



**2022/0402(CNS)**

25.7.2023

# **AMENDMENTS**

## **44 - 401**

**Draft opinion**  
**Malin Björk**  
(PE750.249v02-00)

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))

AM\_Com\_LegOpinion

#### Amendment 44

Vincenzo Sofo, Margarita de la Pisa Carrión

#### Proposal for a regulation

##### Title 1

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

Proposal for a COUNCIL REGULATION on 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***

##### *Amendment*

Proposal for a COUNCIL REGULATION on jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood

Or. it

#### Amendment 45

Vincenzo Sofo, Margarita de la Pisa Carrión

#### 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. 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, ***respecting the sole competence of the Member States to govern family law.***

Or. it

#### Amendment 46

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

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

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

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

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

<sup>34</sup> Article 3 of the UN Convention on the Rights of the Child, Article 24 of the

*Amendment*

(2) This Regulation concerns the recognition in a Member State of the parenthood of a child as established in another Member State. It aims to protect the fundamental rights and other rights of children in matters concerning their parenthood in cross-border situations, including their right to an identity<sup>31</sup>, to non-discrimination<sup>32</sup> and to a private and family life<sup>33</sup>, taking the best interests of the child as a primary consideration<sup>34</sup>. This Regulation also aims to provide legal certainty and predictability and to reduce litigation costs and burden for families, national courts and other competent authorities in connection with proceedings for the recognition of parenthood in another Member State. To attain these aims, this Regulation should require Member States to recognise for all purposes the parenthood of a child as established in another Member State ***if such recognition is manifestly not contrary to public policy - especially in situations where it could clearly have an adverse effect on the best interests of the child.***

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

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

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

<sup>34</sup> Article 3 of the UN Convention on the Rights of the Child, Article 24 of the

**Amendment 47**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

**Amendment 48**

**Cristian Terheş**

**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

*Amendment*

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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.

Member States. However, pursuant to Article 81(3) TFEU, the Union can adopt measures concerning family law with cross-border implications, in particular rules on international jurisdiction, on applicable law and on the recognition of parenthood. ***Such provisions must comply with the conditions of subsidiarity, proportionality and respect for fundamental rights in any way, in particular the fundamental rights of children.***

Or. en

#### **Amendment 49**

**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

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

#### **Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5a) Pursuant to the second subparagraph of Article 81(3) TFEU, the Council, on a proposal from the Commission, may adopt a decision establishing that aspects of family law having cross-border implications may be adopted in accordance with the ordinary legislative procedure. In this regard, the European Parliament underlined the importance of moving to the ordinary legislative procedure and to qualified majority voting in areas related to the protection of fundamental rights in the Union, including through the activation of the sectoral passerelle clause on family law with cross-border implications (Article 81(3), second subparagraph, TFEU)<sup>1a</sup>;***

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***<sup>1a</sup> European Parliament resolution of 11 July 2023 on the implementation of the passerelle clauses in the EU Treaties***

**Amendment 50**  
**Cristian Terheş**

**Proposal for a regulation**  
**Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**(5a) A human being can only be a man or a woman, as stated in the Universal Declaration of Human Rights. The woman is the only human being who can give birth.**

**Amendment 51**  
**Cristian Terheş**

**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

*Amendment*

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

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

dispensing with the formalities for the legalisation of documents between Member States and a legislative proposal on the mutual recognition of the effects of certain civil status documents, including as regards birth, parenthood and adoption.

dispensing with the formalities for the legalisation of documents between Member States and a legislative proposal on the mutual recognition of the effects of certain civil status documents, including as regards birth, parenthood and adoption. *The Commission Action Plan Implementing the Stockholm Programme explicitly refers to the equality of women and men. However, it should be remembered that the transcription of a foreign document into the domestic legal system is a reproduction - not an implementation - and although it is not an administrative decision, it is also not an automatic act: it is made on request and may be refused if it is manifestly contrary to public policy. Within the transcription, a consideration of the case-by-case basis is relevant, in order to protect paternity, maternity, the child and their family bonds.*

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

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

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

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

Or. en

## **Amendment 52**

**Tomas Tobé**

### **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

#### *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. *In order to increase the safety*



areas differ.

*of children and to make it easier for families to live in the EU, it is important that the Union adopt regulations that make parenthood legal across national borders as a prerequisite for equality.*

Or. en

## **Amendment 53**

**Cristian Terheş**

### **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) *According to Article 7 of the European Charter of Fundamental Rights, everyone has the right to respect for his or her private and family life, home and communications. It is, therefore, a responsibility of parents to procure such family home where paternity and maternity bonds of affection and love for their children will prevail.*

Or. en

## **Amendment 54**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

### **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 4/2009<sup>43</sup>, Regulation (EU) No 650/2012 of the European Parliament and of the Council<sup>44</sup> and Council Regulation (EU) 2019/1111<sup>45</sup>. However, these Regulations

*Amendment*

(9) At Union level, a number of Union instruments deal with, *among other things*, certain rights *concerning* children in cross-border situations, in particular Council Regulation (EC) No 4/2009<sup>43</sup>, Regulation (EU) No 650/2012 of the European Parliament and of the Council<sup>44</sup> and Council Regulation (EU) 2019/1111<sup>45</sup>.

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 Council<sup>46</sup> 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.

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<sup>43</sup> 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).

<sup>44</sup> 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).

<sup>45</sup> 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).

<sup>46</sup> 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).

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 Council<sup>46</sup> 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.

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<sup>43</sup> 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).

<sup>44</sup> 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).

<sup>45</sup> 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).

<sup>46</sup> 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. it

**Amendment 55**  
**Cristian Terheş**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 56**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

*Text proposed by the Commission*

*Amendment*

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

Or. it

## Amendment 57

Jean-Paul Garraud, Annika Bruna

### Proposal for a regulation

#### Recital 11

*Text proposed by the Commission*

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

*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 consequences on the rights that ***children*** derive from national law. This may ***result in administrative or judicial actions*** to have the parenthood of ***a*** child recognised in another Member State. Those proceedings ***ensure the necessary balance between the interests and rights of the child and respect for the legal order of the host*** Member State.

Or. fr

## Amendment 58

Vincenzo Sofo, Margarita de la Pisa Carrión

### Proposal for a regulation

#### Recital 12

*Text proposed by the Commission*

(12) ***In 2020 the Commission announced measures<sup>47</sup> to ensure that the parenthood established in a Member State***

*Amendment*

***deleted***

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

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

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

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

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

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

Or. it

## **Amendment 59**

**Cristian Terheş**

### **Proposal for a regulation**

**Recital 12**

*Text proposed by the Commission*

(12) In 2020 the Commission announced measures<sup>47</sup> to ensure that the parenthood established in a Member State would be recognised in all other Member States.

*Amendment*

(12) In 2020 the Commission announced measures<sup>47</sup> to ensure that the parenthood established in a Member State would be recognised in all other Member States. The

*This initiative was included in the 2020 EU LGBTIQ Equality Strategy<sup>48</sup> and the 2021 EU Strategy on the rights of the child<sup>49</sup> as a key action to support equality and the rights of children. The European Parliament welcomed the Commission's initiative in its 2021 Resolution on LGBTIQ rights in the EU<sup>50</sup> and in its 2022 Resolution on the protection of the rights of the child in civil, administrative and family law proceedings<sup>51</sup>.*

*European Parliament has also repeatedly commented on surrogacy, pointing out that the practice - which is legal in some Member States - is nevertheless a form of slavery and discrimination against women on grounds of sex - being clearly incompatible with the Charter of Fundamental Rights, in particular its article 3. par. 2, p. c (prohibition to use the human body and its individual parts as a source of profit); article 5 par. 3 (prohibiting human trafficking); article 21 (prohibiting sex discrimination); article 23 (equality between women and men), and - especially from the point of view of the child - may be incompatible with Art. 7 (respect for private and family life) and art. 24 par. 3 (the child's right to maintain contact with both parents).*

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

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

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

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

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

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

Or. en

## **Amendment 60**

**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

## **Proposal for a regulation**

## **Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***(13a) The child-parent relationship calls into question an essential aspect of the child's identity, in particular, not only the right to a personal identity but also the right to live and grow up in a stable family environment. The best interests of the child should always prevail. The European Court of Human Rights has expressly stated that the best interests of the child reduces the margin of appreciation of the State Parties in the recognition of the child-parent relationship<sup>1a</sup>. Consequently, it becomes necessary to proceed with the recognition of parenthood regardless of the family context and the way in which the child is conceived. It is also necessary to guarantee the full legitimisation of the family, the conjugal relationship, understood as a nucleus of stable affections and relationships between persons, and of the children resulting from such relationship.***

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***<sup>1a</sup> ECtHR, Judgment 22.11.2022 [Section III], D.B. and Others v. Switzerland - 58252/15 and 58817/15.***

Or. en

## **Amendment 61 Cristian Terheş**

### **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

(14) Under Article 21 TFEU and secondary legislation relating thereto as interpreted by the Court of Justice, the respect of a Member State's national



identity under Article 4(2) TEU and a Member State's public policy cannot serve as justification to refuse to recognise a parent-child relationship between children and their same-sex parents for the purposes of exercising the rights that a child derives from Union law. In addition, for the purposes of exercising such rights, proof of parenthood can be presented by any means<sup>52</sup>. Therefore, a Member State is not entitled to require that a person presents either the attestations provided for in this Regulation accompanying a court decision or an authentic instrument on parenthood, or the European Certificate of Parenthood created by this Regulation, where the person invokes, in the context of the exercise of the right to free movement, rights that a child derives from Union law.

***This should not, however, prevent a person from choosing to present in such cases also the relevant attestation or the European Certificate of Parenthood provided for in this Regulation. To ensure that Union citizens and their family members are informed that the rights that a child derives from Union law are not affected by this Regulation, the forms of the attestations and of the European Certificate of Parenthood annexed to this Regulation should include a statement specifying that the relevant attestation or the European Certificate of Parenthood do not affect the rights that a child derives from Union law, in particular the rights that a child enjoys under Union law on free movement, and that, for the exercise of such rights, proof of the parent-child relationship can be presented by any means.***

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

identity under Article 4(2) TEU and a Member State's public policy cannot serve as justification to refuse to recognise a parent-child relationship between children and their same-sex parents for the purposes of exercising the rights that a child derives from Union law. In addition, for the purposes of exercising such rights, proof of parenthood can be presented by any means<sup>52</sup>. Therefore, a Member State is not entitled to require that a person presents either the attestations provided for in this Regulation accompanying a court decision or an authentic instrument on parenthood, or the European Certificate of Parenthood created by this Regulation, where the person invokes, in the context of the exercise of the right to free movement, rights that a child derives from Union law.

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



**Amendment 62**

**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

**Proposal for a regulation****Recital 14***Text proposed by the Commission*

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

*Amendment*

(14) Under Article 21 TFEU and secondary legislation relating thereto as interpreted by the Court of Justice, the respect of a Member State's national identity under Article 4(2) TEU and a Member State's public policy cannot serve as justification to refuse to recognise a parent-child relationship between children and their same-sex parents for the purposes of exercising the rights that a child derives from Union law. ***In fact, the protection of the interests of the child should prevail over considerations of national identity and public policy, so that the child can live in a stable and recognised family free from any stigma, including from a legal point of view. This is particularly true if one considers that the best interest of the child is an integral part of the concept of public policy, thus favouring the entry into national law of new family and conjugal relations.*** In addition, for the purposes of exercising such rights, proof of parenthood can be presented by any means<sup>52</sup>. Therefore, a Member State is not entitled to require that a person presents either the attestations provided for in this Regulation accompanying a court decision or an authentic instrument on parenthood, or the European Certificate of Parenthood created by this Regulation, where the person invokes, in the context of the exercise of the right to free movement, rights that a child derives from Union law. This should not, however, prevent a person from choosing to present in such cases also

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.

the relevant attestation or the European Certificate of Parenthood provided for in this Regulation. To ensure that Union citizens and their family members are informed that the rights that a child derives from Union law are not affected by this Regulation, the forms of the attestations and of the European Certificate of Parenthood annexed to this Regulation should include a statement specifying that the relevant attestation or the European Certificate of Parenthood do not affect the rights that a child derives from Union law, in particular the rights that a child enjoys under Union law on free movement, and that, for the exercise of such rights, proof of the parent-child relationship can be presented by any means.

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

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

Or. en

**Amendment 63**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

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

from Union law. In addition, for the purposes of exercising such rights, proof of parenthood can be presented by any means<sup>52</sup>. Therefore, a Member State is not entitled to require that a person presents either the attestations provided for in this Regulation accompanying a court decision or an authentic instrument on parenthood 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 do not affect the rights that a child derives from Union law, in particular the rights that a child enjoys under Union law on free movement, and that, for the exercise of such rights, proof of the parent-child relationship can be presented by any means.

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

Or. it

**Amendment 64**  
**Malin Björk**

**Proposal for a regulation**  
**Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***(14a) According to the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights, children have the right to private and family life. A family is more than a child's connection to its parents. In order to fully respect a child's right to private and family life and the best interests of the child, it is important to respect and recognise not only the child-parent legal ties but also their parents' partnership and marriage. This Regulation should include the recognition of partnership and marriage in the European Certificate of Parenthood.***

Or. en

*Justification*

*There was a typo in the Rapporteur's AM 2 of the draft opinion. The word 'private' was missing twice. The text should say 'the right to private and family life'.*

**Amendment 65**  
**Malin Björk**

**Proposal for a regulation**  
**Recital 14 b (new)**

*Text proposed by the Commission*

*Amendment*

***(14b) This Regulation paves the way for the legal recognition of all types of families, regardless of their formation. It is hardly acceptable to consider that only certain types of families are entitled to legal recognition. The non-recognition of families that do not fit the traditional family model does not respect the best interests of the child, as it discriminates children on grounds of birth, is contrary to the dignity of the child, is detrimental to***

*the child's harmonious development and prevents the effective enjoyment of the fundamental rights by children.*

Or. en

*Justification*

*It adds '(...)discriminates children on grounds of birth (...)'* to Rapporteur's AM 3 of the draft opinion.

**Amendment 66**  
**Cristian Terheş**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 67**  
**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

**Proposal for a regulation**  
**Recital 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***(17a) Furthermore, according to the case-law of the European Court of Human Rights, the best interests of the child also entails the legal identification of the persons responsible for raising them, meeting their needs and ensuring their welfare, as well as the possibility for the child to live and develop in a stable environment<sup>1a</sup>. It is therefore clear that the child will have an interest in the legal recognition of their relationship with the parents.***

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***<sup>1a</sup> ECtHR, 10.4.2019 [GC], Advisory opinion requested by the French Court of Cassation***

Or. en

**Amendment 68**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

*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***

(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 shall not be obliged to transcribe an instrument or recognise a decision where a child is born out of surrogacy abroad for the purpose of***

*parent-child relationship established abroad between a child born out of surrogacy and the biological intended parent, and to provide for a mechanism for the recognition in law of the parent-child relationship with the non-biological intended parent (for example through the adoption of the child)<sup>54</sup> .*

*establishing the legal relationship between the child and the intended parent. The case-law of the European Court of Human Rights, without prejudice to the need for States to identify methods for ensuring the protection of the interests of the child in legal recognition of the link with the person who exercises parental control, has granted States a certain discretion in identifying the methods for formalising the parental relationship laid down. This discretion includes methods other than direct recognition, such as the use of the institution of adoption, regulated nationally by Member States. With regard to adoption, the European Court of Human Rights has stressed that this may be considered sufficient to guarantee the protection of the rights of children in so far as it is capable of constituting a genuine link of ‘parenthood’ between the adoptive parent and the adopted child, and provided that the methods laid down in domestic law guarantee the effectiveness and speed of implementation of the adoption, in pursuit of the best interests of the child<sup>54</sup>.*

*54. Judgment of the European Court of Human Rights, 22 November 2022, D.B. and Others v Switzerland (appeals 58817/15 58252/15); judgment of 22 June 2023, Nuti v Italy (appeals 47998 / 20 and 23142 / 21).*

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

Or. it

**Amendment 69**  
**Cristian Terheş**



## 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 *intended* parent (for example through the adoption of the child)<sup>54</sup>.

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

#### *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 parent (for example through the adoption of the child)<sup>54</sup>. ***However, this requirement should not be interpreted as a requirement to recognize surrogacy agreements concluded abroad, or to recognize "directly" (i.e. without carrying out the procedure, e.g. adoption) the origin of the child from the target parent who is not the biological parent.***

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

Or. en

## Amendment 70



**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 intended parent (for example through the adoption of the child)<sup>54</sup>.

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

*Amendment*

(18) Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 ('European Convention of Human Rights') lays down the right to respect for private and family life, while Article 1 of Protocol No. 12 to the said Convention provides that the enjoyment of any right set forth by law must be secured without discrimination on any ground, including birth. The European Court of Human Rights has interpreted Article 8 of the Convention as requiring all States within its jurisdiction to recognise the legal parent-child relationship established abroad between a child born out of surrogacy and the biological intended parent, and to provide for a mechanism for the recognition in law of the parent-child relationship with the non-biological intended parent (for example through the adoption of the child)<sup>54</sup>. ***It is important that the EU facilitates the recognition of parenting regardless of how the child was born or the constellation of the child's family.***

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

Or. en

**Amendment 71**  
**Cristian Terheş**

**Proposal for a regulation**  
**Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18a) In its Resolution of 21 January 2021 “on the EU Strategy for Gender Equality”, the European Parliament acknowledged that sexual exploitation for surrogacy “is unacceptable and a violation of human dignity and human rights”. In its Resolution of 5 May 2022 “on the impact of the war against Ukraine on women”, the European Parliament condemned the practice of surrogacy, “which can expose women around the world to exploitation, in particular those who are poorer and are in situations of vulnerability”.***

Or. en

**Amendment 72**  
**Jean-Paul Garraud, Annika Bruna**

**Proposal for a regulation**  
**Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18a) It is recognised that the practice of surrogacy, also known as gestation for others, is a universal crime because it seriously harms the dignity of the woman and the unborn child, commodifying the body and life of the child, as recognised by feminist movements.***

Or. fr

**Amendment 73**  
**Jean-Paul Garraud, Annika Bruna**

**Proposal for a regulation**

## Recital 18 b (new)

*Text proposed by the Commission*

*Amendment*

***(18b) In its Resolution of 21 January 2021 on the EU Strategy for Gender Equality, the European Parliament acknowledged that sexual exploitation for surrogacy ‘is unacceptable and a violation of human dignity and human rights’.***

Or. fr

## Amendment 74 Cristian Terheş

### Proposal for a regulation Recital 19

*Text proposed by the Commission*

*Amendment*

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

(19) The Court of Justice has confirmed that the essential characteristics of Union law have given rise to a structured network of principles, rules and mutually interdependent legal relations linking the Union and its Member States, and its Member States with each other. This legal structure is based on the fundamental premiss that each Member State shares with all the other Member States, and recognises that they share with it, a set of common values on which the Union is founded, ***such as the right of women to non-discrimination on the grounds of sex, the right of women and children not to be subjected to instrumental treatment, human trafficking or various forms of slavery*** as stated in Article 2 TEU. That premiss implies and justifies the existence of mutual trust between the Member States that those values will be recognised.

Or. en

**Amendment 75**  
**Peter Pollák**

**Proposal for a regulation**  
**Recital 19**

*Text proposed by the Commission*

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

*Amendment*

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

Or. sk

**Amendment 76**  
**Jean-Paul Garraud, Annika Bruna**

**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

*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. ***Article 1, the third indent of Article 3(2) and Articles 5(1) and 5(3) of the Charter state that human dignity is inviolable, that it is prohibited to make the human body and***

Charter provides for everyone's right to respect for their private and family life.

*its parts as such a source of financial gain, that no one may be held in slavery or servitude and that trafficking in human beings is prohibited; Article 21 thereof* 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 77**  
**Cristian Terheş**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

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

*Amendment*

(20) Pursuant to Article 2 of the Treaty on European Union ('TEU'), equality and non-discrimination ***including non-discrimination based on gender*** 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, ***gender and birth***. ***Article 3. par.2 p. c of the same Charter prohibits the use of the human body and its individual parts as a source of profit, and its article 5 p 3 prohibits trafficking in human beings.*** Article 3 TEU and Article 24 of the Charter provide for the protection of the rights of the child, and Article 7 of the Charter provides for everyone's right to respect for their private and family life.

Or. en

**Amendment 78**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**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.

Or. it

**Amendment 79**  
**Cristian Terheş**

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

Or. en

**Amendment 80**  
**Cristian Terheş**

**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

*Amendment*

(22) To achieve its aims, it is necessary and appropriate for this Regulation to bring together common rules on jurisdiction, applicable law, recognition or, as the case

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

may be, acceptance of court decisions and authentic instruments on parenthood.

Or. en

**Amendment 81**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

*Text proposed by the Commission*

(22) To achieve its aims, it is necessary and appropriate for this Regulation to bring 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 82**  
**Karolin Braunsberger-Reinhold**

**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

*Amendment*

(22) To achieve its aims, it is necessary and appropriate for this Regulation to bring together common rules on jurisdiction, applicable law, recognition of court decisions and *the acceptance of* authentic instruments on parenthood as well as rules on the creation of a European Certificate of



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

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

Or. en

### Amendment 83

Vincenzo Sofo, Margarita de la Pisa Carrión

#### Proposal for a regulation

##### Recital 24

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

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

This Regulation should apply regardless of the nationality of the child whose parenthood is to be established, and regardless of the nationality of the parents of the child. ***The term ‘parent’ in this Regulation should be understood, as applicable, as referring to the legal parent, the intended parent, the person who claims to be a parent or the person in respect of whom the child claims parenthood.***

###### *Amendment*

(24) For the purposes of this Regulation, parenthood, also referred to as filiation, may be biologic, genetic, 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.

Or. it

**Amendment 84**  
**Tomas Tobé**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 85**  
**Cristian Terheş**

**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, ***including the biological*** parent, the person who claims to be a parent or the person in respect of whom the child claims parenthood.

Or. en

**Amendment 86**

**Jean-Paul Garraud, Annika Bruna**

**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***

*Amendment*

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

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

Or. fr

**Amendment 87**  
**Cristian Terheş**

**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*

*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

*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.*

State.

Or. en

## **Amendment 88**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

### **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*

*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.

*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. it

**Amendment 89**  
**Karolin Braunsberger-Reinhold**

**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

*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 of court decisions and *the acceptance of* authentic instruments on

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.

parenthood should also apply to the recognition of parenthood established in a Member State in domestic situations, such as the parenthood established in a Member State further to a domestic adoption in that Member State. The provisions of this Regulation concerning the relevant attestation and the European Certificate of Parenthood should therefore also apply as regards the parenthood established in a Member State in domestic situations, such as further to a domestic adoption in a Member State.

Or. en

#### **Amendment 90**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

#### **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 91**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Recital 27 a (new)**

*Text proposed by the Commission*

*Amendment*

***(27a) Surrogacy practices, whether for gain or on a voluntary basis, constitute a detestable example of commodification of the female body and of the children born through such practices, who are treated as if they were goods. Nevertheless, the use of such practices is increasing dramatically, and gestation on behalf of others is becoming a business, neglecting the child's interest in his or her own identity, which is eliminated because the child has no right to know who gave birth to him or her and, thus, who gave him or her life.***

Or. it

**Amendment 92**  
**Cristian Terheş**

**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

*Amendment*

(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 4/2009<sup>55</sup> ; succession rights, governed by Regulation (EU) No 650/2012 of the European Parliament and of the Council<sup>56</sup> ; or parental responsibility matters, governed by Council Regulation (EU) 2019/1111<sup>57</sup> .  
***However, as the question of the***

(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 4/2009<sup>55</sup> ; succession rights, governed by Regulation (EU) No 650/2012 of the European Parliament and of the Council<sup>56</sup> ; or parental responsibility matters, governed by Council Regulation (EU) 2019/1111<sup>57</sup> .



***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.***

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<sup>55</sup> 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).

<sup>56</sup> 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).

<sup>57</sup> 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).

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<sup>55</sup> 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).

<sup>56</sup> 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).

<sup>57</sup> 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. en

## **Amendment 93**

### **Saskia Bricmont**

## **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

#### *Amendment*

(30) This Regulation ***does*** 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.

effects, which *is* 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 *in particular its ‘The Coman case’ judgment (C-673/16), backed by the European Parliament’s resolution 2021/2679(RSP), which state that all Member States should recognise the same-sex marriages or registered partnerships formed in another Member State in order to respect freedom of movement and residence of EU citizens. Following this Court of Justice’s ruling and the European Parliament’s resolution, the Commission should issue a proposal that would guarantee the mutual recognition of marriages and registered partnerships.*

Or. en

#### **Amendment 94**

**Tomas Tobé**

#### **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 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

#### **Amendment 95**

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 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*

*deleted*

*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 96

Jean-Paul Garraud, Annika Bruna

#### 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***

###### *Amendment*

(31) The requirements for the recording of parenthood in a register ***shall*** be excluded from the scope of this Regulation. It ***shall*** 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.

*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 97**  
**Cristian Terheş**

**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 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***

*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.

***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

**Amendment 98**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 99**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Recital 34**

*Text proposed by the Commission*

(34) Notwithstanding the differences in

*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).

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 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. en

## **Amendment 100**

**Jean-Paul Garraud, Annika Bruna**

### **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 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).

*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 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 should be applied throughout the document.*

**Amendment 101**

**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 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).

*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 **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 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. en

**Amendment 102**  
**Karolin Braunsberger-Reinhold**

**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 court decisions 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.

Or. en

**Amendment 103**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**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***

*Amendment*

***deleted***

*(‘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. it

#### Amendment 104

Jean-Paul Garraud, Annika Bruna

#### 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 ***must*** respect the different systems for dealing with parenthood matters in the Member States.

Or. fr

## Amendment 105

Jean-Paul Garraud, Annika Bruna

### 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 child's interests, jurisdiction should be determined according to the criterion of proximity. Consequently, jurisdiction should lie with the Member State of the habitual residence of the child.

Or. fr

## Amendment 106

Vincenzo Sofo, Margarita de la Pisa Carrión

### 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***

*Amendment*

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

*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. it

#### **Amendment 107**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

##### **Recital 40**

*Text proposed by the Commission*

*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 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 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*

*deleted*

*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. it

#### **Amendment 108**

**Jean-Paul Garraud, Annika Bruna**

#### **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 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

##### *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 ***habitual place of residence of the child's parents, 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 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



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.

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 109**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

##### **Recital 41**

*Text proposed by the Commission*

*Amendment*

***(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 or at the time the parenthood is established.***

***deleted***

Or. it

#### **Amendment 110**



**Vincenzo Sofo, Margarita de la Pisa Carrión**

**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. it

**Amendment 111**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

Or. it

**Amendment 112**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

*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.

Or. it

**Amendment 113**  
**Malin Björk**

**Proposal for a regulation**  
**Recital 45 a (new)**

*Text proposed by the Commission*

*Amendment*

***(45a) If the establishment of parenthood depends on the determination of an incidental question concerning, for instance, the existence of a registered partnership or marriage, courts and other***

*competent authorities of the Member States should respect the fundamental rights and principles laid down in the Charter, in particular the right to non-discrimination and the right to a private and family life.*

Or. en

#### **Amendment 114**

**Jean-Paul Garraud, Annika Bruna**

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

##### **Recital 46**

*Text proposed by the Commission*

*(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.*

*Amendment*

*deleted*

Or. fr

#### **Amendment 115**

**Cristian Terheş**

#### **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

*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.

best interests of the child, due weight should be given to those views ***in the best interests of the child, their views should be taken into account in particular where they relate to their right to have their biological and genetic ties to their biological/genetic parents respected***. 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 116**

### **Saskia Bricmont**

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

#### **Recital 49**

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

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

##### *Amendment*

(49) ***In accordance with Article 12 of the UN Convention on the Rights of the Child and Article 24(1) of the Charter, all children have the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. In the*** proceedings under this Regulation, as a basic principle ***and where applicable, a child who is*** subject to those proceedings and who ***is*** capable of forming ***its*** own views, ***should be provided*** with a genuine and effective opportunity to express ***its*** 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

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

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 117**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

##### **Recital 50**

*Text proposed by the Commission*

*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 which have no binding legal effect in the Member State of origin but which have evidentiary effects in that Member State.**

**deleted**

Or. it

#### **Amendment 118**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

##### **Recital 51**

*Text proposed by the Commission*

*Amendment*

**(51) As a rule, the law applicable to the establishment of parenthood in cross-border situations should be the law *of the***

**(51) As a rule, the law applicable to the establishment of parenthood in cross-border situations should be the *national***

*State of the habitual residence of the woman 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).*

law of the child.

Or. it

**Amendment 119**  
**Cristian Terheş**

**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-

*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).

border situations should be the law of the State of the habitual residence of the **woman** giving birth at the time of birth. This connecting factor should ensure that the applicable law can be determined in the vast majority of cases, including as regards a new-born, whose habitual residence may be difficult to establish. The time of birth should be interpreted strictly, referring to the most frequent situation in which parenthood is established upon birth by operation of law and registered in the relevant register within a few days following birth. That law should apply both to situations in which the **woman** giving birth has the habitual residence in the State of birth (as would be the typical situation) and also to situations in which the **woman** giving birth has the habitual residence in a State other than the State of birth (for example, when birth occurs while travelling). The law of the State of the habitual residence of the **woman** giving birth at the time of birth should apply, by analogy, where the parenthood of the child needs to be established before the child is born. To ensure that the applicable law can be determined in all circumstances, the law of the State of birth of the child should apply in the rare cases where the habitual residence of the **woman** giving birth at the time of birth cannot be established (for example, in the case of a refugee or an internationally displaced mother).

Or. en

## Amendment 120 Cristian Terheş

### 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. en

#### **Amendment 121**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

#### **Recital 52**

*Text proposed by the Commission*

*Amendment*

**(52)** *By way of exception, where the law applicable as a rule results in the establishment of parenthood as regards only one parent (for example, only the genetic parent in a same-sex couple), either of two subsidiary laws, namely the law of the State of nationality of either parent or the law of the State of birth of the child, may be applied to establish parenthood as regards the second parent (for example, the non-genetic parent in a* **deleted**



*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. it

#### **Amendment 122**

**Jean-Paul Garraud, Annika Bruna**

#### **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. fr

#### **Amendment 123**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

#### **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 124**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**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**

**Amendment 125**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Recital 55**

*Text proposed by the Commission*

*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 the law of the State in which the person doing the act has the habitual residence, or the law of the State***

**(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.**

*in which the act was done.*

Or. it

#### **Amendment 126**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

#### **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. it

#### **Amendment 127**

**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

#### **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**

**(56) 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**

*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.

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

Or. en

#### **Amendment 128**

**Jean-Paul Garraud, Annika Bruna**

#### **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 129**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**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, ***but the rules on the conflict of laws laid down by national legal systems must always be observed.***

Or. it

**Amendment 130**  
**Jean-Paul Garraud, Annika Bruna**

**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*

***deleted***

Or. fr

**Amendment 131**  
**Karolin Braunsberger-Reinhold**

**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***

*Amendment*

(58) This Regulation should provide for the recognition of court decisions issued in another Member State.

*parenthood with binding legal effect*  
issued in another Member State.

Or. en

#### **Amendment 132**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

#### **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. it

#### **Amendment 133**

**Tomas Tobé**

#### **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

**Amendment 134**

**Jean-Paul Garraud, Annika Bruna**

**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***

*Amendment*

***deleted***

*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. fr

**Amendment 135**  
**Cristian Terheş**

**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 court decisions establishing parenthood in a Member State should be recognised in all Member States ***unless there are grounds for refusing such*** recognition. In particular, when presented with a court decision given in another Member State establishing parenthood that can no longer be challenged in the Member State of origin, the competent authorities of the requested Member State should recognise the court decision by operation of law without any special procedure being required and update the records on parenthood in the relevant register accordingly.

Or. en

**Amendment 136**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Recital 61**

*Text proposed by the Commission*

*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 *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.

(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 recognised under the procedural law of the Member State in which the proceedings were launched* 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.

Or. it

#### **Amendment 137**

**Cristian Terheş**

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

##### **Recital 62**

*Text proposed by the Commission*

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

*Amendment*

(62) The recognition in a Member State of court decisions on parenthood matters given in another Member State should be based on the principle of mutual trust. Therefore, the grounds for non-recognition should be *analysed on a case-by-case basis, in order* and to protect effectively children's rights and the best interests of the child in cross-border situations.

Or. en

#### **Amendment 138**

**Jean-Paul Garraud, Annika Bruna**

**Proposal for a regulation**  
**Recital 63**

*Text proposed by the Commission*

(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.***

*Amendment*

(63) The recognition of a court decision ***may*** be refused, ***for example***, if one or more of the grounds for refusal of recognition provided for in this Regulation are present ***or if a court contests the well-foundedness of the decision pursuant to the general principles of international law, in particular the Universal Declaration of Human Rights or the International Convention on the Rights of the Child.***

Or. fr

**Amendment 139**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**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 compliance with national laws and procedures***, 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.

Or. it

**Amendment 140**  
**Jean-Paul Garraud, Annika Bruna**

**Proposal for a regulation**  
**Recital 65**

*Text proposed by the Commission*

*Amendment*

**(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.** *deleted*

Or. fr

**Amendment 141**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Recital 65**

*Text proposed by the Commission*

*Amendment*

**(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.** *deleted*

Or. en

**Amendment 142**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Recital 66**

*Text proposed by the Commission*

*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 with binding legal** *deleted*

*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.*

Or. en

#### **Amendment 143**

**Karolin Braunsberger-Reinhold**

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

##### **Recital 67**

*Text proposed by the Commission*

*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, 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.* *deleted*

Or. en

#### **Amendment 144**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

##### **Recital 68**

*Text proposed by the Commission*

*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.* **deleted**

Or. it

#### **Amendment 145**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

#### **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* **deleted**

*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.*

Or. it

**Amendment 146**  
**Cristian Terheş**

**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 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 ***with due regard to state procedures***

*in a given Member State .*

Or. en

**Amendment 147**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**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. it

**Amendment 148**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Recital 71**

*Text proposed by the Commission*

*Amendment*

**(71) The term ‘legal act’ (for example, an acknowledgment of paternity or the giving of consent) or ‘legal relationship’** *deleted*

*(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. it

#### **Amendment 149**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

#### **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. it

#### **Amendment 150**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

#### **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. it

#### **Amendment 151**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

#### **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** *deleted*

*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. it

#### **Amendment 152**

**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

#### **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) 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 153**

**Jean-Paul Garraud, Annika Bruna**

**Proposal for a regulation**  
**Recital 75**

*Text proposed by the Commission*

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

*Amendment*

(75) Considerations of public interest should allow Member State courts or other competent authorities to refuse to recognise or, as the case may be, accept a court decision or authentic instrument on the parenthood established in another Member State where, in a given case, such recognition or acceptance would be manifestly incompatible with the public policy (ordre public) of the Member State concerned, ***or with the general principles of international law, in particular the Universal Declaration of Human Rights or the International Convention on the Rights of the Child.***

Or. fr

**Amendment 154**  
**Cristian Terheş**

**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. Courts or other competent authorities ***when deciding on the non-***

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.

*compliance of foreign law provisions with national public policy should in particular take into account the issue of their possible non-compliance with the* Charter, in particular, Article 21 thereof, which prohibits discrimination *(including on grounds of sex), Article. 3. p. c, prohibiting the use of the human body and its individual parts as a source of profit, Article. 5 p. 3 prohibiting trafficking in human beings.*

Or. en

#### **Amendment 155**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

#### **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 a court decision or authentic instrument 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 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. it

#### **Amendment 156**

**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.

Or. it

**Amendment 157**  
**Karolin Braunsberger-Reinhold**

**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

*Amendment*

(75) Considerations of public interest should allow Member State courts or other competent authorities to refuse, in exceptional circumstances, to recognise a court decision or **accept an** authentic instrument on the parenthood established in another Member State, in a given case, such recognition or acceptance would be manifestly incompatible with the public policy (ordre public) of the Member State

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.

concerned. However, the courts or other competent authorities should not be able to refuse to recognise a court decision or *to accept* 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 158**

**Jean-Paul Garraud, Annika Bruna**

### **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. fr

## **Amendment 159**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

### **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 160  
Cristian Terheş**

**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. en

**Amendment 161**  
**Tomas Tobé**

**Proposal for a regulation**  
**Recital 76**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 162**  
**Cristian Terheş**

**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***

*Amendment*

***deleted***



*Regulation should provide for an exchange of information on such formalities between the Member States.*

Or. en

**Amendment 163**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**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 164**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**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 165**  
**Cristian Terheş**

**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. en

**Amendment 166**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**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 167

Cristian Terheş

### 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**

**deleted**

*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.*

Or. en

#### **Amendment 168**

**Cristian Terheş**

#### **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*

**Amendment 169**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**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 170**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**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 171  
Cristian Terheş**

**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** *deleted*

*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. en

#### **Amendment 172**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

#### **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

##### *Amendment*

(83) The European electronic access point 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

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 173**

**Karolin Braunsberger-Reinhold**

#### **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 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 on parenthood, or proceedings for the refusal of recognition of a court decision 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. en

#### **Amendment 174**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

#### **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.**

**deleted**

**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-Making<sup>60</sup>. 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.**

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<sup>60</sup> *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. it

**Amendment 175**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Recital 89 a (new)**

*Text proposed by the Commission*

*Amendment*

**(89a) In order to improve the clarity of**

*the instrument and the predictability of the outcome of cases and scenarios where it will apply, the Member States, supported by the Commission and the European Judicial Training Network, should organise training for judges and relevant state authorities to ensure the proper implementation of this Regulation.*

Or. en

#### **Amendment 176**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

#### **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 the third indent of Article 3(2) of the Charter, which prohibits making the human body and its parts as such a source of financial gain, Article 5(3) prohibiting trafficking in human beings, Article 5(3) prohibiting trafficking in human beings, Article 5(4) prohibiting trafficking in human beings, and Article 5(5) prohibiting trafficking in human beings*, 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.

Or. it

#### **Amendment 177**

**Cristian Terheş**

#### **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 the use of the human body and its individual parts as a source of profit; Article 5.3 prohibiting human trafficking; 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. en

**Amendment 178**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**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

*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

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.

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. The personal data handled by the Commission should be processed in accordance with the EUDPR.

Or. it

**Amendment 179**  
**Karolin Braunsberger-Reinhold**

**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

*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).

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 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. en

## Amendment 180

Vincenzo Sofo, Margarita de la Pisa Carrión

### 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

#### *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

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

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

Or. it

**Amendment 181**  
**Cristian Terheş**

**Proposal for a regulation**  
**Recital 99**

*Text proposed by the Commission*

(99) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States because of the differences between national rules governing jurisdiction, applicable law and the recognition of court decisions and authentic instruments, but can rather, by reason of the direct applicability and binding nature of this Regulation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. ***In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,***

*Amendment*

(99) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States because of the differences between national rules governing jurisdiction, applicable law and the recognition of court decisions and authentic instruments, but can rather, by reason of the direct applicability and binding nature of this Regulation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. ***Given the objectives of this Regulation, it is of utmost importance to keep a balance between the exclusive competences of Member States to adopt substantive provisions in family law and the EU competence for cross-border***

*issues (TFEU 81.3). Both the subsidiarity as well as the proportionality principles should be complied with through judicial cooperation on a case-by-case basis.*

Or. en

**Amendment 182**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Recital 99**

*Text proposed by the Commission*

(99) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States because of the differences between national rules governing jurisdiction, applicable law and the recognition of court decisions *and authentic instruments*, but can rather, by reason of the direct applicability and binding nature of this Regulation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

*Amendment*

(99) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States because of the differences between national rules governing jurisdiction, applicable law and the recognition of court decisions, but can rather, by reason of the direct applicability and binding nature of this Regulation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Or. en

**Amendment 183**  
**Saskia Bricmont**

**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

*Amendment*

This Regulation lays down common rules on jurisdiction and applicable law for the

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

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, ***in particular to promote free movement, non-discrimination, the respect for a private and family life, the best interests of the child, as well as the principle of proportionality*** .

Or. en

#### **Amendment 184**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

#### **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 court decisions on parenthood given, and authentic instruments on parenthood drawn up or registered, in another Member State.

Or. it

#### **Amendment 185**

**Tomas Tobé**

#### **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 ***mutual*** 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.

Or. en

**Amendment 186**  
**Saskia Bricmont**

**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 ***derived from*** Union law on free movement, including Directive 2004/38/EC, in particular ***the rights of the child.***

Or. en

**Amendment 187**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 3 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall respect the rights arising from the relationship between the legally recognised parents, such as registered partnership and marriage.***

Or. en

**Amendment 188**

**Sophia in 't Veld, Moritz Körner, Hilde Vautmans, Anna Júlia Donáth**

**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;***

***deleted***

Or. en

**Amendment 189**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Article 3 – paragraph 2 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) the existence, validity or recognition of parenthood in Member States;***

Or. it

**Amendment 190**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 3 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) parental responsibility matters;

(b) parental ***and custody*** responsibility matters;

Or. en

**Amendment 191**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Article 3 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) parental responsibility matters;

(b) parental responsibility ***and custody*** matters;

Or. it

**Amendment 192**  
**Sophia in 't Veld, Moritz Körner, Hilde Vautmans, Anna Júlia Donáth**

**Proposal for a regulation**  
**Article 3 – paragraph 2 – point h**

*Text proposed by the Commission*

*Amendment*

(h) ***nationality;***

***deleted***

Or. en

**Amendment 193**  
**Sophia in 't Veld, Moritz Körner, Hilde Vautmans, Anna Júlia Donáth**

**Proposal for a regulation**  
**Article 3 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. en

#### **Amendment 194**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

#### **Article 3 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

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

Or. it

#### **Amendment 195**

**Peter Pollák**

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

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

*Text proposed by the Commission*

*Amendment*

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

**1. ‘parenthood’ *is the calling of a parent, regulated differently by the legal systems of the member states, ensuring the versatile and harmonious development***

*of the child* established in law. It includes the legal status of being the child of a particular parent or parents;

Or. sk

#### **Amendment 196**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

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

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

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

##### *Amendment*

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

Or. it

#### **Amendment 197**

**Cristian Terheş**

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

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

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

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

##### *Amendment*

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

Or. en

#### **Amendment 198**

**Saskia Bricmont**

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

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 199**

**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point 4**

*Text proposed by the Commission*

4. 'court' means **an** authority **in** a Member State **that exercises judicial functions** in matters of parenthood;

*Amendment*

4. court' means **any judicial authority and all other authorities of** a Member State **with jurisdiction** in matters of parenthood **that exercise judicial functions or act pursuant to a delegation of power by a judicial authority or act under the control of a judicial authority in matters of parenthood, provided that such other authorities offer guarantees with regard to the impartiality and the right of all parties to be heard and provided that their decisions under the law of the Member State in which they operate,**

**(a) may be made the subject of an appeal to or review by a judicial authority; and**

**(b) have a similar force and effect as a decision of a judicial authority on the same matter.**

Or. en

**Amendment 200**

**Lukas Mandl**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point 4**

*Text proposed by the Commission*

4. 'court' means ***an*** authority ***in*** a Member State that exercises judicial functions ***in matters of parenthood***;

*Amendment*

4. 'court' means ***any*** authority ***of*** a Member State ***with competence in matters of parenthood*** that exercises judicial functions ***or acts pursuant to a delegation of power by a judicial authority or acts under the control of a judicial authority, provided that such other authorities offer guarantees with regard to the impartiality and the right of all parties to be heard and provided that their decisions under the law of the Member State in which they operate,***

***(a) may be made the subject of an appeal to or review by a judicial authority; and***

***(b) have similar force and effects as an act of a judicial authority on the same matter would have.***

Or. en

*Justification*

*Art. 4 (4) aims at supporting the welcome distinction between courts and other public authorities with competences in matters of parenthood, providing that an authority must exercise "judicial functions" to be considered a court. However, the definition of court could be further clarified and aligned with the existing definitions in other European PIL-instruments. The proposed amendment will simplify the application of the Regulation and further aligns Art. 4(4) with the definitions in Art. 2(1) of the Brussels-IIa and Art. 2(2) under I of the Brussels-IIb Regulations.*

**Amendment 201**

**Tomas Tobé**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point 4**

*Text proposed by the Commission*

4. 'court' means ***an*** authority ***in*** a Member State ***that exercises judicial functions*** in matters of parenthood;

*Amendment*

4. 'court' means ***any judicial*** authority ***and all other authorities of*** a Member State ***with jurisdiction*** in matters of parenthood ***which exercise judicial functions or act pursuant to a delegation of power by a judicial authority or act***

*under the control of a judicial authority, provided that such other authorities offer guarantees with regard to the impartiality and the right of all parties to be heard and provided that their decisions under the law of the Member State in which they operate:*

Or. en

*Justification*

*Alignment with other EU legislation, e.g. Regulation 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, Council Regulation implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes, Brussels IIb Regulation.*

**Amendment 202**

**Tomas Tobé**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**4a.      *may be made the subject of an appeal to or review by a judicial authority; and***

Or. en

**Amendment 203**

**Tomas Tobé**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**4b.      *have a similar force and effect as a decision of a judicial authority on the same matter.***



**Amendment 204**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point 5**

*Text proposed by the Commission*

5. 'court decision' means a decision of a court of a Member State, including a decree, order or judgment, concerning matters of parenthood;

*Amendment*

5. 'court decision' means a decision of a court of a Member State, including a decree, order or judgment, concerning matters of parenthood, ***against which no further appeal may be made, under either routine or extraordinary procedures;***

Or. it

**Amendment 205**

**Jean-Paul Garraud, Annika Bruna**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point 6 – point b**

*Text proposed by the Commission*

(b) has been established by a public authority or other authority empowered for that purpose by the Member State of origin;

*Amendment*

(b) has been established by a public authority or other authority empowered for that purpose by the Member State of origin ***in accordance with the general principles of international law, in particular the Universal Declaration of Human Rights or the International Convention on the Rights of the Child.***

Or. fr

**Amendment 206**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point 7**

*Text proposed by the Commission*

7. 'Member State of origin' means the Member State in which the court decision on parenthood has been given, the authentic instrument on parenthood has been formally drawn up or registered, ***or the European Certificate of Parenthood has been issued;***

*Amendment*

7. 'Member State of origin' means the Member State in which the court decision on parenthood has been given, the authentic instrument on parenthood has been formally drawn up or registered;

Or. it

**Amendment 207**

**Jean-Paul Garraud, Annika Bruna**

**Proposal for a regulation**

**Article 5 – paragraph 1**

*Text proposed by the Commission*

This Regulation shall not affect the competence of the authorities of the Member States to deal with parenthood matters.

*Amendment*

This Regulation shall not affect the competence of the authorities of the Member States to deal with parenthood matters, ***recognition of parenthood conflicting with their domestic legal system or where recognition of parenthood results from instruments that are contrary to international or EU law.***

Or. fr

**Amendment 208**

**Saskia Bricmont**

**Proposal for a regulation**

**Article 5 – paragraph 1**

*Text proposed by the Commission*

This Regulation shall not affect the competence of the authorities of the Member States to deal with parenthood matters.

*Amendment*

This Regulation shall not affect the competence of the authorities of the Member States to deal with parenthood matters ***without any cross-border dimension.***

**Amendment 209**

**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

**Proposal for a regulation**

**Article 5 – paragraph 1**

*Text proposed by the Commission*

This Regulation shall not affect the competence of the authorities of the Member States to deal with parenthood matters.

*Amendment*

This Regulation shall not affect the competence of the authorities of the Member States to deal with parenthood matters ***in solely domestic cases***.

**Amendment 210**

**Jean-Paul Garraud, Annika Bruna**

**Proposal for a regulation**

**Article 6 – paragraph 1 – introductory part**

*Text proposed by the Commission*

In matters relating to parenthood, jurisdiction shall lie with the courts of the Member State:

*Amendment*

In matters relating to parenthood, jurisdiction shall lie ***in the following order of priority*** with the courts of the Member State:

**Amendment 211**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 6 – paragraph 1 – introductory part**

*Text proposed by the Commission*

***In matters relating to parenthood, jurisdiction shall lie with the courts of the***

*Amendment*

Jurisdiction shall ***be determined, in each Member State, by the laws of that*** Member

Member State:

State.

Or. it

**Amendment 212**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) of the habitual residence of the child at the time the court is seised, or** **deleted**

Or. it

**Amendment 213**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) of the nationality of the child at the time the court is seised, or** **deleted**

Or. it

**Amendment 214**

**Jean-Paul Garraud, Annika Bruna**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) of the nationality of the child at the time the court is seised, or** **(b) of the nationality of the child, or**

Or. fr

**Amendment 215**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) of the habitual residence of the respondent at the time the court is seised, or** **deleted**

Or. it

**Amendment 216**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) of the habitual residence of either parent at the time the court is seised, or** **deleted**

Or. it

**Amendment 217**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) of the nationality of either parent at the time the court is seised, or** **deleted**

Or. it

**Amendment 218**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

**(f) of birth of the child. deleted**

Or. it

**Amendment 219**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 7**

*Text proposed by the Commission*

*Amendment*

**Article 7 deleted**

***Jurisdiction based on the presence of the child***

***Where jurisdiction cannot be determined on the basis of Article 6, the courts of the Member State where the child is present shall have jurisdiction.***

Or. it

**Amendment 220**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 8**

*Text proposed by the Commission*

*Amendment*

**Article 8 deleted**

***Residual jurisdiction***

***Where no court of a Member State has jurisdiction pursuant to Articles 6 or 7, jurisdiction shall be determined, in each Member State, by the laws of that Member***

*State.*

Or. it

#### **Amendment 221**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

#### **Article 9 – paragraph 1**

*Text proposed by the Commission*

Where no court of a Member State has jurisdiction pursuant to ***other provisions of this Regulation***, the courts of a Member State may, on an exceptional basis, rule on parenthood matters if proceedings cannot reasonably be brought or conducted or would be impossible in a third State with which the case is closely connected.

*Amendment*

Where no court of a Member State has jurisdiction pursuant to ***its own laws***, the courts of a Member State may, on an exceptional basis, rule on parenthood matters if proceedings cannot reasonably be brought or conducted or would be impossible in a third State with which the case is closely connected.

Or. it

#### **Amendment 222**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

#### **Article 10**

*Text proposed by the Commission*

*Amendment*

***Article 10***

***deleted***

***Incidental questions***

***1. If the outcome of proceedings in a matter not falling within the scope of this Regulation before a court of a Member State depends on the determination of an incidental question relating to parenthood, a court in that Member State may determine that question for the purposes of those proceedings even if that Member State does not have jurisdiction under this Regulation.***

***2. The determination of an incidental question pursuant to paragraph 1 shall produce effects only in the proceedings for which that determination was made.***

Or. it

**Amendment 223**  
**Malin Björk**

**Proposal for a regulation**  
**Article 10 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. If the establishment of parenthood depends on the determination of an incidental question, courts and other competent authorities of the Member States shall respect the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination, including positive and negative obligations under Article 7 of the Charter.***

Or. en

**Amendment 224**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 15 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Where the court, in accordance with national law and procedure, gives ***children*** below the age of 18 years an opportunity to express ***their*** views in accordance with this Article, the court shall give due weight to the views of the ***children*** in accordance with ***their*** age and maturity.

2. Where the court, in accordance with national law and procedure, gives ***a child*** below the age of 18 years an opportunity to express ***its*** views in accordance with this Article, the court shall give due weight to the views, ***emotions and wishes*** of the ***child*** in accordance with ***its*** age and maturity.



**Amendment 225**  
**Jean-Paul Garraud, Annika Bruna**

**Proposal for a regulation**  
**Article 16**

*Text proposed by the Commission*

*Amendment*

**Article 16**

**deleted**

**Universal application**

***Any law designated as applicable by this Regulation shall be applied whether or not it is the law of a Member State.***

**Amendment 226**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Article 17 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

1. The law applicable to the establishment of parenthood shall be the ***national*** law of the ***child*** at the time of birth.

**Amendment 227**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2.** *Notwithstanding paragraph 1, where the applicable law pursuant to paragraph 1 results in the establishment of parenthood as regards only one parent, the law of the State of nationality of that parent or of the second parent, or the law of the State of birth of the child, may apply to the establishment of parenthood as regards the second parent.* **deleted**

Or. en

**Amendment 228**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation  
Article 17 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2.** *Notwithstanding paragraph 1, where the applicable law pursuant to paragraph 1 results in the establishment of parenthood as regards only one parent, the law of the State of nationality of that parent or of the second parent, or the law of the State of birth of the child, may apply to the establishment of parenthood as regards the second parent.* **deleted**

Or. it

**Amendment 229**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation  
Article 17 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 17a**

**Exceptions**

*When the law designated by the preceding Article relates to the recognition of the parent-child relationship established between a child born out of surrogacy and the intended parent, the authority applied to may apply the law of the forum.*

Or. it

**Amendment 230**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 18 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the *procedures to establish or contest* parenthood;

*Amendment*

(a) the *requirements for establishing or contesting* parenthood;

Or. en

**Amendment 231**  
**Lukas Mandl**

**Proposal for a regulation**  
**Article 18 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the *procedures to establish or contest* parenthood;

*Amendment*

(a) the *conditions for establishing or contesting* parenthood;

Or. en

**Amendment 232**  
**Tomas Tobé**

**Proposal for a regulation**  
**Article 18 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) the *procedures to establish or contest* parenthood;

(a) the *conditions for establishing or contesting* parenthood;

Or. en

#### **Amendment 233**

**Lukas Mandl**

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

#### **Article 18 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) the *binding legal effect and/or the evidentiary effects of authentic instruments;* *deleted*

Or. en

#### *Justification*

*According to the lex fori principle, questions of procedure are necessarily subject to the national law of the court or national authority conducting the procedure. Therefore the proposed Article 18 lit. a), b) and c) would interfere with the Member States' right to regulate the procedures before their courts and authorities.*

#### **Amendment 234**

**Karolin Braunsberger-Reinhold**

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

#### **Article 18 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) the *binding legal effect and/or the evidentiary effects of authentic instruments;* *deleted*

Or. en

#### **Amendment 235**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Article 18 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the binding legal effect *and/or the evidentiary effects* of authentic instruments;

*Amendment*

(b) the binding legal effect of authentic instruments;

Or. it

**Amendment 236**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 18 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) the *standing of persons in proceedings involving the establishment or contestation of* parenthood;

*Amendment*

(c) the *right to establish or contest* parenthood,

Or. en

**Amendment 237**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Article 19**

*Text proposed by the Commission*

*Amendment*

*Article 19*

*deleted*

*Change of applicable law*

*Where parenthood has been established in a Member State pursuant to this Regulation, a subsequent change of the applicable law shall not affect the parenthood already established.*

Or. it

## **Amendment 238**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

### **Proposal for a regulation**

#### **Article 20 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. A unilateral act intended to have legal effect on the establishment of parenthood shall be valid as to form where it meets the requirements of one of the *following laws*:

*Amendment*

1. A unilateral act intended to have legal effect on the establishment of parenthood shall be valid as to form where it meets the requirements of one of the *law applicable to the establishment of parenthood pursuant to Article 17*;

Or. it

## **Amendment 239**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

### **Proposal for a regulation**

#### **Article 20 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) *the law applicable to the establishment of parenthood pursuant to Article 17*;

*Amendment*

*deleted*

Or. it

## **Amendment 240**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

### **Proposal for a regulation**

#### **Article 20 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) *the law of the State in which the person doing the act has the habitual residence; or*

*Amendment*

*deleted*

Or. it

**Amendment 241**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Article 20 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

**(c)      *the law of the State in which the act was done.***                      ***deleted***

Or. it

**Amendment 242**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2.      *An act intended to have legal effect on the establishment of parenthood may be proved by any mode of proof recognised by the law of the forum or by any of the laws referred to in paragraph 1 under which that act is formally valid, provided that such mode of proof can be administered by the forum.***                      ***deleted***

Or. en

**Amendment 243**  
**Lukas Mandl**

**Proposal for a regulation**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2.      *An act intended to have legal effect on the establishment of parenthood may be proved by any mode of proof recognised by the law of the forum or by***                      ***deleted***

*any of the laws referred to in paragraph 1 under which that act is formally valid, provided that such mode of proof can be administered by the forum.*

Or. en

*Justification*

*Article 20 (2) addresses questions of proof, which again are subject to the national law of the court or public authority administering the procedure under the lex fori principle. Such a rule would interfere with the Member States' right to regulate the procedures before their courts and authorities. Article 20 (2) has to be deleted so that the proposed regulation does not interference in national procedural rules.*

**Amendment 244**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. An act intended to have legal effect on the establishment of parenthood may be proved by any mode of proof recognised by the law of the forum *or by any of the laws referred to in paragraph 1 under which that act is formally valid, provided that such mode of proof can be administered by the forum.*

*Amendment*

2. An act intended to have legal effect on the establishment of parenthood may be proved by any mode of proof recognised by the law of the forum .

Or. it

**Amendment 245**

**Sophia in 't Veld, Moritz Körner, Hilde Vautmans, Anna Júlia Donáth**

**Proposal for a regulation**

**Article 22**

*Text proposed by the Commission*

*Article 22*

*Public policy (ordre public)*

*Amendment*

*deleted*



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

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

Or. en

#### **Amendment 246**

**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

#### **Proposal for a regulation Article 22**

*Text proposed by the Commission*

*Amendment*

#### ***Article 22***

***deleted***

#### ***Public policy (ordre public)***

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

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

Or. en

**Amendment 247**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 22 – title**

*Text proposed by the Commission*

*Amendment*

***Public policy (ordre public)***

***Respect for fundamental rights***

Or. en

**Amendment 248**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 22 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

Or. en

**Amendment 249**  
**Malin Björk**

**Proposal for a regulation**  
**Article 22 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

**1. The application of a provision of the law of any State specified by this Regulation may be refused only if such application is manifestly incompatible with the public policy (ordre public) of the forum. *The public policy exception shall not be used by the courts and other competent authorities of the Member***

***States to circumvent the obligations laid down in this Regulation.***

Or. en

*Justification*

*The Rapporteur adds 'by the courts and other competent authorities of the Member States' to her AM 24 of the draft opinion to align it with the wording of Article 22(2).*

**Amendment 250**

**Tomas Tobé**

**Proposal for a regulation**

**Article 22 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*Alignment with Article 22 of the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children.*

**Amendment 251**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 22 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

the public policy (ordre public) of the forum.

the public policy (ordre public) of the forum *and in the cases provided for in Article 17b.*

Or. it

#### **Amendment 252**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

#### **Article 22 – paragraph 2**

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

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

##### *Amendment*

2. Paragraph 1 shall be applied by the courts and other competent authorities of the Member States in observance of the fundamental rights and principles laid down in the Charter, in particular ***the third indent of Article 3(2) prohibiting making the human body and its parts as such a source of financial gain, Article 5(3) prohibiting trafficking in human beings and Article 21 prohibiting discrimination.***

Or. it

#### **Amendment 253**

**Cristian Terheş**

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

#### **Article 22 – paragraph 2**

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

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

##### *Amendment*

2. Paragraph 1 shall be applied by the courts and other competent authorities of the Member States in observance of the fundamental rights and principles laid down in the Charter, in particular ***Article 3.2.c, prohibiting the use of the human body and its individual parts as a source of profit, Article 5.3 prohibiting trafficking in human beings and Article 21 thereof on the right to non-***

discrimination.

Or. en

#### **Amendment 254**

**Jean-Paul Garraud, Annika Bruna**

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

#### **Article 22 – paragraph 2**

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

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

##### *Amendment*

2. Paragraph 1 shall be applied by the courts and other competent authorities of the Member States ***in accordance with the general principles of international law, in particular the Universal Declaration of Human Rights and the International Convention on the Rights of the Child,*** and in observance of the fundamental rights and principles laid down in the Charter, in particular **Articles 1, 3 and 5** thereof.

Or. fr

#### **Amendment 255**

**Saskia Bricmont**

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

#### **Article 22 – paragraph 2**

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

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

##### *Amendment*

2. The courts and other competent authorities of the Member States ***shall issue decisions*** in observance of the fundamental rights and principles laid down in the Charter, in particular Article 21 thereof on the right to non-discrimination, ***the respect for a private and family life, the best interests of the child, as well as the principle of proportionality.***

**Amendment 256**  
**Tomas Tobé**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 257**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 24 – paragraph 1**

*Text proposed by the Commission*

1. A court decision on parenthood given in a Member State shall be recognised in all other Member States without any special procedure being required.

*Amendment*

1. A court decision on parenthood given in a Member State shall be recognised in all other Member States without any special procedure being required ***unless there are grounds for refusal of recognition listed in Article 31*** .

**Amendment 258**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Article 24 – paragraph 1**

*Text proposed by the Commission*

1. A court decision on parenthood given in a Member State shall be recognised in all other Member States without any special procedure being required.

*Amendment*

1. A court decision on parenthood given in a Member State shall be recognised in all other Member States without any special procedure being required, ***unless there are grounds for refusal of recognition as listed in Article 31.***

Or. it

**Amendment 259**

**Jean-Paul Garraud, Annika Bruna**

**Proposal for a regulation  
Article 24 – paragraph 1**

*Text proposed by the Commission*

1. A court decision on parenthood given in a Member State ***shall*** be recognised in ***all*** other Member States without any special procedure being ***required***.

*Amendment*

1. A court decision on parenthood given in a Member State ***may*** be recognised in other Member States without any special procedure being ***mandatory***.

Or. fr

**Amendment 260**

**Cristian Terheş**

**Proposal for a regulation  
Article 24 – paragraph 2**

*Text proposed by the Commission*

2. In particular, no special procedure shall be required for updating the civil-status records of a Member State on the basis of a court decision on parenthood given in another Member State and against which no further appeal lies under the law of that Member State.

*Amendment*

2. In particular, ***if there are no grounds for refusal of recognition listed in Article 31***, no special procedure shall be required for updating the civil-status records of a Member State on the basis of a court decision on parenthood given in another Member State and against which no further appeal lies under the law of that Member State.

**Amendment 261**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 24 – paragraph 2**

*Text proposed by the Commission*

2. In particular, no special procedure shall be required for updating the civil-status records of a Member State on the basis of a court decision on parenthood given in another Member State ***and against which no further appeal lies under the law of that Member State.***

*Amendment*

2. In particular, no special procedure shall be required for updating the civil-status records of a Member State on the basis of a court decision on parenthood given in another Member State.

Or. it

**Amendment 262**

**Jean-Paul Garraud, Annika Bruna**

**Proposal for a regulation**

**Article 24 – paragraph 2**

*Text proposed by the Commission*

2. ***In particular, no special procedure shall be required for updating the civil-status records of a Member State*** on the basis of a court decision on parenthood given in another Member State ***and against which no further appeal lies under the law of that Member State.***

*Amendment*

2. ***A Member State may make the updating of its civil-status records on the basis of a court decision on parenthood given in another Member State subject to a check on compliance with respect for the fundamental principles set out by the relevant international conventions, EU law or that Member State's own law.***

Or. fr

**Amendment 263**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**



## Article 25 – paragraph 1

*Text proposed by the Commission*

1. Any **interested** party may, in accordance with the procedures provided for in Articles 32 to 34, apply for a decision that there are no grounds for refusal of recognition referred to in Article 31.

*Amendment*

1. Any party **with a legitimate interest under the procedural law of the Member State in which the proceedings were launched** may, in accordance with the procedures provided for in Articles 32 to 34, apply for a decision that there are no grounds for refusal of recognition referred to in Article 31.

Or. it

## Amendment 264

Vincenzo Sofo, Margarita de la Pisa Carrión

### Proposal for a regulation

#### Article 27

*Text proposed by the Commission*

*Amendment*

#### *Article 27*

*deleted*

#### *Absence of documents*

***1. If the documents specified in Article 26(1) are not produced, the court or other competent authority before which a court decision given in another Member State is invoked may specify a time for its production, accept equivalent documents or, if it considers that it has sufficient information before it, dispense with its production.***

***2. If the court or other competent authority before which a court decision given in another Member State is invoked so requires, a translation or transliteration of such equivalent documents shall be produced.***

Or. it

## Amendment 265

**Jean-Paul Garraud, Annika Bruna**

**Proposal for a regulation  
Article 27 – paragraph 1**

*Text proposed by the Commission*

1. If the documents specified in Article 26(1) are not produced, the court or other competent authority before which a court decision given in another Member State is invoked may specify a time for its production, ***accept equivalent documents or, if it considers that it has sufficient information before it, dispense with its production.***

*Amendment*

1. If the documents specified in Article 26(1) are not produced, the court or other competent authority before which a court decision given in another Member State is invoked may specify a time for its production.

Or. fr

**Amendment 266**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation  
Article 28 – paragraph 1 – introductory part**

*Text proposed by the Commission*

The court before which a court decision given in another Member State is invoked may stay its proceedings, in whole or in part, where:

*Amendment*

The court before which a court decision given in another Member State is invoked may stay its proceedings, in whole or in part, where ***an application has been submitted for a decision that there are no grounds for refusal of recognition referred to in Article 25 or for a decision that the recognition is to be refused on the basis of one of those grounds.***

Or. it

**Amendment 267**

**Jean-Paul Garraud, Annika Bruna**

**Proposal for a regulation  
Article 28 – paragraph 1 – introductory part**

*Text proposed by the Commission*

The court before which a court decision given in another Member State is invoked **may** stay its proceedings, ***in whole or in part***, where:

*Amendment*

The court before which a court decision given in another Member State is invoked **shall** stay its proceedings where:

Or. fr

**Amendment 268**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 28 – paragraph 1 – point a**

*Text proposed by the Commission*

**(a) an ordinary appeal against that court decision has been lodged in the Member State of origin; or**

*Amendment*

***deleted***

Or. it

**Amendment 269**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 28 – paragraph 1 – point b**

*Text proposed by the Commission*

**(b) an application has been submitted for a decision that there are no grounds for refusal of recognition referred to in Article 25 or for a decision that the recognition is to be refused on the basis of one of those grounds.**

*Amendment*

***deleted***

Or. it

**Amendment 270**

**Saskia Bricmont**

**Proposal for a regulation**  
**Article 29 – paragraph 2**

*Text proposed by the Commission*

2. The attestation shall be completed and issued in the language of the court decision. The attestation *may* also be issued in *another* official *language* of the institutions of the European Union requested by the party. ***This does not create any obligation for the court issuing the attestation to provide a translation or transliteration of the translatable content of the free text fields.***

*Amendment*

2. The attestation shall be completed and issued in the language of the court decision. ***Upon request of a party,*** the attestation ***shall*** also be issued in ***one or several other*** official ***languages*** of the institutions of the European Union requested by the party.

Or. en

**Amendment 271**  
**Jean-Paul Garraud, Annika Bruna**

**Proposal for a regulation**  
**Article 31 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The recognition of a court decision shall be refused:

*Amendment*

1. The recognition of a court decision shall be refused, ***in particular:***

Or. fr

**Amendment 272**  
**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

**Proposal for a regulation**  
**Article 31 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

***deleted***

**Amendment 273**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 31 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) *in observance of the fundamental rights and principles laid down in the Charter, the respect for a private and family life, the best interests of the child, as well as the principle of proportionality.*

Or. en

**Amendment 274**  
**Tomas Tobé**

**Proposal for a regulation**  
**Article 31 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 275**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 31 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) if such recognition is manifestly contrary to the public policy of the

*Amendment*

(a) if such recognition is manifestly contrary to the public policy of the

Member State in which recognition is invoked, taking into account the child's interests;

Member State in which recognition is invoked, taking into account the child's **best** interests;

Or. en

#### **Amendment 276**

**Jean-Paul Garraud, Annika Bruna**

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

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

*Text proposed by the Commission*

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

*Amendment*

(a) if such recognition is manifestly contrary to the public policy of the Member State in which recognition is invoked;

Or. fr

#### **Amendment 277**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

#### **Article 31 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) upon application by any person claiming that the court decision infringes his fatherhood or her motherhood over the child if it was given without such person having been given an opportunity to be heard;

*Amendment*

(c) upon application by any person ***with a legitimate interest under the procedural law of the Member State in which the proceedings were launched*** claiming that the court decision infringes his fatherhood or her motherhood over the child if it was given without such person having been given an opportunity to be heard;

Or. it

#### **Amendment 278**

**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

**Proposal for a regulation**

**Article 31 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) upon application by any person claiming that the court decision infringes ***his fatherhood or her motherhood*** over the child if it was given without such person having been given an opportunity to be heard;

*Amendment*

(c) upon application by any person claiming that the court decision infringes ***their parenthood*** over the child ***and if the decision*** if it was given without such person having been given an opportunity to be heard ***and to present evidence***;

Or. en

**Amendment 279**

**Saskia Bricmont**

**Proposal for a regulation**

**Article 31 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) upon application by any person claiming that the court decision infringes ***his fatherhood or her motherhood*** over the child if it was given without such person having been given an opportunity to be heard;

*Amendment*

(c) upon application by any person claiming that the court decision infringes ***their parenthood*** over the child if it was given without such person having been given an opportunity to be heard ***and present evidence***;

Or. en

**Amendment 280**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 31 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) on the grounds of failure to produce the documents required under Article 26, without prejudice to the option***

*for the court seised to derogate from that obligation pursuant to Article 32(7) of this Regulation.*

Or. it

**Amendment 281**  
**Saskia Bricmont**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 282**  
**Sophia in 't Veld, Moritz Körner, Hilde Vautmans, Anna Júlia Donáth**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 283**



Vincenzo Sofo, Margarita de la Pisa Carrión

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

*Text proposed by the Commission*

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

*Amendment*

2. Point (a) of paragraph 1 shall be applied by the courts and other competent authorities of the Member States in observance of the fundamental rights and principles laid down in the Charter, in particular ***the third indent of Article 3(2) prohibiting making the human body and its parts as such a source of financial gain, Article 5(3) prohibiting trafficking in human beings and Article 21 prohibiting discrimination .***

Or. it

**Amendment 284**  
**Cristian Terheş**

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

*Text proposed by the Commission*

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

*Amendment*

2. Point (a) of paragraph 1 shall be applied by the courts and other competent authorities of the Member States in observance of the fundamental rights and principles laid down in the Charter, in particular Article ***3.2.c, prohibiting the use of the human body and its individual parts as a source of profit, Article. 5.3 prohibiting trafficking in human beings and Article 21*** thereof on the right to non-discrimination.

Or. en

**Amendment 285**  
**Tomas Tobé**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 286**

**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 287**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 32 – paragraph 7 – introductory part**

*Text proposed by the Commission*

7. The court **may** dispense with the production of the documents referred to in

*Amendment*

7. The court **shall** dispense with the production of the documents referred to in

paragraph 4 if:

paragraph 4 if:

Or. en

#### **Amendment 288**

**Saskia Bricmont**

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

##### **Article 33 – paragraph 1**

*Text proposed by the Commission*

1. Any party may challenge or appeal against a court decision on the application for refusal of recognition.

*Amendment*

1. Any party ***with an established legitimate interest*** may challenge or appeal against a court decision on the application for refusal of recognition.

Or. en

#### **Amendment 289**

**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

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

##### **Article 33 – paragraph 1**

*Text proposed by the Commission*

1. ***Any party*** may challenge or appeal against a court decision on the application for refusal of recognition.

*Amendment*

1. ***Only parties entitled under national law*** may challenge or appeal against a court decision on the application for refusal of recognition.

Or. en

#### **Amendment 290**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

##### **Article 33 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The challenge or appeal shall be lodged with the court communicated by the Member States to the Commission pursuant to Article 71 as the court with which such a challenge or appeal is to be lodged.

2. The challenge or appeal shall be lodged with the court communicated by the Member States to the Commission pursuant to Article 71 as the court with which such a challenge or appeal is to be lodged, ***and will be determined on the basis of the law of the Member State of the court that has refused recognition.***

Or. it

#### **Amendment 291**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

#### **Article 34 – paragraph 1**

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

A court decision given on the challenge or appeal may only be contested by a challenge or appeal where the courts with which any further challenge or appeal is to be lodged have been communicated by the Member State concerned to the Commission pursuant to Article 71.

##### *Amendment*

A court decision given on the challenge or appeal may only be contested by a challenge or appeal where:

***(1) the courts with which any further challenge or appeal is to be lodged have been communicated by the Member State concerned to the Commission pursuant to Article 71;***

***(2) such courts of appeal or further appeals have been decided on in compliance with the law of the Member State of the court seised.***

Or. it

#### **Amendment 292**

**Karolin Braunsberger-Reinhold**

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

#### **Article 35**

*Text proposed by the Commission*

*Amendment*

**Article 35**

***deleted***

***Scope***

***This Section shall apply to authentic instruments establishing parenthood that:***

***(a) have been formally drawn up or registered in a Member State assuming jurisdiction under Chapter II; and***

***(b) have binding legal effect in the Member State where they have been formally drawn up or registered.***

Or. en

**Amendment 293**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 35 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

This Section shall apply to authentic instruments establishing parenthood that:

This Section shall apply to authentic instruments establishing parenthood ***in accordance with national law*** that:

Or. it

**Amendment 294**

**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**

**Article 36**

*Text proposed by the Commission*

*Amendment*

**Article 36**

***deleted***

***Recognition of authentic instruments***

***Authentic instruments establishing parenthood with binding legal effect in the Member State of origin shall be recognised in other Member States***

*without any special procedure being required. Sections 1 and 2 of this Chapter shall apply accordingly, unless otherwise provided for in this Section.*

Or. en

#### **Amendment 295**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

#### **Article 36 – paragraph 1**

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

Authentic instruments establishing parenthood with binding legal effect in the Member State of origin shall be recognised in other Member States without any special procedure being required. Sections 1 and 2 of this Chapter shall apply accordingly, unless otherwise provided for in this Section.

##### *Amendment*

Authentic instruments establishing parenthood with binding legal effect in the Member State of origin shall be recognised in other Member States without any special procedure being required ***unless the grounds for refusal of recognition listed in Article 31 are present.*** Sections 1 and 2 of this Chapter shall apply accordingly, unless otherwise provided for in this Section.

Or. it

#### **Amendment 296**

**Cristian Terheş**

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

#### **Article 36 – paragraph 1**

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

Authentic instruments establishing parenthood with binding legal effect in the Member State of origin shall be recognised in other Member States without any special procedure being required. Sections 1 and 2 of this Chapter shall apply accordingly, unless otherwise provided for in this Section.

##### *Amendment*

Authentic instruments establishing parenthood with binding legal effect in the Member State of origin shall be recognised in other Member States without any special procedure being required ***unless there are grounds for refusal of recognition as listed in Article 31.*** Sections 1 and 2 of this Chapter shall apply accordingly, unless otherwise provided for in this Section.

**Amendment 297**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 37**

*Text proposed by the Commission*

*Amendment*

**Article 37**

**deleted**

**Attestation**

**1. The competent authority of the Member State of origin as communicated to the Commission pursuant to Article 71 shall, upon application by a party, issue an attestation for an authentic instrument establishing parenthood with binding legal effect using the form set out in Annex II.**

**2. The attestation may be issued only if the following conditions are met:**

**(a) the Member State which empowered the public authority or other authority to formally draw up or register the authentic instrument establishing parenthood had jurisdiction under Chapter II; and**

**(b) the authentic instrument has binding legal effect in that Member State.**

**3. The attestation shall be completed in the language of the authentic instrument. It may also be issued in another official language of the institutions of the European Union requested by the party. This does not create any obligation for the competent authority issuing the attestation to provide a translation or transliteration of the translatable content of the free text fields.**

**4. The attestation shall contain a statement informing Union citizens and their family members that the attestation does not affect the rights that a child derives from Union law and that, for the**

*exercise of such rights, proof of the parent-child relationship can be presented by any means.*

*5. If the attestation is not produced, the authentic instrument shall not be recognised in another Member State.*

Or. en

#### Amendment 298

Vincenzo Sofo, Margarita de la Pisa Carrión

#### Proposal for a regulation

##### Article 37 – paragraph 1

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

1. The competent authority of the Member State of origin as communicated to the Commission pursuant to Article 71 shall, ***upon application by a party***, issue an attestation for an authentic instrument establishing parenthood with binding legal effect using the form set out in Annex II.

###### *Amendment*

1. The competent authority of the Member State of origin as communicated to the Commission pursuant to Article 71 shall issue an attestation for an authentic instrument establishing parenthood with binding legal effect using the form set out in Annex II.

Or. it

#### Amendment 299

Saskia Bricmont

#### Proposal for a regulation

##### Article 37 – paragraph 3

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

3. The attestation shall be completed in the language of the authentic instrument. ***It may*** also be issued in ***another*** official ***language*** of the institutions of the European Union requested by the party. ***This does not create any obligation for the competent authority issuing the attestation to provide a translation or transliteration of the translatable content***

###### *Amendment*

3. The attestation shall be completed in the language of the authentic instrument. ***Upon a request of a party, the attestation shall*** also be issued in ***one or several*** official ***languages*** of the institutions of the European Union requested by the party.



*of the free text fields.*

Or. en

**Amendment 300**

**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**

**Article 38**

*Text proposed by the Commission*

*Amendment*

**Article 38**

**deleted**

***Rectification and withdrawal of the  
attestation***

***1. The competent authority of the Member State of origin as communicated to the Commission pursuant to Article 71 shall, upon application, and may, of its own motion, rectify the attestation where, due to a material error or omission, there is a discrepancy between the authentic instrument and the attestation.***

***2. The competent authority referred to in paragraph 1 of this Article shall, upon application or of its own motion, withdraw the attestation where it was wrongly granted, having regard to the requirements laid down in Article 37.***

***3. The procedure, including any appeal, with regard to the rectification or withdrawal of the attestation shall be governed by the law of the Member State of origin.***

Or. en

**Amendment 301**

**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

**Proposal for a regulation**

**Article 39 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### **Amendment 302**

**Sophia in 't Veld, Moritz Körner, Hilde Vautmans, Anna Júlia Donáth**

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

#### **Article 39 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### **Amendment 303**

**Tomas Tobé**

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

#### **Article 39 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 304**  
**Saskia Bricmont**

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

*Text proposed by the Commission*

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

*Amendment*

(a) *in observance of the fundamental rights and principles laid down in the Charter, the respect for a private and family life, the best interests of the child, as well as the principle of proportionality;*

Or. en

**Amendment 305**  
**Cristian Terheş**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 306**  
**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

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

*Text proposed by the Commission*

(b) upon application by any person claiming that the authentic instrument infringes **his fatherhood or her motherhood** over the child, if the authentic

*Amendment*

(b) upon application by any person claiming that the authentic instrument infringes **their parenthood** over the child, if the authentic instrument was formally

instrument was formally drawn up or registered without that person having been involved;

drawn up or registered without that person having been involved;

Or. en

**Amendment 307**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 39 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. en

**Amendment 308**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 39 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

**2. Point (a) of paragraph 1 shall be applied by the courts and other competent authorities of the Member States in observance of the fundamental rights and principles laid down in the Charter, in particular Article 3.2.c, prohibiting the use of the human body and its individual parts as a source of profit, Article. 5.3 prohibiting trafficking in human beings and Article. 21 prohibiting discrimination.**

Or. en

#### Amendment 309

Vincenzo Sofo, Margarita de la Pisa Carrión

#### Proposal for a regulation

#### Article 39 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

2. Point (a) of paragraph 1 shall be applied by the courts and other competent authorities of the Member States in observance of the fundamental rights and principles laid down in the Charter, in particular *the third indent of Article 3(2) prohibiting making the human body and its parts as such a source of financial gain, Article 5(3) prohibiting trafficking in human beings and Article 21 prohibiting discrimination* .

Or. it

#### Amendment 310

Tomas Tobé

#### Proposal for a regulation

#### Article 39 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

#### Amendment 311

Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti

**Proposal for a regulation**  
**Article 39 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 312**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Article 39 – paragraph 3**

*Text proposed by the Commission*

3. The recognition of an authentic instrument establishing parenthood with binding legal effect may be refused if it was formally drawn up or registered without children having been given an opportunity to express their views. Where the children were below the age of 18 years, this provision shall apply where the children were capable of forming their views.

*Amendment*

3. The recognition of an authentic instrument establishing parenthood with binding legal effect may be refused if it was formally drawn up or registered without children having been given an opportunity to express their views, ***unless that is not in the interests of the child.*** Where children were below the age of 18 years, this provision shall apply where the children were capable of forming their views ***in accordance with Article 15.***

Or. it

**Amendment 313**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 40 – paragraph 1**

*Text proposed by the Commission*

The jurisdiction of the court of the Member State of origin establishing parenthood may not be reviewed. ***The test of public policy referred to in point (a) of Article 31(1) may not be applied to the rules relating to jurisdiction set out in Articles 6 to 9.***

*Amendment*

The jurisdiction of the court of the Member State of origin establishing parenthood may not be reviewed.

Or. en

**Amendment 314**

**Sophia in 't Veld, Moritz Körner, Hilde Vautmans, Anna Júlia Donáth**

**Proposal for a regulation  
Article 40 – paragraph 1**

*Text proposed by the Commission*

The jurisdiction of the court of the Member State of origin establishing parenthood may not be reviewed. ***The test of public policy referred to in point (a) of Article 31(1) may not be applied to the rules relating to jurisdiction set out in Articles 6 to 9.***

*Amendment*

The jurisdiction of the court of the Member State of origin establishing parenthood may not be reviewed.

Or. en

**Amendment 315**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation  
Article 40 – paragraph 1**

*Text proposed by the Commission*

The jurisdiction of the court of the Member State of origin establishing parenthood may not be reviewed. The test of public policy referred to in point (a) of Article 31(1) may not be applied to the rules relating to jurisdiction set out in Articles 6 to 9.

*Amendment*

***Without prejudice to Articles 34 and 69 of this Regulation,*** the jurisdiction of the court of the Member State of origin establishing parenthood may not be reviewed. The test of public policy referred to in point (a) of Article 31(1) may not be applied to the rules relating to jurisdiction set out in Articles 6 to 9.

**Amendment 316**

**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

**Proposal for a regulation**

**Article 40 – paragraph 1**

*Text proposed by the Commission*

The jurisdiction of the court of the Member State of origin establishing parenthood may not be reviewed. The test of public policy ***referred to in point (a) of Article 31(1)*** may not be applied to the rules relating to jurisdiction set out in Articles 6 to 9.

*Amendment*

The jurisdiction of the court of the Member State of origin establishing parenthood may not be reviewed. The test of public policy may not be applied to the rules relating to jurisdiction set out in Articles 6 to 9.

**Amendment 317**

**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**

**Article 41 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

Under no circumstances may a court decision given in another Member State be reviewed as to ***its*** substance.

**Amendment 318**

**Cristian Terheş**

**Proposal for a regulation**

**Article 41 – paragraph 1 a (new)**



***2. For the purposes of assessing whether such a decision or document meets the criteria for refusal of recognition set out in Article 31, it must however be assessed whether the grounds used in the particular case for identifying each parent in the Member State of origin are not manifestly contrary to public policy in a given Member State. In making such an assessment, the fundamental rights and principles set out in the Charter should be respected. This applies in particular to its Article. 3.2.c, prohibiting the use of the human body and its individual parts as a source of profit, Article. 5.3 prohibiting trafficking in human beings and Article. 21 prohibiting discrimination.***

Or. en

**Amendment 319**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation  
Article 44**

*Text proposed by the Commission*

*Amendment*

***Article 44***

***deleted***

***Scope***

***This Chapter shall apply to authentic instruments which have no binding legal effect in the Member State of origin but which have evidentiary effects in that Member State.***

Or. it

**Amendment 320**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

## Article 45

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. it

### Amendment 321

Sophia in 't Veld, Moritz Körner, Hilde Vautmans, Anna Júlia Donáth

#### Proposal for a regulation

##### Article 45 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. An authentic instrument which has no binding legal effect in the Member State of origin shall have the same evidentiary effects in another Member State as it has in the Member State of origin, or the most comparable effects, ***provided that this is not manifestly contrary to public policy (ordre public) in the Member State where it is presented.***

1. An authentic instrument which has no binding legal effect in the Member State of origin shall have the same evidentiary effects in another Member State as it has in the Member State of origin, or the most comparable effects.

Or. en

### Amendment 322

Saskia Bricmont

#### Proposal for a regulation

##### Article 45 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. An authentic instrument which has no binding legal effect in the Member State of origin shall have the same evidentiary effects in another Member State as it has in the Member State of origin, or the most comparable effects, ***provided that this is not manifestly contrary to public policy (ordre public) in the Member State where it is presented.***

1. An authentic instrument which has no binding legal effect in the Member State of origin shall have the same evidentiary effects in another Member State as it has in the Member State of origin, or the most comparable effects.

**Amendment 323**

**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

**Proposal for a regulation**

**Article 45 – paragraph 1**

*Text proposed by the Commission*

1. An authentic instrument which has no binding legal effect in the Member State of origin shall have the same evidentiary effects in another Member State as it has in the Member State of origin, or the most comparable effects, *provided that this is not manifestly contrary to public policy (ordre public) in the Member State where it is presented.*

*Amendment*

1. An authentic instrument which has no binding legal effect in the Member State of origin shall have the same evidentiary effects in another Member State as it has in the Member State of origin, or the most comparable effects.

**Amendment 324**

**Saskia Bricmont**

**Proposal for a regulation**

**Article 45 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

*deleted*

**Amendment 325**

Sophia in 't Veld, Moritz Körner, Hilde Vautmans, Anna Júlia Donáth

**Proposal for a regulation**  
**Article 45 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 326**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 45 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

**2. The public policy (ordre public) referred to in paragraph 1 shall be applied by the courts and other competent authorities of the Member States *respecting* the fundamental rights and principles laid down in the Charter, in particular Article 3.2.c prohibiting the use of the human body and its individual parts as a source of profit, art. 5.3 prohibiting trafficking in human beings and art. 21 prohibiting discrimination.**

Or. en

**Amendment 327**

**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

**Proposal for a regulation**

## Article 45 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 328

Tomas Tobé

### Proposal for a regulation

#### Article 45 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 329

Jean-Paul Garraud, Annika Bruna

### Proposal for a regulation

#### Article 46

*Text proposed by the Commission*

***Article 46***

***Creation of a European Certificate of Parenthood***

*Amendment*

***deleted***

***1. This Regulation creates a European Certificate of Parenthood ('the Certificate') which shall be issued for use in another Member State and shall produce the effects listed in Article 53.***

***2. The use of the Certificate shall not be mandatory.***

***3. The Certificate shall not take the place of internal documents used for similar purposes in the Member States. However, once issued for use in another Member State, the Certificate shall also produce the effects listed in Article 53 in the Member State whose authorities issued it in accordance with this Chapter.***

Or. fr

*Justification*

*This amendment deletes the whole of Chapter 6.*

**Amendment 330**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 46**

*Text proposed by the Commission*

*Amendment*

***Article 46***

***deleted***

***Creation of a European Certificate of Parenthood***

***1. This Regulation creates a European Certificate of Parenthood ('the Certificate') which shall be issued for use in another Member State and shall produce the effects listed in Article 53.***

***2. The use of the Certificate shall not be mandatory.***

***3. The Certificate shall not take the place of internal documents used for similar purposes in the Member States. However, once issued for use in another Member State, the Certificate shall also produce***

*the effects listed in Article 53 in the Member State whose authorities issued it in accordance with this Chapter.*

Or. it

**Amendment 331**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 46**

*Text proposed by the Commission*

*Amendment*

**Article 46**

**deleted**

***Creation of a European Certificate of Parenthood***

***1. This Regulation creates a European Certificate of Parenthood ('the Certificate') which shall be issued for use in another Member State and shall produce the effects listed in Article 53.***

***2. The use of the Certificate shall not be mandatory.***

***3. The Certificate shall not take the place of internal documents used for similar purposes in the Member States. However, once issued for use in another Member State, the Certificate shall also produce the effects listed in Article 53 in the Member State whose authorities issued it in accordance with this Chapter.***

Or. en

**Amendment 332**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Article 47**

*Text proposed by the Commission*

*Amendment*

*Article 47*

*deleted*

*Purpose of the Certificate*

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

Or. it

**Amendment 333**

**Cristian Terheş**

**Proposal for a regulation**

**Article 47 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. en

**Amendment 334**

**Saskia Bricmont**

**Proposal for a regulation**

**Article 47 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 335**

**Vincenzo Sofo, Margarita de la Pisa Carrión**



**Proposal for a regulation**  
**Article 48**

*Text proposed by the Commission*

*Amendment*

**Article 48**

*deleted*

***Competence to issue the Certificate***

***1. The Certificate shall be issued in the Member State in which parenthood was established and whose courts, as defined in Article 4(4), have jurisdiction under Article 6, Article 7 or Article 9.***

***2. The issuing authority, as communicated to the Commission pursuant to Article 71, of the Member State referred to in paragraph 1 shall be:***

***(a) a court as defined in Article 4(4); or***

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

Or. it

**Amendment 336**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 48**

*Text proposed by the Commission*

*Amendment*

**Article 48**

*deleted*

***Competence to issue the Certificate***

***1. The Certificate shall be issued in the Member State in which parenthood was established and whose courts, as defined in Article 4(4), have jurisdiction under Article 6, Article 7 or Article 9.***

***2. The issuing authority, as communicated to the Commission pursuant to Article 71, of the Member State referred to in paragraph 1 shall be:***

***(a) a court as defined in Article 4(4); or***

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

Or. en

**Amendment 337**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 49**

*Text proposed by the Commission*

*Amendment*

*Article 49*

*deleted*

*Application for a Certificate*

*1. The Certificate shall be issued upon application by the child ('the applicant') or, where applicable, a legal representative.*

*2. For the purposes of submitting an application, the applicant may use the form established in Annex IV.*

*3. The application shall contain the information listed below, to the extent that such information is within the applicant's knowledge and is necessary in order to enable the issuing authority to certify the elements which the applicant wants certified, and shall be accompanied by all relevant documents either in the original or by way of copies which satisfy the conditions necessary to establish their authenticity, without prejudice to Article 50(2):*

*(a) details concerning the applicant: surname(s) (if applicable, surname(s) at birth), given name(s), sex, date and place of birth, nationality (if known), identification number (if applicable), address;*

*(b) if applicable, details concerning the legal representative of the applicant: surname(s) (if applicable, surname(s) at*

*birth), given name(s), address and representative capacity;*

*(c) details concerning each parent: surname(s) (if applicable, surname(s) at birth), given name(s), date and place of birth, nationality, identification number (if applicable), address;*

*(d) the place and Member State where the parenthood of the child is registered;*

*(e) the elements on which the applicant founds parenthood, appending the original or a copy of the document(s) establishing parenthood with binding legal effect or providing evidence of the parenthood;*

*(f) the contact details of the Member State's court that established parenthood, of the competent authority that issued an authentic instrument establishing parenthood with binding legal effect, or of the competent authority that issued an authentic instrument with no binding legal effect in the Member State of origin but with evidentiary effects in that Member State;*

*(g) a declaration stating that, to the applicant's best knowledge, no dispute is pending relating to the elements to be certified;*

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

Or. en

## **Amendment 338**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

### **Proposal for a regulation**

#### **Article 49**

*Text proposed by the Commission*

*Amendment*

*Article 49*

*deleted*

### *Application for a Certificate*

- 1. The Certificate shall be issued upon application by the child ('the applicant') or, where applicable, a legal representative.*
- 2. For the purposes of submitting an application, the applicant may use the form established in Annex IV.*
- 3. The application shall contain the information listed below, to the extent that such information is within the applicant's knowledge and is necessary in order to enable the issuing authority to certify the elements which the applicant wants certified, and shall be accompanied by all relevant documents either in the original or by way of copies which satisfy the conditions necessary to establish their authenticity, without prejudice to Article 50(2):*
  - (a) details concerning the applicant: surname(s) (if applicable, surname(s) at birth), given name(s), sex, date and place of birth, nationality (if known), identification number (if applicable), address;*
  - (b) if applicable, details concerning the legal representative of the applicant: surname(s) (if applicable, surname(s) at birth), given name(s), address and representative capacity;*
  - (c) details concerning each parent: surname(s) (if applicable, surname(s) at birth), given name(s), date and place of birth, nationality, identification number (if applicable), address;*
  - (d) the place and Member State where the parenthood of the child is registered;*
  - (e) the elements on which the applicant founds parenthood, appending the original or a copy of the document(s) establishing parenthood with binding legal effect or providing evidence of the parenthood;*

*(f) the contact details of the Member State's court that established parenthood, of the competent authority that issued an authentic instrument establishing parenthood with binding legal effect, or of the competent authority that issued an authentic instrument with no binding legal effect in the Member State of origin but with evidentiary effects in that Member State;*

*(g) a declaration stating that, to the applicant's best knowledge, no dispute is pending relating to the elements to be certified;*

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

Or. it

**Amendment 339**  
**Karolin Braunsberger-Reinhold**

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

*Text proposed by the Commission*

(e) the elements on which the applicant founds parenthood, appending the original or a copy of the document(s) establishing parenthood ***with binding legal effect*** or providing evidence of the parenthood;

*Amendment*

(e) the elements on which the applicant founds parenthood, appending the original or a copy of the document(s) establishing parenthood or providing evidence of the parenthood;

Or. en

**Amendment 340**  
**Karolin Braunsberger-Reinhold**

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

*Text proposed by the Commission*

*Amendment*

(f) the contact details of the Member State's court that established parenthood, *of the competent authority that issued an authentic instrument establishing parenthood with binding legal effect*, or of the competent authority that issued an authentic instrument with *no binding legal effect* in the Member State of origin *but with evidentiary effects in that Member State*;

(f) the contact details of the Member State's court that established parenthood, or of the competent authority that issued an authentic instrument with *evidentiary effects* in the Member State of origin;

Or. en

**Amendment 341**  
**Tomas Tobé**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 342**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 50**

*Text proposed by the Commission*

*Article 50*

*Examination of the application*

*1. Upon receipt of the application, the issuing authority shall verify the information and declarations and the documents and other evidence provided by the applicant. It shall carry out the enquiries necessary for that verification of its own motion where this is provided for*

*Amendment*

*deleted*

*or authorised by its national law, or shall invite the applicant to provide any further evidence which it deems necessary.*

*2. Where the applicant has been unable to produce copies of the relevant documents which satisfy the conditions necessary to establish their authenticity, the issuing authority may decide to accept other forms of evidence.*

*3. Where this is provided for by its national law and subject to the conditions laid down therein, the issuing authority may require that declarations be made on oath or by a statutory declaration in lieu of an oath.*

*4. For the purposes of this Article, the competent authority of a Member State shall, upon request, provide the issuing authority of another Member State with information held, in particular, in the civil, personal or population registers and other registers recording facts of relevance for the parenthood of the applicant, where that competent authority would be authorised, under national law, to provide another national authority with such information.*

Or. en

#### **Amendment 343**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

#### **Article 50**

*Text proposed by the Commission*

*Amendment*

#### *Article 50*

*deleted*

#### *Examination of application*

*1. Upon receipt of the application, the issuing authority shall verify the information and declarations and the documents and other evidence provided by the applicant. It shall carry out the*

*enquiries necessary for that verification of its own motion where this is provided for or authorised by its national law, or shall invite the applicant to provide any further evidence which it deems necessary.*

*2. Where the applicant has been unable to produce copies of the relevant documents which satisfy the conditions necessary to establish their authenticity, the issuing authority may decide to accept other forms of evidence.*

*3. Where this is provided for by its national law and subject to the conditions laid down therein, the issuing authority may require that declarations be made on oath or by a statutory declaration in lieu of an oath.*

*4. For the purposes of this Article, the competent authority of a Member State shall, upon request, provide the issuing authority of another Member State with information held, in particular, in the civil, personal or population registers and other registers recording facts of relevance for the parenthood of the applicant, where that competent authority would be authorised, under national law, to provide another national authority with such information.*

Or. it

#### **Amendment 344**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

#### **Article 51**

*Text proposed by the Commission*

*Amendment*

*Article 51*

*deleted*

*Issuance of the certificate*

*1.*

*The issuing authority shall issue the*



*Certificate without delay in accordance with the procedure laid down in this Chapter when the elements to be certified have been established under the law applicable to the establishment of parenthood. It shall use the form in Annex V.*

*The issuing authority shall not issue the Certificate in particular if:*

*(a) the elements to be certified are being challenged; or*

*(b) the Certificate would not be in conformity with a court decision covering the same elements.*

*2. The fee collected for issuing a Certificate shall not be higher than the fee collected for issuing a certificate under national law providing evidence of the parenthood of the applicant.*

Or. it

**Amendment 345**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 51 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*The issuing authority shall issue the Certificate without delay in accordance with the procedure laid down in this Chapter when the elements to be certified have been established under the law applicable to the establishment of parenthood. It shall use the form in Annex V.*

*deleted*

Or. en

**Amendment 346**  
**Sophia in 't Veld, Moritz Körner, Hilde Vautmans, Anna Júlia Donáth**

**Proposal for a regulation**

**Article 51 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The issuing authority shall issue the Certificate without delay in accordance with the procedure laid down in this Chapter when the elements to be certified have been established under the law applicable to the establishment of parenthood. It shall use the form in Annex V.

*Amendment*

The issuing authority shall issue the Certificate without delay ***and not later than 10 days following receipt of the request*** in accordance with the procedure laid down in this Chapter when the elements to be certified have been established under the law applicable to the establishment of parenthood. It shall use the form in Annex V.

Or. en

**Amendment 347**

**Cristian Terheş**

**Proposal for a regulation**

**Article 51 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

***The issuing authority shall not issue the Certificate in particular if:***

***(a) the elements to be certified are being challenged; or***

***(b) the Certificate would not be in conformity with a court decision covering the same elements.***

*Amendment*

***deleted***

Or. en

**Amendment 348**

**Cristian Terheş**

**Proposal for a regulation**

**Article 51 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. *The fee collected for issuing a Certificate shall not be higher than the fee collected for issuing a certificate under national law providing evidence of the parenthood of the applicant.* *deleted*

Or. en

**Amendment 349**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Article 52**

*Text proposed by the Commission*

*Amendment*

*Article 52*

*deleted*

***Contents of the Certificate***

***The Certificate shall contain the following information, as applicable:***

- (a) the name, address and contact details of the Member State's issuing authority;***
- (b) if different, the name, address and contact details of the Member State's court that established parenthood, of the competent authority that issued an authentic instrument establishing parenthood with binding legal effect, or of the competent authority that issued an authentic instrument with no binding legal effect in the Member State of origin but with evidentiary effects in that Member State;***
- (c) the reference number of the file;***
- (d) the date and place of issue;***
- (e) the place and Member State where the parenthood of the child is registered;***
- (f) details concerning the applicant: surname(s) (if applicable, surname(s) at birth), given name(s), sex, date and place of birth, nationality (if known), identification number (if applicable), address;***

*(g) if applicable, details concerning the legal representative of the applicant: surname(s) (if applicable, surname(s) at birth), given name(s), address and representative capacity;*

*(h) details concerning each parent: surname(s) (if applicable, surname(s) at birth), given name(s), date and place of birth, nationality, identification number (if applicable), address;*

*(i) the elements on the basis of which the issuing authority considers itself competent to issue the Certificate;*

*(j) the law applicable to the establishment of parenthood and the elements on the basis of which that law has been determined;*

*(k) a statement informing Union citizens and their family members that the Certificate does not affect the rights that a child derives from Union law and that, for the exercise of such rights, proof of the parent-child relationship can be presented by any means;*

*(l) signature and/or stamp of the issuing authority.*

Or. it

**Amendment 350**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 52**

*Text proposed by the Commission*

*Amendment*

*Article 52*

*deleted*

*Contents of the Certificate*

*The Certificate shall contain the following information, as applicable:*

*(a) the name, address and contact details of the Member State's issuing authority;*

*(b) if different, the name, address and contact details of the Member State's court that established parenthood, of the competent authority that issued an authentic instrument establishing parenthood with binding legal effect, or of the competent authority that issued an authentic instrument with no binding legal effect in the Member State of origin but with evidentiary effects in that Member State;*

*(c) the reference number of the file;*

*(d) the date and place of issue;*

*(e) the place and Member State where the parenthood of the child is registered;*

*(f) details concerning the applicant: surname(s) (if applicable, surname(s) at birth), given name(s), sex, date and place of birth, nationality (if known), identification number (if applicable), address;*

*(g) if applicable, details concerning the legal representative of the applicant: surname(s) (if applicable, surname(s) at birth), given name(s), address and representative capacity;*

*(h) details concerning each parent: surname(s) (if applicable, surname(s) at birth), given name(s), date and place of birth, nationality, identification number (if applicable), address;*

*(i) the elements on the basis of which the issuing authority considers itself competent to issue the Certificate;*

*(j) the law applicable to the establishment of parenthood and the elements on the basis of which that law has been determined;*

*(k) a statement informing Union citizens and their family members that the Certificate does not affect the rights that a child derives from Union law and that, for the exercise of such rights, proof of the parent-child relationship can be presented*

*by any means;*

*(l) signature and/or stamp of the issuing authority.*

Or. en

## **Amendment 351**

**Karolin Braunsberger-Reinhold**

### **Proposal for a regulation**

#### **Article 52 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) if different, the name, address and contact details of the Member State's court that established parenthood, *of the competent authority that issued an authentic instrument establishing parenthood with binding legal effect*, or of the competent authority that issued an authentic instrument with *no binding legal effect* in the Member State of origin *but with evidentiary effects in that Member State*;

*Amendment*

(b) if different, the name, address and contact details of the Member State's court that established parenthood, or of the competent authority that issued an authentic instrument with *evidentiary effects* in the Member State of origin;

Or. en

## **Amendment 352**

**Sophia in 't Veld, Moritz Körner, Hilde Vautmans, Anna Júlia Donáth**

### **Proposal for a regulation**

#### **Article 52 – paragraph 1 – point h**

*Text proposed by the Commission*

(h) details concerning *each* parent: surname(s) (if applicable, surname(s) at birth), given name(s), date and place of birth, nationality, identification number (if applicable), address;

*Amendment*

(h) details concerning *the* parent(s): surname(s) (if applicable, surname(s) at birth), given name(s), date and place of birth, nationality, identification number (if applicable), address;

Or. en

**Amendment 353**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 53**

*Text proposed by the Commission*

*Amendment*

**Article 53**

*deleted*

***Effects of the Certificate***

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

***2. The Certificate shall be presumed to demonstrate accurately elements which have been established under the law applicable to the establishment of parenthood. The person mentioned in the Certificate as the child of a particular parent or parents shall be presumed to have the status mentioned in the Certificate.***

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

Or. en

**Amendment 354**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Article 53**

*Text proposed by the Commission*

*Amendment*

**Article 53**

*deleted*

***Effects of the Certificate***

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

***2. The Certificate shall be presumed to***

*demonstrate accurately elements which have been established under the law applicable to the establishment of parenthood. The person mentioned in the Certificate as the child of a particular parent or parents shall be presumed to have the status mentioned in the Certificate.*

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

Or. it

**Amendment 355**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Article 54**

*Text proposed by the Commission*

*Amendment*

*Article 54*

*deleted*

*Certified copies of the Certificate*

*1. The issuing authority shall keep the original of the Certificate and shall issue one or more certified copies to the applicant or a legal representative.*

*2. The issuing authority shall, for the purposes of Articles 55(3) and 57(2), keep a list of persons to whom certified copies have been issued pursuant to paragraph 1.*

Or. it

**Amendment 356**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 54**



*Text proposed by the Commission*

*Amendment*

**Article 54**

**deleted**

***Certified copies of the Certificate***

- 1. The issuing authority shall keep the original of the Certificate and shall issue one or more certified copies to the applicant or a legal representative.***
- 2. The issuing authority shall, for the purposes of Articles 55(3) and 57(2), keep a list of persons to whom certified copies have been issued pursuant to paragraph 1.***

Or. en

**Amendment 357**

**Cristian Terheş**

**Proposal for a regulation**

**Article 55**

*Text proposed by the Commission*

*Amendment*

**Article 55**

**deleted**

***Rectification, modification or withdrawal of the Certificate***

- 1. The issuing authority shall, at the request of any person demonstrating a legitimate interest or of its own motion, rectify the Certificate in the event of a clerical error.***
- 2. The issuing authority shall, at the request of any person demonstrating a legitimate interest or, where this is possible under national law, of its own motion, modify or withdraw the Certificate where it has been established that the Certificate or individual elements thereof are not accurate.***
- 3. The issuing authority shall inform without delay all persons to whom certified copies of the Certificate have***

*been issued pursuant to Article 54(1) of any rectification, modification or withdrawal thereof.*

Or. en

**Amendment 358**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 55**

*Text proposed by the Commission*

*Amendment*

**Article 55**

**deleted**

***Rectification, modification or withdrawal of the Certificate***

***1. The issuing authority shall, at the request of any person demonstrating a legitimate interest or of its own motion, rectify the Certificate in the event of a clerical error.***

***2. The issuing authority shall, at the request of any person demonstrating a legitimate interest or, where this is possible under national law, of its own motion, modify or withdraw the Certificate where it has been established that the Certificate or individual elements thereof are not accurate.***

***3. The issuing authority shall inform without delay all persons to whom certified copies of the Certificate have been issued pursuant to Article 54(1) of any rectification, modification or withdrawal thereof.***

Or. it

**Amendment 359**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

## Article 56

*Text proposed by the Commission*

*Amendment*

### **Article 56**

**deleted**

#### **Redress procedures**

**1.**

***Decisions taken by the issuing authority pursuant to Article 51 may be challenged by the applicant for a Certificate or a legal representative.***

***Decisions taken by the issuing authority pursuant to Article 55 and point (a) of Article 57(1) may be challenged by any person demonstrating a legitimate interest.***

***The challenge shall be lodged before a court in the Member State of the issuing authority in accordance with the law of that Member State.***

**2.**

***If, as a result of a challenge as referred to in paragraph 1, it is established that the Certificate issued is not accurate, the competent court shall rectify, modify or withdraw the Certificate or ensure that it is rectified, modified or withdrawn by the issuing authority.***

***If, as a result of a challenge as referred to in paragraph 1, it is established that the refusal to issue the Certificate was unjustified, the competent court shall issue the Certificate or ensure that the issuing authority re-assesses the case and makes a fresh decision.***

Or. it

**Amendment 360**

**Cristian Terheş**

**Proposal for a regulation**

**Article 56**

*Text proposed by the Commission*

*Amendment*

**Article 56**

**deleted**

**Redress procedures**

**1.**

*Decisions taken by the issuing authority pursuant to Article 51 may be challenged by the applicant for a Certificate or a legal representative.*

*Decisions taken by the issuing authority pursuant to Article 55 and point (a) of Article 57(1) may be challenged by any person demonstrating a legitimate interest.*

*The challenge shall be lodged before a court in the Member State of the issuing authority in accordance with the law of that Member State.*

**2.**

*If, as a result of a challenge as referred to in paragraph 1, it is established that the Certificate issued is not accurate, the competent court shall rectify, modify or withdraw the Certificate or ensure that it is rectified, modified or withdrawn by the issuing authority.*

*If, as a result of a challenge as referred to in paragraph 1, it is established that the refusal to issue the Certificate was unjustified, the competent court shall issue the Certificate or ensure that the issuing authority re-assesses the case and makes a fresh decision.*

Or. en

**Amendment 361**

**Tomas Tobé**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

The challenge shall be lodged before a court in the Member State of the issuing authority in accordance with the law of that Member State.

The challenge shall be lodged before a court in the Member State of the issuing authority in accordance with the law of that Member State ***and where applicable in cooperation with national equality bodies.***

Or. en

**Amendment 362**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 56 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

If, as a result of a challenge as referred to in paragraph 1, it is established that the refusal to issue the Certificate was unjustified, the competent court shall issue the Certificate or ensure that the issuing authority re-assesses the case and makes a fresh decision.

*Amendment*

If, as a result of a challenge as referred to in paragraph 1, it is established that the refusal to issue the Certificate was unjustified, the competent court shall ***without delay and within two weeks after its decision*** issue the Certificate or ensure that the issuing authority re-assesses the case and makes a fresh decision.

Or. en

**Amendment 363**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Article 57**

*Text proposed by the Commission*

***Article 57***

***Suspension of the effects of the Certificate***

***1. The effects of the Certificate may be suspended by:***

***(a) the issuing authority, at the request of any person demonstrating a legitimate interest, pending a modification or withdrawal of the Certificate pursuant to***

*Amendment*

***deleted***

*Article 55; or*

*(b) the court, at the request of any person entitled to challenge a decision taken by the issuing authority pursuant to Article 56, pending such a challenge.*

*2.*

*The issuing authority or, as the case may be, the court shall without delay inform all persons to whom certified copies of the Certificate have been issued pursuant to Article 54(1) of any suspension of the effects of the Certificate.*

*During the suspension of the effects of the Certificate no further certified copies of the Certificate may be issued.*

Or. it

**Amendment 364**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 57**

*Text proposed by the Commission*

*Amendment*

*Article 57*

*deleted*

*Suspension of the effects of the Certificate*

*1. The effects of the Certificate may be suspended by:*

*(a) the issuing authority, at the request of any person demonstrating a legitimate interest, pending a modification or withdrawal of the Certificate pursuant to Article 55; or*

*(b) the court, at the request of any person entitled to challenge a decision taken by the issuing authority pursuant to Article 56, pending such a challenge.*

*2.*

*The issuing authority or, as the case may be, the court shall without delay inform all persons to whom certified copies of the*

*Certificate have been issued pursuant to Article 54(1) of any suspension of the effects of the Certificate.*

*During the suspension of the effects of the Certificate no further certified copies of the Certificate may be issued.*

Or. en

#### **Amendment 365**

**Karolin Braunsberger-Reinhold**

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

#### **Article 58 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) 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;

*Amendment*

(a) proceedings for a decision that there are no grounds for the refusal of recognition of a court decision on parenthood, or proceedings for the refusal of recognition of a court decision on parenthood;

Or. en

#### **Amendment 366**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

#### **Article 58 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) *the application for, issuance, rectification, modification, withdrawal, suspension or redress procedures of the European Certificate of Parenthood.*

*Amendment*

*deleted*

Or. it

#### **Amendment 367**

Cristian Terheş

**Proposal for a regulation**

**Article 58 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) the application for, issuance, rectification, modification, withdrawal, suspension or redress procedures of the European Certificate of Parenthood.**

**deleted**

Or. en

**Amendment 368**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 61 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. ***Each Member State*** shall bear the costs of the installation, operation and maintenance of the decentralised IT system's access points ***which are located on their territory.***

1. ***The Commission*** shall bear the costs of the installation, operation and maintenance of the decentralised IT system's access points.

Or. it

**Amendment 369**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 61 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Member States shall not be prevented from applying for grants to support the activities referred to in ***paragraphs 1 and 2***, under the relevant Union financial programmes.

3. Member States shall not be prevented from applying for grants to support the activities referred to in ***paragraph 2***, under the relevant Union financial programmes.

Or. it



**Amendment 370**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Article 63**

*Text proposed by the Commission*

*Amendment*

**Article 63**

**deleted**

***Delegation of powers***

***The Commission is empowered to adopt delegated acts in accordance with Article 64 concerning the amendment of Annexes I to V in order to update or make technical changes to those Annexes.***

Or. it

**Amendment 371**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 63 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The Commission is empowered to adopt delegated acts in accordance with Article 64 concerning the amendment of Annexes I to V in order to update or make technical changes to those Annexes.

The Commission is empowered to adopt delegated acts in accordance with Article 64 concerning the amendment of Annexes I to V in order to update or make technical changes to those Annexes. ***The preparation and drawing-up of delegated acts shall be preceded by and take into account consultations with stakeholders, including relevant civil society organisations and academic experts.***

Or. en

**Amendment 372**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Article 64**

*Text proposed by the Commission*

*Amendment*

**Article 64**

*deleted*

***Exercise of the delegation***

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The power to adopt delegated acts referred to in Article 63 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Regulation].***
- 3. The delegation of power referred to in Article 63 may be revoked at any time by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.***
- 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.***
- 5. As soon as it adopts a delegated act, the Commission shall notify it to the Council.***
- 6. A delegated act adopted pursuant to Article 63 shall enter into force only if no objection has been expressed by the Council within a period of two months of notification of that act to the Council or if, before the expiry of that period, the Council has informed the Commission that it will not object. That period shall be extended by two months at the initiative of the Council.***
- 7. The European Parliament shall be***

*informed of the adoption of delegated acts by the Commission, of any objection formulated to them, or of the revocation of the delegation of powers by the Council.*

Or. it

**Amendment 373**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 67 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 67a**

***Supportive measures***

- 1. The Commission shall develop guidelines on the application and enforcement of this Regulation which shall be available six months prior to the application date referred to in article 72.***
- 2. Member States shall complement the Commission guidelines where relevant with guidelines for all relevant professionals as well as for children and parents concerned, taking into account the specificities of the national administrative and legal systems. These guidelines shall be available at the latest by the application date referred to in article 72.***
- 3. The Commission and Member States shall regularly review the guidelines referred to in paragraph 1 and 2, and update them whenever relevant.***
- 4. Member States shall provide easily accessible and user-friendly information about the procedures covered by this Regulation, including via a public website.***
- 5. Member States, with the support of the Commission and the European Judicial***

*Training Network, shall organise training for all relevant professionals, in particular judges, lawyers, and public administration officials.*

*6. 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 374**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

#### **Article 68 – paragraph 1**

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

1. The personal data required for the application of this Regulation shall be processed by Member State courts or other competent authorities for the purposes of the establishment of parenthood in cross-border situations and of the recognition of parenthood, in connection with the establishment of parenthood pursuant to Chapter II, the issuance of attestations pursuant to Articles 29, 37 and 45, ***the issuance of a European Certificate of Parenthood pursuant to Article 51***, the presentation of the documents for the recognition of parenthood pursuant to Article 26, the obtaining of a decision that there are no grounds for refusal of recognition of parenthood pursuant to Article 25, or the application for refusal of recognition of parenthood pursuant to Article 32.

##### *Amendment*

1. The personal data required for the application of this Regulation shall be processed by Member State courts or other competent authorities for the purposes of the establishment of parenthood in cross-border situations and of the recognition of parenthood, in connection with the establishment of parenthood pursuant to Chapter II, the issuance of attestations pursuant to Articles 29, 37 and 45, the presentation of the documents for the recognition of parenthood pursuant to Article 26, the obtaining of a decision that there are no grounds for refusal of recognition of parenthood pursuant to Article 25, or the application for refusal of recognition of parenthood pursuant to Article 32.

Or. it

**Amendment 375**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 69 – paragraph 2 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) an authentic instrument  
establishing parenthood with binding  
legal effect in the Member State of origin  
which was formally drawn up or  
registered prior to [date of application of  
this Regulation].* *deleted*

Or. en

**Amendment 376**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 69 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

Chapter IV shall apply to the court  
decisions *and authentic instruments*  
referred to in this paragraph.

Chapter IV shall apply to the court  
decisions referred to in this paragraph.

Or. en

**Amendment 377**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Article 69 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

*3. Notwithstanding paragraph 1,  
Member States shall accept an authentic  
instrument which has no binding legal  
effect in the Member State of origin but  
which has evidentiary effects in that  
Member State, provided that this is not* *deleted*

*manifestly contrary to the public policy (ordre public) of the Member State in which acceptance is sought.*

*Chapter V shall apply to the authentic instruments referred to in this paragraph.*

Or. it

#### **Amendment 378**

**Sophia in 't Veld, Moritz Körner, Hilde Vautmans, Anna Júlia Donáth**

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

#### **Article 69 – paragraph 3 – subparagraph 1**

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

Notwithstanding paragraph 1, Member States shall accept an authentic instrument which has no binding legal effect in the Member State of origin but which has evidentiary effects in that Member State, *provided that this is not manifestly contrary to the public policy (ordre public) of the Member State in which acceptance is sought.*

##### *Amendment*

Notwithstanding paragraph 1, Member States shall accept an authentic instrument which has no binding legal effect in the Member State of origin but which has evidentiary effects in that Member State.

Or. en

#### **Amendment 379**

**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

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

#### **Article 69 – paragraph 3 – subparagraph 1**

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

Notwithstanding paragraph 1, Member States shall accept an authentic instrument which has no binding legal effect in the Member State of origin but which has evidentiary effects in that Member State, *provided that this is not manifestly contrary to the public policy (ordre public) of the Member State in which*

##### *Amendment*

Notwithstanding paragraph 1, Member States shall accept an authentic instrument which has no binding legal effect in the Member State of origin but which has evidentiary effects in that Member State.

*acceptance is sought.*

Or. en

#### **Amendment 380**

**Karolin Braunsberger-Reinhold**

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

#### **Article 69 – paragraph 3 – subparagraph 1**

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

Notwithstanding paragraph 1, Member States shall accept an authentic instrument which has ***no binding legal effect*** in the Member State of origin ***but which has evidentiary effects in that Member State***, provided that this is not manifestly contrary to the public policy (ordre public) of the Member State in which acceptance is sought.

##### *Amendment*

Notwithstanding paragraph 1, Member States shall accept an authentic instrument which has ***evidentiary effects*** in the Member State of origin, provided that this is not manifestly contrary to the public policy (ordre public) of the Member State in which acceptance is sought.

Or. en

#### **Amendment 381**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

#### **Article 69 – paragraph 3 – subparagraph 2**

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

***Chapter V shall apply to the authentic instruments referred to in this paragraph.***

##### *Amendment*

***deleted***

Or. it

#### **Amendment 382**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

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

#### **Article 69 – paragraph 3 a (new)**

**3a. Final decisions and authentic instruments with binding legal effects issued after the date of entry into force of this Regulation in the Member State of the court which established parenthood, deriving from proceedings launched before its entry into force, shall be recognised pursuant to this Regulation provided that the rules governing jurisdiction applied are in accordance with the rules set out in Chapter II of this Regulation.**

Or. it

**Amendment 383**  
**Saskia Bricmont**

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

*Text proposed by the Commission*

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

*Amendment*

1. By [3 years from date of application of this Regulation] **and every 3 years after**, the Commission shall present to the European Parliament, the Council and the European Economic and Social Committee a report on the application of this Regulation, including an evaluation of **convergences and divergences between Member States and** any practical problems encountered, supported by information supplied by the Member States. The report shall **assess the implementation of this Regulation by, in particular, analysing the respect or non-respect of the non-discrimination principle. The report shall** be accompanied, where necessary, by a legislative proposal.

Or. en



#### **Amendment 384**

**Sophia in 't Veld, Moritz Körner, Hilde Vautmans, Anna Júlia Donáth**

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

#### **Article 70 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

1. By [2 years from date of application of this Regulation], the Commission shall present to the European Parliament, the Council and the European Economic and Social Committee a report on the application of this Regulation, including an evaluation of any practical problems encountered, supported by information supplied by the Member States. The report shall be accompanied, where necessary, by a legislative proposal, ***including considering on the legal basis of Article 21(2) TFEU.***

Or. en

#### **Amendment 385**

**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

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

#### **Article 70 – paragraph 2 – point -a (new)**

*Text proposed by the Commission*

*Amendment*

***(-a) the number of requests for the recognition of parenthood submitted pursuant to this Regulation***

Or. en

#### **Amendment 386**

**Karolin Braunsberger-Reinhold**

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

#### **Article 70 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

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

(a) the number of applications for the refusal of recognition of a court decision pursuant to Article 32, and the number of cases in which the refusal of recognition was granted;

Or. en

**Amendment 387**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 70 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) ***the number of applications challenging the contents 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, and the number of cases in which the challenge was successful;***

***deleted***

Or. it

**Amendment 388**

**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**

**Article 70 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the number of applications challenging the contents 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***, and the number of cases in

(c) the number of applications challenging the contents of an authentic instrument which has ***evidentiary effects*** in the Member State of origin, and the number of cases in which the challenge was successful;

which the challenge was successful;

Or. en

**Amendment 389**

**Giuliano Pisapia, Brando Benifei, Pina Picierno, Pietro Bartolo, Paolo De Castro, Camilla Laureti, Alessandra Moretti, Franco Roberti**

**Proposal for a regulation**

**Article 70 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 70a**

**Guidelines**

***1. After the entry into force of this Regulation and before the date from which it shall apply, as indicated in Article 72 of this Regulation, the Commission shall publish guidelines to national authorities on how to apply and enforce this Regulation.***

***2. The Commission shall update every two years thereafter the guidelines taking into account, inter alia, the experience that has been gained in the application and enforcement of this Regulation and any relevant case law of the Court of Justice.***

Or. en

**Amendment 390**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Article 71 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

***(d) the courts and authorities competent to issue the European Certificate of Parenthood pursuant to Article 51, and the courts competent to deal with the redress procedures referred***

***deleted***

*to in Article 56.*

Or. it

**Amendment 391**

**Cristian Terheş**

**Proposal for a regulation**

**Annex I – title**

*Text proposed by the Commission*

*Amendment*

***6.7. Premises constituting the basis for establishing parentage (enabling assessment from the point of view of the provisions in force in this respect in another Member State).***

***6.7.1 Premises constituting the basis for establishing parentage (enabling assessment from the point of view of the provisions in force in this respect in another Member State).***

Or. en

**Amendment 392**

**Cristian Terheş**

**Proposal for a regulation**

**Annex II**

*Text proposed by the Commission*

*Amendment*

***[...]***

***deleted***

Or. en

**Amendment 393**

**Cristian Terheş**

**Proposal for a regulation**

**Annex II – title**

*Text proposed by the Commission*

*Amendment*

***7.7. Premises constituting the basis for establishing parentage (enabling assessment from the point of view of the provisions in force in this respect in another Member State).***

***8.7. Premises constituting the basis for establishing parentage (enabling assessment from the point of view of the provisions in force in this respect in another Member State).***

Or. en

**Amendment 394**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

**Annex III**

*Text proposed by the Commission*

*Amendment*

***[...]***

***deleted***

Or. it

**Amendment 395**

**Cristian Terheş**

**Proposal for a regulation**

**Annex III**

*Text proposed by the Commission*

*Amendment*

***[...]***

***deleted***

Or. en

**Amendment 396**

**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**

## **Annex IV**

*Text proposed by the Commission*

*Amendment*

**[...]**

***deleted***

Or. it

## **Amendment 397**

**Jean-Paul Garraud, Annika Bruna**

**Proposal for a regulation**

**Annex IV**

*Text proposed by the Commission*

*Amendment*

**[...]**

***deleted***

Or. fr

## **Amendment 398**

**Cristian Terheş**

**Proposal for a regulation**

**Annex IV**

*Text proposed by the Commission*

*Amendment*

**[...]**

***deleted***

Or. en

## **Amendment 399**

**Jean-Paul Garraud, Annika Bruna**

**Proposal for a regulation**

**Annex V**

*Text proposed by the Commission*

*Amendment*

**[...]**

***deleted***

Or. fr

**Amendment 400**  
**Vincenzo Sofo, Margarita de la Pisa Carrión**

**Proposal for a regulation**  
**Annex V**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

Or. it

**Amendment 401**  
**Cristian Terheş**

**Proposal for a regulation**  
**Annex V**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

Or. en