Basic information

2023/0441(CNS) CNS - Consultation procedure Directive	Awaiting Parliament's vote
Consular protection for unrepresented citizens of the Union in third countries Amending Directive 2015/637 2011/0432(CNS) Amending Directive 2019/997 2018/0186(CNS) **Subject** 1.20.20 Diplomatic and consular protection	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	DÜPONT Lena (EPP)	18/03/2026
	Shadow rapporteur KALJURAND Marina (S&D) EHLERS Marieke (PfE) KANKO Assita (ECR) GARCÍA HERMIDA-VAN DER WALLE Raquel (Renew) STRIK Tineke (Greens/EFA) SALIS Ilaria (The Left)	

Former committee responsible	Former rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	VINCZE Loránt (EPP)	31/01/2024

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	SÁNCHEZ AMOR Nacho (S&D)	08/04/2026

Former committee for opinion	Former rapporteur for opinion	Appointed
AFET Foreign Affairs (Associated committee)	SÁNCHEZ AMOR Nacho (S&D)	20/02/2024

	DEVE Development	The committee decided not to give an opinion.	
	JURI Legal Affairs	LEBRETON Gilles (ID)	13/02/2024

Council of the European Union	
European Commission	

Commission DG	Commissioner
Justice and Consumers	REYNDERS Didier

Key events

Date	Event	Reference	Summary
06/12/2023	Legislative proposal published	COM(2023)0930	Summary
14/03/2024	Committee referral announced in Parliament		
24/04/2024	Decision by Parliament	T9-0336/2024	Summary
24/04/2024	Results of vote in Parliament		
11/02/2026	Formal reconsultation of Parliament		
11/02/2026	Amended legislative proposal for reconsultation published	05760/2026	
28/09/2026	Vote in committee		
29/09/2026	Committee report tabled for plenary, reconsultation	A10-0254/2026	

Technical information

Procedure reference	2023/0441(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 2015/637 2011/0432(CNS) Amending Directive 2019/997 2018/0186(CNS)
Legal basis	Rules of Procedure EP 57_o Treaty on the Functioning of the European Union TFEU 023 -a2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Awaiting Parliament's vote
Committee dossier	LIBE/10/05252 LIBE/9/13828

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE759.050	05/03/2024	
Committee opinion	AFET	PE758.853	21/03/2024	
Amendments tabled in committee		PE760.930	03/04/2024	
Committee opinion	JURI	PE759.733	10/04/2024	
Text adopted by Parliament, 1st reading/single reading		T9-0336/2024	24/04/2024	Summary
Committee opinion	AFET	PE787.925	07/05/2026	
Committee draft report		PE789.005	22/05/2026	
Amendments tabled in committee		PE789.972	12/06/2026	
Committee final report tabled for plenary, reconsultation		A10-0254/2026	29/09/2026	

Council of the EU

Document type	Reference	Date	Summary
Amended legislative proposal for reconsultation	05760/2026	11/02/2026	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2023)0930	06/12/2023	Summary
Document attached to the procedure	SEC(2023)0930	07/12/2023	
Document attached to the procedure	SWD(2023)0940	07/12/2023	
Document attached to the procedure	SWD(2023)0941	07/12/2023	
Document attached to the procedure	SWD(2023)0942	07/12/2023	
Commission response to text adopted in plenary	SP(2024)394	08/08/2024	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	ES_PARLIAMENT	COM(2023)0930	18/03/2024	
Reasoned opinion	IT_SENATE	PE761.178	10/07/2024	

Additional information

Source	Document	Date
European Parliament	Briefing	16/07/2024
European Commission	EUR-Lex	

Consular protection for unrepresented citizens of the Union in third countries

2023/0441(CNS) - 06/12/2023 - Legislative proposal

PURPOSE: to revise the EU Consular Protection Directive to facilitate consular protection for unrepresented citizens of the Union in third countries.

PROPOSED ACT: Council Directive.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: crises resulting in requests for consular protection are increasing in frequency and scale. The COVID-19 pandemic, the crisis in Afghanistan, Russia's war of aggression against Ukraine, the conflict in Sudan, the repatriations from Israel and Gaza and other similar crises have provided a context to identify gaps and reflect on how to further facilitate the exercise of the right to consular protection.

Improving consular protection of Union citizens abroad by reinforcing Union solidarity and cooperation in this field ensures that Union citizens continue to benefit from this fundamental right according to the highest standards, in particular during times of crisis.

The rules established under the Consular Protection Directive should be amended to protect and support EU citizens abroad in times of crisis.

To improve legal certainty for consular authorities and citizens, it is therefore 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.

CONTENT: in this regard, the Commission proposes to **revise the EU Consular Protection Directive** to ensure better and easier protection for EU citizens in a third country, where their country of nationality does not have a consulate or embassy. Therefore, EU citizens should be able to get clearer information and exercise their rights for assistance and protection.

Overall, the proposal aims to: (i) **simplify procedures** and make best use of the EU's global network of EU delegations, Member States´ embassies and consulates to better assist citizens in need; (ii) **reinforce crisis preparedness and response measures**, including by conducting regular consular crisis exercises and preparing crisis consular plans with an assessment of possible risks and an estimate of EU citizens present for each country; (iii) **send joint teams of consular experts** to reinforce diplomatic and consular staff during crises.

More specifically, the proposal:

- clarifies when a Member State is **not to be considered as represented** in a third country due to the fact that it has **no embassy or consulate** effectively in a position to provide consular protection. The proposal also sets out the criteria to be taken into account by the embassy or consulate from which the unrepresented citizen seeks consular protection to determine whether a Member State has no embassy or consulate effectively in a position to provide consular protection in a given case;

- clarifies that the presence of an **honorary consul** of the citizen's Member State of nationality may only be taken into account if the assistance requested by the citizen is covered by the competences of the honorary consul. This is to avoid that citizens are denied assistance with reference to an honorary consul who is not competent to assist them;

- adds a reference to 'evacuation' to comprehensively cover situations where Union citizens are rescued and moved from areas affected by an emergency to a safe location, which must not necessarily be the territory of a Member State, as well as situations where Union citizens are repatriated to Union territory;

- states that Member States may involve, in their coordination and cooperation measures, security and military personnel, honorary consuls, international organisations or diplomatic and consular authorities of third countries;

- introduces the possibility to Member States to offer their citizens the possibility to **register with or inform competent national authorities of their travels to or residence in third countries**. This is meant to improve the information available on the estimated number and location of Union citizens present in a third country for the purposes of crisis preparedness and crisis response. It would also make it **easier to contact citizens** affected by a crisis situation;

- lays down the rules on the **reimbursement of the costs for consular protection** which would be adapted to provide that such costs are primarily to be reimbursed by the assisted unrepresented citizen directly, either when making the request or at a later stage. Only if such reimbursement does not take

place, the assisting Member State should approach the Member State of nationality for reimbursement. Moreover, Member States that assist represented citizens in crisis situations may also ask for the reimbursement of costs, given that it may not be possible or practically feasible to distinguish them from unrepresented citizens in crisis situations;

- implements the **fundamental right** to an effective remedy in the context of consular protection.

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 thirds 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.