



Plenary sitting

A9-0178/2024

19.4.2024

REPORT

on the proposal for a Council directive amending Directive (EU) 2015/637 on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries and Directive (EU) 2019/997 establishing an EU Emergency Travel Document (COM(2023)0930 – C9-0015/2024 – 2023/0441(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Loránt Vincze

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 amending Directive (EU) 2015/637 on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries and Directive (EU) 2019/997 establishing an EU Emergency Travel Document (COM(2023)0930 – C9-0015/2024 – 2023/0441(CNS))

(Special legislative procedure – consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2023)0930),
 - having regard to Article 23 paragraph 2 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0015/2024),
 - having regard to Rule 82 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Foreign Affairs and the Committee on Legal Affairs,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0178/2024),
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 1 a (new)

Text proposed by the Commission

Amendment

(1a) The scope of the Directive (EU) 2015/637 should also be extended, beyond

Union citizens, to all other persons legally entitled to the consular protection of a Member State to allow such persons to receive this protection from another Member State under the same conditions as unrepresented citizens. This category of persons may include recognised refugees, stateless persons and other persons who do not hold the nationality of any country, persons legally residing in a Member State and who are holders of a travel document issued by that Member State, and persons enjoying temporary protection.

Amendment 2
Proposal for a directive
Recital 2

Text proposed by the Commission

(2) Crises resulting in requests for consular protection are increasing in frequency and scale. The COVID-19 pandemic, the crisis in Afghanistan, Russia's war of aggression against Ukraine, the conflict in Sudan, the repatriations from Israel and Gaza and other similar crises have provided a context to identify gaps and reflect on how to further facilitate the exercise of the right to consular protection. Drawing lessons from those experiences, and in order to simplify procedures for citizens and consular authorities, the rules and procedures of Directive (EU) 2015/637 should be clarified and streamlined so as to improve the effectiveness of the provision of consular protection to unrepresented citizens of the Union, in particular in crisis situations. Best use should be made of the available resources at Member State and Union level, both locally in third countries and at capital level.

Amendment

(2) Crises resulting in requests for consular protection are increasing in frequency and scale. The COVID-19 pandemic, the crisis in Afghanistan **in 2021**, Russia's war of aggression against Ukraine, the conflict in Sudan, the repatriations from Israel and Gaza, **the multiplying humanitarian crises and natural and human made disasters** and other similar crises have provided a context to identify gaps and reflect on how to further facilitate the exercise of the right to consular protection. **The Union's capacity to respond to these ongoing multiplying crises should be reinforced, addressing any shortcoming and strengthening our preparedness, information-gathering and decision-making capacity ahead of and during crises.** Drawing lessons from those experiences, and in order to simplify procedures for citizens and consular authorities, the rules and procedures of Directive (EU) 2015/637 should be clarified and streamlined so as to improve the effectiveness of the provision of consular protection to unrepresented citizens of the Union, in particular in crisis

situations. Best use should be made of the available resources at Member State and Union level, both locally in third countries and at capital level.

Amendment 3
Proposal for a directive
Recital 4

Text proposed by the Commission

(4) To improve legal certainty for consular authorities and citizens, it is appropriate to lay down more detailed criteria that aid in the assessment whether a Union citizen is to be considered as unrepresented and thus eligible to receive consular protection from the Member State whose consular authorities have been approached. Those criteria should be sufficiently flexible and applied in light of local circumstances, such as ease of travel or security situation in the third country concerned. In this context, accessibility and proximity should remain important considerations.

Amendment

(4) To improve legal certainty for consular authorities and citizens, it is appropriate to lay down more detailed criteria that aid in the assessment whether a Union citizen is to be considered as unrepresented and thus eligible to receive consular protection from the Member State whose consular authorities have been approached. Those criteria should be sufficiently **pragmatic**, flexible and applied in light of local circumstances, such as ease of travel or security situation in the third country concerned. In this context, accessibility and proximity **and safety** should remain important considerations.

Amendment 4
Proposal for a directive
Recital 5

Text proposed by the Commission

(5) As first criterion, consular authorities should take into account the difficulty for citizens to safely reach or be reached by the embassy or consulate of their Member State of nationality within **a reasonable period of time**, taking into account the nature and urgency of the assistance requested and the means, notably financial resources, available to them. For example, the need for an EU Emergency Travel Document as a result of the loss of travel documents should, in principle, result in the citizen being

Amendment

(5) As first criterion, consular authorities should take into account the difficulty for citizens to safely reach or be reached by the embassy or consulate of their Member State of nationality within **48 hours**, taking into account the nature and urgency of the assistance requested and the means, notably financial resources, available to them. **While the appropriate period of time will depend on the particularities of each assistance request, the period for citizens to safely reach or be reached by the embassy or consulate of**

considered as unrepresented if reaching the embassy or consulate of his or her Member State of nationality would require overnight or air travel, as he or she cannot be expected to travel under such circumstances.

their Member State should in any case not exceed 48 hours. For example, the need for an EU Emergency Travel Document as a result of the loss of travel documents should, in principle, result in the citizen being considered as unrepresented if reaching the embassy or consulate of his or her Member State of nationality would require overnight or air travel, as he or she cannot be expected to travel under such circumstances.

Amendment 5
Proposal for a directive
Recital 7

Text proposed by the Commission

(7) The notion of absence of representation should be interpreted with a view to ensuring the effectiveness of the right to consular protection. Where, by redirecting the citizen to the embassy or consulate of his or her Member State of nationality, consular protection would likely be compromised, in particular where the urgency of the matter requires immediate action by the requested embassy or consulate, the citizen should also be considered as unrepresented. This is particularly relevant in crisis situations, where lack of timely assistance might have particularly negative impacts on the citizen.

Amendment

(7) The notion of absence of representation should be interpreted with a view to ensuring the effectiveness of the right to consular protection. Where, by redirecting the citizen to the embassy or consulate of his or her Member State of nationality, consular protection would likely be compromised, in particular where the urgency of the matter requires immediate action by the requested embassy or consulate, the citizen should also be considered as unrepresented. This is particularly relevant in crisis situations, where lack of timely assistance might have particularly negative impacts on the citizen. ***Furthermore, a significant reduction in the staff of the embassy or consulate, which may significantly affect the effectiveness and efficiency of their operations, should be taken into account as it could further exacerbate the challenges faced by citizens seeking consular assistance.***

Amendment 6
Proposal for a directive
Recital 11

Text proposed by the Commission

(11) Applications should not be transferred if consular protection would thereby be compromised, in particular if the urgency of the matter requires immediate action by the embassy or consulate of the Member State approached. That could be the case, for example, in cases of serious medical emergencies or seemingly arbitrary arrests. In addition, unrepresented citizens should be kept informed about any such transfers.

Amendment 7
Proposal for a directive
Recital 13

Text proposed by the Commission

(13) When providing consular protection to unrepresented citizens, Member States should take into account the specific needs of vulnerable groups, such as unaccompanied minors, pregnant women, persons with reduced mobility, persons with disabilities or individuals at risk of discrimination on any ground such as those referred to in Article 21 of the Charter.

Amendment 8
Proposal for a directive
Recital 19

Text proposed by the Commission

(19) In order to ensure preparedness regarding possible consular crises requiring the provision of assistance to unrepresented citizens, local consular cooperation among

Amendment

(11) Applications should not be transferred if consular protection would thereby be compromised, in particular if the urgency of the matter requires immediate action by the embassy or consulate of the Member State approached. That could be the case, for example, in cases of serious medical emergencies or seemingly arbitrary **or politically motivated** arrests. In addition, unrepresented citizens should be kept informed about any such transfers.

Amendment

(13) When providing consular protection to unrepresented citizens, Member States should take into account **an intersectional approach to** the specific needs of vulnerable groups, such as unaccompanied minors, **victims of force marriage or marital captivity who should be provided with legal and psychological support,** pregnant women, persons with reduced mobility, **elderly people**, persons with disabilities or individuals at risk of discrimination on any ground such as those referred to in Article 21 of the Charter

Amendment

(19) In order to ensure preparedness regarding possible consular crises requiring the provision of assistance to unrepresented citizens - **including natural disasters,**

Member States and Union delegations in third countries should include exchanges on matters relevant to such citizens, including their security and safety, the establishment of joint consular contingency plans and the organisation of consular exercises. In this context, it can be particularly relevant for the consular authorities of unrepresented Member States to be included in such local consular cooperation when coordinating on consular crisis preparedness and response.

political unrest or terrorist attacks -, local consular cooperation among Member States and Union delegations in third countries should include exchanges on matters relevant to such citizens, including their security and safety, the establishment of joint consular contingency plans **and mechanisms for quick response**, and the organisation of consular exercises. In this context, it can be particularly relevant for the consular authorities of unrepresented Member States to be included in such local consular cooperation when coordinating on consular crisis preparedness and response.

Amendment 9
Proposal for a directive
Recital 23

Text proposed by the Commission

(23) Joint consular contingency plans should also take into account, where appropriate, the roles and responsibilities of Lead States, that is, Member States represented in a given third country that are in charge of coordinating and leading the assistance of unrepresented citizens during crises, to ensure the effective coordination of consular assistance. In addition, joint consular contingency plans should be evaluated annually in the context of consular exercises to ensure their continued relevance. At the same time, joint consular contingency plans should not be understood as replacing existing national crisis plans of Member States or affecting their responsibility to provide consular assistance to their own nationals.

Amendment

(23) Joint consular contingency plans should also take into account, where appropriate, the roles and responsibilities of Lead States, that is, Member States represented in a given third country that are in charge of coordinating and leading the assistance of unrepresented citizens during crises, to ensure the effective coordination of consular assistance. In addition, joint consular contingency plans should be evaluated annually **or more frequently if there are extraordinary circumstances that require so**, in the context of consular exercises to ensure their continued relevance. At the same time, joint consular contingency plans should not be understood as replacing existing national crisis plans of Member States or affecting their responsibility to provide consular assistance to their own nationals, **but as a coherent approach that can additionally help to coordinate the efforts of the represented Member States**.

Amendment 10
Proposal for a directive
Recital 25

Text proposed by the Commission

(25) Travel advice, that is, information issued by Member States about the relative safety of travelling to specific third countries, **enables** travellers to make an informed decision about a particular travel destination, including third countries where their Member State of nationality is not represented. While the issuance of travel advice is the responsibility of Member States, it is appropriate that they coordinate on that topic, notably in the context of **crisis situations**, with a view to **ensuring, to the extent possible, consistency** in the level of advice given. This could include agreeing on a common structure of the levels of risk indicated in travel advice, making use of the secure platform of the EEAS. **Where possible**, such coordination should take place at an early stage when Member States are planning to change the level of their travel advice.

Amendment 11
Proposal for a directive
Recital 26

Text proposed by the Commission

(26) Efficient coordination is vital to ensure effective crisis response. To ensure such coordination, Member States **should** be supported by the Crisis Response Centre of the EEAS and the Emergency Response Coordination Centre of the Commission. Coordinated Union crisis response is particularly important in cases requiring evacuations to ensure that available support is provided efficiently, and that best use is made of available evacuation capacities. For that reason, information on available evacuation capacity should be shared in a timely manner, including in case of rescue

Amendment

(25) Travel advice, that is, information issued by Member States about the relative safety of travelling to specific third countries, **should be regularly updated in order to enable** travellers to make an informed decision about a particular travel destination, including third countries where their Member State of nationality is not represented. While the issuance of travel advice is the responsibility of Member States, it is appropriate that they coordinate on that topic, notably in the context of **crises**, with a view to **ensuring consistency** in the level of advice given. This could include agreeing on a common structure of the levels of risk indicated in travel advice, making use of the secure platform of the EEAS. Such coordination should take place at an early stage when Member States are planning to change the level of their travel advice.

Amendment

(26) Efficient coordination is vital to ensure effective crisis response. To ensure such coordination, Member States **have to** be supported **and receive timely information** by the Crisis Response Centre of the EEAS and the Emergency Response Coordination Centre of the Commission. Coordinated Union crisis response is particularly important in cases requiring evacuations to ensure that available support is provided **quickly and** efficiently, and that best use is made of available evacuation capacities. For that reason, **first-hand and relevant information, such**

and evacuation operations using military assets.

*as on available evacuation capacity **for instance**, should be shared in a timely manner **to be able to react rapidly and effectively**, including in case of rescue and evacuation operations using military assets. **In this regard, the EEAS should be able to receive automatic and continuous information from Member States on the situation in third countries***

Amendment 12
Proposal for a directive
Recital 28

Text proposed by the Commission

(28) Joint consular teams should be based on the principles of **voluntary participation**, solidarity with represented Member States, equality with regard to decisions on internal working structures, simplicity regarding composition of teams, cost-sharing – with each Member State, Union institution or body bearing its own operational costs – flexibility, visibility of the coordinated Union response and openness to relevant third countries.

Amendment

(28) Joint consular teams should be based on the principles of solidarity with represented Member States, equality with regard to decisions on internal working structures, simplicity regarding composition of teams, cost-sharing – with each Member State, Union institution or body bearing its own operational costs – flexibility, visibility of the coordinated Union response and openness to relevant third countries.

Amendment 13
Proposal for a directive
Recital 30

Text proposed by the Commission

(30) To support Union citizens in need, it is important to provide them with reliable information on how to avail themselves of consular assistance in third countries. The Commission services and the EEAS should **contribute to that objective by disseminating** relevant information, including information to be provided by Member States on their consular networks and third countries where they have concluded practical arrangements on sharing responsibilities for providing

Amendment

(30) To support Union citizens in need, it is important to provide them with reliable **and easily accessible** information on how to avail themselves of consular assistance in third countries, **including digital contact options**. The Commission services and the EEAS should **disseminate in close coordination with Member States** relevant information, including information to be provided by Member States on their consular networks and third countries where they have concluded practical

consular protection to unrepresented citizens. To facilitate the processing of such information, it should be provided in machine-readable format.

arrangements on sharing responsibilities for providing consular protection to unrepresented citizens. To facilitate the processing of such information, it should be provided in machine-readable format.

Amendment 14

Proposal for a directive Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) Member States should ensure that citizens have easy access to up-to date information regarding consular protection. In this regard, EU citizens should receive prompt notifications regarding their rights and procedures for exercising them while in third countries, particularly during crisis situations.

Amendment 15

Proposal for a directive Recital 31

Text proposed by the Commission

Amendment

(31) Member States should take additional measures to further contribute to raising Union citizen's awareness of their right to consular protection, also taking into account the specific needs of persons with disabilities. Given the limited costs it entails ***for the Member States, one possible way to do so would be to*** reproduce the wording of Article 23 TFEU in passports issued by Member States as a way to enhance citizens' awareness of the right to protection by diplomatic and consular authorities, as already recommended by Commission Recommendation C(2007) 5841⁵. Member States ***could*** also feature information on the right to consular protection enjoyed by unrepresented

(31) Member States should take additional measures to further contribute to raising Union citizen's awareness of their right to consular protection, also taking into account the specific needs of persons with disabilities. Given the limited costs it entails Member ***States should*** reproduce the wording of Article 23 TFEU in passports issued by Member States as a way to enhance citizens' awareness of the right to protection by diplomatic and consular authorities, as already recommended by Commission Recommendation C(2007) 5841⁵. Member States ***should*** also feature information on the right to consular protection enjoyed by unrepresented citizens in travel advice and

citizens in travel advice and campaigns relating to consular assistance. They *could* also cooperate with passenger transport service providers and transport hubs offering travel to third countries, for example by inviting them to add relevant information on the right to consular protection to the information materials made available to customers.

⁵ Commission Recommendation C(2007) 5841 of 5 December 2007 on reproducing the text of Article 20 TEC in passports (OJ L 118, 6.5.2008, p. 30, ELI: <http://data.europa.eu/eli/reco/2008/355/oj>).

Amendment 16
Proposal for a directive
Recital 32

Text proposed by the Commission

(32) The financial provisions of Directive (EU) 2015/637 should be adapted to simplify reimbursements and continue ensuring financial burden-sharing. In particular, it should be possible for unrepresented citizens to directly reimburse costs, under the same conditions as nationals of the assisting Member State, for the service provided by that Member State to avoid the administrative burden resulting from seeking reimbursements from the citizen's Member State of nationality. In addition, Member States should also be allowed to waive the charging of such costs. As, in certain situations, unrepresented citizens may not be able to pay when making the request for assistance, notably when their cash and means to access funds have been stolen, it is necessary to provide that they may be required by the consular authorities of the assisting Member State to sign an undertaking to repay. On the basis of such an undertaking, the authorities of the assisting Member State may ask for the

campaigns relating to consular assistance. They *should* also cooperate with passenger transport service providers and transport hubs offering travel to third countries, for example by inviting them to add relevant information on the right to consular protection to the information materials made available to customers.

⁵ Commission Recommendation C(2007) 5841 of 5 December 2007 on reproducing the text of Article 20 TEC in passports (OJ L 118, 6.5.2008, p. 30, ELI: <http://data.europa.eu/eli/reco/2008/355/oj>).

Amendment

(32) The financial provisions of Directive (EU) 2015/637 should be adapted to simplify reimbursements and continue ensuring financial burden-sharing. In particular, it should be possible for unrepresented citizens to directly reimburse costs, under the same conditions as nationals of the assisting Member State, for the service provided by that Member State to avoid the administrative burden resulting from seeking reimbursements from the citizen's Member State of nationality. In addition, Member States should also be allowed to waive the charging of such costs. As, in certain situations, unrepresented citizens may not be able to pay when making the request for assistance, notably when their cash and means to access funds have been stolen, it is necessary to provide that they may be required by the consular authorities of the assisting Member State to sign an undertaking to repay. On the basis of such an undertaking, the authorities of the assisting Member State may ask for the

reimbursement of the costs once **four weeks** have passed since the assistance was provided.

reimbursement of the costs once **three months** have passed since the assistance was provided

Amendment 17
Proposal for a directive
Recital 33

Text proposed by the Commission

(33) In cases where the costs have not been repaid by the citizen directly, that is, neither immediately when making the request or at a later stage when having been requested to do so by the assisting Member State on the basis of the undertaking to repay, the assisting Member State should be entitled to ask for the reimbursement of the costs due from the unrepresented citizen's Member State of nationality. To avoid being faced with requests for reimbursement after long periods, the assisting Member State and Member State of nationality should be given a reasonable deadline to, respectively, make the request and reimbursement.

Amendment

(33) In cases where the costs have not been repaid by the citizen directly, that is, neither immediately when making the request or at a later stage when having been requested to do so by the assisting Member State on the basis of the undertaking to repay, the assisting Member State should be entitled to ask for the reimbursement of the costs due from the unrepresented citizen's Member State of nationality. To avoid being faced with requests for reimbursement after long periods, the assisting Member State and Member State of nationality should be given a reasonable deadline to, respectively, make the request and reimbursement. ***The deadline should take into account the complexity of the problem, the involvement of the facility's staff and the duration of assistance***

Amendment 18
Proposal for a directive
Recital 34 a (new)

Text proposed by the Commission

Amendment

(34a) An appropriate increase of the EEAS budget and human resources should be granted, in addition to the revenue from Member States reimbursements, to guarantee the proper execution of responsibilities in providing assistance and/or protection to EU citizens.

Amendment 19

Proposal for a directive Recital 41

Text proposed by the Commission

(41) When processing such special categories of personal data, the competent authorities of the Member States and Union institutions and bodies should ensure suitable and specific measures to safeguard data subjects' interests. This should include, where possible, encrypting such personal data and specific attribution of access rights for personnel who have access to the specified types of special categories of personal data.

Amendment

(41) When processing such special categories of personal data, the competent authorities of the Member States and Union institutions and bodies should ensure suitable and specific measures to safeguard data subjects' interests **and rights**. This should include, where possible, encrypting such personal data and specific attribution of access rights for personnel who have access to the specified types of special categories of personal data.

Amendment 20

Proposal for a directive Article 1 – paragraph 1 – point -1 (new) Directive (EU) 2015/637 Article 1 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(-1) in Article 4, the following subparagraph 1a is added:

'Recognised refugees and stateless persons and other persons who do not hold the nationality of any country, who reside in a Member State and are holders of a travel document issued by that Member State shall be entitled to consular protection under the same conditions as unrepresented citizens, if a Member State of residence is not represented by a diplomatic or consular authority.'

Amendment 21

Proposal for a directive Article 1 – paragraph 1 – point 1 Directive (EU) 2015/637 Article 6 – paragraph 2 – point a

Text proposed by the Commission

(a) the difficulty for the citizen concerned to safely reach or be reached by the embassy or consulate of his or her Member State of nationality within a reasonable period of time, taking into account the nature and urgency of the assistance requested and the means available to the citizen;

Amendment

(a) the difficulty for the citizen concerned to safely reach or be reached by the embassy or consulate of his or her Member State of nationality within a reasonable period of time, taking into account the nature and urgency of the assistance requested and the means available to the citizen. ***While the appropriate period of time will depend on the particularities of each assistance request, the period for citizens to safely reach or be reached by the embassy or consulate of their Member State shall in any case not exceed 48 hours;***

Amendment 22

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive (EU) 2015/637

Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where Union delegations are the only representation physically located in a third country, or where there is an objective need for additional assistance to unrepresented citizens during a crisis situation due to insufficient capacity of Member States' embassies and consulates, Union delegations shall provide consular assistance, including issuing Emergency Travel Documents following the provisions set forth by directive 2019/997.

Amendment 23

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive (EU) 2015/637

Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. When providing consular protection to unrepresented citizens, Member States shall take into account an intersectional approach to the specific needs of vulnerable groups and individuals at risk of discrimination on any ground such as those referred to in Article 21 of the Charter, namely sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.'

Amendment 24

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive (EU) 2015/637

Article 9 – paragraph 1

Text proposed by the Commission

Amendment

(2) in Article 9, **points (e) and (f) are replaced by** the following:

'(e) relief, evacuation and repatriation in case of an emergency;

(f) need for an EU Emergency Travel Document established by Directive (EU) 2019/997*.

(2) in Article 9, the following **point is added:**

deleted

deleted

(fa) court proceedings in urgent cases requiring immediate attention.

* Council Directive (EU) 2019/997 of 18 June 2019 establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP (OJ L 163, 20.6.2019, p. 1, ELI: <http://data.europa.eu/eli/dir/2019/997/oj>).';

deleted

Amendment 25

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 11 – paragraph 2

Text proposed by the Commission

2. Union delegations shall support Member States in the provision of consular protection to unrepresented citizens in accordance with Article 5(10) of Decision 2010/427/EU. Such support may include carrying out, upon request by and on behalf of Member States, specific consular assistance tasks. The assisting Member State and the Member State of nationality shall provide the Union delegation with all the relevant information in the case concerned.

Amendment

2. Union delegations shall support Member States in the provision of consular protection to unrepresented citizens in accordance with Article 5(10) of Decision 2010/427/EU. Such support may include carrying out, upon request by and on behalf of Member States, specific consular assistance tasks. The assisting Member State and the Member State of nationality shall provide ***without delay*** the Union delegation with all the relevant information in the case concerned..

Amendment 26

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The EEAS and Union Delegations shall be allocated the necessary financial and human resources to cover the overhead and additional horizontal administrative workload

Amendment 27

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

1. In the context of local consular cooperation referred to in Article 12, Member States and the EEAS shall set up

Amendment

1. In the context of local consular cooperation referred to in Article 12, Member States and the EEAS shall set up

and agree a joint consular contingency plan for each third country. The joint consular contingency plan shall be updated annually and contain:

and agree a joint consular contingency plan for each third country. The joint consular contingency plan shall be updated annually, ***or more frequently in the event of extraordinary circumstances*** and contain:

Amendment 28

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 13 – paragraph 1 – point a

Text proposed by the Commission

(a) an analysis of the consular situation in the country, including an overview of Member State embassies or consulates, an estimate of the number and location of Union citizens, and a risk assessment of the most plausible scenarios affecting Union citizens;

Amendment

(a) an analysis of the consular situation in the country, including an overview of Member State embassies or consulates, an estimate of the number and location of Union citizens, and a risk assessment of the most plausible scenarios affecting Union citizens; ***such as, but not limited to, military, political, criminal and health risks, and natural disasters;***

Amendment 29

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 13 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where present, Union delegations shall coordinate the setting up and agreement of joint consular contingency plans, based on contributions made by the embassies or consulates of the Member States represented in the third country concerned and the consular authorities of unrepresented Member States. Joint consular contingency plans shall be made available to all Member States, the EEAS and the Commission services.

Amendment

Where present, Union delegations shall coordinate the setting up and agreement of joint consular contingency plans, based on contributions made by the embassies or consulates of the Member States represented in the third country concerned and the consular authorities of unrepresented Member States. ***This might include, when necessary, the cooperation with third countries and international organisations.*** Joint consular contingency plans shall be made available to all Member States, the EEAS and the

Amendment 30

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States and Union delegations shall collaborate in the deployment of Early Warning Systems to enable the timely detection of potential crises or hazards, such as natural disasters, political unrest, or health emergencies, in the third country concerned. These systems shall utilize data analytics, risk assessments, and intelligence sharing to provide early indicators of emerging threats, thereby enhancing the effectiveness of crisis preparedness and response efforts.

Amendment 31

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 13 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall, in accordance with national law, **provide** their citizens **with the possibility to** register with or inform competent national authorities, by appropriate means and tools, of their travels to or residence in third countries.

4. Member States shall, in accordance with national law, **take proactive measures in order to ensure that** their citizens register with or inform competent national authorities, by appropriate means and tools, of their travels to or residence in third countries, **in particular when the thirds countries in question are not considered fully safe.**

Amendment 32

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 13 – paragraph 5

Text proposed by the Commission

5. Member States shall exchange information on changes to their travel advice to citizens at an early stage, in particular in the context of crisis situations, and shall seek to ensure consistency in the level of travel advice given.’;

Amendment

5. Member States shall exchange information on changes to their travel advice to citizens at an early stage, in particular in the context of crisis situations, and shall seek to ensure consistency in the level of travel advice given.’ ***Member States should always inform each-other every time they become aware of increased security risks.***

Amendment 33

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 13 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall enhance situational awareness with Union Delegations in third countries, including by regularly sharing risk assessments updates and possible threats to the security of EU citizens, and by exchanging information on their travel advice.

Amendment 34

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 13 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. The EEAS, in close cooperation with Member States, shall provide consular crisis preparedness, simulation

and response training to Union officials and Member States' diplomatic and consular staff to improve their ability to manage crisis situations and provide assistance to EU citizens abroad.

Amendment 35

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive (EU) 2015/637

Article 13 a – paragraph 2

Text proposed by the Commission

2. Where necessary, Member States may be supported by joint consular teams composed of experts from Member States, in particular from Member States not represented in the third country affected by the crisis, the EEAS and the Commission services. Joint consular teams shall be available for rapid deployment to third countries affected by a consular crisis. Participation in joint consular teams shall be voluntary.

Amendment

2. Where necessary, Member States may be supported by joint consular teams composed of experts from Member States, in particular from Member States not represented in the third country affected by the crisis, the EEAS and the Commission services. Joint consular teams shall be available for rapid deployment to third countries affected by a consular crisis. Participation in joint consular teams shall be voluntary. ***The EEAS and the Commission shall support the preparedness of those experts and of the joint consular teams***

Amendment 36

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive (EU) 2015/637

Article 13 a – paragraph 4

Text proposed by the Commission

4. When providing assistance, Member States may ***seek, if appropriate, support*** from Union instruments such as the crisis management structures of the EEAS and its Crisis Response Centre ***and, via*** the Emergency Response Coordination Centre established by Article 7 of Decision ***No 1313/2013/EU***, the Union Civil Protection Mechanism.;

Amendment

4. When providing assistance, Member States may ***be supported*** from Union instruments such as the crisis management structures of the EEAS and its Crisis Response Centre. ***Member States may also involve*** the Emergency Response Coordination Centre established by Article 7 of Decision ***No 1313/2013/EU***, the Union Civil Protection Mechanism. ***and, if***

appropriate, EU missions and operations under the framework of the Common Security and Defence Policy and the EU Rapid Deployment Capacity as provided for in the ‘Strategic Compass for Security and Defence’.

Amendment 37

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive (EU) 2015/637

Article 13 a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. in Chapter 2, the following Article 13ad is inserted: ‘Article 13ad Special protection of children Member States, with the support of the Union delegations, shall take special measures to ensure the right to consular protection of children, who are EU citizens, in third countries, particularly when there is a risk of infringement of their rights enshrined in the Charter of Fundamental Rights of the EU and the UN Convention on the Rights of the Child. When providing consular assistance to children, Member States shall have the child’s best interest as their primary consideration.

Amendment 38

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive (EU) 2015/637

Article 13 b – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

At least once per year, Member States shall provide the Commission and the High Representative of the Union for Foreign Affairs and Security Policy with the following information:

Once every six months Member States shall provide the EEAS and the Commission with the following information:

Amendment 39
Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive (EU) 2015/637
Article 13 b – paragraph 2

Text proposed by the Commission

2. Member States, the Commission services and the EEAS shall make the information referred to in paragraph 1, **points (a), (b) and (c), publicly** available in a manner that ensures the coherence of the information provided.

Amendment

2. Member States, the Commission services and the EEAS shall make the information referred to in paragraph **1publicly** available in a manner that ensures the coherence of the information provided.

Amendment 40
Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive (EU) 2015/637
Article 13 b – paragraph 3

Text proposed by the Commission

3. **Where requested by the Commission**, Member States shall provide the information referred to in paragraph 1 in a machine-readable format.

Amendment

3. Member States shall provide the information referred to in paragraph 1 in a machine-readable format.

Amendment 41
Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive (EU) 2015/637
Article 13 c – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall take measures to inform their citizens of their right set out in Article 20(2), point (c), TFEU. **This may include** in particular **the following measures**:

Amendment

1. Member States shall take measures to inform their citizens of their right set out in Article 20(2), point (c), TFEU in particular **by**:

Amendment 42
Proposal for a directive
Article 1 – paragraph 1 – point 6

Directive (EU) 2015/637
Article 13 c – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) reproducing the first sentence of Article 23 TFEU on national passports;

deleted

Amendment 43

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive (EU) 2015/637
Article 13 c – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) implementing digital technologies and automated notification systems, such as SMS via telephone networks, to provide EU citizens with essential contact details for consular protection upon entering a third country, as well as alert messages during crisis situations.

Amendment 44
Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive (EU) 2015/637
Article 13 c – paragraph 1a (new)

Text proposed by the Commission

Amendment

1a. In addition, Member States shall reproduce the first sentence of Article 23 TFEU on national passports in a visible place.

Amendment 45
Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive (EU) 2015/637
Article 14 – paragraph 2 – subparagraph 1

Text proposed by the Commission

If an unrepresented citizen is unable to pay the costs referred to in paragraph 1 to the assisting Member State when making a request for assistance, the assisting Member State may require the unrepresented citizen to sign an undertaking to repay. On that basis, the assisting Member State may ask the unrepresented citizen concerned to pay such costs once **four weeks** have passed since the assistance was provided.

Amendment

If an unrepresented citizen is unable to pay the costs referred to in paragraph 1 to the assisting Member State when making a request for assistance, the assisting Member State may require the unrepresented citizen to sign an undertaking to repay. On that basis, the assisting Member State may ask the unrepresented citizen concerned to pay such costs once **three months** have passed since the assistance was provided. Being unable to pay the costs referred to in paragraph 1 when making a request for assistance shall not affect the right of the unrepresented citizen to receive consular protection.

Amendment 46

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive (EU) 2015/637

Article 14 – paragraph 6

Text proposed by the Commission

6. The Commission may adopt implementing acts establishing standard forms to be used for the undertaking to repay referred to in paragraph 2 and for the repayment of the costs from the Member State of nationality referred to in paragraph 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15a(2).

Amendment

6. The Commission may adopt implementing acts establishing standard forms, **available in all Member State languages**, to be used for the undertaking to repay referred to in paragraph 2 and for the repayment of the costs from the Member State of nationality referred to in paragraph 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15a(2).

Amendment 47

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive (EU) 2015/637

Article 16 a – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) ensure compliance with the provisions of Article 13(4) regarding the registration and notification of citizens' travels to or residence in third countries.

Amendment 48

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive (EU) 2015/637

Article 16 a – paragraph 1 – point f b (new)

Text proposed by the Commission

Amendment

(fb) provide the information and warnings referred to in Article 13c(1), point (-a);

Amendment 49

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive (EU) 2015/637

Article 16 a – paragraph 1 – point f c (new)

Text proposed by the Commission

Amendment

(fc) process information and registrations of travels or residence provided in accordance with Article 13(4).

Amendment 50

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive (EU) 2015/637

Article 16 a – paragraph 6

Text proposed by the Commission

6. When processing the personal data referred to in paragraph 5, the competent authorities of the Member States and Union institutions and bodies shall ensure suitable and specific measures to safeguard data subjects' interests. They shall also introduce internal policies and undertake necessary technical and organisational measures to prevent unauthorised access and transmission of such personal data.

Amendment

6. When processing the personal data referred to in paragraph 5, the competent authorities of the Member States and Union institutions and bodies shall ensure suitable and specific measures to safeguard data subjects' interests **and rights**. They shall also introduce internal policies and undertake necessary technical and organisational measures to prevent unauthorised access and transmission of such personal data.

Amendment 51

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive (EU) 2015/637

Article 16 a – paragraph 7 – subparagraph 1

Text proposed by the Commission

For the purposes of this Directive, the competent authorities of the Member States shall transfer personal data to a third country or international organisation only to carry out the tasks referred to in Article 9, Article 10 and Article 13a and in accordance with Chapter V of Regulation (EU) 2016/679.

Amendment

For the purposes of this Directive, the competent authorities of the Member States shall transfer personal data to a third country or international organisation only to carry out the tasks referred to in Article 9, Article 10 and Article 13a and in accordance with Chapter V of Regulation (EU) 2016/679. ***Personal data referred to in paragraph 5 shall be excluded from such transfer, unless the explicit prior consent of the Union citizen concerned has been obtained.***

Amendment 52

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive (EU) 2015/637
Article 16 b – paragraph 1

Text proposed by the Commission

Member States shall ensure that unrepresented citizens have an effective **remedy** under national law in the event of a breach of their rights under this Directive.

Amendment

Member States shall ensure that unrepresented citizens have an effective **access to complaint mechanisms and remedies** under national law in the event of a breach of their rights under this Directive.

Amendment 53

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive (EU) 2015/637

Article 19 – paragraph 3 – subparagraph 1

Text proposed by the Commission

‘No **sooner** than [**eight** years after the transposition deadline of the amending 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.

Amendment

‘No **later** than [**five** years after the transposition deadline of the amending 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.

21.3.2024

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Council directive amending Directive (EU) 2015/637 on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries and Directive (EU) 2019/997 establishing an EU Emergency Travel Document
(COM(2023)930 – C9-0015/2024 – 2023/0441(CNS))

Rapporteur for opinion (*): Nacho Sánchez Amor

(*) Associated committee – Rule 57 of the Rules of Procedure

SHORT JUSTIFICATION

The Commission proposal foresees a substantial extension of the role and activities of the European External Action Service (EEAS) and the European Union Delegations, including new and amended provisions on preparedness and response to crises outside the European Union.

In accordance with point I.3 of Annex VI of the Rules of Procedure (RoP), the oversight of the EEAS and its various services, including the organisation and functioning of EU Delegations and the EEAS Crisis Response Centre, fall within the exclusive competence of the Committee on Foreign Affairs (AFET). The EU Delegations' work also covers the implementation of the right of citizens of the Union to protection in the territory of third countries as referred to in Article 35 of the Treaty on European Union.

The organisation and functioning of the EEAS, the EU Delegations and the Crisis Response structures are set out in Council Decision 2010/427/EU of 26 July 2010, for which AFET is competent. The 2022 Strategic Compass for Security and Defence, also an AFET competence, launched a review of the EEAS crisis response mechanisms, including among others consular support and field security.

On 15 March 2023, Parliament adopted a CFSP Recommendation led by AFET taking stock of the functioning of the EEAS and for a stronger EU in the world (2021/2065(INI)). It covers a wide range of EEAS issues, including the support the EU Crisis Response Centre (CRC) in coordinating the response of EU and Member State embassies and delegations and the services they offer to EU citizens in times of crisis.

The Commission proposal lifts the role of the EEAS (and its crisis management structures and EU Delegations) to a new level of involvement, in such a way that consular protection becomes intertwined with the EEAS' foreign, security and defence policy role, whenever

decisions must be taken on the basis of assessments, contacts with third countries, use of military assets and other typically CFSP/CSDP elements.

AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a directive Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The scope of the Directive (EU) 2015/637 should also be extended beyond EU citizens. In this sense, recognised refugees and stateless persons and other persons who do not hold the nationality of any country, who reside in a Member State and are holders of a travel document issued by that Member State should be entitled to consular protection under the same conditions as unrepresented citizens, if a Member State of residence is not represented by a diplomatic or consular authority.

Amendment 2

Proposal for a directive Recital 2

Text proposed by the Commission

Amendment

(2) Crises resulting in requests for consular protection are increasing in frequency and scale. The COVID-19 pandemic, the crisis in Afghanistan, Russia's war of aggression against Ukraine, the conflict in Sudan, the repatriations from Israel and Gaza and other similar crises have provided a context to identify gaps and reflect on how to further facilitate the exercise of the right to

(2) Crises resulting in requests for consular protection are increasing in frequency and scale. The COVID-19 pandemic, the crisis in Afghanistan ***in 2021***, Russia's war of aggression against Ukraine, the conflict in Sudan, the repatriations from Israel and Gaza, ***the multiplying humanitarian crises and natural and human made disasters*** and other similar crises have provided a context

consular protection. Drawing lessons from those experiences, and in order to simplify procedures for citizens and consular authorities, the rules and procedures of Directive (EU) 2015/637 should be clarified and streamlined so as to improve the effectiveness of the provision of consular protection to unrepresented citizens of the Union, in particular in crisis situations. Best use should be made of the available resources at Member State and Union level, both locally in third countries and at capital level.

to identify gaps and reflect on how to further facilitate the exercise of the right to consular protection. ***The EU's capacity to respond to these ongoing multiplying crises should be reinforced, addressing any shortcoming and strengthening our preparedness, information-gathering and decision-making capacity ahead of and during crises.*** Drawing lessons from those experiences, and in order to simplify procedures for citizens and consular authorities, the rules and procedures of Directive (EU) 2015/637 should be clarified and streamlined so as to improve the effectiveness of the provision of consular protection to unrepresented citizens of the Union, in particular in crisis situations. Best use should be made of the available resources at Member State and Union level, both locally in third countries and at capital level.

Amendment 3

Proposal for a directive Recital 4

Text proposed by the Commission

(4) To improve legal certainty for consular authorities and citizens, it is appropriate to lay down more detailed criteria that aid in the assessment whether a Union citizen is to be considered as unrepresented and thus eligible to receive consular protection from the Member State whose consular authorities have been approached. Those criteria should be sufficiently flexible and applied in light of local circumstances, such as ease of travel or security situation in the third country concerned. In this context, accessibility and proximity should remain important considerations.

Amendment

(4) To improve legal certainty for consular authorities and citizens, it is appropriate to lay down more detailed criteria that aid in the assessment whether a Union citizen is to be considered as unrepresented and thus eligible to receive consular protection from the Member State whose consular authorities have been approached. Those criteria should be sufficiently ***pragmatic***, flexible and applied in light of local circumstances, such as ease of travel or security situation in the third country concerned. In this context, accessibility and proximity should remain important considerations.

Amendment 4

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Where a crisis situation results in a large number of applications for consular protection, the embassies and consulates of the Member States represented in the third country concerned should be given the possibility to agree to distribute applications based on available capacity with a view to making best use thereof. For that purpose, they *may* be assisted by Union delegations.

Amendment

(10) Where a crisis situation results in a large number of applications for consular protection, the embassies and consulates of the Member States represented in the third country concerned should be given the possibility to agree to distribute applications based on available capacity with a view to making best use thereof. For that purpose, they *should* be assisted by Union delegations.

Amendment 5

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) In order to ensure preparedness regarding possible consular crises requiring the provision of assistance to unrepresented citizens, local consular cooperation among Member States and Union delegations in third countries should include exchanges on matters relevant to such citizens, including their security and safety, the establishment of joint consular contingency plans and the organisation of consular exercises. In this context, it can be particularly relevant for the consular authorities of unrepresented Member States to be included in such local consular cooperation when coordinating on consular crisis preparedness and response.

Amendment

(19) In order to ensure preparedness regarding possible consular crises requiring the provision of assistance to unrepresented citizens - *including natural disasters, political unrest or terrorist attacks* -, local consular cooperation among Member States and Union delegations in third countries should include exchanges on matters relevant to such citizens, including their security and safety, the establishment of joint consular contingency plans *and mechanisms for quick response*, and the organisation of consular exercises. In this context, it can be particularly relevant for the consular authorities of unrepresented Member States to be included in such local consular cooperation when coordinating on consular crisis preparedness and response.

Amendment 6

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) Joint consular contingency plans should also take into account, where appropriate, the roles and responsibilities of Lead States, that is, Member States represented in a given third country that are in charge of coordinating and leading the assistance of unrepresented citizens during crises, to ensure the effective coordination of consular assistance. In addition, joint consular contingency plans should be evaluated annually in the context of consular exercises to ensure their continued relevance. At the same time, joint consular contingency plans should not be understood as replacing existing national crisis plans of Member States or affecting their responsibility to provide consular assistance to their own nationals.

Amendment

(23) Joint consular contingency plans should also take into account, where appropriate, the roles and responsibilities of Lead States, that is, Member States represented in a given third country that are in charge of coordinating and leading the assistance of unrepresented citizens during crises, to ensure the effective coordination of consular assistance. In addition, joint consular contingency plans should be evaluated annually, ***or more frequently if there are extraordinary circumstances that require so***, in the context of consular exercises to ensure their continued relevance. At the same time, joint consular contingency plans should not be understood as replacing existing national crisis plans of Member States or affecting their responsibility to provide consular assistance to their own nationals, ***but as a coherent approach that can additionally help to coordinate the efforts of the represented Member States***.

Amendment 7

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) Travel advice, that is, information issued by Member States about the relative safety of travelling to specific third countries, ***enables*** travellers to make an informed decision about a particular travel destination, including third countries where their Member State of nationality is not represented. While the issuance of travel advice is the responsibility of Member States, it is appropriate that they coordinate on that topic, notably in the context of ***crisis situations***, with a view to ensuring, ***to the extent possible***, consistency in the level of advice given. This could include agreeing on a common structure of the

Amendment

(25) Travel advice, that is, information issued by Member States about the relative safety of travelling to specific third countries ***should be regularly updated in order to enable*** travellers to make an informed decision about a particular travel destination, including third countries where their Member State of nationality is not represented. While the issuance of travel advice is the responsibility of Member States, it is appropriate that they coordinate on that topic, notably in the context of ***crises***, with a view to ensuring consistency in the level of advice given. This could include agreeing on a common structure of

levels of risk indicated in travel advice, making use of the secure platform of the EEAS. **Where possible**, such coordination should take place at an early stage when Member States are planning to change the level of their travel advice.

the levels of risk indicated in travel advice, making use of the secure platform of the EEAS. Such coordination should take place at an early stage when Member States are planning to change the level of their travel advice.

Amendment 8

Proposal for a directive Recital 26

Text proposed by the Commission

(26) Efficient coordination is vital to ensure effective crisis response. To ensure such coordination, Member States **should** be supported by the Crisis Response Centre of the EEAS and the Emergency Response Coordination Centre of the Commission. Coordinated Union crisis response is particularly important in cases requiring evacuations to ensure that available support is provided efficiently, and that best use is made of available evacuation capacities. For that reason, information on available evacuation capacity should be shared in a timely manner, including in case of rescue and evacuation operations using military assets.

Amendment

(26) Efficient coordination is vital to ensure effective crisis response. To ensure such coordination, Member States **have to** be supported **and receive timely information** by the Crisis Response Centre of the EEAS and the Emergency Response Coordination Centre of the Commission. Coordinated Union crisis response is particularly important in cases requiring evacuations to ensure that available support is provided **quickly and** efficiently, and that best use is made of available evacuation capacities. For that reason, **first-hand and relevant information, such as** on available evacuation capacity **for instance**, should be shared in a timely manner **to be able to react rapidly and effectively**, including in case of rescue and evacuation operations using military assets. **In this regard, the EEAS should be able to receive automatic and continuous information from Member States on the situation in third countries.**

Amendment 9

Proposal for a directive Recital 28

Text proposed by the Commission

(28) Joint consular teams should be based on the **principles** of **voluntary**

Amendment

(28) Joint consular teams should be based on the **principle** of solidarity with

participation, solidarity with represented Member States, equality with regard to decisions on internal working structures, simplicity regarding composition of teams, cost-sharing – with each Member State, Union institution or body bearing its own operational costs – flexibility, visibility of the coordinated Union response and openness to relevant third countries.

represented Member States, equality with regard to decisions on internal working structures, simplicity regarding composition of teams, cost-sharing – with each Member State, Union institution or body bearing its own operational costs – flexibility, visibility of the coordinated Union response and openness to relevant third countries.

Amendment 10

Proposal for a directive Recital 30

Text proposed by the Commission

(30) To support Union citizens in need, it is important to provide them with reliable information on how to avail themselves of consular assistance in third countries. The Commission services and the EEAS should **contribute to that objective by disseminating** relevant information, including information **to be** provided by Member States on their consular networks and third countries where they have concluded practical arrangements on sharing responsibilities for providing consular protection to unrepresented citizens. To facilitate the processing of such information, it should be provided in machine-readable format.

Amendment

(30) To support Union citizens in need, it is important to provide them with reliable **and easily accessible** information on how to avail themselves of consular assistance in third countries, **including digital contact options**. The Commission services and the EEAS should **disseminate in close coordination with Member States** relevant information, including information provided by Member States on their consular networks and third countries where they have concluded practical arrangements on sharing responsibilities for providing consular protection to unrepresented citizens. To facilitate the processing of such information, it should be provided in machine-readable format.

Amendment 11

Proposal for a directive Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) Member States and EU relevant bodies shall ensure that the information to citizens concerning consular protection is up-to-date and easily accessible on digital platforms, including mobile applications, so that EU citizens have

quick and easy access to information and contact channels at any time. In this sense, a broadcast service should be established in order for EU citizens to receive contextualised messages related to their rights and how to exercise them through instant notifications when they arrive to third countries, and with warning messages in the event of a crisis. Additionally, a revised and improved joint EU portal for consular protection including all relevant information, instructions for urgent situations and contact information relevant to EU delegations and consular states in third countries, should be considered.

Amendment 12

Proposal for a directive Recital 31

Text proposed by the Commission

(31) Member States should take additional measures to further contribute to raising Union citizen's awareness of their right to consular protection, also taking into account the specific needs of persons with disabilities. Given the limited costs it entails **for the** Member States, **one possible way to do so would be to** reproduce the wording of Article 23 TFEU in passports issued by Member States as a way to enhance citizens' awareness of the right to protection by diplomatic and consular authorities, as already recommended by Commission Recommendation C(2007) 5841⁵. Member States could also feature information on the right to consular protection enjoyed by unrepresented citizens in travel advice and campaigns relating to consular assistance. They could also cooperate with passenger transport service providers and transport hubs offering travel to third countries, for example by inviting them to add relevant information on the right to consular

Amendment

(31) Member States should take additional measures to further contribute to raising Union citizen's awareness of their right to consular protection, also taking into account the specific needs of persons with disabilities. Given the limited costs it entails, Member States **should** reproduce the wording of Article 23 TFEU in passports issued by Member States as a way to enhance citizens' awareness of the right to protection by diplomatic and consular authorities, as already recommended by Commission Recommendation C(2007) 5841⁵. Member States could also feature information on the right to consular protection enjoyed by unrepresented citizens in travel advice and campaigns relating to consular assistance. They could also cooperate with passenger transport service providers and transport hubs offering travel to third countries, for example by inviting them to add relevant information on the right to consular protection to the information materials

protection to the information materials made available to customers.

made available to customers.

⁵ Commission Recommendation C(2007) 5841 of 5 December 2007 on reproducing the text of Article 20 TEC in passports (OJ L 118, 6.5.2008, p. 30, ELI: <http://data.europa.eu/eli/reco/2008/355/oj>).

⁵ Commission Recommendation C(2007) 5841 of 5 December 2007 on reproducing the text of Article 20 TEC in passports (OJ L 118, 6.5.2008, p. 30, ELI: <http://data.europa.eu/eli/reco/2008/355/oj>).

Amendment 13

Proposal for a directive Recital 32

Text proposed by the Commission

(32) The financial provisions of Directive (EU) 2015/637 should be adapted to simplify reimbursements and continue ensuring financial burden-sharing. In particular, it should be possible for unrepresented citizens to directly reimburse costs, under the same conditions as nationals of the assisting Member State, for the service provided by that Member State to avoid the administrative burden resulting from seeking reimbursements from the citizen's Member State of nationality. In addition, Member States should also be allowed to waive the charging of such costs. As, in certain situations, unrepresented citizens may not be able to pay when making the request for assistance, notably when their cash and means to access funds have been stolen, it is necessary to provide that they may be required by the consular authorities of the assisting Member State to sign an undertaking to repay. On the basis of such an undertaking, the authorities of the assisting Member State may ask for the reimbursement of the costs once **four weeks** have passed since the assistance was provided.

Amendment

(32) The financial provisions of Directive (EU) 2015/637 should be adapted to simplify reimbursements and continue ensuring financial burden-sharing. In particular, it should be possible for unrepresented citizens to directly reimburse costs, under the same conditions as nationals of the assisting Member State, for the service provided by that Member State to avoid the administrative burden resulting from seeking reimbursements from the citizen's Member State of nationality. In addition, Member States should also be allowed to waive the charging of such costs. As, in certain situations, unrepresented citizens may not be able to pay when making the request for assistance, notably when their cash and means to access funds have been stolen, it is necessary to provide that they may be required by the consular authorities of the assisting Member State to sign an undertaking to repay. On the basis of such an undertaking, the authorities of the assisting Member State may ask for the reimbursement of the costs once **three months** have passed since the assistance was provided.

Amendment 14

Proposal for a directive Recital 34 a (new)

Text proposed by the Commission

Amendment

(34a) An appropriate increase of the EEAS budget and human resources should be granted, in addition to the revenue from Member States reimbursements, to guarantee the proper execution of responsibilities in providing assistance and/or protection to EU citizens. The impact of continuous crises and conflicts worldwide can entail the risk of overloading Member States' consular protection and/or assistance, particularly in times of major crisis. The EEAS and Union Delegations, which have assumed an increasing role in this regard, have played a pivotal coordinating role on the ground.

Amendment 15

Proposal for a directive Recital 37 a (new)

Text proposed by the Commission

Amendment

(37a) It is important to recall in the context of a crisis response that the 'Strategic Compass for Security and Defence, endorsed by the European Council on 24 March 2022, enacted the development of an EU Rapid Deployment Capacity, with a projected strength of 5000 troops, to be used in different phases of an operation in a non-permissive environment, and which will initially focus on rescue and evacuation operations as part of a coordinated crisis response.

Amendment 16

Proposal for a directive
Article 1 – paragraph 1 – point -1 a (new)
Directive (EU) 2015/637
Article 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(-1a) in Article 4, the following subparagraph 1a is added:

‘Recognised refugees and stateless persons and other persons who do not hold the nationality of any country, who reside in a Member State and are holders of a travel document issued by that Member State shall be entitled to consular protection under the same conditions as unrepresented citizens, if a Member State of residence is not represented by a diplomatic or consular authority.’

Amendment 17

Proposal for a directive
Article 1 – paragraph 1 – point 1
Directive (EU) 2015/637
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) When providing consular protection to unrepresented citizens, Member States shall take into account the specific needs of vulnerable groups and individuals at risk of discrimination on any ground such as those referred to in Article 21 of the Charter, namely sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.’

Amendment 18

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) The EEAS and Union Delegations shall be allocated the necessary financial and human resources to cover the overhead and additional horizontal administrative workload.

Amendment 19

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. In the context of local consular cooperation referred to in Article 12, Member States and the EEAS shall set up and agree a joint consular contingency plan for each third country. The joint consular contingency plan shall be updated annually and contain:

1. In the context of local consular cooperation referred to in Article 12, Member States and the EEAS shall set up and agree a joint consular contingency plan for each third country. The joint consular contingency plan shall be updated annually, **or more frequently in the event of extraordinary circumstances**, and contain:

Amendment 20

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 13 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) an analysis of the consular situation in the country, including an overview of Member State embassies or consulates, an estimate of the number and location of

(a) an analysis of the consular situation in the country, including an overview of Member State embassies or consulates, an estimate of the number and location of

Union citizens, and a risk assessment of the most plausible scenarios affecting Union citizens;

Union citizens, and a risk assessment of the most plausible scenarios affecting Union citizens, ***such as, but not limited to, military, political, criminal and health risks, and natural disasters;***

Amendment 21

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 13 – paragraph 2 – subparagraph 1

Text proposed by the Commission

(2) Where present, Union delegations shall coordinate the setting up and agreement of joint consular contingency plans, based on contributions made by the embassies or consulates of the Member States represented in the third country concerned and the consular authorities of unrepresented Member States. Joint consular contingency plans shall be made available to all Member States, the EEAS and the Commission services.

Amendment

(2) Where present, Union delegations shall coordinate the setting up and agreement of joint consular contingency plans, based on contributions made by the embassies or consulates of the Member States represented in the third country concerned and the consular authorities of unrepresented Member States. ***This might include, when necessary, the cooperation with third countries and international organisations.*** Joint consular contingency plans shall be made available to all Member States, the EEAS and the Commission services.

Amendment 22

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 13 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(5a) Member States shall enhance situational awareness with Union Delegations in third countries, including by regularly sharing risk assessments updates and possible threats to the security of EU citizens, and by exchanging information on their travel

advice.

Amendment 23

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 13 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

(5b) The EEAS, in close cooperation with Member States, shall provide consular crisis preparedness, simulation and response training to Union officials and Member States’ diplomatic and consular staff to improve their ability to manage crisis situations and provide assistance to EU citizens abroad.

Amendment 24

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive (EU) 2015/637

Article 13 a – paragraph 2

Text proposed by the Commission

Amendment

2. Where necessary, Member States may be supported by joint consular teams composed of experts from Member States, in particular from Member States not represented in the third country affected by the crisis, the EEAS and the Commission services. Joint consular teams shall be available for rapid deployment to third countries affected by a consular crisis.

2. Where necessary, Member States may be supported by joint consular teams composed of experts from Member States, in particular from Member States not represented in the third country affected by the crisis, the EEAS and the Commission services. Joint consular teams shall be available for rapid deployment to third countries affected by a consular crisis. ***The EEAS and the Commission shall support the preparedness of those experts and of the joint consular teams.***

Amendment 25

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive (EU) 2015/637

Article 13 a – paragraph 4

Text proposed by the Commission

4. When providing assistance, Member States may ***seek, if appropriate, support*** from Union instruments such as the crisis management structures of the EEAS and its Crisis Response Centre ***and, via*** the Emergency Response Coordination Centre established by Article 7 of Decision No 1313/2013/EU, the Union Civil Protection Mechanism.

Amendment

4. When providing assistance, Member States may ***be supported*** from Union instruments such as the crisis management structures of the EEAS and its Crisis Response Centre. ***Member States may also involve*** the Emergency Response Coordination Centre established by Article 7 of Decision No 1313/2013/EU, the Union Civil Protection Mechanism ***and, if appropriate, EU missions and operations under the framework of the Common Security and Defence Policy and the EU Rapid Deployment Capacity as provided for in the ‘Strategic Compass for Security and Defence’.***

Amendment 26

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive (EU) 2015/637

Chapter 2 a – Article 13 b – paragraph 1 – introductory part

Text proposed by the Commission

1. At least once per year, Member States shall provide the Commission ***and the High Representative of the Union for Foreign Affairs and Security Policy*** with the following information:

Amendment

1. At least once per year, Member States shall provide ***the EEAS and*** the Commission with the following information:

Amendment 27

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive (EU) 2015/637

Chapter 2 a – Article 13 b – paragraph 2

Text proposed by the Commission

Amendment

2. Member States, the Commission services and the EEAS shall make the information referred to in paragraph 1, points (a), (b) and (c), publicly available in a manner that ensures the coherence of the information provided.

2. Member States, the Commission services and the EEAS shall make the information referred to in paragraph 1, points (a), (b), (c) and **(d)**, publicly available in a manner that ensures the coherence of the information provided.

Amendment 28

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive (EU) 2015/637

Chapter 2 a – Article 13 c – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall take measures to inform their citizens of their right set out in Article 20(2), point (c), TFEU. ***This may include in particular the following measures:***

1. Member States shall take measures to inform their citizens of their right set out in Article 20(2), point (c), TFEU ***in particular by:***

Amendment 29

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive (EU) 2015/637

Chapter 2 a – Article 13 c – paragraph 1 – introductory part – point a

Text proposed by the Commission

Amendment

(a) reproducing the first sentence of Article 23 TFEU on national passports;

deleted

Amendment 30

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive (EU) 2015/637

Chapter 2 a – Article 13 c – paragraph 1 – introductory part – point c a (new)

Text proposed by the Commission

Amendment

(ca) developing automatic notification systems, such as short message systems via telephone networks, to provide all EU citizens with basic contact information for consular protection upon arrival to a third country, as well as warning messages in the event of a crisis;

Amendment 31

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive (EU) 2015/637

Chapter 2 a – Article 13 c – paragraph 1 – introductory part – point c b (new)

Text proposed by the Commission

Amendment

(cb) In addition, Member States shall reproduce the first sentence of Article 23 TFEU on national passports.

Amendment 32

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive (EU) 2015/637

Article 14 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

If an unrepresented citizen is unable to pay the costs referred to in paragraph 1 to the assisting Member State when making a request for assistance, the assisting Member State may require the unrepresented citizen to sign an undertaking to repay. On that basis, the assisting Member State may ask the unrepresented citizen concerned to pay such costs once **four weeks** have passed since the assistance was provided.

If an unrepresented citizen is unable to pay the costs referred to in paragraph 1 to the assisting Member State when making a request for assistance, the assisting Member State may require the unrepresented citizen to sign an undertaking to repay. On that basis, the assisting Member State may ask the unrepresented citizen concerned to pay such costs once **three months** have passed since the assistance was provided.

Amendment 33

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive (EU) 2015/637

Article 14 – paragraph 6

Text proposed by the Commission

6. The Commission may adopt implementing acts establishing standard forms to be used for the undertaking to repay referred to in paragraph 2 and for the repayment of the costs from the Member State of nationality referred to in paragraph 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15a(2).

Amendment

6. The Commission may adopt implementing acts establishing standard forms, ***available in all Member State languages***, to be used for the undertaking to repay referred to in paragraph 2 and for the repayment of the costs from the Member State of nationality referred to in paragraph 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15a(2).

Amendment 34

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive (EU) 2015/637

Article 16 a – paragraph 6

Text proposed by the Commission

6. When processing the personal data referred to in paragraph 5, the competent authorities of the Member States and Union institutions and bodies shall ensure suitable and specific measures to safeguard data subjects' interests. They shall also introduce internal policies and undertake necessary technical and organisational measures to prevent unauthorised access and transmission of such personal data.

Amendment

6. When processing the personal data referred to in paragraph 5, the competent authorities of the Member States and Union institutions and bodies shall ensure suitable and specific measures to safeguard data subjects' interests. They shall also introduce internal policies and undertake necessary technical and organisational measures to prevent unauthorised access and transmission of such personal data. ***Access rights to the personal data referred to in paragraph 5 shall only be granted to personnel holding an EU Member State passport.***

Amendment 35

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive (EU) 2015/637

Article 16 a – paragraph 7 – subparagraph 1

Text proposed by the Commission

For the purposes of this Directive, the competent authorities of the Member States shall transfer personal data to a third country or international organisation only to carry out the tasks referred to in Article 9, Article 10 and Article 13a and in accordance with Chapter V of Regulation (EU) 2016/679.

Amendment

For the purposes of this Directive, the competent authorities of the Member States shall transfer personal data to a third country or international organisation only to carry out the tasks referred to in Article 9, Article 10 and Article 13a and in accordance with Chapter V of Regulation (EU) 2016/679. ***Personal data referred to in paragraph 5 shall be excluded from such transfer, unless the explicit prior consent of the Union citizen concerned has been obtained.***

Amendment 36

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive (EU) 2015/637

Article 16 b – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall ensure that unrepresented citizens have an effective remedy under national law in the event of a breach of their rights under this Directive.

Amendment

Member States shall ensure that unrepresented citizens have an effective ***access to complaint mechanisms and remedies*** under national law in the event of a breach of their rights under this Directive.

Amendment 37

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive (EU) 2015/637

Article 19 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. ***No sooner than [eight years after the transposition deadline of the amending***

Amendment

3. ***By [four years after the transposition deadline of the amending***

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.

Directive] and every four years thereafter, the Commission shall carry out an evaluation ***of the transposition and application*** of this Directive and present a report on the main findings to the European Parliament and the Council, ***including possible breaches of the rights under this Directive***.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that he has received input from the following entities or persons in the preparation of the opinion, until the adoption thereof in committee:

Entity and/or person
European External Action Service
European Commission

The list above is drawn up under the exclusive responsibility of the rapporteur.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Measures to facilitate consular protection for unrepresented citizens of the Union in third countries
References	COM(2023)0930 – C9-0015/2024 – 2023/0441(CNS)
Committee responsible Date announced in plenary	LIBE 14.3.2024
Opinion by Date announced in plenary	AFET 14.3.2024
Rapporteur for the opinion Date appointed	Nacho Sánchez Amor 20.2.2024
Discussed in committee	22.2.2024
Date adopted	20.3.2024
Result of final vote	+ : 43 - : 3 0 : 4
Members present for the final vote	Alviina Alametsä, Alexander Alexandrov Yordanov, Maria Arena, Traian Băsescu, Krzysztof Brejza, Reinhard Bütikofer, Susanna Ceccardi, Włodzimierz Cimoszewicz, Katalin Cseh, Michael Gahler, Kinga Gál, Bernard Guetta, Andrius Kubilius, David Lega, Nathalie Loiseau, Leopoldo López Gil, Lukas Mandl, Thierry Mariani, David McAllister, Vangelis Meimarakis, Sven Mikser, Alessandra Moretti, Matjaž Nemec, Demetris Papadakis, Tonino Picula, Thijs Reuten, Nacho Sánchez Amor, Isabel Santos, Jordi Solé, Tineke Strik, Dominik Tarczyński, Hermann Tertsch, Idoia Villanueva Ruiz, Thomas Waitz, Isabel Wiseler-Lima, Tomáš Zdechovský, Željana Zovko
Substitutes present for the final vote	Udo Bullmann, Michael Kauch, Andrey Kovatchev, Georgios Kyrtos, Juozas Olekas, Nikos Papandreou, María Soraya Rodríguez Ramos, Mick Wallace, Javier Zarzalejos
Substitutes under Rule 209(7) present for the final vote	Theresa Bielowski, Sylvie Guillaume, Andrey Novakov, Juan Ignacio Zoido Álvarez

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

43	+
PPE	Alexander Alexandrov Yordanov, Traian Băsescu, Krzysztof Brejza, Michael Gahler, Andrey Kovatchev, Andrius Kubilius, Leopoldo López Gil, David McAllister, Lukas Mandl, Vangelis Meimarakis, Andrey Novakov, Isabel Wiseler-Lima, Javier Zarzalejos, Tomáš Zdechovský, Juan Ignacio Zoido Álvarez, Željana Zovko
Renew	Katalin Cseh, Bernard Guetta, Michael Kauch, Georgios Kyrtos, Nathalie Loiseau, María Soraya Rodríguez Ramos
S&D	Maria Arena, Theresa Bielowski, Udo Bullmann, Włodzimierz Cimoszewicz, Sylvie Guillaume, Sven Mikser, Alessandra Moretti, Matjaž Nemeč, Juozas Olekas, Demetris Papadakis, Nikos Papandreou, Tonino Picula, Thijs Reuten, Nacho Sánchez Amor, Isabel Santos
The Left	Idoia Villanueva Ruiz
Verts/ALE	Alviina Alametsä, Reinhard Bütikofer, Jordi Solé, Tineke Strik, Thomas Waitz

3	-
ECR	Dominik Tarczyński, Hermann Tertsch
ID	Thierry Mariani

4	0
ID	Susanna Ceccardi
NI	Kinga Gál
PPE	David Lega
The Left	Mick Wallace

Key to symbols:

+ : in favour

- : against

0 : abstention

9.4.2024

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Council directive amending Directive (EU) 2015/637 on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries and Directive (EU) 2019/997 establishing an EU Emergency Travel Document

(COM(2023)0930 – C9-0015/2024 – 2023/0441(CNS))

Rapporteur for opinion: Gilles Lebreton

AMENDMENTS

The Committee on Legal Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) Crises resulting in requests for consular protection are increasing in frequency and scale. The COVID-19 pandemic, the crisis in Afghanistan, Russia's war of aggression against Ukraine, the conflict in Sudan, the repatriations from Israel and Gaza and other similar crises have provided a context to identify gaps and reflect on how to further facilitate the exercise of the right to consular protection. Drawing lessons from those experiences, and in order to simplify procedures for citizens and consular authorities, the rules and procedures of Directive (EU) 2015/637 should be clarified and streamlined so as to improve the effectiveness of the provision of consular protection to unrepresented

Amendment

(2) Crises resulting in requests for consular protection are increasing in frequency and scale. The COVID-19 pandemic, the crisis in Afghanistan **in 2021**, Russia's war of aggression against Ukraine, the conflict in Sudan, the repatriations from Israel and Gaza, ***the multiplying humanitarian crises, as well as natural and human-made disasters,*** and other similar crises have provided a context to identify gaps and reflect on how to further facilitate the exercise of the right to consular protection. ***The EU should build up its capacity to respond to these ongoing multiplying crises, address any shortcomings, and enhance its preparedness, information-gathering and decision-making capacity ahead of and***

citizens of the Union, in particular in crisis situations. Best use should be made of the available resources at Member State and Union level, both locally in third countries and at capital level.

during any crisis. Drawing lessons from those experiences, and in order to simplify procedures for citizens and consular authorities, the rules and procedures of Directive (EU) 2015/637 should be clarified and streamlined so as to improve the effectiveness of the provision of consular protection to unrepresented citizens of the Union, in particular in crisis situations. Best use should be made of the available resources at Member State and Union level, both locally in third countries and at capital level.

Amendment 2
Proposal for a directive
Recital 4

Text proposed by the Commission

(4) To improve legal certainty for consular authorities and citizens, it is appropriate to lay down more detailed criteria that aid in the assessment whether a Union citizen is to be considered as unrepresented and thus eligible to receive consular protection from the Member State whose consular authorities have been approached. Those criteria should be sufficiently flexible and applied in light of local circumstances, such as ease of travel or security situation in the third country concerned. In this context, accessibility *and* proximity should remain *important* considerations.

Amendment

(4) To improve legal certainty *and effectiveness* for consular authorities and citizens, it is appropriate to lay down more *predictable, accessible and* detailed criteria that aid in the assessment whether a Union citizen is to be considered as unrepresented and thus eligible to receive consular protection from the Member State whose consular authorities have been approached. Those criteria should be sufficiently flexible and applied *proportionately* in light of local circumstances, such as ease of travel or security situation in the third country concerned. In this context, accessibility, proximity *and safety* should remain *key* considerations.

Amendment 3
Proposal for a directive
Recital 5

Text proposed by the Commission

(5) As first criterion, consular authorities should take into account the difficulty for citizens to safely reach or be reached by the embassy or consulate of their Member State of nationality within a reasonable period of time, taking into

Amendment

(5) As first criterion, consular authorities should take into account the difficulty for citizens to safely reach or be reached by the embassy or consulate of their Member State of nationality within a reasonable period of time, taking into

account the nature and urgency of the assistance requested and the means, notably financial resources, available to them. For example, the need for an EU Emergency Travel Document as a result of the loss of travel documents should, *in principle*, result in the citizen being considered as unrepresented if reaching the embassy or consulate of his or her Member State of nationality would require overnight or air travel, as he or she cannot be expected to travel under such circumstances.

account the nature and urgency of the assistance requested and the means, notably financial resources, available to them. ***While the appropriate period of time will depend on the particularities of each assistance request, the period for citizens to safely reach or be reached by the embassy or consulate of their Member State should not in any case exceed 48 hours.*** For example, the need for an EU Emergency Travel Document as a result of the loss of travel documents should result in the citizen being considered as unrepresented if reaching the embassy or consulate of his or her Member State of nationality would require overnight or air travel, as he or she cannot be expected to travel under such circumstances.

Amendment 4
Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Where a crisis situation results in a large number of applications for consular protection, the embassies and consulates of the Member States represented in the third country concerned should be given the possibility to agree to distribute applications based on available capacity with a view to making best use thereof. For that purpose, they *may* be assisted by Union delegations.

Amendment

(10) Where a crisis situation results in a large number of applications for consular protection, the embassies and consulates of the Member States represented in the third country concerned should be given the possibility to agree to distribute applications based on available capacity with a view to making best use thereof. For that purpose, they ***should*** be assisted by Union delegations. ***Such cooperation may include, inter alia, the exchange of information, logistical and administrative coordination, or the facilitation of communication between the parties concerned.***

Amendment 5
Proposal for a directive
Recital 14

Text proposed by the Commission

(14) It is necessary to ensure optimal

Amendment

(14) It is necessary to ensure optimal

access to justice for Union citizens victimised in third countries, which requires closer contact and cooperation between authorities and support organisations of third countries and consular authorities and support organisations of Member States.

and swift access to justice for Union citizens victimised in third countries, which requires closer contact and cooperation between authorities and support organisations of third countries and consular authorities and support organisations of Member States.

Amendment 6
Proposal for a directive
Recital 19

Text proposed by the Commission

(19) In order to ensure preparedness regarding possible consular crises requiring the provision of assistance to unrepresented citizens, local consular cooperation among Member States and Union delegations in third countries should include exchanges on matters relevant to such citizens, including their security and safety, the establishment of joint consular contingency plans and the organisation of consular exercises. In this context, it can be particularly relevant for the consular authorities of unrepresented Member States to be included in such local consular cooperation when coordinating on consular crisis preparedness and response.

Amendment

(19) In order to ensure preparedness regarding possible consular crises requiring the provision of assistance to unrepresented citizens, local consular cooperation among Member States and Union delegations in third countries should include exchanges on matters relevant to such citizens, including their security and safety, the establishment of joint consular contingency plans, **rapid response mechanisms** and the organisation of consular exercises. In this context, it can be particularly relevant for the consular authorities of unrepresented Member States to be included in such local consular cooperation when coordinating on consular crisis preparedness and response.

Amendment 7
Proposal for a directive
Recital 21

Text proposed by the Commission

(21) Past crises have shown the relevance of contingency planning and the usefulness of joint consular contingency plans, known as ‘Joint EU Consular Crisis Preparedness Frameworks’, in third countries, involving the participation of the diplomatic and consular authorities of all Member States, as well as of the local Union delegation. Such plans should be tailored to local circumstances, set a clear division of responsibilities between

Amendment

(21) Past crises have shown the relevance of contingency planning and the usefulness of joint consular contingency plans, known as ‘Joint EU Consular Crisis Preparedness Frameworks’, in third countries, involving the participation of the diplomatic and consular authorities of all Member States, as well as of the local Union delegation. Such plans should be tailored to local circumstances, set a clear division of responsibilities between

represented and non-represented Member States and the Union delegation and include a set of procedures and activities to be carried out at local level in case of a crisis, with a specific attention to the consular protection of unrepresented citizens.

Amendment 8
Proposal for a directive
Recital 23

Text proposed by the Commission

(23) Joint consular contingency plans should also take into account, where appropriate, the roles and responsibilities of Lead States, that is, Member States represented in a given third country that are in charge of coordinating and leading the assistance of unrepresented citizens during crises, to ensure the effective coordination of consular assistance. In addition, joint consular contingency plans should be evaluated annually in the context of consular exercises to ensure their continued relevance. At the same time, joint consular contingency plans should not be understood as replacing existing national crisis plans of Member States or affecting their responsibility to provide consular assistance to their own nationals.

Amendment 9
Proposal for a directive
Recital 25

Text proposed by the Commission

(25) Travel advice, that is, information issued by Member States about the relative safety of travelling to specific third countries, *enables* travellers to make an

represented and non-represented Member States and the Union delegation and include a set of *swift and effective* procedures and activities to be carried out at local level in case of a crisis, with a specific attention to the consular protection of unrepresented citizens.

Amendment

(23) Joint consular contingency plans should also take into account, where appropriate, the roles and responsibilities of Lead States, that is, Member States represented in a given third country that are in charge of coordinating and leading the assistance of unrepresented citizens during crises, to ensure the effective coordination of consular assistance. In addition, joint consular contingency plans should be evaluated annually – *or more frequently if extraordinary circumstances or instability so require* – in the context of consular exercises to ensure their continued relevance. At the same time, joint consular contingency plans should not be understood as replacing existing national crisis plans of Member States or affecting their responsibility to provide consular assistance to their own nationals, *but as a complementary initiative that may also help to coordinate the efforts of the represented Member States.*

Amendment

(25) Travel advice, that is, information issued by Member States about the relative safety of travelling to specific third countries, *should be regularly updated in*

informed decision about a particular travel destination, including third countries where their Member State of nationality is not represented. While the issuance of travel advice is the responsibility of Member States, it is appropriate that they coordinate on that topic, notably in the context of crisis situations, with a view to ensuring, to the extent possible, consistency in the level of advice given. This could include agreeing on a common structure of the levels of risk indicated in travel advice, making use of the secure platform of the EEAS. Where possible, such coordination should take place at an early stage when Member States are planning to change the level of their travel advice.

order to enable travellers to make an informed decision about a particular travel destination, including third countries where their Member State of nationality is not represented. While the issuance of travel advice is the responsibility of Member States, it is appropriate that they coordinate on that topic, notably in the context of crisis situations, with a view to ensuring, to the extent possible, consistency in the level of advice given. This could include agreeing on a common structure of the levels of risk indicated in travel advice, making use of the secure platform of the EEAS. Where possible, such coordination should take place at an early stage when Member States are planning to change the level of their travel advice. ***As part of this coordination process, Member States could explore ways of using information and communication technology and systems to provide travellers with travel advice in a more efficient and accessible way. For example, mobile applications or online platforms could be developed which provide real-time up-to-date information on the situation in various destinations, as well as personalised notifications for travellers based on their itinerary.***

Amendment 10
Proposal for a directive
Recital 26

Text proposed by the Commission

(26) Efficient coordination is vital to ensure effective crisis response. To ensure such coordination, Member States should be supported by the Crisis Response Centre of the EEAS and the Emergency Response Coordination Centre of the Commission. Coordinated Union crisis response is particularly important in cases requiring evacuations to ensure that available support is provided efficiently, and that best use is made of available evacuation capacities.

Amendment

(26) Efficient coordination is vital to ensure effective crisis response. To ensure such coordination, Member States have to be supported ***by and receive timely information from*** the Crisis Response Centre of the EEAS and the Emergency Response Coordination Centre of the Commission. Coordinated Union crisis response is particularly important in cases requiring evacuations to ensure that available support is provided efficiently,

For that reason, information on available evacuation capacity should be shared in a timely manner, including in case of rescue and evacuation operations using military assets.

and that best use is made of available evacuation capacities. For that reason, ***first-hand and relevant*** information, on available evacuation capacity ***for instance***, should be shared in a timely manner ***to enable a rapid and effective response***, including in case of rescue and evacuation operations using military assets. ***In this regard, the EEAS should be able to continuously receive up-to-date information from the Member States on the situation in third countries.***

Amendment 11
Proposal for a directive
Recital 28

Text proposed by the Commission

(28) Joint consular teams should be based on the principles ***of voluntary participation***, solidarity with represented Member States, equality with regard to decisions on internal working structures, simplicity regarding composition of teams, cost-sharing – with each Member State, Union institution or body bearing its own operational costs – flexibility, visibility of the coordinated Union response and openness to relevant third countries.

Amendment

(28) Joint consular teams should be based on the principles of solidarity with represented Member States, equality with regard to decisions on internal working structures, simplicity regarding composition of teams, cost-sharing – with each Member State, Union institution or body bearing its own operational costs – flexibility, visibility of the coordinated Union response and openness to relevant third countries.

Amendment 12
Proposal for a directive
Recital 30

Text proposed by the Commission

(30) To support Union citizens in need, it is important to provide them with reliable information on how to avail themselves of consular assistance in third countries. The Commission services and the EEAS should ***contribute to that objective by disseminating*** relevant information, including information to be provided by Member States on their consular networks and third countries where they have concluded practical arrangements on

Amendment

(30) To support Union citizens in need, it is important to provide them with ***accessible and*** reliable information on how to avail themselves of consular assistance in third countries. The Commission services and the EEAS should, ***in close coordination with the Member States, disseminate*** relevant information, including information to be provided by Member States on their consular networks and third countries where they have

sharing responsibilities for providing consular protection to unrepresented citizens. To facilitate the processing of such information, it should be provided in machine-readable format.

concluded practical arrangements on sharing responsibilities for providing consular protection to unrepresented citizens. To facilitate the processing of such information, it should be provided in machine-readable format.

Amendment 13
Proposal for a directive
Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) Member States and the relevant EU bodies should ensure that consular protection information provided to EU citizens on digital platforms, including mobile applications, is up-to-date, reliable, transparent and accessible. In this sense, a broadcast service should be set up in order for EU citizens to receive contextualised messages relating to their rights, how to exercise them when they arrive in third countries, and instant notifications in the event of a crisis. Additionally, a revised and improved joint EU consular protection portal should be considered, which would contain all the key information, instructions on what to do in an emergency, and the contact details of the relevant EU delegations and Member State consulates in non-EU countries.

Amendment 14
Proposal for a directive
Recital 31

Text proposed by the Commission

Amendment

(31) Member States should take additional measures to further contribute to raising Union citizen's awareness of their right to consular protection, also taking into account the specific needs of persons with disabilities. Given the limited costs ***it entails for*** the Member States, ***one possible way to do so would be to*** reproduce the

(31) Member States should take additional measures to further contribute to raising Union citizen's awareness of their right to consular protection, also taking into account the specific needs of persons with disabilities. Given the limited costs, Member States ***should*** reproduce the wording of Article 23 TFEU in passports

wording of Article 23 TFEU in passports issued by Member States as a way to enhance citizens' awareness of the right to protection by diplomatic and consular authorities, as already recommended by Commission Recommendation C(2007) 5841⁵. Member States *could* also feature information on the right to consular protection enjoyed by unrepresented citizens in travel advice and campaigns relating to consular assistance. They could also cooperate with passenger transport service providers and transport hubs offering travel to third countries, for example by inviting them to add relevant information on the right to consular protection to the information materials made available to customers.

⁵. Commission Recommendation C(2007) 5841 of 5 December 2007 on reproducing the text of Article 20 TEC in passports (OJ L 118, 6.5.2008, p. 30, ELI: <http://data.europa.eu/eli/reco/2008/355/oj>).

issued by Member States as a way to enhance citizens' awareness of the right to protection by diplomatic and consular authorities, as already recommended by Commission Recommendation C(2007) 5841⁵. Member States *should* also feature information on the right to consular protection enjoyed by unrepresented citizens in travel advice and campaigns relating to consular assistance. They could also cooperate with passenger transport service providers and transport hubs offering travel to third countries, for example by inviting them to add relevant information on the right to consular protection to the information materials made available to customers.

⁵ Commission Recommendation C(2007) 5841 of 5 December 2007 on reproducing the text of Article 20 TEC in passports (OJ L 118, 6.5.2008, p. 30, ELI: <http://data.europa.eu/eli/reco/2008/355/oj>).

Amendment 15

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) In cases where the costs have not been repaid by the citizen directly, that is, neither immediately when making the request or at a later stage when having been requested to do so by the assisting Member State on the basis of the undertaking to repay, the assisting Member State should be entitled to ask for the reimbursement of the costs due from the unrepresented citizen's Member State of nationality. To avoid being faced with requests for reimbursement after long periods, the assisting Member State and Member State of nationality should be given a reasonable deadline to, respectively, make the request and

Amendment

(33) In cases where the costs have not been repaid by the citizen directly, that is, neither immediately when making the request or at a later stage when having been requested to do so by the assisting Member State on the basis of the undertaking to repay, the assisting Member State should be entitled to ask for the reimbursement of the costs due from the unrepresented citizen's Member State of nationality. To avoid being faced with requests for reimbursement after long periods, the assisting Member State and Member State of nationality should be given a reasonable deadline to, respectively, make the request and reimbursement. *Application of these*

reimbursement.

measures will make it possible to ensure that the assisting Member State recuperates its costs in a timely and efficient manner, thus preventing any blockage of the use of funds in other such situations.

Amendment 16
Proposal for a directive
Recital 34 a (new)

Text proposed by the Commission

Amendment

(34a) Ongoing crises and conflicts across the globe and their fallout may result in a risk of Member States' consular protection and/or assistance services being overrun, particularly in times of major crisis. The EEAS and Union Delegations, which have assumed an increasingly important role in this regard, play a pivotal coordinating function on the ground. In addition to the revenue from Member States' reimbursements, an appropriate increase in the EEAS budget and headcount should be granted, to guarantee the proper execution of responsibilities in providing assistance and/or protection to EU citizens.

Amendment 17
Proposal for a directive
Recital 40

Text proposed by the Commission

Amendment

(40) Given that consular tasks can vary significantly, covering sensitive situations such as arrest, incarceration, injury or being a victim of a crime, it is necessary to ensure that competent authorities of the Member States and relevant Union institutions and bodies have access to and can exchange all the necessary information, including personal data, that is required to provide consular protection to Union citizens. In that context, the

(40) Given that consular tasks can vary significantly, covering sensitive situations such as arrest, incarceration, injury or being a victim of a crime, it is necessary to ensure that competent authorities of the Member States and relevant Union institutions and bodies have access to and can exchange all the necessary information, including personal data, that is required to provide consular protection to Union citizens. In that context, the

competent authorities of the Member States and, where they provide support, Union institutions and bodies should be entitled to process special categories of personal data, where doing so is strictly necessary to provide consular protection to the person concerned. This should cover health data, which may need to be processed in order to provide consular protection to an unrepresented citizen who has been seriously injured or has fallen seriously ill. Persons' facial images need to be processed notably in cases where an EU Emergency Travel Document is to be issued. Providing assistance to an unrepresented citizen, including in the defence of legal claims, may also exceptionally require the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, or data concerning sexual orientation. In certain cases, providing consular assistance may also require the processing of genetic data, such as when providing assistance in the context of serious accidents requiring the unique identification of an incapacitated person or in the context of establishing paternity. Finally, consular cases linked to arrest or detention may likely require the competent authorities to process personal data relating to criminal convictions and offences.

Amendment 18
Proposal for a directive
Recital 41

Text proposed by the Commission

(41) When processing such special categories of personal data, the competent authorities of the Member States and Union institutions and bodies should ensure suitable and specific measures to

competent authorities of the Member States and, where they provide support, Union institutions and bodies should be entitled to process special categories of personal data, ***putting in place suitable and specific measures to safeguard the fundamental rights and interests of the data subject***, where doing so is strictly necessary to provide consular protection to the person concerned. This should cover health data, which may need to be processed in order to provide consular protection to an unrepresented citizen who has been seriously injured or has fallen seriously ill. Persons' facial images need to be processed notably in cases where an EU Emergency Travel Document is to be issued. Providing assistance to an unrepresented citizen, including in the defence of legal claims, may also exceptionally require the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, or data concerning sexual orientation. In certain cases, providing consular assistance may also require the processing of genetic data, such as when providing assistance in the context of serious accidents requiring the unique identification of an incapacitated person or in the context of establishing paternity. Finally, consular cases linked to arrest or detention may likely require the competent authorities to process personal data relating to criminal convictions and offences.

Amendment

(41) When processing such special categories of personal data, the competent authorities of the Member States and Union institutions and bodies should ensure suitable and specific measures to

safeguard data subjects' interests. This should include, where possible, encrypting such personal data and specific attribution of access rights for personnel who have access to the specified types of special categories of personal data.

safeguard data subjects' **rights and** interests. This should include, where possible, encrypting such personal data and specific attribution of access rights for personnel who have access to the specified types of special categories of personal data.

Amendment 19

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive (EU) 2015/637

Article 6 – paragraph 2 – point a

Text proposed by the Commission

(a) the difficulty for the citizen concerned to safely reach or be reached by the embassy or consulate of his or her Member State of nationality within a reasonable period of time, taking into account the nature and urgency of the assistance requested and the means available to the citizen;

Amendment

(a) the difficulty for the citizen concerned to safely reach or be reached by the embassy or consulate of his or her Member State of nationality within a reasonable period of time, **given their specific circumstances**, taking into account the nature and urgency of the assistance requested and the means available to the citizen;

Amendment 20

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive (EU) 2015/637

Article 6 – paragraph 2 – point b

Text proposed by the Commission

(b) possible closures of the embassy or consulate of his or her Member State of nationality, including when it cannot be confirmed, within a reasonable period of time, as operational and accessible;

Amendment

(b) possible closures of the embassy or consulate of his or her Member State of nationality, including when it cannot be confirmed, within a reasonable period of time, **given the citizen's circumstances**, as operational and accessible;

Amendment 21

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive (EU) 2015/637

Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. When providing consular protection to unrepresented citizens, Member States shall take into account the needs of vulnerable individuals at risk of discrimination on any ground referred to in Article 21 of the Charter, namely sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

Amendment 22

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 11 – paragraph 1 – point b

Text proposed by the Commission

(b) facilitating the exchange of information between Member States' embassies and consulates;

Amendment

(b) facilitating, **together with the EEAS headquarters**, the exchange of information between Member States' embassies and consulates;

Amendment 23

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 11 – paragraph 1 – point c

Text proposed by the Commission

(c) facilitating, where appropriate, the exchange of information with local authorities, diplomatic and consular authorities of third countries and international organisations;

Amendment

(c) facilitating, **together with the EEAS headquarters**, where appropriate, the exchange of information with local authorities, diplomatic and consular authorities of third countries and international organisations;

Amendment 24

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 11 – paragraph 2

Text proposed by the Commission

2. Union delegations shall support Member States in the provision of consular protection to unrepresented citizens in accordance with Article 5(10) of Decision 2010/427/EU. Such support may include carrying out, upon request by and on behalf of Member States, specific consular assistance tasks. The assisting Member State and the Member State of nationality shall provide the Union delegation with all the relevant information in the case concerned.

Amendment 25

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment 26

Proposal for a directive

Article 1 – point 4

Directive (EU) 2015/367

Article 12 – paragraph 3

Text proposed by the Commission

Unless otherwise agreed by the consular authorities of the Member States, the Chair shall be a representative of the Union delegation. Where no Union delegation is present, meetings shall be chaired by a representative of a Member State.

Amendment

2. Union delegations shall support Member States in the provision of consular protection to unrepresented citizens in accordance with Article 5(10) of Decision 2010/427/EU. Such support may include carrying out, upon request by and on behalf of Member States, specific consular assistance tasks. The assisting Member State and the Member State of nationality shall provide ***,without delay,*** the Union delegation with all the relevant information in the case concerned.

Amendment

2a. Union delegations and the EEAS shall be allocated the necessary additional financial and human resources to cover the overheads and additional horizontal administrative workload.

Amendment

The Chair shall be a representative of a Member State, acting in close cooperation with the Union delegation, or a representative of the Union delegation, where expressly agreed by the consular authorities of the Member States. Where no Union delegation is present, meetings shall be chaired by a representative of a Member State.

Amendment 27
Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive (EU) 2015/637
Article 13 – paragraph 1

Text proposed by the Commission

1. In the context of local consular cooperation referred to in Article 12, Member States and the EEAS shall set up and agree a joint consular contingency plan for each third country. The joint consular contingency plan shall be updated annually and contain:

Amendment 28
Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive (EU) 2015/637
Article 13 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment 29
Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive (EU) 2015/637
Article 13 – paragraph 2

Text proposed by the Commission

2. Where present, Union delegations shall coordinate the setting up and agreement of joint consular contingency plans, based on contributions made by the embassies or consulates of the Member States represented in the third country concerned and the consular authorities of unrepresented Member States. Joint consular contingency plans shall be made available to all Member States, the EEAS and the Commission services.

Amendment

1. In the context of local consular cooperation referred to in Article 12, Member States and the EEAS shall set up and agree a joint consular contingency plan for each third country. The joint consular contingency plan shall be updated annually, ***or more frequently in the event of extraordinary circumstances or instability***, and contain:

Amendment

(aa) an estimate and overview of the available evacuation capacities;

Amendment

2. Where present, Union delegations shall coordinate the setting up and agreement of joint consular contingency plans, based on contributions made by the embassies or consulates of the Member States represented in the third country concerned and the consular authorities of unrepresented Member States. ***When necessary, this may include cooperation with third countries and international organisations.*** Joint consular contingency

plans shall be made available to all Member States, the EEAS and the Commission services.

Amendment 30

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States and Union delegations shall cooperate to deploy early warning systems to enable the timely detection of potential crises or hazards, such as natural disasters, political unrest or health emergencies, in the third country concerned. These systems shall utilise data analysis, risk assessments and intelligence-sharing to provide early indicators of emerging threats, thereby enhancing the effectiveness of crisis preparedness and response efforts.

Amendment 31

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 13 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall, in accordance with national law, **provide** their citizens **with the possibility to** register with or inform competent national authorities, by appropriate means and tools, of their travels to or residence in third countries.

4. Member States shall, in accordance with national law, **take proactive measures in order to ensure that** their citizens register with or inform competent national authorities, by appropriate means and tools, of their travels to or residence in third countries, **in particular when the third countries in question are not considered fully safe.**

Amendment 32

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/367

Article 13 – paragraph 5

Text proposed by the Commission

5. Member States shall exchange information on changes to their travel advice to citizens at an early stage, in particular in the context of crisis situations, and shall seek to ensure consistency in the level of travel advice given.’;

Amendment

5. Member States shall exchange information on changes to their travel advice to citizens at an early stage, in particular in the context of crisis situations, and shall seek to ensure consistency in the level of travel advice given. ***The Commission services and the EEAS shall make the travel advice referred to in the first subparagraph of this paragraph publicly available in a manner that ensures the consistency of the information provided. The Member States shall inform each other every time they become aware of increased security risks.’;***

Amendment 33

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 13 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. The EEAS, in close cooperation with the Member States, shall provide consular crisis preparedness, simulation and response training to Union officials and Member States’ diplomatic and consular staff to improve their ability to manage crisis situations and provide assistance to EU citizens abroad;

Amendment 34

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive (EU) 2015/637

Article 13 a – paragraph 1

Text proposed by the Commission

Amendment

1. In the event of a crisis, the Union and Member States shall closely cooperate to ensure efficient assistance for unrepresented citizens. They shall, where possible, inform each other of available

1. In the event of a crisis, the Union and Member States shall ***promptly and*** closely cooperate to ensure timely and efficient assistance for unrepresented citizens. They shall, where possible, inform

evacuation capacities *in a timely manner*, including in case of operations using military assets.

each other of available evacuation capacities *without undue delay*, including in case of operations using military assets.

Amendment 35

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive (EU) 2015/637

Article 13 a – paragraph 4

Text proposed by the Commission

4. When providing assistance, Member States may *seek, if appropriate*, support from Union instruments such as the crisis management structures of the EEAS and its Crisis Response Centre *and, via* the Emergency Response Coordination Centre established by Article 7 of Decision No 1313/2013/EU, the Union Civil Protection Mechanism.’;

Amendment

4. When providing assistance, Member States may *receive* support from Union instruments such as the crisis management structures of the EEAS and its Crisis Response Centre. *Member States may also involve* the Emergency Response Coordination Centre established by Article 7 of Decision No 1313/2013/EU, the Union Civil Protection Mechanism *and, if appropriate, EU missions and operations under the framework of the common security and defence policy and the EU rapid deployment capacity as provided for in the ‘Strategic Compass for Security and Defence’*.;

Amendment 36

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive (EU) 2015/637

Article 13 b – paragraph 1

Text proposed by the Commission

At least once per year, Member States shall provide the Commission and the High Representative of the Union for Foreign Affairs and Security Policy with the following information:

Amendment

Once *every six months*, Member States shall provide the Commission and the High Representative of the Union for Foreign Affairs and Security Policy with the following information:

Amendment 37

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive (EU) 2015/637

Article 13 b – paragraph 2

Text proposed by the Commission

2. Member States, the Commission services and the EEAS shall make the information referred to in paragraph 1, points (a), (b) **and** (c), publicly available in a manner that ensures the coherence of the information provided.

Amendment 38

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive (EU) 2015/367

Article 13 c – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment 39

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive (EU) 2015/637

Article 14 – paragraph 6

Text proposed by the Commission

6. The Commission may adopt implementing acts establishing standard forms to be used for the undertaking to repay referred to in paragraph 2 and for the repayment of the costs from the Member State of nationality referred to in paragraph 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15a(2).

Amendment 40

Proposal for a directive

Amendment

2. Member States, the Commission services and the EEAS shall make the information referred to in paragraph 1, points (a), (b), (c) **and (d)**, publicly available in a manner that ensures the coherence of the information provided.

Amendment

(-a) developing automatic notification systems, such as short message systems via telephone networks, to provide their citizens with basic information about the right to consular protection and relevant contact information upon arrival in a third country, as well as alerts during crisis situations.

Amendment

6. The Commission may adopt implementing acts establishing standard forms, ***available in all Member State languages***, to be used for the undertaking to repay referred to in paragraph 2 and for the repayment of the costs from the Member State of nationality referred to in paragraph 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15a(2).

Article 1 – paragraph 1 – point 9
Directive (EU) 2015/637
Article 16 a – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) ensure compliance with the provisions of Article 13(4) regarding the registration and notification of citizens' travels to or residence in third countries, as called for in the opinion of the European Data Protection Service, and provide the information and alerts referred to in point (-a) of Article 13c(1).

Amendment 41
Proposal for a directive
Article 1 – paragraph 1 – point 9
Directive (EU) 2015/637
Article 16 a – paragraph 4

Text proposed by the Commission

Amendment

4. Personal data processed pursuant to paragraphs 1 and 2 shall be limited to what is necessary to carry out the tasks referred therein, such as the identity of the person in need of consular protection and the circumstances of the consular case.

4. Personal data processed pursuant to paragraphs 1 and 2 shall be limited to what is **strictly** necessary to carry out the tasks referred therein, such as the identity of the person in need of consular protection and the circumstances of the consular case.

Amendment 42
Proposal for a directive
Article 1 – paragraph 1 – point 9
Directive (EU) 2015/637
Article 16 a – paragraph 5

Text proposed by the Commission

Amendment

5. The competent authorities of the Member States and Union institutions and bodies may process personal data **revealing** racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health, data concerning sex life or sexual orientation or personal data relating to

5. The competent authorities of the Member States and Union institutions and bodies may process personal data, **making sure that suitable and specific measures are taken to safeguard the fundamental rights and interests of the data subject, when such data reveals** racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data

criminal convictions and offences of a person in need of consular protection where doing so is strictly necessary to be able to carry out the tasks referred to in Article 9, Article 10, Article 11 and Article 13a in relation to that person.

for the purpose of uniquely identifying a natural person, data concerning health, data concerning sex life or sexual orientation or personal data relating to criminal convictions and offences of a person in need of consular protection where doing so is strictly necessary to be able to carry out the tasks referred to in Article 9, Article 10, Article 11 and Article 13a in relation to that person.

Amendment 43

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive (EU) 2015/637

Article 16 a – paragraph 6

Text proposed by the Commission

6. When processing the personal data referred to in paragraph 5, the competent authorities of the Member States and Union institutions and bodies shall ensure suitable and specific measures to safeguard data subjects' interests. They shall also introduce internal policies and undertake necessary technical and organisational measures to prevent unauthorised access and transmission of such personal data.

Amendment

6. When processing the personal data referred to in paragraph 5, the competent authorities of the Member States and Union institutions and bodies shall ensure suitable and specific measures to safeguard data subjects' **rights and** interests. They shall also introduce internal policies and undertake necessary technical and organisational measures to prevent unauthorised access and transmission of such personal data. ***Access rights to the personal data referred to in paragraph 5 shall be conferred on authorised personnel only.***

Amendment 44

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive (EU) 2015/637

Article 16 a – paragraph 7 – second subparagraph

Text proposed by the Commission

For the purposes of this Directive, Union institutions and bodies shall transfer personal data to a third country or international organisation only to carry out the tasks referred to in Article 10(1), Article 11 and Article 13a and in

Amendment

For the purposes of this Directive, Union institutions and bodies shall transfer personal data to a third country or international organisation only to carry out the tasks referred to in Article 10(1), Article 11 and Article 13a and in

accordance with Chapter V of Regulation (EU) 2018/1725.

accordance with Chapter V of Regulation (EU) 2018/1725. ***Personal data referred to in paragraph 5 shall be excluded from such transfer, unless the EU data subject gives their explicit prior consent.***

Amendment 45

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive (EU) 2015/637

Article 16 b – paragraph 1

Text proposed by the Commission

Member States shall ensure that unrepresented citizens have ***an*** effective ***remedy*** under national law in the event of a breach of their rights under this Directive.

Amendment

Member States shall ensure that unrepresented citizens have ***access to effective remedies and complaint mechanisms*** under national law in the event of a breach of their rights under this Directive.

Amendment 46

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive (EU) 2015/637

Article 19 – paragraph 3

Text proposed by the Commission

“3. No sooner than [***eight*** years after the transposition deadline of the amending 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.

Amendment

“3. No sooner than [***four*** years after the transposition deadline of the amending Directive], ***and every four years thereafter***, the Commission shall carry out an evaluation ***of the transposition and application*** of this Directive and present a report on the main findings to the European Parliament and the Council, ***including possible breaches of the rights under this Directive.***

**ANNEX: ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The rapporteur declares under his exclusive responsibility that he did not receive input from any entity or person to be mentioned in this Annex pursuant to Article 8 of Annex I to the Rules of Procedure.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries
References	COM(2023)0930 – C9-0015/2024 – 2023/0441(CNS)
Committee responsible Date announced in plenary	LIBE 14.3.2024
Opinion by Date announced in plenary	JURI 14.3.2024
Rapporteur for the opinion Date appointed	Gilles Lebreton 13.2.2024
Discussed in committee	19.3.2024
Date adopted	8.4.2024
Result of final vote	+: 10 –: 0 0: 3
Members present for the final vote	Gilles Lebreton, Maria-Manuel Leitão-Marques, Karen Melchior, Sabrina Pignedoli, Adrián Vázquez Lázara, Axel Voss, Marion Walsmann, Javier Zarzalejos
Substitutes present for the final vote	Patrick Breyer, Daniel Buda, Pascal Durand, Emil Radev, Nacho Sánchez Amor

**FINAL VOTE BY ROLL CALL
IN COMMITTEE ASKED FOR OPINION**

10	+
ID	Gilles Lebreton
NI	Sabrina Pignedoli
PPE	Daniel Buda, Emil Radev, Axel Voss, Marion Walsmann, Javier Zarzalejos
Renew	Karen Melchior, Adrián Vázquez Lázara
Vert/ALE	Patrick Breyer

0	-

3	0
S&D	Pascal Durand, Maria-Manuel Leitão-Marques, Nacho Sánchez Amor

Key to symbols:

+ : in favour

- : against

0 : abstentions

**ANNEX: ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that he has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
European Commission
European External Actions Service

The list above is drawn up under the exclusive responsibility of the rapporteur.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Measures to facilitate consular protection for unrepresented citizens of the Union in third countries		
References	COM(2023)0930 – C9-0015/2024 – 2023/0441(CNS)		
Date Parliament was consulted	26.1.2024		
Committee responsible Date announced in plenary	LIBE 14.3.2024		
Committees asked for opinions Date announced in plenary	AFET 14.3.2024	DEVE 14.3.2024	JURI 14.3.2024
Not delivering opinions Date of decision	DEVE 19.3.2024		
Rapporteurs Date appointed	Loránt Vincze 31.1.2024		
Discussed in committee	18.3.2024		
Date adopted	18.4.2024		
Result of final vote	+: –: 0:	37 5 0	
Members present for the final vote	Malik Azmani, Pietro Bartolo, Vasco BECKER-WEINBERG, Theresa Bielowski, Vladimír Bilčík, Karolin Braunsberger-Reinhold, Patrick Breyer, Annika Bruna, Clare Daly, Ana Miguel DOS SANTOS, Lucia Ďuriš Nicholsonová, Nicolaus Fest, Sylvie Guillaume, Evin Incir, Sophia in 't Veld, Marina Kaljurand, Assita Kanko, Fabienne Keller, Łukasz Kohut, Moritz Körner, Jeroen Lenaers, Juan Fernando López Aguilar, Erik Marquardt, Javier Moreno Sánchez, Maite Pagazaurtundúa, Birgit Sippel, Sara Skytvedal, Tineke Strik, Tomas Tobé, Jana Toom, Milan Uhrík, Javier Zarzalejos		
Substitutes present for the final vote	Gwendoline Delbos-Corfield, Philippe Olivier, Miguel Urbán Crespo, Tom Vandenkendelaere		
Substitutes under Rule 209(7) present for the final vote	Jakop G. Dalunde, Włodzimierz Karpiński, Marian-Jean Marinescu, Alin Mituța, Thomas Rudner, Laurence Sailliet		
Date tabled	19.4.2024		

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

37	+
ECR	Assita Kanko
PPE	Vasco BECKER-WEINBERG, Vladimír Bilčík, Karolin Braunsberger-Reinhold, Ana Miguel DOS SANTOS, Włodzimierz Karpiński, Jeroen Lenaers, Marian-Jean Marinescu, Laurence Sailliet, Sara Skyttedal, Tomas Tobé, Tom Vandenkendelaere, Javier Zarzalejos
Renew	Malik Azmani, Lucia Ďuriš Nicholsonová, Sophia in 't Veld, Moritz Körner, Alin Mituța, Maite Pagazaurtundúa, Jana Toom
S&D	Pietro Bartolo, Theresa Bielowski, Sylvie Guillaume, Evin Incir, Marina Kaljurand, Łukasz Kohut, Juan Fernando López Aguilar, Javier Moreno Sánchez, Thomas Rudner, Birgit Sippel
The Left	Clare Daly, Miguel Urbán Crespo
Verts/ALE	Patrick Breyer, Jakop G. Dalunde, Gwendoline Delbos-Corfield, Erik Marquardt, Tineke Strik

5	-
ID	Annika Bruna, Nicolaus Fest, Philippe Olivier
NI	Milan Uhrík
Renew	Fabienne Keller

0	0

Corrections to votes and voting intentions	
+	Fabienne Keller
-	
0	

Key to symbols:

+ : in favour

- : against

0 : abstention