



Council of the
European Union

Brussels, 4 December 2020
(OR. en)

13619/20

LIMITE

COCON 30
CFSP/PESC 1073
PROCIV 91

NOTE

From:	General Secretariat of the Council
To:	Working Party on Consular Affairs
No. prev. doc.:	WK 13484/2020 REV 1
Subject:	Joint Consular Teams in the framework of EU27 internal crisis preparedness - Joint Presidency and the EEAS paper on Joint Consular Teams

Delegations will find attached the above-mentioned document as agreed by the members of the Consular Affairs Working Party at their informal video conference on 2 December 2020.

Joint Consular Teams

The challenge of consular assistance during a crisis in third countries has long preoccupied EU Member States. Legal instruments such as the Consular Protection Directive 2015/637¹ in addition to tools like the joint frameworks or joint demarche toolkit have greatly contributed to both represented and unrepresented Member States providing assistance and protection to their citizens in third countries.

The Consular Protection Directive refers to “intervention teams” (cf. Article 11 and 13) and to “multi-disciplinary crisis teams” (cf. Recital (21)). As highlighted by the recent global repatriation efforts brought about by the Covid-19 pandemic in the beginning of 2020, there is a desire by MSs to work together and support each other during a large-scale consular crisis. The Covid-19 pandemic has also showcased the necessity to work together, as all states and people have been affected by the Corona virus and only by working together were the EU MS able to repatriate and assist all EU citizens.

In the event of a crisis, we have demonstrated our ability and willingness to cooperate and coordinate our efforts, to the benefit of all EU citizens. This Joint Paper therefore proposes cornerstones, which can form the basis for a completely voluntary framework for Joint Consular Teams. These teams would help to streamline efforts and communication and would adapt to local and crisis-specific circumstances. The consular cooperation teams could also be open for participation by like-minded third country partners. Proposals for activation can be sent by any MS or the EEAS.

¹ Council Directive (EU) 2015/637 of 20 April 2015 on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries and repealing Decision 95/553/EC, OJ L 106, 24.4.2015, p. 1

- **Voluntariness**

The Teams should be completely voluntary in their entirety, giving Member States the opportunity to opt-in, based on factors such as degree and severity of the impact on their citizens, in addition to other factors such as available resources (including HR or financial). Participants can also joint JCTs “double hatted” in case a national team is also deployed.

Moreover, MS decisions should be based on local needs as identified by the EU MS, EEAS, representations and/or the local EU DEL. After assessing local and citizens’ needs, MS should then, place in collaboration with the EEAS, coordinate with each other, to allow for a coordinated and streamlined approach to the sending out of consular experts. MS should explicitly direct their experts to coordinate, where it is appropriate, with other national experts, as well as the EU DEL, if present.

- **Solidarity**

Solidarity needs to be at the base of the JCTs for cooperation between represented and unrepresented MS. The Consular Protection Directive already sets out the basis of solidarity and assistance represented MS have to provide to unrepresented EU citizens. Article 13 in particular outlines the basis of cooperation between represented and unrepresented states to ensure consular protection for all EU citizens in third countries. At the same time, JCTs offer another opportunity to show solidarity, as even MS with representations in a given country may face resource constraints. This limits their ability to address a large scale crisis, in particular in case a large number of unrepresented EU citizens additionally require their assistance. The burden needs to be shared by all affected or able, to ensure MS representations are not overstretched and thereby rendered inoperable in the event of a large-scale crisis. Simultaneously, coming together as a Joint Consular Team might allow unrepresented MS to respond in a more cost and resource efficient manner, as the burden and work can be shared across the team. By acting in solidarity, we can best make use of our resources, in addition to optimizing our access to and use of already existing infrastructure.

- **Equality**

Since these teams are a joint undertaking with the ultimate goal of assisting our citizens, which is based on the principle of non-discrimination, the workings of a JCT should also be based on equality. Given that the build-up of the teams is based on flexibility, the specific structure of any joint team should additionally be based on local and citizen's needs. Therefore, the structure should be based on equality while remaining open and flexible enough to adapt to crisis specific and local circumstances.

Participants will act according to their own SOPs and the internal working structures should be decided by the group on an equal footing to ensure productive problem-solving working methods. JCT-Members will act on an equal level, solving existing challenges for our citizens according to their needs and possibilities.

- **Simplicity**

On a voluntary basis, a JCT would be made of national participants and possibly even EU staff, where appropriate. The JCT members should ideally be trained in practical consular response operations and be deployed from Member States headquarters, embassies or regional hubs in the manner fitting the circumstances.

The principle regarding operational costs associated with the team and personnel would be that cost *lie where they fall*; that Member States answer for own operational cost. In line with the Consular Protection Directive Article 11, EU Delegations will contribute by providing available logistical support, including office accommodations and organisational facilities This may include joint use of transport assets, translator support or others.

- **Flexibility**

Given the unpredictability of crisis and the diversity of EU MSs needs and interests, it is necessary for the JCTs to be flexible and adaptable, to ensure an efficient and needs-based crisis response. Factors which need to be taken into account are number of unrepresented EU citizens affected, number and capacities of MS representations, presence and capacities of EU DEL in addition to crisis-specific conditions. Depending on the needs, JCTs should be able to adapt their structure to accommodate for instance, a larger role for EU DELs, if feasible and agreed upon by all JCT-members. A frequent Lessons Learned process after each mission should establish a set of best or good practices which can then function as the basis for future joint crisis response efforts.

- **Visibility**

Over the years, successful coordination of consular operations, including air evacuation, have taken place in Nepal (2015), Indonesia (2017) and the Caribbean region (2017). In Indonesia, for instance, pre-planned joint consular response teams from EU Member States embassies in Jakarta were deployed to Bali airport to support all crisis affected EU citizens. In similar cases a public and media visibility of these “EU-JCT” should be ensured (cf. i.a. WK 13483/2020 Presidency Paper on Social Media Strategy)

- **Openness**

JCT should be open to third, like-minded countries. The Bali case is furthermore an example of cooperating with a third country during a large-scale consular crisis, as our Swiss colleagues joint our coordinated EU response measures.

The advantage of is this cooperation is that already existing national crisis-response actions can be streamlined and coordinated at EU level. By acting in solidarity, we can support each other in our consular crisis response and we can ensure no EU citizen is left behind. The German Presidency therefore proposes to pool and use our resources to streamline consular crisis response activities.

Important role of EU-Delegations

This concept of voluntary contribution to a JCT does not preclude the possibility of a strong role of EU-DELS in crisis response. The latest example on the crisis in Ethiopia shows the effective way that the EU can play in a crisis affecting many MS. Additionally, in line with the Consular Protection Directive, the German Presidency proposes a strong role for EU DELs in terms of coordinating a Union response, in close cooperation with the lead state, wherever applicable. The EU Delegation could organise, in close coordination and cooperation with EU Member States Embassies and consulates, logistical support and temporary accommodation for consular staff and the intervention teams (article 11 of the Directive). The EEAS (Consular Affairs Division) will also envisage dispatching a liaison officer to further strengthen the EU Delegation in its tasks of helping the coordination. In this case he/she would interact with the JCTs on the ground. Moreover, having a direct access to CoOL could help the coordination of the JCT deployed.
