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Committee on Civil Liberties, Justice and Home Affairs

2011/0432(CNS)

26.7.2012

AMENDMENTS 42 - 106

Draft report

Edit Bauer

(PE492.575v01-00)

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

Proposal for a directive

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

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United in diversity

EN

Amendment 42
Tanja Fajon

Proposal for a directive
Citation 1 a (new)

Text proposed by the Commission

Amendment

having regard to the Charter of Fundamental Rights of the European Union, and in particular Article 46 thereof,

Or. en

Amendment 43
Louis Michel

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,

Or. fr

Amendment 44
Louis Michel

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

(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

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.*

shall cooperate closely.

Or. fr

Amendment 45
Véronique Mathieu

Proposal for a directive
Recital 7

Text proposed by the Commission

(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.

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 ***and should take into account the diversity of the consular services provided.*** 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.

Or. en

Amendment 46
Tanja Fajon

Proposal for a directive
Recital 8

Text proposed by the Commission

(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.

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 ***or accessing the embassy or consulate would present the citizen of a given Member State with 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.

Or. en

Amendment 47
Edit Bauer

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

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 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. In accordance with Article 24 of the Charter, the best interests of the child, as provided

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.

for in the United Nations Convention on the Rights of the Child of 20 November 1989, should be a primary consideration.

Or. en

Amendment 48

Tanja Fajon

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 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. ***However, Member States should undertake all actions 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 49
Kyriacos Triantaphyllides

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9 a) The assisting Member State should provide consular protection as well to recognised refugees and stateless persons and other persons who do not hold the nationality of any country but who reside in a Member State and are holders of a travel document issued by that Member State.

Or. en

Amendment 50
Tatjana Ždanoka

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9 a) The assisting Member State should provide protection to 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, taking into account their particular situation. Member States may not be in a position to deliver all types of consular protection to such persons.

Or. en

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 51 **Sylvie Guillaume**

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) Member States' representations and the EU delegation shall finalise arrangements on burden-sharing and the exchange of information on assistance provided to unrepresented citizens and shall inform the local authorities accordingly. Such arrangements should be notified to the Commission and the European External Action Service, approved by the Council and published on the relevant websites of the Member States and on a dedicated website of the Commission. Unrepresented citizens should be protected by Member States' representations and the EU delegation on the basis of these arrangements.

Or. fr

Amendment 52 **Tanja Fajon**

Proposal for a directive **Recital 10**

Text proposed by the Commission

(10) *Unrepresented* citizens should be able to freely choose the embassy or consulate

Amendment

(10) *All EU* citizens should be able, *under certain conditions*, to freely choose the

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.

embassy or consulate from which they seek consular protection. Member States *and Union delegations may* 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 *and the websites of the Member States entering such arrangements.*

Or. en

Amendment 53
Louis Michel

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 EU delegation* 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 *and on relevant websites of the Member States concerned and of the Council.*

Or. fr

Amendment 54
Véronique Mathieu

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) Member States' ***representations and the EU delegation conclude, with information to local authorities, arrangements on *burden-sharing and exchange of information, regarding the assistance provided to unrepresented citizens. Such arrangements should be fairly distributed and take into account the capacities of each Member State. They should be notified to the Commission and to the European External Action Service and published on EU and Member States' dedicated websites. Unrepresented citizens shall be protected by Member States' representations and the EU delegation on the basis of these arrangements.****

Or. en

Amendment 55
Tanja Fajon

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) The traditions regarding the competences of honorary consuls diverge among Member States. Honorary consuls are generally in a position to perform very limited consular tasks. Honorary consuls should only be regarded as equivalent to accessible embassies and consulates present in a third country on a permanent basis within the scope of their competences pursuant to national law and practices.

Amendment

(11) The traditions regarding the competences of honorary consuls diverge among Member States. Honorary consuls are generally in a position to perform very limited consular tasks. Honorary consuls should only ***in exceptional circumstances*** be regarded as equivalent to accessible embassies and consulates present in a third country on a permanent basis within the scope of their competences pursuant to national law and practices.

Or. en

Amendment 56
Tatjana Ždanoka

Proposal for a directive
Recital 12

Text proposed by the Commission

(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.

Amendment

(12) Protection should be provided if applicants establish that they are **beneficiaries** of the **right to protection**. **Applicants** 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 **or a resident**.

Or. en

Justification

Citizens of the Union are not the only beneficiaries of the right to protection under this directive.

Amendment 57
Tanja Fajon

Proposal for a directive
Recital 12

Text proposed by the Commission

(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

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.

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 Member State shall guarantee that unrepresented citizens are provided with the necessary means for verifying their identity.***

Or. en

Amendment 58
Tanja Fajon

Proposal for a directive
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18 a) 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.

Or. en

Amendment 59
Tanja Fajon

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. The **EEAS** should be **responsible for coordination and contingency planning in crisis situations**. **The Union delegations, the Member States and EEAS should take all necessary steps to inform the citizens about contingency planning**.

Or. en

Amendment 60
Louis Michel

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**

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 be entrusted with consular tasks wherever relevant**. **The Union should be provided with the necessary financial means in order to be able to fulfil this role**.

States can be provided.

Or. fr

Amendment 61

Louis Michel

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, Member States *shall* 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.

Or. fr

Amendment 62

Véronique Mathieu

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

Amendment

(27) In accordance with the prohibition of discrimination contained in the Charter, Member States *and the European External Action Service* 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

sexual orientation.

national minority, property, birth,
disability, age or sexual orientation.

Or. en

Amendment 63
Sylvie Guillaume

Proposal for a directive
Article 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 ***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 ***and by the Union delegation, on a basis which is agreed at local level and centrally.***

Or. fr

Amendment 64
Tanja Fajon

Proposal for a directive
Article 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

Amendment

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 ***or the services of their Member States are not accessible under regular conditions,*** to protection by

same conditions as the nationals of that Member State.

the diplomatic or consular authorities of another Member State on the same conditions as the nationals of that Member State.

Or. en

Amendment 65
Louis Michel

Proposal for a directive
Article 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. ***The Union delegations may 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'. The Union shall be provided with the financial means necessary to carry out the tasks set out in this Article.***

Or. fr

Amendment 66
Sylvie Guillaume

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 **protected** by the diplomatic or consular authorities of another Member State **and by the EU delegation** under the same conditions as its nationals, **on a basis agreed at local level and centrally**.

Or. fr

Amendment 67

Tanja Fajon

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 **or which is represented but accessing his or her diplomatic or consular authority presents the citizen with unnecessary use of precious time and financial resources in cases of emergency**, 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.

Or. en

Amendment 68

Louis Michel

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 another Member State **or by the Union delegation** under the same conditions as its nationals.

Or. fr

Amendment 69
Tanja Fajon

Proposal for a directive
Article 2 – paragraph 2

Text proposed by the Commission

2. Citizens holding the nationality of more than one Member State of the Union are unrepresented if none of their Member States of nationality is represented by a diplomatic or consular authority in a third country.

Amendment

2. Citizens holding the nationality of more than one Member State of the Union are unrepresented if none of their Member States of nationality is represented by a diplomatic or consular authority in a third country **or accessible under regular conditions**.

Or. en

Amendment 70
Kyriacos Triantaphyllides

Proposal for a directive
Article 2 – paragraph 3

Text proposed by the Commission

3. Family members of unrepresented

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.

citizens who themselves are not citizens of the Union ***and recognised refugees and stateless persons and other persons who do not hold the nationality of any country but who reside in a Member State and are holders of a travel document issued by that Member State, 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.

Or. en

Amendment 71
Tatjana Ždanoka

Proposal for a directive
Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. 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 are 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

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 72
Véronique Mathieu

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. A Member State is not represented in a third country if it has no accessible embassy or consulate established on a permanent basis in that country.

Amendment

1. A Member State is not represented in a third country if it has no accessible embassy or consulate established on a permanent basis in that country. ***It shall notify the EU delegation and the diplomatic or consular authorities of the Member States accordingly.***

Or. en

Amendment 73
Tanja Fajon

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

deleted

Or. en

Amendment 74
Tanja Fajon

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

Amendment

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.

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 ***only in exceptional circumstances.***

Or. en

Amendment 75
Sylvie Guillaume

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. Unrepresented citizens may choose the Member State embassy or consulate from which they seek consular protection.

deleted

Or. fr

Amendment 76
Véronique Mathieu

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. Unrepresented citizens may choose the Member State embassy or consulate from which they seek consular protection.

deleted

Or. en

Amendment 77
Tatjana Ždanoka

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.***

Or. en

Justification

The role of the Union delegation should be underlined.

Amendment 78
Louis Michel

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 ***or may seek such protection from a Union delegation.***

Or. fr

Amendment 79
Sylvie Guillaume

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

2. A Member State may represent another

Amendment

2. In order to guarantee effective

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.

treatment of applications for consular protection for unrepresented citizens, Member States' representations and the EU delegation shall conclude local arrangements on burden-sharing and information exchange. Such arrangements should be notified to the local authorities then sent to the Commission and the European External Action Service, approved by the Council and published on the relevant websites of the Member States and on a dedicated website of the Commission.

Or. fr

Amendment 80
Louis Michel

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. ***In third countries, Union delegations shall coordinate the efforts to set up those arrangements.*** Member States shall inform the European Commission of any such arrangement in view of publication on its dedicated internet site ***and on the relevant websites of the Member States concerned.***

Or. fr

Amendment 81
Véronique Mathieu

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 give access to consular protection to unrepresented citizens and provided that effective treatment of applications is ensured, Member States' representations and the EU delegation conclude local arrangements on burden sharing and exchange of information. After notification to local authorities, these local arrangements should be reported to the Commission and to the EEAS and published on EU and Member States' websites.

Or. en

Amendment 82
Tanja Fajon

Proposal for a directive
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. These arrangements do not in any way influence the protection of citizens of the Union as provided by this directive.

Or. en

Amendment 83
Véronique Mathieu

Proposal for a directive
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The European External Action Service is in charge of the general

coordination of Member States and EU Delegations' cooperation on consular protection matters and corresponding arrangements.

Or. en

Amendment 84
Tanja Fajon

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

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.

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. ***The assisting Member State shall guarantee that the citizen is provided with the necessary means for verifying his or her identity.***

Or. en

Amendment 85
Tatjana Ždanoka

Proposal for a directive
Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. For 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, as referred to in Article 2(3a) of this Directive, this article applies

mutatis mutandis as to the proof of the existence of residence and travel documents.

Or. en

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 86
Tanja Fajon

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 **at the least** in the following situations

Or. en

Justification

The situations listed in the directive should present minimum standards guaranteed to all EU citizens and should, therefore, be non-exhaustive.

Amendment 87
Louis Michel

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 88
Tatjana Ždanoka

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 and **between Member States** and 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, **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.

Or. en

Justification

The role of the Union delegation should be underlined.

Amendment 89
Louis Michel

Proposal for a directive
Article 7

Text proposed by the Commission

Member States' diplomatic and consular

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Amendment

Union delegations shall ensure

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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.

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 or 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 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.

Or. fr

Amendment 90
Véronique Mathieu

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

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 **and shall cooperate with a view to defining the appropriate 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.

Or. en

Amendment 91
Kyriacos Triantaphyllides

Proposal for a directive
Article 8 – paragraph 1 – point b

Text proposed by the Commission

(b) visit the citizen and **monitor** minimum standards of treatment in prison;

Amendment

(b) visit the citizen **while ensuring** and **monitoring that, at least,** minimum standards of **detention conditions and** treatment in prison **apply**;

Or. en

Amendment 92
Tanja Fajon

Proposal for a directive
Article 8 – paragraph 1 – point b

Text proposed by the Commission

(b) visit the citizen and monitor minimum standards of treatment in prison;

Amendment

(b) visit the citizen, **secure** and monitor minimum standards of treatment in prison;

Or. en

Amendment 93
Kyriacos Triantaphyllides

Proposal for a directive
Article 8 – paragraph 1 – point c

Text proposed by the Commission

(c) provide the citizen with information on **the rights of the detained.**

Amendment

(c) provide the citizen with information on **his/her rights and ensure that legal**

assistance is provided.

Or. en

Amendment 94

Tanja Fajon

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 treatment in prison. It shall immediately inform the citizen's Member State of nationality about any complaints of ill-treatment ***and inform the citizen's Member State on the actions taken in order to prevent such ill-treatment and secure the minimum standards of treatment in prison.***

Or. en

Amendment 95

Kyriacos Triantaphyllides

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 ***all the necessary*** information ***and*** assistance regarding relevant legal issues and health care.

Or. en

Amendment 96
Tatjana Ždanoka

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 include a regular exchange of information on unrepresented citizens, on matters such as safety of citizens, prison conditions, consular access ***or crisis planning***. ***The*** Chair shall be a representative of the Union delegation. 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.

Or. en

Justification

The role of the Union delegation should be underlined.

Amendment 97
Louis Michel

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***

Amendment

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. ***Meetings shall be chaired by*** a representative of ***the Union delegation***. The Chair shall collect and regularly update contact details, in

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.

particular regarding the contact points of unrepresented Member States, and share them with the local embassies and consulates and the Union delegation.

Or. fr

Amendment 98
Tanja Fajon

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. To ensure comprehensive preparedness local contingency planning shall include unrepresented citizens. ***The Union delegation*** in a third country shall coordinate the contingency plans among ***the Member States represented in a third country*** with the ***Member States not represented in a third country***. 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.

Or. en

Amendment 99
Louis Michel

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

Or. fr

Amendment 100

Tanja Fajon

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 the Union **delegation and all the Member States** shall closely cooperate to ensure efficient assistance of unrepresented citizens. Member States and the Union **delegation** shall inform each other about available evacuation capacities in a timely manner. Upon request Member States **shall** be supported by existing intervention teams at Union level including consular experts, in particular from the unrepresented Member States.

Or. en

Amendment 101

Louis Michel

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.

Or. fr

Amendment 102
Louis Michel

Proposal for a directive
Article 16 – title

Text proposed by the Commission

Lead State

Amendment

Crisis coordination

Or. fr

Amendment 103
Louis Michel

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,**

Amendment

1. **The Union delegations shall be** in charge of coordinating and leading assistance regarding the preparation for and

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

in case of crisis, which includes a specific role for unrepresented citizens.

Or. fr

Amendment 104
Louis Michel

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

Or. fr

Amendment 105
Louis Michel

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.

Or. fr

Amendment 106
Louis Michel

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**

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 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 **Union delegation** may seek, if appropriate, support from instruments such as the EU Civil Protection Mechanism in cooperation with 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.

with all the relevant information regarding their unrepresented citizens present in a crisis situation.

Or. fr