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REPORT

on the proposal for a Council directive on consular protection for citizens of the Union abroad
(COM(2011)0881 – C7-0017/2012 – 2011/0432(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Edit Bauer

Symbols for procedures

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

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

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	36
OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS	38
OPINION OF THE COMMITTEE ON LEGAL AFFAIRS	50
PROCEDURE	62

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council directive on consular protection for citizens of the Union abroad

(COM(2011)0881 – C7-0017/2012 – 2011/0432(CNS))

(Special legislative procedure – consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2011)0881),
 - having regard to Article 23 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0017/2012),
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Foreign Affairs and of the Committee on Legal Affairs (A7-0288/2012),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to 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 amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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 ***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.***

(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 ***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

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. The notion of accessibility should be interpreted with a view to safeguarding the protection of citizens.

(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

(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.

Amendment

(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

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 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

Amendment

(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.***

(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 a (new)

Text proposed by the Commission

Amendment

(22a) 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

(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 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.*

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. *The Union delegations should ensure the necessary coordination among Member States and may be entrusted with consular tasks wherever relevant. The 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

(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.

Amendment

(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 28a (new)

Text proposed by the Commission

Amendment

(28a) 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 29 a (new)

Text proposed by the Commission

Amendment

(29a) 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

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 ***entitled to protection*** by the diplomatic or consular

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

authorities of another Member State under the same conditions as its nationals.

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

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.

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 2 and Article 5 a (new)

Text proposed by the Commission

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. When a consulate or embassy 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 shall be contacted. Member States shall notify the relevant contact persons in the Ministries of Foreign Affairs to the European External Action Service which shall continuously update them in its secure internet site.

Amendment

CHAPTER 2

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 European External Action Service which shall continuously update them in its secure internet site.

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 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 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

Amendment

Local and crisis cooperation and coordination

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

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.

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 49

Proposal for a directive Article 16 – Title

Text proposed by the Commission

Lead State

Amendment

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

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

Coordination in preparation for and in

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

Amendment

deleted

shall agree on which Member State will coordinate assistance for unrepresented citizens.

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

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

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.

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

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.***

EXPLANATORY STATEMENT

According to Article 23 of the Treaty of the Functioning of the European Union (TFEU) every citizen of the Union shall, in the territory of a third country in which the Member States of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the national of that State. This principle is also embedded in the Article 46 of the Charter of Fundamental Rights.

This directive aims to repeal the Decision 95/353/EC, the current legislative framework in force.

In order to facilitate the access of EU citizens to their rights, including the right to protection in third countries, a new legislative instrument is needed. The Stockholm Programme as well as the European Parliament called for common concepts in consular protection. Having regard to the growing number of crisis-hit areas, a common approach is even more required.

There are two different levels of consular protection, what is also traceable in the report:

- local consular protection in the everyday life,
- consular protection in crises situation.

According to the Lisbon Treaty the solidarity among Member States shall be sustained, therefore in the everyday cases of consular protection, such as in case of lost identity documents, arrest, detention, or death, the unrepresented citizen has the right to request the help of any diplomatic or consular authority of any Member State. There are cases, when though the EU citizen has its embassy or consulate in the third country but it is inaccessible. In these cases the Commission's proposal of defining the accessibility of embassy or consulate in a time sufficient to reach the embassy or consulate and return to their place of departure the same day, is reasonable having in mind the possible incidence of emergency situations in everyday life.

In cases of crisis situation, the report proposes that the Union Delegation is in charge of coordinating and providing assistance regarding the preparation for and in case of crisis. In order not to put unbearably heavy burden on the Lead State, or any Member State present in the area, it should be the Union Delegation who deals with all the coordination of cooperation, including the contingency plans among Member States and evacuation. It should be the Union Delegation, who should make sure that all EU citizens, including the unrepresented citizens are covered by contingency plans. This idea is in line with the Article 35 of the Treaty of the European Union (TEU) which says that "the diplomatic and consular missions of the Member States and the Union delegations in third countries (...) shall cooperate in ensuring that decisions defining Union positions and actions (...) are implemented. They shall contribute to the implementation of the right of citizens of the Union to protection in the territory of third countries as referred to in Article 20(2)(c) of the TFEU and of the measures adopted pursuant to Article 23 of that Treaty."

In everyday local consular protection the report is based on the current financial arrangements. On the other hand, in cases of crisis situations, where the Union Delegation has the role of coordination, it should have the necessary financial means to provide this

coordination. In addition, the Union Delegation may seek, if appropriate, support from instruments such as the EU Civil Protection Mechanism. However, for facilitating future consular protection, Member States should consider establishing of 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.

4.9.2012

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Council directive on consular protection for citizens of the Union abroad
(COM(2011)0881 – C7-0017/2012 – 2011/0432(CNS))

Rapporteur: Kristiina Ojuland

SHORT JUSTIFICATION

The Committee on Foreign Affairs believes that it is crucial to clarify the coordination and cooperation measures necessary for the day-to-day consular protection of unrepresented EU citizens which is a fundamental right granted by the EU citizenship as defined in Articles 20(2)(c) and 23 of the Treaty on the Functioning of the European Union (TFEU) and in Article 46 of the EU Fundamental Rights.

The Committee nevertheless expresses the view that the Commission proposal could have been much more ambitious and that it does not make use of all the possibilities offered by the Lisbon Treaty and especially the role of the EU delegations highlighted in Art. 35 TEU. This Council directive should pave the way for an increased role of the extensive network of EU delegations in the exercise of the consular protection. The Committee believes that in the long term, EU delegations should have a leading coordination role in this respect and, in well-defined circumstances, even be entrusted with consular tasks. This would

- simplify the procedures for EU citizens abroad;
- allow for economies of scale through increased pooling of human and financial resources;
- enhance the visibility of the EU towards third countries;
- strengthen the EU citizenship.

The Council Decision establishing the organisation and functioning of the European External Action Service (EEAS) states under Article 5(10) that EU delegations shall, upon request by Member States, support them in their role of providing protection to EU citizens in third countries *on a funding-neutral basis*. The review of this Council decision that is to take place

in 2013 should certainly take a close look at the financial arrangements needed for allowing the EU delegations to play their full role in the mechanisms put in place to ensure consular protection to unrepresented EU citizens.

The Committee on Foreign Affairs therefore proposes that this Council directive serves as a legal basis for the line 19-06-06 (consular protection) of the EU budget, in order to provide the Union with the necessary financial means for fulfilling these tasks through its delegations.

AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a directive Citation 1 a (new)

Text proposed by the Commission

Amendment

Having regard to the Treaty on European Union, and in particular Article 35 thereof,

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 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

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

or consulate of the citizen's own Member State, a stable framework should be ensured.

gap caused by the absence of an embassy or consulate of the citizen's own Member State, a stable framework should be ensured.

Amendment 3

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.

Amendment 4

Proposal for a directive Recital 23

Text proposed by the Commission

(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 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

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 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. ***The***

Member States can be provided.

Union delegations should ensure the necessary coordination among Member States and be entrusted with consular tasks wherever and whenever relevant, especially in times of distress. To be able to fulfil this role, the Union should be provided with the necessary financial means.

Amendment 5

Proposal for a directive Article 1 – paragraph 1

Text proposed by the Commission

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.

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, *or by the Union delegation in that third country.*

Amendment 6

Proposal for a directive Article 1 a (new)

Text proposed by the Commission

Amendment

Article 1a

Union delegations

1. The Union delegations shall be primarily responsible for ensuring cooperation and coordination among Member States for the provision of consular protection for unrepresented citizens of the Union, including by sharing infrastructure and available

resources.

2. The Union delegations may, wherever necessary and relevant, also be entrusted with consular tasks for unrepresented citizens. All references to Member States' embassies or consulates in this Directive shall therefore be construed as references to "Member States' embassies or consulates, or Union delegations wherever agreed".

3. The Union delegations shall be provided with the financial means and all other necessary resources, including adequate training and capacity-building, to carry out the tasks set out in paragraphs (1) and (2).

Amendment 7

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 entitled to protection by the diplomatic or consular authorities of **any other** Member State under the same conditions as its nationals, **or by the Union delegation.**

Amendment 8

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

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 *assisting* Member State *who themselves are not nationals*.

family members of nationals of the Member State *of origin, or to consular protection by a Union delegation*.

Amendment 9

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. *The Union delegations shall inform unrepresented citizens of the possibility of receiving consular protection. The Union delegations, the Member States and the European Commission shall raise awareness among Union citizens about their right to turn to Union delegations in third countries to seek assistance.*

Amendment 10

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. 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. *Union delegations shall coordinate, in third countries, the efforts to set up those arrangements, and shall* inform the European Commission *in good time* of any such arrangement in view of publication on *the* dedicated internet site.

Amendment 11

Proposal for a directive Article 7

Text proposed by the Commission

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. When a consulate or embassy 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 shall be contacted. Member States shall notify the relevant contact persons in the Ministries of Foreign Affairs to the European External Action Service which shall continuously update them in its secure internet site.

Amendment

Union delegations shall lead the cooperation and coordination among the Member States on the one hand and between Member States and the Union ***on the other*** to ensure protection of unrepresented citizens under the same conditions as for nationals. When a consulate or embassy 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 shall be contacted. Member States shall notify the relevant contact persons in the Ministries of Foreign Affairs to the European External Action Service which shall continuously update them in its secure internet site.

Amendment 12

Proposal for a directive Article 13 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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

Amendment 13

Proposal for a directive Article 14

Text proposed by the Commission

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.***

Amendment

Local cooperation meetings shall ***be chaired by a representative of the Union delegation.*** ***They shall*** include a regular exchange of information on unrepresented citizens, on matters such as safety of citizens, prison ***and detention*** conditions, consular access ***and crisis planning.*** 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.

Amendment 14

Proposal for a directive Article 15 – paragraph 1

Text proposed by the Commission

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.***

Amendment

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 information to be given to unrepresented citizens on crisis preparedness arrangements under the same conditions as nationals.***

Amendment 15

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 Union 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 ***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 16

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 17

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 leading assistance regarding the preparation for and in case of crisis, which includes a specific role for unrepresented citizens.

Amendment 18

Proposal for a directive Article 16 – paragraph 2

Text proposed by the Commission

Amendment

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.

deleted

Amendment 19

Proposal for a directive Article 16 – paragraph 3

Text proposed by the Commission

Amendment

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.

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 20

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

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.

PROCEDURE

Title	Consular protection for citizens of the Union abroad						
References	COM(2011)0881 – C7-0017/2012 – 2011/0432(CNS)						
Committee responsible Date announced in plenary	LIBE 2.2.2012						
Opinion by Date announced in plenary	AFET 2.2.2012						
Rapporteur Date appointed	Kristiina Ojula 11.1.2012						
Discussed in committee	10.7.2012						
Date adopted	3.9.2012						
Result of final vote	<table> <tr> <td>+: </td><td>32</td></tr> <tr> <td>–: </td><td>1</td></tr> <tr> <td>0: </td><td>1</td></tr> </table>	+:	32	–:	1	0:	1
+:	32						
–:	1						
0:	1						
Members present for the final vote	Bastiaan Belder, Elmar Brok, Arnaud Danjean, Michael Gahler, Marietta Giannakou, Richard Howitt, Liisa Jaakonsaari, Anneli Jäätteenmäki, Evgeni Kirilov, Maria Eleni Koppa, Wolfgang Kreissl-Dörfler, Eduard Kukan, Alexander Graf Lambsdorff, Vytautas Landsbergis, María Muñoz De Urquiza, Raimon Obiols, Pier Antonio Panzeri, Ioan Mircea Pașcu, Alojz Peterle, Bernd Posselt, Fiorello Provera, Tokia Saïfi, Nikolaos Salavrakos, Jacek Saryusz-Wolski, György Schöpflin, Marek Siwiec, Charles Tannock, Sir Graham Watson, Boris Zala						
Substitute(s) present for the final vote	Emilio Menéndez del Valle, Norbert Neuser, Joachim Zeller						
Substitute(s) under Rule 187(2) present for the final vote	Leonidas Donskis, Danuta Jazłowiecka						

12.7.2012

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Council directive on consular protection for citizens of the Union abroad
(COM(2011)0881 – C7-0017/2012 – 2011/0432(CNS))

Rapporteur: Tadeusz Zwiefka

SHORT JUSTIFICATION

The right for a citizen of an unrepresented Member State to seek assistance from the consular authorities of other Member States who are represented is one of the rights conferred by Union citizenship. The relevant legal provisions are Article 23 of the Treaty on the Functioning of the European Union and Article 46 of the Charter of Fundamental Rights.

A legal framework for implementing this right was first laid down by Decision 95/353/EC. This right has thus been in existence for some time. However, there is a need to strengthen this framework as experience has shown that citizens are not fully able to benefit from their rights to consular protection.

One of the major problems is that citizens have not been aware of their right to obtain help from the consulate of another Member State when they are in a third country in which their own Member State is not represented. This new Directive seeks to address this problem.

Furthermore, this Directive aims to take a more coordinated approach to the issue of assistance for unrepresented Union citizens. Without prejudice to the right of unrepresented citizens to seek help from the authorities of any Member State, the Directive will create a framework under EU law which will allow Member States to agree that, in a certain country or area, one Member State will act as 'Lead State' and coordinate consular activity. These agreements will be made public, meaning that citizens travelling to a certain place will know which consulate to contact in the first instance.

In the long term, this could also lead to savings, as once a Lead State has been appointed by agreement between Member States, there will be less need for other Member States to also be represented in that locality.

Finally, one of the stumbling blocks of current consular cooperation is the difference in custom between Member States concerning the financing of consular support. Some Member

States fund such support from their general budget, whilst other Member States consider that the assisted person should reimburse the taxpayer for the assistance provided. This Directive establishes rules for compensation between Member States' consular systems, whilst leaving national customs in this respect untouched.

The Committee on Legal Affairs is broadly very supportive of the proposal, but considers that some amendments should be made. The amendments tabled aim, in particular, to ensure that information on consular protection is as widely available as possible, to clarify that citizens should continue to benefit from the full range of consular assistance customarily provided by Member States' representations, and to make clear that the role played by the authorities of represented Member States does not mean that unrepresented Member States are excluded from providing assistance.

AMENDMENTS

The Committee on Legal Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a directive

Recital 10

Text proposed by the Commission

(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.

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, ***as well as on the relevant websites of the competent institutions in the Member States involved.***

Justification

One of the reasons why European citizens do not benefit from their consular rights in third countries is that insufficient information is available to them.

Amendment 2

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 3

Proposal for a directive
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) 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 4

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 5

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 6

Proposal for a directive

Article 3 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Citizens of the Union at least need to be able to reach the embassy or consulate and return to their place of departure the same day, via means of transport commonly used in the third country, unless the urgency of the matter requires swifter assistance. The embassy or consulate is not accessible if it is temporarily not in a position to effectively provide protection, in particular if it is temporarily closed in case of crisis.

Amendment

The embassy or consulate is not accessible if it is temporarily not in a position to effectively provide protection, in particular if it is temporarily closed in case of crisis.

Justification

The accessibility of a consulate should not be determined in such a detailed manner, as there will be considerable differences between third countries.

Amendment 7

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 8

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.
Member States shall make available, on the websites of their ministries in charge of 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 this right.

Justification

In order to make the provisions of this Directive effective and bring added value for citizens, the latter should be properly informed about their right, by virtue of this Directive, to consular protection from the diplomatic or consular authorities of another Member State.

Amendment 9

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. 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, ***and shall also publish such information on the internet sites of their ministries responsible for foreign affairs, and on the internet sites of the relevant embassies and/or consulates.***

Justification

One of the reasons why European citizens do not benefit from their consular rights in third countries is that insufficient information is available to them.

Amendment 10

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, ***as a minimum,*** assistance in the following situations

Justification

This amendment, and the following one, aim to clarify that the list of situations in which assistance should be provided is not exhaustive, and that Member States should continue to provide assistance in other situations where it is customary to do so.

Amendment 11

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 12

Proposal for a directive

Article 8 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) assist the citizen in obtaining the help of a legal professional.

Justification

This amendment seeks to establish that consulates are not obliged to themselves provide legal advice, but rather to assist the citizen in obtaining such advice from a local professional.

Amendment 13

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. 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 14

Proposal for a directive

Article 9 – paragraph 1 – point b

Text proposed by the Commission

(b) provide the citizen with information and/or assistance regarding relevant legal issues ***and*** health care.

Amendment

(b) provide the citizen with information and/or assistance regarding relevant legal issues, health care ***and counselling.***

Amendment 15

Proposal for a directive

Article 9 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) assist the citizen in obtaining the help of a legal professional.

Amendment 16

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 17

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 18

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 19

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.***

PROCEDURE

Title	Consular protection for citizens of the Union abroad
References	COM(2011)0881 – C7-0017/2012 – 2011/0432(CNS)
Committee responsible Date announced in plenary	LIBE 2.2.2012
Opinion by Date announced in plenary	JURI 2.2.2012
Rapporteur Date appointed	Tadeusz Zwiefka 19.12.2011
Discussed in committee	31.5.2012
Date adopted	10.7.2012
Result of final vote	+ : 23 - : 0 0 : 0
Members present for the final vote	Luigi Berlinguer, Sebastian Valentin Bodu, Françoise Castex, Christian Engström, Marielle Gallo, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Sajjad Karim, Klaus-Heiner Lehne, Antonio López-Istúriz White, Antonio Masip Hidalgo, Jiří Maštálka, Alajos Mészáros, Bernhard Rapkay, Evelyn Regner, Francesco Enrico Speroni, Rebecca Taylor, Alexandra Thein, Cecilia Wikström, Tadeusz Zwiefka
Substitute(s) present for the final vote	Piotr Borys, Luis de Grandes Pascual, Eva Lichtenberger, Dagmar Roth-Behrendt, József Szájer, Axel Voss

PROCEDURE

Title	Consular protection for citizens of the Union abroad			
References	COM(2011)0881 – C7-0017/2012 – 2011/0432(CNS)			
Date of consulting Parliament	20.1.2012			
Committee responsible Date announced in plenary	LIBE 2.2.2012			
Committee(s) asked for opinion(s) Date announced in plenary	AFET 2.2.2012	DEVE 2.2.2012	JURI 2.2.2012	
Not delivering opinions Date of decision	DEVE 25.1.2012			
Rapporteur(s) Date appointed	Edit Bauer 9.2.2012			
Discussed in committee	25.4.2012	9.7.2012	3.9.2012	19.9.2012
Date adopted	19.9.2012			
Result of final vote	+: 51 -: 5 0: 0			
Members present for the final vote	Jan Philipp Albrecht, Sonia Alfano, Roberta Angelilli, Edit Bauer, Rita Borsellino, Arkadiusz Tomasz Bratkowski, Simon Busuttil, Philip Claeys, Agustín Díaz de Mera García Consuegra, Ioan Enciu, Frank Engel, Cornelia Ernst, Tanja Fajon, Monika Flašíková Beňová, Kinga Gál, Kinga Göncz, Nathalie Griesbeck, Anna Hedh, Salvatore Iacolino, Sophia in 't Veld, Livia Járóka, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Juan Fernando López Aguilar, Baroness Sarah Ludford, Monica Luisa Macovei, Svetoslav Hristov Malinov, Véronique Mathieu, Anthea McIntyre, Louis Michel, Antigoni Papadopoulou, Georgios Papanikolaou, Jacek Protasiewicz, Carmen Romero López, Judith Sargentini, Birgit Sippel, Csaba Sógor, Valdemar Tomaševski, Nils Torvalds, Wim van de Camp, Axel Voss, Renate Weber, Josef Weidenholzer, Cecilia Wikström, Tatjana Ždanoka, Auke Zijlstra			
Substitute(s) present for the final vote	Michael Cashman, Anna Maria Corazza Bildt, Dimitrios Droutsas, Ana Gomes, Monika Hohlmeier, Franziska Keller, Jean Lambert, Marian-Jean Marinescu, Antonio Masip Hidalgo, Hubert Pirker			
Date tabled	10.10.2012			