



Initiative on the recognition of parenthood between Member States

**Factual summary of the
Open Public Consultation**

Brussels, October 2021

This summary report has been prepared in collaboration with ICF.



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This document provides a factual overview of the contributions to the public consultation on the initiative on the recognition of parenthood between Member States having taken place from 19 May to 25 August 2021.

This document should be regarded solely as a summary of the contributions made by stakeholders on the parenthood initiative. It cannot in any circumstances be regarded as the official position of the Commission or its services. Responses to the consultation activities cannot be considered as a representative sample of the views of the EU population.

Introduction

This report presents the analysis of the answers received in response to the Public consultation launched by the European Commission in May 2021. Out of 389 responses¹, it must be noted that:

- a significant majority of responses (323) were received from EU citizens; and
- a large share of these responses (112) came from Slovak respondents.

1.1 Objective of the Public consultation

As part of the preparation of an impact assessment on a possible Union initiative on the recognition of parenthood between Member States, the European Commission launched a (Open) Public consultation (PC or OPC) aimed at gathering inputs and feedback from citizens and organisations on the recognition of parenthood for families in cross-border situations. Amongst others, this survey aimed to identify the problems that may currently arise in cross-border situations in the Union where the parenthood of a child established in a Member State is not recognised in another Member State. It further aimed to collect views on the desirability of a possible EU-level initiative concerning the recognition of parenthood between Member States and on the scope of such an initiative.

1.2 Methodology

Open public consultations are not, by nature, statistically representative of the population. Therefore, their purpose is not to find answers that could be generalised, but rather to gain in-depth insight that can shed new light on a range of issues.

The PC was published on the 'Have your say' portal of the European Commission² and was open for all stakeholders – citizens as well as individuals representing organisations. The PC was launched on the 19 May 2021 and remained open until the 25 August, for over three full months.

The questionnaire was available in all EU languages. It included 22 open and closed-ended questions which covered multiple matters, amongst other:

- Current experience with the recognition of parenthood between Member States and existing obstacles to the recognition (e.g. instances where recognition did not take place or where parenthood was recognised only after lengthy and/or costly procedure);
- Impacts of non-recognition of parenthood on the rights of the child and its family and/or obligations derived from parenthood and on the right of the family to travel or move within the EU;
- The desirability of a possible EU-level action that would aim to facilitate the recognition of parenthood, including a possible EU legislative initiative on the recognition of parenthood between Member States; and
- The impact of such an EU-level action on families, children and public authorities.

The survey concerned parenthood of both children and adults. Notably, for the purposes of the survey, the term 'parenthood' should be construed as legal parenthood, *i.e.* legal parent-child relationship³.

¹ Out of total 389 replies, 386 were submitted through EU survey and additional 3 were received via e-mail. In addition, two position papers were also received by email.

² See: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12878-Recognition-of-parenthood-public-consultation_en

³ In this sense, it is worth mentioning that a couple of respondents (6 responses) indicated that the survey appears to not make a clear distinction between the concepts of 'parentage', which in their opinion is the legal

1.3 Profile of respondents

The Public consultation received 389 responses.

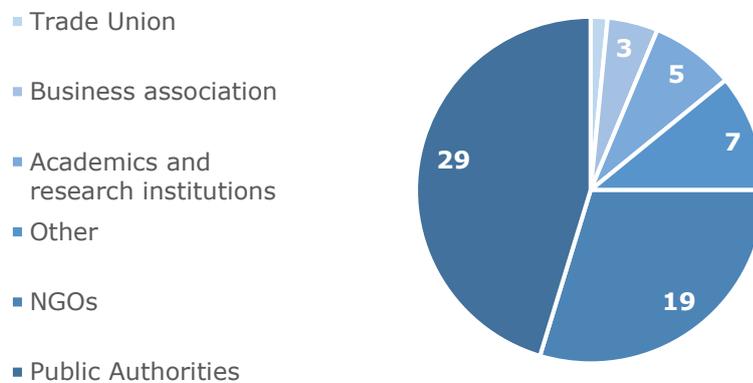
The majority of respondents answered as individuals (84% or 325 responses). Out of this category of respondents, almost all were EU citizens (more than 99%, 2 respondents were non-EU citizens).

The remaining categories of respondents (16% or 64 respondents) answered on behalf of public authorities (7% or 29 respondents), non-governmental organisations (5% or 19 responses), academics or research institutions (1% or 5 respondents), business organisation (1% or 3 respondent), trade union (less than 1% or 1 respondent), or other organisations (2% or 7 respondents).

With respect to public authorities, these included public authorities at national level (14% or 4 respondents), regional (24% or 7 responses) and local authorities (48% or 14 respondents)⁴. It is worth noting that a great majority of these public authorities were from Germany (83% or 24 responses).

Notably, the Public consultation received a particularly high number of responses from Slovak respondents⁵ (117 responses) who were mostly critical towards the adoption of any EU-level initiative on the recognition of parenthood between Member States.⁶ This high number of replies represents 35% of the replies by EU citizens and approximately a third of all replies. The analysis therefore systematically assesses the number and share of responses from this specific group of Slovak citizens in addition to analysing the replies from the EU citizens, the non-EU citizens, the organisations and public authorities.

Figure 1. Profile of PC respondents (n=389)



Responses were received from 23 Member States (Austria, Belgium, Bulgaria, Czech Republic, Estonia, Greece, Finland, Hungary, Italy, Ireland, Lithuania, The Netherlands, Portugal, Poland, Romania, Slovakia, Slovenia, Germany, France, Spain, Sweden, Malta, Denmark). There were no respondents from 4 Member States (Cyprus, Croatia, Luxemburg, Latvia). The most represented Member States among respondents were

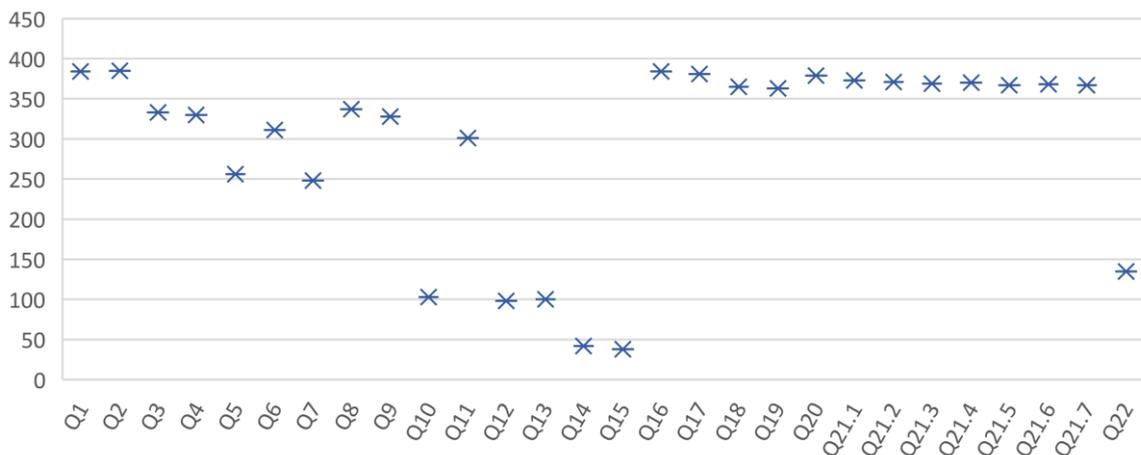
link between a child and his/her parents and 'parenthood', which refers to the exercise of parental role by a person, therefore creating certain confusions.

⁴ 2 respondents did not specify the scope.

⁵ Out of the 117 Slovak contributions, 112 responses were received from EU citizens, 3 from NGOs, 1 from public authority and 1 from other.

⁶ It is plausible that such a high number of replies from citizens of one Member State could be a result of a campaign or awareness-raising in Slovakia about this OPC. This assumption is also supported by the fact that campaigns were detected in the feedback to Inception Impact Assessment concerning this initiative.

Figure 3. Number of responses to each question



Summary of responses

Current Situation and Problems relating to the Non-recognition of Parenthood

This section aims to identify possible problems with the functioning of the current system of the recognition of parenthood between Member States in the absence of any EU-level action on the matter and/or harmonisation of rules on cross-border recognition of parenthood.

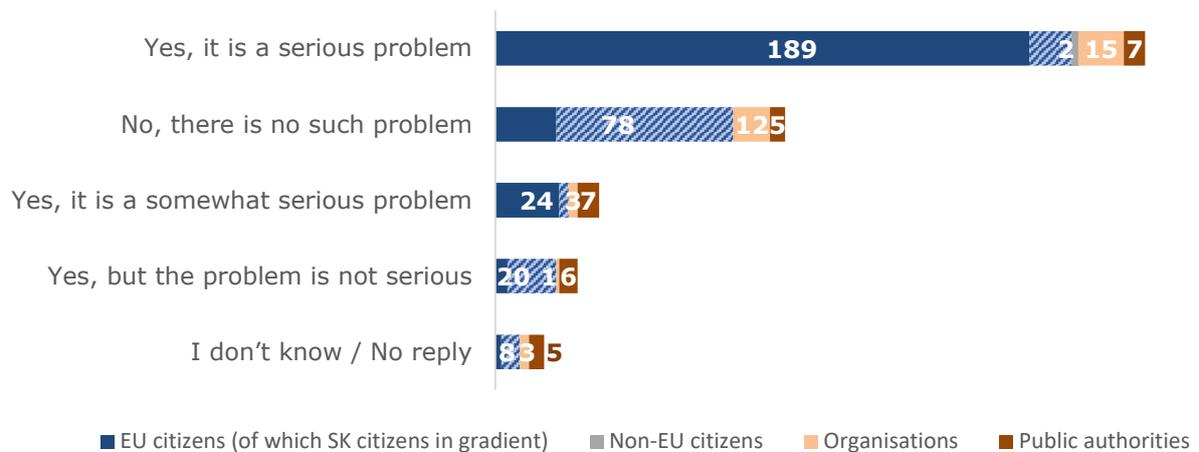
Q1. Do you think that the lack of EU harmonised rules on the recognition of parenthood in the Union poses a problem? (n=384)

In response to the first question, a majority of respondents (55% or 213 respondents) stated that **the lack of EU harmonised rules on the recognition of parenthood is a serious problem**. 9% of the respondents (or 34 respondents) consider the lack of EU harmonised rules on the recognition of parenthood as a **'somewhat serious problem'**.

In contrast, the second highest share of respondents (24% or 94 respondents) stated that **the lack of EU harmonised rules on the recognition of parenthood does not constitute a problem**. 7% of the respondents (or 27 respondents) said that **the problem existed but was not serious**.

Finally, 4% (or 16 responses) indicated that they **do not know**.

Figure 4. Do you think that the lack of EU harmonised rules on the recognition of parenthood in the Union poses a problem? (n=384)



Q2. Are you aware of any instance(s) where the parenthood established in a Member State was not recognised in another Member State? (n=385)

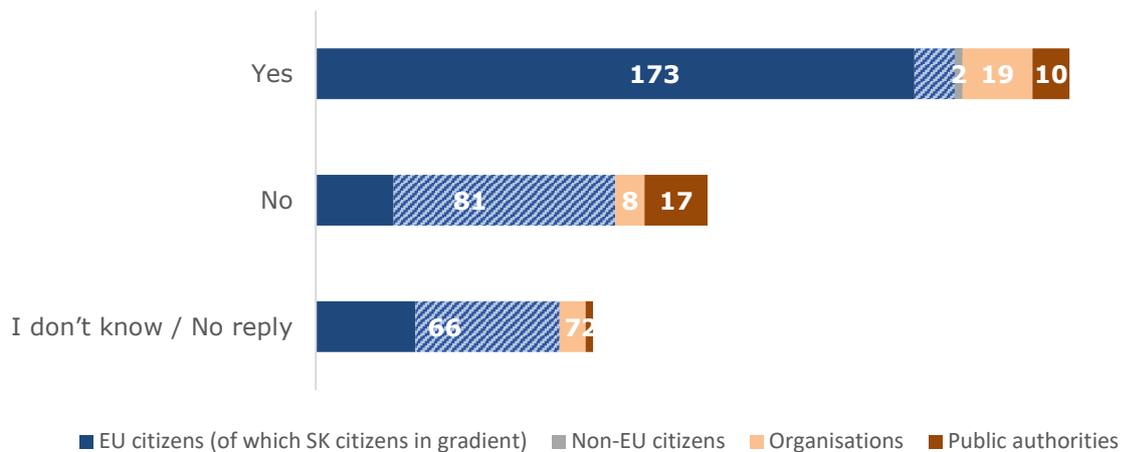
Most respondents (53% or 204 respondents) were aware of instances where parenthood established in a Member State was not recognised in another Member State while a minority of the respondents (28% or 106 respondents) were not aware of such instances.

It is worth mentioning that out of the 204 respondents that indicated that they are aware of such instances, 91% specified previously that the lack of EU harmonised rules on the recognition of parenthood in the Union poses a serious (173 responses) or somewhat serious problem (13 responses).

Out of those that previously indicated that the lack of EU harmonised rules on the recognition of parenthood in the Union is no such problem or it is not a serious problem (120 responses combined), solely 15% (or 18 responses) were aware of instances where the parenthood established in one Member State was not recognised in another Member State.

Finally, a minor share of respondents (19% or 75 respondents) did not know or did not wish to reply.

Figure 5. Are you aware of any instance(s) where the parenthood established in a Member State was not recognised in another Member State? (n=385)



The following questions (Q3 to Q10) all concern further inquiries into the instances where parenthood was not recognised. Given the fact that 47% (or 181 respondents) of respondents to Q2 were not aware of any instance where parenthood was not recognised in another Member State or did not answer that question, it logically follows that a large proportion of respondents to the following questions chose reply "I don't know / no reply" when responding to these questions.

Q3. In the instances where parenthood was not recognised, which of the following documents were not recognised? (n=333) *⁸

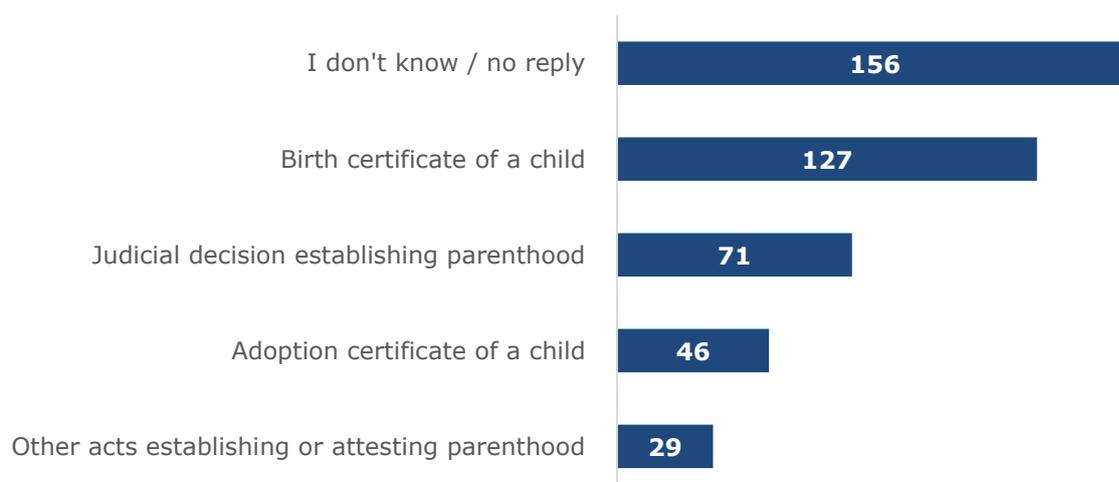
The main document not recognised according to respondents is the **birth certificate of the child** (40% or 127 responses), followed by the **judicial decision establishing parenthood** (22% or 71 responses) and the **adoption certificate of the child** (14% or 46 responses). In addition, 9% (or 29 responses) of respondents indicated that there are **other acts establishing or attesting parenthood** that are not recognised.

Among the latter, respondents mentioned the following other acts or documents that were not recognised:

- declaration of paternity (1 response);
- a family record book which is issued in some Member States and consists of a collection of extracts from civil-status records with regards to one family (2 responses);
- a document establishing paternity without the mother's consent (less than 1 response);
- marriage certificates for same-sex marriages (1 response);
- family book, ID card and passport (1 response).

⁸ Questions indicated with * contain multiple choice answers, therefore percentages do not add up to 100. The percentage for each answer option was calculated as part of the overall number of respondents to the question.

Figure 6. In the instances where parenthood was not recognised, which of the following documents were not recognised? (n=333, several choices)



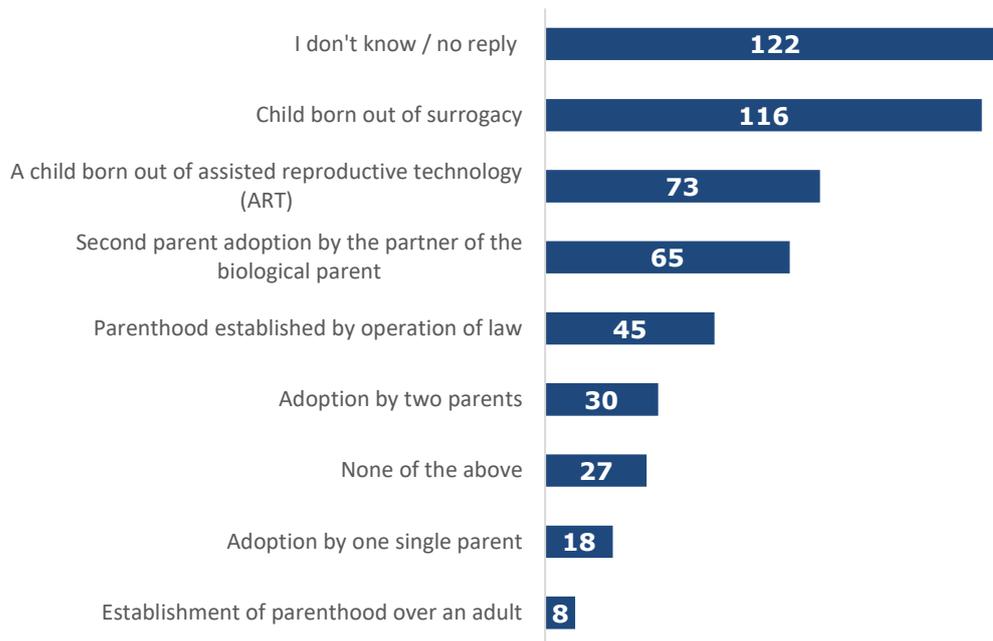
Q4. In the instances where parenthood was not recognised, did the case involve any of the following: (n=330) *

In the instances where parenthood was not recognised, the cases mainly involved a **child born out of surrogacy** (37% or 116 responses), followed by a **child born out of assisted reproductive technology (ART)** (23% or 73 responses) and **second parent adoption by the partner of the biological parent** (21% or 65 responses). Other cases in which parenthood was not recognised included **parenthood established by operation of law** (14% or 45 responses) and **adoption by two parents** (10% or 30 responses). **Adoption by one single parent** and **establishment of parenthood over an adult** were not recognised according to 6% (or 18 responses) and 3% (or 8 responses) respectively.

In addition, 9% (or 27 responses) indicated **none of the above** instances included parenthood not being recognised. Among those, the following relevant instances in which parenthood was established and later not recognized were reported:

- 'discrimination on the grounds of gender identity or expression and sex characteristics' (1 response);
- 'child born from a known donor and without the involvement of a fertility clinic'(1 response);
- 'multi-tier families' (1 response);
- 'the lack of a mother's consent to paternity recognition' (1 response);
- 'acknowledgment of paternity' (less than 1% or 1 response);
- 'same-sex parents' (3 responses);
- 'two female persons indicated as mothers in the birth certificate of the child, without specifying whether one of them, and which, is the biological mother of the child' (1 response).

Figure 7. In the instances where parenthood was not recognised, did the case involve any of the following:(n=330, several choices).

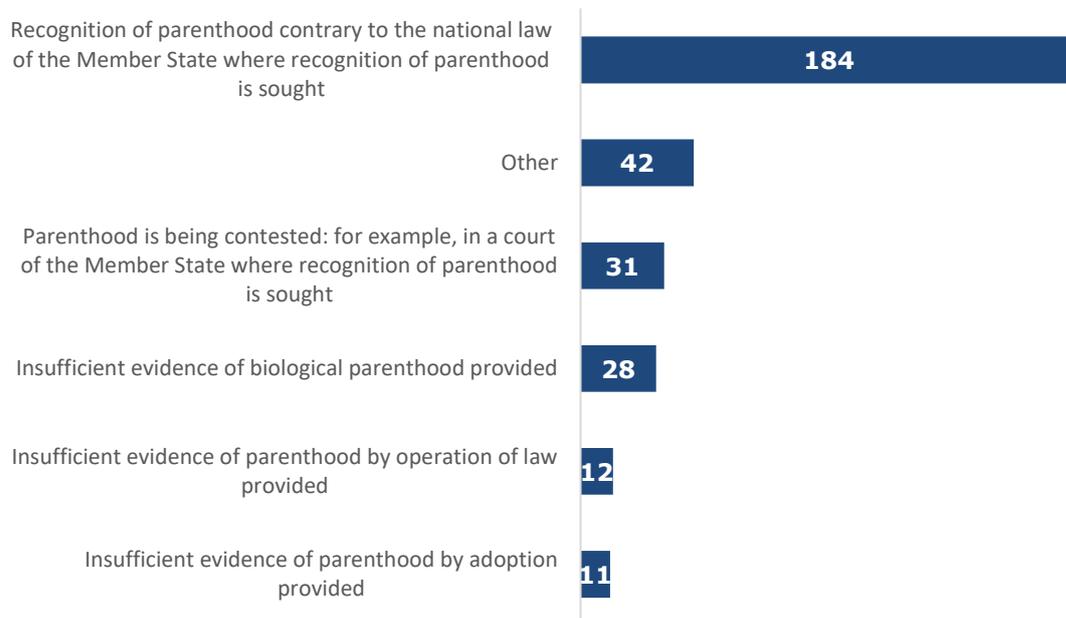


Q5. In the instances where parenthood was not recognised, what were the reasons invoked by the national authorities for not recognising the parenthood established in another Member State? (n=256) *

As specified by respondents, the primary reason for not recognising parenthoods established in another Member State is that the **recognition of parenthood is contrary to the national law** of the Member State where recognition is sought (72% or 184 responses). Other reasons indicated by a small minority of respondents were that the **parenthood is being contested**, for example in a court of the Member State where recognition of parenthood is sought (12% or 31 responses) and that there is **insufficient evidence provided of biological parenthood** (11% or 28 responses). A few respondents indicated that the reasons for the non-recognition of parenthood were that **insufficient evidence was provided** either of **parenthood established by operation of law** (5% or 12 responses) or of **parenthood established by adoption** (4% and 11 responses).

Finally, a small minority of respondents (16% or 42 responses) indicated **other reasons** for the non-recognition of parenthood. Out of those, 6 respondents indicated that among the reasons for not recognising the parenthood established in another Member State were that it concerned rainbow families. In addition, 2 respondents underlined that the cases concerned non-biological parents. Finally, 17 respondents reported that they do not know or are not aware of such cases.

Figure 8. Reasons for not recognising the parenthood established in another Member State (n=256; several choices)

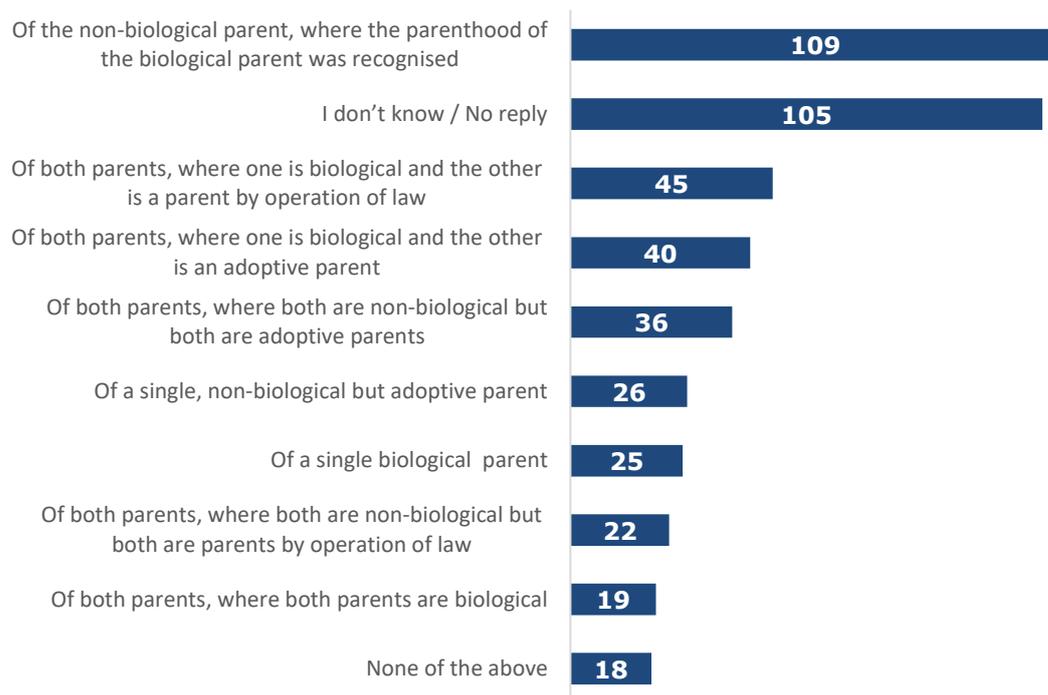


Q6. In the instances where parenthood was not recognised, which parenthood was not recognised? (n=311) *

The parenthood indicated by respondents as most frequently not recognised is the one of the **non-biological parents, where the parenthood of the biological parent was recognised** (35% or 109 responses). Other types of parenthood that are not recognised according to respondents are the one of **both parents, where one is biological and the other is a parent by operation of law** (14% or 45 responses), the **one of both parents, where one is biological and the other is an adoptive parent** (13% or 40 responses) and **the one of both parents, where both are non-biological, but both are adoptive parents** (12% or 36 responses). In addition, 8% of respondents indicated that the parenthood of a **single biological parent** (25 responses) and the one of a **single, non-biological but adoptive parent** (26 responses) are among the types of parenthood that are not recognised. According to 7% (or 22 responses), the parenthood of both parents, where **both are non-biological, but both are parents by operation of law** was not recognised and 6% of respondents (or 19 responses) mentioned that parenthood of **both parents, where both parents are biological** was not recognised.

Finally, 34% (or 105 responses) of respondents stated that they have no reply or do not know and 6% (or 18 responses) indicated that **none of the above** parenthoods are recognised. In addition, 5 respondents specified that the parenthood of rainbow parents was not recognised, while one respondent stated the parenthood of both parents, where both are non-biological, but both are parents by judicial establishment was not recognised.

Figure 9. Types of parenthood which are not recognised (n=311; several choices)



Q7. In the instances where parenthood was not recognised, which rights of the child and/or obligations derived from parenthood were denied to the child or the parents? (n=248)*

A majority of respondents stated that the **parental rights to act as the legal representative(s) of a child** (59% or 146 responses) and the **issuance of documentation by the Member State of nationality necessary for a child to obtain documentation proving nationality** (52% or 128 responses) were the main rights denied to the child or parents in the instances where parenthood was not recognised. These were followed by the denial of the **parental rights to travel alone with a child or to authorise a child to travel alone** (44% or 108 responses) and the right of **issuance of passport or identity card for a child by the Member State of nationality** (42% or 105 responses). 36% of respondents (or 89) stated that **surname of a child** was not recognised, while **social advantages** were denied to the child or the parents in cases mentioned by 35% (or 88 responses). Other rights and/or obligations denied to children or their parents as indicated by respondents included:

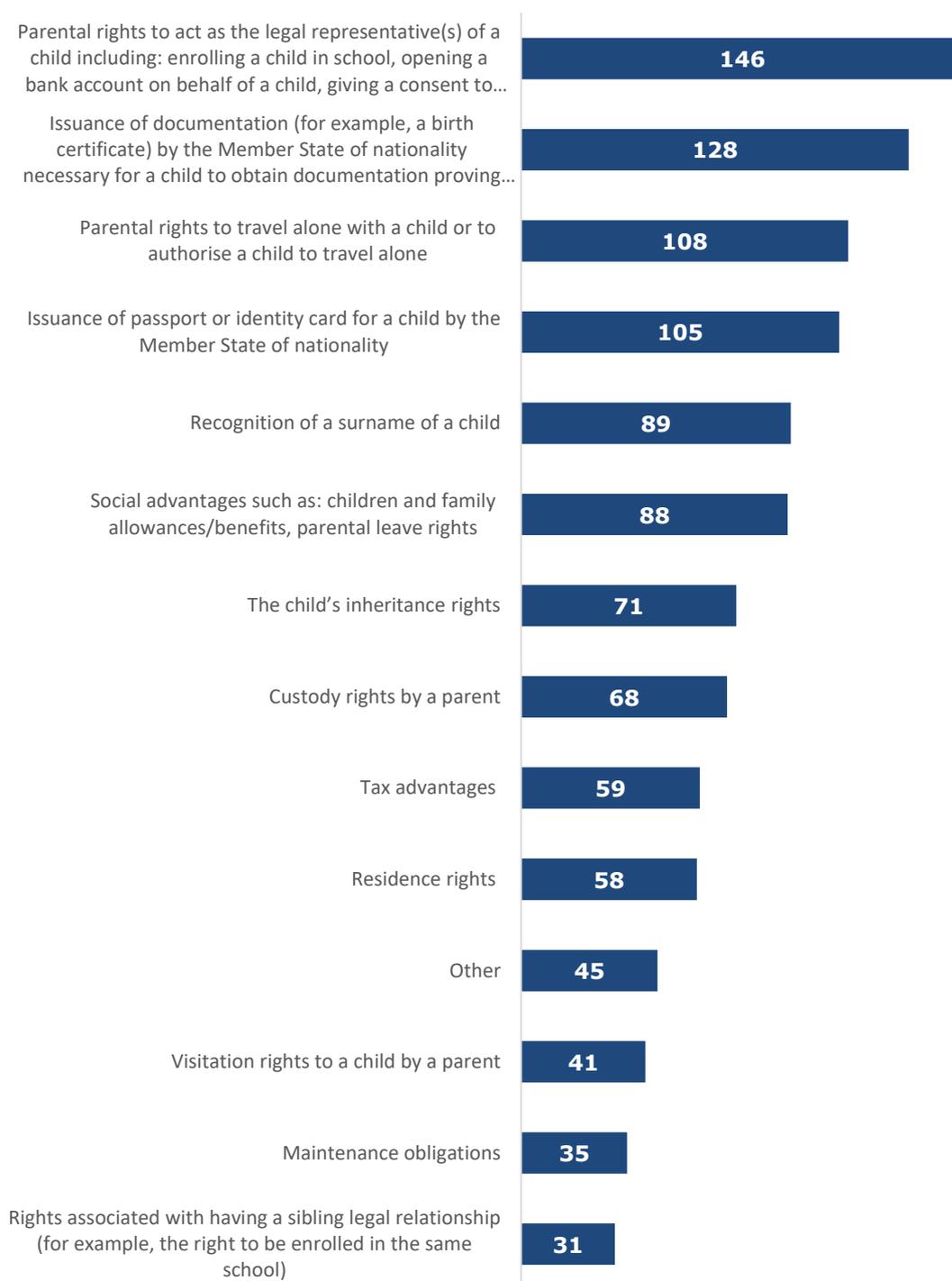
- **The child's inheritance rights** (29% or 71 responses)
- **Custody rights by a parent** (27% or 68 responses)
- **Tax advantages** (24% or 59 responses)
- **Residence rights** (23% or 58 responses)
- **Visitation rights to a child by a parent** (17% or 41 responses)
- **Maintenance obligations** (14% or 35 responses)
- **Rights associated with having a sibling legal relationship** (13% or 31 responses).

Finally, 18% (or 45 responses) of respondents indicated there are **other** rights or obligations denied. 3 respondents suggested that among the other rights denied are: the issue of a parent's passport and free movement (1 response), the acquisition of nationality (1 response) and the recognition of the child's name (1 response).

In contrast, 4 respondents specified that no right have been denied in the instances where parenthood was not recognised.

In addition, one respondent underlined that sometimes there may arise obligations even without the parenthood being recognised.

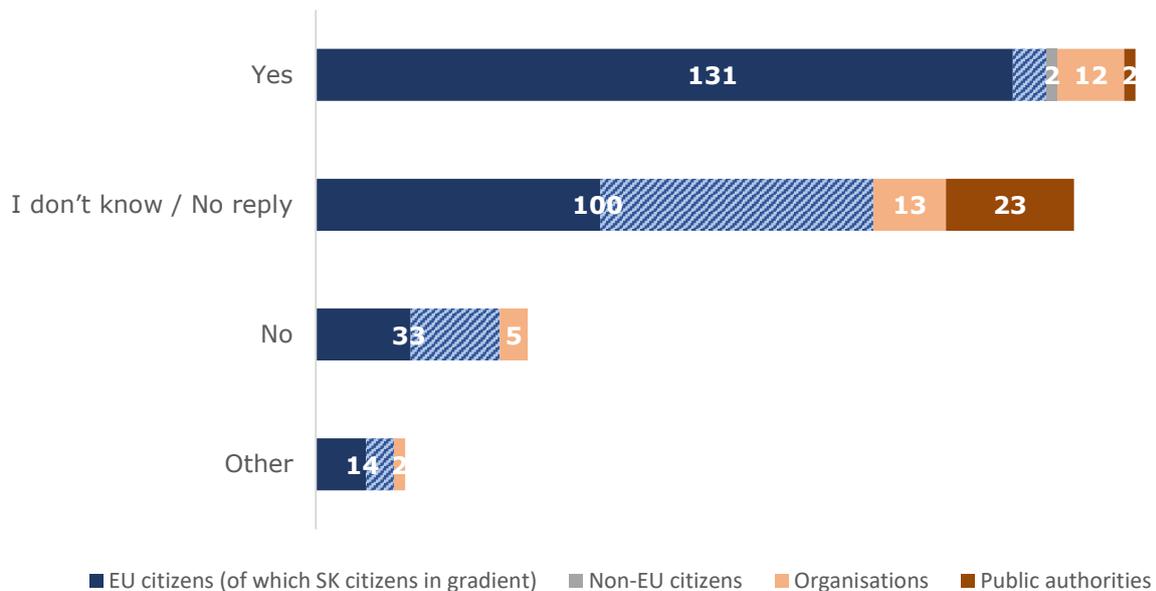
Figure 10. Types of rights and/or obligations derived from parenthood denied to the child or the parents (n=248; several choices)



Q8. Has the possible non-recognition of parenthood dissuaded a family from travelling with their child within the Union or from moving with their child to another Member State? (n=337)

Out of the 337 responses, 44% (or 147 responses) of respondents stated that the possible non-recognition of parenthood has dissuaded families from travelling with their child within the Union or from moving with their child to another Member State, as opposed to 11% (or 38 responses) who indicated that it has not.

Figure 11. Possibility of dissuading a family from travelling with their child within the Union or from moving with their child to another Member State (n=337)

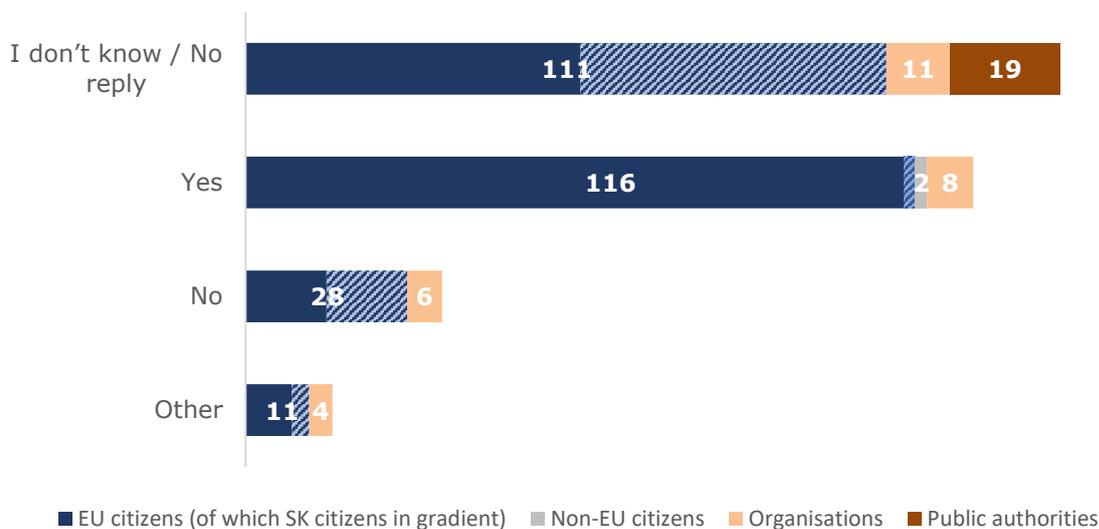


Q9. In the instances where parenthood was not recognised, has the non-recognition of parenthood hindered the exercise of the child's right to travel within the Union with his/her parent(s) or to move to another Member State with his/her parent(s)? (n=328)

Out of the 328 responses, 39% (or 129 responses) of respondents indicated that the non-recognition of parenthood has hindered the exercise of the child's right to travel within the Union or to move to another Member State with his/her parent(s), as opposed to 11% (or 35 responses) who indicated that it has not.

In addition, 45% (or 149 responses) of respondents indicated they do not know and 5% (or 15 responses) specified other opinion. Out of the latter, one respondent specified that the child's right to travel within the Union or to move to another Member State with his/her parent(s) is hindered in the cases where it concerns non-biological parents. Another respondent indicated it has been hindered because of placing the children in danger, for instance in the cases of medical emergency. Finally, another respondent stated that multiple transgender parents have revoked their decision to travel abroad as a family for the fear of being outed or not being able to proof kinship to their child.

Figure 12. Has the non-recognition of parenthood hindered the exercise of the child's right to travel within the Union or to move to another Member State with his/her parent(s)? (n=328)



Q10. Please provide here other relevant information about the problems referred to in Q1-9. (n=103)

In reply to this question, respondents provided additional information about the cases where problems arose with the recognition of parenthood. In total, 103 respondents replied to this question.

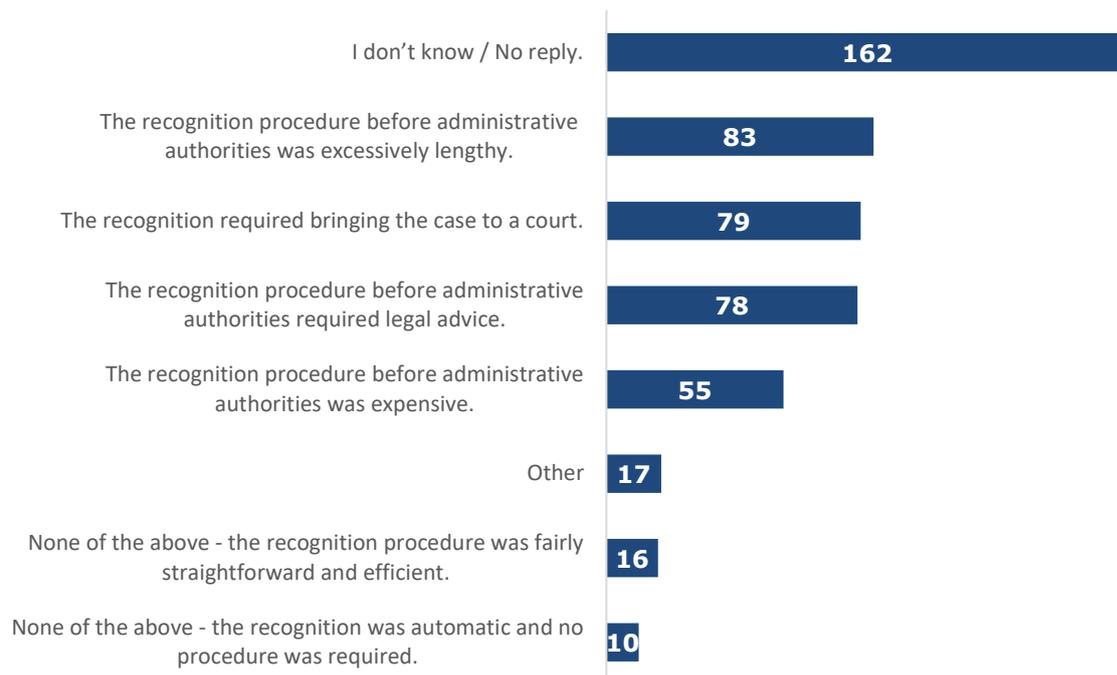
Procedural hurdles in the recognition of parenthood procedures

Q11. In the case(s) where parenthood was recognised, did any of the following problems occur in the recognition procedure? (n=301)*

Although many respondents (54% or 162 responses) specified that they do not know or have no reply to the question, the main problem indicated by respondents was that the **recognition procedure before administrative authorities was excessively lengthy** (28% or 83 responses). Other issues identified were that **the recognition required bringing the case to a court** (26% or 79 responses) and that **the recognition procedure before administrative authorities required legal advice** (26% or 78 responses). In addition, 18% (or 55 responses) indicated that **the recognition procedure before administrative authorities was expensive**.

In contrast, 5% (or 16 responses) specified that **the recognition procedure was fairly straightforward and efficient** and 3% (or 10 responses) that **the recognition was automatic, and no procedure was required**. Finally, 6% (or 17 responses) specified **other** reasoning. Out of those, 4 respondents specified that there is no formal recognition procedure in their respective countries. 4 other respondents specified that they have had negative experiences with the procedure, such as the non-recognition of parenthood at all by the court (2 responses), negative experiences for transgender parents (1 response) and administrative barriers encountered (1 response). Finally, one respondent indicated a positive example from their country, specifying that the recognition procedure is highly efficient and not formalised.

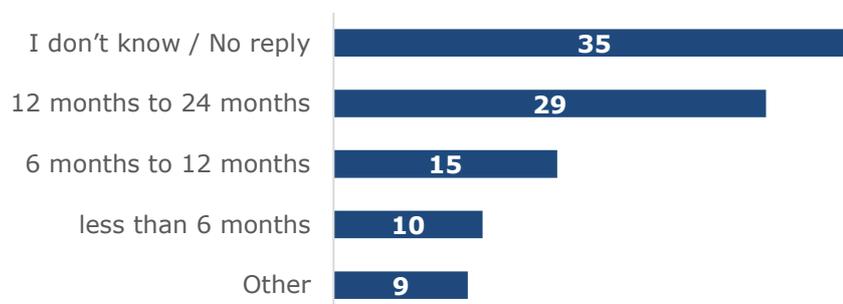
Figure 13. Problems occurring in the recognition procedure (n=301; several choices)



Q12. In the case(s) where the parenthood was recognised, what was the estimated length of the recognition procedure before the administrative authorities? (n=98)

30% (or 29 responses) of respondents indicated that the estimated length of the recognition procedure was **12 months to 24 months**. Out of those, nearly half (45% or 13 responses) of respondents were from Spain, followed by German and Italian respondents (14% or 4 responses respectively). In addition, 15% (or 15 responses) specified that the estimated length was **6 months to 12 months**. Out of those, a majority (60% or 9 responses) of respondents were from Spain. According to 10% (or 10 responses) the procedure took **less than 6 months**, Finally, 36% (or 35 responses) indicated that they do not know and 9% (or 9 responses) specifying **other** lengths of the procedure. Out of those, 7 respondents indicated that the procedure has taken more than 24 months.

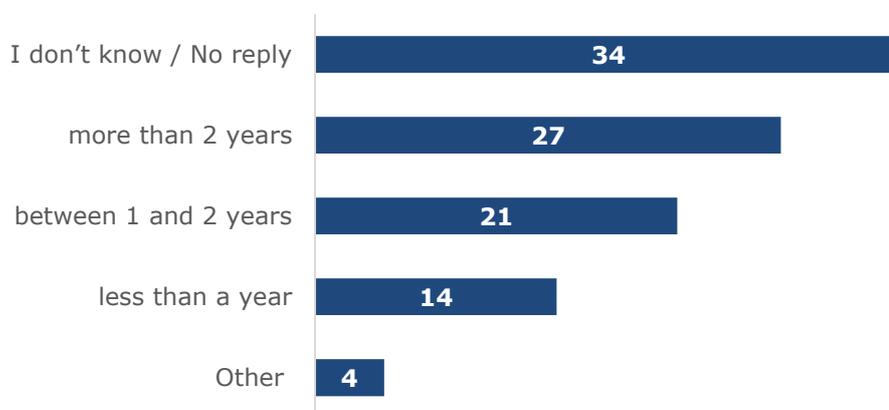
Figure 14. Estimated length of the recognition procedure before the administrative authorities (n=98)



Q13. In the case(s) where the parenthood was recognised but the recognition required bringing a case to court, what was the estimated length of the recognition proceedings before the court? (n=100)

27% (or 27 responses) of respondents indicated that the estimated length of the recognition proceedings before the court was **more than 2 years**. Out of those, 44% (or 12 responses) of respondents were from Italy. In addition, 21% (or 21 responses) specified that the procedure was **between 1 and 2 years**. Out of those, 38% (or 8 responses) were from Italy and 19% (or 4 responses) were from Germany. According to 14% (or 14 responses) the procedure lasted **less than a year**. Finally, 34% (or 34 responses) indicated that they do not know and 4% (or 4 responses) specified **other lengths** of the procedure. Out of those, one respondent specified that the estimated length of the proceedings before the administrative courts was between 1 and 2 years, while the standard processing time for the recognition of a foreign decision on the establishment and denial of parenthood does not exceed 2 months. Another respondent specified that the length was 4 years.

Figure 15. Estimated length of the recognition proceedings before the court (n=100)



Q14. In the case(s) where the parenthood was recognised, what were the (average) estimated costs for the recognition procedure before the administrative authorities? (n=42)

The average estimated costs for the recognition procedure before the administrative authorities varied significantly between the numbers reported by respondents, with the recognition being free of charge in some Member States to reaching 12000 EUR in others⁹. Respondents to this question originated mainly from Spain (40% or 17 responses), Germany (17% or 7 responses), France (12% or 5 responses) and Slovakia (7% or 3 responses).

Respondents from **Spain** reported varying average costs for the recognition procedure before the administrative authorities such as 100 USD (1 response), 500 EUR (1 response), 700 EUR (1 response), 1000 EUR (1 response), 3000 EUR (3 responses), 5000 EUR (1 response), 6000 EUR (1 response) and 10000 EUR (2 responses). In addition, Spanish respondents also reported on the following ranges: 200-300 EUR (1 response), 2000-4000 EUR (1 response) and 3000-4000 EUR (1 response). Another respondent from Spain specified that the procedure was free of charge when registering with the consulate.

⁹ Where applicable, the estimated costs should have included also costs of legal advice.

Respondents from **Germany** indicated that the recognition procedure costed between 790 EUR (1 response) and 1000 EUR (2 responses, while another respondent specified that the procedure is free of charge).

Costs reported by respondents from **France** varied from being free of charge (1 response) to 100 EUR (1 response), 1500 EUR (1 response), 2500 EUR (1 response) and 5000 EUR (1 response)

Slovak respondents indicated the costs were between 100 EUR (1 response) and 3000-4000 EUR (1 response).

In addition, the following estimated costs were reported by non-EU respondents:

- 3000 EUR (2 responses – Italy, Estonia)
- 1000-3000 EUR (1 response - Italy)
- 5000-10000 EUR (1 response – South Africa)
- 12000 EUR (1 response – Argentina)

Finally, a respondent from Czech Republic specified that there are no administrative fees, and the costs of legal representation cannot be estimated.

Q15. In the case(s) where the parenthood was recognised but the recognition required bringing a case to court, what were the (average) estimated costs for the recognition proceedings before the court? (n=38)

In the cases where the parenthood was recognised but the recognition required bringing a case to court, the average estimated costs for the recognition proceedings before the court varied significantly, with some respondents reporting that there were no court fees in some Member States, while others indicating the costs were more than 25000 EUR¹⁰. Similarly to the previous question, respondents to this question originated mainly from Spain (42% or 16 responses), Germany (16% or 6 responses), France (11% or 4 responses) and Slovakia (8% or 3 responses).

Respondents from **Spain** reported varying average costs for the recognition proceedings before the court: under 1000 EUR (1 response), 2400 EUR (1 response), 3000 EUR (3 responses), 5000 EUR (2 responses), 6000 EUR (2 responses), 10000 EUR (3 responses) and above 25000 EUR (1 response).

Costs reported by respondents from **Germany** varied between 1000 EUR (1 response), 3000 EUR (1 response) and exceeding 10000 EUR (1 response).

Respondents from **France** reported on the following costs: 2500 EUR (1 response), 3500 EUR, (1 response) 5000 EUR (1 response) and between 4000 and 8000 EUR (1 response).

200 EUR (1 response) and 5500 EUR (1 response) were the reported costs before the court by respondents from **Slovakia**.

The following estimated costs were reported by respondents from other countries:

- Around 120 EUR (1 response – Czech Republic)
- 500 EUR (1 response – Estonia)
- 1500 EUR (1 response – Austria)
- 1600 EUR (1 response – Portugal)
- 5000-10000 EUR (1 response – South Africa)

¹⁰ Where applicable, the estimated costs should have included also costs of legal advice.

Possible EU initiative to facilitate cross-border recognition of parenthood between Member States

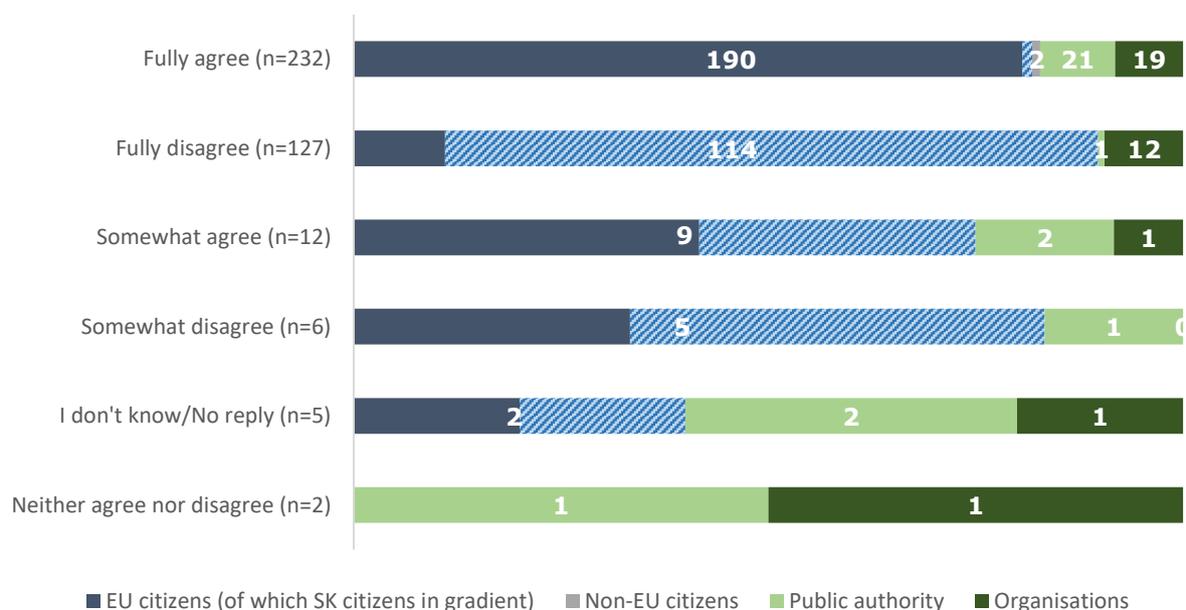
Q16. In your opinion, should the Union adopt legislation to facilitate the cross-border recognition of parenthood, as opposed to leaving recognition to the national law of Member States as is currently the case? (n=384)

The majority of respondents (60% or 232 responses) indicated they **fully agree** with the adoption by the EU of legislation that would facilitate the cross-border recognition of parenthood, as opposed to leaving recognition to the national law of Member States as is currently the case. Out of those, 82% (or 190 responses) came from EU citizens, while 9% (or 21 responses) came from public authorities, 2 responses came from non-EU citizens and 8% (or 19 responses) from other organisations.

At the other end of the approval spectrum, 33% of respondents (or 127) indicated that they **fully disagree** with the adoption of EU legislation, therefore supporting the idea that the recognition of parenthood should be a matter covered by national laws of Member States. Out of those, 90% (or 114 responses) came from EU citizens, one from public authority (0.7% of responses) and only 9.5% (or 12 responses) came from other organisations. However, a great majority of EU citizens responses indicating a full disagreement belonged to Slovak citizens (88% or 100 responses).

Furthermore, 2% (or 6) of the total responses have indicated that respondents **somewhat disagree** with the questions, and 3% (or 12 responses) of respondents indicated they **somewhat agree**, while 1% (or 5 responses) of respondents indicated they **don't know or don't have an opinion**.

Figure 16. Level of agreement over an EU legislation to facilitate the cross-border recognition of parenthood, as opposed to leaving recognition to the national law of Member States (n=384)



Q17. In your opinion, should the Union play any other role in facilitating the recognition of parenthood between Member States? (n=381)*

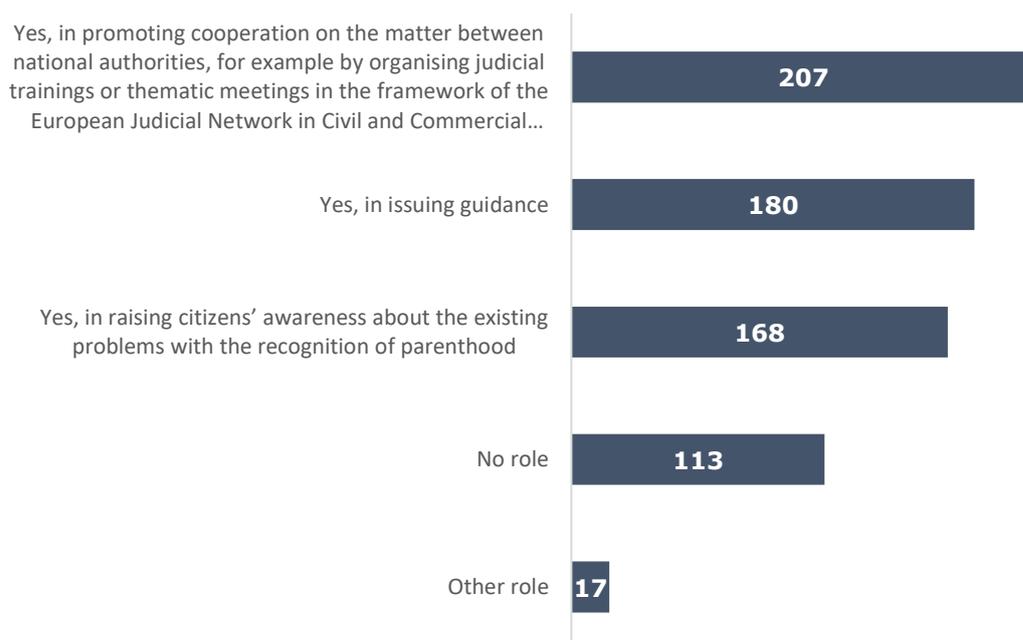
Regardless of the reply to the previous question as to whether the EU should adopt legislation to facilitate the cross-border recognition of parenthood, the question was asked whether the EU should play any other role in such facilitation. In this sense, 96% (or 235 responses) of respondents who previously either fully or somewhat agreed that the Union adopt legislation to facilitate the cross-border recognition of parenthood, also supported the idea of the Union playing another role in facilitating the recognition of parenthood.

A majority of responses (54% or 207 responses) indicated that respondents consider that **the Union should play a role in promoting cooperation on the matter between national authorities, for example by organising judicial training or thematic meetings in the framework of the European Judicial Network in Civil and Commercial matters.**

Furthermore, 44% (or 168 responses) of respondents indicated that **the Union should play a role in raising citizens' awareness about the existing problems with the recognition of parenthood**, while 47% (or 180 responses) of responses indicated that **the Union should play another role in facilitating the recognition of parenthood between Member States by issuing guidance.** In contrast, 30% (or 113 responses) of respondents indicated that the Union should have **no role** in this matter.

Additionally, 2 respondents indicated that they see the matter of parenthood recognition as being something which Member States should decide upon themselves. Additionally, 3 respondents indicated that the role of the Union should be also to promote the respect of human rights as provided in the Charter of Fundamental Rights, while 4 responses indicated various actions that the Union could take for the purpose of ensuring implementation of EU law, such as imposing deadlines for implementation or exercising oversight and applying sanctions to uncompliant Member States.

Figure 17. Role of the Union in facilitating the recognition of parenthood between Member States (n=381; several choices)



Q18. In the case that the Union should legislate on the cross-border recognition of parenthood, which law do you think should determine the parenthood of a person, whether a child or an adult? (n=365)

As regards which law should determine the parenthood of a person, 11.5% (or 42) of respondents indicated that it should be **the law of the habitual residence of his/her parents**. Out of those, 79% (or 33) of responses came from EU citizens, while 9.5% (or 4) belonged to public authorities, and 12% (or 5) of responses to other organisations.

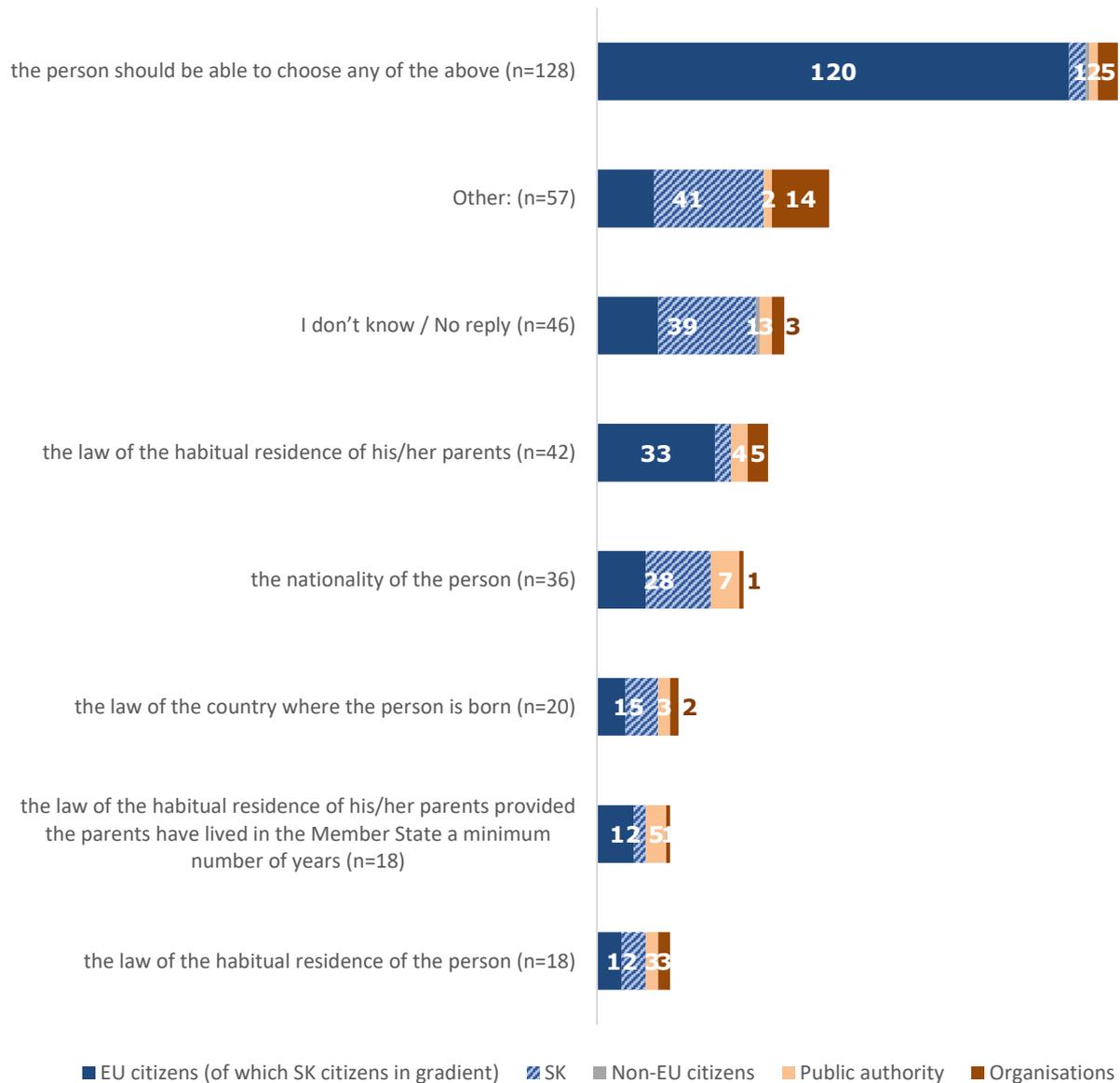
10% (or 36) of total respondents indicated that **the nationality of the person** should determine the parenthood of a person, while 5% (or 18) of respondents indicated that it should be **the law of the habitual residence of his/her parents provided the parents have lived in the Member State a minimum number of years**. The same number of respondents (18 or 5%) mentioned that the answer should be **the law of the habitual residence of the person**. Additionally, 5% (or 20) of respondents indicated that the cross-border recognition of parenthood should be determined by **the law of the country where the person is born**.

Nonetheless, a minority of respondents (35% or 128 responses) indicated **that the person should be able to choose any of the above options** in order to determine their parenthood. Out of those, nearly all (93,7% or 120) responses came from EU citizens.

Furthermore, 13% (or 46) of respondents indicated they have **no reply to this question or that they don't know**, while 16% (or 57) of respondents indicated **other** possible options.

Among those who indicated another answer, 36 respondents indicated that they would not support an EU legislative initiative at all, as this is a matter that should be left for Member States to decide upon. Out of those, 86.1% (or 31 responses) came from EU citizens. 3 respondents indicated that the recognition of parenthood could be determined by the law of the country in which the recognition is sought or where the person intends to relocate, while another respondent indicated that it would be practical to have more criteria to establish the law determining the parenthood of a person, which would be set out in cascade, where the habitual residence of the person could be the basic criterion.

Figure 18. Which law do you think should determine the parenthood of a person? (n=365)



Q19. In the case that the Union should legislate on the cross-border recognition of parenthood, should the legislative instrument include rules on the recognition of judicial decisions? (n=363)

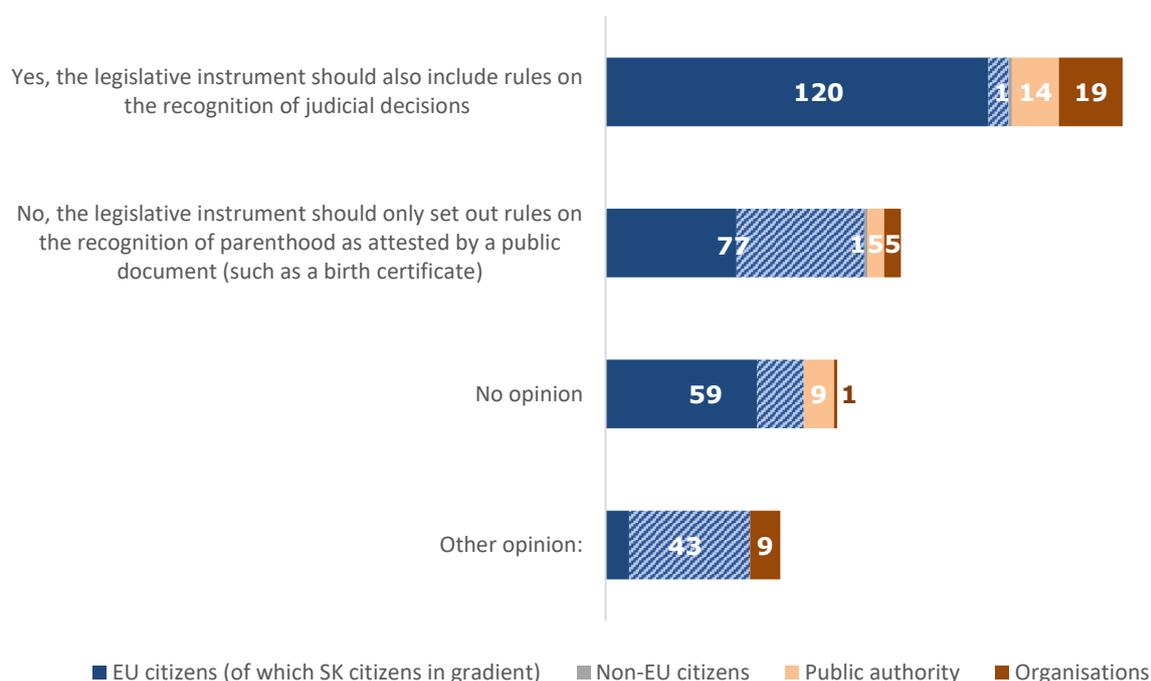
The highest percentage of respondents (42% or 154 responses) indicated that in the case the Union should legislate on the cross-border recognition of parenthood, **the legislative instrument should include rules on the recognition of judicial decisions**. Out of those, 78% (or 120) of responses came from EU citizens, while 9% (or 14) of responses came from public authorities and 12% (or 19) of responses from other organisations.

A smaller minority of respondents (24% or 88 responses) indicated that the legislative instrument should not include rules on the recognition of judicial decision, and it **should only set out rules on the recognition of parenthood as attested by a public document (such as a birth certificate)**. Out of those, a great majority of respondents

were EU citizens (88% or 77 responses), while 6% (or 5 responses) came from public authorities and an organisation respectively. One response here was also provided by a non-EU citizen.

Furthermore, 19% (or 69 responses) of total respondents indicated they have **no opinion** as to whether the Union legislative instrument should include rules on the recognition of judicial decisions and 14% (or 52) of respondents have **other opinions**. Among those, a majority of responses (42) indicated negative opinions against the adoption a possible EU legislative instrument on the recognition of parenthood.

Figure 19. Level of agreement over the content of a Union legislative instrument on the cross-border recognition of parenthood (n=363)



Q20. Do you think it would be useful for the possible EU legislative instrument to provide for a European certificate of parenthood acceptable throughout the Union? (n=379)

As regards the question whether a possible EU legislative instrument should provide for a European certificate of parenthood acceptable throughout the Union, 41% (or 155) of respondents consider that such certificate **would be useful and that including it in the possible EU legislative instrument should be a priority**. Out of those, 85% (or 131) of responses came from EU citizens, while 8% (or 12) of responses came from public authorities and 6% (or 10) of responses came from other organisations. 1% (or 2) of responses here was also provided by non-EU citizens.

Furthermore, 16% (or 60) of respondents indicated that a **European certificate of parenthood would be useful**. Again, out of those, a great majority of respondents (73% or 44) were EU citizens, while 17% (or 10) of respondents were public authorities and 10% (or 6) of responses came from other organisations.

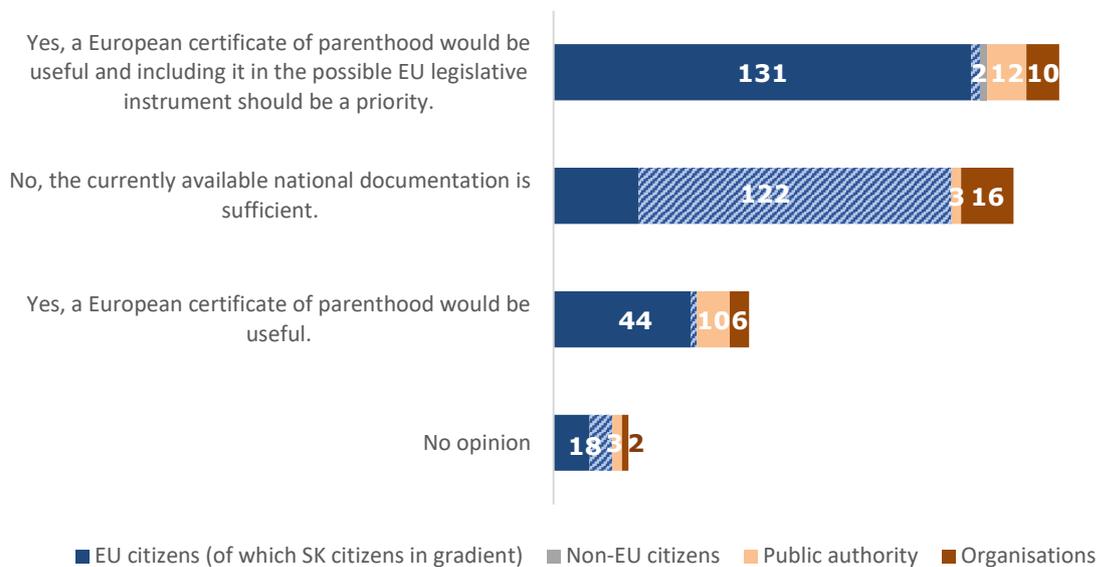
At the other end of the agreement spectrum, 37% (or 141) of respondents indicated that they **would not support a European certificate of parenthood as the currently available national documentation is sufficient**. Out of those, 87% (or 122) were responses coming from EU citizens. Nevertheless, Slovak citizens' responses represented

79% (or 96 responses) of EU citizens' responses to this option. In addition, 2% (or 3) responses came from public authorities and 11% (or 16) of them came from other organisations.

Furthermore, 6% (or 23) of respondents indicated they have **no opinion** on the matter.

Finally, out of those respondents who detailed their responses, several respondents indicated redundancy or the creation of administrative bureaucracy as their reasoning against the certificate. On the contrary, among the supportive responses, some of the arguments mentioned were increased harmonisation in how families are recognised across the EU, or an increased protection of children and reduction of unnecessary administrative burdens.

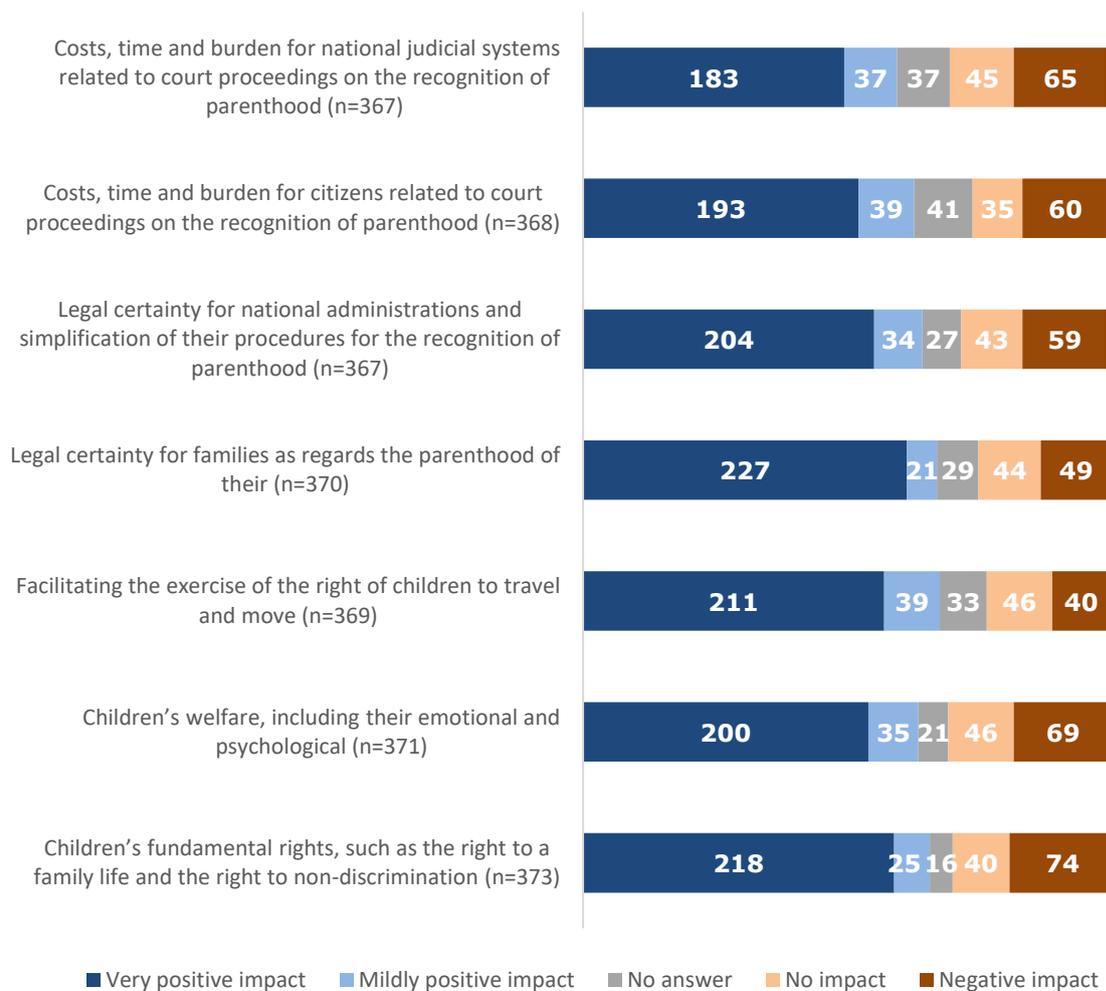
Figure 20. Level of agreement over a potential European certificate of parenthood (n=379)



Impact of a possible EU legislation facilitating the cross-border recognition of parenthood

Q21. In your opinion, to what extent a possible EU instrument facilitating the cross-border recognition of parenthood would impact on the following options

Figure 21. Impact of a possible EU instrument facilitating the cross-border recognition of parenthood on:



- **Children's fundamental rights, such as the right to a family life and the right to non-discrimination (n=373)**

A majority of respondents (58% or 218) indicated that a possible EU instrument facilitating the cross-border recognition of parenthood would have a **very positive impact** on children's fundamental rights, such as the right to a family life and the right to non-discrimination and a further 7% (or 25) of respondents indicated the EU instrument would have a **mildly positive impact**. On the other hand, 20% (or 74) of respondents indicated the potential EU instrument would have a **negative impact** on children's fundamental rights, while 11% (or 40) of respondents indicated the instrument would have **no impact**. Additionally, 4% (or 16) of respondents indicated they have **no answer** on this matter.

- **Children’s welfare, including their emotional and psychological wellbeing (n=371)**

A majority of respondents (54% or 200) specified that a possible EU instrument facilitating the cross-border recognition of parenthood would have a **very positive impact** on children’s welfare, including their emotional and psychological wellbeing and a further 9% (or 35) of respondents indicated that the EU instrument would have a **mildly positive impact**. Alternatively, a small minority (19% or 69 responses) indicated that such EU instrument would have a **negative impact** on children’s welfare, while 12% (or 46 responses) indicated the legislative initiative would have **no impact** whatsoever. Also, 6% (or 21) of respondents preferred to have **no answer** on this topic.

- **Facilitating the exercise of the right of children to travel and move within the Union with their families (n=369)**

A majority of respondents (57% or 211) indicated that a possible EU instrument facilitating the cross-border recognition of parenthood would have a **very positive impact** on facilitating the exercise of the right of children to travel and move within the Union with their families, while 11% (or 39) of respondents indicated the instrument would rather have a **mildly positive impact**. On the other hand, a small minority of respondents (11% or 40 responses) indicated that a potential EU instrument would have a **negative impact** on facilitating the exercise of the right of children to travel and move within the Union with their families, while another small minority (12% or 46 responses) suggested such EU instrument would have **no impact**. Finally, 9% (or 33) of respondents indicated they prefer to have **no answer** on the topic.

- **Legal certainty for families as regards the parenthood of their children in another Member State (n=370)**

The majority of respondents (61% or 227) indicated that a possible EU instrument facilitating the cross-border recognition of parenthood would have a **very positive impact** on improving the legal certainty for families as regards the parenthood of their children in another Member State, while 6% (or 21) of respondents indicated the instrument would rather have a **mildly positive impact**. In contrast, a small minority of respondents (13% or 49 responses) indicated that a potential EU instrument would have a **negative impact** on the legal certainty for families, while another small minority (12% or 44 responses) suggested such EU instrument would have **no impact**. Finally, 8% (or 29) of respondents indicated they prefer to have **no answer** on the topic.

- **Legal certainty for national administrations and simplification of their procedures for the recognition of parenthood (n=367)**

A majority of respondents (56% or 204) indicated that a possible EU instrument facilitating the cross-border recognition of parenthood would have a **very positive impact** on improving the legal certainty for national administrations and simplification of their procedures for the recognition of parenthood and a further 9% (or 34) of respondents indicated the EU instrument would have a **mildly positive impact** on the same aspect. On the other hand, a small minority of respondents (16% or 59) indicated the potential EU instrument would have a **negative impact** on the legal certainty for national administrations and simplification of their procedures, while 12% (or 43) of respondents indicated the instrument would have **no impact**. Additionally, 7% (or 27) of respondents indicated they have **no answer** on this matter.

- **Costs, time and burden for citizens related to court proceedings on the recognition of parenthood (n=368)**

The majority of respondents (52% or 193) specified that a possible EU instrument facilitating the cross-border recognition of parenthood would have a **very positive impact** on costs, time and burden for citizens related to court proceedings on the recognition of parenthood, while a further 11% (or 39) of respondents indicated the instrument would have a **mildly positive impact** on this aspect. In contrast, a small minority of respondents (16% or 60 responses) suggested that a potential EU instrument would have a **negative impact** on costs, time and burden for citizens related to court proceedings, while another small minority (10% or 35 responses) suggested such EU instrument would have **no impact**. Finally, 11% (or 41) of respondents indicated they prefer to have **no answer** on the topic.

- **Costs, time and burden for national judicial systems related to court proceedings on the recognition of parenthood (n=367)**

A majority of respondents (50% or 183) specified that a possible EU instrument facilitating the cross-border recognition of parenthood would have a **very positive impact** on costs, time and burden for national judicial systems related to court proceedings on the recognition of parenthood and a further 10% (or 37) of respondents indicated the EU instrument would have a **mildly positive impact**. On the other hand, 18% (or 65) of respondents implied that the potential EU instrument would have a **negative impact** on costs, time and burden for national judicial systems, while 12% (or 45) of respondents indicated the instrument would have **no impact** on this. Furthermore, 10% (or 37) of respondents indicated they have **no answer** on this matter.