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3.4.2024

AMENDMENTS

15 - 80

Draft report

Loránt Vincze

(PE759.050v01-00)

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

Proposal for a directive

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

Amendment 15
Jana Toom, Sophia in 't Veld

Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) The scope of the Directive (EU) 2015/637 should be extended to other categories of persons that have genuine links to a Member State or that are entitled to consular protection by that Member State. In this sense, recognised refugees, stateless persons and persons enjoying temporary protection who reside in a Member State as well as third-country nationals that reside in a Member State and are entitled to consular protection by that Member State should be entitled to consular protection in a third country where their Member State of residence is not represented under the same conditions as unrepresented citizens. This should include permanent residents of a Member State that are not citizens of any other state.

Or. en

Amendment 16
Tineke Strik

Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

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

same conditions as unrepresented citizens, if a Member State of residence is not represented by a diplomatic or consular authority.

Or. en

Amendment 17
Marina Kaljurand, Birgit Sippel, Matjaž Nemeč

Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) The scope of the Directive (EU) 2015/637 should also be extended beyond citizens of the Union. In this sense, recognised refugees and other persons who are legally residing in a Member State and are holders of a travel document issued by that Member State should be entitled to consular protection under the same conditions as unrepresented citizens.

Or. en

Amendment 18
Marina Kaljurand, Birgit Sippel, Matjaž Nemeč

Proposal for a directive
Recital 1 b (new)

Text proposed by the Commission

Amendment

(1 b) Member states should take an intersectional approach when applying this Directive, including carrying out an intersectional analysis looking at the different needs of vulnerable groups in relation to ongoing and emerging crisis situations.

Or. en

Amendment 19
Tineke Strik

Proposal for a directive
Recital 2

Text proposed by the Commission

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

Amendment

(2) Crises resulting in requests for consular protection are increasing in frequency and scale. The COVID-19 pandemic, the crisis in Afghanistan **in 2021**, Russia's war of aggression against Ukraine, the conflict in Sudan, the repatriations from Israel and Gaza and other similar crises have provided a context to identify gaps and reflect on how to further facilitate the exercise of the right to consular protection. **Fundamental changes are needed in the EU's preparedness, information-gathering and decision-making capacity ahead of and during crises.** Drawing lessons from those experiences, and in order to simplify procedures for citizens and consular authorities, the rules and procedures of Directive (EU) 2015/637 should be clarified and streamlined so as to improve the effectiveness of the provision of consular protection to unrepresented citizens of the Union, in particular in crisis situations. Best use should be made of the available resources at Member State and Union level, both locally in third countries and at capital level.

Or. en

Amendment 20
Assita Kanko

Proposal for a directive
Recital 2

Text proposed by the Commission

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Amendment

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

Or. en

Amendment 21
Assita Kanko

Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2 a) It is also necessary to take into account the growing role of phenomenon force marriage and marital captivity, affect ten of a thousand of European citizens - mostly women, every year. Force marriage and marital captivity violate article 5 (right to liberty and security), article 8 (right to respect for private and family life), article 12 (right to marry), article 14 (prohibition of discrimination) of the European Convention on Human Rights and also violate a wide range of provisions under the Istanbul Convention. Due to the often cross-border nature of

these phenomena, EU consular protection should provide appropriate measures and instruments to support victims, in particular, appropriate legal and psychological assist for victims.

Or. en

Amendment 22
Jana Toom, Sophia in 't Veld

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) As first criterion, consular authorities should take into account the difficulty for citizens to safely reach or be reached by the embassy or consulate of their Member State of nationality within a reasonable period of time, taking into account the nature and urgency of the assistance requested and the means, notably financial resources, available to them. For example, the need for an EU Emergency Travel Document as a result of the loss of travel documents should, *in principle*, result in the citizen being considered as unrepresented if reaching the embassy or consulate of his or her Member State of nationality would require overnight or air travel, as he or she cannot be expected to travel under such circumstances.

Amendment

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

Or. en

Amendment 23
Marina Kaljurand, Birgit Sippel, Matjaž Nemeč

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) As first criterion, consular authorities should take into account the difficulty for citizens to safely reach or be reached by the embassy or consulate of their Member State of nationality within a reasonable period of time, taking into account the nature and urgency of the assistance requested and the means, notably financial resources, available to them. For example, the need for an EU Emergency Travel Document as a result of the loss of travel documents should, ***in principle***, result in the citizen being considered as unrepresented if reaching the embassy or consulate of his or her Member State of nationality would require overnight or air travel, as he or she cannot be expected to travel under such circumstances.

Amendment

(5) As first criterion, consular authorities should take into account the difficulty for citizens to safely reach or be reached by the embassy or consulate of their Member State of nationality ***rapidly and*** within a reasonable period of time, taking into account the nature and urgency of the assistance requested and the means, notably financial resources, available to them. For example, the need for an EU Emergency Travel Document as a result of the loss of travel documents should result in the citizen being considered as unrepresented if reaching the embassy or consulate of his or her Member State of nationality would require overnight or air travel, as he or she cannot be expected to travel under such circumstances.

Or. en

Amendment 24
Assita Kanko

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) Possible closures of the embassy or consulate of the citizen's Member State of nationality should also be considered, notably during crisis situations. Where the embassy or consulate from which the unrepresented citizen seeks consular protection cannot confirm, in a timely manner, that the embassy or consulate of the citizen's Member State of nationality is operational and accessible, the citizen should be considered as unrepresented.

Amendment

(6) Possible closures of the embassy or consulate of the citizen's Member State of nationality should also be considered, notably during crisis situations. ***This also applies to a situation in which the embassy or consulate has lost human resources to such an extent that it makes it difficult or impossible for them to function efficiently and effectively.*** Where the embassy or consulate from which the unrepresented citizen seeks consular protection cannot confirm, in a timely manner, that the embassy or consulate of

the citizen's Member State of nationality is operational and accessible, the citizen should be considered as unrepresented.

Or. en

Amendment 25
Tineke Strik

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7 a) Any additional specific circumstances or conditions possibly not covered by this directive that might hamper a Union citizen to reach the embassy or consulate of their Member State should be interpreted as well when considering a citizen as unrepresented;

Or. en

Amendment 26
Assita Kanko

Proposal for a directive
Recital 10

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 27

Tineke Strik

Proposal for a directive

Recital 10

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 28

Assita Kanko

Proposal for a directive

Recital 11

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 29

Marina Kaljurand, Birgit Sippel, Matjaž Nemeč

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12 a) Union delegations should always provide consular assistance tasks where they are the only representation physically located in a third country or where there is an objective need for additional assistance to unrepresented citizens during a crisis situation due to insufficient capacity of Member States' embassies and consulates.

Or. en

Amendment 30
Marina Kaljurand, Birgit Sippel, Matjaž Nemeč

Proposal for a directive
Recital 13

Text proposed by the Commission

Amendment

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

(13) When providing consular protection to unrepresented citizens, Member States should take into account the specific needs of vulnerable groups, such as unaccompanied minors, pregnant women, persons with reduced mobility, persons with disabilities or individuals at risk of discrimination on any ground such as those referred to in Article 21 of the Charter. ***The training provided to Union officials and Member States' diplomatic and consular staff should include practical guidance on how to apply an intersectional approach to the specific needs of vulnerable groups.***

Or. en

Amendment 31
Assita Kanko

Proposal for a directive
Recital 13

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 32
Miguel Urbán Crespo

Proposal for a directive
Recital 13

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 33
Assita Kanko

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) It is necessary to ensure optimal access to justice for Union citizens victimised in third countries, which requires closer contact and cooperation between authorities and support organisations of third countries and consular authorities and support organisations of Member States.

Amendment

(14) It is necessary to ensure optimal access to justice for Union citizens victimised in third countries, which requires closer contact and cooperation between authorities and support organisations of third countries and consular authorities and support organisations of Member States. ***Citizens victimised in third countries should also be considered victims of force marriage or marital captivity, for whom specific and adapted assistance should be provided. It requires measures to train police and legal professionals to properly recognize the situation of marital captivity and ensure adequate assist for victims, including legal assists and psychological help if necessary.***

Or. en

Amendment 34

Marina Kaljurand, Birgit Sippel, Matjaž Nemeč

Proposal for a directive

Recital 16 a (new)

Text proposed by the Commission

Amendment

(16 a) Consular crisis preparedness and response training should be provided to Union officials and Member States' diplomatic and consular staff by the EEAS, in close cooperation with Member States. In order to ensure protection of vulnerable groups, that training should cover practical guidance on how to apply an intersectional approach to the specific needs of vulnerable groups in a crisis situation.

Or. en

Amendment 35
Jana Toom, Sophia in 't Veld

Proposal for a directive
Recital 30 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 36
Tineke Strik

Proposal for a directive
Recital 31

Text proposed by the Commission

Amendment

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

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

service providers and transport hubs offering travel to third countries, for example by inviting them to add relevant information on the right to consular protection to the information materials made available to customers.

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

hubs offering travel to third countries, for example by inviting them to add relevant information on the right to consular protection to the information materials made available to customers.

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

Or. en

Amendment 37 **Assita Kanko**

Proposal for a directive **Recital 33**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 38
Jana Toom, Sophia in 't Veld

Proposal for a directive
Recital 41

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 39
Jana Toom, Sophia in 't Veld

Proposal for a directive
Article 1 – paragraph 1 – point -1 (new)
Directive (EU) 2015/637
Article 5a

Text proposed by the Commission

Amendment

(-1) In Chapter 1, the following article 5a is added:

Article 5a

Unrepresented stateless persons and persons under protection in third countries

Consular protection shall be provided to recognised refugees, stateless persons and persons enjoying temporary protection who reside in a Member State which is not represented in a third country, to the same extent and on the same conditions as it would be provided to recognised refugees, stateless persons and persons enjoying temporary protection who reside

in the assisting Member State, in accordance with its national law or practice.

Or. en

Amendment 40

Tineke Strik

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive (EU) 2015/637

Article 2a

Text proposed by the Commission

Amendment

(-1) In Chapter 1, the following Article 2a is inserted:

‘Article 2a

Principle of non-discrimination and protection of vulnerable groups

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

Or. en

Amendment 41

Tineke Strik

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive (EU) 2015/637

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

(-1 a) in Article 4, the following paragraph 2 is added:

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

Or. en

Amendment 42

Assita Kanko

Proposal for a directive

Article 1 – paragraph 1 – point 1

Article 6 – paragraph 2

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

(c a) a significant reduction in the staff of the embassy or consulate, which may significantly affect the effectiveness and efficiency of their operations

Or. en

Amendment 43

Tineke Strik

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive (EU) 2015/637

Article 6 – paragraph 2 – point (ca)

Text proposed by the Commission

Amendment

(c a) any other difficulties or local circumstances that might have been

overseen by this regulation and prevent the citizen to reach the embassy or consulate concerned;

Or. en

Amendment 44

Marina Kaljurand, Birgit Sippel, Matjaž Nemeč

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive (EU) 2015/637

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Recognised refugees and other persons who are legally residing in a Member State and are holders of a travel document issued by that Member State shall be entitled to consular protection under the same conditions as unrepresented citizens, if the Member State of residence is not represented by a diplomatic or consular authority.

Or. en

Amendment 45

Marina Kaljurand, Birgit Sippel, Matjaž Nemeč

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive (EU) 2015/637

Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Where Union delegations are the only representation physically located in a third country, or where there is an objective need for additional assistance to unrepresented citizens during a crisis situation due to insufficient capacity of Member States' embassies and consulates, Union delegations shall provide consular

assistance, including issuing Emergency Travel Documents following the provisions set forth by directive 2019/997.

Or. en

Amendment 46

Tineke Strik

Proposal for a directive

Article 1 – paragraph 1 – point 2 – introductory part

Directive (EU) 2015/637

Article 9

Text proposed by the Commission

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

Amendment

(2) Article 9 *is amended as follows:*

(a) points (e) and (f) are replaced by the following:

Or. en

Amendment 47

Tineke Strik

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive (EU) 2015/637

Article 12 – paragraph 2

Text proposed by the Commission

Amendment

(f a) (b) the following point (g) is added:

‘(g) court proceedings, especially in cases where death penalty, another cruel, inhuman or degrading punishment, or long-term prison sentence may be imposed.’

Or. en

Amendment 48
Miguel Urbán Crespo

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2015/637
article 12 – paragraph 2

Text proposed by the Commission

(a) the security and safety of Union citizens and on other matters relevant to them;

Amendment

(a) the security and safety of Union citizens, **local staff** and on other matters relevant to them;

Or. en

Amendment 49
Miguel Urbán Crespo

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2015/637
article 12 – paragraph 2

Text proposed by the Commission

Amendment

(e a) Contingency plans for local staff and their families in emergency situations

Or. en

Amendment 50
Tineke Strik

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive (EU) 2015/637
Article 12 – paragraph 3

Text proposed by the Commission

Amendment

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

3. The Chair shall be a representative of the Union delegation. Where no Union delegation is present, meetings shall be chaired by a representative of a Member State.

chaired by a representative of a Member State.

Or. en

Amendment 51
Tineke Strik

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 52
Tineke Strik

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

Text proposed by the Commission

Amendment

(a a) an analysis of all local staff having worked directly or indirectly for Member States embassies or consulates, EU Delegations or other EU or Member States' projects, including a risk assessment for them and evacuation scenario's;

Or. en

Amendment 53
Tineke Strik

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 54
Tineke Strik

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive (EU) 2015/637
Article 13 – paragraph 2 – subparagraph 3

Text proposed by the Commission

In third countries where no Union delegation is present, the coordination shall be done by the Chair of the local consular cooperation agreed pursuant to Article 12(3), supported by the EEAS.

Amendment

In third countries where no Union delegation is present, the coordination shall be done by the Chair of the local consular cooperation agreed pursuant to Article 12(3), supported by the EEAS.

During the preparation of joint consular contingency plans, Member States and Union delegations shall cooperate with third countries and international organisations, including military

organisations when necessary.

Or. en

Amendment 55

Tineke Strik

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/637

Article 13 – paragraph 5

Text proposed by the Commission

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

Amendment

5. Member States shall exchange information on changes to their travel advice to citizens at an early stage, in particular in the context of crisis situations, and shall seek to ensure consistency in the level of travel advice given ***based on objective and reliable criteria. Member States and Union delegations shall also exchange information;***

Or. en

Amendment 56

Marina Kaljurand, Birgit Sippel, Matjaž Nemeč

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)

Directive (EU) 2015/637

Article 12a

Text proposed by the Commission

Amendment

(4 a) The following article 12a is inserted:

‘Article 12a

Training

1. The EEAS, in close cooperation with Member States, shall provide consular crisis preparedness and response training to Union officials and Member States’ diplomatic and consular staff. That

training shall include practical guidance on how to apply an intersectional approach to the specific needs of vulnerable groups in the event of a crisis.';

Or. en

Amendment 57
Tineke Strik

Proposal for a directive
Article 1 – paragraph 1 – point 5
Directive (EU) 2015/637
Article 13a

Text proposed by the Commission

Amendment

Article 13aCrisis response

Article 13a

Emergency and crisis response

Or. en

Amendment 58
Tineke Strik

Proposal for a directive
Article 1 – paragraph 1 – point 5 – point a (new)
Directive (EU) 2015/637
Article 13aa

Text proposed by the Commission

Amendment

a) (5 a) In Chapter 2, the following Article 13aa is inserted:

'Article 13aa

Permanent Consular Crisis Response Mechanism

1. A Permanent Consular Crisis Response Mechanism shall be established to guarantee the fulfilment of the right to consular protection under this Directive. This mechanism shall include the Member States, the Commission and the

EEAS. 2. This mechanism shall have three different levels of activation:

a) Monitoring mode: This mode shall allow information about a crisis to be exchanged on a voluntary basis.

b) Information-sharing mode: This mode shall involve an obligation for the Commission and the EEAS to produce Integrated Situational Awareness and Analysis (ISAA) reports, as well as investment into situational awareness and preparedness for possible escalation.

c) Full activation mode: This mode shall entail the preparation of proposals for action with regard to the EU response.

3. This mechanism, in any of the three modes as provided for in the previous paragraph, can be triggered by any Member State, the European Commission, the EEAS and the European Parliament.’

Or. en

Amendment 59
Tineke Strik

Proposal for a directive
Article 1 – paragraph 1 – point 5 – point b (new)
Directive (EU) 2015/637
Article 13ab

Text proposed by the Commission

Amendment

b) (5 b) In Chapter 2, the following Article 13ab is inserted:

‘Article 13ab

EU’s duty of care

1. Member States, the European Commission and the EEAS shall establish a permanent cross-institutions evacuation cell tasked with constantly monitoring countries at risk and identifying the ‘eligible persons’ to be evacuated and

resettled in the event of a crisis.

2. Union delegations shall ensure the fulfilment of their duty of care responsibilities in line with the Decision of the High Representative of the Union for Foreign Affairs and Security Policy of 19 June 2023 on the security rules for the European External Action Service 2023/C 263/04.

3. In the event of a crisis in a third country that requires immediate evacuation of the personnel working in a Union delegation, the ‘staff placed under the responsibility of the EEAS’ as defined in Article 2 of the aforementioned Decision, as well as their eligible dependants, shall enjoy the same rights to consular protection granted to citizens of the Union under this Directive under the same conditions as the nationals of the Member States.

4. Member States shall also fulfil their duty of care responsibilities, particularly regarding the staff placed under the responsibility of their embassies and consulates, regardless of their administrative status or origin, as well as their eligible dependants. To this end, Member States shall regulate their own security rules with the aim at fulfilling their duty of care. Member States may request the support of other Member States and/or the EEAS when setting up their own security rules.

5. Union delegations and Member States’ consulates and embassies shall extend their duty of care of ‘entitled persons’ to contractors and local staff that previously worked with the missions.

Or. en

Amendment 60
Tineke Strik

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point c (new)
Directive (EU) 2015/637
Article 13ac

Text proposed by the Commission

Amendment

c) (5 c). in Chapter 2, the following Article 13ac is inserted:

‘Article 13ac

EU’s responsibility to protect human rights defenders in third countries

In the event of a crisis in a third country, Member States’ embassies and consulates and the respective Union delegation shall ensure the protection of human rights defenders at risk, including evacuation from the third country concerned to the EU as a last resort. To this end, Member States and Union delegations may take into account the EU Guidelines on Human Rights Defenders.’

Or. en

Amendment 61
Tineke Strik

Proposal for a directive
Article 1 – paragraph 1 – point 5 – point d (new)
Directive (EU) 2015/637
Article 13ad

Text proposed by the Commission

Amendment

d) (5 d). in Chapter 2, the following Article 13ad is inserted:

‘Article 13ad

Special protection of children

1. Member States, with the support of the Union delegations, shall take protective measures to ensure the right to consular protection of children in third countries, particularly when there is a risk of infringement of their rights enshrined in the Charter of Fundamental Rights of the EU and the UN Convention on the Rights

of the Child. When providing consular assistance to children, Member States shall consider the child's best interest as their primary consideration.

2. The Member State of nationality shall ensure the repatriation of children who are under its jurisdiction. In case the Member State of nationality is unwilling or unable to repatriate the children under its jurisdiction, the other Member States represented in a third country, with the assistance of the Union delegation if needed, shall provide the concerned children with the appropriate consular assistance, including repatriation.

Or. en

Amendment 62
Tineke Strik

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 63
Tineke Strik

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

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 64 **Tineke Strik**

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 65 **Tineke Strik**

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

Text proposed by the Commission

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

Amendment

1. Member States shall take measures to inform their citizens of their right set out in Article 20(2), point (c), TFEU. **Member States shall reproduce the first sentence of Article 23 TFEU on national passports. Member States may take**, in particular the following measures:

Or. en

Amendment 66
Jana Toom, Sophia in 't Veld

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive (EU) 2015/367
Article 13c, paragraph 1, point –a

Text proposed by the Commission

Amendment

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

Or. en

Amendment 67
Tineke Strik

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 68
Assita Kanko

Proposal for a directive
Article 1 – paragraph 1 – point 6
Article 13c
Paragraph 1

Text proposed by the Commission

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

Amendment

(a) reproducing **at least** the first sentence of Article 23 TFEU on national passports **in a visible place** ;

Or. en

Amendment 69

Marina Kaljurand, Birgit Sippel, Matjaž Nemeč

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive (EU) 2015/637

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 70

Marina Kaljurand, Birgit Sippel, Matjaž Nemeč

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive (EU) 2015/637

Article 13c – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(c b) developing a dedicated website with information on the right to consular protection and practical guidance for citizens in the event of a crisis;

Or. en

Amendment 71

Tineke Strik

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive (EU) 2015/637

Article 13c – paragraph 2a

Text proposed by the Commission

Amendment

2 a. 3. The EEAS shall provide travel advice addressed to all Union citizens, especially regarding the security situation in the third country in question.’;

Or. en

Amendment 72

Miguel Urbán Crespo

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2015/637

article 13c

Text proposed by the Commission

Amendment

2 a. Local staff of EU missions and Members States' embassies and their families shall enjoy the same access to information and consular assistance as EU citizens.

Or. en

Amendment 73

Jana Toom, Sophia in 't Veld

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive (EU) 2015/367

Article 14, paragraph 2, subparagraph 1

Text proposed by the Commission

Amendment

If an unrepresented citizen is unable to pay

If an unrepresented citizen is unable to pay

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

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

Or. en

Amendment 74
Assita Kanko

Proposal for a directive
Article 1 – paragraph 1 – point 7
Article 14
Paragraph 4

Text proposed by the Commission

4. When the consular protection provided to an unrepresented citizen involves unusually high but essential and justified costs related to travel, accommodation or translation for the diplomatic or consular authorities, the assisting Member State may, within 12 months of the assistance provided, ask for the reimbursement of such costs directly from the unrepresented citizen's Member State of nationality, which shall reimburse them within a reasonable period of time, not exceeding 12 months.

Amendment

4. When the consular protection provided to an unrepresented citizen involves unusually high but essential and justified costs related to travel, **legal or psychological help also for victims of marital captivity and force marriage**, accommodation or translation for the diplomatic or consular authorities, the assisting Member State may, within 12 months of the assistance provided, ask for the reimbursement of such costs directly from the unrepresented citizen's Member State of nationality, which shall reimburse them within a reasonable period of time, not exceeding 12 months.

Or. en

Amendment 75
Jana Toom, Sophia in 't Veld

Proposal for a directive
Article 1 – paragraph 1 – point 7

Directive (EU) 2015/367
Article 15, paragraph 3a

Text proposed by the Commission

Amendment

3 a. *Where, in the crisis situations referred to in paragraph 1, recognised refugees, stateless persons and persons enjoying temporary protection who reside in a Member State are in need of assistance, Member States shall provide such assistance under the same conditions as represented and unrepresented citizens and the procedure in paragraphs 1 and 2 shall also apply to consular protection provided by the assisting Member State to recognised refugees, stateless persons and persons enjoying temporary protection who reside in another Member State.*

Or. en

Amendment 76

Marina Kaljurand, Birgit Sippel, Matjaž Nemeč

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive (EU) 2015/637

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 77

Jana Toom, Sophia in 't Veld

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive (EU) 2015/367

Article 16a, paragraph 1, point fa

Text proposed by the Commission

Amendment

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

Or. en

Amendment 78

Jana Toom, Sophia in 't Veld

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive (EU) 2015/367

Article 16a, paragraph 6

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 79

Jana Toom, Sophia in 't Veld

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive (EU) 2015/367

Article 16b, paragraph 1

Text proposed by the Commission

Amendment

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

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

Directive.

Or. en

Amendment 80
Tineke Strik

Proposal for a directive
Article 1 – paragraph 1 – point 10
Directive 2015/637
Article 19 – paragraph 3

Text proposed by the Commission

No sooner than [**eight** years after the transposition deadline of the amending Directive], the Commission shall carry out an evaluation of this Directive and present a report on the main findings to the European Parliament and the Council.

Amendment

No sooner than [**four** years after the transposition deadline of the amending Directive], the Commission shall carry out an evaluation of this Directive and present a report on the main findings to the European Parliament and the Council.

Or. en