

Consular protection for unrepresented citizens of the Union in third countries

2023/0441(CNS) - 24/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 521 votes to 89, with 17 abstentions, following a special legislative procedure, a 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.

Parliament approved the Commission proposal subject to the following amendments:

Refugees and stateless persons

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

Lack of representation

In determining whether a Member State has no embassy or consulate able to provide effective consular protection in a given situation, the embassy or consulate with which the unrepresented citizen seeks consular protection should take into account the difficulty for the citizen concerned to safely reach or be reached by the embassy or consulate of his or her Member State of nationality within a reasonable period of time, taking into account the nature and urgency of the assistance requested and the means available to the citizen. While the appropriate period of time will depend on the particularities of each assistance request, the period for citizens to safely reach or be reached by the embassy or consulate of their Member State should in any case not exceed 48 hours.

Access to consular protection and other arrangements

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

When granting consular protection to unrepresented citizens, Member States should take an intersectional approach to the specific needs of vulnerable groups and persons at risk of discrimination on any grounds.

Crisis preparation

Member States and the EEAS should set up and agree a joint consular contingency plan for each third country. The joint consular contingency plan should contain an analysis of the consular situation in the country and a risk assessment of the most plausible scenarios affecting Union citizens; such as, but not limited to, military, political, criminal and health risks, and natural disasters.

Member States and Union delegations should 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.

Member States should:

- 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 third countries in question are not considered fully safe;
- always inform each-other every time they become aware of increased security risks;
- enhance situational awareness with Union Delegations in third countries, including by regularly sharing risk assessments updates and possible threats to the security of EU citizens, and by exchanging information on their travel advice.

The EEAS, in close cooperation with Member States, should provide consular crisis preparedness, simulation and response training to Union officials and Member States' diplomatic and consular staff to improve their ability to manage crisis situations and provide assistance to EU citizens abroad.

Special protection for children

With the support of EU delegations, Member States should take specific measures to ensure the right to consular protection of children who are EU citizens in third countries, in particular where there is a risk of violation of their rights as enshrined in the EU Charter of Fundamental Rights and the UN Convention on the Rights of the Child. The best interests of the child should be taken into account.

Information for EU citizens

Member States should take measures to inform their citizens of their right. This could include the implementation 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.