonomously in accordance with the definition of 'authentic instrument' used horizontally in Union instruments and in the light of the objectives of this Regulation.

Or. en

Justification

The expression "should" does not provide sufficient guarantees of protection of national systems, it is preferable to provide for a clear obligation to respect them.

Amendment 146

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 39

Text proposed by the Commission

(39) To safeguard the *child's interests*, jurisdiction should be determined *according to the criterion of proximity. Consequently, where possible jurisdiction should lie with the Member State of the habitual residence of the child. However, in order to facilitate the child's access to justice in a Member State, alternative jurisdiction should also be granted to the Member State of the nationality of the child, to the Member State of the habitual residence of the respondent (for example, the person in respect of whom the child claims parenthood), to the Member State of the habitual residence of any of the parents, to the Member State of the nationality of any of the parents or to the Member State of the child's birth.*

Amendment

(39) To safeguard the *sovereignty of Member States and respect the general principles of international private law*, jurisdiction should be determined, in *each* Member State, *by the laws of that* Member State.

Or. es

Amendment 147

Gilles Lebreton, Jean-Paul Garraud

Proposal for a regulation

Recital 39

Text proposed by the Commission

(39) To safeguard the child's interests, jurisdiction should be determined according to the criterion of proximity.

Amendment

(39) To safeguard the child's interests, jurisdiction should be determined according to the criterion of proximity.

Consequently, where possible jurisdiction should lie with the Member State of the habitual residence of the *child*. However, in order to facilitate the child's access to justice in a Member State, alternative jurisdiction should also be granted to the Member State of the nationality of the child, to the Member State of the habitual residence of the respondent (for example, the person in respect of whom the child claims parenthood), to the Member State of the habitual residence of any of the parents, to the Member State of the nationality of any of the parents or to the Member State of the child's birth.

Consequently, where possible jurisdiction should lie with the Member State of the habitual residence of the *child's parents*. However, in order to facilitate the child's access to justice in a Member State, alternative jurisdiction should also be granted to the Member State of the nationality of the child, to the Member State of the habitual residence of the respondent (for example, the person in respect of whom the child claims parenthood), to the Member State of the habitual residence of any of the parents, to the Member State of the nationality of any of the parents or to the Member State of the child's birth.

Or. fr

Amendment 148

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation Recital 40

Text proposed by the Commission

(40) In accordance with the case law of the Court of Justice, the child's place of habitual residence must be established on the basis of all the circumstances specific to each individual case. In addition to the physical presence of the child in the territory of a Member State, other factors must be chosen which are capable of showing that that presence is not in any way temporary or intermittent and that it reflects some degree of integration of the child into a social and family environment, which is the place which, in practice, is the centre of that child's life. Such factors include the duration, regularity, conditions and reasons for the child's stay on the territory of the Member State concerned and the child's nationality, with the relevant factors

Amendment

deleted

varying according to the age of the child concerned. They also include the place and conditions of the child's attendance at school, and the family and social relationships of the child in the Member State. The intention of the parents to settle with the child in a given Member State may also be taken into account where that intention is manifested by tangible steps, such as the purchase or lease of a residence in the Member State concerned. By contrast, the nationality of the person giving birth or the previous residence of this person in the Member State of the court seised is not relevant, whereas the fact that the child was born in that Member State and holds the nationality of that Member State is insufficient.

Or. es

Amendment 149

Gilles Lebreton, Jean-Paul Garraud

Proposal for a regulation

Recital 40

Text proposed by the Commission

(40) In accordance with the case law of the Court of Justice, the child's place of habitual residence must be established on the basis of all the circumstances specific to each individual case. In addition to the physical presence of the child in the territory of a Member State, other factors must be chosen which are capable of showing that that presence is not in any way temporary or intermittent and that it reflects some degree of integration of the child into a social and family environment, which is the place which, in practice, is the centre of that child's life. Such factors include the duration, regularity, conditions and reasons for the child's stay on the territory of the Member State concerned and the child's nationality, with the

Amendment

(40) In accordance with the case law of the Court of Justice, the child's place of habitual residence must be established on the basis of all the circumstances specific to each individual case. In addition to the physical presence of the child in the territory of a Member State, other factors must be chosen which are capable of showing that that presence is not in any way temporary or intermittent and that it reflects some degree of integration of the child into a social and family environment, which is the place which, in practice, is the centre of that child's life. Such factors include ***the parents' place of habitual residence***, the duration, regularity, conditions and reasons for the child's stay on the territory of the Member State

relevant factors varying according to the age of the child concerned. They also include the place and conditions of the child's attendance at school, and the family and social relationships of the child in the Member State. The intention of the parents to settle with the child in a given Member State may also be taken into account where that intention is manifested by tangible steps, such as the purchase or lease of a residence in the Member State concerned. By contrast, the nationality of the person giving birth or the previous residence of this person in the Member State of the court seised is not relevant, whereas the fact that the child was born in that Member State and holds the nationality of that Member State is insufficient.

concerned and the child's nationality, with the relevant factors varying according to the age of the child concerned. They also include the place and conditions of the child's attendance at school, and the family and social relationships of the child in the Member State. The intention of the parents to settle with the child in a given Member State may also be taken into account where that intention is manifested by tangible steps, such as the purchase or lease of a residence in the Member State concerned. By contrast, the nationality of the person giving birth or the previous residence of this person in the Member State of the court seised is not relevant, whereas the fact that the child was born in that Member State and holds the nationality of that Member State is insufficient.

Or. fr

Amendment 150

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation Recital 41

Text proposed by the Commission

(41) Where this Regulation refers to nationality as a connecting factor for the purposes of jurisdiction or applicable law, the question of how to consider a child or a parent having multiple nationalities is a preliminary question which falls outside the scope of this Regulation and should be left to national law, including, where applicable, international conventions, in full observance of the general principles of the Union. For the purposes of this Regulation, a child or a parent possessing multiple nationalities may choose the court or the law of any of the Member States whose nationality he or she possesses at the time of seising the court

Amendment

deleted

or at the time the parenthood is established.

Or. es

Amendment 151

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 42

Text proposed by the Commission

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 because of disturbances occurring in their State of habitual residence.* **deleted**

Or. es

Amendment 152

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 43

Text proposed by the Commission

Amendment

(43) *Where no court of a Member State has jurisdiction pursuant to this Regulation, jurisdiction should be determined, in each Member State, by the* **deleted**

laws of that Member State, including the international instruments in force in that Member State.

Or. es

Amendment 153
Angel Dzhambazki

Proposal for a regulation
Recital 43

Text proposed by the Commission

(43) *Where no court of a Member State has jurisdiction pursuant to this Regulation*, jurisdiction should be determined, in each Member State, by the laws of that Member State, including the international instruments in force in that Member State.

Amendment

(43) Jurisdiction should be determined, in each Member State, by the laws of that Member State, including the international instruments in force in that Member State.

Or. bg

Amendment 154
Alessandra Basso

Proposal for a regulation
Recital 45

Text proposed by the Commission

(45) In the interests of procedural economy and procedural efficiency, if the outcome of proceedings before a court of a Member State not having jurisdiction under this Regulation depends on the determination of an incidental question falling within the scope of this Regulation, the courts of that Member State should not be prevented by this Regulation from determining that question. Therefore, if the object of the proceedings is, for instance, a succession dispute in which the parent-child relationship between the deceased

Amendment

(45) In the interests of procedural economy and procedural efficiency, if the outcome of proceedings before a court of a Member State not having jurisdiction under this Regulation depends on the determination of an incidental question falling within the scope of this Regulation, the courts of that Member State should not be prevented by this Regulation from determining that question. Therefore, if the object of the proceedings is, for instance, a succession dispute in which the parent-child relationship between the deceased

and the child must be established for the purposes of those proceedings, the Member State having jurisdiction for the succession dispute should be allowed to determine that question for the pending proceedings, regardless of whether it has jurisdiction for parenthood matters under this Regulation. Any such determination should be made in accordance with the applicable law designated by this Regulation and should only produce effects in the proceedings for which it was made.

and the child must be established for the purposes of those proceedings, the Member State having jurisdiction for the succession dispute should be allowed to determine that question for the pending proceedings, regardless of whether it has jurisdiction for parenthood matters under this Regulation. Any such determination should be made in accordance with the applicable law designated by this Regulation, and should only produce effects in the proceedings for which it was made ***and constitute evidence in related pending proceedings.***

Or. it

Amendment 155

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofò, Raffaele Stancanelli

Proposal for a regulation

Recital 45

Text proposed by the Commission

(45) In the interests of procedural economy and procedural efficiency, if the outcome of proceedings before a court of a Member State not having jurisdiction under this Regulation depends on the determination of an incidental question falling within the scope of this Regulation, the courts of that Member State should not be prevented by this Regulation from determining that question. Therefore, if the object of the proceedings is, for instance, a succession dispute in which the parent-child relationship between the deceased and the child must be established for the purposes of those proceedings, the Member State having jurisdiction for the succession dispute should be allowed to determine that question for the pending proceedings, regardless of whether it has jurisdiction for parenthood matters under this Regulation. Any such determination should be made in accordance with the applicable law

Amendment

(45) In the interests of procedural economy and procedural efficiency, if the outcome of proceedings before a court of a Member State not having jurisdiction under this Regulation depends on the determination of an incidental question falling within the scope of this Regulation, the courts of that Member State should not be prevented by this Regulation from determining that question. Therefore, if the object of the proceedings is, for instance, a succession dispute in which the parent-child relationship between the deceased and the child must be established for the purposes of those proceedings, the Member State having jurisdiction for the succession dispute should be allowed to determine that question for the pending proceedings, regardless of whether it has jurisdiction for parenthood matters under this Regulation. Any such determination should be made in accordance with the applicable law

designated by this Regulation ***and should only produce effects in the proceedings for which it was made.***

designated by this Regulation.

Or. es

Amendment 156
Gilles Lebreton, Jean-Paul Garraud

Proposal for a regulation
Recital 46

Text proposed by the Commission

Amendment

(46) In the interests of the harmonious functioning of justice, the giving of irreconcilable court decisions in different Member States should be avoided. To that end, this Regulation should provide for general procedural rules similar to those of other Union instruments in the area of judicial cooperation in civil matters.

deleted

Or. fr

Amendment 157
Angel Dzhambazki

Proposal for a regulation
Recital 46

Text proposed by the Commission

Amendment

(46) In the interests of the harmonious functioning of justice, the giving of irreconcilable court decisions *in different Member States* should be avoided. To that end, this Regulation should provide for general procedural rules similar to those of other Union instruments in the area of judicial cooperation in civil matters.

(46) In the interests of the harmonious functioning of justice, the giving of irreconcilable court decisions should be avoided.

Or. bg

Amendment 158
Angel Dzhambazki

Proposal for a regulation
Recital 47

Text proposed by the Commission

Amendment

(47) One such procedural rule is the lis pendens rule, which should come into play if the same case on parenthood is brought before different courts in different Member States. That rule should determine which court should proceed to deal with the case on parenthood. **deleted**

Or. bg

Amendment 159
Angel Dzhambazki

Proposal for a regulation
Recital 48

Text proposed by the Commission

Amendment

(48) This Regulation should define at what time a court is deemed to be seised for the purposes of this Regulation. In the light of the two different systems existing in the Member States, which either require the document instituting the proceedings to be served upon the respondent first, or to be lodged with the court first, it should be sufficient for the first step under national law to have been taken, provided that the applicant has not subsequently failed to take any steps that he or she was required to take under national law in order to have the second step effected. **deleted**

Or. bg

Amendment 160

Sergey Lagodinsky, Heidi Hautala
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 it should be assessed taking into account the best interests of the child.

Amendment

(49) ***The fundamental right of a child to be heard in all matters affecting them, has been incorporated in both article 12 of the UN Convention on the Rights of the Child as well as in article 24(1) of the EU Fundamental Rights Charter.*** Proceedings on the establishment of parenthood under this Regulation should ***therefore abide by this*** principle ***and*** 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, ***feelings and wishes*** 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.

Or. en

Amendment 161
Daniel Buda

Proposal for a regulation
Recital 49

Text proposed by the Commission

(49) Proceedings on the establishment of

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. 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.

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 *if, for objective reasons related to the child's best interests, it is not necessary*, although it should be assessed taking into account the best interests of the child.

Or. ro

Amendment 162

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 50

Text proposed by the Commission

(50) This Regulation should provide legal certainty and predictability by providing common rules on the law applicable to the establishment of parenthood in cross-border situations. Such common rules aim to avoid conflicting decisions depending on which Member State's courts or other competent authorities establish parenthood and to facilitate, in particular, the acceptance of authentic instruments which have no binding legal effect in the Member State of origin but which have evidentiary

Amendment

deleted

effects in that Member State.

Or. es

Amendment 163
Geoffroy Didier

Proposal for a regulation
Recital 50

Text proposed by the Commission

(50) This Regulation should provide legal certainty and predictability by providing common rules on the law applicable to the establishment of parenthood in cross-border situations. Such common rules aim to avoid conflicting decisions depending on which Member State's courts or other competent authorities establish parenthood and to facilitate, in particular, the acceptance of authentic instruments *which have no binding legal effect* in the Member State of origin *but which have evidentiary effects in that Member State.*

Amendment

(50) This Regulation should provide legal certainty and predictability by providing common rules on the law applicable to the establishment of parenthood in cross-border situations. Such common rules aim to avoid conflicting decisions depending on which Member State's courts or other competent authorities establish parenthood and to facilitate, in particular, the acceptance of authentic instruments *recording parenthood* in the Member State of origin.

Or. fr

Amendment 164
Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

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*

Amendment

(51) The law applicable to the establishment of parenthood in cross-border situations should be the law of the *Member State whose courts are hearing the case.*

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 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. es

Amendment 165
Daniel Buda

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

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 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 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).

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 ***citizenship of the person who gives birth and, if this cannot be ascertained, 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).

Or. ro

Amendment 166
Gilles Lebreton, Jean-Paul Garraud

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

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 **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 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).

State of the habitual residence of the **mother** 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 **mother** has the habitual residence in the State of birth (as would be the typical situation) and also to situations in which **she** 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 **mother** 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 **mother** at the time of birth cannot be established (for example, in the case of a refugee or an internationally displaced mother).

Or. fr

Amendment 167

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

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

Amendment

deleted

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.

Or. es

Amendment 168
Angel Dzhambazki

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).

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), the law of the State of birth of the child ***should*** 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.

Or. bg

Amendment 169

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 53

Text proposed by the Commission

Amendment

(53) Any of the laws designated as applicable by this Regulation should apply even if it is not the law of a Member State.

deleted

Or. es

Amendment 170

Gilles Lebreton, Jean-Paul Garraud

Proposal for a regulation

Recital 53

Text proposed by the Commission

Amendment

(53) Any of the laws designated as applicable by this Regulation should apply even if it is not the law of a Member State.

deleted

Amendment 171
Alessandra Basso

Proposal for a regulation
Recital 53

Text proposed by the Commission

Amendment

(53) Any of the laws designated as applicable by this Regulation should apply even if it is not the law of a Member State. *deleted*

Or. it

Amendment 172
Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation
Recital 54

Text proposed by the Commission

Amendment

(54) To ensure legal certainty and the continuity of parenthood, where parenthood has been established in a Member State in accordance with one of the laws designated as applicable by this Regulation, the change of applicable law as a result of a change of the habitual residence of the person who gave birth or of the nationality of either parent should not affect the parenthood already established. *deleted*

Or. es

Amendment 173
Gilles Lebreton, Jean-Paul Garraud

Proposal for a regulation

Recital 54

Text proposed by the Commission

(54) To ensure legal certainty and the continuity of parenthood, where parenthood has been established in a Member State in accordance with one of the laws designated as applicable by this Regulation, the change of applicable law as a result of a change of the habitual residence of the *person who gave birth* or of the nationality of either parent should not affect the parenthood already established.

Amendment

(54) To ensure legal certainty and the continuity of parenthood, where parenthood has been established in a Member State in accordance with one of the laws designated as applicable by this Regulation, the change of applicable law as a result of a change of the habitual residence of the *mother* or of the nationality of either parent should not affect the parenthood already established.

Or. fr

Amendment 174

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 55

Text proposed by the Commission

(55) An interested party may do a unilateral act intended to have legal effect on a parenthood established or to be established, for example, an acknowledgment of paternity or the giving of consent by a spouse to the use of assisted reproductive technology. Such an act should be formally valid if it satisfies the formal requirements of the law designated as applicable by this Regulation, *or the law of the State in which the person doing the act has the habitual residence, or the law of the State in which the act was done.*

Amendment

(55) An interested party may do a unilateral act intended to have legal effect on a parenthood established or to be established, for example, an acknowledgment of paternity or the giving of consent by a spouse to the use of assisted reproductive technology. Such an act should be formally valid if it satisfies the formal requirements of the law designated as applicable by this Regulation.

Or. es

Amendment 175

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

**Proposal for a regulation
Recital 56**

Text proposed by the Commission

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. *deleted*

Or. es

Amendment 176
Sergey Lagodinsky, Heidi Hautala
on behalf of the Verts/ALE Group

**Proposal for a regulation
Recital 56**

Text proposed by the Commission

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 *deleted*

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. en

Amendment 177

Pierre Karleskind

on behalf of the Renew Group

Karen Melchior, Adrián Vázquez Lázara, Catharina Rinzema

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. 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. ***To protect the best interest of the child, when the public policy exception has been raised by the courts and other competent authorities of the Member States, the effects of this exception shall be suspended until all national and European remedies have been exhausted and a final ruling has been made.***

Or. en

Justification

As it stands, the public policy exception raises serious concerns. There is a risk of abusive use of this exception by some courts or other competent authorities of some Member States to discriminate against children born in families with same-sex parents. But it is also clear that a complete deletion of this exception would be unacceptable for Member States, as there is some cases which legitimately deserve the use of this provision. Therefore, this amendments aims at protecting the child against abusive use of the public policy exception, by suspending its effects in case of appeal by the parents, until all national and European remedies have been exhausted. As such, any use of this exception which is contrary to the principle of non-discrimination would be annulled by a national or European jurisdiction, and all the while would have no negative effect on the child and their family.

Amendment 178

Gilles Lebreton, Jean-Paul Garraud

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 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.

Or. fr

Amendment 179

Angel Dzhambazki

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.

Or. bg

Amendment 180

Javier Zarzalejos, François-Xavier Bellamy, Isabel Benjumea Benjumea, György Hölvényi, Michaela Šojdrová, Karlo Ressler, Ivan Štefanec, Loránt Vincze, Miriam Lexmann, Jan Olbrycht

**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***

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, ***while complying with the Charter of Fundamental Rights of the EU.***

thereof, which prohibits discrimination.

Or. en

Justification

The reference contained in the original proposal is too restrictive with respect to the role of national systems and their specificities.

Amendment 181

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 57

Text proposed by the Commission

(57) Since there are States in which two or more systems of law or sets of rules concerning the matters governed by this Regulation may coexist, a provision should govern the extent to which this Regulation applies in the different territorial units of those States.

Amendment

(57) Since there are States in which two or more systems of law or sets of rules concerning the matters governed by this Regulation may coexist, a provision should govern the extent to which this Regulation applies in the different territorial units of those States, ***while respecting the conflict-of-law rules laid down by national legislation.***

Or. es

Amendment 182

Geoffroy Didier

Proposal for a regulation

Recital 58

Text proposed by the Commission

(58) This Regulation should provide for the recognition of court decisions and authentic instruments establishing parenthood ***with binding legal effect*** issued in another Member State.

Amendment

(58) This Regulation should provide for the recognition of court decisions and authentic instruments establishing parenthood issued in another Member State. ***It should be for the Member States to determine which authentic instruments may be regarded as establishing***

parenthood under national law.

Or. fr

Amendment 183

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 58

Text proposed by the Commission

(58) This Regulation should provide for the recognition of court decisions and authentic instruments establishing parenthood with binding legal effect issued in another Member State.

Amendment

(58) This Regulation should provide for the recognition of **final** court decisions and authentic instruments establishing parenthood with binding legal effect issued in another Member State.

Or. es

Amendment 184

Geoffroy Didier

Proposal for a regulation

Recital 59

Text proposed by the Commission

(59) ***Depending on the national law, an authentic instrument establishing parenthood with binding legal effect in the Member State of origin can be, for example, a notarial deed of adoption or an administrative decision establishing parenthood following an acknowledgment of paternity.*** This Regulation should also provide for the acceptance of authentic instruments ***which have no binding legal effect*** in the Member State of origin ***but which have evidentiary effects in that Member State.*** ***Depending on the national law, such an authentic instrument can be, for example, a birth certificate or a parenthood certificate providing evidence***

Amendment

(59) This Regulation should also provide for the acceptance of authentic instruments ***recording parenthood*** in the Member State of origin. ***It should be for the national law to determine which authentic instruments may be regarded as recording parenthood under national law.***

of the parenthood established in the Member State of origin (whether the parenthood has been established by operation of law or by an act of a competent authority, such as a court decision, a notarial deed, an administrative decision or registration).

Or. fr

Amendment 185

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 59

Text proposed by the Commission

(59) Depending on the national law, an authentic instrument establishing parenthood with binding legal effect in the Member State of origin can be, for example, a notarial deed of adoption or an administrative decision establishing parenthood following an acknowledgment of paternity. ***This Regulation should also provide for the acceptance of authentic instruments which have no binding legal effect in the Member State of origin but which have evidentiary effects in that Member State. Depending on the national law, such an authentic instrument can be, for example, a birth certificate or a parenthood certificate providing evidence of the parenthood established in the Member State of origin (whether the parenthood has been established by operation of law or by an act of a competent authority, such as a court decision, a notarial deed, an administrative decision or registration).***

Amendment

(59) Depending on the national law, an authentic instrument establishing parenthood with binding legal effect in the Member State of origin can be, for example, a notarial deed of adoption or an administrative decision establishing parenthood following an acknowledgment of paternity.

Or. es

Amendment 186
Antonius Manders, Jiří Pospíšil

Proposal for a regulation
Recital 59

Text proposed by the Commission

(59) Depending on the national law, an authentic instrument establishing parenthood with binding legal effect in the Member State of origin can be, for example, a notarial *deed* of adoption or an administrative decision establishing parenthood following an acknowledgment of paternity. This Regulation should also provide for the acceptance of authentic instruments which have no binding legal effect in the Member State of origin but which have evidentiary effects in that Member State. Depending on the national law, such an authentic instrument can be, for example, a birth certificate or a parenthood certificate providing evidence of the parenthood established in the Member State of origin (whether the parenthood has been established by operation of law or by an act of a competent authority, such as a court decision, a notarial *deed*, an administrative decision or registration).

Amendment

(59) Depending on the national law, an authentic instrument establishing parenthood with binding legal effect in the Member State of origin can be, for example, a notarial *act* of adoption or an administrative decision establishing parenthood following an acknowledgment of paternity. This Regulation should also provide for the acceptance of authentic instruments which have no binding legal effect in the Member State of origin but which have evidentiary effects in that Member State. Depending on the national law, such an authentic instrument can be, for example, a birth certificate or a parenthood certificate providing evidence of the parenthood established in the Member State of origin (whether the parenthood has been established by operation of law or by an act of a competent authority, such as a court decision, a notarial *act*, an administrative decision or registration).

Or. en

Justification

Alignment with other EU legislation, e.g. Regulation 2016/1191 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012

Amendment 187
Daniel Buda

Proposal for a regulation
Recital 60

Text proposed by the Commission

(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.

Amendment

(60) Mutual trust in the administration of justice in the Union justifies the principle that **final** 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 **final** 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. ro

Amendment 188

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 60

Text proposed by the Commission

(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

Amendment

(60) Mutual trust in the administration of justice in the Union justifies the principle that **final** 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.

accordingly.

Or. es

Amendment 189

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 61

Text proposed by the Commission

(61) It should be left to national law whether the grounds for refusal may be raised by a party or ex officio. This should not preclude any *interested* party who wishes to raise the recognition of a court decision on parenthood given in another Member State as the principal issue in a dispute from applying to a court for a court decision stating that there are no grounds for a refusal of the recognition of that court decision. It should be for the national law of the Member State where such application is made to determine who can be considered as an interested party entitled to make such application.

Amendment

(61) It should be left to national law whether the grounds for refusal may be raised by a party or ex officio. This should not preclude any party *with a legitimate interest under the procedural law of the Member State in which the proceedings are initiated*, who wishes to raise the recognition of a court decision on parenthood given in another Member State as the principal issue in a dispute, from applying to a court for a court decision stating that there are no grounds for a refusal of the recognition of that *final* court decision. It should be for the national law of the Member State where such application is made to determine who can be considered as an interested party entitled to make such application.

Or. es

Amendment 190

Daniel Buda

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

Amendment

(62) The recognition in a Member State of *final* court decisions on parenthood matters given in another Member State

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.

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.

Or. ro

Amendment 191

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

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 **final** 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.

Or. es

Amendment 192

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 63

Text proposed by the Commission

Amendment

(63) The recognition of a court decision should be refused only if one or more of the grounds for refusal of recognition provided for in this Regulation are present. The list of grounds for refusal of recognition in this Regulation is exhaustive. It should not be possible to invoke, as grounds for refusal, grounds which are not listed in this Regulation such as, for example, a violation of the *lis pendens* rule. A later court decision should always supersede an earlier court decision to the extent that they are irreconcilable.

(63) The recognition of a **final** court decision should be refused only if one or more of the grounds for refusal of recognition provided for in this Regulation are present. The list of grounds for refusal of recognition in this Regulation is exhaustive. It should not be possible to invoke, as grounds for refusal, grounds which are not listed in this Regulation such as, for example, a violation of the *lis pendens* rule. A later court decision should always supersede an earlier court decision to the extent that they are irreconcilable.

Or. es

Amendment 193

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 64

Text proposed by the Commission

(64) As regards the opportunity given to children below the age of 18 years to express their views, it should be for the court of origin to decide about the appropriate method for hearing the child. Therefore, it should not be possible to refuse recognition of a court decision on the sole ground that the court of origin used a different method to hear the child than a court in the Member State of recognition would use.

Amendment

(64) As regards the opportunity given to children below the age of 18 years to express their views, it should be for the court of origin, ***in accordance with national legislation and procedure***, to decide about the appropriate method for hearing the child. Therefore, it should not be possible to refuse recognition of a **final** court decision on the sole ground that the court of origin used a different method to hear the child than a court in the Member State of recognition would use.

Or. es

Amendment 194

Daniel Buda

Proposal for a regulation

Recital 65

Text proposed by the Commission

(65) Authentic instruments with binding legal effect in the Member State of origin should be treated as equivalent to ‘court decisions’ for the purposes of the rules on recognition of this Regulation.

Amendment

(65) Authentic instruments with binding legal effect in the Member State of origin should be treated as equivalent to ‘**final** court decisions’ for the purposes of the rules on recognition of this Regulation.

Or. ro

Amendment 195

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 65

Text proposed by the Commission

(65) Authentic instruments with binding legal effect in the Member State of origin should be treated as equivalent to ‘court decisions’ for the purposes of the rules on recognition of this Regulation.

Amendment

(65) Authentic instruments with binding legal effect in the Member State of origin should be treated as equivalent to ‘**final** court decisions’ for the purposes of the rules on recognition of this Regulation.

Or. es

Amendment 196

Geoffroy Didier

Proposal for a regulation

Recital 65

Text proposed by the Commission

(65) Authentic instruments **with binding legal effect** in the Member State of origin should be treated as equivalent to ‘court decisions’ for the purposes of the rules on recognition of this Regulation.

Amendment

(65) Authentic instruments **establishing parenthood** in the Member State of origin should be treated as equivalent to ‘court decisions’ for the purposes of the rules on recognition of this Regulation.

Or. fr

Amendment 197
Geoffroy Didier

Proposal for a regulation
Recital 66

Text proposed by the Commission

(66) Although the obligation to provide children below the age of 18 years with the opportunity to express their views under this Regulation should not apply to authentic instruments ***with binding legal effect***, the right of children to express their views should however be taken into consideration pursuant to Article 24 of the Charter and in the light of Article 12 of the UN Convention on the Rights of the Child as implemented by national law and procedure. The fact that children were not given the opportunity to express their views should not automatically be a ground for refusal of recognition of authentic instruments ***with binding legal effect***.

Amendment

(66) Although the obligation to provide children below the age of 18 years with the opportunity to express their views under this Regulation should not apply to authentic instruments ***establishing parenthood***, the right of children to express their views should however be taken into consideration pursuant to Article 24 of the Charter and in the light of Article 12 of the UN Convention on the Rights of the Child as implemented by national law and procedure. The fact that children were not given the opportunity to express their views should not automatically be a ground for refusal of recognition of authentic instruments ***establishing parenthood***.

Or. fr

Amendment 198
Daniel Buda

Proposal for a regulation
Recital 67

Text proposed by the Commission

(67) The recognition in a Member State under this Regulation of a court decision establishing parenthood given in another Member State, or of an authentic instrument establishing parenthood with binding legal effect drawn up or registered in another Member State, should not imply the recognition of the possible marriage or registered partnership of the parents of the child whose parenthood has been or is to be established.

Amendment

(67) The recognition in a Member State under this Regulation of a ***final*** court decision establishing parenthood given in another Member State, or of an authentic instrument establishing parenthood with binding legal effect drawn up or registered in another Member State, should not imply the recognition of the possible marriage or registered partnership of the parents of the child whose parenthood has been or is to be established.

Amendment 199

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 67

Text proposed by the Commission

(67) The recognition in a Member State under this Regulation of a court decision establishing parenthood given in another Member State, or of an authentic instrument establishing parenthood with binding legal effect drawn up or registered in another Member State, should not imply the recognition of the possible marriage or registered partnership of the parents of the child whose parenthood has been or is to be established.

Amendment

(67) The recognition in a Member State under this Regulation of a **final** court decision establishing parenthood given in another Member State, or of an authentic instrument establishing parenthood with binding legal effect drawn up or registered in another Member State, should not imply the recognition of the possible marriage or registered partnership of the parents of the child whose parenthood has been or is to be established.

Amendment 200

Geoffroy Didier

Proposal for a regulation

Recital 67

Text proposed by the Commission

(67) The recognition in a Member State under this Regulation of a court decision establishing parenthood given in another Member State, or of an authentic instrument establishing parenthood **with binding legal effect** drawn up or registered in another Member State, should not imply the recognition of the possible marriage or registered partnership of the parents of the child whose parenthood has been or is to be established.

Amendment

(67) The recognition in a Member State under this Regulation of a court decision establishing parenthood given in another Member State, or of an authentic instrument establishing parenthood drawn up or registered in another Member State, should not imply the recognition of the possible marriage or registered partnership of the parents of the child whose parenthood has been or is to be established.

Amendment 201

Javier Zarzalejos, François-Xavier Bellamy, Isabel Benjumea Benjumea, György Hölvényi, Michaela Šojdrová, Karlo Ressler, Ivan Štefanec, Loránt Vincze, Jan Olbrycht

Proposal for a regulation

Recital 67

Text proposed by the Commission

(67) The recognition in a Member State under this Regulation of a court decision establishing parenthood given in another Member State, or of an authentic instrument establishing parenthood with binding legal effect drawn up or registered in another Member State, **should** not imply the recognition of the possible marriage or registered partnership of the parents of the child whose parenthood has been or is to be established.

Amendment

(67) The recognition in a Member State under this Regulation of a court decision establishing parenthood given in another Member State, or of an authentic instrument establishing parenthood with binding legal effect drawn up or registered in another Member State, **shall** not imply the recognition of the possible marriage or registered partnership of the parents of the child whose parenthood has been or is to be established.

Justification

The expression "should" does not provide sufficient guarantees of protection of national systems, it is preferable to provide for a clear obligation to respect them.

Amendment 202

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 68

Text proposed by the Commission

(68) In order to take into account the different systems of dealing with parenthood in the Member States, this Regulation should guarantee the acceptance in all Member States of authentic instruments which have no

Amendment

deleted

binding legal effect in the Member State of origin but which have evidentiary effects in that Member State. Such authentic instruments can have evidentiary effects as regards parenthood already established or as regards other facts. Depending on the national law, authentic instruments providing evidence of parenthood already established can be, for example, a birth certificate, a parenthood certificate or an extract from the civil register on birth. Authentic instruments providing evidence of other facts can be, for example, a notarial or administrative document recording an acknowledgment of paternity, a notarial or administrative document recording the consent of a mother or of a child to the establishment of parenthood, a notarial or administrative document recording the consent of a spouse to the use of assisted reproductive technology, or a notarial or administrative document recording a possession of state.

Or. es

Amendment 203
Geoffroy Didier

Proposal for a regulation
Recital 68

Text proposed by the Commission

(68) In order to take into account the different systems of dealing with parenthood in the Member States, this Regulation should guarantee the acceptance in all Member States of authentic instruments ***which have no binding legal effect*** in the Member State of origin ***but which have evidentiary effects in that Member State***. Such authentic instruments can have evidentiary effects as regards parenthood already established or as regards other facts. Depending on the

Amendment

(68) In order to take into account the different systems of dealing with parenthood in the Member States, this Regulation should guarantee the acceptance in all Member States of authentic instruments in the Member State of origin. Such authentic instruments can have evidentiary effects as regards parenthood already established or as regards other facts. Depending on the national law, authentic instruments providing evidence of parenthood already

national law, authentic instruments providing evidence of parenthood already established can be, for example, a birth certificate, a parenthood certificate or an extract from the civil register on birth.

Authentic instruments providing evidence of other facts can be, for example, a notarial or administrative document recording an acknowledgment of paternity, a notarial or administrative document recording the consent of a mother or of a child to the establishment of parenthood, a notarial or administrative document recording the consent of a spouse to the use of assisted reproductive technology, or a notarial or administrative document recording a possession of state.

established can be, for example, a birth certificate, a parenthood certificate or an extract from the civil register on birth.

Or. fr

Amendment 204
Alessandra Basso

Proposal for a regulation
Recital 68

Text proposed by the Commission

(68) In order to take into account the different systems of dealing with parenthood in the Member States, this Regulation should guarantee the acceptance in all Member States of authentic instruments which have no binding legal effect in the Member State of origin but which have evidentiary effects in that Member State. Such authentic instruments can have evidentiary effects as regards parenthood already established or as regards other facts. Depending on the national law, authentic instruments providing evidence of parenthood already established can be, for example, a birth certificate, a parenthood certificate or an extract from the civil register on birth.

Amendment

(68) In order to take into account the different systems of dealing with parenthood in the Member States, this Regulation should guarantee the acceptance in all Member States of authentic instruments which have no binding legal effect in the Member State of origin but which have evidentiary effects in that Member State. Such authentic instruments can have evidentiary effects as regards parenthood already established or as regards other facts. Depending on the national law, authentic instruments providing evidence of parenthood already established can be, for example, a birth certificate, a parenthood certificate or an extract from the civil register on birth.

Authentic instruments providing evidence of other facts can be, for example, a notarial or administrative document recording an acknowledgment of paternity, a notarial or administrative document recording the consent of a mother or of a child to the establishment of parenthood, a notarial or administrative document recording the consent of a spouse to the use of assisted reproductive technology, or a notarial or administrative document recording a possession of state.

Authentic instruments providing evidence of other facts can be, for example, a notarial or administrative document recording an acknowledgment of paternity, a notarial or administrative document recording the consent of a mother or of a child to the establishment of parenthood, a notarial or administrative document recording the consent of a spouse to the use of assisted reproductive technology, ***without prejudice to the exclusion from the scope of this Regulation of gestation on another's behalf***, or a notarial or administrative document recording a possession of state.

Or. it

Amendment 205

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation Recital 69

Text proposed by the Commission

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

deleted

depend on the law of the Member State of origin.

Or. es

Amendment 206
Alessandra Basso

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 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.***

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 evidentiary effects in another Member State. 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.

Or. it

Amendment 207
Geoffroy Didier

Proposal for a regulation
Recital 69

Text proposed by the Commission

(69) Authentic instruments ***which have no binding legal effect*** in the Member

Amendment

(69) Authentic instruments ***recording parenthood*** in the Member State of origin

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.

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.

Or. fr

Amendment 208
Geoffroy Didier

Proposal for a regulation
Recital 70

Text proposed by the Commission

Amendment

(70) The ‘authenticity’ of an authentic instrument which has no binding legal effect in the Member State of origin but which has evidentiary effects in that Member State should be an autonomous concept covering elements such as the genuineness of the instrument, the formal prerequisites of the instrument, the powers of the authority drawing up the instrument and the procedure under which the instrument is drawn up. It should also cover the factual elements recorded in the authentic instrument. A party wishing to challenge the authenticity of such an authentic instrument should do so before the competent court in the Member State of origin of the authentic instrument under

deleted

the law of that Member State.

Or. fr

Amendment 209

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 70

Text proposed by the Commission

Amendment

(70) *The ‘authenticity’ of an authentic instrument which has no binding legal effect in the Member State of origin but which has evidentiary effects in that Member State should be an autonomous concept covering elements such as the genuineness of the instrument, the formal prerequisites of the instrument, the powers of the authority drawing up the instrument and the procedure under which the instrument is drawn up. It should also cover the factual elements recorded in the authentic instrument. A party wishing to challenge the authenticity of such an authentic instrument should do so before the competent court in the Member State of origin of the authentic instrument under the law of that Member State.* **deleted**

Or. es

Amendment 210

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 71

Text proposed by the Commission

Amendment

(71) *The term ‘legal act’ (for example,* **deleted**

an acknowledgment of paternity or the giving of consent) or ‘legal relationship’ (for example, the parenthood of a child) recorded in an authentic instrument which has no binding legal effect in the Member State of origin but which has evidentiary effects in that Member State should be interpreted as referring to the contents as to substance recorded in the authentic instrument. A party wishing to challenge a legal act or a legal relationship recorded in the authentic instrument should do so before the courts having jurisdiction under this Regulation, which should decide on the challenge in accordance with the law applicable to the establishment of parenthood designated by this Regulation.

Or. es

Amendment 211
Geoffroy Didier

Proposal for a regulation
Recital 71

Text proposed by the Commission

(71) The term ‘legal act’ (for example, an acknowledgment of paternity or the giving of consent) or ‘legal relationship’ (for example, the parenthood of a child) recorded in an authentic instrument ***which has no binding legal effect*** in the Member State of origin ***but which has evidentiary effects in that Member State*** should be interpreted as referring to the contents as to substance recorded in the authentic instrument. A party wishing to challenge a legal act or a legal relationship recorded in the authentic instrument should do so before the courts having jurisdiction under this Regulation, which should decide on the challenge in accordance with the law applicable to the establishment of

Amendment

(71) The term ‘legal act’ (for example, an acknowledgment of paternity or the giving of consent) or ‘legal relationship’ (for example, the parenthood of a child) recorded in an authentic instrument ***recording parenthood*** in the Member State of origin should be interpreted as referring to the contents as to substance recorded in the authentic instrument. A party wishing to challenge a legal act or a legal relationship recorded in the authentic instrument should do so before the courts having jurisdiction under this Regulation, which should decide on the challenge in accordance with the law applicable to the establishment of parenthood designated by this Regulation.

parenthood designated by this Regulation.

Or. fr

Amendment 212

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 72

Text proposed by the Commission

Amendment

(72) If a question relating to the legal act or legal relationship recorded in an authentic instrument which has no binding legal effect in the Member State of origin but which has evidentiary effects in that Member State is raised as an incidental question in proceedings before a court of a Member State, that court should have jurisdiction over that question.

deleted

Or. es

Amendment 213

Geoffroy Didier

Proposal for a regulation

Recital 72

Text proposed by the Commission

Amendment

(72) If a question relating to the legal act or legal relationship recorded in an authentic instrument *which has no binding legal effect* in the Member State of origin *but which has evidentiary effects in that Member State* is raised as an incidental question in proceedings before a court of a Member State, that court should have jurisdiction over that question.

(72) If a question relating to the legal act or legal relationship recorded in an authentic instrument *recording parenthood* in the Member State of origin is raised as an incidental question in proceedings before a court of a Member State, that court should have jurisdiction over that question.

Or. fr

Amendment 214

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 73

Text proposed by the Commission

Amendment

(73) Where an authentic instrument which has no binding legal effect in the Member State of origin but which has evidentiary effects in that Member State is being challenged, it should not produce any evidentiary effects in a Member State other than the Member State of origin as long as the challenge is pending. If the challenge concerns only a specific matter relating to the legal act or legal relationships recorded in the authentic instrument, the authentic instrument in question should not produce any evidentiary effects in a Member State other than the Member State of origin with regard to the matter being challenged as long as the challenge is pending. An authentic instrument which has been declared invalid as a result of a challenge should cease to produce any evidentiary effects.

deleted

Or. es

Amendment 215

Geoffroy Didier

Proposal for a regulation

Recital 73

Text proposed by the Commission

Amendment

(73) Where an authentic instrument which has no binding legal effect in the Member State of origin but which has evidentiary effects in that Member State is

(73) Where an authentic instrument recording parenthood in the Member State of origin is being challenged, it should not produce any evidentiary effects in a

being challenged, it should not produce any evidentiary effects in a Member State other than the Member State of origin as long as the challenge is pending. If the challenge concerns only a specific matter relating to the legal act or legal relationships recorded in the authentic instrument, the authentic instrument in question should not produce any evidentiary effects in a Member State other than the Member State of origin with regard to the matter being challenged as long as the challenge is pending. An authentic instrument which has been declared invalid as a result of a challenge should cease to produce any evidentiary effects.

Member State other than the Member State of origin as long as the challenge is pending. If the challenge concerns only a specific matter relating to the legal act or legal relationships recorded in the authentic instrument, the authentic instrument in question should not produce any evidentiary effects in a Member State other than the Member State of origin with regard to the matter being challenged as long as the challenge is pending. An authentic instrument which has been declared invalid as a result of a challenge should cease to produce any evidentiary effects.

Or. fr

Amendment 216

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation Recital 74

Text proposed by the Commission

Amendment

(74) Should an authority, in application of this Regulation, be presented with two incompatible authentic instruments which do not establish parenthood with binding legal effect but which have evidentiary effects in their respective Member State of origin, it should assess the question of which authentic instrument, if any, should be given priority taking into account the circumstances of the particular case. Where it is not clear from those circumstances which of such authentic instruments, if any, should be given priority, the question should be determined by the courts having jurisdiction under this Regulation or, where the question is raised as an incidental question in the course of proceedings, by the court seised of those

deleted

proceedings.

Or. es

Amendment 217
Geoffroy Didier

Proposal for a regulation
Recital 74

Text proposed by the Commission

(74) Should an authority, in application of this Regulation, be presented with two incompatible authentic instruments ***which do not establish parenthood with binding legal effect but which have evidentiary effects*** in their respective Member State of origin, it should assess the question of which authentic instrument, if any, should be given priority taking into account the circumstances of the particular case. Where it is not clear from those circumstances which of such authentic instruments, if any, should be given priority, the question should be determined by the courts having jurisdiction under this Regulation or, where the question is raised as an incidental question in the course of proceedings, by the court seised of those proceedings.

Amendment

(74) Should an authority, in application of this Regulation, be presented with two incompatible authentic instruments ***recording*** parenthood in their respective Member State of origin, it should assess the question of which authentic instrument, if any, should be given priority taking into account the circumstances of the particular case. Where it is not clear from those circumstances which of such authentic instruments, if any, should be given priority, the question should be determined by the courts having jurisdiction under this Regulation or, where the question is raised as an incidental question in the course of proceedings, by the court seised of those proceedings.

Or. fr

Amendment 218
Sergey Lagodinsky, Heidi Hautala
on behalf of the Verts/ALE Group

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***

Amendment

deleted

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. en

Amendment 219

Pierre Karleskind

on behalf of the Renew Group

Karen Melchior, Adrián Vázquez Lázara, Catharina Rinzema

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

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.

prohibits discrimination. *To protect the best interest of the child, when the public policy exception has been raised by the courts and other competent authorities of the Member States, the recognition shall remain approved and all the rights derived from it until shall apply, or the authentic instrument shall remain accepted until all national and European remedies have been exhausted and a final ruling has been made.*

Or. en

Justification

As it stands, the public policy exception raises serious concerns. There is a risk of abusive use of this exception by some courts or other competent authorities of some Member States to discriminate against children born in families with same-sex parents. But it is also clear that a complete deletion of this exception would be unacceptable for Member States, as there is some cases which legitimately deserve the use of this provision. Therefore, this amendments aims at protecting the child against abusive use of the public policy exception, by suspending its effects in case of appeal by the parents, until all national and European remedies have been exhausted. As such, any use of this exception which is contrary to the principle of non-discrimination would be annulled by a national or European jurisdiction, and all the while would have no negative effect on the child and their family.

Amendment 220 **Angel Dzhambazki**

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*

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.

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. bg

Amendment 221

Javier Zarzalejos, François-Xavier Bellamy, Isabel Benjumea Benjumea, György Hölvényi, Michaela Šojdrová, Karlo Ressler, Ivan Štefanec, Loránt Vincze, Miriam Lexmann, Jan Olbrycht

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, ***while complying with the Charter of Fundamental Rights of the EU.***

Or. en

Justification

The reference contained in the original proposal is too restrictive with respect to the role of national systems and their specificities.

Amendment 222
Alessandra Basso

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, ***and Article 3 thereof on the right to the integrity of the person, which prohibits making the human body and its parts as such a source of financial gain.***

Or. it

Amendment 223
Daniel Buda

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

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.

exceptional circumstances, to recognise or, as the case may be, accept a **final** 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 **final** court decision or an authentic instrument issued **in relation to parenthood** in another Member State when doing so would be contrary to the Charter and, in particular, Article 21 thereof, which prohibits discrimination.

Or. ro

Amendment 224

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

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,**

Amendment

(75) Considerations of public interest should allow Member State courts or other competent authorities to refuse, in exceptional circumstances, to recognise a **final** court decision or authentic instrument **with binding legal effect** on the parenthood established in another Member State where, in a given case, such recognition 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 a **final** court decision or an authentic instrument **with binding legal effect** issued in another Member State when doing so would be contrary to the Charter.

which prohibits discrimination.

Or. es

Amendment 225
Angel Dzhambazki

Proposal for a regulation
Recital 76

Text proposed by the Commission

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.* **deleted**

Or. bg

Amendment 226
Alessandra Basso

Proposal for a regulation
Recital 76

Text proposed by the Commission

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* **deleted**

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.

Or. it

Amendment 227
Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation
Recital 76

Text proposed by the Commission

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.

deleted

Or. it

Amendment 228
Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

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 ***by the Member State in which parenthood has been established*** 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.

Or. es

Amendment 229

Vincenzo Sofo, Raffaele Stancanelli

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

deleted

Or. it

Amendment 230
Alessandra Basso

Proposal for a regulation
Recital 77

Text proposed by the Commission

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. For that purpose, this Regulation should provide for an exchange of information on such formalities between the Member States.

deleted

Or. it

Amendment 231
Angel Dzhambazki

Proposal for a regulation
Recital 77

Text proposed by the Commission

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. For that purpose, this Regulation should provide for an exchange of information on such formalities between the Member States.

deleted

Or. bg

Amendment 232
Alessandra Basso

Proposal for a regulation
Recital 78

Text proposed by the Commission

Amendment

(78) The use of the European Certificate of Parenthood should not be mandatory.

deleted

This means that persons entitled to apply for a European Certificate of Parenthood, namely the child or a legal representative, should be under no obligation to do so and should be free to present the other instruments available under this Regulation (a court decision or an authentic instrument) when requesting recognition in another Member State. However, no authority or person presented with a European Certificate of Parenthood issued in another Member State should be entitled to request that a court decision or an authentic instrument be presented instead of the European Certificate of Parenthood.

Or. it

Amendment 233

Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 78

Text proposed by the Commission

Amendment

(78) The use of the European Certificate of Parenthood should not be mandatory.

deleted

This means that persons entitled to apply for a European Certificate of Parenthood, namely the child or a legal representative, should be under no obligation to do so and should be free to present the other instruments available under this Regulation (a court decision or an authentic instrument) when requesting recognition in another Member State. However, no authority or person

presented with a European Certificate of Parenthood issued in another Member State should be entitled to request that a court decision or an authentic instrument be presented instead of the European Certificate of Parenthood.

Or. it

Amendment 234
Angel Dzhambazki

Proposal for a regulation
Recital 78

Text proposed by the Commission

Amendment

(78) The use of the European Certificate of Parenthood should not be mandatory. This means that persons entitled to apply for a European Certificate of Parenthood, namely the child or a legal representative, should be under no obligation to do so and should be free to present the other instruments available under this Regulation (a court decision or an authentic instrument) when requesting recognition in another Member State. However, no authority or person presented with a European Certificate of Parenthood issued in another Member State should be entitled to request that a court decision or an authentic instrument be presented instead of the European Certificate of Parenthood.

deleted

Or. bg

Amendment 235
Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation
Recital 78

Text proposed by the Commission

(78) The use of the European Certificate of Parenthood should not be mandatory. This means that persons entitled to apply for a European Certificate of Parenthood, namely the child or a legal representative, should be under no obligation to do so and should be free to present the other instruments available under this Regulation (a court decision or an authentic instrument) when requesting recognition in another Member State. However, no authority or person presented with a European Certificate of Parenthood issued in another Member State should be entitled to request that a court decision or an authentic instrument be presented instead of the European Certificate of Parenthood.

Amendment

(78) The use of the European Certificate of Parenthood should not be mandatory. This means that persons entitled to apply for a European Certificate of Parenthood, namely the child or a legal representative, should be under no obligation to do so and should be free to present the other instruments available under this Regulation (a **final** court decision or an authentic instrument **with binding legal effect**) when requesting recognition in another Member State. However, no authority or person presented with a European Certificate of Parenthood issued in another Member State should be entitled to request that a **final** court decision or an authentic instrument **with binding legal effect** be presented instead of the European Certificate of Parenthood.

Or. es

Amendment 236
Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation
Recital 79

Text proposed by the Commission

(79) The European Certificate of Parenthood should be issued in the Member State in which parenthood was established and whose courts have jurisdiction under this Regulation. It should be for each Member State to determine in its internal legislation which authorities are to have competence to issue the European Certificate of Parenthood, whether they be courts or other authorities with competence in matters of parenthood, such as, for example, administrative authorities, notaries or registrars. The Member States

Amendment

deleted

should communicate to the Commission the relevant information concerning the authorities empowered under national law to issue the European Certificate of Parenthood in order for that information to be made publicly available.

Or. it

Amendment 237
Alessandra Basso

Proposal for a regulation
Recital 79

Text proposed by the Commission

Amendment

(79) The European Certificate of Parenthood should be issued in the Member State in which parenthood was established and whose courts have jurisdiction under this Regulation. It should be for each Member State to determine in its internal legislation which authorities are to have competence to issue the European Certificate of Parenthood, whether they be courts or other authorities with competence in matters of parenthood, such as, for example, administrative authorities, notaries or registrars. The Member States should communicate to the Commission the relevant information concerning the authorities empowered under national law to issue the European Certificate of Parenthood in order for that information to be made publicly available.

deleted

Or. it

Amendment 238
Alessandra Basso

Proposal for a regulation
Recital 80

Text proposed by the Commission

Amendment

(80) Whilst the contents and the effects of national authentic instrument providing evidence of parenthood (such as a birth certificate or a parenthood certificate) vary depending on the Member State of origin, the European Certificate of Parenthood should have the same contents and produce the same effects in all Member States. It should have evidentiary effects and should be presumed to demonstrate accurately elements which have been established under the law applicable to the establishment of parenthood designated by this Regulation. The evidentiary effects of the European Certificate of Parenthood should not extend to elements which are not governed by this Regulation, such as the civil status of the parents of the child whose parenthood is concerned. Whilst the language of a national authentic instrument providing evidence of parenthood is issued in the language of the Member State of origin, the European Certificate of Parenthood form annexed to this Regulation is available in all Union languages. *deleted*

Or. it

Amendment 239

Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 80

Text proposed by the Commission

Amendment

(80) Whilst the contents and the effects of national authentic instrument providing evidence of parenthood (such as a birth certificate or a parenthood certificate) vary depending on the Member State of origin, the European *deleted*

Certificate of Parenthood should have the same contents and produce the same effects in all Member States. It should have evidentiary effects and should be presumed to demonstrate accurately elements which have been established under the law applicable to the establishment of parenthood designated by this Regulation. The evidentiary effects of the European Certificate of Parenthood should not extend to elements which are not governed by this Regulation, such as the civil status of the parents of the child whose parenthood is concerned. Whilst the language of a national authentic instrument providing evidence of parenthood is issued in the language of the Member State of origin, the European Certificate of Parenthood form annexed to this Regulation is available in all Union languages.

Or. it

Amendment 240

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 80

Text proposed by the Commission

(80) *Whilst the contents and the effects of national authentic instrument providing evidence of parenthood (such as a birth certificate or a parenthood certificate) vary depending on the Member State of origin, the European Certificate of Parenthood should have the same contents and produce the same effects in all Member States. It should have evidentiary effects **and should be presumed to demonstrate accurately** elements which have been established under the law applicable to the establishment of parenthood **designated by***

Amendment

(80) The European Certificate of Parenthood should have the same contents and produce the same effects in all Member States. It should have evidentiary effects **without precluding the Member State courts or competent authorities to which the certificate is presented from formally checking that it contains** elements which have been established under the law applicable to the establishment of parenthood **and that there are no grounds for refusal as a result of it being manifestly contrary to public policy.** The evidentiary effects of the European

this Regulation. The evidentiary effects of the European Certificate of Parenthood should not extend to elements which are not governed by this Regulation, such as the civil status of the parents of the child whose parenthood is concerned. Whilst the language of a national authentic instrument providing evidence of parenthood is issued in the language of the Member State of origin, the European Certificate of Parenthood form annexed to this Regulation is available in all Union languages.

Certificate of Parenthood should not extend to elements which are not governed by this Regulation, such as the civil status of the parents of the child whose parenthood is concerned. Whilst the language of a national authentic instrument ***with binding legal effect*** providing evidence of parenthood is issued in the language of the Member State of origin, the European Certificate of Parenthood form annexed to this Regulation is available in all Union languages.

Or. es

Amendment 241
Angel Dzhambazki

Proposal for a regulation
Recital 81

Text proposed by the Commission

Amendment

(81) The court or other competent authority should issue the European Certificate of Parenthood upon request. The original of the European Certificate of Parenthood should remain with the issuing authority, which should issue one or more certified copies of the European Certificate of Parenthood to the applicant or a legal representative. Given the stability of parenthood status in the vast majority of cases, the validity of the copies of the European Certificate of Parenthood should not be limited in time, without prejudice to the possibility to rectify, modify, suspend or withdraw the European Certificate of Parenthood as necessary. This Regulation should provide for redress against decisions of the issuing authority, including decisions to refuse to issue a European Certificate of Parenthood. Where the European Certificate of Parenthood is rectified, modified, suspended or withdrawn, the

deleted

issuing authority should inform the persons to whom certified copies have been issued so as to avoid a wrongful use of such copies.

Or. bg

Amendment 242
Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation
Recital 81

Text proposed by the Commission

Amendment

(81) *The court or other competent authority should issue the European Certificate of Parenthood upon request. The original of the European Certificate of Parenthood should remain with the issuing authority, which should issue one or more certified copies of the European Certificate of Parenthood to the applicant or a legal representative. Given the stability of parenthood status in the vast majority of cases, the validity of the copies of the European Certificate of Parenthood should not be limited in time, without prejudice to the possibility to rectify, modify, suspend or withdraw the European Certificate of Parenthood as necessary. This Regulation should provide for redress against decisions of the issuing authority, including decisions to refuse to issue a European Certificate of Parenthood. Where the European Certificate of Parenthood is rectified, modified, suspended or withdrawn, the issuing authority should inform the persons to whom certified copies have been issued so as to avoid a wrongful use of such copies.*

deleted

Or. it

Amendment 243
Alessandra Basso

Proposal for a regulation
Recital 81

Text proposed by the Commission

Amendment

(81) The court or other competent authority should issue the European Certificate of Parenthood upon request. The original of the European Certificate of Parenthood should remain with the issuing authority, which should issue one or more certified copies of the European Certificate of Parenthood to the applicant or a legal representative. Given the stability of parenthood status in the vast majority of cases, the validity of the copies of the European Certificate of Parenthood should not be limited in time, without prejudice to the possibility to rectify, modify, suspend or withdraw the European Certificate of Parenthood as necessary. This Regulation should provide for redress against decisions of the issuing authority, including decisions to refuse to issue a European Certificate of Parenthood. Where the European Certificate of Parenthood is rectified, modified, suspended or withdrawn, the issuing authority should inform the persons to whom certified copies have been issued so as to avoid a wrongful use of such copies.

deleted

Or. it

Amendment 244
Daniel Buda

Proposal for a regulation
Recital 81

Text proposed by the Commission

Amendment

(81) The court or other competent

(81) The court or other competent

authority should issue the European Certificate of Parenthood upon request. The original of the European Certificate of Parenthood should remain with the issuing authority, which should issue one or more certified copies of the European Certificate of Parenthood to the applicant or a legal representative. Given the stability of parenthood status in the vast majority of cases, the validity of the copies of the European Certificate of Parenthood should not be limited in time, without prejudice to the possibility to rectify, modify, suspend or withdraw the European Certificate of Parenthood as necessary. This Regulation should provide for redress against decisions of the issuing authority, including decisions to refuse to issue a European Certificate of Parenthood. Where the European Certificate of Parenthood is rectified, modified, suspended or withdrawn, the issuing authority should inform the persons to whom certified copies have been issued so as to avoid a wrongful use of such copies.

authority *on the basis of national law* should issue the European Certificate of Parenthood upon request. The original of the European Certificate of Parenthood should remain with the issuing authority, which should issue one or more certified copies of the European Certificate of Parenthood to the applicant or a legal representative. Given the stability of parenthood status in the vast majority of cases, the validity of the copies of the European Certificate of Parenthood should not be limited in time, without prejudice to the possibility to rectify, modify, suspend or withdraw the European Certificate of Parenthood as necessary. This Regulation should provide for redress against decisions of the issuing authority, including decisions to refuse to issue a European Certificate of Parenthood. Where the European Certificate of Parenthood is rectified, modified, suspended or withdrawn, the issuing authority should inform the persons to whom certified copies have been issued so as to avoid a wrongful use of such copies.

Or. ro

Amendment 245

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 81

Text proposed by the Commission

(81) The court or other competent authority should issue the European Certificate of Parenthood upon request. The original of the European Certificate of Parenthood should remain with the issuing authority, which should issue one or more certified copies of the European Certificate of Parenthood to the applicant or a legal representative. Given the stability of

Amendment

(81) The court or other competent authority should issue the European Certificate of Parenthood upon request. The original of the European Certificate of Parenthood should remain with the issuing authority, which should issue one or more certified copies of the European Certificate of Parenthood to the applicant or a legal representative. Given the stability of

parenthood status in the vast majority of cases, the validity of the copies of the European Certificate of Parenthood should not be limited in time, without prejudice to the possibility to rectify, modify, suspend or withdraw the European Certificate of Parenthood as necessary. This Regulation should provide for redress against decisions of the issuing authority, including decisions to refuse to issue a European Certificate of Parenthood. Where the European Certificate of Parenthood is rectified, modified, suspended or withdrawn, the issuing authority should inform the persons to whom certified copies have been issued so as to avoid a wrongful use of such copies.

parenthood status in the vast majority of cases, the validity of the copies of the European Certificate of Parenthood should not be limited in time, without prejudice to the possibility to rectify, modify, suspend or withdraw the European Certificate of Parenthood as necessary. This Regulation should provide for redress against decisions of the issuing authority, including decisions to refuse to issue a European Certificate of Parenthood. Where the European Certificate of Parenthood is rectified, modified, suspended, ***refused*** or withdrawn, the issuing authority should inform the persons to whom certified copies have been issued so as to avoid a wrongful use of such copies.

Or. es

Amendment 246
Angel Dzhambazki

Proposal for a regulation
Recital 82

Text proposed by the Commission

Amendment

(82) This Regulation should provide for a modern means of access to justice making it possible for natural persons or their legal representatives and Member State courts or other competent authorities to communicate electronically through the European electronic access point established on the European e-Justice Portal by Regulation (EU) .../... [the Digitalisation Regulation]. Consistency with [the Digitalisation Regulation] should be ensured. It is therefore appropriate for this Regulation to refer to [the Digitalisation Regulation] as necessary, including as regards the definitions of ‘decentralised IT system’ and ‘European electronic access point’. The European electronic access point is part of a decentralised IT system. The

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decentralised IT system should be comprised of the back-end systems of Member States and interoperable access points, including the European electronic access point, through which they should be interconnected. The access points of the decentralised IT system should be based on the e-CODEX system established by Regulation (EU) 2022/850. The European Interoperability Framework provides the reference concept for interoperable policy implementation⁵⁸.

⁵⁸ COM(2022) 710 final and COM(2022) 720 final of 18 November 2022.

Or. bg

Amendment 247
Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation
Recital 83

Text proposed by the Commission

(83) The European electronic access point should allow natural persons or their legal representatives ***to launch a request for a European Certificate of Parenthood and to receive and send that Certificate electronically. It should also allow them*** to communicate electronically with Member State courts or other competent authorities in proceedings for a decision that there are no grounds for the refusal of recognition of a court decision or an authentic instrument on parenthood, or proceedings for the refusal of recognition of a court decision or an authentic instrument on parenthood. Member State courts or other competent authorities should communicate with citizens through the European electronic access point only where the citizen has given prior express consent to the use of

Amendment

(83) The European electronic access point should allow natural persons or their legal representatives to communicate electronically with Member State courts or other competent authorities in proceedings for a decision that there are no grounds for the refusal of recognition of a court decision or an authentic instrument on parenthood, or proceedings for the refusal of recognition of a court decision or an authentic instrument on parenthood. Member State courts or other competent authorities should communicate with citizens through the European electronic access point only where the citizen has given prior express consent to the use of this means of communication.

this means of communication.

Or. it

Amendment 248
Alessandra Basso

Proposal for a regulation
Recital 83

Text proposed by the Commission

(83) The European electronic access point should allow natural persons or their legal representatives ***to launch a request for a European Certificate of Parenthood and to receive and send that Certificate electronically. It should also allow them*** to communicate electronically with Member State courts or other competent authorities in proceedings for a decision that there are no grounds for the refusal of recognition of a court decision or an authentic instrument on parenthood, or proceedings for the refusal of recognition of a court decision or an authentic instrument on parenthood. Member State courts or other competent authorities should communicate with citizens through the European electronic access point only where the citizen has given prior express consent to the use of this means of communication.

Amendment

(83) The European electronic access point should allow natural persons or their legal representatives to communicate electronically with Member State courts or other competent authorities in proceedings for a decision that there are no grounds for the refusal of recognition of a court decision or an authentic instrument on parenthood, or proceedings for the refusal of recognition of a court decision or an authentic instrument on parenthood. Member State courts or other competent authorities should communicate with citizens through the European electronic access point only where the citizen has given prior express consent to the use of this means of communication.

Or. it

Amendment 249
Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation
Recital 83

Text proposed by the Commission

(83) The European electronic access

Amendment

(83) The European electronic access

point should allow natural persons or their legal representatives to launch a request for a European Certificate of Parenthood and to receive and send that Certificate electronically. It should also allow them to communicate electronically with Member State courts or other competent authorities in proceedings for a decision that there are no grounds for the refusal of recognition of a court decision or an authentic instrument on parenthood, or proceedings for the refusal of recognition of a court decision or an authentic instrument on parenthood. Member State courts or other competent authorities should communicate with citizens through the European electronic access point only where the citizen has given prior express consent to the use of this means of communication.

point should allow natural persons or their legal representatives to launch a request for a European Certificate of Parenthood and to receive and send that Certificate electronically. It should also allow them to communicate electronically with Member State courts or other competent authorities in proceedings for a decision that there are no grounds for the refusal of recognition of a *final* court decision or an authentic instrument *with binding legal effect* on parenthood, or proceedings for the refusal of recognition of a *final* court decision or an authentic instrument *with binding legal effect* on parenthood. Member State courts or other competent authorities should communicate with citizens through the European electronic access point only where the citizen has given prior express consent to the use of this means of communication.

Or. es

Amendment 250

Sergey Lagodinsky, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 83

Text proposed by the Commission

(83) The European electronic access point should allow natural persons or their legal representatives to launch a request for a European Certificate of Parenthood and to receive and send that Certificate electronically. It should also allow them to communicate electronically with Member State courts or other competent authorities in proceedings for a decision that there are no grounds for the refusal of recognition of a court decision or an authentic instrument on parenthood, or proceedings *for the refusal of recognition of a court decision or an authentic instrument on*

Amendment

(83) The European electronic access point should allow natural persons or their legal representatives to launch a request for a European Certificate of Parenthood and to receive and send that Certificate electronically. It should also allow them to communicate electronically with Member State courts or other competent authorities in proceedings for a decision that there are no grounds for the refusal of recognition of a court decision or an authentic instrument on parenthood, or proceedings *under this Regulation*. Member State courts or other competent authorities should communicate

parenthood. Member State courts or other competent authorities should communicate with citizens through the European electronic access point only where the citizen has given prior express consent to the use of this means of communication.

with citizens through the European electronic access point only where the citizen has given prior express consent to the use of this means of communication.

Or. en

Amendment 251
Angel Dzhambazki

Proposal for a regulation
Recital 84

Text proposed by the Commission

Amendment

(84) This Regulation should not affect the application of Conventions No 16, No 33 and No 34 of the International Commission on Civil Status ('ICCS') in respect of the plurilingual extracts and certificates of birth as between Member States or between a Member State and a third State.

deleted

Or. bg

Amendment 252
Angel Dzhambazki

Proposal for a regulation
Recital 85

Text proposed by the Commission

Amendment

(85) In order to ensure uniform conditions for the implementation of this Regulation as regards the establishment of the decentralised IT system for the purposes of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European

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*Parliament and of the Council*⁵⁹.

⁵⁹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. bg

Amendment 253

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

**Proposal for a regulation
Recital 86**

Text proposed by the Commission

Amendment

(86) In order to ensure that the attestations provided for in Chapters IV and V and the European Certificate of Parenthood provided for in Chapter VI of this Regulation are kept up to date, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend Annexes I to V to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁶⁰. In particular, to ensure equal participation in the preparation of delegated acts, the Council receives all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated

deleted

acts.

⁶⁰ *Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).*

Or. es

Amendment 254
Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation
Recital 86

Text proposed by the Commission

(86) In order to ensure that the attestations provided for in Chapters IV and V *and the European Certificate of Parenthood provided for in Chapter VI of this Regulation* are kept up to date, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend Annexes I to V to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁶⁰. In particular, to ensure equal participation in the preparation of delegated acts, the Council receives all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment

(86) In order to ensure that the attestations provided for in Chapters IV and V are kept up to date, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend Annexes I to V to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁶⁰. In particular, to ensure equal participation in the preparation of delegated acts, the Council receives all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁶⁰ Interinstitutional Agreement between the

⁶⁰ Interinstitutional Agreement between the

European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

Or. it

Amendment 255
Alessandra Basso

Proposal for a regulation
Recital 86

Text proposed by the Commission

(86) In order to ensure that the attestations provided for in Chapters IV and V *and the European Certificate of Parenthood provided for in Chapter VI* of this Regulation are kept up to date, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend Annexes I to V to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁶⁰. In particular, to ensure equal participation in the preparation of delegated acts, the Council receives all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁶⁰ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

Amendment

(86) In order to ensure that the attestations provided for in Chapters IV and V of this Regulation are kept up to date, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend Annexes I to V to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁶⁰. In particular, to ensure equal participation in the preparation of delegated acts, the Council receives all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁶⁰ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

Amendment 256
Alessandra Basso

Proposal for a regulation
Recital 87

Text proposed by the Commission

(87) Respect for international commitments entered into by the Member States means that this Regulation should not affect the application of international conventions to which one or more Member States are party at the time when this Regulation is adopted. To make the rules more accessible, the Commission should publish the list of the relevant conventions in the European e-Justice Portal on the basis of the information supplied by the Member States. ***Consistency with the general objectives of this Regulation requires, however, that this Regulation take precedence, as between Member States, over conventions concluded exclusively between two or more Member States in so far as such conventions concern matters governed by this Regulation.***

Amendment

(87) Respect for international commitments entered into by the Member States means that this Regulation should not affect the application of international conventions to which one or more Member States are party at the time when this Regulation is adopted. To make the rules more accessible, the Commission should publish the list of the relevant conventions in the European e-Justice Portal on the basis of the information supplied by the Member States.

Amendment 257
Sergey Lagodinsky, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 89 a (new)

Text proposed by the Commission

Amendment

(89a) Whenever there will be doubt as regards the interpretation of a provision of this Regulation, national judges should

use the preliminary ruling mechanism in order to obtain a uniformly applicable interpretation from the Court of Justice of the European Union.

Or. en

Amendment 258

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 90

Text proposed by the Commission

(90) This Regulation respects the fundamental rights and observes the principles recognised in the Charter. In particular, this Regulation seeks to promote the application of Article 7 on everyone's right to respect for their private and family life, Article 21 prohibiting discrimination, and Article 24 on the protection of the rights of the child.

Amendment

(90) This Regulation respects the fundamental rights and observes the principles recognised in the Charter. In particular, this Regulation seeks to promote the application of ***Article 3(2)(c) of the Charter prohibiting making the human body and its parts as such a source of financial gain, Article 5(3) prohibiting trafficking in human beings***, Article 7 on everyone's right to respect for their private and family life, Article 21 prohibiting discrimination, and Article 24 on the protection of the rights of the child.

Or. es

Amendment 259

Javier Zarzalejos, François-Xavier Bellamy, Isabel Benjumea Benjumea, György Hölvényi, Michaela Šojdová, Karlo Ressler, Ivan Štefanec, Loránt Vincze, Miriam Lexmann, Jan Olbrycht

Proposal for a regulation

Recital 90

Text proposed by the Commission

(90) This Regulation respects the fundamental rights and observes the principles recognised in the Charter. In

Amendment

(90) This Regulation respects the fundamental rights and observes the principles recognised in the Charter. In

particular, this Regulation seeks to promote the application of Article 7 on everyone's right to respect for their private and family life, Article 21 prohibiting discrimination, and Article 24 on the protection of the rights of the child.

particular, this Regulation seeks to promote the application of Article 7 on everyone's right to respect for their private and family life, Article **9 on the right to marry and right to found a family**, Article 21 prohibiting discrimination, and Article 24 on the protection of the rights of the child.

Or. en

Justification

The area covered by the proposed Regulation requires a reference to the main provision of the EU Charter on family law.

Amendment 260 **Alessandra Basso**

Proposal for a regulation **Recital 90**

Text proposed by the Commission

(90) This Regulation respects the fundamental rights and observes the principles recognised in the Charter. In particular, this Regulation seeks to promote the application of Article 7 on everyone's right to respect for their private and family life, Article 21 prohibiting discrimination, and Article 24 on the protection of the rights of the child.

Amendment

(90) This Regulation respects the fundamental rights and observes the principles recognised in the Charter. In particular, this Regulation seeks to promote the application of Article 7 on everyone's right to respect for their private and family life, Article 21 prohibiting discrimination, **Article 3 on the right to the integrity of the person**, and Article 24 on the protection of the rights of the child.

Or. it

Amendment 261 **Alessandra Basso**

Proposal for a regulation **Recital 92**

Text proposed by the Commission

(92) In applying this Regulation,

Amendment

(92) In applying this Regulation,

Member State courts or other competent authorities may need to process personal data for the purposes of the establishment of parenthood in cross-border situations and of the recognition of parenthood between Member States. This entails the processing of personal data for the establishment of parenthood in a cross-border situation, the issuance of the attestations accompanying court decisions or authentic instruments, ***the issuance of a European Certificate of Parenthood***, the presentation of documents for the recognition of parenthood, the obtaining of a decision that there are no grounds for refusal of recognition of parenthood, or the application for refusal of recognition of parenthood. Personal data processed by Member State courts or other competent authorities pursuant to this Regulation are contained in the documents handled by Member State courts or other competent authorities for the above purposes. Personal data processed will in particular concern children, their parents and their legal representatives. The personal data handled by Member State courts or other competent authorities should be processed in accordance with applicable data protection legislation, in particular the GDPR. In addition, in applying this Regulation, the Commission may need to process personal data in connection with the electronic communication between natural persons or their legal representatives and Member State courts or other competent authorities ***to request, receive and send a European Certificate of Parenthood, or*** in proceedings concerning the recognition or the refusal of recognition of parenthood, through the European electronic access point in the context of the decentralised IT system. The personal data handled by the Commission should be processed in accordance with the EUDPR.

Member State courts or other competent authorities may need to process personal data for the purposes of the establishment of parenthood in cross-border situations and of the recognition of parenthood between Member States. This entails the processing of personal data for the establishment of parenthood in a cross-border situation, the issuance of the attestations accompanying court decisions or authentic instruments, the presentation of documents for the recognition of parenthood, the obtaining of a decision that there are no grounds for refusal of recognition of parenthood, or the application for refusal of recognition of parenthood. Personal data processed by Member State courts or other competent authorities pursuant to this Regulation are contained in the documents handled by Member State courts or other competent authorities for the above purposes. Personal data processed will in particular concern children, their parents and their legal representatives. The personal data handled by Member State courts or other competent authorities should be processed in accordance with applicable data protection legislation, in particular the GDPR. In addition, in applying this Regulation, the Commission may need to process personal data in connection with the electronic communication between natural persons or their legal representatives and Member State courts or other competent authorities in proceedings concerning the recognition or the refusal of recognition of parenthood, through the European electronic access point in the context of the decentralised IT system. The personal data handled by the Commission should be processed in accordance with the EUDPR.

Or. it

Amendment 262

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 92

Text proposed by the Commission

(92) In applying this Regulation, Member State courts or other competent authorities may need to process personal data for the purposes of the establishment of parenthood in cross-border situations and of the recognition of parenthood between Member States. This entails the processing of personal data for the establishment of parenthood in a cross-border situation, the issuance of the attestations accompanying court decisions or authentic instruments, the issuance of a European Certificate of Parenthood, the presentation of documents for the recognition of parenthood, the obtaining of a decision that there are no grounds for refusal of recognition of parenthood, or the application for refusal of recognition of parenthood. Personal data processed by Member State courts or other competent authorities pursuant to this Regulation are contained in the documents handled by Member State courts or other competent authorities for the above purposes. Personal data processed will in particular concern children, their parents and their legal representatives. The personal data handled by Member State courts or other competent authorities should be processed in accordance with applicable data protection legislation, in particular the GDPR. In addition, in applying this Regulation, the Commission may need to process personal data in connection with the electronic communication between natural persons or their legal representatives and Member State courts or other competent authorities to request,

Amendment

(92) In applying this Regulation, Member State courts or other competent authorities may need to process personal data for the purposes of the establishment of parenthood in cross-border situations and of the recognition of parenthood between Member States. This entails the processing of personal data for the establishment of parenthood in a cross-border situation, the issuance of the attestations accompanying *final* court decisions or authentic instruments *with binding legal effect*, the issuance of a European Certificate of Parenthood, the presentation of documents for the recognition of parenthood, the obtaining of a decision that there are no grounds for refusal of recognition of parenthood, or the application for refusal of recognition of parenthood. Personal data processed by Member State courts or other competent authorities pursuant to this Regulation are contained in the documents handled by Member State courts or other competent authorities for the above purposes. Personal data processed will in particular concern children, their parents and their legal representatives. The personal data handled by Member State courts or other competent authorities should be processed in accordance with applicable data protection legislation, in particular the GDPR. In addition, in applying this Regulation, the Commission may need to process personal data in connection with the electronic communication between natural persons or their legal representatives and Member State courts or

receive and send a European Certificate of Parenthood, or in proceedings concerning the recognition or the refusal of recognition of parenthood, through the European electronic access point in the context of the decentralised IT system. The personal data handled by the Commission should be processed in accordance with the EUDPR.

other competent authorities to request, receive and send a European Certificate of Parenthood, or in proceedings concerning the recognition or the refusal of recognition of parenthood, through the European electronic access point in the context of the decentralised IT system. The personal data handled by the Commission should be processed in accordance with the EUDPR.

Or. es

Amendment 263
Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation
Recital 92

Text proposed by the Commission

(92) In applying this Regulation, Member State courts or other competent authorities may need to process personal data for the purposes of the establishment of parenthood in cross-border situations and of the recognition of parenthood between Member States. This entails the processing of personal data for the establishment of parenthood in a cross-border situation, the issuance of the attestations accompanying court decisions or authentic instruments, ***the issuance of a European Certificate of Parenthood***, the presentation of documents for the recognition of parenthood, the obtaining of a decision that there are no grounds for refusal of recognition of parenthood, or the application for refusal of recognition of parenthood. Personal data processed by Member State courts or other competent authorities pursuant to this Regulation are contained in the documents handled by Member State courts or other competent authorities for the above purposes. Personal data processed will in particular concern children, their parents and their legal representatives. The personal data

Amendment

(92) In applying this Regulation, Member State courts or other competent authorities may need to process personal data for the purposes of the establishment of parenthood in cross-border situations and of the recognition of parenthood between Member States. This entails the processing of personal data for the establishment of parenthood in a cross-border situation, the issuance of the attestations accompanying court decisions or authentic instruments, the presentation of documents for the recognition of parenthood, the obtaining of a decision that there are no grounds for refusal of recognition of parenthood, or the application for refusal of recognition of parenthood. Personal data processed by Member State courts or other competent authorities pursuant to this Regulation are contained in the documents handled by Member State courts or other competent authorities for the above purposes. Personal data processed will in particular concern children, their parents and their legal representatives. The personal data handled by Member State courts or other

handled by Member State courts or other competent authorities should be processed in accordance with applicable data protection legislation, in particular the GDPR. In addition, in applying this Regulation, the Commission may need to process personal data in connection with the electronic communication between natural persons or their legal representatives and Member State courts or other competent authorities to request, receive and send a European Certificate of Parenthood, or in proceedings concerning the recognition or the refusal of recognition of parenthood, through the European electronic access point in the context of the decentralised IT system. The personal data handled by the Commission should be processed in accordance with the EUDPR.

competent authorities should be processed in accordance with applicable data protection legislation, in particular the GDPR. In addition, in applying this Regulation, the Commission may need to process personal data in connection with the electronic communication between natural persons or their legal representatives and Member State courts or other competent authorities to request, receive and send a European Certificate of Parenthood, or in proceedings concerning the recognition or the refusal of recognition of parenthood, through the European electronic access point in the context of the decentralised IT system. The personal data handled by the Commission should be processed in accordance with the EUDPR.

Or. it

Amendment 264

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhabazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation Recital 93

Text proposed by the Commission

(93) This Regulation should provide the legal basis for the processing of personal data by Member State courts or other competent authorities in accordance with Article 6(1) and (3) of the GDPR and by the Commission in accordance with Article 5(1) and (2) of the EUDPR. The processing of special categories of personal data under this Regulation meets the requirements of Article 9(2) of the GDPR as data will be processed by courts acting in their judicial capacity in conformity with point (f), or the processing will be necessary for reasons of substantial public interest on the basis of this Regulation, which aims to facilitate the recognition of

Amendment

(93) This Regulation should provide the legal basis for the processing of personal data by Member State courts or other competent authorities in accordance with Article 6(1) and (3) of the GDPR and by the Commission in accordance with Article 5(1) and (2) of the EUDPR. The processing of special categories of personal data under this Regulation meets the requirements of Article 9(2) of the GDPR as data will be processed by courts acting in their judicial capacity in conformity with point (f), or the processing will be necessary for reasons of substantial public interest on the basis of this Regulation, which aims to facilitate the recognition of

court decisions and authentic instruments on parenthood in another Member State to ensure the protection of the fundamental rights and other rights of children in cross-border situations within the Union, in conformity with point (g). Similarly, the processing of special categories of personal data under this Regulation meets the requirements of Article 10(2) of the EUDPR as the processing of data will be necessary for the establishment, exercise or defence of legal claims in conformity with point (f), or the processing will be necessary for reasons of substantial public interest on the basis of this Regulation, in conformity with point (g).

final court decisions and authentic instruments *with binding legal effect* on parenthood in another Member State to ensure the protection of the fundamental rights and other rights of children in cross-border situations within the Union, in conformity with point (g). Similarly, the processing of special categories of personal data under this Regulation meets the requirements of Article 10(2) of the EUDPR as the processing of data will be necessary for the establishment, exercise or defence of legal claims in conformity with point (f), or the processing will be necessary for reasons of substantial public interest on the basis of this Regulation, in conformity with point (g).

Or. es

Amendment 265

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 95

Text proposed by the Commission

(95) For the purposes of the establishment of parenthood in a cross-border situation, the issuance of the attestations accompanying court decisions or authentic instruments, the issuance of a European Certificate of Parenthood, the presentation of documents for the recognition of parenthood, the obtaining of a decision that there are no grounds for refusal of recognition of parenthood, or the application for refusal of recognition of parenthood, Member State courts or other competent authorities empowered by the Member States to apply this Regulation should be regarded as controllers within the meaning of Article 4, point 7 of the GDPR. For the purposes of the technical management, development, maintenance,

Amendment

(95) For the purposes of the establishment of parenthood in a cross-border situation, the issuance of the attestations accompanying *final* court decisions or authentic instruments *with binding legal effect*, the issuance of a European Certificate of Parenthood, the presentation of documents for the recognition of parenthood, the obtaining of a decision that there are no grounds for refusal of recognition of parenthood, or the application for refusal of recognition of parenthood, Member State courts or other competent authorities empowered by the Member States to apply this Regulation should be regarded as controllers within the meaning of Article 4, point 7 of the GDPR. For the purposes of the technical

security and support of the European electronic access point, and of the communication between natural persons or their legal representatives and Member State courts or other competent authorities through the European electronic access point and the decentralised IT system, the Commission should be regarded as controller within the meaning of Article 3, point 8 of the EUDPR. Controllers should ensure the security, integrity, authenticity and confidentiality of the data processed for the above purposes.

management, development, maintenance, security and support of the European electronic access point, and of the communication between natural persons or their legal representatives and Member State courts or other competent authorities through the European electronic access point and the decentralised IT system, the Commission should be regarded as controller within the meaning of Article 3, point 8 of the EUDPR. Controllers should ensure the security, integrity, authenticity and confidentiality of the data processed for the above purposes.

Or. es

Amendment 266
Alessandra Basso

Proposal for a regulation
Recital 95

Text proposed by the Commission

(95) For the purposes of the establishment of parenthood in a cross-border situation, the issuance of the attestations accompanying court decisions or authentic instruments, ***the issuance of a European Certificate of Parenthood***, the presentation of documents for the recognition of parenthood, the obtaining of a decision that there are no grounds for refusal of recognition of parenthood, or the application for refusal of recognition of parenthood, Member State courts or other competent authorities empowered by the Member States to apply this Regulation should be regarded as controllers within the meaning of Article 4, point 7 of the GDPR. For the purposes of the technical management, development, maintenance, security and support of the European electronic access point, and of the communication between natural persons or their legal representatives and Member

Amendment

(95) For the purposes of the establishment of parenthood in a cross-border situation, the issuance of the attestations accompanying court decisions or authentic instruments, the presentation of documents for the recognition of parenthood, the obtaining of a decision that there are no grounds for refusal of recognition of parenthood, or the application for refusal of recognition of parenthood, Member State courts or other competent authorities empowered by the Member States to apply this Regulation should be regarded as controllers within the meaning of Article 4, point 7 of the GDPR. For the purposes of the technical management, development, maintenance, security and support of the European electronic access point, and of the communication between natural persons or their legal representatives and Member State courts or other competent authorities

State courts or other competent authorities through the European electronic access point and the decentralised IT system, the Commission should be regarded as controller within the meaning of Article 3, point 8 of the EUDPR. Controllers should ensure the security, integrity, authenticity and confidentiality of the data processed for the above purposes.

through the European electronic access point and the decentralised IT system, the Commission should be regarded as controller within the meaning of Article 3, point 8 of the EUDPR. Controllers should ensure the security, integrity, authenticity and confidentiality of the data processed for the above purposes.

Or. it

Amendment 267

Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Recital 95

Text proposed by the Commission

(95) For the purposes of the establishment of parenthood in a cross-border situation, the issuance of the attestations accompanying court decisions or authentic instruments, ***the issuance of a European Certificate of Parenthood***, the presentation of documents for the recognition of parenthood, the obtaining of a decision that there are no grounds for refusal of recognition of parenthood, or the application for refusal of recognition of parenthood, Member State courts or other competent authorities empowered by the Member States to apply this Regulation should be regarded as controllers within the meaning of Article 4, point 7 of the GDPR. For the purposes of the technical management, development, maintenance, security and support of the European electronic access point, and of the communication between natural persons or their legal representatives and Member State courts or other competent authorities through the European electronic access point and the decentralised IT system, the Commission should be regarded as controller within the meaning of Article 3,

Amendment

(95) For the purposes of the establishment of parenthood in a cross-border situation, the issuance of the attestations accompanying court decisions or authentic instruments, the presentation of documents for the recognition of parenthood, the obtaining of a decision that there are no grounds for refusal of recognition of parenthood, or the application for refusal of recognition of parenthood, Member State courts or other competent authorities empowered by the Member States to apply this Regulation should be regarded as controllers within the meaning of Article 4, point 7 of the GDPR. For the purposes of the technical management, development, maintenance, security and support of the European electronic access point, and of the communication between natural persons or their legal representatives and Member State courts or other competent authorities through the European electronic access point and the decentralised IT system, the Commission should be regarded as controller within the meaning of Article 3, point 8 of the EUDPR. Controllers should

point 8 of the EUDPR. Controllers should ensure the security, integrity, authenticity and confidentiality of the data processed for the above purposes.

ensure the security, integrity, authenticity and confidentiality of the data processed for the above purposes.

Or. it

Amendment 268
Angel Dzhambazki

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.

Or. bg

Amendment 269
Daniel Buda

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

Amendment

This Regulation lays down common rules on jurisdiction and applicable law ***in proceedings to establish or contest*** parenthood in a Member State in cross-border situations; common rules for the ***enforcement*** or, as the case may be, ***recognition*** in a Member State of ***final*** court decisions on parenthood given, and

up or registered, in another Member State;
and creates a European Certificate of
Parenthood.

authentic instruments on parenthood drawn
up or registered, in another Member State;
and creates a European Certificate of
Parenthood.

Or. ro

Amendment 270
Alessandra Basso

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 ***and*** 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.

Or. it

Amendment 271
Vincenzo Sofo, Raffaele Stancanelli

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

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 ***and*** 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

up or registered, in another Member State;
***and creates a European Certificate of
Parenthood.***

drawn up or registered, in another Member
State.

Or. it

Amendment 272

Jorge Buxadé Villalba, Bert-Jan Ruissen, Angel Dzhambazki, Vincenzo Sofo, Raffaele Stancanelli

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 in a Member State of ***final*** court decisions on parenthood given, and authentic instruments ***with binding legal effect*** on parenthood drawn up or registered, in another Member State; and creates a European Certificate of Parenthood.

Or. es

Amendment 273

Antonius Manders, Jiří Pospíšil

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

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 ***mutual*** recognition or, as the case may be, acceptance in a Member State of court decisions on parenthood given, and authentic instruments on parenthood

up or registered, in another Member State; and creates a European Certificate of Parenthood.

drawn up or registered, in another Member State; and creates a European Certificate of Parenthood.

Or. en

Amendment 274
Angel Dzhambazki

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

1. This Regulation shall 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. ***In particular, this Regulation shall not affect the limitations relating to the use of public policy as a justification to refuse the recognition of parenthood where, under Union law on free movement, Member States are obliged to recognise a document establishing a parent-child relationship issued by the authorities of another Member State for the purposes of rights derived from Union law.***

Amendment

1. This Regulation shall 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.

Or. bg

Amendment 275
Javier Zarzalejos, François-Xavier Bellamy, Isabel Benjumea Benjumea, György Hölvényi, Michaela Šojdrová, Karlo Ressler, Ivan Štefanec, Loránt Vincze, Miriam Lexmann, Jan Olbrycht

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

1. This Regulation shall not affect the rights that a child derives from Union law, in particular the rights that a child enjoys

Amendment

1. This Regulation shall 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. ***In particular***, this Regulation shall not ***affect the limitations relating to the use of*** public policy as a justification to refuse the recognition of parenthood ***where, under Union law on free movement, Member States are obliged to recognise a document establishing a parent-child relationship issued by the authorities of another Member State for the purposes of rights derived from Union law.***

under Union law on free movement, including Directive 2004/38/EC. This Regulation shall not ***preclude the Member States from using*** public policy as a justification to refuse the recognition of parenthood.

Or. en

Justification

The reference contained in the original proposal is too restrictive with respect to the role of national systems and their specificities.

Amendment 276

Javier Zarzalejos, François-Xavier Bellamy, Isabel Benjumea Benjumea, György Hölvényi, Michaela Šojdrová, Karlo Ressler, Ivan Štefanec, Loránt Vincze, Miriam Lexmann, Jan Olbrycht

Proposal for a regulation

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Nothing in this Regulation can be interpreted as obliging a Member State to accept the practice of surrogacy, or any of its legal consequences.

Or. en

Justification

It seems appropriate to protect national systems from this type of interference.

Amendment 277

Angel Dzhambazki

Proposal for a regulation

Article 2 – paragraph 2

Text proposed by the Commission

2. This Regulation ***shall not affect*** Regulation (EU) 2016/1191, in particular as regards public documents, as defined in that Regulation, on birth, parenthood and adoption.

Amendment

2. This Regulation ***should be part of*** Regulation (EU) 2016/1191, in particular as regards public documents, as defined in that Regulation, on birth, parenthood and adoption.

Or. bg

Amendment 278

Vincenzo Sofo, Raffaele Stancanelli

Proposal for a regulation

Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. No provision of this Regulation may be interpreted in such a way as to commit a Member State to having to accept the legal effects of a practice deemed illegal under its own legal system.

Or. it

Amendment 279

Daniel Buda

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the existence, validity or recognition of a marriage or of a relationship deemed by the law applicable to such relationship to have comparable effects, such as a registered partnership;

(a) the existence, validity or recognition of a marriage or of a relationship deemed by the ***national*** law applicable to such relationship to have comparable effects, such as a registered partnership ***or cohabiting relationship***;

Or. ro

