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From : Secretariat
To : Permanent Representatives Committee / Council
Subject : **GUIDELINES ON CONSULAR PROTECTION OF EU CITIZENS IN
THIRD COUNTRIES**

Delegations will find attached hereto a revised version of the updated Consular Guidelines on the protection of EU citizens in third countries, as agreed by the working party on Consular Affairs and endorsed by the Political and Security Committee.

Following approval by Coreper, the Council is invited to adopt them as an "A" point at its meeting of 26/27 June 2006.

The following are updated consular guidelines, as drafted by the Presidency following recent developments and, particularly, of the Indian Ocean tsunami of December 2004.

These guidelines, as such, are non-binding legally and in no way hinder the Council decisions of 19 December 1995 on the protection for citizens of the European Union by diplomatic and consular representatives on the implementing measures thereof (doc. 11107/96), and of 25 June 1996 on the establishment of a European Emergency Travel Document. They are as well in line with the "Guidelines on cooperation between Member States' missions and Commission delegations in third countries and within international organisations in CFSP matters" approved by the Interim Political and Security Committee on 6 October 2000, particularly points 6 and 7 thereof (cf. 12094/00).

They also factor in, as appropriate, the best practices identified by the group in March 2006 (following Coreu LON 149/06).

GUIDELINES ON CONSULAR PROTECTION OF EU CITIZENS IN THIRD COUNTRIES

Introduction

1. Notwithstanding primary national responsibility in consular matters, these guidelines are designed to provide a framework for consular cooperation, especially in situations in which the safety of EU citizens is endangered in a third country. They have been drawn up as part of the implementation of the mutual protection obligation provided for in Article 20 of the Treaty establishing the European Community and of the cooperation tasks, as stipulated under article 20 of the Treaty of the EU; and build on the two Decisions adopted in 1995 (cf. OJ L 314 of 28.12.1995 and document 11107/95) with a view to strengthening European solidarity.
2. Implementation is left to the discretion of the heads of missions or posts in the light of local circumstances. For the purposes of these guidelines, citizens of states acceding to the EU should be considered on a same footing as citizens of existing EU Member States.
3. Some Member States may have bilateral agreements with third countries whereby citizens from the latter will be under their responsibility. Such third country citizens are referred to in these guidelines as "entitled persons". References to the missions of Member States should be taken to include missions of Acceding States under the conditions of the relevant Acts of Accession¹.
4. Commission delegations should be included in contingency planning. It is understood that — at the request of the Presidency and as appropriate — Commission delegations / representations could provide logistic support to Member States' missions, especially during crises.
5. These guidelines in no way preclude further initiatives being proposed by Heads of Mission in the light of specific situations that may arise in third countries, especially where the ability of local authorities to respond effectively to a significant incident may be limited. However, given the diverse range of possible threats, no region in the world should be excluded from consideration.

6. Consular Contingency Planning

Experience in crisis management and prevention shows that it is desirable to produce contingency plans in advance of a crisis. For these plans to be effective, they require the participation of all diplomatic and consular representations of Member States present in a third country. Such plans may follow the open-ended list in Annex I, as well as the Fiche in Annex II.

¹ See: Accession Treaty concluded with Bulgaria and Romania, Article 2, 3(1)-(2) of the Protocol on the admission conditions, OJ, 21.06.2005, L 157/29

7. Responsibilities

- 7.1. In countries at risk of a crisis where not all Member States are represented, Heads of Mission should decide amongst themselves how they will share responsibilities for ensuring that nationals of all Member States are covered by contingency plans.
- 7.2. Their decision should be based on pragmatism, flexibility and a fair division of the consular burden. This may extend to deciding that nationals of particular unrepresented Member States who seek assistance should be directed to particular EU Member States' representations as agreed by Heads of Mission locally. This may also include a recommendation to capitals that a request be made to unrepresented Member States to assist with the expenses incurred in contingency planning (emergency kits, including first-aid, food, medicines, etc.) on behalf of their nationals.
- 7.3. The co-ordination effort and the associated responsibilities should also include defining which mission will co-ordinate with local authorities, with third countries and with international organisations. A thematic approach may be as valid as an approach by institution (local government, prisons, hospitals, UN, NGOs).

8. Consular Information

- 8.1. Consular contingency planning needs to be based on adequate information on EU citizens who may be affected, recorded in a commonly understood format. This is especially important where one EU mission closes and requests another to assume its consular responsibilities.
- 8.2. Missions of Member States are invited to encourage their nationals – and other EU nationals for whom they have responsibility – to register their consular details on a voluntary basis¹. Such registration should include, as far as possible: name, nationality, contact details in-country — including address, telephone numbers (possibly also employer's details), e-mail, contact details of next of kin, details of any dependants in-country, special requirements / disabilities, and agreement to this information being shared in times of crisis with the representations of other Member States.

A specimen information sheet can be found in Annex III.

9. Consultation

- 9.1. In countries in which local circumstances so warrant, the heads of the diplomatic and consular mission holding the local Presidency will organise at least one meeting every three months with their colleagues to discuss the safety of EU citizens.
- 9.2. In normal circumstances, meetings should consider, as a matter of routine, questions such as prison conditions; problems over consular access, etc.

¹ Concerning processing of personal data occurring and being collected and registered in terms of the application of this point, the relevant EU rules shall apply, in particular Council and European Parliament Directive 95/46/EC.

- 9.3. The chair of the local consular co-operation group should keep a dossier of useful consular assistance contacts, including information such as names and contact details of EU Member States' consular staff and key local contacts such as police, prison authorities, mortuaries, airports etc.
- 9.4. These meetings will also review the effectiveness of contingency planning by EU missions locally, including a review of the need for maintaining/updating crisis information sheets. Missions responsible for unrepresented EU nationals will pass on the same information to these unrepresented nationals as they would to their own nationals (e.g. through travel advice websites, notices through the warden networks, etc).
- 9.5. The head of the diplomatic and consular mission holding the local Presidency will report on the meeting to all delegations and to the EC Delegation/Representation as the case may be. Such a report should highlight any possible significant issues that cannot be resolved in-country.
- 9.6. Specialist meetings of the relevant staff from the various missions may also be arranged.
- 9.7. Furthermore, regular meetings of staff dealing with consular issues held once every 4 to 6 weeks can provide a useful forum to exchange information and ideas. The meetings can be used to identify emerging themes in consular work, and to discuss best practice in handling different types of case.
- 9.8. Delegations should use the "Consular Affairs" working party to review best practices and strategies for handling assistance cases (e.g. deaths, hospitalisations). This should help ensure that citizens of non-represented Member States receive consistent service from posts in third countries.
- 9.9. EU posts in third countries should also share information on changes in local legislation which have a direct impact on consular work, particularly if this can lead to changes in the treatment of detainees, court procedures, medical treatment, etc.
- 9.10. In areas where distance and transport are a problem, visits to prisons and hospitals can be co-ordinated through advance planning, allowing EU missions to share the burden of visiting their nationals, or increasing the number of visits their nationals receive.
- 9.11. Member states' missions could share information about legal advice locally available, and, in particular, which legal practitioners might be willing to provide pro-bono legal advice to EU nationals who would otherwise not be able to afford to pay for representation.

10. Travel Advice

- 10.1. Member States are encouraged to share changes to travel advice relevant to the third country in question, once they have been issued including those from Member States which are not represented.

10.2. The information should to the extent possible include a description of the nature of the threat and indicate whether the threat is considered relevant to citizens of other EU Member States.

11. VHF/UHF communications networks between missions

11.1. To ensure permanent contact between them where local circumstances so warrant, missions will examine the possibility of establishing an autonomous communications network in countries in which they do not have one, or of improving the operational efficiency of the existing network if necessary.

12. Emergency planning and crises

12.1. Emergency plans of all EU Member States represented in a third country capital should be shared. This not only helps those who do not yet have an emergency plan to prepare theirs, but leads to a broader degree of commonality, and therefore a more efficient response.

12.2. Emergency plans should be reviewed on a regular basis to ensure that updates in one plan are reflected in others.

12.3. Heads of mission or their staff will inform one another of developments regarding the situation of their nationals, their location, threats to their safety, instructions to be communicated to them particularly in the event of assembly or evacuation, and of all the resources at their disposal. They will also inform one other of the establishment of emergency reserves and the procedures for using them.

12.4. Common practical exercises, or evacuation seminars, involving resident and non-resident Member States, including military personnel are a good way of sharing details on national planning, and to identify issues of common concern.

12.5. Co-ordination with third parties is of particular importance. EU Member States' plans should be not only consistent with each other, but should also fit with those of the host country (where applicable) and those of other major partners, such as friendly third countries, UN, and NGO plans. Early co-ordination meetings with interested third parties can help ensure that all relevant information is taken into account, and that best use is made of available resources.

12.6. If one or more assembly points are chosen for all EU citizens (particularly with a view to joint evacuation), the diplomatic and consular missions will appoint a representative for the assembly centre(s).

12.7. In the event of a crisis taking place which requires implementation of the security plans, the Presidency in a Third Country should ensure co-ordination of such plans, even if it is not directly taking part in their implementation.

- 12.8. Without prejudice of the provisions of Article 6 of the Council Decision of 19 December 1995 concerning the repayment of costs, etc., Member States will reimburse those Member States which act on their behalf for expenses incurred in securing the safety of their nationals (e.g. where provision of a radio network is necessary, hiring of vehicles to transport persons to a safe area, etc.), in a pragmatic way.
- 12.9. The diplomatic and consular missions will work together to ensure that use of space on transportation used for an evacuation is maximised and that rotations are optimised.
- 12.10. Where EU nationals being evacuated are asked to pay the costs of the evacuation as well as other expenses related thereto (see point 12.8 above), payment arrangements should be made from Member State to Member State, on a pro-rata basis. It will then be the responsibility of the requesting Member State to pursue repayment from its nationals.
- 12.11. Member States requesting the inclusion of their nationals and entitled persons will:
- (a) notify the evacuating state (both locally and centrally) of the details of the entitled persons they wish to have evacuated;
 - (b) if possible, ensure that the entitled persons reach the embarkation point;
 - (c) provide consular verification at the point of embarkation if they are represented locally (or send staff from the nearest local mission if requested by the evacuating state); and
 - d) take responsibility for their entitled persons from the point of disembarkation.

13. Dispatch of consular and medical support teams

- 13.1. A Member State may decide to send a consular and medical support team (consisting of staff with experience of consular work and emergency doctors, psychiatrists, etc., and, if possible, having autonomous communications and IT equipment) to facilitate the work of its mission by providing reception facilities and psychological support for its citizens.
- 13.2. In such cases, it will inform its partners, both at local and at central level, of the dispatch of the mission, the objectives assigned to it and the resources available. Member States wishing to complement any such team will make the necessary arrangements with the lead team.
- 13.3. When such teams are dispatched by Member States, logistic support will be provided locally either by the Member States' missions present, and or the Commission delegations, in accordance with arrangements made locally.

14. Communication between Capitals

- 14.1. Effective communication between capitals during times of crisis is essential to complement planning in-country. Member States who have responsibility for contingency planning on behalf of unrepresented Member States in a third country are encouraged to share significant decision-making through the use of COREUs and e-mails circulated to their counterparts in the consular crisis units. This is of particular importance where the seriousness of the threats facing citizens from different Member States varies, where a Member State may decide to evacuate its own citizens unilaterally or when sharing urgent information that is not of a confidential nature. Member States should privilege the use of e-mail messages to e-mail recipients that can be reached on a seven-days-a-week, twenty-four-hours-a-day basis. The use of teleconferencing, for a rapid exchange of information during crises, as well as of the consular Web-based forum for less urgent matters — including changes in travel advice — is also encouraged.
- 14.2. The list of Heads of Crisis Units and contacts in the consular departments is available on the General Secretariat's secure forum page.

ITEMS TO BE CARRIED OUT ROUTINELY BY MISSIONS IN THIRD COUNTRIES

1. Convening meetings for updates on contingency and evacuation plans in the event of a crisis. At the earliest stage possible, determining which country or countries will co-ordinate a possible evacuation and establishing the burden sharing arrangements.
2. Circulating a scheme of contingency plans. The scheme should, i.a., include the information described in Annex II. If possible, a common list of the main contact points should be kept, as well as ensuring an ongoing liaison among them.
3. Keeping a registry of EU citizens who have voluntarily provided their addresses, telephone numbers and other useful information.
4. Establishing and/or maintaining VHF/UHF or other emergency networks among the EU missions and Commission delegations / representations present and, if necessary or advisable, with the missions of third countries. Special attention should be paid to ensuring cell-phones used by the different actors are compatible.
5. Establishing an effective exchange of information regarding countries of secondary accreditation for the preparation of data to be provided to the current Presidency.
6. Gathering non-represented EU citizens at the assembly points established by the contingency plans.
7. Estimating – and providing – the necessary personnel to cover the administrative procedures that concern their citizens and those they are representing.
8. Where necessary, consulting and involving honorary consuls.

SPECIMEN INFORMATION SHEET

(It may be accompanied by maps, photographs, etc.)

Nationals:

- Number of nationals: registered/passing through (estimate)
- Location by city, town or area
- Isolated communities (religious, companies, NGOs)
- Cooperation agreements with other States, the safety and protection of whose citizens must be ensured. It would be useful to specify the number of persons in question, their location and their means of communication.

Division of large cities into zones:

- number of families per zone
- location of zones
- persons responsible for zones: name and contact details

Assembly centres:

- Exact location and resources available to receive nationals at centres (personnel, essential supplies, means of communication, etc.)
- Person responsible for assembly point (name and contact details)
- Emergency reserves in position:
- Rations, long-life foodstuffs, essential supplies
- Medicines, water tanks or pumps, tanks of fuel, bedding, blankets.
- Medical facilities (cf. 8024/99 COR 1), if required

Security radio networks:

a) In town

- Type of facility and description of equipment
- Number of portables
- "National community" channel, frequencies and call signs
- "Communication between EU missions" channel, frequencies and call signs

b) Long distance

- HF/BLU equipment
- Call signs and frequencies
- FM material
- Frequency
- Satellite suitcases
- Telephone numbers and identifiers

Other means of communication:

- Emergency number(s) of embassy and consulate
- Mobile telephone number(s)
- Fax number(s)

PERSONAL DATA SHEET

The information on this sheet is provided on a strictly voluntary basis. It is intended for use in crisis situations only. The person providing data agrees that they can be shared with the authorities of other (Member) States to ensure a better co-ordination of planning and/or evacuation.

Full name:

Address (local):

Telephone (local):

Address (Home):

Telephone (Home):

E-mail:

Person(s) to be contacted in case of need:

Name:

Address:

Telephone:

E-mail:

In case of evacuation, this person has been instructed to go to assembly point: XXX