

A study of the European Parliament on the protection of vulnerable adults in cross-border situations



Protection of Vulnerable Adults

European Added Value Assessment

Accompanying the European Parliament's Legislative Initiative Report (Rapporteur: Joëlle Bergeron)

STUDY

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The European Parliamentary Research Service has published a study, authored by *Christian Salm*, to support a legislative initiative report on the protection of vulnerable adults to be prepared by the French MEP *Joëlle Bergeron*.

The purpose of the study is to provide an objective evaluation of the potential added value of taking legislative action at EU level in this field, in particular where a cross-border element is present.

The study builds on expert research carried out for the purpose by *Ian Curry-Sumner* of the Voorts Juridische Diensten (Dordrecht), on the one hand, and by *Pietro Franzina* of the University of Ferrara and *Joëlle Long* of the University of Turin, on the other. The research papers are annexed to the study.

The study argues that, together with the ratification of the Hague Convention of 13 January 2000 on the international protection of adults by all EU Member States, the adoption of certain EU legal measures would create a more reliable legal framework for the protection of vulnerable adults in cross-border situations than is currently the case. This would constitute an added value in itself, and would also contribute to reducing legal and emotional costs for vulnerable adults when facing issues in a cross-border situation.

The proposed measures, which could be adopted on the basis of Article 81 of the Treaty on the Functioning of the European Union, include: (i) enhancing cooperation and communication among authorities of EU Member States in this area; (ii) abolishing the requirement of exequatur for measures of protection

taken in EU Member States; (iii) creating a European certificate of powers granted for the protection of an adult; (iv) enabling the adult, under appropriate safeguards, to choose in advance the EU Member States whose courts should be deemed to possess jurisdiction to take measures concerning his or her protection; (v) providing for the continuing jurisdiction of the courts of the EU Member State of the former habitual residence.