



P9\_TA(2024)0336

## Measures to facilitate consular protection for unrepresented citizens of the Union in third countries

European Parliament legislative resolution of 24 April 2024 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)

(C/2025/3762)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2023)0930),
- having regard to Article 23(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
	<p>(1a) <i>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.</i></p>

**Amendment 2****Proposal for a directive****Recital 2**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
(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.	(2) Crises resulting in requests for consular protection are increasing in frequency and scale. The COVID-19 pandemic, the crisis in Afghanistan <b>in 2021</b> , Russia's war of aggression against Ukraine, the conflict in Sudan, the repatriations from Israel and Gaza, <b>the multiplying humanitarian crises and natural and human made disasters</b> 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. <b>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.</b> 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**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
(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.	(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 <b>pragmatic</b> , 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 <b>and safety</b> should remain important considerations.

**Amendment 4****Proposal for a directive****Recital 5**

Text proposed by the Commission	Amendment
<p>(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 <b><i>a reasonable period of time</i></b>, 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.</p>	<p>(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 <b><i>48 hours</i></b>, taking into account the nature and urgency of the assistance requested and the means, notably financial resources, available to them. <b><i>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 in any case not exceed 48 hours.</i></b> 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.</p>

**Amendment 5****Proposal for a directive****Recital 7**

Text proposed by the Commission	Amendment
<p>(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.</p>	<p>(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. <b><i>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.</i></b></p>

**Amendment 6****Proposal for a directive****Recital 11**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
(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.	(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 <b>or politically motivated</b> arrests. In addition, unrepresented citizens should be kept informed about any such transfers.

**Amendment 7****Proposal for a directive****Recital 13**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
(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.	(13) When providing consular protection to unrepresented citizens, Member States should take into account <b>an intersectional approach</b> to the specific needs of vulnerable groups, such as unaccompanied minors, <b>victims of force marriage or marital captivity who should be provided with legal and psychological support</b> , pregnant women, persons with reduced mobility, <b>elderly people</b> , 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**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
(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	(19) In order to ensure preparedness regarding possible consular crises requiring the provision of assistance to unrepresented citizens - <b>including natural disasters, political unrest or terrorist attacks</b> -, 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

Text proposed by the Commission	Amendment
<p>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.</p>	<p>establishment of joint consular contingency plans <b>and mechanisms for quick response</b>, 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.</p>

### Amendment 9

#### Proposal for a directive

#### Recital 23

Text proposed by the Commission	Amendment
<p>(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.</p>	<p>(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 <b>or more frequently if there are extraordinary circumstances that require so</b>, 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, <b>but as a coherent approach that can additionally help to coordinate the efforts of the represented Member States</b>.</p>

### Amendment 10

#### Proposal for a directive

#### Recital 25

Text proposed by the Commission	Amendment
<p>(25) Travel advice, that is, information issued by Member States about the relative safety of travelling to specific third countries, <b>enables</b> 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</p>	<p>(25) Travel advice, that is, information issued by Member States about the relative safety of travelling to specific third countries, <b>should be regularly updated in order to enable</b> 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</p>

Text proposed by the Commission	Amendment
<p>coordinate on that topic, notably in the context of <b>crisis situations</b>, with a view to <b>ensuring, to the extent possible, consistency</b> 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. <b>Where possible</b>, such coordination should take place at an early stage when Member States are planning to change the level of their travel advice.</p>	<p>that they coordinate on that topic, notably in the context of <b>crises</b>, with a view to <b>ensuring consistency</b> 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.</p>

### Amendment 11

#### Proposal for a directive

##### Recital 26

Text proposed by the Commission	Amendment
<p>(26) Efficient coordination is vital to ensure effective crisis response. To ensure such coordination, Member States <b>should</b> 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.</p>	<p>(26) Efficient coordination is vital to ensure effective crisis response. To ensure such coordination, Member States <b>have to</b> be supported <b>and receive timely information</b> 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 <b>quickly and</b> efficiently, and that best use is made of available evacuation capacities. For that reason, <b>first-hand and relevant</b> information, <b>such as</b> on available evacuation capacity <b>for instance</b>, should be shared in a timely manner <b>to be able to react rapidly and effectively</b>, including in case of rescue and evacuation operations using military assets. <b>In this regard, the EEAS should be able to receive automatic and continuous information from Member States on the situation in third countries</b></p>

### Amendment 12

#### Proposal for a directive

##### Recital 28

Text proposed by the Commission	Amendment
<p>(28) Joint consular teams should be based on the principles of <b>voluntary participation</b>, solidarity with represented Member States, equality with regard to decisions on internal working structures, simplicity regarding composition of teams, cost-sharing – with</p>	<p>(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,</p>

Text proposed by the Commission	Amendment
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.	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	Amendment
(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 <b>contribute to that objective by disseminating</b> 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.	(30) To support Union citizens in need, it is important to provide them with reliable <b>and easily accessible</b> information on how to avail themselves of consular assistance in third countries, <b>including digital contact options</b> . The Commission services and the EEAS should <b>disseminate in close coordination with Member States</b> 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 14

#### Proposal for a directive

##### Recital 30 a (new)

Text proposed by the Commission	Amendment
	(30a) <b>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.</b>

**Amendment 15****Proposal for a directive****Recital 31**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>(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 <b>for the Member States, one possible way to do so would be to</b> 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) 5841 (i). Member States <b>could</b> also feature information on the right to consular protection enjoyed by unrepresented citizens in travel advice and campaigns relating to consular assistance. They <b>could</b> 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.</p>	<p>(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 <b>States should</b> 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) 5841 (i). Member States <b>should</b> also feature information on the right to consular protection enjoyed by unrepresented citizens in travel advice and campaigns relating to consular assistance. They <b>should</b> 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.</p>
<p>(i) 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: <a href="http://data.europa.eu/eli/reco/2008/355/0j">http://data.europa.eu/eli/reco/2008/355/0j</a>).</p>	<p>(i) 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: <a href="http://data.europa.eu/eli/reco/2008/355/0j">http://data.europa.eu/eli/reco/2008/355/0j</a>).</p>

**Amendment 16****Proposal for a directive****Recital 32**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>(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</p>	<p>(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</p>

Text proposed by the Commission	Amendment
<p>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 <b>four weeks</b> have passed since the assistance was provided.</p>	<p>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 <b>three months</b> have passed since the assistance was provided</p>

### Amendment 17

#### Proposal for a directive

##### Recital 33

Text proposed by the Commission	Amendment
<p>(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.</p>	<p>(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. <b>The deadline should take into account the complexity of the problem, the involvement of the facility's staff and the duration of assistance</b></p>

### Amendment 18

#### Proposal for a directive

##### Recital 34 a (new)

Text proposed by the Commission	Amendment
	<p>(34a) <b>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.</b></p>

**Amendment 19****Proposal for a directive****Recital 41**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
(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.	(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 <b>and rights</b> . 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)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<p>(-1) <i>in Article 4, the following subparagraph 1a is added:</i></p> <p><i>'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.'</i></p>

**Amendment 21****Proposal for a directive****Article 1 – paragraph 1 – point 1**

Directive (EU) 2015/637

Article 6 – paragraph 2 – point a

<i>Text proposed by the Commission</i>	<i>Amendment</i>
(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	(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

Text proposed by the Commission	Amendment
of time, taking into account the nature and urgency of the assistance requested and the means available to the citizen;	of time, taking into account the nature and urgency of the assistance requested and the means available to the citizen. <b>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;</b>

### 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. <i>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 (EU) 2019/997.</i>

### 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. <i>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.</i>

**Amendment 24****Proposal for a directive****Article 1 – paragraph 1 – point 2**

Directive (EU) 2015/637

Article 9 – paragraph 1

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>(2) in Article 9, <b>points (e) and (f) are replaced by</b> the following:</p> <p><b>“(e) relief, evacuation and repatriation in case of an emergency;</b></p> <p><b>(f) need for an EU Emergency Travel Document established by Directive (EU) 2019/997 (*).</b></p>	<p>(2) in Article 9, the following <b>point is added:</b></p> <p><b>deleted</b></p> <p><b>deleted</b></p> <p><b>(fa) court proceedings in urgent cases requiring immediate attention.</b></p> <p><b>deleted</b></p>
<p>(* 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: <a href="http://data.europa.eu/eli/dir/2019/997/oj">http://data.europa.eu/eli/dir/2019/997/oj</a>).”;</p>	

**Amendment 25****Proposal for a directive****Article 1 – paragraph 1 – point 4**

Directive (EU) 2015/637

Article 11 – paragraph 2

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>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.</p>	<p>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 <b>without delay</b> the Union delegation with all the relevant information in the case concerned..</p>

**Amendment 26****Proposal for a directive****Article 1 – paragraph 1 – point 4**

Directive (EU) 2015/637

Article 11 – paragraph 2 a (new)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<b>2a. The EEAS and Union Delegations shall be allocated the necessary financial and human resources to cover the overhead and additional horizontal administrative workload</b>

**Amendment 27****Proposal for a directive****Article 1 – paragraph 1 – point 4**

Directive (EU) 2015/637

Article 13 – paragraph 1 – introductory part

<i>Text proposed by the Commission</i>	<i>Amendment</i>
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, <b>or more frequently in the event of extraordinary circumstances</b> and contain:

**Amendment 28****Proposal for a directive****Article 1 – paragraph 1 – point 4**

Directive (EU) 2015/637

Article 13 – paragraph 1 – point a

<i>Text proposed by the Commission</i>	<i>Amendment</i>
(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;	(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; <b>such as, but not limited to, military, political, criminal and health risks, and natural disasters;</b>

**Amendment 29****Proposal for a directive****Article 1 – paragraph 1 – point 4**

Directive (EU) 2015/637

Article 13 – paragraph 2 – subparagraph 1

<i>Text proposed by the Commission</i>	<i>Amendment</i>
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.	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. <b><i>This might include, when necessary, the cooperation with third countries and international organisations.</i></b> 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)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<b>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.</b>

**Amendment 31****Proposal for a directive****Article 1 – paragraph 1 – point 4**

Directive (EU) 2015/637

Article 13 – paragraph 4

<i>Text proposed by the Commission</i>	<i>Amendment</i>
4. Member States shall, in accordance with national law, <b>provide</b> their citizens <b>with the possibility to</b> 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, <b>take proactive measures in order to ensure that</b> their citizens register with or inform competent national authorities, by appropriate means and tools, of their travels to or residence in third countries, <b>in particular when the third countries in question are not considered fully safe.</b>

**Amendment 32****Proposal for a directive****Article 1 – paragraph 1 – point 4**

Directive (EU) 2015/637

Article 13 – paragraph 5

<i>Text proposed by the Commission</i>	<i>Amendment</i>
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.'	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.' <b>Member States should always inform each-other every time they become aware of increased security risks.</b>

**Amendment 33****Proposal for a directive****Article 1 – paragraph 1 – point 4**

Directive (EU) 2015/637

Article 13 – paragraph 5 a (new)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<b>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.</b>

**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
	<b>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.</b>

**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	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.	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. <b>The EEAS and the Commission shall support the preparedness of those experts and of the joint consular teams</b>

**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	Amendment
4. When providing assistance, Member States may <b>seek, if appropriate, support</b> from Union instruments such as the crisis management structures of the EEAS and its Crisis	4. When providing assistance, Member States may <b>be supported</b> from Union instruments such as the crisis management structures of the EEAS and its Crisis Response

Text proposed by the Commission	Amendment
Response Centre <b>and, via</b> the Emergency Response Coordination Centre established by Article 7 of Decision <b>No 1313/2013/EU</b> , the Union Civil Protection Mechanism.;	Centre. <b>Member States may also involve</b> the Emergency Response Coordination Centre established by Article 7 of Decision <b>No 1313/2013/EU</b> , the Union Civil Protection Mechanism. <b>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'.</b>

### 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. <i>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.</i>

### 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
<b>At least once per year</b> , Member States shall provide the Commission <b>and the High Representative of the Union for Foreign Affairs and Security Policy</b> with the following information:	<b>Once every six months</b> Member States shall provide the EEAS <b>and the</b> 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

<i>Text proposed by the Commission</i>	<i>Amendment</i>
2. Member States, the Commission services and the EEAS shall make the information referred to in paragraph 1, <b>points (a), (b) and (c), publicly</b> 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 <b>publicly</b> 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

<i>Text proposed by the Commission</i>	<i>Amendment</i>
3. <b>Where requested by the Commission</b> , Member States shall provide the information referred to in paragraph 1 in a machine-readable format.	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

<i>Text proposed by the Commission</i>	<i>Amendment</i>
1. Member States shall take measures to inform their citizens of their right set out in Article 20(2), point (c), TFEU. <b>This may include</b> in particular <b>the following measures</b> :	1. Member States shall take measures to inform their citizens of their right set out in Article 20(2), point (c), TFEU in particular <b>by</b> :

**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) <i>reproducing the first sentence of Article 23 TFEU on national passports;</i>	<i>deleted</i>

**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) <i>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.</i>

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

**Amendment 45****Proposal for a directive****Article 1 – paragraph 1 – point 7**

Directive (EU) 2015/637

Article 14 – paragraph 2 – subparagraph 1

<i>Text proposed by the Commission</i>	<i>Amendment</i>
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 <b>four weeks</b> 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.	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 <b>three months</b> 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

<i>Text proposed by the Commission</i>	<i>Amendment</i>
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).	6. The Commission may adopt implementing acts establishing standard forms, <b>available in all Member State languages</b> , 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)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<i>(fa) ensure compliance with the provisions of Article 13(4) regarding the registration and notification of citizens' travels to or residence in third countries.</i>

**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)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<i>(fb) provide the information and warnings referred to in Article 13c(1), point (-a);</i>

**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)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<i>(fc) process information and registrations of travels or residence provided in accordance with Article 13(4).</i>

**Amendment 50****Proposal for a directive****Article 1 – paragraph 1 – point 9**

Directive (EU) 2015/637

Article 16 a – paragraph 6

<i>Text proposed by the Commission</i>	<i>Amendment</i>
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.	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 <b>and rights</b> . 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

<i>Text proposed by the Commission</i>	<i>Amendment</i>
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.	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. <b>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.</b>

**Amendment 52****Proposal for a directive****Article 1 – paragraph 1 – point 9**

Directive (EU) 2015/637

Article 16 b – paragraph 1

<i>Text proposed by the Commission</i>	<i>Amendment</i>
Member States shall ensure that unrepresented citizens have an effective <b>remedy</b> under national law in the event of a breach of their rights under this Directive.	Member States shall ensure that unrepresented citizens have an effective <b>access to complaint mechanisms and remedies</b> 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

<i>Text proposed by the Commission</i>	<i>Amendment</i>
'No <b>sooner</b> than [ <b>eight</b> 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.	'No <b>later</b> than [ <b>five</b> 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.