

Title	Compilation of responses received to the September 2020 Questionnaire on the 2000 Protection of Adults Convention
Document	Prel. Doc. No 9 of September 2022 – available in English only with responses in the language in which they were received
Author	PB
Agenda Item	Item TBD
Mandate(s)	C&R No 34 of the 2019 CGAP; C&D No 31 of the 2020 CGAP
Objective	To share responses received until September 2022 from Members of the HCCH to Prel. Doc. No 2 of September 2020
Action to be taken	For Decision <input type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input type="checkbox"/> For Action / Completion <input type="checkbox"/> For Information <input checked="" type="checkbox"/>
Annexes	N/A
Related Documents	Prel. Doc. No 2 of September 2020 - Questionnaire on the practical operation of the HCCH 2000 Protection of Adults Convention

Compilation of responses received to the September 2020 Questionnaire on the 2000 Protection of Adults Convention

Last update: 14-09-2022

This compilation contains the responses from the following States:

Argentina, Austria, Belgium, Brazil, Canada – British Columbia, Canada – Quebec, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Luxembourg, Mexico, Netherlands, Portugal, Slovakia, Sweden, Switzerland, United Kingdom – England and Wales, United Kingdom – Scotland

Date the Questionnaire was completed:

Argentina	June 9th, 2021.
Austria	1112020
Belgium	Novembre 2020
Brazil	February 10th, 2021
Canada - British Columbia	1-8-2021
Canada - Québec	Juin 2021
Croatia	30-11-2020
Cyprus	March 31st, 2021
Czech Republic	28122020
Estonia	30-4-2021
Finland	
France	30 octobre 2020
Germany	30-11-2020
Hungary	30122020
Italy	4-12-2020
Latvia	15042021
Luxembourg	février 2021
Mexico	4-2-2021
The Netherlands	1-3-2021
Portugal	
Slovakia	30 novembre 2020
Sweden	2-12-2020
Switzerland	2122020
United Kingdom - England and Wales	9-6-2021
United Kingdom - Scotland	10-2-2021

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Name of Authority / Office:

Argentina	Office of the Legal Adviser- Ministry of Foreign Affairs, International Trade and Worship
Austria	Federal Ministry of Justice
Belgium	Autorité Centrale belge - Service de coopération internationale civile
Brazil	Office of Attorney General for Brazil
Canada - British Columbia	Justice Services Branch, Ministry of Attorney General
Canada - Québec	Ministère de la Justice du Québec
Croatia	Ministry of Labour, Pension System, Family and Social Policy, Ministry of Justice and Administration
Cyprus	SOCIAL WELFARE SERVICES/MINISTRY OF LABOUR, WELFARE AND SOCIAL INSURANCE
Czech Republic	Ministry of Justice
Estonia	Central Authority
Finland	Ministry of Justice, Central Authority
France	Ministère de la justice français / Direction des affaires civiles et du Sceau
Germany	Federal Ministry of Justice and Consumer Protection
Hungary	MINISTRY OF HUMAN Capacities DEPARTMENT OF CHILD PROTECTION AND GUARDIANSHIP AFFAIRS
Italy	Ministry of Justice/Directorate General of International Affairs and Judicial Cooperation/Office II International affairs
Latvia	Ministry of Justice

Luxembourg	Ministère de la Justice
Mexico	Instituto Nacional para las Personas Adultas Mayores
The Netherlands	Ministry of Justice and Security
Portugal	Central Authority - Protection of Adults - Prosecutor General's Office
Slovakia	MINISTERE DE LA JUSTICE DE LA REPUBLIQUE SLOVAQUE
Sweden	Ministry of Justice
Switzerland	Office fédéral de la justice, Unité droit international privé (Autorité centrale fédérale)
United Kingdom - England and Wales	Ministry of Justice
United Kingdom - Scotland	Scottish Central Authority

PART I – QUESTIONS FOR NON-CONTRACTING PARTY MEMBERS OF THE HCCH

1. Is your State considering joining the 2000 Convention?

Yes:

Hungary, Italy, Luxembourg, Mexico, Sweden

No:

Brazil, Croatia, Slovakia

Please explain:

Argentina	Argentina is in an early stage in the process of internal consultations in relation to the possibility of joining the 2000 Convention among the institutions that would be in charge of applying and implementing it.
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	The 2000 Convention has to be discussed internally among the institutions that would be in charge of applying and implementing it. Since the treaty brings new rules about jurisdiction and applicable law, it is important to analyze if they are in harmony with the Brazilian constitutional and legal system. Therefore, at this stage, it would be premature for Brazil to consider joining the 2000 Convention.
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	In the Republic of Croatia, among other things, private law relations with an international character of adults who are not able to protect their interests due to impairment or lack of their own abilities and are placed under guardianship, have to a great extent been regulated by national legislation, however the Republic of Croatia is not considering the accession to the 2000 Convention at the moment. The Act on Private International Law (Official Gazette, No. 101/17) is in force in national legislation, which regulates the applicable law for private law relations with an international character and regulates the jurisdiction of courts and other bodies of the Republic of Croatia in legal matters the subjects of which relate to private law relations with an international character and the recognition and enforcement of foreign court decisions. In addition to the above, in the Republic of Croatia the Family Act (Official Gazette 103/15 and 98/19) prescribes the institutes of special guardianship for adults, and guardianship for adults who are deprived of legal

	<p>capacity by decisions of the competent courts. Furthermore, the provisions of the Special Guardianship Center Act (Official Gazette, No. 47/20) regulate the status, activities and organization of the Special Guardianship Center and stipulate, inter alia, that the Special Guardianship Center on the basis of public authority, through a designated special guardian represents, among others, adults at courts and other bodies in accordance with the law governing family relations, i.e. the Family Act. The Republic of Croatia is implementing the National Strategy for Equalization of Opportunities for Persons with Disabilities from 2017 to 2020, in which the United Nations Convention on the Rights of Persons with Disabilities has been implemented to the greatest extent possible (including Articles 12 and 16 of the Convention). The National Strategy is the umbrella document for the development of a policy towards persons with disabilities in the Republic of Croatia, which defines equalization of opportunities in 16 areas of activities covering different dimensions of quality of life and service delivery system for the citizens, and its measures are implemented interdepartmentally. The task of the National Strategy is to harmonize all policies in the field of promoting the rights of persons with disabilities with the achieved standards at the global level, but also all trends aimed at making all areas of life and activities open and accessible to persons with disabilities, respecting the principles of universal design and reasonable accommodation. The monitoring of the implementation of the Convention on the Rights of Persons with Disabilities is carried out by monitoring the implementation of the measures of this national strategic document, which is reported annually to the Government of the Republic of Croatia. The Commission of the Government of the Republic of Croatia for Persons with Disabilities, the members of which are the representatives of national associations of persons with disabilities, is in charge of monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities. This Commission gives its opinion on the annual Report before the adoption of the Report by the Government of the Republic of Croatia. Furthermore, the Office of the Ombudsman for Persons with Disabilities monitors the implementation of these documents, on which it reports to the Government of the Republic of Croatia on an annual basis through the Report on the Work of the Ombudsman for Persons with Disabilities. In addition to these bodies, the implementation of these documents is monitored by associations of persons with disabilities and associations that work for the benefit of persons with disabilities. It should be noted that the development of the National Plan for Equalization of Opportunities for Persons with Disabilities from 2021 to 2027 is underway, as the continuation of strategic planning.</p>
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	Please insert text here
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	There is no urgent need to become a Contracting Party. The rules of the treaty are applied in practice.
Portugal	Please insert text here

Slovakia	Chèz nous, le processus législatif de signature de la Convention a commencé en 2017, mais il a été interrompue en 2018 en raison de la priorité de critère de rattachement : la résidence habituelle de nos citoyens à l'étranger. Les opposants à la signature de la Convention veulent avoir le critère de nationalité. Ce critère est appliqué dans la Convention seulement en tant que critère secondaire après le consentement des autorités de l'Etat contractant ayant compétence en vertu des articles 5 ou 6 de la Convention. La raison secondaire est la réforme de la curatelle en droit civil. Selon la déclaration de programme du gouvernement slovaque, c'est le Ministère de la justice qui prépare dans les années 2020 - 2024 la grande réforme de la curatelle en droit civil. Après la réforme la République slovaque envisagera de signer la convention à nouveau. Donc les réponses à ce questionnaire se rapportent à la situation actuelle avant le changement.
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

2. In considering how your State would implement the 2000 Convention, have you encountered any issues of concern?

No:

Croatia, Hungary, Italy, Mexico, The Netherlands

Yes:

Brazil, Slovakia

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	The 2000 convention amplify the scope of the jurisdiction of the country of the habitual residence which should be carefully assessed by the Brazilian authorities. Jurisdiction rules giving more competence to the country of the habitual residence regarding the protection of adults and their patrimony could affect the current legal framework in Brazil and compromise some expectations shared by the civil society. In Brazil, for instance, there is a rule of exclusive jurisdiction applicable for immovable property which can be partially affected by the treaty provisions.
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here

Hungary	Please insert text here
Italy	Please insert text here
Latvia	Please insert text here
Luxembourg	L'examen doit être fait.
Mexico	Please insert text here
The Netherlands	Please see the precedent response.
Portugal	Please insert text here
Slovakia	Voir réponse à la question 1 ci-dessus.
Sweden	N/A
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

3. Is your State considering joining the 2000 Convention with a view to implementing its obligations under the UNCRPD, *e.g.*, Articles 12 and 16 of the UNCRPD?

Yes:

Hungary, Italy, Luxembourg, Mexico, Slovakia

No:

Argentina, Brazil, Croatia

Please explain:

Argentina	Argentina is part of the UNCRDP. That convention has constitutional rank in our country (Law 27.044).
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Brazil is a Contracting State to UNCRPD. However, as it was mentioned above, the 2000 Convention has to be discussed internally among the Brazilian institutions that would be in charge of applying and implementing it. Since the treaty brings new rules about jurisdiction and applicable law regarding the protection of adults, it is important to analyze if the provisions are in harmony with the Brazilian constitutional and legal system.
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	In the Republic of Croatia, the obligations under the UNCRPD, including those under Articles 12 and 16 of the UNCRPD, have been partially implemented through national legislation, and to the greatest extent possible through the national strategic document on equalization of opportunities for persons with disabilities as stated in the answer to the question under item 1 in Part I of this Questionnaire.
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here

France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	Please insert text here
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	The Netherlands is since 2016 a party to the Convention on the Rights of Persons of Disabilities (UNCRPD).
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	N/A For your information, Sweden is since 2009 a party to the Convention on the Rights of Persons of Disabilities (CRPD) and applies the Convention.
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

PART II – PRACTICAL OPERATION AND IMPLEMENTATION OF THE 2000 CONVENTION

I – Significant developments in your State

1.1. Have there been any significant developments in your State regarding the legislation or procedural rules applicable in cases, including in international situations, of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests? Where possible, please state the reason for the development in the legislation / rules (*e.g.*, in connection with the implementation of the UNCRPD), and, where possible, the results achieved in practice:

No:

Cyprus, Estonia

Yes:

Austria, Belgium, Czech Republic, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Please explain:

Argentina	Please insert text here
Austria	Second Protection of Adults Act, in force since 1.7.2018 focused on autonomy, self-determination and decision-making guidance of vulnerable adults (va
Belgium	La Convention de La Haye du 13 janvier 2000 sur la protection internationale des adultes entrera en vigueur sur le territoire belge le 1er janvier 2021 à la suite du dépôt de son instrument de ratification - et de ses déclarations - le 30 septembre 2020 (article 57.2.a) de la Convention de La Haye du 13 janvier 2000 précitée). La loi du 10 mars 2019 de mise en œuvre de la Convention de La Haye du 13 janvier 2000 sur la protection international des adultes a adopté les mesures suivantes afin d'en garantir la pleine effectivité sur le territoire belge : 1) Elle a désigné le SPF Justice (Service de coopération internationale civile de la Direction générale de la

Législation et des Libertés et droits fondamentaux) en tant qu'autorité centrale (article 1252/9, § 1er, du Code judiciaire). 2) Elle a revu les règles de compétence internationale et celles de droit applicable en matière d'incapacité dans son ensemble (articles 33 et 35 du Code de droit international privé) afin d'améliorer l'articulation existante entre les règles des instruments internationaux auxquels la Belgique est partie (Règlement (CE) n° 2201/2003 du Conseil du 27 novembre 2003 relatif à la compétence, la reconnaissance, et l'exécution des décisions en matière matrimoniale et en matière de responsabilité parentale abrogeant le Règlement (CE) n° 1347/2000, Convention de La Haye du 19 octobre 1996 concernant la compétence, la loi applicable, la reconnaissance, la coopération en matière de responsabilité parentale et de mesures de protection des enfants, Convention de La Haye du 13 janvier 2000 précitée) et les règles du Code de droit international privé. Cette articulation différera selon que la personne concernée aura plus ou moins de dix-huit ans. 3) Elle a instauré une procédure de reconnaissance et de déclaration de la force exécutoire des mesures étrangères, propre à cette matière (articles 23 du Code de droit international privé et 1252/1 à 1252/10 du Code judiciaire). Sous réserve des règles d'autorisation préalables au placement à l'étranger propres à la Convention, cette procédure devrait être appliquée à toute mesure de protection étrangère des personnes de plus de dix-huit ans, peu importe qu'elle émane d'un Etat contractant ou pas. Il sera possible de la combiner avec la procédure interne de mise sous protection judiciaire (régime de protection des incapables majeurs en Belgique) (article 1252/5 du Code judiciaire) afin que la personne concernée bénéficie d'un régime de protection global, que ce soit au niveau national ou au niveau international. Cette procédure devrait être encore informatisée dans le courant de l'année 2021. Cette procédure devrait se dérouler devant le juge de paix de la résidence ou domicile de la personne incapable ou, à défaut d'avoir une résidence ou un domicile sur le territoire belge, du 1er canton de Bruxelles (articles 594, 23°, 627, 6°/1 et 628, 3°/1, du Code judiciaire). 4) Elle a défini une procédure d'autorisation préalable au placement de l'adulte à l'étranger que cette demande émane des autorités belges ou des autorités/autorités centrales étrangères afin d'implémenter en Belgique l'article 33 de la Convention de La Haye du 13 janvier 2000 précitée. Quelles qu'elles soient, toutes ces demandes devront transiter par l'autorité centrale (article 1252/10 du Code judiciaire, déclaration relative à l'article 42 de la Convention de La Haye du 13 janvier 2000 précitée, déposée en même temps que l'instrument de ratification de la Belgique). Si le juge de paix belge veut autoriser le placement d'une personne protégée ou à protéger (personne adulte placée ou à placer sous régime de protection en Belgique) dans un établissement ou un lieu où sa protection peut être assurée dans un Etat partie à la Convention (articles 499/7, § 1er, alinéas 2 à 5, et 499/11, alinéa 2, du Code civil) ou s'il envisage le placement à l'étranger de cette personne en milieu hospitalier ou en milieu familial, celui-ci ne pourra le faire qu'après avoir obtenu l'aval de l'autorité centrale ou de l'autorité étrangère compétente (article 3/1 de la loi du 26 juin 1990 relative à la protection de la personne des malades mentaux). Sa demande de placement sera complétée ainsi que la proposition dûment motivée et un rapport sur la personne protégée seront transmis via l'autorité centrale belge (article 1252/10 du Code judiciaire). La demande de placement en Belgique formulée par une autorité étrangère ou une autorité centrale étrangère d'un Etat partie, accompagnée par la proposition de placement, un rapport sur la personne concernée et les motifs de ce placement visés à l'article 33 de la Convention seront communiqués à l'autorité centrale belge. Le procureur du Roi à qui la demande aura été transmise par l'autorité centrale belge émettra un avis circonstancié et motivé à ce propos. Il pourra s'opposer au placement ou demander de compléter le dossier (article 1252/7 du Code judiciaire). S'il marque son accord et si le placement

	est reconnu par le juge de paix belge par la suite, la décision sera notifiée au procureur du Roi et au directeur de l'établissement/à la personne qui prend en charge l'adulte afin que ce dernier/cette dernière prenne toute mesure nécessaire pour la maintenir sous sa garde, pour effectuer son transport ou son transfert ou, le cas échéant, pour procéder à son admission et ce, sous le contrôle du premier (article 1252/8 du Code judiciaire).
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	A new Civil Code (Act no. 89/2012 Sb., hereinafter referred to as CC") has been adopted in 2012 and is effective from January 2014 along with new procedural rules (Act no. 292/2013 Sb.). The new Civil Code introduced a number of developments concerning the protection of rights of adults with disabilities, who are unable to protect their interests. The new rules have been adopted with respect to the CRPD and to existing ECHR case law. However, at the time of the adoption many rules of the CRPD did not have a clear interpretation. Thus in the following period, there were few minor amendments of the new legislation. The new legislation was followed by new case law and many important court decisions drew attention to the number of systemic guarantees, or emphasized the need to respect them in order to protect these persons without interfering with their autonomy and personal freedom. Significant changes: - it is no longer possible to completely deprive a person of his or her legal capacity. It is only possible to limit it. (§ 55 CC), - no one can be deprived of his or her legal capacity to legal acts in ordinary matters of everyday life (§ 64 CC), - in contrast to the previous regulation, a number of conditions has to be fulfilled in order to limit person's legal capacity. Among others, it can be only done as an ultima ratio measure and there has to be a threat of serious harm (not just hypothetical) to the person concerned, - the limitation of legal capacity mustn't automatically lead to other restrictions of human rights. E.g. limitation of legal capacity does not automatically deprive the person of parental responsibility or right to vote, these rights can be limited only on the basis of an individual assessment of the case by the court, - the limitation of legal capacity is always limited in time and should be of the shortest possible duration. In general, the limit is 3 years, in special cases it could be extended to 5 years - if it is obvious that the person's condition will not improve in time (§ 59 CC), - legal acts made by the person in the limited area without the consent of his guardian can be declared invalid only if they cause harm to the person (§ 65 CC). New legal institutes: - guardian of a person without limited capacity, representation by a household member, assistance in decision-making (described in detail in Section 6 of this questionnaire), - detention of persons in social services facilities - a special legal mechanism addressing the situation of persons held in social services facilities against their will has been revised (described in detail in Section 3.3 of this questionnaire), The issue is addressed in particular by Act No. 108/2006 Sb., on social services, especially §§ 91 to 91b, the court procedure is regulated in Act No. 292/2013 Sb., on special court proceedings, §§ 84-84b. "
Estonia	Please insert text here
Finland	
France	Depuis que la France est devenue partie contractante, des évolutions sont intervenues mais elles concernent la législation interne (voir 1.2)

Germany	<p>1. Third law amending the law on Betreuung" of 29 July 2009 (Bundesgesetzblatt I 2009, p. 2286) - introduction of legal provisions on advance health directives and their legal effect into the German Civil Code* (Sections 1901a und 1901b German Civil Code), accompanied by the change of related procedural rules 2. Law to strengthen the functions of the "Betreuungsbehörde" of 28 August 2013 (Bundesgesetzblatt I 2013, p. 3393) - strengthening of the (mainly advisory) functions of the competent local authorities ("Betreuungsbehörden") before the appointment of a "Betreuer" and during the decisionmaking-process of the court ("Betreuungsgericht") by revision of the provisions of the "Betreuungsbehördengesetz" and of procedural rules 3. Law amending the material admissibility requirements for coercive medical measures and strengthening the right of self-determination of the "betreute" persons of 17 July 2017 (Bundesgesetzblatt I 2017, p. 2426) - revision of the provision on coercive medical treatment (now Section 1906a German Civil Code) and related procedural rules: In order to close a protection gap determined by the Federal Constitution Court in July 2016 the legal admissibility of coercive medical treatment is no longer linked to the placing and detaining of a person in a closed institution but linked to an in-patient treatment in hospital. 4. Draft law on the reform of guardianship law and "Betreuungsrecht" (Bundesrat-Drucksache 564/20). The proposed revision of the existing legislative provisions including procedural rules is focused on autonomy and self-determination of vulnerable adults and the improvement of the quality of "Betreuung" in practice *German Civil Code: https://www.gesetze-im-internet.de/englisch_bgb/ (translation of version dated October 2013) "</p>
Hungary	Please insert text here
Italy	Please insert text here
Latvia	<p>Major improvements in legislation concerning the protection of vulnerable adults in Latvia took place since 2010. Two international conventions (UNCRC and 2000 Convention) became binding in Latvia in 2010 and 2018 respectively. - The civil law reform on legal capacity followed the judgment of the Constitutional Court (adopted on 27 December 2010 in the case No. 2010-38-01, entered into force on 30 December 2010, http://www.satv.tiesa.gov.lv/en/press-release/norms-of-the-civil-law-on-recognition-of-a-person-as-lacking-the-capacity-to-act-do-not-comply-with-the-satversme/,) where the Court recognized that the norms of the Civil Law on recognition of a person as lacking the capacity to act do not comply with Article 96 of the Constitution (Satversme, right to inviolability of private life, https://likumi.lv/ta/en/en/id/57980-the-constitution-of-the-republic-of-latvia). - As a result, in 2013 three new legal instruments were introduced replacing the former regulation on legal incapacity, i.e.,: (a) restricted legal capacity (Sections 355 – 364.1 of Civil Law, Sections 264 – 270.6 of the Civil Procedure Law) - based upon individual assessment of the person, the civil court can restrict his or her legal capacity to act in particular financial matter, also determining to what extent the person can act himself/herself, together with a guardian or a guardian can act independently, the restrictions must be reviewed at least once in seven years, (b) temporary guardianship without restriction of the capacity to act (pagaidu aizgādība bez rīcībspējas ierobežošanas) (Sections 364.2 – 364.3 of Civil Law, Sections 270.7-270.14 of the Civil Procedure Law) – in urgent cases civil court, when establishing temporary guardianship that must not exceed two years, determines the duty of a guardian to conduct only certain matters, e.g. making regular payments to service providers while the person is in a hospital, and (c) continuing powers of attorney (nākotnes pilnvarojums, future authorisation) (Sections 2317.1 – 2317.7 of Civil Law, Sections 277.1-277.6 of the Civil Procedure Law) - a voluntary measure in the form of a notarial deed by</p>

	<p>which everyone can appoint an attorney who can act for the granter in all types of matter in the event of the granter's incapacity). Latvian Civil Law: Civillikums. https://likumi.lv/ta/id/225418 in Latvian, https://likumi.lv/ta/en/en/id/225418-the-civil-law-in-English, Latvian Civil Procedure Law: Civilprocesa likums. https://likumi.lv/ta/id/50500-civilprocesa-likums in Latvian, https://likumi.lv/ta/en/en/id/50500-civil-procedure-law-in-English</p>
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	<p>On 10.02.2019, the regime of the adult accompanied came into force in Portugal, approved by Law No. 49/2018, of 14 August - which aims to guarantee the well-being, recovery, full exercise of the rights of adults, as well as the observance of their duties, focusing on the person, and not only on his /her patrimony. This regime is limited to the minimum necessary so that the beneficiary's self-determination and capacities can, within the circumstances, be ensured. This regulation eliminated the previous interdiction and disablement institutes, changing the rules that regulated them in the Civil Code, as well as the adjective regime provided for in the Civil Procedure Code and several other laws with reference to the disabled. A legislative change that has long been demanded and that was imposed, both by the evident cultural, demographic and scientific evolution, as well as by the imperatives of the instruments of public international law to which the Portuguese State was linked, revealing the (growing) recognition and effective protection rights of persons (adults) with disabilities or reduced capacity. The accompaniment must be limited to the minimum necessary. However, depending on each case and regardless of the request, the court can assign the companion the functions associated with the following regimes: the exercise of parental responsibilities or the means to fulfil them, the general representation or special representation with express indication of the categories of acts for which it is necessary, the total or partial administration of assets, prior authorization to practice certain acts or categories of acts and interventions of another type, which are duly explained. The companion must ensure the adult well-being and rehabilitation, maintaining permanent contact with him. Visits must be at least monthly or otherwise deemed appropriate by the court. The accompaniment process is urgent and the rules of voluntary jurisdiction apply, with the necessary adaptations. The adult can freely exercise his / her personal rights and the conclusion of business in his /her current life, unless there is a legal provision or judicial decision to the contrary. Personal rights are considered, namely, the rights to marry or to constitute situations of union, to procreate, to profile or to adopt, to care for and educate children or adoptees, to choose a profession, to take off in the country or abroad, to establish home and residence and to establish relationships and to make a will. The placement of an adult is dependent on judicial authorization. In case of urgency, placement can be immediately requested by the accompanying person, subject to ratification by the judge. This legislation is built on the principle of subsidiarity. In order to ensure the well-being and recovery of the adult, to guarantee the full exercise of their rights and the fulfilment of their duties, the accompanying measures are only enacted when the purposes that continue with it are not guaranteed through the general duties of cooperation and assistance, which means that, regardless of the verification of the subjective and objective requirements of the accompanying measure, the appointment of a companion may not be normatively justified. The idea is not to incapacitate the adult, but to help him / her, giving him/her the necessary support, so that he /she can fully exercise his /her legal capacity.</p>
Slovakia	Veillez saisir les informations demandées ici

Sweden	Please insert text here
Switzerland	<p>Le nouveau droit de la protection de l'adulte est entré en vigueur le 1er janvier 2013. Les principales évolutions ont été les suivantes: - Le droit de la personne de disposer d'elle-même a été favorisé, notamment en proposant le mandat pour cause d'inaptitude et les directives anticipées du patient. - On a tenu compte du fait que les proches de la personne incapable de discernement souhaitent prendre eux-mêmes certaines décisions, sans l'intervention d'une autorité. - La protection des personnes incapables de discernement vivant dans une institution a été rendue plus efficace. - La curatelle a remplacé toutes les anciennes mesures tutélaires, et est devenue une mesure sur mesure" afin de limiter l'assistance étatique au strict nécessaire. - La réglementation du placement à des fins d'assistance dans une institution a renforcé la protection juridique. - Toutes les décisions en matière de protection de l'adulte (et de l'enfant) ont été soumises à une même autorité interdisciplinaire, dont l'organisation interne relève de la compétence des cantons. - La responsabilité de l'État a été modernisée. - Les dispositions relatives aux actes que la personne peut accomplir seule ont été généralisées et complétées. L'ancien droit de la protection de l'adulte suisse n'avait pas subi de modifications importantes depuis son entrée en vigueur en 1912 (à l'exception des dispositions sur la privation de liberté à des fins d'assistance) et ne répondait plus aux besoins et conceptions actuels et a donc été totalement révisé. La révision s'inscrit dans la ligne des nouvelles lois adoptées dans les États limitrophes et voisins et du droit (et recommandations) au niveau européen. "</p>
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	<p>In response to the Covid-19 pandemic emergency legislation affecting adults lacking capacity was brought in as part of a wider suite of emergency measures under the Coronavirus (Scotland) Act 2020. In March 2020 in the first wave of the pandemic the courts and the Office of the Public Guardian (OPG) were all but closed and there was very little availability of mental health officers and doctors. This meant that there was a danger that guardianships would fall because the reports required for renewal applications could not be obtained and the application could not be processed by the courts and OPG. A similar situation existed for re-certification by doctors, of certificates for medical treatments of adults lacking capacity To respond to this, legislation was brought in to 'stop the clock' on expiry of the existing orders and certificates. Once the clock was started again, the remaining time left on the order or certificate would run. This allowed guardianships to remain in place and took the pressure of mental health officers, doctors, the courts and OPG. The provisions were extended and suspended for six months at the end of September 2020, as stakeholder feedback indicated they were no longer needed but may be should there be a second wave. Since then the provisions have not been required, however consideration is being given at present to extending and suspending for another six months. The Adults with Incapacity (Scotland) Act 2000 has been in need of reform for some time. Consultations have taken place in 2014, 2016 and 2018 on various aspects of this. The Minister for Mental Health announced a wide ranging review of mental health and incapacity law (the Scott Review) in March 2019, at which point the decision was taken to pause AWI review pending the outcome of the Scott Review. The review is due to announce its findings in October 2022. Consideration is being given to bringing forward legislation that cannot wait for legislation arising out of the Scott Review findings. This could include a type of short term placement order, to allow adults lacking capacity to be moved temporarily to more suitable accommodation should their circumstances require it.</p>

1.2. Please provide a brief summary of any significant decisions concerning the interpretation and / or application of the 2000 Convention rendered by the competent authorities in your State, including in the context of the UNCRC and other relevant instruments:

Argentina	Please insert text here
Austria	none
Belgium	La Belgique n'est pas encore partie à la Convention mais le sera le 1er janvier 2021. Cette question n'appelle donc pas de réponse.
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	No significant decisions were taken concerning the interpretation and /or application of the 2000 Convention.
Czech Republic	N/A
Estonia	There have been no decisions bound to 2000 Convention
Finland	
France	Veillez saisir les informations demandées ici
Germany	German competent authorities state with regard to the Convention that, in general, they have little practical experience applying it. Thus, there are no significant decisions to provide in a brief summary.
Hungary	Please insert text here
Italy	Please insert text here
Latvia	Until 2021 there has been only one case in Latvia that has been considered in the court according to the 2000 Convention. The case is not yet finished, the appeal proceeding is initiated. The essence of the case is the issue of reviewing the restriction of a person's legal capacity.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	The Public Prosecution Service understands that, according to articles 22 to 25 of the Convention, in conjunction with Portuguese law, for foreign decisions to be enforced in Portugal, they will have to be reviewed and confirmed by Portuguese courts. According to Article 22 (1) of the Convention on the International Protection of Adults, The measures taken by the authorities of a Contracting State shall be recognised by operation of law in all other Contracting States". Article 23 provides that "any interested person may request from the competent authorities of a Contracting State that they decide on the recognition or non-recognition of a measure taken in another Contracting State. The procedure is governed by the law of the requested State". Article 25 further provides that " If measures taken in one Contracting State and enforceable there require enforcement in another Contracting State, they shall, upon request by an interested party, be declared enforceable or registered for the purpose of enforcement in that other State according to the procedure provided in the law of the latter State. Each Contracting State shall apply to the declaration of enforceability or registration a simple and rapid procedure". In the explanatory report of the Convention, in the notes prepared by Paul Lagarde, it is clear that "if the measures taken and enforceable in a Contracting State are to be carried out in another Contracting State, they must, at the request of any interested party, be declared enforceable or registered for the purposes of enforcement in that other State in accordance with the procedure

	provided for by the law of that State ". In other words, the Convention does not exclude, for the purposes of implementing measures, the exequatur procedure. The exequatur procedure provided for by Portuguese law corresponds to the special procedure provided for in article 978. ^o of the Portuguese Code of Civil Procedure. The purpose of the review process is not to obtain a national judgment identical to the foreign judgment, but a national judgment allowing the foreign decision to operate in our legal order. Thus, the decisions taken in other Contracting State must be reviewed and confirmed, by Portuguese Court of Appeal, which will only confirm the decision when there is no doubt as to the authenticity of the document containing the decision, and that it has become final under the law of the country in which it was given. "
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	-
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	No summary required. Scotland have dealt with very few cases and all have been straightforward.

1.3. Please provide a brief summary of any other significant relevant developments in your State since it became a Contracting Party to the 2000 Convention:

Argentina	Please insert text here
Austria	none
Belgium	La Belgique n'est pas encore partie à la Convention et le sera le 1er janvier 2021. Cette question n'appelle donc pas de réponse.
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	We cannot provide a summary because no significant developments took place in Cyprus.
Czech Republic	The Ministry of Justice evaluates the application of the new rules concerning people with disabilities who are unable to protect their rights. The findings were presented to the (professional) public. The analytical material is available online: https://justice.cz/web/msp/opatrovnicka-agenda , title Decision on legal capacity". "
Estonia	-
Finland	Finland is a party to the UNCRPD since 2016. The Convention came into force in Finland in June 2016.
France	Création de l'habilitation familiale en 2015. En 2019, la loi de programmation et de réforme pour la justice du 23 mars 2019 a réformé en profondeur les droits des majeurs protégés en renforçant leur autonomie pour les actes personnels que sont le mariage, le partenariat civil de solidarité et le divorce. Les majeurs en tutelle ont également récupéré leur droit de vote. Cette loi a modifié l'organisation du contrôle des comptes de gestion des majeurs protégés.
Germany	The German Federal Ministry of Justice has from July 2018 until the end of 2019 conducted a comprehensive process of discussion on the reform of the Betreuungsgrecht" which included all relevant stakeholders as well as self-advocates (e.g. persons for whom a "Betreuer" is appointed). The main focus of this process was how to improve the implementation of the UNCRPD. Subsequent to this

	process a draft law was prepared and is currently going through the legislative process, see above point 4 under 1.1. "
Hungary	Please insert text here
Italy	Please insert text here
Latvia	Until 2021 there are no significant developments since Latvia became a Contracting party to the 2000 Convention
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Since the entry into force, in Portugal, of the Convention on the International Protection of Adults, and after having designated the Prosecutor General's Office as the Central Authority, we note the important role it plays in resolving issues that demand an adequate response in the field of rights of adults who are nationals and live in another country and which sometimes imply a quick and effective resolution, namely in the field of the administration of assets belonging to people who suffer from a deficiency or insufficient personal capacity. In the pursuit of its mission and in the exercise of its powers, the Central Authority has made a special effort to establish efficient forms of communication, both with other central authorities and with Public Prosecution Services. Collaborative relationships were also built with the various services and entities that intervene in these cases, namely with the Social Security Institute and the Ministry of Foreign Affairs. The Prosecutor General Office has already indicated to the Government and the Portuguese Assembly of the Republic, in an opinion on legislative amendment to the Civil Procedure Code, the need to consider the adoption of a simpler recognition and enforcement mechanism, in accordance with the provided for in Articles 22 to 27 and 41 of the Convention
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	-
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	The Minister of Mental Health announced an independent review of mental health and incapacity legislation in March 2019, chaired by John Scott QC. It's terms of reference can be found at https://www.mentalhealthlawreview.scot/ and include making recommendations that gives effect to the rights, will and preferences of the individual by ensuring that mental health, incapacity and adult support and protection legislation reflects people's social, economic and cultural rights including UNCRPD and ECHR requirements The Scottish Government is also actively considering proposals to incorporate UN conventions, including UNCRPD into Scots Law.

II – General operation information

2.1. Please indicate the number of cases handled by your Central Authority since the 2000 Convention came into force for your State:

Argentina	Please insert text here
Austria	approx. 20 cases the year
Belgium	La Belgique n'est pas encore partie à la Convention et le sera le 1er janvier 2021. Cette question n'appelle donc pas de réponse.
Brazil	Please insert text here

Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	One case
Czech Republic	28
Estonia	There have been no cases through central authority
Finland	In the Finnish Central Authority, there have been less than ten cases in total.
France	127 dossiers
Germany	Since the Convention entered into force (1 January 2009) the Central Authority handled 132 cases in total, thereof 67 outgoing and 65 incoming cases.
Hungary	Please insert text here
Italy	Please insert text here
Latvia	So far only two cases, one in 2019 and one in 2020.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Since 1 July 2018 and until 31 December 2019, 36 dossiers have been opened. By reporting to the 36 dossiers registered in the referred period, 11 originated in communications received directly from other Central Authorities, namely: from France (3) and Switzerland [8 (1 from the Canton of Schwyz, 3 from the Canton of Vaud, 3 from the Canton of Geneva and 1 of the Canton of St. Gallen)] and 12 started with communications received directly from functional structures of the Portuguese Public Prosecution Service. The other 13 started with communications from other entities (directly from citizens, lawyers, consulates, among others). In 2020, until 20 november 2020, 26 new files have already been opened. By reporting to the 26 dossiers registered in the referred period, 4 originated in communications received directly from other Central Authorities, namely from Switzerland (1 from the Canton of Vaud, 2 from the Canton of Geneva and 1 of the Canton of Fribourg)] and 19 started with communications received directly from functional structures of the Portuguese Public Prosecution Service.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	L'application de la Convention de 2000 étant, en Suisse, en principe du ressort des cantons, nous n'avons pas de statistique à notre disposition. D'après ce que les autorités centrales cantonales et autres autorités cantonales compétentes nous indiquent, il y a nettement moins de dossiers sous la Convention de 2000 que sous la Convention de 1996, mais la Convention de 2000 est régulièrement appliquée. Notre Autorité centrale reçoit en outre souvent des questions relatives à l'application de la Convention de 2000.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	1

2.2 Please indicate, if possible, the names of the Contracting Parties involved in the cases referred to in question 2.1.:

Argentina	Please insert text here
Austria	mainly Germany and Czech Republic

Belgium	La Belgique n'est pas encore partie à la Convention et le sera le 1er janvier 2021. Cette question n'appelle donc pas de réponse.
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	The case involved Switzerland.
Czech Republic	Austria (2) , France (2), Germany (21), Switzerland (4)
Estonia	-
Finland	There have been cases e.g. with Germany, France and Estonia.
France	La Suisse, l'Allemagne, le Portugal, la République Tchèque, l'Ecosse, l'Autriche, la Finlande et Monaco
Germany	The Central Authority handled cases with Switzerland, France, Czech Republic, Scotland, Austria, Finland, Portugal and Monaco.
Hungary	Please insert text here
Italy	Please insert text here
Latvia	In both cases Scotland, the United Kingdom.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	By reporting to the 36 dossiers registered in the period from 1 July 2018 to 31 December 2019, 11 originated in communications received directly from other Central Authorities, namely: from France (3) and Switzerland [8 (1 from Canton Schwyz, 3 from the Canton of Vaud, 3 from the Canton of Geneva and 1 from the Canton of St. Gallen)]. We also receive requests for information from other entities, which are not Central Authorities: from France (Instance à Sens", "Instance Lorient" and from the "Centre Hospitalier Universitaire de Reims", from Switzerland (from the Portuguese Consulate) In 2020, by reporting to the 26 registered files, 4 originated from communications received directly from the Swiss Central Authority: 2 from the Canton of Geneva, 1 from the Canton of Vaud and 1 from the Canton of Friborg We also receive one request for information from other entities, which are not Central Authorities: for instance, from the Portuguese Consulate in Switzerland. "
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	France et Allemagne principalement. Nous recevons cependant beaucoup de demandes concernant des États non contractants, Italie et Espagne surtout.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	France

2.3. Please indicate the month and year when the 2000 Convention came into force for your State:

Argentina	Please insert text here
Austria	1022014
Belgium	Elle entrera en vigueur le 1er janvier 2021.
Brazil	Please insert text here

Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	The convention has been signed on April 1st 2009 and ratified on June 25th, 2018.
Czech Republic	1-VIII-2012
Estonia	1-11-2011
Finland	1-3-2011
France	Janvier 2009
Germany	1-1-2009
Hungary	Please insert text here
Italy	Please insert text here
Latvia	1-3-2018
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	1-7-2018
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Juillet 2009.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Ratified 5 November 2003 Entry into force 1 January 2009

2.4. Please indicate the number of Full Time Equivalents (FTEs) employed at this moment by your Central Authority dedicated to the operation of the 2000 Convention:

Argentina	Please insert text here
Austria	0,1 FTE
Belgium	La Belgique n'est pas encore partie à la Convention et le sera le 1er janvier 2021. Cette question n'appelle donc pas de réponse.
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	0.01 FTE
Czech Republic	The Central Authority for the Convention is within the EU Civil Law Unit of the International Department for Civil Matters. There are no employees designated only for this Convention, mainly due to the limited human resources at the Ministry of Justice.
Estonia	0
Finland	There are two employees working with these matters among other Central Authority duties (e.g. 1980, 1996 and 2007 Conventions).
France	0.15 ETP rédacteur et 0.15 ETP greffe
Germany	0,5
Hungary	Please insert text here
Italy	Please insert text here

Latvia	Issues with the operation of the 2000 Convention are mostly dealt with the International Cooperation Department of the Ministry (also the Central Authority under a number of international conventions and EU legal acts), which consists of 8 lawyers, yet in particular cases the assistance of other departments (e.g. Department of Civil law (2 lawyers are usually involved), Department of Law Politics, etc.) has been also sought, if relevant. However, there are no employees designated only for the operation of the 2000 Convention. Might be approximately 0,5 FTEs.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Miguel Ângelo Carmo, Prosecutor, Legal Advisor to the Prosecutor General, Inês Robalo, Prosecutor, Legal Advisor to the Prosecutor General, Isabel Capela, Senior Legal Official None of the members works exclusively in the functions of the Central Authority, simultaneously performing other functions.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Notre Autorité centrale est constituée d'un team qui s'occupe des Conventions de 1980, 1996 et 2000, la Convention de 2000 est clairement celle qui nous occupe le moins. La situation est à peu près la même pour les autorités centrales cantonales.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	None

III – Scope

3.1. Have competent authorities in your State experienced any challenges, or have questions arisen, in determining the scope of the Convention under **Article 1** (meaning of “adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests”), **Article 2** (meaning of “adult”) or **Article 3** (meaning of “measures”)?

No:

Austria, Belgium, Cyprus, Estonia, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

Czech Republic

Article 1 (meaning of “adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests”)

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici

Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

Article 2 (meaning of “adult”)

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here

Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

Article 3 (meaning of “measures”)

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Sometimes it is difficult to recognise which measure is requested by the foreign authority. As a solution we would suggest to use the forms as it would ease the communication.
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	Not always the foreign measures of protection are known and their basic nature and consequences are not always clear.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici

United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

Other:

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

3.2. Please indicate whether the following measures are available in your State and describe their fundamental features including the conditions that must be met for an adult to be subject to such measures (tick more than one box if applicable):

Guardianship:

Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Hungary, Italy, Latvia, Luxembourg, Mexico, Sweden, United Kingdom - Scotland

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	<p>Depuis la réforme de 2013, la Belgique n'a plus qu'un seul régime de protection des incapables mais celui-ci est adapté à chaque situation. La tutelle correspondrait au régime de protection judiciaire de la personne de l'incapable majeur. Le juge de paix devra se prononcer obligatoirement sur certains actes visés à l'article 492/1, § 1er, alinéa 3, du Code civil mais pourra étendre ce régime à d'autres actes qui n'y sont pas repris. Le régime d'incapacité se limitera aux actes énumérés dans son ordonnance de mise sous protection judiciaire. En l'absence d'indication expresse dans son ordonnance, la personne reste capable de poser un acte relatif à la sa personne (article 492/1, § 1er, alinéas 2 et 3, du Code civil). Le contrat de mandat de protection extrajudiciaire, qui organise la gestion des intérêts patrimoniaux et personnels avant que le mandant ne soit plus en état de le faire en raison de son état de santé, constitue la règle (article 492, alinéa 1er, du Code civil). Ce contrat pourra continuer à sortir ses effets après que le majeur soit devenu incapable. Ce n'est qu'en l'absence de régime de protection extrajudiciaire que le juge peut ordonner une mesure de protection judiciaire du moins lorsque le majeur est, en raison de son état de santé, totalement ou partiellement hors d'état d'assumer lui-même, comme il se doit, sans assistance ou autre mesure de protection, fût-ce temporairement, la gestion de ses intérêts patrimoniaux ou non patrimoniaux. La mise en place de semblable régime n'est cependant possible que si (principe de nécessité) et dans la mesure où la protection des intérêts de la personne le nécessite (article 488/1, alinéa 1er, du Code civil). Le Code civil privilège la mise en place d'un régime de protection judiciaire d'assistance sous la supervision d'un administrateur (ce dernier ne fait alors que parfaire l'accomplissement de certains actes que la personne protégée ne peut plus poser en toute autonomie (cosignature,...)) (article 491, f) et 492/2, du Code civil). Ce n'est que si la personne ne peut être placée sous régime de protection judiciaire d'assistance qu'elle pourra être placée sous régime de protection judiciaire de représentation. Son administrateur agira alors en son nom et pour son compte (article 491, g), et 492/2, du Code civil).</p>
Brazil	
Canada - British Columbia	Please insert text here
Canada - Québec	Veuillez saisir les informations demandées ici
Croatia	<p>The provisions of the Family Act (Official Gazette, No. 103/15 and 98/19) prescribe the institute of guardianship for adults. The provision of Article 232 of the Family Act prescribes, inter alia, that guardianship for adults means guardianship over an adult deprived of legal capacity. Furthermore, the Family Act in the provisions of Article 233 prescribes basic principles, in such a way that the protection of persons with disabilities, if possible, is provided by other means and measures, provided by special regulations, before a decision is made on deprivation of legal capacity and guardianship, while it is necessary to strive for the smallest possible restrictions on the rights of the ward and to take into account the personality, current or previously expressed attitudes of the relevant person, as well as the protection of the dignity and well-being of the ward as a person under guardianship. The same basic principles prescribe the need to encourage independent decision-making by the wards and at the same time the need to provide support in decision-making, as well as participation in community life with the duty of the guardians to accept the wishes and personal views of the ward unless they are contrary to the ward's benefit. The provisions of Article 234 of the Family Act prescribe the preconditions, scope, procedure and content of deprivation of legal capacity, in such a way that the court</p>

will, in non-contentious proceedings, deprive of legal capacity in the relevant part an adult who is unable to take care of any of his/her rights, needs or interests, or who endangers the rights and interests of other persons he/she is obliged to care for. The relevant person cannot be completely deprived of legal capacity. Before making a decision on the deprivation of legal capacity, the court shall obtain an opinion of an expert in the relevant branch of medicine on the health condition of the person for whom the deprivation of legal capacity was initiated, and the impact of that condition on his/her ability to protect his/her individual right or group of rights, or on jeopardizing the rights and interests of other persons. These provisions further stipulate that in the decision on deprivation of legal capacity the court will determine the actions and activities that a person is not able to undertake independently in relation to personal status and property, while for the tasks not specified in the relevant decision the persons deprived of legal capacity will have legal capacity and therefore can take them on their own. Article 235 of the Family Act stipulates that anyone may inform the social welfare center of the need to provide protection to persons who, due to mental disabilities or other reasons, are unable to take care of some of their rights, needs or interests, or who jeopardize the rights and interests of others for whom they are obliged to care for. In addition, the same provisions stipulate that health care institutions and elected general practitioners, i.e. family medicine doctors, are obliged to submit data on mental disorders and other causes due to which a person is unable to take care of his/her rights and interests, at the request of the social welfare center or ex officio. Before obtaining the relevant information, the consent of the person on whom the information are provided, or the consent of his or her legal representative, is required. The provisions of Article 236 of the Family Act prescribe the powers of the social welfare center in proceedings for deprivation of legal capacity, and thus stipulate that the social welfare center will propose to the court to initiate proceedings for deprivation of legal capacity when it assesses that a person is unable to take care of any of his/her rights, needs or interests, or who jeopardizes the rights and interests of other persons he/she is obliged to care for. After above proceedings have been instituted, the social welfare center shall appoint a special guardian for the relevant person in accordance with the provision of Article 241, paragraph 1, Item 1 of the Family Act, unless that person has authorized a proxy. Aforementioned special guardian is a person who has passed the bar exam and is employed in the Center for Special Guardianship, unless the person in respect of whom the procedure for deprivation of legal capacity is conducted, has designated a person for whom he/she wishes to represent him/her in the procedure for deprivation of legal capacity (anticipated order), and in this case the social welfare center will appoint that person as a special guardian if he/she meets other preconditions for appointment as a guardian prescribed by the Family Act. The provision of Article 237, paragraph 1 of the Family Act stipulates that the social welfare center is obliged to issue a decision on placing that person under guardianship and appointing a guardian within thirty days of the court decision depriving the person of legal capacity. The provisions of Article 239 of the Family Act prescribe the termination of guardianship for adults in the following way: "(1) In non-contentious proceedings, the court may decide to reduce the scope of deprivation of legal capacity to a person who has been deprived of legal capacity, or to restore legal capacity to the relevant person. (2) Guardianship for adult wards shall cease when the decision on the restoration of legal capacity becomes final or the ward dies.. The provisions of Article 248 of the Family Act stipulate: "A guardian may not be a person: 1. who is deprived of the right to parental care, 2. who is deprived of legal capacity, 3. whose interests are in conflict with the interests of the ward, 4. who, considering his/her behavior and characteristics and relations with the ward, cannot be expected to perform properly the duties of a guardian, 5. with

	<p>whom the ward has concluded a lifetime or lifelong maintenance contract, and 6. with whose spouse, or extramarital partner the ward has entered into a lifetime or lifelong maintenance contract.”. The provisions of Article 496 of the Family Act stipulate: “(1) Proceedings for deprivation of legal capacity may be initiated ex officio by the court, social welfare center, spouse of the person for whom the proceedings are conducted, his/her blood relatives in the direct line and in the collateral line to the second degree. (2) The proceedings for the restoration of legal capacity may be initiated ex officio by the court, the person referred to in paragraph 1 of this Article, the guardian with the approval of the social welfare center or the person for whom the proceedings for restoring legal capacity will be conducted.”. The provision of Article 497 of the Family Act stipulates that in proceedings for the purpose of deprivation and restoration of legal capacity, the court with general territorial jurisdiction over the person against whom the proceedings are being conducted, has the jurisdiction for the relevant proceedings. In addition to already described case of appointing a special guardian from the provision of Article 241, paragraph 1, Item 1 of the Family Act, Article 241 of the Family Act prescribes institutes of special guardianship for adults as follows: “(1) In order to protect certain personal and property rights and interests, the social welfare center shall appoint a special guardian: 1. to the person in respect of whom the proposal for deprivation of legal capacity has been submitted, except in the case referred to in Article 236, paragraph 2 of this Act, 2. to a person who has unknown place of residence for at least three months or is not available, and has no proxy, in matters decided in accordance with the provisions of this Act, 3. to the ward when there is a conflict of interest between him/her and his/her guardian or close relative, or spouse of the guardian, in property proceedings or disputes, or in concluding certain legal affairs, 4. to the wards in the event of a dispute or legal transaction between them when they have the same guardian, and 5. exceptionally, to a person in impediment or inability to perform single urgent actions that need to be taken to protect the rights and interests of that person. (2) The special guardian referred to in paragraph 1 of this Article is a person who has passed the bar examination and is employed in the Center for Special Guardianship referred to in Article 544 of this Act, or a person appointed by a notary document (anticipated order) referred to in Article 236 paragraph 6 of this Act. (3) The provisions of Article 240, paragraph 2 of this Act shall apply to the duty of special guardian in the appropriate manner. (4) The center for social welfare shall appoint a special guardian outside the Center for Special Guardianship in cases referred to in paragraph 1, Item 5 of this Article. (5) The special guardian referred to in paragraph 1 of this Article, who is not an employee of the Center for Special Guardianship, must meet the preconditions prescribed by this Act for the appointment of guardians.”.</p>
Cyprus	<p>A guardianship is granted by the court according to articles four, five and six of the Cypriot Law on the Management of the Property of Disabled Persons 1996 (23(I)/1996)”. The person appointed as a guardian can be next of kin or the Director of Social Welfare Services.</p>
Czech Republic	<p>Guardian can be appointed by court if it is necessary to protect interests of an individual, or if required by a public interest. A court shall in particular appoint a guardian for a person whose legal capacity has been limited by the court, for a person of unknown whereabouts, an unknown person participating in certain legal acts or a person whose health condition is causing him difficulties in administering his assets and liabilities or defending his rights. See §§ 465 et sec. CC. The duties of a guardian include maintaining contact with the represented person in an appropriate manner and to the extent required, showing genuine interest in the represented person, as well as taking care of his or her health condition, and ensuring the fulfilment of his or her rights and protection of his or her interests. When making a decision on the matters of the represented person, the guardian shall clearly explain</p>

	<p>to him or her the nature and consequences of the decision. In the performance of his duties, the guardian fulfils the legal declarations of the represented person and respects his or her opinions, even if expressed previously, including his or her beliefs or creed, systematically takes them into account and arranges the matters of the represented person accordingly. If this is not possible, the guardian shall proceed according to the interests of the represented person.</p>
Estonia	<p>According to the Family Law Act (FLS) § 173, a court decides on establishment of guardianship on its own initiative or on the basis of an application of a rural municipality or city government or an interested person. A court may address a rural municipality or city government in order to find a person suitable to act as a guardian. FLA § 203 stipulates the prerequisites for establishment of guardianship: (1) If an adult person is permanently unable to understand or direct his or her actions due to mental illness, mental disability or other mental disorder, a court shall appoint a guardian to him or her on the basis of an application of the person, his or her parent, spouse or adult child or rural municipality or city government or on its own initiative. (2) A guardian shall be appointed only for the performance of the functions for which guardianship is required. Guardianship is not required if the interests of an adult can be protected by granting authorisation and through family members or other assistants. Upon establishment of guardianship, a court shall assess the person's capability to understand the legal consequences of contraction of marriage, acknowledgement of paternity and other transactions concerning family law. (3) A guardian's duties may include exercise of a ward's rights against third persons. (4) A court shall verify at least once every five years whether the continuation of guardianship over a ward is necessary for the protection of the interests of the ward and whether grounds exist for extension or restriction of the duties of the guardian by making a respective ruling.</p>
Finland	<p>In Finland, the guardianship is governed by the Guardianship Services Act (442/1999). Section 8 of the Act states that if an adult, owing to illness, disturbed mental faculties, diminished health or another comparable reason, is incapable of looking after his/her interests or taking care of personal or financial affairs in need of management, a court may appoint a guardian for him/her. Where necessary, a guardianship authority shall file a petition with a district court for the appointment of the guardian. The guardian may be appointed if the person whose interests need to be looked after does not object to the same. If he/she objects to the appointment of the guardian, the appointment may nonetheless be made if, taking his/her state and need for a guardian into account, there is no sufficient reason for the objection. The task of the guardian may be restricted to cover only a given transaction, matter or property. In addition to a court, also a guardianship authority may appoint a guardian in situations specified in section 12 of the Act. Section 18 of the Act states that if an adult is unable to take care of his/her financial affairs and his/her property, livelihood or other important interests are thereby endangered, and the appointment of a guardian is not alone sufficient to safeguard his/her interests, a court may restrict his/her competency by ordering that: (1) he/she may enter into given transactions or administer given property only in conjunction with the guardian, (2) he/she is not competent to enter into given transactions or to administer given property, or (3) he/she is declared incompetent. No one shall be declared incompetent if the other options available under paragraph (1) are sufficient to safeguard his/her interests. Also, the competency of a person shall not otherwise be restricted more than what is necessary for the safeguarding of the interests of that person. The restriction shall not be extended to transactions which an incompetent person is by law entitled to enter into. However, for important reasons, a court may restrict the competency of a person to decide on the proceeds of his/her own work earned after the order has been issued.</p>

France	Elle concerne la personne qui doit être représentée d'une manière continue dans les actes de la vie civile. Cela nécessite que la personne soit dans l'impossibilité de pourvoir seule à ses intérêts en raison d'une altération, médicalement constatée, soit de ses facultés mentales, soit de ses facultés corporelles de nature à empêcher l'expression de sa volonté. La tutelle n'est prononcée que s'il est établi que ni la sauvegarde de justice, ni la curatelle ne peuvent assurer une protection suffisante.
Germany	Comment: In German law a guardianship (Vormundschaft") for adults does not exist. For matters of translation in this questionnaire the term "adult guardianship" is hereinafter used for translating the German "Betreuung" for adults, see answer to 3.3. However, mostly the German term "Betreuung" is used in order to make clear that it is a special form of court-appointed representation for adults which has to be clearly differentiated from the guardianship for minors."
Hungary	Act V of 2013 on the Civil Code Section 2:21 [Guardianship] (1) Persons of legal age whom the court has placed under guardianship fully limiting their legal competency are deemed legally incompetent. (2) Persons of legal age whose necessary discretionary ability for conducting their affairs is - owing to their mental disorder - completely lacking shall be placed by court order under guardianship that fully limits their competency in all matters of life, where this is deemed justified due to their individual circumstances and family and social ties. (3) Guardianship with fully limited legal competency may be ordered by the court if the protection of the rights of the person affected cannot be ensured by other means without prejudice to legal capacity, nor by partially limited competency.
Italy	The guardian takes care of a person under judicial disability, represents him/her in all civil acts and administers his/her assets
Latvia	- Restricted legal capacity (Sections 355 – 364.1 of Civil Law, Sections 264 – 270.6 of the Civil Procedure Law) If a person has health disorders of mental nature or other, his/ her capacity to act may be restricted, if it is necessary in the interests of such person and it is the only way how to protect them. The civil court can restrict somebody's legal capacity to act, based upon individual assessment of the person, only in economic and financial matters if it is the only way how to protect the adult. In determining the extent of restriction of the capacity to act the court may consider restricting of the capacity to act in such areas as: 1) making and receiving of payments, 2) entering into transactions, 3) action involving property and management thereof, particularly alienation, pledging and encumbering of immovable property with property rights, 4) conducting of commercial activity and economic activity. A court may assess the extent of restriction of the capacity to act also in other field, except in personal non-financial rights (e.g., to give an informed consent for a treatment, to marry, to divorce, to meet other people, to vote, to make a will, to submit an application or request information to state institutions, and others), as well as to defend his/her rights and lawful interests in institutions and court in relation to his or her restrictions for the capacity to act and freedom, disagreements, disputes with guardian and appointment and removal of the guardian. In this case, the court restricts the legal capacity to act in specific areas and establishes guardianship, also determining whether and to what extent the person acts herself/himself, whether a guardian acts with the person together or to what extent a guardian acts independently. Bāriņtiesa (the Orphan's and Custody Court - administrative institution in adult guardianship cases) appoints one or several guardians who are assigned to act to the extent determined by the court. The court's determined restrictions must be reviewed at least once in seven years. - Temporary adult guardianship without restriction of the capacity to act (Sections 364.2 – 364.3 of Civil Law, Sections 270.7-270.14 of the Civil Procedure Law) Temporary adult guardianship without restriction of the capacity to act can be used in exceptional and urgent cases (e.g. if a person is in coma or had a stroke) to protect a person's

	<p>interests. For a person who has health disorders of mental nature or other and who cannot understand the meaning of his or her action or cannot control his or her action, a civil court may establish temporary adult guardianship without restriction of the capacity to act, if: 1) it is urgently necessary in the interests of a person, 2) disorders are temporary, and 3) a person cannot cause damage to himself or herself by his or her active action. Temporary adult guardianship shall be established if it is the only way to protect a person's interests. In this case, the civil court determines the duty of a guardian to conduct only certain matters. The conduct of certain matters shall be related to conducting of urgent matters of the person or ensuring of basic needs or care for the person. (e.g. to allow a guardian to pay a mortgage while a person is in a hospital). When establishing temporary adult guardianship, it must not exceed two years. Comment: In Latvian law a guardianship ("aizbildnība" in Latvian) is for children. However, "adult guardianship (trusteeship)" ("aizgādņība" in Latvian) is for adults. "</p>
Luxembourg	<p>Il s'agit de la mesure de protection la plus forte. Les causes de placement sont les mêmes que pour la curatelle, à savoir lorsque les facultés mentales sont altérées par une maladie, une infirmité ou un affaiblissement dû à l'âge. Les personnes concernées ne sont pas capables d'effectuer les actes de la vie courante d'une manière continue et sont de ce fait représentées en permanence par un tuteur. Pour l'ouverture de cette mesure de protection, un certificat soit d'un médecin spécialiste, soit d'un médecin généraliste, complété par un avis d'un médecin spécialiste, est nécessaire. On distingue plusieurs formes de tutelle: -La gérance de tutelle Elle représente une forme plus faible de tutelle. Elle est souvent établie si la fortune est insignifiante et si la personne vit dans une institution. La gérance de tutelle peut être confiée à un préposé appartenant au personnel administratif d'une institution ou à un administrateur spécial. Pour tous les actes qui dépassent la gestion courante, le gérant de la tutelle doit se munir de l'autorisation du juge des tutelles. - L'administration légale L'administrateur légal est désigné parmi le cercle des proches parents ou peut être une personne morale (p.ex. une asbl). L'administration se fait sous contrôle judiciaire. -La tutelle complète Cette tâche peut être remplie par le conjoint, qui est le tuteur de droit, sauf quelques exceptions. Si un membre de la famille doit devenir tuteur, le conseil de famille qui se constitue à l'ouverture d'une tutelle désigne un tuteur parmi les membres de ce conseil. En même temps un subrogé-tuteur est choisi, qui contrôle le tuteur à intervalles réguliers. La tutelle peut aussi être confiée à une personne morale.</p>
Mexico	<p>Federal Civil Code Article 449.- The object of the guardianship is the guardianship of the person and property of those who, being not subject to parental authority, have natural and legal incapacity, or only the second, to govern themselves. The guardianship may also have as its object the temporary representation of the incapacitated person in the special cases established by law. Article 450.- They have natural and legal incapacity: I. Minors, II. Those of legal age diminished or disturbed in their intelligence, although they have intervals lucid, and those who suffer from any condition caused by disease or deficiency persistent physical, psychological or sensory nature or addiction to toxic substances like alcohol, psychotropics or narcotics, provided that due to limitation, or the alteration in intelligence that this causes cannot be governed and forced by themselves themselves, or express their will by any means.</p>
The Netherlands	<p>A guardianship for adults does not exist in the Netherlands. For vulnerable adults exist three kinds of legal protection measures: curatorship (curatele), fiduciary administration (bewindvoering) and protective mentorship (mentorscap).</p>
Portugal	<p>Please insert text here</p>
Slovakia	<p>Veillez saisir les informations demandées ici</p>

Sweden	A guardian may be appointed if, as a result of illness, mental disturbance, poor health or similar circumstances, someone is unable to take care of themselves or their property. However, a guardian may not be appointed if it is sufficient to appoint a curator or if the individual receives help in some other, less intrusive way. The guardian's assignment is to be adapted to the circumstances in the individual case and may be limited, for example, to the guardian being responsible for the administration of a property or a particular part of the individual's pension. The individual loses the possibility to decide about matters covered by the mandate of the guardian, but otherwise retains the right to decide about their own affairs.
Switzerland	En droit suisse, la tutelle n'existe plus pour les adultes, on parle uniquement de curatelle (v. ci-dessous).
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	A guardianship is granted by a sheriff at court following application by a solicitor containing reports from a mental health officer (or a person with sufficient knowledge if financial only) and 2 doctors. The principles and legislation of the Adults with Incapacity (Scotland) Act 2000 must apply. The adult must be incapacitated in terms of s.1(6) of the Act in relation to the powers sought. 2 doctors must certify this, one certified under s.22 of the Mental Health (Care and treatment)(Scotland) Act 2003. The applicant lists the powers sought in the application and the sheriff considers whether to grant these, after a hearing of all interested parties has been set. Once granted by the sheriff, the order must be registered at the Office of the Public Guardian before it can be used.

Curatorship

Argentina, Belgium, Brazil, Czech Republic, France, Hungary, Italy, Luxembourg, The Netherlands, Slovakia, Sweden, Switzerland

Please explain:

Argentina	Article 139 of the Argentine Civil and Commercial Code provides that a person with capacity may appoint, by means of an "advance decision", the person to exercise his/her curatorship. The designation must be approved by a court. The main function of the curatorship is to care for the incapable person and his/her property, and to try to get him/her back to health. The income from the property of the protected person should preferably be used for this purpose (article 138). In addition, according to article 32 of the Argentine Civil and Commercial Code a judge may restrict the capacity of a person over the age of 13 to perform certain acts, in case that person suffers from a permanent or prolonged addiction or mental disorder of sufficient seriousness, that it is considered that the exercise of his full capacity may result in damage to his person or property.
Austria	Please insert text here
Belgium	Depuis la réforme de 2013, la Belgique n'a plus qu'un seul régime de protection des incapables mais celui-ci est adapté à chaque situation. La curatelle correspondrait au régime de protection judiciaire des biens de l'incapable majeur. Les conditions et les principes qui gouvernent la protection des biens de l'incapable majeur sont plus ou moins identiques à ceux applicables à la protection de sa personne : le droit belge privilégie le mandat de protection extrajudiciaire, à défaut de mandat de protection extrajudiciaire, le juge pourra prendre des mesures de protection judiciaire, en favorisant la mise en place d'un régime d'assistance par rapport à celui d'un régime de représentation. On peut toutefois signaler deux différences

	notables. La première est qu'en plus de s'appliquer aux personnes qui sont incapables, en raison de leur état de santé, de gérer leurs intérêts patrimoniaux, ce régime est également applicable aux prodigues (article 488/2 du Code civil) qui seront automatiquement placés sous régime de protection judiciaire d'assistance et non de représentation (article 498, alinéa 2, du Code civil). La seconde est que la liste des actes sur lesquels le juge de paix devra se prononcer obligatoirement diffère de celle relative aux actes relatifs à la personne de l'incapable majeur. Cette liste est reprise dans l'article 492/1, § 2, alinéa 3, du Code civil).
Brazil	Curatorship is a legal measure by which a curator is appointed to administer and manage the patrimony of an adult who has absolute or limited legal incapacity to practice acts of civil life. In general, this measure is applicable in cases of mental illnesses, drug or alcohol addiction, prodigality and, exceptionally, in cases of physical disability. An interdiction lawsuit is required to apply this measure and the judge is in charge of stipulating the curator's powers to the extent they are necessary to supply the legal capacity of the adult.
Canada - British Columbia	Please insert text here
Canada - Québec	Veuillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	This institute exists in the Czech Republic as a social curator". However, it is an institute most often associated with persons who are affected in some way by criminal proceedings. In general, however, a social worker is always available at municipal authorities. A social worker is a coordinator of care for people at risk of social exclusion, e.g. people in an unfavorable social situation which they cannot manage on their own and need help and support. This may apply in particular to, among others, homeless people, alcohol or other addicts, persons dismissed from school facilities for institutional and protective education. The social worker helps people, among other things, to arrange accommodation, with the equipment of selected social benefits, etc. Regarding the method of cooperation, it should be emphasized that the court or other body does not impose an obligation to cooperate on a person with disabilities, but their relationship works on a voluntary basis."
Estonia	
Finland	Please insert text here
France	Elle concerne la personne qui, sans être hors d'état d'agir elle-même, a besoin, pour l'une des causes prévues à l'article 425 d'être assistée ou contrôlée d'une manière continue dans les actes importants de la vie civile. Cela nécessite que la personne soit dans l'impossibilité de pourvoir seule à ses intérêts en raison d'une altération, médicalement constatée, soit de ses facultés mentales, soit de ses facultés corporelles de nature à empêcher l'expression de sa volonté. La curatelle n'est prononcée que s'il est établi que la sauvegarde de justice ne peut assurer une protection suffisante.
Germany	In German law several forms of curatorship (Pflegschaft") are available but none of them aims to protect adults for the reason of a physical or mental deficit. "
Hungary	Act of V of 2013 on Civil Code Section 2:19 [Conservatorship] (1) Persons of legal age shall be of partially limited capacity if a court has placed them in the custody of a conservator to that effect. (2) Persons of legal age whose necessary discretionary ability for conducting their affairs is - owing to their mental disorder - permanently or persistently diminished shall be placed by court order under conservatorship which partially limits their competency in respect of certain specific matters, where this is deemed justified due to his individual circumstances and family and social

	ties. (3) In its ruling invoking partially limited legal competency the court shall specify the matters of a personal or financial nature, in which legal capacity is limited. (4) Legal capacity may not be limited to any extent, where protection of the rights of the person affected can be ensured by other means without prejudice to legal capacity. (5) Persons of partially limited legal capacity shall be able to make legal statements in all matters concerning which the court did not limit their competency in its ruling invoking partially limited legal competency.
Italy	The curator assists the disable person in certain activities, such as collecting money, under the condition of suitable employment or standing in court both as a plaintiff and as a defendant. He/she gives the consent to deeds exceeding ordinary administration under the authorization of the judge
Latvia	
Luxembourg	La curatelle est prononcée lorsque les personnes sont atteintes d'une diminution de leurs facultés mentales, résultant d'une maladie, d'une infirmité ou d'un affaiblissement dû à l'âge et ont de ce fait besoin d'être conseillées ou contrôlées dans les actes de la vie civile. La curatelle peut aussi protéger les personnes qui par leur prodigalité, intempérance ou oisiveté compromettent l'exécution de leurs obligations familiales ou alors mettent en danger leur propre subsistance. Tout comme pour la tutelle, un certificat d'un médecin est nécessaire pour prononcer l'ouverture d'une curatelle. Le curateur peut être le conjoint, une association, ou une autre personne désignée par le juge des tutelles. La personne protégée peut prendre des décisions simples, mais sera assistée par le curateur pour les autres actes. Si le curateur refuse son assistance à un acte, la personne en curatelle peut demander au juge des tutelles une autorisation supplétive. D'ailleurs, une curatelle renforcée peut être prononcée par le juge, en nommant un curateur qui percevra seul les revenus de la personne en curatelle et assurera lui-même le règlement des dépenses. Au moins une fois par an le juge des tutelles contrôle la gestion des comptes que le curateur nommé doit soumettre.
Mexico	Please insert text here
The Netherlands	A curator may be appointed by the Subdistrict Court if an adult is temporary or permanently not looking properly after his interests or when he is temporary or permanently endangering his own safety or that of others, as a result of his physical or mental condition or a habit of alcohol or drugs abuse. A curatorship may not be imposed if a more suitable and less intrusive measure is sufficient to protect the vulnerable adult. From the day the curatorship takes effect, the adult misses the legal capacity to perform juridical acts.
Portugal	Please insert text here
Slovakia	Si la situation l'exige, le tribunal désignera un curateur dans la décision sur la limitation de la capacité juridique. Cette situation se produit, si un adulte est atteint de troubles psychiatriques permanents ou qu'il consomme une quantité excessive de boissons alcoolisées ou de stupéfiants ou de poisons et, par conséquent, n'est en mesure d'accomplir que certains actes juridiques.
Sweden	A curator may be appointed if, as a result of illness, mental disturbance, poor health or similar circumstances, someone needs help to guard their rights, manage their property or provide for their person. A decision on curatorship requires the consent of the individual, unless the individual's condition prevents his or her opinion from being obtained. The main rule is that the individual retains the right to decide about his or her own affairs. The curator must have the consent of the individual to be able to act in his or her place.
Switzerland	En droit suisse il y a quatre types de curatelle: - La curatelle d'accompagnement, qui suppose que la personne concernée consente à son institution. C'est la forme de curatelle la moins contraignante, elle ne limite pas l'exercice des droits civils de la personne concernée. Elle n'entre en ligne de compte que pour les personnes

disposées à collaborer et qui souhaitent l'aide et l'assistance d'autrui. - La curatelle de représentation, dans laquelle, en général, le curateur représente la personne sous curatelle dans le cadre des tâches qui lui sont confiées. Ainsi, dans l'accomplissement de ses tâches, il agit au nom de la personne qui a besoin d'aide et ses actes produisent leurs effets pour celle-ci. Tant que la personne sous curatelle est capable de discernement, la capacité de représentation du curateur ne peut pas s'étendre aux droits strictement personnels. Le pouvoir de représentation du curateur peut être non exclusif ou exclusif. Dans la seconde hypothèse, la personne sous curatelle est limitée dans l'exercice de ses droits civils. La décision de l'autorité de protection de l'adulte doit en faire mention. Il y a lieu de souligner que la personne concernée est liée par les actes du curateur même lorsque l'autorité de protection de l'adulte ne limite pas l'exercice de ses droits civils. La gestion du patrimoine par le curateur n'est concevable que si le curateur a la compétence de représenter la personne placée sous curatelle. La curatelle réglée sous le titre «gestion du patrimoine» est dès lors une forme spéciale de curatelle de représentation. - La curatelle de coopération, dans laquelle on prive une personne de l'exercice d'une partie de ses droits civils en la pourvoyant d'un conseil légal dont le concours est nécessaire pour certains actes, qui doivent être spécifiés dans la décision de l'autorité de protection de l'adulte. Elle est instituée uniquement en fonction des besoins spécifiques de la personne à protéger. - La curatelle de portée générale remplace l'interdiction, qui avait toujours pour conséquence l'institution d'une tutelle. Elle couvre tous les domaines de l'assistance personnelle, de la gestion du patrimoine et des rapports juridiques avec les tiers, sous réserve toutefois des l'exercice des droits strictement personnels. Elle est instituée uniquement si la personne en cause a un besoin d'aide particulièrement prononcé, en raison notamment d'une incapacité durable de discernement. Les trois premiers types de curatelle peuvent être combinés selon le système des mesures sur mesure", en fonction des besoins de la personne. La curatelle de portée générale est la seule qui ne peut pas être combinée avec une autre. "

United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

Analogous institution

Belgium, Czech Republic, Estonia, Hungary, Italy, The Netherlands

Please explain:

Argentina	
Austria	Please insert text here
Belgium	/
Brazil	
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here

Czech Republic	Special recipient of social benefits" - This institute is to some extent similar to guardianship. However, the competence of this representative is focused only on the management of the income of persons resulting from a specific social benefit, not in general on the legal actions of the represented person. This representative is regulated, inter alia, in Act No. 581/1991 Sb., on the organization and implementation of social security, (§ 10), and Act No. 111/2006 Sb., on assistance in material need, (§ 40), in Act No. 329/2011 Sb., on the provision of benefits to persons with disabilities and on the amendment of related acts, in Act No. 108/2006 Sb., on social services, (§ 20), and in several other acts. It should be noted that in real practice there may be a situation where, by accumulating social benefits, this representative, although appointed to deal with each individual benefit separately, decides on a person's entire monthly income and may therefore have a significant impact on his or her life."
Estonia	According to the General Part of the Civil Code Act (GPCCA) § 115 (1), a transaction may be entered into through a representative. A transaction entered into by a representative is valid with regard to the principal if the representative entered into the transaction on behalf of the principal and the representative had the right of representation in entry into the transaction. At the time of granting authorisation to another person, one has to still have full active legal capacity. GPCCA § 117 specifies that the right of representation is a collection of rights within the limits of which a representative may act on behalf of the principal. A right of representation may be granted by a transaction (authorisation) or it may arise from law (right of representation arising from law).
Finland	Please insert text here
France	Veuillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Act V of 2013 on the Civil Code Section 2:20 [Legal acts of persons of partially limited legal capacity] (1) Legal statements made by persons of partially limited legal capacity with respect to certain types of matters specified in the court ruling shall be considered valid upon the conservator's consent. If and when a persons of partially limited legal capacity becomes competent, he shall be entitled to make his own decisions concerning the validity of his pending legal statement. (2) Any dispute between a person of partially limited legal capacity and his conservator shall be decided by the guardian authority. (3) Persons of partially limited legal capacity shall, without the consent of their conservators relating to certain types of matters specified in the court ruling, be entitled: a) to make legal statements of a personal nature for which they are authorized by legislation, b) to conclude contracts of minor importance aimed at satisfying their everyday needs, c) to dispose of a certain percentage of their earnings as specified by the court, and to undertake commitments up to the extent thereof, d) to conclude contracts that offer only advantages, and e) to give away gifts within reasonable limits. (4) Where prompt measures are deemed necessary for protecting the interests of a person of partially limited legal capacity, or for safeguarding him from suffering losses, the conservator shall be able to proceed of his own motion in cases for which his consent is required, and shall be able to make statements in the name o the person affected. The persons of partially limited legal capacity and the guardian authority shall be notified thereof without delay. Act V of the 2013 on the Civil Code Section 2:38 [Appointment of an advocate] (1) Where a person of legal age is in need of assistance due to the partial loss of his/her discretionary ability in certain matters, the guardian authority shall appoint an advocate upon his/her request with a view to avoiding conservatorship invoking limited legal competency. (2) If in an action for the placement of a person under conservatorship or guardianship the court considers that there is no justification to limit that person's legal competency even

	partially, yet he/she is in need of assistance due to the partial loss of his/her discretionary ability in certain matters, the court shall dismiss the action for placement under conservatorship or guardianship, and shall deliver its decision to the guardian authority. The advocate is appointed by the guardian authority based on the court ruling, in agreement with the person affected. (3) The appointment of an advocate shall not affect the legal competency of a person of legal age.
Italy	The Support administrator (amministratore di sostegno) assists a person who, as a result of an infirmity or a physical or mental impairment, is unable, even partial or temporary, to provide for his own interests
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	A less intrusive measure is fiduciary administration or protective mentorship. A legal administrator and the mentor are also appointed by the Subdistrict Court. Fiduciary administration is established if an adult is temporarily or permanently unable to look after his own interests in property due to his physical or mental condition or reckless spending or the presence of problematic debts. A mentorship is established if an adult is temporarily or permanently unable or hindered to look after his own non-financial interests due to his physical or mental condition.
Portugal	As explained above, in Portugal we have the regime of the adult accompanied - which aims to guarantee the well-being, recovery, full exercise of the rights of adults, as well as the observance of their duties, focusing on the person, and not only in his /her patrimony. The accompaniment must be limited to the minimum necessary. However, depending on each case and regardless of the request, the court can assign the accompanying person the functions associated with the following regimes: the exercise of parental responsibilities or the means to fulfil them, the general representation or special representation with express indication of the categories of acts for which it is necessary, the total or partial administration of assets, prior authorization to practice certain acts or categories of acts and interventions of another type, which are duly explained. The accompanying person must ensure the adult well-being and rehabilitation, maintaining permanent contact with him /her. Visits must be at least monthly or otherwise deemed appropriate by the court. The accompaniment process is urgent and the rules of voluntary jurisdiction apply, with the necessary adaptations. The adult can freely exercise his /her personal rights and the conclusion of business in his /her current life, unless there is a legal provision or judicial decision to the contrary. Personal rights are considered, namely, the rights to marry or to constitute situations of union, to procreate, to profile or to adopt, to care for and educate children or adoptees, to choose a profession, to take off in the country or abroad, to establish home and residence and to establish relationships and to make a will. The placement of an adult is dependent on judicial authorization. In case of urgency, placement can be immediately requested by the companion, subject to ratification by the judge. In the case of the sentence provides for this, the granting of a will is prohibited.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	-
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

3.3. Please list and describe measures available under the law of your State that are not listed in **Article 3** but that would nevertheless fall under **Article 3** (e.g., “guardian *ad litem*”, “advanced health / medical decisions”, “*Betreuer*” (under German law), “*un placement sous sauvegarde de justice*” (under French law)):

Argentina	The Argentine Civil and Commercial Code provides for a system of support for the exercise of capacity (Article 43) that comprehends a set of judicial or extrajudicial measures to facilitate to a person who needs it, the decision-making, the administration of his or her property and hold legal acts in general. The function of the support measures" is to promote autonomy and facilitate communication, understanding, and the expression of will of the individual, for the exercise of his or her rights. The person concerned may propose to the judge the appointment of one or more persons of his or her confidence to provide support. The judge must evaluate the scope of the appointment and seek the protection of the person from possible conflicts of interest or undue influence. The resolution must establish the status and quality of the support measures and, if necessary, be registered in the Registry of Civil Status and Capacity of Persons. Article 60 of the Argentine Civil and Commercial Code (CCyCN) admits the “Advance Medical Decisions”. This Article provides that a fully capable person may anticipate directives and confer a mandate with regard to his health and in anticipation of his own incapacity. It may also designate the person or persons who are to express consent to medical acts and to exercise their curatorship. This declaration of will may be freely revoked at any time. Moreover, Article 61 allows a capable person to decide about his/her final rests and the donation of his/her corpse for therapeutic, cientific or educational ends. In addition to what is established by the CCyCN, the advance health directives are established in Laws 26.529 and 26.657 and their amendments. Law 26.529 on “patients' rights” regulates them in article 11. The law prioritizes the patient's will in decisions involving his or her health and recognizes the exercise of his or her fundamental right to choose and decide in this area. On the other hand, Law 26.657 ensures the right to the protection of mental health of all persons and the full enjoyment of human rights by those with mental illness. The law presumes the capacity of all persons (art. 3) and clearly states that the existence of a diagnosis in the field of mental health does not authorize the presumption of disability (art. 5). "
Austria	Austrian Adults Protection Law is based on four pillars: 1) mandate in case of incapacity = <i>Vorsorgevollmacht</i> 2) elective representative (self-determined Guardianship) = <i>gewählter Erwachsenenvertreter</i> 3) statutory representative (ex lege Guardianship) = <i>gesetzlicher Erwachsenenvertreter</i> 4) Court-appointed Guardian/representation = <i>gerichtlicher Erwachsenenvertreter</i>
Belgium	/
Brazil	Supported Decision Making: A disabled adult who is fully capable to express his will appoints two persons of his trust to give him support to practice acts of civil life. These two representatives are tasked to provide the necessary information to the adult in order to allow him to exercise his legal capacity. The disabled adult has to require the appointment to the Court and the judge has to delimitate the attributions and the responsibilities of the representatives. This measure was inspired by the <i>amministrazione di sostegno</i> "foreseen in the Italian Civil Code. "
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	From the scope of work of the Ministry of Labor, Pension System, Family and Social Policy, the institute of special guardianship for adults has been described under item 3.2. of this Questionnaire, as an example of an “guardian <i>ad litem</i> ”.
Cyprus	

Czech Republic	A) Declaration in anticipation of incapacity - described in detail in Section 6.1.-6.4.9. of this questionnaire. B) Assistance in decision-making - described in detail in Section 6.1.-6.4.9. of this questionnaire. C) Representation by a household member - described in detail in Section 6.1.-6.9.4. of this questionnaire. D) Special recipient of social benefits - described in Section 3.2. The distinction between medical and social detention should be emphasized. The regulation of the procedure for placement or detention in medical institution is based on the traditional judicial mechanism for the protection of personal liberty in connection with the detention of persons in medical facilities. In the Czech Republic, it has been gradually supplemented over time by additional guarantees for the protection of the rights of persons detained, not only in connection with the case law of the European Court of Human Rights. As a new measure after 2014, a special court procedure has been introduced, which addresses the detention of a person in social services (typically residential). It was a reaction to the decision of ECHR <i>Stanev v. Bulgaria</i> . In Czech realities, it is necessary to mention the case of <i>Červenka v. Czech Republic</i> .
Estonia	-
Finland	
France	Le juge peut placer sous sauvegarde de justice la personne qui a besoin d'une protection juridique temporaire ou d'être représentée pour l'accomplissement de certains actes déterminés. Cela nécessite une altération médicalement constatée des facultés mentales et corporelles de nature à empêcher l'expression de la volonté. La personne placée sous sauvegarde de justice conserve l'exercice de ses droits.
Germany	If an adult cannot manage his or her affairs in whole or in part due to a mental illness or a physical, mental or psychological disability, the competent adult guardianship court (<i>Betreuungsgericht</i>) will appoint a "Betreuer" for him or her at his or her request or ex officio (Section 1896 German Civil Code). "
Hungary	Act V of 2013 on the Civil Code Section 6:19 [Representation of persons who are unable to conduct their affairs] (1) Upon request, the guardian authority shall appoint a conservator for a person who is unable to conduct his affairs. The appointment of a conservator may be requested by either of the parties affected or by any authority, and one may be appointed ex officio. (2) The appointment of a conservator shall not affect the legal competency of the person in the custody of a conservator. Act CL of 2016 on General Public Administration Procedures Section 13 [General rules on representation] (8) If the client is a natural person who does not have a representative, and a) whose whereabouts are unknown, or b) who is unable to handle the case in person, the acting authority shall appoint a public representative.
Italy	Guardian ad litem is a special curator appointed by a judge who represents or assists an incapable person in a judicial proceeding if there is no person in charge of representation or assistance and there are reasons of urgency, the same applies if there is a conflict of interest with the already existing representative
Latvia	-
Luxembourg	La sauvegarde de justice constitue une protection minimale. Les causes de placement sont les mêmes que pour la tutelle et la curatelle, à savoir lorsque les facultés mentales sont altérées par une maladie, une infirmité ou un affaiblissement dû à l'âge. Pour l'ouverture d'une mise sous sauvegarde de justice, un certificat d'un médecin (spécialiste ou généraliste) doit être soumis au juge des tutelles. La personne concernée reste capable de faire tous les actes de la vie civile. Cependant, les actes accomplis peuvent être invalidés par la suite s'ils ont causé un dommage à la personne protégée. D'ailleurs, si un mandataire spécial est désigné par le juge, celui-ci pourra faire certains actes déterminés seul, à la place de la personne protégée. En général, la mise sous sauvegarde de justice est une

	mesure provisoire en attendant un jugement. Après qu'une sauvegarde de justice est devenue inopérante, la nécessité d'une nouvelle sauvegarde doit être révisée.
Mexico	In accordance with the Federal Civil Code we have the following figures that are similar to those contemplated in article 3 of the Convention on the Protection of Adults: a) Probate guardianship b) Legitimate Guardianship of Minors c) Legitimate Guardianship of Disabled Seniors d) Legitimate Guardianship of Abandoned Minors and Those Held in by any Person, or Deposited in Charitable Establishments e) Dative Guardianship
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Outre les mesures visées à l'article 3, on peut mentionner tuteur ad hoc en cas de conflit d'intérêts. Le tribunal peut également désigner un tuteur à une personne dont on ne sait pas où elle se trouve et il est nécessaire de protéger ses intérêts.
Sweden	N/A
Switzerland	La mesure par laquelle l'autorité de protection valide le mandat pour cause d'incapacité. Lorsque l'autorité de protection de l'adulte apprend qu'une personne est devenue incapable de discernement et qu'elle ignore si celle-ci a constitué un mandat pour cause d'incapacité, elle s'informe de l'existence éventuelle d'un tel mandat auprès de l'office de l'état civil. S'il existe un mandat pour cause d'incapacité, l'autorité de protection de l'adulte doit se le procurer et examiner si le mandat peut déployer ses effets.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Intervention order - analogous to a guardianship order with the same reports, however designed for 'one-off' powers.e

3.4. While the formation, annulment and dissolution of marriage or any similar relationship, as well as legal separation are excluded from the scope of the 2000 Convention in accordance with **Article 4(1)(b)**, please list and describe the possible powers of representation between partners available in your State resulting from the effects of marriage, and similar relationships, that fall under the scope of the 2000 Convention "insofar as they are aimed at the protection of the ailing partner" (see paras 35 and 90 of the ER):

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Si l'un des époux est dans l'impossibilité ou incapable d'exprimer sa volonté, son conjoint peut se faire autoriser par le tribunal de la famille à disposer seul des droits qu'il possède sur l'immeuble qui sert au logement principal de la famille ou hypothéquer cet immeuble. Moyennant également une autorisation du tribunal de la famille, il peut disposer seul des meubles meublants qui garnissent l'immeuble qui sert au logement principal ou les donner en gage (articles 220, § 1er et 215, § 1er, du Code civil). Si l'époux incapable d'exprimer sa volonté n'a pas constitué mandataire ou n'a pas été pourvu d'un représentant légal, son conjoint peut également demander au tribunal de la famille de lui être substitué dans l'exercice de tout ou partie de ses pouvoirs (article 220, § 2, du Code civil). Enfin, l'époux dont le conjoint est dans l'impossibilité d'exprimer sa volonté peut se faire autoriser par le tribunal de la famille à percevoir, pour les besoins d'un ménage, tout ou partie des sommes dues par des tiers (article 220, § 3, du Code civil). Il convient cependant de préciser que l'impossibilité d'exprimer sa volonté dans ces articles du Code civil ne concerne pas forcément l'époux incapable de gérer ses intérêts en raison de son état de santé et placé sous régime de protection extrajudiciaire ou judiciaire. Il existe également un pouvoir de représentation entre cohabitants légaux mais

	celui-ci est plus limité : il ne concerne que la mise à disposition des droits qu'un des cohabitants possède sur l'immeuble affecté à la vie commune et celle sur les meubles meublant ce logement (articles 1477, § 2, du Code civil combiné avec les articles 220, § 1er, et 215, § 1er, du Code civil).
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veuillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	
Czech Republic	A spouse or a partner has a right to represent the other spouse in usual matters. He or she does not have the right if the spouse or the partner to be represented informs in advance the person with whom his spouse or partner is to or intends to make a juridical act, that he or she does not consent to being represented, or if a court, on the application of a spouse, extinguishes the spouse's right of representation (§ 696 CC). However, if this is a situation where it is necessary to represent a person who has difficulty in making decisions, we do not have any special provisions in the context of marriage or partnership. The institute of representation by a household member, who may typically be a spouse, partner or cohabitation with a person in the same household for at least 3 years, would probably apply to this situation. However, this representation must be established by court. For more details see § 49 CC.
Estonia	There is no special regulation for powers of representation between partners. General rules apply.
Finland	
France	Au sein du couple marié, lorsque l'un des époux est hors d'état de manifester sa volonté, l'autre époux peut être autorisé par la justice à passer seul un acte pour lequel le concours ou le consentement de son conjoint serait nécessaire (article 217 du code civil). Pour les juges du fond, la maladie et les infirmités physiques altérant la volonté du conjoint et plus généralement l'altération des facultés mentales constituent des causes d'empêchement. Par ailleurs, si l'un des époux se trouve hors d'état de manifester sa volonté l'autre peut se faire habiliter par le juge des tutelles à le représenter d'une manière générale ou pour certains actes dans l'exercice des pouvoirs résultant du régime matrimonial. Les article 1426 et 1429 du code civil permettent enfin de retirer à un époux ses pouvoirs sur les biens communs et ses biens propres notamment lorsqu'il se trouve d'une manière durable hors d'état d'exprimer sa volonté. Au sein du couple non marié, sur les biens faisant l'objet d'une indivision entre les concubins ou les partenaires de PACS, le droit commun de l'indivision permet la mise en place d'une représentation judiciaire sur le modèle de l'article 219 du code civil. L'habilitation familiale a également vocation à jouer dans les rapports entre partenaires d'un PACS ou entre concubins.
Germany	Each spouse is entitled to enter into transactions to appropriately provide the necessities of life of the family, also binding the other spouse. Such transactions entitle and oblige both spouses, unless it appears otherwise from the circumstances (Section 1357 German Civil Code). This provision applies to transactions that are intended to cover life's necessities, i.e. transactions that concern the family as a consumption unit. German law does not recognise any other general legal power of representation of one spouse for the other. With the draft law mentioned under 1.3 (Bundesrat-Drucksache 564/20), the federal government proposes introducing spouse representation in matters of healthcare and associated matters for the care of property for a period of three months if one spouse is temporarily unable to

	manage his or her affairs due unconsciousness or illness (draft of Section 1358 German Civil Code). This has not yet become law.
Hungary	Please insert text here
Italy	Please insert text here
Latvia	-
Luxembourg	Veuillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	According to Dutch law a marriage may not be entered into when the mental capacity of one of the parties is disturbed in such a way that he is not able to determine his will or to understand the significance of his declaration. An adult who is placed under curatorship due to a habit of alcohol or drugs abuse, needs the approval of his legal representative (the curator) before he can enter into a marriage. If the approval of the curator cannot be obtained, the adult may request the Subdistrict Court to grant him a substitute authorisation. Adults who are placed under curatorship because of their physical or mental condition need the authorisation of the Subdistrict Court before they can enter into a marriage. In the situation of a curatorship due to a physical or mental condition, the annulment of a marriage may be requested by the legal representative (the curator), unless the curator has explicitly or tacitly approved the marriage or when three months have passed since he became aware of the contracting of the marriage.
Portugal	In Portugal, and under the terms of Law no. 49/2018, of 14 August (which came into force on 1 February 2019), the application of protective measures (due to health, disability or behavior, to exercise their rights fully and consciously or, under the same terms, to fulfill their duties) can be requested by adult himself or, with his / her authorization, by his / her spouse, by his / her unmarried partner, by any successive relative or, regardless of authorization by the Public Prosecutor's Office. Thus, the authorization that a partner may request from the court to accompany the respective partner who is not in a position to exercise his /her rights constitutes a protective measure within the meaning of the Convention, but only on the terms of accompaniment regime.
Slovakia	Veuillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Le droit suisse prévoit la représentation par le conjoint ou le partenaire enregistré (art. 374 ss CC). Il s'agit d'une mesure appliquée de plein droit à une personne frappée d'une incapacité de discernement qui n'a pas constitué de mandat pour cause d'inaptitude et dont la représentation n'est pas assurée par une curatelle. Dans un tel cas, le conjoint ou le partenaire enregistré de la personne dispose du pouvoir légal de représentation s'il fait ménage commun avec elle ou s'il lui fournit une assistance personnelle régulière. En vertu de l'art. 374 CC, le pouvoir de représentation porte sur les actes juridiques nécessaires et l'administration ordinaire. La représentation par le conjoint ou le partenaire enregistré peut relever du champ d'application de la Convention de 2000 dans la mesure où elle est orientée vers la protection du conjoint malade. En outre, les art. 377 et 378 CC prévoient la représentation dans le domaine médical, qui déterminent qui peut représenter une personne incapable de discernement dans le domaine médical et règlent la manière de procéder. L'art. 378, al. 1, énumère les personnes habilitées à représenter la personne incapable de discernement qui ne s'est pas déterminée dans des directives anticipées et il fixe l'ordre dans lequel elles entrent en ligne de compte (art. 377, al. 1). La volonté exprimée par la personne concernée est décisive pour déterminer la personne habilitée à la représenter. Ainsi, le pouvoir de représentation dans le domaine des traitements médicaux revient tout d'abord à la personne désignée dans les directives anticipées ou dans un mandat pour cause

	d'inaptitude si le mandat le prévoit expressément et, enfin, au curateur, si l'autorité de protection de l'adulte lui accorde le pouvoir de représentation dans le domaine médical (art. 378, al. 1, ch. 1 et 2). S'agissant des proches (art. 378, al. 1, ch. 3 à 7), le pouvoir de représentation suppose – comme le pouvoir de représentation du conjoint ou du partenaire enregistré (art. 374, al. 1) – que le représentant fasse ménage commun avec la personne incapable de discernement ou qu'il lui fournisse une assistance personnelle régulière. L'art. 378, al. 1, ch. 4, ne confère pas le pouvoir de représentation uniquement au concubin de la personne incapable de discernement, mais à toute personne vivant en ménage commun avec elle, comme, par exemple, dans le cas de deux amies. L'exigence de l'assistance personnelle régulière, qui est une condition qui s'ajoute à celle du ménage commun, vise à distinguer les communautés de vie des simples communautés d'habitation.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	

IV – Jurisdiction

4.1. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction based on the “**habitual residence**” of the adult under **Article 5(1)**?

No:

Belgium, Cyprus, Estonia, France, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

Finland, Germany

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	
Czech Republic	The evaluation is made case by case. This is even more important in case a person is placed in Czech facility by the family and it is not sure if it was done so with or without her/his consent.
Estonia	Please insert text here
Finland	The guardianship authority has reported that the determination of the habitual has been challenging especially in cases where the person often moves from one country to another, or there are other short term stays in different countries and the person is in need of protection.
France	Veillez saisir les informations demandées ici

Germany	1 competent authority: uncertainties about the habitual residence", in particular if there are indications that the person concerned has been taken abroad against or without his/her will "
Hungary	Please insert text here
Italy	Please insert text here
Latvia	So far, the Ministry of Justice has not received any information on such or related challenges. We are aware of only one court case in which the court has referred to the 2000 Convention, and such or related challenges have not been addressed there.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

4.2. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction in the case of a **"change of the habitual residence"** of the adult under **Article 5(2)**?

No:

Belgium, Cyprus, Estonia, France, Latvia, Switzerland, United Kingdom - Scotland

Yes:

Czech Republic, Finland, Germany, Portugal

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	
Czech Republic	Point 4.1. ibis. In several cases a person travelled from one country to another. As observed the involved states, it was difficult to coordinate the monitoring of the person by the respective state authorities.
Estonia	Please insert text here
Finland	Please see reply to question 4.1.
France	Veillez saisir les informations demandées ici
Germany	With a change of the habitual residence the procedure remains pending in Germany, until a procedure is introduced in the host country. In practice, the

	transmission" does not work properly. After a certain point in time, the persons concerned can no longer be reached by the German authorities."
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	We point out only one case in which the Portuguese citizen previously residing in Switzerland changed her residence to Portugal, before the final curatorial decision applied in Switzerland. The Public Prosecutor in case decided that there was no reason to review and confirm the Swiss decision because it had been handed down after the change of residence (that is, when the decision was handed down, the Portuguese citizen was no longer resident in Switzerland) and concluded that there was no reasons for applying protection / accompanying measures in Portugal, considering that the situation was safeguarded with the support provided by her son, under the principle of minimum intervention / subsidiarity, in force in Portuguese law. Although the Swiss decision was given just before the entry into force of the Hague Convention on the International Protection of Adults in Portugal, the Portuguese Central Authority issued an opinion that the foreign decision should be reviewed and confirmed, considering the interests of the Portuguese citizen in cause. Interests that required, after review and confirmation, that decision be reassessed according to Portuguese law, and as if it were a Portuguese decision (article 27 of the Convention), in particular to adjust the protection / accompanying measures to the current situation of the adult and to the appointment of another accompanying person, taking into account the curators appointed in the Swiss decision were strangers to the personal situation of the accompanying adult (they were social workers). The Central Authority considers that that decision is not final and that it may still be reconsidered.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

4.3. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction based on the “**presence**” of the adult under **Articles 6, 10 and 11**?

No:

Belgium, Cyprus, Czech Republic, Estonia, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

Finland

Please explain:

Argentina	Please insert text here
------------------	-------------------------

Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please see reply to question 4.1.
France	Veillez saisir les informations demandées ici
Germany	
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

4.4. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction based on the “**nationality**” of the adult under **Article 7**?

No:

Belgium, Cyprus, Czech Republic, Estonia, France, Germany, Latvia, Switzerland, United Kingdom - Scotland

Yes:

Finland, Portugal

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here

Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please see reply to question 4.1.
France	Veillez saisir les informations demandées ici
Germany	
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Portuguese Central Authority was faced with a situation of a British citizen, whose specific nationality was difficult to ascertain, since of Great Britain only Scotland is party to the Convention
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

4.5. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to transfer jurisdiction based on the “**interests**” of the adult under **Article 8**?

No:

Belgium, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here

Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

4.6. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction based on the “**situation of the property**” of the adult under **Article 9**?

No:

Belgium, Cyprus, Estonia, Finland, France, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

Czech Republic, Germany

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Since the article 9 is drafted in such a broad manner, some difficulties were observed in respect to detection of the property (administratively demanding procedures). Moreover, it is not clear how a Czech authority could possibly get knowledge of the measures undertaken by the competent authorities under article 5 -8. In addition, we point out the lack of mutual information duty. Another problem arisen concerning the urgent aspect of some procedures. Thus, in case the relevant authorities of the state of habitual residence shall be informed, the latter's are not known to the informing party (art. 10).
Estonia	Please insert text here

Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Central Authority: In practice it might be difficult for the competent authority under Art. 9 of the Convention to have knowledge about any measures already taken by competent authorities under Art. 5-8 of the Convention. Thus, the question arises how the conflict about parallel measures taken by competent authorities under Art. 5-8 of the Convention and those under Art. 9 of the Convention (not having knowledge of other measures) can be solved. Article 9 of the Convention is less detailed and specific in comparison with Article 10 of the Convention regarding information.
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

4.7. Have competent authorities in your State had experience with urgent measures of protection taken under **Article 10**?

No:

Belgium, Cyprus, Czech Republic, Estonia, Finland, France, Latvia, Portugal, United Kingdom - Scotland

Yes:

Germany, Switzerland

Please describe in which situations a competent authority in your jurisdiction has applied **Article 10**:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici

Germany	Central Authority: There have been a small number of cases in connection with the Covid 19 Pandemic where foreign citizens suffering from Covid 19 needed urgent medical treatment in Germany and a Betreuer" had to be appointed by the German authorities ("Betreuungsgericht"). The foreign authorities in the state of habitual residence where then notified according to Art. 10 sec 4. of the Convention. 1 competent authority: comatose patients after accidents/surgeries - temporary appointment of a "Betreuer", securing the treatment of mentally acute patients at the Department of Psychiatry 1 competent authority: detention measures and short-term fixation in hospitals for foreigners visiting Germany "
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Principalement dans la situation de personnes présentant des troubles psychiques en phase de décompensation pouvant justifier un placement à des fins d'assistance et une curatelle destinée à l'accompagner à ce titre, voire à la représenter provisoirement en matière médicale. Idem sur signalement des institutions bancaires pour la situation de personnes ayant déposé des biens en Suisse et dont la capacité paraît altérée ou sous influence au moment de manifester la volonté de retirer une importante somme d'argent, ou encore pour la situation de personnes dont le crédit hypothécaire a été dénoncé et le bien immobilier visé par une poursuite en réalisation de gage alors qu'elles apparaissaient incapables de procéder ou de défendre leurs droits. Idem enfin pour la constatation de l'invalidité d'un mandat pour cause d'inaptitude soumis au droit suisse pour donner des instructions lésionnaires à un gestionnaire de fortune mandaté par une personne devenue incapable de discernement.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

4.8. Have competent authorities in your State had experience with temporary and limited measures of protection taken under **Article 11**?

No:

Belgium, Cyprus, Czech Republic, Estonia, Finland, France, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

Germany

Please describe in which situations a competent authority in your jurisdiction has applied **Article 11**:

Argentina	Please insert text here
------------------	-------------------------

Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	competent authorities refer to cases described in 4.7.
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

4.9. Have competent authorities in your State had experience using the Measures of Protection Concerning an Adult recommended form for the purpose of **Article 8** and the Information relating to Measures of Protection concerning an Adult recommended form for the purpose of **Articles 7, 10 and 11**?

No:

Belgium, Cyprus, Czech Republic, Estonia, Latvia, Portugal, United Kingdom - Scotland

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	

Czech Republic	We do not have any specific feedback from our courts on forms but from the current practice the Czech courts are mainly in a position of the requested party. Nevertheless, we would encourage the use of the forms.
Estonia	Please insert text here
Finland	The guardianship authority reported a positive experience in using the form "Information related to measures of protection concerning of an adult" (Form 35C) to inform another Convention state of property of an adult in need of protection and to request the competent authorities of that Convention state to take action and evaluate the need for guardianship. "
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	So far, such a need has not arisen.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Although communications under Article 7 of the Convention arose, those forms were not used, communications were made directly to the Portuguese Central Authority, by email.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Certaines autorités compétentes les ont utilisées, d'autres n'avaient pas connaissance des formulaires, qui ne sont pas mis en évidence sur l'espace dédié à la protection des adultes sur le site de la HCCH. Quoiqu'il en soit, certaines autorités compétentes procèdent préférablement par voie d'ordonnance ou de courrier explicatif plutôt que de formulaire.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	

Yes:

Finland, France, Germany, Switzerland

4.10. Has your State taken appropriate steps (e.g., guidelines, procedures, protocols) in accordance with **Article 30(a)** to facilitate communications between competent authorities of different Contracting States concerning the coordination of jurisdictions issues arising under **Articles 5-12**?

No:

Belgium, Cyprus, Estonia, Finland, France, Latvia, Portugal, United Kingdom - Scotland

Yes:

Czech Republic, Germany, Switzerland

Please describe such guidelines, procedures or protocols and also provide a link or attach them, preferably translated into English or French:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	The Ministry of Justice as a Central Authority provides cooperation on applications of the Convention to the courts.
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Assistance of Central Authority in accordance with implementing law (see 1.3 above, Section 4 Law to Implement the Hague Convention of 13 January 2000 on the International Protection of Adults (Implementing Act) of 17 March 2007 https://www.gesetze-im-internet.de/englisch_erws_ag/englisch_erws_ag.html), declaration under Article 42 regarding Articles 8 and 33 of the Convention
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	En tant qu'Autorité centrale fédérale nous avons, entre autres, la tâche de conseiller les autorités centrales cantonales et veiller à l'application des Conventions de 1996 et 2000, ainsi que de promouvoir la collaboration des autorités centrales cantonales entre elles et avec les autorités centrales des autres États contractants. Dans ce but, nous organisons chaque année des rencontres avec les autorités centrales cantonales (qui sont pour la très grande majorité autorité centrale cantonale pour les deux conventions), entretenons des contacts réguliers avec elles et les encourageons à informer et sensibiliser les autorités compétentes au sein de leur canton et à coordonner l'application des conventions.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

4.11. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying the other articles in **Chapter II**?

No:

Belgium, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Commentaire général: il est de manière générale difficile pour l'Autorité centrale de déterminer l'application du Chapitre II de la Convention par les tribunaux - en effet, dans la plupart des cas les autorités centrales ne sont pas impliquées, et s'il n'y a pas de problème particulier il n'y aura pas de recours et dès lors pas de jurisprudence (la même chose s'applique en ce qui concerne le chapitre sur la loi applicable). A contrario, cela montre que l'application de la Convention ne pose pas de problème particulier.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

V – Applicable law – General

5.1. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying or taking into consideration the law of another State with which the situation has a substantial connection in accordance with **Article 13(2)**?

No:

Belgium, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	
Hungary	Please insert text here
Italy	Please insert text here
Latvia	So far, the Ministry of Justice has not received any information on such or related challenges. We are aware of only one court case in which the court has referred to the 2000 Convention, and such or related challenges have not been addressed there.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

5.2. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying their own law, in accordance with **Article 14**, to the conditions of implementation of foreign measures, whether these are known or unknown to their own law?

No:

Belgium, Cyprus, Czech Republic, Estonia, France, Germany, Latvia, Portugal, United Kingdom - Scotland

Yes:

Finland, Switzerland

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	As an example, under the Finnish legislation, a permission of the competent guardianship authority is required in order to sell immovable property when a guardian is appointed for an adult. Practice has been challenging in cases where the property to be sold situates in Finland and the habitual residence of the adult is in another state. In some cases also the other state may require the authorisation based on its own law.
France	Veillez saisir les informations demandées ici
Germany	
Hungary	Please insert text here
Italy	Please insert text here
Latvia	We are not aware of any questions.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Lorsque l'autorité centrale/compétente de l'État requérant ne précise pas assez le contenu de la mesure à exécuter, la détermination du droit étranger (et par conséquent du contenu de la mesure étrangère) n'est pas toujours aisée et exige de prospecter hasardeusement sur les sites officiels d'autres États, avec l'incertitude liée à l'actualité des informations ou des versions législatives trouvées. Un espace récapitulatif, à l'image de celui offert par l'UE pour ses États-membres via son e-Portail serait bienvenu. À défaut, l'interpellation des autorités centrales étrangères, voire même des juges de liaison, reste fonctionnelle, mais n'aboutit pas toujours à une réponse suffisamment détaillée.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	

5.3. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 17**?

No:

Belgium, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	So far we are not aware of any challenges.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	

5.4. Please list and describe specific rules of representation of the adult which your State would regard as part of the mandatory law under **Article 20**:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	/
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here

Cyprus	Please insert text here
Czech Republic	A precise list of such rules cannot be given. As such rules could be considered in particular rules on conditions for limitation of individual's rights, e.g. prohibition of complete deprivation of legal capacity, impossibility of restricting legal actions in ordinary matters of everyday life, the maximum duration of the limitation of legal capacity, the conditions for limitation of legal capacity and the requirements for the guardian. Furthermore, it could be also rules setting the standards of protection of person's rights in court procedures - requirement of personal visit of the person by the court, the appropriate communication of the court's decision.
Estonia	-
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	In German law the following specific rules have to be regarded as part of the mandatory law under Article 20: a) the necessity of a prior approval by the court ("Betreuungsgericht") with regard to medical measures and the compulsory placement and detention of a person in a closed institution according to Sections 1904, 1905, 1906 and 1906a German Civil Code, b) the binding effect of an advanced health directive on the representative according to Sections 1901a, 1901b German Civil Code and c) the central provision on the actions of the "Betreuer" vis-a-vis the vulnerable adult ("Betreuter") in Section 1901 German Civil Code, especially the principles of necessity (Section 1901 subsection 1 German Civil Code) and of the respect for self-determination (Section 1901 subsections 2 and 3 German Civil Code). "
Hungary	Please insert text here
Italy	Please insert text here
Latvia	Precise list of such rules cannot be given. The following rules could be considered, in particular, rules on conditions for limitation of individual's rights, e.g., prohibition of complete deprivation of legal capacity, impossibility of restricting legal actions in ordinary matters of everyday life, the maximum duration of the limitation of legal capacity, the conditions for limitation of legal capacity and the requirements for the guardian. Furthermore, there also could be rules for setting the standards of protection of person's rights in court procedures - requirement of personal visit of the person by the court, the appropriate communication of the court's decision. Also requirement that the powers of representation shall be made in the form of a notarial deed and shall be registered.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Although there are no mandatory provisions or mandatory rules of representation of the adult in the national legal system that fall under the provisions of article 20 of the Convention, it should still be noted that, within the scope of the so-called "mandate for accompaniment", provided for in article 156 of Portuguese Civil Code, at the moment when the accompaniment is ordered, the court will have to take into account the mandate, in whole or in part, and, in particular, to define the scope of protection and to designate the accompanying person. When it is reasonable to assume that the grantor's wish would be to revoke mandate, the court has the power to cease it.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Le droit suisse ne prévoit pas des règles de représentation de l'adulte que la Suisse considérerait comme faisant partie de la loi obligatoire au sens de l'art. 20.

United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	If an adult is incapable as defined under section 1(6) of the Adults with Incapacity (Scotland) Act 2000 then appropriate legal authority should be obtained in relation to the actions or decisions proposed to be taken. The general principles under section 1 AWI shall be given effect to.

5.5. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying the other articles in **Chapter III**?

No:

Belgium, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	So far we are not aware of any challenges.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Commentaire général: il est de manière générale difficile pour l'Autorité centrale de déterminer l'application du Chapitre III de la Convention par les tribunaux - en effet, dans la plupart des cas les autorités centrales ne sont pas impliquées, et s'il n'y a pas de problème particulier il n'y aura pas de recours et dès lors pas de jurisprudence. A contrario, cela montre que l'application de la Convention ne pose pas de problème particulier.

United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

VI – Applicable law – Powers of representation (including advance directives)

6.1. Does the law of your State provide for such powers of representation?

Yes:

Argentina, Belgium, Canada - British Columbia, Canada – Québec, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Mexico, Latvia, Portugal, Sweden, Switzerland, United Kingdom - England and Wales, United Kingdom - Scotland

No:

Brazil, Luxembourg, The Netherlands, Slovakia

If possible please explain or provide further background:

Argentina	It is possible in our legal system for an adult person by means of an appropriate legal instrument to grant provisions, to be complied with in the future in the event that for different reasons (for example, mental or physical ineptitude, illness, accident, old age, among others) that person is unable to act in accordance with his interests and desires. The objective is to protect the grantor and to do his will with respect to different matters of his person and property. Directives dealing with health matters are more frequent, but it is permitted to grant provisions of a different nature, that is to say, based on a wide range of rights, the content of which will depend on the circumstances, issues and wishes of each person's life. They are known as "Acts of self-protection". Although there is no express regulation on this matter in the Argentine national system, the granting of such provisions is based on: (a) the general principles of law, (b) the National Constitution (articles 19 and 33), (c) the international treaties and conventions incorporated therein by article 75, paragraph 22 C.N, (d) the Convention on the Rights of Persons with Disabilities, (e) the Inter-American Convention on Protecting the Human Rights of Older Persons, (f) articles 1, 2, 60, 61, 139 and related articles of the Argentine Civil and Commercial Code of the Nation, (g) Law 26.529 on the Rights of Patients in Their Relationship with Health Professionals and Institutions (as amended by Law 26.742) and (h) Law 26.657 on the Right to the Protection of Mental Health.
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Brazilian legislation does not foresee a specific legal regime for powers of representation or similar measures even though some legal experts explain that this would not prevent an agreement with the same purpose called self-determined curatorship". However, there is no knowledge that this measure have been applied in Brazil and the lack of case law raises technical difficulties to explain and detail further legal aspects of this measure."
Canada - British Columbia	The responses provided for Part 6 of the questionnaire are based primarily on the legislation that relates to enduring powers of attorney (Power of Attorney Act) and representation agreements (Representation Agreement Act). Enduring powers of attorney, and representation agreements (section 7" representation agreements, and "section 9" representation agreements), are the instruments (or powers of representation) by which an adult may appoint another person to make, or in the

	case of section 7 representation agreements, help make, decisions on behalf of the adult in relation to the adult's financial affairs, and personal and health care. Except for the questions that refer specifically to advance health directives and advance medical directives, the responses set out below relating to powers of representation do not relate to advance directives. British Columbia's Health Care (Consent) and Care Facility (Admission) Act provides for advance directives, in which an adult may give or refuse consent to any health care described in the advance directive. "
Canada - Québec	Il est à noter que les réponses ci-dessous concernent spécifiquement le mandat de protection tel que prévu aux art. 2166 et suivants du Code Civil du Québec.
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	Only sworn notaries are entitled to make these kind of powers of representation. The main problem is that people do not plan in advance about protecting their rights. Only when a situation has arisen and persons are looking for a help there are no longer possibility to help because a person has already lost his or her capacity. Consequently, responsibility, awareness and education is important.
Luxembourg	Les pouvoirs de représentation dans le cadre d'un mandat de protection future" ne sont actuellement pas prévus par la législation nationale."
Mexico	Please insert text here
The Netherlands	In the Netherlands, there is no legislation providing expressly for such powers of representation as referred to in this Section. Dutch law only provides for general rules on powers of attorney. However, adults may draw up a living will in a notarised form (een levenstestament"). This "levenstestament" is not regulated by law. It is a special power of attorney in which an adult may appoint a representative and give him instructions in advance in both economic and financial matters, and in health, welfare and other personal matters in the event of future incapacity."
Portugal	Please insert text here
Slovakia	La future réforme de la curatelle en droit civil envisage l'introduction des pouvoirs de représentation sous la forme de la déclaration préalable. Certaines propositions sont inspirées par la législation de la République tchèque.
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

6.2. If yes to question 6.1., the following questions are designed to address the various possibilities outlined in the second paragraph of the Introduction to this Section VI (above) in relation to *formal requirements* that may be applicable in your State and their respective functions (in relation to each question, tick more than one box if applicable):

Argentina	With regard to the formality of the acts for granting these provisions, bearing in mind that these are matters of enormous importance for the grantor, there is a need for an appropriate legal instrument, which guarantees that the expression of the will can be reliably embodied, as clear as possible and with the greatest guarantees to ensure compliance. The Argentine Civil and Commercial Code of the Nation (CCyCN) makes no reference to the form of the act. The reference of article 138 to the rules of guardianship makes it possible to affirm that, in the case of the appointment of a curator, it is through a public deed. Nothing precludes the appointment of different persons to perform specific functions, nor the appointment of more than one person to act jointly, or one in place of another. Articles 105, 106 and 138 of the CCyCN authorize the appointment of one or more persons to exercise curatorship. In general terms, the public deed is perhaps the instrument that provides greater guarantees, since it ensures the authenticity of the act, a certain date, and the informed consent of the person granting these provisions. Beyond the fulfillment of the formalities, the will expressed by the grantor must be respected in all cases if it is known with certainty. In particular, law 26.742 with regard to advance health directives, establishes that the declaration of will must be formalized in writing before a notary or a court, for which the presence of two witnesses shall be required.
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	.
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	The answers in this part of the Questionnaire refer to the anticipated orders prescribed by the provisions of the Family Act (Official Gazette, nos. 103/15, 98/19 and 47/20), and to the Act on the Protection of Persons with Mental Disabilities (Official Gazette , No. 76/14) that prescribes a binding statement, in order to strengthen the autonomy, self-determination and independent decision-making of each person on the application of medical procedures to him/her. It is about the so-called orders (guidelines) in case of future inability to express the will (so-called anticipated orders) in order to take into account the views and wishes of the person even when he/she is no longer able to express them. Each person may authorize only one person, who consents to it, as a person of trust instead of him/her, after fulfilling the legal preconditions, to give or deny consent to certain medical procedures prescribed by this Act.
Cyprus	
Czech Republic	- guardian without a limitation in legal capacity (§ 465, 469 et seq. CC), - declaration in anticipation of incapacity (38 et seq. CC), - representation by a household member (§ 49 et seq. CC), - assistance in decision-making (§ 45 et seq. CC).
Estonia	Please insert text here
Finland	In Finland, the powers of representation are regulated by law (Laki edunvalvontavaltuutuksesta (648/2007)).
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Act V of 2013 on the Civil Code PRE-ARRANGED LIMITATION OF LEGAL COMPETENCY FOR FUTURE CONSIDERATIONS Section 2:39 [Prior legal statement] (1) A person of legal age with legal capacity shall be entitled to make a prior legal statement executed in an authentic instrument or in a private document countersigned by an attorney, or before the guardian authority in person, with a

	view to partially or fully limiting his/her legal competency for future considerations.
Italy	Act n. 219 of 2017 includes specific provisions related to living wills, also known as advanced health directives (in Italian, Disposizioni Anticipate di Trattamento - DAT). DAT are legally binding statements of choices made by persons who, fearing they may not be mentally capable in future, express their own will in the field of health treatment, as well as consent or the refusal of future diagnostic assessments, therapeutic or medical treatments. Grantors of DAT can also appoint a trustee (fiduciario) who will represent them in their future relationship with their doctors and will assist with the actual medical choices as these may be available at the relevant, future time
Latvia	Continuing powers of attorney (in Latvian - nākotnes pilnvarojums, future authorisation) (Sections 2317.1 – 2317.7 of Civil Law, Sections 277.1-277.6 of the Civil Procedure Law). Another legal instrument, which came into force on 1st July 2013, was the regulation on continuing powers of attorneys. This instrument was introduced following the Council of Europe Recommendation CM/Rec(2009)11 on principles concerning continuing powers of attorney and advance directives for incapacity (Recommendation (2009)11 of the Council of Europe). It is a voluntary measure in the form of a notarial deed by which everyone can appoint a representative who can act for the grantor in all types of matters (economic and financial matters, as well as health, welfare and other personal matters) in the event of the grantor's incapacity. It is up to a person to decide in what types of matters his/her attorney will act. Therefore, a person might decide to include matters concerning his/her treatment but not necessarily. A continuing powers of attorney are drafted by a sworn notary at the presence of the grantor and representative. All continuing powers of attorney are registered at the special registry kept by the Notary.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	
Switzerland	
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Power of Attorney registered under the Adults with Incapacity (Scotland) Act 2000 fulfills this function

6.2.1. Is it mandatory in your State to have such powers of representation notarised?

a. Powers of representation cannot be notarised:

Finland, Sweden, United Kingdom - England and Wales

b. Yes, it is mandatory

Croatia, Cyprus, Czech Republic, Estonia, Germany, Latvia, United Kingdom - Scotland

b.1. Always mandatory

Cyprus, Croatia, Estonia, Latvia, United Kingdom - Scotland

b.2. Only mandatory for specific purposes:

Argentina, Czech Republic, France, Germany, The Netherlands

Please explain:

Argentina	There are situations, such as in the case of advance health directives that the declaration of the will must be formalized in writing before a notary or court (art. 11 law 26.529).
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	While there is not a requirement for notarization", if an enduring power of attorney is to be effective for the purposes of the Land Title Act, it must be executed and witnessed in accordance with that Act. This would require "officer certification" by a lawyer, notary public, or other person before whom an affidavit may be sworn under the Evidence Act. "
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	The declaration in anticipation of incapacity has to be notarised if it is not made with two witnesses. Other measures requires a decision of a court.
Estonia	Please insert text here
Finland	Please insert text here
France	La loi impose de recourir à l'acte notarié toutes les fois que le mandat de protection future est fait pour autrui c'est-à-dire par les parents ou le dernier vivant des père et mère au profit de leur enfant mineur sur lequel ils exercent l'autorité parentale ou dont ils assument la charge matérielle et affective.
Germany	In order to facilitate the granting of a power of representation (Vorsorgevollmacht") as much as possible, there are no special provisions regarding the form and content of a power of representation, the general provisions regarding the law of representation are applicable. Only in exceptional cases the notarization of the power of representation is required (e.g. for the raising of a consumer credit and for certain real estate operations). Apart from that, notarisation of a power of representation is an available option. Comment: We have not ticked and answered d. in 6.2.1 to 6.2.4 in this questionnaire as we consider this question to refer to mandatory formal requirements which in all cases apply."
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	There are no special provisions regarding the form and content of a power of representation. In this regard, the general rules regarding the powers of attorney are applicable. However, in order to facilitate the acceptance of a power of representation (levenstestament") as much as possible, a notarisation of a power of representation is certainly an option and generally recommended. Third parties such as credit institutions may ask for a notarial deed before they accept the representation in financial matters. From that point of view, a powers of representation is mandatory in practice. "
Portugal	Please insert text here

Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

c. No, it is not mandatory, but it is an available option

Argentina, Belgium, Canada - British Columbia, Canada – Québec, Czech Republic, Hungary, Italy, Mexico, The Netherlands, Portugal, Switzerland

d. Please tick the relevant functions of this formal requirement

d.1. To establish the capacity of the grantor at the time of granting the powers of representation

Belgium, Canada – Québec, Croatia, Estonia, Italy, Latvia, United Kingdom - Scotland

d.2. To verify that the person signing the powers of representation is the grantor

Belgium, Canada – Québec, Croatia, Cyprus, Czech Republic, Estonia, Hungary, Italy, Latvia, Portugal, Switzerland, United Kingdom - Scotland

d.3. To witness the signature of the powers of representation by the grantor

Belgium, Canada – Québec, Croatia, Cyprus, Czech Republic, Estonia, Hungary, Italy, Latvia, Portugal, United Kingdom - Scotland

d.4. To verify that the powers of representation are in conformity with the law (including the conditions to be met by the designated representative)

Belgium, Canada – Québec, Estonia, Hungary, Italy, Latvia, Portugal, United Kingdom - Scotland

d.5. To verify that the powers of representation are understood by the grantor (Art. 12(4) UNCRPD)

Canada – Québec, Croatia, Estonia, Hungary, Italy, Latvia, Portugal, United Kingdom - Scotland

d.6. To verify that the powers of representation correspond to the wishes of the grantor (Art. 12(4) UNCRPD)

Canada – Québec, Croatia, Czech Republic, Estonia, Italy, Latvia, Portugal, United Kingdom - Scotland

d.7. To confirm the absence of undue influence (Art. 12(4) UNCRPD)

Canada – Québec, Croatia, Czech Republic, Estonia, Latvia, The Netherlands, United Kingdom - Scotland

d.8. Other

Argentina, Croatia, France, The Netherlands, Switzerland

Argentina	It depends on the formality required for the act to perform. For example, if the designated representative has to buy a house, he would need a public deed and it will need to be notarised.
Austria	Please insert text here
Belgium	Veuillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	If an enduring power of attorney or representation agreement is witnessed by a lawyer or regulated notary public, then only one witness is required (instead of two).
Canada - Québec	Veuillez saisir les informations demandées ici
Croatia	<p>The possibilities of issuing an anticipated order from the Family Act (Official Gazette, no. 103/15 and 98/19) are prescribed in the provisions of Article 236, paragraph 6, in the case when the person, in respect of whom the proceedings for deprivation of legal capacity are conducted, determined the person for whom he/she wishes to represent him/her in the proceedings for deprivation of legal capacity (anticipated order) in the form of a notary document, and in this case the social welfare center will appoint that person as a special guardian in the proceedings for deprivation of legal capacity in case the relevant person meets the requirements for appointment as guardian prescribed by the Family Act.</p> <p>Furthermore, the provision of Article 247, paragraph 5 of the Family Act stipulates: “(5) If a person deprived of legal capacity before deprivation of legal capacity in the form of a notary document designates a person or persons for whom he/she would like to be appointed guardian, i.e. guardians, as well as persons for whom he/she would like to be appointed their deputies (anticipated order), the social welfare center will appoint that person or persons as guardian or guardians and deputy or deputy guardians if other preconditions for appointment as guardian are met by this Act.”. Furthermore, the provisions of Article 260 of the Family Act stipulate: “(1) Only a court may, in a non-contentious procedure at the proposal of a ward deprived of legal capacity or a guardian, issue a decision on: 1. sterilization of the ward, 2. donation of tissues and organs of the ward, and 3. measures to keep the wards alive. (2) A court decision referred to in paragraph 1 of this Article is not required if the ward decided on the procedures and measures referred to in paragraph 1 of this Article at the time when he/she was legally capable in the form of a notary document (anticipated order).”. In conclusion, the provisions of Article 504 of the Family Act prescribe: “(1) In the proceedings for making a decision on the health of a ward who is deprived of legal capacity in that part, it is decided on: 1. Sterilization, 2. Donation of tissues and organs, and 3. Measures for keeping the ward alive. (2) The decisions referred to in paragraph 1 of this Article shall be issued and dispatched by the court within fifteen days from the day of initiating the proceedings. (3) The court shall reject the proposal for issuing a decision on the health of the ward if the ward decided on the matters referred to in paragraph 1 of this Article at the time when he/she was legally capable in the form of a notary document (anticipated order) referred to in Article 260, paragraph 2 of this Act.”. The Law on the Protection of Persons with Mental Disabilities prescribes a binding statement which is valid if it is drawn up in the form of a notarial deed.</p>
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Dans le cas du mandat de protection future pour autrui, qui requiert obligatoirement une forme notarié, la personne du ou des mandants et celle du bénéficiaire sont dissociés, ce qui explique la nécessité du contrôle par le notaire.

Germany	
Hungary	During registering the legal declaration the court examines the above circumstances in the framework of non-litigious proceedings and rejects it if it infringes the interests of the grantor. The application of the legal statement and the appointment of the trustee as guardian is possible within the framework of court proceedings.
Italy	Please insert text here
Latvia	Please insert text here
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	See the answer to question b.2.
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	En droit suisse, le mandat pour cause d'inaptitude est constitué en la forme olographe (mandat entièrement écrit à la main, daté et signé de la main du mandant) ou authentique (par acte public). La forme authentique est donc l'une des deux alternatives obligatoires. Les règles de forme visent à garantir que la personne ait pris une décision mûrement réfléchie et que l'on puisse établir clairement l'existence et l'étendue du mandat. La validité du mandat pour cause d'inaptitude n'est pas vérifiée au moment de sa constitution mais plus tard, lorsque l'autorité de protection des adultes apprend qu'une personne est devenue incapable de discernement. L'autorité de protection de l'adulte examine alors si le mandat a été constitué valablement.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

6.2.2. Is it mandatory in your State to have such powers of representation certified?

a. Powers of representation cannot be certified

Belgium, Canada – Québec, Estonia, Finland, France, Latvia, The Netherlands, Sweden, Switzerland

b. Yes, it is mandatory

Cyprus, Hungary, United Kingdom - England and Wales, United Kingdom - Scotland

b.1. Always mandatory

Cyprus, United Kingdom - England and Wales, United Kingdom – Scotland

b.2. Only mandatory for specific purposes

No answers

Please explain:

Argentina	Please insert text here
------------------	-------------------------

Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	The content of a binding statement is the granting or denial of consent to certain medical procedures, which are prescribed by the Law on the Protection of Persons with Mental Disorders. The issuer can determine the scope of these medical procedures, whether it is just procedure or more.
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Given that a legal statement can only be made in advance in an authentic instrument, in a private instrument countersigned by an attorney or before the guardianship authority in person, this is already a certification.
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

c. No, it is not mandatory, but it is an available option

Argentina, Czech Republic, Germany, Italy, Mexico, Portugal

d. Please tick the relevant functions of this formal requirement

d.1. To establish the capacity of the grantor at the time of granting the powers of representation

No answers

d.2. To verify that the person signing / who signed the powers of representation is / was the grantor

Cyprus, Italy, Portugal, United Kingdom - England and Wales

d.3. To witness the signature of the powers of representation by the grantor

Cyprus, Italy, Portugal, United Kingdom - England and Wales

d.4. To verify that the powers of representation are in conformity with the law (including the conditions to be met by the designated representative)

Portugal, United Kingdom - England and Wales, United Kingdom - Scotland

d.5. To verify that the powers of representation are understood by the grantor (Art. 12(4) UNCRPD)

Portugal, United Kingdom - England and Wales

d.6. To verify that the powers of representation correspond to the wishes of the grantor (Art. 12(4) UNCRPD)

Portugal

d.7. To confirm the absence of undue influence (Art. 12(4) UNCRPD)

No answers

d.8. Other

Argentina

Please explain:

Argentina	It depends on the formality required for the act to perform. If the act requires certification, the power of representation would need to be certified.
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici.
Brazil	Please insert text here
Canada - British Columbia	Please note the response to question 6.2.1 above regarding officer certification of enduring powers of attorney for the purposes of the Land Title Act.
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Given that a legal statement can only be made in advance in an authentic instrument, in a private instrument countersigned by an attorney or before the guardianship authority in person, this is already a certification. During registering the legal declaration the court examines the above circumstances in the framework of non-litigious proceedings and rejects it if it infringes the interests of the grantor. The application of the legal statement and the appointment of the trustee as guardian is possible within the framework of court proceedings.
Italy	Please insert text here
Latvia	Please insert text here

Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

6.2.3. Is it mandatory in your State to have such powers of representation witnessed?

a. Powers of representation cannot be witnessed

Belgium, Estonia, France, Hungary, Latvia, Switzerland

b. Yes, it is mandatory

Canada - British Columbia, Cyprus, Finland, Sweden, United Kingdom - England and Wales, United Kingdom - Scotland

b.1. Always mandatory

Canada - British Columbia, Cyprus, Sweden, United Kingdom - England and Wales

b.2. Only mandatory for specific purposes

Argentina, Czech Republic

Please explain:

Argentina	In certain cases, the witnesses are mandatory. For example, law 26.529 (modified by law 26.742) with regard to advance health directives, establishes that the declaration of will must be formalized in writing before a notary or a court, for which the presence of two witnesses shall be required.
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	An enduring power of attorney and representation agreement requires two witnesses to the signing of the enduring power of attorney or representation agreement. However, only one witness is required if the witness is a lawyer or regulated notary public.
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	The Law on the Protection of Persons with Mental Disabilities prescribes a binding statement that is valid if it is drawn up in the form of a notarial deed.
Cyprus	Please insert text here
Czech Republic	The declaration in anticipation of incapacity has to be witnessed by two people, if it is not notarised. The witnesses must sign the person's declaration and be able to confirm the declarant's ability to act and to confirm the content of the declaration

	itself. Other measures requires a decision of a court. Witnesses also have a special role in the case of legal acts of persons with certain types of disabilities. The law stipulates (§ 40 CC) that if a declaration is made by a blind person or a person who cannot read or write, the declaration must be read aloud by a witness who did not write the declaration. A blind person, or a person who cannot read or write, will confirm to witnesses that the document contains his true will. If the declaration is made by a person with a sensory disability who is unable to read or write, the contents of the document must be interpreted in the manner of communication chosen by him or her or by a witness who did not wrote the declaration, all witnesses must have a command of the manner of communication in which the contents of the document are interpreted. Whoever makes the declaration shall confirm before the witnesses in the chosen manner of communication that the document contains his true will.
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

c. No, it is not mandatory, but it is an available option

Argentina, Canada – Québec, Czech Republic, Germany, Italy, Mexico, The Netherlands, Portugal

d. Please tick the relevant functions of this formal requirement

d.1. To establish the capacity of the grantor at the time of granting the powers of representation

Canada – Québec, Finland, Portugal, Sweden

d.2. To verify that the person signing the powers of representation is the grantor

Canada – Québec, Czech Republic, Finland, Portugal, Sweden, United Kingdom - Scotland

d.3. To witness the signature of the powers of representation by the grantor

Canada - British Columbia, Canada – Québec, Cyprus, Czech Republic, Finland, Italy, Portugal, Sweden, United Kingdom - England and Wales, United Kingdom - Scotland

d.4. To verify that the powers of representation are in conformity with the law (including the conditions to be met by the designated representative)

No answers

d.5. To verify that the powers of representation are understood by the grantor (Art. 12(4) UNCRPD)

Finland, Portugal, Sweden

d.6. To verify that the powers of representation correspond to the wishes of the grantor (Art. 12(4) UNCRPD)

Czech Republic, Finland, Portugal, Sweden

d.7. To confirm the absence of undue influence (Art. 12(4) UNCRPD)

Czech Republic, Finland, Portugal, Sweden

d.8. Other

Argentina

Please explain:

Argentina	It depends on the formality required for the act to perform.
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	It is not obligatory to have witnesses, but the Notary Act stipulates the obligation of witnesses to participate in drawing up notarial deeds in relation to individual participants (eg if the party is deaf, mute or deaf-mute or in some cases at the explicit request of the party).
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	Please insert text here
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here

Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

6.2.4. Is it mandatory in your State to have such powers of representation subject to another formal requirement?

Please specify the name of the formal requirement:

a. Powers of representation are not subject to another formal requirement

Belgium, Canada – Québec, Cyprus, Estonia, Finland, The Netherlands, Sweden

b. Yes, it is mandatory

Czech Republic, France, Hungary, Latvia, United Kingdom - England and Wales, United Kingdom - Scotland

b.1. Always mandatory

Czech Republic, France, Hungary, Latvia, United Kingdom - England and Wales, United Kingdom - Scotland

b.2. Only mandatory for specific purposes

Canada - British Columbia, Croatia, Germany, Italy

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	See response to question 6.2.1 regarding the requirement for officer certification for the purposes of the Land Title Act.
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	The Law on the Protection of persons with Mental Disabilities prescribes a binding statement that is valid if it is drawn up in the form of a notarial deed.
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	
France	Suivant l'article 492 du code civil, le mandat sous seing privé est daté et signé de la main du mandant. Il est soit contresigné par un avocat, soit établi selon un modèle défini par décret en Conseil d'Etat.
Germany	In order to facilitate the granting of a power of representation (Vorsorgevollmacht") as much as possible, there are no special provisions regarding the form and content of a power of representation, the general provisions regarding the law of representation are applicable. This does not apply to powers of representation referring to highly sensitive issues that may affect fundamental rights as the consent of the representative to medical treatment with grave risks, to coercive

	medical treatment of the grantor and to the involuntary detention of the grantor by the representative in a closed institution. In these cases the power of representation has to be granted in writing and expressly include these measures (Sections 1904 subsection 5, 1906 subsection 5 and 1906a subsection 5 German Civil Code). "
Hungary	Please insert text here
Italy	If the physical conditions of the grantor do not allow to comply to other formal requirements, advanced health directives can be expressed through video recording or devices that allow the person with disabilities to communicate
Latvia	Yes, all such powers of representation shall be in writing. It can be drafted by parties themselves or by a sworn notary. According to the legal framework the powers of representation shall be made in the form of a notarial deed and shall be registered in the Continuing Powers of Attorney Register. Parties shall be personally present at the notary's office.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

c. No, it is not mandatory, but it is an available option

Argentina, Mexico, Portugal

d. Please tick the relevant functions of this formal requirement

d.1. To establish the capacity of the grantor at the time of granting the powers of representation

Hungary, Portugal, United Kingdom - England and Wales

d.2. To verify that the person signing the powers of representation is the grantor

Portugal

d.3. To witness the signature of the powers of representation by the grantor

Portugal

d.4. To verify that the powers of representation are in conformity with the law (including the conditions to be met by the designated representative)

Latvia, Portugal, United Kingdom - Scotland

d.5. To verify that the powers of representation are understood by the grantor (Art. 12(4) UNCRPD)

Latvia, Portugal, United Kingdom - England and Wales

d.6. To verify that the powers of representation correspond to the wishes of the grantor (Art. 12(4) UNCRPD)

Latvia, Portugal, United Kingdom - England and Wales

d.7. To confirm the absence of undue influence (Art. 12(4) UNCRPD)

Latvia, Portugal, United Kingdom - England and Wales

d.8. Other

Argentina, Italy, United Kingdom - Scotland

Please explain:

Argentina	The formality of the power of representation must be sufficient for the kind of act to perform.
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Lásd.: 6.2.2.d.8. see 6.2.2.d.8
Italy	to verify that the person giving the powers of representation is the grantor and to record the directives given to the representative
Latvia	Please insert text here
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Powers of attorney are required to be registered with the Office of the Public Guardian (Scotland) before they can be used. The OPG will provide a certificate that the attorney can show to relevant organisations to demonstrate their legal authority

6.3. If yes to question 6.1., are such powers of representation in the form of a private agreement without any formal requirements (e.g., notarised, certified or witnessed) available under the law of your State?

No:

Canada - British Columbia, Canada – Québec, Croatia, Cyprus, Estonia, Finland, France, Hungary, Italy, Latvia, Mexico, The Netherlands, Sweden, Switzerland, United Kingdom - Scotland

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Powers of representation (enduring powers of attorney and representation agreements) must be witnessed.
Canada - Québec	Le Code civil du Québec prévoit que le mandat de protection doit être fait sous forme notariée ou devant témoins. Un accord privé sans aucune condition de forme serait invalide.
Croatia	The Family Act stipulates that anticipated orders from the Family Act are drawn up in the form of a notary document and not as a private agreement without any formal requirements. Given the answer under 6.1 and 6.6 it is not necessary to answer 6.5, 6.6 and 6.7. The Law on the Protection of Persons with Mental Disabilities prescribes a binding statement which is valid if it is drawn up in the form of a notarial deed.
Cyprus	A private agreement without a formal requirement is not available under the Law of our State.
Czech Republic	Please insert text here
Estonia	As explained above, these powers of representation must be notarised.
Finland	According to Act 648/2007, the power of representation always needs to be duly signed and witnessed by two witnesses.
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Hungarian national legislation does not allow it. Legal statement can only be made in advance in an authentic instrument, in a private instrument countersigned by an attorney or before the guardianship authority in person.
Italy	Advanced health directives must be drawn up in the form of a notary deed, by a certified writing or by a private writing delivered personally by the grantor to the civil status office of the municipality where the grantor resides, to be recorded in a register, or to some health facilities
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	All Guardianship lawsuits must be brought before a Family Judge.
The Netherlands	See the answer to question 6.1.
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	A power of representation (continuing power of attorney [CPA]) must be witnessed to be valid.
Switzerland	En droit suisse, le mandat pour cause d'inaptitude est constitué en la forme olographe (mandat entièrement écrit à la main, daté et signé de la main du mandant) ou authentique (par acte public).

United Kingdom - England and Wales	.
United Kingdom - Scotland	Powers of attorney to be used after an adult is incapacitated must comply with Part 2 of the Adults with Incapacity (Scotland) Act 2000

Yes:

Argentina, Belgium, Czech Republic, Germany, Portugal, United Kingdom - England and Wales

6.4. Have issues arisen in your State with regard to the existence of such powers of representation governed by the law of another State?

No:

Belgium, Croatia, Cyprus, Czech Republic, Estonia, France, Germany, Hungary, Italy, Latvia, Mexico, The Netherlands, Portugal, Sweden, United Kingdom - England and Wales, United Kingdom - Scotland

Yes:

Canada - Québec, Switzerland

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	The Power of Attorney Act (section 38) and the Power of Attorney Regulation (section 4) provide for the recognition of instruments akin to an enduring powers of attorney from the following jurisdictions: other Canadian provinces/territories, the United States of America, the United Kingdom of Great Britain and Northern Ireland, Australia, and New Zealand. To be effective in British Columbia, the instrument must meet the specified requirements and be accompanied by a certificate from a solicitor permitted to practice in the jurisdiction in which the instrument was made. The provisions are similar for instruments akin to representation agreements (Representation Agreement Act, section 41, Representation Agreement Regulation, section 9).
Canada - Québec	
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please note that the comments in Chapter VI referring to practical issues are made by the German Federal Office of Justice in its function as the Central Authority and thus reflect experiences taken from cases that were processed through the Central Authority.
Hungary	Please insert text here
Italy	Please insert text here
Latvia	We are not aware of the existence of such powers of representations governed by the law of another State.

Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Le cas suivant nous a été soumis plusieurs fois: le mandat pour cause d'inaptitude établi par l'adulte A, qui a sa résidence habituelle dans l'État partie B, est-il valide aussi en Suisse? Le mandat pour cause d'inaptitude en tant que tel n'est pas une mesure qui pourrait être reconnue selon l'art. 22 de la Convention de 2000. En revanche, la décision d'une autorité de B de valider le mandat pour cause d'inaptitude peut être reconnue de plein droit en Suisse. Une autorité de protection de l'adulte en Suisse ne se déclarerait probablement pas compétente pour une telle validation, car l'adulte vit dans l'État B. L'autorité de protection de l'adulte suisse pourrait éventuellement considérer qu'elle est compétente pour un immeuble sis en Suisse, et valider le mandat pour cause d'inaptitude uniquement sur ce point (v. art. 9 de la Convention de 2000, compétence des autorités d'un état contractant dans lequel se trouvent des biens de l'adulte). Si dans l'Etat B il n'y a pas de mécanisme de validation du mandat pour cause d'inaptitude, cela pourra causer problème. Si l'adulte est citoyen suisse, on pourrait éventuellement penser à une application de l'art. 7, autrement de l'art. 8 de la Convention de 2000.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

6.5. If no to question 6.1., does the law of your State prohibit such powers of representation, or contain provisions rendering them ineffective?

No:

Brazil, Mexico, The Netherlands, Slovakia

Yes:

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici

Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	

6.6. If no to question 6.1., does your State intend to legislate in the near future to provide for such powers of representation?

No:

Brazil, Croatia, Mexico, The Netherlands

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	There are doubts if a specific legislation would be necessary to establish a power of representation agreement in Brazil. According to some legal scholars, the measure would be applicable based on a range of norms in force today even though there is no case law that support this conclusion.
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	In the Netherlands there is no legislation pending in Parliament nor in preparation. As indicated above, a living will ("levenstestament") is a special, in most cases notarised form of a powers of attorney. The professional association of notaries

	(KNB) is working on a greater publicity to the possibility to give advances directives in a continuing power of attorney ("levenstestament")."
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

Yes:

Luxembourg, Slovakia

6.7. If yes to question 6.6., please indicate which form of powers of representation your State is likely to provide for (tick more than one box if applicable):

a. **notarised** powers of representation

Slovakia

b. **certified** powers of representation

No answers

c. **witnessed** powers of representation

No answers

d. **private agreements** without any formal requirements

No answers

e. Other

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here

Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	A ce stade, il est trop prématuré de répondre à ces questions.
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

Designation of a representative under such powers of representation

6.8. Are there conditions / limitations (e.g., to provide safeguards with regard to conflicts of interests) as to who can be designated as a representative under such powers of representation governed by the law of your State (e.g., limitation to natural persons, or a further limitation to persons with specified relationships to the grantor)?

No:

Cyprus, Estonia, Latvia, The Netherlands, Portugal

Yes:

Argentina, Belgium, Canada - British Columbia, Canada – Québec, Croatia, Czech Republic, Finland, France, Germany, Hungary, Italy, Mexico, Sweden, United Kingdom - England and Wales, United Kingdom - Scotland

Please explain:

Argentina	The designated representative must have understanding.
Austria	Please insert text here
Belgium	Ne peuvent pas être désignés en tant que mandataires : 1° les personnes qui sont placées sous protection judiciaire , 2° les personnes morales à l'exception de la fondation privée qui se consacre exclusivement à la personne protégée ou d'une fondation d'utilité publique qui dispose pour les personnes à protéger d'un comité statutaire chargé d'assumer les mandats , 3° les dirigeants ou les membres du personnel de l'institution où réside la personne protégée , 4° en ce qui concerne le mandat qui porte uniquement sur ses biens, les personnes qui ne peuvent disposer librement de leurs biens , 5° les personnes qui, en vertu de l'article 32 de la loi du 8 avril 1965 relative à la protection de la jeunesse, à la prise en charge des mineurs ayant commis un fait qualifié infraction et à la réparation du dommage causé par ce fait, sont totalement déchues de l'autorité parentale (articles 490/1, § 1er, alinéa 2, et 496/6 du Code civil).
Brazil	

Canada - British Columbia	An individual who provides personal care or health care services to the adult for compensation, or an employee of a facility in which the adult resides and which provides these services, cannot be named as an attorney or representative. However, this does not apply to restrict the appointment of a spouse, child or parent of the adult who may be providing such services. A person appointed with authority in respect of the adult's personal care or health care must be a natural person (an individual) or the Public Guardian and Trustee of British Columbia. A person appointed with authority in respect of the adult's financial affairs may be a natural person (an individual), the Public Guardian and Trustee, or a financial institution authorized to carry on trust business.
Canada - Québec	Seule une personne physique peut être mandataire à la personne, mais une personne physique ou une personne morale peuvent être mandataires aux biens.
Croatia	The provisions of Article 236, paragraphs 2, 3, 4, 5, and 6 of the Family Act stipulate: “(2) A social welfare center shall appoint a special guardian to the person for whom the proceedings for deprivation of legal capacity has been initiated, unless that person authorized the proxy. (3) If the proceedings for deprivation of legal capacity are proposed by a social welfare center, the special guardian may not be a professional worker of that center. (4) If the procedure for deprivation of legal capacity is proposed by another person referred to in Article 496 of this Act, that person may not be appointed as a special guardian. (5) The special guardian referred to in paragraph 2 of this Article is a person who has passed the bar examination and is employed in the Center for Special Guardianship referred to in Article 544 of this Act. (6) By way of derogation from paragraph 5 of this Article, if the person in respect of whom the proceedings for deprivation of legal capacity is conducted, has designated in the form of a notary document the person he/she wishes to represent him/her in the procedure for deprivation of legal capacity (anticipated order), the social welfare center shall appoint that person as a special guardian if he/she meets other preconditions for appointment as a guardian prescribed by this Act.”. Furthermore, the provisions of Article 247, paragraph 5 of the Family Act stipulate: “(5) If a person deprived of legal capacity, before deprivation of legal capacity, in the form of a notary document, designates a person or persons for whom he/she would like to be appointed guardian, i.e. guardians, as well as persons for whom he/she would like to be appointed their deputies (anticipated order), the social welfare center will appoint that person or persons as guardian or guardians and deputy or deputy guardians, if other preconditions for appointment as guardian prescribed by this Act are met.”. Pursuant to the above, the provision of Article 248 of the Family Act prescribes obstacles to the appointment of a guardian as follows: “A guardian may not be a person: 1. who is deprived of the right to parental care, 2. who is deprived of legal capacity, 3. whose interests are contrary to the interests of the ward, 4. who, given her/his behavior and characteristics and relations with the ward, cannot be expected to perform properly the duties of a guardian, 5. with whom the ward has entered into a lifetime or lifelong maintenance contract, and 6. with whose spouse, or extramarital partner the ward has entered into a lifetime or lifelong maintenance contract.”. According to the Law on the Protection of Persons with Mental Disabilities, a person of trust may be a person who has reached the age of 18 and who has not been deprived of legal capacity. A person of trust may not transfer the authority from the binding statement to another person.
Cyprus	Please insert text here
Czech Republic	A) Guardian without a limitation in legal capacity The law stipulates that the guardian is to be selected according to the specified order (§ 471 CC). In first place, the court should appoint as a guardian a person proposed by the person who is to be represented. If it is impossible, the court will usually appoint a relative or

	<p>another person close to the person who is to be represented, who will prove a long-term and serious interest in the person who is to be represented and the ability to have such interest in the future. If this is not possible, the court shall, in choosing the guardian, appoint another person who meets the conditions for becoming a guardian or - if there is no such person - a public guardian. As a public guardian shall be appointed the municipality where the person resides or a legal entity established by this municipality to perform this tasks. Furthermore, the law stipulates also impedimenta - the guardian must not be a person unable to act legally and there must be no conflict of interest. To prevent a conflict of interest the law forbids the guardianship to operators of the facility where the person who is to be represented resides or who provides him or her services or a person dependent on such a facility (§ 63 CC). B) Declaration in anticipation of incapacity No detailed criteria are prescribed by law. If the declaration designates a person who is to be a the guardian, same rules as stated above apply. If the circumstances evidently change in such a substantial way that, under such circumstances, the declarant would not have made the declaration or would have made a declaration with different contents, a court shall amend or cancel the declaration if the declarant were otherwise under a threat of serious harm. Before making any decision, the court shall make the necessary effort to obtain the opinion of the individual whose declaration is subject to the court's decision, also using the way of communication of the individual's choosing. C) Representation by a household member Only a person close to the represented person, who is stipulated by law, can be a representative. Specifically, a descendant, an ancestor, sibling, spouse or partner, or a person who lived in the common household with the represented person for at least three years before the representation was established (§ 49 CC). In general, it can be concluded that there must be no conflict of interest between the representative and the represented person. D) Assistance in decision-making No detailed criteria are prescribed by law. In addition to natural persons, legal persons have also become such assistants in Czech practice. However, there must be no conflict of interest, as the law stipulates (§ 47 CC) that the assistant must not endanger the interests of the person by unduly influencing, or unjustly enrich himself or herself at the expense of the person. Violation of this rule could result in termination of this relationship by a court.</p>
Estonia	Please insert text here
Finland	Limitation to natural persons
France	<p>Ne peuvent être investis de la mission de représentation : - les mineurs non émancipés, - les majeurs étant l'objet d'une mesure de protection juridique, qu'il s'agisse d'une mesure incapacitante ou d'une mesure non incapacitante, - les personnes à qui l'autorité parentale a été retirée ainsi que les personnes à qui l'exercice des charges tutélaires a été interdit en application de l'article 131-26 du code pénal, - le mandat de protection future ne peut désigner en qualité de mandataire le médecin et le pharmacien du mandant ainsi que les auxiliaires médicaux, sauf s'ils font partie du cercle familial, - la loi interdit le cumul des fonctions de fiduciaire et de mandataire de protection future à l'égard de la même personne.</p>
Germany	<p>Persons who are in a situation of dependence or in another close connection to an institution, a home or another establishment to which the grantor has been committed or in which he/she lives: Although such persons may not be appointed as "Betreuer" (Section 1897 subsection 3 German Civil Code), they can in principal be appointed as a representative. However, it might be necessary in such a case to additionally appoint a "Betreuer" whose function would be the assertion of rights of the grantor vis-à-vis the person authorised by him/her. •In case the</p>

	representative does not act for free his activities have to be allowed according to the provisions of the Law on Legal Services (Rechtsdienstleistungsgesetz).
Hungary	A guardian can only be a person with of legal capacity. A guardian shall be appointed, unless this is expressly contrary to his interests, by a person nominated by the person placed under guardianship or indicated by the person concerned in the proceedings for the appointment of a guardian. If this is not possible, the spouse or life partner living primarily with the person placed under guardianship should be seconded as a guardian. If the person concerned does not have such a relative or the secondment of the spouse or partner would jeopardize the interests of the person placed under guardianship, the guardianship authority shall appoint a guardian who is capable of providing guardianship taking into account all the circumstances. When appointing a guardian, preference shall be given to the parents or the person designated by the parents in an authentic instrument or will in the event of their death, or, in the absence of such, to relatives who can provide personal care if necessary.
Italy	The representative (trustee) must be of age and capable of understanding and willing
Latvia	There is no specific limitation on the range of persons or entities. Persons or entities appointed need to have capacity to act. Additionally, more than one representative may be appointed. There is no regulation concerning the extent to which the designated representative may act. It is the grantors' right to decide whether there are several representative and to what extent they act (jointly, concurrently, separately, or as substitutes). It should be mentioned that it is forbidden to transfer the powers of representation to another person. The designated representative is not allowed to assign his/her powers to a substitute.
Luxembourg	Veuillez saisir les informations demandées ici
Mexico	In accordance with the Federal Civil Code, in accordance with articles 503 to 510, the Persons Incapable for the Performance of Guardianship and those who must be Separated from it are: Article 503.- They cannot be tutors, even if they are willing to receive the position: I. Minors, II. Those of legal age who are under guardianship, III. Those who have been removed from another guardianship for having misbehaved, with respect to the person, and with respect to the administration of the assets of the disabled person, IV. Those who by sentence that cause enforceability have been sentenced to deprivation of this position or disqualification from obtaining it, V. Whoever has been convicted of theft, breach of trust, fraud, fraud or crimes against honesty, VI. Those who have no known trade or way of life or are notoriously misbehaving, VII. Those who, upon deferring guardianship, have a pending lawsuit with the disabled, VIII. The debtors of the incapacitated person in a considerable amount, in the judgment of the judge, unless the one named testamentary guardian has done so with knowledge of the debt, thus expressly declaring it when making the appointment, IX. The judges, magistrates and other officials or employees of the administration of justice, X. Whoever is not domiciled in the place where he should exercise guardianship, XI. The public employees of the Treasury, who by reason of their destiny have current pecuniary responsibility or have had it and have not covered it, XII. Anyone who suffers from a chronic contagious disease, XIII. Others to whom the law prohibit. Artículo 504.- Serán separados de la tutela: I. Los que, sin haber caucionado su manejo conforme a la ley, ejerzan la administración de la tutela, II. Los que se conduzcan mal en el desempeño de la tutela, ya sea respecto de la persona, ya respecto de la administración de los bienes del incapacitado, III. Los tutores que no rindan sus cuentas dentro del término fijado por el artículo 590, IV. Los comprendidos en el artículo anterior, desde que sobrevenga o se averigüe su incapacidad, V. El tutor que se encuentre en el caso previsto en el artículo 159, VI.

	El tutor que permanezca ausente por más de seis meses, del lugar en que debe desempeñar la tutela. Article 505.- They cannot be guardians or curators of the persons included in section II of article 450, who have been the cause or directly or indirectly promoted such diseases or illnesses. Article 507.- The Public Ministry and the ward's relatives have the right to promote the separation of the guardians who are in any of the cases provided for in Article 504. Article 508.- The guardian who is prosecuted for any crime, will be suspended in the exercise of his charge from the moment the motivated order of prison is provided, until an irrevocable sentence is pronounced. Article 509.- In the case of the previous article, the guardianship will be provided according to the law. Article 510.- Once the guardian has been acquitted, he will return to his duty. If he is sentenced to a sentence that does not entail the disqualification to carry out guardianship, he will return to this when his sentence expires, provided that the sentence imposed does not exceed one year in prison.
The Netherlands	Please insert text here
Portugal	When the accompaniment is ordered, the court use the mandate, in whole or in part, and takes it into account when defining the scope of protection and in the designation of the accompanying person. The court may terminate the mandate when it is reasonable to assume that the principal's wish would be to revoke it.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Only natural persons can be designated.
Switzerland	En principe, le mandant peut librement choisir la personne du mandataire : une personne physique ou une personne morale. Lorsque le mandant devient incapable de discernement, l'autorité de protection de l'adulte examine toutefois si le mandataire est apte à remplir le mandat. Il existe donc un mécanisme de contrôle par l'autorité de protection de l'adulte qui contrebalance le libre choix du mandant. De plus, si les tâches confiées relèvent du domaine médical, le mandataire sera exclusivement une personne physique, en raison du caractère éminemment personnel du mandat, qui, matériellement, est à assimiler à des directives anticipées. Enfin, l'existence d'un conflit d'intérêts fait cesser, de plein droit, les pouvoirs du représentant.
United Kingdom - England and Wales	Representative must be over 18, not bankrupt (if the power is in relation to property and affairs) and have capacity to make decisions
United Kingdom - Scotland	A practicing solicitor, doctor or legal advocate who has granted a certificate in relation to a continuing or welfare attorney under Part 2 of the AWI Act cannot be the person to whom the power of attorney has been granted.

6.9. Does your response to question 6.8. differ whether such powers of representation are subject to a formal requirement (e.g., notarised, certified, witnessed) or not subject to any formal requirements?

No:

Argentina, Belgium, Canada - British Columbia, Canada – Québec, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Mexico, The Netherlands, Portugal, Sweden, Switzerland, United Kingdom - England and Wales

Yes:

Croatia, United Kingdom - Scotland

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	According to the provisions of the Law on the Protection of Persons with Mental Disabilities, a binding statement is valid if it is drawn up in the form of a notarial deed. Such a statement is made by a notary public in accordance with the provisions of the Notary Public Act, which must examine if the parties are capable and authorized to give and receive obligations from such a statement, explain the meaning and consequences of a binding statement, and make sure that the legal action corresponds to the actual will of the parties binding statements.
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	The power of attorney is subject to formal requirement. There is no option for non-formal requirements

6.10. Have issues arisen in your State with regard to the capacity of the person designated as a representative under such powers or representation governed by the law of another State?

No:

Argentina, Belgium, Canada – Québec, Croatia, Cyprus, Estonia, France, Germany, Hungary, Italy, Latvia, Mexico, The Netherlands, Portugal, Sweden, Switzerland, United Kingdom - England and Wales, United Kingdom - Scotland

Yes:

Czech Republic

Please explain:

Argentina	Please insert text here
------------------	-------------------------

Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Not to our knowledge. (See question 6.4 regarding the recognition of instruments from other jurisdictions.)
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Representation by a household member - Unfortunately, a number of problems has been registered. There is no uniform interpretation of the institute as to what powers this representative should have, which greatly complicates the situation. This involves a number of important areas (including the issue of concluding contracts for social services, property management and financial management, the right to claim social benefits for the represented person, etc.). Amendments of this legislation are beeing prepared. The powers of this representative are now also being clarified in other public law regulations, in particular administrative law, concerning social benefits.
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	See comment to 6.4
Hungary	Please insert text here
Italy	Please insert text here
Latvia	We are not aware of any issues.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

Supervision / control mechanisms of such powers of representation

6.11. Are such powers of representation governed by the law of your State subject to some supervision / control mechanisms / reporting (e.g., a person or authority designated (on a mandatory or voluntary basis) under such powers or by operation of law to which the person designated as the representative is to report to)?

No:

Estonia, Latvia, The Netherlands, United Kingdom - England and Wales

Please explain:

Argentina	Please insert text here
Austria	Please insert text here

Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Powers of representation are not subject to supervision according to the Certifying Officers Law of 2012.
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	There is no specific requirement to a designated representative to report to any authority.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	The power of representation in the Netherlands ("levenstestament") is not subject to some form of supervision, control mechanism or reporting. However, the grantor may ensure in his living will ("levenstestament") that the execution of his instructions given in advance is supervised by other persons than the representative, for example in certain cases like the sale of his house or major medical decisions. The grantor may also appoint an examiner to whom the representative must periodically report to or must give account or must give information on the measures taken. In case close relatives of the grantor request for a legal protection measure, such as curation, fiduciary administration or protection mentorship, the Subdistrict Court may appoint another person than the representative in the living will if the Subdistrict Court has doubts about the ability of the representative. The Subdistrict Court may deviate from the living will in the interest of the grantor (the vulnerable adult for whom a protection measure is necessary. The same applies in the situation that the representative has seriously abused or neglected his assignment. "
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	There are only reporting requirements if directed by the court in certain circumstances
United Kingdom - Scotland	Please insert text here

Yes:

Argentina, Belgium, Canada - British Columbia, Canada – Québec, Croatia, Czech Republic, Finland, France, Germany, Hungary, Italy, Mexico, Portugal, Sweden, Switzerland, United Kingdom - Scotland

Please explain:

Argentina	There is no supervision but reporting to the grantor or the judge in case of incapacity.
Austria	Please insert text here
Belgium	Le mandataire doit rendre compte de sa gestion au mandant (article 1993 du Code civil). Le juge de paix peut, soit d'office, soit à la demande du mandant, du mandataire, de tout intéressé ou du procureur du Roi statuer sur l'exécution du mandat. Si le juge de paix constate que le mandant se trouve dans l'incapacité, en raison de son état de santé, de gérer ses intérêts ou se trouve en état de prodigalité, que le mandat est conforme à l'intérêt du mandant et que le mandataire a accepté sa mission, il peut donner exécution partielle ou totale au mandat (article 490/1, § 2, du Code civil). En tout état de cause, le juge de paix peut, en cas de mise en péril des intérêts du mandant, mettre fin, en tout ou partie, au mandat spécial ou général. Il peut remplacer, en tout ou en partie, ce mandat par une mesure de protection judiciaire qui serait plus conforme aux intérêts du mandant. Il peut soumettre l'exécution du mandat ou l'exercice des attributions du mandataire aux mêmes formalités que celles qui s'appliquent à la mesure de protection judiciaire (par exemple, la communication de rapports périodiques,...). Le juge de paix peut, soit d'office, soit à la demande de tout intéressé ainsi que du procureur du Roi, statuer sur les modalités d'exécution du mandat ou sur les attributions du mandataire (article 490/2, § 2, du Code civil).
Brazil	
Canada - British Columbia	Concerns regarding an enduring power of attorney or representation agreement, including concerns that an attorney or representative are not acting appropriately, can be reported to the Public Guardian and Trustee of British Columbia, and the Public Guardian and Trustee is authorized to take certain actions in response. Also, an adult making a representation agreement may choose to name a monitor in the agreement and, in some circumstances, must name a monitor.
Canada - Québec	Sur une base volontaire seulement, il est possible que le mandat prévoit une forme de reddition de compte.
Croatia	The provisions of Article 243 of the Family Act prescribe, inter alia, in paragraphs 3, 4, 5, 6, 7 and 8, the powers and duties of the special guardian, as well as the duties of the special guardian for submitting reports on its work as follows: "(3) The social welfare center shall determine the scope of duties and powers of the special guardian of the person in respect of whom the proceedings for deprivation of legal capacity has been initiated, taking into account the content of the proposal for deprivation of legal capacity. (4) The powers and duties of the special guardian referred to in paragraph 3 of this Article shall, as a rule, be limited to representation in proceedings for deprivation of legal capacity and taking urgent measures necessary to protect the property or the health of the person for whom the proceedings are conducted. (5) During the proceedings for deprivation of legal capacity, the social welfare center is authorized, by issuing a decision, to expand the scope of powers and duties to the special guardian referred to in paragraphs 3 and 4 of this Article. (6) The duty of the special guardian referred to in paragraph 3 of this Article shall terminate when the decision on placing under guardianship becomes enforceable, i.e. when the decision establishing that there are no reasons for deprivation of legal capacity becomes final. (7) A special guardian who is an employee of the Center for Special Guardianship is obliged to submit a report on his/her work during the performance of guardianship tasks at the request of the Director of the Center for Special Guardianship within the deadline determined by the Director and a final report to the Director of the Center for Special Guardianship and to the body which had appointed the special guardian if the body so requests, within eight days of the completion of the proceedings for which he/she has been appointed. (8) A special guardian, who is not an employee of the Center for Special

	<p>Guardianship, is obliged to submit a report on his work during the performance of guardianship tasks at the request of the Director of the center for social welfare within the deadline set by the Director, and a final report within eight days after the completion of his/her tasks, activities or the proceedings for which he/she has been appointed.". Furthermore, the provisions of Article 262 of the Family Act stipulate: "(1) The guardian is obliged to submit a report on his work and on the condition of the ward's property every six months and when requested by the social welfare center. The guardian is obliged to deliver a copy of the report on the work and condition of the ward's property to the ward who has reached the age of fourteen. (2) The guardian who is obliged to support the ward according to this Act is obliged to submit a report on his work and the condition of the ward's property every year and when requested by the social welfare center. (3) The report referred to in paragraphs 1 and 2 of this Article shall be submitted in writing or orally on the record. (4) In the report, the guardian must state how he took care of the ward's person, his/her health, protection of his rights and welfare, data on measures for independent training for life, data on management and disposal of the ward's property, income and expenditure of the ward and other important data for the person of the ward in the previous period depending on the part in which the ward was deprived of legal capacity. (5) In the event that an expert worker of the social welfare center referred to in Article 247, paragraph 6 of this Act has been appointed guardian, the report shall be submitted by the appointed professional worker of the social welfare center to the expert council of the social welfare center. (6) The social welfare center shall consider the report of the guardian, draw up a note thereof and, if necessary, take appropriate measures to protect the welfare of the ward.."</p>
Cyprus	
Czech Republic	<p>A) Guardian without a limitation in legal capacity - Like guardianship with a limitation in legal capacity, it is subject to a judicial supervision. The guardian must report regularly on his activities and in other cases stipulated by law. The court may, if necessary, impose selected measures on the guardian. Furthermore, the guardian is subject to the supervision of the guardianship council, which may be established on a voluntary basis. If guardianship is performed as public, e.g. typically by a municipality, then it is also subject to the control of the regional authority and further to the control of the Public Defender of Rights. B) Declaration in anticipation of incapacity - If a guardian is appointed on the basis of that declaration, ad A) applies. C) Representation by a household member - There is no regular supervision. In case of suspicion about the proper performance of the function, court proceedings may be initiated. D) Assistance in decision-making - There is no regular supervision. In case of suspicion about the proper performance of the function, court proceedings may be initiated. However, a control mechanism can be agreed in the contract.</p>
Estonia	Please insert text here
Finland	<p>According to Act 648/2007, the guardianship authority supervises the designated representative. Within a period of three months of a power of representation being confirmed, the designated representative must submit to the competent authority a property inventory on the grantor's property and debts that the power of representation mandates the designated authority to manage. The grantor cannot exempt the designated representative from the obligation to provide the guardianship authority with a property inventory. The property inventory will be drawn up on the basis of the situation at the time the power of attorney was confirmed. If the grantor subsequently receives property for which the designated representative has the right to represent the grantor (e.g. becomes a shareholder in the estate), the inventory on acquired property (e.g. estate deed) must be</p>

	submitted within one month. If the power of representation concerns the representation of the grantor in financial matters, the designated representative is obliged to keep a record of the grantor's assets and debts and the events of the financial year. However, the designated representative does not need to draw up a separate annual statement for the management of affairs to the authority, unless the grantor has entered a requirement for this into the power of representation. If the power of representation concerns the representation of the grantor in non-financial matters, the designated representative is obliged to keep a record of the actions taken on behalf of the grantor. In addition, the competent guardianship authority may request the designated representative to submit a statement on the performance of their duties if there are grounds for doing so.
France	Un contrôle est établi par le greffe pour la mise en œuvre du mandat de protection future, et le mandataire pourra également saisir le juge des tutelles par requête en cas de refus du greffe de mettre le mandat à exécution. Lorsqu'il a été désigné par acte authentique le mandataire est tenu de rendre compte annuellement de sa gestion au notaire qui a établi le mandat en lui adressant ses comptes ainsi que les pièces justificatives utiles. celui-ci en assure la conservation ainsi que celle de l'inventaire des biens et de ses actualisations. La loi fait peser sur le notaire rédacteur du mandat un devoir d'alerte en lui imposant de saisir le juge de tout mouvement de fonds et tout acte non justifiés ou n'apparaissant pas conforme aux stipulations du mandat. Lorsque le mandat est établi sous seing privé, le code civil impose seulement au mandataire de conserver l'inventaire et les comptes de gestion pendant cinq ans ainsi que les pièces justificatives. Le compte de gestion est vérifié selon les modalités prévues au mandat. Sur ce point, le modèle Cerfa invite le mandant à désigner une personne physique ou morale chargée de contrôler le mandataire dans sa mission de protection de la personne et/ou du patrimoine du mandant. Cependant le juge des tutelles peut faire vérifier le compte de gestion du mandataire par le directeur des services de greffe judiciaires. Enfin, l'article 494 du code civil fait jouer le pouvoir de surveillance générale du juge des tutelles et du procureur de la République en imposant au mandataire de leur communiquer l'inventaire et les cinq derniers comptes de gestion.
Germany	In general powers of representation are not subject to specific supervision or control mechanisms. However, there are matters that can be dealt with in a power of representation but which additionally require the approval of the competent court ("Betreuungsgericht"): coercive medical treatment with grave risks, involuntary placement and detention and medical treatment. Furthermore, Section 1896 subsection 3 German Civil Code provides for the possibility of an additional appointment of a "Betreuer" by the competent court ("Betreuungsgericht") whose function would be the assertion of rights of the grantor vis-à-vis the representative if the grantor is not capable to exercise these rights effectively and the appointment of a "Betreuer" is therefore necessary. If necessary, the court can enable the "Betreuer" to revoke the power of representation."
Hungary	In the event that the prior legal declaration becomes effective.
Italy	If the representative for advanced health directives refuses the proposed treatment and the doctor believes that they are appropriate and necessary or if there is a conflict between the representative and the doctor, the decision is left to the tutelary judge by request of the representative of the grantor, other relatives, the doctor or the legal representative of the health facility
Latvia	However, according to Section 2305 of the Civil law a designated representative shall provide an accounting to his or her grantor regarding the performance of the assignment, and particularly, regarding all related income and expenditures in connection therewith. Moreover in Latvia the public prosecutor's one of the functions is the supervision of the rights of vulnerable persons. That means, the

	public prosecutor may bring an application before the court in case the public prosecutor is aware of the fact that the designated representative does not perform his/her duties in accordance with the powers of representation or acts contrary to the interests of the grantor. The grantor's children, brothers, sisters, parents and spouse also have the same rights to go to court if they can prove that the designated representative does not perform his/her duties in accordance with the powers of representation or acts contrary to the interests of the grantor. The court may suspend the powers of representation to act.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Federal Civil Code Article 537.- The guardian is obliged: I. To feed and educate the disabled, II. To allocate, preferably the resources of the disabled person to the cure of their illnesses or to their regeneration if he is a habitual drunkard or habitually abuses enervating drugs III. To form a solemn and detailed inventory of what constitutes the assets of the disabled person, within the term designated by the judge, with the intervention of the curator and the incapacitated person discernment and has reached sixteen years of age, The term to form the inventory may not be greater than six months, IV. To manage the flow of the disabled. The ward will be consulted for important acts of the administration when he is capable of discernment and over sixteen years, The administration of the assets that the ward has acquired with his work corresponds to him and not to the tutor, V. To represent the disabled person in court and out of it in all civil acts, with the exception of the marriage, the recognition of children, the testament and other strictly personal, VI.. To promptly request judicial authorization for everything that legally cannot be done without she
The Netherlands	Please insert text here
Portugal	The mandate is non-binding, being controlled" by the court when applying accompanying measures and appointing a companion / accompanying person."
Slovakia	Veillez saisir les informations demandées ici
Sweden	The grantor may in a power of representation (CPA) appoint an examiner to whom the representative (attorney) upon request must report to. The examiner may, if he or she has been given this authority in the CPA, revoke the CPA. If an examiner has not been appointed in the CPA, the grantor's spouse, cohabitee or closest relatives may demand that the attorney give them an account of his or her assignment. Furthermore, the chief guardian may demand that the attorney submits an account of his or her assignment and information on the measures taken. The chief guardian may also decide that an attorney who has seriously abused or neglected his or her assignment may no longer use the CPA.
Switzerland	Le mandant peut prévoir des instructions sur la manière d'exécuter les tâches qu'il confie au mandataire: le mandataire peut par exemple être tenu de rendre compte aux proches ou à un tiers désigné dans le mandat (par exemple l'avocat de confiance de l'intéressé). Le mandataire doit se limiter aux seules tâches fixées dans le mandat pour cause d'inaptitude. Il doit s'en acquitter avec la diligence requise par les règles du code des obligations sur le mandat. Cela signifie notamment que le mandataire doit pouvoir rendre compte en tout temps de sa gestion. S'il constate qu'il convient de régler des affaires qui ne lui ont pas été confiées par le mandat, le mandataire doit solliciter immédiatement l'intervention de l'autorité de protection de l'adulte, qui prendra les mesures nécessaires. Elle pourra notamment nommer un curateur en la personne, par exemple, du mandataire ou ordonner que le mandataire lui remette un inventaire, des rapports ou des comptes. S'il existe un conflit d'intérêts entre le mandant et le mandataire, celui-ci sollicite immédiatement l'intervention de l'autorité de protection de l'adulte, en cas de conflit d'intérêts, les pouvoirs du mandataire prennent fin de plein droit Si les intérêts du mandant sont compromis ou risquent de l'être,

	l'autorité de protection de l'adulte prend les mesures nécessaires d'office ou sur demande d'un proche du mandant.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	There are no formal reporting requirements for attorneys, however the office of the Public Guardian does have investigatory powers to look into the property and financial affairs of an adult lacking capacity if they consider there is risk and can therefore require the attorney to provide documents to them. The local authority and Mental Welfare Commission have similar functions in relation to welfare attorneys

6.12. Does your response to question 6.11. differ whether such powers of representation are subject to a formal requirement (*e.g.*, notarised, certified, witnessed) or not subject to any formal requirements?

No:

Argentina, Belgium, Canada - British Columbia, Canada – Québec, Croatia, Cyprus, Czech Republic, Estonia, Finland, Germany, Italy, Latvia, The Netherlands, Portugal, Sweden, Switzerland, United Kingdom - England and Wales, United Kingdom - Scotland

Yes:

France, Hungary, Mexico

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	(voir réponse précédente)
Germany	Please insert text here
Hungary	Yes, and we emphasize that prior legal statement has legal consequences only in case it made in compliance with formal requirements, otherwise the legal statement is annuled, null and void.
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	All powers of representation are granted prior trial before the Family Judge
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici

Sweden	
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

6.13. Have issues arisen in your State with regard to the control mechanism to which such powers of representation governed by the law of another State are subject to?

No:

Belgium, Canada – Québec, Croatia, Cyprus, Estonia, France, Germany, Italy, Latvia, Mexico, The Netherlands, Portugal, Sweden, Switzerland, United Kingdom - England and Wales, United Kingdom - Scotland

Yes:

Hungary

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Not to our knowledge. (See question 6.4 regarding the recognition of instruments from other jurisdictions.)
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	See comment to 6.4
Hungary	The same as for legal declarations made under Hungarian law. .
Italy	Please insert text here
Latvia	We are not aware of any issues.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

Extent of such powers of representation

6.14. Are such powers of representation (and wishes expressed therein) governed by the law of your State legally binding on the designated representative?

Yes:

Canada - British Columbia, Croatia, Cyprus, Czech Republic, France, Germany, Hungary, Italy, Latvia, Mexico, Portugal, Switzerland, United Kingdom - England and Wales, United Kingdom - Scotland

No:

Belgium, Canada – Québec, Czech Republic, Estonia, Finland, The Netherlands, Sweden

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Pas forcément. La protection de la personne et celle des biens d'un incapable majeur seront régies par le droit belge : - si la personne incapable a sa résidence habituelle en Belgique au moment de l'adoption des mesures de protection , - si le droit désigné en vertu des dispositions du Code de droit international privé ne permet pas de garantir la protection des biens ou de la personne d'un citoyen belge , ou - s'il s'avère impossible, matériellement ou juridiquement, de traduire ces pouvoirs de représentation définis à l'étranger en droit belge (article 35, § 1er, alinéa 1er, et § 2, du Code de droit international privé).
Brazil	Please insert text here
Canada - British Columbia	Enduring Power of Attorney - The attorney must act in the adult's best interest, taking into account the adult's current wishes, known beliefs and values and any directions to the attorney set out in the enduring power of attorney. The attorney must also, to the extent reasonable, foster the independence of the adult and encourage the adult's involvement in any decision-making that affects the adult. Representation Agreement - The representative must, to the extent reasonable, consult with the adult to determine their current wishes, and comply with those wishes if it is reasonable to do so (unless, in relation to a representation agreement made under section 9, the adult provides that the representative need only comply with the wishes the adult expressed while capable). If the adult's current wishes cannot be determined or it is not reasonable to comply with them, the representative must comply with any instructions or wishes the adult expressed while capable. The court can, on application of the representative, provide an exemption from this duty. If the adult's instructions/wishes are not known, the representative must act on the basis of the adult's known beliefs and values or, if not known, in the adult's best interests.
Canada - Québec	Le Code civil prévoit des obligations spécifiques pour la validité d'un mandat de protection (art. 2166 et ss.) (ex: la forme notariée ou devant témoins, que l'aptitude à agir doit être constatée, que le mandat doit être homologué, etc.). Toutefois, il revient au mandant de prévoir les pouvoirs de représentation qu'il veut déléguer au mandataire (ex: pleine administration, simple administration, concernant les soins de santé, etc.). Il peut le faire dans un seul document (incluant la possibilité de le faire dans des énoncés séparés) ou dans plusieurs (ex: un pour la protection de la personne et un autre pour ses biens). Le droit québécois n'est pas contraignant à ces égards.

Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	A) Guardian without a limitation in legal capacity - His powers are determined by the court on the basis of a proposal of the represented person. B) Declaration in anticipation of incapacity - In the case of a guardian, ad A) applies. The powers of other agents are fully at the discretion of the represented person. An exception is a fundamental change of circumstances, when the court may change or cancel the declaration if a person would be in danger of serious harm (§ 43 CC). C) Representation by a household member - Powers are set only by law and cannot be changed in any way. D) Assistance in decision-making - The powers are essentially fully dependent on the will of the parties. However, the assistant cannot represent the person, except in cases stipulated by law (challenge validity of legal acts, defense of interests in detention proceedings).
Estonia	Powers of representation gives them rights, but no obligations.
Finland	The designated representative must act in accordance with the interests of the grantor.
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	There is not such direct obligation provided by law. However, it is an agreement between the parties based on their free will (e.g. Section 1587 of the Civil Law provides: a contract legally entered into shall impose on a contracting party a duty to perform that which was promised, and neither the exceptional difficulty of the transaction, nor difficulties in performance arising later, shall give the right to one party to withdraw from the contract, even if the other party is compensated for losses"). The designated representative shall act in accordance with the agreement. Section 2317.1 of the Civil Law provides that the designated representative shall act in the interests of the grantor. Additionally, according to the Civil Law (Sections 2295, 2296, 2300, 2301) the designated representative shall not exceed the limits of the assignment given to him or her, and firstly shall act in compliance with the instructions of the grantor. If there are no specific instructions, the designated representative shall act not solely according to his or her will, but in such a way as it could be expected the grantor would act in the relevant situation in order to complete the matter in the most advantageous way. Furthermore, the designated representative shall act with utmost care. The designated representative shall be liable for any negligence. If an authorised person has not performed the assignment, but no losses have been caused thereby to the authorising person, the failure to perform such duties shall not give the latter the right to any claims."
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	The representative is not obliged to accept the assignment in the living will (levenstestament"). If the representative accepts the assignment, he must act in accordance with the interests of the grantor and, if it is possible, consult with the grantor on important issues. In case of abuse or neglect the grantor or his relatives may request the Subdistrict court to appoint a legal representative. "
Portugal	The mandate is binding for the the designated representative, but not for the court, in the context of an accompaniment action, although there is an obligation to take it into account
Slovakia	Veillez saisir les informations demandées ici
Sweden	The designated representative (attorney) is not obliged to accept the assignment in the CPA. However, if the attorney accepts the assignment, he or she must act in

	accordance with the interests of the grantor and, if it is possible, consult with the grantor on important issues.
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

6.15. Are there any limitations under the law of your State on such powers of representation that can be conferred upon a designated representative *e.g.*, are certain acts or categories of acts excluded such as disposal of specified categories of assets, gifts, personal and family matters, medical related decisions (generally, or particular categories such as those involving hospitalisation), etc.?

No:

Canada – Québec, Cyprus, Latvia

Yes:

Argentina, Belgium, Canada - British Columbia, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Mexico, The Netherlands, Portugal, Sweden, Switzerland, United Kingdom - England and Wales, United Kingdom - Scotland

Please explain:

Argentina	In the case of advance medical directives, those related to practices of euthanasia shall be taken as nonexistent.(law 25.529, art 11, modified by law 26.742).
Austria	Please insert text here
Belgium	Les actes strictement personnels (consentir à un mariage, reconnaître un enfant,actions en matière de mariage et de divorce,...) et les testaments olographes ne peuvent pas faire l'objet d'une représentation par mandataire (970 du Code civil).
Brazil	Please insert text here
Canada - British Columbia	Under an enduring power of attorney or representation agreement, an attorney or representative cannot make or change a will for an adult. There are also some parameters around when gifts and loans may be made. Under a representation agreement, the representative cannot refuse consent to the involuntary admission of an adult to a mental health facility, or refuse consent to the provision of psychiatric care or treatment of an adult who has been involuntarily admitted, or consent to sterilization of an adult for non-therapeutic purposes. Also, representation agreements made under section 7 of the Representation Agreement Act are limited in the authority that the representative has in relation to the adult's health and personal care. The representative cannot refuse consent to health care necessary to preserve life, despite the objection of the adult, physically restrain, move or manage an adult or authorize another person to do so, or consent to the health care listed in section 5 of the Health Care Consent Regulation. An adult that makes a representation agreement under section 7 of the Representation Agreement Act may authorize the representative to make, or help make, decisions about the routine management of the adult's financial affairs. The Act and the Representation Agreement Regulation set out what does, and does not, constitute the routine management of the adult's financial affairs". The representative also cannot be authorized to commence divorce proceedings for the adult. "

Canada - Québec	Veuillez saisir les informations demandées ici
Croatia	<p>In relation to the institutes of guardianship for adults, according to the provisions of the Family Act, certain restrictions are prescribed in relation to the appointed guardian of the ward as a person under guardianship, who is deprived of legal capacity in a certain part by a decision of the competent court. Thus, the following provisions of the Family Act stipulate Article 257: “(1) The guardian represents the ward in undertaking activities and actions in relation to which the ward is deprived of legal capacity. (2) In matters of representation, the guardian is obliged to accept the opinion and wishes of the ward, unless this is contrary to the welfare of the ward.. Furthermore, the provisions of Article 258 of the Family Act prescribe decisions on personal status made exclusively by the ward as follows: “Only the ward, regardless of the part in which he/she is deprived of legal capacity, unless otherwise provided by this Act, may make the following decisions on personal conditions: 1. acknowledgment of paternity, 2. consent to acknowledgment of paternity, 3. consent to get married, 4. consent to get divorced, 5. consent to enter into a life relationship with persons of different or same sex and termination of those communities, 6. consent to adoption, in accordance with the provisions of this Act, except in cases where the court issues a decision which replaces the consent of the parents in accordance with Article 190, paragraph 1 of this Act, 7. decision on termination of pregnancy, and 8. decision on participation in biomedical research.”. In addition, it is prescribed when the guardian must request the prior approval of the social welfare center, in accordance with the provisions of Article 259 of the Family Act: “(1) To take important measures about the person, personal condition, health of the ward or the property of the ward, depending on the part in which the ward has been deprived of legal capacity, the guardian needs a prior approval of the social welfare center, unless otherwise prescribed by this Act. (2) A decision on placement in a home, foster family, change of residence or stay, change of personal name and other measures that may significantly affect the rights and obligations of the ward, shall be considered a more important measure on the person or personal condition of the ward, except for decisions made exclusively the ward referred to in Article 258 of this Act, regardless of whether he/she is represented by a guardian or gives permission for the adoption of that decision when this is necessary in accordance with the provisions of this Act. (3) A decision on invasive medical procedures and the one that exceeds specialist examinations and application of regular therapy, shall be considered a more important measure on the health of the ward, except for health decisions made exclusively by the ward referred to in Article 258 of this Act and decisions referred to in Article 260, paragraph 1 of this Act passed by the court. (4) The measures and activities referred to in Article 261, paragraphs 2 and 6 of this Act shall be considered more important measures for the property of the ward. (5) The guardian does not need prior approval for the performance of regular tasks related to personal conditions and tasks of regular property management, unless otherwise determined by a decision of the social welfare center or the provisions of this Act.”. The provisions of Article 260 of the Family Act prescribe the adoption of decisions on the health of the ward as follows: “(1) Only a court may, in a non-litigious procedure, at the proposal of a ward deprived of legal capacity in that part or a guardian, issue a decision on: 1. sterilization of the ward, 2. donation of tissues and organs of the ward, and 3. measures for keeping the ward alive. (2) A court decision referred to in paragraph 1 of this Article is not required if the ward decided on the proceedings and measures referred to in paragraph 1 of this Article at the time when he/she was legally capable in the form of a notary document (anticipated order).”. The provisions of Article 261 of the Family Act prescribe the management and representation of the ward's property in the following manner: “(1) If the ward is deprived of legal</p>

	capacity in the part relating to the disposal and management of property, the guardian performs regular management of the ward's property independently unless otherwise specified by a decision of the social welfare center. (2) The guardian may, only with the prior approval of the social welfare center, undertake activities that go beyond the regular business of the ward's property and rights, and in particular: 1. sell or overburden the ward's property, 2. sell the movables of greater value from the ward's property, and 3. dispose of the ward's property rights. (3) In the decision on the approval of the activities referred to in paragraph 2 of this Article, the social welfare center shall determine the purpose of the obtained funds and supervise their use upon completion of the work. (4) As a rule, the guardian may not burden or alienate more than two thirds of the total value of the ward's property by the actions and activities referred to in paragraph 2 of this Article. (5) An employee of the social welfare center and his/her spouse or extramarital partner may not enter into a lifetime or lifelong maintenance contract with the ward on the sale or burdening of the ward's property. (6) The guardian may, in the name and on behalf of the ward, enter into a lifetime or lifelong maintenance contract, with the prior approval of the social welfare center."."
Cyprus	Please insert text here
Czech Republic	The limitations are stated by law for all the cases. In the case of assistance in decision-making, the powers can be specified in the contract - also in a negative way. The same applies in the case of a guardian appointed according to the declaration in anticipation of incapacity. The limitations for guardianship are stated in § 483 CC, also in § 480 CC (in the case of guardianship council). For certain type of legal acts that are of a serious nature, the guardian needs a court's approval (buying/selling immovables, long-term contracts, etc.).
Estonia	As there is no specific regulation for powers of representation given in cases of vulnerable adults, general rules apply. In order to sell the real estate of the grantor, the circumstances of this transaction must be specifically foreseen in the notarised powers of representation. According to GPCCA § (2), a transaction which pursuant to law or an agreement must be entered into in person shall not be entered into through a representative.
Finland	.The designated representative is not competent to give a consent to marriage or adoption on the behalf of the grantor, nor to acknowledge paternity, consent to an acknowledgement of paternity, make or revoke a will or represent the ward in other matters of a comparably personal and individual nature.
France	Le mandant ou le bénéficiaire du mandat ne peut recevoir aucune assistance ou représentation pour l'accomplissement des actes strictement personnels. Il choisit le lieu de sa résidence, il entretient librement des relations personnelles avec tout tiers, parent ou non. Il a le droit d'être visité et le cas échéant hébergé par ceux-ci. Les dispositions visant à préserver les repères bancaires de la personne protégée, ainsi que sa résidence principale, sa résidence secondaire et le mobilier qui les garnissent s'imposent au mandataire. Lorsque le mandat s'étend à la gestion du patrimoine le mandataire dispose de pouvoirs plus ou moins importants suivant qu'il tient sa mission d'un mandat notarié ou sous seing privé. Lorsqu'il résulte d'un acte authentique, le mandat inclut tous les actes patrimoniaux que le tuteur a le pouvoir d'accomplir seul ou avec une autorisation. Toutefois le mandataire ne peut accomplir un acte de disposition à titre gratuit qu'avec l'autorisation du juge des tutelles. Lorsqu'il a été conclu sous seing privé, le mandat est limité quant à la gestion du patrimoine aux seuls actes que le tuteur peut faire sans autorisation, soient les actes conservatoires et les actes d'administration.
Germany	There are no matters specifically excluded from those which may be dealt with in a power of representation. However, there are certain legal acts that have to be

	carried out in person and thus cannot be dealt with in any kind of power of representation, e.g. getting married or drafting a last will.
Hungary	Act V of 2013 on the Civil Code Section 2:39 (2) In that prior legal statement the person making the statement: a) may designate one or more persons of his/her liking as a conservator, b) may exclude one or more persons from the list of potential conservators, and c) may instruct the conservator as regards the way to proceed in his/her specific personal and financial affairs.
Italy	Power of representation can be conferred upon a designated representative only if related to advanced health directives in the field of health treatments, as well as consent or refusal of diagnostic tests or therapeutic choices and individual health treatments.
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Article 590.- The guardian is obliged to render to the judge a detailed account of his administration, in the month of January of each year, regardless of the date on which the position has been discerned. Failure to present the account in the three months following January will cause the removal of the guardian. Article 591.- It also has the obligation to render an account, when for serious causes that the judge will qualify, it is required by the curator, the Local Guardianship Council, the Public Ministry, the Incapacitated themselves indicated in section II of Article 450, or minors who have reached 16 years of age. Article 592.- The administration account will include not only the amounts in cash that the guardian has received for the product of the goods and the application that he has given them, but in general all the operations that have been carried out, and will be accompanied by the documents supporting documents and a balance of the state of the goods. Article 593.- The guardian is responsible for the value of the active credits if within sixty days, counted from the expiration of their term, he has not obtained his payment or guarantee to ensure this, or he has not judicially requested one or the other. Article 594.- If the disabled person is not in possession of some assets to which they are entitled, the guardian will be responsible for the loss of them, if within two months from the date the disabled person had news of the right, he / she does not file on his behalf judicially, the conducive actions to recover them. Article 595.- The provisions of the previous article are understood without prejudice to the responsibility that, after the actions have been attempted, may result to the guardian due to fault or negligence in the performance of his assignment. Article 596.- The accounts must be rendered in the place where the guardianship is performed. Article 597.- All expenses duly and legally made must be paid to the guardian, even if he has anticipated them from his own wealth, and although this has not been useful to minors and incapacitated adults, if this has been without fault of the first .
The Netherlands	A legal representative or person appointed in a living will (levenstestament") is not allowed to take highly personal decisions for the grantor, for example the drafting of a last will. "
Portugal	In any case, the accompanying person must refrain from acting in conflict of interest with the accompanied adult, and the business concluded in conflict of interest is nullable, after decreed accompaniment. Portuguese inheritance law prevents the disposition of assets in will from exceeding the reserved portion (half or two thirds of the inheritance) of legitimate heirs (spouse, descendants and ascendants), if any. On the other hand, after decreed accompaniment, any disposal of assets made by accompanied adult in favor of the accompanying person, in will, is void, even if the respective accounts are approved. This rule does not apply when the disposal is made in favor of descendants, ascendants, collaterals up to the third degree, spouse of the testator or his / her unmarried partner.

Slovakia	Veillez saisir les informations demandées ici
Sweden	It is not possible for a grantor to grant a CPA to cover health care or dental care issues or certain matters of a distinctly personal nature, e.g. draw up a will or enter into marriage.
Switzerland	Les tâches confiées au mandataire doivent rester dans les limites de la loi et être susceptibles de représentation. Les tâches confiées au mandataire ne peuvent donc pas être illicites, impossibles ni contraires aux mœurs. De plus, le mandat pour cause d'incapacité ne peut pas porter sur des droits personnels qui ne souffrent d'aucune représentation en raison de leur lien étroit avec la personnalité. En Suisse on distingue entre droits strictement personnels « relatifs » et droits strictement personnels « absolus ». Les droits strictement personnels absolus ne peuvent être exercés ni par la personne incapable de discernement ni pas le représentant légal. Il est par exemple interdit à une personne incapable de discernement de contracter le mariage, de faire un testament ou de signer un pacte successoral à titre de disposant.
United Kingdom - England and Wales	The designated representative has no powers in relation to decisions regarding sexual relations, marriage, voting. If granted the appropriate authorisation, the designated representative may make decisions regarding health care and welfare but are excluded from making decisions regarding life sustaining treatment unless they have specific authorisation.
United Kingdom - Scotland	s.16(6) AWI states A welfare attorney may not— (a) place the granter in a hospital for the treatment of mental disorder against his will, F6. . . (b) consent on behalf of the granter to any form of treatment [F7 in relation to which the authority conferred by section 47(2) does not apply by virtue of regulations made under section 48(2)] [F8, (c) make, on behalf of the granter, a request under section 4(1) of the Anatomy Act 1984 (c. 14), (d) give, on behalf of the granter, an authorisation under, or by virtue of, section 6(1), 17, 29(1) or 42(1) of the Human Tissue (Scotland) Act 2006 (asp 4), or (e) make, on behalf of the granter, a nomination under section 30(1) of that Act]

6.16. Are there particular powers and duties automatically given to such representatives (e.g., powers and duties in relation to the tax affairs of the grantor)?

No:

Argentina, Belgium, Canada - British Columbia, Canada – Québec, Cyprus, Estonia, Finland, Germany, Hungary, Italy, Latvia, Mexico, The Netherlands, Portugal, Sweden, United Kingdom - England and Wales, United Kingdom - Scotland

Yes:

Czech Republic, France, Switzerland

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Although general, broad decision-making authority may be granted to an attorney or representative in relation to the adult's financial affairs and/or personal and health care.

Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	A number of legal regulations generally presuppose the existence of these institutes and provide for the representatives to act on behalf of the person, in accordance with his or her will, or even without it, if this is assumed (when the representation was approved court). E.g. representatives can directly claim for social benefits, can challenge validity of legal acts, can take over an identity card, etc.
Estonia	Please insert text here
Finland	Please insert text here
France	Le mandataire est tenu à l'égard du mandant d'un devoir d'information portant sur la situation personnel du majeur protégé, les actes concernés, leur utilité, leur degré d'urgence, leurs effets et les conséquences d'un refus de sa part. Cette information doit être délivrée selon les modalités adaptées à l'état de la personne protégée. Le mandataire est tenu de dresser un inventaires des biens de la personne protégée lors de la prise d'effet du mandat et d'en assurer l'actualisation, il établit annuellement le compte de sa gestion. Lorsqu'il a été désigné par acte authentique il est tenu de rendre compte annuellement de sa gestion au notaire.
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Le mandataire doit se limiter aux seules tâches fixées dans le mandat pour cause d'inaptitude et doit s'en acquitter avec la diligence requise par les règles du code des obligations sur le mandat. Même si le mandat pour cause d'inaptitude n'a été constitué que pour un domaine déterminé, le mandataire doit faire preuve d'une diligence particulière lorsqu'il s'occupe des intérêts de la personne incapable de discernement. Ainsi, s'il constate qu'il convient de régler des affaires qui ne lui ont pas été confiées par le mandat, il doit solliciter immédiatement l'intervention de l'autorité de protection de l'adulte, qui prendra les mesures nécessaires. S'il existe un conflit d'intérêts entre le mandant et le mandataire, celui-ci sollicite immédiatement l'intervention de l'autorité de protection de l'adulte.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

6.17. Are certain powers subject to a judicial or administrative decision in order for them to be either conferred or exercised?

No:

Belgium, Estonia, Latvia, Mexico, The Netherlands, Sweden, United Kingdom - England and Wales, United Kingdom - Scotland

Yes:

Argentina, Canada - British Columbia, Canada – Québec, Croatia, Cyprus, Czech Republic, France, Germany, Hungary, Italy, Portugal, Switzerland

Please specify the powers subject to such decision:

Argentina	It depends on the case. In the area of health, Law No. 26.529 (modified by law 26.742) with regard to advance directives, establishes that the declaration of will must be formalized in writing before a notary or a court, for which the presence of two witnesses shall be required.
Austria	Please insert text here
Belgium	Veuillez saisir les informations demandées ici
Brazil	
Canada - British Columbia	An attorney with authority under an enduring power of attorney may, in an instrument other than a will, change a beneficiary designation made by the adult only if the court authorizes the change.
Canada - Québec	Dans tous les cas, on assujettit la prise d'effet du mandat (notarié ou devant témoins) à son homologation judiciaire. Par ailleurs, si un acte va au-delà des actes prévus, par exemple si le mandat prévoit des pouvoirs de simple administration et qu'un immeuble doit être vendu, l'autorisation du tribunal est requise.
Croatia	Please insert text hereThe provisions of Article 234 of the Family Act stipulate: “(1) In non-contentious proceedings, the court shall, an adult who is unable to take care of one of his rights, needs or interests due to mental disorders or other reasons, or who endangers the rights and interests of others, which she is obliged to take care of, in that part deprive her/him of legal capacity. (2) The person referred to in paragraph 1 of this Article may not be completely deprived of legal capacity. (3) Before issuing a decision on deprivation of legal capacity, the court shall obtain an expert opinion of an expert in the relevant branch of medicine on the health condition of the person for whom the procedure of deprivation of legal capacity was initiated and on the impact of that condition on his/her ability to protect his/her individual right or group of rights, and the interests of others. (4) By a decision on deprivation of legal capacity, the court shall determine actions and activities that the person is not capable of undertaking independently in relation to the personal condition and property. (5) Actions and activities that a person is not able to undertake independently and which relate to personal status are giving statements or undertaking actions related to change of the personal name, conclusion and termination of marriage, parenthood, health decisions, place of residence, i.e. residence, employment and other, unless otherwise provided by this Act. (6) Actions and activities that a person is not capable of undertaking independently and which relate to property are disposal and management of property, salary or other permanent cash income, unless otherwise provided by this Act. (7) The decision on deprivation of legal capacity in the case referred to in paragraph 6 of this Article shall determine the exact amount of salary or permanent cash income over which the ward cannot independently dispose and mark the property and the exact amount, if appropriate, which the ward cannot independently dispose of and manage, i.e. over which amount it cannot independently dispose of and manage. (8) If a person is deprived of legal capacity as a parent of a child, in the part in which he or she is unable to exercise parental care, the exercise of parental care shall be suspended in accordance with Article 114 of this Act. (9) For activities that are not specified in the decision referred to in paragraph 4 of this Article, a person deprived of legal capacity shall have legal capacity and may undertake them independently. . The provisions of Article 237 of the Family Act stipulate: “(1) The social welfare center shall, within thirty days of

	<p>the court decision depriving a person of legal capacity, issue a decision on placing that person under guardianship and appointing a guardian. (2) The court is obliged to inform the social welfare center without delay about the finality of the decision by which the person is deprived of legal capacity. (3) Until the decision on the appointment of the guardian referred to in paragraph 1 of this Article becomes enforceable, the special guardian shall have the position of guardian. ”.</p> <p>Furthermore, the provisions of Article 241 of the Family Act: “(1) In order to protect certain personal and property rights and interests, the social welfare center shall appoint a special guardian: 1. to the person in respect of whom the motion for deprivation of legal capacity was submitted, except in Article 236, paragraph 2 of this Act 2. to a person of unknown residence or if this person is not available for at least three months and does not have a proxy, in matters decided according to the provisions of this Act 3. to the ward when there is a conflict of interest between relatives, or spouse of the guardian, in property proceedings or disputes, or in concluding certain legal transactions 4. to the wards in case of a dispute or concluding a legal transaction between them when they have the same guardian and urgent actions that need to be taken to protect the rights and interests of that person. (2) The special guardian referred to in paragraph 1 of this Article is a person who has passed the bar examination employed in the Center for Special Guardianship referred to in Article 544 of this Act, or a person appointed by a notary document (anticipated order) referred to in Article 236 paragraph 6 of this Act. (3) The provisions of Article 240, paragraph 2 of this Act shall apply to the duty of special guardian in an appropriate manner. (4) The Center for Social Welfare shall appoint a special guardian outside the Center for Special Guardianship in the cases referred to in paragraph 1, item 5 of this Article. (5) A special guardian referred to in paragraph 1 of this Article who is not an employee of the Center for Special Guardianship must meet the preconditions prescribed by this Act for the appointment of guardians. The provisions of Article 242, paragraphs 1 and 2 of the Family Act prescribe: “(1) The decision on the appointment of a special guardian shall be issued by the social welfare center, unless this Act prescribes that the decision on the appointment of a special guardian is issued by a court. (2) The decision on the appointment of the special guardian shall determine his duties and powers. ”. Following the above, it is evident that the decision on deprivation of legal capacity of a person is made by the court, and decisions on the appointment of a guardian and a special guardian are made in the administrative procedure by the competent social welfare center.”</p>
Cyprus	The powers in order to be exercised are subject to a formal requirement (certified, witness) by a certified officer.
Czech Republic	For certain type of legal acts that are of a serious nature, the guardian needs a court's approval (buying/selling immovables, long-term contracts, etc.). The limitations for guardianship are stated in § 483 CC, also in § 480 CC (in case of guardianship council).
Estonia	Please insert text here
Finland	According to section 19 of Act 648/2007, it can be stated in the power of representation that legal acts by the designated representative require an authorization by the competent authority.
France	Le mandataire ne peut accomplir un acte de disposition à titre gratuit qu'avec l'autorisation du juge des tutelles, dans le cadre du mandat notarié. Dans le cadre du mandat sous seing privé, le mandataire peut saisir le juge des tutelles afin de voir ordonner un acte qui serait soumis à autorisation sous la tutelle ou un acte qui n'est pas prévu par le mandat, si son accomplissement s'avère nécessaire dans l'intérêt du mandant.

Germany	The exercise of the following powers additionally require the approval of the competent court (Betreuungsgericht"): medical treatment with grave risks, involuntary placement and detention and coercive medical treatment"
Hungary	Act V of 2013 on the Civil Code Section 2:40 [Entry into effect of prior legal statements] (1) In its decision ordering conservatorship concerning competency, to court shall order the application of a prior legal statement, except if: a) compliance with the instructions set out in the prior legal statement expressly conflicts with the interests of the person under conservatorship, or b) the person designated by the person of legal age for the office of conservator refuses to carry out the instructions set out in the prior legal statement, or is subject to any statutory grounds for disqualification. (2) Should any of the several dispositions of a prior legal statement be considered inoperative, it shall not affect the validity or effect of the other dispositions. (3) In the appointment of a conservator and in determining his functions, the guardian authority shall take due account of the instructions set out in the prior legal statement. Section 2:41 [Review of prior legal statements] In the event of any changes in the circumstances of a person who has made a prior legal statement upon which compliance with the instructions set out in the prior legal statement are likely to conflict with the interests of the person under conservatorship, the person in custody, the conservator, the guardian authority and the public prosecutor may request the court to abolish such instructions.
Italy	As a general rule, representative powers are given to guardians, curators or support administrators when appointed by a tutelary judge, the only exception being related to advanced directives in the field of health treatments
Latvia	Although the powers are not subject to a judicial or administrative decision in order for them to be exercised, everything depends on scope of the powers of representation that the grantor has provided. There might be situations when the law requires a special mandate to be included in the powers of representation. For example, if a grantor wants to give a permission to receive mail, then a representative needs a special mandate for that. A special mandate is needed for a representative in order to perform alienation, pledge or encumbering of immovable property with property rights, conduct court proceedings, make novations, as well as make and receive payments.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Although any power of attorney does not need to be validated by administrative or judicial decision, the accompaniment itself requires a judicial decision.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Lorsque l'autorité de protection de l'adulte apprend qu'une personne est devenue incapable de discernement et qu'elle ignore si celle-ci a constitué un mandat pour cause d'inaptitude, elle s'informe auprès de l'office de l'état civil. S'il existe un mandat pour cause d'inaptitude, l'autorité de protection de l'adulte examine: (1) si le mandat a été constitué valablement, (2) si les conditions de sa mise en œuvre sont remplies, (3) si le mandataire est apte à le remplir, (4) si elle doit prendre d'autres mesures de protection de l'adulte. Une fois cet examen terminé, l'autorité de protection vérifie la disponibilité du mandataire à accepter le mandat. Si tel est le cas, l'autorité de protection de l'adulte le rend attentif aux devoirs découlant des règles du code des obligations sur le mandat et lui remet un document qui fait état de ses compétences (art. 363 al. 3 CC).
United Kingdom - England and Wales	Please insert text here

United Kingdom - Scotland	Please insert text here
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6.18. Are there particular matters which, in accordance with the law of your State, a designated representative cannot be authorised to do or decide on behalf of the grantor?

No:

Belgium, Cyprus, Hungary, Mexico, Switzerland

Yes:

Argentina, Canada - British Columbia, Canada – Québec, Croatia, Czech Republic, Estonia, Finland, France, Germany, Italy, Latvia, The Netherlands, Portugal, Sweden, United Kingdom - England and Wales, United Kingdom - Scotland

In which case please specify the excluded powers:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	See section 6.15 above.
Canada - Québec	Actes strictement personnels, comme le droit de vote ou le droit de tester.
Croatia	The answers to this question in relation to the institute of the guardianship for adults from the Family Act, are entered as answers to the question listed in item 6.15. of this Questionnaire.
Cyprus	Please insert text here
Czech Republic	None of the representatives has the power to decide on matters that are not legal acts of the person (e.g. with whom and how to spend free time). They also cannot act in matters that have personal nature (enter into a marriage, write a will etc.).
Estonia	As described in 6.15.
Finland	Please see answer to question 6.15.
France	Voir réponse 6.15
Germany	Highly personal affairs such as getting married or drafting a last will.
Hungary	Please insert text here
Italy	Powers that fall outside the scope of article 4 of Act n. 219 of 2017 in relation to advanced health directives, the law provides only the possibility to designate in advance, by notary or certified deed, the support administrator (or guardian or curator) whose powers are provided by law (guardian/curator) or indicated by the tutelary judge (support administrator)
Latvia	Very personal non-material rights would not be possible to be authorised to a designated representative. For instance, these are matters of highly personal nature, e.g. getting married, making one's will, voting and other acts specifically stated in law.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	See comment on question 6.15: highly personal affairs such drafting a last will.
Portugal	In cases of lack of adult capacity, acts of disposition of real estate require prior and specific judicial authorization.
Slovakia	Veillez saisir les informations demandées ici

Sweden	Please see answer to question 6.15.
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Decisions where the person has capacity, authorising restraint of the person conferring the power (if certain conditions are not met), making a health and welfare decision where an advance decision has already been made, giving or refusing consent to the carrying out or continuation of a treatment by a person providing health care for the person, giving or refusing of consent to the carrying out or continuation of life-sustaining treatment, unless the power contains express provision to that effect, any conditions or restrictions in the power
United Kingdom - Scotland	see 6.15

6.19. Which of the following forms of document are available in your State to confer powers of representation (tick more than one if applicable)?

a. A document simply conferring on the designated representative all powers that can by law be conferred.

Canada - British Columbia, Estonia, Germany, Italy, Mexico, The Netherlands, Portugal, United Kingdom - England and Wales, United Kingdom - Scotland

b. A document containing “tick-box” lists of powers.

Canada - British Columbia, Germany, Italy, The Netherlands

c. A document setting out, in the grantor’s choice of words, all the powers that the grantor wishes to confer.

Canada - British Columbia, Canada – Québec, Cyprus, Estonia, Germany, Latvia, Mexico, The Netherlands, Portugal, United Kingdom - England and Wales, United Kingdom - Scotland

d. Separate documents for (a) health and welfare powers and (b) property and financial powers.

Canada - British Columbia, Canada – Québec, Cyprus, Estonia, Germany, The Netherlands, Portugal, United Kingdom - England and Wales, United Kingdom - Scotland

e. Separate listing in the same document of (a) health and welfare powers and (b) property and financial powers.

Canada - British Columbia, Canada – Québec, Estonia, Germany, Mexico, The Netherlands, United Kingdom - Scotland

f. Other possibilities or combinations:

Czech Republic, Finland, France, Germany, Italy, Latvia, The Netherlands, Sweden, Switzerland

Please explain:

Argentina	The Argentine Civil and Commercial Code of the Nation (CCyCN) makes no reference to the forms of the document to confer this type of powers of representation.
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici

Brazil	
Canada - British Columbia	If a section 7 representation agreement is used, the powers that may be granted are more limited than if a section 9 representation agreement and enduring power of attorney are used.
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Such documents are not available.
Estonia	
Finland	The power of representation must be in writing. There are no other special requirements for the form of the document.
France	formulaire Cerfa pour la rédaction du mandat de protection future sous seing privé
Germany	There is no standard document prescribed or required by law. Therefore, lots of different forms of documents exist in practice according to the specific needs of the person concerned. They can have the forms that have been ticked above. The Federal Ministry of Justice offers a document to be filled out (online or by hand in a brochure) which includes typical elements of a lasting power of attorney" ("Vorsorgevollmacht") and which is widely used. See https://www.bmjv.de/SiteGlobals/Forms/Suche/Publikationensuche_Formular.htm?nn=6425014 "
Hungary	The use of such forms is not required by law.
Italy	Powers of representation, which can be conferred by the grantor to be exercised in prediction of a possible future inability to self-determine, are limited to advanced health directives
Latvia	The powers of representation shall be in writing. They shall be made in the form of a notarial deed and shall be registered. Additionally, a grantor and a designated representative shall be personally present at the notary when agreeing on the content of the powers of representations. Only form is specified by law and grantor is not free to determine his/her own individual form. Whereas a grantor is free to determine the content (certainly within the framework of legal system of Latvia). One power of representation can contain different kinds of mandates in many areas. It all depends on the will of the grantor. The notary in conversation with the grantor discusses the scope of the powers of representation. The powers of representation is considered as a contract and one of the forms of the power of attorney. Furthermore, the main purpose of the power of attorney is to regulate situations when grantor wants to authorise other person to perform particular matter on behalf of the grantor. Therefore, the grantor is free to determine the content of the power of attorney. Concerning the form as a notarial deed, it was chosen to ensure grantor's rights and interests, as well as ensure legal certainty.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	a power of attorney is not subject to any formal requirement, this is also the case for such powers of representation although a notarised deed is recommended.
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	The CPA must be in writing. There are no other special requirements for the document and no standard forms have been issued by the Government.
Switzerland	Il n'y a aucun modèle de document officiel mis à disposition par les autorités. Le document peut prendre une multitude de formes.
United Kingdom - England and Wales	Please insert text here

United Kingdom - Scotland	Please insert text here
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6.20. Can advance health directives be included in powers of representation governed by the law of your State?

Yes:

Argentina, Belgium, Canada – Québec, Czech Republic, Germany, Hungary, Italy, The Netherlands, Portugal, Switzerland, United Kingdom - England and Wales

No:

Cyprus, Estonia, France, Latvia, Mexico, Sweden, United Kingdom - Scotland

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	In B.C., the Health Care (Consent) and Care Facility (Admission) Act provides for advance directives. An adult may, in an advance directive, give or refuse consent to any health care described in the advance directive.
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	
Czech Republic	Please insert text here
Estonia	There is no special regulation for this.
Finland	Act on the Status and Rights of Patients (785/1992) contains provisions on the status and rights of patients in health and medical care. According to the Act the patient has to be cared in mutual understanding with him/her. A patient can express his/her will concerning treatment to be given to him/her in the future and the health care professionals have to respect the patient's will (Sections 6-8). There are no formal requirements for the advanced health directive.
France	(voir le système des directives anticipées exposé ci-dessous)
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	Theoretically, it is possible to include advance health instructions in the powers of representation. However, advance health instructions currently are not regulated by our law. It might be considered as instructions or will of the grantor.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	The health directive is not contemplated, however in the event that there is abandonment, those responsible for the care homes, whether public or private, where foundlings or abandoned are received, they will carry out the guardianship of these in accordance with the laws and what the statutes of the institution provide. In this case, the discernment of the position is not necessary
The Netherlands	With the footnote that the Netherlands does not provide for legislation, but for the possibility to lay down health directives in a living will ("levenstestament"). "
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici

Sweden	Please see answer to question 6.15.
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	

6.21. Can advance medical directives be included in powers of representation governed by the law of your State?

Yes:

Argentina, Belgium, Canada – Québec, Czech Republic, Germany, Hungary, Italy, The Netherlands, Portugal, Switzerland

No:

Cyprus, Estonia, France, Latvia, Mexico, Sweden, United Kingdom - Scotland

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	See response to question 6.20.
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	
Czech Republic	Please insert text here
Estonia	There is no special regulation for this.
Finland	Please see answer to question 6.20.
France	Le droit français prévoit la possibilité pour toute personne majeure de rédiger des directives anticipées pour le cas où elle serait un jour hors d'état d'exprimer sa volonté. Elles n'obéissent pas un mécanisme de représentation mais permettent de faire connaître les souhaits de la personne sur sa fin de vie et en particulier : limiter ou arrêter les traitements en cours, être transféré en réanimation, être mis sous respiration artificielle, subir une intervention, être soulagé de ses souffrances. Elles doivent prendre la forme d'un document écrit, daté et signé. Il peut se faire sur papier libre ou par le biais d'un formulaire.
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	Theoretically, it is possible to include advance medical instructions in the powers of representation. However, advance medical instructions currently are not regulated by our law. It might be considered as instructions or will of the grantor.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	The health directive is not contemplated, however in the event that there is abandonment, those responsible for the care homes, whether public or private, where foundlings or abandoned are received, they will carry out the guardianship

	of these in accordance with the laws and what the statutes of the institution provide. In this case, the discernment of the position is not necessary
The Netherlands	See comment on question 6.20.
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please see answer to question 6.15.
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	

6.22. Are such advance health / medical directives governed by the law of your State binding on medical professionals?

Yes:

Argentina, Belgium, Canada - British Columbia, Finland, Czech Republic, France, Germany, Hungary, Italy, Portugal, Switzerland

No:

Canada – Québec, Cyprus, Latvia, Mexico, The Netherlands, United Kingdom - England and Wales, United Kingdom - Scotland

Please explain:

Argentina	Law 26.529 - establishes specifically that medical professionals should accept these directives except those related to euthanasia practices, which shall be considered as nonexistent (art. 11, modified by law 26.742).
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	The Health Care (Consent) and Care Facility (Admission) Act provides that a health care provider may provide health care to an adult if the adult has given consent in an advance directive, and must not provide health care to an adult if the adult has refused consent in an advance directive. However, the Act also sets out circumstances where the advance directive does not apply (e.g., instructions are unclear, the adult's capable wishes changed since the advance directive was made, there have been significant relevant medical advances since the time the advance directive was made). The Act also provides for how advance directives are to be treated if an adult has a representation agreement which gives the representative decision making authority over a matter provided for in the advance directive..
Canada - Québec	Une personne peut prévoir ses volontés quant à ses soins au mandat de protection, mais elles ne sont pas contraignantes. Pour être contraignantes, les directives médicales préalables doivent être inscrites à une Directive médicale anticipée. Cette dernière prime sur le mandat de protection en cas de conflit.
Croatia	Please insert text here
Cyprus	
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	

France	Sauf en cas d'urgence vitale pendant le temps nécessaire à une évaluation complète de la situation et lorsque les directives anticipées apparaissent manifestement inappropriées ou non conformes à la situation médicale.
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	Currently the law does not regulate advance health/medical instructions. However, Section 6(7) of the Law On the Rights of Patients provides that a patient can authorise another person to agree on his or her behalf to medical treatment at large or to any method used in the medical treatment or to refuse medical treatment at large or any method used in the medical treatment, as well as to receive information. Therefore, this mandate can be included in powers of representation. Furthermore, Section 7(2) of the Law On the Rights of Patients states that a person authorised by the patient, when taking a decision on medical treatment or refusal thereof, shall observe the wish previously expressed by the patient in relation to medical treatment.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	The medical directive is not contemplated, however, in the event that there is abandonment, those responsible for the care homes, whether public or private, where foundlings or abandoned are received, will carry out the guardianship of these in accordance with the laws and as that the statutes of the institution provide. In this case, the discernment of the position is not necessary
The Netherlands	See comment on question 6.20.
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	N/A
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Final health and welfare decisions are made by those administering the treatment
United Kingdom - Scotland	Please insert text here

6.23. Do your responses to questions 6.14.-6.22. differ whether such powers of representation are subject to a formal requirement (e.g., notarised, certified, witnessed) or not subject to any formal requirements?

No:

Argentina, Belgium, Canada - British Columbia, Cyprus, Estonia, Finland, Italy, Latvia, The Netherlands, Sweden, Switzerland, United Kingdom - England and Wales

Yes:

Czech Republic, France, Germany, Hungary, Mexico, Portugal

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here

Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Decision-making on health as a planning document for the future is regulated explicitly by Act No. 372/2011 Sb., on health services, § 36 - previously expressed wishes. If it is to be binding, also for medical professionals, the designation of a person and his powers would have to meet the conditions of both laws regulating these institutes. These representatives also have co-decision powers in certain circumstances on health and other related issues.
Estonia	Please insert text here
Finland	Please insert text here
France	(différences entre mandat notarié et sous seing privé exposées dans chaque réponse)
Germany	Advance medical directives have to be declared in writing (Section 1901a subsection 1 BGB.)
Hungary	see 6.12.
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Any power of representation must be before a Notary Public or be decreed in a Trial by a Judge in Family matters.
The Netherlands	with the footnote that a notarial deed can be required in some cases for reasons of legal certainty.
Portugal	Advance health / medical directives must correspond to their own form and are subject to registration
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

6.24. Have issues arisen in your State with regard to the scope of such powers of representation governed by the law of another State?

No:

Belgium, Czech Republic, Estonia, France, Hungary, Italy, Latvia, Mexico, The Netherlands, Portugal, Sweden, Switzerland, United Kingdom - England and Wales, United Kingdom - Scotland

Yes:

Canada – Québec, Croatia, Germany

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici

Brazil	Please insert text here
Canada - British Columbia	The Health Care (Consent) and Care Facility (Admission) Act does not provide for the recognition of advance directives from other jurisdictions.
Canada - Québec	Des questions peuvent se poser quant à savoir ce que des mandataires étrangers ont le pouvoir de faire ou non.
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	With regard to Art. 38 of the Convention we consider it a rather common issue as there is a need for a certificate outlining the powers.
Hungary	Please insert text here
Italy	Please insert text here
Latvia	We are not aware of any issues.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

Registration / filing of such powers of representation

6.25. Please indicate whether your State provides for the registration of such powers of representation and / or their filing with a competent authority:

Yes, registration with a public registry

Cyprus, Hungary, Italy, The Netherlands, United Kingdom - England and Wales, United Kingdom - Scotland

Yes, registration with a private registry (e.g., national associations of notaries)

Belgium, Canada – Québec, Germany, Latvia

Yes, filing with a competent authority

No answers

No:

Canada - British Columbia, Canada – Québec, Czech Republic, Estonia, Finland, France, Portugal, Sweden Switzerland

Please explain:

Argentina	It depends of the case and the powers of representation issued.
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	There is no filing requirement. However, some adults may choose to file their document with a private registry (e.g., the Nidus Personal Planning Resource Centre and Registry, which is a non-profit, charitable organization).
Canada - Québec	L'enregistrement du mandat devant témoins n'est pas obligatoire, contrairement à ceux faits par un membre de la Chambre des notaires et du Barreau du Québec, qui doivent être déposés dans leurs registres respectifs.
Croatia	The Ordinance on the manner of keeping records on binding declarations, the manner of storing, storing and exercising the right of access to data from binding declarations (Official Gazette 16/15), prescribes the manner of keeping records on binding declarations, the manner of storing, keeping and exercising access rights data from binding statements. Records of binding statements are kept by the Croatian Notary Chamber by entry in the Register of Anticipated Orders and Powers of Attorney in electronic form.
Cyprus	Please insert text here
Czech Republic	Only in the case of declaration in anticipation of incapacity there is a non-public register of the Notary Chamber.
Estonia	Please insert text here
Finland	There is no register for the powers of representation that have not yet been confirmed by the competent guardianship authority (please see later the questions on coming into effect of the powers of representation). Once the competent authority has confirmed the power of representation and it has entered into force, it will be registered in a national register (see also answer to question 6.27).
France	Suivant l'article 477-1 du code civil, le mandat de protection future est publié par une inscription sur un registre spécial dont les modalités et l'accès sont réglés par décret en Conseil d'Etat. Ce registre n'a cependant pas encore été mis en place. S'agissant néanmoins du mandat sous seing privé, il est souhaitable de le faire enregistrer à la recette des impôts pour lui conférer date certaine.
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	As soon as such powers of representation are notarized by a sworn notary (in other words made in the form of a notarial deed), it shall be registered in the Continuing Powers of Attorney Register (Nākotnes pilnvarojumu reģistrs) by the same notary. Continuing Powers of Attorney Register is kept by the Council of Sworn Notaries of Latvia.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	There is no registry, only the power of representation must be accredited with a suitable document either through the sentence or with the power of attorney for such purposes.
The Netherlands	Please insert text here
Portugal	There is only a public register for advance medical directives / vital wills and accompaniment judicial decisions.

Slovakia	Veillez saisir les informations demandées ici
Sweden	There is no registry for CPAs and no authority responsible for filing CPAs
Switzerland	Le droit suisse ne prévoit pas l'enregistrement du mandat pour cause d'inaptitude . Le mandant peut demander à l'office de l'état civil d'inscrire la constitution et le lieu de dépôt du mandat dans la banque de données centrale « Infostar ». De plus, dans certains cantons il est possible de déposer le mandat auprès de l'autorité de protection.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

6.26. Can / must such powers of representation governed by the law of your State be registered or filed with a competent authority before they come into effect?

Yes, it is an option, please explain the effect of the registration and / or filing:

Czech Republic, Germany, Hungary, The Netherlands

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	In the case of declaration in anticipation of incapacity the deed will be registered by the Notary Chamber if the declaration has been notarised which is not obligatory.
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	The Federal Chamber of German Civil Law Notaries maintains the so called Central Register of Lasting Powers of Attorney (www.vorsorgeregister.de). Grantors can apply to have their power of representation registered in the Central Register. The registration is not mandatory and the validity of the power of representation is not checked by the Central Register. However, registration ensures that in case that judicial proceedings in order to appoint a "Betreuer" are initiated the competent court can take note of the existence of the power of representation and thus avoid unnecessary "Betreuungen".
Hungary	Entry into the register is decided by a court. 2013 CLXXV. Act § 13. (2) The court shall examine whether the body (person) which documents the preliminary legal declaration has issued the document in accordance with the formalities in accordance with the law governing its proceedings. If the document is suitable for registration and the application does not have to be returned for rectification, the court will enter the data in the register of preliminary legal declarations. (3) If the preliminary legal declaration or application (hereinafter together: application) does not comply with the provisions of this Act or needs to be supplemented or

	corrected for any other reason, the court shall return the application to the applicant for replacement with a short deadline and deficiencies, and it also warns that if the request for rectification is not complied with, the court will reject the request. Failure to register the preliminary legal declaration in the register does not affect the validity of the preliminary legal declaration
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	There is an arrangement for the registration of the living will in the form of notarial deed in the Central Register of Levenstestamenten. This is a database in which notaries register who has drawn up a living will, what moment and which notary. The Central Register does not offer information about the content of the living will, but only about the existence of a living will and the notary who was involved. Registration of the living will is not mandatory.
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

Yes, it is an obligation, please explain the effect of the registration and / or filing:

Argentina, Canada – Québec, Belgium, Italy, Latvia, United Kingdom - England and Wales, United Kingdom - Scotland

Please explain:

Argentina	Law No. 26.529 (modified by law 26.742) with regard to advance health directives, establishes that the declaration of will must be formalized in writing before a notary or a court, for which the presence of two witnesses shall be required. (art. 11).
Austria	Please insert text here
Belgium	Cela permettra au greffe de la justice de paix saisie d'une demande de protection judiciaire de vérifier s'il n'existe pas déjà un mandat de protection extrajudiciaire dans le registre central des contrats de mandat et dans l'affirmative d'en demander une copie conforme au greffe ou au notaire auprès duquel celui-ci a déposé (article 1242 du Code judiciaire).
Brazil	The power of representation
Canada - British Columbia	Please insert text here
Canada - Québec	Le mandat doit être homologué par le tribunal pour prendre effet.
Croatia	Please insert text here
Cyprus	
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	.
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	The National Database of Advanced health directives performs the following functions: 1) collects a copy of the advanced health directives and of related updates, 2) collects a copy of the appointment of any representative/trustee as well as acceptance, refuse or revocation by the grantor, 3) gives access to the above mentioned data by the doctor who is treating the patient, in case he/she is in a situation of inability to self-determine, 4) gives access to the above mentioned data by the representative/trustee, as long as he retains the office.
Latvia	According to Section 2317.2 of the Civil Law such powers of representation (a future authorisation agreement) shall be made in the form of a notarial deed and it shall be registered. At the same time, all powers of representation made by notaries are registered. Furthermore, according to Section 2317.3 of the Civil law such powers of representation (a future authorisation agreement) shall come into effect on the day of entering thereto, but the designated representative shall be authorised to commence his or her activity at the time when in accordance with the procedures laid down in special laws such status or legal fact of the grantor is detected and registered due to which he or she is unable temporarily or permanently to understand the meaning of his or her action and is unable to control his or her action.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	The power of representation can only be used once it has been registered

United Kingdom - Scotland	Power of attorney cannot be operated until registered at the Office of the Public Guardian
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No

Canada - British Columbia, Cyprus, Estonia, Finland, France, Portugal, Sweden, Switzerland

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	There is no filing requirement for powers of representation and no competent authority" for filing.."
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Pursuant to the provisions of the Law on the Protection of Persons with Mental Disabilities, a binding statement applies only if the person who gave it is unable to give consent for the medical procedures specified in that statement.
Cyprus	Powers of representation cannot be registered or filed with a competent authority before they come into effect.
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	L'inscription sur un registre spécial est prévue dans le code civil mais n'a pas encore été mise en œuvre, le registre spécial n'existe pas encore. L'enregistrement auprès de la recette des impôts pour le mandat sous seing privé est une simple recommandation pour lui conférer date certaine.
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	There is no registry, only the power of representation must be accredited with a suitable document either through the sentence or with the power of attorney for such purposes
The Netherlands	Please insert text here
Portugal	Just for vital wills" (advance medical directives)."
Slovakia	Veillez saisir les informations demandées ici
Sweden	There is no registry for CPAs and no authority responsible for filing CPAs.
Switzerland	
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

6.27. Can such powers of representation governed by the law of **your** State be registered or filed with a competent authority after they come into effect?

Yes, it is an option, please explain the effect of the registration and / or filing:

Argentina, The Netherlands

Please explain:

Argentina	Many provinces in our country have Associations of notaries that have a Registry of Acts of Self-Protection. It is particularly important for the publicity of these acts, and for ensuring the effective enforcement of people's fundamental rights.lease insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

Yes, it is an obligation, please explain the effect of the registration and / or filing:

Belgium, Canada – Québec, Finland, Hungary

Please explain:

Argentina	Please insert text here
Austria	Please insert text here

Belgium	Cela permettra au greffe de la justice de paix saisie d'une demande de protection judiciaire de vérifier s'il n'existe pas déjà un mandat de protection extrajudiciaire dans le registre central des contrats de mandat et dans l'affirmative d'en demander une copie conforme au greffe ou au notaire auprès duquel celui-ci a déposé (article 1242 du Code judiciaire).
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Une fois homologué, le mandat est inscrit automatiquement à un Registre des mandats homologués.
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	A power of representation confirmed by the guardianship authority is registered, if it relates to representing the grantor in financial matters. In practice, the register contains information on the confirmation of the power of representation, the date of confirmation and the personal data of the grantor and the designated representative. The content of the power of representation is not registered. It is possible to ask an extract from the register to see that the power of representation is in force and has not expired.
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Action V of 2013 on the Civil Code Section 2:40 [Entry into effect of prior legal statements] (1) In its decision ordering conservatorship concerning competency, to court shall order the application of a prior legal statement, except if: a) compliance with the instructions set out in the prior legal statement expressly conflicts with the interests of the person under conservatorship, or b) the person designated by the person of legal age for the office of conservator refuses to carry out the instructions set out in the prior legal statement, or is subject to any statutory grounds for disqualification. (2) Should any of the several dispositions of a prior legal statement be considered inoperative, it shall not affect the validity or effect of the other dispositions. (3) In the appointment of a conservator and in determining his functions, the guardian authority shall take due account of the instructions set out in the prior legal statement. Therefore the court registers the unregistered prior legal statements after their entry into force.
Italy	Please insert text here
Latvia	Please insert text here
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

No:

Canada - British Columbia, Canada - Québec, Cyprus, Czech Republic, Estonia, France, Germany, Italy, Latvia, Mexico, The Netherlands, Portugal, Sweden, Switzerland, United Kingdom - England and Wales, United Kingdom - Scotland

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	See responses to questions 6.25 and 6.26 above.
Canada - Québec	Bien que tous les mandats homologués soient automatiquement inscrits au Registre des mandats homologués une fois homologués par le tribunal, le contenu n'y est pas détaillé à l'exception des informations suivantes : nom du mandant et du mandataire, nature du mandat (personnes ou biens), date d'homologation.
Croatia	Please insert text here
Cyprus	It is not an obligation.
Czech Republic	In the case of declaration in anticipation of incapacity the deed will be registered by the Notary Chamber if the declaration has been notarised.
Estonia	Please insert text here
Finland	
France	Veillez saisir les informations demandées ici
Germany	There is no such possibility.
Hungary	Please insert text here
Italy	no provision governs registrations made after the powers of representation come into effect, the law provides that obligated subjects (notaries, civil status officers, etc) must send a copy of the document, without delay, to the National Database upon formation, delivery and receipt of the advanced health directives
Latvia	It happens simultaneously: a sworn notary makes such powers of representation in the form of a notarial deed and registers in the Continuing Powers of Attorney Register. Furthermore, the power of representation comes into effect on the day when this agreement is concluded.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	There is no registry, only the power of representation must be accredited with a suitable document either through the sentence or with the power of attorney for such purposes
The Netherlands	A living will can only be drawn up as long as the grantor is able to independently give instructions in advance and understands the consequences of the powers of representation.
Portugal	Again, there is only a public register for advance medical directives / vital wills and accompaniment judicial decisions.
Slovakia	Veillez saisir les informations demandées ici
Sweden	There is no registry for CPAs and no authority responsible for filing CPAs.
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	They must be registered before they can be used
United Kingdom - Scotland	

6.28. Can such powers of representation governed by the law of **another** State be registered or filed with a competent authority after they come into effect?

Yes, it is an option, please explain the effect of the registration and / or filing:

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

Yes, it is an obligation, please explain the effect of the registration and / or filing:

Finland, Hungary

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here

Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	A power of representation, which concerns the representation of the grantor in financial affairs, is registered, even if it has not been confirmed by the Finnish guardianship authority, if the grantor is habitually resident in Finland. The designated representative needs to inform the Guardianship authority about the power of representation. If the grantor is not habitually resident in Finland, but the power of attorney relates to property in Finland, the Finnish guardianship authority can confirm the power of representation regarding that property and the power of representation will be registered. Please see reply to question 6.27 for more information regarding the register.
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	yes, see 6.27. but only in case legal statements are in accordance with Hungarian law. P.e. it is not possible to register and enter into force a legal statement contrary to our public order. .
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

No:

Belgium, Cyprus, Estonia, France, Germany, Italy, Latvia, Luxembourg, Mexico, The Netherlands Portugal, Sweden, Switzerland, United Kingdom - England and Wales, United Kingdom - Scotland

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Seul un mandat établi conformément au droit belge peut être enregistré dans le registre des contrats de mandat (articles 35 du Code de droit international privé et 490, alinéa 1er, du Code civil belge , arrêté royal du 31 août 2014 fixant les modalités de création, de tenue et de consultation du registre central des contrats de mandat en vue d'organiser une procédure extrajudiciaire et du registre central des déclarations relatives à la désignation d'un administrateur, d'une personne de confiance ou d'un tuteur et plus particulièrement ses articles 1er, 1°, et 3, alinéa 1er).

Brazil	Please insert text here
Canada - British Columbia	See responses above regarding the recognition of powers of representation from other jurisdictions, and regarding registration/filing, above.
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	See answer to 6.27
Hungary	Please insert text here
Italy	no provision governs the case of a registration after the powers of representation come into effect
Latvia	So far, such question has not arisen, also it is not regulated directly. The powers of representation performed by a Latvian notary shall be registered. The purpose of registration is to ensure transparency and the ability to find powers of representation. The law and the regulations of the Cabinet of Ministers do not resolve the issue of whether powers of representation made abroad could be entered in the Register of Future Power of Representations of Latvia. It could be a problem if powers of representation made in another State are not notarized, but according to Latvian law they must be notarized, that is, in Latin-type notarial countries, notaries will issue public documents, but in non-Latin-type notarial countries, documents issued by a notary do not always acquire the force of a public document.
Luxembourg	Il n'existe pas de possibilité d'enregistrement des pouvoirs de représentation régis par le droit d'un autre Etat contractant. Il faut passer par la procédure d'exequatur.
Mexico	There is no registry, only the power of representation must be accredited with a suitable document either through the sentence or with the power of attorney for such purposes
The Netherlands	There is no such provision.
Portugal	Again, there is only a public register for advance medical directives / vital wills and accompaniment judicial decisions.
Slovakia	Veillez saisir les informations demandées ici
Sweden	There is no registry for CPAs and no authority responsible for filing CPAs.
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Powers from another State must be reviewed by the Court of Protection of England and Wales before they come into effect
United Kingdom - Scotland	There is no provision for registering powers of attorney from another state in Scotland

6.29. Do your responses to questions 6.25. and 6.28. differ whether such powers of representation are subject to a formal requirement (*e.g.*, notarised, certified, witnessed) or not subject to any formal requirements?

No:

Canada - British Columbia, Canada – Québec, Belgium, Cyprus, Estonia, Finland, Germany, Hungary, Italy, Latvia, Mexico, Portugal, Sweden, Switzerland, United Kingdom - England and Wales, United Kingdom - Scotland

Yes:

Czech Republic, France, The Netherlands

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Only the declaration in anticipation of incapacity that has been notarised can be registered.
Estonia	Please insert text here
Finland	Please insert text here
France	(voir réponse 6.26)
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	The registration of living wills in the Central Register is the responsibility of notaries.
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

Coming into effect of such powers of representation

6.30. Can such powers of representation governed by the law of your State come into effect at a moment determined by the grantor (*e.g.*, when certain conditions are met)?

No:

Canada – Québec, Czech Republic, Finland, France, Italy, Latvia, Sweden, Switzerland

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici

Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	La loi prévoit les conditions pour l'entrée en vigueur du mandat (inaptitude est constatée et le mandat est homologué), art. 2166 C.c.Q. Le mandant ne peut pas prévoir autrement, que ce soit expressement indiqué ou non.
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	A) Guardian without a limitation in legal capacity, representation by a household member, assistance in decision-making - a person with a disability submits a proposal for its appointment or approval, however, the conditions for a decision on a guardian, or the approval of the representation by a household member must be assessed by the court. B) Declaration in anticipation of incapacity - The guardian designated by this declaration must be also appointed by court.
Estonia	Please insert text here
Finland	The power of representation enters into force, when it is confirmed by the guardianship authority.
France	Les conditions d'entrée en vigueur du mandat de protection future sont déterminées par la loi: - S'agissant du mandat pour soi, le mandat prend effet quand il est établi que le mandant ne peut plus pourvoir seul à ses intérêts, la prise d'effet étant assujetti à la production au greffe du tribunal du mandat et d'un certificat médical établissant que le mandant se trouve dans l'impossibilité de pourvoir seul à ses intérêts en raison d'une altération médicalement constatée soit de ses facultés mentales, soit de ses facultés corporelles de nature à empêcher l'expression de sa volonté. - S'agissant du mandat de protection future pour autrui, la prise d'effet est subordonnée à deux séries de conditions cumulatives, les unes étant relatives au mandant et les autres au bénéficiaire du mandat. Le mandat prend effet à compter du jour où le mandant, c'est-à-dire les père et mère ou le survivant d'entre eux, décède ou ne peut plus prendre soin de l'intéressé. De plus, la mise à exécution du mandat suppose que le bénéficiaire se trouve dans l'impossibilité de pourvoir seul à ses intérêts par suite d'une altération de ses facultés mentales ou corporelles de nature à empêcher l'expression de sa volonté, au vu d'un certificat médical.
Germany	Please insert text here
Hungary	Please insert text here
Italy	Pursuant to article 4 of Act n. 219 of 2017, advanced health directives are given in prediction of a possible future inability to self-determine
Latvia	According to Section 2317.3 of the Civil law such powers of representation (a future authorisation agreement) shall come into effect on the day of entering thereinto, but the designated representative shall be authorised to commence his or her activity at the time when in accordance with the procedures laid down in special laws such status or legal fact of the grantor is detected and registered due to which he or she is unable temporarily or permanently to understand the meaning of his or her action and is unable to control his or her action.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici

Sweden	A CPA, which meets the formal requirements, enters into force when the grantor no longer has the ability to take care of the matters covered by the CPA. It is the attorney who assesses whether the CPA has entered into force.
Switzerland	Le mandataire ne peut exercer ses pouvoirs qu'une fois que l'autorité de protection de l'enfant et de l'adulte a examiné si le mandat a été constitué valablement, si les conditions de sa mise en œuvre sont remplies, si le mandataire est apte à le remplir et si elle doit prendre d'autres mesures de protection de l'adulte. L'autorité de protection communique ensuite la constatation de la validité du mandat pour cause d'incapacité à l'état civil.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

Yes:

Argentina, Belgium, Canada - British Columbia, Cyprus, Estonia, Germany, Hungary, Mexico, The Netherlands, Portugal, United Kingdom - England and Wales, United Kingdom - Scotland

Please explain:

Argentina	In some cases the grantor could determine when the powers of representation would come into effect.
Austria	Please insert text here
Belgium	Le mandant peut lier son contrat de mandat à la réalisation de la condition suspensive qu'il devienne incapable de manifester sa volonté (article 490/1, § 1er, alinéa 1er, du Code civil). Le mandant peut aussi veiller dans son contrat à ce que les dispositions de son mandat de protection extrajudiciaire ou certaines d'entre elles prennent effet déjà avant qu'il ne le soit.
Brazil	Please insert text here
Canada - British Columbia	An enduring power of attorney and representation agreement may come into effect when executed, or on the date an event described in the document is confirmed to have occurred. An enduring power of attorney could also include a specific date that it comes into effect.
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Powers of representation are coming into effect immediately upon signature and certified by a certified officer.
Czech Republic	Please insert text here
Estonia	The grantor may set a specific date or a condition that it comes into effect when he or she is not anymore able to represent himself or herself. However, it is difficult to ascertain, when this condition has actually been met.
Finland	Please insert text here
France	
Germany	In default of further statements/determinations by the grantor, the power of representation enters into force immediately. However, often powers of representation are granted with regard to the case of a future incapacity of the grantor. The document does not have to state explicitly that it shall enter into force or remain in force in the event of the grantor's incapacity. It is actually recommended not to link the entry into force of the power of representation to the loss of capacity in the document itself (i.e. vis-à-vis third parties). This would cause considerable problems in practice, as the representative would always have to

	prove that the prerequisite was (still) fulfilled. Separately from the power of representation, the grantor and the representative can agree on the specific terms of the power of representation (e.g. by means of a mandate) and here especially on the fact that the representative is allowed to make use of the power of representation solely in the event of the grantor's incapacity.
Hungary	If the legal conditions are met.
Italy	Please insert text here
Latvia	Please insert text here
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Once the sentence has been handed down by the competent judge in family matters
The Netherlands	A power of representation like a living will enters into force when the grantor no longer has the ability to take care of the matters covered in the living will. However, the grantor may determine an earlier moment on which the power of representation takes effect, for example when certain conditions in the living will are met.
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Property and affairs powers may come into effect once the power has been registered or after the person loses capacity. Health and Welfare powers only come into effect once the grantor has lost mental capacity.
United Kingdom - Scotland	A springing clause can be added to the document to this effect, presuming all other statutory requirements have been met.

6.31. In the absence of an explicit coming into effect provision by the grantor, can such powers of representation governed by the law of your State come into effect on the sole decision of the person(s) to whom they are conferred?

No

Canada - British Columbia, Canada – Québec, Cyprus, Czech Republic, Finland, France, Germany, Hungary, Italy, Latvia, Mexico, The Netherlands, Portugal, Switzerland

Please any safeguards

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	The default for a representation agreement is that it comes into force when it is executed. An enduring power of attorney comes into force on the later of the date it is signed by the adult and attorney, a date named in the document, or an event set out in the document. Before a person may exercise the power of an attorney granted in an enduring power of attorney, the person must sign the enduring power of attorney in the presence of two witnesses.
Canada - Québec	Voir réponse 6.30
Croatia	Please insert text here
Cyprus	
Czech Republic	See Section 6.30 above.

Estonia	Please insert text here
Finland	Please see answer to question 6.32.
France	(voir conditions indiquées ci-dessus)
Germany	Please insert text here
Hungary	The court decision is required for the preliminary legal declaration to take effect.
Italy	Pursuant to article 4 of Act n. 219 of 2017, advanced health directives are given in prediction of a possible future inability to self-determine
Latvia	According to Section 2317.3 of the Civil law such powers of representation (a future authorisation agreement) shall come into effect on the day of entering thereinto, but the designated representative shall be authorised to commence his or her activity at the time when in accordance with the procedures laid down in special laws such status or legal fact of the grantor is detected and registered due to which he or she is unable temporarily or permanently to understand the meaning of his or her action and is unable to control his or her action.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	If the grantor has not laid down an explicit provision that determines the coming into effect of the living will, the power of representation will generally come into effect when the grantor is no longer able to take care of the matters covered in his living will.
Portugal	In the event of disability and the need for accompanying measures, a court decision will always be required. According to article 156 of the Portuguese Civil Code, preventing an eventual need for accompaniment, the adult can conclude a mandate for the management of their interests, with or without powers of representation. The mandate follows the general regime and specifies the rights involved and the scope of any representation, as well as any other elements or conditions of exercise, being freely revocable by the grantor / principal. As mentioned above, when the court decrees the accompaniment, the court must take into account the mandate, in whole or in part, and take it into account in defining the scope of protection and in the designation of the accompanying person. The court may terminate the mandate when it is reasonable to assume that the grantor's wish would be to revoke it .
Slovakia	Veillez saisir les informations demandées ici
Sweden	
Switzerland	Le mandat pour cause d'inaptitude n'entre en vigueur qu'une fois que l'autorité de protection de l'enfant et de l'adulte a examiné si le mandat a été constitué valablement, si les conditions de sa mise en œuvre sont remplies, si le mandataire est apte à le remplir et si elle doit prendre d'autres mesures de protection de l'adulte. L'autorité de protection communique ensuite la constatation de la validité du mandat pour cause d'inaptitude à l'état civil.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

Yes:

Belgium, Estonia, Sweden, United Kingdom - England and Wales, United Kingdom - Scotland

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	C'est en effet au mandataire d'apprécier le moment où le mandant se trouve dans l'incapacité de gérer ses intérêts patrimoniaux ou extrapatrimoniaux en raison de son état de santé ou en raison de sa prodigalité si rien n'est prévu en ce sens dans le contrat. Cette appréciation est opposable à un tiers de bonne foi (article 490/1, § 3, du Code civil).
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Planning the treatment of mental disorders, by writing down pre-determined guidelines that are prescribed at a time when the person is able to make decisions about it, and are binding when he is no longer able to do so.
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	Please insert text here
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	It is the attorney who assesses whether the CPA has entered into force. However, this does not apply if the grantor has stipulated in the CPA that the entry into force must be reviewed by a court. It is also possible for the attorney to request such a review.
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Should the grantor lose capacity to make a certain decision, the relevant power will come into effect
United Kingdom - Scotland	Continuing (financial) powers of attorney can come into effect before the granter is incapacitated. Welfare powers of attorney require incapacity and the AWI Act merely requires the granter to have considered how their incapacity shall be determined. This could be by the attorney deciding it is the case.

6.32. In the absence of an explicit coming into effect provision by the grantor, can such powers of representation governed by the law of your State come into effect upon the decision of a competent authority?

No:

Belgium, Canada - British Columbia, Canada – Québec, Cyprus, Czech Republic, Estonia, France, Germany, Italy, Latvia, The Netherlands, Switzerland, United Kingdom - England and Wales, United Kingdom - Scotland

Please any safeguards:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	En l'absence de disposition explicite, c'est le mandataire et non le juge de paix qui évalue le moment où le mandant se trouve dans un état d'incapacité.
Brazil	Please insert text here
Canada - British Columbia	See above regarding when enduring powers of attorney and representation agreements are effective.
Canada - Québec	Voir réponse 6.30
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	See Section 6.30 above.
Estonia	Please insert text here
Finland	Please insert text here
France	(voir conditions indiquées ci-dessus)
Germany	Please insert text here
Hungary	Please insert text here
Italy	Pursuant to article 4 of Act n. 219 of 2017 advanced health directives are given in prediction of a possible future inability to self-determine
Latvia	It is not upon the decision of a competent authority. Additionally, powers of representation come into effect once concluded.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	There is no provision for a judicial decision of incapacity or such a decision by another competent authority, except for medical professionals.
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Le mandant ne peut pas décider de l'entrée en vigueur du mandat pour cause d'inaptitude, car le mandat ne peut entrer en vigueur qu'une fois que l'autorité de protection de l'enfant et de l'adulte a examiné si le mandat a été constitué valablement, si les conditions de sa mise en œuvre sont remplies, si le mandataire est apte à le remplir et si elle doit prendre d'autres mesures de protection de l'adulte. L'autorité de protection communique ensuite la constatation de la validité du mandat pour cause d'inaptitude à l'état civil
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Once registered it requires the granter/attorney in the case of continuing attorneys or the incapacity of the granter in the case of welfare attorneys, unless the documents specify conditions (OPG does not have to be notified in either case of the beginning of operation of the power of attorney)

Yes:

Argentina, Finland, Hungary, Latvia, Mexico, Portugal, Sweden

Please explain:

Argentina	A court could decide when a powers of representation comes into effect.
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	<p>The possibilities of issuing an anticipated order from the Family Act (Official Gazette, nos. 103/15, 98/19 and 47/20) are prescribed in the provisions of the same Act in the provisions of Article 236, paragraph 6, in case the person is in in relation to which the procedure for deprivation of legal capacity is conducted in the form of a notarial deed has determined the person for whom he/she wishes to represent it in the procedure for deprivation of legal capacity (anticipated order), the social welfare center will appoint that person as a special guardian in the procedure for deprivation of legal capacity, if he/she meets the other preconditions for appointment as a guardian prescribed by the Family Act. Furthermore, the provision of Article 247, paragraph 5 of the Family Act stipulates: “(5) If a person deprived of legal capacity before deprivation of legal capacity in the form of a notary document designates a person or persons for whom he would like to be appointed guardian, i.e. guardians, as well as persons for whom he/she would like to be appointed their deputies (anticipated order), the social welfare center will appoint that person or persons as guardian or guardians and deputy or deputy guardians if other preconditions for appointment as guardian are met by this Act. ”. Furthermore, the provisions of Article 260 of the Family Act stipulate: “(1) Only a court may, in non-contentious proceedings at the proposal of a ward deprived of legal capacity or guardian, issue a decision on: 1. sterilization of the ward 2. donation of tissues and organs of the ward and 3. measures to keep the wards alive. (2) A court decision referred to in paragraph 1 of this Article is not required if the ward decided on the procedures and measures referred to in paragraph 1 of this Article at the time when he/she was legally capable in the form of a notarial document (anticipated order). ”. In conclusion, the provisions of Article 504 of the Family Act prescribe: “(1) In the procedure for making a decision on the health of a ward who is deprived of legal capacity in that part, it is decided on: 1. Sterilization 2. donation of tissues and organs and 3. measures for keeping the wards alive. (2) The decisions referred to in paragraph 1 of this Article shall be issued and dispatched by the court within fifteen days from the day of initiating the proceedings. (3) The court shall reject the proposal for issuing a decision on the health of the ward if the ward decided on the matters referred to in paragraph 1 of this Article while he was legally capable in the form of a notarial deed (anticipated order) referred to in Article 260, paragraph 2 of this Act. ”.</p>
Cyprus	
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	The power of representation needs to be confirmed by the guardianship authority, in order to enter into force.
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Only a court can decide on this under legal provisions.
Italy	Please insert text here

Latvia	According to Section 2317.3 of the Civil law such powers of representation (a future authorisation agreement) shall come into effect on the day of entering thereinto. A designated representative becomes entitled to act at the time when the status or legal fact of the grantor is determined and registered due to which the grantor is unable temporarily or permanently to understand the meaning of his or her action and is unable to control his or her action. This status is determined by medical practitioners. A designated representative requests to the medical institution or a general practitioner to issue a statement concerning the grantor's incapacity for the powers of representation, presenting the powers of representation. The commission of medical practitioners (consists at least of 3 medical practitioners) shall be established. The commission provides an opinion on whether a grantor has lost the ability to understand the meaning of his or her actions and to control them due to mental or health disorders. The commission bases its opinion on the grantor's diagnosis and the evaluation of grantor's state of health. Whereas the head of the health institution issues a statement on the basis of the opinion provided by the commission. After receiving the statement that confirms the grantor's incapacity the designated representative goes to any sworn notary who registers that the designated representative is entitle to act. The necessary information is registered in the Continuing Powers of Attorney Register based on the statement. When the necessary information is registered, the sworn notary shall make a respective notation on the extract from the notarial deed book (the powers of representation) presented to him or her. Such notation shall also be made on the original of the notarial deed.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Yes, you must go to the Judge in family matters, raise the problem and he may carry out the corresponding authorization according to the interests of the disabled person
The Netherlands	Please insert text here
Portugal	In the event of disability and \need for accompanying measures, a court decision will always be required.
Slovakia	Veillez saisir les informations demandées ici
Sweden	A CPA can come into effect upon a decision of a court if the grantor has stipulated in the CPA that the entry into force must be reviewed by a court. This also applies if the attorney requests a court review.
Switzerland	
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

6.33. Please explain how the coming into effect of such powers of representation governed by the law of your State affect the legal capacity of the grantor:

Argentina	It depends on the content of the powers of representation.
Austria	Please insert text here
Belgium	Le contrat de mandat de protection extrajudiciaire n'affecte pas en principe la capacité juridique du mandant sous réserve éventuelle des dispositions de droit commun du contrat de mandat.
Brazil	Please insert text here
Canada - British Columbia	The capacity of the grantor to make decisions is a separate issue from the coming into effect of the enduring power of attorney or representation agreement. (Although the grantor may provide that the power of representative does not come

	into effect until a future event, such as the grantor's incapacity, occurs.) An enduring power of attorney must state whether the attorney may exercise authority while the adult is capable or only while the adult is incapable of making decisions about the adult's financial affairs. A grantor who is capable may do anything they have authorized their representative to do. And, until the contrary is demonstrated, an adult is presumed to be capable of making decisions about their financial affairs, personal care and health care,
Canada - Québec	La capacité juridique du mandant est limitée et ses droits sont dorénavant exercés par le mandataire, le tout selon les termes du mandat, et ce, dès qu'il est homologué.
Croatia	It follows from LPPMD (Law on the Protection of Persons with Mental Disabilities) that deprivation of legal incapacity does not mean inability to consent to medical procedures - when giving consent, it is necessary to determine the ability to give consent(Article 12, paragraph 3), and if is not capable, giving consent is a valid statement.
Cyprus	It does not affect the legal capacity of the grantor.
Czech Republic	The law does not stipulate any link between the coming into effect of the powers of representations and, for example, the initiation of proceedings on the limitation of legal capacity. However, if the court has already ruled on a assistant, a representative from a household or a guardian without limitation of legal capacity, it is understood that the court has declared that the person has a de facto reduced ability to decide on his or her affairs and defend his or her rights. However, these decisions do not restrict a person in any area of his or her life.
Estonia	It does not affect the legal capacity of the grantor.
Finland	It does not as such affect the legal capacity of the grantor.
France	La volonté du législateur a été que l'intéressé conserve sa pleine capacité. Le maintien de la capacité de la personne protégée apparaît comme la contrepartie de l'éviction du juge des tutelles de la mise en œuvre du mandat de protection future.
Germany	The coming into effect of a power of representation does not as such affect the legal capacity of the grantor. This is not explicitly provided for but results from the application of the provisions of the General Part of the German Civil Code.
Hungary	No, because the court to decide. In the process the grantor is properly informed about the legislation and the grantor's interests are also taken into account. In case a prior legal statement was contrary to the interests of the grantor, the court shall refuse to give effect to the whole statement, or part of it.
Italy	The representative/trustee will act on behalf of the grantor and will represent him/her in the relationship with the doctor and with the health facilities
Latvia	The grantor retains his/her legal capacity. However, there is no provision that explicitly states that the legal capacity of the grantor is not affected. The legal framework provides that the legal capacity of the grantor might be restricted only by the court and only as an exception if there are no alternatives. The powers of representation are considered as an alternative measure in order not to affect the grantor's legal capacity.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	A power of representation does not as such affect the legal capacity of the grantor. A power of representation comes into effect in the event of legal capacity. Only the placement under curatorship affect the legal capacity to perform judicial acts.
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	A CPA does not as such affect the legal capacity of the grantor.

Switzerland	Le mandat pour cause d'inaptitude n'entre en vigueur qu'en cas d'incapacité de discernement du mandant. Le mandant peut continuer à agir dans les domaines pour lesquels il est encore capable de discernement. Quelle que soit son étendue, le mandat pour cause d'inaptitude ne devient effectif que dans les domaines pour lesquels le mandant a perdu sa capacité de discernement de manière durable. Il peut par conséquent ne déployer des effets partiels (p.ex. en matière de gestion patrimoniale mais non de soins personnels). En cas de rétablissement de la capacité de discernement du mandant, le mandat pour cause d'inaptitude cesse de produire ses effets de plein droit. Le mandant n'a pas besoin de faire une déclaration au mandataire et aucune intervention de l'autorité de protection de l'adulte n'est nécessaire. Le mandant est toutefois lié par les opérations que le mandataire fait avant d'avoir connaissance de l'extinction de son mandat, comme si le mandat produisait encore ses effets. Il peut toutefois arriver que le mandant recouvre la capacité de discernement, mais qu'il ne soit pas en mesure d'exécuter lui-même les tâches qu'il avait confiées au mandataire (par. ex., en cas d'hospitalisation à l'étranger). Si la fin des effets du mandat compromet les intérêts du mandant, une «prolongation» temporaire du mandat est possible. Le mandataire est ainsi tenu de continuer à remplir les tâches qui lui ont été confiées jusqu'à ce que le mandant puisse défendre ses intérêts lui-même.
United Kingdom - England and Wales	N/A
United Kingdom - Scotland	The granter retains legal capacity as per UNCRPD. the attorney is required to adhere to the principles of the AWI Act

6.34. Do your responses to questions 6.30.-6.33. differ whether such powers of representation are subject to a formal requirement (e.g., notarised, certified, witnessed) or not subject to any formal requirements?

No:

Argentina, Belgium, Canada - British Columbia, Canada – Québec, Cyprus, Estonia, Finland, Germany, Italy, Latvia, The Netherlands, Portugal, Sweden, Switzerland, United Kingdom - England and Wales, United Kingdom - Scotland

Yes:

Czech Republic, France, Hungary, Mexico

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	As stated earlier, in accordance with the provisions of the Law on the Protection of Persons with Mental Disabilities, a binding statement is valid if it is drawn up in the form of a notarial deed.
Cyprus	Please insert text here
Czech Republic	See the respective Sections.
Estonia	Please insert text here

Finland	Please insert text here
France	(différences indiquées dans les réponses précédentes)
Germany	Please insert text here
Hungary	A prior legal statement has legal consequences only in case it made in compliance with formal requirements, otherwise the legal statement is annuled, null and void.
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Any power of attorney must be by means of a final judgment issued by a Judge in family matters.
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

6.35. Have issues arisen in your State with regard to the coming into effect of such powers of representation governed by the law of another State?

No:

Belgium, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Italy, Latvia, The Netherlands, Portugal, Sweden, United Kingdom - England and Wales, United Kingdom - Scotland

Yes:

Canada – Québec, Hungary, Switzerland

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Not to our knowledge. (See response to question 6.4 regarding the recognition of instruments from other jurisdictions.)
Canada - Québec	Des questions se posent particulièrement au moment de faire homologuer un mandat étranger pour le rendre exécutoire au Québec.
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	See comment to 6.4
Hungary	A preliminary declaration of rights made by a court in another State and under its law must be recognized before it enters into force. .

Italy	Please insert text here
Latvia	We are not aware of any issues.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Le cas suivant nous a été soumis plusieurs fois: le mandat pour cause d'inaptitude établi par l'adulte A, qui a sa résidence habituelle dans l'État partie B, est-il valide aussi en Suisse? Le mandat pour cause d'inaptitude en tant que tel n'est pas une mesure qui pourrait être reconnue selon l'art. 22 de la Convention de 2000. En revanche, la décision d'une autorité de B de valider le mandat pour cause d'inaptitude peut être reconnue de plein droit en Suisse. Une autorité de protection de l'adulte en Suisse ne se déclarerait probablement pas compétente pour une telle validation, car l'adulte vit dans l'État B. L'autorité de protection de l'enfant suisse pourrait éventuellement considérer qu'elle est compétente pour un immeuble sis en Suisse, et valider le mandat pour cause d'inaptitude uniquement sur ce point (v. art. 9 de la Convention de 2000, compétence des autorités d'un état contractant dans lequel se trouvent des biens de l'adulte). Si dans l'Etat B il n'y a pas de mécanisme de validation du mandat pour cause d'inaptitude, cela pourra causer problème. Si l'adulte est citoyen suisse, on pourrait éventuellement penser à une application de l'art. 7, autrement de l'art. 8 de la Convention de 2000.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

6.36. Please share other information (e.g., concerns, good practices) with regard to the coming into effect of such powers of representation governed by the law of your State (e.g., the explicit provision (permitted by law) in the powers of representation that they come into effect immediately upon signature):

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	The default is that, unless the enduring power of attorney or representation agreement states an effective date/event, the instrument will come into force when executed.
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	We do not have other data.
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Act V of 2013 on the Civil Code Section 2:40 [Entry into effect of prior legal statements] (1) In its decision ordering conservatorship concerning competency, to

	court shall order the application of a prior legal statement, except if: a) compliance with the instructions set out in the prior legal statement expressly conflicts with the interests of the person under conservatorship, or b) the person designated by the person of legal age for the office of conservator refuses to carry out the instructions set out in the prior legal statement, or is subject to any statutory grounds for disqualification. (2) Should any of the several dispositions of a prior legal statement be considered inoperative, it shall not affect the validity or effect of the other dispositions. (3) In the appointment of a conservator and in determining his functions, the guardian authority shall take due account of the instructions set out in the prior legal statement.
Italy	Since advanced health directives are given in prediction of a possible future inability to self-determine, the coming into effect of powers of representation requires the grantor to reach such a state of inability.
Latvia	Civil Law 2317.2 A future authorisation agreement shall be made in the form of a notarial deed at the personal presence of an authorising person and authorised person and it shall be registered in accordance with the procedures laid down in the Notariate Law. 2317.3 A future authorisation agreement shall come into effect on the day of entering thereinto, but an authorised person shall be authorised to commence his or her activity at the time when in accordance with the procedures laid down in special laws such status or legal fact of the authorising person is detected and registered due to which he or she is unable temporarily or permanently to understand the meaning of his or her action and is unable to control his or her action.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	N/A
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	N/A
United Kingdom - Scotland	It would be useful to have the requirement that the granter specifies how their incapacity will be determined

Confirmation of such powers of representation

6.37. Can a competent authority in your State confirm powers of representation?

No:

Canada – Québec, Croatia, Cyprus, Estonia, France, Germany, Italy, Latvia, The Netherlands, Sweden

Yes:

Argentina, Belgium, Czech Republic, Finland, Hungary, Mexico, Portugal, Switzerland, United Kingdom - England and Wales, United Kingdom - Scotland

Please indicate which authority can confirm and explain the effect of confirming or not confirming such powers of representation

Argentina	It depends on the case.
Austria	Please insert text here
Belgium	Le contrat de mandat pourrait conditionner sa prise d'effet à une homologation par le juge de paix. Si le juge de paix constate que le mandant se trouve dans l'impossibilité de gérer ses intérêts en raison de son état de santé ou parce qu'il se trouve dans un état de prodigalité, que le mandat répond à l'intérêt du mandant et que le mandataire a accepté sa mission, il ordonne l'exécution totale ou partielle du mandat conformément à l'article 490/2 du Code civil (article 490/1, § 2, alinéa 2, du Code civil). Il homologue ainsi le contrat et lui donne force exécutoire. Si les pouvoirs de représentation trouvent leur origine dans un acte étranger, elles pourront acquérir une force exécutoire devant le tribunal de première instance belge pour autant que les conditions énumérées à la question 6.38 sont remplies.
Brazil	Please insert text here
Canada - British Columbia	The court could confirm authority, if it were challenged (e.g., validity of an agreement).
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	
Czech Republic	See Sections above. All the representatives have to be confirmed by court to exercise their powers.
Estonia	Please insert text here
Finland	The Digital and Population Data Services Agency or the State Department of Åland as the competent guardianship authorities confirm the power of representation. The power of representation enters into force, once confirmed by the guardianship authority.
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	see 6.36.
Italy	Please insert text here
Latvia	No authority approves such powers of representation or any powers of representation. The sworn notary merely certifies the powers of representation and gives them public credibility.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	The only competent authority to confirm the powers of representation is a Judge in family matters through a final judgment.
The Netherlands	Please insert text here
Portugal	Civil courts.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Le droit suisse ne prévoit pas une confirmation à proprement parler, uniquement une constatation de la validité: avant que le mandataire puisse exercer ses pouvoirs, l'autorité de protection de l'adulte examine si le mandat a été constitué valablement, si les conditions de sa mise en œuvre sont remplies, si le mandataire est apte à le remplir et si elle doit prendre d'autres mesures de protection de l'adulte. Elle communique en suite la constatation de la validité du mandat pour cause d'inaptitude à l'état civil.
United Kingdom - England and Wales	The Office of the Public Guardian

United Kingdom - Scotland	OPG maintain a public register which is searchable and will confirm whether or not a person has a power of attorney.
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6.38. If yes to question 6.37., can confirmation take place whether such powers of representation are governed by the law of your State or the law of another State?

No:

Belgium, Czech Republic, Mexico, United Kingdom - England and Wales, United Kingdom - Scotland

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Les pouvoirs de représentation établis à l'étranger ne pourront être confirmés en Belgique par le tribunal de première instance que s'ils sont déterminés par un acte authentique (article 27, § 2, du même Code). De même, les juridictions belges doivent avoir une compétence internationale pour ce faire : elles ne peuvent être saisies d'une demande de déclaration de la force exécutoire que si la personne concernée a sa résidence habituelle en Belgique ou si elle est belge au moment de l'introduction de la demande (articles 32 et 33, alinéa 1er, du Code de droit international privé). Enfin, il faut que les actes authentiques étrangers soient conformes aux règles de droit applicable désignées par le Code de droit international privé (article 27, § 1er, alinéa 1er, du Code de droit international privé) : - Les mesures de protection sont conformes au droit de la résidence habituelle d'un adulte au moment des faits donnant lieu à l'adoption des mesures de protection , - Si le droit désigné ne permet pas d'assurer la protection que requièrent la personne ou ses biens,elles doivent être conformes au droit de sa nationalité , - S'il est impossible, matériellement ou juridiquement de prendre les mesures prévues par le droit étranger applicable, elles doivent être conformes au droit belge (article 35, § 1er, alinéa 1er, et § 2, du Code de droit international privé).
Brazil	Please insert text here
Canada - British Columbia	
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici

Sweden	Please insert text here
Switzerland	
United Kingdom - England and Wales	Only those governed by the law of our State can be confirmed
United Kingdom - Scotland	powers of attorney from other states are not registerable and therefore will not show on the public register

Yes:

Argentina, Belgium, Finland, Hungary, Portugal, Switzerland

Please indicate which authority can confirm and explain the effect of confirming or not confirming such powers of representation:

Argentina	A court.
Austria	Please insert text here
Belgium	Les mandats de protection extrajudiciaire établis en Belgique pourront toujours être confirmés par la justice de paix compétente. Les pouvoirs de représentation établis à l'étranger ne pourront être confirmés en Belgique par le tribunal de première instance que s'ils déterminés dans un acte authentique (article 27, § 2, du même Code). De même, les juridictions belges doivent avoir une compétence internationale pour ce faire : elles ne peuvent être saisies d'une demande de déclaration de la force exécutoire que si la personne concernée a sa résidence habituelle en Belgique ou si elle est belge au moment de l'introduction de la demande (articles 32 et 33, alinéa 1er, du Code de droit international privé). Enfin, il faut que les actes authentiques étrangers soient conformes aux règles de droit applicable désignées par le Code de droit international privé (article 27, § 1er, alinéa 1er, du Code de droit international privé) : - Les mesures de protection sont conformes au droit de la résidence habituelle d'un adulte au moment des faits donnant lieu à l'adoption des mesures de protection , - Si le droit désigné ne permet pas d'assurer la protection que requièrent la personne ou ses biens,elles doivent être conformes au droit de sa nationalité , - S'il est impossible, matériellement ou juridiquement de prendre les mesures prévues par le droit étranger applicable, elles doivent être conformes au droit belge (article 35, § 1er, alinéa 1er, et § 2, du Code de droit international privé).
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	The Digital and Population Data Services Agency or the State Department of Åland as the competent guardianship authorities confirm the power of representation. If Finnish law is applied to the power of representation, it will only enter into force, once confirmed by the guardianship authority. If, based on article 15, foreign law is applied and the foreign law does not require any confirmation, the power of representation can be in force in Finland also without confirmation. This requires that the requirements under the applicable foreign law are complied with. The designated representative can however ask for a confirmation.

France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	A preliminary declaration of rights made by a court in another State and under its law must be recognized before it enters into force. .
Italy	Please insert text here
Latvia	Please insert text here
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Confirmation is governed by state la
The Netherlands	Please insert text here
Portugal	Civil courts.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Le droit suisse ne prévoit pas une confirmation à proprement parler, uniquement une constatation de la validité: avant que le mandataire puisse exercer ses pouvoirs, l'autorité de protection de l'adulte examine si le mandat a été constitué valablement, si les conditions de sa mise en œuvre sont remplies, si le mandataire est apte à le remplir et si elle doit prendre d'autres mesures de protection de l'adulte. Le problème qui risque de se poser est celui de la compétence de l'autorité suisse si la résidence habituelle de l'adulte est à l'étranger.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

6.39. If yes to question 6.37., can confirmation take place whether the powers of representation have come into effect or not?

Yes:

Argentina, Belgium, Czech Republic, Mexico, Portugal, United Kingdom - England and Wales

No:

Hungary, Switzerland, United Kingdom - Scotland

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	The confirmation by the guardianship authority requires that the requirements prescribed by the foreign law applicable to the entry into force of the power of representation are fulfilled.
France	Veillez saisir les informations demandées ici
Germany	Please insert text here

Hungary	The power of representation shall take effect only if it has been approved by a court.
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Vu que le droit suisse ne prévoit pas une confirmation à proprement parler, mais uniquement une constatation de la validité du mandat pour cause d'inaptitude, celui-ci ne peut entrer en vigueur qu'après la constatation de sa validité.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	

6.40. Do your responses to questions 6.37.-6.39. differ whether such powers of representation are subject to a formal requirement (e.g., notarised, certified, witnessed) or not subject to any formal requirements?

No:

Argentina, Canada - British Columbia, Cyprus, Czech Republic, Estonia, Finland, Germany, Latvia, The Netherlands, Portugal, Sweden, Switzerland, United Kingdom - England and Wales, United Kingdom - Scotland

Yes:

Belgium, Hungary, Mexico

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Si les pouvoirs de représentations ne sont pas déterminés par acte authentique étranger, ils ne pourront pas être confirmés en Belgique (article 27, § 2, du Cod.
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Only a prior legal declaration made in compliance with formal requirements has legal consequences, otherwise the legal declaration is null and void.

Italy	Please insert text here
Latvia	
Luxembourg	Veuillez saisir les informations demandées ici
Mexico	Yes, as long as there is a final judgment issued by the Judge in family matters
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veuillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veuillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

Modifications of such powers of representation

6.41. Is it possible for the grantor or a competent authority to modify powers of representation governed by the law of your State after they have come into effect?

No:

Canada – Québec, Estonia, United Kingdom - England and Wales

Yes:

Argentina, Belgium, Canada - British Columbia, Cyprus, Czech Republic, Finland, France, Germany, Hungary, Italy, Latvia, Mexico, The Netherlands, Portugal, Sweden, Switzerland, United Kingdom - Scotland

Please explain who can modify such powers of representation, for what purpose, in what form, and any related safeguards:

Argentina	Law No. 26.529 (modified by law 26.742) with regard to advance health directives, establishes that the declaration of will may be revoked at any time by the person who expressed it (art. 11). A court could also determine the modification of the terms of the curantorship and the powers of representation issued in a previous context.
Austria	Please insert text here
Belgium	Le mandant peut modifier les dispositions de son contrat de mandat de protection extrajudiciaire tant qu'il est encore en état de manifester sa volonté. Il ne pourra plus le faire lorsqu'il sera devenu incapable, en raison de son état de santé, de gérer ses intérêts ou lorsqu'il se trouvera dans un état de prodigalité (article 1123 du Code civil combiné avec les articles 488/1 et 488/2 du Code civil). Le juge de paix peut, à tout moment, mettre fin, en tout ou partie, au mandat spécial ou général visé à l'article 490 si la manière d'exercer la mission du mandataire est de nature à mettre en péril les intérêts du mandant. Il est aussi habilité à se prononcer sur l'exécution d'un mandat. Il peut le remplacer, en tout ou en partie, par une mesure de protection judiciaire qui serait plus conforme aux intérêts du mandant. Le juge de paix peut, soit d'office, soit à la demande de tout intéressé ainsi que du procureur du Roi, statuer sur les modalités d'exécution du mandat ou sur les attributions du mandataire (article 490/2, § 2, du Code civil).
Brazil	Please insert text here

Canada - British Columbia	Generally, if the grantor has the required capability to do so, the grantor can modify the enduring power of attorney or representation agreement in the same manner that they can make the original grant.
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Pursuant to the provisions of the Law on the Protection of Persons with Mental Disabilities, the provider of a binding statement and a person of trust may revoke at any time a binding statement. The revocation of a binding statement is valid if it is drawn up in the form of a notarial deed. The revocation shall be recorded in the Register of Anticipated Orders and Powers of Attorney, in electronic form (date of drawing up the revocation of the binding statement, data on the person / issuer of the statement or person of trust / who gave the revocation, data on the notary public who drew up the revocation of the binding statement). initiating the procedure for revoking a binding statement by the competent social welfare center). If the psychiatric institution considers that the decision of the person of trust is harmful for the person with mental disorders, it shall inform the competent social welfare center, which is authorized to initiate the procedure of revoking the binding statement before the municipal court with territorial jurisdiction. Until the decision becomes final, the court may temporarily protect the interests of a person with mental disabilities.
Cyprus	The grantor can modify or terminate such power of representation.
Czech Republic	Yes, in the case of declaration in anticipation of incapacity the law stipulates (§ 43 CC) that if the circumstances evidently change in such a substantial way that, under such circumstances, the declarant would not have made the declaration or would have made a declaration with different contents, a court shall amend or cancel the declaration if the declarant were otherwise under a threat of serious harm. Before making any decision, the court shall make the necessary effort to obtain the opinion of the individual whose declaration is subject to the court's decision, also using the way of communication of the individual's choosing. In the case of guardianship without limitation of legal capacity, the setting of the guardian's powers can be changed subsequently. Also in the case of an assistant in decision-making, the approved contract can be changed subsequently. The powers of the representative from the household members are stipulated by law and cannot be changed.
Estonia	Please insert text here
Finland	The grantor can give a new power of representation, which revokes the earlier power of representation, provided that the grantor understands the meaning of the revoking/cancellation. If the guardianship authority already has confirmed the power of representation, the guardianship authority needs to confirm the cancellation (Section 12).
France	Tout intéressé peut saisir le juge des tutelles par voie de requête afin de contester la mise en œuvre du mandat de protection future ou de voir statuer sur les conditions ou les modalités de son exécution.
Germany	A competent authority cannot modify powers of representation of a private person. The grantor herself or himself can modify a power of representation as long as he or she still has the legal capacity to do it.
Hungary	Act V of 2013 on the Civil Code Section 2:41 [Review of prior legal statements] In the event of any changes in the circumstances of a person who has made a prior legal statement upon which compliance with the instructions set out in the prior legal statement are likely to conflict with the interests of the person under conservatorship, the person in custody, the conservator, the guardian authority and the public prosecutor may request the court to abolish such instructions.
Italy	The advanced health directives registered in the national database are valid until the grantor decides to modify or revoke them, with the same forms the directives can be renewed, modified and revoked in every moment. In case of emergency and

	urgency that do not allow the grantor to follow the same forms, the directives can be revoked with a verbal statement recorded or videotaped by a doctor, with the assistance of two witnesses
Latvia	Only the grantor has the right to modify his/her powers of representation any time based on his/her wishes. There is no specific procedure for the modification, only all requirements on such powers of representation provided by the law shall be observed.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	If possible through a lawsuit in family matters, to safeguard the interests of the represented or incapacitated person
The Netherlands	As long as the grantor is able to give instructions in advance and is able to understand the consequences of a power or representation, the grantor can change or revoke his living will (levenstestament")."
Portugal	The grantor can modify the powers at all times, provided that it has the capacity. The court is not bound by the powers previously conferred, being obliged to take them into account, but always taking into account the current situation.
Slovakia	Veillez saisir les informations demandées ici
Sweden	The CPA may be modified by the grantor provided that he och she regains his or her decision-making ability.
Switzerland	Le mandant ne peut modifier le mandat pour cause d'incapacité que dans la mesure où il est capable de discernement, donc avant l'entrée en vigueur du mandat pour le domaine en question. En revanche, l'autorité de protection de l'adulte peut modifier les pouvoirs de représentation dans deux situations: - Il peut arriver que le mandat manque de clarté sur certains points. Ainsi, des inexactitudes peuvent résulter du fait que des changements inattendus se sont produits depuis sa constitution. Ce genre d'imprécisions peut être une source d'insécurité pour le mandataire et peut nuire à l'efficacité de sa tâche. Le droit suisse prévoit donc que celui-ci peut demander à l'autorité de protection d'interpréter le mandat et de le compléter sur des points accessoires. L'octroi de cette compétence à l'autorité de protection de l'adulte évite à celle-ci de devoir prendre une mesure pour régler des questions de moindre importance. - L'autorité de protection de l'adulte peut intervenir si les intérêts du mandant sont compromis ou risquent de l'être. D'office ou sur requête d'un proche du mandant elle peut prendre les mesures nécessaires, notamment donner des instructions au mandataire ou lui retirer ses pouvoirs complètement ou en partie.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Grantor can modify - requires similar certificate as that used when granting, certified by a solicitor, doctor or legal advocate.

6.42. Does your response to question 6.41. differ whether such powers of representation are subject to a formal requirement (e.g., notarised, certified, witnessed) or not subject to any formal requirements?

No:

Argentina, Belgium, Canada - British Columbia, Canada – Québec, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Italy, Latvia, The Netherlands, Portugal, Sweden, Switzerland, United Kingdom - England and Wales, United Kingdom – Scotland

Yes:

Croatia, Hungary, Mexico

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Yes, since in accordance with the provisions of the Law on the Protection of Persons with Mental Disabilities, the revocation of a binding statement is valid if it is drawn up in the form of a notarial deed.
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Only a prior legal declaration made in compliance with formal requirements has legal consequences, otherwise the legal declaration is null and void.
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Yes, the requirement is that there is a final judgment issued by a Judge in family matters.
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

6.43. Have issues arisen in your State with regard to the modification of such powers of representation governed by the law of another State?

No:

Belgium, Canada – Québec, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Mexico, The Netherlands, Portugal, Sweden, United Kingdom - England and Wales, United Kingdom – Scotland

Yes:

Switzerland

Please explain:

Argentina	Please insert text here
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Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Not to our knowledge. (See response to question 6.4 regarding the recognition of instruments from other jurisdictions.)
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	We are not aware of any issues.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Il pourrait y avoir des problèmes lorsque l'autre État ne connaît pas le système de validation du mandat pour cause d'incapacité et lorsque la résidence habituelle de la personne n'est pas en Suisse (compétence pour la prise de mesures). De même, la situation s'est présentée d'un État contractant ayant reconnu la validité d'un mandat pour cause d'incapacité établi en Suisse, en référence à la loi suisse, mais constitué dans une forme illégale en Suisse (en l'occurrence, dactylographiée) mais légale dans l'État concerné, le tribunal suisse a constaté une violation de l'art 15 par. 1 CLaH2000.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

Extinction of such powers of representation

6.44. Please explain the conditions for the extinction of powers of representation governed by the law of your State:

Argentina	A condition for the extinction of powers of representation could be the death of the grantor, death of the designated representative, revocation by the grantor, revocation by a court, among others.
Austria	Please insert text here
Belgium	La mesure de protection extrajudiciaire prend fin : - lorsque la personne n'est plus, en raison de son état de santé, incapable de gérer ses intérêts patrimoniaux ou extrapatrimoniaux ou lorsqu'elle n'est plus en état de prodigalité , - suite à l'enregistrement, dans le registre central des contrats de mandat, de la renonciation du mandataire au mandat de protection extrajudiciaire , - suite à l'enregistrement, dans le registre central des contrats de mandat, de la révocation du mandat par le

	mandant , - suite au décès ou au placement sous protection judiciaire, soit du mandant, soit du mandataire , - suite à la décision du juge de mettre fin au contrat de mandat (article 490/2, § 3, du Code civil).
Brazil	Please insert text here
Canada - British Columbia	Enduring power of attorney - An enduring power of attorney terminates in accordance with its terms, if the grantor dies, the court terminates, a guardian is appointed, or the enduring power of attorney is revoked by the grantor. The authority of an attorney ends if the enduring power of attorney is terminated, the provisions that give authority to the attorney are revoked, if the attorney resigns, if the attorney becomes incapable or dies, is bankrupt, is a corporation and ceases doing business, is convicted of an offence of which the grantor is the victim, or is the adult's spouse and the marriage ends (unless the document provides otherwise). Representation agreement - A representation agreement ends on the death of the grantor, if cancelled by the court, on the termination of marriage of the grantor and representative (unless the document provides otherwise), on the representative becoming incapable, on the resignation of the representative, on revocation by the grantor, on the appointment of a guardian. The authority relating to the grantor's financial affairs automatically terminated on the bankruptcy of the grantor or representative, the conviction of the representative of an offence involving dishonesty, on the dissolution or winding up of the trust company or credit union, if they are the representative.
Canada - Québec	Mandant redevient apte, révocation par le tribunal (mandataire ne respecte ses obligations ou tout motif sérieux), décès, etc.
Croatia	Pursuant to the provisions of the Law on the Protection of Persons with Mental Disabilities, a binding statement ceases to be valid in the event of the death of the person giving the statement or a person of trust, in the event of deprivation of legal capacity, revocation of the binding statement or court decision. It is recorded in the Register of anticipated orders and powers of attorney in electronic form, in accordance with the provisions of the Ordinance on the manner of keeping records of binding statements, the manner of storing, storing and exercising the right of access to data from binding statements.
Cyprus	The conditions for the extinction of powers of representation are governed by the Contract Law of our State.
Czech Republic	A) Guardians - A court's decision is needed. If the person represented is limited in legal capacity, the representation will extinct together with the limitation. B) Assistance in decision-making - A court's decision is needed. On the application of the person receiving assistance or the assisting person, a court shall rescind the contract, the court shall also rescind the contract, even of its own motion, if the assisting person commits a substantial breach of his duties. C) Representation by a household member - Representation will extinct if waived by the representative, or if the person represented refuses to be further represented by the representative, the ability to make a wish is sufficient to express the refusal. Representation will also extinct if a court appoints a guardian of the person represented. If a contract for assistance in decision-making is concluded, representation is extinguished on the effective date of the contract to the extent in which the person represented is capable of making legal acts.
Estonia	If the grantor is not able anymore to make decisions on his or her behalf and his or her rights are not sufficiently protected by the representative, a legal guardian needs to be appointed. In this case the legal guardian can extinct the powers of representation.
Finland	The power of representation expires, if the grantor revokes the power of representation, if the grantor dies or if the designated representative resigns. Also, if a guardian is appointed to the grantor, the power of representation expires as far

	as the guardian is responsible for the matters under the power of representation. If the guardianship authority has confirmed the power of representation, the extinction needs to be confirmed by the guardianship authority.
France	Le mandat de protection future prend fin dans trois cas : le rétablissement des facultés personnelles de l'intéressé, le décès de la personne protégée ou son placement en curatelle ou tutelle, et le décès du mandataire, son placement sous une mesure de protection ou son état d'insolvabilité. Il existe également trois hypothèses dans lesquelles tout intéressé peut saisir le juge des tutelles en vue de la révocation du mandat de protection future : l'absence de réunion des conditions prévues à l'article 425 du code civil, sur le fondement du principe de subsidiarité et en cas d'atteinte aux intérêts du mandant.
Germany	Unless otherwise stated by the grantor, a power of representation ceases to have effect when it is effectively revoked by the grantor (or the specific Betreuer" appointed by the "Betreuungsgericht" to control the representative) or on the death of the grantor."
Hungary	The power of representation shall cease upon the death of the person making the declaration. But the declarant may also withdraw or amend his prior declaration of rights, provided that he does so in the manner prescribed by law. You can still change the identity of the representative. But upon the entry into force of the preliminary declaration, the person appointed as the representative himself may also refuse to take up the post or the court shall establish a ground for refusal on the basis of which he may not accept the mandate. If the interests of the declarant are harmed by the appointment of the named person as guardian, it may still be refused, but this may continue after the entry into force of the legal declaration. A Member may also resign because he is no longer able to perform the task either because of his illness or because he is moving a long distance. And finally, it can be removed if the guardianship authority, during an inspection of the representative's work, finds that it is not performing its job properly.
Italy	The appointment of the representative/trustee can be revoked by the grantor in any time, in the same way provided for the appointment and without any obligation to give reasons
Latvia	The Civil Law (Sections 2317.5 and 2312) states that such powers of representation terminate: 1) by mutual agreement, 2) upon completion of the particular assignment given, 3) when the grantor withdraws his or her powers of representation, 4) when the representative gives notice regarding authorisation, 5) upon the death of either party, and 6) upon expiration of the period of powers of representation. Nevertheless, it should be kept in mind that such powers of representation is in the form of notarial deed and in order to protect the grantor's rights and the third person's rights, the grantor shall revoke the powers of representation in the form of notarial deed also. A grantor shall go to notary in case of willingness to revoke his/her powers of representation. A sworn notary makes the revocation of this powers of representative in the form of a notarial deed and announces the revocation of it in the official gazette Latvijas Vēstnesis, as well as the information is registered in the Continuing Powers of Attorney Register. The representative shall be notified of the revocation of the powers of representation if his/her place of residence is known. Additionally, Section 2317.4 of the Civil Law states: A court may suspend the right of an authorised person to represent an authorising person if it is detected that the authorised person does not perform his or her duties at all or perform them in the contradiction of the interests of the authorising person. The suspension of the right of the authorised person shall be registered in accordance with the procedures laid down in the Notariate Law." The grantor's children, brothers, sisters, parents, spouse and a public prosecutor have the right to submit application before the court requesting to suspend the rights of

	the representative. According to the Civil Procedure Law (chapter 34.1) the public prosecutor shall participate in any court hearing. The grantor shall be invited to the court hearing. The application shall be sent to the representative determining a time period of not more than 30 days for him or her for submitting explanations. After a judgment has entered into lawful effect the court shall send a true copy of the judgment to the grantor, the representative, public prosecutor and the Council of Sworn Notaries of Latvia. The Council of Sworn Notaries of Latvia in turn registers the data in the Continuing Powers of Attorney Register."
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	A power of representation ceases to have effect when it is effectively revoked by the grantor, on the death of the grantor or other circumstances described in the power of representation. A power of representation may also cease to have effect when the representative abuse or neglect his assignment and/or the Subdistrict establishes a legal protection measure under the appointment of a curator, fiduciary administrator or mentor.
Portugal	Those powers are freely revocable by the grantor. The court may make them cease, in the context of the accompaniment action, provided that there are reasons to assume that this was the will of the grantor.
Slovakia	Veillez saisir les informations demandées ici
Sweden	The CPA may be revoked by the grantor. The chief guardian may decide that an attorney who has seriously abused or neglected his or her assignment may no longer use the CPA. A CPA has no effect to the extent that a curatorship or guardianship is arranged for the grantor.
Switzerland	A part le retrait par l'autorité de protection de l'adulte, le mandat pour cause d'inaptitude prend fin en cas de mort du mandant ou du mandataire (application des dispositions du Code des obligations sur le mandat par analogie), lorsque le mandant recouvre sa capacité de discernement ou lorsque le mandataire résilie le mandat.
United Kingdom - England and Wales	The grantor must have the capacity to revoke their power of representation
United Kingdom - Scotland	Grantor can revoke appointment, sheriff can revoke appointment, appointment ends on the bankruptcy of the attorney or grantor for a continuing power of attorney, attorney can resign, separation, divorce or nullity of marriage and civil partnership, appointment of guardian with powers relating to those in the power of attorney

6.45. Does your response to question 6.44. differ whether such powers of representation are subject to a formal requirement (e.g., notarised, certified, witnessed) or not subject to any formal requirements?

No:

Argentina, Belgium, Canada - British Columbia, Canada – Québec, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Italy, Latvia, Mexico, The Netherlands Portugal, Sweden, Switzerland, United Kingdom - England and Wales, United Kingdom - Scotland

Yes:

Croatia, Hungary

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Pursuant to the provisions of the Law on the Protection of Persons with Mental Disabilities, the provider of a binding statement, and a person of trust, may revoke a binding statement at any time. The revocation of a binding statement is valid if it is drawn up in the form of a notarial deed. Pursuant to the provisions of the Ordinance on the manner of keeping records on binding declarations, the manner of storing, storing and exercising the right of access to data from binding declarations, the revocation of a binding declaration may be given by the issuer party and the notary public who drew up the notarial deed on giving a binding statement. The notary public who drew up the statement on the revocation of the binding statement is obliged to enter this information in the Register. The Center for Social Welfare is obliged to request the entry of the notice on initiating the procedure for revocation of the binding statement, before the competent court in the Register. Upon the finality of the decision on the proposal for revocation of the binding statement, the court is obliged to request the entry of that decision in the Register.
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Only a prior legal declaration made in compliance with formal requirements has legal consequences, otherwise the legal declaration is null and void.
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

6.46. Have issues arisen in your State with regard to the extinction of such powers of representation governed by the law of another State?

No:

Belgium, Canada – Québec, Cyprus, Czech Republic, Finland, France, Germany, Hungary, Italy, Latvia, The Netherlands, Portugal, Sweden, Switzerland, United Kingdom - England and Wales, United Kingdom - Scotland

Yes:

Estonia

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Not to our knowledge. (See response to question 6.4 regarding the recognition of instruments from other jurisdictions.)
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	There has been one case where a guardian was appointed to the same person that had granted the powers of representation and there was a confusion about the rights of the representative.
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	See comment to 6.4
Hungary	Please insert text here
Italy	Please insert text here
Latvia	We are not aware of any issues.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

Other information concerning such powers of representation

6.47. Please list and describe *ex lege* powers of representation resulting from a unilateral act or an agreement that arise by reference to a relationship or other status in connection with the adult (including but not limited to those arising from a contract of marriage, and similar relationships):

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	The Health Care (Consent) and Care Facility (Admission) Act provides for consent to health care, including who may consent on behalf of an incapable adult. The Act authorizes spouses, other family members and close friends to act as temporary substitute decision makers.
Canada - Québec	Le Code civil du Québec prévoit certaines règles de représentation entre époux (ex : direction de la famille, art. 398 C.c.Q.). Toutefois, aucune de ces règles ne peut remplacer un mandat de protection valide.
Croatia	According to the provisions of the Law on the Protection of Persons with Mental Disabilities, a person of trust may not transfer the authority from a binding statement to another person. Thus, it can only be that person designated by the declarant. The function of a trusted person is not only contained in formalistic giving, or refusing to consent to certain medical procedures, on behalf of a person with a mental disorder, but has a significant personal dimension, as the declarant chooses a certain person to make such decisions on his behalf. Therefore, a trusted person cannot transfer the authority from a binding statement to another person.
Cyprus	Please insert text here
Czech Republic	A spouse or a partner has a right to represent the other spouse in usual matters. He or she does not have the right if the spouse or the partner to be represented informs in advance the person with whom his spouse or partner is to or intends to make a legal act, that he or she does not consent to being represented, or if a court, on the application of a spouse, extinguishes the spouse's right of representation (§ 696 CC). Representation by a household member (§ 49 et seq. CC). The conditions are: a) mental disorder that prevents an adult who has no other representative to make legal acts, b) court's approval. The representant can be a descendant, an ancestor, sibling, spouse or partner, or a person who had lived with the person represented in a common household before the creation of representation for at least three years.
Estonia	There is no such powers of representation in case of adults.
Finland	Please insert text here
France	Voir la réponse donnée au 3.4 pour les couples mariés ou non mariés.
Germany	not applicable
Hungary	A guardian shall be appointed, unless this is expressly contrary to his interests, by a person nominated by the person placed under guardianship or indicated by the person concerned in the proceedings for the appointment of a guardian. If this is not possible, the spouse or life partner living primarily with the person placed under guardianship should be seconded as a guardian. If the person concerned does not have such a relative or the secondment of the spouse or partner would jeopardize the interests of the person placed under guardianship, the guardianship authority shall appoint a guardian who is capable of providing guardianship taking into account all the circumstances. When appointing a guardian, preference shall be given to the parents or the person named by the parents in an authentic instrument

	or will in the event of their death, or, in their absence, to relatives who can also provide personal care if necessary.
Italy	Every person can indicate a family member or a trusted person in charge of receiving informations about his/her health conditions and to express consent on his behalf if he/she wants to, the indication is recorded in the medical record and in the electronic health record (article 1 paragraph 3 of Act n. 219 of 2017), In case of a care plan shared between patient and doctor, with the consent of the patient, his family members or the party of the civil union or the cohabitant or a person of his/her trust are informed on the possible evolution of the disease in progress, on how much the patient can realistically expect in terms of quality of life, on clinical possibilities to intervene and on palliative care (Article 5 paragraph 2 of Act. n. 219 of 2017).
Latvia	The only similar to ex lege powers of representation exist in health care matters. According to Section 7(1) of the Law on the Rights of Patients if a patient is unable to take a decision himself or herself regarding medical treatment due to his or her state of health or age, the spouse of the patient has the right to take a decision on medical treatment at large or any method used in the medical treatment or refusal from medical treatment at large or any method used in the medical treatment, but if such does not exist, an adult closest relative with capability to act in the following order: the children of the patient, the parents of the patient, the brother or sister of the patient, the grandparents of the patient or the grandchildren of the patient.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Bank accounts may be authorized to operate. And in the case of nursing homes, where there is always a family member who is responsible and with some management powers, such as the responsibility for making payments, communicating clinical information, etc.
Slovakia	Veillez saisir les informations demandées ici
Sweden	If it is obvious that someone is no longer able to take care of their financial affairs due to illness, mental disturbance, poor health or similar circumstances, a relative is competent to take ordinary legal actions for the individual in connection with his or her daily life. This only applies if the individual is at least 18 years old when the situation occurs. It is the relative who assesses whether the competence applies. The eligibility applies in the following order to 1) the spouse or cohabitant, 2) children, 3) grandchildren, 4) parents, 5) siblings, and 6) nieces and nephews. Two or more relatives in the same category" jointly represent the individual. They can give each other power of attorney. It is the individual's interests and expressed will or presumed attitude that must guide a relative's efforts. If the individual is represented by a curator, guardian or attorney (of a CPA), the relative's authority does not apply in that part."
Switzerland	Le Code civil suisse prévoit la représentation par le conjoint ou le partenaire enregistré. Lorsqu'une personne frappée d'une incapacité de discernement n'a pas constitué de mandat pour cause d'inaptitude et que sa représentation n'est pas assurée par une curatelle, son conjoint ou son partenaire enregistré dispose du pouvoir légal de représentation s'il fait ménage commun avec elle ou s'il lui fournit une assistance personnelle régulière. Ces pouvoirs de représentation selon sont en principe limités dans leur étendue (actes juridiques nécessaires et administration ordinaire) et en principe aussi dans le temps. Ce pouvoir a été institué pour permettre d'éviter le recours systématique à l'autorité de protection, mais en cas d'incapacité de discernement durable il faut en principe nommer un curateur à

	l'adulte en question. En principe, il y a toujours la possibilité de demander la nomination d'un curateur.
United Kingdom - England and Wales	N/A
United Kingdom - Scotland	Advance statements under s.275 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

6.48. Please provide any additional information with regard to such powers of representation (as described above in the introduction to Section VI) governed by the law of your State:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	-
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	not applicable
Hungary	That can not be possible
Italy	The patient's consent on the health plan and the possible indication of a trustee are expressed in writing or, in the event that physical condition does not allow it, through video-recording or devices that allow the person with disabilities to communicate, and are then placed in the clinic folder and in the electronic health record (Article 5 paragraph 4 of Act. n. 219 of 2017).
Latvia	-
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	N/A
Switzerland	-
United Kingdom - England and Wales	N/A
United Kingdom - Scotland	Advance statements: making and withdrawal (1)An “advance statement” is a statement complying with subsection (2) below and specifying— (a)the ways the person making it wishes to be treated for mental disorder, (b)the ways the person wishes not to be so treated, in the event of the person’s becoming mentally disordered and the person’s ability to make decisions about the matters referred to in paragraphs (a) and (b) above being, because of that, significantly impaired. (2)An advance statement complies with this subsection if— (a)at the time of making it, the person has the capacity of properly intending the wishes specified in it, (b)it is in writing, (c)it is subscribed by the person making it, (d)that person’s subscription of it is witnessed by a person (the “witness”) who is within the class of persons

prescribed by regulations for the purposes of this paragraph and who signs the statement as a witness to that subscription, and (e) the witness certifies in writing on the document which comprises the statement that, in the witness's opinion, the person making the statement has the capacity referred to in paragraph (a) above. (3) An advance statement may be withdrawn by the person who made it by a withdrawal complying with this subsection, and a withdrawal so complies if— (a) at the time of making it the person has the capacity properly to intend to withdraw the statement, and (b) it is made by means of a document which, were it an advance statement, would comply with paragraphs (b) to (e) of subsection (2) above.

6.49. Please provide any additional information with regard to issues that may have arisen in your State with regard to such powers of representation (as described above in the introduction to Section VI) governed by the law of another State:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	-
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Issues mainly concern the scope of representation. Recognition may be problematic not for formal reasons but for insecurity on the material scope of presentation ordered/agreed. Cases relating to monetary and financial issues are quite common in that regard (e.g. bank accounts).
Hungary	That can not be possible
Italy	Please insert text here
Latvia	There might be practical problems of the use of such powers of representation governed by the law of another State.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	N/A
Switzerland	-
United Kingdom - England and Wales	N/A
United Kingdom - Scotland	There is no formal recognition process in statute for such powers of representation as there are for the equivalent of guardianships. This can lead to variation in practice of recognition of powers of attorney, both in Scotland and other countries (England and Wales being the most relevant here).

VII – Recognition and enforcement

7.1. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 22** from the perspective of the requested State?

No:

Cyprus, Czech Republic, Estonia, France, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

Germany

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	
France	Veillez saisir les informations demandées ici
Germany	Central Authority: Although Art. 22 of the Convention stipulates that measures taken in one Member State are recognized by operation of law in another Member State, a formal procedure of recognition is often required in practice.
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

7.2. Have judicial or administrative procedures, guidelines or protocols been adopted in your State to facilitate the application of **Article 23**?

No:

Cyprus, Czech Republic, Estonia, Finland, France, Latvia, Portugal, Switzerland

Yes:

Germany, United Kingdom - Scotland

Please describe and also provide a link or attach a copy, preferably translated into English or French:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Law to Implement the Hague Convention of 13 January 2000 on the International Protection of Adults (Implementing Act) of 17 March 2007 https://www.gesetze-im-internet.de/englisch_erws_ag/englisch_erws_ag.html
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/rules-of-court/sheriff-court/summary-applications-statutory-applications-and-appeals/scr---sheriff-court-summary-applications-statutory-applications-and-appeals/chapter-3-part-24.doc?sfvrsn=10

7.3. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 23** (e.g., in terms of procedure, formalities, time frames, etc.)?

No:

Cyprus, Czech Republic, Estonia, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	
Hungary	Please insert text here
Italy	Please insert text here
Latvia	In Latvia courts are competent to decide on the recognition or non-recognition of a measure taken in another Contracting State, and so far no such case has been brought in our courts under the 2000 Convention.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

7.4. Are you aware of any challenges, or have questions arisen, in applying **Article 25** in your State?

No:

Cyprus, Estonia, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

France

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here

Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	The requesting authority demanded to appoint new guardian by the Czech court despite the fact that the guardian has been already appointed in the requesting state. The Czech court considered that this request is not in accordance with the article 22 of the Convention.
Estonia	Please insert text here
Finland	Please insert text here
France	La nécessité de recourir à la procédure de droit commun d'exequatur qui est une procédure contentieuse nécessitant l'assistance obligatoire d'un avocat entraînant des coûts et délais parfois importants.
Germany	
Hungary	Please insert text here
Italy	Please insert text here
Latvia	In Latvia courts are competent to declare decision taken in another Contracting State enforceable, and so far no such case has been brought in our courts under the 2000 Convention.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

7.5. Please describe the “simple and rapid procedure” (see **Art. 25(2)**) in place in your State for declaring enforceable or registering for the purpose of enforcement measures of protection taken in another State Party and enforceable there, in particular:

- a) Which authority declares enforceable or registers a measure of protection taken in another State Party?

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	We do not have any relevant data from the Czech courts. Nevertheless, we have information that the procedure is mainly informal bearing in mind the rapidity of the procedure.

Estonia	Courts
Finland	The jurisdiction in these matters is concentrated in one court, Helsinki district court.
France	En France, la procédure pour faire reconnaître la mesure de protection étrangère est la procédure de droit commun d'exequatur, contentieuse, avec assignation par huissier et représentation d'avocat obligatoire devant le tribunal judiciaire statuant à juge unique (art. R. 212-8 du code de l'organisation judiciaire). Les règles de droit commun en matière de compétence territoriale s'appliquent (art. 42 et suivants du code de procédure civile).
Germany	Regarding the declaration of enforceability under Article 25 of the Convention, the local court (adult guardianship court ("Betreuungsgericht")) in whose district a higher regional court has its seat has jurisdiction over the district of that higher regional court (concentration of jurisdiction). The Schöneberg local court in Berlin has jurisdiction over the district of the higher regional court of Berlin. The Karlsruhe local court has jurisdiction over the districts of the higher regional courts of Stuttgart and Karlsruhe. Local jurisdiction lies with the adult guardianship court ("Betreuungsgericht") responsible for the area where the requesting authority recommends the adult be placed."
Hungary	Please insert text here
Italy	Please insert text here
Latvia	In Latvia courts are competent to declare decision enforceable. The application shall be submitted to a district (city) court based on the place of enforcement of the decision or also based on the declared place of residence of the defendant, but if none, place of residence or legal address of the defendant.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	The system in force in Portugal for the recognition of foreign judgments is the recognition by exequatur, also called review or prior control - the review process consists of obtaining a national sentence that allows the foreign decision to operate in the Portuguese legal order with its own effects, according to the law of the State of origin. For the review and confirmation is competent the Court of Appeal of the area where the person against whom the sentence is intended to be held. If the person agains whom the sentence is intended to be held lives abroad, the Lisbon Court of Appeal will be competent
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Suivant le canton et la situation, soit l'autorité de protection de l'adulte soit, plus rarement, le tribunal de l'exécution sont compétents pour la reconnaissance et l'exécution des mesures de protection prises dans un autre État partie.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Sheriff Court

b) What time frames are applied to ensure that the procedure is rapid?

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here

Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	There is no specific time frame
Finland	There are no specific timeframes in the national legislation.
France	Veillez saisir les informations demandées ici
Germany	No specific time frames are applied but procedure in place which meets the requirements (see statement on Implementing Act (Bundestag Drucksache 16/3251, p. 16) See also Section 4 para 2 Implementing Act: Notification from another Contracting State shall immediately be forwarded by the Central Authority to the competent German authority.
Hungary	Please insert text here
Italy	Please insert text here
Latvia	The judge shall make a decision on enforcement or refusal of enforcement within 10 days after the initiation of the case.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	There is no deadline for determining the speed of the process, but it has an influence on the speed of this procedure the fact that the accompaniment action is urgent, which, as a rule, will follow (namely to change the accompanying person/tutor/curator),
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	L'autorité compétente rend sa décision en procédure sommaire, de manière générale, la procédure prend moins de trois mois.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Timescales will vary according to requirements. However the Court will usually treat as a priority and the Sheriff clerk shall within 7 days after the date of an order registering an international measure, provide the Public Guardian with a copy of that order and a copy of the international measure, and of any translation

c) Is legal representation required?

No:

Estonia, Finland, Germany, Latvia, Switzerland, United Kingdom - Scotland

Yes:

France, Portugal, United Kingdom - Scotland

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici

Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	<p>In Portuguese law the obligation to appoint a lawyer has a legal source, it is a right and a duty that assists the subject under the law. Constitutionally Everyone has the right, under the terms of the law, [...] to be accompanied by a lawyer before any authority" (article 20, paragraph 2, CRP), and by Law 145/2015, of 9 September (Statute of the Portuguese Bar Association), article 66, paragraph 3: "The judicial mandate, representation and assistance by a lawyer are always admissible and cannot be prevented before any public or private jurisdiction, authority or entity, namely for the defence of rights, sponsorship of disputed legal relationships, composition of interests or in cases of investigation, even if administrative, unofficial or of any other nature. " The mandatory appointment of a lawyer is expressed in various legal instruments that govern our legal system. In the case of actions for reviewing a foreign sentence, the appointment of a lawyer is mandatory, under the terms of article 40, paragraph 1, point c) of the Portuguese Civil Procedure Code: "it is mandatory to appoint a lawyer in appeals and in cases. proposed in the higher courts. " It should be noted that, in Portugal, the Public Prosecutor's Office has legitimacy to, at the levels of the Courts of Appeal and on behalf of the accompanied adult, propose actions to review and confirm a foreign sentence. Public Prosecution Service has its own legitimacy to request accompanying measures, too. The law also requires the beneficiary adult to be represented by a lawyer in the accompaniment action, who is appointed unofficially, whenever he is unable to be cited in the initial application or whenever no response is made to it [articles 895 (2) and 896 (2), both of the Civil Procedure Code]. "</p>
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

7.6. Are you aware of any challenges, or have questions arisen, in applying **Article 27** in your State?
No:

Cyprus, Czech Republic, Estonia, France, Germany, Latvia, Switzerland, United Kingdom - Scotland

Yes:

Portugal

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	After reviewing and confirming the sentence, as a rule, the prosecutor must file a new accompaniment action, namely to designate another person as a companion / accompanying person and/or to adapt the protection measures to the current situation of the adult and to the flexibility of the our regime (in contrast to more closed and, as such, more restrictive regimes, such as guardianship and trusteeship). In fact, this adaptation to the current situation would be much easier and simplified if the exequatur decision were, in these cases, decided by the courts that determine the accompanying measures and designate accompanying person, in an act followed by the exequatur (this as a previous moment or an incident of the accompaniment action).
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	

7.7. Under **Article 27**, are **measures concerning the person** of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests subject to *exequatur* in accordance with the law of your State?

No:

Cyprus, Czech Republic, Estonia

Yes:

France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Please list and describe such measures:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	All measures must be recognized and declared enforceable in accordance with Art. 25 of the Convention in conjunction with Section 8 Implementing Act, such as detention in a closed institution or other measures involving deprivation of liberty, a health examination, medical treatment
Hungary	Please insert text here
Italy	Please insert text here
Latvia	Any kind of such measures under 2000 Convention that need to be enforced.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	As mentioned in point 7.5. all measures enacted abroad, and relating to the application of protective measures, must be reviewed and confirmed by a Portuguese court. As also mentioned above, Portuguese law provides for the following measures concerning the person: the exercise of parental responsibilities or the means to fulfil them, the general representation or special representation with express indication of the categories of acts for which it is necessary, prior authorization to practice certain acts or categories of acts and interventions of another type, which are duly explained. The accompanying person must ensure the adult well-being and rehabilitation, maintaining permanent contact with him. Visits must be at least monthly or otherwise deemed appropriate by the court. The intention of the Portuguese legislator is that the measures must be adapted to each specific person and to their abilities and disabilities.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here

Switzerland	En Suisse, une procédure de reconnaissance et exécution est nécessaire pour qu'une mesure étrangère puisse être déclarée exécutoire et, le cas échéant, mise à exécution. Une fois que la mesure a été reconnue et déclarée exécutoire, son exécution se fait comme si la mesure avait été prise en Suisse. Si la mesure prévoit des mesures d'exécution compatibles avec le droit suisse, une exécution directe sera possible, en revanche, si la mesure prise ne prévoit pas de mesures d'exécution, le tribunal de l'exécution pourra être saisi et l'exécution demandée. Cela vaut pour toute mesure de protection de l'adulte, donc également pour une mesure concernant la personne de l'adulte, en droit suisse, ces mesures relèvent en principe du droit privé. Nous n'avons pas de données concernant la fréquence à laquelle les mesures visées à cette question sont soumises à l'exéquatur (question 7.8).
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Courts would determine whether an order is considered valid in Scotland Court Rules: https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/rules-of-court/sheriff-court/summary-applications-statutory-applications-and-appeals/scr---sheriff-court-summary-applications-statutory-applications-and-appeals/chapter-3-part-24.doc?sfvrsn=10 Adults with Incapacity (Scotland) Act 2000: Schedule 3

7.8. Please indicate how often measures referred to in question 7.7. are subject to *exequatur* under the law of your State in accordance with **Article 27**:

Never:

Cyprus, Czech Republic, Estonia, Latvia

Rarely:

Germany

Sometimes:

No answers

Very often:

Portugal

Always:

France

7.9. Under **Article 27**, are **measures concerning the property** of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests subject to *exequatur* in accordance with the law of your State?

No:

Cyprus, Czech Republic, Estonia

Yes:

France, Germany, Latvia, Portugal, United Kingdom - Scotland

Please list and describe such measures:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Section 1903 German Civil Code: order of a reservation of consent
Hungary	Please insert text here
Italy	Please insert text here
Latvia	Any kind of such measures under 2000 Convention that need to be enforced.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	As mentioned in point 7.5. all measures enacted abroad, and relating to the application of protective measures, must be reviewed and confirmed by a Portuguese court. Portuguese law specifically provides for the following measure concerning the property: total or partial asset management. However, the following measures are also applicable to property deeds: the exercise of parental responsibilities or the means to fulfil them, the general representation or special representation with express indication of the categories of acts for which it is necessary, prior authorization to practice certain acts or categories of acts and interventions of another type, which are duly explained.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	En Suisse, une procédure de reconnaissance et exécution est nécessaire pour qu'une mesure étrangère puisse être déclarée exécutoire et, le cas échéant, mise à exécution. Une fois que la mesure a été reconnue et déclarée exécutoire, son exécution se fait comme si la mesure avait été prise en Suisse. Si la mesure prévoit des mesures d'exécution compatibles avec le droit suisse, une exécution directe sera possible, en revanche, si la mesure prise ne prévoit pas de mesures d'exécution, le tribunal de l'exécution pourra être saisi et l'exécution demandée. Cela vaut pour toute mesure de protection de l'adulte, donc également pour une mesure concernant la propriété de l'adulte. Nous n'avons pas de données concernant la fréquence à laquelle les mesures visées à cette question sont soumises à l'exéquatour (question 7.10). Nous avons toutefois régulièrement des questions de banques par ex. demandant si elles doivent accepter" les mesures étrangères ou si elles peuvent requérir la preuve de la reconnaissance formelle en Suisse. "
United Kingdom - England and Wales	Please insert text here

United Kingdom - Scotland	See 7.7
----------------------------------	---------

7.10. Please indicate how often measures referred to in question 7.9. are subject to *exequatur* under the law of your State in accordance with **Article 27**:

Never:

Czech Republic, Estonia, Latvia

Rarely:

Germany

Sometimes:

No answers

Very often:

No answers

Always:

France, Portugal

7.11. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying the other articles in **Chapter IV**?

No:

Cyprus, Czech Republic, Estonia, France, Germany, Latvia, Switzerland, United Kingdom - Scotland

Yes:

Portugal

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici

Germany	
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	We point out the constraints caused by the fact that the current process of reviewing and confirming a foreign sentence, despite being merely formal, requires certification of decisions, with the originals being sent, and runs terms in a second instance court that does not have jurisdiction to apply protection/accompaniment measures (just decide on them on appeal). So we signalled, once again, the need for our legislation to conform to these Convention rules, in particular, by adopting a simple and quick exequatur procedure, in the courts of first instance that are competent to apply accompanying/protection measures.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

VIII – Co-operation

8.1. With the understanding that services provided by Central Authorities under the 2000 Convention may vary, does your Central Authority provide assistance, either directly or through other authorities in your State, to an **individual habitually resident in your State** who made a request for assistance in connection with a matter falling under the scope of the Convention in a requested State? If so, please indicate the nature of the assistance provided.

a. None

Estonia

b. Assistance in obtaining information on the operation of the 2000 Convention

Belgium, Cyprus, Czech Republic, Finland, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

c. Assistance in obtaining information on the relevant laws and procedures and services available in the requested State

Belgium, Czech Republic, Finland, France, Germany, Portugal, Switzerland

d. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide

Belgium, Czech Republic, France, Germany, Latvia, Portugal

e. Transmission of a request to the Central Authority or to the competent authorities in the requested State

Belgium, Czech Republic, France, Germany, Latvia, Portugal, United Kingdom - Scotland

f. Assistance in discovering the whereabouts of an adult

Belgium, Germany, Latvia, Portugal, United Kingdom - Scotland

g. Assistance in initiating judicial or administrative proceedings

Belgium, Germany, Portugal

h. Assistance in providing or facilitating the provision of legal aid and advice

Portugal

i. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State

Belgium, France

j. Ensuring separate legal representation for the adult in any proceedings

France

k. Ensuring support for exercise of capacity in terms of Article 12(3) of the UNCRPD

No answers

l. Referral to other governmental and / or non-governmental organisations for assistance

Belgium, France, Portugal, Switzerland

m. Provision of regular updates on the progress of the application

Belgium, France, Germany, Latvia

n. Other

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here

Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	The assistance with obtaining legal counsel/ legal aid and advise can be only arranged through the transmission of the relevant request to the competent authority in Latvia (Legal Aid Administration).
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Si la requête provient d'une autorité, toutes l'assistance sera fournie, soit directement, soit par le biais d'autres autorités.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

8.2. With the understanding that services provided by Central Authorities under the 2000 Convention may vary, does your Central Authority provide assistance, either directly or through other authorities in your State, to authorities from a requesting State on behalf of an **individual residing abroad** who made a request for assistance in connection with a matter falling under the scope of the Convention? If so, please indicate the nature of the assistance provided.

None:

Czech Republic, Estonia

b. Assistance in providing information on the operation of the 2000 Convention

Belgium, Cyprus, Finland, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

c. Assistance in providing information on the relevant laws and procedures and services available in your State

Belgium, Finland, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

d. Establishment of contact with the competent authorities in your State to find out the kind of assistance such authorities could provide

Belgium, France, Germany, Latvia, Portugal

e. Transmission of a request to the competent authorities in your State

Belgium, France, Germany, Latvia, Portugal

f. Assistance in discovering the whereabouts of an adult in your State

Belgium, France, Germany, Latvia, Portugal, United Kingdom - Scotland

g. Assistance in initiating judicial or administrative proceedings in your State

Belgium, France, Germany, Portugal

h. Assistance in providing or facilitating the provision of legal aid and advice in your State

Germany, Portugal

i. Assistance in obtaining private legal counsel or mediation services, where needed in your State

Belgium, France

j. Ensuring separate legal representation for the adult in any proceedings

France

k. Ensuring support for exercise of capacity in terms of Article 12(3) of the UNCRPD

No answers

l. Referral to other governmental and / or non-governmental organisations in your State for assistance

Finland, France, Portugal, Switzerland

m. Provision of regular updates on the progress of the application

Belgium, France, Germany, Latvia, Portugal

n. Other

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	

France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Si la requête provient d'une autorité, toutes l'assistance sera fournie, soit directement, soit par le biais d'autres autorités.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

8.3. Are you aware of any challenges, or have questions arisen, in applying **Article 29** in your State (e.g., in relation to the timeliness of responses to requests)?

No:

Belgium, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Portugal, Switzerland, United Kingdom - Scotland

Yes:

Latvia

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	The provided information in particular cases might be available only in Latvian, e.g. living conditions inspection report, adults welfare checks etc.

Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

8.4. With a view to facilitate the task of Central Authorities under **Article 29(2)**, please describe the type of information that would be useful to include in a Country Profile published on the HCCH website (*e.g.*, information with respect to the availability of certain measures under internal law (*e.g.*, in relation to **Art. 3(e)**), or the procedures applied under, *e.g.*, **Article 22, 23, 25, 30, 31 or 33**, or information on Central Authority services provided (see questions 8.1. and 8.2. above):

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	We don't have any specific information in mind. Generally, we are supporting to have information in a Country Profile. We find them very useful for practice.
Estonia	Please insert text here
Finland	Please insert text here
France	Toutes informations relatives à la mise en oeuvre de l'article 25 de la convention dans l'Etat requis , toutes informations relatives aux mesures de protection des majeurs existant dans l'Etat requis , toutes informations relatives à l'obtention d'un conseil / avocat / aide juridictionnelle dans l'Etat requis , toutes informations relatives à d'éventuels organismes en charge de la protection des majeurs pouvant être contactés dans l'Etat requis.
Germany	No specific requests, but in general, country profiles are a very good tool and should include as much information as suitable in this format.
Hungary	Please insert text here
Italy	Please insert text here
Latvia	Acceptable language for the communication is English or Latvian. Acceptables means for accepting new referrals preferably - emails.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Information with respect the procedures applied under the chapter IV of the Convention. In view of the provisions of paragraph 2 of article 13, we suggest that the applicable legislation of each State be provided
Slovakia	Veillez saisir les informations demandées ici

Sweden	Please insert text here
Switzerland	- autorité(s) compétente(s) pour la protection de l'adulte en général - placement depuis l'étranger dans le cadre de l'art. 33: autorité(s) compétente(s) pour autoriser un placement depuis l'étranger, procédure, informations et documents nécessaires - pouvoirs de représentation anticipés/directives médicales: disponibilité, forme, validation par une autorité? - étendue et effet des mesures de sauvegarde, de curatelle, de tutelle, etc., notamment en lien avec la capacité civile de la personne sous protection - reconnaissance et exécution d'une mesure de protection de l'adulte: autorité(s) compétente(s) et procédure(s) - localisation d'un adulte: autorité(s) compétente(s) et procédure(s) - médiation: disponibilité, modalités
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Due to the very small number of cases, we are not in a position to advise on the type of information that would be useful to include in a Country Profile at this time

8.5. How does your Central Authority (either directly or through public authorities or other bodies) take appropriate steps under **Article 31** to facilitate, by mediation, conciliation or similar means, agreed solutions for the protection of the person or property of the adult in situations to which the 2000 Convention applies? Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	CA help with transmission of documents and communication between competent authorities
Finland	
France	Veillez saisir les informations demandées ici
Germany	not applicable
Hungary	Please insert text here
Italy	Please insert text here
Latvia	The same can be arranged by transmitting the request to the competent authority in Latvia, namely, the Council of Certified Mediators.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	For instance, we point a case of a Portuguese bank that refused to recognize the guardian powers appointed in France to operate the bank account of a Portuguese citizen benefiting from protection measures in that country. The Central Authority, appealing to the rules of the Convention, requested the bank's collaboration, which ended up unblocking the situation.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here

Switzerland	Notre Autorité centrale a établi un réseau d'experts, avec lesquels elle organise des rencontres une fois par an et entretient des contacts réguliers. Lorsque la situation le permet, elle encourage l'utilisation de la médiation.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	This has never been necessary due to small number of cases.

8.6. Have authorities in your State experienced any challenges, or have questions arisen, in providing or obtaining information under **Article 32(1) or 34**?

No:

Cyprus, Czech Republic, Estonia, Finland, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

8.7. Have authorities in your State experienced placements in accordance with **Article 33** either as a requesting or a requested State?

No:

Cyprus, Czech Republic, Estonia, Finland, France, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

Germany

8.8. Have authorities in your State experienced any challenges, or have questions arisen, in applying **Article 33** (e.g., has your State been requested to accept an adult under a certain type of placement or institutional care that is not available under your internal law, or was insufficient information provided to you as the requested State)?

No:

Cyprus, Czech Republic, Estonia, Finland, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici

United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

8.9. Please list and describe the procedures and conditions for the placement of an adult in your State in accordance with **Article 33**:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	<p>Conditions for the placement: 1) Health care facilities – According to Health Services Act (Act no. 372/2011 Sb., § 38) a person may be hospitalized without his or her consent if he or she poses an immediate and serious threat to himself/herself or to others and shows signs of or suffers from a mental disorder or is under the influence of an addictive substance, unless the threat can be averted otherwise. The other reasons are: order of the court in criminal proceedings (protective treatment or medical examination), ordered isolation, quarantine or treatment in accordance with the Public Health Protection Act and cases where the health condition requires urgent care and does not allow him or her to give the consent. According to § 104 CC a person may be placed or kept in a health care facility without his or her consent only on grounds provided by a statute and provided that no milder and less restrictive measure can be taken to provide for the necessary care of the person. 2) Social services facilities – According to Social Services Act (Act no. 108/2006 Sb., § 91a) a person may be placed in a social services facility without his or her consent if (a) a failure to provide immediate assistance in dealing with an adverse social situation would endanger his or her life or health as a result of a loss of ability due to an unfavorable health condition caused by a mental disorder, or would endanger others, and (b) the necessary support and assistance cannot be provided by more lenient and less restrictive measures. Procedures for the placement: 1) A placement of a person to a health care facility has to be notified by the health care provider to a court within 24 hours, the same shall also apply if the person is detained in such a facility. The court has to decide within 7 days. See § 105 par. 2 CC. The procedure itself is regulated by Act no. 292/2013 Sb., §§ 66-83. The procedure has two phases. In the first phase, the court decides without standard hearing within 7 days of receipt. The court conducts a simplified hearing, which usually takes place in the health care facility. The court shall provide the evidence necessary to assess whether the placement meets the statutory conditions, to this end, it shall, in particular, hear the placed person, the physician and other persons whom the placed person requests to be heard. In the decision the court shall determine whether the statutory conditions for the placement have been met and, if so, whether these still exist. If the court concludes that they have not been met or no longer exist, it shall order the release of the person from the facility and the person is released immediately after the delivery of the decision. If the court concludes that the statutory conditions has been met and still exist, the proceedings will continue to the second phase. In the</p>

	<p>second phase, the health condition of the person will be examined by an expert appointed by the court. The court conducts a hearing to which it will invite the placed person, unless, according to the opinion of the attending physician or a written expert opinion, his presence at the hearing may seriously damage his health condition, his representative, guardian or health care facility. During the hearing, he or she will hear the placed person, an expert, depending on the circumstances, the attending physician of the placed person, his or her guardian and, if necessary, provide other appropriate evidence. The court has to decide within 3 months. The court's judgement is effective for 1 year maximum, after this period the conditions have to be examined again and the court has to decide again. The placed person, his or her representative, guardian, and persons close to him or her may, before the expiry of the period until which the placement is admissible, apply for a new examination and a decision if there is a reasonable presumption that further detention in a health care facility is not justified. The court has to decide within 2 months. 2) If the person expresses a serious disagreement with the placement in the social services facility, the social service provider has to notify his or her disagreement to a court within 24 hours. This notification to the court can be made by anyone who has a suspicion of inadmissibility of detaining a person in a social services facility. See § 91b of Act no. 108/2006 Sb., on social services. The procedure itself is regulated by Act no. 292/2013 Sb., §§ 84-84b. The court is obliged to hear the case and decide within 45 days from the day of the commencement of the proceedings. If the court concludes that the statutory conditions are not met, it shall decide on the inadmissibility of further detention. The court shall gather the evidence necessary for the assessment of the admissibility of further detention. In particular, it shall hear the placed person, the attending physician, the staff member in the social services facility and other persons whom the placed person requests to hear and social workers.</p>
Estonia	We have not had practice with incoming applications yet
Finland	
France	Cette question est sans objet pour la France dans la mesure où le droit français ne prévoit pas de mesure de placement judiciaire pour un majeur vulnérable.
Germany	Under certain circumstances (for instance, when the danger of substantial self-inflicted injury or suicide exists), a person can be placed and detained in a closed institution (for example, in a mental hospital) or in the closed section of a hospital or nursing home for the elderly. The decision on the necessity of placing a person in a closed institution can only be taken by the court-appointed representative (Betreuer") with the prior approval of the competent Court ("Betreuungsgericht"). Detention in a closed institution has to be ended when the presupposition that gave rise to it no longer applies - for example, when an earlier risk of suicide no longer exists."
Hungary	Please insert text here
Italy	Please insert text here
Latvia	A placement of an adult plan must be notified to the Ministry of Justice of Latvia which will communicate with the competent Orphan's and Custody court regarding the issue of consent.
Luxembourg	Veuillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	The placement of an accompanied adult depends on express authorization from the court. In case of urgency, placement can be immediately requested by the accompanying person, subject to ratification by the judge.
Slovakia	Veuillez saisir les informations demandées ici

Sweden	Please insert text here
Switzerland	<p>Le placement à des fins d'assistance est traité aux art. 426-439 CC. Aux termes de l'art. 426 al. 1 CC, en vigueur depuis le 1er janvier 2013, une personne peut être placée dans une institution appropriée lorsque, en raison de troubles psychiques, d'une déficience mentale ou d'un grave état d'abandon, l'assistance ou le traitement nécessaires ne peuvent lui être fournis d'une autre manière. Le placement à des fins d'assistance peut être envisagé uniquement s'il n'est pas possible de fournir à la personne concernée le traitement ou l'assistance nécessaire d'une autre manière (principes de la proportionnalité et de l'opportunité de la mesure). Le placement à des fins d'assistance ne dépend pas du fait que la personne soit capable ou incapable de discernement, mais du fait que, malgré son besoin d'assistance «en raison de troubles psychiques, d'une déficience mentale ou d'un grave état d'abandon», elle refuse de donner son accord au placement. Les «troubles psychiques» incluent les dépendances, comme par exemple la toxicomanie, l'alcoolisme et la pharmacodépendance. Il y a «grave état d'abandon» lorsque la condition d'une personne est telle qu'il y aurait atteinte à sa dignité si elle n'était pas placée dans une institution afin de lui apporter l'assistance dont elle a besoin. En réalité, il est rare qu'une personne soit placée pour cette raison, car l'état d'abandon se double souvent d'une déficience mentale ou de troubles psychiques. Aux termes de l'art. 426 al. 3 CC, la personne est libérée dès que les conditions du placement ne sont plus remplies. Cela signifie que l'assistance ou le traitement nécessaires peuvent être fournis de manière ambulatoire ou qu'un traitement n'est plus nécessaire. La procédure est régie par l'art. 430 CC. Cette disposition a pour but de garantir que le placement ordonné par un médecin sera effectué selon une procédure juridique correcte. Comme la mesure de placement porte atteinte à la liberté individuelle, la décision doit être prise avec le plus grand soin. Le principe de base est que le médecin doit procéder lui-même à l'examen médical (al. 1). Il ne peut pas se contenter d'informations fournies par des tiers. Il doit en effet se faire sa propre idée de la situation. En outre, la personne concernée doit, dans la mesure du possible, pouvoir faire valoir son droit d'être entendue (al. 1). Elle doit donc être informée de manière compréhensible sur les motifs rendant nécessaire son placement dans une institution et pouvoir donner son avis si elle est en mesure de le faire. L'al. 2 énumère les principaux éléments que la décision de placement doit mentionner. Outre le nom du médecin qui a ordonné le placement, doivent figurer le lieu et la date de l'examen médical. La décision de placement doit aussi faire état des résultats de l'examen ainsi que des raisons et du but du placement. La personne ordonnant le placement doit notamment expliquer comment elle est entrée en contact avec le patient, mentionner le motif de la mesure, indiquer si elle dispose de données anamnestiques permettant de mieux cerner la situation et décrire l'état dans lequel se trouve la personne concernée. Les raisons et le but du placement – traitement ou assistance – en institution doivent ressortir de ces explications. Enfin, la décision de placement doit indiquer les voies de recours. Il va de soi qu'elle doit également mentionner les noms et l'adresse de la personne concernée. Si celle-ci n'est pas en mesure de les fournir elle-même, cela doit être mentionné. Dans la pratique, les médecins pourront utiliser des formulaires préimprimés pouvant être remplis à la main, qui faciliteront le respect des conditions de forme. En dérogation au principe général qui veut qu'un recours ait un effet suspensif (art. 450c), mais en conformité avec l'art. 450e, al. 2, et l'art. 397e, ch. 4, CC, l'al. 3 prévoit que le recours n'a pas d'effet suspensif, à moins que le médecin ou le tribunal ne l'accorde. Un exemplaire de la décision de placement est remis à la personne concernée, un autre à l'institution lors de l'admission (al. 4). L'institution est ainsi informée d'emblée des motifs du placement et peut donc réagir en conséquence. Selon l'al. 5, le médecin, dans la mesure du possible,</p>

	<p>communiqué par écrit la décision de placement à l'un des proches de la personne concernée et il l'informe qu'il a la possibilité de recourir contre cette décision. Le choix du proche revient en premier lieu à la personne concernée. Si celle-ci n'exprime aucune préférence, il appartient au médecin de choisir la personne en vertu de son pouvoir d'appréciation. Il privilégiera le conjoint ou la personne vivant maritalement avec la personne concernée ou un proche parent ou une personne faisant ménage commun avec celle-ci. Il n'est pas nécessaire de mener de longues recherches pour trouver une personne. Mais en aucun cas, le médecin informera une personne proche que la personne concernée ne souhaite pas voir mise au courant. L'autorité de protection de l'adulte ne devrait pas intervenir seulement lorsqu'elle est contactée par l'institution ou lorsqu'elle reçoit une demande de libération. En vertu de l'art. 431 CC, elle doit procéder d'office à des examens périodiques afin de s'assurer que les conditions de placement sont toujours réalisées et que l'institution est toujours appropriée (al. 1). Le premier examen doit avoir lieu au plus tard six mois à compter de la date du placement (al. 1). Un deuxième examen doit être effectué au cours des six mois suivants. Par la suite, l'examen doit avoir lieu au moins une fois par année (al. 2).</p>
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	An application is made for an order under schedule 3 of the Adults with Incapacity (Scotland) Act 2000. The Scottish Central Authority are provided with a report on the adult and the reasons for the proposed placement in Scotland.

8.10. As a requested State, please describe the information you would expect to receive from a requesting State with regard to the placement of an adult in your State in accordance with **Article 33**:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Identité complète de la personne - copie des documents d'identité - décision de placement
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	We do not have any feedback from the Czech courts.
Estonia	Documents have to be in english or estonian
Finland	
France	L'identité et état civil complet du majeur protégé (y compris l'acte de naissance) , le type d'altérations dont la personne souffre , les éventuelles contraintes de prise en charge du majeur protégé , l'identité et l'étendue du mandat de la personne en charge de sa protection , l'identification de l'autorité compétente ayant pris la décision dans l'Etat requérant.
Germany	Section 12 para 1 and para 2 Implementing Act (Objection in the consultation procedure) (1) The court should object to placement in Germany pursuant to Article 33, para. 2 of the Convention in particular where 1. carrying out the intended placement is contrary to the best interests of the person concerned, especially because he or she has no particular link with Germany, 2. the foreign authority has not submitted any expert report establishing the necessity of the intended placement, 3. a reason for refusing recognition under Article 22, para. 2

	of the Convention is apparent, 4. the person concerned was not granted an opportunity to be heard in accordance with the law in the foreign proceedings, 5. reasons exist that represent a hindrance to a necessary authorisation of the aliens authority, or 6. there is no arrangement regarding assumption of the costs for placement. (2) In the event of placement involving deprivation of liberty or a measure within the meaning of section 1906, subsection (4) or section 1906a, subsections (1) or (4) of the Civil Code, the court shall, without prejudice to subsection (1), indicate its opposition to the request in accordance with Article 33, para. 2 of the Convention where 1. in the requesting State, no court decides on the requested measure, or 2. on the basis of the communicated facts of the case, an order for the requested measure would not be admissible under national law.
Hungary	Please insert text here
Italy	Please insert text here
Latvia	The Ministry of Justice of Latvia is the central contact point to handle placement of an adult referred to in Article 33 and to forward them to a competent authority in Latvia which issues placement decisions. List of required documents: 1. Information about the adult's legal status and copies of all relevant court decisions, and a Latvian translation thereof, 2. Information about the reasons for the placement and a Latvian translation thereof, 3. Copy of the adult's birth certificate, 4. Information about the adult's needs (health condition, education, emotional needs, and the languages which can be used to communicate with the adult), and a Latvian translation thereof, 5. medical records (medical examinations, vaccinations and diagnoses), and a Latvian translation thereof, 6. Information about the person or family the adult is being placed with Latvian translation thereof.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	As a requested State we would need all the information related to the adult, an updated medical report, with detailed information on the health status of the adult to be protected, information and certified copy of any judicial decision that applies adult protection measures as well as an indication of the reasons for the proposed placement. In view of our legal requirements, information on the pathology, behaviour or circumstance that determines the need for accompaniment/protection through the placement, as well as on the type of establishment where the adult can be welcomed and what care, clinical or other, that he / she will need (for example, it is different to receive an elderly person who needs nursing care in a home or to receive an adult who needs mental health care). In case of mental health issues, it will be relevant to indicate whether the adult's behavior is a danger to his own integrity and life, or to another.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Une description précise de la mesure et les raisons pour lesquelles la personne doit être placée est importante. Dans tous les cas, la question du financement du placement va devoir être clarifiée.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	The Order made under Schedule 3 of the Adults with Incapacity (Scotland) Act 2000. A report on the adult and the reasons for the proposed placement in Scotland

8.11. Does your State impose charges, as provided under **Article 36(1)**, for the provision of services under **Chapter V** (Co-operation)?

No:

Belgium, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

No answers

For the following types of services (*e.g.*, translation, legal assistance):

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

8.12. As a requesting State, have authorities in your State experienced any challenges, or have questions arisen, with regard to charges provided under **Article 36(1)**?

No:

Cyprus, Czech Republic, Estonia, Finland, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

8.13. Are you aware of any challenges, or have questions arisen, in applying any other provisions under **Chapter V** in your State?

No:

Czech Republic, Cyprus, Estonia, Finland, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

No answers

Please explain:

Argentina	Please insert text here
------------------	-------------------------

Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

8.14. Have judges in your State used direct judicial communications in cases falling under the 2000 Convention (where applicable, please consult your Member of the International Hague Network of Judges)?

No:

Cyprus, Czech Republic, Estonia, France, Germany, Latvia, Portugal, United Kingdom - Scotland

Yes:

Switzerland

Please specify in relation to which specific matters (*e.g.*, transfer of jurisdiction (**Art. 8**), placement of a child (**Art. 33**)):

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here

Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	In the Central Authority, we are not aware of experiences of direct judicial communication.
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	So far no such a need has arisen.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Since the beginning of the functions of the Central Authority, we are not aware of any situation in which the Portuguese Courts have used the mechanism of direct communication.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Compte tenu de la disparité des réponses obtenues selon les autorités locales et du fait que l'autorité centrale requérante était régulièrement considérée comme partie au sens du droit de procédure de l'État requis (avec les obligations d'avance de frais, de comparution personnelles, etc. qui l'accompagnent), au moins un tribunal compétent indique avoir renoncé à la communication directe avec les tribunaux étrangers, tant que ceux-ci n'étaient pas régulièrement saisis par leur propre autorité centrale. Les juges de liaison suisses ont indiqué ne jamais avoir été contactés pour des questions liées à l'application de la Convention de 2000.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

IX – General provisions

9.1. Has your State experienced any challenges, or have questions arisen, in relation to requests under **Article 38** for the delivery of a certificate indicating the capacity in which a person entrusted with protection of the adult's person or property is entitled to act and the powers conferred upon him or her?

No:

Czech Republic, Cyprus, Estonia, France, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

Finland, Germany

Please explain:

Argentina	Please insert text here
------------------	-------------------------

Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Certain powers and restrictions are directly governed by the law (Guardianship Services Act (442/1999)). Listing them in the certificate has proven to be challenging.
France	Veillez saisir les informations demandées ici
Germany	Most States have yet refrained from implementing Art. 38 of the Convention by their national implementing law and thus have not designated competent authorities to draw up the certificate according to Art. 38 para 3 of the Convention.
Hungary	Please insert text here
Italy	Please insert text here
Latvia	Please insert text here
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

9.2. Which authority(ies) designated by your State in accordance with **Article 38(3)** is competent to draw up the **Article 38(1)** certificate? Please specify:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Social Welfare Services
Czech Republic	There is no such an authority
Estonia	Please insert text here
Finland	Accoding to our national legislation, Digital and Population Data Services Agency and the State Department of Åland are the competent authorities in these matters.

France	Le Directeur de greffe de la juridiction qui a rendu la décision, homologué la convention ou visé le mandat de protection future
Germany	Germany so far only provides for a certificate for an official protective measure. In accordance with Section 13 Implementing Act, the registrar of the office of the adult guardianship court (Betreuungsgericht") is responsible for issuing the certificate. If the proceedings are pending in a higher instance, the clerk of the registry of this court is responsible"
Hungary	Please insert text here
Italy	Please insert text here
Latvia	The authority where a measure of protection has been taken or powers of representation confirmed may be requested to issue a certificate. However, there is no obligation under national law to issue it.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Portugal has not designated any competent authority for issuing the certificate referred in article 38 of the Convention. However, the decisions handed down by the Portuguese Courts will fulfill this function of certifying the content of the accompaniment and who is the companion / accompanying person. Of course, if there is a need to issue a more specific certificate or clarify something that appears in a certificate issued by the Portuguese courts, the Portuguese Central Authority may intervene, clarifying or taking care to issue the certificate, by the competent court.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Les autorités centrales cantonales ou d'autres autorités désignées par les cantons (le canton de Turgovie a fait usage de cette possibilité).
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Sheriff Court

9.3. If possible, please indicate the number of certificates that have been delivered by authorities in your State since the 2000 Convention came into force for your State:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	0
Czech Republic	See 9.2. above
Estonia	-
Finland	Approx. 15
France	Veillez saisir les informations demandées ici
Germany	no data available
Hungary	Please insert text here

Italy	Please insert text here
Latvia	No such information.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	None article 38 certificate (because none was sent to us). Since the entry into force of the Convention in Portugal, nine foreign adult protection decisions have been reviewed and confirmed.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Nous ne disposons pas de ces chiffres.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	None

9.4. Has your State experienced any challenges, or have questions arisen, in relation to the implementation and / or operation of **Articles 39 and 40**?

No:

Czech Republic, Cyprus, Estonia, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

No answers

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here

Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

9.5. Which authority(ies) has your State designated in accordance with **Article 42** to which requests under **Article 8** are to be addressed? Please specify:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Social Welfare Services
Czech Republic	A district court of the concerned person's place of residence.
Estonia	Please insert text here
Finland	If a request under article 8 is received, it will be handled by the Finnish authority competent in such a matter under the Finnish legislation, or the Municipality of Helsinki.
France	Le procureur de la République près le tribunal judiciaire ou, dans les collectivités d'outre-mer et en Nouvelle-Calédonie, près la juridiction qui en tient lieu, dans le ressort duquel la mesure de protection doit être prise.
Germany	Germany has refrained from making special provisions with regard to requests under Art. 8 of the Convention, so that these can be addressed directly to the respective competent adult guardianship courts ("Betreuungsgericht"). Thus, the court that has jurisdiction is: a) the adult guardianship court ("Betreuungsgericht") responsible for the appointment if a guardian has already been appointed for the adult in Germany, otherwise b) the adult guardianship court ("Betreuungsgericht") in whose district the adult has his or her habitual residence*, otherwise c) the adult guardianship court ("Betreuungsgericht") in whose district the need for assistance arises, d) if jurisdiction cannot be determined according to a), b) or c) above and the adult is German, then Schöneberg local court in Berlin has jurisdiction. If proceedings are pending before an adult guardianship court ("Betreuungsgericht") regarding a decision on the recognition or non-recognition of a measure under Art. 23 of the Convention, a declaration of enforceability of a measure under Art. 25 of the Convention or consul-tations under Art. 33 of the Convention, then this adult guardianship court ("Betreuungsgericht") will as a rule also have jurisdiction over further proceedings regarding the protection of the adult in question. * Since Art. 8 of the Convention pertains to cases where the adult has his or her habitual residence or is present in the requesting State, the preconditions in letter b) will usually not be met.“ "
Hungary	Please insert text here
Italy	Please insert text here
Latvia	No special authority designated. Requests may be sent to the central authority.

Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Since this designation is optional for the Contracting States, Portugal has not designated any specific authority to whom the requests provided for in article 8 should be addressed.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	La Suisse n'a pas désigné une autorité à laquelle les demandes au titre de l'art. 8 doivent être envoyées.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Sheriff Court

9.6. Which authority(ies) has your State designated in accordance with **Article 42** to which requests under **Article 33** are to be addressed? Please specify:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Autorité Centrale belge - Service de coopération internationale civile - Service Public fédéral justice
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Social Welfare Services
Czech Republic	The authority (ies) according to Article 42 has not been designated. However, the Central Authority and, if appropriate, the competent district courts, might be addressed.
Estonia	Please insert text here
Finland	They will be addressed to the competent Finnish authority, depending on the subject matter of the request.
France	Le procureur de la République près le tribunal judiciaire ou, dans les collectivités d'outre-mer et en Nouvelle-Calédonie, près la juridiction qui en tient lieu, dans le ressort duquel est situé l'établissement où le placement est envisagé
Germany	Regarding the consultation procedure under Article 33 of the Convention, the local court (adult guardianship court (Betreuungsgericht)) in whose district a higher regional court has its seat has jurisdiction over the district of that higher regional court (concentration of jurisdiction). The Schöneberg local court in Berlin has jurisdiction over the district of the higher regional court of Berlin. The Karlsruhe local court has jurisdiction over the districts of the higher regional courts of Stuttgart and Karlsruhe. Local jurisdiction lies with the adult guardianship court ("Betreuungsgericht") responsible for the area where the requesting authority recommends the adult be placed."
Hungary	Please insert text here
Italy	Please insert text here
Latvia	The central authority.
Luxembourg	Veillez saisir les informations demandées ici

Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Since this designation is optional for the Contracting States, Portugal has not designated any specific authority to whom the requests provided for in article 33 should be addressed.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	La Suisse n'a pas désigné une autorité à laquelle les demandes au titre de l'art. 33 doivent être envoyées.
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Sheriff Court

9.7. Please list international instruments to which your State is a Party in accordance with **Article 49** which contain provisions on matters governed by the 2000 Convention:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Separate list will be provided
Estonia	Please insert text here
Finland	Between the Nordic countries, there is a Nordic Marriage Convention (Convention between Finland, Iceland, Norway, Sweden and Denmark containing rules of private international law regarding marriage, adoption and guardianship, Treaty Series 20/1931), which contains provisions on cooperation in the transfer of guardianship matters.
France	La convention franco-marocaine du 10 août 1981 relative au statut des personnes et de la famille et à la coopération judiciaire La convention franco-slovène du 18 mai 1971 La convention franco-serbe du 18 mai 1971 La convention franco-bosnienne du 18 mai 1971
Germany	In relations with Iran, the German-Iranian Settlement Agreement of 17 February 1929 must be observed.
Hungary	Please insert text here
Italy	Please insert text here
Latvia	UN Convention on the Rights of Persons with Disabilities.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	UN Convention on the Rights of Persons with Disabilities
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	-

United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	

9.8. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying the other Articles in **Chapter VI**?

No:

Estonia, Finland, France, Germany, Latvia, Portugal, Switzerland, United Kingdom - Scotland

Yes:

Czech Republic

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	We experienced violation of Article 51 from the Convention States - missing or uncomplete translations.
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Please insert text here

X – Miscellaneous

10.1. Is there any other comment that your State wishes to make relating to the practical operation of the 2000 Convention? If so, please specify:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	
Czech Republic	The Convention as such is a very useful instrument on the relevant field. However, we observe two most important challenges. Firstly, we would welcome a broader Convention bases. Secondly, we would welcome to raise awareness with the professionals (mainly judges) and the wider public.
Estonia	-
Finland	
France	La France regrette le faible nombre d'Etats contractants à la convention à ce jour.
Germany	The Convention is from the perspective of the German Central Authority a helpful tool and works well within the current framework. The number of cases is still rather small, though. Hence, cooperation between Competent Authorities works but is limited to a case by case basis due to the small number of cases. Further promotion for the Convention as such as well as signatures by additional states would help to establish routines.
Hungary	Please insert text here
Italy	Please insert text here
Latvia	The more States will join the Convention, the more cases will be and the challenges will become more and more visible.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Please insert text here
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	-
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	We have very little experience of the Convention being used which is reflected in the answers provided

10.2. Are there any particular issues that your State would like the Special Commission meeting to discuss in relation to the 2000 Convention? Please specify and list in order of priority:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici

Brazil	(1) Jurisdiction, (ii) Applicable Law, (iii) Recognition and Enforcement
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	No
Cyprus	Please insert text here
Czech Republic	Deepening of the Central Authorities cooperation.
Estonia	-
Finland	
France	Il serait utile de développer un guide ou manuel pratique de la convention, à l'instar de celui développé pour la Convention Protection des enfants de 1996. Les formulaires modèles proposés dans la recommandation adoptée par la commission spéciale de 1999 mériteraient à gagner en visibilité sur le site de la HCCH, il pourrait être utile de les développer sous un format électronique permettant de les remplir en ligne , le travail de promotion autour de la convention en vue d'attirer un plus grand nombre d'Etats contractants devrait être un axe de travail majeur.
Germany	1. Most States have yet refrained from implementing Art. 38 of the Convention by their national implementing law and thus have not designated competent authorities to draw up the certificate according to Art. 38 para 3 of the Convention. 2. Change of the habitual residence: Better transmission" of the pending procedure in the initial state to the newly introduced procedure in host state."
Hungary	Please insert text here
Italy	Please insert text here
Latvia	
Luxembourg	
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	The recognition and enforcement of decisions
Slovakia	Veillez saisir les informations demandées ici
Sweden	-
Switzerland	- transportability" des mesures - collaboration entre autorités centrales - mise en œuvre de l'art. 38 pouvoirs de représentation: loi applicable, validation/reconnaissance - répartition des coûts relatifs à la mise en œuvre de mesures de protection dans un autre État"
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	No

10.3. Is your State of the view that having joined the 2000 Convention will assist with the implementation of its obligations under the UNCPRD *e.g.*, Articles 12 and 16 of the UNCPRD?

Yes:

Czech Republic, Estonia, France, Germany, Switzerland, United Kingdom - Scotland

No:

Croatia, Portugal, Latvia

Please explain:

Argentina	Please insert text here
Austria	Please insert text here
Belgium	Veillez saisir les informations demandées ici
Brazil	Please insert text here
Canada - British Columbia	Please insert text here
Canada - Québec	Veillez saisir les informations demandées ici
Croatia	Please insert text here
Cyprus	Please insert text here
Czech Republic	Please insert text here
Estonia	Please insert text here
Finland	Please insert text here
France	Veillez saisir les informations demandées ici
Germany	Please insert text here
Hungary	Please insert text here
Italy	Please insert text here
Latvia	This is because the domestic legislation on legal capacity and different measures is country-specific and not necessarily comply with the UNCRPD. At the same time, it does not preclude to join the 2000 Convention.
Luxembourg	Veillez saisir les informations demandées ici
Mexico	Please insert text here
The Netherlands	Please insert text here
Portugal	Portugal has already guaranteed, in its domestic legislation, measures to protect citizens with disabilities, as well as policies for elderly protection. Guarantees enshrined in Portuguese fundamental law as well as in separate legislation, namely the regime that establishes the legal system of the adult accompanied, approved in 2018 and in force since February 2019.
Slovakia	Veillez saisir les informations demandées ici
Sweden	Please insert text here
Switzerland	Veillez saisir les informations demandées ici
United Kingdom - England and Wales	Please insert text here
United Kingdom - Scotland	Greater recognition mechanisms for documents that can give rise to the adult's will and preference will assist those will and preferences to be given effect to when dealing with different organisations and individuals.