



2018/0186(CNS)

28.9.2018

DRAFT REPORT

on the proposal for a Council directive establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP
(COM(2018)0358 – C8-0386/2018 – 2018/0186(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Kinga Gál

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

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council directive establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP
(COM(2018)0358 – C8-0386/2018 – 2018/0186(CNS))**

(Special legislative procedure – consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2018)0358),
 - having regard to Article 23(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0386/2018),
 - having regard to Rule 78c of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0000/2018),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

EXPLANATORY STATEMENT

The European Parliament, in its resolution on the 2017 Citizenship Report, stated that almost seven million EU citizens travel to or live in places outside the EU where their own country does not have an embassy or consulate and that the number of unrepresented EU citizens is expected to increase to at least ten million by 2020. EU citizens resident in the territory of a non-EU country where their Member State of origin does not have representation are entitled to the protection of the diplomatic and consular authorities of any other Member State on the same conditions as that state's nationals.

In view of these findings the Parliament called on the Commission to make a proposal for a new, more secure format for an EU emergency travel document (EU ETD) for unrepresented EU citizens outside the EU whose passport has been stolen, lost, destroyed or is temporarily unavailable, in order to guarantee that they can return home safely. This meant repealing Decision 96/409/CFSP of the Representatives of the Governments of the Member States which established a common emergency travel document for issue by Member States to citizens of the Union in places where those citizens' Member State of nationality have no permanent diplomatic or consular representation.

According to the Commission's Explanatory Memorandum accompanying the proposal, 20 years have passed since the introduction of EU ETDs, and there is a need to update the rules of Decision 96/409/CFSP and the format of the EU ETD. Recent changes to EU rules on consular protection are not reflected in Decision 96/409/CFSP, and the EU ETD in its current form is not adapted to the current global security environment. It does not take account of improvements in the security of travel documents and offers insufficient protection against fraud and counterfeits, which has led to fragmentation in the use of the EU ETD across the Union.

Moreover, Decision 96/409/CFSP is not aligned with Council Directive (EU) 2015/637. This Directive governs consular protection for unrepresented citizens in general, and thus also contains rules applicable to the issuance of EU ETDs.

On the 2017 Citizenship Report the Parliament also called for the full and effective implementation of Directive (EU) 2015/637 in order to ensure consular protection for EU citizens in third countries where their Member States are not represented. For the Rapporteur, this proposal is a step forward in that direction since it establishes measures necessary to facilitate consular protection for the most frequent type of consular assistance provided to unrepresented citizens, namely the issuance of emergency travel documents.

The Rapporteur considers that this proposal is a facilitator of the exercise of EU citizens' rights of freedom of movement, which are central to EU citizenship and complement other freedoms, even if it concerns measures of consular protection for unrepresented citizens of the Union in third countries.

The Rapporteur underlines that the Union should contribute to the protection of its citizens. The fundamental right to consular protection of unrepresented citizens of the Union under the same conditions as nationals, enshrined in Article 46 of the Charter of Fundamental Rights of the European Union, is an expression of European solidarity.

Furthermore, the Rapporteur considers that improving the security of the Emergency Travel Documents is an important element in the overall Union strategy for the effective and efficient prevention, detection and reaction to evolving security threats. As stated in the Commission communication of 2016 - Action plan to strengthen the European response to travel document fraud, document fraud has become an enabler of terrorism and organised crime, and is linked to trafficking of human beings and migrant smuggling. It is fundamental to prevent abuses and the threats to internal security arising from failings in document security.

In this context, due to all mentioned the Rapporteur endorses the proposal for a Council Directive establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP without amendments to encourage Member States to proceed swiftly with its adoption.