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A7-0288/ 001-058

AMENDMENTS 001-058

by the Committee on Civil Liberties, Justice and Home Affairs

Report

Edit Bauer

A7-0288/2012

Consular protection for citizens of the Union abroad

Proposal for a directive (COM(2011)0881 – C7-0017/2012 – 2011/0432(CNS))

Amendment 1

Proposal for a directive

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Under Article 35 of the Treaty on European Union, the diplomatic and consular missions of the Member States and the Union delegations in third countries shall cooperate and shall contribute to the implementation of the right of citizens of the Union to protection in the territory of third countries.

Amendment 2

Proposal for a directive

Recital 7

Text proposed by the Commission

Amendment

(7) Where unrepresented citizens need protection in third countries efficient cooperation and coordination is required. The assisting Member State present in a third country and the Member State of origin of the citizen ***may need to*** cooperate

(7) Where unrepresented citizens need protection in third countries efficient cooperation and coordination is required. The assisting Member State ***and the Union delegation*** present in a third country and the Member State of origin of the citizen

closely. Local consular cooperation may be more complex for unrepresented citizens, as it requires coordination with authorities not represented on the ground. To fill the gap caused by the absence of an embassy or consulate of the citizen's own Member State, a stable framework should be ensured.

should cooperate closely.

Amendment 3

Proposal for a directive Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Local consular cooperation may be more complex for unrepresented citizens, as it requires coordination with authorities not represented on the ground. To fill the gap caused by the absence of an embassy or consulate of the citizen's own Member State, a stable framework should be ensured. Local consular cooperation should pay due attention to unrepresented citizens, for example by collecting the relevant contact details of the nearest regional embassies and consulates of Member States.

Amendment 4

Proposal for a directive Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) In order to facilitate and improve consular protection, with special attention being paid to the situation of unrepresented citizens, the Commission should establish practical guidelines.

Amendment 5

Proposal for a directive Recital 8

Text proposed by the Commission

(8) Citizens of the Union are unrepresented if their Member State of nationality does not have an accessible embassy or consulate in a third country. The notion of accessibility should be interpreted with a view to safeguarding the protection of citizens.

Amendment

(8) Citizens of the Union are unrepresented if their Member State of nationality does not have an accessible embassy or consulate in a third country ***or if accessing the embassy or consulate would present the citizen of a given Member State with an unnecessary use of precious time and financial resources in cases of emergency.*** The notion of accessibility should be interpreted with a view to safeguarding the protection of citizens.

Amendment 6

**Proposal for a directive
Recital 9**

Text proposed by the Commission

(9) In accordance with the right to respect for private and family life as recognised in Article 7 of the Charter of Fundamental Rights of the European Union, the assisting Member State should provide protection to third country family members of citizens of the Union ***under the same conditions as to third country family members of its own nationals. Any definition as to which persons are family members should draw inspiration from Articles 2 and 3 of the*** Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. Member States may not be in a position to deliver all types of consular protection to third country family members, ***notably*** emergency travel documents ***are not being issued.*** In accordance with Article 24 of the Charter, the best interests of the child, as provided for in the United Nations Convention on the Rights of the Child of 20 November 1989, should be a primary consideration.

Amendment

(9) In accordance with the right to respect for private and family life as recognised in Article 7 of the Charter of Fundamental Rights of the European Union, the assisting Member State should provide protection to third country family members of citizens of the Union, as ***defined in*** Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, ***under the same conditions as to third-country family members of its own nationals, taking into account the fact that*** Member States may not be in a position to deliver all types of consular protection to third country family members, ***such as*** emergency travel documents. ***However, Member States should take all action in their power to secure the integrity of the citizen's family.*** In accordance with Article 24 of the Charter, the best interests of the child, as provided for in the United Nations Convention on the Rights of the Child of 20 November 1989, should be a primary

consideration.

Amendment 7

Proposal for a directive Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The assisting Member State should consider providing protection to recognised refugees and stateless persons and other persons who do not hold the nationality of any Member State but who reside in one of the Member States and are holders of a travel document issued by that Member State, taking into account their particular situation.

Justification

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, cannot use any consular protection if a Member State of residence is not represented.

Amendment 8

Proposal for a directive Recital 10

Text proposed by the Commission

Amendment

(10) Unrepresented citizens should be able to freely choose the embassy **or** consulate from which they seek consular protection. Member States should be able to enter arrangements on burden-sharing. However such arrangements should be transparent for the citizen and should not jeopardize effective consular protection. Any such arrangement should be notified to the Commission and published on its dedicated website.

(10) Unrepresented citizens should be able to freely choose the embassy, consulate **or, where appropriate, the Union delegation** from which they seek consular protection. Member States should be able to enter arrangements on burden-sharing. **Such arrangements should be fairly distributed and take into account the capacities of each Member State.** However such arrangements should be transparent for the citizen and should not jeopardize effective consular protection. Any such arrangement should be notified to the Commission and published on its dedicated website **and on relevant websites of the Member States and of the Council.**

Amendment 9
Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Protection should be provided if applicants establish that they are citizens of the Union. Unrepresented citizens in need of consular protection may no longer be in possession of their identity documents. The fundamental status of citizenship of the Union is conferred directly by Union law and identity documents are of merely declaratory value. If applicants are unable to provide identity documents, they should therefore be able to prove their identity by any other means, if necessary following verification with the authorities of the Member State of which the applicant claims to be a national.

Amendment

(12) Protection should be provided if applicants establish that they are citizens of the Union. Unrepresented citizens in need of consular protection may no longer be in possession of their identity documents. The fundamental status of citizenship of the Union is conferred directly by Union law and identity documents are of merely declaratory value. If applicants are unable to provide identity documents, they should therefore be able to prove their identity by any other means, if necessary following verification with the authorities of the Member State of which the applicant claims to be a national. ***The assisting embassy or consulate should provide unrepresented citizens with the necessary means for verifying their identity.***

Amendment 10

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) In order to clarify which coordination and cooperation measures are necessary the ambit of cooperation and coordination should be specified. Consular protection for unrepresented citizens includes assistance in a number of typical situations, such as in case of arrest or detention, serious accident or serious illness and death, as well as with regard to providing relief and repatriation in case of distress and the issuance of emergency documents. Since the necessary protection always depends on the factual situation, consular protection should not be limited to those situations specifically mentioned in this Directive.

Amendment

(14) In order to clarify which coordination and cooperation measures are necessary the ambit of cooperation and coordination should be specified. Consular protection for unrepresented citizens includes assistance in a number of typical situations, such as in case of arrest or detention, serious accident or serious illness and death, as well as with regard to providing relief and repatriation in case of distress and the issuance of emergency documents, ***and in crisis situations.*** Since the necessary protection always depends on the factual situation, consular protection should not be limited to those situations specifically mentioned in this Directive.

Amendment 11

Proposal for a directive

Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) When providing consular protection in cases of arrest or detention, special situations should be taken into account, in particular when victims of trafficking in human beings are arrested or detained for committing crimes as a direct consequence of being trafficked. Unrepresented citizens could be in a more vulnerable situation given the fact that they do not have a direct representation.

Amendment 12

Proposal for a directive

Recital 15

Text proposed by the Commission

Amendment

(15) A prerequisite for effective coordination and cooperation between Member States' consular authorities is to establish the different types of assistance which are delivered in specific situations. Those types of assistance should reflect the common *practises* among Member States, without prejudice to Article 23 of the Treaty on the Functioning of the European Union which imposes an obligation on Member States to provide protection under the same conditions as to their nationals.

(15) A prerequisite for effective coordination and cooperation between Member States' consular authorities is to establish the different types of assistance which are delivered in specific situations. Those types of assistance should reflect the common *practices* among Member States, without prejudice to Article 23 of the Treaty on the Functioning of the European Union which imposes an obligation on Member States to provide protection under the same conditions as to their nationals. ***It should be ensured that language barriers are overcome and unrepresented citizens are provided with interpretation or other necessary assistance.***

Amendment 13

Proposal for a directive

Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) The Member States should consider

establishing a "trust fund" for consular protection, from which the embassy or consulate of the assisting Member State could advance its expenses for assisting an unrepresented citizen and into which the Member States of the assisted unrepresented citizen should reimburse the financial advance. The Commission, acting in cooperation with the Member States, should establish clear rules defining the division of financial burdens for the proper functioning of such a fund.

Amendment 14

Proposal for a directive Recital 20

Text proposed by the Commission

(20) Regarding coordination ***on the ground and*** in crisis situations, competences and respective roles should be clarified in order to ensure that unrepresented citizens are fully taken care of. ***Local consular cooperation should pay due attention to unrepresented citizens, for example by collecting relevant contact details of the nearest regional embassies and consulates of Member States.***

Amendment

(20) Regarding coordination in crisis situations, competences and respective roles should be clarified in order to ensure that unrepresented citizens are fully taken care of. ***In crisis situations, the Union delegations should ensure the necessary coordination among Member States. To be able to fulfil that role, the European External Action Service (EEAS) should be provided with the necessary financial means, including for the training of Member States' consular staff.***

Amendment 15

Proposal for a directive Recital 21

Text proposed by the Commission

(21) In the event of crisis adequate preparation and a clear division of responsibilities are essential. Crisis contingency planning should therefore fully include unrepresented citizens and national contingency plans should be coordinated. ***The concept of the Lead State should be further developed in that context.***

Amendment

(21) In the event of crisis adequate preparation and a clear division of responsibilities are essential. Crisis contingency planning should therefore fully include unrepresented citizens and national contingency plans should be coordinated ***by the EEAS.***

Amendment 16

Proposal for a directive

Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) The EEAS should organise training for consular staff in order to facilitate assistance to citizens, including unrepresented citizens as a part of preparation for crisis situations.

Amendment 17

Proposal for a directive

Recital 22 b (new)

Text proposed by the Commission

Amendment

(22b) Training courses should be organised for consular staff in order to improve cooperation and increase their knowledge of citizens' rights under the Treaties and this Directive.

Justification

It is important that consular staff should be aware of the rights of the citizens of other Member States who come to them for help.

Amendment 18

Proposal for a directive

Recital 23

Text proposed by the Commission

Amendment

(23) In third countries the Union is represented by the Union delegations, which together with the diplomatic and consular missions of the Member States contribute to the implementation of the right of citizens of the Union regarding consular protection as specified further in Article 35 of the Treaty on European Union. ***In line with the Vienna Convention on consular relations*** Member States ***may provide consular protection on behalf of another Member State unless***

(23) In third countries the Union is represented by the Union delegations, which together with the diplomatic and consular missions of the Member States contribute to the implementation of the right of citizens of the Union regarding consular protection as specified further in Article 35 of the Treaty on European Union. ***The Union delegations should ensure the necessary coordination among Member States and may be entrusted with consular tasks wherever relevant. The***

the third country concerned objects. Member States should undertake the necessary measures in relation to third countries to ensure that consular protection on behalf of other Member States can be provided.

EEAS should be provided with the necessary financial means in order to be able to fulfil that role.

Amendment 19

Proposal for a directive Recital 25

Text proposed by the Commission

(25) This Directive should not affect more favourable national provisions in so far as they are compatible with this Directive.

Amendment

(25) This Directive should not affect more favourable national provisions in so far as they are compatible with this Directive.
This Directive should not impose any obligations on the Member States to provide unrepresented citizens with those types of assistance which are not provided to their own nationals.

Amendment 20

Proposal for a directive Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) This Directive should not affect the obligation and/or right of unrepresented Member States to assist their citizens directly where necessary and/or desirable. Unrepresented Member States should give continuous support to Member States which are providing consular assistance to the citizens of the former.

Justification

This amendment seeks to clarify that, even in countries where they are not represented, Member States still have a role to play in helping their citizens.

Amendment 21

Proposal for a directive

Recital 25 b (new)

Text proposed by the Commission

Amendment

(25b) In order to ensure the swift and efficient functioning of this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of any amendment to the Annexes. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure the simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.

Justification

The rapporteur considers that the Commission should be delegated the power to amend the annexes, which consist of forms which may need to be updated from time to time. The new Articles 18a and 18b implement this.

Amendment 22

Proposal for a directive

Recital 27

Text proposed by the Commission

Amendment

(27) In accordance with the prohibition of discrimination contained in the Charter, Member States should implement this Directive without discrimination between the beneficiaries of this Directive on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or beliefs, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

(27) In accordance with the prohibition of discrimination contained in the Charter, ***in particular in Article 21***, Member States, ***Union delegations and, where relevant, the EEAS*** should ***always*** implement this Directive without discrimination between the beneficiaries of this Directive on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or beliefs, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

Amendment 23

Proposal for a directive Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) Member States should encourage their own nationals to register themselves on the websites of their Ministries for Foreign Affairs before visiting third countries in order to facilitate their assistance in cases of need, in particular in crisis situations.

Amendment 24

Proposal for a directive Recital 27 b (new)

Text proposed by the Commission

Amendment

(27b) Commission should consider establishing a 24/7 hotline in order to make information easily accessible for those citizens seeking consular protection in cases of emergency.

Amendment 25

Proposal for a directive Article 1

Text proposed by the Commission

Amendment

This Directive lays down the cooperation and coordination measures necessary to facilitate the ***exercise of the right*** of citizens of the Union, in the territory of a third country in which the Member State of which they are nationals is not represented, ***to protection*** by the diplomatic or consular authorities of another Member State on the same conditions as the nationals of that Member State.

This Directive lays down the cooperation and coordination measures necessary to facilitate the ***protection*** of citizens of the Union, in the territory of a third country in which the Member State of which they are nationals is not represented, by the diplomatic or consular authorities of another Member State on the same conditions as the nationals of that Member State. ***Where relevant, Union delegations may also be entrusted with consular tasks for unrepresented citizens.***

Amendment 26

Proposal for a directive

Article 2 – paragraph 1

Text proposed by the Commission

1. Every citizen holding the nationality of a Member State of the Union which is not represented by a diplomatic or consular authority in a third country, hereafter "unrepresented citizen", shall be **entitled to protection** by the diplomatic or consular authorities of another Member State under the same conditions as its nationals.

Amendment

1. Every citizen holding the nationality of a Member State of the Union which is not represented by a diplomatic or consular authority in a third country, hereafter "unrepresented citizen", shall be **protected** by the diplomatic or consular authorities of another Member State under the same conditions as its nationals **and by the Union delegation**.

Amendment 27

Proposal for a directive

Article 2 – paragraph 3

Text proposed by the Commission

3. Family members of unrepresented citizens who themselves are not citizens of the Union are entitled to consular protection under the same conditions as the family members of nationals of the **assisting** Member State **who themselves are not nationals**.

Amendment

3. Family members of unrepresented citizens who themselves are not citizens of the Union are entitled to consular protection under the same conditions as the family members of nationals of the Member State **of origin, or to consular protection by a Union delegation**.

Amendment 28

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

3. Honorary consuls shall be regarded as equivalent to accessible embassies or consulates **within the scope of their** competences pursuant to national law and practices.

Amendment

3. Honorary consuls shall be regarded as equivalent to accessible embassies or consulates **to the extent that they have the relevant** competences pursuant to national law and practices.

Amendment 29

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

1. Unrepresented citizens may choose the Member State embassy or consulate from which they seek consular protection.

Amendment

1. Unrepresented citizens may choose the Member State embassy or consulate from which they seek consular protection. ***They may also seek assistance from the Union delegation wherever necessary and relevant. Member States shall make available, on the websites of their Ministries for foreign affairs, information on their citizens' right to seek, in a third country in which those Member States are not represented, consular protection, in accordance with this Directive, from the diplomatic or consular authorities of another Member State, and on the conditions of the exercise of that right.***

Justification

The role of the Union delegation should be underlined.

Amendment 30

**Proposal for a directive
Article 4 – paragraph 2**

Text proposed by the Commission

2. A Member State may represent another Member State on a permanent basis and Member States' embassies or consulates in a third country may conclude arrangements on burden-sharing, provided that effective treatment of applications is ensured. Member States shall inform the European Commission of any such arrangement in view of publication on its dedicated internet site.

Amendment

2. In order to provide unrepresented citizens with consular protection and ensure the effective treatment of applications, Member States' representations and where relevant, the Union delegation may conclude local arrangements on burden sharing and the exchange of information. After notification to local authorities, such local arrangements shall be reported to the Commission and to the EEAS and published on the Commission's website and on the relevant websites of the Member States concerned. Those arrangements shall fully respect the provisions of this Directive.

Amendment 31

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. If the citizen of the Union is unable to produce a valid passport or identity card, nationality may be proven by any other means, if necessary following verification with the diplomatic and consular authorities of the Member State of which the applicant claims to be a national.

Amendment

2. If the citizen of the Union is unable to produce a valid passport or identity card, nationality may be proven by any other means, if necessary following verification with the diplomatic and consular authorities of the Member State of which the applicant claims to be a national. ***The assisting embassy or consulate shall provide unrepresented citizens with the necessary means for verifying their identity.***

Amendment 32

Proposal for a directive
Chapter 1 a and Article 5 a (new)

Text proposed by the Commission

Amendment

CHAPTER 1a

***Local consular protection cooperation
and coordination***

Article 5a

General principle

Member States' diplomatic and consular authorities shall closely cooperate and coordinate among each other and with the Union to ensure protection of unrepresented citizens under the same conditions as for nationals. The Union delegations shall facilitate cooperation and coordination among the Member States and between Member States and the Union to ensure the protection of unrepresented citizens under the same conditions as for nationals. When a consulate or embassy or, where relevant, the Union delegation assists an unrepresented citizen, the regionally responsible nearest consulate or embassy or the Ministry of Foreign Affairs of the citizen's Member State of nationality, as well as the Union delegation, shall be

contacted and shall cooperate in order to define the measures to be taken. Member States shall notify the relevant contact persons in the Ministries of Foreign Affairs to the EEAS which shall continuously update them in its secure internet site.

(If this amendment is adopted, Article 7 of the Commission's proposal becomes obsolete.)

Justification

Former Article 7 of the Commission proposal, amended.

Amendment 33

Proposal for a directive

Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

2. The consular protection referred to in paragraph 1 shall include assistance in the following situations

Amendment

2. The consular protection referred to in paragraph 1 shall include assistance in the following situations ***in particular:***

Amendment 34

Proposal for a directive

Article 6 – paragraph 2 – point b

(b) being victim of crime;

(b) being victim of crime ***or in danger of being victim of crime;***

Amendment 35

Proposal for a directive

Article 6 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

This consular protection shall also extend to all other situations where the represented Member State would habitually provide assistance to its own citizens.

Amendment 36

Proposal for a directive Article 8 – paragraph 1

Text proposed by the Commission

1. Where an unrepresented citizen is arrested or detained Member States' embassies or consulates, subject to Article 6(1), shall in particular:

(a) assist in informing the citizen's family members or other related persons at the citizen's request;

(b) visit the citizen and **monitor** minimum standards **of treatment in prison**;

(c) provide the citizen with information on **the rights of the detained**.

Amendment

1. Where an unrepresented citizen is arrested or **otherwise** detained Member States' embassies or consulates, subject to Article 6(1), shall in particular:

(a) assist in informing the citizen's family members or other related persons at the citizen's request;

(b) visit the citizen and **ensure that** minimum standards **of detention conditions are granted**;

(c) provide the citizen with information on **his/her** rights;

(ca) make sure that the citizen has access to proper legal advice.

Amendment 37

Proposal for a directive Article 8 – paragraph 3

Text proposed by the Commission

3. The embassy or consulate shall report to the citizen's Member State of nationality following any of its visits of the citizen and upon monitoring of minimum standards of **treatment in prison**. It shall immediately inform the citizen's Member State of nationality about any complaints of ill-treatment.

Amendment

3. The embassy or consulate shall report to the citizen's Member State of nationality following any of its visits of the citizen and upon monitoring of minimum standards of **detention conditions**. It shall immediately inform the citizen's Member State of nationality about any complaints of ill-treatment **and about the action taken in order to prevent such ill-treatment and ensure that minimum standards of detention conditions are granted**.

Amendment 38

Proposal for a directive Article 8 – paragraph 4

Text proposed by the Commission

4. The embassy or consulate shall inform the citizen's Member State of nationality about information provided by it to the citizen about his or her rights. It shall act as an intermediary, including as to assistance with drafting petitions for pardons or early releases and where the citizen wishes to apply for a transfer. If necessary it shall act as an intermediary for any legal fees deposited via the diplomatic or consular authorities of the citizen's Member State of nationality.

Amendment

4. The embassy or consulate shall inform the citizen's Member State of nationality about information provided by it to the citizen about his or her rights. It shall act as an intermediary, including as ***to ensure that the citizen has access to proper legal advice and*** to assistance ***including*** with drafting petitions for pardons or early releases and where the citizen wishes to apply for a transfer. If necessary it shall act as an intermediary for any legal fees deposited via the diplomatic or consular authorities of the citizen's Member State of nationality.

Amendment 39

Proposal for a directive Article 9 – paragraph 1

Text proposed by the Commission

1. Where an unrepresented citizen is the victim of a crime Member States' embassies or consulates, subject to Article 6(1), shall in particular:

- (a) assist in informing the citizen's family members or other related persons, if the citizen so wishes;
- (b) provide the citizen with information and/or assistance regarding ***relevant legal issues and*** health care.

Amendment

1. Where an unrepresented citizen is the victim of a crime ***or in danger of being victim of a crime*** Member States' embassies or consulates, subject to Article 6(1), shall in particular:

- (a) assist in informing the citizen's family members or other related persons, if the citizen so wishes;
- (b) provide the citizen with information and/or assistance regarding health care;

(ba) provide the citizen with information on his/her rights and with access to proper legal assistance and counselling.

Amendment 40

Proposal for a directive

Article 9 – paragraph 2

Text proposed by the Commission

2. The embassy or consulate shall inform the citizen's Member State of nationality about the incident, its seriousness and the assistance given **and** shall liaise with the citizen's family members or other related persons **if** the citizen, **where possible, has given his or her** consent.

Amendment

2. The embassy or consulate shall inform the citizen's Member State of nationality about the incident, its seriousness and the assistance given. **That Member State** shall liaise with the citizen's family members or other related persons **unless** the citizen **has refused to give** consent.

Justification

This amendment, and the following one, are being tabled because of the language barrier which may exist between the consular staff and the citizen's family. It would seem more appropriate for communication with family to be routed through the authorities of their Member State.

Amendment 41

Proposal for a directive

Article 10 – paragraph 2

Text proposed by the Commission

2. The embassy or consulate shall inform the citizen's Member State of nationality about the incident, its seriousness and the assistance given **and if appropriate** liaise with the victim's family members or other related persons. It shall inform the citizen's Member State of nationality if there is a need for medical evacuation. Any medical evacuation shall be subject to prior consent of the citizen's Member State of nationality except in cases of extreme urgency.

Amendment

2. The embassy or consulate shall inform the citizen's Member State of nationality about the incident, its seriousness and the assistance given. **That Member State shall** liaise with the victim's family members or other related persons **unless the citizen has refused to give consent**. It shall inform the citizen's Member State of nationality if there is a need for medical evacuation. Any medical evacuation shall be subject to prior consent of the citizen's Member State of nationality except in cases of extreme urgency.

Amendment 42

Proposal for a directive Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Local cooperation

Local cooperation meetings shall include a regular exchange of information relating to unrepresented citizens on matters such as the safety of citizens, detention conditions or consular access. Unless otherwise agreed centrally by the Ministries for Foreign Affairs, the Chair shall be a representative of a Member State or the Union delegation decided locally. The Chair shall collect and regularly update contact details, in particular regarding the contact points of unrepresented Member States, and share them with the local embassies and consulates and the Union delegation.

Justification

This Article is identical with the article 14 of the proposal for a directive just placed in a different order

Amendment 43

Proposal for a directive Chapter 3 and Article 12

Text proposed by the Commission

Amendment

CHAPTER 3

deleted

Financial procedures

Article 12

General rules

Where an unrepresented citizen requests assistance in the form of financial advance or repatriation, subject to Article 6 (1), the following procedure shall apply:

(a) the unrepresented citizen shall undertake to repay to his or her Member

State of nationality the full value of any financial advance or cost incurred, plus a consular fee if applicable, using the standard form set out in Annex I;

(b) if required by the assisting embassy or consulate, the citizen's Member State of nationality shall without delay provide the necessary information concerning the request, specifying whether any consular fee may be applicable;

(c) the assisting embassy or consulate shall inform the citizen's Member State of nationality about any request for financial advance or repatriation which it processed;

(d) on written request from the assisting embassy or consulate in the format set out in Annex I, the citizen's Member State of nationality shall reimburse the full value of any financial advance or cost incurred.

Justification

This Article is replaced by identical article 16a, just placed in a different order. The Chapter 3 is abolished.

Amendment 44

Proposal for a directive Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Facilitated procedure in crisis situations

1. In crisis situations the assisting embassy or consulate shall coordinate any evacuation or other necessary support provided for an unrepresented citizen with the citizen's Member State of nationality.

The assisting Member State shall submit any requests for reimbursement of the costs of such evacuation or support to the Ministry of Foreign Affairs of the citizen's Member State of nationality. The assisting Member State may seek reimbursement even if the unrepresented

citizen has not signed an undertaking to repay pursuant to Article 12 (a).

This paragraph shall not prevent the citizen's Member State of nationality from pursuing repayment on the basis of national rules.

2. In major crises, the costs of evacuation or support shall be reimbursed by the citizen's Member State of nationality on a pro-rata basis, by dividing the overall costs by the number of citizens assisted, if the assisting Member State so requests.

3. Where costs cannot be calculated, the assisting Member State may request reimbursement on the basis of fixed sums corresponding to the type of support provided, as set out in Annex 2.

4. Where the assisting Member State was financially supported in respect of assistance by the EU Civil Protection Mechanism, any contribution from the citizen's Member State of nationality shall be determined after deduction of the Union's contribution.

5. For requests for reimbursement the common formats set out in Annex 2 shall be used.

Justification

This Article is replaced by a new article 16b

Amendment 45

Proposal for a directive Chapter 4 – title

Text proposed by the Commission

Local and crisis cooperation and coordination

Amendment

Crisis cooperation and coordination

Amendment 46

Proposal for a directive Article 14

Text proposed by the Commission

Amendment

Article 14

deleted

Local cooperation

Local cooperation meetings shall include a regular exchange of information on unrepresented citizens, on matters such as safety of citizens, prison conditions or consular access. Unless otherwise agreed by the Ministries of Foreign Affairs centrally, the Chair shall be a representative of a Member State or the Union delegation decided locally. The Chair shall collect and regularly update contact details, in particular regarding the contact points of unrepresented Member States, and share them with the local embassies and consulates and the Union delegation.

Justification

See the justification of Am 24.

Amendment 47

Proposal for a directive Article 15 – paragraph 1

Text proposed by the Commission

Amendment

1. *To ensure comprehensive preparedness local contingency planning shall include unrepresented citizens. Member States represented in a third country shall coordinate the contingency plans among themselves and with the Union delegation. They shall agree on respective tasks to ensure that unrepresented citizens are fully assisted in case of crisis, appoint representatives for assembly points and inform unrepresented citizens on crisis preparedness arrangements under the same conditions as nationals.*

1. *Union delegations shall coordinate contingency planning among Member States in order to ensure comprehensive preparedness, including the division of tasks to ensure that unrepresented citizens are fully assisted in case of crisis, the appointment of representatives for assembly points and the provision of information to unrepresented citizens on crisis preparedness arrangements under the same conditions as nationals.*

Amendment 48

Proposal for a directive Article 15 – paragraph 2

Text proposed by the Commission

2. In the event of a crisis Member States **and the Union** shall closely cooperate to ensure efficient assistance of unrepresented citizens. **Member States and the Union shall inform each other** about available evacuation capacities in a timely manner. **Upon request Member States may be supported by** existing intervention teams at Union level including consular experts, in particular from the unrepresented Member States.

Amendment

2. In the event of a crisis Member States **and the EEAS** shall closely cooperate to ensure efficient assistance of unrepresented citizens. **The Union delegation shall coordinate the exchange of information** about available evacuation capacities in a timely manner, **coordinate the evacuation itself and provide the necessary assistance for evacuation, with possible support from** existing intervention teams at Union level including consular experts, in particular from the unrepresented Member States.

Amendment 49

Proposal for a directive Article 16 – Title

Text proposed by the Commission

Lead State

Amendment

Coordination in preparation for and in the event of crises

Amendment 50

Proposal for a directive Article 16 – paragraph 1

Text proposed by the Commission

1. **For the purpose of this directive the Lead State(s) is (are) one or more Member State(s) in a given third country,** in charge of coordinating and **leading** assistance regarding the preparation for and in case of crisis, which includes a specific role for unrepresented citizens.

Amendment

1. **The Union delegations shall be** in charge of coordinating and **providing** assistance regarding the preparation for and in case of crisis, which includes a specific role for unrepresented citizens.

Amendment 51

Proposal for a directive Article 16 – paragraph 2

Text proposed by the Commission

2. A Member State is designated as Lead State in a given third country, if it notified its intention through the existing secure communication network; unless another Member State objects within 30 days or the proposed Lead State renounces the task through the secure communication network. If more than one Member State wish to assume jointly the task of Lead State they shall jointly notify their intention through the secure communication network. In the event of crisis one or more Member States may assume this task immediately and shall undertake notification within 24 hours. Member States may decline the offer, but their nationals and other potential beneficiaries remain, in accordance with Article 6(1), eligible to assistance from the Lead State. If there is no Lead State, Member States represented on the ground shall agree on which Member State will coordinate assistance for unrepresented citizens.

Amendment

deleted

Amendment 52

Proposal for a directive Article 16 – paragraph 3

Text proposed by the Commission

3. To prepare for crises the **Lead State(s)** shall ensure that unrepresented citizens are duly included in embassies and consulates' contingency planning, that contingency plans are compatible and that embassies and consulates **as well as Union delegations** are duly informed about these arrangements.

Amendment

3. To prepare for crises the **Union delegation** shall ensure that unrepresented citizens are duly included in embassies and consulates' contingency planning, that contingency plans are compatible and that embassies and consulates are duly informed about these arrangements.

Amendment 53

Proposal for a directive Article 16 – paragraph 4

Text proposed by the Commission

4. In the event of crisis the **Lead State(s) or the Member State coordinating assistance** shall be in charge of coordination and leading assistance and assembly operations for unrepresented citizens, and **if necessary ensure** evacuation to a place of safety with the support of the **other** Member States concerned. It shall also provide a point of contact for unrepresented Member States, through which they can receive information about their citizens and coordinate necessary assistance. **The Lead State(s) or, the Member State coordinating assistance for unrepresented citizens** may seek, if appropriate, support from instruments such as the EU Civil Protection Mechanism and the crisis management structures of the European External Action Service. Member States shall provide the **Lead State(s) or the Member State coordinating assistance** with all the relevant information regarding their unrepresented citizens present in a crisis situation.

Amendment 54

Proposal for a directive Chapter 4 a (new)

Text proposed by the Commission

Amendment

4. In the event of crisis the **Union delegation** shall be in charge of coordination and leading assistance and assembly operations for unrepresented citizens, and **coordinate** evacuation to a place of safety with the support of the Member States concerned. It shall also provide a point of contact for unrepresented Member States, through which they can receive information about their citizens and coordinate necessary assistance. **The Union delegation and the Member States concerned** may seek, if appropriate, support from instruments such as the EU Civil Protection Mechanism and the crisis management structures of the European External Action Service. Member States shall provide the **Union delegation** with all the relevant information regarding their unrepresented citizens present in a crisis situation.

Amendment

CHAPTER 4a (new)
Financial procedures

Amendment 55

Proposal for a directive

Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a

General rules

Where an unrepresented citizen requests assistance in the form of a financial advance or repatriation, subject to Article 6(1), the following procedure shall apply:

- (a) the unrepresented citizen shall undertake to repay to his or her Member State of nationality the full value of any financial advance or costs incurred, plus a consular fee if applicable, using the standard form set out in Annex 1;*
- (b) if required by the assisting embassy or consulate, the citizen's Member State of nationality shall without delay provide the necessary information concerning the request, specifying whether any consular fee may be applicable;*
- (c) the assisting embassy or consulate shall inform the citizen's Member State of nationality about any request for a financial advance or repatriation which it processed;*
- (d) on written request from the assisting embassy or consulate in the format set out in Annex 1, the citizen's Member State of nationality shall reimburse the full value of any financial advance or costs incurred.*

Justification

See the justification of Am 25.

Amendment 56

Proposal for a directive Article 16 b (new)

Text proposed by the Commission

Amendment

Article 16b

Facilitated procedure in crisis situations

1. In crisis situations the Union delegation shall coordinate any evacuation or other necessary support provided for an unrepresented citizen with the citizen's Member State of nationality.

2. The EEAS shall have the necessary financial means for coordinating and providing assistance regarding preparation for and in crisis situations.

Justification

This amendment replaces and amends Article 13 of the proposal for a directive

Amendment 57

Proposal for a directive Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Amendments to the annexes

The Commission shall be empowered to adopt delegated acts in accordance with Article 18b concerning any amendment to the Annexes.

Amendment 58

Proposal for a directive Article 18 b (new)

Text proposed by the Commission

Amendment

Article 18b

Exercise of delegation

1. The power to adopt delegated acts is

conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 18a shall be conferred for an indeterminate period of time from*

3. The delegation of powers referred to in Article 18a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 18a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

** Date of entry into force of this Directive.*