



Plenary sitting

A8-0433/2018

6.12.2018

REPORT

on the proposal for a Council directive establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP
(COM(2018)0358 – C8-0386/2018 – 2018/0186(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Kinga Gál

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council directive establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP

(COM(2018)0358 – C8-0386/2018 – 2018/0186(CNS))

(Special legislative procedure – consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2018)0358),
 - having regard to Article 23(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0386/2018),
 - having regard to Rule 78c of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0433/2018),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) In accordance with paragraphs 22 and 23 of the Interinstitutional Agreement on Better Law-Making²⁴, the Commission should evaluate this Directive, in particular on the basis of information collected through specific monitoring arrangements, in order to assess the effects of the

Amendment

(19) In accordance with paragraphs 22 and 23 of the Interinstitutional Agreement on Better Law-Making²⁴, the Commission should evaluate this Directive, in particular on the basis of information collected through specific monitoring arrangements, in order to assess the effects of the

Directive and the need for any further action.

Directive, *including its impact on fundamental rights*, and the need for any further action. *The evaluation should be made available to the European Parliament, the European Data Protection Supervisor and the Fundamental Rights Agency.*

²⁴ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 (OJ L 123, 12.5.2016, p. 1).

²⁴ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 (OJ L 123, 12.5.2016, p. 1).

Amendment 2

Proposal for a directive Article 4 – paragraph 3

Text proposed by the Commission

3. Within **36** hours after receipt of the information referred to in paragraph 2, the Member State of nationality shall respond to the consultation in accordance with Article 10(3) of Directive (EU) 2015/637 and shall confirm whether the applicant is its national. Upon confirmation of the applicant's nationality, the assisting Member State shall provide the applicant with the EU ETD on the working day following that on which the response from the Member State of nationality is received at the latest.

Amendment

3. Within **24** hours after receipt of the information referred to in paragraph 2, the Member State of nationality shall respond to the consultation in accordance with Article 10(3) of Directive (EU)2015/637 and shall confirm whether the applicant is its national. Upon confirmation of the applicant's nationality, the assisting Member State shall provide the applicant with the EU ETD on the working day following that on which the response from the Member State of nationality is received at the latest.

Amendment 3

Proposal for a directive Article 4 – paragraph 4

Text proposed by the Commission

4. In duly justified exceptional cases, the Member States may take longer than the time-limits laid down in paragraphs 1 and 3.

Amendment

4. In duly justified exceptional cases, the Member States may take *shorter or* longer than the time-limits laid down in paragraphs 1 and 3.

Justification

Under extreme situations it may be necessary that the assisting Member State delivers the EU ETD earlier than the “following working day” after having received the confirmation of the identity from the Member State of nationality, for example to avoid situations of weekends or public holidays delaying the process.

Amendment 4

Proposal for a directive Article 15 – paragraph 1

Text proposed by the Commission

1. No sooner than ***five*** years after the date of transposition of this Directive, the Commission shall carry out an evaluation of this Directive and present a report on the main findings to the European Parliament and the Council, including on the appropriateness of the level of security of personal data.

Amendment

1. No sooner than ***three*** years after the date of transposition of this Directive, the Commission shall carry out an evaluation of this Directive and present a report on the main findings to the European Parliament and the Council, including on the appropriateness of the level of security of personal data ***and the possible impact on fundamental rights***.

EXPLANATORY STATEMENT

The European Parliament, in its resolution on the 2017 Citizenship Report, stated that almost seven million EU citizens travel to or live in places outside the EU where their own country does not have an embassy or consulate and that the number of unrepresented EU citizens is expected to increase to at least ten million by 2020. EU citizens resident in the territory of a non-EU country where their Member State of origin does not have representation are entitled to the protection of the diplomatic and consular authorities of any other Member State on the same conditions as that state's nationals.

In view of these findings the Parliament called on the Commission to make a proposal for a new, more secure format for an EU emergency travel document (EU ETD) for unrepresented EU citizens outside the EU whose passport has been stolen, lost, destroyed or is temporarily unavailable, in order to guarantee that they can return home safely. This meant repealing Decision 96/409/CFSP of the Representatives of the Governments of the Member States which established a common emergency travel document for issue by Member States to citizens of the Union in places where those citizens' Member State of nationality have no permanent diplomatic or consular representation.

According to the Commission's Explanatory Memorandum accompanying the proposal, 20 years have passed since the introduction of EU ETDs, and there is a need to update the rules of Decision 96/409/CFSP and the format of the EU ETD. Recent changes to EU rules on consular protection are not reflected in Decision 96/409/CFSP, and the EU ETD in its current form is not adapted to the current global security environment. It does not take account of improvements in the security of travel documents and offers insufficient protection against fraud and counterfeits, which has led to fragmentation in the use of the EU ETD across the Union.

Moreover, Decision 96/409/CFSP is not aligned with Council Directive (EU) 2015/637. This Directive governs consular protection for unrepresented citizens in general, and thus also contains rules applicable to the issuance of EU ETDs.

On the 2017 Citizenship Report the Parliament also called for the full and effective implementation of Directive (EU) 2015/637 in order to ensure consular protection for EU citizens in third countries where their Member States are not represented. For the Rapporteur, this proposal is a step forward in that direction since it establishes measures necessary to facilitate consular protection for the most frequent type of consular assistance provided to unrepresented citizens, namely the issuance of emergency travel documents.

The Rapporteur considers that this proposal is a facilitator of the exercise of EU citizens' rights of freedom of movement, which are central to EU citizenship and complement other freedoms, even if it concerns measures of consular protection for unrepresented citizens of the Union in third countries.

The Rapporteur underlines that the Union should contribute to the protection of its citizens. The fundamental right to consular protection of unrepresented citizens of the Union under the same conditions as nationals, enshrined in Article 46 of the Charter of Fundamental Rights of the European Union, is an expression of European solidarity.

Furthermore, the Rapporteur considers that improving the security of the Emergency Travel Documents is an important element in the overall Union strategy for the effective and efficient prevention, detection and reaction to evolving security threats. As stated in the Commission communication of 2016 - Action plan to strengthen the European response to travel document fraud, document fraud has become an enabler of terrorism and organised crime, and is linked to trafficking of human beings and migrant smuggling. It is fundamental to prevent abuses and the threats to internal security arising from failings in document security.

In this context, due to all mentioned the Rapporteur endorses the proposal for a Council Directive establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP without amendments to encourage Member States to proceed swiftly with its adoption.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	EU Emergency Travel Document		
References	COM(2018)0358 – C8-0386/2018 – 2018/0186(CNS)		
Date of consulting Parliament	31.7.2018		
Committee responsible Date announced in plenary	LIBE 10.9.2018		
Committees asked for opinions Date announced in plenary	AFET 10.9.2018	JURI 10.9.2018	
Not delivering opinions Date of decision	AFET 20.6.2018	JURI 9.7.2018	
Rapporteurs Date appointed	Kinga Gál 9.7.2018		
Discussed in committee	18.10.2018	19.11.2018	3.12.2018
Date adopted	3.12.2018		
Result of final vote	+: –: 0:	41 4 0	
Members present for the final vote	Heinz K. Becker, Monika Beňová, Malin Björk, Michał Boni, Caterina Chinnici, Cornelia Ernst, Raymond Finch, Romeo Franz, Kinga Gál, Sylvie Guillaume, Monika Hohlmeier, Filiz Hyusmenova, Sophia in 't Veld, Dietmar Köster, Barbara Kudrycka, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Roberta Metsola, Claude Moraes, József Nagy, Ivari Padar, Judith Sargentini, Birgit Sippel, Branislav Škripek, Sergei Stanishev, Helga Stevens, Traian Ungureanu, Marie-Christine Vergiat, Udo Voigt, Josef Weidenholzer, Kristina Winberg, Auke Zijlstra		
Substitutes present for the final vote	Carlos Coelho, Pál Csáky, Gérard Deprez, Anna Hedh, Lívia Járóka, Sylvia-Yvonne Kaufmann, Emilian Pavel, Morten Helveg Petersen, Christine Revault d'Allonnes Bonnefoy, Barbara Spinelli, Josep-Maria Terricabras		
Substitutes under Rule 200(2) present for the final vote	Max Andersson, France Jamet		
Date tabled	6.12.2018		

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

41	+
ALDE	Gérard Deprez, Filiz Hyusmenova, Sophia in 't Veld, Morten Helveg Petersen
ECR	Helga Stevens, Kristina Winberg
GUE/NGL	Malin Björk, Cornelia Ernst, Barbara Spinelli, Marie-Christine Vergiat
NI	Udo Voigt
PPE	Heinz K. Becker, Michał Boni, Carlos Coelho, Pál Csáky, Kinga Gál, Monika Hohlmeier, Lívia Járóka, Barbara Kudrycka, Roberta Metsola, József Nagy, Traian Ungureanu
S&D	Monika Beňová, Caterina Chinnici, Sylvie Guillaume, Anna Hedh, Sylvia-Yvonne Kaufmann, Dietmar Köster, Cécile Kshetu Kyenge, Juan Fernando López Aguilar, Claude Moraes, Ivare Padar, Emilian Pavel, Christine Revault d'Allonnes Bonnefoy, Birgit Sippel, Sergei Stanishev, Josef Weidenholzer
VERTS/ALE	Max Andersson, Romeo Franz, Judith Sargentini, Josep-Maria Terricabras

4	-
ECR	Branislav Škripek
EFDD	Raymond Finch
ENF	France Jamet, Auke Zijlstra

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention