**To:**

Xxx

Ministry of Justice

CC: Disability Focal Point in your government

[EDF or forward us the letter – you can put in copy/forward to [marine.uldry@edf-feph.org](mailto:marine.uldry@edf-feph.org)]

**Place and Date**

**Subject: negotiation of the Proposal for an EU Regulation on Protection of Adults**

Dear xxx,

On behalf of [name of your organisation] we contact you about the [EU Proposal for a Regulation on jurisdiction, applicable law, recognition and enforcement of measures and cooperation in matters relating to the protection of adults](https://commission.europa.eu/document/6ff766ad-aca6-4b27-a3cd-b7a9afe8857d_en) (“Regulation on Protection of Adults”).

This law proposed by the European Commission in May 2023 concerns persons – mostly persons with disabilities and older adults – who are deemed “not in a position to protect their own interest” and are in what is called a cross-border situation. These can be people that have assets or estates in another country, who are seeking medical care abroad, or who relocate in another EU Member State.

The law establishes a set of rules that will apply within the EU, in particular to establish which court has jurisdiction, which law is applicable, under what conditions a foreign measure or foreign powers of representation should be given effect and how authorities can cooperate**.** It also proposes a set of practical tools, such as the introduction of a European Certificate of Representation.

However, **we are concerned that the text of the proposal does not comply with the UN Convention on the Rights of Persons with Disabilities (CRPD)** ratified by the EU and all Member States, including [name of your country].

Our organisation(s) join(s) the [call of the European Disability Forum](https://www.edf-feph.org/the-proposed-regulation-on-protection-of-vulnerable-adults-must-be-amended/) to revise this proposal to ensure it respects and promotes the rights of persons with disabilities. You can find the proposed amendments in annex. We support the following changes:

* Amend article 2 on the scope to avoid legitimation of legal incapacitation and consider the evolution of legislation and policy on legal capacity in EU Member States.
* Amend article 3 on definition to include the concept of will and preferences of the person.
* Amend article 13 on no review as to the substance to ensure the highest level of protection of the autonomy of adults.
* Delete article 21 on placement which violate the fundamental rights of persons with disabilities.

In August 2023, [UN experts on persons with disabilities and older persons](https://www.ohchr.org/sites/default/files/documents/issues/disability/olderpersons/Annex-Joint-Submission-Towards-Greater-Coherence-International-Law.pdf) also called for the proposal to be amended in respect with international human rights law.

Our organisation(s) remain(s) at your disposal for further discussion on these proposals, and any disability-related issues.

Name of representative of your organisation

Signature