



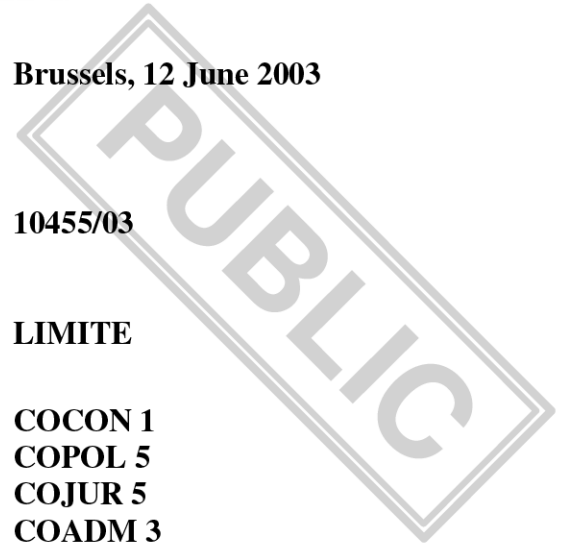
**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 12 June 2003**

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**REPORT**

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From: Secretariat  
To: Delegations

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Subject : Meeting of the "Consular Affairs" working party - Brussels, 28 May 2003

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I. Operational conclusions

- Member States will make possible suggestions on how to update the Consular Guidelines in doc. SN 3447/02, by 29 June 2003, especially in the following areas:
  - Consular registration
  - Burden sharing
  - Financing
  - Contingency planning
  - Co-ordination
  
- The Presidency will circulate the terms of an EU démarche in Tokyo concerning prison conditions in Japan
  
- The Presidency will inquire on the possibility of organising before the end of June a meeting of the Troika to study the possible creation of an "experts network". The Secretariat and the Commission supported this initiative.

## II. Other points

### 1. Consular co-operation and protection of EU citizens in crisis events

The Presidency pointed out that the existing guidelines needed clarification and extension, as proven by recent events. This was particularly urgent in the case of natural catastrophes and terrorist acts, which, by definition were always unexpected. Other groups were working on the issue as well and the Consular Affairs working party should look at the consular issues.

From the answers received from Member States and Acceding States, it seemed clear that citizens could be registered abroad, especially if there was a crisis situation.

It was agreed that the information in registries should be treated with care and shared, when appropriate, only if upon registration the citizens involved had given their explicit consent. It still remained to be seen if a common registration form could be used and which information it should contain. It was also important to have at least rough estimates of how many people registered had dual citizenship, as this status sometimes gave rise to problems with the host countries when dealing with issues of consular protection. Though the 1930 Convention explicitly prohibits giving consular assistance to citizens with dual citizenship when they are citizens of the host country, there was also a problem of humanitarian consideration, public opinion and media pressure to deal with. The Presidency suggested that the International Public Law working party might want to look into this.

The Presidency and several delegations stressed the need for an improved, more collaborative system of communications among consular authorities, in the Member States and in third countries, as this would lead to better co-ordination.

Delegations were asked to circulate by coreu possible improvements to the existing guidelines.

## 2. Consular aspects of evacuation

The group noted once again that the Council Decision of 27 June 1996 on the use of the WEU's military capabilities to evacuate EU citizens was now obsolete and that a new decision might be needed. However, evacuation procedures concerned consulates only partially. The group therefore suggested that any other groups dealing with this issue, either at present or in the future, should refer to the "Consular Affairs" working party on any consular subjects that might arise.

In the meantime, delegations agreed that rather than a "lead" country it would be better to speak of "co-ordinating" country or countries and that, above all, there should be pragmatism, flexibility and speed. Delegations suggested that the HoMs should be instructed to prepare contingency plans in all third countries, including - but not limiting themselves to - "problem" or "risk" countries, as the events on 11 September 2001 had proven that even the best organised countries could face moments of great confusion.

It would be useful to have the lists of EU citizens as described under point 1, perhaps as aggregates and not necessarily with names, as this would allow the Member States co-ordinating the evacuation to better gauge possible means needed.

The Secretariat recalled that a list of third countries with no mission or few missions from EU Member States had been circulated by successive presidencies. The last one available was from 19 September 2002. At that date, the following third countries had no EU missions present: Bhutan, Dominica, Liberia, Liechtenstein, The Maldives, The Marshall Islands, Micronesia, Monaco, Nauru, The Republic of Palau, Western Samoa, Somalia, St. Christopher and Nevis, and Tuvalu. There was only one EU mission in the following third countries: Antigua and Barbuda, Bahamas, Barbados, Belize, The Central African Republic, Comoros, Djibouti, Gambia, Grenada, Guyana, Kyrgyzstan, Kiribati, Niger, San Marino, St. Vincent and the Grenadines, Sao-Tome and Principe, Sierra Leone, the Solomon Islands, Swaziland, Chad, and Tonga. There were only two EU missions in the following third States: Andorra, Burundi, Cabo Verde, Fiji, Guinea, Guinea-Bissau, Equatorial Guinea, Iraq, Lesotho, Malawi, Mauritius, Moldavia, Papua-New Guinea, St. Lucia, Seychelles, Suriname, Tajikistan, Timor, Togo, and Vanuatu.

The Secretariat was invited to circulate, if available, a list of all the missions of EU Member States in third countries. Eventually, Member States could amend or complete such a list.

### 3. Questionnaire

The Secretariat pointed out that only 11 answers had been received so far on the questionnaire concerning consular cooperation and protection of EU citizens. Though all the replies received so far pointed in the same direction, it was still not possible to consolidate data.

### 4. Consular troika with the US

The Secretariat gave an oral report on the Troika held with the US on 30 April. Few new issues had emerged, the main one being the need for EU Member States to issue new passports much earlier than foreseen, as the Patriot Act had brought the dates of machine-readable passports and biometrics much closer, as well as measures that had been taken in the context of the SARS epidemic.

### 5. A.O.B.

#### - Prison conditions in Japan

The UK delegation circulated an aide-memoire on the poor treatment of detainees and prisoners in Japan, specifically mentioning the following problems: lack of or poor medical treatment, refusal to engage by authorities on the medical issues, heating in winter, food allergies, etc., solitary confinement used excessively or inappropriately, and correspondence with detainees, as a 7,000 Yen (approximately 52€) fee per page translated was imposed on prisoners, often making it impossible for them to read their mail. As this behaviour contravenes the VCCR and the UN Standard Minimum Rules for the Treatment of Prisoners, the Presidency suggested that an EU démarche was in order and said it would be circulating the terms of such a démarche for the comments of delegations.

- Israeli border-crossing restrictions

The UK raised the issue of access to the Gaza Strip and elsewhere in the occupied territories as well as to Israel itself was being restricted, especially vis-à-vis British Muslims. The issue had been raised bilaterally as it was having repercussions not only for UK travellers but also for the UN and humanitarian agencies. Other delegations said they were experiencing the same problems. It was suggested that bilateral contacts from other Member States with Israel might be useful.

- The Presidency announced that the Political Department for the Middle East of the Hellenic MFA has instructed its Missions in the area of the Middle East and North Africa to organise a special meeting of the Heads of Administration to evaluate the repercussions of the war in Iraq and review the consular aspects as well as other issues.

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