



Brussels, 28 January 2026
(OR. en)

5760/26

LIMITE

COCON 8

**Interinstitutional File:
2023/0441 (CNS)**

NOTE

From: General Secretariat of the Council
To: Delegations

Subject: 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
- Agreement in principle with a view to consulting the European Parliament

Delegations will find attached the text of the above draft Directive, which is submitted for agreement in principle with a view to consulting the European Parliament.

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 23, second paragraph, thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Parliament¹,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) Council Directive (EU) 2015/637² gives effect to the right enshrined in Article 23, first paragraph, of the Treaty on the Functioning of the European Union (TFEU) and restated in Article 46 of the Charter of Fundamental Rights of the European Union (the Charter) by laying down the cooperation and coordination measures necessary to facilitate consular protection for unrepresented citizens of the Union. In accordance with point (c) of Article 20(2) TFEU and Article 23 TFEU, Member States provide consular protection to unrepresented citizens on the same conditions as to their own nationals. Directive (EU) 2015/637 does not affect Member States' competence to determine the scope of the protection to be provided to their own nationals.

¹ OJ C [...], [...], p. [...].

² 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, ELI: <http://data.europa.eu/eli/dir/2015/637/oj>).

- (2) Crises resulting in requests for consular protection by unrepresented citizens are increasing in frequency and scale. Drawing lessons from those experiences, and in order to simplify procedures for unrepresented citizens and consular authorities, the rules and procedures of Directive (EU) 2015/637 should be updated and streamlined so as to improve the effectiveness of the provision of consular protection to unrepresented citizens of the Union, in particular in crisis situations. Best use should be made of the available resources at Member State and Union level, both locally in third countries and at capital level.
- (3) Unrepresented citizens are entitled to seek protection from the embassy or consulate of any Member State. At the same time, Directive (EU) 2015/637 offers Member States the possibility to enter into bilateral arrangements for the purpose of ensuring the effective protection of unrepresented citizens. Such arrangements, however, are not a precondition for providing consular protection to unrepresented citizens. It should be clarified that, in cases where such arrangements have been concluded, it is incumbent on the authorities of the Member State approached, not the citizen concerned, to transfer the request to the relevant embassy or consulate.
- (4) Where a crisis situation results in a large number of requests for consular protection, the embassies and consulates of the Member States represented in the third country concerned should be given the possibility to agree to distribute requests based on available capacity with a view to making best use thereof. For that purpose, they may be assisted by Union delegations.
- (5) Requests should not be transferred if consular protection would thereby be compromised, in particular if the urgency of the matter requires immediate action by the embassy or consulate of the Member State approached. That could be the case, for example, in cases of serious medical emergencies. In addition, unrepresented citizens should be kept informed about any such transfers by the available means of communication.
- (6) Past experience has shown the important contribution of Union delegations, in close cooperation with Member States, to the implementation of the right to consular protection set out in Article 20(2), point (c), TFEU. This has been the case in particular in third countries where few Member States are represented, in crisis situations, and as regards the exchange of information. Against this background, it is appropriate to clarify the supporting role of Union delegations in the implementation of the right to consular protection. For reasons of consistency and business continuity and unless otherwise agreed locally, Union delegations should chair local consular cooperation meetings, in close cooperation with the Member State holding the rotating Presidency of the Council of the European Union, where represented, and coordinate the setting up and update of joint EU consular crisis preparedness frameworks. In order to ensure coordination and effective protection of unrepresented citizens, Union delegations should also take part in the coordination of crisis response in close cooperation with the Member States.

- (7) Directive (EU) 2015/637 sets out practical means by which Union delegations can, pursuant to Article 35 of the Treaty on European Union (TEU), contribute to the implementation of the right of consular protection. When supporting Member States in the provision of consular protection to unrepresented citizens, Union delegations should do so upon request by and on behalf of assisting Member States and on a resource-neutral basis, as provided for in Article 5(10) of Council Decision 2010/427/EU. In this context, assisting Member States should also be able to request Union delegations to assist in carrying out specific consular assistance tasks, including those referred to in Article 9 of Directive (EU) 2015/637, while informing the Member State of nationality in the context of the consultations provided for in Article 10 of Directive (EU) 2015/637, including on possible costs resulting from such support. To be able to carry out their supporting tasks, Union delegations should be provided with all the relevant information at the disposal of the assisting Member State or, as the case may be, the Member State of nationality. Support by Union delegations should be without prejudice to the competence of Member States to determine the scope of the protection to be provided to their own nationals.
- (8) To ensure the effectiveness of the right to consular protection set out in Article 20(2), point (c), TFEU, and notably to ensure preparedness regarding possible consular crises requiring the provision of assistance to unrepresented citizens, local consular cooperation among Member States in third countries, supported by Union delegations, should include exchanges on matters relevant to such citizens, including the establishment of joint consular contingency frameworks and the organisation of consular exercises. In this context, it can be particularly relevant for the consular authorities of unrepresented Member States to be included in such local consular cooperation when coordinating on consular crisis preparedness and response. Such exchanges could take place in the context of existing local consular cooperation structures alongside exchanges among Member States, in the exercise of their competence, on other consular or local matters.
- (9) Consular crisis preparedness is an essential requirement to ensure effective consular crisis response. Member States, supported by the European External Action Service (EEAS), should therefore ensure that consular preparedness measures necessary for the protection of unrepresented citizens are discussed and implemented.
- (10) Past crises have shown the relevance of contingency planning and the usefulness of joint consular contingency frameworks, also known as ‘Joint EU Consular Crisis Preparedness Frameworks’, in third countries, involving the participation of the diplomatic and consular authorities of all Member States, as well as of the local Union delegation. Such frameworks should be tailored to local circumstances, and could set a clear division of responsibilities between represented and non-represented Member States and the Union delegation and include a set of procedures and activities to be carried out at local level in case of a crisis requiring consular protection of unrepresented citizens.

- (11) The effectiveness of existing coordination measures set out in Directive (EU) 2015/637 should be enhanced by making the preparation of joint consular contingency frameworks mandatory, even if their level of detail may differ depending on local circumstances. For that purpose, the most important elements of such frameworks should be established. These may include an analysis of the consular situation in the third country concerned, including an overview of Member State embassies or consulates, an estimate of the number and location of unrepresented Union citizens, and a risk assessment of the most plausible scenarios, arrangements for consular crisis preparedness, including communication channels and relevant contacts, as well as crisis response arrangements, including information sharing and communication processes within local consular cooperation and with Union citizens and relevant cooperation arrangements. This should not be understood as preventing Member States from including, in the exercise of their competence, other relevant information, such as on represented citizens. In crisis situations, it is often not possible, for many practical reasons, to make a clear distinction between unrepresented and represented citizens.
- (12) In the context of local consular cooperation, joint consular contingency frameworks should be reviewed regularly, and updated if necessary, in particular based on the findings of consular exercises. Joint consular contingency frameworks could also contain specific arrangements relating to the roles of Member States, such as the decision of a group of Member States to strengthen their cooperation for crisis preparedness or response purposes to ensure the effective coordination of consular assistance. At the same time, joint consular contingency frameworks should not be understood as replacing existing national crisis plans of Member States or affecting their responsibility to provide consular assistance to their own nationals.
- (13) Travel advice, that is, information issued by Member States about the relative safety of travelling to specific third countries, enables travellers to make an informed decision about a particular travel destination, including third countries where their Member State of nationality is not represented. While the issuance of travel advice is the responsibility of Member States, it is useful that they exchange information on that topic, notably in the context of crisis situations, to improve the information provided to unrepresented citizens. For this purpose, the EEAS should support exchanges of such information between Member States, notably through its secure internet site (Consular OnLine, or 'CoOL'). Such exchanges could be based on a common structure of the levels of risk indicated in travel advice.

- (14) Efficient coordination is vital to ensure effective crisis response. To ensure such coordination, Member States should, whenever useful, be supported by the Crisis Response Centre of the EEAS and the Emergency Response Coordination Centre of the Commission. Coordinated Union crisis response is particularly important to ensure that available support is provided efficiently, and that best use is made of available evacuation capacities. For that reason, information on available evacuation capacity should be shared in a timely manner, unless prevented by security constraints. Sharing such information should be without prejudice to the competence of Member States to decide whether or not to organise evacuations and repatriations.
- (15) The COVID-19 pandemic highlighted the need for Member States to work together and support each other in the context of multi-disciplinary crisis teams referred to as joint consular teams. The deployment of a joint consular team to a third country in crisis situations can be critical in helping to prevent that the consular authorities of represented Member States become overwhelmed with the demands of the situation regarding unrepresented citizens.
- (16) Joint consular teams should be based on the principles of voluntary participation, solidarity with represented Member States, equality with regard to decisions on internal working structures, simplicity regarding composition of teams, cost-sharing – with each Member State, Union institution or body bearing its own operational costs – flexibility, visibility of the coordinated Union response and openness to relevant third countries. These principles and topics such as training, preparatory activities for deployment, deployment itself, follow-up procedures, logistics and financial issues, could be further elaborated in non-binding guidelines. Joint consular teams should not affect consular operations led by Member States and their competence to deploy national consular teams.
- (17) To make best use of available capacity in crisis situations and with a view to providing consular assistance to unrepresented citizens, the deployment of joint consular teams should ensure synergies with other crisis response measures, such as by taking advantage of outgoing repatriation flights or flights transporting humanitarian assistance.
- (18) To support Union citizens in need, it is important to provide them with reliable information on how to avail themselves of consular assistance in third countries. The Commission services and the EEAS should contribute to that objective by disseminating relevant information, including information to be provided by Member States on their consular networks.

- (19) Member States should take appropriate measures to further contribute to raising Union citizen's awareness of their right set out in Article 20(2), point (c), TFEU, also taking into account the specific needs of persons with disabilities. This could include, for example, reproducing the wording of Article 23 TFEU in passports issued by Member States as already recommended by Commission Recommendation C(2007) 5841³, including relevant information in travel advice and campaigns relating to consular assistance, or encouraging passenger transport service providers and transport hubs offering travel to third countries to add relevant details to the information materials made available to customers.
- (20) The financial provisions of Directive (EU) 2015/637 should be adapted to simplify reimbursements and continue ensuring financial burden-sharing. In particular, it should be possible for unrepresented citizens to directly reimburse the assisting Member State for the cost of consular protection, under the same conditions as nationals of the assisting Member State, to avoid the administrative burden resulting from seeking reimbursements from the citizen's Member State of nationality. In addition, Member States should also be allowed to waive the charging of such costs. As, in certain situations, unrepresented citizens may not be able to pay when making the request for assistance, notably when their cash and means to access funds have been stolen, it is necessary to provide that they could be required by the consular authorities of the assisting Member State to sign an undertaking to repay. The Member State of nationality of the unrepresented citizen should be informed of the possible costs of consular protection during the consultations that take place before assistance is provided, unless doing so is not possible due to an ongoing crisis situation.
- (21) In cases where the costs have not been repaid by the citizen directly when making the request, the assisting Member State should be entitled to ask for the reimbursement of the costs due from the unrepresented citizen's Member State of nationality on the basis of a signed undertaking to repay. To avoid being faced with requests for reimbursement after long periods, the assisting Member State and Member State of nationality should be given a reasonable deadline to, respectively, make the request and reimbursement. Member States should strive to make the request and reimburse the costs as soon as possible. In addition, they should be able to agree on other reimbursement arrangements, for example to offset competing reimbursement claims, alternative reimbursement schedules or that the assisting Member State will seek reimbursement directly from the citizen at a later stage, including on how to inform the citizen concerned of the possible costs, where appropriate. Where possible, such arrangements should be concluded in advance of the assistance being provided.

³ Commission Recommendation C(2007) 5841 of 5 December 2007 on reproducing the text of Article 20 TEC in passports (OJ L 118, 6.5.2008, p. 30, ELI: <http://data.europa.eu/eli/reco/2008/355/oj>).

- (21a) Consular protection granted to an unrepresented citizen can, in certain cases, such as arrest, detention, being a victim of serious crime, a serious accident or serious illness, involve unusually high travel costs, accommodation costs or translation costs for the diplomatic or consular authorities of the assisting Member State. These costs may nevertheless be, depending on the circumstances, essential and justified to adequately respond to the individual case. The unrepresented citizen's Member State of nationality should, in the context of the consultation provided for in the Directive, be informed of such possible costs. The assisting Member State should be able to seek reimbursement of such unusually high costs from the unrepresented citizen's Member State of nationality including when the situation prevented the unrepresented citizen from signing an undertaking to repay. The Member State of nationality of the citizen should reimburse the assisting Member State for the costs incurred. The assisting Member State cannot request the Member State of nationality of the unrepresented citizen to reimburse such costs which nationals of the assisting Member State would not be required to repay in the same situation. Unrepresented citizens' Member States of nationality cannot, according to the non-discrimination principle, ask their citizens to reimburse such costs which nationals of the assisting Member State would not be required to repay.
- (22) Member States should reimburse Union delegations for their support in providing consular protection to unrepresented citizens to ensure that such support is provided on a resource-neutral basis, as required by Article 5(10) of Decision 2010/427/EU. The Member State of nationality of the unrepresented citizen should reimburse the costs of the Union delegations related to support in providing consular protection to unrepresented citizens within a reasonable period of time not exceeding 12 months from the date of the request, unless it agrees with the EEAS on another reimbursement arrangement. The Member State of nationality of the unrepresented citizen should be entitled to ask the unrepresented citizen concerned to repay such costs. In most cases, the support provided by Union delegations is not expected to generate any reimbursable costs other than direct costs comparable to those usually incurred by assisting Member States.
- (23) The forms included in Annexes I and II to Directive (EU) 2015/637 are outdated and should thus be deleted. This should not prevent Member States currently providing for the use of those forms in their national laws from continuing to use them after the adoption of this Directive. They should be replaced by new standard forms, to be adopted by implementing act, whose use by Member States should be mandatory in non-emergency situations to ensure that they can be relied upon in the context of reimbursements. Those forms should also contain a section dedicated to the reimbursement of costs related to possible support provided by Union delegations.

- (24) Financial procedures should be simplified for crisis situations. Given the particularities of such situations, such as the need for a quick response or the possibility that a considerable number of citizens could be affected, the assisting Member State should be able to seek and receive reimbursement from the unrepresented citizen's Member State of nationality even if the particular situation has prevented the unrepresented citizen from signing an undertaking to repay. Where possible, direct payment by the unrepresented citizen or his or her Member State of nationality ahead of the provision of support should nevertheless be the preferred option. However, the assisting Member State should not be required to demonstrate that such payment was not possible when seeking reimbursement. Member States of nationality of unrepresented citizens should reimburse the assisting Member State(s) for the costs incurred. It should be for the assisting Member State(s) to decide whether to seek reimbursement of the costs incurred and in what form, and for the Member State(s) of nationality to decide whether to ask unrepresented citizens to reimburse such costs. The lack of a signed undertaking to repay should not prevent the unrepresented citizen's Member State of nationality from pursuing repayment from the unrepresented citizen concerned on the basis of national rules. This procedure does not affect Member States' competence to determine the scope of the protection to be provided to their own nationals during such crisis situations, including critical individual medical emergencies.
- (24a) The simplified procedures for crisis situations should also apply to situations where a Union delegation has borne costs related to support in providing consular protection.
- (25) Where the Union Civil Protection Mechanism is used, in accordance with Article 16(7) of Decision No 1313/2013/EU of the European Parliament and of the Council⁴, to provide civil protection support to consular assistance to Union citizens in disasters in third countries, the financial provisions in that Decision apply. In particular, the Member States applying for financial assistance and benefitting from such assistance are to provide the Commission with information about financial contributions collected from other sources, including the Member States and citizens assisted, and to ensure that there is no double funding received from other sources.
- (26) In order to ensure uniform conditions for the implementation of this Directive regarding the forms to be used in the context of the financial procedures, implementing powers should be conferred on the Commission. Those powers should be *exercised* in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁵.

⁴ Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924, ELI: <http://data.europa.eu/eli/dec/2013/1313/oj>).

⁵ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).

- (27) The provision of consular protection to unrepresented citizens requires the processing of personal data for the purpose of verifying the identity of the person who seeks consular protection, cooperating and coordinating among the authorities of the assisting Member State and the Member State of nationality, carrying out the assistance requested, processing of financial reimbursement requests, and the exchange of relevant contact information. Any processing of personal data by the Member States for the purposes specified in this Directive should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council⁶, including the principles of purpose limitation and data minimisation. Similarly, processing of personal data by Union institutions and bodies within the meaning of Regulation (EU) 2018/1725 of the European Parliament and of the Council⁷ should comply with the rules set out in that Regulation.
- (28) Given that consular tasks can vary significantly, covering sensitive situations such as arrest, incarceration, injury or being a victim of a crime, it is necessary to ensure that competent authorities of the Member States and relevant Union institutions and bodies have access to and can exchange all the necessary information, including personal data, that is required to provide consular protection to Union citizens. In that context, the competent authorities of the Member States and, where they provide support, Union institutions and bodies should be entitled to process special categories of personal data, where doing so is strictly necessary to provide consular protection to the person concerned. This should cover health data, which may need to be processed in order to provide consular protection to an unrepresented citizen who has been seriously injured or has fallen seriously ill. Persons' facial images need to be processed notably in cases where an EU Emergency Travel Document is to be issued. Providing assistance to an unrepresented citizen, including in the defence of legal claims, may also exceptionally require the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, or data concerning sexual orientation. In certain cases, providing consular assistance may also require the processing of genetic data, such as when providing assistance in the context of serious accidents requiring the unique identification of an incapacitated person or in the context of establishing paternity. Finally, consular cases linked to arrest or detention may likely require the competent authorities to process personal data relating to criminal convictions and offences.

⁶ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

⁷ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

- (29) When processing such special categories of personal data, the competent authorities of the Member States and Union institutions and bodies should ensure suitable and specific measures to safeguard data subjects' rights and interests. This should include, where possible, taking into account the urgency of the situation or the scope of a crisis, encrypting such personal data and specific attribution of access rights for personnel who have access to the specified types of special categories of personal data.
- (30) Where the provision of consular protection requires the transfer of personal data of Union citizens to third countries or international organisations, such as the United Nations, collaborating in the crisis response measures, such transfers should comply with Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725.
- (31) Personal data collected by assisting Member States, the Member States of nationality or Union institutions and bodies should be retained only for as long as necessary to carry out the tasks provided for by this Directive. Where the personal data concerns the contact details of public officials such as honorary consuls, the personal data should be retained for as long as the person remains the relevant contact. The erasure of personal data of applicants should not affect Member States' abilities to monitor the application of this Directive.
- (32) In accordance with the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁸, the Commission should, no sooner than *[eight years after the transposition deadline of the amending Directive]*, carry out an evaluation of this Directive in order to assess the actual effects of this Directive and the need for any further action. Member States should provide the Commission with the information necessary for the preparation of that report.
- (33) Directive (EU) 2015/637 should therefore be amended accordingly.
- (33a) This Directive aims to promote consular protection as provided for in Article 46 of the Charter of Fundamental Rights of the European Union. Member States should implement this Directive in accordance with the requirements of the Charter, including its Article 47, pursuant to which everyone whose rights guaranteed by Union law are violated must have the right to an effective remedy. Unrepresented citizens' access to an effective remedy is without prejudice to the competence of Member States to determine the scope of the protection to be provided to their own nationals as well as the remedies available to them.

⁸ OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.

- (34) Since the objectives of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of the need to adapt existing rules at Union level, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (35) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents⁹, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.
- (36) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 30 January 2024¹⁰,

⁹ OJ C 369, 17.12.2011, p. 14.

¹⁰ OJ C [...], [...], p. [...].

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive (EU) 2015/637 is amended as follows:

(1) Article 7 is replaced by the following:

'Article 7

Access to consular protection and other arrangements

1. Unrepresented citizens shall be entitled to seek protection from the embassy or consulate of any Member State.
2. Without prejudice to Article 2, a Member State may represent another Member State on a permanent basis and Member States' embassies or consulates may, wherever deemed necessary, conclude practical arrangements on sharing responsibilities for providing consular protection to unrepresented citizens.

In such cases, an embassy or consulate from which the unrepresented citizen seeks consular protection, and which is not designated as competent according to the specific arrangement in place, shall transfer the request from the citizen to the relevant embassy or consulate, unless consular protection would thereby be compromised, in particular if the urgency of the matter requires immediate action by the requested embassy or consulate.

3. Where a crisis situation results in a large number of requests for consular protection, the embassies and consulates of the Member States represented in the third country concerned may agree to distribute requests based on available capacity, unless consular protection would thereby be compromised, in particular if the urgency of the matter requires immediate action by the requested embassy or consulate. If requested by Member States, Union delegations may provide appropriate support to such distribution. Such distribution may also be pre-agreed in principle in the context of a joint consular contingency framework referred to in Article 13 and may derogate from arrangements that have been concluded in accordance with paragraph 2.
4. Unrepresented citizens who seek protection pursuant to paragraph 1 shall be kept informed of any transfers pursuant to paragraphs 2 or 3 by the available means of communication.;

(2) in Article 9, point (f) is replaced by the following:

‘(f) need for an EU Emergency Travel Document established by Directive (EU) 2019/997*.

* Council Directive (EU) 2019/997 of 18 June 2019 establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP (OJ L 163, 20.6.2019, p. 1, ELI: <http://data.europa.eu/eli/dir/2019/997/oj>).’;

(3) Article 10 is amended as follows:

(a) in paragraph 2, the following subparagraph is added:

‘Where the assisting Member State requests, pursuant to Article 11(2), a Union delegation to provide support in the provision of consular protection to the unrepresented citizen, it shall include that information in the consultation referred to in the previous subparagraph, including on possible costs resulting from such support.’;

(b) paragraph 4 is replaced by the following:

‘4. Member States shall notify the European External Action Service (EEAS) through its secure internet site of the relevant contact point(s) in the Ministries of Foreign Affairs.’;

(4) Articles 11, 12 and 13 are replaced by the following:

*‘Article 11
The role of Union delegations*

1. Union delegations shall closely cooperate and coordinate with Member States’ embassies and consulates to contribute to local consular cooperation, crisis preparedness and crisis response, in particular by:

(a) providing available logistical support, including office accommodation and organisational facilities, such as temporary accommodation for consular staff and joint consular teams referred to in Article 13a(2);

- (b) facilitating the exchange of information between Member States' embassies and consulates, including, where appropriate, in the situation referred to in Article 7(3);
 - (c) facilitating, where appropriate, the exchange of information with local authorities, diplomatic and consular authorities of third countries and international organisations;
 - (d) making general information available about the assistance that unrepresented citizens could be entitled to, including about the arrangements referred to in Article 7(2), if applicable, based on information provided by Member States;
 - (e) unless otherwise agreed locally, chairing local consular cooperation meetings in accordance with Article 12(2), in close cooperation with the Presidency of the Council of the Union, where represented;
 - (f) coordinating the setting up and update of joint consular contingency frameworks referred to in Article 13;
 - (g) participating in crisis response activities in accordance with Article 13.
2. Union delegations shall, upon request and on behalf of assisting Member States, provide them support in the provision of consular protection to unrepresented citizens in accordance with Article 5(10) of Decision 2010/427/EU. Such support may include assistance in carrying out specific consular assistance tasks, particularly in the situations referred to in Article 9. The assisting Member State and the Member State of nationality shall provide the Union delegation with all the relevant information at their disposal regarding the case concerned.

Article 12
Local consular cooperation

1. In order to ensure the necessary protection of unrepresented Union citizens, the consular authorities of the Member States, supported by Union delegations, shall engage in local consular cooperation. Local consular cooperation meetings shall include a regular exchange of information on matters relevant to unrepresented citizens, which may encompass:
- (a) the safety of unrepresented Union citizens;
 - (b) the drafting and delivery of joint consular demarches to third country authorities;
 - (c) the setting up and updates of joint consular contingency frameworks referred to in Article 13;
 - (d) the organisation of joint consular exercises;

- (e) practical arrangements referred to in Article 7(2) to ensure that unrepresented citizens are effectively protected in the third country concerned.
2. Unless otherwise agreed by the consular authorities of the Member States, the Chair shall be a representative of the Union delegation, working in close cooperation with the Member State holding the rotating Presidency of the Council of the Union, where represented. Where no Union delegation is present, meetings shall be chaired by a representative of a Member State.

Article 13
Crisis preparedness

1. In the context of local consular cooperation referred to in Article 12 and in order to ensure the necessary protection of unrepresented Union citizens, Member States, supported, where relevant, by the EEAS, shall set up joint consular contingency frameworks.
2. Joint consular contingency frameworks shall include matters relevant to unrepresented Union citizens and necessary to facilitate their protection, which may encompass:
 - (a) an analysis of the consular situation in the country;
 - (b) crisis preparedness arrangements;
 - (c) crisis response arrangements.

The joint contingency framework shall be updated when necessary in order to facilitate the protection of unrepresented Union citizens.

Member States may specify in the joint contingency framework specific arrangements related to their roles.

2. Where present and when it is necessary to facilitate the protection of unrepresented Union citizens, Union delegations shall coordinate the setting up and update of joint consular contingency frameworks, based on contributions made by the embassies or consulates of the Member States represented in the third country concerned and the consular authorities of unrepresented Member States. Joint consular contingency frameworks shall be made available to all Member States, the EEAS and the Commission services.

In third countries where no Union delegation is present, the coordination shall be done by the Chair of the local consular cooperation agreed pursuant to Article 12(3), supported by the EEAS.

3. When carrying out consular exercises to update and improve local joint consular crisis preparedness and response, Member States and Union delegations shall take into account matters relevant to unrepresented Union citizens.

4. The EEAS shall support the exchange of information between Member States on crisis situations, including changes to their travel advice to citizens.’;

(5) in Chapter 2, the following Article 13a is inserted:

*‘Article 13a
Crisis response*

1. In the event of a crisis, the Union and Member States shall closely cooperate to ensure efficient assistance for unrepresented Union citizens. They shall, where possible, inform each other of available evacuation capacities in a timely manner.
2. Where appropriate, Member States may, for the purpose of implementing paragraph 1, be supported by joint consular teams composed of experts from Member States, the EEAS and the Commission services.
3. Where applicable, the Member State(s) coordinating the assistance provided for unrepresented Union citizens shall be supported by the other Member States concerned, the Union delegation and the EEAS. Member States shall provide the Member State(s) coordinating assistance with the available and necessary information regarding their unrepresented citizens present in a crisis situation.
4. When providing assistance, Member States may seek, if appropriate, support from Union instruments such as the crisis management structures of the EEAS and its Crisis Response Centre and, via the Emergency Response Coordination Centre established by Article 7 of Decision No 1313/2013/EU, the Union Civil Protection Mechanism.’;

- (6) the following Chapter 2a is inserted:

**‘CHAPTER 2a
PROVISION OF INFORMATION**

*Article 13b
Provision of information*

Member States shall, upon request, provide the Commission and the High Representative of the Union for Foreign Affairs and Security Policy with the following information:

- (a) up-to-date lists of contacts for their consular networks;
- (b) lists of third countries where they are represented by another Member State or where they represent another Member State on a permanent basis in accordance with Article 7(2).

Where a Member State has decided, pursuant to Article 2(2), to apply this Directive to the consular protection provided by honorary consuls, the list referred to in point (a) shall include honorary consuls as well as information on the extent to which honorary consuls are competent to provide protection, in particular whether they are empowered to issue EU Emergency Travel Documents.

*Article 13c
Information to Union citizens*

1. Member States shall take appropriate measures to inform their citizens of their right set out in Article 20(2), point (c), TFEU.
2. The Commission services and the EEAS shall contribute to informing Union citizens about their right set out in Article 20(2), point (c), TFEU.
3. Member States, the Commission services and the EEAS shall make the information referred to in Article 13b publicly available in a manner that ensures the coherence of the information provided.’;

(7) Articles 14 and 15 are replaced by the following:

*'Article 14
General rules on reimbursement*

1. The cost of consular protection charged by an assisting Member State to unrepresented citizens shall be the same as the costs it would charge to its own nationals.
2. The assisting Member State may request the unrepresented citizen to pay the costs referred to in paragraph 1 when they make the request for assistance.
3. If an unrepresented citizen does not pay the costs referred to in paragraph 1 directly to the assisting Member State when making the request for assistance, the assisting Member State may require the unrepresented citizen to sign an undertaking to repay. The Member State of nationality of the unrepresented citizen shall be informed of the possible costs of the provision of consular protection during the consultation provided for in Article 10(2).

The assisting Member State may, on the basis of a signed undertaking to repay and within 12 months of the date of its signature, ask for the payment of the costs from the Member State of nationality of the unrepresented citizen.

The Member State of nationality of the unrepresented citizen shall, on the basis of the signed undertaking to repay, reimburse those costs within a reasonable period of time not exceeding 12 months from the date of the request of repayment. The Member State of nationality of the unrepresented citizen may, in accordance with its national legislation, ask the unrepresented citizen concerned to repay such costs. The Member State of nationality and the assisting Member State may also agree on alternative arrangements for the reimbursement of the costs referred to in paragraph 1.

4. Without prejudice to the possibility for the assisting Member State to require the unrepresented citizen to sign an undertaking to repay, being unable to pay the costs referred to in paragraph 1 when making a request for assistance shall not affect the right set out in Article 20(2), point c, TFEU.
5. When the consular protection provided to an unrepresented citizen in the situations referred to in Article 9, points (a) to (c), involves unusually high but essential and justified costs related to travel, accommodation or translation for the diplomatic or consular authorities, the assisting Member State shall, in the context of the consultation provided for in Article 10(2), inform the Member State of nationality of the unrepresented citizen of such possible costs and may, within 12 months of the assistance provided, ask for their reimbursement directly from the Member State of nationality.

The last subparagraph of paragraph 3 shall apply, including when the situation prevented the unrepresented citizen from signing an undertaking to repay.

6. Where an assisting Member State has requested, pursuant to Article 11(2), a Union delegation to provide support in the provision of consular protection to an unrepresented citizen, the undertaking to repay signed by the unrepresented citizen shall also refer to the obligation to reimburse the costs related to that support. The Member State of nationality shall directly reimburse Union delegations for those costs in a way that ensures the support provided by Union delegations is on a resource-neutral basis. The second and third subparagraph of paragraph 3, and paragraph 5, shall apply *mutatis mutandis*.
7. The Commission shall adopt implementing acts establishing standard forms that shall be used by Member States for the undertaking to repay referred to in paragraph 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15a(2).

Article 15
Facilitated procedure in crisis situations

1. In crisis situations, and unless the costs of the support provided have already been paid, the assisting Member State may seek reimbursement of the costs from the Member State of nationality of the unrepresented citizen.

The last subparagraph of Article 14(3) shall apply even if the situation prevented the unrepresented citizen from signing an undertaking to repay.

2. The assisting Member State may ask the Member State of nationality of the unrepresented citizen to reimburse the costs referred to in paragraph 1 on a pro-rata basis, by dividing the full value of the actual costs incurred by the number of citizens assisted.
3. Paragraphs 1 and 2 shall apply also to situations where a Union delegation has borne costs related to support in providing consular protection pursuant to Article 11(2), ensuring that the support provided by Union delegations is on a resource-neutral basis.
4. Reimbursements requested pursuant to paragraphs 1 and 2 shall be taken into account in determining any contribution of the Union Civil Protection Mechanism, in accordance with Decision No 1313/2013/EU, for the provision of civil protection support to consular assistance to Union citizens in disasters in third countries.’;

(8) in Chapter 4, the following Article 15a is inserted:

*'Article 15a
Committee procedure*

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council*.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

* Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).';

(9) the following Article 16a is inserted:

*'Article 16a
Protection of personal data*

1. For the purposes of this Directive, the competent authorities of the Member States shall process personal data only to:
 - (a) transmit the application of a person seeking consular protection in accordance with Article 3 or Article 7;
 - (b) verify the identity of a person seeking consular protection in accordance with the procedure set out in Article 8;
 - (c) provide consular protection to that person, in particular by providing the types of assistance referred to in Article 9;
 - (d) cooperate, coordinate and provide support in accordance with Article 10, Article 11, Article 13(1) and Article 13a;
 - (e) provide the contact information referred to in Article 10(4) and Article 13b(1);
 - (f) process financial reimbursement requests regarding the consular protection provided in accordance with Article 14 and Article 15.

2. Processing of personal data by Union institutions and bodies within the meaning of Regulation (EU) 2018/1725 of the European Parliament and of the Council* for the purposes of this Directive shall take place only where necessary to carry out the tasks referred to in Article 10(1), Article 11, Article 13 and Article 13a, to process information received pursuant to Article 10(4) and Article 13b(1), or to process financial reimbursement requests in accordance with Article 14(5) and Article 15(4).
3. When processing personal data pursuant to paragraphs 1 and 2, the competent authorities of Member States and Union institutions and bodies shall be considered, within the scope of their respective activities under this Directive, as the controller referred to, respectively, in Article 4(7) of Regulation (EU) 2016/679 of the European Parliament and of the Council** and Article 3(8) of Regulation (EU) 2018/1725.
4. Personal data processed pursuant to paragraphs 1 and 2 shall be limited to what is necessary to carry out the tasks referred therein, such as the identity of the person in need of consular protection and the circumstances of the consular case.
5. The competent authorities of the Member States and Union institutions and bodies may process personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health, data concerning sex life or sexual orientation or personal data relating to criminal convictions and offences of a person in need of consular protection where doing so is strictly necessary to be able to carry out the tasks referred to in Article 9, Article 10, Article 11 and Article 13a in relation to that person.
6. When processing the personal data referred to in paragraph 5, the competent authorities of the Member States and Union institutions and bodies shall ensure suitable and specific measures to safeguard data subjects' rights and interests. They shall also undertake necessary measures to prevent unauthorised access and transmission of such personal data.
7. For the purposes of this Directive, the competent authorities of the Member States shall transfer personal data to a third country or international organisation only to carry out the tasks referred to in Article 9, Article 10 and Article 13a and in accordance with Chapter V of Regulation (EU) 2016/679.

For the purposes of this Directive, Union institutions and bodies shall transfer personal data to a third country or international organisation only to carry out the tasks referred to in Article 10(1), Article 11 and Article 13a and in accordance with Chapter V of Regulation (EU) 2018/1725.

8. The assisting Member State, the Member State of nationality and, where applicable, Union institutions and bodies shall retain the personal data of an assisted person only for as long as necessary to carry out the tasks referred to in paragraphs 1 and 2. Contact details exchanged in accordance with Article 10(4) and Article 13b(1) shall only be retained for as long as the persons exercise the relevant function.

The personal data shall be erased as soon as possible after the tasks referred to in paragraph 1 or 2 have been completed and at the latest upon the expiry of the retention periods referred to in the first subparagraph.

* Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

** Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).’;

- (10) in Article 19, the following paragraph 3 is added:

‘3. No sooner than *[eight years after the transposition deadline of the amending Directive]*, the Commission shall carry out an evaluation of this Directive and present a report on the main findings to the European Parliament and the Council.

Member States shall provide the Commission with the information necessary for the preparation of that report.’;

- (11) Annexes I and II are deleted.

Article 2

Article 5(3) of Directive (EU) 2019/997 is replaced by the following:

‘3. Where applicants are unable to pay any applicable fees to the assisting Member State when submitting their application, Article 14(3) and Article 15 of Directive (EU) 2015/637 shall apply.’.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by *[two years after the entry into force]* at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 4

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 5

This Directive is addressed to the Member States.

Done at Brussels,
