



2023/0441(CNS)

4.3.2024

DRAFT REPORT

on the proposal for a Council directive amending Directive (EU) 2015/637 on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries and Directive (EU) 2019/997 establishing an EU Emergency Travel Document (COM(2023)0930 – C9-0015/2024 – 2023/0441(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Loránt Vincze

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 amending Directive (EU) 2015/637 on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries and Directive (EU) 2019/997 establishing an EU Emergency Travel Document (COM(2023)0930 – C9-0015/2024 – 2023/0441(CNS))

(Special legislative procedure – consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2023)0930),
 - having regard to Article 23 paragraph 2 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0015/2024),
 - having regard to Rule 82 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Foreign Affairs and the Committee on Legal Affairs,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0000/2024),
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.

Amendment 1

Proposal for a directive

Recital 4

Text proposed by the Commission

Amendment

(4) To improve legal certainty for

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consular authorities and citizens, it is appropriate to lay down more detailed criteria that aid in the assessment whether a Union citizen is to be considered as unrepresented and thus eligible to receive consular protection from the Member State whose consular authorities have been approached. Those criteria should be sufficiently flexible and applied in light of local circumstances, such as ease of travel or security situation in the third country concerned. In this context, accessibility **and** proximity should remain important considerations.

consular authorities and citizens, it is appropriate to lay down more detailed criteria that aid in the assessment whether a Union citizen is to be considered as unrepresented and thus eligible to receive consular protection from the Member State whose consular authorities have been approached. Those criteria should be sufficiently flexible and applied in light of local circumstances, such as ease of travel or security situation in the third country concerned. In this context, accessibility proximity **and safety** should remain important considerations.

Or. en

Amendment 2

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 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 3

Proposal for a directive Recital 30 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 4

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) 5841 . 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 hubs offering travel to third countries, for

(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) 5841 . Member States **should** 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 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..

example by inviting them to add relevant information on the right to consular protection to the information materials made available to customers.

Or. en

Amendment 5

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 6

Proposal for a directive Article 11 – paragraph 2

Text proposed by the Commission

2. Union delegations shall support Member States in the provision of consular protection to unrepresented citizens in accordance with Article 5(10) of Decision 2010/427/EU. Such support may include carrying out, upon request by and on behalf of Member States, specific consular assistance tasks. The assisting Member State and the Member State of nationality shall provide the Union delegation with all

Amendment

2. Union delegations shall support Member States in the provision of consular protection to unrepresented citizens in accordance with Article 5(10) of Decision 2010/427/EU. Such support may include carrying out, upon request by and on behalf of Member States, specific consular assistance tasks. The assisting Member State and the Member State of nationality shall provide **without delay** the Union

the relevant information in the case concerned.

delegation with all the relevant information in the case concerned..

Or. en

Amendment 7

Proposal for a directive Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States and Union delegations shall collaborate in the deployment of Early Warning Systems to enable the timely detection of potential crises or hazards, such as natural disasters, political unrest, or health emergencies, in the third country concerned. These systems shall utilize data analytics, risk assessments, and intelligence sharing to provide early indicators of emerging threats, thereby enhancing the effectiveness of crisis preparedness and response efforts.

Or. en

Amendment 8

Proposal for a directive Article 13 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall, in accordance with national law, ***provide*** their citizens ***with the possibility to*** register with or inform competent national authorities, by appropriate means and tools, of their travels to or residence in third countries.

4. Member States shall, in accordance with national law, ***take proactive measures in order to ensure that*** their citizens register with or inform competent national authorities, by appropriate means and tools, of their travels to or residence in third countries, ***in particular when the thirds countries in question are not considered fully safe.***

Amendment 9**Proposal for a directive
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.’ ***Member States should always inform each-other every time they become aware of increased security risks.***

Amendment 10**Proposal for a directive
Article 13b – paragraph 1***Text proposed by the Commission*

1. ***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:

- (a) up-to-date lists of contacts for their consular networks;
- (b) lists of third countries where they are represented by another Member State or where they represent another Member State on a permanent basis in accordance with Article 7(2);
- (c) practical arrangements concluded pursuant to Article 7(2);
- (d) the number of unrepresented citizens having been provided consular

Amendment

1. ***Once every six months***, Member States shall provide the Commission and the High Representative of the Union for Foreign Affairs and Security Policy with the following information:

- (a) up-to-date lists of contacts for their consular networks;
- (b) lists of third countries where they are represented by another Member State or where they represent another Member State on a permanent basis in accordance with Article 7(2);
- (c) practical arrangements concluded pursuant to Article 7(2);
- (d) the number of unrepresented citizens having been provided consular

protection referred to in Article 2 during the previous year, broken down by nationality and third country;

(e) the number of reimbursement requests submitted and received pursuant to Articles 14 and 15 during the previous year.

Where a Member State has decided, pursuant to Article 2(2), to apply this Directive to the consular protection provided by honorary consuls, the list referred to in point (a) shall include honorary consuls as well as information on the extent to which honorary consuls are competent to provide protection in a given case, in particular whether they are empowered to issue EU Emergency Travel Documents.

protection referred to in Article 2 during the previous year, broken down by nationality and third country;

(e) the number of reimbursement requests submitted and received pursuant to Articles 14 and 15 during the previous year.

Where a Member State has decided, pursuant to Article 2(2), to apply this Directive to the consular protection provided by honorary consuls, the list referred to in point (a) shall include honorary consuls as well as information on the extent to which honorary consuls are competent to provide protection in a given case, in particular whether they are empowered to issue EU Emergency Travel Documents.

Or. en

Amendment 11

Proposal for a directive Article 13c – paragraph 1 – point d(new)

Text proposed by the Commission

Amendment

(d) implementing digital technologies and automated notification systems, such as SMS via telephone networks, to provide EU citizens with essential contact details for consular protection upon entering a third country, as well as alert messages during crisis situations.

Or. en

Amendment 12

Proposal for a directive Article 16a – paragraph 1 – point g(new)

Text proposed by the Commission

Amendment

(g) ensure compliance with the provisions of Article 13(4) regarding the registration and notification of citizens' travels to or residence in third countries.

Or. en

Amendment 13

Proposal for a directive 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 14

Proposal for a directive Article 16b – paragraph 10

Text proposed by the Commission

Amendment

(10) in Article 19, the following paragraph 3 is added:
'3. No sooner than [**eight** years after the

(10) in Article 19, the following paragraph 3 is added:
'3. No sooner than [**five** 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.

Member States shall provide the Commission with the information necessary for the preparation of that report.’;

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.

Member States shall provide the Commission with the information necessary for the preparation of that report.’;

Or. en