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on diplomatic and consular protection of Union citizens in third countries (2007/2196(INI))

Committee on Civil Liberties, Justice and Home Affairs

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on diplomatic and consular protection of Union citizens in third countries (2007/2196(INI))

The European Parliament,

– having regard to the Commission Green Paper of 28 November 2006 on diplomatic and consular protection of Union citizens in third countries (COM(2006)0712),

– having regard to Rule 45 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, the Committee on Development and the Committee on Legal Affairs (A6-0000/2007),

A. whereas the representation of the Member States in third countries is very uneven,

B. whereas in particular in only three of the world's countries (China, Russia and the USA) does each of the EU Member States have diplomatic and consular representation, whereas in 107 countries 10 Member States at most are represented and whereas in certain popular destinations such as the Maldives there is no representation at all,

C. whereas in response to the explosion in the number of EU citizens travelling (180 million travel documents were sold in 2006) or resident outside the EU, the European presence represented by the Commission delegations could be taken into account in a joint effort to pool resources in order to compensate for the limitations of the Member States' consular and diplomatic networks,

D. whereas the relevant Community *acquis* is very restricted in extent and amounts just to Decision 95/553/EC of the Representatives of the Governments of the Member States meeting within the Council of 19 December 1995, regarding protection for citizens of the European Union by diplomatic and consular representations[1], and to exchanges of information amongst the Member States within COCON (the Council working party on consular cooperation, the task of which is to organise the exchange of information concerning good practices followed by the Member States),

E. having regard to the Commission initiative in the form of a Green Paper which is intended to put flesh on the little-known Article 20 of the EC Treaty, pursuant to which every EU citizen, in the absence of an embassy or a consular post belonging to his own Member State, shall everywhere enjoy diplomatic and consular protection based on the principle of non-discrimination,

F. whereas in this connection the Commission:

- acknowledges Article 46 of the EU Charter of Fundamental Rights, in which the right to consular and diplomatic protection is enshrined as a fundamental right of EU

[1] OJ L 314, 28.12.1995, p. 73.

citizens,

- meets the requirement for Decision 95/553/EC - which came into effect in May 2002 - to be revised after five years,

- looks ahead to the Commission's fifth report on EU citizenship, which constitutes a special opportunity for announcing initiatives concerning the enshrinement of a genuine right to diplomatic and consular protection,

G. whereas, however, the existing legal framework has hitherto been interpreted restrictively, since diplomatic or consular protection has been placed within the narrow field of intergovernmental relations as ruled by the 1963 Vienna Convention and not by Article 20 of the Treaty,

H. whereas there are indeed differences (of nature and structure and as regards the triggering of procedures) between diplomatic protection and consular protection, since although the latter may - in certain cases at least - be obligatory, diplomatic protection has always been subject to a discretionary power or at the very least to State-to-State relations,

I. whereas, on the contrary, the Maastricht Treaty gave birth to a European citizenship stemming from citizenship of the Member States and whereas efforts should now be made to harmonise the related diplomatic and consular protection as an essential stage in the necessary procedure of bringing the JHI pillar within the Community sphere,

J. whereas from this point of view the conditions for a revision of the 1995 decision (with the aim of extending it) must be created without delay and diplomatic protection must be included fairly and squarely in that decision,

K. whereas the Member States are already pursuing initiatives - such as the 'Pilot State' and joint simulation exercises - which will enable a better response to be made in the event of a crisis and/or exceptional circumstances and to which the Commission could contribute by carrying out assessments,

L. whereas still under-exploited networks - such as the Honorary Consuls network - exist which nonetheless constitute a significant resource to which the necessary aid should be allocated,

1. Wholeheartedly endorses the Commission initiative which rejects a shallow interpretation of Article 20 of the EC Treaty and is intended to lay the foundations for a genuine harmonised fundamental right to diplomatic and consular protection for each and every European citizen;

2. Supports the Commission in its efforts to establish an ambitious long-term strategy within which information and communication will be key elements,

3. Suggests that the Commission should propose without delay to the Council (over and above its requirement to report every three years on EU citizenship, pursuant to Article 22 of the EC Treaty) that common concepts and binding guidelines enabling the essential harmonisation process to be launched should be adopted;

4. Encourages the Commission to begin work immediately on a rationalised structure to enable resources to be pooled straight away and on greater sharing of best practices by immediately carrying out an inventory of all relevant public and private resources which are available and can be marshalled and by establishing varied forms of cooperation amongst the many parties which in their response to the Commission consultation have offered to contribute to the project (Member States and also Honorary Consuls, local authorities and NGOs);

5. Calls upon the Commission to intensify its communication and information efforts, in particular by:

   - establishing a single European telephone number enabling any EU citizen to be connected to a call centre which will provide him with full information in the event of a critical situation triggering the consular-protection process - in particular an up-to-date list of the contact details for the Member States' embassies and consulates to which he is entitled to apply;

   - raising awareness amongst those professionally involved in the (short- or long-term) stay of EU citizens in third countries by distributing booklets tailored to their area of activity;

   - creating under its own responsibility a harmonised website containing information for travellers and compiling and/or summarising each Member State's advice to travellers;

6. Urges the Commission to issue a recommendation to the Member States calling upon them to reproduce Article 20 of the EC Treaty in the passports issued to their nationals;

7. Calls upon the Commission - pursuant to Article 192(2) of the EC Treaty - to submit to it a proposal for amendments to Decision 95/553/EC, so that the latter expressly includes:
   - diplomatic protection,
   - the identification and repatriation of mortal remains,
   - simplification of the procedures for advancing money;

8. Wholeheartedly endorses the initiative which has already been announced in the Barnier report concerning the establishment of 'joint offices' in four 'test' areas (the Caribbean, the Balkans, the Indian Ocean and West Africa) and encourages the Commission to launch (at the same time as the 'joint offices' are established) an information campaign targeted at EU nationals resident in those areas in order to ensure that they complete the necessary registration formalities;

9. Considers that, pending the advent of joint offices performing all the most important consular tasks (issue of visas, legalisation of documents, etc.), the Commission should make a contribution to the efforts being made by the Member States in order to enhance their cooperation, in particular:

- as regards the assessment and analysis of exercises and simulations undertaken under the aegis of 'Pilot States' in order to improve yet further their coordination and reaction skills should exceptional circumstances arise,

- as regards the coordination and provision of logistical capacity and civil-defence resources;

10. Calls upon the Commission to resort where possible to training and technology in order to make good certain shortcomings and/or to make optimum use of certain resources which are still under-exploited; in this connection the Commission should in particular marshal its resources in order to finance specific training courses given by experienced diplomats and consular staff from the Member States for the benefit of Honorary Consuls who are already established in third countries; such training should subsequently be given to EU staff as well, once the 'joint offices' and then the EU delegations are actually responsible for the consular tasks which these days are performed exclusively by the Member States' representations;

11. Instructs its President to forward this resolution to the Council and the Commission.