

RECOMMENDATIONS

COMMISSION

COMMISSION RECOMMENDATION

of 5 December 2007

on reproducing the text of Article 20 TEC in passports

(notified under document number C(2007) 5841)

(2008/355/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

Whereas:

(1) Article 20 of the Treaty establishing the European Community (hereinafter Article 20 TEC) entitles Union citizens located in a third country in which their own Member State is not represented to protection by the diplomatic and consular authorities of any other Member State represented, on the same conditions as the nationals of that State. This right is also enshrined in Article 46 of the Charter of Fundamental Rights of the European Union.

(2) A Eurobarometer survey published in July 2006 revealed that the majority of Union citizens are not aware of Article 20 TEC and its implications. Only 23 % of the persons interviewed claimed to be familiar with the possibilities offered by Article 20 TEC. It also emerged that half of the Union citizens expect to travel to a third country within the next three years.

(3) The suggestion to reproduce Article 20 TEC in passports to inform citizens of their rights was invoked in the report of 9 May 2006 of Mr Barnier 'For a European civil protection force: Europe aid'. On 15 June 2006, the Council Presidency invited Member States to consider the possibility of reproducing the wording of Article 20 TEC in passports to ensure that Union citizens are well informed of their rights ⁽¹⁾.

(4) The Commission adopted a Green Paper on diplomatic and consular protection of Union citizens in third countries ⁽²⁾ on 28 November 2006, which proposed several possible actions to strengthen the protection of Union citizens. As an effective way of reminding citizens of their rights, it was suggested to recommend Member States to print Article 20 TEC in passports. This proposal received wide support from Member States, civil society, citizens and other European institutions ⁽³⁾ ⁽⁴⁾. To inform citizens of their right to protection by diplomatic and consular authorities under Article 20 TEC, it was also suggested to create an EU website concerning this right and to include a reference to the website in national passports.

(5) The issuing of passports falls under Member States' competence. A uniform format for passports was introduced by a Resolution of the representatives of the Governments of the Member States on 23 June 1981 ⁽⁵⁾. In addition, measures have been adopted at Community level regarding the security standards for passports. Minimum security standards for passports were introduced by a Resolution of the representatives of the Governments of the Member States on 17 October 2000 in order to combat forgery ⁽⁶⁾. A Council Regulation was adopted on 13 December 2004 requiring Member States to introduce biometric identifiers in passports by 28 August 2006 and to store additional data in passports by 28 June 2007 ⁽⁷⁾.

(6) Article 20 TEC should be reproduced in the official language(s) of the Member State issuing the passport.

⁽²⁾ COM(2006) 712.

⁽³⁾ Opinion of the European Parliament: A6-0454/2007.

⁽⁴⁾ Opinion of the European Economic and Social Committee: SOC/262 (CESE 425/2007).

⁽⁵⁾ OL C 241, 19.9.1981, p. 1.

⁽⁶⁾ OJ C 310, 28.10.2000, p. 1.

⁽⁷⁾ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p. 1).

⁽¹⁾ 'Reinforcing the European Union's emergency and crisis response capacities', Document of the Council 10551/06 of 15.6.2006.

- (7) It would be sufficient to reproduce the wording of the first sentence of Article 20 TEC. The second sentence refers to Member States' duty to engage in international negotiations to secure protection and is not directly relevant for citizens.
- (8) The Commission intends to create a website dedicated to consular protection to publish practical information, e.g. updated contact details of Member States' representations in third countries. It would be useful to include a reference to this website in national passports together with Article 20 TEC as a single common access point to information on this right.
- (9) To minimise the administrative burden of the Member States, it would be appropriate to recommend Member States to print Article 20 TEC in new passports issued after 1 July 2009.
- (10) In order to inform citizens whose passports are issued without a reference to Article 20 TEC, it should be recommended to affix a sticker on the outside rear cover.
- (11) To reproduce the wording of Article 20 TEC in passports would significantly enhance citizens' awareness of the right to protection by diplomatic and consular authorities and entail limited costs for the Member States,

HEREBY RECOMMENDS:

1. Member States are invited to reproduce the first sentence of Article 20 of the Treaty establishing the European Community and a reference to an EU website (<http://ec.europa.eu/consularprotection>) in passports issued after 1 July 2009.
2. Member States are invited to make available a sticker with the information referred to in point 1 to holders of passports issued before 1 July 2009.
3. Member States are invited to inform the Commission 18 months from the publication of this Recommendation in the *Official Journal of the European Union* of action taken in response to this Recommendation.

Done at Brussels, 5 December 2007.

For the Commission
Franco FRATTINI
Vice-President